\$2.95 **APRIL 2022**

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General Membership Meetings —

7 p.m. May 26, 2022 — Live Meeting: "Security Deposits- Calculating Final Charge or Refunds" -Jeremy Shorts, Utah Eviction Law www.uaahq.org/gmm







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Official Publication of The Utah Apartment Association - Utah's Leading Advocate for the Rental Housing Industry 801-487-5619 - www.UAAHQ.org



Avoiding **Familial Status** Discrimination

Many landlords aren't familiar with their responsibilities when it comes to renting to families with children or don't even know that families with children enjoy a protected status under federal housing discrimination laws.

The Fair Housing Act protects tenants against discrimination based on seven protected classes, including "familial status." This means that if you refuse to rent to tenants simply because they have kids or you treat tenants differently because they have children, you may be violating federal law.

Here's a rundown on exactly whom the FHA's familial status discrimination ban protects and how it applies to your

WHAT TYPES OF FAMILIES WITH CHILDREN DOES THE FHA PROTECT?

The FHA's familial status protection is broad. Here's what you need to know to determine if the ban on familial status

See 'Take' on Page 9



ECRWSS POSTAL CUSTON



April is Fair Housing Month Prepare to be Tested!

April is Fair Housing Month, and the UAA wants to make sure you understand this important part of providing rental housing.

The protected classes that you cannot discriminate based on in Utah are:

- Race
- Color
- Sex
- Religion
- National Origin
- Disability
- Familial Status (kids in household)
- Source of Income
- Sexual Orientation
- Gender Identity

Remember, do not treat anyone differently or charge higher rents fees or deposits based only on membership in ANY of these protected classes.

THE GOVERNMENT DOES FAIR HOUSING TESTING IN UTAH

To ensure that landlords are not discriminating illegally, the government has put in place testing procedures. They do this by having two different applicants call or visit. One is in a protected class. One is not. You'll be judged on whether or not you treat them equally.

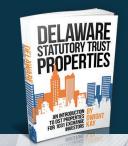
The most common problem is with disability. The best way to avoid problems is to remind yourself of a few rules when answering the phone (most of their screening will be over the phone, followed up by personal visits in some cases).

- Focus on whether or not the applicant qualifies first. If somebody asks if you about something related to a disability accommodation or anything else related to a protected class, simply refer them to your rental criteria and say something like "we can deal with that after we see whether or not you otherwise qualify for the apartment."
- Understand disability issues. For instance if someone asks for an assistance animal remember you CANNOT CHARGE EXTRA DEPOSIT OR FEES. An assistive

- animal is like a wheelchair. It helps someone with a disability adapt to society. If the animal does damage to the place, charge them for the actual damage when it happens. There is a verification process you can to go through. Don't deny someone with a disability just because they are disabled.
- Don't pre-screen on the phone and treat everyone the same. While you can answer questions about your policies (such as do you allow smokers, how many people are allowed in the place, etc.) don't ask questions that could be construed as discouraging or pre-screening people. For instance, don't ask if they have assistive animals, children, their race or religion, etc.
- If you ever have a question, feel free to contact the UAA. You can also call Michelle Hutchins with HUD (Housing and Urban Development, the agency in charge of Fair Housing enforcement) at 801-524-6097.



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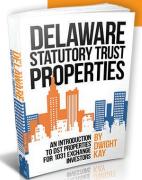
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ABOUT KAY PROPERTIES AND WWW.KPI1031.COM

Kay Properties is a national Delaware Statutory Trust (DST) investment firm. The www.kpi1031.com platform provides access to the marketplace of DSTs from over 25 different sponsor companies, custom DSTs only available to Kay clients, independent advice on DST sponsor companies, full due diligence and vetting on each DST (typically 20-40 DSTs) and a DST secondary market. Kay Properties team members collectively have over 150 years of real estate experience, are licensed in all 50 states, and have participated in over \$30 Billion of DST 1031 investments.

