

1 **Landlord Communication Amendments**

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: David Shallenberger

Senate Sponsor:

3 **LONG TITLE**

4 **General Description:**

5 This bill amends provisions relating to owners and tenants.

6 **Highlighted Provisions:**

7 This bill:

8 ▶ allows an owner to return a deposit and prepaid rent and a notice of itemized deductions
9 through electronic means;

10 ▶ amends the form a renter may use to request the return of a renter's security deposit,
11 prepaid rent, and itemized deductions;

12 ▶ conditions an award of the amount due under a lease agreement on the failure to make
13 payments;

14 ▶ provides exceptions to the time limit by which a renter shall vacate an owner's property
15 after an order of restitution; and

16 ▶ makes technical changes.

17 **Money Appropriated in this Bill:**

18 None

19 **Other Special Clauses:**

20 None

21 **Utah Code Sections Affected:**

22 AMENDS:

23 **57-17-3**, as last amended by Laws of Utah 2018, Chapter 298

24 **78B-6-810**, as last amended by Laws of Utah 2020, Chapter 329

25 **78B-6-811**, as last amended by Laws of Utah 2020, Chapter 329

26 **78B-6-812**, as last amended by Laws of Utah 2024, Chapter 428

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

29 Section 1. Section **57-17-3** is amended to read:

30 **57-17-3 . Deductions from deposit -- Written itemization -- Time for return.**

31 (1) Upon termination of a tenancy, the owner or the owner's agent may apply property or
 32 money held as a deposit toward the payment of rent, damages to the premises beyond
 33 reasonable wear and tear, other costs and fees provided for in the contract, or cleaning of
 34 the unit.

35 (2) No later than 30 days after the day on which a renter vacates and returns possession of a
 36 rental property to the owner or the owner's agent, the owner or the owner's agent shall
 37 mail or deliver to the renter at the renter's last known address or electronically to the
 38 renter by a means provided to the owner or owner's agent by the renter:

39 (a) the balance of any deposit;

40 (b) the balance of any prepaid rent; and

41 (c) if the owner or the owner's agent made any deductions from the deposit or prepaid
 42 rent, a written notice that itemizes and explains the reason for each deduction.

43 (3) If an owner or the owner's agent fails to comply with the requirements described in
 44 Subsection (2), the renter may serve the owner or the owner's agent, in accordance with
 45 Subsection (4), a notice that:

46 (a) states:

47 (i) the names of the parties to the rental agreement;

48 (ii) the day on which the renter vacated the rental property;

49 (iii) that the owner or the owner's agent has failed to comply with the requirements
 50 described in Subsection (2); and

51 (iv) the address where the owner or the owner's agent may send the items described
 52 in Subsection (2); and

53 (b) is substantially in the following form:

54 **TENANT'S NOTICE TO PROVIDE DEPOSIT DISPOSITION**

55 TO: (insert owner or owner's agent's name)

56 RE: (insert address of rental property)

57 NOTICE IS HEREBY GIVEN THAT WITHIN FIVE (5) [~~CALENDAR~~] BUSINESS
 58 DAYS pursuant to Utah Code Sections 57-17-3 et seq., the owner or the owner's agent must
 59 provide the tenant, at the address below, a refund of the balance of any security deposit, the
 60 balance of any prepaid rent, and a notice of any deductions from the security deposit or
 61 prepaid rent as allowed by law.

62 NOTICE IS FURTHER GIVEN that the tenant vacated the property on the _____ day of
 63 _____, 20__.

64 NOTICE IS FURTHER GIVEN that failure to comply with this notice will require the

65 owner to refund the entire security deposit, the full amount of any prepaid rent, and a penalty
66 of \$100. If the entire security deposit, the full amount of any prepaid rent, and the penalty of
67 \$100 is not tendered to the tenant, and the tenant is required to initiate litigation to enforce the
68 provisions of the statute, the owner may be liable for the tenant's court costs and attorney fees,
69 if the court determines the owner acted in bad faith.

