



Kenosha Landlord Association

A Local Chapter of the Wisconsin Apartment Association

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To Our Members

We would like to thank Mike Rodgers from Rodgers Heating & Air Conditioning for speaking to landlords on the importance of performing preventative maintenance on furnaces and air-conditioning units. He gave some great advice on what to look for and how landlords can save money and time on simple repairs.

Are you aware of how the NEW HUD Laws are going to affect your screening criteria? If you don't change your screening criteria, you can learn what laws you will be breaking and what it will the cost you. At the next meeting, Wednesday, July 20th, WAA Director Brian Hervat will be giving a presentation on the HUD changes and the effects they will have on your rentals.

DISCLAIMER: The Kenosha Landlord Association publishes this newsletter to create awareness of issues relating to the rental housing industry. Information is compiled from a variety of sources and the views and concerns expressed by the contributors do not necessarily reflect those of the editor or the Association.



HUD Issues New Guidelines On The Use Of Criminal Records In The Rental Screening Process

Source: <http://petriestocking.com> - by Tristan R. Pettit



On April 4, 2016 the U.S. Department of Housing and Urban Development (HUD) dropped a bombshell on owners and managers of residential rental properties in the U.S.

HUD's Office of General Counsel published a 10 page guide entitled "Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real-Estate Related Transactions."

This guide essentially changes the rules as we currently know them with regard to rejecting a rental applicant based on their prior criminal history. I highly recommend that all of you read the document itself -- many times in fact -- as this is a very important change and this issue is not going to go away.

This Policy Is Applicable To All Landlords

HUD's guide applies to ALL HOUSING PROVIDERS. I repeat, this new policy applies to all of you. Some landlords assume that when they see "HUD" that it only applies to federally subsidized housing and public housing. Sometimes that is true, but not in this case. HUD is the federal agency that investigates allegations of fair housing (discrimination) violations. HUD investigates discrimination allegations against all landlords not just landlords of section 8 properties. So this guide published by HUD applies to all of you market rate/conventional housing landlords as well.

Disparate Impact

In order to understand HUD's view on the use of a person's criminal history in the screening process you have to understand something referred to as "disparate impact". In essence, "disparate impact" means that a landlord can have a facially neutral screening policy that is applied equally to everyone but it can still be discriminatory if its use results in a disproportionate impact on a member of a protected class.

HUD's guide includes lots of statistics that show that across the U.S. African-Americans and Hispanics are arrested, convicted, and incarcerated at rates disproportionate to their share in the general population. As a result of these statistics, if a landlord considers an applicant's criminal history (arrest and/or conviction) as part of the screening process, that landlord may be discriminating against African-Americans or Hispanics based on their race and/or national origin (both of which are protected classes under Fair Housing laws).

So even if your screening policy on its face is not discriminatory, and even if you are applying it evenly, you may still be discriminating based on race and/or national origin, because your policy affects African-Americans and Hispanics more than others.

Substantial, Legitimate, Nondiscriminatory Interest

So does this mean that a landlord cannot take into consideration a rental applicant's criminal background at all? The answer is both yes and no. HUD states that a landlord may not be discriminating based on race or national origin if his/her screening criteria with regard to the criminal history of an applicant can be proven to be "necessary to achieve a substantial, legitimate, nondiscriminatory interest of the [housing] provider."

What the heck does that mean?

There is no easy definition or explanation of this phrase. Whether a landlord's screening policy with regard to an applicant's criminal history is "substantial, legitimate, and nondiscriminatory" will depend on many specifics. It could depend on the facts of the crime or how old the conviction is or the exact wording of the criteria or how the criteria is applied, etc., etc. And it is helpful to keep in mind that one Fair Housing investigator's interpretation of the phrase may be different than another's. And one judge's view may be different than another's.

Continued on page 3



HUD Issues New Guidelines On The Use Of Criminal Records In The Rental Screening Process (con't)

HUD has tried to further clarify this phrase by boiling it all down to the following statements:

- A landlord must be able to prove through reliable evidence that his/her policy or practice of screening based on criminal history actually assists in protecting resident safety and/or property. Merely relying on generalizations or stereotypes that anyone with a criminal history poses a greater risk than a person without such a background is not sufficient.

