



SB 125 Eviction Amendments

Sponsored by Senator Nate Blouin (D), Salt Lake City

The Rental Housing Association of Utah, representing the owners and managers of Utah's 375,000 rental units, OPPOSE this bill!

Rental Operators despise evictions!

Evictions are always a last resort and only happen when renters refuse to communicate and work with us.

98% of renters comply with their leases and never face an eviction. Unfortunately, 2% of renters a year force a landlord to file an eviction against them. 49% of eviction filings are settled, resulting in no judgement or lockout. Utah's eviction rates are much lower than surrounding mountain west states and in the bottom 5th of US states. One reason evictions filing in Utah are so low is that state law sets clear consequences for refusing to communicate with landlords or resolve lease violations. In the almost 20 years since judges have been required to award treble damages in Utah, evictions have fallen almost 50%!

Where did Treble damages come from?

Treble damages were part of the uniform landlord tenant act most states passed in the 50s and are designed to incentivize both sides to comply with their contracts and/or correct issues quickly. They are reciprocal. In other words, if a rental operators violates a tenants' rights, they pay treble damages, and if a tenant forces a landlord to go to court to remove them for a lease violation, they pay them damages. The whole purpose is to ensure both sides treat the other fairly and comply with rental agreements.

How are treble damages used?

When landlords serve 3-day notices to tenants for contract violations, language explaining treble damages is included. Tenants are told if they fail to resolve the issue and an eviction is filed, they will be responsible for 3 times damages for making the landlord go to court. This clear consequence leads to more resolutions. Eviction prevention groups and judges use this provision to get renters to resolve issues prior to judgements and lock outs. Treble damages are an essential tool to promote resolution and prevent renters from taking advantage of rental operators. Eliminating treble damages in Utah will lead to more evictions and higher costs and damages to rental operators.

Who would be affected if treble damages were removed?

77% of the owners of rental properties in Utah are Utah families including seniors who rely on rents for income. Teachers who built a real estate portfolio to augment their income, etc. These people would see more evictions and higher costs. Please oppose SB 125!

How Do Evictions Work in Utah?

If a tenant violates a lease, they can be served a 3 day notice.

The notice gives them three options:

- Resolve the lease violation
- Move
- If they stay and force court action, they will be responsible for three times damages

NOTE: 95% of the time a 3-day notice is served, the tenant resolves the issue and there is no further consequences

If the tenant fails to resolve or move, a lawsuit has to be filed. The tenant is served legal papers giving them the right to request a hearing. At the hearing the judges gives the parties another opportunity to resolve the issue. ONLY if a renter still has not resolved a contract violation after the three day notice, the legal papers served from the lawsuit, and the hearing to resolve, is a judgement with damages entered, and a lockout order given.

THREE DAY NOTICE TO PAY RENT OR QUIT
NOTICE IS HEREBY GIVEN OF DEFAULT IN PAYMENTS REQUIRED UNDER THE RESIDENTIAL RENTAL AGREEMENT.

TO: _____
(List all tenants known)
Street Address _____
City, State, Zip _____

AND ANY AND ALL OTHER
TENANTS AND RESIDENTS OF
THE FOLLOWING ADDRESS:

RENT DUE FOR THE PERIOD THROUGH _____	\$ _____
LATE FEES ACCRUING THROUGH _____	\$ _____
OTHER FEES NOW DUE _____	\$ _____
TOTAL TO BE PAID \$	\$ _____

1. Within three business days after service of this Notice, you are hereby required to pay by money order or cashier's check to the address listed below for the following:

2. If payment as required is not timely made, all residents and occupants are required to vacate the above Premises within three business days. Such Premises to be surrendered to the undersigned according to the terms of the Residential Rental Agreement.

In the event the Residents and occupants fail to either vacate the Premises or pay the amounts stated above within three business days, each will be in violation of Utah Code Annotated 78B-6-801 through 816 and in unlawful detainer of the premises. Utah law provides for damages equal to three times the amount of rent and damages due for unlawful detainer. The undersigned will institute legal action to obtain restitution of the premises and a judgment for all rent, damages, court costs, future rent, attorney fees and such other sums as provided for in the rental agreement.

THIS IS A LEGAL DOCUMENT PLEASE READ AND COMPLY WITH THE TERMS HEREIN.

Send Notices & Communications for Owner/Representative to: Dated this _____ day of _____, 20____

NAME _____ Owner, Manager, or Agent
ADDRESS _____
CITY, STATE, ZIP _____
TELEPHONE _____

On the _____ day of _____, 20____ I swear and attest that I did serve this Notice in compliance with the provisions of Utah Code Annotated Sections 78B-6-803 by:

Delivering a copy to the tenant personally; OR

leaving a copy with a person of suitable age and discretion at tenant's place of business or residence; OR

affixing a copy in a conspicuous place on the above address after failing to find a person of suitable age and discretion there.

Signature of Server _____

Pursuant to Utah Code 78B-6-705, I declare under criminal penalty of the State of Utah that the foregoing is true and correct.

So Executed on this _____ day of _____, 20____

Signature of Server _____

Rental Housing Association of Utah, "UNAUTHORIZED REPRODUCTION OF THIS FORM IS ILLEGAL." 892815
801-487-5619 www.rhautah.org By signing documents, Owner/Representative attests they are a RHA Utah member in good standing.

Statistics of Interest

- 98% of renters do not force their rental operator to file an eviction
- 49% of eviction filing are settled and there are no treble damages
- A large number of the 4,000 eviction judgements a year are uncontested, meaning the renter ignored the lawsuit and didn't even come to court to dispute
- Judges and mediators use the threat of treble damages to get renters to resolve and come to settlement terms
- Utah has an eviction expungement statute allowing people who were evicted to pay their judgment and have their eviction expunged!

Contact Information:

Paul Smith

Rental Housing Association

801-487-5619

paul@rhautah.org