

Utah Legal Services

Committed to Equal Justice

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Coronavirus Eviction Moratoriums

This section applies to the CARES Act eviction moratorium and Utah eviction moratorium. For more information on the CDC moratorium, please go to <https://www.utahlegalservices.org/node/81/cdc-federal-eviction-moratorium>.

(“Moratorium” means something is temporarily stopped or postponed)

Who is protected by the eviction moratorium?

There are two separate moratoriums. One is federal, the other is for Utahns not protected by the federal law. Both prevent certain covered landlords from evicting a tenant for nonpayment of rent during the moratorium period.

Does it matter under which moratorium I am covered?

Yes. The federal moratorium lasts longer, prohibits late fees and penalties, and does not require proof that nonpayment is related to the coronavirus pandemic. But the federal moratorium only applies if the landlord has some kind of federal financial support.

Who are “covered landlords”?

In Utah, all landlords are prohibited from evicting tenants who do not pay rent for April 2020.

The Utah tenant must either have lost a job or suffered reduced wages, or tested positive for coronavirus. Tenants who self-isolate because of a local health department order are also covered. (As of early April, Summit and Davis Counties have issued isolation orders.)

The federal prohibition applies to any tenant whose landlord receives some kind of federal financial support or has a federally backed mortgage. This includes tenants with sec. 8 “Housing Choice” vouchers or in sec. 8 project-based subsidized properties, tenants in public housing, tenants in sec. 42 (Low Income Housing Tax Credit) properties, tenants in various federally subsidized housing for the elderly, disabled and persons with AIDS, as well as those tenants whose rent is subsidized by federal homeless assistance funds. Tenants in Department of Agriculture rural housing programs are also covered.

It is important to know whether you are covered by the Utah rules or the federal rules because the protections are different.

How long does the moratorium last?

The Utah moratorium ends on May 15, 2020, unless extended by the Governor.

The federal moratorium lasts for 120 days: until July 25, 2020. After July 25, if a covered landlord wishes to evict the tenant for nonpayment, the landlord must provide a written notice giving the tenant at least 30 days to leave. That notice will likely allow 3 days to pay the rent. If the rent is not paid within 3 days, the tenant will have 27 more days before the landlord can file an eviction lawsuit.

What tenants are not covered by either the federal or state moratorium?

The Utah rules allow a landlord to evict a tenant for any reason other than nonpayment for April. This means tenants who owe rent or fees prior to April 1 can still be evicted, or tenants whom a judge believes are evictable for any reason other than nonpayment for April, e.g., nuisance, subletting, unlawful guests or pets, etc. Tenants who do not (or cannot) pay the rent for April for reasons not associated with coronavirus are also not covered. “No cause” evictions in month-to-month tenancies are also permitted.

The federal rule applies to all evictions based on nonpayment of rent or fees during the moratorium period (120 days) no matter what the reason is for nonpayment. It does not apply to any other reason for eviction, such as nuisance, subletting, unlawful guests or pets, or “no cause” eviction.

What does the moratorium do?

In Utah, the moratorium “suspends the enforcement” of the part of Utah law allowing eviction for nonpayment of rent or fees. The Governor’s executive order appears to allow a landlord to proceed with the eviction process such as giving a written notice to pay or vacate followed by filing an eviction action in court. But it prohibits a judge from issuing an Order of Restitution (the order actually evicting a tenant). The tenant cannot legally be locked out of her apartment until after May 15.

The federal moratorium prohibits a landlord from giving the first eviction notice for nonpayment until after July 25. The landlord cannot file an eviction action in court until after giving a

nonpayment notice. That nonpayment notice must give the tenant at least 30 days to vacate (no sooner than August 24).

Does the moratorium mean I don't owe rent?

NO. The tenant still owes the rent and can be evicted for nonpayment after the moratorium ends unless the rent is paid or an agreement to defer payment is accepted by the landlord. The federal rule specifically prohibits adding late fees or penalties for nonpayment through July 25. The Utah rule does not prohibit late fees or penalties that are allowed by the rental contract. These moratoriums only prohibit the landlord from evicting you for a limited period of time. The duty to pay the rent remains.

What should I do if I cannot pay the rent?

Sign a rent deferral agreement with your landlord. You can negotiate a repayment plan to preserve your tenancy. Consider using the attached Rent Deferral Agreement. Deferral agreements are available from other sources. Read any agreement carefully before signing. Make sure you can meet the terms of the agreement as well as being able to continue paying your future rent on time. Your landlord must also sign the Agreement, otherwise it will not be legally enforceable. You can pay part of your rent now and the remainder in installments. The agreement should avoid ongoing late fees.

In Utah, the landlord may require some proof that your inability to pay the rent is due to the coronavirus pandemic. The federal law does not require any explanation of the reason for nonpayment.

If you receive an eviction notice or court papers, please call us.

 [Covid-19 Moratoriums and Rent Deferral Agreement](#)

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