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# Gov. Brown Extends Eviction Moratorium

RENTAL HOUSING JOURNAL

Oregon Governor Kate Brown has extended the eviction moratorium preventing residential evictions for non-payment of rent and other no-cause evictions from September 30 to December 31, 2020, according to a release.

In the spring, in the first special session of this year, the legislature passed House Bill 4213, establishing a residential and commercial eviction moratorium through September 30, 2020, with a six-month repayment period. The governor’s new executive order will be in place until the Oregon Legislature can convene later this year to address housing issues.

“Every Oregonian deserves a warm, safe, dry place to call home,” Brown

*See ‘Oregon’ on Page 3*

# Portland Landlords Who Raise Rent Must Pay to Move Tenants

RENTAL HOUSING JOURNAL

The Portland City Council has unanimously approved a measure effective immediately requiring landlords who raise rent by any amount to pay relocation costs to move tenants who do not want to pay the rent increase.

“We are in the midst of a pandemic, and we need to do everything we can to keep Portlanders in their homes,” Mayor Ted Wheeler said in a release. “Simply put, this is a public-health issue. Stable housing is the foundation of health, and this relief measure will help protect Portland renters through the worst of this crisis.”

Previous code allowed rent increases of up to 10 percent without landlords being required to cover the moving costs of tenants. This temporary change in code



Portland Mayor Ted Wheeler

will require relocation assistance for any rent increase between now and March 31, 2021, should a renter need to move out because they are unable to afford it.

Wheeler said the pandemic has exacerbated the housing-affordability

problem in Portland and “now in a time of high unemployment” and “when safe housing is critical to maintaining public health, we are continuing to hear about rents going up,” Wheeler said at a press conference, “further challenging households that are already struggling to make their rent payments.

“It’s likely that any rent increase would force renters to have to relocate while we’re in the middle of this pandemic. We need to do our part to protect renters from the tidal wave of evictions that we know is coming. We need to support renters who may need to relocate due to rent increases.

“We also need to make sure that our local property owners who rent their homes to Portlanders are not foreclosed

*See ‘Portland’ on Page 14*

# 7 Insights on Eviction Moratorium



RENTAL HOUSING JOURNAL

Two attorneys recently joined the National Real Estate Investors Association for an online discussion to help landlords and property managers understand how best to deal with the new federal eviction moratorium.

A new nationwide eviction moratorium has been ordered through the Centers for Disease Control (CDC) to halt residential evictions through the end of December for non-payment of rent due to COVID-19.

Both lawyers discussed the issues, the affidavits that tenants must provide to show how they have been affected by

*See ‘7 Insights’ on Page 16*

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# Three 1031 Exchange Alternatives

By Jason Salmon

Senior Vice President & Managing Director of Real Estate Analytics, Kay Properties and Investments, LLC

## 1031 Exchange Alternative #1 — Utilizing a 1031 exchange into DST 1031 properties:

Delaware Statutory Trust (DST) real estate has been a great way for investors to participate in passive, professionally managed real estate for their 1031 exchanges since the IRS enacted Revenue Ruling 2004-86 which effectively blessed the use of a properly structured DST 1031 investment as “like kind” for the purposes of a 1031 exchange. The DST investment structure of real estate ownership has given investors the potential to diversify across several property sectors, geographic locations and with various managers. For those that wish to focus on areas of life like family, hobbies and travel instead of dealing with tenants or just having to be constantly concerned with the value of hands-on real estate and the best time to sell, DSTs can potentially be the right thing at the right time.

## 1031 Exchange Alternative #2 — Utilizing a Qualified Opportunity Zone Fund in lieu of a 1031 Exchange:

Qualified Opportunity Zone Funds are relatively recent investment vehicles whereby investors can place capital gains (within a certain time-line of selling) into real estate investments. Through the Tax Cuts and Jobs Act, certain areas that have been mandated as Opportunity Zones according to the IRS as “an economically distressed community where new investments, under certain conditions, may be eligible for preferential tax treatment.” It should be noted though, that Opportunity Zones are not necessarily used as a 1031 exchange, but rather another option in the case of a failed 1031 exchange or a potential tax-deferral tool for other investments with gains such as stock or the sale of a business.

## 1031 Exchange Alternative #3 — The 721 Exchange or UPREIT:

Many investors that want to do a 1031 exchange, but don’t want the hassle of day-to-day management, and/or want diversification—and with a working knowledge of Real Estate Investment Trusts (REITs) ask “why can’t I invest in these vehicles for my 1031 exchange?” Because of very specific guidelines for what is considered “like-kind” real estate, REITs are not eligible for 1031 exchange. However, through an UPREIT transaction which stands for Umbrella Partnership Real Estate Investment Trust, it can potentially be possible through a series of steps. With a 721 exchange, instead of a 1031 exchange, investors may exchange property for OP or Operating Partnership units in the REIT. This might be easier said than done since the REIT would have to want to bring the relinquished property in and all parties would have to agree on terms, but it’s possible. Investors should also consider whether the REIT is public or private and the likelihood that they would have interest in conducting another tax-deferred exchange going forward since that would not be possible once this type of transaction has been made.

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# Oregon Eviction Moratorium Extended to Dec. 31

Continued from Page 1

said in the release. “Since the legislature passed House Bill 4213, thousands of people have been displaced by massive and devastating wildfires, and the global pandemic continues to make it difficult for many Oregonians, including Oregon’s veterans and many families with children, to pay rent, through no fault of their own.

“Keeping economically vulnerable Oregonians in their homes has been critical to the state’s COVID-19 response throughout this pandemic. Having a safe and stable home allows individuals to practice effective physical distancing, helps facilitate quarantine and

isolation, and helps to prevent families and individuals from being displaced from their homes into more crowded multifamily or congregate living conditions, where the virus can spread more easily.

“Housing is a critical human need, and, as we enter cold and flu season during a pandemic—and as many students learn remotely from home—it is absolutely critical that people not be turned out of their homes,” Brown said.

“It is my hope that, when the legislature next meets, they will take up the larger issues we need to address regarding housing relief,” she said.

EO 20-56 establishes a new, temporary residential

eviction moratorium through the end of the year, due to the urgent need to prevent evictions during simultaneous wildfire and pandemic emergency response-and-recovery efforts. Both crises have had an acute and disproportionate impact on Oregon’s communities of color, including Black, Indigenous, Latino, Pacific Islander, and Tribal communities, as well as families living in rural Oregon, according to the release.

“Many of the Oregonians most impacted by the pandemic and wildfire crises are those who can afford it least, and who have already faced housing discrimination and vast disparities in the availability of affordable housing,” Brown said.

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# Seattle Landlords and Rental Housing Association Sue City

RENTAL HOUSING JOURNAL

A group of landlords and the Rental Housing Association of Washington (RHAWA) have sued the city of Seattle over the set of rules restricting evictions for six months after the mayor’s order expires, according to a release.

“To be clear: We are not challenging Gov. Inslee’s or Mayor Durkan’s emergency COVID-19 executive orders,” the RHAWA said. “We are challenging

the City Council’s post-COVID eviction ban, which takes effect for six months after the COVID-19 emergency ends.

“We are also challenging Councilwoman (Kshama) Sawant’s winter eviction ban that passed in February of 2020. These ordinances are the latest example of the Seattle City Council wading into policies it knows little about, creating all new housing problems, and solving nothing.

“Combined, the two ordinances prevent

small housing providers from covering their taxes, mortgages, and maintenance costs, when their residents cannot or refuse to pay rent. The suit also challenges the one-size-fits-all payment-plan ordinance that the council passed that fails to consider individualized landlord and tenant circumstances,” the RHAWA said.

The Seattle city attorney’s office responded to the lawsuit saying, “We intend to defend the city in this matter,

and we’ll begin investigating the claims.”

Scott Dolfay, one of the landlords included in the lawsuit, said in the release, “Our current residents stopped paying their rent and owe us more than \$5,000, not to mention \$800 in utility fees and money to repair visible damage to the outside of the house and yard. We rely on that rental income to pay taxes, make repairs, pay our loan, and keep the home in good shape for residents to enjoy.”

