Evictions and Housing Stability

NORTH TEMPLE NEIGHBORHOOD CHANGE: Promoting Equitable Development Along the North Temple Corridor

Westside Studio
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Westside Studio Overview

This workshop course places students in a real-world planning context while providing the west side neighborhoods of Salt Lake City, Utah with planning services. Students partner with specific west side groups to map assets, identify needs, and design projects that address the community’s wants. This semester, our project is titled, “NORTH TEMPLE NEIGHBORHOOD CHANGE: Promoting Equitable Development Along the North Temple Corridor.” We worked with several community organizations like University Neighborhood Partners and NeighborWorks. Our primary client will be the Redevelopment Agency of Salt Lake City (RDA).

Salt Lake City neighborhoods in the west side have undergone drastic transformations as a result of macro level socioeconomic shifts in the United States as well as local investment and disinvestment practices. Most striking are trends of gentrification in particular neighborhoods, contrasted starkly with neighborhoods that have experienced prolonged disinvestment and marginalization. The course will be part of a community based project to understand how west side neighborhoods have changed over time. The intention is to develop effective strategies and policies to offset displacement and/or disinvestment; in other words: to find balance and achieve equitable development for current residents and generations to come.

North Temple is in the midst of transforming into a mixed use, multi modal corridor that unites low density residential areas. The addition of the TRAX light rail line brought significant public investment that has leveraged private development. The corridor has been established as an urban renewal area by the Redevelopment Agency of Salt Lake City to further the leveraging of public and private investment. As neighborhood change occurs, it is important that policies and practices promote equitable development that considers existing underrepresented residential groups while also serving the needs of a growing and changing community.

Our group did research on eviction and housing stability in west side neighborhoods in Salt Lake City, including Fairpark. We conducted a focus group, collected surveys from participants, helped organize a housing rights class, and writing this final report to be passed on to our community partners.

Community Voices for Housing Equality

The Community Voices for Housing Equality (CVHE) is comprised of three members; Abdulkhalig Mohamed, Gilberto Rejon-Magaña, and Kara Byrne. The members of this group are social workers, researchers, and refugee and immigrant tenants within the west side neighborhood. The research group is located at the University Neighborhood Partners Hartland Partnership, and they have been working with these partners for two years. CVHE’s primary research has been focused on housing stability within the west side neighborhood.
Study Area

The area of analysis includes west side neighborhoods Fairpark and Rosepark all north of the North Temple Corridor.

(Map source: PolicyMap.com, North of North Temple Corridor and neighborhoods of the west side)

Executive Summary

As part of the Westside Studio workshop course in the Spring semester of 2017, the Evictions and Housing Stability (EHS) group sought out to research evictions and housing stability issues specifically among Hispanic mothers in the west side neighborhoods. The goal of this project was to supply our community partners with further data regarding eviction as well as to learn about these issues in relation to our Urban Ecology study emphasis.

The first step in our methodology for this project was to form a partnership with Community Voices for Housing Equality. We worked with them to decide our target demographic and determined our further methodology for our research. Together, we decided to conduct a focus group of Hispanic mothers from the west side neighborhoods. Our community partners were instrumental in organizing the focus group since they already were in communication with the potential participants.
We held one two-hour focus group with 11 participants at the Community Learning Center in the Glendale neighborhood of Salt Lake City. We incentivized participation with a $20 gift card and held the focus group directly after a regularly scheduled parent meeting. We had a prepared script of questions and administered the focus group in Spanish. In the weeks after, we translated, transcribed, and analyzed the recording from the focus group.

The main findings of our analysis were that many of the participants were unsure or completely unaware of their rights as tenants. The majority of them felt they had been a victim of housing discrimination at least once, much of it stemming from difficulty with language barriers between themselves and their landlords or property managers. The absence of written contracts and tendency to search out housing where extensive backgrounds check was not required, resulted in many participants living in month to month arrangements, leaving them vulnerable to displacement and housing instability.

During the focus group, some participants referred to the focus group as a “class.” From this, our group worked with the Community Voices for Housing Equality and the Disability Law Center of Salt Lake to organize a housing rights class for the participants. The class was a success and as part of our recommendations, we suggest that additional housing rights classes be offered for residents of the west side neighborhoods.

Introduction

The Evictions and Housing Stability group of the Westside Studio workshop class spent the Spring 2017 semester researching evictions and housing stability in the west side neighborhoods of Salt Lake City. Our partners, Community Voices for Housing Equality had already done extensive research work in these neighborhoods regarding tenant-landlord relationships. They are now preparing a new research project about eviction. One of our goals was to provide them with further information as they prepare for this new project.

Our project included researching about eviction and housing stability, conducting a focus group with residents of the west side neighborhoods, analyzing the focus group transcript, and organizing a housing rights class for the participants of the focus group. Our goal in all of this is to contribute to the work of our community partners, as well as, learning more about the impacts of evictions and housing instability on families on the west side. Evictions and housing instability are closely related and have life changing effects on the individuals and families that experience them.
Eviction and Housing Stability

The word “home” provokes a sense of familiarity and represents one of the most basic human needs to be sheltered, but home is much more than that. Home is where families live, learn, and grow together. It is where child development first takes place and plays a crucial role in the future of a child’s life. Homes are the building blocks of communities. A healthy and stable living situation will in turn contribute to a healthier and more stable community. For some families, establishing this stability as tenants can be difficult, especially when there exists a deficit in affordable housing options. Often times even when affordable housing development occurs the units are quickly bought up off the market by buyers who will sometimes pay more for the property than it’s worth to ensure its acquisition. This leaves very little options for families who fall below the low-income threshold.

