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DECEMBER 2020

Secondary Market Rents Soar; Primary Markets Fall *Page 4*

Do You Know Who Will be Your Renters in the Future? *Page 6*

How the Pandemic has Changed Amenities *Page 13*

RHJ RENTAL HOUSING JOURNAL

INSIGHT FOR RENTAL HOUSING PROFESSIONALS

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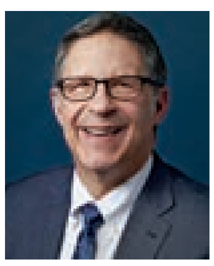
Published in association with Multifamily NW, Rental Housing Alliance Oregon, IREM & Clark County Association

Oregon Supreme Court to Review Portland Relocation Ordinance

RENTAL HOUSING JOURNAL

The Oregon Supreme Court has granted review of the Owen decision, which relates to landlords' appeal to invalidate the Portland Relocation Ordinance, according to attorney John DiLorenzo.



John DiLorenzo

Portland landlords had appealed to the Oregon Supreme Court after losing the appeal of the ordinance in the Oregon Court of Appeals.

"They are not limiting argument to any particular issue, so I assume it means each of the arguments we made in the petition will be in play in the Supreme Court," DiLorenzo said.

"Winning on any of those arguments would result in invalidating the Relocation Ordinance and possibly other city ordinances," he said.

The landlords argue the city ordinance is in conflict with state laws that ban rent control. On March 7, 2018, the Portland City Council made the ordinance permanent and extended its application to landlords who own as few as one rental unit.

The background on the case

"The legislature has determined that rent control is a matter of statewide concern and proclaimed that no local government may enact any ordinance that either 'controls the rent that may be charged for the rental of any dwelling unit,' ORS 91.225(2), or that is inconsistent with that prohibition, ORS 91.225(7).," DiLorenzo said when the trial court's decision was appealed to the Court of Appeals.

"Notwithstanding the legislature's unambiguously expressed intent to preempt local rent-control legislation,

See 'Ordinance' on Page 15

Management Mistakes You Should Avoid

KEEPE

Managing a rental property can be challenging even for the most experienced property managers. As a property manager, you need to ensure that your tenants, workers, contractors, and properties are in good shape.

If you are a property manager managing 1 or 100 rental properties, here are five rental-property management mistakes that you want to avoid.

1. No Screening Process

As a property manager you are most likely to deal with all kinds of tenants.

When you rent your property to a destructive or troublesome tenant, you are sure to lose money and deal with problems every day. One sure way to save yourself from these issues is to have a detailed formal tenant-screening process that helps you select the right kind of tenants for your

See '5' on Page 11

How 2020 Can Positively Affect Your Assets in the Coming Year

BY DAVID PICKRON

As an early adopter of new technology, I was so excited when MapQuest became mainstream in the early 2000s. After having worked as a process server for about 10 years at thet time, I knew my way around my home city of Phoenix fairly well. But with this new technology I felt that I could work faster and smarter than anyone else out there. I began relying on the directions provided by this service, setting aside my hard-earned knowledge of a growing metropolis. Like anyone who has relied wholly on a mapping software, I soon found myself becoming an expert "U-turner," as I was often off-course.

Off-course may be the perfect term to sum up 2020. But like any challenging circumstance, it does give us the time to pause and reflect on what we learned and how that will serve as a guide moving forward.

See 'How' on Page 8

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How to Build a Diversified Real Estate Investment Portfolio

Having a diversified commercial and multifamily real estate portfolio is important to potentially reduce risk and create multiple opportunities for potential income and appreciation. Diversification is even more important in tumultuous times like these. Here's a look at how to build a diverse real estate investment portfolio.

By Dwight Kay, Founder and CEO, Kay Properties & Investments, LLC

Recent survey research by National Real Estate Investor magazine indicates that nearly 60% of high-net-worth investors are expected to increase their allocation to investment real estate in the next 12 months. Millions of Americans invest in alternative assets, including real estate. It's an important step towards diversifying a portfolio with investments that don't necessarily correlate with the stock or bond markets.

Once you decide to invest in real estate, the challenge is how to build a diverse portfolio.

Buying a property outright and actively managing it yourself is one way to participate in the market, but that typically requires a substantial initial investment — often hundreds of thousands of dollars to be paid at once. A downside of this approach is that you put all your eggs in one basket.

Owning and managing real estate yourself also means dealing with the three T's: toilets, tenants and trash. If you have the time, and dealing with all that appeals to you, it may be the way to go. Alternatively, you can invest alongside others in a diverse basket of properties. Diversification is even more important now with the pandemic and the additional risk it creates as the looming fear of further economic distress continues to cause concern.

Here are five tips to build a diverse real estate investment portfolio that has the potential to generate income and appreciation, as well as potentially withstand the shock of events, including recessionary downturns and, potentially, extraordinary occurrences like the pandemic and future recessions or even depressions. Please remember: Diversification does not guarantee profits or protection against losses.

5 Tips to Build a Diverse Real Estate Investment Portfolio

1. Diversify by asset type

Investors should diversify their real estate portfolios by asset type to avoid the risk of over-concentration in one particular category of property — same as you would avoid over-concentration in any one stock. Rather, invest capital across asset types, such as industrial, multifamily housing, triple-net-leased retail, medical office and self-storage.

2. Diversify by geography

Similarly, investors should diversify their real estate portfolios across geography to avoid the risk of over-concentration in a particular local or regional market.

3. Avoid high-risk asset types

There is risk in all real estate investments, but some asset types have demonstrated that they are particularly risky, and are thus best avoided by those looking to reduce downside potential. These include hotels and lodging properties, senior housing in all its forms, and real estate used in the production of oil and gas.

Hospitality, for example, has been hit hard by all three recessions since 2000, including the 2001 recession, the Great Recession of 2008-2009 and the current recession related to COVID-19. In all three cases, the standard industry measure of hotel performance (RevPAR, or revenue per available hotel room), declined precipitously. Most recently, Marriott recorded its largest loss ever for the June 2020 quarter, reported The Wall Street Journal in August.

Senior care is another sore spot, which the pandemic has demonstrated once again. First, the population themselves often is at risk, literally. Second, operators of senior care facilities, whether residential housing, long-term care facilities or nursing homes, are subject to all manner of regulations that increase the risk associated with property operational performance.

Finally, oil and gas industry properties have proved to be as subject to volatility over the years as the industry they support. Just think about it: An oil well may or may not produce as expected; thus, the underlying real estate asset is particularly vulnerable to speculative risk. Stay clear if you can!

4. Consider the range of investing options

Unless you want to actively manage your investment properties and embrace the three T's, passive real estate invests can be the way to go. There are a range of options to choose from, including Delaware Statutory Trusts (DSTs), Tenants-in-Common (TIC) properties and private equity funds, such as Qualified Opportunity Zone Funds.

A Delaware Statutory Trust is an entity used to hold title to investments, such as income-producing real estate. Most types of real estate can be owned in a DST, including industrial, multifamily, office and retail properties. Often, the properties are institutional quality similar to those owned by an insurance company or pension fund, such as a 500-unit Class A multifamily apartment community or a 50,000-square-foot industrial distribution facility subject to a 10- to 20-year lease with a Fortune 500 logistics and shipping company. The asset manager takes care of the property day to day and handles all investor reporting and monthly distributions.

A TIC structure is another way to co-invest in real estate. With a TIC, you own a fractional interest in the property and receive a pro rata portion of the potential income and appreciation of the real estate. As a TIC investor you will typically be given the opportunity to vote on major issues at the property, such as whether to sign a new lease, refinance the mortgage and sell the property.

