

Utah Legal Services

Committed to Equal Justice

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Getting an Eviction Notice

How is an eviction case started?

Before a landlord can start an eviction case in court, the landlord must first give you a written notice. Even though this notice may state it is a notice of eviction, it is not a court order. This is just the first step the landlord must take before evicting you. This notice may give you time to fix the problems with your landlord or move out before the eviction case is filed in court.

What is on the eviction notice?

The notice may ask you to pay any rent that is owed, comply with any lease terms you are violating, or move. The notice will give you a certain number of days to do these things or face eviction. Below are examples of some of the notices you may receive from your landlord:

- **3 days to pay rent or vacate (for failing to pay rent)**
- 3 days to comply with lease or vacate (for failing to follow the lease)
- 3 day nuisance or criminal (for bad behavior or criminal activity)
- **5 day pay, vacate, or seek a variance (for mobile home parks)**
- 5 day “tenant at will” (for people without a landlord-tenant relationship)
- **15 or 30 day “no cause” eviction (to end month-to-month tenancy)**

If you do not do the things listed in the notice or move within the number of days stated, the landlord can file a lawsuit in court to evict you. You will then be served with the court papers, called a Summons and Complaint. These court papers may be served on you in person, by certified or registered mail, or left with another person of suitable age who lives in your residence. The landlord cannot just post the court papers to your door.

Note: Special protections for public housing and Section 8 tenants. If you live in public housing or have a housing voucher, such as HUD housing or Section 8, there are special rules for evictions. Read any notices you get carefully. See our information on these programs, and be sure to call Utah Legal Services right away if you get any eviction notices or court papers.

What should I do if I get an eviction notice for not paying rent?

If you do not want to move, you need to take steps right away to fix the problems with your landlord. If you received an eviction notice because you owe rent, try to pay the rent as soon as possible. You can ask the landlord to agree to a repayment plan. If you do a repayment plan, make sure you get the agreement in writing and have the landlord sign it. If you only pay part of the rent, the landlord can still evict you for nonpayment unless you have a separate agreement in writing. If you need help coming up with the money, call 211 to see if they can help you find emergency assistance to pay the rent.

Can the landlord evict me if I pay part of the rent?

Yes. Even if the landlord accepts most of the rent from you, the landlord can give you another 3-day notice to pay or vacate. If you think you and the landlord have agreed to a repayment plan over a period of time, get that agreement in writing and signed by the landlord. The safest way to stop the eviction process is to pay the full amount demanded in the 3-day notice.

What do I do if my eviction notice is for another reason?

If you are being evicted because your lease is up or for some other reason, you can try to work with your landlord to stay or agree to a later date to move out. Again, make sure you get any agreement in writing and have the landlord sign it. If you need help working out an agreement with the landlord, you can try mediation. In mediation a neutral third party helps you and the landlord talk to each other to see if you can reach an agreement. The landlord does not have to make an agreement with you and can refuse to do mediation. For mediation help, call Utah Dispute Resolution at 877-697-7175, or, if you live in Salt Lake County, the Community Action Program at 801-359-2444.

What if I move out before the time in the notice is up?

The landlord cannot file an eviction case against you if you have already moved out. The landlord can, however, file a collection action against you for any unpaid rent or damages to the property.

What if I cannot move out or do the things in the eviction notice in time?

If you cannot move out or do the things in the notice in the time given, the landlord can start the eviction case. If you are evicted, you may have to pay any back rent, court costs, and legal fees as well as three times the amount of rent for the time you stay beyond the notice period. Staying

beyond the time on the notice is called an unlawful detainer.

Working out an agreement with your landlord.

If you know you cannot move out by the time in the notice, ask the landlord if you can move out at a later date in exchange for not filing an eviction case. For example, if the notice says you have to be out by Monday or an eviction case will be filed, you can ask the landlord to give you until Friday to move. The landlord may agree to let you stay until that time and not file an eviction against you. If you agree to this, get the agreement in writing! If you stay beyond the time given, the landlord will start the eviction case and you may end up owing a lot of money in court.

The information in this site is not intended as legal advice.

Printed: February 29, 2020

<http://www.utahlegalservices.org/node/12/getting-eviction-notice>

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