70 Tenant's Name(s): _____

71 Mailing Address _____ City _____ State _____ Zip _____

72 This is a legal document. Please read and comply with the document's terms.

73 Dated this _____ day of _____, 20____.

74 Return of Service

75 On this _____ day of _____, 20____, I swear and attest that I served this notice
76 in compliance with Utah Code Section 57-17-3 by:

77 _____ Delivering a copy to the owner or the owner's agent personally at the address
78 provided in the lease agreement;

79 _____ Leaving a copy with a person of suitable age and discretion at the address provided
80 in the lease agreement because the owner or the owner's agent was absent from the address
81 provided in the lease agreement;

82 _____ Affixing a copy in a conspicuous place at the address provided in the lease
83 agreement because a person of suitable age or discretion could not be found at the address
84 provided in the lease agreement; or

85 _____ Sending a copy through registered or certified mail to the owner or the owner's
86 agent at the address provided in the lease agreement.

87 The owner's address to which the service was effected is:

88 Address _____ City _____ State _____ Zip _____

89 _____ (server's signature)

90 Self-Authentication Declaration

91 Pursuant to Utah Code Title 78B, Chapter 18a, Uniform Unsworn Declarations Act, I
92 declare under criminal penalty of the State of Utah that the foregoing is true and correct.

93 Executed this _____ day of _____, 20____.

94 _____ (server's signature)

95 (4) A notice described in Subsection (3) shall be served:

96 (a)(i) by delivering a copy to the owner or the owner's agent personally at the address
97 provided in the lease agreement;

98 (ii) if the owner or the owner's agent is absent from the address provided in the lease

- 99 agreement, by leaving a copy with a person of suitable age and discretion at the
100 address provided in the lease agreement; or
- 101 (iii) if a person of suitable age or discretion cannot be found at the address provided
102 in the lease agreement, by affixing a copy in a conspicuous place at the address
103 provided in the lease agreement; or
- 104 (b) by sending a copy through registered or certified mail to the owner or the owner's
105 agent at the address provided in the lease agreement.
- 106 (5) Within five business days after the day on which the notice described in Subsection (3) is
107 served, the owner or the owner's agent shall comply with the requirements described in
108 Subsection (2).

109 Section 2. Section **78B-6-810** is amended to read:

110 **78B-6-810 . Court procedures.**

- 111 (1) In an action under this chapter in which the tenant remains in possession of the property:
- 112 (a) the court shall expedite the proceedings, including the resolution of motions and trial;
- 113 (b) the court shall begin the trial within 60 days after the day on which the complaint is
114 served, unless the parties agree otherwise;
- 115 (c) if this chapter requires a hearing to be held within a specified time and a judge is not
116 available, the time may be extended to the first date after expiration of the specified
117 time on which a judge is available to hear the case;
- 118 (d) if this chapter requires a hearing to be held within a specified time, this section does
119 not require a hearing to be held before the assigned judge, and the court may, out of
120 convenience, schedule a hearing before another judge within the jurisdiction; and
- 121 (e) if a court denies an order of restitution submitted by a party, and upon a party's
122 request, the court shall give notice to the parties of the reason for denial and set a
123 hearing within 10 business days [~~of the day on which the order was submitted~~] after
124 the day on which a party submitted the order to the court.
- 125 (2)(a) In an action for unlawful detainer, the court shall hold an evidentiary hearing,
126 upon request of either party, within 10 business days after the day on which the
127 defendant files an answer or response.
- 128 (b) At the evidentiary hearing held in accordance with Subsection (2)(a):
- 129 (i) the court shall determine who has the right of occupancy during the litigation's
130 pendency; and
- 131 (ii) if the court determines that all issues between the parties can be adjudicated
132 without further proceedings, the court shall adjudicate all issues and enter

