

How SB 1536
Will Affect You

Page 5

How to Be a Successful,
Lazy Landlord

Page 8

ADA, HUD, Fair Housing
Act and Support Animals

Page 12

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Combating Common Tenant Complaints

BY JEN BAKER

Being a landlord is hard work, especially if you want to be a great one who keeps your tenants happy and your units occupied. The best landlords are masters of business and people skills, able to manage their books and their properties while also handling tenant issues and managing employees. But even they get complaints from their tenants from time to time. Here are some ways to manage the most common tenant complaints.

1. INSUFFICIENT NATURAL LIGHT

As people continue to spend more time in their homes due to remote working during the pandemic, natural light can have a considerable influence

See ‘Ways’ on Page 14



Federal Judge Halts Oregon Ban on Buyer/Seller ‘Love Letters’

RENTAL HOUSING JOURNAL

A federal judge in Oregon has issued a preliminary injunction prohibiting enforcement of an Oregon law against what are called “love letters” between buyers and sellers of real estate.

In his court order, District Judge Marco A. Hernández says Oregon’s House Bill 2550 “likely violates” the First Amendment rights of real estate agents. “It is not in the public interest to enforce a law that

is likely unconstitutional, even one aimed at the laudable goal of reducing unlawful discrimination in housing,” the judge said in his legal opinion.

The Pacific Legal Foundation filed a lawsuit on behalf of the Bend-based Total Real Estate Group, according to Oregon Public Broadcasting. They filed the lawsuit against Oregon Attorney General Ellen Rosenblum and Real Estate Commissioner Steve Strode, alleging that for-

bidding these communications violates First Amendment rights.

The “ruling preserves the opportunity of home buyers to speak freely to sellers and make the case why their purchase offers should win out,” Pacific Legal Foundation attorney Daniel Ortner said in a release. “Love letters communicate information that helps sellers select the best offer. The state cannot ban important

See ‘Judge’ on Page 10

Rent Growth Now Picking Up Steam

RENTAL HOUSING JOURNAL

Even though rents are growing more slowly than in 2021, national rents in March were up 0.8 percent over the previous month, according to the latest report from Apartment List.

Over the first three months of 2022, rents have increased by a total of 1.8 percent, “but we’re just beginning to enter the busy season for the rental market,

when the bulk of annual rent growth typically occurs,” write Chris Salvati, Igor Popov, Rob Warnock, and Lilla Szini in the April report.

Rent growth has slowed down notably since last summer, “but it still appears that we’re on track for another year of above-average growth.”

With the exception of December, rents continued to trend upward through the

winter slow season, and “growth is now accelerating as we enter the spring and summer months, when rental activity is normally at its peak. Even if prices don’t rise as rapidly as they did in 2021, we’re already seeing signs that this year will continue to bring rent growth well in excess of the pre-pandemic trend,” the report says.

See ‘Rent’ on Page 4

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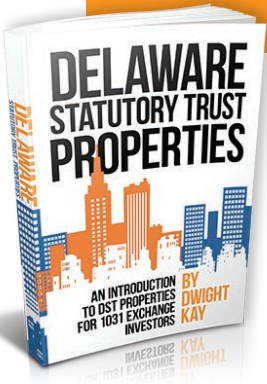
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Why Real Estate Syndication Is Important for Delaware Statutory Trust 1031 Exchange Real Estate Investors

By **Matt McFarland**
Vice President Kay Properties

Delaware Statutory Trust 1031 exchanges have never been more popular, and one of the reasons behind this growth and investor appeal is the power and flexibility of real estate syndication. Real Estate syndication is a major underlying principle for how a Delaware Statutory Trust 1031 investment is structured, and why they continue to grow as an alternative investment for accredited investors.

“A lot of people still don’t know about the potential benefits of the 1031 DST syndication structure. Last year, we helped our clients complete more than \$600 million of equity investments in these 1031 DST vehicles,” explained Dwight Kay, the founder and CEO of Kay Properties who is a prolific author on the subject including authoring multiple white papers and what some consider to be the first book ever published on the subject.

What is Syndication and How Does it Work within the Real Estate Investment Arena

Generally speaking, syndication is the process of organizing a group of individual investors or an organization for the purpose of collectively investing in an asset that requires a significant amount of capital. When applied to the world of real estate investments, syndication refers to the process of organizing a collection of investors to combine their financial resources in order to purchase one or more real estate assets. Real estate syndication means investors are issued beneficial interests or shares of real estate. Profits and losses are usually split according to their respective percentage ownership interests.

The concept of syndication is especially relevant when discussing Delaware Statutory Trusts because not only do DSTs qualify for 1031 exchanges as outlined in Revenue Ruling 2004-86 of the Internal Revenue Code Traditional 1031 exchanges often involve a sole investor exchanging investment real estate into another like-kind real estate asset. A Delaware Statutory Trust 1031 exchange allows multiple investors to own real estate for their 1031 exchange or cash investments. In addition, unlike other group investment structures such as Tenant in commons (TICs) which limit the number of investors to 35, DSTs allow for a much higher number of investors (typically up to 499 investors), creating an ideal choice for investors who want to access larger and potentially more diverse real estate assets.

What are the Benefits of a Delaware Statutory Trust Syndication?

Benefit #1: Passive Ownership

One of the most attractive aspects of DST 1031 exchange investments to many investors is that they eliminate the challenges associated with active ownership and management. In DST investments, a sponsor creates the DST and has the responsibility of managing the entire business and assets of the trust. These responsibilities can include the following:

- Underwriting the real estate deal
- Conducting all the due diligence on the property (ies)
- Arranging the necessary financing - although some DST 1031 investments are debt free with no loans on them

Key Takeaways:

- How does Delaware Statutory Trust Syndication benefit investors?
- Why can Real Estate Syndication via a DST potentially reduce risk for investors*?
- What is the Portfolio Optimization and Diversification Theory?
- How do real estate syndication and DST investments can help investors access larger real estate assets

- Creating a business plan for the property (ies)
- Finding a property management team.
- Coordinating investor relations and potential monthly distribution checks to investors.

In this way, the Delaware Statutory Trust syndication provides investors a passive ownership structure.

According to Kay, in exchange for giving up active management, the passive investor of a DST 1031 property will typically receive 100 percent of the pro-rata portion of any potential principal pay-down from the loan on the property, thereby potentially building equity. In addition, DST 1031 properties are structured so that the investors in the DST receive 100 percent of their pro-rata portion of the potential rental income generated by the property’s tenants.

“Furthermore, although appreciation is never guaranteed, DST 1031 investors receive 100 percent of their pro-rata portion of any potential net appreciation of the property over the hold period,” said Kay.

