

RESIDENTIAL RENTER DEPOSITS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Calvin R. Musselman

Senate Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to the return of residential renter deposits.

Highlighted Provisions:

This bill:

▶ extends the time period for a residential rental property owner to provide certain deposits and notices to a renter after the renter vacates the property; and

▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

57-17-3, as last amended by Laws of Utah 2018, Chapter 298

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

Section 1. Section **57-17-3** is amended to read:

57-17-3. Deductions from deposit -- Written itemization -- Time for return.

(1) Upon termination of a tenancy, the owner or the owner's agent may apply property or money held as a deposit toward the payment of rent, damages to the premises beyond



28 reasonable wear and tear, other costs and fees provided for in the contract, or cleaning of the
29 unit.

30 (2) No later than [~~30~~] 45 days after the day on which a renter vacates and returns
31 possession of a rental property to the owner or the owner's agent, the owner or the owner's
32 agent shall deliver to the renter at the renter's last known address:

- 33 (a) the balance of any deposit;
- 34 (b) the balance of any prepaid rent; and
- 35 (c) if the owner or the owner's agent made any deductions from the deposit or prepaid
36 rent, a written notice that itemizes and explains the reason for each deduction.

37 (3) If an owner or the owner's agent fails to comply with the requirements described in
38 Subsection (2), the renter may serve the owner or the owner's agent, in accordance with
39 Subsection (4), a notice that:

- 40 (a) states:
 - 41 (i) the names of the parties to the rental agreement;
 - 42 (ii) the day on which the renter vacated the rental property;
 - 43 (iii) that the owner or the owner's agent has failed to comply with the requirements
44 described in Subsection (2); and
 - 45 (iv) the address where the owner or the owner's agent may send the items described in
46 Subsection (2); and
- 47 (b) is substantially in the following form:

TENANT'S NOTICE TO PROVIDE DEPOSIT DISPOSITION

49 TO: (insert owner or owner's agent's name)

50 RE: (insert address of rental property)

51 NOTICE IS HEREBY GIVEN THAT WITHIN FIVE (5) CALENDAR DAYS

52 pursuant to Utah Code Sections [57-17-3](#) et seq., the owner or the owner's agent must provide
53 the tenant, at the address below, a refund of the balance of any security deposit, the balance of
54 any prepaid rent, and a notice of any deductions from the security deposit or prepaid rent as
55 allowed by law.

56 NOTICE IS FURTHER GIVEN that the tenant vacated the property on the ____ day
57 of _____, 20__.

58 NOTICE IS FURTHER GIVEN that failure to comply with this notice will require the

59 owner to refund the entire security deposit, the full amount of any prepaid rent, and a penalty of
60 \$100. If the entire security deposit, the full amount of any prepaid rent, and the penalty of \$100
61 is not tendered to the tenant, and the tenant is required to initiate litigation to enforce the
62 provisions of the statute, the owner may be liable for the tenant's court costs and attorney fees.

63 Tenant's Name(s): _____

64 Mailing Address _____ City _____ State _____ Zip _____

65 This is a legal document. Please read and comply with the document's terms.

66 Dated this _____ day of _____, 20 ____.

67 Return of Service

68 On this _____ day of _____, 20____, I swear and attest that I served this notice
69 in compliance with Utah Code Section 57-17-3 by:

70 _____ Delivering a copy to the owner or the owner's agent personally at the address
71 provided in the lease agreement;

72 _____ Leaving a copy with a person of suitable age and discretion at the address
73 provided in the lease agreement because the owner or the owner's agent was absent from the
74 address provided in the lease agreement;

75 _____ Affixing a copy in a conspicuous place at the address provided in the lease
76 agreement because a person of suitable age or discretion could not be found at the address
77 provided in the lease agreement; or

78 _____ Sending a copy through registered or certified mail to the owner or the owner's
79 agent at the address provided in the lease agreement.

80 The owner's address to which the service was effected is:

81 Address _____ City _____ State _____ Zip _____

82 _____ (server's signature)

83 Self-Authentication Declaration

84 Pursuant to Utah Code Title 78B, Chapter 18a, Uniform Unsworn Declarations Act, I declare
85 under criminal penalty of the State of Utah that the foregoing is true and correct.

86 Executed this _____ day of _____, 20 ____.

87 _____ (server's signature)

88 (4) A notice described in Subsection (3) shall be served:

89 (a) (i) by delivering a copy to the owner or the owner's agent personally at the address

90 provided in the lease agreement;

91 (ii) if the owner or the owner's agent is absent from the address provided in the lease
92 agreement, by leaving a copy with a person of suitable age and discretion at the address
93 provided in the lease agreement; or

94 (iii) if [~~a person~~] an individual of suitable age or discretion cannot be found at the
95 address provided in the lease agreement, by affixing a copy in a conspicuous place at the
96 address provided in the lease agreement; or

97 (b) by sending a copy through registered or certified mail to the owner or the owner's
98 agent at the address provided in the lease agreement.

99 (5) Within five business days after the day on which the notice described in Subsection
100 (3) is served, the owner or the owner's agent shall comply with the requirements described in
101 Subsection (2).