Prior Arrests

HUD states that if a landlord rejects a rental applicant because of one or more prior arrests -- that have not resulted in a conviction -- that the landlord's policy cannot meet the burden of having a "substantial, legitimate, nondiscriminatory interest." Translation: if you are doing this, you are discriminating.

HUD states that "the fact of an arrest is not a reliable basis upon which to assess the potential risk to resident safety or property posed by a particular individual. For that reason, a housing provider who denies housing to persons on the basis of arrests not resulting in convictions cannot prove that the exclusion actually assists in protecting resident safety and/or property."

So landlords may no longer consider whether a rental applicant has been arrested unless that arrest resulted in a conviction.

HUD does not come out and say this but it would seem to me that by logical extension a landlord also cannot deny an applicant who has a criminal case that it still pending (since there has not yet been a conviction).

So the applicant that has a pending "first-degree homicide" charge or a "sexual assault of a child" case that is still winding its way through the criminal justice system or is on appeal - cannot be rejected based on that fact alone.

I understand the whole "innocent until proven guilty" viewpoint, but do you think this will comfort your long-standing tenant that has minor children living with her when a person charged with "sexual assault of a child" is allowed to move in next door to her because his case has not yet gone to trial and therefore he has not yet been convicted?

Oh just wait, it gets even better.

Criminal Convictions

HUD also states that a landlord that imposes a "blanket prohibition" on any rental applicant with a "conviction record -- no matter when the conviction occurred, what the underlying conduct entailed, or what the convicted person has done since then -- will be unable to meet this burden."

Translation: If you deny any and all applicants because they have a criminal conviction you are violating Fair Housing laws and therefore discriminating based on race and national origin, even if you apply that criteria evenly against everyone.

HUD goes on to say that even if you have a more tailored policy or practice that excludes individuals with only certain types of conviction you still must prove that your screening policy is necessary to serve a "substantial, legitimate, nondiscriminatory interest." There's that pesky phrase again.

HUD recommends that any landlord that wants to consider an applicant's past criminal convictions as part of the screening process must at a minimum consider the following:

- The nature and severity of the crime.
- The amount of time that has passed since the criminal conduct occurred.

Continued on page 4

HUD Issues New Guidelines On The Use Of Criminal Records In The Rental Screening Process (con't)



That is the only guidance that HUD has given us. The rest is for you to figure out. And if you don't handle things properly you may get investigated or sued for discrimination.

Exception: Illegal Manufacture Or Distribution Of A Controlled Substance

There is one point of clarity. The federal Fair Housing Act does contain a section that states that the taking of an adverse action against a person who has been convicted for illegally manufacturing or distributing a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802) will not be discriminatory. So a landlord is still free to deny a rental applicant if they have ever been convicted of manufacturing or distributing a controlled substance.

Conclusion

What really frustrates me about this whole thing is that landlords are now being told that they must consider an applicant's criminal convictions on a case by case basis. For years we have been told by HUD that the best way to avoid discriminating against someone is to treat everyone the same; your screening criteria must be objective and not subjective. But now HUD seems to be saying that is no longer appropriate.

Now HUD is telling landlords that they will need to become social workers and therapists and try to determine if an applicant who was convicted of a crime in the past has been rehabilitated or not.

Think of the time and effort that will be required for a landlord to travel to the courthouse to review the criminal case file to determine all of the facts surrounding the crime, all of the events that led up to the person engaging in the criminal conduct, the individual's past, to review any pre-sentencing report to see what the evaluator thinks about the defendant, etc. None of this information is available on CCAP. You will only get this information from the actual file. Or are you just supposed to listen to the applicant's version of the facts of the conviction and believe them?

It appears to me that HUD might actually be hoping that landlords decide their is too much risk involved in denying any applicant based on their past criminal convictions (except for the conviction for manufacturing or distributing controlled substances - see above) and therefore they should all be accepted.

Landlords will now need to try and determine what convictions might be considered "directly related to the safety of your residents and your property" and hope their interpretation is correct or else risk being investigated and/or sued.





