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MAY 2022

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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

Installing & Maintaining Carbon Monoxide Detectors

By Paul Smith Utah Apartment Association

Carbon monoxide (CO) detectors are required in new construction. But older units need them too!

In 2009 the Utah State Legislature passed a law which enables cities to require the occupant of a building to install and maintain a Carbon Monoxide detector in a residential unit built before the codes required them. Putting this responsibility on the person who is actually occupying the property makes sense since it is their life at stake and they have the day to day ability to monitor and maintain the detector. In addition, many of the issues that create CO in the home

See 'Installing' on Page 6



ECRWSS POSTAL CUSTOMER

How Do the Fees, Rents and Deposits in the UAA Lease Work?

UTAH APARTMENT ASSOCIATION

The UAA staff is frequently asked how the different fees in the UAA lease work. Here are some guidelines that might be helpful to you as you decide what to charge. Please keep in mind that the UAA cannot and will not tell you how much to charge - that is up to you to decide. However, we can give you some ideas of what most people charge or the process used most frequently to calculate these charges.

MONTHLY RENT

The amount that you charge each month for rent. You should set after studying current market conditions, the nature, quality and location of your property, and your investment goals in the property.

PRO-RATA RENT

If somebody moves in sometime during the middle of the month, standard business practice is to only charge them a pro-rated amount for the rest of the month. Thus, if rent is \$1,000 a month, and they move on the 16th, usually landlords would put a pro-rated amount of $14/30 \times $1000 = 467 (depending on how many days there are in the month).



LATE FEE

Usually people charge one flat late fee. Daily late fees can have some legal problems and are statistically ineffective in getting tenants to pay on time. Usually you shouldn't exceed 10% of the monthly rent as a late fee,

so most people just put 10% and call it good.

MONTH-TO-MONTH FEE

The lease is set up so that when the term expires it automatically renews each month. Usually this is a less than desirable situation

See 'How' on Page 5

Why Screening Must Be Nationwide



By David Pickron

For the first 100 years of being a country, the United States was comprised of small, rural family or ethnic groups that thrived upon sharing resources to support their entire communities.

Over the last 100 years of our history and with the massive population growth in our major cities, many of us have become strangers to even our closest neighbors. Being

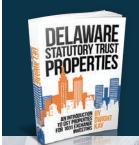
a landlord today requires so much more than in the past.

Gone are the days of knowing most of the people in our communities and getting referrals from those same people – trusted friends or family – to fill our properties. In the past a person's actions might be known town-wide, but now people can live and move anonymously within our neighborhoods. How does that affect

See 'Screening' on Page 8



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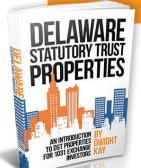


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ABOUT KAY PROPERTIES AND WWW.KPI1031.COM

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.

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therefore you should consult your tax or legal professional for details regarding your situation. There are material risks associated with investing in real estate securities including illiquidity, vacancies, general market conditions and competition, lack of operating history, interest rate risks, general risks of owning/operating commercial and multifamily properties, financing risks, potential adverse tax consequences, general economic risks, development risks and long hold periods. There is a risk of loss of the entire investment principal. Past performance is not a guarantee of future results. Potential cash flow, potential returns and potential appreciation are not guaranteed.

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Kay Properties Publishes New Issue of the "1031 DST Digest," a Magazine Written for Investors Who Want to Educate Themselves on the 1031 Exchange Process and Delaware Statutory Trust (DST) Investment Vehicle

The 96-page glossy magazine dissects pres-

ent-day investment themes and explores

investment strategies for today's 1031 Ex-

change and DST real estate investor.

Kay Properties & Investments, a national leader in Delaware Statutory Trust equity placements and in educating DST investors nationwide, announced it recently published its exclusive 1031 DST Digest maga-

zine, a publication designed exclusively for 1031 Exchange and Delaware Statutory Trust investment strategies and education.

According to Dwight Kay, Founder/ CEO of Kay Properties and editor of the magazine, the 1031 DST Digest was designed to help educate inves-

tors on the DST 1031 Exchange marketplace, while also answering specific questions his firm's team of expert representatives hear from investors daily.

"Inside this accessible magazine, readers will find out what makes Delaware Statutory Trust 1031 investments so popular, how to build a defensive DST real estate portfolio, and how DSTs help investors replace debt in a 1031 Exchange. The magazine is offered free of charge as part of our commitment to providing educational resources to 1031 exchange DST investors nationwide. Request your complimentary copy today and in addition to a print version delivered to your doorstep,

you'll also receive instant access to an electronic version of the magazine." said Kay.

People can receive a copy of the limited-edition periodical by going to

https://www.1031dstdigest.com.

"The intent of the 1031 DST Digest magazine is to help educate existing and potential clients about DST 1031 properties, the potential benefits and risks of DST investments and whether they might be a right fit for investors considering a 1031 exchange," said Kay.

Specifically, the Kay Properties "1031 DST Digest" will cover topics like .