As the need for affordable housing increases, evictions are becoming a problem in many low-income communities. Low wage growth, less federal subsidies for housing, and growing housing costs are some of the factors that have led to this eviction issue. It is generally accepted that a household should spend no more than 30% of their income on housing costs. But according to Matthew Desmond (2015), a Harvard professor who has been researching eviction, “the majority of poor renting families spend at least half of their income on housing costs. And almost a quarter—representing over a million families—dedicate over 70% of their income to pay rent and keep the lights on” (Desmond 2015, p. 2).

As cities grow and grapple with affordable housing issues, eviction will be a problem that needs further research and addressed with policy change. Presently, there is not much data and research about evictions on a local or federal level, therefore the effects have been difficult to record and measure. We do know that eviction can have devastating effects on the individual or family being evicted as well as the community or neighborhood they are evicted from. The inevitable housing instability caused by eviction has been linked to social and emotional problems, especially when children are involved. In addition, often times when a family or individual is forced to leave their home, they become desperate to quickly find a new place to live. According to Desmond (2015), they may end up settling for substandard housing or move “to neighborhoods with higher poverty and violent-crime rates than the neighborhoods from which they were evicted” (Desmond et al., 2015, p. 230).

According to court records, in the state of Utah in 2015, there were 5,672 eviction cases brought to court and 75% (4,254) of those cases ended being disposed as Granted or Judgement. According to Nick Jackson (2016), a Fair Housing Staff Attorney at the Disability Law Center,
an eviction case that is disposed as Granted or Judgement is almost always a win for the landlord and results in an eviction. If we narrow the numbers to just Salt Lake County, there were 3,160 eviction cases in 2015 and 77% (2,450) of those cases were disposed as Granted or Judgement.

The high rate of eviction cases that result in a technical win for the landlord is no doubt related to a lack of legal representation for tenants in eviction cases. In an analysis of court documents, the Utah Supreme Court found that only 4% of eviction cases brought to court in 2015 had both parties represented (Utah Supreme Court, 2015). From further analysis and data testing of court records about eviction, it was found that when a tenant had legal representation in court, they were up to 40% less likely to be evicted. This signals a need for better access to the legal system in civil court cases for low-income people and other vulnerable groups.

There are laws that protect tenants, especially those who are susceptible to discrimination. The Fair Housing Act is a federal act that, by law, forbids discrimination in the rental of property based on someone’s race, color, or national origin. The act also covers the sale and financing of property and safeguards the rest of the seven protected classes from housing discrimination. This applies to undocumented residents as well, who may be in the country illegally. Whether they are legal or not, the law protects their basic right to be sheltered. In Utah, the Fit Premises Act lays out the fundamental responsibilities of landlords and property manager to maintain the property to be fit for human habitation. It also describes the responsibilities of tenants to document and report a deficient condition to the landlord or property manager.

The laws on eviction in Utah recently changed this past year when legislation was passed adjusting the ten-day notice requirement for an eviction to only three days. This drastic change in policy makes residents much more exposed to the possibility of actually being evicted, since it limits the time they can seek out a solution or find legal representation. If the tenant fails to quit the property after the three day notice they become an “unlawful detainer” and may face legal repercussions. By law, if the reason for eviction involves nonpayment of rent, the landlord is required to give the tenant the option to pay or vacate. An eviction that doesn’t comply with this requirement would be deemed unlawful and denied; case in point: Sovereen vs. Meadows (Utah 1979). In this case, an eviction was overruled as the “notice failed to comply with the provisions of the statute because it did not give the tenant the option to pay the owed rent. (Blaustein, 2013, p.2).” Even when an eviction notice complies with all the requirements, a tenant can appeal against it, but they must take action before the three days is up. The change from ten to three days’ notice has made Utah much more landlord friendly, but leaves tenants with little leverage and susceptible to eviction.
Our Partnership

While conducting research, the EHS group worked closely with Community Voices for Housing Equality (CVHE). CVHE has been working to engage tenants with refugee and/or immigrant statuses in participatory action research, such as focus groups and surveys. While CVHE conducted this research, they have been working at University Neighborhood Partners Hartland Partnership (UNP). This partnership has been ongoing for two years. During this time, they have established rapport and trust within the west side neighborhood. CVHE has done this by engaging with the community in the position of social workers. They also have facilitated and participated in resident committee meetings while listening to the community’s needs and stories. The organization of these focus groups and surveys stemmed from a discourse around social justice housing issues. These issues include community stability, child and family outcomes, housing instability, and mobility.

The methods which CVHE used involved eight one-hour focus groups with small groups of participants, totaling 48 participants all together. The targeted demographics for these focus groups were Somali, English, and Spanish speaking residents. Each focus group had two facilitators from the CVHE, with at least one facilitator who could conduct the focus group entirely in the native language of the participants. The research questions focused on housing stability and power dynamics between tenants and landlords. All the focus groups were recorded with the participants consent, then translated and transcribed using pseudonyms for analysis.

