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## Should Landlord Have a Copy of Tenant’s Renters’ Insurance Policy?

BY HANK ROSSI

**Dear Landlord Hank:** We require renters’ insurance at our rental property.

In the past we have not asked for a copy of this. Do you think it is wise to attain a copy for our records to prove the tenant followed through on this? After researching online, it seems like a mixed bag of answers for or against. Thank you! – Megan

**Hi, Landlady Megan:** If you require renters’ insurance at your property, I would definitely put in your lease that this is required to be purchased at the tenant’s expense and required to be kept in force for the duration of the lease.

Then I would get a copy for yourself along with contact info for the agency selling the policy so you could contact them to make sure the policy is in place.

Each week Hank Rossi answers questions from landlords and property managers across the country in his “Dear Landlord Hank” blog in the digital magazine Rental Housing Journal.



Rental Housing Journal, LLC  
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# Oregon Landlords Can Raise Rent 14.6 Percent Next Year

RENTAL HOUSING JOURNAL

Oregon landlords can raise rent as much as 14.6 percent next year under the state’s new rent-control law, but landlords are unlikely to increase rents that much.

This statewide cap applies to housing that’s at least 15 years old. Newer rentals aren’t part of it.

Meanwhile, Gov. Kate Brown said in a statement it may be time to review the state’s rent-control law next year. Brown signed the rent-control bill into law in 2019, the first of its kind in the nation. It caps rent increases annually at 7 percent, plus the average consumer price index measure of inflation.

In response to the new number, Brown’s office put out a statement saying in part, “The governor is deeply concerned about the maximum rental increases that will be allowed under Oregon law in 2023, and she urges the legislature to prioritize action to mitigate future increases.

“In 2019, the Legislature established the

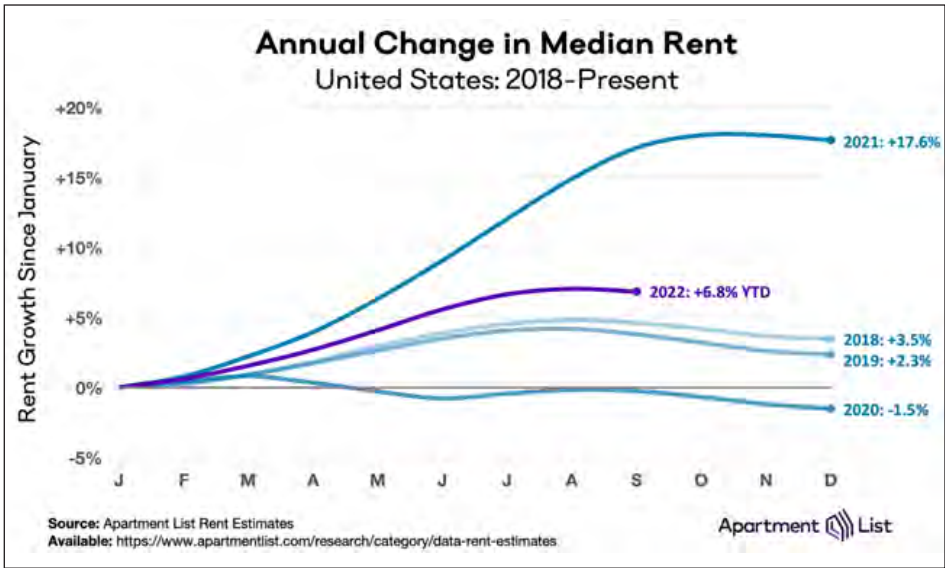


formula for our current maximum annual rent increases through Senate Bill 608, tying allowable increases to changes in key markers of inflation. While this was the right policy move at the time, when rent increases

were not a primary factor driving measures of inflation (and CPI was under 2 percent), with today’s inflation rates it makes sense to re-examine state law.

See ‘Landlords’ on Page 14

# National Rents Dip for 2nd Month



RENTAL HOUSING JOURNAL

National rents declined by 0.2 percent over the course of September, marking the first time this year that the national median rent has declined month-over-month, according to the September report from Apartment List. Rents fell in 69 of the 100 largest cities.

“The timing of this slight dip in rents is consistent with a seasonal trend that was typical in pre-pandemic years. Assuming that trend continues, it is likely that rents will continue falling in the coming months as we enter the winter slow season for the rental market,” the report says.

Apartment List points out that the recent

See ‘Rent’ on Page 4

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# How to Plan Your Delaware Statutory Trust to Remove the Stress of a 1031 Exchange

**By MATT MCFARLAND, SENIOR VICE PRESIDENT, KAY PROPERTIES AND INVESTMENTS**

Any investor who is considering selling a piece of investment real estate will undoubtedly consider a 1031 Exchange.