Benefit #2: Access to Larger, Institutional Grade Assets

Another attractive element for investors of syndicated Delaware Statutory Trust 1031 exchanges is that they provide investors within the trust the opportunity to access large, institutional grade real estate assets that would otherwise potentially be outside of an individual investor’s price point. With a typical investment minimum investment of \$100,000, individual investors in a DST can purchase an ownership interest in large industrial distribution centers, medical buildings, self-storage facilities, and even large \$50 million-plus apartment communities. In this way, the syndication structure of Delaware Statutory Trust 1031 exchanges allows investors to access a level of real estate that they oftentimes would not have been able to buy before.

Benefit #3: The Potential to Reduce Risk Through Greater Diversification*

A third advantage of the Delaware Statutory Trust syndication structure compared to a normal 1031 exchange is that it increases the ability of investors to invest in multiple properties, thus potentially reducing individual risk. Beyond the ability to allow investors to participate in multiple investment properties, DST syndications also allow investors to invest in multiple asset classes (multifamily, commercial buildings, self-storage, medical facilities, industrial distribution centers, etc.) as well as in multiple geographic locations. Portfolio optimization and diversification was first recognized by Nobel-Prize winning economist Harry Markowitz, and continues to be one of the most proven economic theories for success today, including its application in Delaware Statutory Trust 1031 exchanges. * It is important to note however that diversification does not guarantee

profits or protection against losses and that investors should read each DST offerings Private Placement Memorandum (PPM) paying attention to the risk factors prior to considering a DST investment.

Obviously, as with all forms of real estate investments, there is an underlying level of risk that investors should be aware of including things like economic downturns, vacancies, tenant repairs, etc. Investors should not invest in DST investments or real estate syndications if they are unable to sustain the loss of their invested principal.

Benefit #4: Ability to Work with and Learn from Syndication Experts

Commercial real estate investing requires years of experience and lots of resources. Even for experienced investors, the ability to source, inspect, underwrite, and close on large institutional properties within a 1031 exchange timeline is often beyond their reach. However, for Delaware Statutory Trust syndications, the investor can work with highly specialized team members at Kay Properties & Investments. Kay Properties is a national Delaware Statutory Trust expert advisory firm. They have created the www.kpi1031.com platform that provides investors access to the marketplace of DSTs from more than 25 different DST sponsor companies. In addition, they have custom DSTs available only to Kay Properties clients and provide investors independent advice on DST sponsor companies as well as full due diligence and vetting on each DST investment.

About the Author:

Matthew McFarland is vice president and DST 1031 specialist with Kay Properties & Investments, where he works out of the Kay Properties’ headquarters in Los Angeles, helping clients with their 1031 exchanges and direct investments.

Prior to joining Kay Properties, Matt worked at a national commercial real estate tenant representation firm where he helped national firms find Class A and Class B space in commercial office, industrial, and flex spaces throughout Southern California.

Since joining Kay Properties, Matt has participated in over 1,000 transactions and over \$6 Billion worth of real estate. Matt works hand in hand with all the Kay Properties’ Senior Vice Presidents, educating clients on what particular investments make sense for their situation.

A graduate of the University of California, Los Angeles, Matt holds a Bachelor of Science in Physiological Science from the UCLA Department of Integrative Biology and Physiology.



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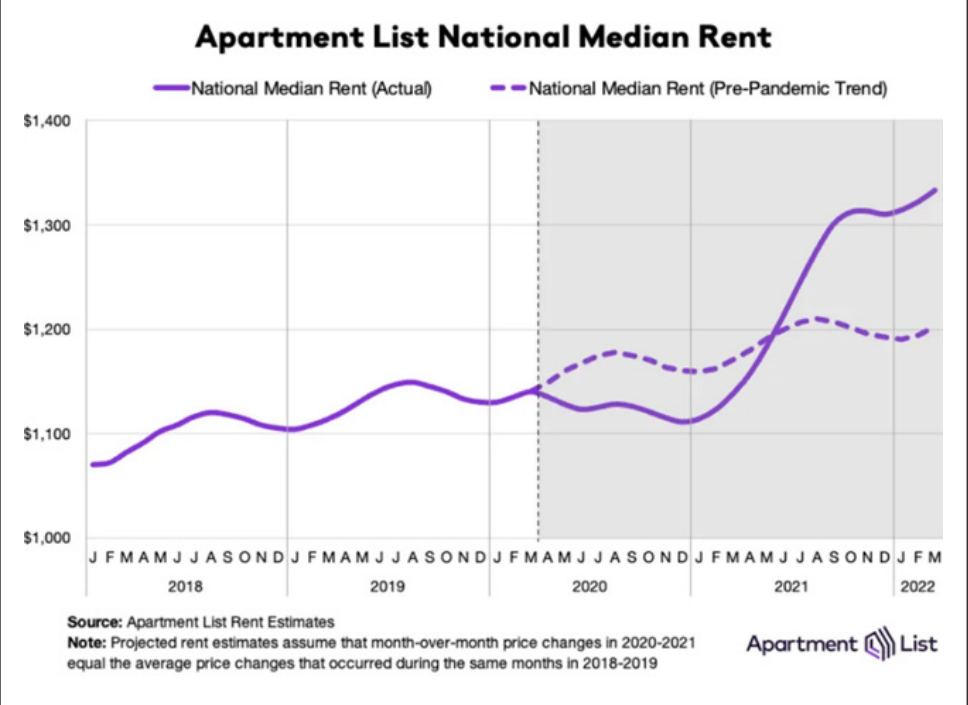
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Rent Growth Picks Up Steam After Winter Cooldown

Continued from Page 1

The vacancy index shows that rental market tightness is continuing to ease.

“Our vacancy index has now slowly ticked up for seven consecutive months and currently stands at 4.6 percent.

“Although the recent vacancy increase has been modest and gradual, it represents an important inflection point, signaling that tightness in the rental market is finally beginning to ease. However, the vacancy situation still remains historically tight.

“Over the past seven months, our vacancy index has been increasing by an

average of 0.1 percent per month. If that pace continues, we won’t hit a vacancy rate of six percent – the pre-pandemic norm – until next summer. Nonetheless, the gradual increase in vacancies in recent months has likely been contributing to the slowdown in rent growth,” the report says.

“As we enter the spring and summer months, rental activity is likely to pick up, and rent growth is likely to accelerate. Despite a recent cool-down, many American renters are likely to remain burdened throughout 2022 by historically high housing costs,” the report says.

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Portable Cooling Devices and the ORLTA: How SB 1536 Affects You as a Landlord

By **BRADLEY S. KRAUS**
PARTNER, WARREN ALLEN LLP

The 2022 legislative session has concluded. When compared to the sessions of the past two years—and the flurry of new laws landlords have had thrown at them arising from the same—this session seemed less noteworthy. However, the legislature did pass SB 1536, a bipartisan piece of legislation amending the Oregon Residential Landlord and Tenant Act. This law tackles restrictions on the use of “portable cooling devices” from May to September of each year and imposes new requirements that housing provide cooling devices in new construction.

