



Do You Have an Eviction on Your Record? How to Have Your Record Sealed

What is Record Sealing?

- Record Sealing is the process of having a tenant's eviction record sealed so that the record is not easily accessed
- Record Sealing can be beneficial for people who have an eviction on their record and are looking for new housing
- Record Sealing does not make the record go away; you are still responsible for disclosing any evictions if a potential landlord asks about it.

What are the requirements to seal an eviction record?

1. First cause was dismissed
Look for: "Case dismissed"
Example:

10/22/2020	Case called for hearing. Case dismissed at Plaintiff's request. MAGISTRATE MICHALAK
	View Scanned Document
2. Judgement for the Tenant on the first cause
Look for:
Example:
3. Landlord wins on the first cause, five years have passed since the judgement, and Tenant has satisfied the second cause judgement, if applicable.
Second Cause looks like "and money" after "Landlord complaint filled for restitution of property"
Example:

	Landlord complaint filed for restitution of property and money. Defendar
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4. Landlord consents to sealing the record
5. Judgement for possession for the Landlord was improper or;
6. At the discretion of the judge

What happens if the record is sealed?

- The Clerk will redact your name from all public records

I Have Met All Requirements for Record Sealing. Now what Can I Do?

- You can serve your landlord with a copy of the motion to seal
- Landlord has 17 days to file a response
- Either party can request a hearing

What Happens at an Eviction Sealing Hearing?

- If either party asks for a hearing, the court will set a date
- You will have to present all your evidence and facts as to why the record should be sealed
- Landlord may present evidence they have relating to the requirements
- Bring any and all documents relating to the case such as an agreement to seal the record, the judgement of the case you want to seal, evidence the second cause was satisfied
- The judge will make the decision whether to seal the record or not

What Does the Judge Take into Consideration?

- Whether opposing party (landlord or attorney) agree to seal the record
- Any unusual or exceptional circumstances
- Judgement of the first cause of action
- Whether opposing party is opposed to sealing the record
- Need to maintain a public record of the case
- Any other relevant information

Things to Know

- Tenant is Defendant on the forms
 - If landlord agrees to seal the record, have a copy of that agreement in writing
 - Your case number, can be found on court notices or on the courthouse website
 - You must attach any and all documents relating to the reason for having your record sealed
 - You must attach an affidavit to the motion, the affidavit is available online as page two of the Motion to Seal Eviction Record
 - Copy of fillable motion can be found online at <https://www.tmc-clerk.com/media/1720/motion-to-seal-eviction.pdf>
- ❖ Go to *insert web address of online interview* for information and to see if you may qualify to have your record sealed
- ❖ Be on the lookout for information from pro-bono attorneys who can help answer your questions about the Motion to Seal Eviction Records and clinics on the Motion to Seal Eviction Records hosted by Legal Aid Society of Western Ohio.