

Rent-Deferral Payback
Plan Guidelines

Page 4

What to Know About
Emotional-Support Animals

Page 8

How Can You Get Tenants
to Clean Regularly?

Page 10



ON-SITE

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Property Upgrades Worth it for Rentals

KEEPE

You will likely be faced with the need to do a rental-property upgrade in the future, whether you are managing a multifamily apartment, condominium, townhouse or single-family property, so here are some suggestions from maintenance company Keepe.com.

Your tenant has moved out, and your property is vacant. Before you do the typical make-ready projects, put some thought into rental-property upgrades.

These upgrades may be necessary for improving the general condition of the property or its aesthetic appeal. Notwithstanding, certain rental-property upgrades will offer you potential benefits in the long run.

Below is a list of four rental-property upgrades that are likely to do just that for you.

See 'Top' on Page 15

Seattle Adds Inability-to-Pay Defense to Eviction Protections

RENTAL HOUSING JOURNAL

In an effort to provide renters with more protection against evictions, the Seattle City Council created an inability-to-pay defense that renters can use in eviction court for six months after the city's eviction moratorium ends on June 4.

This new legislation provides an additional eviction defense for an additional six months after the City's eviction moratorium is lifted, according to a release.

Council President M. Lorena González said in the release, "After the immediate health crisis is over, we know the economic ripple effects will be felt for some time. Tenants who have lost their jobs or seen their income significantly dropped during this pandemic need time to find their way back to economic stability.

See 'Inability-to-Pay' on Page 14



5 Ways to Help Laid-Off Tenants

BY JUSTIN BECKER

There is no denying that the coronavirus has come crashing into the world and changed it forever. It is amazing how this virus has affected almost every aspect of our day-to-day lives. From our jobs to the way we grocery shop, no matter where you turn, everything is just a bit different these days. If you were trying to move, finding apartments for rent is a bit more difficult, because getting in to view available apartments can be hard. Another option is to search for mobile homes for rent, as these might give you a bit more space during this time of social distancing.

When it comes to jobs, there are a record number of Americans currently on unemployment. It can be scary not knowing when or if you are going to get another paycheck. Additionally, property managers are taking a hit as they do not know for sure that they are going to be receiving rent checks from many of their tenants. If



you currently have tenants that have been laid off, it is important to make sure that you are keeping an open mind and trying to help these tenants however you can. Here are 5 ways that property managers can try to help any of their tenants who might be

struggling right now.

1. RENTAL-ASSISTANCE PROGRAMS

As a property manager, the chances are high that you rely on rent payments to pay your bills. When your tenants are unable to pay their rent, you suffer as well. Offering information about the different rental-assistance programs that are available in your community can be extremely helpful. There is a good chance that many of your tenants are not aware of these types of programs. You can print up flyers with information about these rental-assistance programs and place them in common areas of your apartment complex. You might even slide the flyers under doors or put them in mailboxes to ensure that your tenants receive this information.

2. POST JOB OPPORTUNITIES

With most of the economy shut down, See '5 Ways' on Page 3

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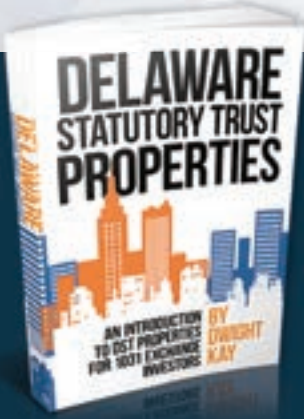
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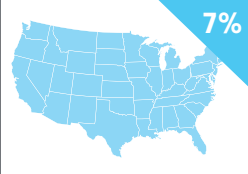
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****All offerings shown are Regulation D, Rule 506(c) offerings.** This material does not constitute an offer to sell nor a solicitation of an offer to buy any security. Such offers can be made only by the confidential Private Placement Memorandum (the "Memorandum"). Please read the entire Memorandum paying special attention to the risk section prior investing. IRC Section 1031, IRC Section 1033 and IRC Section 721 are complex tax codes therefore you should consult your tax or legal professional for details regarding your situation. There are material risks associated with investing in real estate securities including illiquidity, vacancies, general market conditions and competition, lack of operating history, interest rate risks, general risks of owning/operating commercial and multifamily properties, financing risks, potential adverse tax consequences, general economic risks, development risks and long hold periods. There is a risk of loss of the entire investment principal. Past performance is not a guarantee of future results. Potential cash flow, potential returns and potential appreciation are not guaranteed. Securities offered through WealthForge Securities, LLC. Member FINRA/SIPC. Kay Properties and Investments, LLC and WealthForge Securities, LLC are separate entities. These testimonials may not be representative of the experience of other clients. Past performance does not guarantee or indicate the likelihood of future results. These clients were not compensated for their testimonials. Please speak with your attorney and CPA before considering an investment.

5 Ways You Can Help Tenants Who Have Been Laid Off

Continued from Page 1

jobs can be difficult to come by. However, there are still some places that are hiring. Many grocery stores are hiring temporary employees to help out, as stores are currently seeing more and more business. Restaurants that offer delivery and carryout are often still hiring as well. Many factories are still running their operations and are likely hiring. Perhaps you need some part-time help around the property and can hire a tenant to do the jobs as a form of their rent payment. As a property manager, you know your area well. Reach out to some of the larger businesses in town and ask if they are currently hiring. You can post ads around your apartment complex each week as a way to let people know that there are jobs available in your area.

3. PROVIDE A LIST OF LOCAL FOOD BANKS

Along with being unable to pay their rent in full, many of your tenants might also be struggling with having enough

food to eat. Local food banks are seeing a rise in the number of people needing their services. If your tenants are unemployed or laid off, there is a good chance that they are struggling with buying food. Providing information about the local food banks offering services in your area is a good idea. This can help your tenants find resources for getting the food that they need during this time.

Additionally, there is a chance that you have tenants who are still working and have a bit extra to give right now. Organizing a food drive to donate to your local food banks is a great way to help out at this time. You might even want to volunteer at these organizations, as they are really needing some extra help.

4. ENCOURAGE COMMUNICATION

It is very important to make sure that you keep the lines of communication open with your tenants. You need people to know that you are willing to work with them in these unprecedented times. Offer assistance when necessary. Perhaps your tenants can

make partial payments each week. Some type of payment -plan agreement can be helpful to those who are struggling and can help ensure that you still have some sort of income coming in. Not only should you be communicating with your tenants about their rent, but you should let them know all of the extra steps you are taking to help keep the area safe. Some of the safety measures you are taking might include the extra cleaning that is being done, offering sanitizer in public areas such as the mailboxes, and keeping amenities such as gyms, pools, basketball and tennis courts, closed during this time.