As you can imagine, this law was reactive to the unprecedented heat wave the Pacific Northwest experienced in the summer of 2021. Prior to SB 1536, the ORLTA had little discussion about air conditioners within the same, unless it was provided for by the landlord (at which time the landlord would have an obligation to maintain the same). From a definitional perspective, SB 1536 defines “portable cooling devices” as “air conditioners and evaporative coolers, including devices mounted in a window or that are designed to sit on the floor.” Notably, this does not include devices whose installation or use would require alteration to the dwelling unit. Senate Bill 1536 prohibits landlords from restricting tenants from installing or using portable cooling devices in most circumstances.



There are several standards to be found within SB 1536 to which tenants will need to adhere. First, the installation and use of the portable cooling device cannot violate building codes, damage the premises, or make it uninhabitable, or require electrical power that cannot be accommodated by service to the building or dwelling unit. Landlords can also require that the portable cooling device be installed or removed by the landlord or their agent, be inspected and serviced by the landlord or their agent, and finally, require that it be removed from October 1 through April 30.

There are additional restrictions allowed for portable cooling devices installed in the window. The window-installed device cannot impede necessary egress from the dwelling, interfere with the ability to lock a window, or damage the housing unit. Finally, the window-installed unit must be installed so that it is not at risk of falling. In the event the resident installs the portable cooling device (as opposed to the landlord), the landlord is immune from liability for claims for damages, injury, or death caused by a device installed by the renter. In essence, the landlord will be able to maintain some oversight over the device—and install it

themselves as detailed above, should they desire—but doing so removes this liability exception.

Finally, with respect to new construction, cooling devices are now required. In buildings where permits are issued on or after April 1, 2024, the dwelling units must have cooling facilities that provide cooling in at least one room, not including a bathroom, which conform to applicable law at the time of installation and are maintained in good working order. This can include central AC or a portable air conditioning device provided by the landlord.

The impacts of global warming are upon us. The temperatures during the summer months continue to rise. The extreme temperatures felt in 2021 may be an outlier, but similar heat waves will continue. Senate Bill 1536 became effective March 24, 2022, with input from both sides of the aisle, and Multifamily NW. As the summer months approach, landlords should handle any requests related to AC units with the above in mind and reach out to counsel if they have any questions about their rights and obligations.

Bradley S. Kraus is an attorney at Warren Allen LLP. His primary practice area is landlord/tenant law, but he also assists clients with various litigation matters, probate matters, real estate disputes, and family law matters. You can reach him at kraus@warrenallen.com or at 503-255-8795.

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MULTIFAMILY NW
The Association Promoting Quality Rental Housing

April is National Fair Housing Month

By DEBORAH IMSE, MPA
EXECUTIVE DIRECTOR, MULTIFAMILY NW

Every year, Multifamily NW celebrates National Fair Housing Month with the largest Fair Housing Fair on the West Coast! We are excited that the April 13 Fair Housing Fair, virtual again this year, carries the virtual momentum that annually allows every participant from across the Northwest convenient access to a full day of Fair Housing education.

National Fair Housing Month recognizes the passage of the Fair Housing Act on April 11, 1968. The Fair Housing Act is a national law that prohibits discrimination in the rental, sale, and financing of housing based on race, color, national origin and religion. In 1974 the additional protected class of sex (gender) was added to the Fair Housing Act. Fast forward to 1988 and the latest federal protected classes of the Fair Housing Act were added for disability and familial status. In addition to the seven federal protected classes, the state of Oregon includes the protected classes of marital status, sexual orientation, gender identity, domestic violence survivor and source of income (including Section 8 Housing Choice Vouchers).

Despite the 54 years since the original Fair Housing

Act was signed by President Lyndon Johnson, discrimination still occurs in the sale, rental and financing of housing. Multifamily NW and its members are dedicated to ending discrimination through compliance education and outreach, advising elected officials on public policy, providing the industry with the most up-to-date forms, and tracking trends in non-compliance with fair housing regulation.

The latest data from the National Fair Housing Alliance gives a glimpse into suspected noncompliance with 28,712 complaints reported in 2020; 72 percent of those occurred in rental housing, and the reminder in real estate sales, mortgage lending, homeowners insurance, and other housing-related transactions. The types of complaints break down as follows:

- Disability — 52 percent
- Race — 13 percent
- Other — 13 percent
- Familial status — 7 percent
- Sex — 6 percent
- National Origin — 5 percent
- Color — 3 percent
- Religion — 1 percent

The “other” category of complaints includes sources

of income, gender identity, marital status, victims of domestic violence, military/veterans’ status, and other retaliatory conduct.

In addition to the annual Fair Housing Fair celebration in April, Multifamily NW offers regular Fair Housing educational opportunities for members and the general public. There is always an upcoming class for your team members to better understand Fair Housing compliance through the myriad of examples surrounding the seven federal protected classes and statewide additional protections, including local and municipal fair housing laws. Upholding such laws is just one of the many responsibilities of a professional housing provider.

During the last two years, Oregon has created new tenant protections in HB 2704, SB 291 and SB 1536. Multifamily NW represented the industry, helping to ensure these new laws delivered the desired protections with minimal confusion or unintended consequences.

- HB 2703 added permanent Fair Housing curriculum to the mandated 3-hour Law and Rule Required Course (LARRC) that all licensed brokers and property managers must take to renew license every two years.

