

EXPUNGEMENT OF EVICTION RECORDS

What is expungement?

Beginning January 1, 2020, the State of Oregon has a process to expunge records of some past evictions. Expungement means that the eviction record is erased. The court treats the eviction as if it never happened. When a prospective landlord searches the tenant's eviction, the expunged eviction should not show up. When a prospective landlord asks if an applicant has ever been evicted, the applicant can answer "no" if the eviction has been expunged.

Can I expunge my eviction record?

Not all eviction records can be expunged. An eviction can be expunged if:

- The final court judgment is at least five years old and the tenant doesn't owe any money that was included in the judgment;
- The landlord and tenant made an agreement in court and the tenant complied with all of the terms of the agreement, including paying any money owed; or
- The tenant won and the eviction was dismissed, whether before or after a trial.

What is the process to expunge an eviction record?

STEP 1: Tenant fills out the *Motion to Set Aside Residential Eviction Judgment* form (attached to this information sheet) and files it with the county court where the eviction happened.

Note: Each tenant listed on the eviction case must request an expungement. If only one tenant requests an expungement, the case will stay in the public record for all other tenants listed until those tenants file their own expungement request.

STEP 2: Tenant mails a copy of the form to the landlord in the eviction case.

STEP 3: Landlord has 30 days, measured from the date that the tenant mails the form, to object to the expungement. The landlord objects by filing a form with the court called *Objection to Motion to Set Aside Residential Eviction Judgment*.

STEP 4: If the landlord files an objection, the court will schedule a hearing and will decide after the hearing whether the tenant is eligible for expungement. If the landlord does not file an objection, the court will rule on whether the record is eligible for expungement.

Do I have to pay for the expungement?

No. The court cannot charge a tenant for filing a request to expunge.