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## RHA Oregon President's Message

# October Surprise!

I sincerely hope that you, your families, and your tenants safely made it through last month's wildfire crisis and are continuing to safely navigate the COVID-19 pandemic. I understand the exhaustion that many of you feel and look forward to sharing more relaxing times with you in the future.

It is now October. The mornings are a bit cooler, the leaves are starting to turn, and the last of the tomatoes and peppers are coming in from the garden.

Let us review some of the things that have changed for Oregon landlords since my last newsletter:

- President Trump, through the Centers for Disease Control and Prevention, issued a nationwide eviction moratorium on September 4 that is in place through December 31, 2020.
- Last month during Legislative Days, both the Oregon House and Senate Interim Committees on Housing held hearings regarding the eviction moratorium and the need for getting critical funds out to tenants and landlords who have been affected by COVID-19. However, the legislature is not expected to meet or act on any proposals until November.
- The City of Portland has modified its Mandatory Relocation Assistance Ordinance so that a tenant who receives a notice of any rent increase effective

through March 31, 2021, may inform their landlord that they cannot afford the increase and request relocation assistance.

- Multnomah County voted on September 24 to extend the eviction moratorium until January 8, 2021.
- Over one million acres were burned in multiple megafires throughout the state; hundreds of homes and, most tragically, at least 10 lives were lost.

This was not a September to remember. I am not sure that October will be much better, since Gov. Kate Brown issued an executive order to extend the statewide eviction moratorium through at least December 31. But I guess that wasn't that much of a surprise.

Rental Housing Alliance Oregon and other rental housing groups throughout the state have been sharing statistical data gathered from our monthly surveys as well as your individual stories with Gov. Brown, the legislature, and others.

We have emphasized that:

1. The costs of the COVID-19 housing crisis should be borne by society as a whole, not solely by landlords.
2. Tenants claiming inability to pay rent should be subject to a means test.

3. Constantly changing regulations, often passed at the last minute before a so-called "hard date," are creating confusion and chaos.
4. Funding, and a long-term solution, is needed now; stop kicking the can down the road.

There is reason for measured optimism: Several legislators who serve on the two Interim Committees on Housing are hearing us and have been hearing from you. Keep those calls coming, especially if you are a small landlord who has lost significant income on which you depend. It is critical that our legislators, who are also our neighbors, hear directly from you as individuals as well as from organizations like RHA Oregon.

Finally, thank you very much to all the landlords who provided information on units that may be available for housing individuals and families displaced by the wildfires. The state is now working with FEMA on a disaster housing strategy that will better define specific needs. Once this is in place, watch for another email.

Have a great October and enjoy those peppers and tomatoes!

— **Ken Schriver**  
**RHA Oregon President**

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# Sustainability Data Rises to Top of Waste-Hauling Strategy Heap

By Paul Bergeron

Challenges involving the proper removal of bulk junk, non-traditional waste products and organics continue to mount for commercial real estate operators, particularly those managing apartment buildings and retail space.

Waste-removal service companies’ inconsistency in performance and expense is complicating the operations side of this necessary responsibility.

Conscientious property groups with sustainability goals in mind continue to seek reliable and efficient methods for these services to help their landfill-diversion goals and maintain acceptable curb appeal.

“Bulk-item removal has been really difficult because of lack of viable donation outlets and reuse consumers,” says Sydney Mainster, vice-president of sustainability for The Durst Organization, a family-run real-estate company. “It’s a lot of labor to handle, and oftentimes we need it removed quickly, whereas the end user may take weeks or months to identify. Also, we’ve often had to use our own in-house labor, even when donating items like furniture.”

## JUNK THAT’S CALM, COOL, COLLECTED

CheckSammy is a growing national company that provides same-day, on-demand removal services as well as monthly subscription-based service at a flat-rate.

“Junk hauling is the reactive, often problematic segment of the apartment industry’s waste hauling process,” says Cameron Funk, Vendor Relations Manager, Cass Waste Expense Management, Jacksonville. Funk manages thousands of residential real estate waste-management accounts nationwide.

“A community could have two move-outs on a given Monday and nothing else the rest of the month,” Funk says. “This causes complications for onsite management teams when budgeting costs and scheduling pickups. There’s no normality to it. Depending on the market, you’ll get different haulers at different rates at different times.”

Mainster says that more than anything, it saves on staff labor. “It also minimizes how many times someone has to move an item. If we have to move large items in house, someone from the building has to move a couch, for example, from the apartment to the basement for storage. Then, when it is either discarded or donated, that piece of furniture has to be handled a second time. With this service, it’s both removed from the apartment and from the building site at the same time.”

CheckSammy contracts locally with its staff, who are trained on the art of junk collection. They are currently the only company in the United States doing this. Offering a monthly subscription rate is far better than working through franchised waste haulers, who are generally less reliable and can be costlier.

“They make the entire process just a little bit smoother and that can go a long way economically and logistically,” Funk says.

Property managers say the predictability of its services takes some of the logistical and budgetary stress out of the process. Because the service does not involve franchises, it provides significant cost savings because no marketing charges are passed along to customers, the company says.

## REMOVE THAT EYESORE

Junk hauling often can become a curb-appeal hazard for a community.

“A leasing staff doesn’t want to show an apartment with old mattresses laying outside,” Funk says. “If they are having to wait for a pick-up, they might as well have to set up an open-top container, but that’s not ideal, either. In a crowded area, it can come down to a space issue. With CheckSammy, you know they are going to show up when they say they are. The junk won’t linger.”

Property management companies paying attention to budget-friendly, conscientious junk removal to meet diversion mandates.



Junk-removal hurdles are becoming more prevalent during this uptick in apartment-home clear-outs, often required for residents who abandon possessions following a move-out or an eviction.

“Being able to resolve and remove junk/bulk in a timely manner while having a simplified pricing structure is essential to client satisfaction,” Funk says.

## SATISFYING DIVERSION-DATA GOALS

Funk has used CheckSammy for about a year and finds its data collection beneficial, particularly for apartment owners and managers who are tracking diversion percentage, Funk says, as well as those needing to meet the growing number of local areas where metrics are mandated.

“Instead of getting a percentage estimate for diversion rates, you get the exact number,” Funk says. “This is very helpful for apartment firms looking to gain LEED certification or for meeting state or local guidelines.”

The data-collection process, which includes photos of the bins for each pickup, are more granular than most, Funk says. “For commercial clients, for example, if they are seeing the same widget showing up in 70 percent of the pickups, this is a signal to them that maybe they don’t need to be making so many of that widget,” Funk says.

“You can tell that CheckSammy invested a lot of time and money in data collection for its product. This data can then be fed into our propriety software as well as Microsoft Power BI analytics tool. Clients love the visibility and insight that is able to provide.”

Mainster says the data transparency about where these items actually end up once they’re removed through this process is important for integrity and upholding company values.

“We don’t just want it gone and forgotten about – we want to make sure it’s recycled or, ideally, reused when it leaves our buildings,” she says.

CheckSammy is being described as the next-generation sustainability solution for the waste industry, offering not only bulk junk/sustainability services but key data, by providing verified reporting that allows clients to meet or exceed their owners’ and investors’ sustainability metrics.

“Until now, no one had visibility into their bulk-

junk spend, volumes, seasonality, and tracking for end of life and sustainability metrics,” says Sam Scoten, company CEO. “Through our software, we are able to generate detailed quarterly reporting, showcasing not only sustainability metrics, but spend and photos, and all backed by real-time verified data,” Scoten explains.

The provider’s streamlined reporting has eased such data-collection efforts for sustainability in areas such as Dallas, Fort Worth, and throughout California, and other municipalities around the country.

## FOR MOST, THIS IS ‘SERIOUS’

Mainster says Durst “takes diverting recyclable or compostable items from landfill seriously.”

How seriously? Durst offer organics collection for composting at no charge to all commercial tenants at its office buildings and to all residents at its multifamily buildings.

“We continue to offer organics collection through a private hauler at the apartment properties, even though DSNY has halted its city-wide organics program,” Mainster says. “We also offer battery recycling, light bulb recycling, e-waste collection and recycling, and bulk-removal options at our commercial properties. At our multifamily buildings, we collect batteries, e-waste, light bulbs and textiles for recycling.”

