



Landlord Letter

October 2024

Horror Stories — Background Check Edition

What's scarier than a horror movie with 100 chainsaws? A landlord that doesn't do background checks! We often hear horror stories from landlords and our response is usually the same – "What's their name? I'll do a quick background check" (because you probably didn't). Many of a landlord's problems can be totally avoided by simply knowing who they are renting to.

First, background checks will help to avoid problem tenants that have multiple prior evictions, bankruptcies, judgments, liens or foreclosures. Second, even if the tenant has a clear background, if the landlord does run into problems, the background check will help to confirm

who you are dealing with and may help with collections.

If you've been to our classes, you've probably heard names of people that are "serial evictees". There are a few people in Utah that have been evicted over 20 times!!! Sometimes these people keep using the same names, but other times they start giving false names and false information to try to avoid getting denied. It's important to be persistent to avoid these problems.

One tenant always has a reasonable story as to why they need to move in quickly. That alone is often a yellow (or red) flag and you should proceed cautiously. Often times, the need to move quickly is because they are

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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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facing an open and active eviction with the courts.

Make sure your rental application asks if they have been evicted, been served an eviction notice, or are currently facing an eviction (from a landlord or a court). In addition, make sure your lease clearly states you are entering into the lease based on the information in the rental application, and providing false information in the rental application is grounds for eviction (see the “False Information” section in our free lease on our website).

Even if you do everything right, you still may run into problems. But having a thorough rental application and background check helps if we have to file an eviction. It allows us to confirm who we should list on the court papers, and it also helps us when it comes to collections. Seeing where they bank, where they work, from a rental application or their payment history gives valuable information that can be used during collections.

In the end, avoid the horror stories that many landlords deal with by performing thorough and complete background checks based on a detailed rental application.



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,

The utilities are in the tenant's names but aren't being paid, what should I do?

Like most legal questions, the answer is “It depends.” You shouldn’t proactively have the utilities shut off, but if the utilities may be shut off because the tenant is not paying the bill directly to the utility company, that may be an issue directly between the tenant and the utility company.

If the utilities are in your name and included in the rent, you should NEVER turn off the utilities to your property, even if the tenant isn’t paying for them. Doing so gives the tenant an argument that you’re attempting to evict them from the property by turning off utilities (Utah law is clear that you must go through the legal eviction process with the courts).

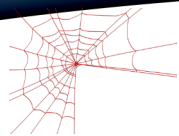
However, if the utilities are in the tenant’s name or the tenant is responsible to pay for the utilities directly to the

service provider, you probably do not have a legal obligation to save the tenant from the utilities being shut off. The most important piece of advice here is that you should not proactively take action to turn off the utilities. If you have questions, you should consult an attorney.

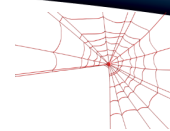


Questions for Us?

Call us to become
a Member Client!
(801) 610-9879



Landlord Laughs – Spooky Decorations

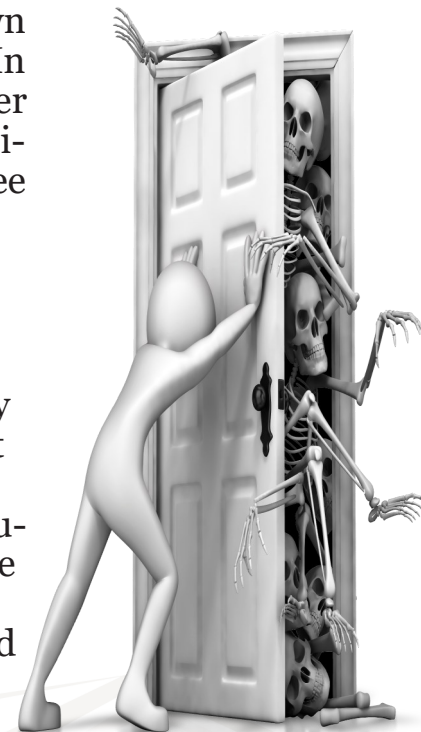


Failing to properly serve your eviction notice can get your case dismissed. We recommend service via “Knock, Post & Picture”. You should attempt personal service, and if they don’t answer you should take a picture of the notice posted on the front door (taking a picture isn’t required, but if they say it wasn’t served you can see how important that is).

One of our clients posted the notice on the front door on top of the tenant’s Halloween decorations. Multiple pictures were taken showing it was served correctly. You can imagine our surprise

when the tenant brought her own (STAGED) pictures to court. In the tenant’s pictures, the corner of the notice was BARELY visible. You couldn’t read or even see the notice.

The tenant’s attorney aggressively argued improper service and asked the judge to dismiss the case and award him attorney fees. But we were glad our client had taken multiple pictures showing how the notice was actually posted. Seeing the difference between the pictures, the judge saw through the tenant’s lies and granted our eviction.



Calendar of Events



- October 3 – RHA Good Landlord Class (SLC)
- October 11 – RHA Good Landlord Class (Ogden)
- October 14 – Columbus Day
- 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).

