

Effective 8/31/2020

78B-6-802 Unlawful detainer by tenant for a term less than life.

- (1) A tenant holding real property for a term less than life is guilty of an unlawful detainer if the tenant:
- (a) continues in possession, in person or by subtenant, of the property or any part of the property, after the expiration of the specified term or period for which it is let to the tenant, which specified term or period, whether established by express or implied contract, or whether written or parol, shall be terminated without notice at the expiration of the specified term or period;
 - (b) having leased real property for an indefinite time with monthly or other periodic rent reserved:
 - (i) continues in possession of the property in person or by subtenant after the end of any month or period, in cases where the owner, the owner's designated agent, or any successor in estate of the owner, 15 calendar days or more before the end of that month or period, has served notice requiring the tenant to quit the premises at the expiration of that month or period; or
 - (ii) in cases of tenancies at will, remains in possession of the premises after the expiration of a notice of not less than five calendar days;
 - (c) continues in possession, in person or by subtenant, after default in the payment of any rent or other amounts due and after a notice in writing requiring in the alternative the payment of the rent and other amounts due or the surrender of the detained premises, has remained uncomplished with for a period of three business days after service, which notice may be served at any time after the rent becomes due;
 - (d) assigns or sublets the leased premises contrary to the covenants of the lease, or commits or permits waste on the premises after service of a three calendar days' notice to quit;
 - (e) sets up or carries on any unlawful business on or in the premises after service of a three calendar days' notice to quit;
 - (f) suffers, permits, or maintains on or about the premises any nuisance, including nuisance as defined in Section 78B-6-1107 after service of a three calendar days' notice to quit;
 - (g) commits a criminal act on the premises and remains in possession after service of a three calendar days' notice to quit;
 - (h) continues in possession, in person or by subtenant, after a neglect or failure to perform any condition or covenant of the lease or agreement under which the property is held, other than those previously mentioned, and after notice in writing requiring in the alternative the performance of the conditions or covenant or the surrender of the property, served upon the tenant and upon any subtenant in actual occupation of the premises remains uncomplished with for three calendar days after service; or
 - (i)
 - (i) is a tenant under a bona fide tenancy as described in Section 702 of the Protecting Tenants at Foreclosure Act; and
 - (ii) continues in possession after the effective date of a notice to vacate given in accordance with Section 702 of the Protecting Tenants at Foreclosure Act.
- (2) After service of the notice and the time period required for the notice, the tenant, any subtenant in actual occupation of the premises, any mortgagee of the term, or other person interested in the lease's continuance may perform the condition or covenant and save the lease from forfeiture, except that if the covenants and conditions of the lease violated by the lessee cannot afterwards be performed, or the violation cannot be brought into compliance, a notice provided for in Subsections (1)(d) through (g) may be given.

- (3) Unlawful detainer by an owner resident of a mobile home is determined under Title 57, Chapter 16, Mobile Home Park Residency Act.
- (4) The notice provisions for nuisance in Subsections (1)(d) through (g) do not apply to nuisance actions provided in Sections 78B-6-1107 through 78B-6-1114.
- (5) The notice to vacate requirement under 15 U.S.C. 9058(c), which is part of the Coronavirus Aid, Relief, and Economic Security Act, Pub. L. 116-136:
 - (a) applies only to a notice provided to a tenant of a covered dwelling in a covered property as that term is defined in 15 U.S.C. 9058(a);
 - (b) applies only to the amount of time before a tenant may be required to vacate a covered property through an order of restitution as provided by Section 78B-6-812;
 - (c) for a notice provided under Subsection (1)(c), applies only when delinquent rent or other amounts have accrued during the 120-day moratorium described in 15 U.S.C. 9058(b);
 - (d) does not require that a tenant be given more than three business days after service to pay rent and other amounts due under a notice provided under Subsection (1)(c);
 - (e) does not apply to a notice provided under Subsections (1)(d) through (h);
 - (f) does not prohibit or nullify the service of any notice described in this section; and
 - (g) does not limit the accrual of damages under Section 78B-6-811.
- (6) Service of a notice as provided by 15 U.S.C. 9058(c) or under Subsection (5) does not nullify the service or validity of any other notice provided in accordance with this section.

Amended by Chapter 19, 2020 Special Session 6