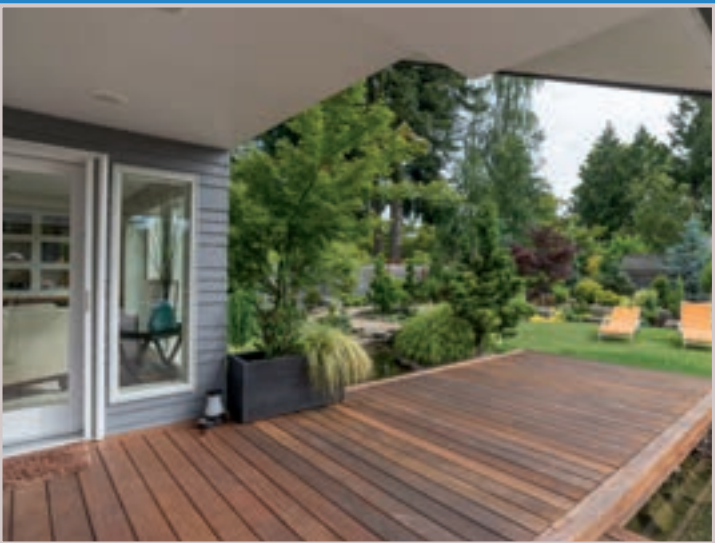
Mainster says her company has struggled with bulk removal at its commercial properties and residential buildings due to timing, lack of adequate storage, labor requirements and lack of viable outlets for items such as office furniture and sofas.

“A company that provides professional labor for removal, storage, and transparent outlets for bulks items and goods is in theory, an ideal solution,” she says.

Funk says he’s used CheckSammy in other collections verticals, such as shopping malls. “The good thing about it is that it’s a system that is set up that can work in any vertical,” he says.

*Paul Bergeron has been reporting on the apartment industry since 2002 and served 20 years as Editor in Chief for National Apartment Association’s UNITS magazine. He currently is Editor of his LinkedIn media platform Thought Leadership Today and can be reached at [pbergeron333@gmail.com](mailto:pbergeron333@gmail.com).*





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# NAA Sues CDC, Seeks Halt of Eviction Moratorium

RENTAL HOUSING JOURNAL

The National Apartment Association (NAA) has joined a lawsuit filed by the New Civil Liberties Alliance (NCLA), “challenging the U.S. Centers for Disease Control and Prevention’s (CDC) overreaching eviction-moratorium order,” according to a release.

The complaint, Richard Lee Brown, et al. v. Secretary Alex Azar, et al., includes several plaintiffs alongside the NAA who say they have been directly and irreparably damaged by the CDC order and have faced significant economic damages. NCLA has also requested a temporary restraining order, also known as a preliminary injunction, asking the court to stop the CDC from enforcing its

unlawful order.

“While the CDC has an inherent interest in slowing and preventing transmission of communicable disease, the eviction-moratorium order does not fall under their purview and overrules state laws throughout the country that protect both rental housing providers and their residents,” the NAA said in the release.

The lawsuit challenges the CDC’s authority to enact such an order, “as they have not identified an act of Congress that gives them this authority. Put simply, federal agencies do not have powers to waive state laws and the CDC has encroached on private property rights with no legal authority.”

The CDC, as part of the Department of Health and Human Services, cites section 361 of the Public Health Act, part of the United States Code of Laws, as the source of its federal authority. The act says that the surgeon general may “make and enforce such regulations as in his judgment are necessary to prevent the introduction, transmission, or spread of communicable diseases,” from foreign countries into the United States or from one state to another.

“In the context of a pandemic, eviction moratoria—like quarantine, isolation, and social distancing—can be an effective public health measure utilized to prevent the spread of communicable disease,” the CDC statement says. It notes that such

actions help state and local authorities to implement stay-at-home orders more easily, and protects public health by preventing homelessness, a situation in which the virus can spread more easily.

The NAA release makes the point that landlords and managers are bearing much of the burden of the pandemic as it relates to housing.

“In many cases, rent debt from earlier in the pandemic has become uncollectable and the CDC order has limited housing owners and managers from providing contracted services to tenants who have paid their rent, and paying financial obligations like taxes, mortgages, payroll and insurance. This jeopardizes the short- and long-term viability of the rental-housing industry, and the CDC is not equipped to solve the housing crisis that they are creating.”

The CDC order, however, does not release tenants from their financial responsibilities. “This order does not relieve any individual of any obligation to pay rent, make a housing payment, or comply with any other obligation that the individual may have under a tenancy, lease, or similar contract,” it says. “Nothing in this order precludes the charging or collecting of fees, penalties, or interest as a result of the failure to pay rent or other housing payment on a timely basis, under the terms of any applicable contract.”

The NAA release says the CDC does “not have the authority or knowledge to insert themselves into property owner/ resident regulations and housing policy that could devastate our nation’s already limited housing supply, and the order tries to force a federal one-size-fits-all approach to a hyper-localized state and local issue.

“Throughout the COVID-19 pandemic, NAA has advocated for direct, emergency rental assistance – a sustainable, responsible policy that will help keep Americans in their homes and ensure housing providers can pay their bills. However, because Congress and the administration have failed to reach the agreement necessary to protect America’s renters and housing providers from the certain damage of the CDC order, NAA had no choice but to take legal action.

“In addition to this suit, NAA is committed to challenging the CDC’s illegal order in a number of lawsuits in different areas of the country. NAA will keep members apprised as this rapidly evolving situation continues to develop.

“The rental housing industry should not be held solely responsible for solving our nation’s housing crisis, which has been exacerbated in this pandemic, and government agencies should not trade one crisis for another,” the NAA said in the release.

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FORMS OF THE MONTH

M522 OR – Portland Unit Inventory

PHB 30.01.087.c1 Fixture, Appliance, Equipment and  
Personal Property Depreciation Schedule



CITY OF PORTLAND, OREGON

UNIT INVENTORY



MOVE-IN DATE: \_\_\_\_\_ PROPERTY NAME / NUMBER: \_\_\_\_\_

RESIDENT NAME(S): \_\_\_\_\_

UNIT NUMBER: \_\_\_\_\_ STREET ADDRESS: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ ZIP: \_\_\_\_\_

# OF BEDROOMS: \_\_\_\_\_ # OF BATHROOMS: \_\_\_\_\_


| ITEM   | QUANTITY | ORIGINAL PURCHASE PRICE | ORIGINAL PURCHASE DATE | YEARS REMAINING | DEPRECIATED VALUE/ COST TO REPLACE |
|--|----------|-------------------------|------------------------|-----------------|------------------------------------|
| <small>When Owner/Agent does not have the original purchase price and date of a fixture, appliance, equipment, or personal property, Owner/Agent must approximate the age and depreciated value of the fixture, appliance, equipment, or personal property using the same or comparable items.</small> |          |                         |                        |                 |                                    |
| <b>LIVING ROOM/ENTRY</b>   |          |                         |                        |                 |                                    |
| Floor Material   |          | \$                      |                        |                 | \$                                 |
| Doors  |          | \$                      |                        |                 | \$                                 |
| Door Frames  |          | \$                      |                        |                 | \$                                 |
| Knobs  |          | \$                      |                        |                 | \$                                 |
| Locks  |          | \$                      |                        |                 | \$                                 |
| Sliding Door   |          | \$                      |                        |                 | \$                                 |
| Windows  |          | \$                      |                        |                 | \$                                 |
| Screens  |          | \$                      |                        |                 | \$                                 |
| Window Coverings   |          | \$                      |                        |                 | \$                                 |
| Light Fixtures   |          | \$                      |                        |                 | \$                                 |
| Ceiling Fan  |          | \$                      |                        |                 | \$                                 |
| Bulbs  |          | \$                      |                        |                 | \$                                 |
| Electric Outlets   |          | \$                      |                        |                 | \$                                 |
| Switches   |          | \$                      |                        |                 | \$                                 |
| Outlet/Switch Covers   |          | \$                      |                        |                 | \$                                 |
| Heater   |          | \$                      |                        |                 | \$                                 |
| Thermostat   |          | \$                      |                        |                 | \$                                 |
| Fireplace  |          | \$                      |                        |                 | \$                                 |
|  |          | \$                      |                        |                 | \$                                 |
|  |          | \$                      |                        |                 | \$                                 |
|  |          | \$                      |                        |                 | \$                                 |
|  |          | \$                      |                        |                 | \$                                 |
|  |          | \$                      |                        |                 | \$                                 |
| <b>KITCHEN/DINING ROOM</b>   |          |                         |                        |                 |                                    |
| Floor Material   |          | \$                      |                        |                 | \$                                 |
| Sliding Door   |          | \$                      |                        |                 | \$                                 |
| Windows  |          | \$                      |                        |                 | \$                                 |
| Screens  |          | \$                      |                        |                 | \$                                 |
| Window Coverings   |          | \$                      |                        |                 | \$                                 |
| Light Fixtures   |          | \$                      |                        |                 | \$                                 |
| Ceiling Fan  |          | \$                      |                        |                 | \$                                 |

