

**CHANGES TO FIT PREMISES ACT**

2011 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jennifer M. Seelig**

Senate Sponsor: Wayne L. Niederhauser

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**LONG TITLE**

**General Description:**

This bill modifies the Utah Fit Premises Act.

**Highlighted Provisions:**

This bill:

▶ prohibits an owner from taking action against a renter for requesting assistance from a public safety agency; and

▶ prohibits municipalities with a good landlord program from limiting owner participation in or benefits from the program under certain circumstances.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**57-22-5.1**, as last amended by Laws of Utah 2010, Chapter 352

**57-22-7**, as enacted by Laws of Utah 2010, Chapter 352

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

Section 1. Section **57-22-5.1** is amended to read:

**57-22-5.1. Crime victim's right to new locks -- Domestic violence victim's right to**



28 **terminate rental agreement -- Limits an owner relating to assistance from public safety**  
29 **agency.**

30 (1) As used in this section[;]:

31 (a) "Crime victim" means a victim of:

32 [~~(a)~~] (i) domestic violence, as defined in Section 77-36-1;

33 [~~(b)~~] (ii) stalking as defined in Section 76-5-106.5;

34 [~~(c)~~] (iii) a crime under Title 76, Chapter 5, Part 4, Sexual Offenses;

35 [~~(d)~~] (iv) burglary or aggravated burglary under Section 76-6-202 or 76-6-203; or

36 [~~(e)~~] (v) dating violence, consisting of verbal, emotional, psychological, physical, or  
37 sexual abuse of one person by another in a dating relationship.

38 (b) "Public safety agency" means a governmental entity that provides fire protection,  
39 law enforcement, ambulance, medical, or similar service.

40 (2) An acceptable form of documentation of an act listed in Subsection (1) is:

41 (a) a protective order protecting the renter issued pursuant to Title 78B, Chapter 7, Part  
42 1, Cohabitant Abuse Act, subsequent to a hearing of which the petitioner and respondent have  
43 been given notice under Title 78B, Chapter 7, Part 1, Cohabitant Abuse Act; or

44 (b) a copy of a police report documenting an act listed in Subsection (1).

45 (3) (a) A renter who is a crime victim may require the renter's owner to install a new  
46 lock to the renter's residential rental unit if the renter:

47 (i) provides the owner with an acceptable form of documentation of an act listed in  
48 Subsection (1); and

49 (ii) pays for the cost of installing the new lock.

50 (b) An owner may comply with Subsection (3)(a) by:

51 (i) rekeying the lock if the lock is in good working condition; or

52 (ii) changing the entire locking mechanism with a locking mechanism of equal or  
53 greater quality than the lock being replaced.

54 (c) An owner who installs a new lock under Subsection (3)(a) may retain a copy of the  
55 key that opens the new lock.

56 (d) Notwithstanding any rental agreement, an owner who installs a new lock under  
57 Subsection (3)(a) shall refuse to provide a copy of the key that opens the new lock to the  
58 perpetrator of the act listed in Subsection (1).

59 (e) Notwithstanding Section 78B-6-814, if an owner refuses to provide a copy of the  
 60 key under Subsection (3)(d) to a perpetrator who is not barred from the residential rental unit  
 61 by a protective order but is a renter on the rental agreement, the perpetrator may file a petition  
 62 with a court of competent jurisdiction within 30 days to:

63 (i) establish whether the perpetrator should be given a key and allowed access to the  
 64 residential rental unit; or

65 (ii) whether the perpetrator should be relieved of further liability under the rental  
 66 agreement because of the owner's exclusion of the perpetrator from the residential rental unit.

67 (f) Notwithstanding Subsection (3)(e)(ii), a perpetrator may not be relieved of further  
 68 liability under the rental agreement if the perpetrator is found by the court to have committed  
 69 the act upon which the landlord's exclusion of the perpetrator is based.

70 (4) A renter who is a victim of domestic violence, as defined in Section 77-36-1, may  
 71 terminate a rental agreement if the renter:

72 (a) is in compliance with:

73 (i) all provisions of Section 57-22-5; and

74 (ii) all obligations under the rental agreement;

75 (b) provides the owner:

76 (i) written notice of termination; and

77 (ii) a protective order protecting the renter from a domestic violence perpetrator ~~H~~ → or a  
 77a copy of a police report documenting that the renter is a victim of domestic violence and did not  
 77b participate in the violence ← ~~H~~ ; and

78 (c) no later than the date that the renter provides a notice of termination under  
 79 Subsection (4)(b)(i), pays the owner the equivalent of 45 days' rent for the period beginning on  
 80 the date that the renter provides the notice of termination.

81 (5) An owner may not:

82 (a) impose a restriction on a renter's ability to request assistance from a public safety  
 83 agency; or

84 (b) penalize or evict a renter because the renter makes reasonable requests for  
 85 assistance from a public safety agency.

86 Section 2. Section ~~57-22-7~~ is amended to read:

87 **57-22-7. Limitation on counties and municipalities.**

88 (1) A county or municipality may not adopt an ordinance, resolution, or regulation that  
 89 is inconsistent with this chapter.

90 (2) (a) Subsection (1) may not be construed to limit the ability of a county or  
91 municipality to enforce an applicable administrative remedy with respect to a residential rental  
92 unit for a violation of a county or municipal ordinance, subject to Subsection (2)(b).

93 (b) A county or municipality's enforcement of an administrative remedy may not have  
94 the effect of:

95 (i) modifying the time requirements of a corrective period, as defined in Section  
96 57-22-6;

97 (ii) limiting or otherwise affecting a tenant's remedies under Section 57-22-6; or

98 (iii) modifying an owner's obligation under this chapter to a tenant relating to the  
99 habitability of a residential rental unit.

100 (3) A municipality with a good landlord program under Subsection 10-1-203(5)(e) may  
101 not limit an owner's participation in the program or reduce program benefits to the owner  
102 because of renter or crime victim action that the owner is prohibited under Subsection  
103 57-22-5.1(5) from restricting or penalizing.

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**Legislative Review Note**  
**as of 2-3-11 1:29 PM**

**Office of Legislative Research and General Counsel**

# FISCAL NOTE

H.B. 403

SHORT TITLE: **Changes to Fit Premises Act**

SPONSOR: **Seelig, J.**

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill likely will not materially impact the state budget.

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.