

Signing away your right to test your home from contamination

By Matt Gephardt and Cindy St. Clair Friday, November 13th 2015

(KUTV) Much of Jesika and Jordan Richins' rental contract contains what you might expect to see in such an agreement. But, if you flip to page three of eight and look closely about two thirds of the way down the page full of legalese language, you'll see something that might surprise you.

When they signed their rental contract, they signed away their right to test the property for any contamination. It's a clause that they say they didn't notice when signing but were troubled to see, especially after a neighbor knocked on their door.

"We were informed by the neighbors that the previous tenants used to deal and use methamphetamine from that home," Jesika said.

Jesika and Jordan say the news it made sense; their whole family had been feeling awful since moving in. "[Jordan] was coughing up blood, I had a lot of headaches and we were all fatigued," Jesika said.

Jesika and Jordan turned to the landlord and said they were done paying rent until the home was tested and deemed safe. The move backfired. Rather than ordering a test, the landlord ordered them out. With nothing to lose, and admittedly frustrated by the eviction, Jesika and Jordan decided to have the home tested before they moved out.

They said the results were shocking.

"He tested and found the meth level 46 times higher than the legal limit," Jesika said.

Jesika and Jordan called the Salt Lake County Health Department which declared the home unlivable.

"We feel like the lease was built on false pretenses and that they knew about [the contamination] and they covered it up," Jesika said.

CDA Properties principle broker Adam Willis claims he had no idea there was a meth problem with the home. He says the reason their rental agreement doesn't allow tenants to run contamination tests is to avoid competing results between a tenant's test and a test ordered by CDA Properties.

Willis emphasized that Jesika and Jordan were not evicted for asking the home to be tested. They were evicted for consistently being behind on rent.

Willis says CDA Properties planned to deal with the eviction and then "appropriately address the habitability allegations."

Attorney Jacob Kent with Utah Legal Services says that clauses banning tenants from doing their own contaminations tests aren't exactly common but they aren't unheard of, either.

After reviewing this situation, he says Jesika and Jordan did some things right and they did some things wrong.

Right was calling the health department, he says.

"A landlord has to make sure the property is habitable, whether rent's paid or not."

Wrong was withholding rent because they lost their only bargaining chip.

"Withholding rent is the quickest way a landlord can get you out," he said

Jesika and Jordan are now in a home that is meth free. They hope others will learn from their story about the odd things that may be buried in lease agreements.

As for the home, the health department confirmed to Get Gephardt that they did close it after they received the results of the meth test. It was only taken off the methamphetamine contaminated properties list on September 9th after the property was decontaminated and the test came back clean.