☐ ON SITE

☐ RESIDENT

☐ MAIN OFFICE (IF REQUIRED)

PAGE 1 OF 8



Portland Housing Bureau

Rental Services Office

Mayor Ted Wheeler • Director Shannon Callahan

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portlandoregon.gov/phb/rsr  
  
Rental Services Helpdesk Hours:  
MON, WED, FRI 9-11am and 1-4pm

**Fixture, Appliance, Equipment, and Personal Property Depreciation Schedule**  
**Required Under Portland City Code Title 30.01.087.C.1**

Within the City of Portland, a landlord may only apply security deposit funds for the repair and replacement of those fixtures, appliances, equipment, or personal property that are identified in the rental agreement and to which a value is attached in accordance with the depreciation schedule published in this notice.

A landlord may provide documentation reasonably acceptable to a tenant demonstrating why a different calculation is justified for a particular item so long as the documentation includes:

1. The current depreciated value of the fixture, appliance, equipment, or personal property;
2. An explanation of why the depreciated value derived from the Depreciation Schedule is inapplicable for the fixture, appliance, equipment, or personal property; and
3. A justification of how the repair or alternative replacement cost of the fixture, appliance, equipment, or personal property has been calculated or determined.

**City of Portland Requirements**

When determining the amount of security deposit funds to withhold for the repair and replacement of appliances or equipment, fixtures, or personal property, a landlord must discount the estimated original purchase price by the following depreciation schedule:


**Appliances or Equipment** (includes items such as refrigerators, microwave ovens, stovetops, ovens, dishwashers, etc.) depreciate over 15 years, or 6.67% per year.

**Fixtures that are Carpets and Window Dressings** (includes items such as carpet, flooring that is not permanently attached, blinds, curtains, etc.) depreciate over 10 years, or 10% per year.

**Fixtures not including Carpets and Window Dressings** (includes items such as faucets, sinks, toilets, tubs, permanently attached flooring, cabinetry, etc.) depreciate over 20 years, or 5% per year.

**Personal Property** (includes all other non-structural elements not covered by the fixtures, appliances, or equipment depreciation schedule) depreciate over 30 years, or 3.34% per year.

Depreciation Schedule  
Form 30.01.087.C.1 (Valid through March 2021)  
Page 1 of 2



The Portland Unit Inventory form was created in March of 2020 for compliance with Portland’s FAIR Ordinances that cap the amount of allowed security deposit and further restrict how the held security deposits can be applied to damage sustained to the rental unit. This form is a template designed to catalog all rental unit amenities that could be damaged with columns for Purchase Price, Purchase Date, Years Remaining and Depreciated Value/Cost to Replace. The City of Portland has provided the form PHB 30.01.087.c1 Fixture, Appliance, Equipment and Personal Property Depreciation Schedule to determine depreciation values. Failure to disclose this information limits the Owner/Agent’s access to held security deposit funds to compensate for tenant caused damage beyond normal wear and tear. Multifamily NW has held many trainings on Portland’s FAIR Ordinances and will continue to offer more educational opportunities. Contact your landlord/tenant law attorney to verify you have the authority to use any held security deposit funds for damages.

Multifamily NW Webinar Schedule

|             |  |                     |
|-------------|--|---------------------|
| OCTOBER 5   | WEBINAR: LANDLORD TENANT LAW 1-PART B                            | 10:00 AM - 12:00 PM |
| OCTOBER 7   | WEBINAR: OCTOBER LANDLORD STUDY HALL - REASONABLE ACCOMMODATIONS | 6:30 PM - 8:00 PM   |
| OCTOBER 8   | WEBINAR: LEASING ONLINE WITH CONFIDENCE                          | 10:00 AM - 12:00 PM |
| OCTOBER 9   | WEBINAR: IT’S THE LAW: FOR CAUSE NOTICES                         | 12:00 PM - 1:00 PM  |
| OCTOBER 12  | WEBINAR: LANDLORD TENANT LAW 2-PART A                            | 10:00 AM - 12:00 PM |
| OCTOBER 14  | WEBINAR: HR ISSUES - AUDITING THE HR FUNCTION                    | 12:00 PM - 1:00 PM  |
| OCTOBER 19  | WEBINAR: LANDLORD TENANT LAW 2-PART B                            | 10:00 AM - 12:00 PM |
| OCTOBER 20  | WEBINAR: WA IT’S THE LAW: A DRIP OR A DELUGE                     | 12:00 PM - 1:00 PM  |
| OCTOBER 26  | WEBINAR: ADVANCED LANDLORD/TENANT LAW                            | 10:00 AM - 12:00 PM |
| NOVEMBER 4  | WEBINAR: NOVEMBER LANDLORD STUDY HALL                            | 6:30 PM - 8:00 PM   |
| NOVEMBER 11 | WEBINAR: HR ISSUES - INTERNAL INVESTIGATIONS                     | 12:00 PM - 12:00 PM |
| NOVEMBER 13 | WEBINAR: IT’S THE LAW: ANOTHER YEAR IN THE HOPPER                | 12:00 PM - 1:00 PM  |
| NOVEMBER 17 | WEBINAR: WA IT’S THE LAW: CRAZY BUT TRUE                         | 12:00 PM - 1:00 PM  |



# CDC Eviction Moratorium: More Layers to an Already Large Cake

By **BRADLEY S. KRAUS**

The year continues to roll on, and every month, new issues seem to appear that add further complexity to the already complex body of landlord/tenant law.

In early September, the Centers for Disease Control and Prevention (CDC) decided to dip its toe in the waters and enact its order entitled “Temporary Halt in Residential Evictions to Prevent the Further Spread of COVID-19.” This order forbids landlords from taking action against residential tenants for nonpayment of any charges. Setting aside arguments as to whether or not the CDC has the authority to enact and/or enforce such an order—and there is currently litigation attacking just that—landlords must be aware of this additional layer of protections, and how they should analyze the same in conjunction with other moratoriums in place.

Oregon’s statewide eviction moratorium was just extended to Dec. 31, 2020, by Gov. Kate Brown. Local jurisdictions such as Multnomah County have already enacted/extended the HB 4213-type protections tenants receive. Other jurisdictions may have done so prior to this article being published. Accordingly, prior to taking any actions for nonpayment of rent, you should consult an attorney to wade through these ever-changing and multi-layered protections, of which the CDC order is but one.

Assuming no state or local moratoriums exist that affect you in October, the CDC order potentially could. As an initial matter, it is important to note that the CDC order only applies to nonpayment scenarios. Tenants can still be evicted for conduct-based defaults of the rental agreement and Oregon law. As to nonpayment scenarios, in order to qualify as a “covered person” under the order, the tenant must submit to the landlord a declaration made under penalty of perjury that states that:



- The individual has used best efforts to obtain all available government assistance for rent or housing;
- The individual either (a) expects to earn no more than \$99,000 in annual income for calendar Year 2020 (or no more than \$198,000 if filing a joint tax return), (b) was not required to report any income in 2019 to the U.S. Internal Revenue Service, or (c) received an economic-impact payment (stimulus check) pursuant to Section 2201 of the CARES Act;
- The individual is unable to pay the full rent or make a full housing payment due to substantial loss of household income, loss of compensable hours of work or wages, a lay-off, or extraordinary out-of-pocket medical expenses;
- The individual is using best efforts to make timely partial payments that are as close to the full payment as the individual’s circumstances may

permit, taking into account other nondiscretionary expenses; and

- Eviction would likely render the individual homeless—or force the individual to move into and live in close quarters in a new congregate or shared living setting—because the individual has no other available housing options.