A 1031 Exchange refers to the IRS code that allows significant tax advantages for investors. How? When you sell an investment property and you have a profit, you normally are required to pay capital gains tax. A 1031 Exchange allows you to sell your investment real estate and reinvest the proceeds in a “like-kind” property, which defers any capital gains and other related taxes.

This doesn't mean you are eliminating any of these taxes, rather you are able to defer them until a later date. However, any investor who has completed a 1031 exchange knows that one of the biggest hurdles to clear is the many time constraints and tight closing windows the IRS imposes when it comes to like-kind exchange investing.

The entire 1031 Exchange process must be completed within 180 days. The clock starts ticking day one after your relinquished property is sold and the funds are escrowed with Qualified Intermediary (QI).

On a side note, it is essential you never hold the proceeds from the sale outside of a QI. If you touch the funds at any time during the process, you eliminate your eligibility for a 1031 exchange and you have to pay all of the capital gains and other related taxes.

As an expert 1031 Exchange professional, I can tell you that it is the initial 45-day identification period that causes the most stress, as an investor is required to formally identify the property (or properties) they intend to purchase within a matter of about 6 weeks. More specifically, in order to avoid any tax liability, you must identify a property or properties that are of equal or greater value than the relinquished property. You can identify up to 3 separate properties with no regard to their value (3 property rule), or you can identify an unlimited number of properties that do not exceed more than 200% of the value of the relinquished property (200% rule).

Here's a quick summary of the 1031 Exchange rules

investors should keep in mind when considering selling a piece of investment property:

- Entire 1031 Exchange process must be completed within 180 days
- Day 1 – Sell your property; proceeds are escrowed with a Qualified Intermediary (QI)
- Day 45 – Identify a property(s); you must notify your QI of the identified property(s)
- Day 180 – Close on new property; you must close within 180 days after the first sale
- Maintain equal or greater amount of equity
- Maintain equal or greater amount of debt

## PLAN AHEAD TO REDUCE THE 45-DAY IDENTIFICATION STRESS

One of the best ways to mitigate the stress of this short time window is to begin searching and selecting potential like-kind properties before you officially close on your relinquished property and the 45-day time clock starts ticking.

When it comes to Delaware Statutory Trust properties, the underlying real estate that is a part of a particular offering is acquired and owned by the trust before it is ever accessible to 1031 exchange investors to consider as an option. This “pre-packaged” element of DSTs affords investors who are in the process of a 1031 Exchange the luxury of a quick and seamless close of their purchase of a DST property.

Another great benefit of DSTs for 1031 Exchange investors is that they can make a great backup or contingency plan. Real estate deals fall apart all the time, and if your replacement property in a 1031 Exchange falls apart for any number of reasons, you could be in a tight spot. Using a DST as an “identified” property makes a great contingency plan if your initial deal does fall through.

However, it is important to remember that even though the Real Estate Sponsor Company has completed their due diligence and acquired a particular property for one of their DSTs does not mitigate the need for an investor to conduct their own due diligence on the various DSTs.

Make sure to look at current DST properties offered on the

[www.kpi1031.com](http://www.kpi1031.com) marketplace.

All 1031 exchange investors, with the help of their Kay Properties' Registered Representative, will assess the various opportunities to ascertain the best potential solution for their particular situation and/or circumstance.

## WHEN IS THE BEST TIME TO START THE DST SELECTION PROCESS?

In most cases, the most opportune time to begin the screening process is about 30 days before you are scheduled to close on your relinquished or downleg property. The reason for this is simple – DST investments have a finite shelf life or a limited time in which they are ‘open’ for investment. DST offerings are capped at a specific value and as soon as the last dollar is invested, that particular DST offering is no longer available for further investment.

In my experience, DST offerings are typically available for purchase for about 1-3 months. In many cases, it would be an improper allocation of one's time to begin the selection process 3-6 months out, as most of the opportunities considered will be sold out by the time they have the capital to invest as part of their 1031 exchange. Within 30 days, many of the opportunities will likely be viable options for one to consider as reservation can be made for one's allocation.

In a perfect scenario, an investor has decided exactly which DSTs they are purchasing before they close on their relinquished property. This grants them the ability to quickly close on their DST investments as soon as the funds from the sale become available and successfully complete their 1031 exchange just a few days into their 45-day identification period.

Keeping these points in mind should not only greatly mitigate most of the stress associated with a 1031 exchange, they will also help you to potentially begin accruing cash flow immediately from their investments (a luxury afforded through the quick and seamless purchase of a DST relative to a traditional real estate transaction, which may stretch on for months).

For more information on the 1031 exchange and DST selection process, please reach out to your Kay Properties Registered Representative or visit [www.kpi1031.com](http://www.kpi1031.com) for more resources.

