

# SB0116S01 compared with SB0116

~~{deleted text}~~ shows text that was in SB0116 but was deleted in SB0116S01.

inserted text shows text that was not in SB0116 but was inserted into SB0116S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Jen Plumb proposes the following substitute bill:

## EVICTION NOTICE REQUIREMENTS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: { } Jen Plumb**

House Sponsor: { } \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill addresses the handling of ~~{companion}~~personal animals impacted by eviction.

#### Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ imposes requirements in relation to a ~~{companion}~~personal animal on the premises when enforcing an order of restitution;

~~{ } → places a cap on fees charged for keeping a companion animal taken from the premises when enforcing an order of restitution; and~~

- ~~{ }~~ ▶ makes technical changes.

#### Money Appropriated in this Bill:

None

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### Other Special Clauses:

None

### Utah Code Sections Affected:

AMENDS:

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

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

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

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

**11-46-103. Stray animals~~{}~~ -- Impounded animals**

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

(2) An animal shelter shall ensure that a record of each held animal is maintained that includes the:

- (a) date of impound;
- (b) date of disposition; and
- (c) method of disposition, which may be:
  - (i) placement in an adoptive home or other transfer of the animal, which shall be in accordance with Part 2, Animal Shelter Pet Sterilization Act;
  - (ii) return to the animal's owner;
  - (iii) placement in a community cat program as defined in Section 11-46-302; or
  - (iv) euthanasia in accordance with Part 4, Euthanasia of Shelter Animals.

(3) An ~~[unidentified or unclaimed stray]~~ impounded animal may be euthanized before the completion of the five working day minimum holding period to prevent unnecessary suffering due to serious injury or disease if the euthanasia complies with:

- (a) written agency or department policies and procedures;
- (b) local ordinances; and
- (c) Part 4, Euthanasia of Shelter Animals.

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(4) An ~~unidentified or unclaimed stray~~ impounded animal shall be returned to the animal's owner upon:

- (a) the establishment of proof of ownership;
- (b) compliance with the requirements of applicable local ordinances; and
- (c) compliance with Part 2, Animal Shelter Pet Sterilization Act.

Section ~~412~~2. Section **78B-6-812** is amended to read:

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

(1) As used in this section:

(a) "Personal animal" means a domestic dog, cat, rabbit, bird, or other animal that is kept solely as a pet and is not a production animal.

(b) (i) "Production animal" means a live, nonhuman vertebrate member of the biological kingdom Animalia used for the purpose of producing, or being sold to another for the purpose of producing, food, fiber, or another commercial product.

(ii) "Production animal" includes:

(A) cattle;

(B) sheep;

(C) goats;

(D) swine;

(E) poultry;

(F) ratites;

(G) equines;

(H) domestic cervidae;

(I) cameliadae;

(J) a guard dog;

(K) a stock dog;

(L) a livestock guardian dog; and

(M) a fur bearing animal kept for the purpose of commercial fur production.

~~(412)~~2. An order of restitution shall:

(a) direct the defendant to vacate the premises, remove the defendant's personal property, and restore possession of the premises to the plaintiff, or be forcibly removed by a

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sheriff or constable;

(b) advise the defendant of the time limit set by the court for the defendant to vacate the premises, which shall be three calendar days following service of the order, unless the court determines that a longer or shorter period is appropriate after a finding of extenuating circumstances; and

(c) advise the defendant of the defendant's right to a hearing to contest the manner of its enforcement.

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

(b) A request for hearing or other pleading filed by the defendant may not stay enforcement of the restitution order unless:

(i) the defendant furnishes a corporate bond, cash bond, certified funds, or a property bond to the clerk of the court in an amount approved by the court according to Subsection 78B-6-808(4)(b); and

(ii) the court orders that the restitution order be stayed.

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

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

~~[(3)]~~ [(4)] (a) If the defendant fails to comply with the order within the time prescribed by the court, a sheriff or constable at the plaintiff's direction may enter the premises by force using the least destructive means possible to remove the defendant.

(b) (i) Personal property remaining in the leased property may be removed from the premises by the sheriff or constable and transported to a suitable location for safe storage.

(ii) The sheriff or constable may delegate responsibility for inventory, moving, and storage to the plaintiff, who shall store the personal property in a suitable place and in a reasonable manner.

(c) A tenant may not access the property until the removal and storage costs have been paid in full, except that the tenant shall be provided reasonable access within five business days

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to retrieve:

- (i) clothing;
- (ii) identification;
- (iii) financial documents, including all those related to the tenant's immigration status

or employment status;

(iv) documents pertaining to receipt of public services; and

(v) medical information, prescription medications, and any medical equipment required for maintenance of medical needs.

(d) The personal property removed and stored is considered abandoned property and subject to Section 78B-6-816.

~~{ (4) (a) As used in this Subsection (4): "Companion animal" means a domestic dog, cat, rabbit, bird, or other animal that is kept solely as a pet and is not a production animal.~~

~~— (b) (i) "Production animal" means a live, nonhuman vertebrate member of the biological kingdom Animalia used for the purpose of producing, or being sold to another for the purpose of producing, food, fiber, or another commercial product.~~

~~— (ii) "Production animal" includes:~~

~~— (A) cattle;~~

~~— (B) sheep;~~

~~— (C) goats;~~

~~— (D) swine;~~

~~— (E) poultry;~~

~~— (F) ratites;~~

~~— (G) equines;~~

~~— (H) domestic cervidae;~~

~~— (I) cameliadae;~~

~~— (J) a guard dog;~~

~~— (K) a stock dog;~~

~~— (L) a livestock guardian dog; and~~

~~— (M) a fur bearing animal kept for the purpose of commercial fur production.~~

~~‡ (c)e If a ~~{companion}~~personal animal is on the premises, the sheriff or constable executing the order of restitution shall give the ~~{companion}~~personal animal to the tenant, if~~

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the tenant is present.

~~(f)~~ If the tenant is not present when the order of restitution is enforced:

(i) the sheriff~~, or,~~ constable, or landlord shall notify the local animal control authority to take custody of the ~~companion animal;~~

~~(ii) personal animal;~~

(ii) the animal control authority shall respond to take custody of the personal animal within one business day after the day on which the sheriff, constable, or landlord provides the notice described in Subsection (4)(f)(i);

(iii) the animal control authority or organization where the personal animal is taken shall apply the same standards described in Section 11-46-103;

(iv) the landlord shall provide the animal control authority with the name and last known contact information of the tenant; and

(v) the ~~landlord~~ animal control authority shall post a notice at the premises in a visible place with the name and contact information of the animal control authority or organization where the ~~companion~~ personal animal is taken; and

~~(iv) if requested by the tenant, the landlord shall provide the name and contact information of the animal control authority or organization where the companion animal is taken.~~

~~(c) (i) The animal control authority or organization holding the companion animal may charge the companion animal's owner a one-time fee up to \$25 per companion animal, plus an additional charge of up to \$10 per day per companion animal.~~

~~(ii) Subsection (4)(c)(i) only applies to a companion animal in custody as a result of eviction.~~

~~(iii) Charges for medical services are in addition to the fees described in Subsection (4)(c)(i).~~

~~f.~~

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

(b) The court shall:

(i) set the matter for hearing;

(A) ~~f~~ within 10 calendar days [~~from the filing of the request,~~] after the day on which

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the defendant files the request for a hearing; or

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

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

~~{5}~~ (6) The Judicial Council shall draft the forms necessary to implement this section.

Section ~~{2}~~3. **Effective date.**

This bill takes effect on May 1, 2024.