

1                   **RENTAL APPLICATION DISCLOSURE AMENDMENTS**

2                                   2017 GENERAL SESSION

3                                   STATE OF UTAH

4                   **Chief Sponsor: Bruce R. Cutler**

5                   Senate Sponsor: \_\_\_\_\_

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7   **LONG TITLE**

8   **General Description:**

9           This bill amends and enacts provisions related to rental units.

10 **Highlighted Provisions:**

11       This bill:

12           ▶ requires an owner to make certain disclosures to an applicant for a rental unit before  
13 the owner accepts a rental application from the applicant; and

14           ▶ prohibits an owner from charging an application fee or accepting a rental deposit  
15 from an applicant before the owner makes the required disclosures.

16 **Money Appropriated in this Bill:**

17       None

18 **Other Special Clauses:**

19       None

20 **Utah Code Sections Affected:**

21 AMENDS:

22       **57-22-2**, as enacted by Laws of Utah 1990, Chapter 314

23 ENACTS:

24       **57-22-4.2**, Utah Code Annotated 1953

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

27       Section 1. Section **57-22-2** is amended to read:



28 **57-22-2. Definitions.**

29 As used in this chapter:

30 (1) "Owner" means the owner, lessor, or sublessor of a residential rental unit. A  
31 managing agent, leasing agent, or resident manager is considered an owner for purposes of  
32 notice and other communication required or allowed under this chapter unless the agent or  
33 manager specifies otherwise in writing in the rental agreement.

34 (2) "Rental agreement" means any agreement, written or oral, which establishes or  
35 modifies the terms, conditions, rules, or any other provisions regarding the use and occupancy  
36 of a residential rental unit.

37 (3) "Rental applicant" means an individual who submits a rental application.

38 (4) "Rental application" means an application required by an owner as a prerequisite to  
39 the owner entering into a rental agreement for a residential rental unit.

40 [~~3~~] (5) "Renter" means any person entitled under a rental agreement to occupy a  
41 residential rental unit to the exclusion of others.

42 [~~4~~] (6) "Residential rental unit" means a renter's principal place of residence and  
43 includes the appurtenances, grounds, and facilities held out for the use of the residential renter  
44 generally, and any other area or facility provided to the renter in the rental agreement. It does  
45 not include facilities contained in a boarding or rooming house or similar facility, mobile home  
46 lot, or recreational property rented on an occasional basis.

47 Section 2. Section **57-22-4.2** is enacted to read:

48 **57-22-4.2. Owner disclosure before accepting a rental application --- Owner may**  
49 **not charge an application fee or accept a rental deposit before making disclosure.**

50 (1) An owner shall disclose to a rental applicant, before the owner accepts a rental  
51 application from the rental applicant, any material criteria established by the owner to enter  
52 into a rental agreement for the residential rental unit, including:

- 53 (a) minimum renter financial criteria;
- 54 (b) any restriction on a renter's use of the unit; and
- 55 (c) any restriction related to a renter's criminal history.

56 (2) An owner may not charge a rental applicant an application fee, or accept from a  
57 rental applicant a rental deposit, before the owner complies with the disclosure requirement  
58 described in Subsection (1).

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**Legislative Review Note**  
**Office of Legislative Research and General Counsel**