Once the landlord receives this declaration, the tenant is entitled to the protections detailed in the order and a landlord may not take any action to remove the tenant. Keep in mind that this declaration can be submitted to the landlord at any time, including during any eviction a landlord may have begun. Further, it is unclear whether or not such a declaration could be attacked in any eviction proceeding, but it would seem disingenuous to suggest that it couldn’t. The language of the CDC order provides no such guidance or method, so any such attempt to challenge a tenant’s declaration should be discussed with the attorney of your choice.

The laws continue to change, creating a patchwork of rules and regulations that landlords must follow. At a certain point, policymakers will—hopefully—see that landlords cannot continue to shoulder the financial impact of the pandemic. Hopefully, this realization will lead to policies that benefit both landlords and their tenants. Until then, we will turn the page on the calendar and await the surprises next month will bring.

*Brad 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. You can reach Kraus via email at [kraus@warrenallen.com](mailto:kraus@warrenallen.com), or by phone at 503-255-8795.*



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# Remote Learning Sends Rent Down in College Towns

RENTAL HOUSING JOURNAL

Rent prices in college neighborhoods have fallen this summer as colleges and universities across the country have opted for remote learning during the coronavirus pandemic, according to a Zillow analysis.

“The drop throughout college areas stands out even in a rental market that has softened across the board since February with rent-price growth slowing and landlords offering more concessions,” Zillow says in a release.

Data from The Chronicle of Higher Education and Davidson College show 44 percent of U.S. colleges and universities are operating fully or primarily online for the fall semester, while only 27 percent are offering classes fully or primarily in person.

The new Zillow analysis shows that reduced demand in this largely remote environment is having a noticeable impact on rents in ZIP codes in which at least 20 percent of the population is college students, who make up about eight percent of the U.S. rental market in a typical year.

SOFTENING COLLEGE RENTAL MARKET

“The softening rental market across



the country is starker in college neighborhoods as pandemic-mandated campus closures and opportunities to complete courses online have provided motivation for young people to move back home,” said Zillow senior economist Cheryl Young in the release.

“With many leases ending at the end of the summer or the beginning of the fall, we can expect even greater impacts in the months ahead. The good news for rental owners is administrators seem to be

itching to bring students back to campus as soon as they can do so safely, so it’s possible this will be a relatively short-term shock to rent prices,” she said.

RENT PRICES HAD BEEN GROWING BUT NOW ARE DROPPING

In neighborhoods with a high share of college students, average rent prices were growing by 4.7 percent year-over-year in February.

By August, when many students would typically move back near campus, rents were down 0.5 percent from the year before,

marking the first time since at least 2017 -- the earliest Zillow data is available -- in which college-area rents were lower than the previous year. Meanwhile, rents in ZIP codes with a lower share of college students were up 2.6 percent annually.

In May, the average rent was only 1 percent lower in college areas than non-college areas. By August, that gap had widened to 3.4 percent as rents continued to fall in college areas but rose elsewhere. That’s the furthest college-area rents have fallen below rents elsewhere since at least 2017.

Pricier areas with a high share of college students are often seeing steeper rent declines.

For example, the average rent is down seven percent year-over-year in Boston’s 02115 ZIP code, which includes Northeastern University – made up of about 60 percent college students – and down five percent in the 94704 ZIP code in Berkeley, Calif., with about 70 percent of the population being college students.

With demand for rentals softening, landlords are offering discounts or other incentives as they strive to attract new tenants. Rent concessions on Zillow listings across the country are nearly twice as common as they were in February. Even small discounts or short-lived vacancies can have a big impact on landlords; previous Zillow research has shown that rental owners typically spend more than half of their rental income on fixed costs of property ownership, such as mortgage payments, property taxes and insurance.

|               | College Areas |                           | Non-College Areas |                           |
|---------------|---------------|---------------------------|-------------------|---------------------------|
| Month         | Average Rent  | Average Rent - YoY Change | Average Rent      | Average Rent - YoY Change |
| February 2020 | \$1,809       | 4.7%                      | \$1,825           | 3.3%                      |
| May 2020      | \$1,800       | 1.5%                      | \$1,819           | 1.2%                      |
| August 2020   | \$1,787       | -0.5%                     | \$1,851           | 2.6%                      |

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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 it always does, 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 four of the five steps of grief (denial, anger, bargaining, and depression), and now am working my way to the fifth 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 to 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

*See ‘Strategy’ on Page 13*



## NEW INCENTIVES AND BONUSES TO HELP YOU SAVE

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# Strategy is the Key to Success for Landlords

Continued from Page 12

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 eight 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 judgment.

Why not start the process now and turn

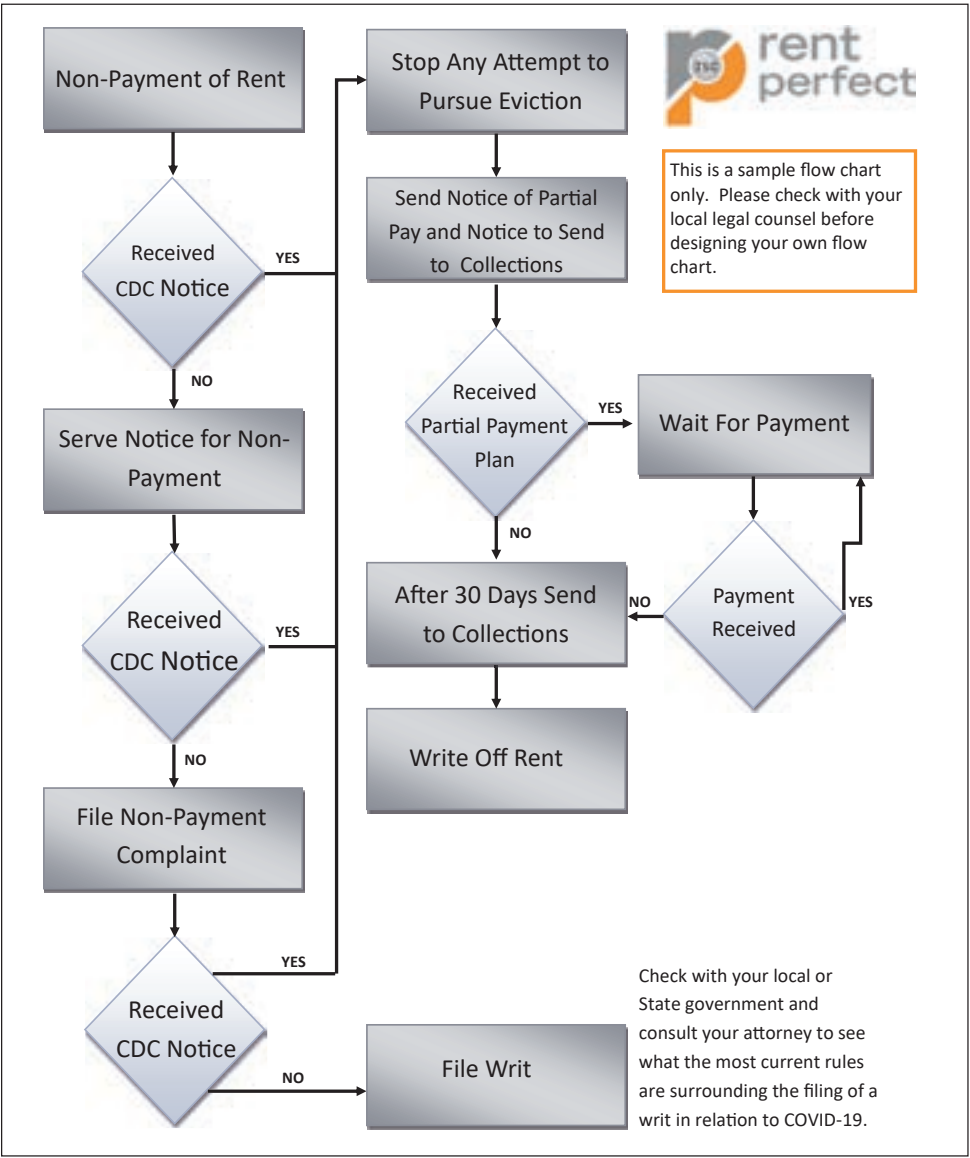
it over to a professional who knows how to collect? You will probably have to give up 40 percent of the money owed if it is collected, but that is better than nothing. It will also indicate to your tenant how serious you are about collecting future rent.

