

Effective 7/1/2022

Part 8a
Expungement of Eviction Records

78B-6-850 Definitions.

As used in this part:

- (1) "Agency" means a state, county, or local government entity that generates or maintains records relating to an unlawful detainer action.
- (2) "Eviction" means a cause of action for unlawful detainer under Part 8, Forcible Entry and Detainer.
- (3) "Expunge" means to seal or otherwise restrict access to records held by a court or an agency.
- (4) "Petitioner" means any person petitioning for expungement of an eviction under this part.
- (5)
 - (a) "Tenant screening agency" means a person that, for a fee, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating information for the purpose of furnishing a tenant screening report.
 - (b) "Tenant screening agency" does not include an owner as defined in Section 78B-6-801.
- (6) "Tenant screening report" means any written, oral, or other communication prepared by a tenant screening agency that includes information about an individual's rental history for the purpose of serving as a factor in establishing the individual's eligibility for housing.
- (7) "Unlawful detainer" means the same as that term is defined in Section 78B-6-801.

Amended by Chapter 139, 2023 General Session

78B-6-851 Stipulation to expungement by parties.

All parties to an eviction may stipulate in a settlement agreement to the expungement of an eviction.

Enacted by Chapter 372, 2022 General Session

78B-6-852 Automatic expungement of eviction.

- (1)
 - (a) Without the filing of a petition, a court shall order expungement of all records of an eviction if:
 - (i) the entire case was dismissed;
 - (ii) there is no appeal pending for the case; and
 - (iii) at least three years have passed from the day on which the eviction was filed; or
 - (b) the parties to the eviction stipulated to expungement and have filed a stipulation with the court.
- (2) The court shall issue an order of expungement when the court determines that an eviction qualifies for automatic expungement under Subsection (1).
- (3) This section applies to evictions filed on or after July 1, 2022.

Enacted by Chapter 372, 2022 General Session

78B-6-854 Notice of expunged eviction -- Tenant screening agency -- Effect of expungement.

- (1)

- (a) The Administrative Office of the Courts shall publish a list on the Utah Courts' website that provides notice of any eviction expunged under this section.
- (b) Within 30 days from the day on which an expunged eviction is listed on the Utah Courts' website as described in Subsection (1)(a):
 - (i) an agency shall expunge any record of the expunged eviction in the custody of the agency; and
 - (ii) a tenant screening agency shall remove the expunged eviction from any database used by the tenant screening agency.
- (2) If an eviction is expunged under this part, a tenant screening agency may not:
 - (a) disclose the eviction in a tenant screening report pertaining to an individual for whom the eviction has been expunged; or
 - (b) use the eviction as a factor in determining any score or recommendation in a tenant screening report pertaining to the individual for whom the eviction has been expunged.
- (3) Upon entry of an expungement order by a court under this part:
 - (a) the eviction is considered to never have occurred; and
 - (b) the individual for whom the eviction is expunged may reply to an inquiry on the matter as though there was never an eviction.
- (4)
 - (a) Except as provided in Subsection (1)(b), a court, an agency, a tenant screening agency, or an employee of a court, agency, or tenant screening agency, may not disclose any eviction to, or share any information in a record of an eviction with, a person if the eviction has been expunged under this part.
 - (b) An expunged record under this part may be released to, or viewed by, a party to the eviction.

Enacted by Chapter 372, 2022 General Session