- How 1031 Exchanges into Delaware Statutory Trust Investments
 Can Unlock More Quality Time for Investors
- Why Now Might be a Good Time to Sell the Income Property you Love
- What Real Estate and DST Investment Opportunities Should be Considered after the Pandemic recedes?

View the newest issue of the 1031 DST Digest now.

Chair's Message

Nominations Open for 2022 Topaz Awards



BRAD RANDALL
Chair,
Utah Apartment Association

Every year, the UAA Topaz Awards honor the best in our industry. In May we begin soliciting nominations for the following award categories:

INDIVIDUAL AWARDS:

- Regional Manager
- Property Manager of the Year Over 250 Units
- Property Manager of the Year 150-250 Units
- Property Manager of the Year Under 150 Units
- Assistant Manager of the Year
- Leasing Agent of the Year
- Maintenance Supervisor of the Year
- Maintenance Technician of the Year
- Independent Rental Owner of the Year
- Rookie of the Year

PROPERTY AWARDS:

• Property of Excellence Northern Utah

- Property of Excellence Salt Lake County
- Property of Excellence Southern/Central Utah
- Outstanding Senior Property
- 100% Section 42 Property of the Year
- Mixed Section 42 Property of the Year
- Development of the Year
- Overall Renovation of the Year
- Best Landscaping
- Best Leasing Office or Clubhouse
- Best Model
- Best Website
- Outstanding On-Site Team
- Single Family Management Co. of the Year

ASSOCIATE MEMBER AWARDS:

- Outstanding Customer Service
- Supplier of the Year
- Service Provider of the Year
- Industry Partner of the Year

ABOUT THE AWARDS

We invite you to nominate individuals, properties and companies you think deserve to be honored. The process culminates in a large Topaz Awards Banquet in November where hundreds of people come together to celebrate the best in our industry.

There will be a charge for each nomination to cover the

costs for judging. The nomination process will go as follows:

STEP ONE: SOLICITATION AND COLLECTION.

There will be a nomination fee for all nominations. Every category would have publicly disclosed criteria and the nominee questionnaires, the criteria/checklists shoppers use and the questions interviewees would be asked are all available in advance.

STEP TWO: NOMINEE FORMS. All nominees would fill out a questionnaire explaining why they should win. Each award has specific criteria based questions for the nominee to answer

STEP THREE: WINNOWING. Each category would be winnowed down to 10 finalists. These finalists will be listed in advance with the banquet dinner marketing and the winner will be chosen from this group.

STEP FOUR: JUDGING. For every category, an independent shopper or judges will be hired to evaluate based on the listed criteria. Winners will be selected based on criteria available in advance. Thousands of staff and volunteer hours will be involved, and the best in our industry will be honored. It's one of my favorite things we do as an association.

We would like to invite you to nominate individuals, companies and properties that you feel are deserving of recognition. For more information go to www.topazawards. com or email events@uaahq.org.

Ask the Attorney

Requalifying Tenants Upon Renewal

By The Law Office of Kirk A. Cullimore

Landlords implement a significant and arduous process to make sure that the prospective tenant is a person that truly qualifies. Applications have significant and detailed information that assist in determining the prospective tenant's financial status, past rental history, and connections to the community. Credit checks, criminal background checks, and verification of references are all an integral part of making the determination to accept a prospective tenant.

Often, that is the end of the landlord's review of a tenant. When the initial lease term expires, the renewal is generally based

upon only a casual overview of the tenant's interactions with management while a tenant. Did they pay rent on time? Have they caused any problems? If the answers are positive, then the tenant is renewed.

A majority of tenants will not have the same job one year later. Many will have changed banks, have different emergency contacts, and new credit cards. The more information that can be kept current on a tenant increases the ability to make good decisions on management and operations. Additionally, collection on past tenants relies heavily upon good and current information.

Our suggestion is that a "miniapplication" or a "renewal application" should be used prior to renewing a lease on any tenant. It should not be an "update" of the old application but require that the tenant fill out a new application. The application upon renewal should include the representations from the tenant regarding their activities since the original application regarding bankruptcy, criminal activity of all occupants and residents, job status, condition of the premises, etc.

The new lease and the application should help to "reset" the landlord's position with the tenant. It often includes a different amount of monthly rent, and may include a deposit increase. It should alleviate and resolve any claims of the tenant. Use the most current form and most current lease to give the greatest protection. Make sure

to redo all addendums, pet agreements, and other agreements and additions that were originally with the lease. Also evaluate the condition of the property and ensure that the tenant pays for any damage beyond normal wear and tear that has occurred.

By following this procedure you can ensure that your property and your tenants are protected and that your process is professional and streamlined.

Law Office of Kirk Cullimore 12339 S. 800 E., Suite 100 Draper, UT 84020 Phone: 801-571-6611 Fax: 801-571-4888 info@cullimore.net www.cullimorelaw.com



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

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Director's Message

Handling Hoarders



dangerous mess.

