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# What If Tenant Refuses Entry After Notice?

By HANK ROSSI

**Dear Landlord Hank:** In regards to your answer to enter property even if the tenant does not respond: What do you do if the tenant is in the house when you want to enter and they tell you to get out? – Patti

**Dear Patti:** If you have given proper notice to the tenant that you will be entering the property, the tenant cannot deny the landlord the legal right to enter the property.

You'd need to enter during normal hours – however your state defines that – unless there is an emergency; then you can enter at any time.

Don't argue with your tenant, but let them know you have the legal right to enter and if the tenant refuses entry, tell them they are in violation of the lease and put a seven-day notice to cure on their door.

Then they have seven days to "fix" the problem. If they still won't allow access, I'd move on to eviction. It's amazing what a legal notice will do to change an unreasonable tenant's mind (sometimes).

*Each week Hank Rossi answers questions from landlords and property managers across the country in his "Dear Landlord Hank" blog in the digital edition of Rental Housing Journal.*

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# Multifamily Rent Growth Hits a Wall in August

RENTAL HOUSING JOURNAL

After two years of rapid gains, U.S. multifamily rent growth hit a wall in August, with national asking rents dropping \$1 during the month and year-over-year growth dropping to 10.7 percent, according to Yardi Matrix's national multifamily supply-and-rent-cap report for August.

The drop represents the first month-over-month decline since June of 2020, during the pandemic.

"The numbers presage a slowdown in rent performance in the second half of the year as economic growth and the post-pandemic migration boom begin to slow," the report says.

A summary from the Yardi Matrix report:

- Multifamily rents finally slowed in August after a long run, presaging a deceleration that may extend through the second half of 2022. The economy is starting to feel the effects of higher interest rates, while migration is slowing and the increasing lack of affordability is affecting high-growth metros.
- The average U.S. asking rent

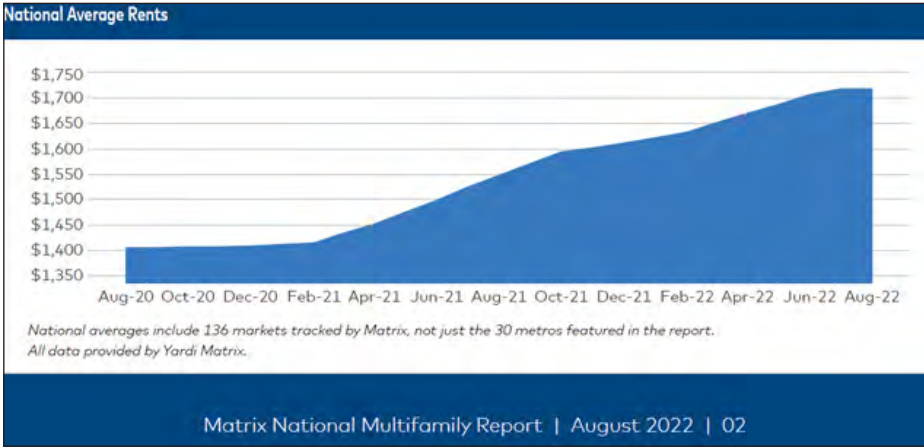


Chart provided courtesy of Buildium

decreased \$1 in August to \$1,718, marking the first month since June 2020 without significant growth. Year-over-year growth decelerated by 170 basis points to 10.9 percent. Nationally, asking rents are up 6.6 percent year-to-date. The U.S. occupancy rate was steady at 96.0 percent.

- The single-family sector continues to mirror the activity in multifamily. The average single-family asking rent decreased by \$2 in August to \$2,090, while year-over-year growth dropped by 170 basis points to 9.5 percent.

Traditional seasonality is present in the rental rates, but also the factors of a slowing economy and slowing migration.

## AFFORDABILITY BECOMING AN ISSUE

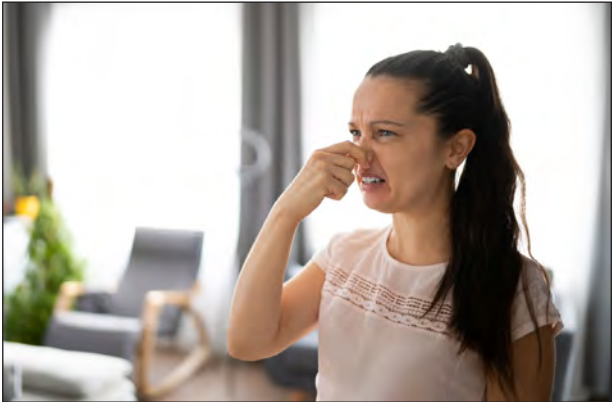
"Rent growth tends to slow in the fall, but this year comes at the tail end of the

unprecedented increases," the report says. "The deceleration in August was strongest in many of the markets that have had the most growth over the past two years, a sign that affordability is becoming an issue.

"The cooling housing market is a positive demand driver for multifamily, but inflation and a slowing job market are eroding residents' ability to pay. Rent declines were concentrated in high-end lifestyle properties, which dropped 0.2 percent nationally in August." Lifestyle rent growth was negative in 21 of Yardi Matrix's Top 30 metros.

