

As Introduced

133rd General Assembly

Regular Session

2019-2020

S. B. No. 343

Senators Craig, Kunze

Cosponsors: Senators Maharath, Antonio, Fedor, Yuko

A BILL

To amend section 1923.01 and to enact section 1
1923.111 of the Revised Code related to 2
expungement of eviction case court files. 3

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

Section 1. That section 1923.01 be amended and section 4
1923.111 of the Revised Code be enacted to read as follows: 5

Sec. 1923.01. (A) As provided in this chapter, any judge 6
of a county or municipal court or a court of common pleas, 7
within the judge's proper area of jurisdiction, may inquire 8
about persons who make unlawful and forcible entry into lands or 9
tenements and detain them, and about persons who make a lawful 10
and peaceable entry into lands or tenements and hold them 11
unlawfully and by force. If, upon the inquiry, it is found that 12
an unlawful and forcible entry has been made and the lands or 13
tenements are detained, or that, after a lawful entry, lands or 14
tenements are held unlawfully and by force, a judge shall cause 15
the plaintiff in an action under this chapter to have 16
restitution of the lands or tenements. 17

(B) An action shall be brought under this chapter within 18

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| two years after the cause of action accrues. | 19 |
| (C) As used in this chapter: | 20 |
| (1) "Tenant" means a person who is entitled under a rental agreement to the use or occupancy of premises, other than premises located in a manufactured home park, to the exclusion of others, except that as used in division (A) (6) of section 1923.02 and section 1923.051 of the Revised Code, "tenant" includes a manufactured home park resident. | 21 22 23 24 25 26 |
| (2) "Landlord" means the owner, lessor, or sublessor of premises, or the agent or person the landlord authorizes to manage premises or to receive rent from a tenant under a rental agreement, except, if required by the facts of the action to which the term is applied, "landlord" means a park operator. | 27 28 29 30 31 |
| (3) "Resident" has the same meaning as in section 4781.01 of the Revised Code. | 32 33 |
| (4) "Residential premises" has the same meaning as in section 5321.01 of the Revised Code, except, if required by the facts of the action to which the term is applied, "residential premises" has the same meaning as in section 4781.01 of the Revised Code. | 34 35 36 37 38 |
| (5) "Rental agreement" means any agreement or lease, written or oral, that establishes or modifies the terms, conditions, rules, or other provisions concerning the use or occupancy of premises by one of the parties to the agreement or lease, except that "rental agreement," as used in division (A) (13) of section 1923.02 of the Revised Code and where the context requires as used in this chapter, means a rental agreement as defined in division (D) of section 5322.01 of the Revised Code. | 39 40 41 42 43 44 45 46 47 |

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| (6) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. | 48 49 |
| (7) "School premises" has the same meaning as in section 2925.01 of the Revised Code. | 50 51 |
| (8) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. | 52 53 54 |
| (9) "Recreational vehicle" and "mobile home" have the same meanings as in section 4501.01 of the Revised Code. | 55 56 |
| (10) "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code. | 57 58 |
| (11) "Manufactured home park" has the same meaning as in section 4781.01 of the Revised Code and also means any tract of land upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and the owner of the tract of land. | 59 60 61 62 63 64 65 |
| (12) "Park operator" has the same meaning as in section 4781.01 of the Revised Code and also means a landlord of premises upon which one or two manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, pursuant to rental agreements between the owners of the manufactured or mobile homes and a landlord who is not licensed as a manufactured home park operator pursuant to Chapter 4781. of the Revised Code. | 66 67 68 69 70 71 72 73 |
| (13) "Personal property" means tangible personal property other than a manufactured home, mobile home, or recreational vehicle that is the subject of an action under this chapter. | 74 75 76 |

(14) "Preschool or child day-care center premises" has the same meaning as in section 2950.034 of the Revised Code.

(15) "Expungement" means the removal of evidence of the court file's existence from the publicly accessible records.

Sec. 1923.111. (A) Upon the motion of a tenant, manufactured home park resident, or landlord, or upon the court's own motion, a court may order expungement of the court file of an eviction case under this chapter pursuant to this section.

(B) Prior to ordering the expungement of the court file in an eviction case pursuant to this section, the court shall provide the landlord who had initiated the eviction case sought to be expunged the opportunity to provide information relating to why the court file should not be expunged. The court shall consider this information when determining whether or not to expunge the court file.

(C) (1) If the motion described in division (A) of this section is made three or more years after the date of the eviction judgment of the case sought to be expunged, there is a rebuttable presumption in favor of granting the expungement.

(2) If the motion described in division (A) of this section is made seven or more years after the date of the eviction judgment of the case sought to be expunged, the court shall order expungement of the court file of the eviction unless the landlord provided information relating to why the court file should not be expunged.

(D) If the motion described in division (A) of this section is made less than seven years after the date of the eviction judgment of the case sought to be expunged, or if the

motion is made seven or more years after that date and the 106
landlord provided information relating to why the court file 107
should not be expunged, the court shall order expungement of the 108
court file of the eviction case only if the court makes both of 109
the following findings: 110

(1) The eviction case court file is no longer a reasonable 111
predictor of future tenant behavior. 112

(2) The expungement is clearly in the interests of 113
justice, and those interests are not outweighed by the public's 114
interest in knowing about the record. 115

(E) "Eviction case" means a forcible entry and detainer 116
action under this chapter. 117

Section 2. That existing section 1923.01 of the Revised 118
Code is hereby repealed. 119