

Talking with your landlord about late payments and repayment plans

If you can't pay your full rent, talk to your landlord as soon as possible, and try to work something out. It is important to discuss setting up a repayment plan and to get any repayment agreement in writing. This document explains the steps in this process.

1. What is the first thing I should do if I can't pay my full rent?

As soon as you realize you will not be able to pay full rent, you should contact your landlord and make them aware of your situation. Good and honest communication is very important. Tell them you would like to schedule a time to talk about setting up a repayment plan. Tell them you want to let them know about your late payment as soon as possible, but you need at least 24 hours to prepare to discuss a repayment plan.

2. Can my landlord evict me if I don't pay rent on time?

Governor Gary Herbert's executive order that banned certain types of COVID-related evictions ended on May 15. Unless you and your landlord agree in writing to a repayment plan, you are required to fully pay April and May rent by May 15. If you do not have a signed repayment agreement and you are behind on May 15, your landlord may evict you for non-payment of rent. Even if you do sign a repayment agreement, if you fall behind on that agreement, you may also be evicted for non-payment of rent.

In limited cases, you may still qualify for eviction protection under the limited federal eviction moratorium. See [here](#) for details from Utah Legal Services.

3. How do I prepare to negotiate a repayment plan with my landlord?

You are more likely to get what you want in a repayment plan if you go into the negotiation knowing what you want and how much you can realistically pay. You should carefully review your finances before negotiating with your landlord.

4. How do I know how much I can realistically pay?

In order to know how much you can pay, you will need to have an accurate picture of your income and expenses both before COVID-19 and during the current COVID-19 economic shut down. You will also want to consider any one-time payments such as government stimulus money and/or an expected tax refund. If you have any savings, you will also want to consider that. You can use the Preparation Worksheet on the following page to organize this information.

Given your income and expenses, determine what portion of any rent you owe can be paid now, and pay this immediately. For the rest of the rent, think about it this way:

- Divide the unpaid rent into 3. Then look at your budget. Can you pay this amount on top of your rent and your other bills? You would have to pay this amount on top of your rent and other bills for the next three months.
- If you can't pay this amount, try dividing the amount by 4 and see if you could pay that amount.
- Keep dividing the amount of unpaid rent by a higher number until you get to an amount that you can realistically pay each month on top of rent and your other bills.

5. How do I negotiate with my landlord?

Come to the negotiation discussion with your own repayment plan proposal, and be prepared to make some compromises. Be honest and realistic about what you can and can't commit to. Try to avoid having any penalties (like late fees) for being late. Here are some talking points:

- This is a public health crisis and thousands of people are out of work because bars and restaurants were ordered closed and people have been ordered to shelter in place - you shouldn't be punished for the government's decisions.
- The Utah Apartment Association - the organization that lobbies for landlords - recommends not charging late fees right now.

Don't sign an agreement that you can't commit to. If you are having trouble coming to an agreement and you live in an apartment building, talk with your neighbors to see if they share your feelings. You may want to negotiate together as an apartment building because there is strength in numbers.

6. How can I document my repayment agreement in writing?

A well-documented repayment plan should specify in writing what amounts must be paid by what dates in order for the tenant to be considered in good standing. The repayment plan should be signed by the landlord and the tenants. [Utah Legal Services](#), [Utah Legal Help](#) and the [Utah Apartment Association](#) have put together template repayment plan agreements to be used by the public. We recommend using the Utah Legal Services form because of its terms and transparency.

Preparation Worksheet

My monthly rent payment is: _____

The amount I can pay immediately is: _____

My unpaid balance is: _____ (your repayment plan will show how you will pay off this balance over time)

Monthly income and expenses before COVID-19

Income Source	Amount	Expense Category	Amount
Wages		Rent	
Social Security		Utilities	
Disability Benefits		Food	
SNAP (Food Stamps)		Transportation	
Other		Medical	
		Childcare	
		Other	
TOTAL		TOTAL	

Monthly Income and expenses during COVID-19

Income Source	Amount	Expense Category	Amount
Wages		Rent	
Social Security		Utilities	
Disability Benefits		Food	
SNAP (Food Stamps)		Transportation	
Unemployment benefits		Medical	
		Childcare	
Other		Other	
TOTAL		TOTAL	

Other one-time payments and available savings

Anticipated tax refund (if applicable): _____

Available savings: _____

Government stimulus payments

Use [this calculator](#) to determine how much money you will get _____

(Note a person must be a US citizen OR resident alien
to receive a stimulus payment.)

TOTAL ONE-TIME PAYMENTS & SAVINGS: _____