*Yardi Matrix researches and reports on multifamily, office and self-storage properties across the United States, serving the needs of a variety of industry professionals. Yardi Matrix Multifamily provides accurate data on 18+ million units, covering more than 90 percent of the U.S. population. Contact the company at (480) 663-1149.*

# Does Your 'No Smoking' Policy Stink?



By SCOT AUBREY

"What's that smell?" might be one of the worst questions a potential tenant can ask you as a landlord.

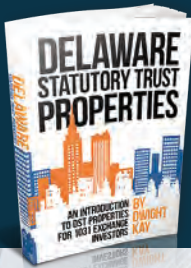
In my experience, the showing of a property almost always goes downhill from there. Odors play a major role in our lives, with many of our most important memories tied to a specific smell, whether good or bad. Who doesn't love the smell of bacon, fresh baked bread

(my mouth just started watering) or a campfire? Those smells instantly transport us to a time or place; that's the power they have over us. Knowing how powerful odors are should cause landlords to take a deep breath, preferably through the nose, and examine what their policy is regarding smells and obnoxious odors on their properties.

If you are like many landlords, this is probably something you **See 'Landlords' on Page 7**



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# Can I 1031-Exchange Out of a Delaware Statutory Trust?

By DWIGHT KAY, CEO AND FOUNDER OF KAY PROPERTIES AND INVESTMENTS, LLC

Many investors that have participated in or are considering a DST 1031 exchange with Kay Properties will oftentimes ask us, Is it possible to 1031 exchange out of a Delaware Statutory Trust? If you're looking for a clear and concise answer to this question, here it is: Yes, you can 1031 exchange out of a DST.

But let's dig a little deeper into this subject.

## FIRST THINGS FIRST: WHAT IS A DST?

Let's first look at exactly what is a Delaware Statutory Trust (DST)? DSTs are vehicles for passive real estate ownership that allow investors to remove themselves from day-to-day headaches of property management as well as the opportunity to diversify\* their equity in an effort to potentially reduce risk. Each individual investor possesses his or her own share - sometimes referred to as a "beneficial interest", including potential income, tax benefits, and appreciation of the DST property. A longer and more detailed article of exactly what a Delaware Statutory Trust is and why so many real estate investors are attracted to them can be found here.

## EXCHANGING OUT OF A DST FOLLOWING FULL-CYCLE INVESTMENT

Now the question of "Can I 1031 exchange out of a DST?" can be addressed from two different perspectives. The first perspective involves when a DST property itself goes "full cycle". The term "Full-Cycle" is used to describe a Delaware Statutory Trust asset that has been purchased and then sold on behalf of a group of accredited investors after a period of time. Once the DST sponsor has sold the asset per the DST's business plan each individual investor then has the same options as they had when they first exchanged into the DST: They must use a Qualified Intermediary, identify the up leg within 45 days of the closing of the relinquished property and close on the up leg within 180 days of the closing of the relinquished property. If they choose to "cash out" following the full-cycle investment, they are required to pay their taxes.

A good example of a Kay Properties DST investment that went full-cycle is the Alexander Pointe Multifamily DST in Orange Park, FL.

