



Landlord Letter

October 2017

Fair Housing & Discrimination

One of our property management clients repeatedly states – “It’s not IF you’ll get sued, but WHEN.” Even if a landlord does everything right, it doesn’t mean that they will never be sued. But cutting legal corners can quickly put you in very difficult situations. A common legal mess landlords can find themselves in is in the area of fair housing and discrimination.

Utah has a few groups dedicated to investigating and prosecuting fair housing violations. Some complaints come from existing or potential ten-

ants, but others come from “testers”. In Utah, if a fair housing violation is suspected a “tester” will call and ask questions to confirm what is going on. After researching other units that the landlord has, these testers may be different people calling on different properties asking different questions about fair housing laws. It’s important for landlords to be cautious and follow the law.

Utah’s Fair Housing Act (“FHA”) is found in [Utah Code Ann. §57-21-1 to 14](#). In its most basic terms, it

(Continued on page 2)



DOs & DON'Ts Abandoned Property

- ✓ Communicate with your tenant to confirm whether it’s abandoned.
- ✓ If it’s abandoned, post a notice and store their personal property.

- ✗ Dispose of or transfer any valuables unless you have given proper notice and followed the law.
- ✗ Use abandoned as a shortcut to the entire eviction process.

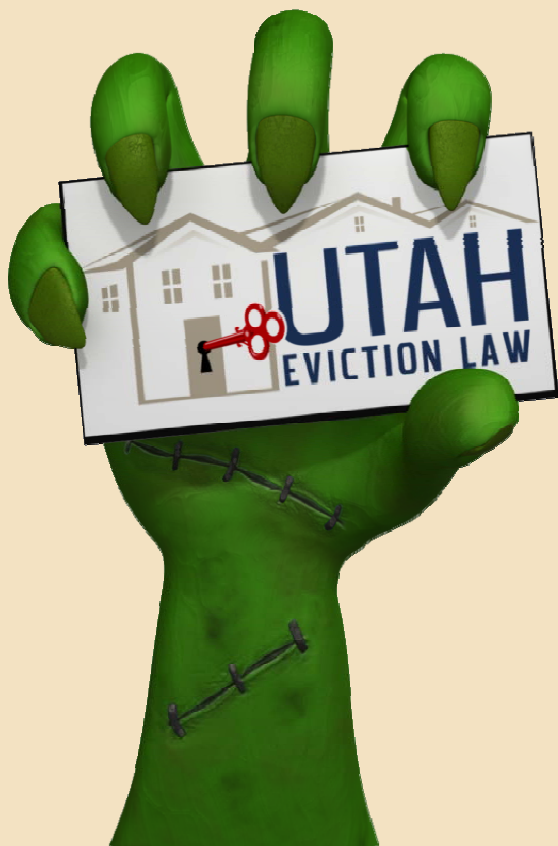
(Continued from page 1)

prohibits landlords from treating existing or prospective tenants differently based on their status in a “protected class”. Under federal law, there are seven protected classes: (1) race, (2) color, (3) sex, (4) religion, (5) national origin, (6) disability, and (7) familial status. Utah law has these same seven classes, but adds three more: (8) source of income, (9) gender identity and (10) sexual orientation. In Utah, the most common areas of violations or complaints are usually based on (1) disability, (2) familial status, and (3) source of income. Landlords should not charge additional fees or treat people differently because the tenant belongs to one of these protected classes.

Let me give you a subtle example of discrimination – A landlord receives two voicemails inquiring about the same unit. The first voicemail

sounds like a very pleasant woman who mentions her husband was just hired by the local university and they’re looking at renting from you. The second voicemail is from someone with an accent that you can’t understand very well asking about the same unit. Who do you call back? BOTH OF THEM. Who do you show the apartment to? BOTH OF THEM. Who do you take an application from? BOTH OF THEM. Who do you approve? This is where you apply your standard qualification requirements equally to the applications as they come in, and you take the first qualified applicant. Again, even if landlords do everything right it doesn’t guarantee they won’t have to deal with a fair housing complaint. But dotting your “I”s and crossing your “T”s will protect you not IF, but WHEN you are confronted with a complaint.

Attorney Jeremy Shorts



Know Your Notice

Waste (Damages): Purpose: Used when your tenant damages your property.

This notice requires the tenant to fix the waste or vacate the property within 3 calendar days.

Make sure the waste was caused by your tenant or those that your tenant is responsible for (guests, etc.).

Document the waste with pictures and/or witnesses. If you end up in court, a picture is worth a thousand words.

*Landlords are responsible for normal wear & tear.
Tenants are responsible for waste
(or damage beyond normal wear & tear).*

Dear Attorney,



When I am charging fees against a security deposit, can I charge for my own time working on the property?

First, review your lease for anything specific to your situation. Second, Utah law allows you to charge the tenant for cleaning costs as

well as repairs, above normal wear and tear. Yes, you may charge your own time, but you need to make sure that the charges are reasonable. The word “reasonable” can have different meanings for a lot of people and can be

difficult to follow, so make an effort to ensure your hourly rate is not too high, and the hours you are charging are also reasonable.

Most cases never make it in front of a judge, but you should always act as if this one will. If your tenant disputes the charges and it ends up in court, that can be more of a headache than the charges against the deposit. Be reasonable, and back up your charges with logs, detailed work descriptions, and even estimates or invoices from other service providers.

When in doubt, it might be best practice to have an independent third party complete repairs and cleaning. That way you will be able to provide a third party invoice along with the deposit closing statement to support the charges.



Questions for Us?

FREE 15 Minute
Landlord Consultation!
(801) 610-9879

Courtroom Chronicles—Treble Damages

We often set up stipulations with tenants, (and will include treble damages) even if our clients don't think the tenant will ever comply with the stipulation. If the tenant disappears, the landlord often just wants to drop the case.

Recently we had a case do just that – the tenant failed to make the settlement payments and disappeared. Our client probably would have dropped the case, but the tenant requested a hearing to ask the judge for their deposit back.

At the hearing, the tenant stated

to his wife “They’re cowards, they won’t show.” -- Referring to our office staff! He quickly learned that not only were we there, we heard his comments. The hearing gave us a good chance to remind the judge of the breach which justified awarding us a FULL judgment, including treble damages. The judge ended the hearing by letting the tenant know he should expect to see garnishments on the full judgment amount, with treble damages.



Calendar of Events

- October 9 — Columbus Day
- October 14 — UAA Multi City Good Landlord Class
- October 17—Boss’s Day
- October 24 — UAA Refresher Ogden Good Landlord Class
- October 27 — October 31—Halloween



Parting Thoughts

- We’re working to build our readership, tell your friends to subscribe to this FREE newsletter. Send us an email at info@utahevictionlaw.com.
- Have an eviction question? Email it to us for a future newsletter!
- Help us build our online presence! You can “Like” our Facebook page (www.facebook.com/utahevictionlaw).
- You can also give us a Five Star Google Review (search “Utah Eviction Law Reviews” and click on our link).

