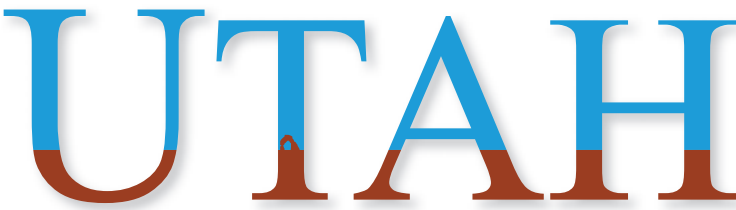


WHAT'S INSIDE:		UPCOMING EVENTS:		
4. Chair's Message: Membership Renewals Upon Us	7. Difficulty Making Ends Meet	General Membership Meetings Thursday, Oct. 22, 2020 7:00 p.m. Virtual Meeting via Zoom Fair Housing Emotional Support Animals	C.A.M. Certification Classes Fall Course Begins September 2020 www.uaahq.org/cam	UAA Office Sept. 16 and 17, 2020 9:00 AM – 4:00 PM www.uaahq.org/cpo
5. Ask the Attorney: Requalifying Tenants Upon Renewal	8. How to Become a Master Strategist			
5. Director's Message: Value of Being a UAA Member	11. Security Deposit vs. Move-In Fee: Which is Better?			
			CPO Certification Classes Certified Pool Operator	



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Take Steps to Prevent Indoor Fires

By L. PAUL SMITH

As winter approaches the outdoor fires that have ravaged the west are finally beginning to subside. However, we are about to enter the time of year when indoor fires sadly become more common.

The best way to protect the people and things that you care about from fire is to stop the fire in the first place. There are some simple ways your tenants can prevent a fire from starting.

In Utah, most fires occur while cooking, also causing the most fire-related injuries. Candles, heating, and children using matches and lighters are also common causes of fires, fire-related injuries and deaths. Here are some important tips to share with your tenants to help

See 'Use' on Page 10

CDC Eviction Moratorium Sept. 4th-End of December

By L. PAUL SMITH

Beginning September 4, 2020, evictions for non-payment of rent cannot be processed until January 1, due to a federal order by the Centers of Disease Control. The official explanation is the CDC did this to slow the spread of COVID. But the reality is the administration was forced to do something administratively because of a refusal by Congress to pass rental assistance. We are hopeful this "unfunded federal mandate" will later be funded. We also anticipate litigation to challenge this move.

The UAA's goal is help landlords be made whole. That is why I am very excited to announce that the State of Utah has launched a program allowing you to apply for rental assistance on behalf of your renters.

You will need to create a login on their website and follow
See 'CDC' on Page 4



State Rental Assistance Program for Owners Now Accessible Online

By L. PAUL SMITH

The State of Utah has now activated the rental assistance program that providers can apply for.

The UAA appreciates the many groups who helped create this program, specifically the State of Utah Housing Programs staff, the housing advocates who provided input and help including the Utah Housing Coalition and others, and the Legislature who provided funding and allowed owners and managers to apply. Following are the materials.

We have 3 tips for you:

1. Read the information thoroughly.

Government programs require precision and may be difficult to navigate

2. Understand that the program allows reimbursement for all amounts agreed to in the lease including RUBS (utilities) and other amounts
3. Know there are experts who can facilitate the process for you if you would prefer. While UAA will help answer questions, we are not able to assist you in the application process. Currently we know the Law Firms of Kirk A. Cullimore and Utah Eviction Law are making claims on behalf

of their clients and assisting housing providers through the process. If you prefer having a professional third party assist you, we recommend you connect with them.

LANDLORD HOUSING ASSISTANCE PROGRAM (LHAP)

PROGRAM GUIDANCE AND RULES Updated 9.8.20

The Housing Assistance Program has been funded by CARES Act funds awarded to the Utah Legislature and distributed to the Utah Housing and
See 'State' on Page 6

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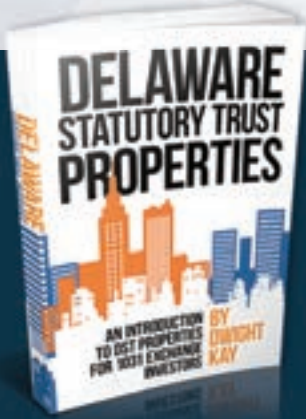
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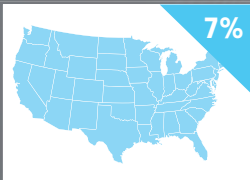
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ABOUT KAY PROPERTIES and WWW.KPI1031.COM

Kay Properties is a national Delaware Statutory Trust (DST) investment firm. The www.kpi1031.com platform provides access to the marketplace of DSTs from over 25 different sponsor companies, custom DSTs only available to Kay clients, independent advice on DST sponsor companies, full due diligence and vetting on each DST (typically 20-40 DSTs) and a DST secondary market. Kay Properties team members collectively have over 115 years of real estate experience, are licensed in all 50 states, and have participated in over 15 Billion of DST 1031 investments.

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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.

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Can I Cash Out a Portion of My 1031 Exchange Proceeds?

The Ins-and-Outs of a Partial 1031 Exchange

By **ORRIN BARROW**
VICE PRESIDENT, KAY PROPERTIES AND INVESTMENTS, LLC

Many investors that come to Kay Properties are looking for a full tax deferment utilizing a like kind exchange. A full tax deferment under IRC Section 1031 consists of buying a replacement property for equal or greater value than that of your relinquished value of the property. For example, if an investor sells their property for a net sales price of \$1,000,000 in order to have full tax deferment under Section 1031, the investor has to buy at least \$1,000,000 worth of total real estate as replacement property.

However, many investors are unaware that they are not fully obligated to use 100 percent of their proceeds in order to still do a 1031 exchange. For example, if an investor sold for \$1,000,000 they can actually take \$200,000 out of their exchange to increase their liquidity and only pay capital gains and depreciation recapture taxes on that portion of their exchange, the \$200,000 that they peeled off. The \$200,000 is then deducted from what the investor has to replace, leaving the investor with needing to purchase only \$800,000 of replacement property to defer the bulk of their taxes due.