5. COMMUNITY CHALLENGES

This type of social distancing is hard on everyone. After all, we are social beings and enjoy spending time with other humans. One way that you could bring your rental community together is to create a community challenge. This could be something like a nicest-yard challenge or a best-decorated-window challenge. You could even try a scavenger hunt where

participants have to find things, and post them on your website. There are many different creative games and other things that you can come up with in order to engage your tenants and let them know that you are here to help. The prize could be a credit towards their next rental payment. This can be a fun way to provide your renters with a bit of relief.

CONCLUSION

When it comes to helping your tenants who have lost their jobs, permanently or temporarily, there are many creative ways that you can help them make their rental payments and take a little pressure off both them and you during the current environment.

Justin Becker is a property owner in the state of Michigan and has a passion for managing communities. He owns apartment complexes and mobile home communities, and has been writing his own blogs for his properties for several years.

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Kay Properties Completes \$32.4 Million DST 1031 Exchange on Behalf of Clients

BY THE KAY PROPERTIES AND INVESTMENTS, LLC TEAM

A husband and wife who have built their net worth using multifamily properties have accessed the Kay Properties 1031 DST marketplace at www.kpi1031.com to complete a tax deferred 1031 exchange into multiple DST 1031 properties.

The Delaware Statutory Trust 1031 exchange investments were completed by Kay Properties and Investments team members Chay Lapin, Senior Vice President, and Steve Haskell, Vice President.

Dwight Kay, the founder and CEO of Kay Properties, stated, “We are honored to have helped another family complete their 1031 exchange into DST investments. Again, the clients chose the Kay Properties team and the www.kpi1031.com marketplace for expertise and access to over 25 different DST sponsors and between 20-40 DST 1031 offerings.”

Kay continued, “These clients were from the Pacific Northwest and they decided after extensive research that the Kay team and kpi1031.com marketplace best suited their needs as they were searching for a 1031 exchange solution. We are thankful to the clients as well as the five DST sponsor companies that we worked closely with on this transaction.”

Chay Lapin, Senior Vice President of Kay Properties, stated, “Throughout the years at Kay Properties, we have had the opportunity to work with clients all over the country. In this particular exchange, our clients

had multiple apartment buildings that would be staggered closings. In speaking with our investors, they wanted to make sure that they had all their 1031 Exchange DST 1031 options chosen prior to closing on the sale of their apartment buildings.

“We had the chance to utilize our team expertise and sponsor relationships to successfully line up all the various DST offerings prior to the various buildings they were selling closed in an effort to reduce potential closing risk.

“It was important to our investors to have properties ready to invest so they did not miss too much potential rental income. They would be purchasing over \$32,000,000 of DST properties and missing a few weeks of cash flow on this value would be a significant number and impact. With the help of our entire Kay Properties team, we were able to close into their DSTs within a few days and start to earn their potential income immediately.”*

Steve Haskell, Vice President at Kay Properties, stated, “At Kay Properties, we invest a great deal of resources into educating our clients in each step leading up to their exchange. In this case, our clients were a husband and wife with extensive experience as real estate professionals specializing in multifamily apartments and they appreciated the opportunity to meet our due diligence analysts, underwriters, in-house counsel team, contract coordinators and asset managers. Ultimately the clients decided that a diversified portfolio of 10 unique DST 1031 investments with five different DST sponsor companies made much more sense than purchasing just one property on their own.”*



About Kay Properties and www.kpi1031.com

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**Diversification does not guarantee profits or protect against losses.*

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Rent-Deferral Payback Plan Guidelines: What You Need to Know During COVID-19

By ELLEN CALMAS

Now that due-dates for rent have come and gone for two months, the next big challenge for rental-housing operators is figuring out how to implement fair and effective rent-deferral payback plans for their communities.

Finding the right payment plan is critical, although the answers are quite different for smaller landlords than for larger, better-capitalized REITS or privately owned corporations that can draw down lines of credit to smooth out rough patches.

The National Multi Housing Council and the National Apartment Association both offer a host of resources. What both associations agree on is that automated payments fit well with social distancing while providing increased assurance of payment reliability even in the uncertain times of COVID-19.

Selecting the right rent-deferral payback plan requires a clear, disciplined approach that includes defined parameters for rent deferral (percentage and duration) as well as expectations for payback for participating residents who seek relief. Consistency is key in communications and execution to avoid potential fair-housing violations while maintaining reputational equity. Relief that operators receive in the form of mortgage forbearance or government stimulus should be shared, as possible, with the understanding that we're all in this together. Real-time insights of resident status will guide decisions throughout the crisis.

Here are some key considerations for property owners and managers in assessing and adapting deferral-payback plans in these extraordinary times:



LET THE C-SUITE LEAD

Already over-burdened community staff aren't in a position to review each resident's circumstances on a case-by-case basis to determine ability to pay, and the risks of community-based strategies are many. The appearance of bias can be greatest among residents most hurt by job loss or wage reduction, which could lead to fair-housing Issues and also could cause problems with lenders. Offers should be consistent across communities.

COVER YOUR BASES

Involve corporate legal teams to develop documentation to reapply security deposits and accept partial payments for participating residents. Assistance on language for lease addendums is important to ensure that residents fulfill their promises to pay with partial rent deferrals. Consider extending lease

duration to give residents time to recover from the current crisis and get caught up on rent without getting further into debt. As a simple gesture of goodwill, refrain from late-rent reporting for the remainder of the year for residents participating in deferral initiatives. These steps are being articulated by the federal government and may affect the ability to receive relief from the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

REVIEW VENDORS WITH SCRUTINY

Viable, automated payback solutions that assure timely rent delivery will provide the greatest assurance of payment protection, particularly those that accommodate automated direct deposit for payments from unemployment checks. Removing residents from management of funds for rent and getting to the front the line from payroll and special benefits is critical, so your deferral

payback plan should be able to deliver on these priorities.

INSERT CONTROL MEASURES

Speak with your enterprise operators about custom reporting and the ability to adjust systems so that residents aren't constantly receiving late notices. As importantly, determine access to real-time tracking of resident payback to provide insight into when your residents lose their jobs or have a reduction in hours and wages. Your deferral payback plan should be able to integrate with your system provider.