Although TIC investments and DSTs have their nuances and differences, they often will hold title to the same types of property. While the DST is generally considered the more passive investment vehicle, there are some circumstances in which a TIC is desirable, including if the investors wish to utilize a cash-out refinance after owning the TIC investment for a few years in order to get some of their equity back, which can be invested in other assets.

Qualified Opportunity Zone Funds, another option, offer benefits including tax deferral and elimination that many investors nationwide have utilized. A fund of this type can invest in real property or operating businesses within an Opportunity Zone, typically a geographic area in the U.S. that has been so designated because it may be underserved or neglected. As such, there may be a higher level of investment risk. Also, the time horizon of the fund may be as long as 10 years, which means tying up your capital for that length of time in an illiquid fund.

5. Remember the tax benefits of real estate investing

Real estate is arguably one of the most tax-advantaged investment classes for U.S investors. Depreciation deductions are available to all investors, and any real estate investment losses may be deductible against other income, which could potentially reduce your tax bill. Additionally, direct real estate investments — including Delaware Statutory Trusts and Tenants-in-Common properties — qualify for like-kind exchange treatment, otherwise known as a 1031 exchange, which can save investors approximately 40% on their tax bills when there are net gains on property sales.

A Sample Basket of Diverse Real Estate Investments

What might a diverse basket of real estate investments look like? Here's one example:

Mary Smith decides to invest $500,000 into commercial and multifamily real estate with the potential for income and appreciation. She makes five investments, allocating her funds equally among these assets:

- $100,000 into an industrial distribution facility with a long-term net lease to a company like Amazon, FedEx or Frito Lay
- $100,000 into a medical dialysis center with a long-term net lease to a company, such as Fresenius or DaVita
- $100,000 into a multifamily apartment community with 300 units in the Southeast
- $100,000 into a self-storage facility in the Midwest
- $100,000 into a debt-free multifamily property with 50 units in Texas

Net-net, Ms. Smith has diversified her portfolio by both asset type and geography. She has avoided more cyclical and highly volatile asset classes, including senior housing and long-term care, hotels and oil and gas. She has made passive investments, leaving day-to-day management of the properties to industry professionals. And she has consulted with her accountant and attorney about the tax advantages of real estate investing, including 1031 exchanges.

She is well positioned for the uncertainty of the future and is aware that all real estate investments have risks, and that income and appreciation are never guaranteed. Even diversification, while desirable, does not guarantee profit or protect against losses, but it can potentially reduce risk and create diverse potential income streams and opportunities for appreciation.

Dwight Kay is founder and CEO of Kay Properties and Investments, LLC, which operates a 1031 exchange property marketplace at www.kpi1031.com.

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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Yardi Matrix: Secondary Market Rents Soar While Primary Markets Plummet

Rental Housing Journal

Rent growth is varying across markets as the divide between gateway and secondary metros continues to increase with the pandemic, according to the October report from Yardi Matrix.

"With each passing month, outmigration from large gateway markets to secondary and tertiary tech hubs is amplifying. At this point, the apparent winners are markets in close proximity to large gateways but with significantly lower costs of living," the report says.

- Multifamily rents were flat for the third consecutive month in October, but the national numbers appear misleading, as the sector is experiencing an ever-increasing divergence between outperforming and underperforming markets. On a year-over-year basis, rents fell 0.6 percent nationwide.
- Secondary and tertiary markets are performing the best, as high costs and limited community amenities drive outmigration from gateway markets. The Inland Empire (6.0 percent), Sacramento (5.0 percent), Las Vegas (3.9 percent) and Phoenix (3.8 percent) lead our top 30 markets, with each market benefiting from migration out of the Bay Area and Los Angeles.
- Not surprisingly, New York (-10.0 percent), San Francisco (-8.2 percent), Washington, D.C. (-3.7 percent), Boston (-3.1 percent), Chicago (-2.9 percent) and Los Angeles (-2.8 percent) all fell at or near the bottom of our rankings.

For example, the average rent in Sacramento is 34 percent less than in San Francisco. The report says even tertiary markets with a strong tech presence, such as Boise, Idaho and Portland, Maine, are attracting people from expensive coastal markets.

"As many workers, especially those in creative and knowledge-based industries, enjoy increased flexibility to work remotely, many individuals are weighing the costs and limitations of gateway markets versus the benefits of smaller cities and are choosing to relocate.

"Demand remains strong, as gateway residents are not only moving to nearby secondary metros but also relocating to other tech hubs in the Sun Belt and Southwest.

"Primary markets will not suffer forever, but their recovery will depend on how much newly relocated individuals enjoy their adopted homes and cities and whether they choose to stay," Yardi Matrix says in the report.

Rents were flat month-over-month in October for the third consecutive month, the report says.

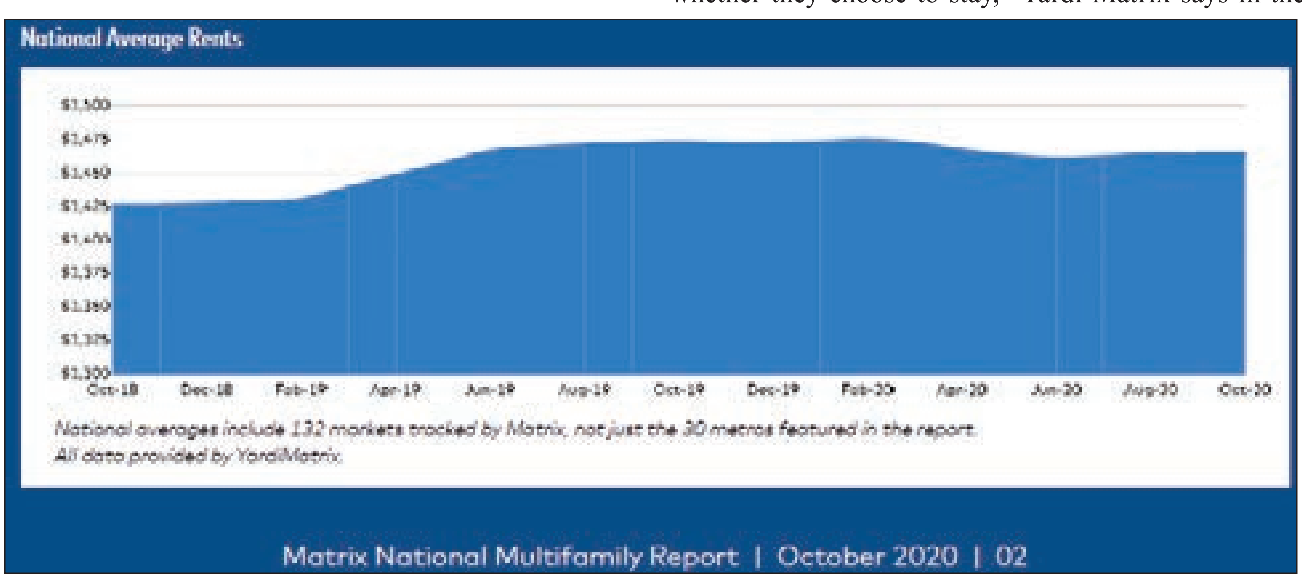
"However, secondary markets made significant rent gains, with the Inland Empire, Las Vegas, Sacramento and Phoenix all increasing 1.0 percent or more on a monthly basis. These markets tend to outperform during fall and winter months, as they are not susceptible to seasonal weather that slows renting in northern markets, but this year's performance is even better than normal, as migration into these markets continues to increase."