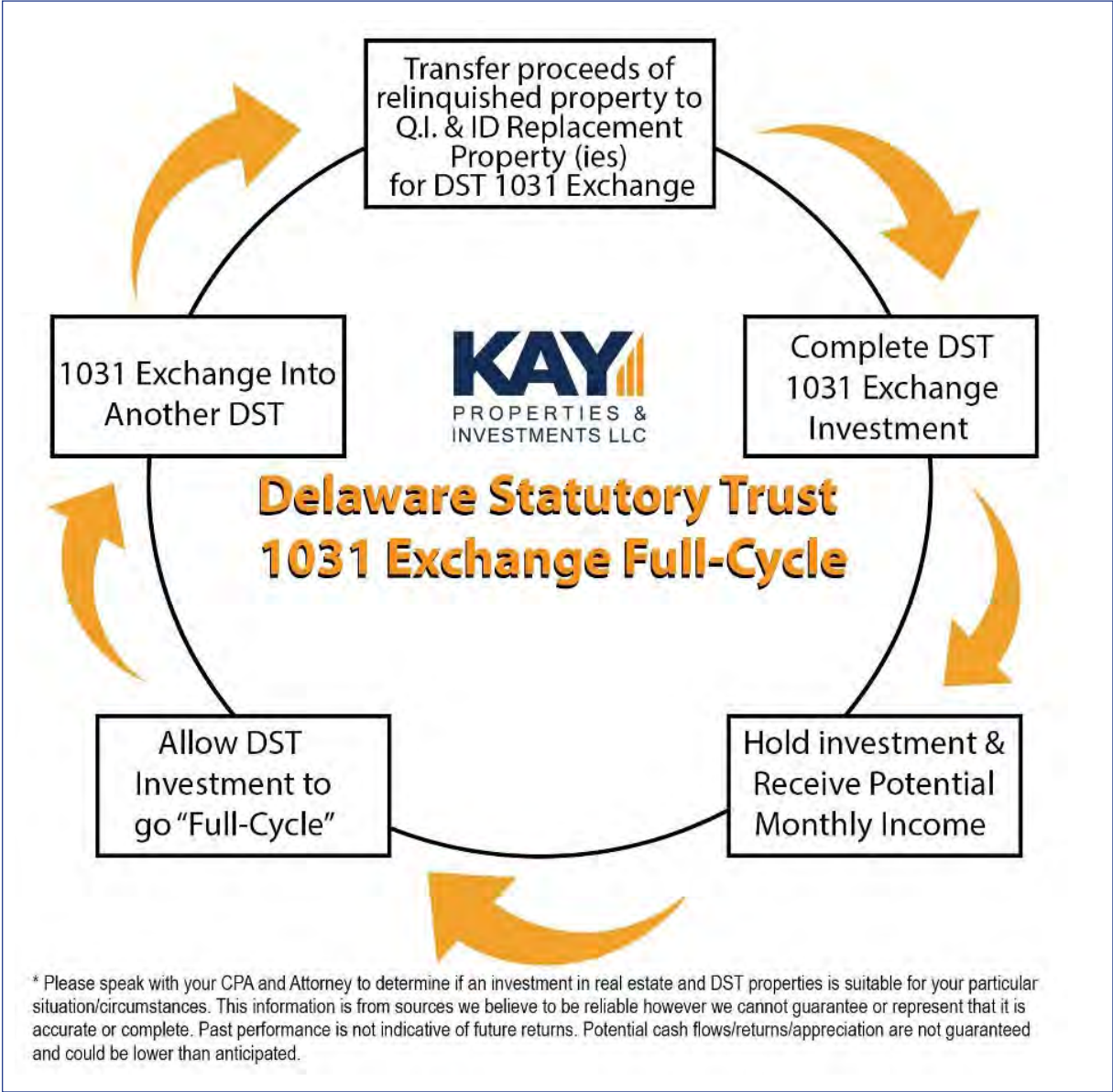
## EXCHANGING OUT OF A DST PRIOR TO THE INVESTMENT GOES FULL-CYCLE

Exchanging out of a DST before the investment goes full-cycle is a bit more detailed. Because DSTs are real estate-based investments, they are considered illiquid. There is no stock market exchange that allows you to log online and sell your DST investment quickly. Therefore, investors should only purchase a DST via a 1031 exchange if they are willing to hold for the full life of the investment which could be 5-10 plus years.

However, it may be possible to sell your share of a DST and either cash out or pursue another 1031 exchange. While DST interests can be sold and transferred to an accredited

### KEY TAKEAWAYS:

- Investors can 1031 exchange out of their DST Investments
- What does it mean to have a DST 1031 exchange go Full-Cycle?
- Investors must conform to all of the 1031 rules when a DST goes Full-Cycle
- What is the Kay Properties DST Secondary Market?



investor, the most obvious purchasers of DST interests are other investors either in the same DST or outside investors who wish to acquire interest in the particular DST.

Please note that exchanging out of a DST prior to the investment going full cycle means that the investor must follow all the same rules as any traditional 1031 exchange. That is, investors must use a Qualified Intermediary, they must identify their up leg within 45 days of the closing of their relinquished property and they must close on their up leg within 180 days of the closing of your relinquished property.

## KAY PROPERTIES SECONDARY MARKET

Because Kay Properties understands investors might need to exit a DST prematurely, they created a DST Secondary Market where investors who want to sell early

have a potential market available to buy their interest in the DST investment. The Kay DST Secondary Market is made possible due to the fact that Kay Properties works with many DST buyers on a daily basis. Kay Properties helped clients purchase approximately \$30 billion of DST investments since its founding. This volume allows us to be a resource for those wanting to sell a DST investment early as we are working with many, many DST buyers nationwide. Again, there is no guarantee that you will be able to sell your DST investment on the Kay DST Secondary Market however it may be a potential option.

For a list of 1031 DST properties please visit [www.kpi1031.com](http://www.kpi1031.com), where you also will find more helpful articles and resources as you are considering 1031 exchange DST properties.

### About Kay Properties and [www.kpi1031.com](http://www.kpi1031.com)

Kay Properties is a national Delaware Statutory Trust (DST) investment firm. The [www.kpi1031.com](http://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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# Testers Look for Accessibility Violations

By THE FAIR HOUSING INSTITUTE

You look out of your office window and see a car slowly driving by.

They stop for a quick second and seem to be taking pictures.

Who is this? A potential resident, or perhaps a drive-by accessibility tester?

## DRIVE-BY ACCESSIBILITY TESTING

Drive-by accessibility testing is becoming more commonplace. This is an easy way for testers to find properties that are violating accessibility laws without ever having to set foot out of their vehicle.

