



Landlord Letter

December 2023

Being a Better Landlord — L.I.S.T.E.N.

No one ever calls an eviction attorney to tell us how great their tenants are. We only deal with the difficult problems and those that need legal action. But we commonly have clients ask us what they could have done to avoid the problems they're in. It all starts with communication.

You should **L I S T E N** to your tenants.

L – Law & Lease. First and foremost, make sure you understand and are following the law and your lease. Most cases never make it in front of a judge, but you should ALWAYS act as if the case you're working on will. Be prepared to show everything you've done to comply with your legal obligations.

I – Interact. Don't hesitate to interact and communicate with your tenants about the property and what is happening. I would say that too much com-

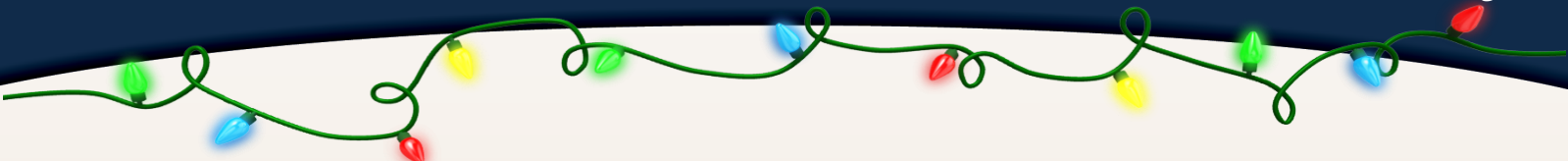
munication from a landlord is focused on problems. It's a problem to only communicate with your tenants about problems. Make sure you have positive communications with them along the way. If they're a good tenant that takes care of the property and always pays on time, thank them!

S – Solve Problems. When (not if) problems come up, take reasonable steps to solve them in a timely manner. It's often impossible to solve problems as fast as either side would like. So, if it's taking longer than expected stay in touch with your tenants and keep them updated. Overcommunicating in times of trouble can really help to avoid additional problems.

T – Tenants. Landlords don't have a business without tenants, so do what you can to take care of them and keep them happy. We often hear of tenants that have been in the same rental for YEARS,

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sometimes 15-20 years or even longer. That longevity should be a goal of yours. Do what you can to keep them around long-term. Every time you have to turn a unit you lose time, effort, money, and it usually increases the wear and tear on your property.

E – Effort. They say that real estate can provide a “passive income”, but being a good landlord takes effort. Even if everything goes well with your tenants, you may still spend a substantial amount of time caring for, maintaining and repairing your property. As your tenants see the effort you’re putting into taking care of your property (and taking care of them), your relationship with your tenants will improve.

N – Notices. If you do run into problems, con-

tinue to work with your tenants and give them written notices to provide clear communication. Miscommunications are going to occur, but putting that communication in writing can help to clear that up. If the problems are serious or repeated, consider serving eviction notices to help enforce the law and your lease.

Even after doing all of these things, you still may run into problems. Still look for opportunities to work with your tenants to come to a resolution, but if all of this doesn’t work, now you’ve put yourself in a strong position if you have to hire us and go to court.

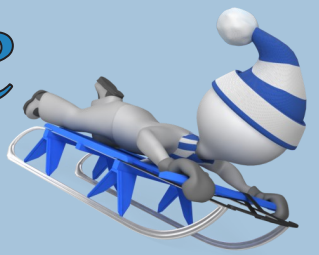
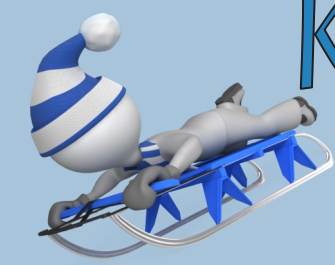
-Attorney Jeremy Shorts



Know Your Notice

• Abandoned Personal Property •

Purpose: Addresses personal property left behind by a tenant .



This is a recent change under Utah law when handling abandoned personal property.

If the landlord is going to sell, donate or dispose of any items, they must give a notice of sale to the tenant at least five days prior to the sale.

A landlord does not have to store hazardous materials, animals, garbage, perishable items, etc.

Instead of storing items for 30 days, the law requires the landlord to store the items for 15 days.

Dear Attorney,

Q: *My tenant insists on having TWO emotional support animals, but their doctor is only able to verify that ONE animal is needed.*

What should I do?

A: Emotional support animals (ESAs) can be tricky to deal with, especially when dealing with multiple animals.

As a brief initial point, a tenant may be entitled to an ESA if they are (1) disabled and (2) have a medical need for the animal. Just because they qualify for one ESA doesn't mean they get multiple ESAs. But it also doesn't preclude a tenant from having two ESAs, as long as there is a separate and distinct need for a second animal.

If the disability is not apparent or known (i.e., emotional disabilities), you are able to request reliable documentation that establishes (1) that they are disabled and (2) there is a medical need for the ESA. If the tenant or the doctor isn't willing to provide this verifi-

cation for each animal, it's hard to approve a request beyond what has been verified.

If you find yourself in this situation, the best thing to do is to enter into "an interactive dialogue" to come to a resolution. You should do what you can to avoid being rigid in these decisions. Instead of saying "your 2nd ESA is denied", say "we're concerned about the disability related need for the second animal and are requesting reliable documentation that would help us evaluate the need for a second animal – what can you provide us to help us make our determination?" Handling ESA requests this way shows you're working toward solutions that work for both sides.

Quick Tips ... Record Keeping & Evidence



Memories fade, so document **EVERYTHING** when it's fresh.



Get witness statements and contact information in case they move.



A picture is worth a thousand words
(1,000 pictures = 1M words).



Don't want to track paper files? Use a scanner.





Courtroom Chronicles

Being an attorney often means we're storytellers. We need to tell the judge our story in a way that is convincing, but also shows we've complied with the statute and should be granted an eviction.

In one of our cases, a roommate was being a nuisance that was (frankly) driving everyone else nuts! As the landlord tried working with everyone to create a good living environment, it became obvious that wasn't possible. The problem roommate was focused on being difficult and causing problems for everyone. At that point, we got involved and started the eviction.

In court, the roommate wanted to tell the story about the problems they had been dealing with. The problem roommate had failed to clean up, and his mess was starting to stink.

In telling his story in front of the judge, the roommate stated "I woke up one morning and turned the corner toward the kitchen when I was punched in the nose with a pungent stench. My best description – **A wax candle called vomit!**"

It can be hard to use words to describe smells, but that did the trick!



What people are saying about US!!!

Very pleased with Utah Eviction Law, Jeremy Shorts, attorney. Everything was handled professionally and as quickly as possible. Evicting tenants is always difficult. Utah Eviction Law helped everything run as smoothly as possible.

~Shaunna — Google Review

