

**Representative Marsha Judkins** proposes the following substitute bill:

**EVICTION RECORDS AMENDMENTS**

2022 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Marsha Judkins**

Senate Sponsor: Kirk A. Cullimore

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**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
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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:

74 (a) the eviction was for:

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

76 (ii) the nonpayment of rent as described in Subsection [78B-6-802\(1\)\(c\)](#); and

77 (b) any judgment for the eviction has been satisfied and a satisfaction of judgment has  
78 been filed for the judgment.

79 (2) A petitioner shall file a petition and provide notice to any other party to the eviction  
80 in accordance with the Utah Rules of Civil Procedure.

81 (3) (a) Any party to the eviction may file a written objection to the petition with the  
82 court.

83 (b) If the court receives a written objection to the petition, the court may not expunge  
84 the eviction.

85 (4) Except as provided in Subsection (5), the court shall order expungement of all  
86 records of the eviction if the court does not receive a written objection within 60 days from the  
87 day on which the petition is filed.

88 (5) A court may not expunge an eviction if the judgment for the eviction has not been  
89 satisfied.

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

91 **78B-6-854. Notice of expunged eviction -- Tenant screening agency -- Effect of**  
92 **expungement.**

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

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

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

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

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

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

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

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

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

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

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

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

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

117 **78B-6-855. Fees for expungement.**

118 An individual may not be charged a fee for:

- 119           (1) the filing of a petition for expungement of an eviction;
- 120           (2) an issuance of an expungement order under this part; or
- 121           (3) the expungement of any record of an eviction under this part.

122           Section 7. **Effective date.**

123           This bill takes effect on July 1, 2022.