

Representative Marsha Judkins proposes the following substitute bill:

EVICTION RECORDS AMENDMENTS

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Marsha Judkins

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses the expungement of eviction records.

Highlighted Provisions:

This bill:

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



- 26 [78B-6-852](#), Utah Code Annotated 1953
 - 27 [78B-6-853](#), Utah Code Annotated 1953
 - 28 [78B-6-854](#), Utah Code Annotated 1953
 - 29 [78B-6-855](#), Utah Code Annotated 1953
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31 *Be it enacted by the Legislature of the state of Utah:*

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

33 **Part 8. Expungement of Eviction Records**

34 **78B-6-850. Definitions.**

35 As used in this part:

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

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

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

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

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

47 (b) "Tenant screening agency" does not include an owner as defined in Section
48 [78B-6-801](#).

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

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

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

55 **78B-6-851. Stipulation to expungement by parties.**

56 All parties to an eviction may stipulate in a settlement agreement to the expungement of

57 an eviction.

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

59 **78B-6-852. Automatic expungement of eviction.**

60 (1) (a) Without the filing of a petition, a court shall order expungement of all records of

61 an eviction if:

62 (i) the entire case was dismissed;

63 (ii) there is no appeal pending for the case; and

64 (iii) at least three years have passed from the day on which the eviction was filed; or

65 (b) the parties to the eviction stipulated to expungement and have filed a stipulation

66 with the court.

67 (2) The court shall issue an order of expungement when the court determines that an

68 eviction qualifies for automatic expungement under Subsection (1).

69 (3) This section applies to evictions filed on or after July 1, 2022.

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

71 **78B-6-853. Expungement by petition for eviction.**

72 (1) Any party to an eviction may petition the court to expunge all records of the

73 eviction if the eviction was for:

74 (a) remaining after the end of the lease as described in Subsection [78B-6-802\(1\)\(a\)](#); or

75 (b) the nonpayment of rent as described in Subsection [78B-6-802\(1\)\(c\)](#).

76 (2) A petitioner shall file a petition and provide notice to any other party to the eviction

77 in accordance with the Utah Rules of Civil Procedure.

78 (3) (a) Any party to the eviction may file a written objection to the petition with the

79 court.

80 (b) If the court receives a written objection to the petition, the court may not expunge

81 the eviction.

82 (4) If the court does not receive a written objection within 60 days from the day on

83 which the petition is filed, the court shall order expungement of all records of the eviction.

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

85 **78B-6-854. Notice of expunged eviction -- Tenant screening agency -- Effect of**

86 **expungement.**

87 (1) (a) The Administrative Office of the Courts shall publish a list on the Utah Courts'

88 website that provides notice of any eviction expunged under this section.

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

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

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

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

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

98 (b) use the eviction as a factor in determining any score or recommendation in a tenant
99 screening report pertaining to the individual for whom the eviction has been expunged.

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

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

102 (b) the individual for whom the eviction is expunged may reply to an inquiry on the
103 matter as though there was never an eviction.

104 (4) (a) Except as provided in Subsection (1)(b), a court, an agency, a tenant screening
105 agency, or an employee of a court, agency, or tenant screening agency, may not disclose any
106 eviction to, or share any information in a record of an eviction with, a person if the eviction has
107 been expunged under this part.

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

110 Section 6. Section **78B-6-855** is enacted to read:

111 **78B-6-855. Fees for expungement.**

112 An individual may not be charged a fee for:

113 (1) the filing of a petition for expungement of an eviction;

114 (2) an issuance of an expungement order under this part; or

115 (3) the expungement of any record of an eviction under this part.

116 Section 7. **Effective date.**

117 This bill takes effect on July 1, 2022.