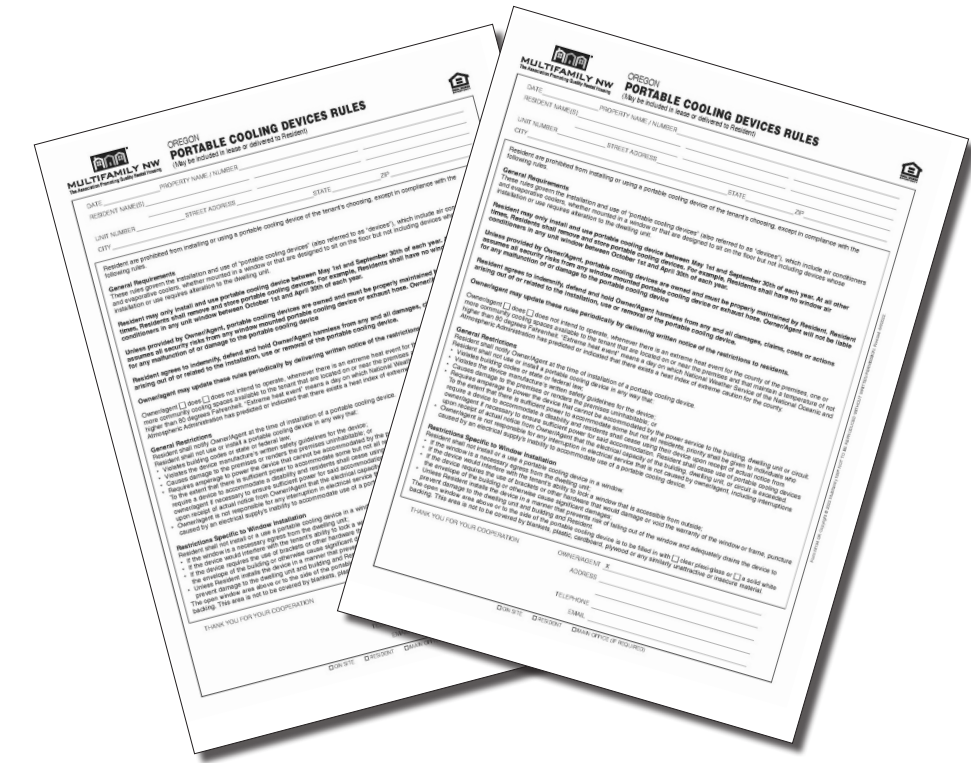
See ‘Fair’ on Page 7

FORM OF THE MONTH

M194 OR
Portable Cooling Device Rules

This is a brand-new form for statewide rules that govern the installation and use of portable cooling devices, which include air conditioners and evaporative coolers, whether mounted in a window or that are designed to sit on the floor but not including devices whose installation or use requires alteration to the dwelling unit. This form was created for compliance with SB 1536 that took effect on March 24, 2022. For Oregon properties, this form replaces the M050 Air Conditioner Addendum.

The Multifamily NW Forms Collection is available immediately and electronically at www.RentalFormsCenter.com, via electronic subscription software through www.tenanttech.com & by mail or pick-up of printed triplicate forms at www.multifamilynw.org.



Multifamily NW Schedule		
APRIL 6	WEBINAR: HR ANSWERS - WHAT DOES IT MEAN TO SUPERVISE?	12:00 PM - 1:00 PM
APRIL 6	WEBINAR: LANDLORD STUDY HALL - ADVERTISING STRATEGIES WITH KATHRYN KING	6:30 PM - 8:00 PM
APRIL 8	WEBINAR: IT’S THE LAW: CRAZY BUT TRUE: USEFUL LEGAL STRATEGIES	12:00 PM - 1:00 PM
APRIL 8	WEBINAR: SB 1536 NEW PORTABLE AIR CONDITIONER RULES	9:00 AM - 10:00 AM
APRIL 11	WEBINAR: LANDLORD TENANT LAW 1-PART B	10:00 AM - 12:00 PM
APRIL 13	FAIR HOUSING FAIR 2022 VIRTUAL CONFERENCE	8:00 AM - 3:00 PM
APRIL 18	WEBINAR: LANDLORD TENANT LAW 2-PART A	10:00 AM - 12:00 PM
APRIL 21	SPRING 2022 APARTMENT REPORT BREAKFAST	7:30 AM - 9:00 AM
APRIL 21	WEBINAR: LAW AND RULE REQUIRED COURSE (LARRC)	1:00 PM - 4:00 PM
APRIL 25	WEBINAR: LANDLORD TENANT LAW 2-PART B	10:00 AM - 12:00 PM
APRIL 26	AFFORDABLE AFTERNOONS WITH ADAM-RENT INCREASES AFFORDABLE/SUBSIDIZED	10:00 AM - 12:00 PM
MAY 2	WEBINAR: ADVANCED LANDLORD/TENANT LAW	10:00 AM - 11:30 AM
MAY 4	WEBINAR: MAY LANDLORD STUDY HALL: PROPERTY INSPECTIONS & TURNOVER	6:30 PM - 8:00 PM

Fair Housing Fair a Virtual Event

Continued from Page 6

- SB 291 requires landlords to conduct individualized assessment and consider supplemental evidence from applicants before denying an application for housing on the basis of criminal history.
- SB 1536 is the Emergency Heat Relief bill, which establishes the right for tenants to install portable cooling devices in certain conditions.

In addition to understanding the basics of fair housing, there are many more best practices that housing providers may adopt to help ensure fair-housing compliance. These practices are integral to successful compliance. A good dose of consistent customer service is very effective as well. These best practices include:

- Provide a fair-housing policy statement to new employees and require them to receive FH training within 30 days of hire
- Budget for annual fair-housing training for all employees
- Include fair-housing discussions in regular staff meetings
- Post rental criteria at the property and on websites, and provide to all applicants
- Use third-party screening for all rental applications
- Formalize and document the appeals process for denials
- Display fair-housing posters in office/ leasing locations

- Train employees (including maintenance team) to recognize requests for reasonable accommodation, and have a clear, written procedure
- Review your website accessibility
- Conduct oversight on advertising, to ensure it is compliant with fair-housing regulations
- Consider self-testing of employees at periodic intervals

Compliance with fair housing and lowering industry complaints requires ongoing training, awareness of new regulations, and reinforcement of best practices on a periodic basis. Federal Housing and Urban Development (HUD) has created the gold standard for fair-housing compliance: Affirmatively Furthering Fair Housing. This calls on housing providers not only to simply not discriminate, it implores housing providers to take meaningful actions to overcome patterns of segregation and foster inclusive communities. In 1988, which was not that long ago, the status quo of rental criteria was to allow “adults only” communities excluding children and families, and those with disabilities denied consideration of reasonable accommodations to existing policees, creating disparate impact. Thank you for your support of fair-housing education!

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Three Steps to Becoming a Successful, Lazy Landlord