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

How many of you have had a tenant who was messy? Who just had trouble keeping the property clean? Now imagine somebody who not only has a hard time keeping the property clean, but who becomes a full blown hoarder – somebody who is unable to throw away even the most useless items and starts to collect them into an increasingly large and

You have to be tactful and sensitive when dealing with a tenant who is a hoarder. So what should you do to prevent or handle a tenant who has become a problem? Here are a few things to keep in mind.

1.BE MINDFUL OF THE DANGERS TO YOUR OTHER TENANTS AND PROPERTY NEIGHBORS

Hoarding creates pest control, smell and fire hazard issues that impact surrounding properties. It is explicitly prohibited in residential properties by most county Health Departments, and thus not only against the lease but against the law.

2. Do inspections regularly

"An ounce of prevention is worth a pound of cure" the old saying goes. Make sure to inspect your properties on a timely basis (usually the industry standard is to do a cursory inspection at least quarterly, with more through inspections on an annual basis). It is important to catch potential hoarders well before the issue mushrooms into dangerous conditions.

3. DOCUMENT WHAT YOU FIND

Once an inspection has found that the tenant has become a hoarder, it is important that you document the extent of the problem. Photos and videos are ideal, as are independent third parties (such as individuals from professional cleaning or moving companies). Communicate with the tenant regarding the extent of the problem, and document their response when you notify them that they are breaking the lease and the law by hoarding.

4. SUGGEST HELP

There are charitable and government organizations that are looking for service opportunities, as well as professional moving companies that can help the tenant. Often if they are hoarders they have a hard time letting go of stuff, so finding a storage unit might be an option that will alleviate their anxiety while ensuring that the property is in good condition. And if

the tenant requires professional mental health treatment for their hoarding issues, there are organizations that can assist them with that.

5. PROCEED WITH THE EVICTION PROCESS

Give the tenant a "Three Day Notice to Comply with Covenants of the Lease" notifying them that they are in violation because of their hoarding. Rarely will they be able to completely clean the property within that time period, but unless they begin to make significant progress, it is time to go to court.

6. BE CAREFUL AND RESPECTFUL

Hoarding has been officially recognized by the American Psychiatric Association as a diagnosable mental disorder. Therefore people who have been diagnosed do receive some disability protection under the Fair Housing Act, and you should offer to make a reasonable accommodation to negotiating a cleaning and inspection plan that will enable them to come into compliance with the lease in a timely manner. And as always, when dealing with a potentially expensive Fair Housing matter, it is worth consulting with your legal counsel before going to court.

If you have any questions about hoarding or any other issue, please feel free to contact the UAA staff at 801-487-5619 or info@uaahq.org.-

How Fees, Rents and Deposits Work

Continued from Page 1

for a landlord because the tenant can leave at any time. This fee kicks in when the lease goes month to month and is on top of the regular rent. It is designed to give the tenant an incentive to sign a new long term lease. It also can soften the blow of a rent increase, since any rental increase is usually less than the month-to-month fee they would be paying anyway.

SERVICE OF NOTICE

If you have to drive over and serve a notice to the tenant, then you can charge your costs. If that is \$5 to walk across the street, then that is what you charge. If it is \$75 to take time off work and drive to another county, then that is what you charge.

EVICTION TURNOVER FEE

You can charge tenants for your legal costs during an eviction (court costs, attorney's fees, etc.), and you can charge them for your damages (unpaid rent, etc.) but the law does not automatically allow for you to charge for your time and effort in the eviction process (which can be significant). This fee is how much you charge them for your time and effort if you have to evict them.

REFUNDABLE SECURITY DEPOSIT

This is the amount you require up front from the tenant to ensure your security. It is 100% refundable, and the tenant gets it all back if they leave the place in the same condition they got it (minus "regular wear and tear")

Non-Refundable Lease Initiation

They courts now are saying that there is no such thing as a "non-refundable deposit" since by definition all deposits are refundable. Therefore whatever you used to charge as a non-refundable deposit, you now charge as a non-refundable "fee". This can be any kind of fee (cleaning fee, moving fee, rekey fee, etc.) We call it a "lease initiation fee" to ensure that the tenant doesn't misconstrue the nature of the fee and their responsibility.



UTAH APARTMENT ASSOCIATION

Join us! Wednesday, June 29th, 2022 for a

FUN BU\$ General Membership Meeting

On the way to Wendover you'll hear from guest speakers who will be teaching you about the recent law changes surrounding late fees, 3 day notices and fee disclosure notices. On the way back, we'll have a legal seminar on a variety of current topics.

\$35 ticket includes: Top Notch Education, Games & Prizes on the bus, \$5 Lucky Buck, \$10 Voucher for food, Free Drink and \$20 Free Play at the Casino.

Register Now: www.uaahq.org/events

The bus will depart the Utah Apartment Association office (230 W Towne Ridge Pkwy Sandy, UT 84070) at **Noon on June 29th** and will travel to Montego Bay. The bus will **return** our guests back to the pick up spot at our office **by about 10:00 PM** that evening.

