

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

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; and
- ▶ addresses the distribution and effect of an order 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

78B-6-852, Utah Code Annotated 1953



26 [78B-6-853](#), Utah Code Annotated 1953

27 [78B-6-854](#), Utah Code Annotated 1953



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

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

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

32 **78B-6-850. Definitions.**

33 As used in this part:

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

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

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

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

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

45 (b) "Tenant screening agency" does not include an owner as defined in Section
46 [78B-6-801](#).

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

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

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

53 **78B-6-851. Stipulation to expungement by parties.**

54 All parties to an eviction may stipulate in a settlement agreement to the expungement of
55 an eviction.

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

57 **78B-6-852. Automatic expungement of eviction.**

58 (1) (a) Without the filing of a petition, a court shall order expungement of all records of
59 an eviction if:

60 (i) the entire case was dismissed;

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

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

63 (b) the parties to the eviction stipulated to expungement and have filed a stipulation
64 with the court.

65 (2) The court shall issue an order of expungement when the court determines that an
66 eviction qualifies for automatic expungement under Subsection (1).

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

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

69 **78B-6-853. Expungement by petition for eviction.**

70 (1) Any party to an eviction may petition the court to expunge all records of the
71 eviction if:

72 (a) the eviction was for:

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

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

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

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

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

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

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

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

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

89 **78B-6-854. Notice of expunged eviction -- Tenant screening agency -- Effect of**
90 **expungement.**

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

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

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

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

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

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

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

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

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

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

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

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

114 Section 6. **Effective date.**

115 This bill takes effect on July 1, 2022.