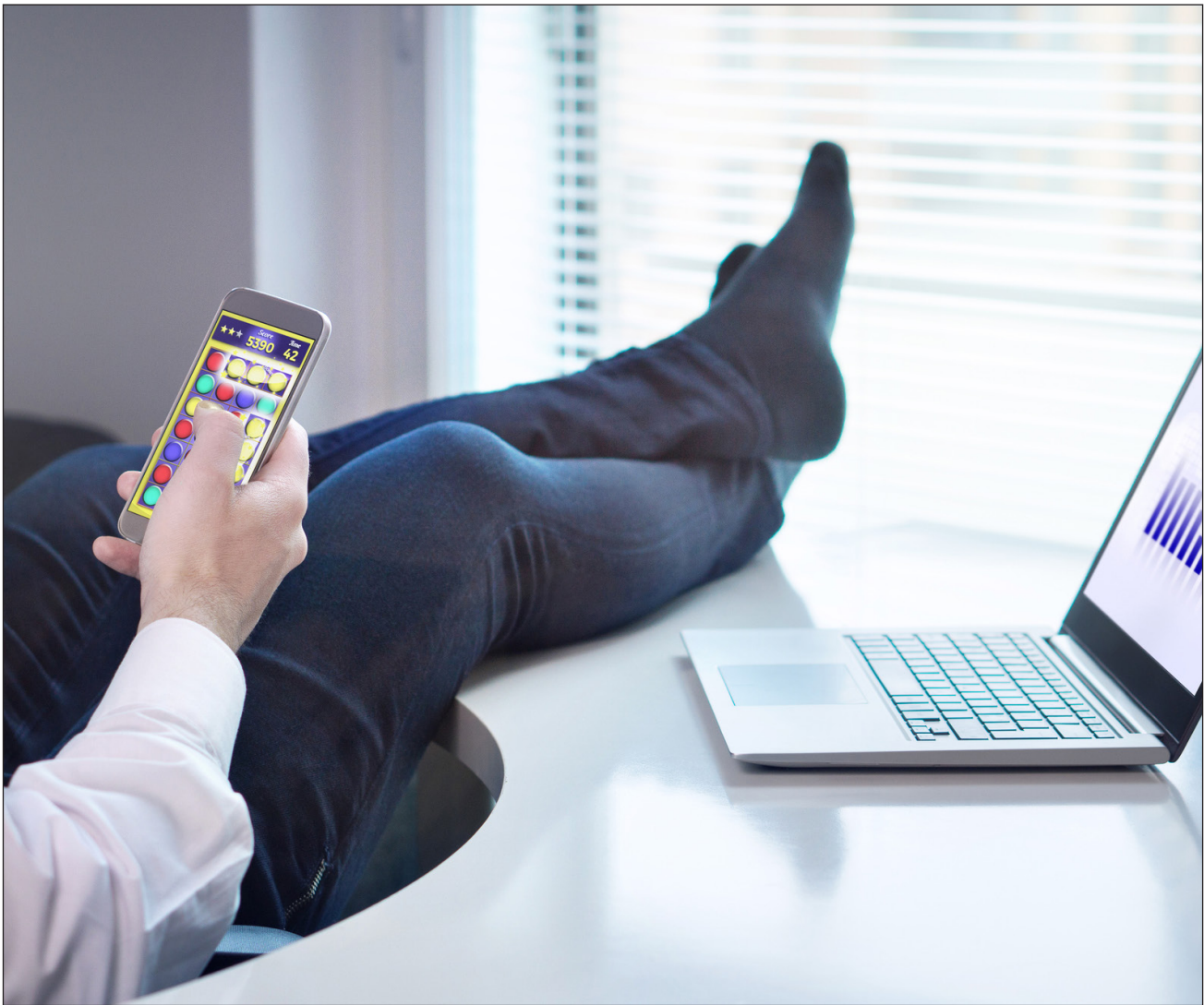
By SCOT AUBREY

On my first trip to the doctor’s office this year I went through that painful experience that we all must endure: updating my personal and health information. My brain immediately goes into shutdown mode as I am trying to conserve the calories that my mind is going to consume filling out paperwork. I profess to the receptionist that nothing has changed but she insists they need it for “their files.”

Reluctantly, I sit down with the plastic clipboard and begin to slog through the same questions I filled out last year. Name, date of birth, insurance info (didn’t you just take a copy of my insurance card?) and a complete health history. Later, I flip the paper over and realize they want all this information again on the next page. My pace quickens and my handwriting worsens as I go into the “power-through-it” mode.

Finally, with the completed packet in hand I return the information to the front desk and sit down waiting for my name to be called. It’s enough to make me forget why I am even there in the first place. It reinforces this truth: When you don’t like to do something, you don’t do it right.

Then my mind starts thinking there must be a better system, a better way, to make this process less painful and feed my need to thrive and not just survive. Let’s face it, most of us want to take the easy or lazy way when



it comes to moments like this. Then when I step back and look at how we as landlords handle our own paperwork and process, I see some of the same stumbling blocks in the way we do things. The big difference is, I know there is a better way because I use Rent Perfect every day.

There are three major tools that every landlord can implement starting today to begin the process of transforming their management style to that of the “successful lazy landlord.”

TOOL No. 1: CHECK YOUR CHECKS

At a bare minimum, every application you receive for a potential tenant should include a thorough check of each applicant’s identity, credit, criminal, and eviction history. Just like your favorite meteorologist, we forecast the future by examining the past.

- **Identity:** How sure are you of the identity of the person applying for your property? It’s easier than *See ‘You, Too’ on Page 9*



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You, Too, Can Be Lazy But Successful Landlord

Continued from Page 8

- ever to fabricate an identity and create fake Social Security cards and identification documents. If you don't really know who is applying, how could you possibly trust the results of any future behavior?
- **Credit:** The financial past of your applicant is usually indicative of their future behavior. Few things affect a person's decisions more than their financial strain, so knowing how your applicant has behaved in the past is a great indicator of how they will honor their commitments to you moving forward.
 - **Criminal:** While the courts across the country continue to soften their stance on criminal behavior, does that mean you should do the same for your applicants? Statistics show that over 90 percent of offenders have repeatable criminal habits that don't go away. And guess what, criminals tend to hang out with others who are involved in criminal behavior. Actively protecting your investment property should always include a criminal background check of EVERY applicant on the lease.
 - **Eviction:** Although the courts have tried to make this more difficult, there are still ways to see if your applicant has a history of leaving their landlord high and dry. An applicant with more than one eviction should be a red flag to you to exercise great caution when considering them as a tenant.
- The more you can know about the past, the better decision you can make to find success in the future.

TOOL NO. 2: THROW AWAY THE MANILA FOLDER!

And while you're at it, toss that big metal filing cabinet, too. Gone are the days of processing paper applica-

tions and leases. It's time to embrace the digital world in regard to being a "successful, lazy landlord," as you can now manage everything right from your favorite device.

- **Online applications:** In the past, I would collect a paper application from an applicant and then go to my office and spend hours taking their written information and re-entering it into a word-processing program. I was operating more like a data-entry employee than a landlord. Programs today allow the applicant to log in, supply the required information, and complete the application process all on their own. All I have to do is go and review their supplied info.
- **Lease:** After you have collected all their information digitally, it is simple to take that information and add it to your leasing documents, with many programs being able to automatically generate a lease at the click of a button. Again, not having to re-enter all of this information is a huge time and energy saver.
- **Move-in inspection process/pictures:** With a digital move-in inspection process, your tenant can document the condition of the property exactly as it was at time of possession. No more guessing or relying on memories at the end of a lease; you have it fully documented and stored for easy access and comparison.

The days of gathering and keeping track of paper throughout the entire rental process are over. Toss that manila folder and embrace technology in your quest of becoming a "successful, lazy landlord."