Accessibility testers can come from multiple different sources. For example, they could be hired by an advocacy group or a state agency. Or they could be operating individually with the help of a lawyer. Regardless of whom they work for, they are out there ready to act if they stumble across any accessibility violations.

Once a violation is found, a claim can be filed, and so begins a very expensive and troublesome situation for any property management company to deal with. Keep in mind that once a lawsuit is filed, it is not limited to the specific violation already found; your entire property is put under the microscope, with each additional violation added on.

## IS YOUR PROPERTY TRULY ACCESSIBLE?

Most landlords and property management companies are aware of common accessibility touchpoints, such as having accessible parking spots, adequate signage, and a clear path to the main entrance. In addition, there are many other laws and different requirements when it comes to accessibility, either federal, state, or sometimes municipal, and some of them may overlap.

For example, the Americans with Disabilities Act (ADA) law states that for every 25 parking spaces, you must have one accessible space, regardless of the age of the building. However, the Fair Housing Act also comes into play with its rules as far as accessibility for buildings that were built after March 1991. Knowing which laws are applicable to



you can get tricky, and it can become difficult to ensure that your property is truly accessible.

## GET THE HELP YOU NEED

One way to combat this is by hiring an accessibility consultant or attorney to do a walk-through of your property to identify any potential violations. If you are hesitant due to the cost, keep in mind what the cost will be if a lawsuit happens. Lawyer fees, court costs, and potential fines or damage compensation are all on top of what will have to be paid out for any needed repairs or renovations. So, in the long run, it's more than cost-effective; it can also potentially save you thousands of dollars.

If accessibility problems have been identified, it's best to avoid the flawed thinking that you can just slap some paint on a few spots or put up a few more signs and call it a day. Create a list with the most visible issues being at

the top and immediately create a plan to tackle them in an appropriate and lawful manner. By repairing or modifying the most visible or outside problems first, you are not giving the drive-by testers any reason to stop and investigate further. Once those repairs are completed, you can move on to any indoor maintenance that needs to be addressed to fully ensure that your property is compliant, inside and out.

By taking a proactive approach, you can avoid many costly and time-consuming problems. Keeping up to date on fair housing laws and training will aid in this. If your property meets its accessibility criteria, then you can have peace of mind that the person who was snapping pictures just might want to live there.

*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.*

# FTC Charges Opendoor with Deceptive Practices

RENTAL HOUSING JOURNAL

The Federal Trade Commission has charged the online home buyer Opendoor, based om Tempe, Arizona, with using misleading and deceptive information and ordered the company to pay \$62 million in a settlement agreement.

The FTC said in a release that it took the action against the company “for cheating potential home sellers by tricking them into thinking that they could make more money selling their home to Opendoor than on the open market using the traditional sales process.”

“In reality, most people who sold to Opendoor made thousands of dollars less than they would have made selling their homes using the traditional process,” the FTC said. Under a proposed administrative order and settlement, Opendoor, known also as Opendoor Labs, Inc., will have to pay \$62 million and stop its deceptive tactics.

“Opendoor promised to revolutionize the real estate market but built its business using old-fashioned deception about how much consumers could earn from selling their homes on the platform,” said Samuel Levine, director of the FTC’s Bureau of Consumer Protection, in the release. “There is nothing innovative about cheating consumers.”

Advertised as an “iBuyer,” Opendoor claimed to use

cutting-edge technology to save consumers money by providing “market-value” offers and reducing transaction costs compared with the traditional home sales process.

Opendoor said in a release, “While we strongly disagree with the FTC’s allegations, our decision to settle with the Commission will allow us to resolve the matter and focus on helping consumers buy, sell and move with simplicity, certainty and speed.

“Importantly, the allegations raised by the FTC are related to activity that occurred between 2017 and 2019 and target marketing messages the company modified years ago. We are pleased to put this matter behind us and look forward to continuing to provide consumers with a modern real estate experience.”

The FTC investigation showed Opendoor also violated the law by misrepresenting that:

- Opendoor used projected market-value prices when making offers to buy homes, when in fact those prices included downward adjustments to the market values;
- Opendoor made money from disclosed fees, when in reality it made money by buying low and selling high;

- Consumers likely would have paid the same amount in repair costs whether they sold their home through Opendoor or in traditional sales; and

- Consumers likely would have paid less in costs by selling to Opendoor than they would pay in traditional sales

Opendoor has agreed to a proposed order that requires the company to:

- Pay \$62 million: The order requires Opendoor to pay the commission \$62 million, which is expected to be used for consumer redress.
- Stop deceiving potential home sellers: The order prohibits Opendoor from making the deceptive, false, and unsubstantiated claims it made to consumers about how much money they will receive or the costs they will have to pay to use its service.
- Stop making baseless claims: The order requires Opendoor to have competent and reliable evidence to support any representations made about the costs, savings, or financial benefits associated with using its service, and any claims about the costs associated with traditional home sales.



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RENTAL HOUSING JOURNAL ARIZONA · SEPTEMBER 2022



# Survey Says Property Managers Affect Whether Renters Stay, Go

## RENTAL HOUSING JOURNAL

A new survey shows that single-family renters may be more likely to move in the next year than apartment renters, and there are some key reasons why.