The liquid cash that the investor has available is now taxable but can be used for a variety of different reasons. Many investors have a large part of their net worth captured inside of their real estate holdings. They understand the value of a 1031 exchange but still want the option of having cash set aside for a rainy day.

During the Covid-19 pandemic, we saw certain investors decided to complete a partial exchange rather than a full exchange so that they could have some additional liquid funds to possibly weather a more severe economic downturn.

It is prudent for investors to understand 1031 exchange rules to complete a partial exchange.

When engaging in a 1031 exchange an investor has 45 days from the date of the recorded closing to identify properties and 180 days from the date of a recorded closing to close on their replacement property. Once an investor's 1031 proceeds are transferred to their accommodator/qualified intermediary account they have the 45-day identification timeline to remove the proceeds that they want to liquidate from the accommodator account. If the funds remain in the accommodator account past the 45th day, the investors proceeds will remain with the accommodator until the 180th day.

Investors need to be aware of when to remove their funds from their accommodator account in order to complete a partial 1031 exchange and how much their estimated tax obligation will be before considering completing a partial exchange. Remember, if your tax obligation from a partial exchange outweighs the proceeds you are left with, it may be prudent to do a full exchange.

It is always advised for investors to speak with their CPA and attorney for all tax and legal advice prior to deciding to complete any 1031 or partial 1031 exchange

About Kay Properties and www.kpi1031.com



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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 Growth Capital Services member FINRA, SIPC Office of Supervisory Jurisdiction located at 582 Market Street, Suite 300, San Francisco, CA 94104.

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Chair's Message

2021 UAA Membership Renewals Upon Us



JEAN SMITH
Chair, Utah
Apartment
Association

The year 2020 has been unlike any other. In these challenging times, many housing providers and renters are understandably stressed. Since March, as an association, our goal has been to provide relevant and timely information to help you in your business and to help you remain calm and be kind and professional to all you encounter. Thanks to COVID, events have continued to change and evolve and with those pivots have come new information and new regulations that we have striven to ensure you have received and understand how they affect you and the industry as a whole. I am proud of how we have all worked together to ensure the Utah Rental Housing Industry has remained strong and that we have done our best to work through the challenges of our “new normal.”

It is renewal season, and most of you will soon receive your invoices in the mail. For big complexes that have

previously budgeted them for January, this is a reminder. For small owners, paying early means you can claim your dues on your 2020 taxes!

Because we have a diverse membership population in the UAA many people have a variety of reasons for being members of the Association. Some join for the legislative efforts that the UAA provides and the support that is given proactively to protect owners, investors, and landlords. Others have joined for the UAA to become more involved and more engaged in the industry. We have found that many people, big and small, do not know all of the benefits of membership. Do you remember why you joined? Here are just a few reasons why you should renew your membership or even re-instate it if it has lapsed.

- Legislative Advocacy – Without the legislative advocacy we provide it would be much more expensive to operate your business. There would be MANY more regulations hindering your investments.
- Education – The UAA is an invaluable tool in educating our industry. Even owners who are professionals benefit when the UAA educates others. We all

benefit from the UAA education programs!

- Landlord Guide, Forms, Industry Publications – Running alongside our education classes and events are our publications & forms. Keeping you educated and informed increases your revenue. As well as having up to date legal forms is necessary when operating a rental.
- Discounted Tenant Screening – It may not seem like a huge benefit to some. But everyone benefits from tenant screening. Choosing the correct tenant decreases your liability, damage, and loss. With our up to date screening services it saves you more than just the cost of the screening, it can save you thousands!
- Staff Hotline – We are available to answer your questions whenever the office is open.
- Online rent-pay and property management software – Available as a service to all members who would like to use it. This is especially useful for taking electronic rent payments.
- Events – From the annual Trade Show to the Golf Tournament and

Apartment All-Stars class, the UAA has events for everybody so that you have the opportunity to learn and network with other professionals.

- Networking – One of the most valuable resources in the association is the other members. We strive to give you opportunities to meet with other members regularly to make connections and learn from other people in the industry.

At its simplest level, the UAA is a pool of resources for those in our business, and a voice of advocacy for our industry. It is a network of individuals and companies committed to professionalism and excellence. It is an organization committed to honoring our noble profession. We are a group committed to efficient and profitable businesses who wish to combine our efforts to assure continued opportunity in our profession and limited government interference!

Please renew your membership and commit to getting other property owners, managers, and ancillary businesses to support the UAA and assure we can continue to effectively pursue our mission.

CDC Eviction Moratorium Through December

Continued from Page 1

program rules: <https://jobs.utah.gov/covid19/covidother.html>. Once you do, you can work with your tenants who have lost income due to COVID, and apply for rental assistance on their behalf.

So, let's not wring our hands. Let's roll up our sleeves and get the money from the state that is available to replace any losses due to tenants not paying rent in this pandemic!

I know you all want to start today – but it has taken a little time to battle the tenants' groups about how this process will work. We will have more info in the coming weeks.

MORE INFO ON THE EVICTION MORATORIUM

As many of you are aware, the CDC recently issued rules that halt evictions in many circumstances. The CDC order applies to all rental properties, not just properties with federally backed mortgages. At this time it's important to remember – don't panic. Although this order will make proceeding on evictions more difficult, it will likely not completely halt evictions and it does not relieve tenants from their obligation to pay rent. And this CDC order only goes through the end of the year.

Under the new order a tenant cannot be evicted if they provide us with a statement that:

1. They have an income of less than \$99,000 per year (or \$198,000 for couples filing jointly) or they received a stimulus check;
2. They have sought out government assistance to make their rent payment and still cannot pay;
3. They are unable to pay rent for a COVID-19 related reason;
4. They are making their best effort to pay rent; and
5. They are likely to become homeless or move in with others if evicted.