### 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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# St. Paul Rolls Back Part of Rent Control Law

## RENTAL HOUSING JOURNAL

The St. Paul (Minnesota) City Council has rolled back some key provisions of the city’s rent control ordinance, once described as the strictest in the nation.

The changes are in response to a citizen-authored rent control ordinance that caps annual rent increases at three percent, which voters approved last fall.

With pressure from landlords and developers, the city voted 5-2 to change provisions to allow landlords to raise rents by eight percent plus inflation when a tenant moves out, according to reports.

The city’s changes also allow a rent control exemption for any building constructed in the past or next 20 years, according to Minnesota Public Radio.

Developers and landlords had advocated for changes to the three percent cap, saying the strict rent control ordinance will discourage owners from making repairs and hinder new construction.

Technically, the three percent cap on annual rent increases will not change, but the council voted to make inflation an explicit reason for landlords to be granted an exemption under their “right to a reasonable return” on investment.

The council also approved new rules requiring landlords to inform tenants if their apartment is covered by rent control, and for tenants to be notified when their landlords apply for exemptions in order to give them time to appeal the increase, according to reports.

The changes will take effect on Jan. 1, 2023.

“This ordinance adds additional protections and

notifications for tenants, it keeps the three percent annual increase, it provides more flexibility for property owners to reinvest in their property,” said Chris Tolbert, the council member who proposed changes to the ordinance, to Minnesota Public Radio.

St. Paul Mayor Melvin Carter has said he’ll sign the changes to the ordinance.

The citizen-authored rent control ordinance passed with 53 percent of the vote, however without city input.

Council members and city staff frequently voiced their frustration with the policy that was drafted and approved without their input and over the objections of most council members, who have advocated for more construction and government subsidies over administratively burdensome price controls



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Year	Month	Vacancy Index (%)
2019	Jan	6.5
2019	Jul	6.8
2019	Dec	6.5
2020	Jan	6.8
2020	Jul	7.2
2020	Dec	6.8
2021	Jan	6.5
2021	Jul	5.5
2021	Dec	4.1
2022	Jan	4.5
2022	Jul	5.3

Source: Apartment List Vacancy Index  
Data Available: [apartmentlist.com/research/category/data-rent-estimates](https://apartmentlist.com/research/category/data-rent-estimates)

## Rent Dip a ‘Notable Shift’

Continued from Page 1

rent declines are in line with the normal seasonal trends pre-pandemic.

“But given how atypical the market has been for the past two and a half years, this month’s return to pre-pandemic seasonality represents a notable shift,” according to Apartment List’s report.

“Last September, rents spiked by 1.9 percent month-over-month, as the market continued on an unprecedented stretch of record-setting rent growth which disrupted seasonal trends. In contrast, from 2017 to 2019, rents fell by an average of 0.3 percent in September, right in line with this month’s decline. Assuming that this year’s trajectory continues to follow normal seasonal trends, we can expect to see additional modest declines in the months ahead, as rental market activity slows during the winter months.”

The slowing rent growth is being mirrored by continued easing on the supply side of the market, the report says.

“After bottoming out at 4.1 percent in October 2021, our national vacancy index has been on a trend of gradual easing. This month it rose to 5.3 percent and has shown nearly one full year of continued, albeit slow, improvements,” the report says.

“It’s worth noting, though, that rental vacancies are intertwined with housing availability in the for-sale market, and it’s possible that spiking mortgage rates are dampening the rebound in the rental-vacancy rate. High interest rates can sideline potential first-time homebuyers and keep them in the rental market longer. Two years of sustained rent inflation may also be incentivizing renters to stay put and renew existing leases rather than looking for new ones.”



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

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RENTAL HOUSING JOURNAL METRO · OCTOBER 2022



# How Do You Handle Relay Operator Calls?

By The Fair Housing Institute

Although not frequent, relay-operator calls do come into leasing offices from callers who have hearing issues. What are your policies and procedures when it comes to how to navigate these types of calls? Do they comply with fair housing laws? Does everyone on your staff have sufficient training to avoid a fair housing complaint?

## WHAT ARE RELAY OPERATOR CALLS?

While technology is evolving to help people with communication disabilities, the use of relay-operator calls still exists. Relay-operator calls are a service used by deaf or hard-of-hearing individuals. It employs a communication assistant, or relay operator, who relays the call between two parties by reading out what the hard-of-hearing or deaf individual types using a specific machine while typing back whatever the speaking individual says. While this form of communication can be helpful, it is also time-consuming, posing a problem for a very busy leasing office.

## FAIR HOUSING RELAY-OPERATOR TESTING

A recent testing campaign shared some pretty concerning results. Nearly half of the properties tested did not know how to correctly respond to or handle relay-operator calls. Even worse were some of the comments that were recorded, such as, “I don’t have time for this,” or “I don’t know what this is about,” followed by the leasing agent hanging up the phone.