The findings from the CVHE focus groups analysis showed that low-income tenants with refugee and/or immigrant statuses have significant barriers such as language, understanding the ‘fine print’ within leases, lack of housing choices, and overgeneralized stereotyping. All of these barriers led to an overarching barrier to access and understanding of the tenants’ individual rights. Findings also showed a significant lack of landlord transparency and accountability, leading tenants to feelings of hopelessness and powerlessness.

Based on their findings, the recommendations the CVHE offered were to: a) improve communication between tenants and landlords via mediation and translation, b) increase public funding for maintaining and building affordable housing, c) increase funding for more formalized services for tenants with refugee and immigrant statuses, d) utilize community liaisons, and e) increase access to legal services. The CVHE also organized and facilitated a fair housing expo for the west side communities to educate and inform participants of their housing rights.
The CVHEs’ next step in this ongoing research project is to analyze the evictions within the west side neighborhood via spatial analysis and more focus groups. The EHS group partnered with the CVHE to assist them in the continuation of this specific part of the existing research project. The EHS collected data on the number of documented evictions within the west side neighborhood in a four-month period, what populations were more susceptible to evictions, and what groups are underrepresented within current policies.

The EHS organized and facilitated one focus group with the assistance of the CVHE. After attending a regular community meeting, residents were asked if they would be interested in participating in a focus group on housing equality and evictions. After most of them said yes, we had our volunteers and scheduled for the following week on a morning convenient for them. It was to our advantage that the CVHE previously formed a relationship with the community and had already produced the basic research questions. The EHS added an additional subset of questions specific to evictions based on the data from our research.

**Our Project**

Before conducting the community involved research, members of the EHS group had to get IRB certified. To do this, the group was required to complete the IRB training and quizzes, totalling about 5 hours of work. With the completion of the training our team members learned how to conduct ethical research.

We began our research project by surveying the community and the participants of our focus groups. The surveys consisted of 40 questions related to housing issues. From the focus group surveys we found that not everyone was unhappy with their neighborhood or home, but of the people that were, two were very unsatisfied with their living situation. The average rent reported within the west side is anywhere from $800-$1000. Some thought this to be unaffordable, while others who came from more expensive cities found rent prices in Salt Lake to be reasonable. Only one participant in our focus group had actually been evicted, but most of the participants felt discriminated against because their race, ethnicity, number of children, and age.

The EHS held the focus group at the Community Learning Center in the Glendale neighborhood of Salt Lake City on Tuesday, March 14, 2017 at 9:15 a.m. The participants were composed of 11 Hispanic mothers that had experienced housing instability within the study area. Since a large majority of the population on the west side is Hispanic, we agreed this would be an
ideal demographic to target. The focus group was conducted entirely in Spanish and was recorded as an MP3 for later translation, transcription, and analysis.

The focus group consisted of a one two-hour session of questions, answers, and experience sharing. The facilitators of the focus group included Juan Gilberto Rejon-Magaña of the CVHE, Carl Shelton and Kaylee Milliner of the EHS group, and Professor Ivis Garcia of the Westside Studio. The script used to conduct the focus group included two sets of questions, specifically a subsection only to be asked to a participant if they had been evicted, while the rest were focused on finding information about housing stability. This script was previously created by CVHE and passed on to the EHS group to use for our project.

The findings from the EHS focus group led to action by working with the CVHE to organize a housing rights course to be presented at the Community Learning Center. This course will be led by housing rights advocates from the Disability Law Center. The expected attendance for this class are the participants from the focus group and any other member of the community that would like to attend. The expected outcome of this partnership between the CVHE and the EHS is to provide the CVHE a starting place for participatory action research on the topic of eviction. Additional outcomes are the completion of both a focus group and the housing rights course.

**Focus Group: Findings and Analysis**

The focus group the EHS team conducted was the focal point of the entire project. The methods and basic details of the focus group have been provided above. This section will discuss the findings and analysis from the focus group transcript. The questions prepared for the focus group were mainly about tenant-landlord relationships in relation to evictions and housing stability, so we first wanted to know if anyone had ever been evicted. Of the 11 participants, only one had ever been evicted. The eviction occurred within our study area and appeared to be unlawful. She described the situation, explaining that her and her family were ten days late on rent when the eviction took place, however not once did they receive a notice of eviction nor were they given the opportunity to pay what was owed. In her own words, she described:

“We were late on rent and the police just arrived one day and kicked us out of our apartment. We weren’t able to get any of our belongings out of the apartment. They kicked us and the children out in the streets. We had nowhere to go.”
Utah law requires that a notice of eviction to either “Pay or Vacate” be issued to the tenant before an eviction can take place. If it is true that this was not the case, then this eviction is clearly a violation of Utah law and should not have been allowed. However, in this case, the tenant said there was no contract and the family was paying month to month based on a verbal agreement. This type of situation left the family vulnerable to unlawful action by the landlord and because they did not know their rights as renters, they felt as if they had no power or right to dispute the eviction.