Rents are falling in gateway markets, "as some analysts predict five years of outmigration has been accelerated into the past six months," the report says. The trend toward suburban submarkets and smaller markets has hurt the denser urban cores of the major markets. "Some secondary markets—including Seattle, Austin and Minneapolis—are also getting squeezed on both rent and occupancy, specifically in their urban submarkets," the report says.

"There will likely be another round of government stimulus, but given the divided Congress, the total package will be less than if the Senate had flipped Democratic. (A runoff election in Georgia on Jan. 5 will determine the winners of two senate seats).

"For apartment owners and operators, additional stimulus and unemployment benefits paid to residents will help cover housing costs, especially in the workforce housing sector, where job loss is most concentrated.

"As the pandemic grinds on, there does appear to be hope for an economic recovery on the horizon, although there may be a few more months of pain in the near term," Yardi Matrix says in the report.



Yardi Matrix is a business development and asset management tool for investment professionals, equity investors, lenders, and property managers who underwrite and manage investments in commercial real estate. Yardi Matrix covers multifamily, industrial, office and self storage property types. Email matrix@yardi.com, call 480-663-1149 or visit yardimatrix.com to learn more. Yardi develops and supports industry-leading investment and property management software for all types and sizes of real estate companies. Established in 1984, Yardi is based in Santa Barbara, Calif., and serves clients worldwide. For more information on how Yardi is Energized for Tomorrow, visit yardi.com.

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Rental Housing Journal is a monthly publication of Rental Housing Journal, LLC.

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www.RentalHousingJournal.com

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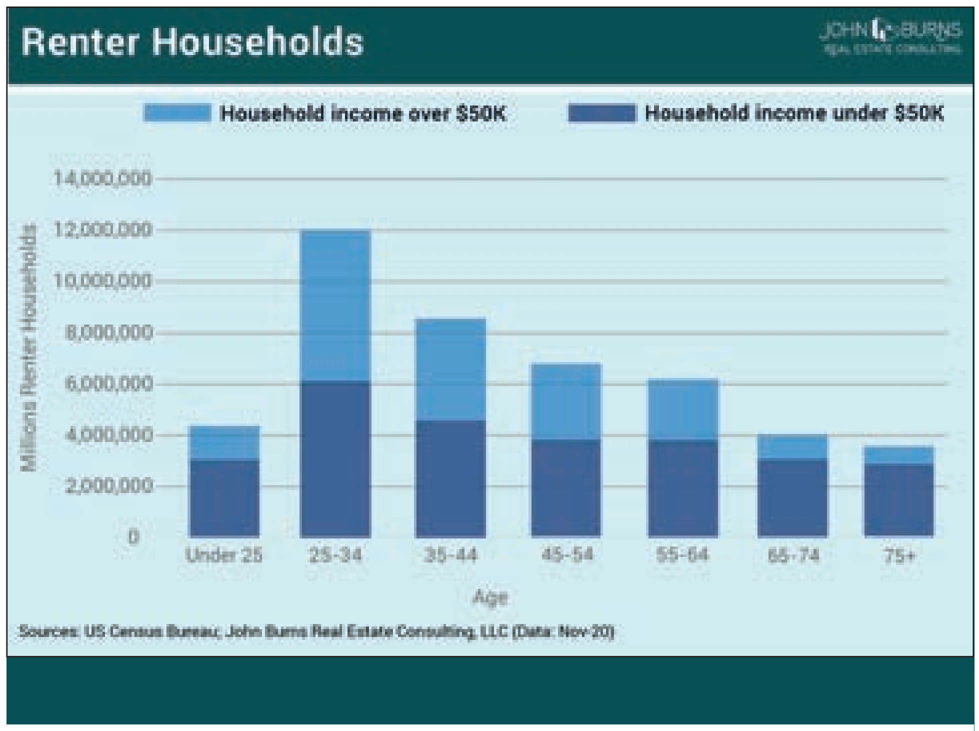
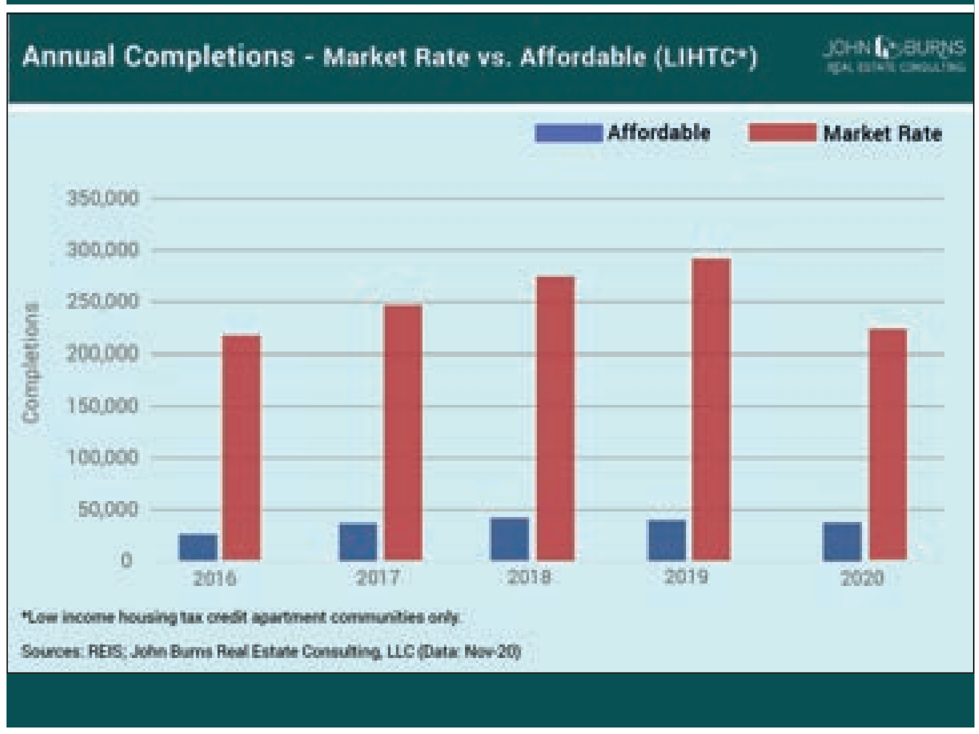
Who Are Your Renters Now, and Who Will They be in the Future?





Rental Housing Journal

Given current market conditions, now is the time to analyze who your renters are and who they will be in the future, recommends John Burns Real Estate Consulting.

The consulting group analyzes trends for its clients and provides insight into today's renters.

This analysis shows insight into market-appropriate unit sizes and configurations, new amenity trends, and the appropriate rent levels necessary for successful apartment lease-up and tenant retention.

While 26 percent of renter households in the United States are between the ages of 25 and 34 today, the next largest segment of the market is between the ages of 35 and 44 (families), and beyond that, between the ages of 45 and 54 (empty nesters).

"These older renters will continue to seek more space in a suburban environment with good work-from-home amenities," write Lesley Deutch and Ken Perlman.

Affordable rents continue to be a challenge

"More than half of renters in the U.S. can only afford rents less than $1,200.

"John Burns Real Estate Consulting's national apartment-demand model is based on income levels across the U.S. and indicates about 60 percent of renter households earn less than $50,000 per year, which translates to a maximum rent of about $1,200 per month.

"While construction activity is increasing for luxury apartments (due largely to increasing costs associated with new building), the affordable sector continues to be hampered by the limited availability of tax credits and capital financing. The opportunity here is not just to provide affordable housing, but creative use of space in market-rate product, including more roommate-friendly units and smaller spaces to keep overall rents lower," they write in the report.