As a result of this campaign, multiple lawsuits were filed, since refusing to talk to a relay operator and provide information is discriminatory and is considered denying access to housing because of a disability.

## PROPER FAIR HOUSING TRAINING IS A MUST

The relay-operator testing campaign clearly highlights the need for training. That training needs to target specific situations like this. Training should include practicing the many different situations that can arise when handling a relay-operator call.

For example, how would you or your staff handle being on a relay call and having another prospect walk into the leasing office looking for information? The easy thing may seem to



be to tell the relay operator that they will have to call back, but that could be perceived as discrimination, that the leasing agent would rather work with a person without disabilities. Best practices would be to quickly and respectfully tell the person who walked in that you are on a call that may take some time and that you will be with them as soon as possible.

Another pitfall that proper training can help you avoid is over-explaining or offering information without it being requested. For instance, just because you are talking to a hard-of-hearing or deaf person, you do not need to launch into describing your units that accommodate their disability. Go about your regular presentation and only offer this information if asked.

Work with your team to brainstorm other situations that might arise and work together to find fair housing-friendly solutions.

## AVOID A COMPLAINT BY BEING COMPLIANT

Remembering to treat every person that walks in, calls, or

contacts your leasing office the same way will aid greatly in maintaining compliance.

Although relay-operator calls may take a considerable amount of time, and we may already be very busy, these calls need to be handled in a timely and respectful manner.

Be sure to give all the same information that you would for any other call, regardless of how long it might take, so as to avoid a possible fair housing complaint.

Even though the technology is changing and relay calls may be happening less frequently, proper protocols on how to handle them still need to be part of your fair housing training program.

*In 2005, The Fair Housing Institute was founded as a company with one goal: to provide educational and entertaining fair-housing compliance training at an affordable price at the click of a button. Learn more at the Fair Housing Institute’s website: [www. \[www.fairhousinginstitute.com/\]\(http://www.fairhousinginstitute.com/\)](http://www.fairhousinginstitute.com/)*

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*From the Desk of the Executive Director*

# Weather the Changing Times Through Education

**By RON GARCIA**

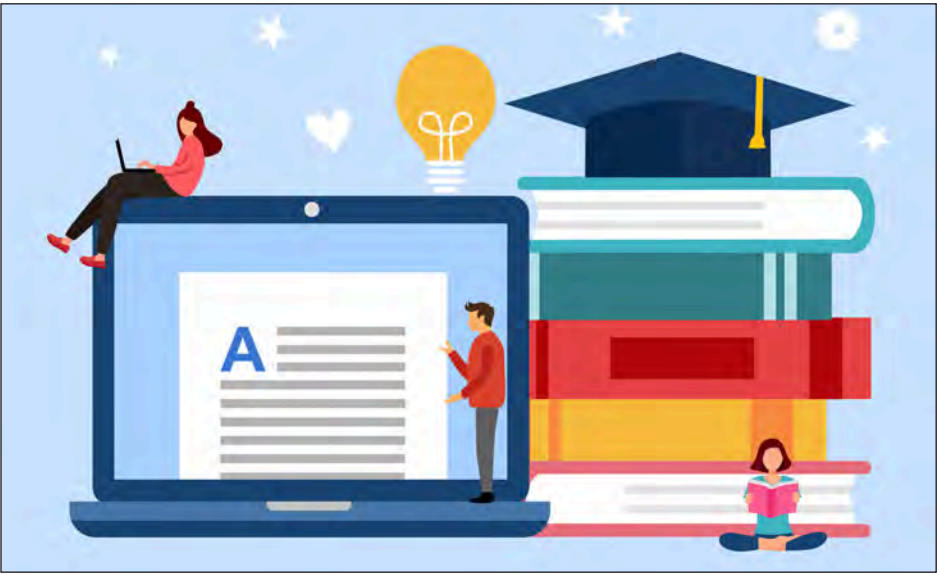
I was once told that there are two forms of motivation in life: positive and negative. So, if you only operate on positive energy, you are missing out on 50 percent of your available resources.

“FOMO” is the new acronym for this phenomenon: Fear Of Missing Out. I remember when COVID-19 first hit, I stood in a Safeway parking lot at 5:00 a.m. waiting for it to open so I could get my allotment of toilet paper. Fear can not only drive us crazy, but it can also drive us into action.

Yet acting on fear shouldn’t mean falling into reactive spasms of despair. Taking action against threats (or challenges) can be specific and planned; it should be preventive as well as prescriptive. While it may be a “negative motivator,” it need not be “positively debilitating.”

I think it’s time for rental property owners in Oregon, particularly self-managing landlords, to take action. Our industry has seen a dynamic shift in the last three years, and the forecast on the horizon only shows more change is headed our way.