Although this was the only participant who had actually experienced an eviction, it opened up the discussion to other issues facing renters of this demographic. The majority of the participants discussed how they rarely have written contracts or leases with their landlords and usually don’t get receipts when they pay their rent. In fact, the lack of documentation of agreements or contracts was one of the main issues we learned about from the focus group. Many tenants who are immigrants seek out landlords that will rent to them month to month without a written contract because they can avoid extensive paperwork and background checks, but this leaves them even more vulnerable to evictions and displacement because ultimately the landlord has complete power over the arrangement, not being held to any terms of a contract or lease.

In addition to the lack of written terms, the other main issue discussed in the focus group was the language barrier between themselves and their English-speaking landlords or property managers. Even if they do sign contract that lists the terms of their agreement, often times it is written in English and the fine print is rarely understood. The inability to communicate creates a huge obstacle for the Hispanic community as well as other non-English speaking tenants. One participant in particular discussed how she felt discriminated against after basically being ignored by her property manager when trying to make a maintenance request on her heater. Because she did not speak very good English, the request was never acknowledged nor resolved. Finally, she had her daughter visit the front office to make the request and because she spoke English, the property manager said they’d take care of the repair right away. Unfortunately, the repair never actually took place. Even after taking days to send in a specialist, the issue with the heater was never resolved and they elderly woman spent the month of January without heat. The language barrier was a common theme as they discussed how the power of language affects their life on a daily basis. One participant said:

“The main thing, I believe, is the language, because if we don’t speak English we feel like we don’t know anything. We don’t know anything about what is happening.”
All the participants had experienced the language barrier at one point in their integration into American society, and most of them felt that they definitely had been discriminated against in some way or another because of their ethnicity. One participant described it:

“I feel like it’s the fact that we are immigrants, like it doesn’t matter to some people whether we are legal or not, it’s about who we are, the color of our skin, our culture, they identify us as Hispanic and don’t see anything else.”

The third main issue discussed in the focus group was simply not knowing and understanding their rights as renters – particularly as immigrants. They mentioned several times that it would be helpful if they could somehow learn more about their rights. One participant suggested making some kind of pamphlet or handout that describes some of their rights as tenants. When asked what they learned, one participant said:

“Now I know I have the right. Not as a citizen, because I’m not an American citizen, but as a person. I have human rights, I believe, right? When I arrived here, I didn’t believe I had any rights.”

Because some of the participants were undocumented, they arrived in the United States believing they had no rights whatsoever. Being unaware that there are laws that protect them, even if they are here illegally, many tenants would assume they were at the mercy of whatever the landlord demanded, whether it was increasing rent without notification or explanation, or full on eviction without any basis or reason. Even if they felt the landlord’s actions were unlawful, they wouldn’t seek out legal representation. This is because, one, they didn’t know they had a right to, and two, most of them were afraid of any consequences or repercussions that might occur from being an undocumented citizen.

This fear has only been exacerbated following the election of Donald Trump who has taken an aggressive stand against immigrants. This has created a post-election anxiety amongst immigrant demographics, making it even more difficult for victims of discrimination to speak up in fear they might be arrested or deported.

Possible Solution and Recommendations

As the EHS analyzed the focus group transcript and began to understand the main issues that tenants face, possible solutions were suggested to help mitigate some of these problems.
Although our semester is coming to end, the EHS will be passing this report on to the CVHE as they continue their work with the community. We hope to leave them with a starting point on the topic of eviction within their continued research on housing equality.

During the focus group, the participants repeatedly referred to the session as a “class.” This led to the idea of providing a housing rights class to community members who were interested in learning more about their rights and responsibilities as renters. The CVHE facilitated the creation of a class regarding housing rights and tenants’ rights. It took place on Tuesday, April 18, 2017 at 10:00 a.m. at the Community Learning Center in the Glendale neighborhood of Salt Lake. As mentioned in the introduction, the class was taught in Spanish by two fair housing advocates from the Disability Law Center (DLC) in Salt Lake City. There were 6 participants in attendance and all of whom participated in the focus group. The class was very successful as the participants were actively engaged and made a number of inquiries about their rights as tenants. They were also provided the contact information of the DLC employee who conducted the class, as well as, contact information for other helpful resources, including the phone number for Utah Legal Services. After the success of the DLC housing rights class, the EHS group concluded that educating and empowering tenants with knowledge of their rights and responsibilities is the most impactful solution. We suggest that this class format be repeated in the future and that other residents of the west side be invited to gain access to this valuable resource.

In addition to the class, the EHS team created a list of questions asked at the DLC class, along with other common housing rights questions. These questions are included in the appendix of this report. We will be sending the list to a housing attorney for accurate answers. Another way the EHS suggests helping educate tenants who may be vulnerable to eviction and displacement is to create a Facebook page or website that can be easily accessed by tenants. These resources could have information regarding housing and tenant rights, the FAQs sheet we developed, and contact information for resources if they need housing assistance. Facilitating access to this information could prove invaluable to people who are at risk of being evicted. Lastly, educating vulnerable demographics of available legal services will be vital in protecting them from discrimination. As tenants who are experiencing this form of treatment begin to step forward and tell their stories, we hope this will ultimately achieve the long-term goal of policy change in Utah, to become more tenant friendly and lead to housing stability for all residents.
Conclusion

After the focus group, it became clear that a big issue when discussing eviction and housing stability in west side neighborhoods is that many people are not aware of their rights as a tenant. We have concluded that educating the public about tenant rights and responsibilities, will help protect vulnerable communities from being taken advantage and is an imperative step to mitigating the high number of evictions that affect the lives of families struggling to make a home. We also surmise that increasing access to educational resources and legal services will be a partial solution to the problem of housing instability. As Salt Lake City continues to try and provide affordable housing to residents who need it, a critical goal to decrease the number of evictions will be important in creating a community where all people can live, grow, and thrive.