STAY FOCUSED

While March required scrambling to make communities safer, calls for rent strikes and complete rent forgiveness can be distracting and unproductive. Stay clear of the fray. Rent should be paid. How and when is what's up for grabs.

In this environment, where residents are fearful of being able to get a hospital bed should they need one, it's important that the rental-housing industry communicate the intent to work together to keep a roof overhead.

Ellen Calmas is Co-Founder and Executive Vice President at Neighborhood Pay Services, which pioneered the only rent-from-payroll platform for the rental housing industry, NPS Rent Assurance. She can be reached at ellenc@neighborhoodpayservices.com. To help landlords in deploying rent deferral/payback initiatives, NPS will defer 30 percent of fees throughout the remainder of 2020, including ongoing disbursement of funds from payroll and/or unemployment benefits.



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How to Avoid Crossing a Tenant’s Privacy Line

By HOLLY WELLES

Most state laws grant landlords the right to enter their tenants’ homes under specific circumstances. However, they must still meet certain legal requirements, such as giving enough notice beforehand.

Moreover, renters have a right to privacy. Thus, if a tenant denies access or expresses discomfort, property managers may not be able to enter the home if the issue isn’t serious enough.

Still, many landlords don’t honor these privacy laws and enter their properties whenever they please. Some even resort to spying on occupants to make sure they’re following the rules and stipulations in the lease agreement.

This can, of course, lead to legal issues, accusations of harassment, and even loss of property in some instances. So it’s incredibly important that property managers respect tenant privacy, approaching everything professionally and legally. Here are a few simple ways to keep your contact respectful.

ADDRESS LONG-TERM GUESTS PROPERLY

At some point, property managers will deal with long-term guests. In this case, a tenant houses someone who isn’t on the lease for an extended period. If this person causes any damage or breaks property rules, there’s very little a manager can do about it. Some nervous landlords might try to keep close tabs on suspect tenants. Of course, this is not a smart approach, as it breaches privacy boundaries – and tenants may notice.

Instead, landlords should confront the problem directly. This might include sending an email or scheduling an inspection or meeting to address the potential issue. Let them explain their guest situation — for instance, maybe they’re



in a serious relationship or have a family member stay frequently — and openly communicate your expectations.

Moreover, landlords can avoid similar situations in the future by outlining guest stipulations in the lease. It’s important to be clear about overnight expectations regarding consecutive stays, the number of visits in a period of time, and subletting. That way, the tenant can see the basis for this discussion and better understand his or her responsibilities.

GIVE NOTICE BEFORE ENTERING

Some landlords also have the bad habit of showing up unannounced at the tenants’ doors. Too often, they check up on occupants without having a specific reason to do so. This behavior is incredibly intrusive and, in many cases, illegal. Certain laws prohibit unnecessary repairs or frequent interruptions that interfere with tenants’ business. Of course, if someone is engaging in unlawful activities, landlords have the

right to enter without notice. However, in most cases, the law requires they do so.

In many states, this means property managers must provide 24 to 48 hours’ notice before they come knocking on tenants’ doors. Even then, they should still keep a written record of all repairs and the reasons for intrusions to prove they were necessary. This way, renters can’t claim their landlord is making unnecessary repairs or stopping by unannounced.

DISCUSS SMART DEVICES WITH TENANTS

As the general public increasingly adopts and accepts technology into the home, landlords are beginning to do the same. Some are installing internet-connected locks, water sensors, thermostats and wireless controls. These smart devices can help save energy and create a more comfortable and convenient home for renters. Plus, they increase property value, allowing landlords to rent or resell at higher

prices.

However, landowners should discuss these additions with current tenants before installing them. Many tenants either don’t understand how these systems operate or simply don’t trust them. Smart-home gadgets can collect data and deliver it to third parties, who can misuse the information. Often, this entails selling tenant data to advertisers who target them or their demographic as a whole.

Aside from this being annoying, it also can cause trust issues. Managers can create a more trusting relationship by having conversations about this technology before installing it.

KEEP COMMUNICATION OPEN

The recurrent theme here is communication. To avoid crossing the line with tenants’ privacy, landlords must keep all lines of communication with occupants open. This should happen from the very beginning, when landlords are screening potential tenants. With the right conversations, they can choose the best renters and avoid turnover.

Furthermore, as the relationship between the property owner and tenant grows, both parties should continue to communicate effectively. The above instances are ways in which they might accomplish this. If everyone maintains transparency and a certain level of mutual understanding, they will respect one another and the relationship will be a positive one.

Holly Welles writes about real estate market trends from a millennial perspective. She is the editor behind The Estate Update, a residential real estate blog, and keeps up with the industry over on Twitter @HollyAWelles.

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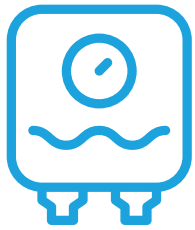


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Apartment Industry Serves its Residents

In this unprecedented time, the apartment industry has stepped up to show its empathy and care for the residents who call rental housing home.

Many people are going above and beyond for others during this time. We should recognize these bright spots and take a moment to appreciate human kindness amidst turmoil and uncertainty.

We are seeing many housing providers take action as well — from retirees who rent a single home to multifamily communities with hundreds of units working to make their residents safe and comfortable.

EVICTION MORATORIA SHOULD BE SHORT-TERM

While numerous eviction moratoria made it unlawful to charge late fees, file eviction actions, send legal notices, or even raise rents during the term of emergency orders, our industry was already working with residents in various ways to support those who have been adversely impacted by COVID-19.

The general public certainly underestimates the work property managers do to help residents who are struggling in order to keep them in their homes. Evictions are a lose-lose proposition and legal remedy of last resort for property managers and owners.

That's why we have been making sure to convey that residents who are experiencing adversity should contact their rental housing provider to have a collaborative dialogue regarding their current situation related to COVID-19 and their financial or employment circumstances. Many of our association members are happy to work out payment plans with residents to get them through these times.

"We have a responsibility to do what we can to keep people housed, and to reassure our residents that we are there to assist them through this unprecedented time," said Greg Cerbana, VP of Public Relations and Government Affairs for Weidner Apartment Homes. "Housing is a primary need. In this industry we've committed our careers to, we pride ourselves on helping people."

In order for housing managers to have resources to help residents harmed by COVID-19, renters who have not been financially impacted must pay their rental obligations timely, so those who need help can get help.

