

Landlord Letter

October 2021

Why Utah Won't See a Tsunami of Evictions

Last month we covered the U.S. Supreme Court's ruling issued August 26, 2021 that the CDC Eviction Moratorium was unconstitutional. Since the very beginning of the pandemic, the media has been reporting on a tsunami of millions of evictions that will be coming once court restrictions are lifted. Utah has now had the entire month of September 2021 to process any backlog of evictions. However, evictions for September 2021 are still well below pre-pandemic levels, which has surprised some groups and the media.

Before we get started, let's talk about the numbers. In the past 18 months of the pandemic (from March 2020 to September 2021), Utah's eviction filings are down 40% overall. This equates to around 4,400 fewer evictions filed across the state since March 2020. The month of September 2021 is critical because it is the first full month since the

CDC Eviction Moratorium was overturned. In the month of September 2021, when we were supposed to be experiencing a tsunami, Utah saw 524 eviction cases filed compared to 672 cases filed in September 2019 before the pandemic began. This means that Utah filed 22% fewer evictions even after the CDC Eviction Moratorium was overruled.

Having seen 4,400 fewer cases since the pandemic began, why is Utah still 22% below pre-pandemic numbers? Why didn't Utah have 4,000 eviction cases filed in September 2021 to address the substantial backlog? The answer is simple – Between financial assistance and communicating through problems, there is no backlog. Utah was given approximately \$400,000,000 in rent relief and the program has been paying out since March 2021.

(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.

(Continued from page 1)

In addition, if a reasonable landlord and a reasonable tenant have a problem, I'm confident that most disputes are worked out without court involvement. This involves people that have sought help from government assistance, community programs, religious groups, friends, family, etc., etc., etc.

All of this has led to an environment where, as of right now, there has never been a lower need to file an eviction with the courts. This doesn't mean that evictions do not need to happen. Landlords should first work with their tenants to come to a solution. But if the tenant is unwilling to cooperate in a mutually acceptable solution, contact us to work through the eviction process. Even after a case is filed, we can still consider a resolution if both parties agree to a settlement. If you have a problem with your tenant or they're behind on rent, contact us to discuss your options.



Know Your Notice

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

This notice requires the tenant to fix the waste or vacate the property within 3 calendar days.

Make sure the waste was caused by your tenant or those that your tenant is responsible for (guests, etc.).

Document the waste with pictures and/or witnesses. If you end up in court, a picture is worth a thousand words.

Landlords are responsible for normal wear & tear. Tenants are responsible for waste (or damage beyond normal wear & tear).

Dear Attorney,

My tenants are behind on their rent and they're trying to use the security deposit towards the rent, can they do that?

The quick answer is that they probably can't do that. However, like most legal questions, the correct answer is "It depends." Normally security deposits are put in place to ensure the successful performance of the lease agreement. Deposits are not usually applied until AFTER the lease has ended. Applying security deposits are usually governed by the lease, so you will need to check your lease agreement to see exactly what it states.

In our free lease agreement on our website (www.utahevictionlaw.com), we have the following language in

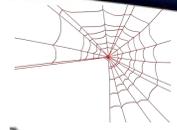
paragraph 2.2: "Tenant shall NOT have the right to apply any portion of the security deposit toward rent or any other amount owing to Landlord." That same paragraph continues to allow the landlord, at their sole discretion, to apply the deposit to an amount owed by the tenant but then require the tenant to reimburse the deposit within three business days. Most leases would not allow the deposit to be applied toward a balance owed unless it is with the consent of the Landlord.

Questions for Us?

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



Courtroom Chronicles



We occasionally receive threats of legal action against us and our clients. Oftentimes this comes from tenants that are acting as their own attorney and who are not familiar with the legal process in Utah.

We once had a case where the tenant spent a substantial amount of time lecturing us that we do not know what we were doing. He said that we had handled our eviction case all wrong and that we needed to drop our case against him. He was adamant that he would not give up until he gets his landlord disbarred as a landlord.

Once they said that, it was obvious that one of us doesn't know what they're talking about, but it wasn't us. That came as a surprise to us because we weren't aware that the Utah Bar Association had started admitting landlords to the bar.

By the way, the judge agreed with us and granted our eviction. The landlord still hasn't been disbarred from operating their private business either.



What people are saying about US!!!

"Jeremy has helped us avoid a couple of sticky situation and navigate the process. I recommend him anytime I can. They are the best!"

~A. A. —Google Review

Parting Thoughts

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