Regulations that strengthen tenant protections along with legislation that stiffens penalties and increases liabilities are the new norm. And it’s not just proposed rent relief or houselessness solutions that are being levied on rental property owners, it’s



also habitability and environmental issues with increasingly higher standards – from mold to cooling units to safety violations – all posing new challenges.

We should also take into consideration social issues of fairness to rent-burdened groups who have been disproportionately affected from obtaining and keeping housing through systemic prejudices claimed to be built into the system (like application fees or criminal backgrounds or mobility hardships).

And what about security deposits? Or the

perceived retaliation against tenants who insist on repairs? These are among a few reasons that lawmakers are now funding free legal aid to tenants who face evictions, even though there are no equivalent social services offered to the housing providers who face the financial realities of damages and lost revenues.

These changes are real, but the landlords should not view them hysterically as the end-times for our industry. Blaming tenants or politicians or lawyers won’t make housing any safer, nor make our business more sustainable. As the climate changes, so too

must we adapt.

So, what action do I recommend? I found a few wise quotes that help me answer this:

“Fear is the main source of superstition,” said Bertrand Russell.

And “superstition is, always has been and forever will be, the foe of progress and the enemy of education,” said Robert Ingersoll.

“Education,” adds Nelson Mandela, “is the most powerful weapon which you can use to change the world.”

I will continue to be a rental housing provider regardless of the changing tides. It is my business. To stay in business, I cannot submit to fear, prejudice, or superstition. On the contrary, I must double-down on my commitment to stay ahead of the changes so I can maintain a clear perspective and make informed decisions and strategic plans which will help me not to just cope, but to thrive! How do I do this?

The answer is easy: EDUCATION. Go to every class you can find and sign up for it! Check the website at [rhaoregon.org](http://rhaoregon.org) for schedules and invest in your future. It’s the best thing you can do for yourself, your tenants and your bottom line.

*Ron Garcia is Executive Director of Public Policy for Rental Housing Alliance, Oregon. He can be reached at [ron@rhaoregon.org](mailto:ron@rhaoregon.org).*

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# The Perks and Pitfalls of Prepaid Rent

By SCOT AUBREY

The Saturday mornings of my youth were spent eating pancakes and watching cartoons on TV. One in particular, Popeye, had a character named Wimpy who was a well-known cheapskate. The line that defined his character most was, “I’d gladly pay you Tuesday for a hamburger today.”

Of course, he rarely showed up on Tuesday to pay his debt; as a landlord, you may be all too familiar with this type of scenario. On the other side of this is something that we are seeing more and more of industrywide, and that is prepaid rent, where a prospective tenant might say, “I’ll gladly pay you today for a roof over my head for the next six months.” For applicants who do not qualify for your property in a traditional way due to financial or other issues, prepaid rent may be an option that helps fill a vacancy and assists someone with housing.

As with anything outside the normal transaction, there are some rules to be aware of that vary from state to state, so we always advise consulting your local landlord attorney on what works best for you. With evictions on the rise, please review the following guidelines of which to be aware if presented with this unique way of collecting rent.

## WHAT PREPAID RENT IS NOT

Sometimes the best way to understand what something is, is to understand what it isn’t. In this case, prepaid rent is not:

- **A substitute for criminal and credit background screening checks:** Always adhere to your criteria in every situation and do not be tempted to change a “denied” applicant with disqualifying criminal or credit history into an “approved” as a

- response to their offer to prepay rent.
- **A security deposit:** Most states limit the security deposit to 1.5 times to 2 times the monthly rent. However, there is normally not a cap on prepaid rent amounts.
- **A holding account for your tenant to use when they need funds:** The tenant must understand that they forfeit rights to this money until it has all been used to cover the agreed-to payments for the agreed-to rental term.
- **A source of funds for tenant late fees, court fees, or attorney fees.**

As an example, if you collect \$6,000 in prepaid rent and the rent is \$1,000 per month, you have six months’ rent. Nothing more, nothing less.

## LOOKING FOR VOLUNTEERS

Don’t go running out and start shouting from the rooftops that you are now accepting prepaid rent for your property. In every state this will immediately get you in trouble. The key word to understand when discussing prepaid rent is voluntary. I can’t stress this enough; the tenant must initiate any and all conversations regarding prepaid rent. Any mention of it by you as the landlord could be considered coercion, and that will get you an automatic loss in court.

## GET IT IN WRITING

If your tenant initiates a conversation about prepaid rent, make sure before collecting any monies that you have the agreement in writing. Ideally you would have this included and agreed to in your lease. If that’s not possible, we recommend creating an addendum that should be signed by both parties. You can receive a free copy of our recommended addendum language by



requesting it from [info@rentperfect.com](mailto:info@rentperfect.com).

