



CREDIT REPORTS: DISMISSED EVICTION LAWSUIT

WHY IS A DISMISSED EVICTION LAWSUIT ON MY CREDIT REPORT?

Court records are public records (anyone can view them). Consumer reporting agencies often get information about lawsuits and put the information in credit reports. One kind of credit report is called a “tenant screening report.” These reports can have a variety of information, including your rental history, public records, and your bill paying history. Eviction lawsuits are often listed in tenant screening reports.

HOW LONG CAN A DISMISSED EVICTION LAWSUIT STAY ON MY CREDIT REPORT?

Generally, information about a dismissed lawsuit can be reported in credit reports for up to seven years according to federal law. In some cases, if the eviction lawsuit was dismissed, the lawsuit can be removed from the credit report.

DOES FLORIDA LAW HAVE LIMITS OR OTHER PROTECTIONS ON EVICTION RECORDS?

No. Some states let tenants “seal” or “expunge” tenant eviction records, but Florida doesn’t. Some states do not allow landlord to use eviction records in rental application decisions, but Florida does. In some rare cases, court records can be made confidential in Florida.

According to federal law, the information about your tenant history has to be accurate. If you notice something inaccurate, you might be able to take steps to correct it, as explained below.

WILL A LANDLORD DENY MY APPLICATION BECAUSE OF A DISMISSED EVICTION LAWSUIT?

It might, but it shouldn’t. In most cases, a dismissed lawsuit doesn’t help a landlord decide whether you’ll be a good or bad tenant. In some cases, it may be a sign of housing discrimination. If you think a landlord has denied your rental application because of your race, color, national origin (country of origin or ancestry), religion, sex (including sexual orientation or gender identity), familial status (families with children or pregnancy), or disability, you may be able to file a complaint with HUD or sue the landlord.

WHAT CAN I DO IF MY RENTAL APPLICATION IS DENIED BECAUSE OF INFORMATION ON MY CREDIT REPORT?

According to federal law, a landlord who denies a rental application due to information in a tenant screening report has to let the tenant know. This notice is called an “adverse action” notice. This notice can be given in writing, verbally, or electronically. The notice has to:

- include the name, address, and phone number of the company that provided the report;
- explain your right to get a free copy of the report if you request it within 60 days of the adverse action; and
- explain your right to dispute inaccurate information in the report.

MY CREDIT REPORT DOESN'T SHOW THAT THE EVICTION LAWSUIT WAS DISMISSED – WHAT CAN I DO?

If there is old (more than 7 years) or incorrect information on your credit report, you can dispute the information on the report. Write the consumer reporting agency a letter, or fill out a form online, and let the agency know something is incorrect on your report. Include a copy of the court document showing the lawsuit was dismissed or other documents you have showing the information is inaccurate. There is no cost to challenge incorrect information on your credit report.

For more information about disputing the information in your credit report, go to the FTC's website at: <https://consumer.ftc.gov/articles/disputing-errors-your-credit-reports>.

If the consumer reporting agency fails to correct your report, you may be able to sue the consumer reporting agency or you can file a complaint with the CFPB online (<https://www.consumerfinance.gov/complaint/>) or by calling (855) 411-CFPB (2372).

If you need an appointment with Jacksonville Area Legal Aid to speak to a lawyer about a credit reporting issues please call 904-356-8371 or visit our website at www.jaxlegalaid.org.

WHAT ELSE CAN I DO?

Try to find out from the landlord what information in the report was a problem. See if the landlord will give you a chance to explain the situation, to give proof that the issue was resolved, or to give proof that the information reported by the landlord is incorrect.

Consider asking the landlord about its criteria and process for tenant screening before you apply so that you can decide whether to go forward with the rental application. You can also give the information to the landlord and explain the situation before you apply in some cases.

This fact sheet is for general education only it is not intended to be used to solve individual problems. If you have specific questions contact a lawyer. The laws described here may change without notice. You may find additional resources at: <https://www.jaxlegalaid.org/get-help/self-help/pamphlets-videos/>. Revised December 2023.

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