### 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. A sample eviction process flowchart is provided in the flowchart at top right.

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.*

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# Portland Landlords Who Raise Rent Will Have to Pay to Move Tenants

Continued from Page 1

upon because of any unnecessary added costs that make it impossible for them to pay back their loans,” Wheeler said.

Even when eviction moratoriums were set to expire in Oregon at the end of September, Wheeler said they had been trying to provide rent assistance but were very worried that “we know these resources will not be enough” to stem the tide of what he says could be a “tidal

wave” of evictions.

On Sept. 28, 2020, Oregon Gov. Kate Brown extended the state’s moratorium from September 30 to December 31, citing both the effects of the pandemic and the state’s devastating wildfires. The new executive order will be in place until the legislature convenes later this year to address housing issues.

Wheeler said the Portland Housing Bureau demographic breakdown shows

that 43 percent of renters in Portland are white but 74 percent of Black, indigenous, and people of color are renters. He said renters are typically more vulnerable to cost-of-living and rent increases that can lead to displacement.

“It would take the average Black family in Portland (with pre-COVID-19 income) almost six months to save up enough to repay just one month of back rent. Even with an eviction moratorium in place and a

six-month grace period to repay back rent, we were only postponing a much bigger problem without some bold action within the next four months,” Wheeler said.

He said one in four Portland renters were already paying more than half their monthly income toward rent prior to the pandemic. Since May, between 12 percent and 15 percent of Portland renters have been unable to make their monthly rent payments. Among “Class C” properties, which tend to be older buildings and located farther east, the rate of non-payment during the pandemic has been closer to 20 percent.

He said unpaid rent now totals between \$22 million and \$28 million, but at the current rate will balloon to \$120 to \$125 million by the end of September next year.

In addition, he has directed the Portland Housing Bureau to allocate approximately \$500,000 of existing funding towards housing stabilization and relief in East Portland.

“I want to thank those building owners and landlords - and I’ve met with many - and I’ve spoken to many who have already reached arrangements with their tenants to do everything they can to support them and keep them in their housing and not increase their rent during this crisis,” Wheeler said.

“I want to applaud and acknowledge that that building owners and landlords have been valued partners in this conversation, but the work we can do right here and now together in the community through shared sacrifice is keep as many people in their homes as possible throughout the remainder of this public health emergency housing is directly tied to public health in the midst of a pandemic,” Wheeler said.

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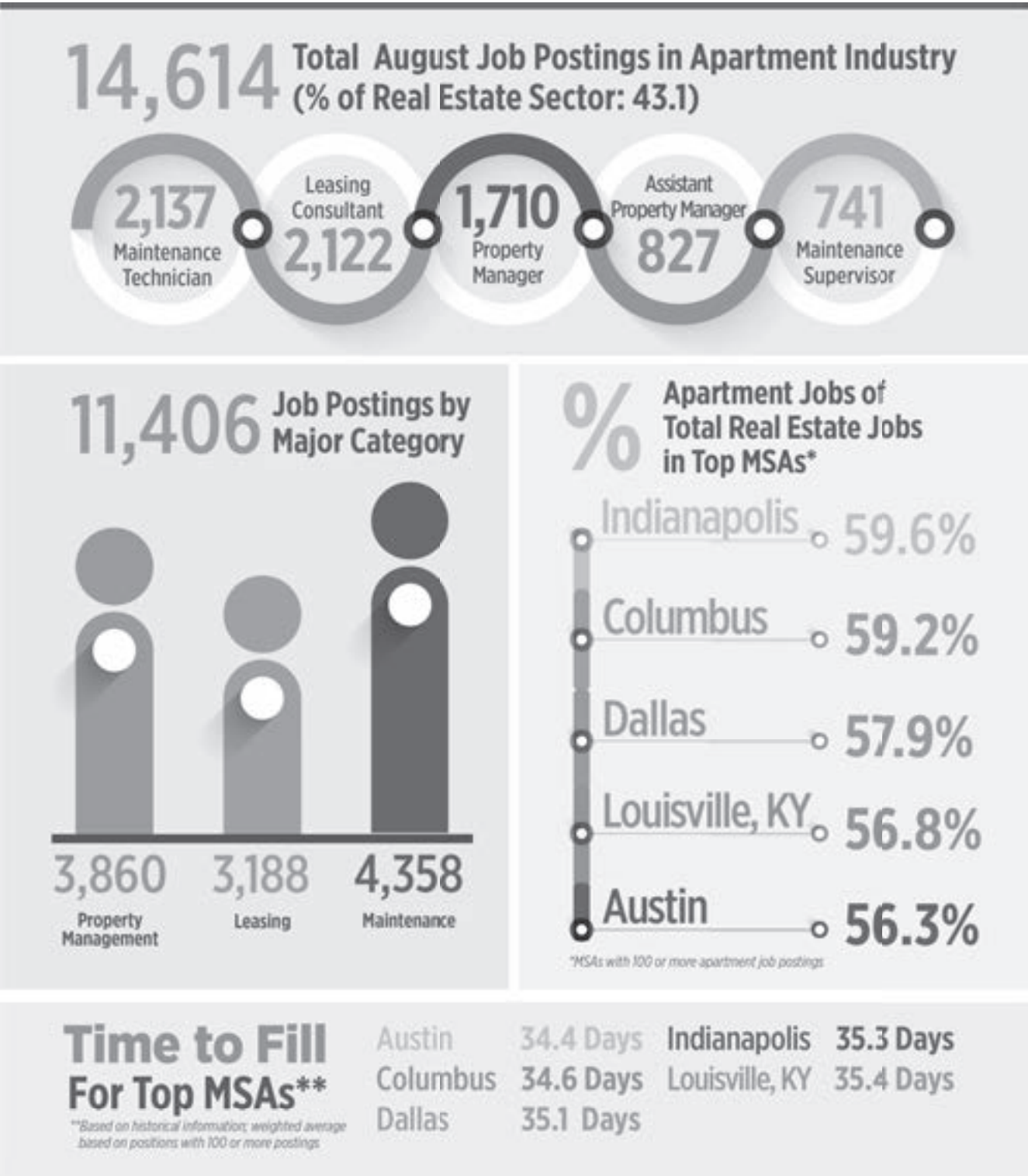
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# Apt. Industry Job Postings in August Exceed 14,000

NATIONAL APARTMENT ASSOCIATION  
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There were more than 14,000 job postings in the apartment industry in August, according to the monthly jobs report from the National Apartment Association (NAA).

The NAA’s Education Institute Apartment Jobs Snapshot showed the markets with the highest concentration of job postings included Indianapolis, Columbus, Dallas, Louisville, and Austin.

There were more job listings in the maintenance category than any other apartment job, with 4,358 maintenance jobs posted out of the total apartment jobs of 14,614.

Property management was second with 3,860 job postings.

The spotlight in the report this month focuses on leasing consultants.

The demand for these positions was more than four times the national average in Austin, where the average time to fill for apartment jobs was just 34 days.

The top specialized skills employers are looking for included leasing, customer service, property management, sales, and Yardi Software.

SOURCES: Naa Research; Burning Glass Technologies; Data as of Aug. 31, 2020; Not Seasonally Adjusted





# 7 Insights for Landlords on the New Eviction Moratorium

*Continued from Page 1*

COVID-19 in order to qualify under the moratorium, and how attorneys could challenge the affidavits in court when necessary.

Attorneys Jeff Watson, in Cleveland, and Jeffrey Greenberger, in Cincinnati, gave their thoughts – not legal advice - on how landlords could best react to the moratorium. They were introduced by Charles Tassell, chief operating officer of the National Real Estate Investors Association.

