

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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HOUSE BILL 789

Short Title: Eviction Record Expunction Act. (Public)

Sponsors: Representative A. Baker.

For a complete list of sponsors, refer to the North Carolina General Assembly web site.

Referred to: Rules, Calendar, and Operations of the House

April 19, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE SEALING OF CERTAIN SUMMARY EJECTMENT
3 RECORDS AND PROCEEDINGS FROM PUBLIC RECORDS AND TO MAKE DENIAL
4 OF A RENTAL APPLICATION BASED ON CERTAIN SEALED RECORDS A
5 DISCRIMINATORY HOUSING PRACTICE UNDER THE FAIR HOUSING ACT.

6 The General Assembly of North Carolina enacts:

7 **SECTION 1.** Article 3 of Chapter 42 of the General Statutes is amended by adding
8 a new section to read:

9 "**§ 42-36.4. Automatic sealing of eviction records.**

10 (a) The clerk of superior court shall cause all records of all summary ejectment
11 proceedings to be sealed and removed from publicly accessible records as follows:

12 (1) After three years from the date the judgment was entered.

13 (2) A pending proceeding where no decision has been entered.

14 (3) A proceeding that has been dismissed or where judgment was entered in favor
15 of the respondent tenant.

16 (4) A proceeding that names a respondent that is under 18 years of age.

17 (b) For the purposes of this section, the term "seal" or "sealed" means the act of keeping
18 some or all of the court record confidential and unavailable for public inspection.

19 (c) Nothing in this section is intended to limit or otherwise impair the docketing or
20 execution of a judgment for monetary damages in connection with a summary ejectment
21 proceeding filed under G.S. 42-26.

22 (d) This section shall not apply to summary ejectment proceedings filed under Article 7
23 of this Chapter."

24 **SECTION 2.** G.S. 41A-4 reads as rewritten:

25 "**§ 41A-4. Unlawful discriminatory housing practices.**

26 ...

27 (h) It is an unlawful discriminatory housing practice to deny an applicant on a rental
28 agreement based upon a proceeding for summary ejectment that has been sealed pursuant to
29 G.S. 42-46.3."

30 **SECTION 3.** Section 1 of this act becomes effective October 1, 2023, and applies to
31 summary ejectment proceedings initiated on or after that date. The remainder of this act is
32 effective when it becomes law.

