



Landlord Letter

October 2018

Fair Housing & Discrimination

Handling a tenant moving out, including their security deposit, is an important part of being a landlord. Utah law answers many of the basic questions of handling this situation, but we also have some practical advice to consider.

First – This point may seem obvious, but confirm that your tenant has moved out. Most of the time this is clear (the unit is completely vacant or they've turned in keys), but if you have any doubts you should reach out to your tenant or you may want to consider filing an eviction.

Second – Document the condition of the property. This will be your one chance to document how your tenants left the property. Take overview pic-

tures of EVERY room, but get in close for pictures of any damage, cleaning or stains. If they left furniture, open the drawers and take pictures inside EVERY drawer. In today's digital world, it's easy to take pictures of EVERYTHING.

Third – You can dispose of junk, but you should store any valuable personal property they've left behind for 15 days. Under Utah law, a landlord needs to post and mail a Declaration of Abandoned Personal Property which starts the 15 day storage period. If the tenant wants their personal items back, they must pay for any removal and storage fees. If they do not make any attempt to pay the

(Continued on page 2)



Quick Tips - Payments After An Eviction Notice

- ✓ Don't accept payment unless you're okay cancelling the eviction notice.
- ✓ If you do decide to accept a partial payment, you can re-serve an updated notice showing the new balance.
- ✓ Apply the payment to the oldest charges first.



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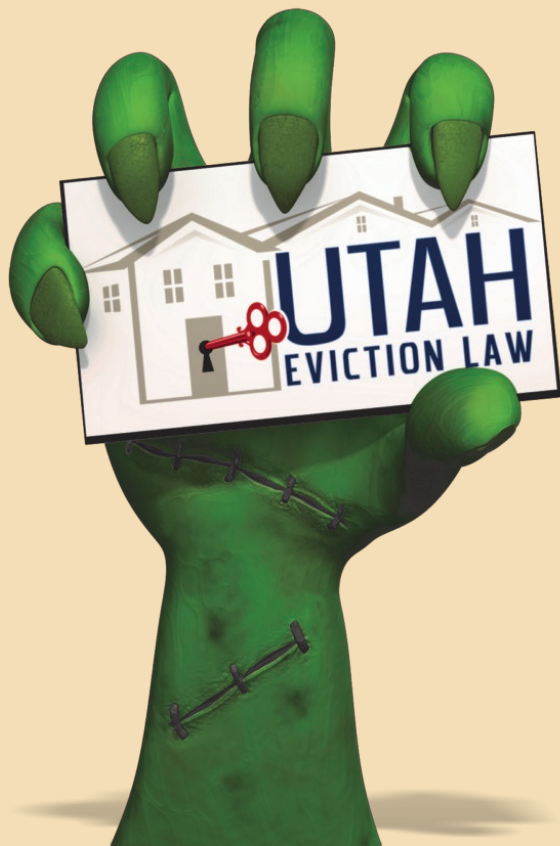
removal and storage fees within the 15 days, the landlord can sell, donate or junk the items that were left behind.

Fourth – Conduct your cleaning and repairs. Track your expenses with receipts and written estimates so it's clear what is being charged. Make sure you track expenses in two categories (1) normal wear and tear (that the landlord is responsible for), and (2) cleaning/damages beyond normal wear and tear (that the tenant is responsible for).

Finally – Within thirty days of the tenant leaving, you should mail a Deposit Closing Statement to the tenant's last known address (which will be your unit if they haven't provided a forwarding address). Usually the deposit can be used for any amounts owed under the lease and for damage beyond normal wear and tear. This closing statement needs to provide an itemized accounting of the deposit, listing the total deposit(s) as well as any charges against the deposit (i.e. non-refundable portion of the deposit, cleaning, re-

pairs, unpaid rent, etc.). You should also include a check for any remaining portion of the deposit.

Throughout the move out process, document everything and be reasonable with your tenant. This is what is required under Utah law, but communication is key to help avoid problems.



Know Your Notice

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

<i>This notice requires the tenant to fix the waste or vacate the property within 3 calendar days.</i>
<i>Make sure the waste was caused by your tenant or those that your tenant is responsible for (guests, etc.).</i>
<i>Document the waste with pictures and/or witnesses. If you end up in court, a picture is worth a thousand words.</i>
<i>Landlords are responsible for normal wear & tear. Tenants are responsible for waste (or damage beyond normal wear & tear).</i>

Dear Attorney,

My case is going to an eviction hearing, what should I expect at court?

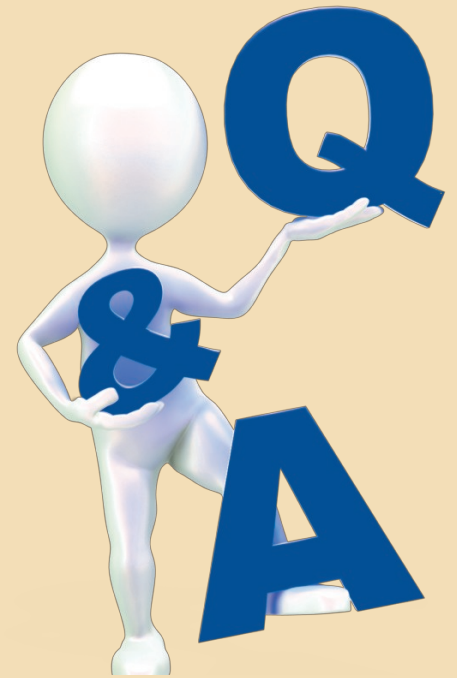
Most eviction hearings are fairly quick once we actually get to court, but that's because we want to do as much preparation as possible before the hearing. Anytime we go to a hearing we bring a full settlement packet and try to negotiate a resolution with the tenant.

If the tenant can pay the balance quickly and the landlord is okay with the tenant staying, we can set a payment plan and allow the tenant to stay. If not, we can negotiate a move out date with a payment plan for the balance.

You should bring your file to court and be prepared to answer any questions, but most of the time the judge will let us, as your attorney,

do the talking to explain the case. We will ask for an eviction order and, if possible, a judgment.

Keep in mind that eviction hearings are just that – a hearing to decide the eviction issue. They are not set up as a judgment hearing to decide the balance owed. But if we can come to an agreement on what the balance is, we can often resolve the case while we're in court.



Questions for Us?

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

Landlord Laughs — Pool House

Sometimes tenants can do crazy things. We recently had a case where the tenant was late on the rent, but the landlord had also received complaints from neighbors so he went to check on his property.

When he arrived, the tenants were having a party for one of their kids. The yard didn't have room for the kiddie swimming pool they wanted to use, so THE TENANT FILLED UP THE POOL IN THE LIVING ROOM. The landlord was even more shocked when the tenant didn't see the

problem with having a swimming pool filled up inside the house.

In walking through the rest of the house, the landlord noticed other damage to the property and lease violations. Multiple eviction notices were served, from the day the landlord inspected the property to our day in court, the tenant didn't see the problem with their actions (including failing to pay rent). But the judge easily recognized the issues and granted our eviction.



Calendar of Events



- October 9 — Columbus Day
- October 17 — UAA Refresher Ogden Good Landlord Class
- October 23 — UAA Multi City Good Landlord Class
- 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).