“We have gone from unprecedented to crazy,” Watson said. “What concerns me the most is that this is now creating precedent for future administrations, future agencies, to use this as a rationale, to stop all sorts of economic commerce across the United States of America, any particular form of commerce, any type of interaction, any type of business agreement, (or) consumer agreement that they don’t like.”

## No. 1- LANDLORDS CAN STILL FILE EVICTIONS

“I need you to understand it’s called a moratorium,” Greenberger said. “It doesn’t mean you can’t file evictions against your tenants.”

Greenberger explained that legal-aid societies are going to provide copies of affidavits for tenants to sign, “and they’re going to ask everyone going in, ‘Are you a tenant?’ And they’re going to say, ‘Sign it.’ And they’re not going to tell people that there’s the possibility they could go to prison if it’s not accurate, which is true,” he said.

They are going to tell the tenant, “You don’t have to leave. You don’t have to pay your rent for the next, at least four months, probably a year,” Greenberger continued. “All you do is sign this piece of paper, no harm, and that’s all wrong, but that’s what’s going to happen. And the problem is that as soon as the tenant signs, that piece of paper – and I’m oversimplifying it a little bit – the court has to stop the eviction.”

He pointed out that attorneys could challenge the affidavits in court and that landlords and property managers need to help out their eviction attorneys by documenting all the proper evidence needed by the courts.

Landlords should be asking local attorneys in their city or state lots of questions.

## No. 2 - IS IT BETTER NOW TO USE MONTH-TO-MONTH LEASES?

One of the possibilities discussed is whether landlords would be better in this environment to go to shorter leases.

- Is it better to continue doing your long leases?
  - Or should you move to a month-to-month leasing process? And does that help get around the moratorium issue? Because with a month-to-month lease, a landlord or property manager can say, “I am not renewing your lease. I am just not renting to you any longer.”
- Both attorneys pointed out that there are many laws on this lease issue in different states, counties and cities, so landlords need to consult their local attorneys.

But “that’s been one of the suggestions brought forward in Ohio.”

They pointed out the CARES Act is still in place, with its eviction rules.

## No. 3 - SUE TENANTS FOR RENT, NOT EVICTION

“There is no moratorium on suing people for rent,” Greenberger said. “I think the new moratorium might allow a little crack of light, but it’s a state-by-state, city-by-city possibility. And I think it’s a very slim crack of light. What I’m recommending to people (is) you just sue people for rent – not for eviction – in small-claims court,” he said.

“Some of my clients are hiring me out hourly” to sue tenants, Greenberger said. “We’re not evicting them. We’re just saying ‘you now owe four months in rent and it continues to accrue. And on the day of judgment, we’ll take a judgment against you.’ “ He said once a judgment is entered and the tenant is working, a landlord can take wage garnishment or go after bank accounts.

## No. 4 - COMMUNICATE WITH TENANTS AND DOCUMENT IT

Watson said that he’s been advising landlords and property managers to be proactive with tenants.

“I have maintained a lot of communication, much more than the normal, with all my tenants during this particular season. And if there’s something wrong, I want to know about it.

“And so, I’m telling folks (to) establish a pattern of communication, because under that CDC moratorium, there’s got to be communication. And if there’s not bilateral communication, then that’s a very big piece of evidence,” which can be presented to the court in the landlord’s favor.

Watson suggested it might be appropriate to start putting back into rental agreements that a tenant’s failure to communicate with the landlord is evidence of a non-monetary default on the lease.

Watson said he has learned how to communicate with his millennial tenants in the way they want to be communicated with, which is text messages. He can take screen shots of these messages, and keep records to show a court if needed.

Watson said he’s eager to work with tenants who communicate.

He said he tells tenants, “ ‘Talk to me. How can I help you?’ Just last week we had a tenant come in and go, ‘Hey, I changed jobs. This is what’s going on.’ We work with them. We’ve got a track record.

“This is going to be a test of how well do you do your business of being a landlord. Yes, it’s getting infinitely harder. You’ve got a vested interest. You’ve got communication skills. You understand why every word in that lease is there,” he said.

## No. 5 - DON’T BRING YOUR PHONE TO COURT TO SHOW EVIDENCE

“As a practicing attorney, lots of my clients come into court with me and say, ‘I’ve got text messages,’ and they try to show me their phone,” Greenberger said.

“If you don’t want your phone held as evidence in the court files for the next two years, you need to bring those printed-

out multiple copies if you want those entered into evidence, otherwise I have to have your phone seized and entered into evidence. So please don’t do that to me or your own attorney,” Greenberger said.

## No. 6 - MORATORIUM ONLY APPLIES TO TENANTS NOT PAYING RENT

Watson pointed out that the CDC moratorium applies only to tenants who are not paying rent, who are being evicted for nonpayment of rent. If they’re a bad actor – or in other terms, if they have breached the rental agreement in other ways – you can go through the regular process under the CDC moratorium and move for their eviction, though it will take longer. You’ll have to do the proper notice procedures as your state dictates.

Charles Tassell of National REIA pointed out the Ohio Supreme court came out with a ruling that evictions still may be filed for reasons other than nonpayment of rent. “You’re going to see this as pretty much standard across the board, but that’s the kind of thing to keep in mind. There are still venues, but it depends on ... are they violating their lease or not?”

In terms of working out payment agreements with tenants, Tassell pointed out that the CDC says tenants are supposed to make payments “to the best of their ability, up to the full amount of the rent.”

Watson said this “goes back to best efforts. The tenant has to show you that they’re making their best efforts. So if they’re down at Best Buy buying another big-screen TV ... I’m sorry, that’s not going to work. They are going to have to show you their spending habits when they are not paying rent.”

Tenants have to show how much they have available to pay rent.

In the affidavit the tenant is supposed to provide, they have to say, “I have used best efforts to obtain all available government assistance for rent or housing,” Greenberger said. He said the law says everyone in the household must sign an affidavit.

The attorneys said it might make sense – but consult your local attorney – to file your eviction case before you get the tenant’s affidavit. Then your attorney can argue to strike the affidavit, unless you are under some other kind of eviction order from your state.

## No. 7 - “ONE-SIZE-FITS-ALL” NOT APPLICABLE


“This is not the time to be doing your own evictions,” Watson said. There is a \$200,000 penalty or fine for violating the order.”

- Watson said landlords should:
- Know your business
  - Communicate with your tenants
  - Use Voter Voice
  - Share your wins with tenants

## SUMMARY


Tassell said to focus on what landlords can do and to contact local elected officials using Voter Voice. He said he expects constitutional lawyers will address this issue at the national level. This is a developing situation, he said, and he expects lawsuits to be coming across the country.

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# 5 Ways to Lower Rental Property Heating Costs

RENTAL HOUSING JOURNAL

Whether you or your tenants are paying the heating bills, it's a significant expense; heating accounts for about 42 percent of our energy consumption. With winter approaching, it will benefit you to think ahead. Here are five ways to lower heating costs for everyone.

## No. 1: HAVE YOUR FURNACE CLEANED AND CHECKED

Regular maintenance is a simple step that can lower energy needs and utility bills.

When your furnace is running at its best, it can save you money every month, and it will continue operating longer without needing expensive repairs. Check for soot, rust, and corrosion in, on and around the furnace and on the floor surrounding it and the flue. These indicate the system requires immediate service.

Getting tenants to change the air filter every month is a challenge, but it will save them money and save you maintenance costs.

## No. 2: TURN DOWN THE TEMPERATURE

The U.S. Energy Department says that setting the thermostat to 68 degrees when tenants are home and awake, and lowering it when they're away or sleeping, saves money. This may be harder to do in the time of the pandemic, as many people are working from home.

Lowering the thermostat seven to 10 degrees for eight hours daily from its normal setting can save as much as 10 percent a year, on average, depending on the location



of your property.

## No. 3: GET SMART WITH YOUR THERMOSTAT

The thermostat is a valve between your energy supplier and costs. For every degree it is turned down, you use as much as two percent less heating energy. A 10-degree setback overnight cuts the heating bill by up to 10 percent. More importantly, you can switch to a smart programmable thermostat, which saves energy without you even thinking about it.

