



# Landlord Residential Living Standards Violation Reporting Checklist

*“The problem with most of us is that we are afraid to stand up for what we believe, to be witnesses for what is true and right. We want to do the right thing, but we are troubled by fears. So we sit back, and the world drifts about us, and society increasingly adopts attitudes and standards of behavior of which most of us do not approve.”*

*--Gordon B. Hinckley*

Complex: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Landlord: \_\_\_\_\_ Phone: \_\_\_\_\_  
 Your Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Get as many facts as possible before making any judgments to avoid wrongfully accusing someone.

Distinguish between first-hand facts and hearsay.

Interview all parties involved

Complainants: Request detailed written statements. Ask them to note the things they have personally seen and heard.

Witnesses: Request detailed written statements. Ask them to note the things they have personally seen and heard.

Accused: Request detailed written statements. Ask them to note the things they have personally seen and heard.

Ask questions that elicit the facts. Ask for specific details with dates and times or approximate dates and times.

What happened?

\_\_\_\_\_  
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 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
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When did it happen?

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 \_\_\_\_\_  
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Who was involved?

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What did you see?

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What did you hear?

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What did others tell you?

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Why were they doing what they were doing?

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How many times did this occur?

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If you are not sure how to deal with a standards violation or whether to report the violation--no matter how minor the violation may seem--contact the BYU Off-Campus Housing officials (801-422-5066).

Determine the kind of action to take with the offender(s).

- Such action may be in the form of counseling, warning, reprimanding, or removing the tenant, whichever is most reasonable, according to the circumstances and nature of the offense and the attitude of the offender.
- Action could be mild or severe, depending on whether the violation is minor or major.

Types of Violations

- Minor violations might include such behavior as staying minimally past visitation hours or being in the bedroom with multiple guests of the opposite sex with doors open.
- Major offenses involve the following types of situations:
  1. When a male and a female have been in the bedroom with the door closed for a long time
  2. When a visitor of the opposite gender stays overnight or for very late hours in the apartment or bedroom
  3. When illegal drugs, alcohol, or tobacco have been used on the premises
  4. When evidence or admission of serious sexual or moral transgressions, lying, deceit, assault, harassment, or threats of physical harm are involved in a standards violation.
  5. Multiple minor offenses also can constitute a major offense. Consider the attitude of the offender and the circumstances of the problem as well as the nature of the offense.

Enforcement Actions: The following are actions that should be taken to correct standards violations. They are listed in order of the degree of severity, from mild to strong.

- Always keep a log of conversations including times, dates, and who was involved.
- Give informative counsel to those who have committed very minor violations and are unaware of the standard. Let them know of the importance of the standards and that they must comply thereafter. Attach a note of the warning to the students file.
- For those who have committed minor offenses, but know better; give a reprimand with a written warning to not do it again. A copy of the written warning should be attached to tenants file.
- Depending on the severity of the offense and the knowledge of the offender, the warning should be put in writing and an ultimatum given that threatens eviction on the next offense. Be sure to keep a copy of the notice.
- Major offenses usually warrant eviction.
  1. Eviction is the owner's primary action for correcting standards problems. It is usually done in cases where the student has committed a major offense or significant breach of contract.
  2. Sometimes an offending tenant will simply move when asked.
  3. Sometimes an owner can negotiate an early termination of the contract with an offending tenant.
  4. In cases where there is resistance to eviction legal measures might be needed. In such cases the owner will need to have good evidence.
  5. A tenant may not be forcibly removed from the rental unit except by lawful means pursuant to a court order.

6. To learn more about the eviction process, contact an attorney and the BYU Off-Campus Housing Office.

- Do not rely on or wait for any action the university might take or for a bishop to take action against a student. The Church, the university, and approved owners have different roles and obligations when disciplining students and must act independently of one another.
- Take into consideration your duty to preserve the quiet enjoyment for all tenants in the rental facilities. When offenses by one tenant seriously affect the quiet enjoyment and peaceful possession of the premises of other tenants, you may have to evict that tenant in order to fulfill obligations to other tenants. This is recognized and supported by the university.
- You must make a report to the university when you become aware of a BYU student in violation of the Residential Living Standards.
  - Call the BYU Off-Campus Housing Office (801-422-5066) or the Honor Code Office (801-422-2847).
  - Call us even when there are doubts that a standards violation should be reported. What seems to be a minor offense could be more serious than one realizes. Off-Campus Housing officials can help you decide.
  - The information you report may be helpful in solving other problems of which you may be unaware.
- Making such a report does not necessarily mean a student will be dismissed from BYU.
  - The Honor Code Office has trained counselors who work to help students understand the principles to which they have committed.
  - When dealing with a student, a counselor in the Honor Code Office takes into consideration the nature of the offense, the evidence against the student, and the attitude of the student.
  - The student may be called into the Honor Code Office and given counsel that will result in positive benefits to all involved and lead to a better life for that individual.
  - A student may be given counsel, be put on probation, or be dismissed, but the student will be dealt with justly.
- If you see a problem continuing even after making a report to the university, inform the university again and each time thereafter.