Questions? Call 801-487-5619 or email stephanie@uaahq.org.

Register Now:
www.uaahq.org/events





Installing & Maintaining **Carbon Monoxide Detectors**

Continued from Page 1

are caused by the occupant. For instance, bringing propane stoves indoors, altering furnaces or water heaters etc. These are all bad ideas and tenants should be educated and encourage to not do them and to maintain an operable CO detector to protect them from all sources of CO poisoning. I remember a case about 10 years ago where a roofer covered a furnace vent with a box of nails and 3 occupants died. While cases like that are rare, CO poisoning from any cause can be deadly.

Carbon monoxide is a colorless, odorless, tasteless, non-irritating gas found in both indoor and outdoor air. It is formed when carbon-based fuel (e.g., gasoline, oil, wood, coal, etc.) is not burned completely in engines, natural gas furnaces and water heaters, indoor wood stoves, kerosene space heaters, open fires, and smoldering coals.

Carbon monoxide attaches to the hemoglobin in red blood cells and prevents those cells from carrying oxygen. The more CO that enters the bloodstream, the less able the blood is to carry oxygen to the body.

In high amounts, CO can limit the human body's ability to carry oxygen in the blood stream to vital organs, which can be fatal. Carbon Monoxide should not be confused with Carbon Dioxide (or CO2), which is a normal part of respiration.

While there are few Carbon Monoxide deaths in Utah, and the state health department reports the number is falling, this is a preventable tragedy. Knowing how to install, maintain, and encourage your tenants to take seriously their responsibility to keep detectors functional, can go a long way to reducing tragedies.

INSTALLATION

CO does not rise, like heated air does, and so can be found at all elevations in rental homes. One option for CO detectors is plug in devices, but the UAA does not recommend these, as they are easily removed or disabled. We recommend dual smoke/CO detectors mounted on the ceiling, because they are more permanent and harder to remove. Modern codes require hard wired CO detectors, and these are a good idea if installation is feasible.



MAINTENANCE

CPO

June 15 & 16, 2022

9 AM to 4 PM

(must attend both days)

\$250

More Info: 801-487-5619 OR info@uaahq.org

CO detectors mounted on the ceiling can be disabled and often are, especially dual ones, when smoke alarms go off. Landlords should regularly remind tenants of the usefulness of these devices, and check that they are operating and still installed, on a regular basis.

The Utah Apartment Association strongly encourages landlords to make sure every rental unit has an operable CO detector and to educate your tenants in order to help them protect themselves and their families. As noted above, this approach has helped to decrease the number of deaths and incidents

of Carbon Monoxide poisonings in the state. **Rent Growth Continues** in April

RENTAL HOUSING JOURNAL

National rents continued upward with a national index increase of 0.9 percent over the course of April, according to the latest report from Apartment List.

While rents are growing more slowly than they did in 2021 at this point in the year, they are still growing faster than in the years immediately preceding the pandemic.

In April, rents were up in 93 of the 100 largest cities. Year-over-year rent growth currently stands at a staggering 16.3 percent, but most of that growth took place last spring and summer.

"Over the first four months of 2022, rents have increased by a total of just 2.5 percent, though we're only beginning to enter the busy season for the rental market, when the bulk of annual rent growth typically occurs," according to the Apartment List Research

"Even if prices don't rise as rapidly as they did in 2021, it's likely that this year will continue to bring rent growth in excess of the pre-pandemic trend," the report says.

"As we've explored in detail, much of the 2021 rent boom was attributed to a tight market in which more households were competing for fewer vacant units.

"Our vacancy index spiked above 7 percent at the onset of the pandemic in 2020. as many Americans moved in with family or friends amid the uncertainty and economic disruption of the pandemic's onset. After that, however, vacancies began a steady decline, eventually falling below 4 percent," the report says.

After bottoming out at 3.8 percent last August, "Our vacancy index slowly ticked back up for seven consecutive months, until dipping slightly this month. Our index fell from 4.7 percent in March to 4.6 percent in

"We should be hesitant to put too much stock into a single data point, but it's possible that as we enter the traditional busy season for the rental market, the gradual easing of our vacancy index may begin to level off. The vacancy situation remains historically tight, and even if it were to continue gradually easing, it will likely be some time before we get back to the pre-pandemic norm."



State law requires that persons who service public pools by maintaining the cleanliness, water quality, and chemical balances be certified by an approved training provider. Successful completion of this 2 day CPO course and passing the exam fulfills the state requirements.

Held at UAA Office:

230 W Towne Ridge Pkwy **Sandy, UT 84070**

Register: www.uaahq.org/cpo

Register by June

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MON - FRI: 7 AM - 7 PM • SAT: 7 AM - 6 PM • SUN: 9 AM - 5 PM

Screening Must Include Nationwide Checks

Continued from Page 1

you as a property owner? And how does that affect your ability to operate "successful, lazy landlord," a concept I teach and live by? I'll tell you; it affects both dramatically.

