

1                   **RESIDENTIAL RENTERS' DEPOSITS AMENDMENTS**

2                                   2014 GENERAL SESSION

3                                   STATE OF UTAH

4                   **Chief Sponsor: Patricia W. Jones**

5                   House Sponsor: \_\_\_\_\_

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7   **LONG TITLE**

8   **General Description:**

9           This bill modifies Title 57, Chapter 17, Residential Renters' Deposits.

10 **Highlighted Provisions:**

11       This bill:

12           ▶ provides that a renter may recover a civil penalty equal to three times the amount of  
13 the renter's deposit if the owner in bad faith fails to timely:

- 14                   • return the renter's deposit; or  
15                   • provide the renter an itemized list of each deduction the owner takes from the  
16 renter's deposit;

17           ▶ provides that a renter may recover a civil penalty equal to three times the amount of  
18 the renter's prepaid rent if the owner in bad faith fails to timely return the prepaid  
19 rent; and

20           ▶ makes technical changes.

21 **Money Appropriated in this Bill:**

22       None

23 **Other Special Clauses:**

24       None

25 **Utah Code Sections Affected:**

26 AMENDS:

27       **57-17-3**, as enacted by Laws of Utah 1981, Chapter 74



28 **57-17-5**, as enacted by Laws of Utah 1983, Chapter 208

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

31 Section 1. Section **57-17-3** is amended to read:

32 **57-17-3. Deductions from deposit -- Written itemization -- Time for return.**

33 (1) Upon termination of [the] a tenancy, the owner or the owner's agent may apply  
34 property or money held as a deposit [may be applied, at the owner's or designated agent's  
35 option, to] toward the payment of accrued rent, damages to the premises beyond reasonable  
36 wear and tear, other costs provided for in the lease contract [and], or cleaning of the unit. [The  
37 balance of any deposit and prepaid rent, if any, and a written itemization of any deductions  
38 from the deposit, and reasons therefor, shall be delivered or mailed to the renter within 30 days  
39 after termination of the tenancy or within 15 days after receipt of the renter's new mailing  
40 address, whichever is later. The renter shall notify the owner or designated agent of the location  
41 where payment and notice may be made or mailed. If there is damage to the rented premises,  
42 this period shall be extended to 30 days.]

43 (2) Subject to Subsection (3), no later than 30 days after the day on which a tenancy  
44 terminates or no later than 15 days after the day on which an owner or the owner's agent  
45 receives a renter's new mailing address, whichever is later, the owner or the owner's agent  
46 shall:

47 (a) return the balance of any deposit or prepaid rent to the renter; and

48 (b) if the owner made any deductions from the deposit, in accordance with Subsection  
49 (1), give the renter a written notice that itemizes and explains the reason for each deduction.

50 (3) If there is damage to the rented premises, the owner or the owner's agent shall  
51 comply with the requirements described in Subsections (2)(a) and (b) no later than 30 days  
52 after the day on which a tenancy terminates or no later than 30 days after the day on which an  
53 owner or the owner's agent receives the renter's new mailing address, whichever is later.

54 (4) No later than 30 days after the day on which a tenancy terminates, the renter shall  
55 notify the owner or the owner's agent, in writing, of the address where the renter can receive  
56 payment and notices under this chapter.

57 Section 2. Section **57-17-5** is amended to read:

58 **57-17-5. Failure to give renter required notice -- Recovery of deposit, penalty,**

59 **and costs.**

60 (1) If [the] an owner of a residential unit or [his] the owner's agent in bad faith fails  
61 [within 30 days after termination of the tenancy or within 15 days after receipt of the renter's  
62 new mailing address, whichever is later, to provide the renter the notice required in Section  
63 57-17-3] to timely return a renter's deposit in accordance with Subsection 57-17-3(2)(a), or  
64 fails to timely comply with the requirements described in Subsection 57-17-3(2)(b), the renter  
65 may recover the full deposit, a civil penalty [of \$100] equal to three times the amount of the  
66 full deposit, and court costs. [Receipt of new address must occur within 30 days of termination  
67 of tenancy.]

68 (2) If an owner of a residential unit or the owner's agent in bad faith fails to timely  
69 return a renter's prepaid rent in accordance with Subsection 57-17-3(2)(a), the renter may  
70 recover the full amount of prepaid rent, a civil penalty equal to three times the amount of  
71 prepaid rent, and court costs.

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**Legislative Review Note**  
**as of 1-15-14 1:08 PM**

**Office of Legislative Research and General Counsel**