



**ARIZONA STATE SENATE**  
*Fifty-Fifth Legislature, Second Regular Session*

FACT SHEET FOR H.B. 2485

eviction dismissal; sealed records

Purpose

Requires records relating to any action for eviction or a forcible entry and detainer action in which the court dismisses or rules in favor of the tenant to be sealed.

Background

If there is a material noncompliance by the tenant with the rental agreement, the landlord may deliver written notice to the tenant specifying the breach and that the rental agreement will terminate within 10 days of receipt of the notice unless the breach is remedied. For a noncompliance by the tenant affecting health and safety, the contract terminates within 5 days of receipt of the notice unless remedied. If there is additional noncompliance of the same or similar nature during the term of the lease, a landlord may institute a special detainer action 10 days after written notice to the tenant of second noncompliance. For a breach that is both material and irreparable, the landlord may deliver a written notice for immediate termination of the rental agreement and file a special detainer action. If rent is unpaid and the tenant fails to pay rent within 5 days after written notice by the landlord of nonpayment, the landlord may terminate the rental agreement by filing a special detainer action ([A.R.S. § 33-1368](#)).

Special detainer actions are instituted for remedies relating to breached rental agreements. If the court finds that the breach did occur, the court must order restitution in favor of the plaintiff. If the defendant is found not guilty, judgement must be given for the defendant against the plaintiff for costs, and if it appears that the plaintiff has acquired possession of the premises since commencement of the action, a writ of restitution must be issued in favor of the defendant ([A.R.S. § 33-1377](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Requires the court to issue an order sealing all case records relating to any action for eviction or a forcible entry and detainer action on the entering of an order that:
  - a) dismisses the action for eviction prior to entry of a judgement; or
  - b) enters judgment in favor of the tenant.
2. Requires the court to order the sealing of an eviction case on the filing of a written stipulation by the landlord and the tenant to set aside the order of eviction and seal the eviction case court file.

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3. Requires a tenant's case records in an eviction case court file that are sealed to only be made available to:
  - a) the person whose records are sealed and any party or any attorney who has made an appearance in the case where records are sealed;
  - b) the court; and
  - c) the clerk of the court or any department that is responsible for maintaining records.
4. Prohibits the court, the clerk of the court or any department responsible for maintaining records from selling or releasing the tenant's sealed eviction case as part of a bulk or individual records transfer to a third-party.
5. Applies the sealed records requirement to all records relating to an action for summary eviction, a forcible entry and detainer action or a special detainer action that are maintained by the court, including:
  - a) the complaint and any other pleadings;
  - b) proof of service;
  - c) any findings and orders of the court; and
  - d) all other papers, proceedings and evidence, including exhibits and transcripts, of the testimony.
6. Applies the requirements relating to sealing records to a tenant whose case is dismissed or in which a judgement is entered in the tenant's favor on or after the general effective date.
7. Becomes effective on the general effective date.

House Action

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3 <sup>rd</sup> Read	2/22/22		50-8-2

Prepared by Senate Research

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