

LANDLORD-TENANT RIGHTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: James A. Dunnigan

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill modifies provisions related to forcible entry and detainer.

Highlighted Provisions:

This bill:

~~H→ [→ addresses the preparation of summons and timing of when to appear and defend an~~
~~action;] ←H~~

- ▶ addresses timing of an evidentiary hearing;
- ▶ repeals exemption involving commercial tenants;
- ▶ amends provisions related to an order of restitution; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

~~H→ [78B-6-807, as last amended by Laws of Utah 2016, Chapter 33] ←H~~

78B-6-810, as last amended by Laws of Utah 2009, Chapters 184 and 298

78B-6-812, as last amended by Laws of Utah 2013, Chapter 206

H.B. 376



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

29 ~~Ĥ→~~ [Section 1. Section 78B-6-807 is amended to read:

30 ~~78B-6-807. Allegations permitted in complaint -- Time for appearance -- Service~~
31 ~~of summons:~~

32 ~~(1) The plaintiff, in [his] the plaintiff's complaint:~~

33 ~~(a) shall set forth the facts on which [he] the plaintiff seeks to recover;~~

34 ~~(b) may set forth any circumstances of fraud, force, or violence which may have~~
35 ~~accompanied the alleged forcible entry, or forcible or unlawful detainer; and~~

36 ~~(c) claim damages or compensation for the occupation of the premises, or both.~~

37 ~~(2) If the unlawful detainer charged is after default in the payment of rent, the~~
38 ~~complaint shall state the amount of rent due.~~

39 ~~[(3) The summons shall include the number of days within which the defendant is~~
40 ~~required to appear and defend the action, which shall be three business days from the date of~~
41 ~~service, unless the defendant objects to the number of days, and the court determines that the~~
42 ~~facts of the case should allow more time.]~~

43 ~~(3) ~~Ĥ→~~ [A defendant shall] A summons shall direct the defendant to ~~Ĥ→~~ appear and~~
43a ~~defend the action within three business days from the~~
44 ~~date of service. ~~Ĥ→~~ [Prominent notice of this requirement shall be separately endorsed by a judge, a~~
45 ~~clerk of the court, or counsel for the plaintiff.] ~~Ĥ→~~~~

46 ~~(4) The court may authorize service by publication or mail for cause shown.~~

47 ~~(5) Service by publication is complete one week after publication.~~

48 ~~(6) Service by mail is complete three days after mailing.~~

49 ~~(7) The summons shall be changed in form to conform to the time of service as~~
50 ~~ordered, and shall be served as in other cases.] ~~Ĥ→~~~~

51 Section ~~Ĥ→~~ [2] ~~1 ~~Ĥ→~~~~ . Section 78B-6-810 is amended to read:

52 **78B-6-810. Court procedures.**

53 (1) In an action under this chapter in which the tenant remains in possession of the
54 property:

55 (a) the court shall expedite the proceedings, including the resolution of motions and
56 trial;

57 (b) the court shall begin the trial within 60 days after the day on which the complaint is
58 served, unless the parties agree otherwise; and