



Landlord Letter

May 2019

Volume 6 Issue 5

2019 Legislative Updates – Animals & Taxes

The 2019 saw a few critical issues that will impact landlords, let's address two of them: (1) assistance animals and (2) tax reform.

A "Support Animals Amendments" bill (HB43) from Jim Dunnigan should help to avoid fraudulent claims for assistance animals. Under Utah law, it was already a misdemeanor to make a false or fraudulent statement in order to obtain a service animal. The purpose of HB43 was to expand this law to also apply to obtaining assistance animals. With the passing of HB43, it is now a misdemeanor for a tenant to make a false or fraudulent statement in order to obtain a service OR assistance animal.

I was present at the legislative committee hearing and testified in favor of the bill. In my testimony I explained that a basic Google search for "Assistance animal prescription" will generate dozens of online

options for tenants to claim an assistance animal. I took a quiz from one website to determine whether I would qualify for an assistance animal. They ask questions such as "Are you comfortable in crowded places?" When asked that question I immediately think of walking through Costco on a Saturday afternoon with everyone huddling around the sample tables. In that situation all I want to do is ram people that cut me off with my cart. At the end of the questionnaire, without having spoken to a doctor or medical professional, they concluded that I would be an excellent candidate for an assistance animal.

When evaluating each claim landlords can be placed in a hard position. This bill provides more assurances that landlords will be told the truth which will make it

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What people are saying about US!!!



Jeremy was so helpful. I can't believe how easy it was to work with them.

Highly recommended.

~E.B. —Google Review

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easier to approve legitimate requests for an assistance animal. The expectation is that this new bill will protect the legitimately disabled by deterring those who abuse the law and make false claims.

Let me also address the looming tax reform. Several industries came out strong against a tax on services. Several industries acted as if tax reform came out of the blue to blindside everyone. In my opinion, the approach from Utah Apartment Association (“UAA”) was the best move. For years the UAA has been monitoring and warning against possible tax reform. This year was different because of the widespread agreement that tax reform is necessary and cannot be put off any longer. Something has to be done. The bulldozers are coming. When dealing with a bulldozer, you can







either (1) stand in its way or (2) try to steer it another direction. The uproar that was created stalled the bulldozers for now, but the Governor appointed a Tax Reform Task Force to study the issue and develop a solution. Your voices are important here and should be heard.

The UAA is providing an excellent opportunity for landlords and property managers. The UAA PAC is hosting a fundraising luncheon at Top Golf in Midvale on Wednesday, May 22nd, 2019. Three members of the Governor’s Tax Reform Tax Force are scheduled to speak on this issue. Come have lunch, listen to what they have to say, and then stay afterward for networking and golfing at their impressive facility. To register online, go to www.uaahq.org/pac-luncheon/.

Attorney Jeremy Shorts



Do’s and Don’ts of Maintenance & Repairs

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|---|---|
|  <p>Keep receipts, invoices and estimates of any work done to verify the amounts owed.</p> |  <p>Handle maintenance and repairs verbally. Make sure your lease is clear on who is responsible for what.</p> |
|  <p>Make sure you provide 24 hour written notice for any inspections, maintenance or repairs unless it’s an emergency.</p> |  <p>Ignore reasonable requests for repairs from the tenant. At least inspect the property to see what’s going on and verify if a repair is needed.</p> |
|  <p>Ensure all issues regarding maintenance and repairs are addressed properly in your lease agreement.</p> |  <p>Assume the tenant has taken care of the repair that’s needed.</p> |

Dear Attorney,



Q:

My tenant is behind on the rent and causing other problems. I just learned that they were arrested and are in jail. Do I have to evict them?

A:

The short answer is – Yes, we’ll still probably need to file an

eviction. Under Utah law, you can only change

the locks in two situations: (1) the tenant voluntarily vacates the property, or (2) you evict them through the court process.

vacated and abandoned the property. In this situation, it is usually better to move forward with an eviction. One significant advantage that you have in this situation is serving papers. When someone is incarcerated, they aren’t going anywhere which makes it VERY easy to serve them with the court papers. This helps to move forward with a prompt eviction.

It may be tempting to claim that they’ve abandoned and skip the eviction process. But where your tenant was arrested and is currently incarcerated, it may be hard to claim that they voluntarily

vacated the property. The primary reason we recommend to move forward with an eviction is to avoid an awkward situation (or even lawsuit) after they’ve been released and try to come back to the property. If that happens, you’ll be glad that you followed our advice.



Know Your Notice • Assigning & Subletting •

Purpose: Terminate your lease if your tenant has assigned or sublet in violation of the lease.

A notice of eviction based on assigning or subletting must provide the tenant 3 calendar days to vacate the property.

This is NOT a comply or vacate notice. Rather, compliance occurs only if the tenant vacates the property.

Like other eviction notices, it must be served in person, posted or sent via certified mail. It cannot be given verbally, texted or emailed.

Keep in mind, an eviction based on a notice for subletting may turn into a he-said-she-said battle. Make sure your evidence is solid.

Landlord Laughs

Landlords usually do everything they can to avoid hiring us to file an eviction. In one case, the landlord spent weeks working with the tenant. This included patient phone calls and text messages asking for updates on paying the rent. Several promises to pay were made which the tenant repeatedly defaulted on.

The landlord did everything possible to try to avoid an eviction, but all of a sudden the client called us wanting to file immediately. What was the straw that broke the camel's back?

The landlord politely checked with the tenant one more time to see if they would be making any payments. The tenant had enough and replied, "You and your menopause need to calm down, you'll get your money when I have it." No further explanation was necessary and we moved forward quickly with eviction.



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).



Evictions Intimidating?
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15 minute
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