This material does not constitute an offer to sell nor a solicitation of an offer to buy any security. Such offers can be made only by the confidential Private Placement Memorandum (the "Memorandum"). Please read the entire Memorandum paying special attention to the risk section prior investing. IRC Section 1031, IRC Section 1033 and IRC Section 721 are complex tax codes

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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 **T**AKEAWAYS:

- 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 millionplus 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

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.

Chair's Message

Providing Members the Most Value



BRAD RANDALL Chair, **Utah Apartment Association**

Internal research within the Apartment Assortation has indicated that protecting landlord rights through positive legislative efforts is the top area of "value" members of the association seek when becoming members of our association.

In March 2022, a group of Executive Committee members traveled to Washington DC to work with fellow Apartment Association executive teams to rally support for legislative issues affecting our industry. There were a few key takeaways from the event I'd like to share:

1. WE NEED A SEAT AT THE TABLE

In order to keep productive conversations moving forward with key legislators, we need a seat at the table. The Utah Apartment Association and its Political Action Committee representatives have always sought to be active in the legislative session. As I learned of legislative efforts that have successfully removed landlord and owner rights in many states, I recognized once again how important it is to make sure we have a seat at the table as these discussions

2. OUR PAC DONATIONS ARE CRITICAL

I hate political ads asking for money just as much as the next person. But, having seen how the association utilizes political funds to protect landlord and tenant rights, I recognized once again how vital these funds are for the future of this industry.

3. Look for Win-Win Situations

In today's political environment it can be easy to take the approach of "digging your heels" into the ground and refusing to listen to the opposing side. However, many times the best result comes from when we listen to what the other side is seeking and try to find a win/win solution for both parties. As our legislative team moves forward we will continue to seek ways to protect the investments and the rights of our owners but also look for the best ways to provide safe, clean and high quality of life for the residents that are the life blood of our industry. This requires sharing and also listening.

4. Constant Vigilance

The Utah Apartment Association is ramping up its efforts

in the "off season" of the legislative session to promote positive action and look for areas of concern, etc. that may be entering our market. While the legislative season is only a small portion of the year, constant vigilance is required to keep our organization on the right trajectory. Additional budgetary considerations have been made and will continue to be allocated towards these efforts.

Thank you to the legislative efforts of our legislative committee, chairs and to the dedicated efforts of our lobbyists and Utah Apartment Association team for their continued efforts to help make Utah a wonderful place for both landlord and tenants. Thank you to every member who has contributed to the PAC or volunteered for committees.

Finally, a brief note about the upcoming trade show. We are thrilled to host the 2022 Utah Apartment Trade Show and Education Event later this month. Due to COVID-19 related challenges and precautions we have not been able to hold this traditional in-person event like we have in the past. The Utah Apartment Association Executive Committee invites and encourages you to participate in this live event on Tuesday, April 26, 2022 from 8:30 am - 5:00 pm. The event will feature an excellent trade show as well as a knockout lineup of nationally recognized speakers. You and your team will be able to gain valuable education, networking opportunities and meet industry partners. Join us in the Wild, Wild West later this month!

Ask the Attorney

Fact vs. Fiction in the Bed-Bug Fight

By The Law Office of Kirk A. Cullimore

In order to have a clear understanding of the enemy you face in bed bugs, it's essential that bed bug fact be separated from fiction. Armed with the right information, the joint vigilance of management and residents can go a long way toward helping to ensure that a single-unit bed bug incidence doesn't turn in to a full-blown, community wide infestation.

So, TRUE OR FALSE:

1. Bed bugs are typically found to inhabit and thrive in residences of persons with poor hygiene.

FALSE – Experts agree that one of the main factors behind bed bugs' recent and alarming resurgence is increased global travel and trade. Stigmas stemming from the association of bed bugs with poor hygiene and uncleanliness have caused apartment residents, out of shame, to avoid notifying management of bed bugs' presence, which only serves to enable their proliferation. While bed bugs are, by their very nature, more attracted to clutter, they're certainly not deterred by cleanliness as they're really only after one thing: blood. Bottom line is that bed bugs know no socioeconomic bounds and any claims to the contrary are patently false.

