

EVICTION RECORDS AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marsha Judkins

Senate Sponsor: Kirk A. Cullimore

LONG TITLE

General Description:

This bill addresses the expungement of eviction records.

Highlighted Provisions:

This bill:

- ▶ defines terms relating to the expungement of eviction records;
- ▶ addresses the automatic expungement of certain evictions;
- ▶ addresses the expungement of an eviction by petition;
- ▶ addresses the distribution and effect of an order for expungement of an eviction; and
- ▶ prohibits fees for the expungement of an eviction.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

78B-6-850, Utah Code Annotated 1953

78B-6-851, Utah Code Annotated 1953

78B-6-852, Utah Code Annotated 1953

78B-6-853, Utah Code Annotated 1953

78B-6-854, Utah Code Annotated 1953



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

Section 1. Section **78B-6-850** is enacted to read:

Part 8. Expungement of Eviction Records

78B-6-850. Definitions.

As used in this part:

(1) "Agency" means a state, county, or local government entity that generates or maintains records relating to an unlawful detainer action.

(2) "Eviction" means a cause of action for unlawful detainer under Part 8, Forcible Entry and Detainer.

(3) "Expunge" means to seal or otherwise restrict access to records held by a court or an agency.

(4) "Petitioner" means any person petitioning for expungement of an eviction under this section.

(5) "Tenant screening agency" means a person that, for a fee, dues, or on a cooperative nonprofit basis, regularly engages in whole or in part in the practice of assembling or evaluating information for the purpose of furnishing a tenant screening report.

(6) "Tenant screening report" means any written, oral, or other communication that includes information about an individual's rental history for the purpose of serving as a factor in establishing the individual's eligibility for housing.

(7) "Unlawful detainer" means the same as that term is defined in Section [78B-6-801](#).

Section 2. Section **78B-6-851** is enacted to read:

78B-6-851. Automatic expungement of eviction.

(1) A court shall expunge, without a petition, records of an eviction if:

(a) (i) the entire case was dismissed;

(ii) at least 10 days have passed from the day on which the case was dismissed; and

(iii) no appeal has been filed within the 10-day period described in Subsection

(1)(a)(ii); or

(b) the eviction resulted in a judgment and a satisfaction of judgment has been filed for the judgment.

(2) When a court determines that an eviction qualifies for automatic expungement

59 under Subsection (1), the court shall issue an order of expungement.

60 (3) This section applies to:

61 (a) an eviction that was dismissed on or after July 1, 2022; or

62 (b) an eviction for which a judgment was entered on or after July 1, 2022.

63 Section 3. Section **78B-6-852** is enacted to read:

64 **78B-6-852. Expungement by petition for eviction.**

65 (1) Any party to an eviction may petition the court to expunge records of the eviction.

66 (2) A petitioner shall file a petition to expunge an eviction in accordance with the Utah

67 Rules of Civil Procedure.

68 (3) If no written objection is received within 60 days from the day on which the
69 petition for expungement is filed under Subsection (1), the court shall make a determination,
70 without a hearing, about whether to grant a petition for expungement.

71 (4) The court shall grant a petition for expungement if:

72 (a) the eviction resulted in a judgment and a satisfaction of judgment has been filed for
73 the judgment; or

74 (b) the parties to the eviction consent to the expungement.

75 Section 4. Section **78B-6-853** is enacted to read:

76 **78B-6-853. Notice of expunged eviction -- Tenant screening agency -- Effect of**
77 **expungement.**

78 (1) (a) The Administrative Office of the Courts shall publish a list on the Utah Courts'
79 website that provides notice of any eviction expunged under this section.

80 (b) Within 30 days from the day on which an expunged eviction is listed on the Utah
81 Courts' website as described in Subsection (1)(a):

82 (i) an agency shall expunge any record of the expunged eviction in the custody of the
83 agency; and

84 (ii) a tenant screening agency shall remove the expunged eviction from any database
85 used by the tenant screening agency.

86 (2) If an eviction is expunged under this part, a tenant screening agency may not:

87 (a) disclose the eviction in a tenant screening report pertaining to an individual for
88 whom the eviction has been expunged; or

89 (b) use the eviction as a factor in determining any score or recommendation in a tenant

90 screening report pertaining to the individual for whom the eviction has been expunged.

91 (3) Upon entry of an expungement order by a court under this part:

92 (a) the eviction is considered to never have occurred; and

93 (b) the individual for whom the eviction is expunged may reply to an inquiry on the

94 matter as though there was never an eviction.

95 (4) (a) Except as provided in Subsection (1)(b), information in a record of an eviction

96 expunged under this part may not be disclosed to, or shared with, any person.

97 (b) An expunged record under this part may be released to, or viewed by, a party to the

98 eviction.

99 Section 5. Section **78B-6-854** is enacted to read:

100 **78B-6-854. Fees for expungement.**

101 An individual may not be charged a fee for:

102 (1) an issuance of an expungement order under this part; or

103 (2) the expungement of a record of an eviction under this part.

104 Section 6. **Effective date.**

105 This bill takes effect on July 1, 2022.