

Eviction Amendments
2025 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Nate Blouin

LONG TITLE

General Description:

This bill deals with damages in a proceeding involving a tenant and an owner.

Highlighted Provisions:

This bill:

- lowers the amount of damages a jury or court may award in a proceeding involving a tenant and an owner; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

Section 1. Section **78B-6-811** is amended to read:

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

(1)(a) A court may:

- (i) enter a judgment upon the merits or upon default; and
- (ii) issue an order of restitution regardless of whether a judgment is entered.

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

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

- 32 (d)(i) A forfeiture under Subsection (1)(c) does not release a defendant from any
33 obligation for payments on a lease for the remainder of the lease's term.
- 34 (ii) Subsection (1)(d)(i) does not change any obligation on either party to mitigate
35 damages.
- 36 (2) The jury or the court, if the proceeding is tried without a jury or upon the defendant's
37 default, shall also assess the damages resulting to the plaintiff from any of the following:
- 38 (a) forcible entry;
- 39 (b) forcible or unlawful detainer;
- 40 (c) waste of the premises during the defendant's tenancy, if waste is alleged in the
41 complaint and proved at trial;
- 42 (d) the amounts due under the contract, if the alleged unlawful detainer is after default in
43 the payment of amounts due under the contract; and
- 44 (e) the abatement of the nuisance by eviction as provided in Sections 78B-6-1107
45 through 78B-6-1114.
- 46 (3) ~~[The judgment shall be entered]~~ The court shall enter judgment against the defendant for
47 the rent~~[, for three times the amount of the damages]~~ and the actual damages assessed
48 under Subsections (2)(a) through (2)(e).
- 49 (4)(a) If the proceeding is for unlawful detainer, the court shall issue the execution upon
50 the judgment ~~[shall be issued]~~ immediately after the entry of the judgment.
- 51 (b) In all cases, the court may issue and enforce the judgment ~~[may be issued and~~
52 ~~enforced]~~ immediately.
- 53 (5) In an action under this chapter, the court:
- 54 (a) shall award costs and reasonable attorney fees to the prevailing party;
- 55 (b) may modify a judgment for additional amounts owed if a motion is submitted within
56 180 days on the earlier of the day on which:
- 57 (i) the order of restitution is enforced; or
- 58 (ii) the defendant vacates the premises; and
- 59 (c) may grant a party additional time for a motion under Subsection (5)(b).
- 60 (6)(a) If the court issues an order of restitution, the defendant shall provide a current
61 address to the court and the plaintiff within 30 days of the day on which the court
62 issues the order of restitution.
- 63 (b) Failure of a defendant to provide an address under Subsection (6)(a) does not require
64 the plaintiff or the court to bear the burden of seeking out the defendant to provide
65 notice for any subsequent proceeding.

66 Section 2. **Effective date.**
67 This bill takes effect on May 7, 2025.