A disclaimer before you read too far: I'm not advising you to never rent to any individual with a criminal history. I am advising you to utilize criminal history checks as just another tool in your landlord

CRIMINAL HISTORIES

When it comes to understanding criminal behavior, we have to rely on the criminal statistics to give us a true and accurate look at our current situation. Recidivism, the tendency of a convicted criminal to reoffend, and the rates of reoffending are a powerful indicator for you as a landlord as you analyze a potential tenant. The Bureau of Justice recently released the results of a 10-year study of individuals who were released from prison in 2008. This is what they found:

- 66 percent of prisoners released across 24 states in 2008 were arrested within three years.
- 82 percent were arrested within 10
- Of those that were arrested within 10 years, 47 percent were arrested for offenses involving property and another 47 percent for drug-related offenses.
- The average inmate committed nine crimes before they were sentenced.

Based on just this data, what risks are you willing to take? Though this is federal data, state recidivism rates closely mirror them.

A COUNTRY ON THE MOVE

The moving industry reports that more



than 15 million American households move annually, with an average of three people per household: great news for us as housing providers. That equates to 45 million people a year calling somewhere new "home." More than three million of those moves are considered interstate, meaning they are leaving one state for another.

What that means for you as a landlord is that a "current state only" search of any history, criminal or otherwise, for your applicant is likely insufficient. Specific to criminal, 16 percent of those who were arrested within 10 years of release from prison were arrested in a state other than the one they were convicted in.

Would you as a landlord be happy with a one in six chance for anything, but especially when searching an applicant's criminal history?

One reason individuals with a criminal history move is to get away from their communities, especially in small towns. For better or worse, it's hard to escape the stigma of being the town drunk when the whole town knows your history. Also, individuals with criminal histories often move to states that have less stringent research and reporting laws, seeking asylum where their history can't even be reported to you as a landlord, leaving you feeling handcuffed in managing your property.

And finally, 33 percent of the individuals released from prison could not find active employment within the first three years of their release. These factors combined with the transient nature of our country indicate that including a nationwide check shouldn't just be an option, it should be a necessity for successful landlords.

APPLYING CONSISTENT CRITERIA

What kind of criteria do you have when it come to an applicant's criminal history?

If you don't have one, I'd encourage you to visit with your attorney to determine what is fair and legal in your state when it comes to criminal background research and use in

We have a sample criteria you can request

applicant.

A question I get often is "Is it okay to have property-specific criteria?" Not only is it OK, but I would also encourage you to make this a key part of your practice. Your portfolio may contain properties of varying locations, values, and restrictions, and each of these will affect how you manage the property.

For example, you may have a property that qualifies as low-income housing. Would the criteria you use for a tenant there differ from the criteria you might have in place for a property in an age-restricted community?

Of course it would. What doesn't differ is your enforcement of whatever criteria you use for each specific property. Consistency is king whether you are considering criminal, credit, or eviction history.

As much as we might like a return to the old days where agreements were sealed with a handshake, our future is much different.

Knowing criminal histories, seeing moving patterns, and using consistent criteria make us better landlords and more profitable investors. This is why it is so important to include a nationwide criminal history check on every tenant from whom you receive an application.

David Pickron is president of Rent Perfect, a private investigator, and fellow landlord who manages several shortand long-term rentals. Subscribe to his weekly Rent Perfect Podcast to stay up to date on the latest industry news and for expert tips on how to manage your

Credit Criminal Background at info@rentperfect.com. If you do have criteria, make sure you are applying it Eviction History fairly and equally across the board for each properties. Lease Renters Insurance Can a Landlord Prohibit re-inlout Inspection Portable Washer/Dryers?

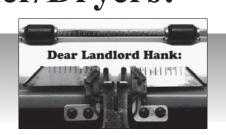
Dear Landlord Hank: A lot of our renters are using small washers and dryers in their unit. Can we put a stop to it and how many people per unit?— John

Dear Landlord John: You had two

1. How many people per unit?

Normally the lease will detail who is renting (adults) and other occupants (children) and a clause about guests (how long they can stay without written permission). The general rule of thumb is maximum occupancy is two people per bedroom.

2. Some tenants are using portable washers and dryers in the units and can landlord stop this practice?



Again, John, check your lease - often under the Use of Premises clause there is this language: Tenant shall secure insurance for any water filled devices with loss payable to landlord. You could also add that to your lease – a prohibition of portable washers and dryers since there is the possibility of flooding and damage to your property. Good



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Understanding the Rules of Fair Housing Advertising

By The Fair Housing Institute

Advertising is an essential part of day-today business for the housing industry. But is your advertising fair-housing compliant? How can you avoid common mistakes that lead to violations? In this article, we will discuss the do's and don'ts when it comes to fair housing and advertising.

