



Landlord Letter

November 2023

Be Grateful for Utah

We work diligently to help our clients and process our cases in a prompt manner. On average, our evictions often take somewhere between 2-4 weeks. We occasionally have a client that gets frustrated with the legal process to evict a tenant in Utah. Sometimes an eviction can take too long because of delays, or maybe the process doesn't go as you'd like. However, across the board, you should be grateful that you're in Utah compared to many other states.

I occasionally travel for conferences or participate in meetings concerning how other states handle real estate issues, including evictions. I commonly hear horror stories about the court process to handle evictions and the problems that accompany those delays (additional damage to the property, lost rents, threats of foreclosure, etc.).

I was recently speaking with someone that manages properties in Oakland, California. I asked how long their evictions take in California, they stated they are going to their first eviction hearing since the pandem-

ic began, but they filed the case in April and the hearing was set for November! That's SEVEN MONTHS to handle an eviction!

In New York City, evictions commonly take 3-6 months to process, but if there are complications it could take even longer (up to one year)! Success rates for having an eviction granted are also MUCH, much lower compared to what we experience in Utah. How'd you like to go through that 3-6 month process, and then LOSE?!?

Timelines like this have a major impact on the finances of both the landlord as well as the property. Delays increase the risk of substantial damage to the property and can force the property into foreclosure. Delays also reduce the owner's ability to maintain and upgrade their property.

With shorter eviction timelines here in Utah, you may expect Utah to have much higher eviction rates,

(Continued on page 2)



What people are saying about US!!!

They are amazingly helpful and friendly. They are super responsive with questions and their documents on the websites are so easy to navigate. Thank you!

~Y. C. —Google Review



(Continued from page 1)

which isn't true. In neighboring Denver, news reports show that this one city (with a population of 711,000) will end the year having filed 12,000 evictions (an effective eviction rate of 1.69% for the entire population). For the entire state of Utah, 2023 should end in approximately 8,000 evictions statewide over the entire 3.3M population for the state (effective eviction rate of 0.24%). Utah has nearly 5x the population of Denver City, but the entire state processes 7x LESS evictions per capita. With these lower eviction rates, coupled with the eviction process in Utah, be grateful you're a landlord in Utah compared to many other states.

-Attorney Jeremy Shorts



DOs & DON'Ts of Inspections

- ✓ Communicate with your tenants and give them 24 hours notice.
- ✓ Take pictures to verify anything that you see or need to work on.



Show up unannounced.



Over-inspect – Your tenant is entitled to quiet enjoyment of the property.

Know Your Notice

• Five Day Tenant At Will Notice •

Purpose: Give a squatter notice that they don't have a lease and must leave.

A Tenant at Will Notice gives the tenant five calendar days to vacate the property.



Even without a written lease, a tenant might not be a tenant at will if the landlord has accepted rent or agreed to terms for them to live there.

The only option for a tenant to comply with a Tenant at Will Notice is to vacate the property. There is no other cure.

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



Dear Attorney,

My tenant requested a live-in aide caregiver to assist them with a disability, but the requested aide has bad credit and has caused several problems during prior visits to the tenant. What do I do?



You should treat this as a reasonable accommodation request and process their request in a reasonable manner. You are entitled to request reliable documentation that shows two things: (1) they are disabled (don't worry about what the disability is, just confirm that they are disabled), and (2) that the live-in aide will assist them with their disability.

If the documentation from the tenant verifies these two items, then you should approve a live-in aide and process the caregiver's rental application with one exception – Don't worry about

the financial or income requirements you normally process (i.e. income, credit score, etc.) because the aide isn't there to help pay the rent, they are there to assist with the tenant's disability. But the aide still must pass the other rental criteria that you apply for your other tenants.

Process and consider the other aspects of their rental application such as criminal history, prior landlords, prior experience with you or your staff, etc. If you remove the financial factors and they would normally qualify, then you would approve the caregiver.

Courtroom Chronicles – Evicted and Arrested

Many of our eviction cases involve reasonable people that have fallen on hard times. But occasionally, we deal with tenants that have no problem lying and cheating to try to get through life. During one such case, the tenant was willing to lie through their teeth, but she also had multiple prior criminal charges and felonies. Some of those charges resulted in outstanding arrest warrants, but the police hadn't taken any action because they weren't sure where to find her. That's where we came in to help.

As we began the eviction hearing we explained what the eviction was based on, but we also made

sure the court bailiff knew about the outstanding warrants. It took the court staff a few moments to verify that the warrants were still in place, which was fine because we needed some time to win our case (which we did).

After we were finished with our eviction hearing and the judge granted the eviction order we requested, the bailiff followed the tenant out of the courtroom to visit in the hallway. Not only did the tenant lose the eviction hearing, but now they had to deal with the outstanding warrants from their criminal charges.

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 Google Reviews" and click on our link).

Like Us On
facebook 