2. Bed Bugs transmit disease.

FALSE - There exists no scientific evidence to suggest that bed bugs are vectors for disease. In fact, the U.S. Environmental Protection Agency and the Centers for Disease Control and Prevention have refused to elevate bed bugs to the threat level posed by disease carrying pests. The stigmas associating bed bugs with disease are ill-founded.

3. Most over-the-counter insecticides and pesticides

are effective at eradicating bed bugs.

FALSE - Due in large part to their ability and inclination to hide in the most unreachable of places, such as drywall cracks and household electronics, most over-the-counter pesticides and insecticides are ineffective at treating bed bug infestations.

In fact, entomologists have reported that bed bugs in certain regions of the country have shown to be outright resistant to certain forms of otherwise highly-effectual pesticides that attack the bug's nervous system. Still, other insecticides and pesticides meant for digestion are completely useless at treating bed bug infestations because bed bugs feed only on the blood of warm-blooded humans and animals.

Management and residents should be discouraged from attempting to remedy bed bug infestations through the use of over-the-counter chemicals, pesticides and insecticides intended to treat cockroaches, rodents, ants and termites.

4. There are no other ways to control bed bugs other than killing them.

MAYBE - SUBJECT TO ADDITIONAL RESEARCH

- Mattress liners sold under the trade name ActiveGuard are impregnated with an insecticide called permethrin, which is considered safe for humans and other mammals. Permethrin belongs to a class of pesticides called pyrethoids. Although in recent years some bed bug populations have developed resistance to some pyrethoids and related pesticides making them less lethal, killing bed bugs is only one part in the effort to control them. According to Dr. Susan Jones, a

professor of entomology at Ohio State University, physical or behavioral changes can significantly affect the impact of bed bugs before death even occurs.

One of these changes is fecundity – the bed bugs' ability to lay eggs and reproduce. In order for a female bed bug to lay eggs, it must first have a bloodmeal. According to Dr. Jones, if a female bed bug doesn't feed, then it is unlikely to lay eggs, and if it doesn't lay eggs, then the life cycle is interrupted.

Surprisingly, in a recent study published in the Journal of Medical Entomology (April 2015), Dr. Jones found the ActiveGuard fabric to be extremely effective, even in bed bug populations that were resistant to pyrethroids. Bed bugs that were exposed to the fabric for ten minutes were significantly less likely to even attempt feeding compared to those on untreated fabric, and the majority were unable to feed successfully. Even when they were successful, their bloodmeals were only half the size of bed bugs that were not exposed to the fabric. Even more surprising, out of 52 females tested, only one laid a single egg. The results of the study suggest that even sublethal exposure can have far reaching consequences. Takeaway - ActiveGuard matress liners may be a promising new tool for bed bug control programs. These mattress liners could be recommended to surrounding units who don't have bed bugs, but there's concern about the possibility of the bed bugs migrating to other units.

The Law Office of Kirk A. Cullimore 12339 S. 800 E., Suite 100 Draper, UT 84020 801-571-6611 info@cullimore.net www.cullimorelaw.com



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Director's Message

Do You Need to Hire a Property Manager?



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

Every landlord is different and has different needs, concerns, tenants, and problems than the other. For some landlords running their own rentals, and doing the work themselves is the way to go; but for many others, a property management company is nothing short of a miracle for their rental unit. And the amount of work they do can vary based on your needs. If you need someone to completely take over the property, or if just finding tenants to fill vacancies will suffice, a personal customizable plan is out there. The following points can help asses if a property manager is right for you.

WHEN YOU SHOULD DO IT YOURSELF

Managing the property yourself allows you to keep the best control of your tenants, service their issues, keep good relations with them, and keep a better watch on the property. It will also save you somewhere between 8-and-10 percent of rental income and probably dramatically increase the chances that you will keep it occupied.

