

HB 359 Eviction Records Amendments 2nd Sub

Sponsor: Rep. Marsha Judkins

Senate Sponsor: Kirk Cullimore

*Currently, there is **NOT** a process in place to expunge evictions.*

*An eviction stays on someone's record **FOREVER**.*

Automatic expungement

after July 1, 2022:

- An entire eviction case was dismissed
- There is no appeal pending the case and
- (1) At least 3 years have passed from the eviction filing day OR
- (2) Landlord and tenant agreed to expungement and files a stipulation with the courts

Expungement by petition for eviction:

- Landlord or tenant can petition the court for expungement if the eviction was for lease termination or non-payment of rent and any judgment for the eviction has been satisfied and a satisfaction of judgment has been filed for the judgment.
- Any party to an eviction can file a written objection to the courts within 60 days of filing the petition and the expungement will not be granted.
- A court may not expunge an eviction if the judgment for the eviction has not been satisfied

Some Examples

- A college student renter broke the lease regulations by letting a friend or pet stay with them for few days. The young person has an eviction filed against them and it stays on their record forever.
- During Covid-19, renters had evictions filed against them for non-payment of rent. Even if the debt was paid in full by Emergency Rental Assistance funds, the eviction is on their record permanently.
- Renters received lease terminations notices. Due to housing scarcity and high rents, many of them couldn't find a new place to move in time. Evictions were filed against them, which stay on their records permanently.

The bill is establishing a process for the courts to publish the eviction expungements.

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