If a tenant provides us with an affidavit stating all of the above four things then we will not be able to evict them until the end of the year. However, it is a tenant's burden to produce such an affidavit and provide it to us. If a tenant fails to do so then it's business as usual. Evictions can proceed. But it is important to remember the following:

1. If a tenant gives you anything that resembles the above affidavit – or says that they can't pay rent and can't be evicted – halt any eviction action.

2. If you haven't received anything similar to the above notice from tenants then continue with the eviction process as we have previously outlined.
3. This CDC moratorium DOES NOT apply to evictions for any lease violations other than payment of rent. So you may want to be a little more aggressive with nuisance evictions if you have a tenant that is committing lease violations.

KEEP IN MIND, there are criminal penalties associated with violating the CDC order. It is unclear whether those criminal penalties could be imposed on a landlord for evicting a tenant who has provided the above affidavit. However, it is a possibility that criminal penalties could be imposed on a landlord for a wrongful eviction under the CDC order, so do not proceed on an eviction if they provide you anything like the above!

EVICTION MORATORIUM Q AND A:
Q. Can I still charge late fees and service of notice fees?

A. Yes

Q. Can I still serve three day notices?

A. Yes.

Q. Can I evict for criminal activity?

A. Yes

Q. Can I evict for nuisance or end of term?

A. Yes

Q. Can I refuse to renew leases between now and the end of the year so if a tenant doesn't pay I can give them an end of term notice?

A. That is a potential strategy since if they are on a month to month lease you can give them notice and if they do not move you can still evict.

Q. If I have a tenant who isn't paying and is also not complying with the lease can I still evict for lease violations?

A. Yes. You may want to be more aggressive on compliance issues if someone is not paying

Q. I tend to be someone who panics and stresses. How can I get a handle on that?

A. Try to look long term. We anticipate money will eventually flow to cover this “unfunded federal mandate.” We also have over \$20 million in a state fund to cover lost rent – you can apply for this for tenants who don't pay.

To advertise in Rental Housing Journal,
call Vice President/Sales Terry Hokenson at 480-720-4385
or email him at Terry@rentalhousingjournal.com

Director’s Messsage

The Value of Being a UAA Member



L. PAUL SMITH, CAE
Executive Director,
Utah Apartment
Association

A few years ago, a UAA member called me with an issue they were having with the local health department. They had a tenant move in who was a clean freak, and immediately upon move in

demanded all the vents be cleaned. All vents were above grade (meaning in the ceiling, non in floors).

The landlord said it was their practice to change filters every quarter, and had for the past ten years, but that if the tenant wanted the vents cleaned they were welcome to pay for it themselves.

Instead, the tenant called the county health department who sent the landlord a letter stating they had to clean the vents.

So I called that inspector. She

stated under the “properly maintain” provisions of the code she interpreted that to mean the health department could require landlords to clean vents if a tenant complained.

I disagreed, so I called her boss, who I have built a relationship with. He agreed with me, that health departments don’t have authority to require vent cleaning, and reversed his inspector’s action.

The moral of this story is that because this landlord was a member of UAA and sought help, this issue was headed off

before it could become a vent cleaners marketing piece. Can you imagine all tenants getting a postcard from a vent cleaner teaching them that all they needed to do to get free vent cleaning was call the health department – and their landlord would be forced to do it?

That is what we are here for. Give us a call if you have any issues like this. Not only can we protect you; your bringing it to us may help protect other landlords too.

Ask the Attorney

Requalifying Tenants Upon Renewal



KIRK CULLIMORE JR.
Attorney

Landlords implement a significant and arduous process to make sure that the prospective tenant is a person that truly qualifies. Applications have significant and detailed information that assist in determining the prospective tenant’s financial status, past rental history, and connections to the community. Credit checks, criminal background

checks, and verification of references are all an integral part of making the determination to accept a prospective tenant.

Often, that is the end of the landlord’s review of a tenant. When the initial lease term expires, the renewal is generally based upon only a casual overview of the tenant’s interactions with management while a tenant. Did they pay rent on time? Have they caused any problems? If the answers are positive, then the tenant is renewed.

A majority of tenants will not have the same job one year later. Many will have changed banks, have different emergency contacts, and new credit

cards. The more information that can be kept current on a tenant increases the ability to make good decisions on management and operations. Additionally, collection on past tenants relies heavily upon good and current information.

A mini-application or a renewal application should be used prior to renewing a lease on any tenant. It should not be an “update” of the old application but require that the tenant fill out a new application. The application upon renewal should include the representations from the tenant regarding their activities since the original application regarding

bankruptcy, criminal activity of all occupants and residents, job status, condition of the premises, etc.

The new lease and the application should help to “reset” the landlord’s position with the tenant. It should alleviate and resolve any claims of the tenant. Use the most current form and most current lease to give the greatest protection. Make sure to redo all addendums, pet agreements, and other agreements and additions that were originally with the lease.

Kirk Cullimore Jr.
Law Offices of Kirk Cullimore
Phone: 801-571-6611
Email: info@cullimore.net



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Community Development Division. This program is designed to assist landlords in applying on behalf of their tenants in obtaining or retaining rental housing who have been negatively impacted by the COVID-19 pandemic.

LANDLORD ASSISTANCE

- ## APPLICANT ELIGIBILITY

- ## PROPERTY ELIGIBILITY

- ## ELIGIBLE USES OF FUNDS

- Expenses from March 1, 2020 - December 30, 2020
- Monthly Rent including any amounts owed under the lease (i.e. taxes, insurance, utilities) as stated on the lease.
- Arrears (payments made for housing assistance over 30 days past due) is allowable for those

DOCUMENTATION

LANDLORD DOCUMENTATION

- W-9 (landlord only)
- LHAP application (for each tenant)
- Self-Declaration of Income Form (for each tenant)

INCOME DETERMINATION

- Determined by the Self-Declaration Form.

WAIVERS

- Waivers to policy guidelines and rules can be staffed and granted by HCD Program Specialists for extenuating circumstances.