TOOL NO. 3: MAKE COLLECTING RENT EASY

There's nothing a landlord loves more than seeing the rent paid in full and on time every month. Technology has made it easier than ever to make this process seam-

less for the landlord. Find the right technology partner that can help you in the following ways:

- **Send upcoming rent notices:** Your rental-collection program must be able to begin notifying your tenant of rent due at least five days in advance. Ideally, they should receive a reminder that your rent is due in five days... your rent is due in four days...etc. Take away the excuse from your tenant that they "didn't know" ever again.
- **Receive rent right into your bank account:** Rid yourself of running to the mailbox in hopes of finding that rent check. Have the funds directly deposited into your account.
- **Automatically track late fees and payments:** No one wants to be the nag when it comes to getting paid. The right program will track late fees and send "late-rent" notices automatically, which frees you up to do other things. Collect and track payments to ensure you are getting the rent and late fees paid in full.

This step in becoming a "successful, lazy landlord" might be the most critical, because you collect rent monthly for 12, 24, 36 or more times depending on the term of each lease.

I invite you to step back and look at your current practices from both the landlord and tenant perspective. Are there tweaks you can make that will benefit both you and your tenants in terms of making the process a little less painful for both of you? Nobody wants to just survive as a landlord; by putting some of these tools into practice, you'll see your business (and you personally) thriving in no time.

Scot Aubrey is vice-president of Rent Perfect, a private investigator, and fellow landlord who manages short-term rentals. Subscribe to the weekly Rent Perfect Podcast (available on YouTube, Spotify, and Apple Podcasts) to stay up to date on the latest industry news and for expert tips on how to manage your properties.

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Judge Halts Ban on Buyer-Seller ‘Love Letters’

Continued from Page 1

speech because someone might misuse it.

“Oregon’s overly broad speech restriction is clearly not justified, and the decision is a major victory for free speech and economic opportunity.”

Last year, Oregon became the first state to pass a law banning real estate brokers from transmitting non-customary communications between home buyers and sellers, fearing that so-called “love letters” might be used to discriminate in housing transactions—but without any evidence of such discrimination.

“For Total Real Estate Group, the ban on love letters harms their ability to match potential homebuyers with their dream homes. The letters often prompt sales below the top monetary offer, creating opportunities for first-time homeowners and giving sellers peace of mind that their home ends up in caring hands,” Pacific Legal Foundation said in the release.

WHAT ARE “LOVE LETTERS” AND WHY ARE THEY USED?

“At a time when home sales have become a cutthroat business, every bargaining chip matters—to buyers, sellers, and the real estate companies in between.

“Prospective buyers commonly use so-called ‘love letters’ to move sellers’ hearts—and sales—in their direction,” the Pacific Legal Foundation said.

“These conversations give less-privileged buyers a chance at their dream home, which might otherwise be out of reach, while helping sellers ensure their homes are well-loved.

“Buying a home is not like buying a pair of pants; it can be a highly personal and emotional transaction for buyers and sellers. Such letters help ensure that all of these other factors are taken into account.

“These letters are also integral to the work of Oregon-based Total Real Estate Group, a mid-sized real es-



tate firm with brokers throughout Oregon and Southern Washington. As many as 75 percent of the firm’s offers have some form of love letter or broker-written cover letter that allows buyers to go beyond the financial offer to tell sellers why they love a home and how they’ll use it.

“As one of the firm’s brokers puts it, ‘Without a love

letter, it feels like an incomplete offer.”

“And they work. The letters often prompt sales below a seller’s asking price, create many first-time homeowners, and give sellers peace of mind that their home ends up in caring hands rather than an out-of-state, house-flipping investor or developer,” the foundation said in the release.

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From the Desk of the Executive Director

Top 10 Reasons You Should Belong to RHA Oregon

BY RON GARCIA
EXECUTIVE DIRECTOR OF PUBLIC POLICY

Sometimes I get asked, “Why should I join the Rental Housing Alliance Oregon?” My normal reply is, “If you are a rental housing provider in Oregon, why aren’t you ALREADY a member?!?” I know it’s a sassy retort, and I have resolved to be more patient this year. Therefore I would like to share with you all the Top 10 Reasons for being a member of Rental Housing Alliance Oregon. (Happy Spring!)

1. Rental Housing Alliance Oregon is a community of business peers who are open and available to share best practices. Landlords have many questions and “never-had-this-happen-before” experiences. One conversation with a fellow landlord can save hours of grief and potentially thousands of dollars.
2. Building and maintaining professional business and vendor relationships is critical to your success. As a small landlord, we realize that most of the time we don’t need to know about bedbugs or water restoration services or emergency electrical solutions. But when the moment occurs and the drama quickly unfolds, we would rather contact someone we know (and trust) than Google someone we don’t know (and rely on a stranger’s review).
3. All careers evolve, and those of rental property owners are no different. How can we formulate a growth, succession, or exit strategy? It may be the time to buy a property. It may be the time to sell a property. It may be the time to leverage your holdings, or it may be the time to find a compatible management company. These processes don’t

- occur overnight. They can take years to unfold. Networking and knowing professional brokers, managers, exchange companies and accountants becomes extraordinarily valuable as time goes by.
4. There are different rules in different cities nowadays. What applies in Portland is not always the same as what applies in Multnomah County, let alone Beaverton or Salem or Springfield or Enterprise! Having a website where a landlords can go for answers on confusing or conflicting reports is not only reassuring, but is also essential.
 5. One problem that doesn’t seem like it’s going away anytime soon, is that just when we think we understand the rules, the local, county, metro or state governments change them! The RHA Oregon Landlord Hotline is a service members can use to get their questions answered by experienced members who are “landlords helping landlords.” Additionally, many calls are answered by professional property managers who freely donate their time and experience to help our members. It’s another “touch point” between our membership that is not found elsewhere.
 6. It is no secret that rental property owners throughout the state of Oregon have seen many of their rights erode with recent legislation. Changes on evictions, rent control, screening guidelines, and even rent collection during the pandemic are the new normal. Having a professional lobbyist and an executive director for public policy who are both well known in the state capitol helps to keep the tides at bay during legislative sessions.
 7. A question we hear often is, “How can I just stay

- informed on what is really happening in the rental market?” RHA Oregon provides continual, relevant training classes, both in-person and on-video and through Zoom. The classes are taught by industry experts, lawyers, elected officials and community-action groups, just to name a few.
8. Rental Housing Alliance Oregon is famous for providing up-to-date rental forms written by the two most active landlord attorneys in the state of Oregon. Order online, or on the phone to be mailed out, or for next-day-pickup availability (delivered right to your car!) at the RHA Oregon office.
 9. The Monthly Update Newsletter is a time-tested asset to all rental housing providers. It is sent via email and available in print at the RHA Oregon office. It has excellent content, relevant advertising by seasoned vendors, along with a vendor directory to use when you need services.
 10. Social, charitable and family events. We have monthly dinner meetings featuring great speakers in fine venues around the Portland Metro area. We have the annual Starry Night Charity Auction in July where members mingle, enjoy wine and beer, and bid on great items where 100 percent of the proceeds are donated to various causes. And we have the Summer Picnic at Oaks Park, where our members and families enjoy fun booths, a great barbecue meal and discounts on amusement park rides. Plus we have the annual Toy Drive Give-away at our December Christmas Party.
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ADA, HUD, the Fair Housing Act: Which Applies to Housing and Support Animals?

