Gary Richard Herbert

Governor

EXECUTIVE ORDER

Temporarily Suspending Residential Evictions of
Individuals Experiencing Wage or Job Loss as a Result of COVID-19

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, on March 13, 2020, the President of the United States declared a national emergency due to 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, the President of the United States and the White House Coronavirus Task Force issued the President's Coronavirus Guidelines for America to protect public health by, among other things, encouraging individuals to stay home to slow the spread of COVID-19;

WHEREAS, the state of Utah has experienced community spread of COVID-19, and the number of COVID-19-related deaths and diagnosed cases in Utah continues to rise;

WHEREAS, on March 27, 2020, I issued the Governor's "Stay Safe, Stay Home" Directive to protect public health by, among other things, further encouraging individuals to stay home to slow the spread of COVID-19;

WHEREAS, the Centers for Disease Control and Prevention has recommended that individuals self-isolate if they have been exposed to COVID-19 or if they have a condition that puts them at risk of serious harm by the disease, in order to protect public health and slow the spread of COVID-19;

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, the eviction of residents 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. has suffered a loss of income or job loss as a result of 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;
3. create, require, or imply rent forgiveness; or
4. excuse or otherwise relieve an individual's obligation to pay rent.

Accordingly, a tenant remains responsible to pay all rent pursuant to the tenant's rental agreement, including rent that is due during the time this Order is effective.

This Order rescinds and supersedes Executive Order 2020-11, issued on April 1, 2020.

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 2nd day of April, 2020.

Gary R. Herbert
Governor

ATTEST:

Spencer J. Cox
Lieutenant Governor

2020/012/EO