Property managers have more influence than they may think on whether renters stay in their current property or decide to move on, according to a new Buildium survey.

The overall survey looked at why renters like single-family homes, but also why two-thirds of single-family renters are considering moving out in 2022 or 2023. It focused on the role of the property manager in the stay-or-move decision.

“The overarching consideration behind renters’ decision to renew their lease is their sense of value within their current property,” the survey said.

There are three main areas where property managers can make a difference in retaining tenants, according to the report.

- The quality of service they receive from their property manager or landlord;
- The condition of the property and attention paid to maintenance issues;
- The amenities and services that are available to them.

### PROPERTY MANAGERS’ INFLUENCE TIED TO SEVERAL FACTORS

Buildium says in the report, “We found property managers may have more influence on renters’ decision

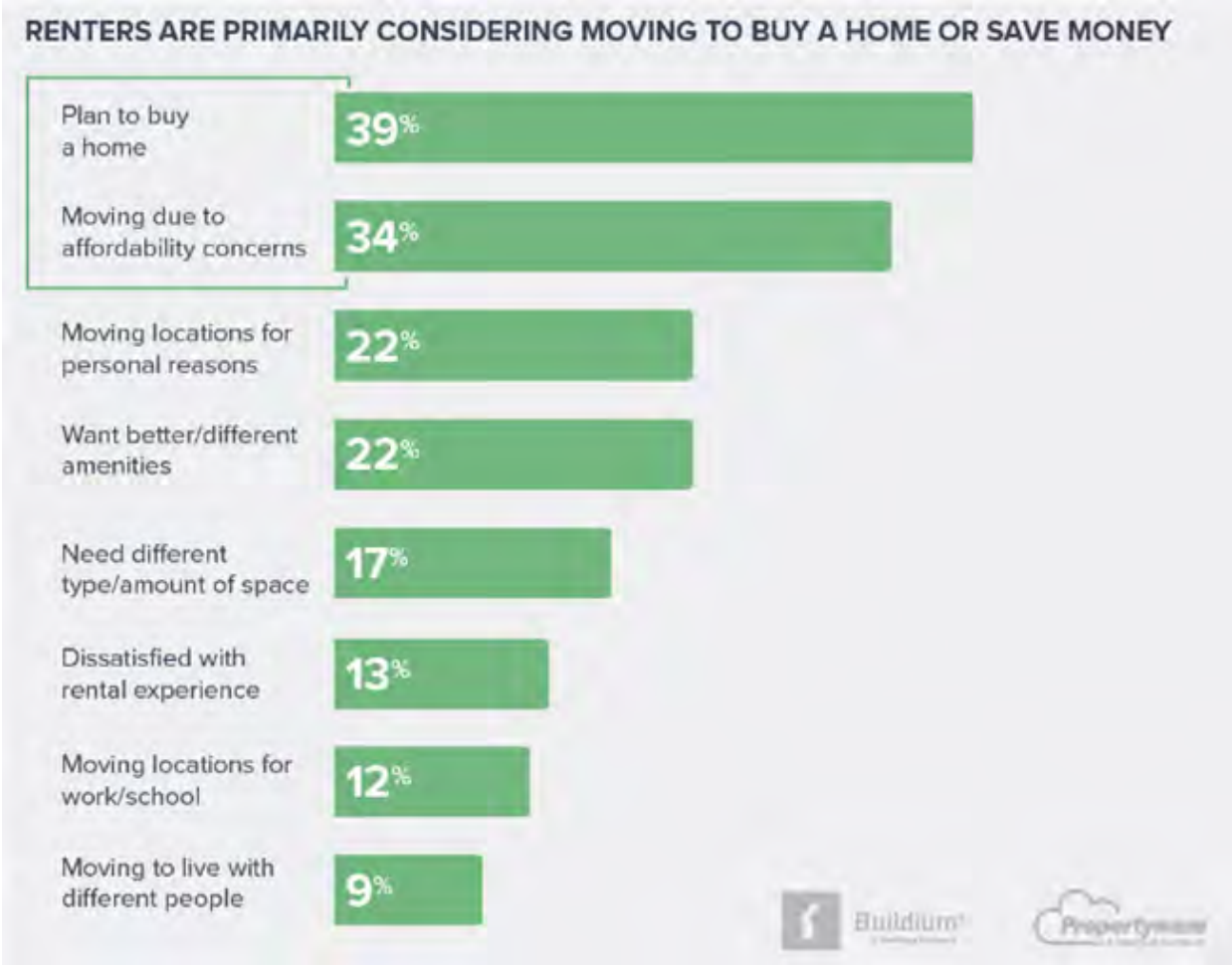


Chart provided courtesy of Buildium

to stay or go than they might think: Among renters who expressed a desire to become homeowners in the near future, we found that those who are more satisfied with their current property are less likely to plan to buy a home right away, even if it’s still their goal in the long term.

