

**REMEDIES FOR VICTIMS OF DOMESTIC VIOLENCE**

**AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Marsha Judkins**

Senate Sponsor: \_\_\_\_\_

---

---

**LONG TITLE**

**General Description:**

This bill amends provisions related to victims of domestic violence.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ amends the requirements for terminating a rental agreement when a renter is a victim of domestic violence;
- ▶ allows for expungement of an eviction due to domestic violence; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**57-22-5.1**, as last amended by Laws of Utah 2020, Chapter 142

**57-22-7**, as last amended by Laws of Utah 2012, Chapter 289

**78B-6-850**, as enacted by Laws of Utah 2022, Chapter 372

**78B-6-853**, as enacted by Laws of Utah 2022, Chapter 372



28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50  
51  
52  
53  
54  
55  
56  
57  
58

---

---

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

Section 1. Section **57-22-5.1** is amended to read:

**57-22-5.1. Crime victim's right to new locks -- Domestic violence victim's right to terminate rental agreement -- Limits an owner relating to assistance from public safety agency.**

(1) As used in this section:

(a) (i) Except as provided in Subsection (1)(b)(ii), "court order" means:

(A) a civil protective order, as defined in Section [78B-7-102](#);

(B) a civil stalking injunction, as defined in Section [78B-7-102](#);

(C) a criminal protective order, as defined in Section [78B-7-102](#); or

(D) a criminal stalking injunction as defined in Section [78B-7-102](#).

(ii) "Court order" does not include:

(A) an ex parte civil protective order, as defined in Section [78B-7-102](#); or

(B) an ex parte civil stalking injunction, as defined in Section [78B-7-102](#), for which a hearing is requested.

~~(a)~~ (b) "Crime victim" means a victim of:

(i) domestic violence, as defined in Section [77-36-1](#);

(ii) stalking, as defined in Section [76-5-106.5](#);

(iii) a crime under Title 76, Chapter 5, Part 4, Sexual Offenses;

(iv) burglary or aggravated burglary under Section [76-6-202](#) or [76-6-203](#); or

(v) dating violence, as defined in Section [78B-7-102](#).

(c) "Domestic violence" means the same as that term is defined in Section [77-36-1](#).

~~(b)~~ (d) "Public safety agency" means a governmental entity that provides fire protection, law enforcement, ambulance, medical, or similar service.

(e) "Victim of domestic violence" means the same as the term "victim" in Section [77-36-1](#).

(f) "Termination fee" means the equivalent of 30 days of rent.

(2) An acceptable form of documentation of an act listed in Subsection (1) is:

(a) a protective order protecting the renter issued pursuant to Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders, subsequent to a hearing of which the petitioner and

59 respondent have been given notice under Title 78B, Chapter 7, Part 6, Cohabitant Abuse  
60 Protective Orders; or

61 (b) a copy of a police report documenting an act listed in Subsection (1).

62 (3) (a) A renter who is a crime victim may require the renter's owner to install a new  
63 lock to the renter's residential rental unit if the renter:

64 (i) provides the owner with an acceptable form of documentation of an act listed in  
65 Subsection (1); and

66 (ii) pays for the cost of installing the new lock.

67 (b) An owner may comply with Subsection (3)(a) by:

68 (i) rekeying the lock if the lock is in good working condition; or

69 (ii) changing the entire locking mechanism with a locking mechanism of equal or  
70 greater quality than the lock being replaced.

71 (c) An owner who installs a new lock under Subsection (3)(a) may retain a copy of the  
72 key that opens the new lock.

73 (d) Notwithstanding any rental agreement, an owner who installs a new lock under  
74 Subsection (3)(a) shall refuse to provide a copy of the key that opens the new lock to the  
75 perpetrator of the act listed in Subsection (1).

76 (e) Notwithstanding Section 78B-6-814, if an owner refuses to provide a copy of the  
77 key under Subsection (3)(d) to a perpetrator who is not barred from the residential rental unit  
78 by a protective order but is a renter on the rental agreement, the perpetrator may file a petition  
79 with a court of competent jurisdiction within 30 days to:

80 (i) establish whether the perpetrator should be given a key and allowed access to the  
81 residential rental unit; or

82 (ii) whether the perpetrator should be relieved of further liability under the rental  
83 agreement because of the owner's exclusion of the perpetrator from the residential rental unit.

84 (f) Notwithstanding Subsection (3)(e)(ii), a perpetrator may not be relieved of further  
85 liability under the rental agreement if the perpetrator is found by the court to have committed  
86 the act upon which the landlord's exclusion of the perpetrator is based.

