



Landlord Letter

July 2022

Meth – Is Breaking Bad Happening in your Property?

We're following our own advice by bringing in a professional – This month we've invited guest-writer Ann Atkin of Meth Mob Decontamination Specialists, Inc. (www.methmob.com) to cover some common questions and concerns we hear about meth. Take it away Ann!



Thanks Jeremy! We often get asked what happens to a property once it tests positive for methamphetamine. Let's walk through what to do.

Unfortunately, meth is more common than you think. If you stay in the rental business long enough, you're bound to deal with meth contamination at some point. But that doesn't always mean you're going to incur expensive cleanup costs.

The State of Utah has a standard that decontamination is legally required for properties that

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Know Your Notice • Three Day Pay or Quit

Purpose: Assists the landlord in re-taking possession when a tenant has "rent or other amounts due".

A landlord is NOT required to accept a partial payment, but if partial payment is accepted, the pay or quit is cancelled. The landlord must serve a new notice showing the new balance.

A landlord cannot modify the pay or quit to become a "pay AND quit" or a "notice to quit". It MUST allow the tenant to either pay OR quit in order to comply with the eviction notice statutes.

*The three days stated in the notice are **business** days – not counting weekends and holidays. Do not count the day it was served. Day #1 begins the following day (For example—if served on Wednesday, the 3 days are Thursday, Friday & Monday).*

A Pay or Quit requires the tenant to do just that: (1) pay entire balance owed, or (2) vacate within three days. Those are the only two ways for a tenant to comply with this notice and avoid an eviction.

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test over one microgram per 100 square centimeters (or 1.0ug/100cm²). Some properties may test positive for meth, but if it is under the state standard then decontamination is not required.

If the property tests over 1.0 up/100cm², Utah law requires the property be quarantined until it is properly decontaminated and tested to confirm it is now under the state standard. The property must be decontaminated, tested, and then cleared before it is fit for occupancy.

Utah law only allows two options for performing the decontamination cleanup: (1) the owner must hire a Certified Decontamination Specialists who can perform the cleanup as well as the clearance tests, or (2) the owner of the property may perform the decontamination themselves on their own property but they may not do the clearance testing as that MUST be performed by a Certified Decontamination Specialist (but in talking with Jeremy he always recommends hiring a professional to handle the cleanup). In either case, a pre-work plan and post-final report

must be filed with the local health department.

Once the property is decontaminated and is tested, the health department clears the property and it's ready for occupancy again. Proving who contaminated a home with meth can be difficult but testing in between each tenant helps to pinpoint exactly when the contamination occurred. Meth can remain in a property for decades or until it is cleaned up, so the contamination could have occurred years prior, and you would never know unless you have your property tested.

Dealing with meth contamination can be scary and confusing, but we are happy to help you understand your specific area and need. There is no obligation, and all calls are confidential so don't be afraid to ask how to navigate through this. Contact Meth Mob if you have any questions.

Sincerely,

Ann Atkin

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Visit us online at www.utahevictionlaw.com



Dear Attorney,

Q: *One of my tenants requested an emotional support animal, but another tenant has allergies. What should I do?*

A: *For any difficult fair housing issue, you should seek legal counsel EARLY in the process. This situation comes up every now and then and you should be cautious. An allergy doesn't automatically mean that the ESA request can be automatically denied. It's best to document and verify the situation you're dealing with, and then communicate with those involved to try to work toward a solution.*

You should visit with each tenant independently to understand their situation and gather information and documentation. For example, a severe pet allergy is often un-documented by

medical professionals, but you should do what you can to gather information and documentation surrounding the request.

Under the fair housing act you need to process and decide any reasonable accommodation request that you receive. But, just like the name states, the accommodation you make must still be reasonable. If you have competing requests (between one tenant requesting an ESA and another tenant with an allergy), you should be careful. Consult an attorney early and often in a situation like this.

DO's & DON'Ts of Rent, Ledgers & Cash



DO

- Document each payment (tracking the date, amount, cash/check, and description for each payment).
- Communicate clearly with your tenant about payments and balances.



DON'T

- Accept cash without providing a receipt (documenting EVERY payment is critical).
- Rely on your memory for payments (memory fades and is easily challenged in court).

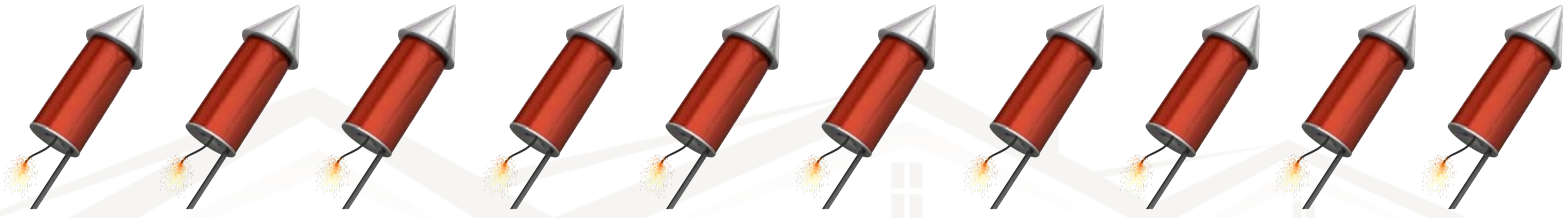
Courtroom Chronicles– The Serial Evictee

For most people, evictions come up as an isolated situation that often doesn't repeat itself. But for others, they're repeat offenders and find themselves in and out of the court system.

We recently had a case where we evicted the same person three times within a matter of about six months! In fact, two of the evictions were from two separate landlords but were actually handled at the same time. One case involved a residence, and the other case involved an AirBnB. Then, a few months later, a new landlord mentioned a familiar name and the third case was filed.

Filing these cases helped us to prepare and build stronger cases as we went forward because we knew what they tried disputing.

What's the lesson here? Landlords should perform what is called a "Background Check". Doing so in this situation would have saved a lot of problems for the landlord.



Evictions in Weeks, Not Months!

Calendar of Events

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 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 Google Plus link).

- July 4 — Independence Day
- July 24 — Pioneer Day