“And among renters for whom price is a leading consideration in their decision to move, it’s not necessarily a simple matter of their income versus the price of rent, though this is certainly a primary concern in today’s market. It’s their perception of value—the question of whether their rental experience is worth the price that they’re paying to live there—that can push them to stay or go, particularly when their household’s finances are stretched thin by high prices for housing, utilities, groceries, gas, and other necessities.”

### WHAT CAN PROPERTY MANAGERS DO?

Here are some key comments from the report:

- “Be proactive. Come to the residence once a year to see what may need fixing or updating that the renter hasn’t brought up.” (Age 50)
- “Fix problems as they arise, do not wait until something completely breaks down. Have planned services like HVAC exams before summer, provide extermination services on a planned schedule, and [include] yard services in [the] rent.” (Age 59)
- “Be more open-minded about using technology for processes if you haven’t already started using it. It makes things easier for your tenants and yourself.” (Age 26)

## Sponsored Content

# Gas Leak? Here’s What To Do

### BY PHIL SCHALLER

A gas leak at your property is an emergency that requires immediate attention and action. This article will focus on what you or your tenants should do when a gas leak is suspected.

Fortunately, it’s pretty easy to know if there’s a gas leak at the property. Gas companies inject a non-toxic odorant called mercaptan into the gas. This provides a rotten-egg or sulfur smell to alert the resident that there’s a leak.

If you or your tenants smell gas, leave the property immediately. When you can no longer smell gas, you should be safe; if you smell it outdoors, leave that area as well. Keep your distance from the property until the issue has been resolved.

As you exit the property, leave the doors open if possible. This won’t stop the leak but it’ll allow some gas to escape and reduce the risk and potential damage to the property.

After you or the tenants are a safe distance away from the property and don’t smell any gas, call the fire department (911) and the gas company. They’ll be able to assist with shutting off the gas to the property.

Do not under any circumstances create a spark if you smell gas. Here are a few household items that can create a spark:

- A telephone, or any mobile device that has a battery



- Matches, a lighter, or another source of ignition
- Electrical switches, including lights
- Appliances
- Car ignitions/spark plugs
- Flashlights
- Garage door

Once the gas has been shut off, it’s time to call in a pro to assess and repair the piping or appliance that caused the leak. Leaks are most likely caused by faulty appliances or because someone hits and/or ruptures a gas line. A RentalRiff property specialist can help with this, as can many HVAC companies.

Here is a checklist you can provide tenants on what to do if they smell gas (often we’ll print cards with these instructions for our customers/tenants to put on the refrigerator):

- If you smell rotten eggs or sulfur leave the property immediately.
- Leave doors open as you exit the property.
- Once you’re a safe distance away, call the fire department (911) and the gas company – they’ll be able to shut off the gas.
- Call in a pro (either your RentalRiff property specialist or an HVAC company) to assess your gas pipes and make the necessary repairs.

We hope this quick guide is helpful and provides a baseline for what to do if there’s a gas leak. Any questions on this topic please feel free to reach out any time - your local gas company will also be a great resource.

Happy landlording!



RentalRiff is an alternative service to traditional property management that provides ongoing oversight and upkeep of rental properties, while serving as the main point of contact for tenants. Maintenance and repair costs are included and property specialists are licensed/insured. For more information, visit [www.RentalRiff.com](http://www.RentalRiff.com) or contact the company at 541-600-3200.



# How to Navigate Your Career Path in the Multifamily Industry

By **KAYCEE KISLING**

The multifamily housing community is an industry of constant growth - creating new opportunities for inspired career-seekers every day. As demand for multifamily communities remains high, the influx of individuals to manage those communities is inevitable. People will always need a place to live - allowing a career path with great opportunities for education, growth, and financial security for those with a growth-focused mindset.

It is an exciting industry to build a career but how do you navigate it for long-term success? Here are some effective ways to confidently navigate your career path in the multifamily housing industry:

## UNDERSTAND THE ‘WHY’

Understanding the “why” behind best practices and processes simply means knowing the purpose of what you are doing before doing it. When you take the time to learn reasoning – not only will you remember how something is done, but your advanced understanding will empower you to be a leader to others.

How should you seek out the “why”? Be observant and ask purposeful questions. Surround yourself with mentors whose work you want to emulate. And as a simple, yet universally important tip, take notes and keep organized records. These tactics

will enable you to be independent and take extreme ownership.

## BE INTENTIONAL WITH YOUR LEARNING

Multifamily housing is an ever-changing industry – you will always be learning. Be intentional about how you learn, you can always be better than yesterday. Take traditional and personal education into your own hands. Do not wait for learning opportunities to arise, go and seek them out yourself.

## RAISE YOUR HAND TO TAKE ON CHALLENGES

Be the one to raise your hand when opportunities arise – whether it be assisting with complex communities such as renovations or lease-ups, helping with new projects, or even offering to cover shifts at other communities. When you are willing to leave your comfort zone and take on a new challenge, that is when professional growth happens, and bigger opportunities present themselves.