HOW TO APPLY

To apply for the Landlord Housing Assistance Program do the following:

- Click <https://jobs.utah.gov/covid19/covidother.html> and select “Register Here.”
- Once registration is complete, you will receive a login and password.
- Log into Housing Assistance Program and select “Funding Opportunities.”
- Select “20 HAP.”
- Start a new application.
- Project Title: Property Name.
- Select “Go to Application Forms.”
- Under Application Forms, select “Landlord HAP Application.”
- Edit, enter in application information, SAVE.
- Select “Add” to enter each tenant’s claim information.
- Select “Go to Application Forms.”
- Select “Landlord Attachments” and attach the W-9 (landlord only)
- <https://www.irs.gov/forms-pubs/about-form-w-9>
- Select “Tenant Attachments” and for each

- Tenant Application for Rental Assistance.
- Self-Declaration of Income.
- Lease or other written agreement for tenant(s) at the property.
- Go to Application Forms and click “Submit.”

STATE CONTACT

Sanobi Johnson

sanobijohnson@utah.gov

385-377-3338.

FAQs

How do I assist a person who wants to apply for unemployment benefits?

Regarding Unemployment Insurance (UI) and Pandemic Unemployment Assistance (PUA, applicants should:

Use the “Am I Eligible” link at <https://jobs.utah.gov/ui/home/Home/UiEligible> to assess whether or not they will be able to receive UI benefits. If that link indicates they will not receive UI they should apply for PUA.

ELIGIBILITY BENEFITS

Apply for and manage benefits link:


<https://jobs.utah.gov/eligibility/index.html>

Apply for weatherization and/or utility benefits:

<https://jobs.utah.gov/housing/scso/wap/index.html>

As always, we are here to help you. If you have any questions, or if you need anything, please do not hesitate to reach out to us by phone at 801-487-5619 or by email at info@uaahq.org or check out the resources on our website: www.uaahq.org.

Thank you and let's all continue to stay safe!




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- 5. Value** - Large property management companies that use Rentegration.com for only forms generation will save time and money over other methods. Mid and small size property managers and independent rental owners can manage their entire business at a fraction of the cost of other software and forms.

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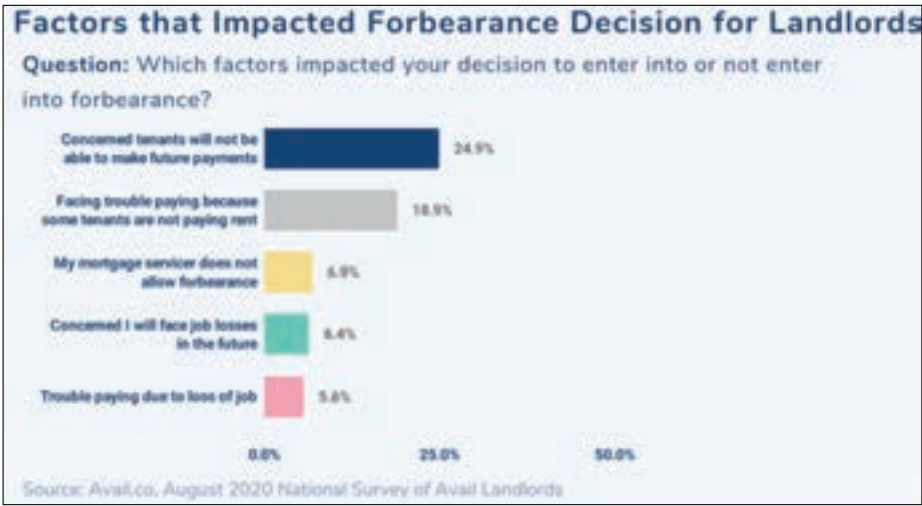


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Landlords and Tenants Face Difficulty Making Ends Meet with Mortgage and Rent Payments

RENTAL HOUSING JOURNAL

As the pandemic stretches into its sixth month, renters and landlords alike are having difficulty making ends meet with rent and mortgage payments, according to a nationwide survey conducted by Avail in August, 2020.

Due to the number of renters paying only partial rent, landlords are feeling extra financial pressure to be able to pay their rental mortgages on time. Thirty-five percent of landlords surveyed by Avail gain 50 percent or more of their income from rental properties.

The survey included responses from 2,225 landlords and 2,919 renters. Like renters, the majority of landlords currently reside in California (17.1 percent), with Illinois (7.9 percent), New York (6 percent), and Florida (5.9 percent) following.

With inconsistent rent payments due to COVID-19, 12 percent of surveyed landlords went into forbearance. Concerns over renters not being able to pay rent in the future (24.9 percent), as well as having trouble paying for their mortgages due to some renters not paying their rent (18.9 percent), were the top reasons landlords gave for going into forbearance.

The questions in this survey were developed with the input of researchers in the Urban Institute’s Housing Finance Policy Center.

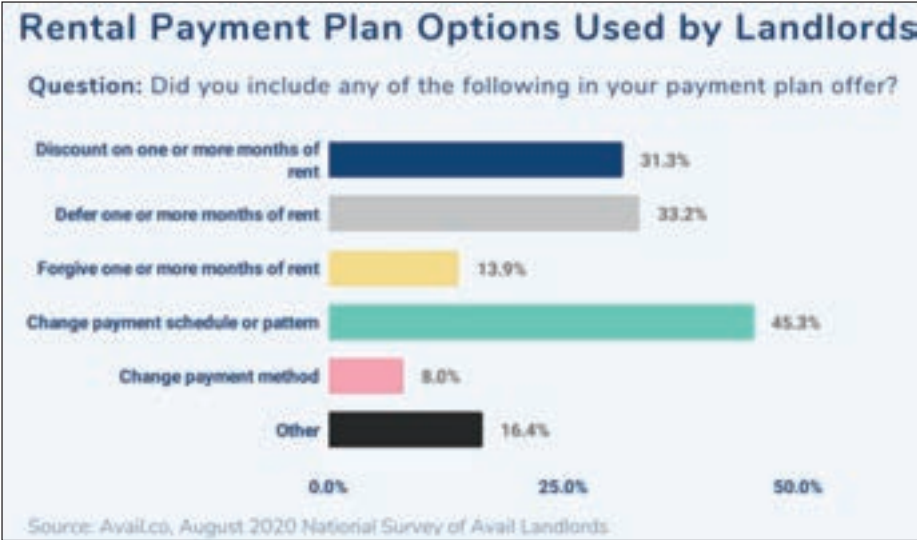
STRUGGLING RENTERS LEAD TO STRUGGLING LANDLORDS

According to the survey, 64.2 percent of renters who responded stated the main challenge they have faced in paying rent is due to a loss of employment or reduced income during July.