- 133 judgment on the merits.
- 134 (3)(a)(i) As used in this Subsection (3)(a), "an act that would be considered criminal
135 under the laws of this state" means:
- 136 (A) an act that would constitute a felony under the laws of this state;
- 137 (B) an act that would be considered criminal affecting the health or safety of a
138 tenant, the landlord, the landlord's agent, or other individual on the landlord's
139 property;
- 140 (C) an act that would be considered criminal that causes damage or loss to any
141 tenant's property or the landlord's property;
- 142 (D) a drug- or gang-related act that would be considered criminal;
- 143 (E) an act or threat of violence against any tenant or other individual on the
144 premises, or against the landlord or the landlord's agent; and
- 145 (F) any other act that would be considered criminal that the court determines
146 directly impacts the safety or peaceful enjoyment of the premises by any tenant.
- 147 (ii) In an action for unlawful detainer in which the claim is for nuisance and alleges
148 an act that would be considered criminal under the laws of this state, the court
149 shall hold an evidentiary hearing upon request within 10 days after the day on
150 which the complaint is filed to determine whether the alleged act occurred.
- 151 (b) The hearing required by Subsection (3)(a)(ii) shall be set at the time the complaint is
152 filed and notice of the hearing shall be served upon the defendant with the summons
153 at least three calendar days before the scheduled time of the hearing.
- 154 (c) If the court, at an evidentiary hearing held in accordance with Subsection (3)(a),
155 determines that it is more likely than not that the alleged act occurred, the court shall
156 issue an order of restitution.
- 157 (d) [~~If an order of restitution is issued in-~~] If a court issues an order of restitution in
158 accordance with Subsection (3)(c), a constable or the sheriff of the county where the
159 property is [situated] located shall return possession of the property to the plaintiff
160 immediately.
- 161 (e) The court may allow a period of up to 72 hours before [~~restitution may be made~~
162 ~~under Subsection (3)(d)] a constable or the sheriff of the county where the property is
163 located makes restitution if the court determines the time is appropriate under the
164 circumstances.~~
- 165 (f) At the evidentiary hearing held in accordance with Subsection (3)(a)(ii), if the court
166 determines that all issues between the parties can be adjudicated without further

167 proceedings, the court shall adjudicate those issues and enter judgment on the merits.

168 (4)(a) At any hearing held in accordance with this chapter in which the defendant after
 169 receiving notice fails to appear, the court shall issue an order of restitution and enter a
 170 judgment of default against the defendant, unless the court makes a finding for why
 171 the order of restitution or judgment of default should not be issued.

172 (b) If an order of restitution is issued in accordance with Subsection (4)(a), a constable
 173 or the sheriff of the county where the property is situated shall return possession of
 174 the property to the plaintiff immediately.

175 ~~[(5) A court adjudicating matters under this chapter may make other orders as are
 176 appropriate and proper.]~~

177 Section 3. Section **78B-6-811** is amended to read:

178 **78B-6-811 . Judgment for restitution, damages, and rent -- Immediate**
 179 **enforcement -- Remedies.**

180 (1)(a) A court may:

181 (i) enter a judgment upon the merits or upon default; and

182 (ii) issue an order of restitution regardless of whether a judgment is entered.

183 (b) A judgment entered in favor of the plaintiff shall include an order for the restitution
 184 of the premises as provided in Section 78B-6-812.

185 (c) If the proceeding is for unlawful detainer after neglect or failure to perform any
 186 condition or covenant of the lease or agreement under which the property is held, or
 187 after default in the payment of rent, the judgment shall also declare the forfeiture of
 188 the lease or agreement.

189 (d)(i) A forfeiture under Subsection (1)(c) does not release a defendant from any
 190 obligation for payments on a lease for the remainder of the lease's term.

191 (ii) Subsection (1)(d)(i) does not change any obligation on either party to mitigate
 192 damages.

