

1                                   **EVICTION NOTICE REQUIREMENTS AMENDMENTS**  
   2024 GENERAL SESSION  
   STATE OF UTAH  
   **Chief Sponsor: Jen Plumb**  
   House Sponsor: Steve Eliason



2  
3 **LONG TITLE**

4 **General Description:**

5       This bill addresses the handling of personal animals impacted by eviction.

6 **Highlighted Provisions:**

7       This bill:

- 8       ▸ defines terms;
- 9       ▸ imposes requirements in relation to a personal animal on the premises when enforcing
- 10      an order of restitution; and
- 11      ▸ makes technical changes.

12 **Money Appropriated in this Bill:**

13       None

14 **Other Special Clauses:**

15       None

16 **Utah Code Sections Affected:**

17 AMENDS:

18       **11-46-103**, as last amended by Laws of Utah 2023, Chapter 360

19       **78B-6-812**, as last amended by Laws of Utah 2019, Chapter 136



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

22       Section 1. Section **11-46-103** is amended to read:

23       **11-46-103 . Stray animals -- Impounded animals**

- 24      (1) Each municipal or county animal control officer shall hold or cause to be held at an
- 25      animal shelter any unidentified or unclaimed stray animal, and any other animal taken
- 26      into custody by the municipal or county animal control officer, in safe and humane
- 27      custody for a minimum of five business days after the time of impound and prior to
- 28      making any final disposition of the animal.

- 29 (2) An animal shelter shall ensure that a record of each held animal is maintained that  
 30 includes the:
- 31 (a) date of impound;
- 32 (b) date of disposition; and
- 33 (c) method of disposition, which may be:
- 34 (i) placement in an adoptive home or other transfer of the animal, which shall be in  
 35 accordance with Part 2, Animal Shelter Pet Sterilization Act;
- 36 (ii) return to the animal's owner;
- 37 (iii) placement in a community cat program as defined in Section 11-46-302; or
- 38 (iv) euthanasia in accordance with Part 4, Euthanasia of Shelter Animals.
- 39 (3) An [~~unidentified or unclaimed stray~~] impounded animal may be euthanized before the  
 40 completion of the five working day minimum holding period to prevent unnecessary  
 41 suffering due to serious injury or disease if the euthanasia complies with:
- 42 (a) written agency or department policies and procedures;
- 43 (b) local ordinances; and
- 44 (c) Part 4, Euthanasia of Shelter Animals.
- 45 (4) An [~~unidentified or unclaimed stray~~] impounded animal shall be returned to the animal's  
 46 owner upon:
- 47 (a) the establishment of proof of ownership;
- 48 (b) compliance with the requirements of applicable local ordinances; and
- 49 (c) compliance with Part 2, Animal Shelter Pet Sterilization Act.

50 Section 2. Section **78B-6-812** is amended to read:

51 **78B-6-812 . Order of restitution -- Service -- Enforcement -- Disposition of**  
 52 **personal property -- Hearing.**

- 53 (1) As used in this section:
- 54 (a) "Personal animal" means a domestic dog, cat, rabbit, bird, or other animal that is kept  
 55 solely as a pet and is not a production animal.
- 56 (b) (i) "Production animal" means a live, nonhuman vertebrate member of the  
 57 biological kingdom Animalia used for the purpose of producing, or being sold to  
 58 another for the purpose of producing, food, fiber, or another commercial product.
- 59 (ii) "Production animal" includes:
- 60 (A) cattle;
- 61 (B) sheep;
- 62 (C) goats;

- 63            (D) swine;  
64            (E) poultry;  
65            (F) ratites;  
66            (G) equines;  
67            (H) domestic cervidae;  
68            (I) cameliadae;  
69            (J) a guard dog;  
70            (K) a stock dog;  
71            (L) a livestock guardian dog; and  
72            (M) a fur bearing animal kept for the purpose of commercial fur production.

73    (2) An order of restitution shall:

- 74            (a) direct the defendant to vacate the premises, remove the defendant's personal  
75            property, and restore possession of the premises to the plaintiff, or be forcibly  
76            removed by a sheriff or constable;  
77            (b) advise the defendant of the time limit set by the court for the defendant to vacate the  
78            premises, which shall be three calendar days following service of the order, unless  
79            the court determines that a longer or shorter period is appropriate after a finding of  
80            extenuating circumstances; and  
81            (c) advise the defendant of the defendant's right to a hearing to contest the manner of its  
82            enforcement.

