



## HOUSE REPUBLICAN STAFF ANALYSIS

Bill:	House File 548 (Formerly HSB 43)	House Committee:	<b>PASSED</b> on February 28 (21-0)
Committee:	Judiciary	House Floor:	
Floor Manager:	Rep. C. Thomson	Senate Floor:	
Date:	March 20, 2023	Governor:	
Staff:	Amanda Wille (1-5230)		

### Forcible Entry and Detainer Action-Sealing of Records

- HF 548 allows a forcible entry and detainer action to be sealed in certain circumstances.

### Section by Section Analysis

#### Section 1- Judgement-Execution-Costs-Sealing of Court Records (648.22)

In a residential forcible entry and detainer action, the records shall be sealed with in three days if any of the following occur:

- Defendant is found not guilty
- Plaintiff's claim is dismissed
- Plaintiff does not appear for hearing
- There is no genuine issue of material fact between the parties

If the defendant is found guilty the records shall be sealed if requested, if:

- more than five years has passed,
- the applicant has not been found guilty in subsequent forcible entry and detainer actions,
- the applicant has not been granted a sealing of records under this section for 10 years, and
- the applicant has paid all court costs, fees and fines and any other financial obligation in the case

If the record is sealed there are limited ways the information can be obtained.

### Amendment Analysis

#### H-1144- Thomson

- 1) Adds the option for a landlord and tenant to jointly apply for the expungement of a completed FED. It means that a landlord can now offer to negotiate a settlement of debt in exchange for agreeing to expunge the record.
- 2) Extends the 'rehab' period after a FED from five to seven years.
- 3) Removes all references to credit agencies or credit reports.
- 4) Clarifies that this does not create a cause of action (instead of just a cause of action against a landlord/creditor.)