Raising your hand is a great networking opportunity and offers the chance to meet and learn from others within your company. Networking is critical in every role and position - taking advantage of challenges and raising your hand is one of the best



ways to increase your visibility among company leadership.

## BE RESILIENT AND SELF-AWARE

The truth is, no one likes to be told no. Be willing to be self-reflective and lean into why you did not get the job or promotion. If you do not get an opportunity that you feel you are ready for, see what skills you can develop for your next role. Take the time to recognize your achievements and evaluate areas where there is opportunity for future growth. Learning how to self-reflect exemplifies professional maturity, resilience and loyalty.

Navigating your career path in multifamily housing is not always smooth - but it is one that comes with great reward. Whether you are on the community management or service side of the multifamily housing industry, you are having a direct impact on people’s lives. Creating an inviting home-

like communities would not be possible without all team members in multifamily housing willing to grow professionally and personally.

*Kaycee Kisling is a Managing Director of Multifamily Investments at Mark-*



*Taylor. A company leader for 17 years, Kisling was promoted from onsite operations to manage her extensive Class A portfolio. A mentor at Mark-Taylor*

*and within the industry, Kisling shares successful strategies around human capital, management and community operations. A licensed real estate agent and CPM, Kisling graduated from ASU, and is a member of the AMA and the Institute of Real Estate Management.*

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- 2. Rental and Lease Forms** - Unlimit- ed use of a full line of state specific rental and lease forms. All Rentegration.com forms are created by attorneys and/or local rental housing associations.
- 3. Simplified Accounting** - Owners and managers can track income and ex- pense for each unit, property and compa- ny. Perfect for mid and small size property managers and indepen- dent rental own- ers, who neither have the need or budget for larger, more ex- pensive software.
- 4. Management Database** - Rente- gration.com is an easy to use, database driv- en software. Most form fields are auto populated from the database. The mod- ules are all integrated and work together. For example, a customer can use the rent- roll function to identify all delinquencies, apply fees, and cre- ate eviction forms with a few simple clicks of the mouse.
- 5. Value** - Large property manage- ment companies that use Rentegra- tion.com for only forms generation will save time and money over other methods. Mid and small size prop- erty managers and independent rental owners can manage their entire busi- ness at a fraction of the cost of other software and forms.

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# Monthly Meeting Schedule for the Arizona Real Estate Investors Association

**UPCOMING PHOENIX MEETINGS**  
**MONDAY, SEPT. 12, 2022**  
**MONDAY, OCT. 10, 2022**  
**5:45 P.M.**  
  
VENUE 8600  
8600 E. ANDERSON DR.  
SCOTTSDALE, AZ 85008  
memberservices@azreia.org  
480-990-7092

The Phoenix meeting is held on the 2nd Monday of the month. These meetings are full of education, information, and networking.

**Market Analysis & Trends with Tina Tamboer:** What does the Cromford Report have to say about the current market? We are joined by Tina Tamboer from the Cromford Report to give us detailed market insight as to what we saw in the first half of 2022 and what we can expect from Q3. Tina is one of the top market analysts in the state and will give you information you can't get anywhere else!

**Association Update:** Find out about what's happening at AZREIA, how to best leverage your membership benefits, and get the best prices on upcoming events!

**Trade Show, Networking & Guest Orientation:** Spend time meeting AZREIA business associates, other investors and build your team.

**Main Presentation:** The Importance of Sales in Real Estate Investing with Steve Trang

**UPCOMING TUCSON MEETINGS**  
**TUESDAY, SEPT. 13, 2022**  
**TUESDAY, OCT. 11, 2022**  
**5:45 P.M.**  
  
TUCSON ASSOCIATION OF REALTORS®  
2445 N. TUCSON BLVD,  
TUCSON, AZ 85716

The Tucson meeting is held the Tuesday after the Phoenix monthly meeting each month. These meetings are full of education, information, and networking.

**Investor-to-Investor Networking and dynamic Haves & Wants** are an important part of the Tucson AZREIA meeting. This is your chance to meet local investors, ask for what you need, and share what you have. Deal of the Month is your chance to find out what your local investors are doing and how they are doing it. Don't miss this opportunity!

**Open Networking:** The perfect time to get checked-in to

the event and chat with other local real estate investors in attendance.

**Local Market Update:** the latest in trend analysis for the US, Arizona and Greater Tucson including existing homes, new homes, foreclosures, REO, short sales and traditional sales. What investment strategies are working and why. This is must know information for the serious real estate investor.

**Main Presentation:** National or local expert speaker or an expert panel.

*The cost for meetings is \$10 for AZREIA Members and \$20 for guests. PLUS members can attend free of charge.  
Please refer to the website [www.azreia.org](http://www.azreia.org) closer to the meeting time for up-to-date information on meeting place/format and agenda.*

**REGISTER ONLINE AT: [www.azreia.org](http://www.azreia.org)**

# Landlords: Rental Criteria Can Apply to Odors

*Continued from Page 1*

have either overlooked or inadequately addressed with your current and future tenants.

