**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 27‑40‑670 SO AS TO PROVIDE THAT A TENANT MAY APPLY TO HAVE AN EVICTION ORDER SET ASIDE AND THE COURT RECORDS SEALED UNDER CERTAIN CIRCUMSTANCES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Subarticle 1, Article 7, Chapter 40, Title 27 of the 1976 Code is amended by adding:

“Section 27‑40‑670. (A) A tenant who was a defendant in an eviction action may file a motion in the court where judgment was entered for an order setting aside the judgment and placing the official record of the proceeding under seal. The court shall grant the motion if the judgment:

(1) ordered the payment of rent, damages, or both, and the tenant has satisfied the requirements of the judgment; or

(2) as a judgment of dismissal was entered in the tenant’s favor.

(B) The tenant must provide written notice and a copy of the motion filed to the landlord. The landlord may file a written objection within thirty days of receiving the notice, and the court must schedule a hearing if an objection is filed.

(C) If no objection is filed or the court determines that the applicant meets the eligibility requirements of subsection (A), the court shall enter an appropriate order setting aside the judgment and sealing the official records of the action. Upon entry of the order, the judgment is deemed to have not been entered.

(D) A filing fee may not be charged for the filing of a motion pursuant to this section.”

SECTION 2. This act takes effect upon approval by the Governor.

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