## MONEY MANAGEMENT

As recommended earlier, it is a best practice to create a separate account for each property where you can hold any prepaid rent. Two important things if you accept prepaid rent are:

1. If — and only if — a tenant is evicted from the property, you can use any remaining prepaid rent to pay for expenses related to the property that exceed the security deposit, and
2. No refunds of excess funds are considered returnable until the lease/contract has been completed and all accounting is completed.

Let me reemphasize that the security deposit and any prepaid rent are completely separate and should be managed in a way

that you can verify their independence.

Ideally, every one of your tenants would come to you financially qualified with a crime-free history and no record of evictions. In reality, we know that many of your applicants may present issues that disqualify them from being the ideal tenant. If they offer to prepay their rent, use this as a reference point and counsel with your landlord attorney to ensure you are following your local and state laws.

*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.*

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# Step-by-Step Guide: Unclog a Dryer Vent

PROVIDED BY RENTAL RIFF

Dryer vents can be hazardous if not maintained properly. Your guide to a clear dryer vent is here!

Offering a washer and dryer, or even just hook-ups, in your rental is a smart move. Not only can it increase your revenue as a property owner by 15%, according to a survey by the National Apartment Association, but it helps make your residents' daily lives more convenient. Win-win right? Well, not so fast. These appliances require maintenance and the cost of failing to keep them clean and functioning properly could be devastating.

According to the U.S. Fire Administration, "2,900 home clothes dryer fires are reported each year and cause an estimated 5 deaths, 100 injuries, and \$35 million in property loss. Failure to clean the dryer (34 percent) is the leading cause of home clothes dryer fires."

How does this even happen anyway? Well, the hot, moist, linty air produced by clothes dryers escapes out of the property through the dryer vents. But over time, lint and dust can catch and build up along the walls of the vent and ducts. Meanwhile, the air is getting trapped and the clothes aren't drying. Add heat from an overworking appliance and you've got yourself a recipe for disaster.

So don't be a statistic! As a property owner, do yourself a favor and avoid the fire hazards by cleaning out your properties' dryer vents at least once per year. If you're not sure when the dryer

vent was last cleared, ask your residents to watch out for warning signs that could indicate you're overdue for a cleaning, like a noticeable burning smell, clothes taking longer than usual to dry, or skyrocketing energy bills due to the dryer's inefficiency.

Now that we've covered the importance of why you need to clear the vent, let's go over how exactly to do it. Here's a simple step-by-step guide on how to unclog your dryer vents:

- If you have an electrical dryer, unplug the machine, or if it's a gas dryer, simply turn the supply valve off.
- Pull the dryer away from the wall about one foot or so.
- Disconnect the duct from the back of the dryer.
- Vacuum out the vent with a vacuum cleaner or shop vac.
- Vacuum out the duct or use a dryer duct cleaning brush.
- Now locate the vent on the exterior of the property and remove the cover.
- Vacuum the exterior vent.
- Once you've concluded that all lint and debris has been removed from the vents, and that no damage has been made and all safety codes are followed, go ahead and put it all back together.
- Reattach the vent cover outside.
- Reattach the duct to the back of the dryer.
- Plugin (if electric) or twist the valve open (if

gas).

- Push the appliance back toward the wall.
- It's a good idea to test that everything is secured properly and functioning appropriately while you're still on-site, so a best practice would be to test the tumble air dry function for a few minutes before you jet.

There you have it! Remember, educating your residents on lint build-up prevention is also key. By keeping the area around the dryer clean and regularly cleaning the dryer screen before every use, not only will your residents' clothes look better and dry faster, but they will also be helping you protect your property.

If you have questions and concerns about your property or desire an alternative to expensive property management fees, reach out to RentalRiff today.

*Founded in 2020 by Phil Schaller, an experienced startup operator and landlord, and Pete Hanks, a Seattle-based general contractor, RentalRiff's mission is to change the way small rental properties are managed. Their solution allows landlords to be hands-off while knowing the property is well-cared for - it also provides tenants with a tremendous support system, all for a fraction of the cost of hiring a property manager. The service is based on a system developed by the founders to manage their own rental properties.*



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# 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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# SB 891's Conclusion and What it Means for Oregon Landlords

By **BRADLEY S. KRAUS**

**PARTNER, WARREN ALLEN LLP**

As the calendar turned to October, another important date has come and gone. I have previously covered Senate Bill 891 in depth, and readers may recall that October 1, 2022 was built into SB 891 as the sunset date for many of the bill's provisions and changes to the Oregon Residential Landlord and Tenant Act. While a few provisions remain related to screening from the former law, SB 891's departure brings back many of the normal rules and procedures landlords were familiar with prior to the COVID-19 restrictions frequently covered in this article series.