23 Seattle Property Owners Accused Of Rental Housing Discrimination

Source: Source: <http://www.kiro7.com/news>



Director's charges of illegal discrimination have been filed against 23 property owners by the Seattle Office for Civil Rights.

A director's charge is not a criminal charge.

An investigation found that prospective renters experienced different treatment from Seattle landlords across all three categories that were tested: familial status, disability and use of a federal Section 8 voucher.

For familial status, some landlords provided less information about rental units to testers who said they had children than they did to testers who said they did not have children.

The department also found one manager advertised for "professional tenants only."

In the disability tests, some landlords refused to allow a service animal, refused to waive pet fees or hung up repeatedly when they received a call from the Washington state relay service.

One landlord, Frank Song, said he found out he was accused of hanging up on a call from the Washington state relay service.

"This doesn't make any sense," Song said. He told KIRO 7 he does not remember hanging up on such a call. He guessed that if he inadvertently did so, he might have mistaken the call for a telemarketer.

"Sometimes you pick up the phone, there's no 'hello, hello' – and no sound on the other end. You think it's either harassment or a sales call," Song said.

He told KIRO 7 that in his conversation with SOCR, he was not accused of any other discrimination.

On the subject of Section 8 vouchers, KIRO 7 has covered efforts by housing advocates to prevent such discrimination across the state.

But that bill did not pass in the recent legislative session.

Discriminating based on Section 8 voucher status is currently illegal in Seattle, Kirkland, Bellevue, Redmond, unincorporated King County, Tumwater and Vancouver, Washington.

In this latest test, the city found some landlords refused to respond to applicants who mentioned using a Section 8 voucher or simply turned away Section 8 applicants.

Last year, undercover "renters" working for the city of Seattle found discrimination at 13 properties across the city. Those incidents were rooted in discrimination based on race and sexual orientation.

In that case, 12 out of the 13 charged ended up settling with the city. They paid to reimburse the city's costs for testing their respective properties, which resulted in about \$700 per property. Some also paid \$1,000 toward the city's outreach and education efforts.



American Property Managers Prepare For Possible Economic Recession

Source: <http://www.propertymanager.com>



No one has a crystal ball when it comes to the U.S. economy, but recent data suggests the possibilities of an economic recession are increasing. A careful, timely preparation plan makes good business sense.

First I want to remind you that economic statistics are not always reliable. In fact they can be very confusing. Let me give you a recent example.

On Friday June 3 the U.S. Bureau of Labor Statistics announced an addition of just 38,000 nonfarm payrolls during May 2016. Economists had been expecting 160,000. This was a huge disappointment!

At the same time the Bureau stated that the U.S unemployment rate fell to 4.7% in May from 5.0% in April. Economists know this was largely a function of 458,000 workers dropping out of the labor force.

Are you perplexed yet? So was I, so I turned to the economists at J.P. Morgan for clarification. Their public response made it clear that these seemingly contradictory numbers are rather foreboding.

The latest employment numbers indicates to these economists a heightened probability of a recession happening within the next 12 months. The current economic recovery looks more vulnerable!

“Our preferred macroeconomic indicator of the probability that a recession begins within 12 months has moved up from 30% on May 5 to 34% last week to 36% today,” J.P. Morgan’s Jesse Edgerton wrote.

“This marks the second consecutive week that the tracker has reached a new high for the expansion.”

J.P. Morgan’s proprietary model factors in the levels of several economic indicators, including consumer sentiment, manufacturing sentiment, building permits, auto sales, and unemployment.

J.P. Morgan notes that non-farm payrolls are not a part of the model. Yet the unemployment rate is. Surprisingly, a low unemployment rate can be considered an ominous sign.

“The unemployment rate enters the model in two ways,” Edgerton explained. “As a near-term indicator, we watch for increases in the unemployment rate that occur near the beginning of recessions.”

