



Landlord Letter

August 2022

Fair Housing Complaint Process

Once a fair housing complaint is filed, we receive multiple questions about the process and what to expect. Fair housing complaints are handled on the state level (with the Utah Antidiscrimination and Labor Division – or “UALD”) or on the federal level (with HUD). Let’s walk through an overview of the process of handling a fair housing complaint with UALD, but the HUD process is fairly similar.

The first indication of a fair housing complaint is when you receive a certified letter from UALD.

This letter notifies you of the complaint, assigns an investigator, and outlines several critical steps. As soon as you receive this letter, it is critical to immediately contact us. The earlier your attorney is involved in a fair housing complaint the better.

The letter from the UALD will outline two important dates or timelines. First, the UALD letter states a deadline of 10 days for you to file a writ-

ten response to the complaint (a “Position Statement”). Second, the UALD will set a mediation dated and time (referred to as a “resolution conference”) to allow the parties time and an opportunity to mediate the case. These two tasks set the direction of your entire case and they should be handled carefully.



Mediation is your first substantial opportunity to resolve the case. The facts of the case really determine your approach in mediation. But having a strong defense in your favor doesn’t always mean you should skip mediation or refuse to settle. Even if

you have a strong position, there is always value in resolution. Getting a case settled means it’s over and done with now instead of spending additional time, effort and money defending the case. However, the specific terms of a mediation settlement

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will depend on what makes sense for your case. If the case is settled in mediation, then the case is resolved and closed. If mediation is unsuccessful, then the case is turned over to the investigator to complete an investigation.

The Position Statement gives the UALD the first explanation or defense of your case. The UALD investigator will use this as a starting point to evaluate the case. Usually the investigator will then request interviews, information, or documents to help them evaluate the case. The focus of any investigator is only one question – Whether there was illegal discrimination. The investigator doesn't address what the cost of any discrimination was (i.e. they won't award an amount to the tenant if there was discrimination), their sole focus is to answer "yes or no" to "was there any illegal discrimination."

After conducting interviews and reviewing any

requested or relevant information and documentation, the investigator will give their ruling on whether there was illegal discrimination. If they find "no cause" for discrimination, then the case is closed and dismissed (unless there is an appeal). If they find "cause" for discrimination, then you will have another opportunity to consider mediation and the case will move into the damages phase to discuss a dollar amount of damages related to that discrimination.

By statute, this entire investigation process is supposed to be completed with 100 days although the statute also allows the UALD to extend this 100 day period for a variety of reasons. This process is highly technical and can carry consequences. As stated above, if you receive a UALD letter you should contact your attorney immediately.

Attorney Jeremy Shorts

Quick Tips on Eviction Notices

- If applicable, serve multiple eviction notices to strengthen your case.
- Include enough detail to explain why they're receiving the notices.
- Make sure it's filled out and served properly.
- Keep a copy for yourself in case you end up filing an eviction.



Dear Attorney,



Q: *My tenants filed for bankruptcy while I'm trying to collect on my judgment. What happens now?*

A: *Unfortunately, your options to collect are severely limited (and maybe eliminated) based on the tenant filing bankruptcy. It all depends on the type of eviction they've filed and whether there is any money for distribution.*

There are two primary types of bankruptcy cases. A chapter 7 case is a "full liquidation" that typically wipes out all debts owed, meaning you receive nothing and your judgment is discharged (or erased). Occasionally the bankruptcy court reviews the debtor's finances and realizes that they have assets above the exemption limits, and they may allow you to make a "proof of claim" to request some of these funds.

This is fairly rare, and if it happens you may get pennies on the dollar.

A chapter 13 case is a "restructuring" of debt where the bankruptcy court views the debtor's income and expenses, and sets a payment plan they can afford that goes toward their creditors over a 2-5 year repayment period. The bankruptcy court accepts the payments, and then disburses them on a pro-rata basis to the creditors. This means you may get nickels on the dollar (or dimes, if you're lucky) for what you're owed.

Neither option is ideal, but you need to make sure that you comply with the bankruptcy court rules and the "automatic stay" which requires you to immediately stop any collection action while the bankruptcy is pending.

See what people are saying about US!!!



"Jeremy is quick to respond to time critical situations and provides sound advise after listening to the facts in a case. Great service, professional, and quick response times are why I give Jeremy 5 stars."

~T. M. —Google Review

Courtroom Chronicles

Timing is usually really important in an eviction case. We normally work through the eviction as quickly as we are able to avoid delays, lost rent, damages etc.

We recently had a case where the client was concerned about their case, but not in the way you'd think. We filed the case the same day we received the file and our process server was able to get the court papers served very quickly. In the course of a few days the client had received several quick-fire updates via email stating what we were working on.

The client contacted us with a concern, but their concern was fairly unusual compared to what we normally deal with. As the case was progressing, the client called us upset at how FAST it was happening. They said, "You're moving too fast on my case! Please slow down." Which we did.



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 "Jeremy Shorts Reviews" and click on our link).



Evictions in Weeks, Not Months!