No management company has anywhere near the incentive

that you do to keep it rented and to keep your tenants longterm. You'll learn quickly that when faced with a vacancy, you'll jump to get it rented. You will also save yourself onehalf month or a full month's rent in fees for handling the releasing process yourself.

But ... you will also learn it is a lot of work!

WHY CHOOSE TO SELF-MANAGE?

The main reasons that landlords choose to self-manage are:

- If margins on the property are very slim
- If you own few properties that are close by, or easy to access
- f you enjoy what you're doing, and enjoy the time you spend on the property
- If you love to micro-manage your tenants and properties

WHEN YOU SHOULD HIRE A PROFESSIONAL MANAGER

The main reasons that landlords choose to hire a property manager are:

- If you could make more money doing something else
- If the property is over an hour away
- If you would like to focus your time on things other than rental problems
- If the rental is causing much more stress than it's worth

 If you're more interested in making money, than in saving money

Property manager's fees vary. In large Apartments, management fees can range from 2-4%. In single family homes, that fee can be 8-13%. There are often additional fees beyond that. Make sure if you use a property manager you clearly understand the fees charge and their company policies.

But the most important first step is to interview several rental companies. Call references, get copies of their insurance and make sure they have the proper type and adequate insurance in place.

Once you make the decision on which property management company to hire, keep on a friendly and professional basis with your manager. Things will go wrong but just because you are paying for management doesn't mean you can blame the property management company. You will still need to kep in touch with the management company, the tenants, inspect the properties every once in a while, and do your best to help get it rented when there's a turnover in tenants.

The Utah Apartment Association has a list of property management companies that we recommend doing business with. If you are interested in this, or if a property manager sounds like something you want to use give us a call. Not only can these managers lift a huge burden off of a landlords shoulders; but they can increase revenue, eliminate problems on the property, and help the overall value of a rental unit. It also eliminates some of the burden you have to worry about fair housing laws and discrimination.

What if Tenant Doesn't Report Dead Smoke Detector?

By Hank Rossi

Dear Landlord Hank: Who is responsible for replacing a dead smoke



eing a dead smoke detector — tenant or landlord? If the landlord is, what actions can I take, as landlord, if the tenants know about

t and won't replace it? — Travis

Dear Landlord Travis: This question comes down in part to your lease. Is the responsibility for a working smoke detector clearly defined as the tenants' responsibility? My lease indicates the tenant is responsible for smoke detector batteries and, if the detector is not working, for notifying the landlord.

If smoke-detector responsibility is not addressed in the lease, then, in my opinion, you can't blame the tenant for its functionality. If tenants are responsible for batteries and it is a dead detector, then I as the landlord would buy new ones and install them.

If the lease states the smoke detectors are clearly the tenants' responsibility, I would talk to them and then put a sevenday notice on non-compliance on their door, since they are in default on the lease and could be evicted.

This is a serious issue for the health and safety of your tenants, not to mention that your property could be at serious risk of fire with no warning. Move quickly on this — it seems a small issue but it could be life-threatening.

Hank Rossi started in real estate helping in the family rental maintenance business, then got into the rental business on his own. Later, he 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.



Education Session #1 | 9:30 AM



Hustle, Work Smarter & Other Top Habits of Leasing Superstars

Leads are filling up the inbox and the phone is ringing with interested renters and others are setting online appointments. The demand is high so should our response be to meet the inquiries for the lifestyle and benefits of apartment living. Let's step up our sales game, hustle harder and work smarter to achieve increased results. Amy will share the latest insight on customer connection, need focus and the ideal techniques that will excel your leasing success



The Psychology of Customer Service

Why do so many people in customer service, who know better, choose to say and/or do things that make everyone else wonder, 'What were you thinking??'" Or why do good-intentioned people, who want to provide great customer service experiences, fail to say or do the things that their customers want them to say or do? In this session you'll discover what prevents customer service professionals from giving their customers what they really want and how to oreak through those barriers to create amazing customer service experiences.