FAIR HOUSING INSTITUTE

With many different laws governing service animals, it can be confusing as to which ones apply to housing providers and what questions they are allowed to ask.

This article will review the different laws that come into play, highlight which ones directly affect housing providers, and share tips to help you navigate this sometimes confusing process.

DOES THE ADA LAW APPLY TO HOUSING?

Even though the Americans with Disabilities Act is very important, it doesn't apply to housing except for maybe the leasing office, as that is a public place. Generally, ADA laws apply to operators of public places, such as Target.

The ADA also limits the types of animals providing support to dogs or, in rare cases, miniature horses, which we are not allowed to do as housing providers.

This is where some confusion can take place. The ADA limits what business owners can ask regarding the animal to: "Is that a trained service dog?" and "What work is the animal trained to do?" They are not allowed to ask for written verification.

So when housing providers ask for verification of need, often they are met with

the resident referencing this law and stating that they do not need to provide proof of need. This leaves us with the task of informing them that this applies under the American Disabilities Act, but the ADA does not pertain to housing and that the Fair Housing Act permits verification when the disability and the need for the animal are not observable.

For example, if you can see that the animal is a guide dog, then you shouldn't

be asking for verification. But if it's a dog that is a service animal for disabilities such as hearing problems or to alert someone that they're about to have a seizure, you can't see that when you talk to the resident. In that case, you can ask for verification. And if they say to you that's not permitted, then you have to clarify: "I'm asking you this not under the Americans with Disabilities Act, but under the Fair Housing Act."

HUD AND SUPPORT ANIMALS

HUD defines support animals that do work, perform tasks, provide assistance, or provide therapeutic emotional support for individuals with disabilities.


HUD also clarifies the difference between domesticated animals kept in the home (traditional) and non-traditional unique animals such as goats, pigs, chick-
See 'Support-Animal' on Page 13






ADA, HUD,
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Which One Applies to
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Support-Animal Issues Addressed

Continued from Page 12

ens, snakes, etc. HUD states that the resident has a substantial burden to be able to show that they need a unique animal as an assistance animal. Now, it is not impossible to justify a unique animal. Still, a resident is going to have to explain in more detail than with a usual animal why they need their snake as an emotional support animal.

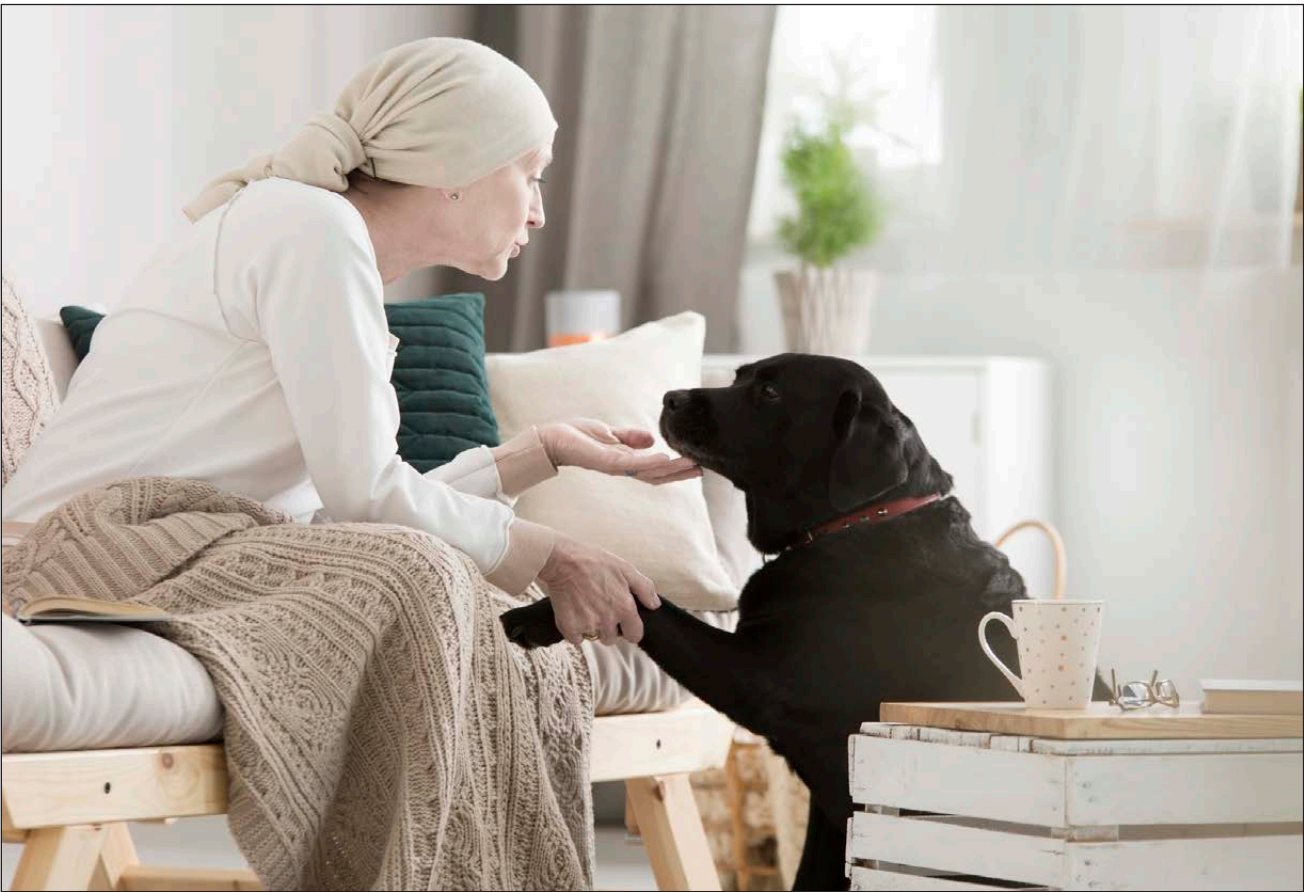
HUD also addresses multiple animal requests, again placing the burden of proof on the verifier as to why one animal isn't enough. HUD has also made it very clear that going online and getting your pet registered or certified on some website by paying money is irrelevant to the question of whether this is an assistance animal that should be approved to live in housing as a reasonable accommodation. If someone hands you one of those registrations or online certifications, you can hand it back to the resident and let them know that it is not adequate to verify their need for an assistance animal.

