

1 **AMENDMENTS TO UTAH SERVICE MEMBERS'**

2 **CIVIL RELIEF ACT**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Peter C. Knudson**

6 House Sponsor: Wayne A. Harper

8 **LONG TITLE**

9 **General Description:**

10 This bill raises the ceiling amount for eviction of service members or their families while
11 the service member is serving on active duty.

12 **Highlighted Provisions:**

13 This bill:

14 ▶ raises the ceiling amount of rent for eviction to mirror the Federal amount of \$2,400
15 for service members and their families.

16 **Monies Appropriated in this Bill:**

17 None

18 **Other Special Clauses:**

19 None

20 **Utah Code Sections Affected:**

21 AMENDS:

22 **39-7-113**, as enacted by Laws of Utah 1997, Chapter 306

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

25 Section 1. Section **39-7-113** is amended to read:

26 **39-7-113. Eviction or distress of dependents.**

27 (1) A landlord may not evict or take and hold property of a service member or [his] the
28 service member's dependents for nonpayment of rent during the period of military service if the
29 rent on the premises occupied by the service member or [his] the service member's dependents

30 is less than [~~\$1,200~~] \$2,400 per month unless a court allows it after application to the court and
31 an order granted in an action or proceeding affecting the right of possession.

32 (2) In any action affecting the right of possession, the court may, on its own motion,
33 stay the proceedings for not longer than three months, or make any order the court determines
34 to be reasonable and just under the circumstances, unless the court finds that the ability of the
35 tenant to pay the agreed rent is not materially affected by reason of the service member's
36 military service.

37 (3) When a stay is granted or other order is made by the court, the owner of the
38 premises shall be entitled, upon application, to relief with respect to the premises similar to that
39 granted service members in military service in Sections 39-7-114 through 39-7-116 to the extent
40 and for any period as the court determines to be just and reasonable under the circumstances.

41 (4) Any person who knowingly takes part in any eviction or distress otherwise than as
42 provided in Subsection (1), or attempts to do so, is guilty of a misdemeanor.

43 (5) The governor is empowered to order an allotment of the pay of a service member in
44 military service in reasonable proportion to discharge the rent of premises occupied for dwelling
45 purposes by any dependents of the service member.