87 ~~[(4) A renter who is a victim of domestic violence, as defined in Section 77-36-1, may~~  
88 ~~terminate a rental agreement if the renter:]~~

89 ~~[(a) is in compliance with:]~~

90 ~~[(i) all provisions of Section 57-22-5; and]~~  
91 ~~[(ii) all obligations under the rental agreement;]~~  
92 ~~[(b) provides the owner:]~~  
93 ~~[(i) written notice of termination; and]~~  
94 ~~[(ii) a protective order protecting the renter from a domestic violence perpetrator or a~~  
95 ~~copy of a police report documenting that the renter is a victim of domestic violence and did not~~  
96 ~~participate in the violence; and]~~  
97 ~~[(c) no later than the date that the renter provides a notice of termination under~~  
98 ~~Subsection (4)(b)(i), pays the owner the equivalent of 45 days' rent for the period beginning on~~  
99 ~~the date that the renter provides the notice of termination.]~~

100 (4) A renter who is a victim of domestic violence may terminate a rental agreement if  
101 the renter:

102 (a) is in compliance with all obligations under the rental agreement;  
103 (b) is in compliance with the provisions of Section 57-22-5, except that the renter does  
104 not need to be in noncompliance with Subsections 57-22-5(1)(g) and (2) if:

105 (i) the noncompliance is due to the domestic violence; and  
106 (ii) the renter pays any damages caused by the noncompliance to the owner on the date  
107 that the renter pays the termination fee under Subsection (4)(e);

108 (c) provides the owner with:  
109 (i) a court order protecting the renter from a domestic violence perpetrator; or  
110 (ii) a copy of a police report documenting that the renter is a victim of domestic  
111 violence and did not participate in the violence;

112 (d) provides the owner with a written notice of termination that includes the date on  
113 which the renter intends to vacate the renter's residential rental unit; and

114 (e) pays the owner a termination fee on the later of the day on which:  
115 (i) the renter provides the owner with a written notice of termination; or  
116 (ii) the renter vacates the renter's residential rental unit.

117 (5) (a) If a renter terminates a rental agreement under Subsection (4), the renter shall:

118 (i) vacate the renter's residential rental unit within 30 days after the day on which the  
119 written notice of termination is provided to the owner; and

120 (ii) pay rent for any occupation of the residential rental unit during that 30-day time

121 period.

122 (b) A renter may terminate a rental agreement under Subsection (4) up until a notice of  
123 eviction is served on the renter.

124 (6) A renter who terminates a rental agreement under Subsection (4) is liable for any  
125 rent owed prior to the written notice of termination.

126 [~~5~~] (7) An owner may not:

127 (a) impose a restriction on a renter's ability to request assistance from a public safety  
128 agency; or

129 (b) penalize or evict a renter because the renter makes reasonable requests for  
130 assistance from a public safety agency.

131 Section 2. Section 57-22-7 is amended to read:

132 **57-22-7. Limitation on counties and municipalities.**

133 (1) A county or municipality may not adopt an ordinance, resolution, or regulation that  
134 is inconsistent with this chapter.

135 (2) (a) Subsection (1) may not be construed to limit the ability of a county or  
136 municipality to enforce an applicable administrative remedy with respect to a residential rental  
137 unit for a violation of a county or municipal ordinance, subject to Subsection (2)(b).

138 (b) A county or municipality's enforcement of an administrative remedy may not have  
139 the effect of:

140 (i) modifying the time requirements of a corrective period, as defined in Section  
141 57-22-6;

142 (ii) limiting or otherwise affecting a tenant's remedies under Section 57-22-6; or

143 (iii) modifying an owner's obligation under this chapter to a tenant relating to the  
144 habitability of a residential rental unit.

145 (3) A municipality with a good landlord program under Section 10-1-203.5 may not  
146 limit an owner's participation in the program or reduce program benefits to the owner because  
147 of renter or crime victim action that the owner is prohibited under Subsection [~~57-22-5.1(5)~~]  
148 57-22-5.1(7) from restricting or penalizing.

149 Section 3. Section 78B-6-850 is amended to read:

150 **78B-6-850. Definitions.**

151 As used in this part:

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

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

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

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

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

163 (b) "Tenant screening agency" does not include an owner as defined in Section  
164 [78B-6-801](#).

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

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

170 (8) "Victim of domestic violence" means the same as the term "victim" in Section  
171 [77-36-1](#).

172 Section 4. Section **78B-6-853** is amended to read:

173 **78B-6-853. Expungement by petition for eviction.**

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

176 (a) (i) the eviction was for:

177 ~~[(i)]~~ (A) remaining after the end of the lease as described in Subsection

178 [78B-6-802](#)(1)(a); or

179 ~~[(i)]~~ (B) the nonpayment of rent as described in Subsection [78B-6-802](#)(1)(c); and

180 ~~[(b)]~~ (ii) any judgment for the eviction has been satisfied and a satisfaction of judgment  
181 has been filed for the judgment~~[-]~~; or

182 (b) (i) the party is a victim of domestic violence;

183            (ii) the party would have been able to meet the requirements for terminating a rental  
184 agreement under Subsections 57-22-5.1(4)(a), (b), and (c) before the notice of eviction was  
185 served on the party; and

186            (iii) any judgment for the eviction has been satisfied and a satisfaction of judgment has  
187 been filed for the judgment.

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

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

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

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

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