

Senator Jen Plumb proposes the following substitute bill:

EVICTION NOTICE REQUIREMENTS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jen Plumb

House Sponsor: Steve Eliason

LONG TITLE

General Description:

This bill addresses the handling of personal animals impacted by eviction.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ imposes requirements in relation to a personal animal on the premises when enforcing an order of restitution;
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

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

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



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

27 **11-46-103. Stray animals -- Impounded animals**

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

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

35 (a) date of impound;

36 (b) date of disposition; and

37 (c) method of disposition, which may be:

38 (i) placement in an adoptive home or other transfer of the animal, which shall be in
39 accordance with Part 2, Animal Shelter Pet Sterilization Act;

40 (ii) return to the animal's owner;

41 (iii) placement in a community cat program as defined in Section [11-46-302](#); or

42 (iv) euthanasia in accordance with Part 4, Euthanasia of Shelter Animals.

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

46 (a) written agency or department policies and procedures;

47 (b) local ordinances; and

48 (c) Part 4, Euthanasia of Shelter Animals.

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

51 (a) the establishment of proof of ownership;

52 (b) compliance with the requirements of applicable local ordinances; and

53 (c) compliance with Part 2, Animal Shelter Pet Sterilization Act.

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

55 **78B-6-812. Order of restitution -- Service -- Enforcement -- Disposition of**
56 **personal property -- Hearing.**

57 (1) As used in this section:

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

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

63 (ii) "Production animal" includes:

64 (A) cattle;

65 (B) sheep;

66 (C) goats;

67 (D) swine;

68 (E) poultry;

69 (F) ratites;

70 (G) equines;

71 (H) domestic cervidae;

72 (I) cameliadae;

73 (J) a guard dog;

74 (K) a stock dog;

75 (L) a livestock guardian dog; and

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

77 (2) An order of restitution shall:

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

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

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

87 [~~2~~] (3) (a) A copy of the order of restitution and a form for the defendant to request a

88 hearing as listed on the form shall be served in accordance with Section 78B-6-805 by a person
89 authorized to serve process pursuant to Subsection 78B-8-302(2).

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

92 (i) the defendant furnishes a corporate bond, cash bond, certified funds, or a property
93 bond to the clerk of the court in an amount approved by the court according to Subsection
94 78B-6-808(4)(b); and

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

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

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

101 [~~3~~] (4) (a) If the defendant fails to comply with the order within the time prescribed
102 by the court, a sheriff or constable at the plaintiff's direction may enter the premises by force
103 using the least destructive means possible to remove the defendant.

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

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

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

112 (i) clothing;

113 (ii) identification;

114 (iii) financial documents, including all those related to the tenant's immigration status
115 or employment status;

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

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

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

121 (e) If a personal animal is on the premises, the sheriff or constable executing the order
122 of restitution shall give the personal animal to the tenant, if the tenant is present.

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

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

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

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

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

133 (v) the animal control authority shall post a notice at the premises in a visible place
134 with the name and contact information of the animal control authority or organization where
135 the personal animal is taken.

136 ~~[(4)]~~ (5) (a) In the event of a dispute concerning the manner of enforcement of the
137 restitution order, the defendant may file a request for a hearing.

138 (b) The court shall:

139 (i) set the matter for hearing:

140 (A) within 10 calendar days ~~[from the filing of the request,]~~ after the day on which the
141 defendant files the request for a hearing; or

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

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

145 ~~[(5)]~~ (6) The Judicial Council shall draft the forms necessary to implement this section.

146 Section 3. **Effective date.**

147 This bill takes effect on May 1, 2024.