
EXPUNGEMENT OF EVICTION RECORDS

What is expungement?

Beginning May 19th, 2021, the State of Oregon has expanded eligibility 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 history, 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 judgment was based on claims that arose on or after April 1, 2020, and before March 1, 2022, 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 or the eviction was dismissed, whether before or after a trial.

What if I still owe my landlord money according to the eviction judgment?

If the eviction judgment shows that you owe money to your landlord, you need your landlord to sign and file a Satisfaction of Judgment. Your landlord is required to sign a Satisfaction of Judgment if you have paid that judgment in full. If you owe other money to your landlord, that does not change the landlord's obligation to sign a satisfaction of the judgment you have paid in full. To get a Satisfaction of Judgment, you should only have to pay the amount required in that judgment. When you pay your judgment, make a copy of the check or money order, your cover letter, and the envelope you are sending to your landlord so that you can prove later that you did pay if your landlord refuses to sign a Satisfaction of Judgment.

What is the process to expunge an eviction record?

STEP 1: Tenant fills out the *Motion to Set Aside Residential Eviction Judgment* form and files it with the county court where the eviction happened. Use the case number for the eviction you are trying to expunge.

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.

STEP 4: If the landlord files an objection, the court must 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 must enter an appropriate order setting aside the judgment and sealing the official record of the eviction. When this order is entered, the eviction judgment is officially deemed not to exist.

Do I have to pay for the expungement?

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

IN THE CIRCUIT COURT FOR THE STATE OF OREGON

FOR THE COUNTY OF _____

Plaintiff (Landlord or Agent),

v.

Defendant(s) (Tenants or Occupants).

Case Number: _____

**MOTION TO SET ASIDE RESIDENTIAL
EVICTION JUDGMENT**

MOTION

I am a Defendant in this case (*print your name*):

I ask the court to set aside the judgment and seal the record because (*check one*):

- A judgment of restitution was entered more than five years before the motion was filed and any money award has been satisfied.
- A judgment of restitution was entered on claims that arose on or after April 1, 2020 and before March 1, 2022, and any money award has been satisfied.
- A judgment of stipulation was entered between the parties and I have complied with the terms of the stipulated agreement, including satisfaction of any money award.
- A judgment or judgment of dismissal was entered in favor of the defendant.

POINTS AND AUTHORITIES

ORS 105.163 as amended by Senate Bill 282 (2021) requires the court to grant a motion to set aside the judgment and seal the official record of a residential eviction case if:

- The judgment was for restitution against the applicant, the applicant has satisfied any money award included in the judgment, and the judgment was either entered five years before the motion to set aside is filed or was entered on claims that arose on or after April 1, 2020 and before March 1, 2022.
- The judgment was stipulated to by the parties and all terms including any money award are satisfied; or
- The judgment or judgment of dismissal was entered in favor of the defendant.

DECLARATION

The judgment I ask to set aside was a judgment of:

- Restitution in Plaintiff's favor (I was ordered to leave the property)
 - Judgment was entered on (date): _____, which is more than five years before this *Motion* was filed, and I have satisfied any money awards ordered in the judgment; *or*
 - Judgment was entered on claims that arose on or after April 1, 2020 and before March 1, 2022, and I have satisfied any money awards ordered in the judgment
- Stipulation (agreement)
 - I have satisfied all terms of the agreement and paid any money required
- Judgment or judgment of dismissal in my favor (I was not ordered to leave the property)

I hereby declare that the above statement is true to the best of my knowledge and belief. I understand that it is made for use of evidence in court and is subject to penalty for perjury.

Date	Signature	
	Name (printed)	
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Address	City, State, ZIP	Phone

CERTIFICATE OF MAILING

I certify that on (date): _____ I placed a true and complete copy of this *Motion and Declaration* form in the United States mail to Plaintiff at (plaintiff's address):

Date	Defendant (signature)
	Defendant Name