RENTAL ASSISTANCE IS THE BEST SOLUTION

From the beginning of this pandemic in our state, we have been pressing for government programs aimed at providing rental assistance funds for needy residents. There have been increases in some funding for non-profits aimed at assisting struggling renters, but those funds have been too low for the positive impact to be distributed to all those who need help.

Rental assistance at the federal, state and local levels needs to be increased dramatically to get into the hands of desperate renters. Eviction bans do nothing to help renters in need, they only kick the can to a later date and do not address the actual financial needs of our citizens and housing providers.

At the same time, it is cruelly unfair to burden rental housing owners with the financial losses to rental income that have resulted from a public health emergency that should be borne by everyone equitably.

In these unprecedented times, calls for rent strikes are particularly counterproductive and irresponsible. Rental income gives housing providers the flexibility to work out special agreements and payment plans with truly impacted neighbors.

Additionally, apartment-community and maintenance staff are classified as essential workers at this time. Apartment-community residents will be harmed if ongoing maintenance, emergency repairs, resident engagement efforts and other critical onsite functions decline or cease. Small landlords could risk losing their properties if they don't receive rent to cover their mortgage, taxes and expenses.

RENT STRIKES ARE EXTREME AND FOOLISH

At a time when community leaders should be providing hope and working aggressively to get resources into residents' hands, calls for rent strikes make it seem like elected leaders and advocates are throwing their hands up instead of proposing actual solutions that help renters. Vilifying property owners who are working on the front lines to keep people housed — without being able to depend on rental payments — is unfair and detrimental to Washington's goals of saying safe and healthy at home.

"Working closely with residents and maintaining open communication is part of how we operate our business," said Cassandra Haavisto, Principal of Northwest Select Real Estate Services. "Everything is uncertain right now. We want to make sure people can stay in their home."

"We are trying to eliminate the fear of reaching out to your landlord if you can't pay your rent. If there is a will to find a solution together, we can make it work. We pride ourselves on being human," Haavisto says. "A lot of companies may not have the ability to execute the things we are doing, but we're proud that we are able to offer these services."

HOUSING PROVIDERS HAVE COSTS

Rental income goes toward expenses to run properties, the most notable being mortgage payments, property taxes, insurance, and utilities. Rental income also goes toward all the operating expenses to maintain quality housing, such as staff payroll, property maintenance and upkeep, safety systems, and resident amenities.

According to research completed by the National Apartment Association (NAA), just nine cents of every dollar paid in rent goes to the investment return of the owner. Even that small profit is oftentimes re-invested back into the property in renovations and upgrades. That return may also allow that owner to build or invest in more housing to meet the growing demand for rentals.

The housing industry and its residents provide \$80.1 billion in economic benefit to Washington state's economy annually. The operations of Seattle's apartment homes contribute \$2.9 billion to the local economy, including \$886 million in property taxes, and 4,000 needed jobs.

ONE OF THE BEST CAREER OPPORTUNITIES

The rental housing industry provides tens of thousands of jobs, not only for those managing and maintaining housing, but also within vendor-service companies such as landscapers, plumbers, electricians and

other small local businesses that provide needed services to the rental housing industry and its residents.

April was Residential Property Management Careers month, normally the time when the industry reaches out to potential employees to show the opportunities and benefits of a rewarding career in property management. For a listing of jobs available in residential property management, go to our website at www.wmfha.org and click on "Career Center" under our Resource page.

The rental housing industry must be supported by policymakers in order to promote stability in the housing market, especially at this challenging time. Passionate people who are driven by service to others are the strength of this industry.

We provide homes, a roof over one's head, a community to stay connected. Prior to the coronavirus outbreak, the rental housing industry was already fragile, with demand exceeding supply and government overregulation harming the industry's ability to serve our customers.

Any movement to take advantage of this crisis to pass more onerous regulation, like what was recently passed by the Seattle City Council, will only harm both renters and housing providers.

THE NEED TO WORK TOGETHER

We need policies that get us through the

COVID-19 crisis, support residents, and protect our critical housing infrastructure. We need a plan that:

- Preserves and strengthens available rental housing in Washington
- Maintains a safe environment for residents in their homes and apartment communities
- Keeps residents in their homes and prevents them from falling into debt

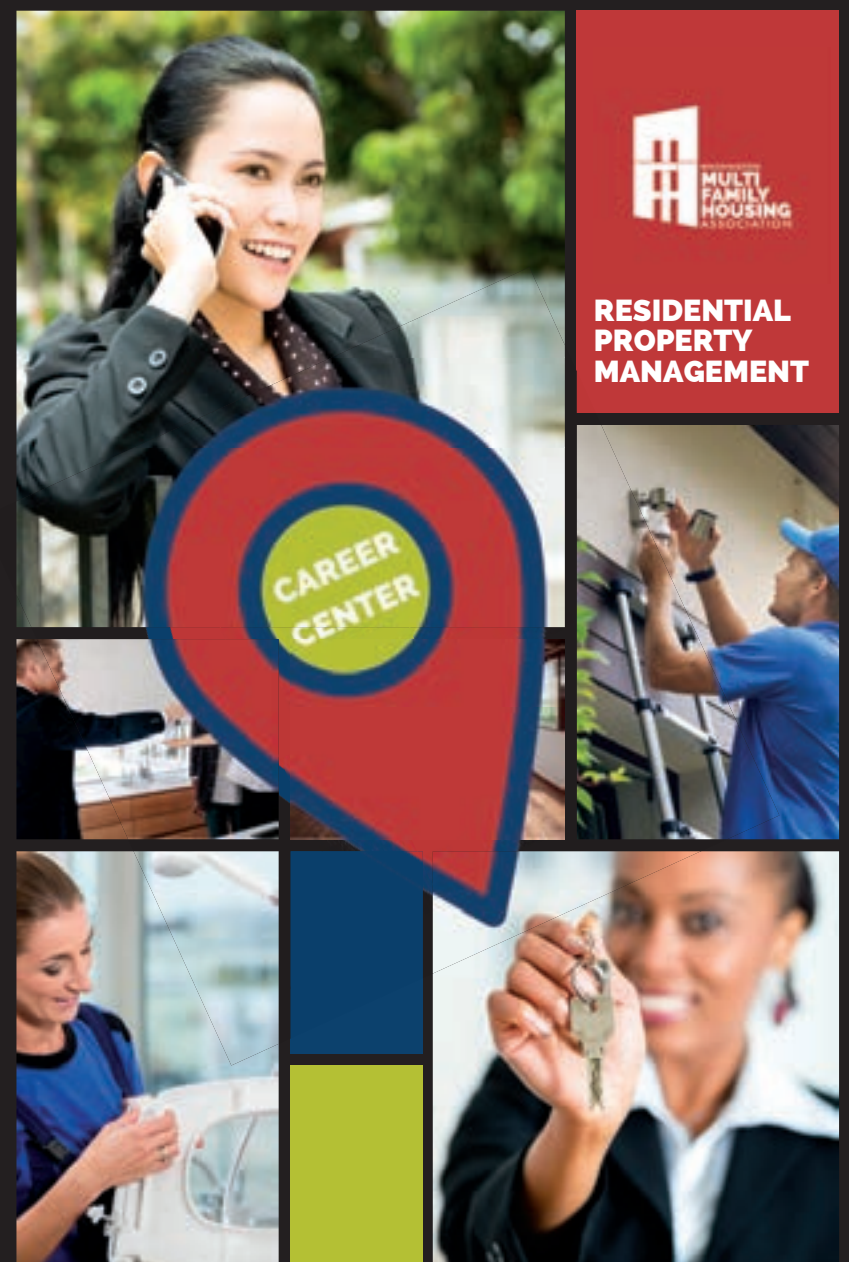
Continued adversarial treatment by local governments toward the rental housing industry threatens the tenuous balance to housing affordability. These proposals avoid common-sense solutions to address the needs of all those who provide positive economic contributions to our local economy.

