

CLEVELAND MUNICIPAL COURT
HOUSING DIVISION
JUDGE RONALD J.H. O'LEARY

MOTION TO SEAL EVICTION RECORD INSTRUCTIONS



**BEFORE YOU FILE A MOTION TO SEAL EVICTION RECORD,
READ THE INSTRUCTIONS ON THE REVERSE SIDE CAREFULLY.**

Housing Court Local Rule 6.13 explains fully the process for filing a Motion to Seal Eviction Record, the factors the Court considers when ruling on a Motion to Seal, and the circumstances under which a motion may be granted. You can see the complete text of the rule at clevelandhousingcourt.org, under the Local Rules tab. **If you have questions, consult with an Attorney, or see a Housing Specialist BEFORE you file the motion.**

ALSO, BE AWARE THAT:

- In general, the Court will consider a Motion to Seal Eviction Record only under specific, limited circumstances.
- An affidavit is required. The Court will **NOT** consider a Motion to Seal without an affidavit.
- Sealing the record of an eviction does not authorize a tenant or former tenant to make a false statement regarding the filing or granting of the eviction.
- The Court typically will consider only **ONE MOTION TO SEAL EVICTION RECORD** on any given case. You have **ONLY ONE OPPORTUNITY** to convince the Court to seal your eviction record. Include **ALL** documentation with your motion.

If you have questions, consult with an Attorney, or see a Housing Specialist BEFORE you file the motion.

Instructions for Filing a Motion to Seal Eviction Record:

- 1.** Attached is a blank “Motion to Seal Eviction Record” form. This form is provided by the Court as a courtesy. You are not required to use this form; however, the form is designed to ensure that you supply the Court with the information it needs to rule on your motion.
- 2. Fill out the Motion to Seal form completely**, filling in all of the applicable blanks. If you need basic information, you may ask a Housing Court Specialist. Their offices are located on the 13th floor of the Justice Center. If you need legal advice, please see an Attorney.
- 3.** Attach to the motion **all** evidence you would like the Court to consider. **Do not assume that you will have a hearing or another chance to submit additional evidence.** The Court may review the motion and rule on it without a hearing.
- 4.** Before you file it, make **2 copies** of the completed motion with **all** attachments. The original is for the Clerk of Court, one copy is for the landlord, and one copy is for your records.
- 5.** Serve one copy of the completed motion on the landlord, or the landlord’s attorney (if the landlord had one in the eviction case). You can mail the copy, or deliver it by hand. Your motion, at the bottom, contains a place for you to verify that you have served it upon the landlord, or the landlord’s attorney. If you do not deliver a copy of the motion to the landlord, or the landlord’s attorney, and verify in your motion that you have done so, **your motion may be dismissed.**
- 6.** File the original, completed motion with the Clerk of Court on the 2nd Floor of the Justice Center. **There is a \$25 charge for filing a Motion to Seal Eviction Record**, which must be paid at the time of filing. The Court will NOT accept an affidavit of indigence (“poverty affidavit”) to waive the prepayment of this cost.
- 7.** The Court may schedule a hearing on your motion. If a hearing is scheduled, be sure to arrive on time for the hearing, and bring all your paperwork and witnesses with you. Include your current address in your motion, so the court can notify you if a hearing is scheduled.
- 8. The Court will notify you in writing of its decision on your motion.** Include your current address in your motion, so the court can notify you of its ruling; also, **file a Change of Address form with the Clerk of Court**, if your address has changed from what is listed on the case on which you are filing the motion.
- 9.** You are responsible for keeping yourself informed about what happens in your case. You may look at the Court’s docket online at clevelandmunicipalcourt.org.
- 10. If you have questions, see an Attorney or a Housing Specialist BEFORE you file the motion.**