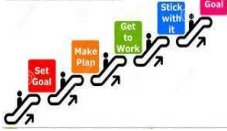
“So [the June 3] move down in the unemployment rate lowered the recession probability in our near-term model. But we also find the level of the unemployment rate to be one of the most useful indicators of medium-term recession risk. So the move down in unemployment raises the model’s view of the risk of economic overheating in the medium run and raises the ‘background risk’ of recession.”

What does all this portend for those in the property management industry? Here are my suggestions:

1. Now may be a good time to reconsider your plans for growth and consolidation. Are you prepared for the possibility of a sizable recession? Is your debt maintenance sustainable?
2. No one wants to be a “bad news bear,” but now is an auspicious time to make sure your clients are not over leveraged or stretched too thin. Tactfully inform of your concerns and ideas.
3. Tighten up your screening process for residents. FICO scores and credit ratings can help you anticipate their financial priorities and the likelihood they’ll continue to pay their rent on time.
4. Replace problem clients with flexible, reasonable ones. If a client is a complainer during good times, what will they be like during an economic downturn? Save yourself from the aggravation.

Remember, recessions begin when the economy looks robust and credit is cheap. It’s when the unexpected events and data (remember 2007-2008?) surprise us that we’ll realize we’re in a recession.

SELF-MANAGEMENT



10 Steps To Successful Self Management

Source: <http://www.managemyproperty.com>



Experienced managers will be quick to point out that self-managing rental property owners should be prepared for a full-time side job.

For those landlords that prefer to defer the headache of dealing with late night maintenance calls, tenant complaints, late rent payments or unauthorized pets, hiring a property manager is the solution to capitalize on your passive rental income with minimal effort.

Working with a property manager, however, is not without its own associated cost. And despite the benefits of using a property manager, some investors are not willing to part with the management fee collected from their rental income.

The good news is, even if you are unsure about whether you want to hire a property manager or not, you can easily enter the rental real estate market by self-managing your properties while deciding if managing rentals is truly the right choice for you.

Here are some important steps to get your started with self-managing your rental properties – no property manager needed.

- 1. Picking The Right Rent** -The right price for a rental property is a balance between wanting to maximize your income from rent payments and wanting to ensure the property is continuously occupied by trustworthy tenants. The right rent amount is determined by finding out what similar properties in the neighborhood rent for, known as the fair market rent. While property managers are experts in knowing community fair market rent, you can discover it yourself by doing a little research about rent in your area. Other factors that may affect a rental property's monthly rate include: the number of bedrooms and bathrooms; whether you include utilities, like electricity, gas, water, or internet; if you allow pets; if you provide extras like additional storage, garage, parking, or backyard; what kind of amenities the property has; and the property's location to schools or other community attractions.
- 2. Automate Your Process** - One of the biggest burdens of property management is finding the time to successfully complete all your tasks efficiently. Many landlords self-manage their rental properties. Property maintenance, inspections, rent collection, and application processing will take up a big chunk of a landlord's time. In order to supplement this time commitment, a majority of landlords have seen great success with helpful tools like property management software that automates the administrative tasks. Online tools are designed specifically for rental management and will allow you to streamline rent collection, screen your tenants, track your income and expenses, and market property vacancies all from one convenient platform.
- 3. Become An Expert on Landlord-Tenant Laws** - Laws pertaining to rental housing are established to protect both parties of the landlord-tenant relationship. Knowledge of and compliance with federal, state, and local regulations is crucial for both landlords and tenants. You can be sued for not obeying laws and ignorance is not a viable defense.
- 4. Screen Your Tenants Diligently** - Great tenants pay their rent, maintain the property, and communicate appropriately with their landlord. The trick is to be selective with your legal tenant approval process, set the right rent amount, and provide a nice property that good tenants want to live in.
- 5. Use A Legal Lease Agreement** - A strong lease is a landlord's best friend when it comes to clearly defining expectations between you and your tenants. A lease is a legal contract that outlines the conditions of renting your home that is mutually agreed upon when signed. You should have every tenant named on the contract and review the lease in person with them during the signing process.
- 6. Keep Up On Property Maintenance** - Property maintenance for rental properties includes seasonal and routine maintenance, emergency maintenance and regular maintenance associated with owning a home and protecting your property. As a housing provider you are legally obligated to maintain a habitable property for your renters.

