

1 **EXEMPTION OF UNIVERSITY HOUSING**
2 **FROM EVICTION LAWS**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Paul A. Neuenschwander**

6 Senate Sponsor: _____

7
8 **LONG TITLE**

9 **General Description:**

10 This bill amends the Forcible Entry and Detainer chapter of the Judicial Code as it
11 relates to student housing.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ permits an institution of higher education to exclude or evict a student from student
16 housing, if the student has violated the student's lease, without resorting to a judicial
17 process;
- 18 ▶ establishes procedures and due process requirements for the exclusion or eviction of
19 a student from student housing; and
- 20 ▶ makes technical changes.

21 **Monies Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 None

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **78-36-12**, as enacted by Laws of Utah 1981, Chapter 160



28 ENACTS:

29 **78-36-13**, Utah Code Annotated 1953



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

32 Section 1. Section **78-36-12** is amended to read:

33 **78-36-12. Exclusion of tenant without judicial process prohibited -- Exceptions.**

34 ~~[It]~~ (1) Except as provided in Subsection (2) or Section 78-36-13, it is unlawful for an
35 owner to willfully exclude a tenant from the tenant's premises in any manner except by judicial
36 process~~[; provided, an]~~.

37 (2) An owner or [his] the owner's agent [shall not be prevented from removing] may,
38 under Subsection 78-36-12.6(2), remove the contents of [the leased] a premises [under
39 Subsection 78-36-12.6(2) and retaking] leased by the owner to a tenant, retake the premises,
40 and [attempting] attempt to rent [them] the premises at a fair rental value when the tenant has
41 abandoned the premises.

42 Section 2. Section **78-36-13** is enacted to read:

43 **78-36-13. Eviction of a student from student housing.**

44 (1) As used in this section:

45 (a) "Educational institution" means a public or private institution of higher education
46 that operates in this state.

47 (b) "School day" means any day except:

48 (i) weekends;

49 (ii) holidays; or

50 (iii) a day on which the educational institution does not hold school.

51 (c) "Student housing" means a house, apartment, or other residential unit owned,
52 leased, or operated by an educational institution for the primary purpose of providing housing
53 to a student, incidental to the student attending the educational institution.

54 (2) An educational institution may exclude or evict a student from student housing of
55 the educational institution without complying with the requirements of any other section of this
56 chapter if:

57 (a) the student violates the terms of the lease that governs the student's use of the
58 student housing;

59 (b) the educational institution provides written notice of intent to exclude or evict the
60 student by:

61 (i) personally serving the notice on the student at least three days before the day on
62 which the educational institution excludes or evicts the student from student housing; or

63 (ii) at least five school days before the day on which the educational institution
64 excludes or evicts the student from student housing:

65 (A) posting the notice in a conspicuous place on the premises; and

66 (B) mailing the notice to the student's last known address; and

67 (c) the educational institution provides the student with notice and an opportunity to be
68 heard regarding the exclusion or eviction before the exclusion or eviction occurs.

69 (3) Before an educational institution uses the procedures described in this section, the
70 educational institution shall develop a written policy relating to providing notice and an
71 opportunity to be heard to a student, in accordance with Subsection (2)(c).

72 (4) A student housing lease may include a reasonable definition of abandonment that is
73 different from the definition described in Section 78-36-12.3. Abandonment under the
74 definition in the lease is grounds for exclusion or eviction of the student from student housing,
75 pursuant to the provisions of this section.

Legislative Review Note
as of 1-25-08 12:11 PM

Office of Legislative Research and General Counsel

H.B. 343 - Exemption of University Housing from Eviction Laws

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