Citations

Blaustein, Martin S. Utah Legal Services, Inc. (2013) LANDLORD TENANT GUIDE


Jackson, Nick, email message & phone interview, December 2, 2016.

Appendix

Focus Group Script and Questions

The purpose of this focus group is to listen to you talk about your experiences, thoughts, and feelings about being a tenant in Salt Lake County.

Since the focus group is being recorded, I would like to begin by going around the table and have each of you state your first name. That will make it easier for the person writing out the recording to identify who is speaking each time without having to use names. I want to assure you that once the focus group is transcribed your individual names will be removed from the record and the file will be destroyed.

[Go around group with names.]

Great. Thank you!

Now, let’s go around the table and can you tell us if you or someone you know has ever experienced an eviction in Utah? Eviction can be actually being evicted and getting notice from your landlord, or your landlord forcing you to leave your home another way.

[Proceed to EVICTION QUESTIONS if all but one or two have/know some who has, been evicted.]

[Proceed to TENANT/LANDLORD QUESTIONS If all but one or two have not been evicted.]

EVICTION QUESTIONS

1) Can you describe what happened when you or someone you know was evicted? Why do you think you or the person was evicted?

2) Can you describe the circumstances leading up to the eviction?

3) What happened after you or the person was evicted?
   a) Prompts: Where did you/they live?
   b) How did the eviction impact your/their life?
   c) Where did you/they go for help?

4) What do you feel could have been done to prevent the eviction?
   a) Prompts: Are there things you feel you or people you know could have done differently?
   b) Are there things the landlord or property manager could have done differently?
   c) Were there resources that could have been in place to keep you or people that you know from being evicted?
5) Did you know what your rights were? Did you seek legal representation? Why “yes” or why “no”?

6) Do you think that Latino immigrants face different risk than other groups?

7) Do your friends or family members have any similar experiences leading up to, or in the process of being evicted?

**TENANT-LANDLORD/PROPERTY MANAGERS QUESTIONS**

8) We want to hear a little bit about what it’s like to rent in Salt Lake County. Can you tell us a bit about your experience as a tenant? What is it like dealing with landlords or property managers?

9) A lot of renters in the community have told us that they feel powerless in dealing with landlords or property managers. How has power come into play in your experience renting?

10) Can you describe the communication between tenants and landlords? How are tenants and landlords/property managers interacting or communicating with each other? If you did something wrong, how would you know? If you had a complaint for the landlord/property managers how would you communicate with them?

11) If a renter in your complex has a problem with their apartment or house, what would they do? How would you expect the landlord or property managers to respond? Do you know what your rights are as a tenant? Can you describe the legal services that might be available to you, or your experience in using these resources? Have you experienced retaliation for exercising your tenant rights?

12) Talk about the things that landlords do to make living in your apartment or house better.

13) Talk about the things that some landlords do to make living in your apartment or house difficult.

**Focus Group Transcript**

**Juan** Can you tell us if you or someone you know has ever experienced an eviction in Utah?

**Participant 1** Years ago yes. We were late on rent and the police just arrived one day and kicked us out of our apartment. We weren’t able to get any of our belongings out of the apartment. They kicked us and the children out in the streets. We had nowhere to go.

**Ivis** And this was here on the west side?

**Participant 1** Yes.

**Ivis** How late were you on rent?

**Participant 1** I believe it was 10 days.

**Ivis** Did they give you a notification?
[Participant 1] No. The police just showed up and kicked us out.

[Ivis] So you didn’t know you were going to be evicted? You didn’t receive any notice from the landlord?

[Participant 1] No. We knew we were late, but didn’t know we’d be evicted.

[Ivis] Can you describe the property? Was it a large apartment complex or small?

[Participant 1] It was a smaller complex of about 8 units that was ran by one woman. She just showed up with the police and said we had to go. I said “but we have children.” I believe at the time I had a 3 month old. She said it didn’t matter that we had to leave. I told her we have nowhere to go, but she didn’t care. She said we’d have until the following Monday to move our stuff out, but we couldn’t stay there. She didn’t give us the option to pay our rent to continue living there. Nothing, nothing.

[Ivis] Was there a contract? Did you sign anything?

[Participant 1] No. I believe there was no contract. We were paying month to month.

[Ivis] Was the complex all Hispanic or was there a mix?

[Participant 1] There was a mix, but mostly Hispanic. 5 or 6 of the households were Hispanic.

[Ivis] Do you know if other people living there were evicted?

[Participant 1] No, just me.

[Ivis] And what happen after this?