In August, 60 percent agreed, and 61.9 percent said another challenge was balancing paying rent and other regular expenses. This is cited despite the majority of renters being employed and working 30 hours or more during the time of their survey response.

In order to make monthly rent and mortgage payments, both renters and landlords are increasingly looking to their savings, ways to borrow from friends and family willing to lend funds, and government aid for help.

Landlords are looking to their savings accounts or emergency funds for help with covering expenses. Of those who responded, 35 percent said they were using savings or emergency funds to



cover the payments, while 21 percent said instituting a rent-payment plan or deferment option for their renters helped.

MORE THAN ONE-THIRD OF LANDLORDS ARE RETIRED

From the survey, Avail also found that 36 percent of landlord respondents are retired.

This, paired with landlord respondents commonly reporting that they are using savings to continue mortgage payments on their rentals, illustrates the financial pressures some landlords are facing

during the pandemic.

According to surveyed landlords, 54.2 percent think the income made from their rental properties will continue to remain the same in the next three months.

Roughly 30 percent think this form of income will decrease in the coming months, while only 15.1 percent of landlords said they believe it will increase.

“One renter has lost a job in the oil field and is working a lower-paying temporary job. Another renter, a single

parent with no child support, has changed jobs in the past two months,” said a landlord in Texas in the survey, giving reasons as to why landlords are looking to decrease their rent.

“Ultimately, a tenant losing a job to the COVID-19 economic downturn is not something that is necessarily under their control,” said one landlord from Minnesota. “[The] government has put a lot of pressure on the landlord to assume losses and protect the tenant, which makes for a very challenging situation.”

Some landlord frustrations stemmed from the federal, state, and local governments allowing for some eviction protections on renters while not giving the same measures to landlords that hold mortgages from private companies not covered by CARES Act mortgage-forbearance measures.

“It is unsustainable to allow the tenant to not pay but require a landlord to pay a mortgage due,” said a landlord from Maryland. “These decisions appear to be made without due consideration to the relevant factors of sustainment, which has caused an unequal distribution of the effects of the impact caused by the response to COVID-19.”



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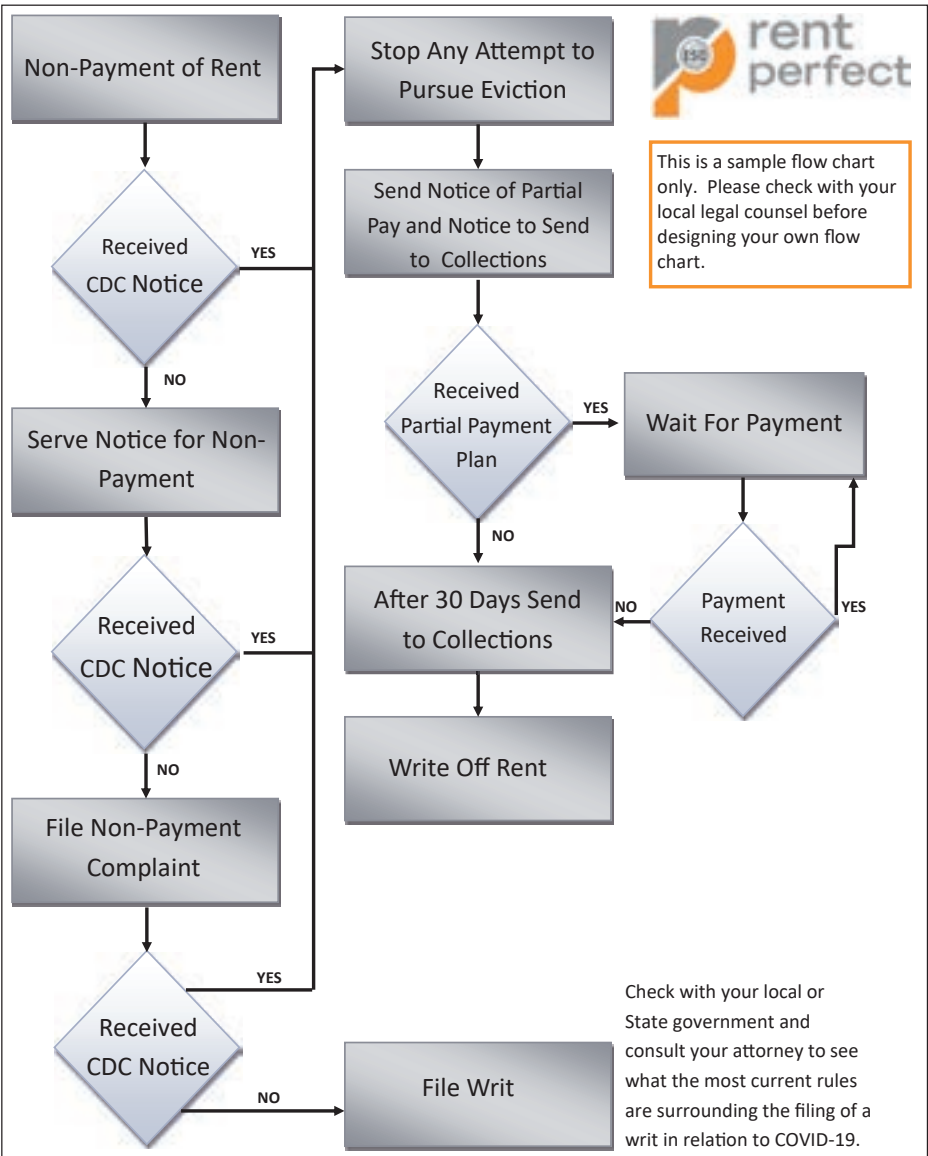
How to Become a Master Strategist: Today’s Key for Successful Landlords

