

6.13 MOTION TO SEAL EVICTION RECORD

A. The Court may order the Clerk to seal an eviction record when justice so requires, including in the following circumstances:

1. The landlord dismisses the claim for eviction before adjudication of the issue of possession;
2. The tenant prevails on the merits on the claim for possession;
3. The landlord consents to the Court sealing the record as part of an agreed settlement, or otherwise; or
4. The landlord prevails on the merits on the claim for possession and all of the following occur:
 - a. At least five years have passed since judgment for the landlord.
 - b. At least five years have passed since the tenant has had an adverse judgment granting an eviction in any jurisdiction.
 - c. The tenant has satisfied the monetary judgment if any in the case where the tenant seeks to have the Court seal the eviction record.

B. The party seeking to have the record sealed must file a written motion and serve that motion upon the opposing party in the case. The opposing party may file a response within the time specified by the Housing Div. Loc. R. 3.052, supra. Either party may request an oral hearing on the motion.

C. The Court may consider all relevant factors when examining a Motion to Seal Eviction Record, including:

1. Whether the sealing of the record is agreed to by the opposing party or counsel;
2. Whether there are unusual and exceptional circumstances;
3. The disposition of the first cause of action (i.e., which party prevailed; whether the matter was voluntarily dismissed);
4. Whether the opposing party has filed an opposition memorandum. See Housing Div. Loc. R. 3.052, supra;
5. Legitimate need of government to maintain a public record of the case; and
6. Any other information relevant to the totality of the circumstances.

D. If the Court grants a Motion to Seal Eviction Record, the Clerk shall forthwith cause the Tenant's name to be redacted from all public records it maintains, including the electronic case index system, to the same extent that it would for a criminal sealing of records (formerly known as expungement).