

SB 873 -1 STAFF MEASURE SUMMARY

Senate Committee On Judiciary

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Meeting Dates: 4/4, 4/9

WHAT THE MEASURE DOES:

Allows person who was defendant in eviction proceeding to apply for order setting aside judgment and sealing official record. Specifies qualifications for seeking set aside, including at least five year's time has passed and all money awards in judgment were satisfied. Requires service of motion upon person who was the plaintiff in the eviction proceeding. Requires court hearing on motion and opportunity for plaintiff to contest motion. Specifies process for court hearing. Prohibits court from charging a filing fee for motion.

ISSUES DISCUSSED:

EFFECT OF AMENDMENT:

-1 Specifies that hearing is only required if written objection is filed with the court within 30 days of service of motion on person who was plaintiff in eviction proceeding.

BACKGROUND:

An action for forcible entry and wrongful detainer (FED) is the process for evicting a tenant from property. Upon providing appropriate notice within the time period required, if the person or persons still remain on the property, the owner or landlord may go to court to seek an order to regain possession of the property. If the landlord or owner prevails, the person has a set amount of time in which to leave the property or face removal by the sheriff. The record of the eviction can remain in the public record and may prohibit the person from securing another renter or obtaining credit for several years.

Senate Bill 873 creates a no-filing fee process for setting aside an order of eviction if the court finds that at least five years have passed since the eviction, the applicant has satisfied all money judgments or stipulations of agreement, or if the judgment was in favor of the applicant. The measure requires service of a copy of the motion on the person who was a plaintiff in the eviction proceeding and an opportunity to object. All motions require a hearing and upon finding the applicant eligible for relief, the court is directed to enter an order setting aside the judgment and sealing the official record.