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10 Steps To Successful Self Management

(con't)



This means you need to provide a safe and livable home, with items like sturdy structural features, locking doors, a roof that does not leak, heat, water and the absence of known toxins, like lead and asbestos.

7. Perform Regular Inspections - The best way to ensure your rental property is properly maintained and in great condition is to conduct regular inspections. Inspections provide 2 key benefits to rental property owners. You will identify any maintenance issues that need to be fixed before they become expensive problems and you can make sure your tenants are following lease terms and taking care of tenant required maintenance. If you self-manage your rental properties you should be prepared to conduct 4 types of inspections, these include routine inspections and those related to the beginning and end of a lease term.

8. Get Insured - Insurance policies designed specifically for landlords provide added protection for financial loss and obligations associated with your rental properties. While some landlords assume they can rely on their standard homeowners insurance to cover their rental property, homeowners coverage is usually not sufficient to protect an investment property. Homeowners insurance covers owner-occupied homes while landlord insurance covers liability and damages connected to tenant-occupied homes. Also have your tenants take out their own renter's insurance policy.

9. Get Ready For Tax Time - Rental real estate is praised for providing more tax benefits than almost any other investment. Landlords get to deduct items such as insurance, maintenance, and utilities from income, which homeowners do not. Other deductible expenses may include interest, property taxes, and deductions for depreciation. Make sure to keep excellent records so tax time is a breeze (or at least as painless as possible).

10. Talk To Other Landlords - Joining a professional organization will expand your network and will help you connect with your community. You will be impressed to find out there are tons of landlords just like you that love sharing ideas and advice with each other. There are national professional organizations with local chapters for real estate investors as well as dozens of online communities where you can interact with your fellow landlords to find out what are the best options for you.

While self-managing rental properties requires a significant time commitment and is a big responsibility, it is a popular solution for several real estate investors. Alternatively, you may decide that hiring a property manager is the best option for handling all the management duties listed above.

After you have spent some time as a landlord, you can decide if you like self-managing or if you would prefer to delegate the tasks to a property manager. Remember every experience is different, some self-managing landlords will tell you that property managers are unnecessary until there is that one tenant that makes you lose sleep at night.



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How To Use Flyers To Get A Unit Rented

Source: Bob Cain/Rentalpropertyreporter.com/May 2016



Realtors have used flyers for years because they use them because they work.

Don't know how to make a flyer? It's simple. Here's how.

If you're even marginally handy with a computer and have a laser or inkjet printer, you can make an acceptable looking flyer. Your computer might have come with Microsoft Publisher or you might have another inexpensive desktop publishing program. Microsoft Word makes flyer creation easy with ready-made templates, so all you have to do is type in the pertinent information and place the photo.

A picture is essential. It doesn't matter if it's a 40-unit building or a single-family house. One reason you use a picture is that it helps your prospective tenants remember which property it was. After they've driven by 10 or so, they all run together.

How To Ensure The Best Picture

If you can get a decent picture of your property that shows its good features, that's easiest to use. However, if the best picture you can get is of the garage, some trees or a trash dumpster, think of something else. One thing to do is hire an artist to make a line drawing of the property. A real estate artist can do it in less than an hour for under \$50.

I got information from Don Kinunen, a Portland, Oregon, artist who specializes in drawing properties. He charges \$45 for an 8 in. by 10 in. drawing that he also sends as a graphic by email. You can put the graphic directly onto your flyer. Go to Don's website at realestatesketch.com for complete information and to see sample sketches.

Once you have it on a digital camera, you can tweak it in a paint program on your computer. You can print them in color if you want, and that will be impressive. But black and white will probably be every bit as effective. The reason for the flyer is, of course, to advertise your property. But the advertisement is to remind your prospective tenants about the property.

The more professional looking the flyer, the better the impression prospective applicants get of you. A professional appearance encourages good tenants and discourages bad ones.

Silly as it sounds, make sure your name and phone number, the address of the property and the rent amount are on the flyer. You'd be surprised . . . Well, never mind. Just make sure all that is on the flyer. Just as important, proofread carefully. Make sure it says what you intended it to say and that there are no grammar or spelling errors. Grammar and spelling errors show that someone is not careful and meticulous, and that carries over to an opinion of management style in the minds of some people.