193 (2) The jury or the court, if the proceeding is tried without a jury or upon the defendant's
 194 default, shall also assess the damages resulting to the plaintiff from any of the following:

195 (a) forcible entry;

196 (b) forcible or unlawful detainer;

197 (c) waste of the premises during the defendant's tenancy, if waste is alleged in the
 198 complaint and proved at trial;

199 (d) the amounts due under the contract~~[- if the alleged unlawful detainer is after default
 200 in the payment of amounts due under the contract];~~ and

- 201 (e) the abatement of the nuisance by eviction as provided in Sections 78B-6-1107
 202 through 78B-6-1114.
- 203 (3) The ~~[judgment shall be entered]~~ court shall enter the judgment against the defendant for
 204 the rent[,] and for three times the amount of the damages assessed under Subsections
 205 (2)(a) through (2)(e).
- 206 (4)(a) If the proceeding is for unlawful detainer, the court shall issue execution upon the
 207 judgment ~~[shall be issued]~~ immediately after the entry of the judgment.
- 208 (b) In all cases, the judgment may be issued and enforced immediately.
- 209 (5) In an action under this chapter, the court:
- 210 (a) shall award costs and reasonable attorney fees to the prevailing party;
- 211 (b) may modify a judgment for additional amounts owed if a motion is submitted within
 212 180 days on the earlier of the day on which:
- 213 (i) the order of restitution is enforced; or
- 214 (ii) the defendant vacates the premises; and
- 215 (c) may grant a party additional time for a motion under Subsection (5)(b).
- 216 (6)(a) If the court issues an order of restitution, the defendant shall provide a current
 217 address to the court and the plaintiff within 30 days of the day on which the court
 218 issues the order of restitution.
- 219 (b) Failure of a defendant to provide an address under Subsection (6)(a) does not require
 220 the plaintiff or the court to bear the burden of seeking out the defendant to provide
 221 notice for any subsequent proceeding.

222 Section 4. Section **78B-6-812** is amended to read:

223 **78B-6-812 . Order of restitution -- Service -- Enforcement -- Disposition of**
 224 **personal property -- Hearing.**

- 225 (1) As used in this section:
- 226 (a) "Personal animal" means a domestic dog, cat, rabbit, bird, or other animal that is kept
 227 solely as a pet and is not a production animal.
- 228 (b)(i) "Production animal" means a live, nonhuman vertebrate member of the
 229 biological kingdom Animalia used for the purpose of producing, or being sold to
 230 another for the purpose of producing, food, fiber, or another commercial product.
- 231 (ii) "Production animal" includes:
- 232 (A) cattle;
- 233 (B) sheep;
- 234 (C) goats;

- 235 (D) swine;
- 236 (E) poultry;
- 237 (F) ratites;
- 238 (G) equines;
- 239 (H) domestic cervidae;
- 240 (I) cameliadae;
- 241 (J) a guard dog;
- 242 (K) a stock dog;
- 243 (L) a livestock guardian dog; and
- 244 (M) a fur bearing animal kept for the purpose of commercial fur production.

245 (2) An order of restitution shall:

- 246 (a) direct the defendant to vacate the premises, remove the defendant's personal
- 247 property, and restore possession of the premises to the plaintiff, or be forcibly
- 248 removed by a sheriff or constable;
- 249 (b) advise the defendant [~~of the time limit set by the court for~~] that the defendant has
- 250 three calendar days after service of the order to vacate the premises, [which shall be
- 251 three calendar days following service of the order, unless the court determines that a
- 252 longer or shorter period is appropriate after a finding of extenuating circumstances]
- 253 unless:
- 254 (i) a constable or sheriff of the county where the premises are located immediately
- 255 returns possession of the property to the plaintiff as described in Subsection
- 256 78B-6-810(3)(d); or
- 257 (ii) the plaintiff and defendant agree otherwise; and
- 258 (c) advise the defendant of the defendant's right to a hearing to contest the manner of [its]
- 259 the order of restitution's enforcement.

260 (3)(a) A person authorized to serve process under Subsection 78B-8-302(2) shall serve a

261 copy of the order of restitution and a form for the defendant to request a hearing as

262 listed on the form[~~shall be served in accordance with Section 78B-6-805 by a person~~

263 authorized to serve process pursuant to Subsection 78B-8-302(2)].

