

SESSION OF 2026

**SUPPLEMENTAL NOTE ON SUBSTITUTE FOR HOUSE
BILL NO. 2357**

As Amended by House Committee of the Whole

Brief*

Sub. for HB 2357, as amended, would create and amend law related to eviction proceedings for rental agreements subject to the Residential Landlord and Tenant Act (RLTA) to require expungement of certain court records; allow a landlord to object to an expungement request; and require the consideration of mediation for most eviction actions. The bill would also make technical amendments.

Expungement

A defendant in an eviction action covered by the bill would be allowed to make an electronic filing for an expungement with the clerk of the district court at no cost.

Expungement Filing, Notice, and Procedure

The bill would require that such expungement filing be made under the docket number of the underlying eviction action. The defendant would be required to provide service of process to the plaintiff in the eviction action by return receipt delivery as required by the Kansas Code of Civil Procedure.

The plaintiff would have 30 days after delivery of the service of process to file an objection to the expungement with the court.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <https://klrd.gov/>

If no objection is filed, the bill would require the court to make an expungement determination without a hearing and with a presumption that all monetary obligations of the eviction action, if any, are satisfied.

If an objection is filed, the court would be required to hold a hearing and determine whether the expungement will be granted.

The court would be required to grant an expungement if:

- Three years have passed since judgment was entered in such action;
- The defendant shows that the monetary obligations of the judgment, if any, are satisfied; and
- The defendant has no additional judgment entered in an eviction action covered by the bill within the three-year period.

Additional Judgment

If a tenant has an additional judgment entered in an eviction action covered by the bill within such three-year period, the preceding judgment could not be expunged until the ensuing judgment is eligible for expungement.

Unsatisfied Money Judgment

If a tenant has an unsatisfied money judgment entered in an eviction action covered by the bill, the records could not be expunged unless the defendant and plaintiff agree to such expungement.

Judicial Council Form

The bill would require the Judicial Council to develop a form to be utilized for obtaining expungement pursuant to the bill.

Mediation and Defendant Appearance

The bill would require a court to consider mediation of the case unless the court finds that mediation would not aid both parties materially or is impracticable.

Under law applicable to eviction proceedings under the RLTA, a trial must be conducted within 14 days after the appearance date stated in the summons and the court would not allow a continuance unless a bond is filed. The bill would authorize a court to order a continuance of not more than 14 days from the date that the mediation order is entered if both parties are participating in court-ordered mediation.

Background

The bill was introduced by the House Committee on Judiciary at the request of Representatives Howerton and Howell.

House Committee on Judiciary

In the House Committee hearing, **proponent** testimony was provided Representative Howell; a Wichita City Council member; and representatives of the City of Wichita, Johnson County Government, Kansas Interfaith Action, and United Community Services. The proponents generally stated that the bill would allow persons who are experiencing domestic violence to keep their residential information sealed, which would provide additional protection from abuse.

Written-only proponent testimony was provided by a Wichita City Council member; representatives of Health Forward Foundation, Kansas Action for Children, Kansas Legal Services, and Lawrence-Douglas County Public Health; and two private citizens.

Neutral testimony was provided by a representative of the Office of Judicial Administration, who expressed concern that the bill's provisions could burden courts and staff responsible for tracking eviction cases.

No other testimony was provided.

The House Committee adopted multiple amendments to the bill before recommending a substitute bill be created and recommended favorably for passage. The amendments included:

- Expanding the persons to whom sealed case records could be made available;
- Clarifying language concerning when judgment is entered in favor of the plaintiff;
- Clarifying language concerning when during the process a court may decide not to unseal a case pursuant to the bill;
- Replacing “victim of domestic violence” with “protected person” as defined in continuing law;
- Modifying the collection and dissemination prohibition provision to include attorneys for entities described in the bill and specify such entities could not request that applicants or tenants disclose a sealed or expunged eviction filing;
- Removing a duplicative provision allowing any person to bring a private action for violations of the

collection and dissemination prohibition provisions pursuant to the Kansas Consumer Protection Act;

- Modifying provisions related to expungement to allow electronic filing for expungements at no cost, rather than providing for an automatic expungement process, and increasing from two years to three years the time that must pass in order for expungement to be granted;
- Requiring the Judicial Council to develop an expungement form;
- Requiring the court to consider, rather than order, mediation;
- Allowing the court to not consider mediation if it is impracticable;
- Clarifying that continuances granted for the purpose of mediation cannot be more than 14 days from the date the mediation order is entered; and
- Making a technical amendment to replace an outdated version of a statute.

The bill was re-referred to the House Committee on February 11, 2026. On February 16, 2026, the Committee further amended the bill by removing language deeming any violation of the bill a deceptive or unconscionable act or practice under the Kansas Consumer Protection Act.

House Committee of the Whole

The House Committee of the whole amended the bill by:

- Removing provisions related to the sealing of court records;

- Amending provisions related to expungement to include provisions on required notice and to allow the landlord from the underlying eviction action to object to expungement;
- Removing provisions that would have allowed the defendant to appear via two-way electronic audio-video communication in court proceedings; and
- Making additional technical amendments.

Fiscal Information

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of the Attorney General (Office) indicates enactment of the bill would increase the number of complaints it currently processes regarding eviction actions, which would require the Office to hire 2.00 FTE positions. The Office states the bill could result in litigation that would require it to defend the bill.

The Office states the bill would increase expenditures by \$740,065 in FY 2026 and \$752,069 in FY 2027 from the SGF. Of the FY 2026 amount, \$133,904 would be for 1.00 Assistant Attorney General position; \$60,839 would be for 1.00 Investigator position; \$45,322 would be for office space, training, technology, and other expenditures; and \$500,000 would be for potential litigation costs for the Office to defend the bill. The FY 2027 amount assumes a 5.0 percent increase of expenditures associated with the 2.00 positions over the FY 2026 amount along with an additional \$500,000 in litigation costs.

The Office of Judicial Administration (OJA) indicates enactment of the bill would have a significant fiscal effect on expenditures of the Judicial Branch. OJA states that the bill would require district court clerks to manually seal court files, make certain files available to certain parties, manually determine and unseal such files, and manually track and

process expungements after two years. OJA also indicates judges and district court clerks would be required to schedule additional hearings, file motions, and send notices. OJA states enactment of the bill would significantly increase the workload of district court clerks, who processed approximately 32,400 eviction cases in 2023 and 2024 combined. OJA indicates it may be possible to reprogram the centralized case management system to automatically perform some of the requirements of the bill at an additional cost. However, a fiscal effect cannot be estimated.

Any fiscal effect associated with enactment of the bill is not reflected in *The FY 2026 Governor's Budget Report*.

Eviction; Residential Landlord and Tenant Act; expungement; mediation