

LANDLORD INSPECTION RIGHTS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Lowell A. Nelson

AN ACT RELATING TO REAL ESTATE; AMENDING PROVISIONS GOVERNING
RENTERS DEPOSITS; AND MAKING TECHNICAL CORRECTIONS.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

57-17-1, as enacted by Chapter 74, Laws of Utah 1981

57-17-3, as enacted by Chapter 74, Laws of Utah 1981

57-17-5, as enacted by Chapter 208, Laws of Utah 1983

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **57-17-1** is amended to read:

57-17-1. Return or explanation of retainage upon termination of tenancy.

[Owners] An owner or designated [agents] agent of an owner requiring [deposits] a deposit
however denominated from [renters] a renter leasing or renting a residential dwelling [units] unit
shall [either]:

(1) return [those deposits] the deposit at the termination of the tenancy; or

(2) (a) provide the renter with the written notice required under Section 57-17-3 explaining
why any deposit refundable under the terms of the lease or rental agreement is being retained[-];

and

(b) if an owner or designated agent retains a portion or all of the deposit for cleaning the
residential dwelling unit, comply with Subsection 58-17-3(4).

Section 2. Section **57-17-3** is amended to read:

57-17-3. Deductions from deposit -- Written itemization -- Time for return.

[Upon] (1) On termination of the tenancy, property or money held as a deposit may be
applied, at the owner's or designated agent's option[-];

- 1 (a) to the payment of accrued rent~~[-];~~
- 2 (b) for damages to the premises beyond reasonable wear and tear~~[-];~~
- 3 (c) to other costs provided for in the contract; and
- 4 (d) for cleaning ~~[of]~~ the residential dwelling unit. ~~[The balance of any deposit and prepaid~~
- 5 ~~rent, if any, and a written itemization of any deductions from the deposit, and reasons therefor,~~
- 6 ~~shall be delivered or mailed]~~

7 (2) (a) The owner or designated agent of the owner shall deliver or mail to the renter

8 [within] the information required under Subsection (2)(b), on or before the later of:

- 9 (i) 30 days after termination of the tenancy ~~[or within];~~
- 10 (ii) 15 days after receipt of the renter's new mailing address~~[-, whichever is later.];~~ or
- 11 (iii) if the rented premises are damaged, 30 days after receipt of the renter's new mailing
- 12 address.

13 (b) In accordance with Subsection (2)(a), the owner or designated agent of the owner shall

14 mail or deliver:

- 15 (i) the balance of any deposit and prepaid rent, if any; and
- 16 (ii) a written itemization of:
- 17 (A) any deductions from the deposit; and
- 18 (B) reasons for the deductions from the deposit.

19 (3) The renter shall notify the owner or designated agent of the location where payment

20 and notice may be made or mailed. ~~[If there is damage to the rented premises, this period shall be~~

21 extended to 30 days.]

22 (4) Notwithstanding Subsection (1), an owner or designated agent of the owner may not

23 deduct monies from a deposit for cleaning of the residential dwelling unit unless the owner or

24 agent:

- 25 (a) complies with the requirements of Subsection (2); and
- 26 (b) inspects the residential dwelling unit in the physical presence of the renter, unless the
- 27 renter leaves without providing notice to the owner or designated agent.

28 Section 3. Section **57-17-5** is amended to read:

29 **57-17-5. Failure to give renter required notice -- Recovery of deposit, penalty and**

30 **costs.**

31 (1) If the owner of a residential dwelling unit or [his] the designated agent of the owner

1 in bad faith [~~fails within 30 days after termination of the tenancy or within 15 days after receipt~~
2 of the renter's new mailing address, whichever is later, to provide the renter the notice required in]
3 violates the requirements of Section 57-17-3, the renter may recover:
4 (a) the full deposit[;];
5 (b) a civil penalty of \$100[;]; and
6 (c) court costs. [~~Receipt of]~~
7 (2) Notwithstanding Subsection (1), a renter may recover under Subsection (1) only if the
8 renter provides the renter's new address [must occur] to the owner or the owner's designated agent
9 within 30 days of termination of tenancy.

Legislative Review Note
as of 10-6-97 7:48 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel