

REFERENCE TITLE: landlord tenant; expunge record

State of Arizona
House of Representatives
Fifty-sixth Legislature
Second Regular Session
2024

HB 2837

Introduced by
Representatives Aguilar: Austin, Crews, Hernandez L, Ortiz, Villegas

AN ACT

AMENDING SECTION 33-1379, ARIZONA REVISED STATUTES; AMENDING TITLE 33, CHAPTER 11, ARTICLE 4, ARIZONA REVISED STATUTES, BY ADDING SECTION 33-1486; RELATING TO RESIDENTIAL LANDLORDS AND TENANTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 33-1379, Arizona Revised Statutes, is amended to
3 read:

4 33-1379. Eviction action; dismissal; sealed records

5 A. In any action for eviction pursuant to section 33-1368 or
6 33-1377 or pursuant to a forcible entry and detainer action, **THE COURT**
7 **SHALL ISSUE AN ORDER SEALING ALL RECORDS RELATED TO THE CASE AS FOLLOWS:**

8 1. On the court entering an order that dismisses the action for
9 eviction ~~prior to~~ **BEFORE** entry of a judgment or that enters judgment in
10 favor of the tenant, ~~the court shall issue an order sealing all records~~
11 ~~related to the case.~~

12 2. **FOR A FIRST-TIME JUDGMENT OF EVICTION AGAINST THAT TENANT.**

13 B. The court shall also order the sealing of an eviction case on
14 the filing of a written stipulation by the landlord and the tenant to set
15 aside the order of eviction and seal the eviction case court file.

16 C. If the records in an eviction case court file are sealed, the
17 tenant's case records shall ~~only~~ be made available **ONLY** to the following:

18 1. The person whose records are sealed and any party or any
19 attorney who has made an appearance in the case where records are sealed.

20 2. The court, except that the tenant's sealed eviction case may not
21 be sold or released as a part of a bulk or individual records transfer to
22 a third party.

23 3. The clerk of the court or any department that is responsible for
24 maintaining records, except that the tenant's sealed eviction case may not
25 be sold or released as a part of a bulk or individual records transfer to
26 a third party.

27 D. This section applies to all records relating to an action for
28 summary eviction, a forcible entry and detainer action or a special
29 detainer action that are maintained by the court, including the complaint
30 and any other pleadings, proof of service, any findings and orders of the
31 court and all other papers, records, proceedings and evidence, including
32 exhibits and transcript of the testimony.

33 Sec. 2. Title 33, chapter 11, article 4, Arizona Revised Statutes,
34 is amended by adding section 33-1486, to read:

35 33-1486. Eviction action; dismissal; sealed records

36 A. **IN ANY ACTION FOR EVICTION PURSUANT TO SECTION 33-1476 OR**
37 **33-1485 OR PURSUANT TO A FORCIBLE ENTRY AND DETAINER ACTION, THE COURT**
38 **SHALL ISSUE AN ORDER SEALING ALL RECORDS RELATED TO THE CASE AS FOLLOWS:**

39 1. **ON THE COURT ENTERING AN ORDER THAT DISMISSES THE ACTION FOR**
40 **EVICTION BEFORE ENTRY OF A JUDGMENT OR THAT ENTERS JUDGMENT IN FAVOR OF**
41 **THE TENANT.**

42 2. **FOR A FIRST-TIME JUDGMENT OF EVICTION AGAINST THAT TENANT.**

43 B. **THE COURT SHALL ALSO ORDER THE SEALING OF AN EVICTION CASE ON**
44 **THE FILING OF A WRITTEN STIPULATION BY THE LANDLORD AND THE TENANT TO SET**
45 **ASIDE THE ORDER OF EVICTION AND SEAL THE EVICTION CASE COURT FILE.**

1 C. IF THE RECORDS IN AN EVICTION CASE COURT FILE ARE SEALED, THE
2 TENANT'S CASE RECORDS SHALL BE MADE AVAILABLE ONLY TO THE FOLLOWING:
3 1. THE PERSON WHOSE RECORDS ARE SEALED AND ANY PARTY OR ANY
4 ATTORNEY WHO HAS MADE AN APPEARANCE IN THE CASE WHERE RECORDS ARE SEALED.
5 2. THE COURT, EXCEPT THAT THE TENANT'S SEALED EVICTION CASE MAY NOT
6 BE SOLD OR RELEASED AS A PART OF A BULK OR INDIVIDUAL RECORDS TRANSFER TO
7 A THIRD PARTY.
8 3. THE CLERK OF THE COURT OR ANY DEPARTMENT THAT IS RESPONSIBLE FOR
9 MAINTAINING RECORDS, EXCEPT THAT THE TENANT'S SEALED EVICTION CASE MAY NOT
10 BE SOLD OR RELEASED AS A PART OF A BULK OR INDIVIDUAL RECORDS TRANSFER TO
11 A THIRD PARTY.
12 D. THIS SECTION APPLIES TO ALL RECORDS RELATING TO AN ACTION FOR
13 SUMMARY EVICTION, A FORCIBLE ENTRY AND DETAINER ACTION OR A SPECIAL
14 DETAINER ACTION THAT ARE MAINTAINED BY THE COURT, INCLUDING THE COMPLAINT
15 AND ANY OTHER PLEADINGS, PROOF OF SERVICE, ANY FINDINGS AND ORDERS OF THE
16 COURT AND ALL OTHER PAPERS, RECORDS, PROCEEDINGS AND EVIDENCE, INCLUDING
17 EXHIBITS AND TRANSCRIPT OF THE TESTIMONY.