While most of us are familiar with no-smoking policies for our properties, with the invention of new types of inhalants and other innovations, it is time to take a deeper look at the three major things to consider as you develop a policy around scents and odors in and on your property.

**1. CREATE A RENTAL CRITERIA**

If you don't already have one, now is the perfect time to start creating a criteria regarding scents and obnoxious odors.

You likely have a rule about smoking in the property, but how about even *on* the property?

If you've ever been in a public place that allows smoking, you are already familiar with how far and powerfully the smell associated with smoking can travel. Does your criteria include a no-vaping in or on the property component? How about smoking of marijuana? Although you would expect that a no-smoking policy would cover all types of smoking, you are better off being very thorough and including specifics such as cigarettes, cigars, pipes, vaping and smoking or manufacturing of legal or illegal drugs.

Don't stop there though, as other odor-causing items such as spices, incense, sprays and even candles can cause long-term damage to a property. The more specific you are

in your criteria, the better protected your property will be.

**2. ADVERTISE YOUR CRITERIA**

Now that you have taken the time to develop a criteria, put it to work.

In your property advertisements, point out that the property has specific rules regarding scents and obnoxious odors.

Then again at the time of showing, reemphasize to your potential tenant that you have specific rules for your property and go over them in detail.

Lastly, always have a clause in your lease that addresses your rules. Failure to do so can result in the property being damaged by your tenant, creating excessive expenses for you when you have to turn the property. At a minimum you have to repaint, tear out the carpet and pad, clean out ductwork and perform a deep cleaning on all hard surfaces. Eliminate the "I didn't know" excuse by being specific and thorough in explaining and adhering to your property specific rules.

**3. KNOW YOUR NEIGHBORS**

As mentioned before, obnoxious odors travel well, including into your rental property's neighbors' homes and yards.

We always recommend knowing the neighbors of your investment properties as they can serve as an extra set of eyes, ears, and in this case a nose, since they are in daily

contact with your property.

No one wants the peaceful enjoyment of their property to be destroyed by the offensive odors of a neighbor. Share your contact information with the adjoining neighbors and enlist them in your efforts to maintain the value of your property. At the least they will appreciate having someone to turn to if they see/hear/smell anything and at most they serve as a first line of defense if something that may affect the value of your property is taking place.

Rent Perfect has recently created a "Scent and Obnoxious Smells Clause" that can and should be added to your property lease. This is available at no charge to you; just request it from [info@rentperfect.com](mailto:info@rentperfect.com) and we are happy to share.

By creating a rental criteria that addresses odors, advertising and emphasizing it to applicants, and engaging with the neighbors, you are taking the first critical steps to preventing damage to your property and protecting your investment. That way the next time someone enters your property and asks, "What's that smell?" it's for the right reasons. Smells like success to me.

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

# Tenant Kills Constable, Property Manager During Eviction

**RENTAL HOUSING JOURNAL**

A tenant shot and killed the new property manager of an apartment complex, a constable and another tenant before turning the gun on himself during an eviction in Tucson, Ariz., according to reports.

The tenant had been threatening others with a gun in the apartment complex for months, according to KGUN9.com, and the apartment complex was attempting to evict him for that reason, according to court documents filed in the eviction case.

Gavin Lee Stansell, 24, killed Angela Fox-Heath, 28, who was a new property manager at the Lind Commons Apartments; Pima County Constable Deborah Martinez-Garibay, 43, who was a 16-year Army veteran who served in Afghanistan before becoming a constable; and Elijah Miranda, 25, a tenant who lived next door. The shooting happened about 11 a.m. on August 25.

A SWAT team went into Stansell's apartment and found

the wounded Martinez-Garibay, police said. She died at the scene.

Investigators don't yet know why the constable entered the apartment or whether Stansell had tried to reject the eviction notice.

They found Stansell, 24, dead from a self-inflicted gunshot wound. Tucson police said a search of the apartment also found Stansell had entered or broken into the apartment next door and fatally shot Miranda.

The Associated Press reported an eviction complaint filed on Aug. 15 by a landlord in Pima County Consolidated Justice Court indicated that Stansell had previously threatened violence.

The complaint said he or his guest had threatened and intimidated neighbors with a gun on July 27.

Stansell failed to appear at a hearing in the eviction case, court records said.

According to the records, a judge ruled that Stansell

had breached his lease agreement, writing: "The evidence shows that defendant threatened another resident with a firearm and has otherwise disturbed the peace."

Arizona Gov. Doug Ducey ordered flags at half-staff at state office buildings due to the lives lost in the Tucson shooting.

"The loss of Constable Deborah Martinez is felt across our state," Ducey said in a press release. "Whether it was serving in the U.S. Army or carrying out her duties as a constable for Pima County, she dedicated her life to helping others and her community."

The Pima County Constables Office said staff were devastated by the killing of Martinez-Garibay. She gave her life in service to the people of Arizona, the office said.

"We all know that the job of an Arizona constable comes with risk, but we go about our business with caution and professionalism and treat all with whom we come in contact with respect and dignity," the office said in a statement.



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