By DAVID PICKRON

I have always had a lead foot. It is hard to admit but with my hard charging personality, I just want to get where I am going... fast. As a young man, to prevent countless tickets, I purchased a radar detector which allowed me to sense a police officer before he could see me. Police departments realized they were being outsmarted by this technology and needed to make a change, so they started using a different band which most consumer radar detectors did not have at the time. The private market reacted as they always do, and soon you could buy a radar detector that included the new bands used by law enforcement. This produced a battle between radar detector companies and police, with one making a move, only to be met with a counter move by the other.

We find ourselves in a similar tug-of-war when it comes to evictions, where the CDC has now made a move to stop all evictions nationwide in an attempt to limit CoVid 19 spread through homeless shelters or crowded family shelters. As landlords, we are being forced to react to what I personally believe is an overreach. After spending the last few days fuming about this decision and asking myself if I still live in a free country, I have gone through 4 of the 5 steps of grief (Denial, Anger, Bargaining, and Depression), and now am working my way to the 5th step; acceptance.

Acceptance of the fact that this is happening, but by no means rolling over when it comes to managing properties; it is time make a move and consider strategies to protect your investments. Every property is different and certain strategies might not work for your property. This is not legal counsel and I always recommend when you make a change to any process you run it by your local attorneys to make sure it is legal in your state. Please consider these as potential ways to better position in relation to your rental properties. The following are strategies many of my clients and I have discussed concerning our policies and criteria:



STRATEGY 1- INSPECT YOUR RENTAL PROPERTIES MONTHLY

We are not targeting, merely being cautious as we might have to get our homes or apartments ready to sell in these uncertain times. Does the carpet need to be replaced? Are the filters to the cooling and heating system in good shape, helping to preserve the HVAC unit? Does the landscaping need maintenance? There is no better time to get your properties in order to sell.

The CDC order only limits evictions for non-payment of rent. If there are violations of the lease like unauthorized residents, criminal behavior, pets, smoking, damage to the property or other violations, you can give a proper notice to cure in most states and then move to eviction. Monthly visits help you stay on top of any of these types of violations.

If you choose to implement this strategy, make sure you are inspecting every property you own in a similar manner, and not just singling out a few.

STRATEGY 2 – RAISE YOUR CRITERIA

With the inability to evict tenants for nonpayment of rent, finding the right tenants in the first place becomes paramount. Raising the credit score requirements will help find people who have shown responsibilities in the past, giving you a good idea of how they will perform in the future. It should be noted here that evictions, judgements, and liens are no longer on credit bureaus, so those actions will not lower the score like they would have in the past. You need to make sure your screening companies are using other sources to obtain that data.

Timelines for considering past

evictions might also need to be changed. Many of our clients indicate that any evictions or rental collections in the past two years would result in a “no qualify” decision for their properties. Consider the type of rental you have and consider adjusting appropriately here.

STRATEGY 3 – CREATE A RELATIONSHIP WITH A COLLECTION COMPANY

Collection Companies and attorneys are currently the only organizations that can place a collection account on the credit bureaus. There is nothing that prohibits you from turning over past rent owed to a collection company for collection, even if the tenant still lives in your property. If you choose this route, please remember your tenant has control of your property and could cause unnecessary damages. In the current situation my fear is that a tenant who owes 8 months’ rent just skips out of the property. At that point you have to start from the beginning of the collections process. This means finding where they moved, getting them served, and waiting months to get a judgement. Why not start the process now and turn it over to a professional who knows how to collect? You will probably have to give up 40% of the money owed if it is collected, but that is better than nothing. It will also indicate to your tenant how serious you are about collecting future rent.

STRATEGY 4 – CALL PAST 2 LANDLORDS AND EMPLOYERS ON EVERY NEW APPLICANT

Landlords over the years have gotten away from making calls to employers and past Landlords, mostly they are time consuming and often ineffective. Some companies charge \$50 for verifications and others won’t give you any information per their attorneys’ direction. I can promise you that right now landlords are talking, just make sure you go at least two landlords back as the current landlord will say anything to get a bad tenant out. I would also ask only factual, “yes” or “no” questions. Ex: Has your current tenant paid rent on time in the last 6 months? Do your tenants currently owe you any money?

Regardless of whether you implement any or all of these strategies, you need to pay particular attention to your eviction process. It would be beneficial to create a flow chart to help you fully understand your policies and how they are affected during each step of the process. You can view attachment “A” for a sample eviction process flowchart.

As Landlords we have to be flexible and sometime creative as our survival depends on it. When a roadblock appears, we thoroughly analyze it and develop a way to speed around it. Just make sure to have the right tools when you do to avoid the “speed” traps that may be out there. I would love to hear your creative ideas on how you are dealing with today’s uncertain environment.

David Pickron is President of Crimshield, Rent Perfect, XSHED and AAA Landlord. You can reach him at David@rentperfect.com or 888-422-2547, ext. 8069.



Good Landlord Classes Now Available Online!

The Good Landlord Class is the base legal class the UAA offers on landlord laws in the state of Utah. Some cities require you to take this class in order to receive a "good landlord discount" on your business license fees. This class is good for all cities in the state and is a wealth of broad knowledge on landlord law. In these times of social distancing, we are now offering our GLL Class Online so you can still renew your business licenses in compliance with cities Good Landlord Program requirements.

