

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2025

H.B. 267
Mar 3, 2025
HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH30125-NO-28

Short Title: Expunging Certain Eviction Records.

(Public)

Sponsors: Representative Cohn.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO PROVIDE FOR THE AUTOMATIC EXPUNGEMENT OF CERTAIN
3 EVICTION RECORDS.

4 The General Assembly of North Carolina enacts:

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

7 "**§ 42-36.4. Expungement of court records of certain summary ejectment actions.**

8 (a) The clerk of superior court shall, without further petition or hearing, enter an order
9 requiring all court records made in summary ejectment proceedings to be expunged from the files
10 of the court 30 days after the resolution of the proceedings if the proceedings are resolved in one
11 of the following ways:

12 (1) The proceedings are voluntarily dismissed prior to a magistrate's entry of an
13 order for possession.

14 (2) The proceedings are voluntarily dismissed prior to the district court's entry of
15 an order of possession, provided that the proceedings have been withdrawn
16 from small claims court and brought before the district court, or the
17 proceedings have been moved to district court pursuant to an appeal for a trial
18 de novo.

19 (b) The clerk of court shall not automatically expunge court records related to summary
20 ejectment proceedings where judgment is entered in favor of the defendant on the merits of the
21 initial action; however, the defendant may file a petition, and the clerk of superior court shall,
22 without a hearing, enter an order requiring all court records made in the summary ejectment
23 proceedings to be expunged from the files of the court in accordance with the provisions of
24 subsection (c) of this section.

25 (c) For summary ejectment proceedings commenced prior to October 1, 2025, the
26 defendant may file a petition in the court in which the underlying summary ejectment action was
27 filed requesting all court records made in the summary ejectment proceedings be expunged from
28 the files of the court if the action was resolved in one of the following ways:

29 (1) The proceedings are voluntarily dismissed prior to a magistrate's entry of an
30 order for possession.

31 (2) The proceedings are voluntarily dismissed prior to the district court's entry of
32 an order of possession, provided that the proceedings have been withdrawn
33 from small claims court and brought before the district court, or the
34 proceedings have been moved to district court pursuant to an appeal for a trial
35 de novo.



1 (3) Judgment is entered in favor of the defendant on the merits of the initial action,
2 all applicable appeals periods have passed, and all applicable appeals have
3 been resolved.

4 Upon finding that a summary ejectment action was resolved in one of the ways described by
5 this subsection, the court shall, without a hearing, enter an order requiring the expungement of
6 the court records related to the summary ejectment action.

7 (d) For summary ejectment actions in which judgment is entered in favor of the plaintiff
8 on the initial merits of the action, the defendant, after (i) all applicable appeals periods have
9 passed, (ii) all applicable appeals have been resolved, and (iii) the passing of a three-year waiting
10 period beginning on the date of entry of the judgment on the initial merits of the action, may file
11 a petition in the court in which the underlying summary ejectment action was filed requesting all
12 court records made in the summary ejectment proceedings be expunged from the files of the
13 court. Upon finding that the petitioner has stabilized his or her housing, the court shall, without
14 a hearing, enter an order requiring all court records made in the summary ejectment proceedings
15 to be expunged from the files of the court. The court may consider at least all of the following
16 when determining if the petitioner has stabilized his or her housing:

17 (1) Proof of petitioner's consistent and timely payment of rent or mortgage
18 payments during the three-year waiting period.

19 (2) An affidavit, signed by the petitioner, stating that the petitioner has not been
20 named as a defendant in any additional summary ejectment or foreclosure
21 proceedings during the three-year waiting period.

22 (e) The Administrative Office of the Courts shall develop forms for the petitions required
23 by this section. The forms shall require the petitioner to provide at least all of the following: (i)
24 the date that the order of dismissal, stay of proceedings, or entry of judgment was entered for the
25 summary ejectment action, (ii) the address of the property that was subject to the summary
26 ejectment action, and (iii) the name of the plaintiff in the summary ejectment action."

27 **SECTION 2.** The Administrative Office of the Courts shall develop and make
28 available the petition forms required by G.S. 42-36.4, as enacted in Section 1 of this act, no later
29 than September 30, 2025.

30 **SECTION 3.** Section 1 of this act becomes effective October 1, 2025. The remainder
31 of this act is effective when it becomes law.