[Participant 1] We went to live with friends and then moved in with my mother in her apartment. We lived there for another 2 weeks and then move in with friends again until we were able to find a place to rent.

[Ivis] When you rented again did the eviction show up in your records?

[Participant 1] Well because we don’t have social security cards, we’d always rent from places that do not require that to be checked, but if we didn’t have that type of identification or record they would charge a large deposit.

[Carl] What was the difference in the deposit? How much more did they charge?

[Participant 1] A lot. Because when you have good record or documentation they waive the deposit, but sometimes they’ll charge us $1000 - $1200 for a deposit plus one month’s rent.

[Ivis] So, I liked to go around the room and hear more about your experiences as renters. It was interesting that (participant N) had not dealt with contracts before, paying month to month. I’m
curious if you all have had experiences with more flexible landlords or difficulties finding somewhere to rent because of contracts or deposits.

[Participant 2] We as a Hispanic community and the situation we have in this country, some of us not all, always search out places where they don’t really check your records or for social security. We look for people who are willing to rent out a house or a basement. Not people we know particularly, but people who advertise or list a place to rent and don’t check as much as apartment complexes. So, for example, I lived in a house where we never made a contract, paid month to month, and was never given a receipt. Then one month he raised the rent by $100.

[Ivis] By ten percent?

[Participant 2] No, it was more than 10%. He came to me in the middle of the month and said that he forgot to charge me an extra $100 for rent at the beginning of the month, that this next year the rent would be $100 more, so next month I would owe that, but it surprised me because I wasn’t given any kind of notification or anything so I was unable to prepare myself financially. We ended up making an agreement for half of that, nothing more, so $50 more per month.

[Ivis] A verbal agreement?

[Participant 2] Yes. Verbal. Sure, he said, “If you can’t afford $100, pay be $50.” We agreed and continued paying $50 more a month than we started. The following year he said he needed an extra $100 more per month, and wasn’t willingly to negotiate a lower price. So for the size of the house and what he was offering, it wasn’t convenient for me to pay him that much. I told him that I couldn’t pay that much; that I needed to look for something larger for my family. So the agreement was that I’d have the next year to look for something else, but come the following year he would not respect my request and would continue raising rent by $100. It didn’t matter that the house was small or that he didn’t, for example, let us use the garage, only the house. Some of our stuff had to be stored outside, and was ruined from getting wet from the rain and snow. It felt unjust that he was only renting me the house and kept raising the rent each year, so we ended up leaving and moving into a basement. The basement rent was more affordable and we are much more comfortable.

[Ivis] So the contract was to raise the rent each year?

[Participant 2] No. It wasn’t written, it was just verbal.

[Ivis] Did you have an understanding that landlords can legally raise rent by a percentage each year?

[Participant 2] Well what I understand, for example, in apartment complexes, before renewing your contract they send you a notification like 2 or 3 months before renewal that says “With this renewal of contract rent will be raised $25” or $50 more depending. But I’ve never heard of a case where they’d raise it $100. That was the first time it had happened to me. I’ve heard people say that they raise the rent, but never that much and it’s up to the person whether they want to renew the contract or not. If not, they can look for something more affordable.
[Ivis] What kind of household was it?

[Participant 2] A very small house with 2 bedrooms, a kitchen, and bathroom. It was very, very small, so for what I was paying there was very little space for my family; for my daughters and husband, so we looked for something larger for the same price.

[Ivis] Has this happened to anyone else here where they raise the price of rent?

[Participant 3] Well where I live, each year they raise it.

[Ivis] And how much do they raise it?


[Ivis] And is it written down?

[Participant 3] No. No it’s not in writing. Right now I’m paying $910 for 2 bedrooms.

[Juan] It’s very important that you get it in writing so you know what to expect.

[Participant 2] The problems is that we are misinformed and don’t know our rights.

[Juan] Well what’s the first thing that happens when you rent a place?


[Juan] Why?

[Participant 2] Because you’re making a promise to pay.

[Juan] Yes and they are trying to protect themselves.

[Participant 3] But the thing is, I made a list of everything that was wrong with the place, like the cabinets for example and as of now they haven’t fixed anything and I’ve been there for 8 years.

[Juan] Do you have a copy of the list?

[Participant 3] No.

[Participant 4] I have another question concerning deposits for apartments. For example, I lived in an apartment years ago where I paid a deposit. I ended up leaving because of the costs, like water was super expensive, and for other things that I didn’t like. I left after 6 months, the apartment wasn’t really damaged besides maybe the carpet needed cleaning and a couple holes that needed to be filled on the wall. I had already paid a $300 deposit, and when I left they sent me a bill for $195 on top of the deposit I already paid. Obviously I didn’t pay the bill because I was very annoyed. I ended up having to stay some extra days because I didn’t notify them early enough, and paid per day while I stayed there. So I paid a full month of $900 plus a daily charge
for the extra days. After taking the $300 to fix up the apartment, they sent me the bill for $195 and said it was for extra costs, but the apartment just needed to be cleaned, like the carpet I assume. They just pay someone to come clean the apartment, I don’t understand why the $300 didn’t cover the small amount of repairs needed.

[Ivis] But this should be included in the deposit.