What Other Information Goes On Them

Other than the address, rent and your contact information, you want to put information on the flyer that will help your prospective tenants decide if this is a place they want to live. List only benefits and not negatives, except for a couple of exceptions.

Always List:

- Number of bedrooms
- Number of bathrooms
- Square feet



How To Use Flyers To Get A Unit Rented

(con't)



This wording at the bottom:

We are working with neighbors and other landlords to maintain the quality of the neighborhood. We want to make sure that our tenants are good neighbors. To that end we have a thorough screening process.

If you meet the application criteria and are accepted, you will have the peace of mind of knowing that other tenants in this area are being screened with equal care.

We provide equal housing opportunity. We do not discriminate on the basis of race, religion, creed, color, national origin, marital status, sex, familial status or handicap.

That language also has the effect of screening applicants. Bad tenants don't want you to "make sure that" your "tenants are good neighbors." If they know you will check rental history, they'll just go on to the next landlord. Aw, shucks. Good tenants are encouraged by language such as that because they hate living near bad tenants.

Things You Might Want To Include:

- School district
- Special features about unit such as new carpet, updated kitchen, etc.
- That you allow pets (if you indeed do)
- That you rent to smokers (if you do)
- That you accept Section 8 (if you do and have a choice where your property is) Distance to bus or train (if it's close)
- The fact that there's off-street parking (if there is)
- Any move-in incentives

DO NOT Include (none of these is a selling point):

- The phrase "No Pets"
- The phrase "No Smokers"
- The phrase "No Section 8"
- How much the deposit is

In other words, include only positives. If it does not help in selling the unit, leave it out. Prospective tenants will ask if those questions are important to them. Then you can have an answer that is already written out to respond to them. If they have no importance to the prospective tenant, you have not created a negative impression.

Get at least 100 copied on colored paper, preferably blue or pink, at a copy shop, NOT WHITE. Advertising agencies and researchers have found that blue and pink are the two most effective colors and white looks like a McDonald's napkin.

Once you have the flyers printed, display them in front of the property. The best thing to use is one of the plastic brochure or flyer boxes that Realtors® use for houses they are selling. Office Max sells what appears to be a sturdy one for about \$19.00. The most interesting one is at Home Depot where they have a box and stand that sticks in the ground for about \$23.00. Check online under "literature boxes."

Flyers get the phone to ring and they cost infinitely less and are infinitely more effective than newspaper ads. You can use the same information in online ads including the pictures you take for your flyer.

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STACEY STANICH • INC.
APPRAISAL SERVICE



BRIO Properties

A Landlord's Partner
In Rental Property Management





The Future For Kenosha Landlord Association Help Keep Us Strong



The KLA Association is only as strong as our members, and the participation of our members is critical for our growth and success. We have established a number of committees (teams) to ensure that our association continues to meet our goals, retain and add members, and provide education, leadership, and representation to ensure that YOU are able to operate your rental business successfully, ethically, and responsibly. The board members and committee members have agreed to volunteer their opinions, skills, and time to make this association the best it can be. Please consider getting involved and help make a difference in YOUR association.

We are always looking for topics that you as a KLA member would like to hear about. If there is a specific topic you would like to hear more about, please send an email to kenoshalandlords@gmail.com. If you know a landlord that may be interested in joining, bring them as your guest. If there is a business that would benefit from joining, invite them as your guest.

Next Meeting

Fireside Restaurant & Lounge

2801 30th Avenue
(262) 764-0601

July 20, 2016

6:30 p.m. networking
7:00 p.m. meeting

*Appetizers & Beverages Provided
At Meetings*

*If you know a landlord or business
that would be interested in joining,
invite them as your guest.*

Kenosha Landlord Association

**WAA Director
Brian Hervat**

on

HUD CHANGES

**Please remember there will be no
August Meeting**

www.kenoshalandlordassociation.org
www.facebook.com/KenoshaLandlordAssociation