

NOTICE

TO THE LANDLORD

Utah Code §§78B-6-801 *et seq.* and hundreds of Utah court decisions require that you use only lawful procedures to evict a tenant. Landlords often attempt to speed up the process of eviction. Most such methods are unlawful.

Until you have a court order, you may not:

- Change the locks on the doors
- Shut off any utility, such as water, electricity, or gas
- Take possession of any property belonging to the tenant
- Enter the rental unit without advance notice to the tenant, except in case a true emergency exists
- Harass, intimidate, or threaten the tenant or the tenant's guests
- Inhibit the tenant's right to freely enter and leave the premises

You must not engage in any of these activities **even** if the tenant has not paid rent or has repeatedly violated written rules. You **must** use the legal process to evict. There is no place for self-help remedies.

Utah Legal Services is the law firm representing poor Utahns who have legal problems, including landlord/tenant disputes. In the appropriate case, we will take legal action against a landlord who violates a tenant's rights by engaging in any of the conduct listed above and prohibited by law, even if the tenant has not paid rent or has repeatedly violated written rules.

Utah Legal Services, Inc.
205 North Fourth West
Salt Lake City, Utah 84103
(801) 328-8891 or 800-662-4245 toll free
Additional offices in Ogden, Provo and St. George

REQUEST TO A LAW ENFORCEMENT OFFICER AFTER “LOCKOUT”

Utah Code §78B-6-814 prohibits a landlord from excluding a tenant from the tenant’s premises except by judicial process. The only exception is “abandonment,” which has a precise statutory definition. The burden is on the landlord to prove abandonment.

A landlord may not lock a tenant out of the premises even if the tenant has not paid rent after having received a notice to pay or vacate. Nor may the tenant be locked out after the landlord alleges lease violations or nuisance or waste, except by judicial process. Judicial process requires a Writ of Restitution issued by a District Court ordering the removal of the tenant from the premises.

This tenant has been locked out of the premises. Please ask the landlord to show you the Order of Restitution signed by a District Court judge or the Writ of Restitution issued by the clerk and directed to a sheriff or constable to evict this tenant. Absent such a document, the tenant must be allowed to reenter the premises without further interference from the landlord until such time as the landlord has followed the law.

Like landlords, tenants have rights too. A tenant has the right to contest the landlord’s eviction notices and give an answer to the landlord’s eviction complaint. Like a landlord, a tenant has a right to his day in court. Please do not deprive this tenant of that right by ignoring the landlord’s use of an unlawful self-help remedy. Please ask the landlord to let the tenant back in. At this moment, you are the only one who can help this tenant.

Thank you for your assistance in enforcing the law.

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Civil legal assistance for low-income Utahns
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