

1 **CHANGES TO FIT PREMISES ACT**

2 2011 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Jennifer M. Seelig**

5 Senate Sponsor: Wayne L. Niederhauser

6 Cosponsors: Susan Duckworth Gage Froerer
7 Tim M. Cosgrove Janice M. Fisher

8
9 **LONG TITLE**

10 **General Description:**

11 This bill modifies the Utah Fit Premises Act.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ prohibits an owner from taking action against a renter for requesting assistance from
15 a public safety agency; and
- 16 ▶ prohibits municipalities with a good landlord program from limiting owner
17 participation in or benefits from the program under certain circumstances.

18 **Money Appropriated in this Bill:**

19 None

20 **Other Special Clauses:**

21 None

22 **Utah Code Sections Affected:**

23 AMENDS:

24 **57-22-5.1**, as last amended by Laws of Utah 2010, Chapter 352

25 **57-22-7**, as enacted by Laws of Utah 2010, Chapter 352

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

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

29 **57-22-5.1. Crime victim's right to new locks -- Domestic violence victim's right to**
30 **terminate rental agreement -- Limits an owner relating to assistance from public safety**
31 **agency.**

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

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

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

35 ~~(b)~~ (ii) stalking as defined in Section 76-5-106.5;

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

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

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

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

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

43 (a) a protective order protecting the renter issued pursuant to Title 78B, Chapter 7, Part
44 1, Cohabitant Abuse Act, subsequent to a hearing of which the petitioner and respondent have
45 been given notice under Title 78B, Chapter 7, Part 1, Cohabitant Abuse Act; or

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

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

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

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

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

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

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

56 (c) An owner who installs a new lock under Subsection (3)(a) may retain a copy of the

57 key that opens the new lock.

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

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

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

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

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

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

74 (a) is in compliance with:

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

76 (ii) all obligations under the rental agreement;

77 (b) provides the owner:

78 (i) written notice of termination; and

79 (ii) a protective order protecting the renter from a domestic violence perpetrator or a
80 copy of a police report documenting that the renter is a victim of domestic violence and did not
81 participate in the violence; and

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

85 (5) An owner may not:

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

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

90 Section 2. Section **57-22-7** is amended to read:

91 **57-22-7. Limitation on counties and municipalities.**

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

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

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

99 (i) modifying the time requirements of a corrective period, as defined in Section
100 57-22-6;

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

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

104 (3) A municipality with a good landlord program under Subsection 10-1-203(5)(e) may
105 not limit an owner's participation in the program or reduce program benefits to the owner
106 because of renter or crime victim action that the owner is prohibited under Subsection
107 57-22-5.1(5) from restricting or penalizing.