Summary

The apartment market offers many opportunities, even in the era of COVID-19 and a recovering job market. Understanding renter profiles to design the appropriate product will be key in the years ahead as the U.S. economy recovers from the recession.

Please contact Lesley Deutch or Ken Perlman for more local insight. John Burns team is always available for assistance.

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RHA Oregon President's Message

Encouraging Signs for a Better 2021

Dear friends and fellow landlords,

I hope you had a great Thanksgiving holiday, even if it was only a Zoom gathering with family and friends.

I thank all of you who have been writing, calling, and emailing our state legislators as they debate the current round of proposed legislation. It has been a particularly frustrating time for small landlords across the state. As far as I am aware, ours is the only industry that has been forced to continue operating and serving our customers (tenants), whether they are able to pay or not. We must continue to demand real leadership from city councils to the state legislature to the governor's office. "Kicking the can down the road" is not leadership.

Although most of our members have been able to survive during the eviction moratorium, there are many who have lost a significant portion of their income and who face more losses in the next several months. They should not have to carry that burden alone. I am hopeful that when the legislature meets in December, the likely extension of the eviction moratorium will be accompanied by funds made directly available to landlords that have been affected the most.

It seems clear to me that 2021 will bring a new normal for all of us. For me, the results of last month's elections were moderately encouraging. In the city of Portland, anti-landlord council member Chloe Eudaly was defeated by Mingus Mapps, who will at least listen to landlord concerns. At the state level, while Democrats still hold a supermajority, they also still require cooperation from Republicans to form a quorum to conduct business. It is not much, but some of the more outrageous proposals that pop up from time to time (like rent forgiveness) will likely be held in check.

The encouraging results for potential vaccines reported by several pharmaceutical manufacturers this past month are also reason to be hopeful. Americans should have access to at least one COVID-19 vaccine by mid-2021. Until that time, we will continue to forgo our dinner meetings and in-person classes, but it will not be long before we are able to meet again in person. We will continue periodic virtual member meetings to provide you with updated information; our November meeting had good participation and provided some valuable insight into navigating the current eviction moratorium. Please join us by Zoom in December for our installation of new officers.

My term as President of Rental Housing Alliance Oregon is coming to an end. As much as I have enjoyed working on your behalf over the past two years, I am happy to be passing the reins of leadership back to Ron Garcia, whose experience and expertise is especially welcome during these challenging times. I am also happy to report that our 2021 President-Elect is Melinda McClelland, a small landlord like me and most of our membership. I hope you will support both in the coming years. Though I am stepping down as president, I will continue to support RHA's efforts to obtain financial relief for our members who have been particularly hard-hit during the COVID-19 pandemic.

Hang in there, have a Merry Christmas, and have a Happy New Year!

— Ken Schriver
RHA Oregon President

How 2020 Can Benefit Your Assets in 2021

Continued from Page 1

As a serious investor, I spend a good part of my end-of-year review with my wife (who runs our investments) analyzing our current situation and then creating a plan for the next year.

Below are two of the key areas that we analyze annually and recommend focusing on as you look to a new year and new opportunities.

Acquire, Sell, or Hold Steady

If there were ever a year where we may have felt like throwing our hands in the air and selling everything, 2020 fits the bill: COVID-19, the loss of income and resulting inability for some of our renters to pay, and eventually an eviction moratorium mandate from the federal government.

Hard times call for hard decisions. Your analysis in this area must involve thoroughly reviewing each of your properties and devising a game plan specific to each one.

As an example, after one of our review and planning sessions five years ago, we made the decision to acquire some short-term rentals. Being in Phoenix, we focused on winter visitors looking to escape the cold for three months.

We mapped out how and where we wanted to buy, considered if any of our current properties could work in this model, determined the platform we would use to advertise, and evaluated the ROI for this model versus traditional renting.

We executed our plan and eventually bought six homes and condos that worked well for winter visitors, but also have been filled year-round with other short-term renters. They have been great investments so far, generating four times more income than a traditional rental. But the big question is, will they be the same in 2021?

Pivot Usage Type

Continuing our story, due to COVID-19 our winter visitors are not booking like they have in the past. This has led us to a healthy discussion on how we can pivot the primary usage of our properties to ensure they are still income generators.

That discussion created a lot of questions:

- Is it time to convert these short-term rentals into more of a traditional model?
- What would we do with 6 washers and dryers, 18 beds, 8 couches, dining room tables and more?
- What happens next year if the rentals come back?
- Will that require $30,000 for furnishing those units again?
- Where is the market today in regard to new homes in a hot market like ours?

Answering those questions led us to decide to keep these properties as furnished short-term rentals, but to switch our focus to people who are between selling their existing home and buying a new one.

This decision then generated a whole slew of new questions, such as how would we find renters, what would we charge for rent, and how are these renters different from winter visitors? All valid questions that we are figuring out.

My next step is to visit the realtors in the new-home communities to let them know what I have available. Although this is a new strategy that pivots from where we were previously, I am confident it will work based on our analysis.

These are just two of the many topics we review in-depth each year. Every rental is unique and poses different challenges and opportunities.

Other Considerations

In addition to the two key areas we discussed, we also consider the following:

- **Location**: Is it time to sell or acquire based on what is happening in a certain market?
- **Tenants**: Are we happy with our current tenants or should we be looking for someone new?
- **Government regulations**: Are there changes that help or hurt our investments?
- **Improvements**: What does each property need to ensure it is desirable?
- **Taxes**: How do changes in state, county and city taxes affect our bottom line?
- **Vacancy**: What vacancy rate do we aim for to ensure short- and long-term profitability?
- **Policies**: Do we add, alter, or eliminate current policies to entice renters to stay or rent?

Performing this type of analysis will easily help you identify whether you are currently in the best position with your properties or if you need to change a few things.

These property-specific questions are great, but you also need to consider how you manage your property. Is it time to hire a property-management company, or can you continue doing it yourself? Are there available technology platforms that help you onboard tenants, manage, and collect rent?

No doubt there is room for adjustment or improvement in how we manage our properties.

Although 2020 has taken most of us into uncharted territory, investing the time to map out your 2021 goals will make you a better investor and manager.

After all, U-turns or adjustments are okay as long as they help us successfully reach our destination.

David Pickron is President of Rent Perfect and a fellow landlord who manages several short- and long-term rentals. He is a private investigator and teaches organizations across the country the importance of proper screening. His platform, Rent Perfect, was built to help the small landlord find success.

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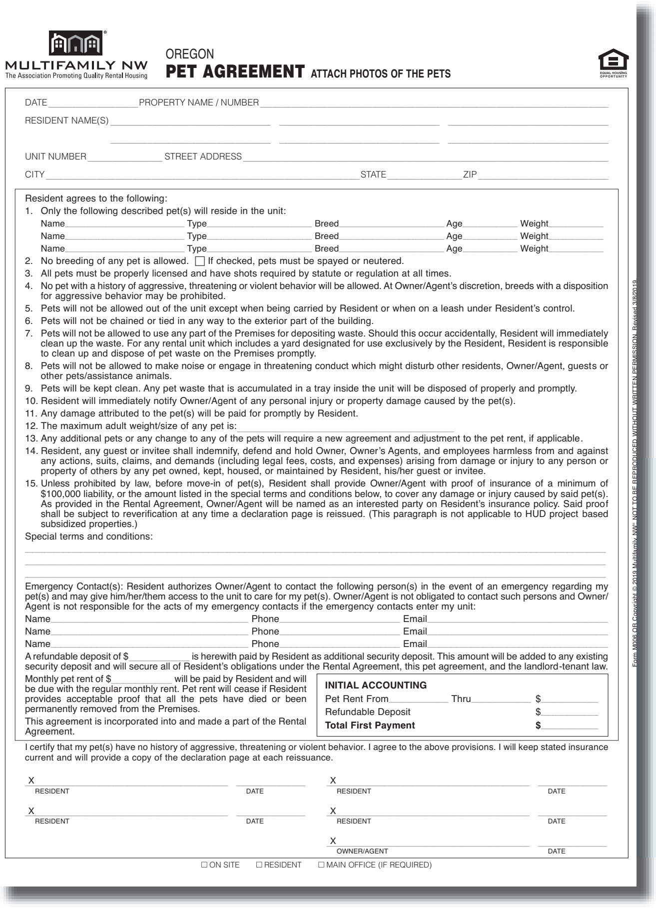
The Association Promoting Quality Rental Housing