[Participant 4] Yes, exactly. That’s what the deposit is for, but they were charging me to change light bulbs, and do repairs on the stove, etc. It was all this stuff that they said they were replacing, which I’m not even sure if they did it, but they charged me for it. But stuff like is their responsibility anyway as landlords. You know? And stuff that costs $3 to fix, they’ll charge you $20.

[Ivis] What’s the name of the place?

[Participant 4] It’s called Mountain Shadows, something like that. It’s the area of 3900 South 700 W. That area is full of apartment complexes. I’ve heard stories from other people who have had to leave the apartments because they can’t afford it and these places have lawyers that will find out where you work and live and will start garnishing you wages. They start subtracting from your paycheck so you pay what you owe, if they find you. And if you go to rent from a different apartment complex that is associated with them, they’ll continue to charge what you have left to pay.

[Juan] This is why it is important to know exactly what it is you are signing. So if they come asking for something, you have that document with you. Even if it’s handwritten, it doesn’t need to be printed. And if you replace something in the apartment, you write it down with the date and have the landlord sign it, so you always have a record of what has been done. Then if the time comes where it is needed, you can present it to your lawyer whether it’s the contract, or list of repairs that have been done.

[Ivis] In Utah, there is a law that if you make a verbal contract with someone you can record it without the consent of the other person.

[Participant 4] I have that right?

[Ivis] Yes. So you could, for example, record a telephone call and the law says that it’s ok. It’s a verbal contract that you have evidence of.

[Carl] Because some people will assume you can’t provide evidence of a verbal contract and will take advantage of the fact that you don’t know your rights as a renter.

[Participant 3] I also lived in some apartments where no one could visit me, not even my children.

[Ivis] Was this because you were the only one on the contract?

[Participant 3] Yes. It was just me alone.
[Ivis] Like were they not allowed to come and stay the night there?

[Participant 3] No. Not even to visit. No one could was permitted.

[Ivis] Not even to visit?

[Participant 3] No. My daughters would arrive and the office would immediately call me and accuse me of having people living with me and I’d say “No, it’s just my daughter coming to visit me” and they’d say “No, she is living with you.” One time there was a couple living there whose phone broke. The husband had cut his finger at work and needed medicine and needed to call Wal-Mart so they came over borrow by cell phone. The office again called and accused me of having them live with me. I said, “No, they are renters here with you in apartment so and so.” “No” they responded, “you have them living with you there. They need to leave.” So I broke the contract. I left one Saturday when they weren’t in the office because I didn’t care anymore.

[Ivis] Has anyone else had experiences like that?

[Participant 5] No.

[Ivis] Do you know anyone else who has been evicted?

[Participant 6] Yes my neighbor. They gave him a time period to get all of his stuff out and then locked up the place so he couldn’t get in. A lot of his stuff remained there inside.

[Ivis] Was this an apartment?


[Juan] For the record, when these things happened, did you know what you’re rights were?

[Participant 3] No.

[Juan] Did you seek legal representation?

[Participant 3] No.

[Juan] Why not?

[Participant 3] Because I had just arrived from Mexico and I was afraid. When you’re in a country that isn’t your own, to talk the police or whoever, everything is scary. You are afraid if you don’t pay your rent that if you talk to the police you’ll be thrown in jail, I’d rather end up on the streets.

[Ivis] What year was this?


[Ivis] And how long had you been in the country?

[Ivis] Has anyone else had experiences like that were you feel afraid?

[Participant 2] Of course, all of us. Because we don’t know our rights.

[Participant 5] The main thing I believe is the language because if we don’t speak English we feel like we don’t know anything. We don’t know anything about what is happening.

[Ivis] Did your landlord speak only English?

[Participant 1] No she spoke English and Spanish, but she was not understanding.

[Ivis] And you were afraid to seek out legal representation?

[Participant 1] Yes. I didn’t even know I had the right to in the first place and I was scared. Now I know I have the right. Not as a citizen, because I’m not an American citizen, but as a person. I have human rights, I believe, right? So when I arrived here, I didn’t believe I had any rights.

[Ivis] So this was a personal change?

[Participant 2] Yes a change of mentality. Because over time you learn about different services that are available as well. That even though we don’t speak the language there are translations, or places where we have the right to ask for a translator. So over time, we start to realize that we have rights in housing, work, on the streets, in any place. So when we arrived here from Mexico we feel lost. If you don’t know the language, is someone is speaking to you in English you might not realize if they are attacking you or if they are cursing or disrespecting you. You just smile because you don’t know. Right? But with time you start to learn the language, at least the basic words so you can know the difference if someone is attacking you or being nice, you can tell by the tone of voice they have. But yes, there have been many abuses in housing for the Hispanic community.

[Participant 3] And I’ve lived in horrible places where the water is dirty and the ceiling is falling. And if you mention it to the landlord they don’t care. They just want money. The conditions were horrible.

[Ivis] Do you believe that it has to do with being an immigrant?


[Participant 2] Yes because white people know their rights.

[Participant 7] For example, my mother will go to the office and ask for something and they basically ignore her because she struggles to speak English, but if I call in for her and speak
English they get right on it. “Yes, yes right away,” they tell me. You understand me? It’s the power of language because they practically ignore her. For example, in January the heater wasn’t working and I personally went to the office to complain for my mother. They took forever to send a specialist over to fix it. I told them it wasn’t just for them to subject a senior citizen to those temperatures.