One of the largest changes landlords should be aware of is with respect to non-payment notices and timelines. COVID-19 saw changes to ORS 90.394, requiring non-payment notices to be 10 days long (along with the requirement of additional disclosures in the notice). Those changes have now sunset, and landlords can return to providing only 72 hours' notice for their non-payment-of-rent notices. As a reminder, non-payment notices can only include full units of rent (partial payments are problematic) and may only be served on or after the eighth day of the rental period.

Landlords also no longer need to provide the SB 891 disclosures to which they have grown accustomed. However, landlords should also be aware of, and take stock of, any prior evictions they have/had pending, and how they should proceed with them. As a reminder, many cases from months prior were set over until October if/when the tenant provided documentation that they had applied for rent assistance. Many landlords received that rent assistance, but any evictions related to those cases did not simply go away. In other words, they still must be disposed of through paper filings, or they remain on the court docket. If landlords had eviction cases in which they received rent assistance covering the amount stated in the notice, it is imperative that they dismiss that case as SB 891 previously required.

Many landlords have current cases in which they are either (a) still waiting on rent assistance or (b) have a case setover that is currently on the docket. Those landlords may proceed with their case when that date arrives as normal. While tenants may still apply for rent assistance, landlords are no longer required to pause and/or delay



their non-payment eviction matters (in fact, they haven't been required to do so after June 30).

Finally, landlords should be aware of the court docket situation in larger counties, and what they may mean going forward in the coming months. Many counties have dockets that are packed with setovers related to SB 891. As the court has only so much docket space to set cases, any eviction filings that occur within October could be delayed. This will result in first appearance dates that are more removed from the filing date. While unfortunate, it is a practical reality of what SB 891 required in months past. Going forward, as more cases resolve, those delays will subside, and landlord/tenant law will return to what it was pre-COVID (or as I call it, "in the before time . . . in the long, long ago").

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

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# Property Managers Affect Whether Renters Stay or 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.

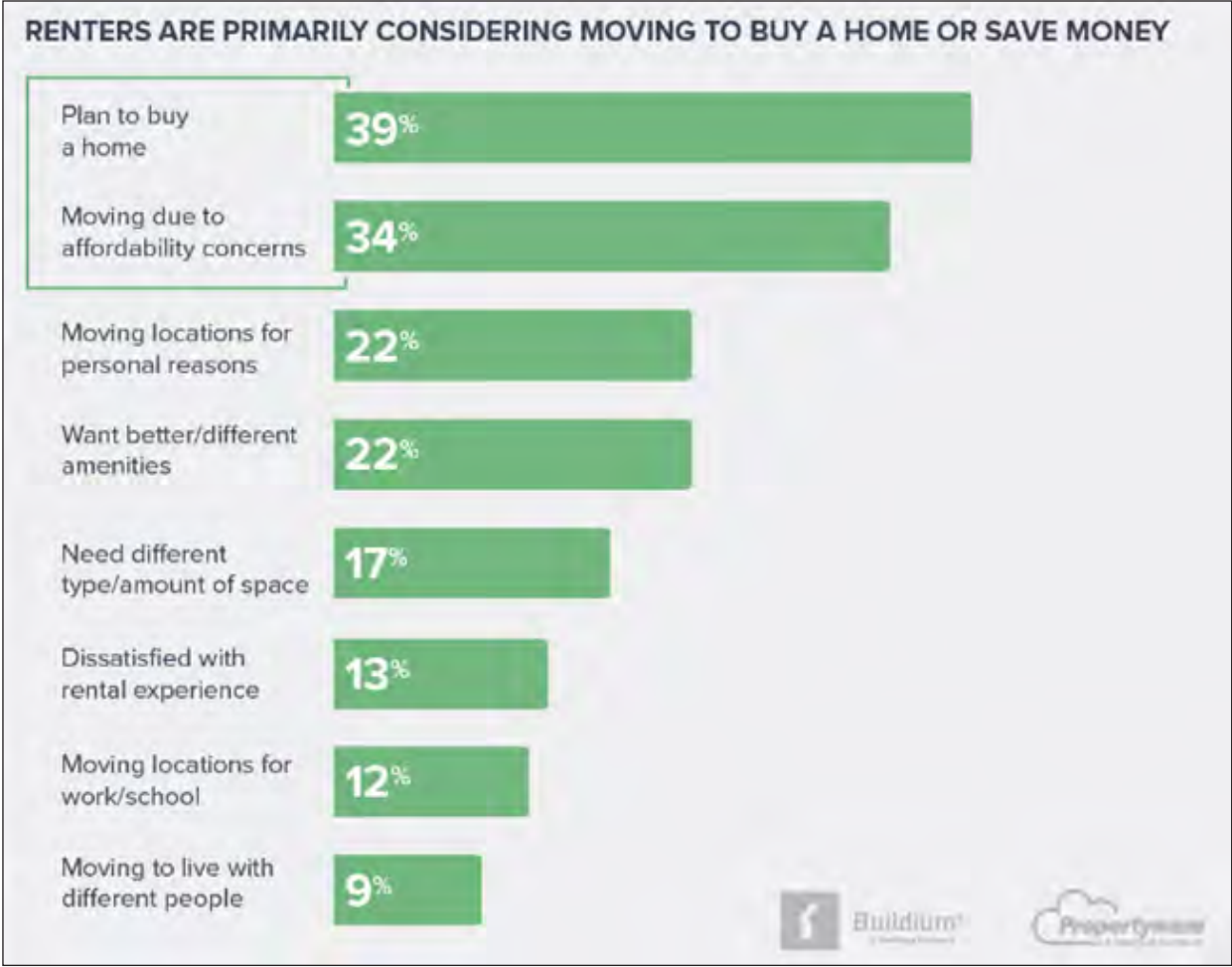
There are three main areas where property managers can make a difference in retaining tenants, according to the report.