We are encouraged by the partnerships we are seeing and the sense of community that has emerged during this crisis. These individual efforts are welcomed and should be celebrated — but they alone are not a solution.

There is a proven way to help residents cover rent and their expenses while protecting our vital housing: emergency rental assistance. We are encouraging policymakers at every level to invest in rental assistance to support those impacted by COVID-19, and help maintain our vital housing infrastructure and everything it supports.

See 'Apartment' on Page 15

<https://jobs.wmfha.org>



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Everything Landlords Should Know Regarding Emotional-Support Animals

By Holly Welles

Owning a rental property presents many challenges landlords may not anticipate until they become reality. Landlords may not think about certain kinds of insurance until it’s too late, or value community outreach until tenants leave online reviews when their leases end.

It’s also common for landlords to feel caught off-guard when presented with their first emotional-support-animal (ESA) letter.

Many communities, including those that don’t allow pets, find themselves home to individuals who need support pets to live their daily lives. It may challenge landlords to take a second look at their rules and guidelines while they figure out what is or isn’t allowed under each lease.

Read on to learn everything landlords should know about emotional support animals. After brushing up on federal guidelines, the options available to tenants and landlords will become apparent, and will make the conversation easier for everyone involved.

TENANTS NEED A SIGNED LETTER

Landlords unfamiliar with emotional-support animals may wonder if some tenants want to circumnavigate no-pet rules when they don’t actually require the support. If they present a signed letter, it means they’ve visited with a licensed mental-health professional and have received a diagnosis that requires a companion.

Legally, landlords cannot call the health-care provider unless they receive



written and signed consent from the tenant. The doctor may also leave a note welcoming landlords to call him or her with any questions or concerns. During that call, rental management cannot ask for someone’s medical history, even if the tenant gives written consent.

EMOTIONAL-SUPPORT ANIMALS DON’T COUNT AS PETS

Some landlords may struggle with allowing an emotional-support animal on their property because they’ve already established a no-pet policy.

According to guidelines from the Department of Housing and Urban Development (HUD), assistance animals don’t count as pets because they work to provide service, tasks or assistance to make life easier for people with disabilities.

See ‘Understanding’ on Page 9



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Understanding Issues Regarding Emotional-Support Animals

Continued from Page 8

Whether a person has a dog, cat or another kind of animal, if they’ve received a verified letter from a medical professional, landlords must make changes to accommodate them on the property.

TENANTS HAVE RIGHTS

As long as a tenant meets the definition of being disabled, they’re allowed to have an emotional-support animal. When they require one, landlords must change their policies and services to accommodate them. This includes strict no-pet communities.

Even if a tenant has already signed a lease and agreed to having no animals in their unit, they can still bring home an emotional-support animal if it’s verified. It’s illegal to nullify a lease based on a person’s need to accommodate their disability or reject a potential candidate because they require a service animal.

LIABILITY INSURANCE MAY INCREASE

Because emotional-support animals don’t legally count as pets, they’re not required to meet any community rules regarding restricted breeds and weight limits. It’s one less barrier for people in need to worry about, but it can cause some concerns for landlords.

Restricted breeds and animals above the required weight limit may increase

the property’s liability insurance, causing landlords to pay more or lose their policy altogether. Property managers struggle with this, and it’s often the reason a few of the rare emotional-support-animal cases go to court.

If the court is to rule in a landlord’s favor, the landlord must prove that the increased or lost insurance creates an undue administrative or financial burden. Although this is a legal route for landlords to take, these cases rarely result in rulings in their favor. Most of the time, tenants are allowed to keep their emotional-support animals as long as they have their verified letter from a mental-health professional.

RULES LANDLORDS CAN FOLLOW

To help navigate these sometimes-tricky situations, HUD has issued an assistance-animal notice to clarify the terms and legal allowances for emotional-support animals. It guides both landlords and tenants by getting into the finer details of common questions regarding what is and isn’t legal.

Landlords should also be aware that they may need to navigate these waters more often. Emotional-support companions are becoming more common each year, causing people to worry that this allowance will be taken advantage of. Federal law has already considered this because it limits one service animal per person, although in some cases people are allowed to have two or more depending on their disability.



As long as the emotional-support animal doesn’t have a documented history of harming others, landlords cannot reject it from living on their property. Any shown history of threats to other tenants must contain overwhelming evidence to hold up in court.

LOOK TO THE FUTURE OF PET POLICIES

It’s smart for landlords to look to the future and plan for pet-policy changes as the rental landscape adjusts to the needs of tenants. More young people are living in rental units for more extended periods, including when they start families. As their families expand, individuals in their unit

may require emotional-support animals and an understanding landlord.

If property managers have any questions or concerns regarding their rights or the rights of tenants, they can look to the assistance-animal notice recently published by HUD for more clarity. It covers most situations that could occur so disputes may find a resolution without the need to go to court.