Electrical Fundamentals (Begins @ 9 AM - 3 HR Class)

HD Supply - Joe Ferguson

This three-hour class is an introduction to and overview of electricity, how it works, and how it is measured (voltage, amperage, watts, and resistance). Ohm's law and its applications will assist in defining and understanding troubleshooting components.



Current Issues in Fair Housing

Fair Housing can be a difficult maze to navigate, with expensive penalties for doing it wrong. Learn about the most pressing Fair Housing issues that are impacting Utah Rental Owners and Managers.

New Laws for Property Managers

Learn the newest laws passed by the 2020, 2021 and 2022 legislature and discuss what laws may be on the agenda at the next legislative session. Also discuss federal and local laws that are evolving and how they impact your operations.

Education Session #2 | 10:45 AM

Be a Coach Not the Boss

Amy K. Dilisio

Today's teams do not want to be "bossed around" but rather prefer to be coached with clear expectations, fair performance management and frequent customized communication from their coach. Learn from the ultimate coach's playbook to increase team member's accountability and ownership to exceed goals every time!



The Powerful B's of a Powerful Team

Rommel Anacan

If you lead a team today you want them performing at their highest potential don't you? But how often do you find that your team seems to stuck in a low gear, neutral, or even worse, in reverse? In this dynamic program you'll discover not only the three B's of developing a high-performance team, but specific action items on how to implement the power of the "The B's" to work for you.



Mental health issues and keeping people housed can be a difficult challenge. Ensure your compliance with Fair Housing Law, even in the trickiest of situations, i.e. Hoarding! The session will review Fair Housing requirements and mental health philosophies from a Fair Housing and a Mental Health expert. Take advantage of the opportunity for consultation on your personal scenarios and real-life events.



RIMENTOR

Evictions

Jeremy Shorts, Esq.

Utah State law sets up the eviction process, abandoned premises, abandoned property rules and more. Learn everything you need to know about these important parts of the



Disabled Tenants in Your Rental **Property**

As a property manager it is fundamental that you understand the laws pertaining to disability and accessibility for prospective disabled tenants.

Researching and studying actual accessibility law should be a priority to prepare and protect yourself.

The Fair Housing Act and the Fair Housing Amendments Act make it unlawful to reject a prospective tenant because of their disability as you know. However it also prohibits asking a prospective disabled tenant about whether they are disabled and about the nature of their disability,

While such questions are unlawful, the law allows for clarifying whether a prospective tenant qualifies for demanding a rental unit designed for disabled tenants only, or for a unit designed to accommodate certain disabilities in particular.

Accommodations are a core element to accessibility law. The law states that disabled tenants may request reasonable accommodations to be provided, added or allowed for them to use and access their living space and common areas within the property.

DISABLED TENANTS REQUEST FOR ACCOMMODATION SHOULD BE REASONABLE

The nature of the accommodation requested should exhibit a reasonable relationship to the disability. Such reasonable requests include allowing a service animal to live on the property or a designated parking space. To handle requests properly, it is fundamental to have an open discussion with a tenant regarding their needs.

Deciding what represents a "reasonable" request can be challenging considering that it can vary from case to case and property to property: the US Department of Housing Development requires a "interactive process" for reaching a reasonable compromise between a tenant and property manager/landlord/owner, generally justifying the rejection of demands for certain accommodations only when they represent an "undue" financial burden. If you have questions, please feel free to contact the UAA or your attorney.

ACCESSIBILITY THROUGH PROPERTY MODIFICATIONS

Requesting or making changes to a property fall into the category of "reasonable" requests that may or may not be granted. Before any modifications can be made, they must be approved by a property manager/landlord/owner in charge, who can ask the tenant to provide information regarding how proposed changes are necessary and/or ideal

Municipal laws can also apply to residential requirements, and should be considered when handling a request for building modifications. You should insist that all changes follow the appropriate city code.

