

As Introduced

134th General Assembly
Regular Session
2021-2022

H. B. No. 636

Representative Hicks-Hudson

A BILL

To enact section 1923.111 of the Revised Code 1
regarding the sealing of eviction records. 2

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 1923.111 of the Revised Code be 3
enacted to read as follows: 4

Sec. 1923.111. (A) Upon the motion of a tenant or 5
manufactured home park resident, or upon the court's own motion, 6
a court in which an action under this chapter was commenced may 7
order the court file in the action to be sealed if any of the 8
following applies: 9

(1) The action was dismissed. 10

(2) Judgment was granted for the defendant in the action. 11

(3) The plaintiff prevailed on the merits in the action 12
and all of the following apply: 13

(a) At least five years have passed since judgment was 14
entered. 15

(b) At least five years have passed since any judgment was 16
entered against the defendant in that court. 17

(c) If the plaintiff prevailed on an action for past due rent or other damages under a rental agreement, the defendant has satisfied the judgment. 18
19
20

(4) The plaintiff consents to sealing the court file. 21

(5) The judgment was granted improperly. 22

(6) The judge decides that restricting public access to the court file is appropriate under Rule 45 of the Rules of Superintendence for the Courts of Ohio. 23
24
25

(B) (1) If the defendant in an action under this chapter files a motion to seal under this section, the defendant shall serve the plaintiff with a copy of the motion. 26
27
28

(2) The plaintiff may file a response to the motion to seal within seventeen days of the filing. 29
30

(3) Either party may request an oral hearing on a motion to seal. 31
32

(C) The court may consider any of the following when considering a motion to seal: 33
34

(1) Whether any unusual or exceptional circumstances apply; 35
36

(2) The disposition of the action, including which party prevailed or whether the matter was voluntarily dismissed; 37
38

(3) Whether the plaintiff has filed a memorandum opposing to the motion to seal; 39
40

(4) The legitimate need of the government to maintain a public record of the case; 41
42

(5) Any other information. 43

(D) If the court grants a motion to seal under this 44
section, the clerk shall cause the tenant's or manufactured home 45
park resident's name to be redacted from all public records the 46
clerk maintains, including the electronic case index system, to 47
the same extent the clerk would for the sealing of the record of 48
a criminal conviction. 49

(E) A court shall not consider sealing more than five 50
cases per individual. 51