FORM OF THE MONTH

Oregon Pet Agreement M006 OR



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EQUAL HOUSING OPPORTUNITY

DATE ________ PROPERTY NAME / NUMBER ________

RESIDENT NAME(S) ________ ________ ________

UNIT NUMBER ________ STREET ADDRESS ________

CITY ________ STATE ________ ZIP ________

Resident agrees to the following:

1. Only the following described pet(s) will reside in the unit:
   Name ________ Type ________ Breed ________ Age ________ Weight ________
   Name ________ Type ________ Breed ________ Age ________ Weight ________
   Name ________ Type ________ Breed ________ Age ________ Weight ________
2. No breeding of any pet is allowed. ☐ If checked, pets must be spayed or neutered.
3. All pets must be properly licensed and have shots required by statute or regulation at all times.
4. No pet with a history of aggressive, threatening or violent behavior will be allowed. At Owner/Agent's discretion, breeds with a disposition for aggressive behavior may be prohibited.
5. Pets will not be allowed out of the unit except when being carried by Resident or when on a leash under Resident's control.
6. Pets will not be chained or tied in any way to the exterior part of the building.
7. Pets will not be allowed to use any part of the Premises for depositing waste. Should this occur accidentally, Resident will immediately clean up the waste. For any rental unit which includes a yard designated for use exclusively by the Resident, Resident is responsible to clean up and dispose of pet waste on the Premises promptly.
8. Pets will not be allowed to make noise or engage in threatening conduct which might disturb other residents, Owner/Agent, guests or other pets/assistance animals.
9. Pets will be kept clean. Any pet waste that is accumulated in a tray inside the unit will be disposed of properly and promptly.
10. Resident will immediately notify Owner/Agent of any personal injury or property damage caused by the pet(s).
11. Any damage attributed to the pet(s) will be paid for promptly by Resident.
12. The maximum adult weight/size of any pet is: ________
13. Any additional pets or any change to any of the pets will require a new agreement and adjustment to the pet rent, if applicable.
14. Resident, any guest or invitee shall indemnify, defend and hold Owner, Owner's Agents, and employees harmless from and against any actions, suits, claims, and demands (including legal fees, costs, and expenses) arising from damage or injury to any person or property of others by any pet owned, kept, housed, or maintained by Resident, his/her guest or invitee.
15. Unless prohibited by law, before move-in of pet(s), Resident shall provide Owner/Agent with proof of insurance of a minimum of $100,000 liability, or the amount listed in the special terms and conditions below, to cover any damage or injury caused by said pet(s). As provided in the Rental Agreement, Owner/Agent will be named as an interested party on Resident's insurance policy. Said proof shall be subject to reverification at any time a declaration page is reissued. (This paragraph is not applicable to HUD project based subsidized properties.)

Special terms and conditions:

Emergency Contact(s): Resident authorizes Owner/Agent to contact the following person(s) in the event of an emergency regarding my pet(s) and may give him/her/them access to the unit to care for my pet(s). Owner/Agent is not obligated to contact such persons and Owner/Agent is not responsible for the acts of my emergency contacts if the emergency contacts enter my unit:

Name ________ Phone ________ Email ________
Name ________ Phone ________ Email ________
Name ________ Phone ________ Email ________

A refundable deposit of $________ is herewith paid by Resident as additional security deposit. This amount will be added to any existing security deposit and will secure all of Resident's obligations under the Rental Agreement, this pet agreement, and the landlord-tenant law.

Monthly pet rent of $________ will be paid by Resident and will be due with the regular monthly rent. Pet rent will cease if Resident provides acceptable proof that all the pets have died or been permanently removed from the Premises.

This agreement is incorporated into and made a part of the Rental Agreement.

INITIAL ACCOUNTING

Pet Rent From ________	Thru ________	$________
Refundable Deposit		$________
Total First Payment		**$________**

I certify that my pet(s) have no history of aggressive, threatening or violent behavior. I agree to the above provisions. I will keep stated insurance current and will provide a copy of the declaration page at each reissuance.

X ________ RESIDENT ________ DATE   X ________ RESIDENT ________ DATE
X ________ RESIDENT ________ DATE   X ________ RESIDENT ________ DATE
X ________ OWNER/AGENT ________ DATE

☐ ON SITE ☐ RESIDENT ☐ MAIN OFFICE (IF REQUIRED)

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Multifamily NW Webinar Schedule

DECEMBER 2	WEBINAR: FAIR HOUSING FOR MAINTENANCE	10:00 AM - 11:30 AM
DECEMBER 7	FINANCIAL MANAGEMENT BASICS -NOI DOES NOT MEAN "NO OTHER INCOME"	2:00 PM - 3:30 PM
DECEMBER 8	UNWIND WITH MULTIFAMILY NW: GIFT WRAPPING CLASS	5:00 PM - 6:00 PM
DECEMBER 9	WEBINAR: MOLD AWARENESS	10:00 AM - 12:00 PM
	WEBINAR: HR ISSUES - WHAT IS GOOD DOCUMENTATION?	12:00 PM - 1:00 PM
DECEMBER 10	WEBINAR: LEASING WITH CONFIDENCE - ONLINE MARKETING	2:00 PM - 3:00 PM
DECEMBER 11	WEBINAR: IT'S THE LAW: HAPPY ALMOST NEW YEAR	12:00 PM - 1:00 PM
DECEMBER 14	UNWIND WITH MULTIFAMILY NW: OLD FASHIONED COCKTAIL CLASS	5:00 PM - 6:00 PM
DECEMBER 15	WEBINAR: WA IT'S THE LAW: HAPPY ALMOST NEW YEAR	12:00 PM - 1:00 PM

Pets are a popular request for residents, and this form simplifies the terms to ensure all parties are aware of the rules and regulations for pets on the property. The Pet Agreement is specific to Oregon (there is a Washington version as well) and has been recently updated to accommodate more than one pet on the form. The form template includes standard best practices and responsibilities for the resident including restrictions on breeding, mandating applicable licensing and vaccinations, codifying responsibility for the pet's behavior and picking up the pet's waste, etc.

Affordable Housing Demand Skyrockets in Response to the COVID-19 Pandemic

By Matthew Davies
President, Harmony Communities

The affordable housing industry is in dire straits. Record-high costs for construction materials coupled with labor shortages have hampered the development of new affordable housing communities. Yet the demand for affordable homes is greater than ever.

According to the National Low Income Housing Coalition, the United States has a shortage of 7.2 million affordable and available rental homes. In existing communities, eviction moratoriums put in place during the COVID-19 pandemic mean that many landlords and owners and operators of affordable housing communities must maintain their operations without the major source of their income – rent. At the same time, families are struggling while housing costs rise faster than incomes; Harvard University's Joint Center for Housing Studies estimates that nearly half of renter households spend more than 30 percent of their income on rent.