Holly Welles writes about real estate market trends from a millennial perspective. She is the editor behind The Estate Update, a residential real estate blog, and keeps up with the industry over on Twitter @HollyAWelles.

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How Can You Get Tenants to Clean Regularly?

KEEPE

How to get tenants to clean regularly is a challenge for many property managers, and we have some ideas to help you motivate them so that your rental property stays in good condition.

In fact, with the coronavirus pandemic, now is the best time as a property manager to ensure that your tenants adopt regular cleaning practices.

But how do you get tenants to clean regularly?

Here are five tested ways to get your tenants to clean your rental property regularly.

No. 1 – INCLUDE CLEANING IN THE LEASE

The truth is that most property managers fail to include this clause in the lease agreement. By not adding this requirement in the agreement, it may not be easy for you to enforce it in reality.

You should add this clause in the lease from the beginning.

Even though you can amend the contract to accommodate a new cleaning requirement, remember that the tenants are under no legal obligation to accept it at this point.

No. 2- COMMUNICATE YOUR EXPECTATIONS

As a property manager, it is necessary that you communicate your cleaning expectations to your tenants.

As the American Bar Association points out, the tenant has the duty not to “commit waste.” In layman’s terms, that means a tenant can’t cause permanent and unreasonable damage to the property.

While statements such as, “When a tenant moves out, the property must be returned in original condition” are usually found in lease agreements, they unfortunately do not clearly communicate your expectations.

In your lease agreement with incoming tenants, clearly state your cleaning expectations and how they can achieve it.

No. 3 – BE VERY SPECIFIC

Including a clause that requires your tenants to clean may be vague and confusing for them to adhere to. Your requirements must be specific and achievable.



Your cleaning requirement must cover the following:

- When to clean
- Where to clean
- How to clean, and other essential aspects.

You may decide to add a clause that allows you to hire a cleaning company with the expense paid by your renters if they fail to keep the premises clean.

Check with your legal representative if it is legal to do so.

No. 4 – DOCUMENT THE MESS

Documenting the mess created by tenants is a good way to gather evidence either when they are moving out, or you are doing inspections.

It is also advisable that you have documented proof of the mess since your tenant might challenge your right to keep their security deposit.

Taking photos and video may be the easiest way for you to document a mess at no real cost.

No. 5 – EMBARK ON REGULAR INSPECTIONS

You must do regular inspections. This may be at least three to five times a year.

Include a clause in the lease agreement that gives you the right to entry so you can visit regularly.

Usually, you must inform your tenants at least 24 hours before the date of the visitation. Chances are that they may step up their cleaning energy and get the property in an appealing condition before your visit.


What could be a good cleaning schedule?

According to research, it is good practice to have a consistent cleaning schedule.

Whenever possible, deep cleaning every other month is strongly recommended, and this usually requires a professional in order to clean the property more thoroughly. Deep cleaning includes disinfecting less-commonly touched areas like bathroom floors, bathtubs, ceiling fans, refrigerator tops, window sills, etc.

As for more regular DIY cleaning by tenants, vacuuming and mopping commonly visited areas and disinfecting commonly touched objects once a week would be ideal.

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Credit Reporting and the CARES Act

By Datalinx LLC

As our country experiences one of the worst economic downturns in its history, consumers and companies alike are facing unprecedented financial hardships. If you extend credit, chances are you’ve heard from your customers and clients asking what you can do to help them through these difficult times.

Creditors are answering these requests in a variety of ways. Some are extending due dates, waiving late fees, reducing or forgiving payments, or delaying foreclosure, repossession, or ceasing service. In addition, a new March 2020 law offers consumers and businesses various forms of financial relief — even when it comes to their credit reports.

IMPACT OF THE CARES ACT ON CREDIT

The Coronavirus Aid, Relief, and Economic Security (CARES) Act was introduced in March 2020 to help Americans impacted by the COVID-19 pandemic. You may have heard about the generous small business loans, enhanced unemployment benefits, and stimulus payments the Act offers. What you may not have heard about, though, are the Act’s rules about credit reporting during the covered pandemic period.

According to the April 3, 2020 Consumer Credit Reporting, Credit Bureaus, Credit Scoring, and Related Policy Issues report from the Congressional Research Service,

Section 4021 of [the CARES Act] requires furnishers during the COVID-19 pandemic covered period to report to the credit bureaus that consumers are current on their credit obligations if they enter into an agreement to defer, forbear, modify, make partial payments or get any other assistance on their loan payments from a financial institution and fulfil those requirements, provided they were current before this period.

In other words, the document explains, under the CARES Act, lenders now have to report obligations to the credit bureaus as “paid on time” if the debtor has asked for and has been granted any allowance regarding their payment. So, for example, if your customer asks you to place their account in forbearance and you agree to do so, the CARES Act

requires you to report this debt as “paid on time.” (To learn more about forbearance, read our March 2020 blog post “How to Report COVID-19 Debt Information to the Credit Bureaus”.)

THE CARES ACT, THE CFPB, AND THE CREDIT BUREAUS

On March 30, 2020, the big three credit reporting agencies — Equifax, Experian, and TransUnion — issued a joint statement endorsing the CARES Act.

“Together, we believe this solution ensures consumers get the help they need while preserving the integrity of the consumer reporting system, which is critical to our economic recovery,” the statement reads.

The Consumer Financial Credit Bureaus (CFPB) also supports the Act’s allowances for credit reporting.

“The Act requires lenders to report to credit bureaus that consumers are current on their loans if consumers have sought relief from their lenders due to the pandemic,” reads the CFPB release. “The Bureau’s statement informs lenders they must comply with the CARES Act. The Bureau’s statement also encourages lenders to continue to voluntarily provide payment relief to consumers and to report accurate information to credit bureaus relating to this relief. The continuation of reporting such accurate payment information produces substantial benefits for consumers, users of consumer reports, and the economy as a whole.”

The CFPB also encourages lenders to make a “good faith” effort to continue investigating disputes as quickly as possible. For those who do, the CFPB says it doesn’t “intend to cite in an examination or bring an enforcement action against firms who exceed the deadlines to investigate.”

THE BOTTOM LINE

All of this guidance boils down to one fact. No matter what you’re offering in these unprecedented circumstances, don’t stop reporting credit data to the bureaus. In response to the CARES Act, the Consumer Data Industry Association (CDIA) has issued specific Metro 2® reporting guidelines for data furnishers. We’re sharing these instructions here, but you can also find them on the CDIA’s website.