WHY YOU SHOULD INVEST IN ACCESSIBLE MODIFICATIONS

Generally, unless a property is considered to be federally assisted housing, disabled tenants are expected to arrange and pay for necessary modifications to the property. This being said, the following 15 tips have been provided to make residential units safe and accessible for prospective tenants who are disabled or who have particular needs pertaining to mobility and access.

These changes can be significantly beneficial. It can make a rental property particularly appealing for tenants who value living in an accessible and safe space.

Considering that disability law is more lax and challenging to apply uniformly for residential spaces, disabled tenants will likely also value their ability to find a welcoming space that they can trust to accommodate their needs, often becoming long-term tenants.

Finally, addressing accessibility improvements to a property in a proactive manner makes it possible to avoid being unprepared when a prospective disabled tenant makes requests down the road.

15 Maintenance Tips for Making a Property Safe and Accessible for **Disabled Tenants**

- tiling and/or any kind of uneven, damaged pavement.
- 2. Pave all walkways and driveways to render them regular and obstacle-free.
- 3. Enlarge all doorways on both interior and exteriors to at least 36
- 4. Consider installing automatic systems allowing remote opening of doorways, garages and gates
- 5. Install ramps on all multileveled access points; our experts encourage having a qualified urban planning professional inspect the property and recommend adequate placement of ramps
- 6. Replace door knobs with accessible flat handles
- 7. Install non-slip flooring in bathrooms, kitchens, exterior walkways and any other surface that is likely to become slippery when wet
- 8. Install grab bars in the bathroom, ensuring that they are placed at the correct height and that can support the weight of an average adult
- 9. Consider installing particular accessible fixtures such as toilets and showers - or begin by lowering toilets and lavatories.
 - 10. Accessible faucets are ideally switched on by motion sensors
- 11. Light switches should be lowered to be accessible for wheelchair users, or substituted for a motion-sensing lighting system
- 12. Mailboxes should be lowered or substituted for accessible models
- 13. If the unit is furnished, furniture arrangements should allow enough clearance for users of assistive devices to travel around comfortably
- 14. Consider implementing Smart technology home system; Smart tech automates several in-home, everyday tasks, which renders them accessible. Additionally, Smart tech is generally a worthy investment as it is a unique and practical asset for most tenants - regardless of ability.
- 15. Upgrade to a side-by-side refrigerator: especially if your property is due for replacing outdated appliances - which is a beneficial investment considering that most newer appliance models featue energy-saving features - side-to-side refrigerators are ideal as they allow easy access to both refrigerating and freezing compartments.



Publisher/General Manager

John Triplett

Editor-in-Chief

Linda Wienandt

Associate Editor

Diane Porter

Vice President/Sales

Terry Hokenson

Accounting Manager Patricia Schluter

4500 S. Lakeshore Drive, Suite 300 Tempe, AZ 85282

info@rentalhousingjournal.com

(480) 720-4385 - ad sales

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Education Session #3 | 2:15 PM

Bridge the Gap to Unite the Office & Maintenance The ideal teamwork scenario is people coming together using their individual skills,

ideas and support to achieve a common goal. Why is this shared vision and cooperation so difficult to achieve with the office and maintenance team? Discover solutions to this common onsite challenge along with proven ideas to succeed together.

Stop Selling - Start Attracting!

Rommel Anacan

Amy K. Dilisio

Get an inside look at the heart and mind of your customers. You'll discover what they want from you, what they don't want from you, what attracts them to what you're selling and what makes them want to run away. Want to know how to help your customer "fall in love" with what you're selling? This session will show you!



This three hour class will cover proper maintenance of furnaces & air conditioners and what is necessary to keep them running smoothly. Trouble shooting common issues and repairs will allow you to complete service requests and repairs more efficiently.