Different Types of Media

There are many forms of advertising media available today. The law says you can't "make, print, or publish. . . any notice, statement, or advertisement . . . that indicates any preference, limitation, or discrimination based on a person's race, color, religion, sex, handicap, familial status, or national origin."

So as you can see, the law is very, broad and covers a range of media like flyers, brochures, deeds, signs, banners, posters, billboards, and even pictures in your office.

The law also covers what we say about a property, whether over the phone or in person. Expressing an illegal preference or limitation to one of your fellow agents, brokers, employees, prospective sellers, renters, or any other person in connection with the sale or rental of your property is illegal.

PHOTOS AND DECORATIONS

Our rental offices are usually the first thing a prospect sees. We all like to showcase different amenities with eye-catching photos of residents enjoying them. But do your pictures show only people of the same race or perhaps the same age group?

This can give the impression that your property only leases to people of a certain age and race, which is considered illegal advertising and is a violation of the Fair



Housing Act.

Instead, you should use a variety of both resident images and images that include models so that a variety of both sexes, people who have disabilities, and, when appropriate, children of all ages are represented.

WRITTEN CONTENT

The law says you can't use "words, phrases, symbols or forms of any kind" that would tend to give the impression that your property is available (or not available) to certain types of people.

For example, when advertising a unit for rent, it's common to see "No Pets" in the ad, which is fine. However, adding statements like "Christian Roommate," "No Children," or "No Wheelchairs" is illegal.

Using phrases such as "great view," "walk-in closets" or "walk to bus stop" is acceptable. However, there are certain buzz words you should still avoid. These are words or phrases that have been associated with discriminatory practices in the past. They include such words as "restricted," "exclusive," "limited," and so forth.

Also, while religious discrimination is illegal, using words like "kosher meals served on the premises," or including phrases such as "Merry Christmas" or "Happy Easter" in an ad is not considered discriminatory.

A great tip to remember is that HUD will consider your use of certain kinds of advertising words and slogans to be evidence of your compliance with the Fair Housing Act. For example, using HUD's "Equal Housing Opportunity" or fair housing logo in your ads will be viewed with approval.

FAIR HOUSING ADVERTISING - FINAL **T**AKEAWAY

Every company should have a clear understanding of the laws and guidelines that HUD and The Fair Housing Act provide. Along with that, every employee should have access to targeted training to ensure that when it comes to advertising, they are fairhousing compliant.

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.

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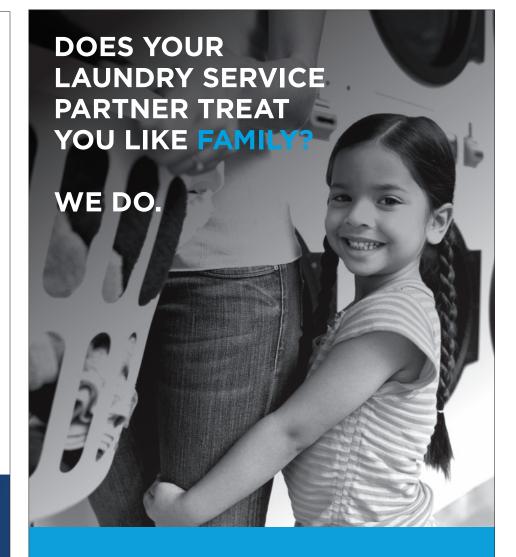
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4 Market Fundamentals That Will Affect Your Properties in 2022

By Joan Rohrer

It has been a difficult few years for property owners. With the events of 2020 and 2021 creating uncertainty and upheaval on a universal level, we have dealt with so many challenges – from eviction bans and rising inflation to new tax laws that plagued investors and property managers. We have even seen the single-family home real estate market explode, flooding the rental market and contributing to rising prices for everyone.

In this environment filled with pressure and uncertainty, there are four fundamentals that property owners and managers should be watching closely as the market evolves. These factors can have an impact on market rental rates and the cost of doing business, determining how profitable your properties will be in the coming year:

1. Inflation looms large

As products shrink and prices rise, consumers are feeling the pinch of inflation from every corner. Renters are especially susceptible to the rising cost of living. Inflation was higher than predicted in 2021, and the Federal Reserve has already raised rates twice in 2022. The Fed also stated that they may increase the interest rate at least one more time this year, with a potential total increase up to 0.9 percent. The rate of inflation often affects renters' willingness to pay premium prices, since rent is typically tied to consumer prices and rises with inflation. It's a tricky dynamic with the demand for rentals continuing to surge. Your properties will need to be priced

aggressively, but flexibility will be needed throughout the coming year.