FURNISHER – CARES ACT REPORTING

Report the following Base Segment fields as specified if the account was current prior to the Accommodation period:

- Highest Credit or Original Loan Amount = the total amount borrowed
- Credit Limit = assigned Credit Limit for the account
- Scheduled Monthly Payment Amount = zero
- Account Status Code = 11 (Current account)
- Payment History Profile (report **All** prior history)
 - Report value 0 for the months during the Accommodation period
 - As an option, increment the Payment History Profile with value D during the Accommodation period

- Current Balance = outstanding balance amount
- Amount Past Due = zero
- For all other Metro 2® fields, the standard guidelines described within the Field Definitions module of the CRRG should be followed.

Report the following Base Segment fields as specified if the account was delinquent prior to the Accommodation period:

- Highest Credit or Original Loan Amount = the total amount borrowed
- Credit Limit = assigned Credit Limit for the account
- Scheduled Monthly Payment Amount = zero
- Account Status Code = Delinquency Status 71 – 84 as reported prior to the Accommodation period (example 30-day delinquency prior to the period remains a 30-day delinquency throughout the Accommodation period)
- Payment History Profile (report **All** prior history)
 - Report appropriate code that specifies the previous month’s Account Status for each month the account is in the Ac-

commodation period

- As an option, increment the Payment History Profile with value D during the Accommodation period
- Current Balance = outstanding balance amount
- Amount Past Due = APD as reported prior to the accommodation period
- For all other Metro 2® fields, the standard guidelines described within the Field Definitions module of the CRRG should be followed

Report the following Base Segment fields as specified if the account is brought current during the Accommodation period:

- Highest Credit or Original Loan Amount = the total amount borrowed
- Credit Limit = assigned Credit Limit for the account
- Scheduled Monthly Payment Amount = zero
- Account Status Code = 11 (Current account) or 13 (Paid account)
- Payment History Profile (report **All** prior history)

- Report appropriate code that specifies the previous month’s Account Status for each month the account is in the Accommodation period
- As an option, increment the Payment History Profile with value D during the Accommodation period
- Current Balance = outstanding balance amount **OR** zero if Paid
- Amount Past Due = zero
- For all other Metro 2® fields, the standard guidelines described within the Field Definitions module of the CRRG should be followed

If furnishers elect to utilize the Metro 2® FAQ 44 (Deferred), FAQ 45 (Forbearance) or FAQ 58 (Natural Disaster), they should do so in accordance with the CARES Act amendment to the FCRA as outlined above.

Please visit our website at www.datalinxllc.com, or contact us at support@datalinxllc.com or (425) 780-4530 if you have any questions or need our assistance.

Unintended Issues Due to COVID-19 Moratoria

By **BRADLEY S. KRAUS, ATTORNEY AT LAW**

There is an old saying often uttered by attorneys: “Bad facts make bad law.” If COVID-19 has taught landlords anything, it can be summarized by playing off that phrase; as in, “bad laws make for bad situations for everyone.” When I use the phrase “bad laws,” it is not to suggest that things like the current eviction moratoria do not serve a purpose. The problem with such laws/moratoria is that they are crafted by lawmakers who fail to see—or understand—the entirety of the picture. When that occurs, there are unintended consequences, two of which come to mind.

1. FISCAL ISSUES RELATED TO COVID-19 MORATORIA

Landlords are no doubt keeping watch on cries for rent waivers and rent strikes. As I stated in a previous article, such a concept would quickly be challenged, assuming adequate reciprocal protections for landlords were not in place. Rent strikes have no legal basis and would send harmful ripple effects through our society beyond the scope of this article.

Many landlords have asked me about how they should approach the continual build-up of past-due balances related to rent and utilities. As to rent, it is important to note that rent remains due under every moratoria in place as of this writing, meaning you will not waive your ability to collect the unpaid rent, even if you don’t communicate with your tenants regarding the same. As to other amounts, waiver could become an issue, should you potentially trigger the waiver statute. If you are concerned about waiver as to these amounts, speak to your attorney regarding a waiver-prevention notice under ORS 90.412. This will allow you to (a) preserve your ability to act on the debt down the road, and (b) allow you to accept rent without fear of waiving those amounts.

Finally, it is important for landlords to understand the benefits of individualized advice and forms in these odd times. Many landlords with properties in other states may seek to use a “one-size-fits-all” form for issues regarding their Oregon properties. While some may work, others may contain legally inaccurate language. I have noticed a rise in tenants’ attorneys attacking these forms in various ways and threatening legal action. Such problems can be avoided with up-to-date advice.



2. CONDUCT ISSUES DURING COVID-19

One of the bigger unintended consequences of the COVID-19 court shutdowns is the inability to deal with bad tenants. Contrary to misconceptions held by some lawmakers, bad tenants are not just a landlord problem. Bad tenants make life miserable for other tenants, who want nothing more than to live peacefully. At this juncture, with courts setting cases out to June, even if a landlord were to serve a termination notice upon a bad tenant and file an eviction action based upon the same, that bad tenant will likely receive weeks to continue to make life miserable for other tenants and the landlord.

What should a landlord do in that situation? First, do not let the current court closures prevent you from taking actions to protect other tenants. This includes service of notices of termination as allowed by law. While tenants and landlords affected by COVID-19 deserve protections, bad tenants should not reap the benefits of the same. Second, keep in mind that your other tenants may seek to point the finger at you if you sit on your hands and allow bad tenants to run rampant. While the inability to get into court due to moratoria likely presents a landlord a solid

defense, exercising what rights you currently have—and/or contacting the proper authorities where needed—will hopefully keep the victim tenants happy and cause them to direct their anger to the appropriate party.

FINAL THOUGHTS

COVID-19 is fundamentally changing every aspect of our society. While I believe landlords are taking more than their fair share of the problems that stem from COVID-19, the current holding pattern in which we find ourselves will pass in time. Staying on top of your books and holding problem tenants accountable to the extent you are able will set you up for success when we resume our new normal.

Bradley S. Kraus is an attorney at Warren Allen LLP. His primary practice area is landlord/tenant law, but he also assists clients with various litigation matters, probate matters, real estate disputes, and family law matters. A native of New Ulm, Minnesota, he continues to root for Minnesota sports teams in his free time. He is an avid sports fan and enjoys exercise and spending time friends and his fiancée, Vicky. You can reach him via email at kraus@warrenallen.com, or by phone at 503-255-8795.