The online class will cover:

- Basic guidelines to being a landlord
- Best practices and policies in property management
- Fair Housing basics and landlord/tenant discrimination (including ESA/comfort animals)
- Tenant screening and background checks
- Evictions and dealing with tenant issues
- Abandoned property and abandoned premises
- Deposits and dealing with damage to property
- As well as a few other rules and guidelines to being a landlord in Utah

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Use Precautions to Help Prevent Indoor Fires

Continued from Page 1

protect their lives and your property.

FIRE ALARMS

- Utah Law requires that landlords install and maintain fire alarms in their properties. However, even if it weren’t required by law landlords would be foolish to not make sure that the property has such alarms for the safety of the tenant and of the property. You should regularly inspect the apartment and ensure that the fire alarm is operating (and that the tenants haven’t removed the batteries or disconnected it).

COOKING

Cooking fires are the number one source of fire damage to rental properties.

- To prevent cooking fires, you must be alert. You won’t be alert if you are sleepy, have taken medicine or drugs, or consumed alcohol that makes you drowsy.
- You should have access to a fire extinguisher in the kitchen and know where to find it and how to operate it before cooking.

WATCH WHAT YOU HEAT!

The leading cause of fires in the kitchen is unattended cooking.

- Stay in the kitchen when you are frying, grilling, or broiling food. If you leave the kitchen for even a short period of time, turn off the stove.
- If you are simmering, baking, roasting, or boiling food, check it regularly, remain in the home while food is cooking, and use a timer to remind you that you’re cooking.
- Keep things that can catch fire and heat sources apart.
- Keep anything that can catch fire – oven mitts, wooden utensils, food packaging, towels or curtains – away from your stovetop.
- Keep the stovetop, burners and oven clean.
- Wear short, close-fitting or tightly rolled sleeves when cooking. Loose clothing can dangle onto stove burners and can catch fire if it comes in contact with a gas flame or electric burner.

TURKEY FRYERS

- NFPA discourages the use of outdoor gas-fueled turkey fryers that immerse the turkey in hot oil. These turkey fryers use a substantial quantity of cooking oil at high temperatures, and units currently available for home use pose a significant danger that hot oil will be released at some point during the cooking process. The use of turkey fryers by consumers can lead to devastating burns, or other injuries and the destruction of property.

CANDLES

If you allow candles in your property at all, it is important that your tenants follow these guidelines:

- Consider using battery-operated flameless candles which can look, smell, and feel like real candles.
- Use sturdy, safe candleholders.
- Protect candle flames with glass chimneys or containers.
- Keep candles at least 12 inches from anything that can burn.
- Never leave a burning candle unattended. Avoid using candles in bedrooms and sleeping areas. Extinguish candles when you leave a room. Keep children and pets away from burning candles.



- Be careful not to splatter wax when extinguishing a candle.
- Never use a candle when medical oxygen is being used.
- Always use a flashlight – not a candle – for emergency lighting.

HEATING

- Have a three-foot “kid-free zone” around open fires and space heaters.
- Supervise children when a fireplace, fire pit, or other space heater is being used. Use a sturdy, metal screen to prevent contact burns, which are even more common than flame burns.
- All heaters need space. Keep things that can burn, such as paper, storage boxes, bedding or furniture, at least 3 feet away from heating equipment.
- Use heating equipment that has the label of a recognized testing laboratory.
- Never use your oven for heating.
- Install stationary space heating equipment, water heaters or central heating equipment, according to the local codes and manufacturer’s instructions.
- Make sure all fuel-burning vented equipment is vented to the outside to avoid carbon monoxide poisoning. CO is created when fuels burn incompletely. CO poisoning can cause illness and even death. Make sure the venting for exhaust is kept clear and unobstructed. This includes removal of snow and ice around the outlet to the outside.
- Install and maintain carbon monoxide alarms to avoid risk of carbon monoxide poisoning.
- Maintain heating equipment and chimneys by having them cleaned and inspected annually by a qualified professional.

PORTABLE ELECTRIC SPACE HEATERS

- Turn heaters off when you go to bed or leave the room.
- Use and purchase portable space heaters with an automatic shut off so if they’re tipped over they will shut off.
- Place space heater on solid, flat surface.
- Plug power cords directly into outlets and never into an extension cord.
- Inspect for cracked or damaged, broken plugs or loose connections. Replace before using.

WOOD BURNING STOVES AND FIREPLACES

- Install the stove, chimney connectors and chimneys following manufacturer’s instructions or have a professional do the installation.
- Burn only dry, seasoned wood. In pellet stoves, burn only dry, seasoned wood pellets. If using artificial logs, follow the manufacturer’s directions and never burn more than one log at a time.
- Start the fire with newspaper or kindling, never with a flammable liquid, such as lighter fluid, kerosene or gasoline.
- Have sturdy screen on a fireplace. Keep the doors of your wood stove closed unless loading

- or stoking the live fire.
- Allow ashes to cool before disposing. Dispose of ashes in a tightly covered metal container and keep the ash container at least 10 feet away from the home and any other nearby buildings. Douse and saturate with water.
- Chimneys and vents need to be cleaned and inspected at least once a year.

CHILDREN AND FIRE TOOLS

- Keep matches and lighters up high, out of the reach of children, preferably in a locked cabinet. It is an adults job to keep fire tools away from children.
- If you feel you must keep matches or lighters more convenient, have only one lighter or matchbook and keep it securely with you at all times.
- Teach young children to tell a grown-up if they find matches or lighters.
- Lighters that look like toys can confuse children. Do not buy or use them.
- If you are concerned about a child’s use of fire tools or interest in fire, please contact your local fire department to find a Juvenile Firesetter Program, a free and educational class.

SMOKING

If your residents are allowed to smoke in the property, they should follow these guidelines carefully to prevent further damage to the property:

- Choose fire-safe cigarettes if they are available in your area. They are less likely to cause fires.
- If you smoke, smoke outside.
- Wherever you smoke, use deep, sturdy ashtrays.
- Before you throw out butts and ashes, make sure that they are out, and dousing in water or sand is the best way to do it.
- Never smoke where oxygen is being used.
- Never smoke in bed.
- Before going to bed, check under furniture cushions and in other places that people smoke for cigarette butts that may have fallen out of sight.
- To prevent a deadly cigarette fire, you have to be alert. You won’t be if you are sleepy, or have taken medicine or drugs that make you drowsy.

