

Effective 5/7/2025

78B-6-810 Court procedures.

- (1) In an action under this chapter in which the tenant remains in possession of the property:
 - (a) the court shall expedite the proceedings, including the resolution of motions and trial;
 - (b) the court shall begin the trial within 60 days after the day on which the complaint is served, unless the parties agree otherwise;
 - (c) if this chapter requires a hearing to be held within a specified time and a judge is not available, the time may be extended to the first date after expiration of the specified time on which a judge is available to hear the case;
 - (d) if this chapter requires a hearing to be held within a specified time, this section does not require a hearing to be held before the assigned judge, and the court may, out of convenience, schedule a hearing before another judge within the jurisdiction; and
 - (e) if a court denies an order of restitution submitted by a party, and upon a party's request, the court shall give notice to the parties of the reason for denial and set a hearing within 10 business days after the day on which a party submitted the order to the court.
- (2)
 - (a) In an action for unlawful detainer, the court shall hold an evidentiary hearing, upon request of either party, within 10 business days after the day on which the defendant files an answer or response.
 - (b) At the evidentiary hearing held in accordance with Subsection (2)(a):
 - (i) the court shall determine who has the right of occupancy during the litigation's pendency; and
 - (ii) if the court determines that all issues between the parties can be adjudicated without further proceedings, the court shall adjudicate all issues and enter judgment on the merits.
- (3)
 - (a)
 - (i) As used in this Subsection (3)(a), "an act that would be considered criminal under the laws of this state" means:
 - (A) an act that would constitute a felony under the laws of this state;
 - (B) an act that would be considered criminal affecting the health or safety of a tenant, the landlord, the landlord's agent, or other individual on the landlord's property;
 - (C) an act that would be considered criminal that causes damage or loss to any tenant's property or the landlord's property;
 - (D) a drug- or gang-related act that would be considered criminal;
 - (E) an act or threat of violence against any tenant or other individual on the premises, or against the landlord or the landlord's agent; and
 - (F) any other act that would be considered criminal that the court determines directly impacts the safety or peaceful enjoyment of the premises by any tenant.
 - (ii) In an action for unlawful detainer in which the claim is for nuisance and alleges an act that would be considered criminal under the laws of this state, the court shall hold an evidentiary hearing upon request within 10 days after the day on which the complaint is filed to determine whether the alleged act occurred.
 - (b) The hearing required by Subsection (3)(a)(ii) shall be set at the time the complaint is filed and notice of the hearing shall be served upon the defendant with the summons at least three calendar days before the scheduled time of the hearing.
 - (c) If the court, at an evidentiary hearing held in accordance with Subsection (3)(a), determines that it is more likely than not that the alleged act occurred, the court shall issue an order of restitution.

- (d) If a court issues an order of restitution in accordance with Subsection (3)(c), a constable or the sheriff of the county where the property is located shall return possession of the property to the plaintiff immediately.
 - (e) The court may allow a period of up to 72 hours before a constable or the sheriff of the county where the property is located makes restitution if the court determines the time is appropriate under the circumstances.
 - (f) At the evidentiary hearing held in accordance with Subsection (3)(a)(ii), if the court determines that all issues between the parties can be adjudicated without further proceedings, the court shall adjudicate those issues and enter judgment on the merits.
- (4)
- (a) At any hearing held in accordance with this chapter in which the defendant after receiving notice fails to appear, the court shall issue an order of restitution and enter a judgment of default against the defendant, unless the court makes a finding for why the order of restitution or judgment of default should not be issued.
 - (b) If an order of restitution is issued in accordance with Subsection (4)(a), a constable or the sheriff of the county where the property is situated shall return possession of the property to the plaintiff immediately.

Amended by Chapter 275, 2025 General Session