83    [~~2~~] (3) (a) A copy of the order of restitution and a form for the defendant to request a  
84            hearing as listed on the form shall be served in accordance with Section 78B-6-805  
85            by a person authorized to serve process pursuant to Subsection 78B-8-302(2).

- 86            (b) A request for hearing or other pleading filed by the defendant may not stay  
87            enforcement of the restitution order unless:  
88            (i) the defendant furnishes a corporate bond, cash bond, certified funds, or a property  
89            bond to the clerk of the court in an amount approved by the court according to  
90            Subsection 78B-6-808(4)(b); and  
91            (ii) the court orders that the restitution order be stayed.

92            (c) The date of service, the name, title, signature, and telephone number of the person  
93            serving the order and the form shall be legibly endorsed on the copy of the order and  
94            the form served on the defendant.

95            (d) The person serving the order and the form shall file proof of service in accordance  
96            with Rule 4(e), Utah Rules of Civil Procedure.

- 97 ~~[(3)]~~ (4) (a) If the defendant fails to comply with the order within the time prescribed by  
98 the court, a sheriff or constable at the plaintiff's direction may enter the premises by  
99 force using the least destructive means possible to remove the defendant.
- 100 (b) (i) Personal property remaining in the leased property may be removed from the  
101 premises by the sheriff or constable and transported to a suitable location for safe  
102 storage.
- 103 (ii) The sheriff or constable may delegate responsibility for inventory, moving, and  
104 storage to the plaintiff, who shall store the personal property in a suitable place  
105 and in a reasonable manner.
- 106 (c) A tenant may not access the property until the removal and storage costs have been  
107 paid in full, except that the tenant shall be provided reasonable access within five  
108 business days to retrieve:
- 109 (i) clothing;
- 110 (ii) identification;
- 111 (iii) financial documents, including all those related to the tenant's immigration status  
112 or employment status;
- 113 (iv) documents pertaining to receipt of public services; and
- 114 (v) medical information, prescription medications, and any medical equipment  
115 required for maintenance of medical needs.
- 116 (d) The personal property removed and stored is considered abandoned property and  
117 subject to Section 78B-6-816.
- 118 (e) If a personal animal is on the premises, the sheriff or constable executing the order of  
119 restitution shall give the personal animal to the tenant, if the tenant is present.
- 120 (f) If the tenant is not present when the order of restitution is enforced:
- 121 (i) the sheriff, constable, or landlord shall notify the local animal control authority to  
122 take custody of the personal animal;
- 123 (ii) the animal control authority shall respond to take custody of the personal animal  
124 within one business day after the day on which the sheriff, constable, or landlord  
125 provides the notice described in Subsection (4)(f)(i);
- 126 (iii) the animal control authority or organization where the personal animal is taken  
127 shall apply the same standards described in Section 11-46-103;
- 128 (iv) the landlord shall provide the animal control authority with the name and last  
129 known contact information of the tenant; and
- 130 (v) the animal control authority shall post a notice at the premises in a visible place

131                    with the name and contact information of the animal control authority or  
132                    organization where the personal animal is taken.

133    [~~(4)~~] (5) (a) In the event of a dispute concerning the manner of enforcement of the  
134                    restitution order, the defendant may file a request for a hearing.

135                    (b) The court shall:

136                    (i) set the matter for hearing:

137                    (A) within 10 calendar days [~~from the filing of the request,~~] after the day on which  
138                    the defendant files the request for a hearing; or

139                    (B) [~~or~~] as soon[~~thereafter~~] as practicable, if the court is unable to set the matter  
140                    within the time described in Subsection (5)(b)(i)(A); and

141                    (ii) [~~shall mail~~] provide notice of the hearing to the parties.

142    [~~(5)~~] (6) The Judicial Council shall draft the forms necessary to implement this section.

143                    Section 3. **Effective date.**

144                    This bill takes effect on May 1, 2024.