In many ways, the pandemic exacerbated a problem that is already approaching crisis levels; missed work due to illness, joblessness, and wage reductions during the pandemic could drive an estimated 250,000 new people into homelessness, according to a Columbia University study.

In the state of California, the need for affordable housing expands past lower and middle-income families. With an average median home price upwards of $600,000, California housing is among the most expensive in the country. According to a study from the California Department of Housing and Community Development, in every major metropolitan area and its surrounding counties, between 30 and 60 percent of residents cannot afford market rent.

It's no longer just cities that are seeing a demand for more affordable housing either. With fewer people required to physically report to work in cities, many have fled urban areas in search of a more affordable solution.

In California, multiple attempts to solve the affordable housing demand problem at the government level have been either proposed or implemented. But a state law passed in 2020 to cap the amount by which landlords raise rent and 18 other bills aimed at increasing housing production, the problem remains, demonstrating that other solutions are needed.

In this article, I'll discuss four alternative solutions to help increase the supply of affordable homes where they are needed and help those who truly need assistance.

1. Reduce regulatory barriers to affordable housing

In many areas, zoning laws prohibit affordable housing development.

For example, in most U.S. cities, it is illegal to build anything other than single-family detached homes on three-quarters of an acre of land. When multifamily housing is allowed, zoning rules including building-height caps can limit the profitability of these developments.

To increase the affordable housing supply in areas where it is needed most requires reducing the regulatory hurdles that developers need to go through in order to build more affordable homes.

2. Maximize land space with greater densities

With zoning regulations relaxed, developers can use density to maximize the available land and provide housing for more people. Two creative ways to do this are through tiny homes or by going vertical, an approach known as upzoning.

A typical subdivision with site-built, single-family homes requires on average about an acre for every 4-5 homes. By contrast, a community of tiny homes holds up to 25 or even 30 residences per acre. Tiny homes are economical, practical, and can go a long way toward solving many of our nation's housing concerns.

Likewise, high-rise buildings can house more people per acre than their single-family-home counterparts. A typical high-rise building provides about 100 housing units on an acre of land. If each unit houses three people, a single acre can provide housing for 300 people.

3. Incentivize density with tax incentives

When paired with relaxed zoning restrictions, putting higher taxes on expensive, but underused, land can also incentivize affordable housing development.

Unlike property taxes, which charge a similar rate for buildings and land, land value taxes charge a higher tax rate on the land and a lower rate on the structures themselves.

In other words, the land tax rate is the same whether the land owner uses it for commercial space, apartments, or any other use. Tax abatement programs are available in some cities to offset the cost of providing affordable housing.

4. Grant rent subsidies – not rent control – to ensure help is given where it's needed most

Rental subsidies provide financial assistance to households who need it. By contrast, rent control caps the frequency and amount by which landlords and property owners can increase the rent in residential units across the board.

On the surface, rent control may appear to be a viable solution to making rent more affordable, but upon closer inspection it becomes apparent that the opposite is true.

When a state, city, or county government adopts rent control, the regulation is applied to everyone, regardless of need. As a result, in rent-controlled communities, everyone — even those who can easily afford market rent — receives a subsidy that is paid for by the government, the property owner, or some combination of the two.

Rent control can make it difficult for property owners to maintain their business. When owns and operators of affordable housing communities find themselves unable to maintain their businesses, they may seek out a more lucrative option, displacing people from their homes and lessening the affordable housing supply, ultimately driving up prices for homes in the area and making them the polar opposite of affordable.

Unlike rent control, rental assistance programs target people based on need. Instead of imposing a ceiling mandate on rent prices, governments provide rental assistance only to people who meet certain income criteria.

These programs offer a more targeted approach to helping those in need while requiring those who can afford the rent to pay market rates, thereby taking some of the burden off the property owners.

Conclusion: A Multifaceted Plan

Conquering a complex problem like affordable housing demand requires a multifaceted solution that addresses both housing supply and assists those truly in need.

The greatest way that government can help solve the affordable crisis in our country is to use a twofold approach that involves:

1. Reducing the number of regulatory and legal hurdles that developers have to face (which spurs development and works to increase the housing supply, therefore keeping prices down)
2. Providing help where it's needed, to ensure tenants get the assistance they need while ensuring landlords and property managers continue to receive the income they need to ensure their communities thrive and their businesses stay operative.

A final note: when considering solutions like land value tax reform and upzoning, caution must be taken to prevent displacement of existing renters, especially in high-demand real estate markets, where newer, larger buildings could have broad appeal and subsequently drive rent prices up. In these instances, housing vouchers can help.

Matthew Davies is the founder of Stockton, CA-based Harmony Communities, which currently owns and operates thirty-three manufactured housing communities in the western United States. An investor and community development professional working for affordable housing solutions, Davies' goal is to help bring the opportunity for homeownership to people in his home state who otherwise could not afford to buy a home.

5 Rental-Property Management Mistakes You'll Want to Avoid

Continued from Page 1

2. No Reliable Contractor

Your tenants want the best service and quick solutions to their maintenance problems. Not having a dedicated and reliable handyperson you can call immediately will likely affect your tenant satisfaction and retention rates. As a property manager, you should have a list of reliable contractors for specific types of property-maintenance issues.

3. No Maintenance Schedule

Most property managers wait until the appliances in their property develop faults or cause damage before doing maintenance. Not only does this delay aggravate the repair issue, you may be face with constant crises. As a property manager seeking to offer your tenants the best service, you should have a dedicated monthly or quarterly maintenance schedule.

Do a monthly maintenance check of your property alarms, electrical fittings, and outdoor landscape. By being proactive in your property maintenance, you keep your tenants satisfied and your home safe from sudden equipment breakdown.

4. You Don't Understand How To Attract New Tenants

Just as with any other businesses, managing a rental property requires that you market your property aggressively to attract new renters. You need to understand what potential renters are looking for and what attracts new renters.

An easy way to do this is to create a profile of the neighborhood where your rental property is located and make a list of the amenities, economic activities, recreational centers, and the type of schools. This will help you target the right potential renters during your marketing process.

5. Management System is Still Paper-Based

Shockingly, many property-management companies' systems are purely paper-based, with little or no influence of technology. Not only does it make the process unorganized, it also leaves room for failure. As a property manager, you should adopt more technology in the day-to-day running of your properties to save you and your tenants' time.

And with the coronavirus pandemic, there has never been a better time to make the switch. Property managers are beginning to adopt online showings of their properties to potential renters.

Potential tenants can now pay rent online, tour houses, and electronically sign lease agreements without the need to physically visit the property.

Conclusion

As a property manager, it is important that you satisfy your tenants and keep your rental properties in great condition. By having a dedicated maintenance schedule, you save not only money but improve the safety of your rental.

Most importantly, having a reliable contractor on call to handle your rental repair issues will help in increasing your tenant satisfaction rate.

Keepe is an on-demand maintenance solution for property managers and independent landlords with a network of hundreds of independent contractors and handymen Learn more about Keepe at https://www.keepe.com.

Transitioning from Landlord to Seller: Using a Qualifying Landlord Exemption for a Sale

By Bradley S. Kraus
Attorney at Law, Warren Allen, LLP

As we approach the end of 2020, the hopes of quickly moving beyond, and triumphing over, COVID-19 appear to be fading.

Oregon Governor Kate Brown has placed new restrictions on businesses to head off the rising spread of the virus. The legislature is discussing further legislation involving an extension of the eviction moratorium and a rent-reimbursement fund for landlords. While plans for the latter do not appear finalized as of this writing, it does appear that the moratoriums will be extended in some form.

As a result of the above legislation, and that which preceded it, many landlords are looking to sell their rental properties.

