



Landlord Letter

May 2021

New Pay or Quit Notice Released for Immediate Use

It seems that COVID-19 continually changes the rules, especially for how evictions are handled. You need to be aware of a recent rule that will result in a slight change in the pay or quit eviction notice beginning immediately.

On April 19, 2021, the Consumer Financial Protection Bureau (CFPB) issued an interim final rule possibly granting tenants rights to pursue “debt collectors” for “illegal evictions” in violation of the CDC Eviction Moratorium.

The CDC itself acknowledges that “The [CDC] Order itself does not require landlords to make tenants aware of the Order and Declaration.” (See updated CDC FAQs dated April 15, 2021, Page 8, [Click Here](#)).

However, the CDC’s FAQs also state that “other relevant law, for instance the Fair Debt Collection Practices Act and the Federal Trade Commission Act, may require landlords, or their agents, to do so.”

While many landlords are exempt from the FDCPA, and we also feel there are strong legal arguments that the CDC Order itself is unconstitutional, we are advising our clients to avoid being a test case for the enforcement and penalty provisions threatened by the CDC. The simple way to comply with this new CFPB rule to avoid complaints is to add the following language to your any pay or quit notice:

(Continued on page 2)



What people are saying about US!!!



They explained everything clearly and were quick to respond to questions and concerns. I will certainly call them again if the need arises.

~B.L. —Google Review

(Continued from page 1)

**NOTICE OF POSSIBLE
TEMPORARY PROTECTION**

Because of the global COVID-19 pandemic, you may be eligible for temporary protection from eviction under the laws of your State, territory, locality, or under Federal law. Learn the steps you should take now: (1) Visit www.cfpb.gov/eviction, or (2) call a housing counselor at 800-569-4287.

We have updated our pay or quit notice on our website to comply with the CFPB’s new rule ([Click Here](#) for our updated free form on our website). We encourage you to use this notice until the CDC Order expires (it is

currently set to expire on June 30, 2021 but it is unknown whether it will be extended). When the CDC Order has expired, we will update our website with new forms and announce the change through our newsletter or emailing list.

Attorney Jeremy Shorts



Do’s and Don’ts of Maintenance & Repairs

✓	DO keep receipts, invoices & estimates of work done to verify amounts owed.	✗	DON'T Handle maintenance and repairs verbally. Make sure your lease is clear on who is responsible for what.
✓	DO make sure you provide 24 hour notice for any inspections, maintenance or repairs unless it’s an emergency.	✗	DON'T 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.
✓	DO ensure all issues regarding maintenance and repairs are addressed properly in your lease agreement.	✗	DON'T assume the tenant has taken care of the repair that’s needed.

Dear Attorney,



Q: *I've heard that the CDC has banned all evictions. Are the courts handling eviction cases?*

A: Yes, the courts are still open and processing eviction cases, but you will need to be careful in certain

situations. The CDC issued an eviction moratorium halting the lockout phase of an eviction for non-payment. This means that if you are trying to evict for non-payment, the CDC eviction moratorium may prohibit a lockout at the end of the eviction case. The CDC eviction moratorium does not prevent a landlord from servicing notices, filing an eviction, or pursuing their claims with the court. But if the tenant has provided a CDC Declaration which claims they should be protected from eviction, you may have to put the case on hold.

But other types of evictions are still being processed by the courts, including lockouts by the sheriff or constable. If a tenant is causing damage, creating a nuisance, or is violating their lease, the court should still hear those cases. With the ever changing climate that COVID has forced on eviction proceedings, it is important to hire an experienced eviction attorney to handle your case.

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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.

Courtroom Chronicles – Shhhhh!

The Judge Wants You to Stop Talking



Proving in court that a tenant is doing drugs in the property can be tricky. Most witnesses are nervous about testifying that their neighbors are doing drugs. Also, there may be issues related to the neighbors being able to competently testify about which drugs were used.

While we were waiting for the judge to call our case we recently watched another case that had really strong evidence. In the eviction hearing, the judge asked the landlord "How do you know the tenant was doing drugs in your property?" The landlord's response was compelling, but dangerous. The landlord responded: "Well, Your Honor, I was with them when we all did drugs in the property."

Talk about killing two birds with one stone! Not only is that compelling evidence for the eviction, but this under oath testimony is really convincing for the future criminal charges against the landlord!



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?
Don't forget! You can
contact us for a **FREE**
15 minute
landlord consultation

Phone: (801) 610-9879

Email: info@utahevictionlaw.com

Website: www.utahevictionlaw.com