[Participant 3] Supposedly they did have it fixed, but it still wasn’t working. I told them it wasn’t working, but they kept blaming me saying that I had messed with it or broke it, but I hadn’t touch it at all. Finally, I just gave up and that’s how it stayed. I spent January without a heater.

[Ivis] Ok I’d like to close the conversation by going around the room to get some comments from you all about what you’d like to learn more or what kind of solutions you’d like to see or what you learned from today. I feel like everyone mutually learned from each other in conversation.

[Participant 2] Well, I feel like we are still left with many questions. I personally have many questions. I’d perhaps like some type of pamphlet that explains to me as a renter, what rights I have. For example, how much will it affect me if I break my contract? All of this I’d like to receive before renting a place. Like a class where we can learn all about our rights as renters, because I feel like as a Hispanic community we are discriminated against a lot.

[Carl] Do you feel like the discrimination is purely about the language barrier or is it something else?

[Participant 8] I feel like it’s the fact that we are immigrants, like it doesn’t matter to some people whether we are legal or not, it’s about who we are, the color of our skin, our culture, they identify us as Hispanic and don’t see anything else.

[Participant 4] I didn’t realize that raising the rent each year was legal. I lived a long time with my mother. Right now I rent a place from my sister and she doesn’t raise the rent obviously, so I didn’t realize that was a thing.

[Participant 9] I’m the same. I’m like her, I still have many questions, but yes I do feel discriminated against. It’s the truth.

[Participant 1] I learned that we have rights. I didn’t know that, that we had rights as renters. I feel we are discriminated against, one because of the language and also for being undocumented, for the all these things and that’s why some people abuse us.

[Participant 10] I learned that it’s important that everything be written down so it can be used for evidence later if needed. And that you need to make a list of all the things in the apartment that need fixing before you move in.

[Juan] It’s in the contract. It’s very important to read everything.
[Participant 3] Well, I really enjoyed this meeting. I learn the same. That it’s important to document everything, whether it’s a photo or copy.

[Ivis] Ok. Thank you very much for your time.

[Juan] Before you leave, I want to personally thank everyone for being here and participating. Thank you for giving these students from the university the opportunity to be here and listen to your experiences.

Consent Cover Letter

Community Based Participatory Research on Tenant Landlord Issues

The purpose of this research study is to better understand the experiences of renters in Salt Lake County. We are doing this study because we want to develop solutions to issues that may currently exist for renters with lower incomes in Salt Lake County.

We would like to ask for your participation in an upcoming focus group, which will take about an hour of your time. We cannot promise any direct benefit for taking part in this study. However, possible benefits include that the information you share in these focus groups will help us to take action to ensure that renters have fair experiences when working with landlords.

The risks of this study are minimal. You may feel upset thinking about or talking about personal information related to renting. These risks are similar to those you experience when discussing personal information with others. If you feel upset from this experience, or fear landlord retaliation, you can tell the researcher, and he/she will tell you about resources available to help.

Your name and contact information will not be included in this study, however, due to the nature of a focus group, your identity cannot be completely protected. With your permission, we will audio record the focus groups and type the audio on computers that are password protected. Once we type up the audio recordings, the audio will be deleted.

If you have any questions, complaints, or if you feel you have been harmed by this research please contact Kara Mileski, Principal Investigator, College of Social Work, University of Utah at 406-270-7168.

Contact the Institutional Review Board (IRB) if you have questions regarding your rights as a research participant. Also, contact the IRB if you have questions, complaints or concerns which you do not feel you can discuss with the investigator. The University of Utah IRB may be reached by phone at (801) 581-3655 or by e-mail at irb@hsc.utah.edu.
Participation in this study and the focus group is voluntary. You can choose not to take part. You can choose not to finish the focus group or respond to any questions you prefer not to answer without penalty or loss of benefits.

By participating in the focus group, you are giving your consent to participate. We sincerely appreciate your time and participation in this focus group. Your input about these issues is very valuable.

**Housing Rights Frequently Asked Questions**

1. Are undocumented immigrants also protected under the Fair Housing Act?
2. Can my landlord raise my rent without prior notice?
3. How much is my landlord legally allowed to raise the rent in a month?
4. How much is my landlord legally allowed to raise the rent in a year?
5. Can a landlord deny renting to me because I have children?
6. Can a landlord charge me a larger deposit because I have children?
7. Can a landlord deny renting to me because I am undocumented?
8. Can a landlord charge me a larger deposit because I am undocumented?
9. Can I rent from a large apartment complex even if I am undocumented?
10. What do I do if a landlord is refusing to perform a maintenance request?
11. Who do I contact if I feel I have been discriminated against as a renter?
12. Can a landlord come into my residence without notifying me?
13. Am I ever legally able to refuse to pay rent if the landlord fails to maintain the property in fit condition for human habitation?
14. What do I do if the landlord breaks the terms of the contract?
15. What repercussions might I face if I break my lease?
16. Can a landlord give a notice of eviction for any reason?
17. If given a notice of eviction what should I do first?