Gary Richard Herbert

Governor

EXECUTIVE ORDER

Suspending Certain Statutes Governing Eviction Proceedings

WHEREAS, on March 6, 2020, I issued Executive Order 2020-1, declaring a state of emergency due to novel coronavirus disease 2019 (COVID-19);

WHEREAS, COVID-19 is caused by a virus that spreads easily from person to person, may result in serious illness or death, and has been characterized by the World Health Organization as a worldwide pandemic;

WHEREAS, on March 16, 2020, President Trump and the White House Coronavirus Task Force issued the President's Coronavirus Guidelines for America to help protect Americans during the COVID-19 pandemic;

WHEREAS, on March 27, 2020, I issued the Governor's "Stay Safe, Stay Home" Directive, to help protect Utahns during the COVID-19 pandemic;

WHEREAS, the number of COVID-19-related deaths and diagnosed cases in Utah continues to rise;

WHEREAS, some Utah residents have lost income as a direct result of the COVID-19 pandemic;

WHEREAS, some Utah residents are unable to meet basic needs, including payment of rent, as a direct result of COVID-19;

WHEREAS, residents being evicted from their homes for failure to pay rent will increase the risk of spread of COVID-19;

WHEREAS, Utah Code Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer, governs eviction proceedings relating to unlawful detainer by a tenant;

WHEREAS, suspending the enforcement of Utah Code Title 78B, Chapter 6, Part 8, is directly related to and necessary to address and cope with the COVID-19 pandemic;

WHEREAS, Utah Code § 53-2a-209(4) authorizes the governor to suspend by executive order enforcement of a statute that is directly related and necessary to address a state of emergency;

WHEREAS, Utah Code § 53-2a-204(1)(b) authorizes the governor to employ measures and give direction to state and local officers and agencies that are reasonable and necessary to secure compliance with orders made pursuant to Utah Code Title 53, Chapter 2a, Part 2, Disaster Response and Recovery Act.

NOW, THEREFORE, I, Gary R. Herbert, Governor of the State of Utah, hereby order the suspension of enforcement of Utah Code Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer as the part relates to a residential tenant who:

1. is described in Utah Code § 78B-6-802(c);

2. was current on rent payments as of March 31, 2020; and

3. meets one of the following criteria:

    a. has suffered a loss of wages or job loss as a result of COVID-19;

    a. has undergone self isolation or quarantine in compliance with an order issued by the Utah Department of Health or a local health department in response to COVID-19; or

    c. has tested positive for COVID-19.

I further order the Department of Workforce Services to offer free mediation assistance to landlords and tenants when there is a dispute whether the tenant meets the criteria above.

This Order does not:

1. suspend enforcement of Utah Code Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer, as the part relates to a commercial tenant;

2. prohibit evictions for any reason other than evictions for non-payment of rent by a tenant who meets the criteria above; or

3. create, require, or imply rent forgiveness.

Accordingly, a tenant remains responsible for all rent pursuant to the tenant's rental agreement.

This Order is effective immediately and expires at 11:59 p.m. on May 15, 2020, unless otherwise modified, amended, rescinded, or superseded by me or by a succeeding governor.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Utah. Done in Salt Lake City, Utah, on this, the 1st day of April, 2020.

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/011/EO