Assistance Animals Verification Procedures

Complaints about assistance animals are the number one issue in Fair Housing. Learn the verification process to reduce fraud and make sure the legitimately disabled receive accommodations

Accessing Grant Money for Charging Stations

There is \$3 million in green energy grant money available to help you put in electric charging stations in rentals and HOA's. Learn from experts Utah Clean Energy about what kind of grants are available and how to access them.

Education Session #4 | 3:30 PM

Crazy Busy vs. Productive: A Plan to be Effective

Amy K. Dilisio

Learn to see the service department as an integral and essential entity that can complement the other operational units of your property. This class with take a holistic approach and teach you how to interact, communicate and partner with the entire team (management, leasing, accounting, development, etc.).

Throwing Shade: The Secrets of Dealing with Difficult People Rommel Anacan

We are wired for connection. We are designed to want relationships with people and to need people. Yet if we're honest the biggest cause of stress, anger and frustration in our lives are often caused by people! So, the very thing we need, want and desire is the very thing that drives us crazy! In this session you'll discover how to effectively deal with the difficult people in your life in ways that build connection and trust, and without making any situation even worse.

Bed Bugs & Other Pest Management Kevin Thorn - Thorn Pest Solutions

PEST SOLUTIONS

Most tenants are nervous of the repercussions of reporting pest issues and often self treat which can make issues worse. Root causes must be found or issues will persist and spread. Come learn about research trends and new technologies for monitoring. You will also learn about the different elements of and how to build a pest control

Current Issues in Fair Housing

Fair Housing can be a difficult maze to navigate, with expensive penalties for doing it wrong. Learn about the most pressing Fair Housing issues that are impacting Utah Rental Owners and Managers.



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How to Use an End-of-Term Notice

It happens all the time. You get a phone call from your tenant saying that they just got a job offer in another state, or that they are buying a house, or that they need to movie for whatever reason. All that matters is that they give you the proper amount of notice. They don't have to tell you why they are moving or give you any reason whatsoever. And you have the exact same rights that they do! Once the lease expires, neither party has any obligation to continue or to sign a new lease.

So, if you have a tenant who is not necessarily breaking the lease, not necessarily breaking the law, but is causing problems for you, your neighborhood, or your other tenants then you should give them a notice that you are not going to be renewing their lease.

TIMING IS KEY

Under Utah law rental arrangements may only be terminated by one of the parties (landlord or tenant) as laid out in the agreement. If the agreement doesn't say anything, then either party must give at least 15 days' notice before the contract renews itself. If that doesn't happen the arrangement will continue under the current terms and conditions on a month to month basis.

However, just because you gave your tenants a 15 day notice doesn't mean that they have to move out 15 days later, it means that whatever month that last day is in is the last month that the contract will be valid. So if you give a 15 day notice to a tenant on



the 10th of the month then they will have to leave at the end of the month, however if you give it to them on the 17th, then they will have until the end of the next month. (By the way, the same thing applies to tenants, if their notice period goes into the next month, then they may be responsible for rent for the whole next month's rent.)

FAIR HOUSING COMPLICATIONS

You do not have to give a reason for why you are choosing to not renew a contract. However, you'd better have a good reason because if the reason you chose not to renew their lease is viewed as discriminatory towards your tenants, then you can be charged with violating the Fair Housing Act. Timing is important for this too. For example, imagine you find out that a tenant has an unauthorized pet in the apartment. If you

serve them a Three Day Notice to Preform Covenants of the lease, and then they come to you with the necessary paperwork to have the animal accepted as a valid Assistance Animal for their Disability you then have to accept the animal. And if you then proceed to give them a non-renewal notice it will almost be certainly seen as illegal retaliation and discrimination by the courts. However, if you had served them an End of Term Notice along with the Three Day Notice up front then you would be totally fine.

YOU CAN SERVE THE NOTICE ANY

When you realize that you don't want to continue your business relationship with the tenant you can tell them at any time. In fact, the day after they sign a two year lease you

can give them a note that in two years from now you will not keep renting to them.

