



Landlord Letter

Handling Fair Housing Complaints

When it comes to fair housing complaints, it's not a matter of if a landlord will get a fair housing complaint, but when it will happen. Understanding how fair housing complaints are made and processed will help you know what to expect but also how to defend yourself.

Fair housing complaints primarily come from two groups: (1) testers and (2) actual residents. The "Testers" are actors that contact landlords or apartment complexes to test whether they are complying with fair housing laws. They typically follow a script and ask questions about different aspects of fair housing laws (advertising, assistance animals, Section 8 housing, etc.).

If they feel that the landlord has violated fair housing laws, a formal complaint is filed either on

the federal level (Housing and Urban Development – "HUD") or the state level (Utah Anti-discrimination and Labor Division – "UALD"). A fair housing complaint is simple to file and can be done with or without legal counsel, but under certain circumstances attorneys may represent tenants at no cost.

The first the landlord will learn of the complaint is when HUD or the UALD sends a letter notifying the landlord of the complaint. The complaint will include a brief factual statement outlining the basis of the complaint and will give you the name(s) of who made the complaint.

This begins an investigation process which, by

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What people are saying about



We have worked with Utah Eviction law for multiple reasons over a period of many years. Their whole team has been knowledgeable, helpful and professional and guided us every step of the way.

~Stacey – Google Review



DOs & DON'Ts of... Abandonment

- ✓ Reach out to see if they voluntarily vacated (phone, text, email, etc.).
- ✓ Give BOTH abandonment notices (24 hrs, then 15 day storage notice).
- ✓ Create an inventory (pictures & in writing) of any items left behind.
- ✗ Change the locks unless either (1) you have an Order of Restitution signed by the Judge or (2) the tenant has abandoned the property.
- ✗ Throw personal items away — follow Utah Law. For any questions, contact us for a free Landlord Consultation!

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statute, is required to be complete within 100 days. However, it is not uncommon for an extension or two to arise. Through the investigation, the parties are asked to participate in a conciliation conference (or mediation). If successful, conciliation can put an end to the investigation and close the case based on what the parties stipulate to. This can save the landlord thousands in legal fees, but if the terms of the settlement aren't reasonable then the landlord should complete the investigation.

If conciliation is unsuccessful, HUD or the UALD will work through their investigation by performing interviews, requesting documents (including subpoenas if necessary), and gathering other evidence to evaluate the case. The landlord will need to provide a "Position Statement" that outlines the facts and legal argument in support of their case.

Once all of this information has been provided, a

final report and order will be issued that outlines their findings. The final report will make a finding of whether HUD or the UALD felt there was reasonable cause that discrimination took place. If they believe no discrimination took place, the case is closed. If they believe discrimination took place, they can issue fines and assess damages. Even at this point the landlord has the ability to attempt to settle the claim or appeal the ruling.

This process can be costly (emotionally and financially), which is why it's best to avoid fair housing complaints by complying with the law or attempting conciliation if any complaints come up. However, the landlord shouldn't be afraid to defend their position if the other side is unreasonable. Always contact legal counsel that has experience in this area to help protect you.

-Jeremy M. Shorts

Dear Attorney,



My tenant texted me that they're moving out and terminating the lease, is that legal under Utah law?

The quick answer is no, the tenant cannot text a notice to terminate the lease. Similarly, the landlord can't terminate the lease by sending a text to the tenant.

To terminate a month to month lease under Utah law, either party needs to provide a written notice of termination. The notice needs to be served the same way an eviction notice is served (personal service, substitute service, posted service or via certified mail).

This creates a possibly awkward situation, what if the tenant texts this notice but changes their mind and doesn't move out? If you receive such a text and want to rely on it, we recommend confirming the move out date by serving the tenant your own written termination notice. In this situation, if the tenant doesn't move out it gives you the option of filing an eviction with the court.



Know Your Notice

• *Three Day Notice for Criminal Acts* •

Purpose: To evict tenants who have committed crimes on 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.

Based on the seriousness of the actions, the tenant may not have an opportunity to cure the problems. They must vacate the property in 3 days or they will be guilty of unlawful detainer.

Use this notice if your tenants have committed criminal acts on the property that cause risk of health, sanitation, or damage to your property, other tenants or neighbors.

This can become a he said she said battle, so document any criminal acts. Witnesses and/or police reports are critical in proving the grounds for eviction.

Landlord Laughs

In one of our cases, the constable showed up at the end of the eviction to perform the lockout. As they entered the home, the tenant said she was getting out of the shower and needed to get dressed, so the constable decided to wait just inside the front door. Little did the constable know that the tenant wasn't in the shower, but called 911 to report an "armed intruder".

As the constable waited he began to hear sirens – A LOT of sirens. Within a few minutes multiple police vehicles were on scene with their guns drawn and aimed at the constable.

After a quick explanation of what was really going on, it didn't end in the way the tenant expected. Now instead of only dealing with one constable, the tenant had to deal with a house full of police officers that weren't too happy with her shenanigans.



Utah Apartment Association Trade Show



**Tuesday April 21th,
2020; 8 AM to 5 PM**

**Mountain American
Expo Center
Sandy, Utah**

Parting Thoughts

- We're working to build our readership, tell your friends to subscribe to this FREE newsletter. Send us an email info@utaheviictionlaw.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/utaheviictionlaw).
- You can also give us a Five Star Google Review (search "Jeremy Shorts Utah Reviews" click on our link).

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