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Expunging Dismissed or Nonsuited Evictions

An expungement is the process of erasing or sealing a court record about a particular lawsuit. Starting January 1, 2022, if an eviction lawsuit is dismissed or nonsuited, the tenant can petition the court to expunge (remove) the court record.

What type of eviction lawsuits can I have expunged?

There are two types of eviction lawsuits that can be expunged. One is an eviction lawsuit that was dismissed. The other is an eviction lawsuit that was nonsuited.

What is the process to expunge a dismissed or nonsuited eviction?

You file a Petition for Expungement of Unlawful Detainer (Form DC-425) – <https://www.vacourts.gov/forms/district/dc425.pdf> – with the General District Court where the lawsuit was filed. There is no filing fee to file this Petition.

- For cases which were dismissed, the Petition can be filed once more than 30 days have passed from the dismissal.
- For cases which were nonsuited, the Petition can be filed once more than six months have passed from the nonsuit.

Does the court have to expunge a dismissed or nonsuited eviction?

Yes. Upon a finding that an unlawful detainer was dismissed or nonsuited, the court shall – without a hearing – enter an order requiring expungement of the court record.

Why would I want to expunge a dismissed or nonsuited eviction?

Having a dismissed or nonsuited eviction lawsuit in the court records might be preventing you from renting an apartment, getting a job, or receiving a loan. More and more landlords, employers, schools, and lenders ask for background check reports when you apply for their services. Dismissed and nonsuited eviction lawsuits often show up on these reports. If you are able to expunge a dismissed or nonsuited eviction lawsuit, it no longer will appear on your background check reports and you can treat the lawsuit as if it never happened.

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