264 (b) A defendant's request for hearing or other pleading [filed by the defendant] may not

265 stay enforcement of the restitution order unless:

- 266 (i) the defendant furnishes a corporate bond, cash bond, certified funds, or a property
- 267 bond to the clerk of the court in an amount approved by the court according to
- 268 Subsection 78B-6-808(4)(b); and

- 269 (ii) the court orders that the restitution order be stayed.
- 270 (c) The ~~[date of service, the name, title, signature, and telephone number of the]~~person
271 serving the order and the form shall ~~[be legibly endorsed-]~~ legibly write the date of
272 service and the person's name, title, signature, and telephone number on the copy of
273 the order and the form served on the defendant.
- 274 (d) The person serving the order and the form shall file proof of service in accordance
275 with Rule 4(e), Utah Rules of Civil Procedure.
- 276 (4)(a) If the defendant fails to comply with the order within the time prescribed by the
277 court, a sheriff or constable at the plaintiff's direction may enter the premises by force
278 using the least destructive means possible to remove the defendant.
- 279 (b)(i) ~~[Personal-]~~ The sheriff or constable may remove personal property remaining in
280 the leased property [may be removed-]from the premises [by the sheriff or
281 constable-]and [transported] transport the personal property to a suitable location
282 for safe storage.
- 283 (ii)(A) ~~[-]~~The sheriff or constable may delegate responsibility for inventory,
284 moving, and storage to the plaintiff~~[-]~~ .
- 285 (B) ~~[-who]~~ If the sheriff or constable delegates responsibility as described in this
286 Subsection (4)(b)(ii), the plaintiff shall store the personal property in a suitable
287 place and in a reasonable manner.
- 288 (c) A tenant may not access the property until the tenant pays the removal and storage
289 costs [have been paid-]in full, except that the landlord, sheriff, or constable shall
290 provide the tenant [shall be provided-]reasonable access to the property within five
291 business days after the day on which the sheriff or constable removes the tenant to
292 retrieve:
- 293 (i) clothing;
- 294 (ii) identification;
- 295 (iii) financial documents, including all those related to the tenant's immigration status
296 or employment status;
- 297 (iv) documents pertaining to receipt of public services; and
- 298 (v) medical information, prescription medications, and any medical equipment
299 required for maintenance of medical needs.
- 300 (d) The personal property removed and stored is considered abandoned property and
301 subject to Section 78B-6-816.
- 302 (e) If a personal animal is on the premises, the sheriff or constable executing the order of

- 303 restitution shall give the personal animal to the tenant, if the tenant is present.
- 304 (f) If the tenant is not present when the order of restitution is enforced:
- 305 (i) the sheriff, constable, or landlord shall notify the local animal control authority to
- 306 take custody of the personal animal;
- 307 (ii) the animal control authority shall respond to take custody of the personal animal
- 308 within one business day after the day on which the sheriff, constable, or landlord
- 309 provides the notice described in Subsection (4)(f)(i);
- 310 (iii) the animal control authority or organization where the personal animal is taken
- 311 shall apply the same standards described in Section 11-46-103;
- 312 (iv) the landlord shall provide the animal control authority with the name and last
- 313 known contact information of the tenant; and
- 314 (v) the animal control authority shall post a notice at the premises in a visible place
- 315 with the name and contact information of the animal control authority or
- 316 organization where the personal animal is taken.
- 317 (5)(a) In the event of a dispute concerning the manner of enforcement of the restitution
- 318 order, ~~[the defendant may file a request for a hearing]~~ either party may file a request
- 319 for a hearing.
- 320 (b) The court shall:
- 321 (i) set the matter for hearing:
- 322 (A) within 10 calendar days after the day on which the defendant files the request
- 323 for a hearing; or
- 324 (B) as soon as practicable, if the court is unable to set the matter within the time
- 325 described in Subsection (5)(b)(i)(A); and
- 326 (ii) provide notice of the hearing to the parties.
- 327 (6) The Judicial Council shall draft the forms necessary to implement this section.
- 328 **Section 5. Effective Date.**
- 329 This bill takes effect on May 7, 2025.