

EVICTION AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jennifer Dailey-Provost

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions relating to damages awarded in a forcible entry or unlawful detainer action.

Highlighted Provisions:

This bill:

▶ allows a court to determine whether to award trebled damages in a forcible entry or unlawful detainer action.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-6-811, as last amended by Laws of Utah 2020, Chapter 329

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

Section 1. Section **78B-6-811** is amended to read:

78B-6-811. Judgment for restitution, damages, and rent -- Immediate enforcement -- Remedies.

(1) (a) A court may:



- 28 (i) enter a judgment upon the merits or upon default; and
- 29 (ii) issue an order of restitution regardless of whether a judgment is entered.
- 30 (b) A judgment entered in favor of the plaintiff shall include an order for the restitution
- 31 of the premises as provided in Section 78B-6-812.
- 32 (c) If the proceeding is for unlawful detainer after neglect or failure to perform any
- 33 condition or covenant of the lease or agreement under which the property is held, or after
- 34 default in the payment of rent, the judgment shall also declare the forfeiture of the lease or
- 35 agreement.
- 36 (d) (i) A forfeiture under Subsection (1)(c) does not release a defendant from any
- 37 obligation for payments on a lease for the remainder of the lease's term.
- 38 (ii) Subsection (1)(d)(i) does not change any obligation on either party to mitigate
- 39 damages.
- 40 (2) The jury or the court, if the proceeding is tried without a jury or upon the
- 41 defendant's default, shall also assess the damages resulting to the plaintiff from any of the
- 42 following:
- 43 (a) forcible entry;
- 44 (b) forcible or unlawful detainer;
- 45 (c) waste of the premises during the defendant's tenancy, if waste is alleged in the
- 46 complaint and proved at trial;
- 47 (d) the amounts due under the contract, if the alleged unlawful detainer is after default
- 48 in the payment of amounts due under the contract; and
- 49 (e) the abatement of the nuisance by eviction as provided in Sections 78B-6-1107
- 50 through 78B-6-1114.
- 51 (3) The judgment shall be entered against the defendant for the rent~~[, for]~~ and, at the
- 52 court's discretion, three times the amount of the damages assessed under Subsections (2)(a)
- 53 through (2)(e).
- 54 (4) (a) If the proceeding is for unlawful detainer, execution upon the judgment shall be
- 55 issued immediately after the entry of the judgment.
- 56 (b) In all cases, the judgment may be issued and enforced immediately.
- 57 (5) In an action under this chapter, the court:
- 58 (a) shall award costs and reasonable attorney fees to the prevailing party;

59 (b) may modify a judgment for additional amounts owed if a motion is submitted
60 within 180 days on the earlier of the day on which:

61 (i) the order of restitution is enforced; or

62 (ii) the defendant vacates the premises; and

63 (c) may grant a party additional time for a motion under Subsection (5)(b).

64 (6) (a) If the court issues an order of restitution, the defendant shall provide a current
65 address to the court and the plaintiff within 30 days of the day on which the court issues the
66 order of restitution.

67 (b) Failure of a defendant to provide an address under Subsection (6)(a) does not
68 require the plaintiff or the court to bear the burden of seeking out the defendant to provide
69 notice for any subsequent proceeding.