

39-7-113 Eviction or distress of dependents.

- (1) A landlord may not evict or take and hold property of a service member or the service member's dependents for nonpayment of rent during the period of military service if the rent on the premises occupied by the service member or the service member's dependents is less than \$2,400 per month unless a court allows it after application to the court and an order granted in an action or proceeding affecting the right of possession.
- (2) In any action affecting the right of possession, the court may, on its own motion, stay the proceedings for not longer than three months, or make any order the court determines to be reasonable and just under the circumstances, unless the court finds that the ability of the tenant to pay the agreed rent is not materially affected by reason of the service member's military service.
- (3) When a stay is granted or other order is made by the court, the owner of the premises shall be entitled, upon application, to relief with respect to the premises similar to that granted service members in military service in Sections 39-7-114 through 39-7-116 to the extent and for any period as the court determines to be just and reasonable under the circumstances.
- (4) Any person who knowingly takes part in any eviction or distress otherwise than as provided in Subsection (1), or attempts to do so, is guilty of a misdemeanor.
- (5) The governor is empowered to order an allotment of the pay of a service member in military service in reasonable proportion to discharge the rent of premises occupied for dwelling purposes by any dependents of the service member.

Amended by Chapter 122, 2008 General Session