Adjust the settings to turn down the temperature to fit your lifestyle. When programming, keep in mind that it may take as little as 15 minutes to heat your home to a comfortable level.

## No. 4: STOP THE DRAFTS

Warm air leaking out of your rental property can be responsible for about 20 percent of heating costs, according to the Department of Energy.

The irony is that this problem could easily be fixed after a quick shopping trip to the local hardware store; weather stripping for doors can cost less than \$15 and is easy to install.

Don't forget the windows, which are another big source of drafts. There are a variety of solutions –from hot-air-sealed window plastic to window films and window shades – that could fit your needs. Be careful, though, because sunlight filtering through your windows can actually provide heating benefits.

## No. 5: WRAP THE WATER HEATER

While you're at it, give the water heater or water tank a hug by wrapping it in an insulation blanket.

An insulating blanket on the water heater and insulating wraps on your hot-water pipes prevents them from losing heat to the outside air. It helps you save energy and money, and you won't have to wait as long for the water to get hot at the faucet.

## CONCLUSION

There are several ways to reduce your rental-property heating bill during the winter season. From conducting regular maintenance to adopting an energy-saving lifestyle, you are guaranteed of a lower monthly energy cost. You can also hire the services of an energy auditor to help you discover new ways to reduce heating costs in your property.



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# How to Help Protect Renters from Housing Fraud

By Gina Taylor

Fraud in the rental-housing market continues to take a toll on everyone. Tech advancements have made it increasingly difficult for law enforcement to tackle. According to a December 2019 report by the Better Business Bureau, 43 percent of online shoppers encountered a fake listing in their search for a rental. Simultaneously, the FBI reported more than \$37 million in losses involving the word “rent” between Jan. 1 and Oct. 20, 2019.

So, what kinds of fraudulent activities are affecting the rental housing market?

- Scammers list a rental property on Craigslist or another open-listing site that has no restrictions about rent. These sites allow a user to easily list goods to purchase or rent for prices significantly below market value.
- Criminals enter a rental home during a self-showing appointment and make a copy of the house key using state-of-the-art technology. These same criminals meet the prospective tenant at the home,

pose as a real-estate professional and illegally conduct a home tour.

- Scammers create fake applications that require security deposits. Renters are asked to fork over cash or wire money to an unknown entity.
- Fraudsters have been known to turn the keys over to a potential renter and walk away, stealing their money and leaving them to illegally occupy the home.

Here are some steps owners can take to protect renters in the midst of the COVID-19 pandemic:

- **Website security:** Create a website that is secure from spam, scammers, hackers and fraudulent activity.
- **ID Verification using facial recognition:** When setting up self-tours for renters, hire an identity-verification provider that uses facial-recognition software to ensure that visitors are who they say they are. Before the showing takes place, request a copy of the visitor’s government ID, driver’s license or passport and a headshot. Facial-

recognition software allows an owner to match the photo with the renter’s legal ID.

- **Two-factor authentication using a cell phone:** Develop a “smart algorithm” to create a blocklist that allows a renter to book one self-showing at a time. Some scammers use the same phone number to book multiple showings in various markets.
- **Photos, 3-D tours and watermarks:** Use several interior and exterior photos in your listing. An owner can add the logo of their real estate agent or property owner on each photo (also known as a watermark).
- **For-rent signs:** A yard/building sign with the listing agent’s or company’s name, its license number and/or MLS number, phone number and website is a good sign that the listing is legitimate.
- **Wire fraud:** Wire fraud occurs when a fake entity asks a renter to wire money into an account when applying for a rental. Sometimes criminals will ask for a large security deposit or money to cover

the application fee. Either way, they have gained access to a renter’s bank account and can now do massive damage.

- **Unsafe websites:** The sites most susceptible to fraud are Craigslist and Facebook Marketplace. Owners should entrust their listings to a licensed professional with a website and resources to combat fraud on that site.

Online renting remains the safest and most secure way to lease a home. However, residents should be resolute in their housing search and be aware of the signs of fraud, such as:

- **Deals that are too good to be true:** If you find a rental home significantly below market, it’s likely a scam. For instance, if there’s a three-bedroom listing in San Francisco for \$750 a month, that’s a fraudulent ad. Stay up to date on the latest rental rates by checking out Mynd’s Rental Housing Tracker.
- **Unusual pressure:** Receiving pressure from a stranger in the form of emails, phone calls or text messages to lease a home before you have conducted your research and due diligence may indicate fraud. Scam artists ask you to front a deposit well before it’s time to pay a deposit.
- **Emotional pleas:** You may receive impassioned pleas that are tantamount to begging from an individual posing as a landlord. This is a sign of fraud. Real-estate professionals will never beg because they likely have another applicant lined up.

- **Improper use of grammar:** Listings that include improper grammar should send a red flag. If key words are missing, or if the phrases in the ad don’t make any sense, chances are that it’s not legitimate.

- **No background checks:** A rental company that fails to conduct background checks could indicate fraud. A reputable management company has a series of background checks in place to protect both the owner and renters. As an example, Mynd Management uses TransUnion to conduct background checks on the financial wherewithal and eviction history of its potential residents.

Here are some steps renters can take to protect themselves and their home search:

- **Take legal action:** A renter should capture screenshots of the listing in question, save emails, texts and voicemails of anyone who corresponds with them and share them with the local law enforcement.
- **Flag the ad:** Nearly every rental-listing portal gives a renter the ability to flag an ad that sounds too good to be true, or that displays some evidence of fraud. Take the time to flag the ad as suspicious, so that other people don’t fall victim to a scam.

- **Online resources:** Search for other online resources to help you combat fraud. There are a number of them available, but this is one of our favorite consumer protection sites.

Property owners and renters can fight fraud by being vigilant and remaining on the lookout for wrongdoing. Specifically, if owners use technology, legal expertise and local market insight they will be in the best position to protect their residents, as well as their investment property, from fraud.

Gina Taylor is the Vice President of Resident Experience at Mynd Management. Contact Gina Taylor at [press@mynd.co](mailto:press@mynd.co).



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# Multhomah County Extends its Eviction Moratorium

RENTAL HOUSING JOURNAL

The Multnomah County Board of Commissioners has approved a local extension of the COVID-19 non-payment eviction ban, according to a release.

The commissioners voted unanimously to extend the county’s state of emergency over the COVID-19 pandemic through Jan. 8, 2021.

That means, through Jan. 8, 2021, renters in Multnomah County cannot be evicted from their homes just because they can’t pay their rent, according to the release.

Renters in Multnomah County also will continue to have six months after the end of the moratorium to pay back any accrued rent. That grace period will now start Jan. 8, 2021.

The state’s moratorium had been set to expire at the end of September.

Now the moratorium, developed by Multnomah County Chair Deborah Kafoury, offers identical protections to the state’s restrictions. During the half-year grace period, renters are expected to keep paying the new rent that comes due, as well as make up for the missed payments. Tenants do not need to prove they couldn’t pay in order to be protected under the moratorium. Portland is expected to follow the county’s lead in extending its moratorium.

“We’re avoiding mass evictions at this moment, but we really need the federal government to pass the HEROES Act or

some other legislation in a similar vein to help not only renters but also landlords of all these months of unpaid rent,” Kafoury told Oregon Public Broadcasting.

Kafoury said she expects the state to extend its eviction moratorium when the legislature meets in November. For residents outside Multnomah County who don’t have a local moratorium, this means they will be protected solely by the federal moratorium announced by the Centers for Disease Control and Prevention (CDC) until the state takes the issue up again.

Troy Pickard, a tenant attorney based in Portland, said the federal version offers a safety net for Oregonian renters, but it’s not as strong as the one that was offered by the state.

“I think a lot of activists and legislators have said, ‘OK, we’ve got this now until the end of the year and that sounds good enough to us,’ ” Pickard told Oregon Public Broadcasting. But, he notes, unlike the state’s moratorium, the federal version requires tenants to fill out a form and give it to their landlord to trigger the protections. Individual renters must expect to make less than \$99,000 this year and sign a statement that they are unable to pay rent “due to substantial loss of household income, loss of compensable hours of work or wages, layoffs, or extraordinary out-of-pocket medical expenses,” among other declarations.

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