

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

7

8 LONG TITLE

9 **General Description:**

10 This bill raises the ceiling amount for eviction of service members or their families
11 while 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

23

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

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

25 **39-7-113. Eviction or distress of dependents.**

26 (1) A landlord may not evict or take and hold property of a service member or ~~his~~ the
27



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
40 extent and for any period as the court determines to be just and reasonable under the
41 circumstances.

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

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

Legislative Review Note
as of 2-6-08 6:29 PM

Office of Legislative Research and General Counsel

S.B. 274 - Amendments to Utah Service Members' Civil Relief Act

Fiscal Note

2008 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.