- 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 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)





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# Landlords Can Raise Rent, But Not Until 2023

Continued from Page 1

“Because the limit announced does not take effect until 2023, the governor believes the legislature can and should take this up during the 2023 session. It’s important for Oregon renters and landlords to note that the maximum allowable increase announced today does not take effect until 2023. For the remainder of the calendar year, landlords are still bound to the 2022 maximum increase amount of 9.9

percent,” the governor said in the statement.

“I’m sure it sounds like, to a lot of people, that’s a big hike,” said Christian Bryant, president of the Portland Area Rental Owners Association, to kgw.com. He also teaches people the rental business.

Bryant said he understands the concern but does not believe most landlords who could raise rents 14.6 percent

next year will do so. But he added, “The way it’s set up right now is if you’re a landlord, you’re a business. And if your costs go up, (like) at a restaurant or the Home Depot, they charge the end user more.”

The Oregon Office of Economic Analysis is responsible for calculating and publishing, by September 30 of each year, the maximum annual rent increase percentage allowed by statute.

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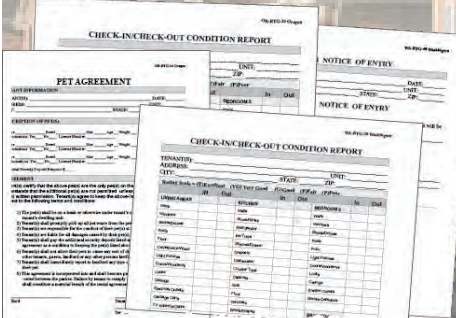
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# 4 Steps to Preventing Mold in Rental's Attic

BY CERTIFIED INDOOR ENVIRONMENTAL

One area that is often overlooked while forecasting during budget season is the attic assessment.

For attics that are inspected yearly, the cost can be much smaller than waiting for a potential problem to ensue.

Benjamin Franklin said, "Beware of little expenses, a small leak can sink a big ship."

The same is true for attics; putting off this detail can likely cause a huge variance down the road.

The best way to remove mold is to not have mold in the first place! At Certified Indoor Environmental, we have found the easiest way to prevent mold is to follow these 4 steps:

## 1. CHECK ATTIC SPACES REGULARLY

Conducting building-maintenance checks on a regular basis prevents unnecessary expenses for property owners and tenants. It is important to look for roof discoloration, fan ducts blowing air into the attic, and moisture on the sheathing.

## 2. CHECK HUMIDITY LEVELS IN YOUR BUILDING AND ATTIC SPACES

More than two years ago when the pandemic began, tenants were stuck in their units, and some of these buildings were not equipped to have residents cooking, showering, and working remotely 24/7. These COVID-induced lifestyles have led to excess humidity, which contributes to mold growth in attics and interiors. Mold left

unchecked can result in tenant complaints, rent concessions, and costly repairs.

## 3. ENSURE YOUR BUILDING IS PROPERLY VENTILATED

Mold in attic spaces is common and fast-growing, but is also preventable with annual assessments and consulting with an expert in both mold remediation and ventilation. Without proper ventilation, hot humid air escapes into the attic, creating condensation on the roof sheathing. Over time, this moisture degrades the sheathing, leading to costly roof replacements and remediation.

## 4. DETERMINE WHAT IS CAUSING THE MOLD AND CORRECT IT

Hiring a professional to assess your building's attic can help identify potential problems before they happen. If mold growth is present, an expert can locate the source of the mold, remediate, and make corrections to prevent the mold from returning.

Bottom Line: Taking a few minutes to doublecheck your attics regularly will be worth the thousands of dollars you will save not having to remove mold or implement costly roof repairs.

*Certified Indoor Environmental offers non-destructive mold remediation, which is the most cost-effective method for removing mold staining. Certified is recognized as a leading industry expert for identifying the cause and designing the ventilation to prevent future issues. For more information call 503-241-9199 or email cmt@certifiedie.com.*



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