While most no-cause notices are prohibited in current eviction moratoriums, both the state and local moratoriums allow for landlords to serve a no-cause notice related to sale of the property. While it seems simple, there is far more coordination involved—and necessary—to serve such a notice due to the many elements landlords must meet to qualify for the exemption.

ORS 90.427(5)(d) and ORS 90.427(6) discuss the No-Cause Notice Qualifying Landlord Exemption involving sale of property. As with every qualifying landlord exemption, they require that the landlord provide a 90-day notice specifying the reason for the termination and supporting facts. It also requires the payment of one month's rent for relocation assistance at the time of service of the notice unless the landlord owns four or fewer rental properties. The landlord may also be required to pay additional relocation assistance, depending on local relocation-assistance requirements.

The above requirements are the same for all qualifying landlord exemptions, but the sale exemption is more burdensome than others. The Landlord must have:

(a) Accepted an offer to purchase the dwelling unit separately from any other dwelling unit from a person who intends in good faith to occupy the dwelling unit as the person's primary residence; and

(b) Provided the notice and written evidence of the offer to purchase the dwelling unit to the tenant not more than 120 days after accepting the offer to purchase.

The requirements of (a) complicate matters greatly. The landlord simply cannot rely on the fact that they intend to sell the property; they must have accepted an offer to purchase the dwelling unit from someone who intends to occupy the same. Many buyers wish to occupy the home promptly. However, due to the 90-day notice requirement of the statute, that simply cannot occur, which can complicate sale matters. Additionally, the purchase of the dwelling must be separate from any other dwelling unit—which causes the sale of duplexes and triplexes to fall outside of the exemption.

Landlords/owners who cannot meet the above requirements may have other options at their disposal to assist with the sale of the property. However, these likely require cooperation with your tenants, and therefore, those options should be used in close conjunction with your attorney. The penalties and complications from missteps can involve lost time, lost sales, and potential exposure to claims. Accordingly, a proactive approach, as opposed to a reactive one, is appropriate for any landlord seeking to use this—or any—qualifying landlord exemption.

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 him via email kraus@warrenallen.com or 503-255-8795.

How COVID-19 Has Changed Amenities

By Justin Becker

As we approach 2021, the COVID-19 pandemic shows no signs of slowing down. There is no denying that adjustments have had to be made for the real estate industry and the multifamily housing industry.

Still, the reality is that online services, virtual apartment-tour showings, and frequent cleaning of high-touch surfaces are not enough to make our everyday world a less contagious place. Unfortunately, this is more than evident as cases continue to rise, and states and businesses continue to open and close to safety concerns.

With only a month left in 2020, it is not too surprising that many real estate developers and property managers are looking for more long-term solutions to ensure that their tenants or occupants are safe. This is especially true when it comes to things like multifamily-housing amenities.

For the last couple of months, many have noticed a shift in how things are being designed and what measures property managers are putting in place to ensure that people can still use rent apartments, use gym facilities, and still enjoy some of the features that brought many of their tenants to multifamily housing in the first place.

The truth is that apartment amenities have changed during the pandemic, and they will continue to do so for the foreseeable future. That said, many property-management teams and landlords are asking themselves what they can do to make their buildings in complexes safer for everyone and reduce the spread of COVID-19.

Changes in Apartment Gathering Places

One of the very first things that many landlords and property managers did during the onset of COVID-19 is turn gathering places into multi-purpose spaces that people could be in and safely social distance. For instance, lounges and other areas are now being repurposed for homeschooling and remote work. Furthermore, landlords are investing in more movable furniture, which allows them to set seating, dining, and studying/work areas six or more feet apart.

Converting Clubhouses and Game Rooms into Co-Working Spaces

Similarly, game rooms are also being converted into more practical spaces for residents who are now essentially homebound. Moreover, outdoor spaces have been heavily used this summer and fall, as CDC guidelines have indicated that being outdoors is less of a health risk. In warmer places, property managers are still relying on rooftop decks and other outdoor spaces to facilitate social distancing and add some ventilation. In contrast, in cities or areas where it is quickly getting colder, management teams are looking into outdoor heaters and enclosures that will allow residents to safely socialize while still being in a similar or almost comparable outdoor setting.

Rethinking Living Spaces inside Apartment Units

In an effort to showcase apartments for rent, property managers have been rethinking living spaces inside their apartment homes. For example, multi-bedroom units are now being advertised as one-bedroom apartments with home offices or remote learning spaces, instead of the traditional marketing for 2-bedroom or 3-bedroom apartments. Single-bedroom apartments are showcasing a creative space/working area where residents can earn a living in the comfort of their own home, since a significant number of people are now working from home.

Creating Co-Working Spaces with Dividers

Property managers also turned to coworking spaces that already existed in their apartment buildings and added dividers so their residents could still use the spaces but have an additional layer or barrier between them and the next person. Note, residents are still required to wear masks in such settings and observe social distancing.

New Spacing Requirements

What's more, landlords and property managers are having to get creative with spacing out everything and observing social-distancing protocols. As previously mentioned, this is evident with new lounge spaces and so on.

Better Ventilation and Ionization Systems

In addition to new spacing requirements, landlords have found unique and creative ways to increase ventilation throughout their apartment buildings. In fact, some have gone so far as to invest in hospital-grade ventilation systems. For instance, MERV 13 filters have been integrated into units, amenity rooms, and common areas. Plus, high-end apartment communities are also adding an extra safeguard with special ionization systems in various building ducts. These unique ionization systems zap viruses that may have snuck through building ventilation systems.

Fewer Touch Surfaces and Frequent Cleaning

Moreover, if you walk into an apartment complex or building these days, you will notice that there are fewer touch surfaces., which means now there are more key fobs to unlock lobby doors, motion-triggered faucets, and automated toilets. High-touch areas that cannot be motion-triggered are required to be cleaned every hour—or there are automated mists that disinfect small, poorly ventilated spaces.

More Copper or Antimicrobial Surfaces

Similarly, there has been an increase in copper and antimicrobial surfaces. Anything that can now be made out of copper, even some workout equipment, is now showing up in multifamily housing developments throughout the country.

Fitness Facilities and Half-Capacity

Speaking of fitness facilities, many apartment communities are imposing half-capacity rules for gyms and other common areas. To deal with high-demand, fitness facilities that used to be open during the day or as long as the leasing office was open have now become 24-hour gyms so that all residents can use the facilities. Gym equipment is also being spaced out to ensure social distancing. That said, since many tenants or residents barely use fitness facilities in general, these types of accommodations have not necessarily been widespread.

More Assistance via Apps

There has also been a major shift to apps. For example, some property managers have created apps for residents that allow them to schedule time in common areas. Plus, apartment communities that once upon a time only had in-person or mail-in rent policies have now embraced online rent portals. There has been an increase in virtual/electronic communication as well between landlords, staff, and residents—more email newsletters, online forums, etc.

Common Post-Pandemic Apartment Amenities Renters Will Seek

Landlords will need to embrace post-pandemic apartment amenities if they want to continue to attract new or prospective tenants. This means you should expect to see more contactless methods of paying rent and dedicated personal outdoor space (like balconies/patios) on renters' must-have lists. Other coveted items will likely be included—a second bedroom/bathroom (for office space or in case a member of the household is ill), more closet/pantry space (for stock buying), kitchens with room for in-home cooking, plus an in-unit washer/dryer. Besides offering these in-unit features, property managers should invest in smart locks to avoid touching keys for building entrances as well as for apartment homes.

