

Representative Bruce R. Cutler proposes the following substitute bill:

RENTAL APPLICATION DISCLOSURE AMENDMENTS

2017 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Bruce R. Cutler

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill amends and enacts provisions related to rental units.

Highlighted Provisions:

This bill:

- ▶ requires an owner to make certain disclosures to an applicant for a rental unit before the owner accepts a rental application from the applicant; and
- ▶ prohibits an owner from charging an application fee or accepting a rental deposit from an applicant before the owner makes the required disclosures.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

57-22-2, as enacted by Laws of Utah 1990, Chapter 314

ENACTS:

57-22-4.2, Utah Code Annotated 1953



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

27 Section 1. Section **57-22-2** is amended to read:

28 **57-22-2. Definitions.**

29 As used in this chapter:

30 (1) "Owner" means the owner, lessor, or sublessor of a residential rental unit. A
31 managing agent, leasing agent, or resident manager is considered an owner for purposes of
32 notice and other communication required or allowed under this chapter unless the agent or
33 manager specifies otherwise in writing in the rental agreement.

34 (2) "Rental agreement" means any agreement, written or oral, which establishes or
35 modifies the terms, conditions, rules, or any other provisions regarding the use and occupancy
36 of a residential rental unit.

37 (3) "Rental applicant" means an individual who submits a rental application.

38 (4) "Rental application" means an application required by an owner as a prerequisite to
39 the owner entering into a rental agreement for a residential rental unit.

40 [~~(3)~~] (5) "Renter" means any person entitled under a rental agreement to occupy a
41 residential rental unit to the exclusion of others.

42 [~~(4)~~] (6) "Residential rental unit" means a renter's principal place of residence and
43 includes the appurtenances, grounds, and facilities held out for the use of the residential renter
44 generally, and any other area or facility provided to the renter in the rental agreement. It does
45 not include facilities contained in a boarding or rooming house or similar facility, mobile home
46 lot, or recreational property rented on an occasional basis.

47 Section 2. Section **57-22-4.2** is enacted to read:

48 **57-22-4.2. Owner disclosure before accepting a rental application --- Owner may**
49 **not charge an application fee or accept a rental deposit before making disclosure.**

50 (1) An owner shall disclose in writing to a rental applicant if the owner would deny, in
51 every case, a rental application solely because the rental applicant fails to meet any objective
52 minimum criteria required by the owner in order for the owner to rent the unit to any rental
53 applicant.

54 (2) An owner may not accept from a rental applicant a rental application or a rental
55 deposit, or charge a rental applicant an application fee, before the owner complies with the
56 disclosure requirement described in Subsection (1).