OPEN AIR BURNING

- Open air burning is restricted in many areas of Utah. Call the local fire department or municipality before outdoor or open air burning, including brush fires, fire pits, and burn barrels.
- Closely attend all outdoor fires.
- Use chimneys, outdoor fireplaces, and fire pits outdoors only and at least 10 feet away from the home or anything that can burn and any other nearby buildings.
- Fireworks should only be used in approved areas and at approved times. You must follow the safety instructions on the packaging to prevent injury and property damage.

Security Deposit vs. Move-In Fee: Which is Better?

RENTAL HOUSING JOURNAL

One of the biggest risks with managing a rental property is having to deal with property damage by existing or outgoing renters.

Over the years, security deposits have been the preferred option by property managers when it comes to compensating for property damages caused by tenants.

But in recent years, property managers are beginning to adopt a new strategy, known as the apartment move-in fee. As a renter or property manager seeking to adopt either of the methods, it is important that you know first-hand what they mean and their pros and cons.

WHAT IS A SECURITY DEPOSIT?

A security deposit is a refundable sum of money a renter or tenant pays to the property manager or landlord when moving into a rental property. It is usually one to two months’ rent, depending on city or state regulations. Also, landlords or managers can legally use the security deposit, or deduct from it, to pay for damages to the property caused by the tenant, or if the tenant skips paying rent and moves out.

Pros:

Instills sense of responsibility in your tenants: Due to the costly nature of security deposits, renters are more likely to maintain their apartments to avoid losing their security deposits when they move out.

Added protection of your investment: Collecting a security deposit give your investment an additional sense of protection, since you can use a tenants’ security deposit to fix your property.

Cons:

State laws on security deposits can be complex: For states like Illinois, accessing security deposits made by your tenants involves paperwork and restrictions that can lead to serious fines if you break any of the rules.

Potential tenants may be hesitant to pay: If your rental property is in a low-income area, potential renters may hesitate to release a month or two in rent in the name of a security deposit.

May lead to disagreements over move-out inspections: Tenants may not agree with your findings during a move-out inspection, leading to prolonged arguments or even lawsuits.

WHAT IS A MOVE-IN FEE?

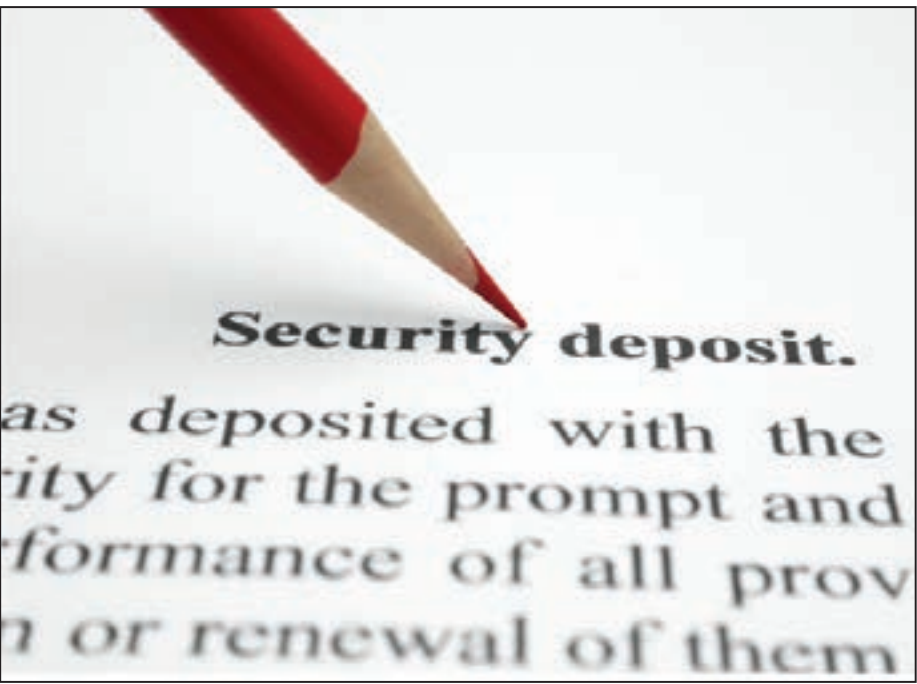
A move-in fee is paid by a tenant to a landlord or property manager upon signing their new lease.

The fee serves to cover the costs of accommodating and processing new tenants, such as changing directories and reprogramming security systems. A move-in fee is always non-refundable.

Also remember, if the damage is bad you can always go after the tenant in court, just like you would if damage is over the amount kept as a security deposit.

Pros:

More attractive for your tenants: Since move-in fees are usually 30 percent to 50 percent of a month’s rent, it will be easy for your potential tenants to agree to it.



No state regulations: In states like Illinois, where state laws require landlords to deposit the money received as security deposit into a separate account, this may delay your access to the money for repairs. With move-in fees, you can easily use the money for repairs or whatever you deem fit.

Non-refundable: Move-in fees are generally non-refundable, whether the tenant trashes the property or not. You do not need to hand it back to a tenant upon their moving out.

Cons:

No incentive: When tenants have no security deposit or worthy sum of

money on the line, they are more likely not to be careful with your property or worry about small damages.

Lower fee: Since move-in fee are generally 30 percent or more of a month’s rent, it may not be able to cover the cost of serious repair issues. Due to its lower amount, you may need to file a lawsuit for more money, leading to additional delay and stress.

WHICH IS BEST FOR YOU?

You should base your decision on your location and the method that has worked best in the past.

If your property is in a jurisdiction like Chicago, where there are strict security-deposit regulations and penalties, then collecting a move-in fee may be your best bet.

But if your property is in a location with straightforward security-deposit laws, you should opt for a security deposit.

Most importantly, you should continue with a security deposit if you have had positive experiences about the process.



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