Of course there are reasons why you might not want to tell the tenants right now that you won't keep renting to them. Often it is advisable that if you are going to be giving a 15 day notice, that you wait until they have paid the rent for that month to give them the notice that it is their last month in order to prevent possible complications. However, in general the best advice is to give the tenants a notice as soon as they cause a problem, and a large number of landlords are beginning to give non-renewal notices with all of their 3 Day violations as an added layer of legal protection, no matter how much time is left on the lease.

Don't go overboard

Occasionally I hear from landlords that they prefer to have month to month agreements instead of long term leases (like for one year) because they have more flexibility to end the relationship if the tenant is a problem. They misunderstand the nature of rental contracts. If the tenant is not being a problem, and will move when asked, then a month to month notice would be effective. But a tenant who is a problem tenant and won't move on their own will still have to be evicted if they refuse to leave because you gave them an End of Term Notice. In addition, if a tenant is a problem, Utah Law generally allows landlords to evict them quicker under a "cause" eviction than just giving them notice to end their tenancy.

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Take Steps to Avoid Familial Status Bias

Continued from Page 1

discrimination applies to your tenants:

- 1. The FHA protects families with children even if the children aren't living with their biological parents. Children may live with a biological parent, stepparent, foster parent, grandparent, or any other adult who has legal custody of them. In addition, if a child is living with someone whom a parent or legal custodian has designated in writing, then such a household is also protected against familial status discrimination.
- 2. The marital status of adult tenants is irrelevant. As far as familial status protection is concerned under the FHA, it makes no difference if the adult members of the family are married, divorced, single, widowed, or separated. So, for example, a single father with one child is protected just as much as a married couple with three children.
- 3. Children must be under 18 years old. The FHA doesn't simply protect people who happen to be living with their children. For familial status protection to apply, the law requires that there be at least one person in a household under 18 years old. So, for example, a couple who's looking to rent an apartment with their 18-year-old son isn't protected (even if the son is still a high school student). Similarly, a couple who starts renting an apartment with a child when he's 17 years old will lose familial status protection on the child's 18th birthday.
- 4. Children don't have to be part of a household yet. Tenants are also protected against familial status discrimination if they're expecting a child to become part of their household. So, landlords can't discriminate against tenants because they're pregnant or in the process of adopting a child.

It is fair to have reasonable limits on the number of people that can live in a rental home. However, when it comes to families with children you have to be reasonable, and the Department of Housing and Urban Development (HUD) has ruled that usually means allowing two people per bedroom, with one additional person in the rest of the unit. So in a two bedroom apartment you should allow a family of up to five people to live there, and in a one bedroom you should allow a family of three. (Again, this applies to families—unrelated individuals can have a different occupancy standard). Recently a large number of apartments nationwide have been taken to court for not using this

This standard is especially important when it comes to a small apartment and tenants who are pregnant or who have a newborn. Refusing to rent to such tenants (or making them move) is the most common violation of this rule, and will always get you in trouble. As far as a judge is concerned the amount of space and the additional wear and tear on a unit caused by a newborn is so negligible that if you were to force them to move to comply with a "two people per bedroom" occupancy standard it would be almost impossible to justify that in court.

Two other common problems with familial status discrimination involve steering and rules. Steering occurs when managers discourage a household with kids from renting upper floor units or in areas they want to have adults (like near the swimming pool). Don't do this, you'd be asking for a \$10,000 fine. When setting rules, you should make sure they don't have disproportionately negative effects on families. For instance, a rule that the swimming pool has "adult swim hours" when families can't go is discriminatory. Requiring adult supervision on a playground may also be discriminatory.

NOTE: For health and safety reasons it may be ok to set some rules for things like pools, but consult an attorney before setting any such rules.

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 "powerthrough-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, vou 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 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
- 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 applications 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

See 'Yes' on Page 11



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Yes, You Too Can be a Successful, Lazy Landlord

Continued from Page 10

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.

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

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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