HUD has made it very clear it considers those websites as taking advantage of people—wasting their money—because those registrations are irrelevant to the question of whether you approve their reasonable accommodation or not.

THE FAIR HOUSING ACT AND REASONABLE ACCOMMODATIONS

We have discussed how the ADA—while important—does not apply to housing, and we reviewed HUD guidelines that create the framework for how housing providers should view assistance animals and the questions they are allowed to ask. But how does that come together with the Fair Housing Act?

When we look at the Fair Housing Act and Section 504, we don't care whether an animal is a service animal or an emotional support animal. It doesn't matter; we don't need to ask different questions. We only want to know if



the resident is disabled, meets the definition of disability, and if that animal is necessary to assist them because of their disability. That's all you need to be concerned with when you're verifying a request for a reasonable accommodation.

When your property is looking at a request for an assistance animal, you need to have a very detailed procedure that all staff members follow. First of all, the process should be done in writing, complete with a section for the verifier. To be a reliable verifier, the verifier has to have personal knowledge about the resident and should be providing the resident with medical or mental health services, and not merely providing a verification letter or filling out a form.

Suppose you find yourself in the situation of turning someone down because you don't think their verification is reliable. In that case, you need to conduct a meeting

explaining why you are not going to accept or grant their request and attempt to resolve their request; of course, documenting everything along the way.

FAIR HOUSING AND ASSISTANCE ANIMALS FINAL TAKEAWAY

As we have discussed, there can be a few pitfalls to understanding the different laws that come into play regarding assistance animals and housing. Regular training is essential to help everyone know which laws apply and how to follow them to ensure fair housing compliance.

In 2005, The Fair Housing Institute was founded as a company with one goal: to provide educational and entertaining fair-housing compliance training at an affordable price at the click of a button. Learn more at <https://fairhousinginstitute.com>

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Ways to Combat Common Tenant Complaints

Continued from Page 1

on how a tenant feels in a space. Adding windows is a costly renovation, but you can make a rental that’s low on natural light look more inviting with a few simple changes:

- Furnish the apartment with lamps where overhead lighting isn’t sufficient, especially in corners.
- Repaint using light glossy paint to reflect light around the room.

2. Bugs

Wherever people gather, there are bound to also be ants, spiders, and other unwanted pests. As a landlord, you should do your part in the fight against bugs with a pest control routine to keep them from entering the rental.

However, pests can often invade a rental if the tenant doesn’t keep it clean enough. In that case, you can suggest the following solutions or do the treatments yourself:

- Sprinkle diatomaceous earth (DE) near baseboards and window sills to kill bed bugs. If the rental is furnished, consider sprinkling it in drawers as well.
- Spray peppermint oil, water, and witch hazel near doors and windows.
- Spray a solution of water and dish soap on cockroaches.

3. TEMPERATURE ISSUES

Whether your unit is old or new, drafts have a way of making their presence known. Unfortunately, in extreme



climates, drafts have the potential to make your tenant uncomfortable.

If the temperature issues are extreme, it may be time to explore some renovations to upgrade windows or add more insulation, but in most cases, a few simple DIY solutions can help:

- Place a door snake on the bottom of the door or window to prevent drafts from sneaking in.
- Add weatherstripping to doors and windows.
- Replace door sweeps.

4. LACK OF SUFFICIENT STORAGE

Whether your rental is furnished or not, your tenant may complain about not having enough space for all their belongings. In that case, consider the following options:

- Hang floating shelves on the wall to free up floor space, which will make the room feel less cluttered.
- Provide furniture that does double-duty: storage ottomans or bookcase headboards can make a difference!
- Decorate with storage baskets that fit under beds, benches, or tables to tuck things out of sight in unused space.

5. TIGHT SPACES

Unfortunately, you can’t manufacture space where there isn’t any. You can, however, make sure your rental is painted in light and cohesive colors to make the rental feel bigger.

See ‘10 Suggestions’ on Page 15

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10 Suggestions for Addressing Tenant Complaints

Continued from Page 14

If the rental is furnished, hang mirrors on the wall and invest in dual-purpose decor.

6. UNPLEASANT ODORS

Some odors can’t be helped, like when a neighbor decides to cook spicy food. But if your tenant is complaining of a musty or stale smell in their rental, there are a few deodorant tricks to try:

- Clean the washing machine with white vinegar, baking soda, and essential oil. Run it on the hot-test cycle.
- Deodorize the fridge with essential oils and a box of baking soda.
- Sprinkle baking soda on the carpet, let it sit, and vacuum after an hour.

7. PRIVACY CONCERNS

Everyone wants to feel safe in their home, so it’s understandable why some tenants complain about privacy. To help your tenant feel safer, it’s best to invest in the following:

- Privacy screens in a studio apartment
- Window shades or blinds to keep people from looking in
- New locks for every new tenant

8. UNSIGHTLY FLUORESCENT LIGHTING

Tenants want their homes to be cozy, but fluorescent lighting often screams industrial or commercial spaces. Replace fluorescent fixtures with traditional ones and put in warm LED light bulbs. For lights with shades, don’t replace the entire fixture; instead, swap out the shade for a more modern look.

9.: NOISY NEIGHBORS

Some problems are beyond your control, like a neighbor who has people over and cheers a little too enthusiastically during the big game. If it’s in the afternoon, there’s no recourse other than politely asking the sports fan to tone it down a little bit.

But an excellent landlord can also suggest a few DIY solutions for their tenants:

- Move big items of furniture like bookcases against

- a shared wall.
- Hang fabric panels on the wall.

As the landlord, you can also make sure all cracks in drywall are sealed to minimize sound.

10. OUTDATED FINISHES

Long-term tenants may complain that their rental is starting to look a little outdated. While a full-scale renovation may be out of the budget, there are a few relatively low-cost changes you can make:

- Replace old hardware on bathroom and kitchen cabinets with updated models.
- Repaint the walls or cabinets.

When you’re a landlord, complaints from tenants are a fact of life, but it doesn’t have to be the end of the world. Stay calm, communicate, and be proactive, and your tenants will stick around for the long haul.

After teaching English for 13 years, Jen Baker pivoted to content marketing as a way to indulge her passion for writing. She enjoys developing content for her clients and learning everything she can about real estate. When not writing, she’s hard at work on her novel or avoiding the real world with an epic fantasy novel.



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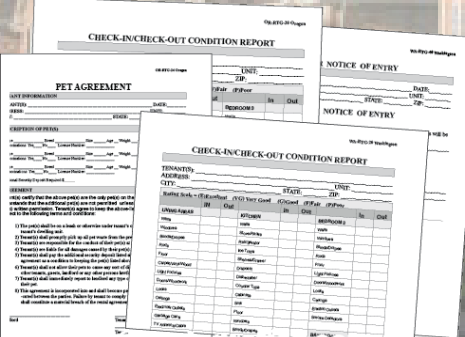
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