And as a direct response to the previous moratorium on evictions, many landlords are expected to offer longer leases with a controlled rent rate to avoid rent raises when employment may be affected. Likewise, there is talk of including most, if not all, utilities in the monthly rent rate. This is also in case employment is affected. Finally, post-pandemic renters are expected to seek out pet-friendly units more than ever before. as stay-at-home orders have significantly increased pet adoption over the last 10 to 11 months.

Take-Away

COVID-19 and the ongoing pandemic will definitely have a lasting impact on how people interact with one another in multifamily housing. Moreover, there is no denying that certain apartment amenities will need to get with the times or be left behind. That said, any way you slice it, the overall goal here remains the same—to reduce the likelihood of COVID-19 being transmitted.

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

Discrimination Charged Regarding Emotional-Support Animals

Rental Housing Journal

HUD has charged a Philadelphia apartment owner with discriminating against a person with disabilities based on its refusal to waive pet fees for emotional support animals, according to a release.

HUD is charging Post Presidential Property Owner, LLC, and Post Commercial Real Estate, LLC, the owner and manager respectively of Presidential City Apartments in Philadelphia, with disability discrimination.

A tenant with a disability requiring an emotional-support animal reached out to HUD alleging that she had been denied a reasonable accommodation to have pet fees waived at the apartments for such an animal.

The Fair Housing Act prohibits housing discrimination based on disabilities, including denying reasonable-accommodation requests for the waiver of pet fees for assistance animals and rejecting requests for a designated handicapped parking space needed by a person with a disability.

The complaint said “the tenant received an email from apartment’s counsel stating ‘a landlord is entitled to charge pet fees for an emotional-support animal, which is considered a pet, unlike a service animal’.”

Based upon this evidence, HUD recommended testing the subject property.

The tests focused on reasonable accommodations relating to designated accessible parking and emotional-support animals for prospective tenants with disabilities.

According to the complaint, several testers were told there was a $250 pet deposit required. One tester who visited and toured the property told leasing specialist Dayanna Reeves she was looking for an apartment for her niece. When Reeves asked if the niece had any pets, the tester said that her niece had an emotional-support dog. Reeves told the tester about the $250 refundable deposit for the animal and the monthly pet fee of $25.

Leasing director Crystal Ayers confirmed that the apartments had a policy that it would not waive pet deposits and monthly pet fees for tenants with emotional-support animals. Ayers further stated that respondents applied this policy to all the properties it owned and managed, according to the complaint.

“The department found that respondents denied reasonable accommodation requests of testers representing prospective tenants with a disability-related need for an emotional-support animal.”

The Fair Housing Act was violated, according to the complaint, denying testers’ reasonable accommodation requests for designated parking and the waiver of pet fees for emotional-support animals for prospective tenants with a disability.

“Reasonable accommodations enable persons with disabilities to fully utilize and enjoy their homes and shouldn’t be denied,” said Anna María Farías, HUD’s Assistant Secretary for Fair Housing and Equal Opportunity, in the release.

“HUD will continue taking action to protect their rights by ensuring that housing providers meet their obligations under the Fair Housing Act.”

Can I Evict Tenants Due to Damage to the Home?

By Hank Rossi

Dear Landlord Hank,

Tenants of 10 years have done substantial damage to the home, not normal wear and tear, but that could be subjective upon the beliefs of a judge.

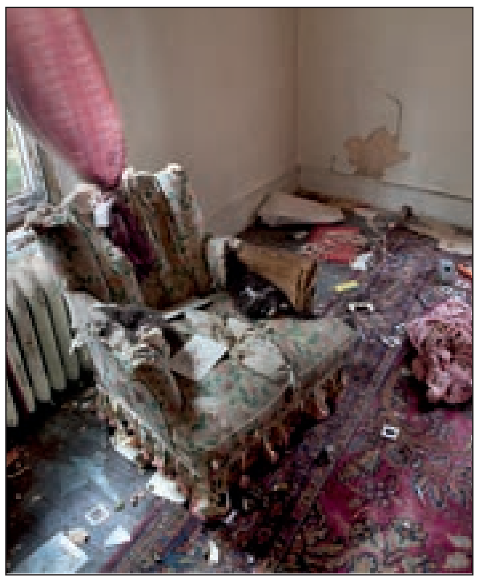
The home needs a complete renovation that cannot be completed with tenants living in the home. Can they be evicted because the home has become unsafe to continue to inhabit? Without being responsible to pay their rent or moving costs for them to move out? — Yvonne

Dear Landlord Yvonne,

We now have a federal moratorium on evictions until the end of the year, and the interpretation of the order varies from one jurisdiction to another and from one judge to another. If these tenants are paying rent and are satisfied to stay in their rental for now, I would not rock the boat. You can always renovate when their lease is up. When the eviction moratorium has ended, the courts will likely be packed – meaning the time it normally takes to evict a tenant will be substantially increased, and it could take months. If you feel that you can't wait and want to move forward now, I would engage an attorney that specializes in landlord/tenant law, as they will be up to date on the situation in your county. Good luck.

Dear Landlord Hank,

We inherited a single-family home that already had a property management company. Lucky for us, the tenant moved out just before moratorium! However, the home was trashed and it was clear that this had been going on for quite a while. Garbage bags and damage were everywhere. For instance, a glass shower door had broken glass and large pieces of glass protruding! And the tenant was still using the shower with just a curtain hanging! And there were 4 small children living in the home! My question is, do I have any recourse with the property management company? They had done their walk-through and had asked the tenant to replace the door, but failed to



follow up. We also had smoke detectors beeping from June till December, when I was granted permission to enter with the property-management owner. Clearly there was neglect. We sold the house with a loss of more than $50,000 due to all the problems, including the pandemic. Please advise if there is any way to recapture all the money lost? — Pat

Dear Landlord Pat,

I'm so sorry to hear about your situation. Tenants like these are exactly why more people aren't landlords; and in this case, you had a property-management company that put these tenants into your place! The property-management company hopefully did a complete background screen on these tenants and shared these results with you. Even though the company didn't directly cause the damage to your property, they have a duty to you to protect and maintain your property and do periodic inspections (that is in my MLS agreement, anyway). When the property-management company did a walk-through inspection and noted the damage in addition to the shower door, they should have contacted you and made you aware of the situation. Did the company owner talk to you about evicting the tenants? The eviction moratorium has put a strain on many landlords and driven some to foreclosure. I'd consult an attorney after you review your management agreement with the property-management company. Best of luck!

Hank Rossi started in real estate as a child watching his father take care of the family rental maintenance business and was occasionally his assistant. In the mid-'90s he got into the rental business on his own, as a sideline. After he retired, Hank only managed his own investments, for the next 10 years. A few years ago Hank and his sister started their own real estate brokerage focusing on property management and leasing, and he continues to manage his real estate portfolio in Florida and Atlanta. Visit Landlord Hank's website: https://rentsrq.com

Ordinance to be Reviewed

Continued from Page 1

the city enacted the ordinance, which requires landlords to pay thousands of dollars to tenants upon the tenants' demand when a landlord gives notice of a rent increase of 10 percent or more in a 12-month period—meaning the ordinance penalizes rent increases that cumulatively total 10 percent or more in any rolling 12-month period."

DiLorenzo explained why the ordinance is in violation of state law.

"The ordinance calls the payments 'relocation assistance,' but tenants are not required to use the money for that or any other designated purpose. Further, the requirement to make the payments is triggered solely by the size of the rent increase and is intended to limit those rent increases. By penalizing rent increases greater than a certain size, the ordinance is designed to control the rent that may be charged. Accordingly, the ordinance runs afoul of ORS 91.225(2) and ORS 91.225(7), which forbid the rent-control aspects of the ordinance."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