

NOTICE OF LEASE TERMINATION BY VICTIM OF DOMESTIC VIOLENCE

Tenant Information:	Manager/Owner Information:
Name: _____	Name: _____
Address: _____	Address: _____
_____	_____
_____	_____

Pursuant to Utah Code §57-22-5.1(4), I am informing you that I am terminating my rental agreement because I am the victim of domestic violence. Included with this Notice is a copy of a protection order issued by a District Court (e.g., Protective Order, Stalking Injunction) **or** a police report documenting that I am the victim of domestic violence and that I am not the predominant aggressor.

- I intend to vacate the rental unit no later than ____/____/20____ which is not more than 15 days after the date I provide this Notice AND pay the daily rental rate for the days between the date of this notice and the day I move out **OR**
- I have already vacated the rental unit as of the date of this notice.

Nonpayment of Rental Charges Incurred within Past 30 Days

I state that the reason for nonpayment of the rental charges incurred within the past 30 days is due to domestic violence. (Example: co-tenant vacated.)

The termination fee is the equivalent of one (1) month's rent. I either am paying this amount together with this Notice or I will pay it by the date I intend to vacate the rental unit.

One month's rent: \$_____ less credit(s) \$_____ = **Amount (to be) paid: \$_____**

If a prospective landlord of mine contacts you about my tenancy, you will please indicate that I terminated this tenancy lawfully.

DATED this ____ day of _____, 20____. _____
Tenant

INSTRUCTIONS & INFORMATION

First, ask your landlord to let you out of your agreement without paying anything; many landlords will allow this. You could ask for a simple written release but it may be sufficient to have (and save) an email or voice message from the landlord giving you permission to leave. You could also send a short letter stating your belief that the landlord released you from the tenancy at no additional charge.

Keep a copy of the letter.

If you have a section 8 voucher, contact your caseworker immediately.

Next, if your landlord or the rental agreement itself require you to pay a smaller amount than calculated under Utah law, you should only pay the lesser amount. It may help to make a conspicuous notation on your check or money order saying “Paid In Full for termination of lease.”

If these methods don’t work, use this Notice. ***If an eviction notice has already been served, giving this Notice will have no effect.*** If you have not yet vacated, you must leave within 15 days after giving the Notice. You must have either a court order (like a Protective Order or Stalking Injunction) or a police report showing you are the victim of domestic violence (and not the “predominant aggressor”). Attach a copy of the court order or police report to the Notice. The law requires you to pay a termination fee that is “the equivalent of one (1) month’s rent” to the landlord. You must pay this amount either when you give this Notice or when you leave. (A refundable damage deposit is probably not “equivalent” to rent.) You must also pay for any days you stay after giving the Notice ***unless*** the rent for that period of time has already been paid.

Make sure you keep a copy of the Notice you give to the owner or manager. If done properly, this Notice and payment will terminate your future obligations under the rental agreement and prevent an eviction action filed against you but it does not address deposit refunds or damage to the premises. If the landlord believes you owe money for past-due charges or damage to the rental unit, the landlord may file a debt collection action against you and any other responsible person(s). You must be personally served with a summons and complaint. [If particular damage to the rental unit was caused by the incident(s) of domestic violence, keep a record of it (video, picture, statement).]

Note: Even if you cannot afford to pay money, you may end up not owing anything. All landlords have a “duty to mitigate” when a renter leaves before the end of the lease. That is, the landlord must use best efforts to re-rent the unit, although if other units are also vacant, your rental unit need not be re-rented first. If your unit is re-rented, your rental obligation ceases. However, future landlords often contact past landlords. Be prepared for the possibility of a negative reference by explaining to a prospective landlord the circumstances of your leaving.

Necessities

The Domestic Violence Hotline **800-897-5465** can help you find emergency housing, medical care and support for you and your children. Another resource is 211 (Information & Referral).

Protective Order

Go to the nearest District Court M – F from 8 to 5. You can also get information and fill out court forms at <https://www.utcourts.gov/en/self-help/categories/protect-order/protective-orders.html>

Divorce/Custody

Contact the Legal Aid Society at 801-328-8849 if you reside within Salt Lake County. Elsewhere in Utah, contact Utah Legal Services. Our information is immediately below.