2. Remote work is here to stay, and so are changed living priorities

The pandemic brought us to remote work, and it looks like as a culture, the home office is here to stay. Home offices were once a "nice-to-have" feature but are now a critical factor for potential tenants. Do your properties offer a flex space or extra room for virtual work or schooling? Is there an opportunity to add or make simple renovations to accommodate work spaces in your properties? Additionally, with all of this isolation at home, millennials and Generation Z are also seeking community and connection. Ask yourself what the community around your property offers: Are there opportunities for tenants to engage with others in shared activities? The addition of outdoor spaces for small gardens or common areas to create the "feel" of a neighborhood can add value that justifies premium rates and generates fully leased units. A final checklist item for renters is technology. Does your building have good WiFi/data access? That factor alone is a deal breaker for new renters.

3. More demand than ever before

Overall, the market for rentals has never been stronger. As we emerge from the pandemic, property owners are strongly positioned to make up for lost profits. Millennials, who make up the largest population of renters, are the biggest participants in the gig economy, and value flexibility and freedom more than the generations before them. Because they are less interested in purchasing homes that will lock them down to one location long-term, they will continue to be a strong market for rentals. With the explosion of the real estate market in the past year, more people are cashing out of homes and turning to rental units for a place to live, adding more boomers and Generation Xers to the mix. Since the housing crisis in 2008, the supply of rental properties has not caught up with demand, and construction of new complexes has essentially halted. It will be years before supply matches demand again, so rentals will continue to be a premium.

4. BE AWARE OF 1031 EXCHANGE LAWS AND POTENTIAL CHANGES

These laws will only affect those who wish to sell or transfer ownership of rental properties, but for them, that impact could be huge. Many property investors began to panic when they saw that the current administration was considering changing the tax laws around 1031 exchanges. However, in the final draft of the law, this provision was not included. The new law would have placed a cap on gains above \$500,000 per year on an investment-property exchange. While this addition may be revisited in the future, the current 1031 exchange laws remain intact for now.

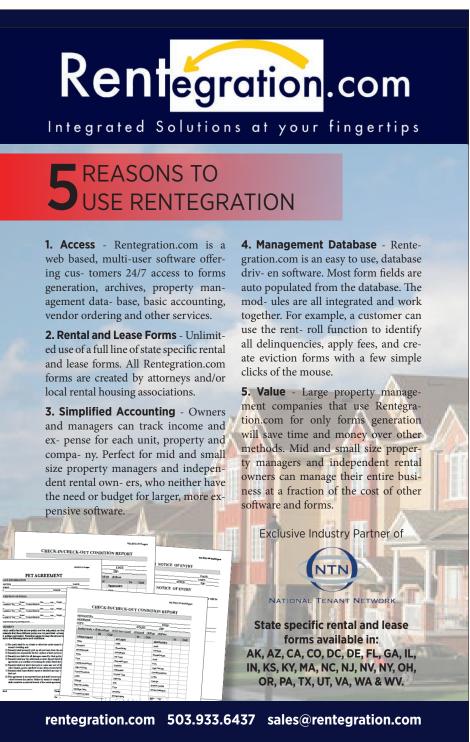
Overall, the outlook for the rental property market is stronger than ever, especially for investors that stay aware of what is happening in the market and adjust accordingly. We



know that along with increasing rental unit prices, tenants' expectations for their rental experiences have also elevated. Many multifamily property owners are rising to the occasion to meet these additional demands, while taking advantage of the larger number of renters in the marketplace. Even though there have been plenty of reasons for concern over the last two years, property owners have every reason to look at the future with high expectations for growth and profitability.

Joan Rohrer is the founder and president of JMR Company, Inc., a certified Woman-Owned Small Business (WOSB) entity in the state of Missouri. With more than 20 years' experience as a private investor and helping property owners manage their investments, she is passionate about helping individuals and families find homes as tenants with her clients. Joan is a member of the St. Louis Realtors Association, the Missouri Realtors Association, the National Realtors Association, and the Institute of Real Estate Management.





Renter-Preferences Survey Shows the Future is Remote Work

RENTAL HOUSING JOURNAL

The 2022 renter-preferences survey report shows that renters have been on the move over the past 18 months and clearly seek more space in their living arrangements.

And, more telling is that a quarter of respondents who moved reported that their moves were due to a shift to remote work during the pandemic, according to the 2022 Renter Preferences Survey Report from National Multifamily Housing Council and Grace Hill.

"In general, renters are teleworking with higher frequency than ever before. And there's little expectation of that changing. In fact, nearly two-thirds (64 percent) of survey respondents said they expect to be teleworking about the same amount over the next year as they are now. This shift is driving demand for home offices and meeting space," the report says.

The Renter Preferences Survey Report's hot trends and key findings include:

DEMAND FOR MORE SPACE

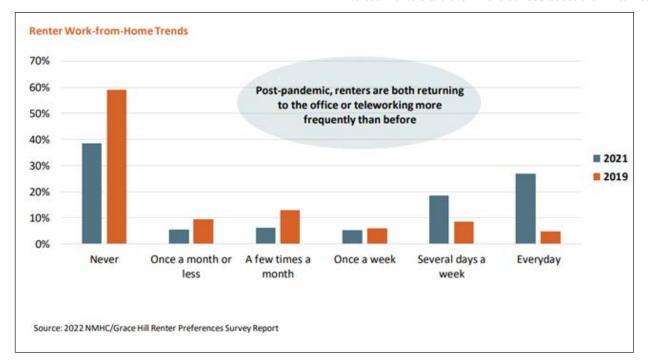
"Lockdowns seemingly led to a strong desire for additional space; twenty-eight percent of renters who said they intend to move to a different rental community when their lease expires cited "additional living space" as a reason, up from just 19 percent two years ago.