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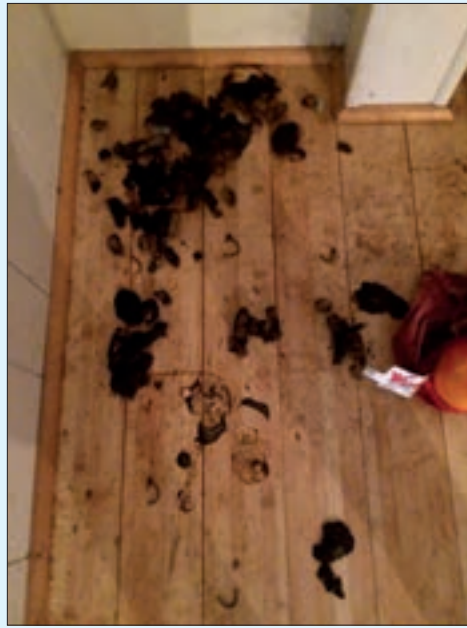
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Inability-to-Pay Defense to be in Place for Six Months

Continued from Page 1

“This legislation provides tenants recovering from this crisis an additional six months of housing stability through an added defense in eviction proceedings after the city’s eviction moratorium ends. Tenants may use this defense if needed, but this bill does not release renters of their contractual obligations to pay their monthly rent. If you are a tenant who can afford to pay your rent in full, you absolutely should.”

Council Bill 119784 protects Seattle renters from eviction in several ways.

1. After the city’s moratorium on residential evictions ends, the legislation provides a defense a tenant may use for six months should a landlord take their

tenant to eviction court.

2. The tenant can use non-payment of rent for any reason as a defense to eviction, as long as they submit a declaration of financial hardship to the court.

Additionally, González introduced a second bill that would more clearly set up payment plans for back rent between tenants and landlords.

Council Bill 119788, which creates payment plans during the COVID-19 crisis and six months afterwards for tenants to use payment plans on a specific installment schedule towards becoming current on overdue rent and meeting their contractual obligations. This legislation was modeled after ‘best practices’ currently used by landlords

and tenants.

“The goal of these two pieces of legislation is to create more breathing room and flexibility for tenants as thousands wait for unemployment insurance as well as cash and/or rental assistance,” González said in the release.

“It is my hope that we can continue to invest in programs like Home Base at the City and I will continue to advocate for tenants, homeowners, and small landlords with partners in state and federal government in COVID-19 relief packages for more rental assistance and mortgage relief. My office has heard from many constituents impacted by this crisis, and while we know that relief is on the way, we need additional tools to keep people housed and not further exacerbate the homelessness and affordable housing shortage crisis in Seattle.”



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Top Rental-Property Upgrades That Will Pay Off in Long Run

Continued from Page 1

No. 1 - APPLY FRESH PAINT

Painting has a unique way of transforming any living space.

It is a low-cost upgrade and offers lots of immediate benefits. By using neutral colors on the interior of the home, you're appealing to the largest possible number of potential tenants.

Remember, the goal is to upgrade the property to attract tenants, not to make a statement. A typical painting procedure for 1,200 square feet with lots of trim details will cost you an average of \$1,000 – \$4,000 plus materials.

No. 2 - INVEST IN BASIC SECURITY

Regardless of the degree of safety in the neighborhood, security is one of the top priorities for any property manager.

In addition, the goal of any renter is to live in a well-secured apartment or environment. Installing basic security systems like alarm systems, security cameras, outdoor lighting, and quality deadbolt locks can go a long way in protecting your tenants and property.

Upgrading the security level of your rental property is a great way to attract potential renters. Most importantly, it doesn't cost a lot to have security in place. The average cost of installing a monitored home-security system can be around \$300-\$700.

No. 3 - INSTALL QUALITY FLOORS

Flooring can be a tricky upgrade choice, since renters may have different views when it comes to a preferred flooring option.

Usually, the choice comes down to wood floors versus carpets. However, most property managers seem to opt for wood floors over carpet.

While carpeting may be an inexpensive choice, it can easily turn off a majority of tenants and be a pain for property managers. This is because carpet as a flooring option requires regular maintenance and is susceptible to wear and tear.

On the other hand, while wood flooring isn't cheap, it requires less maintenance and will last longer. An even more economical

option is laminate flooring, which gives your apartment units a stylish hardwood appeal.

No. 4 - INSTALL BETTER COUNTERTOPS

Upgrading your rental property's countertops can add value to the heart of the home.

There are a variety of options to choose from, depending on your current kitchen decor. You can opt for high-end materials like quartz and cement, which seem to be popular in rental property kitchen

renovations. Generally speaking, though, granite tends to be a superb choice.

When shopping for countertop upgrades for your property, keep functionality, durability, and style in mind. As for kitchen cabinets, you should upgrade to modern and functional ones if the ones you have outlived their functionality.

IN CONCLUSION

As a property manager in charge of a rental property, you can greatly increase the value of your property and improve tenant retention through upgrades. Renters are more conscious today about their choice

of rental properties. And investing in small-scale upgrades for your property may be the secret to an increase in your rental income.

Keepe is an on-demand maintenance solution for landlords and property owners that makes a network of hundreds of independent contractors and handymen available for maintenance projects at rental properties. Keepe is available in the Greater Seattle area, Greater Phoenix area, San Francisco Bay area, Portland, San Diego and is coming soon to an area near you. Learn more about Keepe at <https://www.keepe.com>.

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Continued from Page 7

rental assistance. We are encouraging policymakers at every level to invest in rental assistance to support those impacted by COVID-19 and help maintain our vital housing infrastructure and everything it supports.

We will get through this if we work together, take advantage of available resources, and call on government to provide even more support by way of emergency rental assistance.

The rental housing industry thanks the first responders, nurses, doctors, and healthcare providers who are on the front lines defeating this tragic pandemic.

And we thank all of our members for their support and outstanding efforts to serve others.

WMFHA supports the rental housing industry by providing quality educational opportunities, coordinating networking events for personal growth, and by advocating for legislation equitable to our industry and the broader community. We too have had to change our way of delivering these services in a virtual format. To learn more about membership in this passionate organization, simply call us at 425-656-9077 or visit our website at www.wmfha.org. Follow us on Facebook and our other social channels for up-to-date information on association activities.



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