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Expunging Dismissed or Nonsuited Evictions

Expungement is the process of erasing a court record about a particular lawsuit. As of January 1, 2022, when an eviction lawsuit is dismissed or nonsuited, it may be automatically expunged, or the tenant can petition the court to expunge (remove and destroy) the court record.

What type of eviction lawsuits can be expunged?

There are three types of eviction lawsuits that can be expunged:

- An eviction lawsuit that was dismissed;
- An eviction lawsuit that was nonsuited; and
- An eviction lawsuit where a judgment was entered in favor of the defendant tenant.

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

For unlawful detainer cases filed July 1, 2024 and after, the General District Court must expunge the case without any action from the tenant and there is no hearing if:

1. The case is dismissed and 30 days have passed since dismissal, or
2. A voluntary nonsuit was entered and 6 months have passed since the nonsuit, and no order of possession has been entered in the case

If the unlawful detainer case was filed June 30, 2024 or earlier, the tenant must 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.

Where the court has entered judgment in favor of the tenant, the court will not automatically expunge the lawsuit. The tenant may file a petition as described above to expunge

this type of lawsuit. The tenant should keep a copy of the judgment (a record that they won their case) because all of the court records will be destroyed when the Judge grants the expungement petition.

Does the court have to expunge these evictions?

Yes. Upon a finding that an unlawful detainer was dismissed or nonsuited, or that judgment was granted in favor of the defendant tenant, 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?

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. When these cases are expunged, the eviction lawsuit can no longer appear on the background check. It will be as if the lawsuit never happened.

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