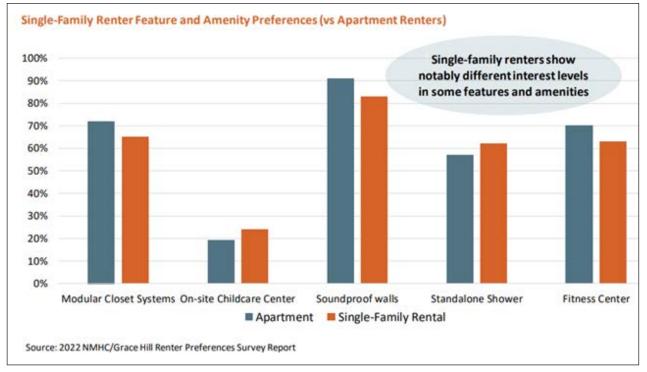
Washers and dryers, air conditioning, SOUNDPROOF WALLS AND HIGH-SPEED INTERNET

"Now, more than ever, home is proving to be a sanctuary, and renters have a great desire — and are willing to pay a premium in additional monthly rent — for certain amenities.

Reported must-haves include: washer/dryer in-unit (92 percent of renters interested, \$54.73 monthly premium), air conditioning (91 percent, \$54.73), soundproof walls (90 percent, \$46.21), high-speed internet access (89 percent, \$47.93), and walk-in closet (88 percent, \$43.46).

PACKAGE DELIVERY INCREASE





"The share of renters who received two or fewer packages per month dropped from 45 percent in 2019 to just 24 percent this round, while the share who received three or more packages per month increased from 55 percent to 76 percent over the two-year period," the report says.

RENTERS WANT CHOICES

"Our survey asked residents what types of rental homes they considered during their last home search. While traditional apartment homes garnered a majority of responses (57 percent), townhomes and single-family rentals were also in the mix at 23 percent and 19 percent of responses, respectively.

"There were also strong correlations between what type of rental home they ultimately ended up in and their preferences for features and amenities like storage solutions, fitness centers and package management," the report says.

INTEREST IN SMART HOME TECHNOLOGY

Renters' interest in smart home technology is tied to its ability to add convenience or drive savings. Survey results show that the most popular smart home feature for renters is a smart thermostat, with 70 percent of respondents saying they were interested in or wouldn't rent without this feature.

Smart sensor technology is also feeding renter interest in leak detection systems (67 percent) and water-saving features (67 percent).

Also connectivity is an issue with reliable cell service and internet service a requirement.

"Reliable cell phone service ranked as the No. 1 community amenity, with 86 percent of survey respondents indicating interest. Renters are even more serious about their internet connectivity, with nine out of 10 respondents saying they were interested in or wouldn't rent their home without it."

Pet-Friendly amenities

Roughly one-third of renter respondents indicated they lived with a pet or service animal.

Dogs are proving to be a renter's best friend, with 70 percent of pet owners indicating their fur babies were dogs.

The preference is driving interest in—and premiums for-four-legged friendly amenities like community dog parks, pet washing stations and on-site pet services like doggy daycare and grooming.

Moreover, survey results show that pet breed restrictions may be falling out of favor with renters, with 77 percent of respondents indicating that pet breed restrictions would either have no effect on their leasing decisions or would make them less likely to rent a property with restrictions in place.

Noise-related issues still a problem

Noise remains a leading environmental pollutant at rental communities, detracting from renters' wellbeing and living experience.

"As a result, renter interest in sound mitigating tech in windows and walls remains sky high. In fact, soundproof walls are the third most popular home feature after air conditioning and an in-unit washer/dryer, with 90 percent of respondents indicating they were interested or wouldn't rent without them."

A PREFERENCE FOR OUTDOOR SPACE ALSO

"Renters have long put a premium on private outdoor space like patios and balconies, as well as other community outdoor amenities.

"Nationally, nearly three-quarters (73 percent) of survey respondents indicated strong interest in a community pool, with the strongest interest levels coming mostly from fairer climates in the Southeast and Texas. Geography also factored into interest levels around amenities like rooftop space and common area barbecue grills as renters in higher density areas in and around some of the nation's leading cities showed stronger interest levels," the report says.

About the Renter Preferences Survey: "Our team conducted the survey in September and October 2021. Web-based surveys were distributed to more than 1 million residents. Along with the national report, metro-level reports are available. To qualify, each market needed at least 150 responses from five properties and at least two participating firms." A total of 221,559 renter responses were received.



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