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**UPCOMING EVENTS:**

**General Membership Meeting,  
Salt Lake**  
• Thursday, Jan. 24, 7:00 PM

**General Membership Meetings,  
Provo or Ogden**  
• Wednesday, Jan. 23, 7:00 PM

**UPRO Certification Classes**  
• Friday, Jan. 25, 8:30 AM  
Marketing: Curb Appeal

• Friday, Jan. 25, 10:35 AM  
Marketing: Advertising & Leasing  
[www.uaahq.org/upro](http://www.uaahq.org/upro)

**Tribute Awards Ceremony**  
• Friday, Feb. 8, 6:00 PM

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# 6 Features to Attract College-Age Renters

**KEEPE**

Many college students outgrow dorms during their college years and start looking for off-campus housing with other students after their initial year of college. If your property is near a college or university, you can maximize on this demographic by using these tips.

1. **RENT**

Students are reluctant and often financially limited to over-pay for rent. To maximize on renter interest, be sure to price your rent according to similar properties in the area to maximize on interest while maintaining your revenue.

2. **OCCUPANTS**

Generally, students rent an

*See 'Attracting' on Page 4*

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# Understanding Utah's Rules Regarding Medical Marijuana

BY JEREMY SHORTS, LAW  
OFFICES OF JEREMY M. SHORTS

In November 2018, Utah voters passed Proposition 2 concerning the use of medical cannabis in Utah, which the Utah Legislature then replaced with House Bill 3001, the Utah Medical Cannabis Act ("UMCA"). Landlords are wondering how these changes will impact them.

Let's talk about some of the common questions we've received. First, the bill itself is 220 pages! There's a lot to the bill and everyone involved is still learning what it allows/disallows and how the laws will be implemented and enforced. But let's talk about some of the highlights as the bill relates to landlords and tenants.

The most common question we have received is whether landlords have to allow marijuana smoking in their units. The quick answer is "No." The language of the bill specifically states that the UMCA "does not authorize a



medical cannabis cardholder to smoke or combust cannabis or to use a device to facilitate the smoking or combustion of cannabis." This means that if a tenant is smoking marijuana, they are likely violating the UMCA and their lease agreement.

If you have a tenant that is smoking marijuana you should contact an attorney to discuss your specific situation, but the first place an attorney will want to look is your lease to see if smoking is allowed. Even if the UMCA

*See 'Answers' on Page 5*



# Speed Hiring! Finding the Right People Fast

**BY MARY GWYN, CPM**

A tweet from Grace Hill said that our industry is slow to hire. It reminded me of why I try to be passionate about hiring. When you have a vacant or about-to-be-vacant position, nothing is really more important. If you're a "man down:"

• You can't get your work done as well, working to see the other person's job is done.

• Everyone else has to work harder, too.

• You are torn between time to recruit, interview, vet and hire, and time to do what's not being done by the "missing person."

And that doesn't even consider the impact of the learning curve on co-workers' time and keeping results up. The best solution: REHIRE FAST!

**8 TIPS TO SPEED HIRING:**

1. Post ads before the ink dries on your outgoing employee's notice! Post

*See '8 Tips' on Page 3*

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Chair's Message

You, the Members, Make UAA Great

As President of the Utah Apartment Association I have learned that the most important part of the UAA is you. You, the member, are the one who makes this organization work. You, the member, are the catalyst that makes the UAA great.



MATT LEDINGHAM  
Chair, Utah Apartment Association

Volunteers like you play a bigger role than ever in the UAA. There are 38 volunteer board members and hundreds more on committees. Volunteers like you make decisions on the direction and the mission of the UAA. Volunteers like you are more

involved than ever in doing the work of the association.

As Theodore Roosevelt once said “Every man owes a part of his time to the business in which he is engaged. No man has the moral right to withhold support from an organization that is striving to improve conditions within his sphere.”

I am so proud of the UAA board. Each member this past year has stepped up and become involved in meaningful ways. They lead committees. They organize events. They create resources. They teach classes. They market our events. They advocate on our issues.

In 1945 UAA President John H. Henderson said, “Too many of our members are inclined to let

the limited staff fight all of our battles. In a recent legislative matter the ladies committee reported to me that several members stated ‘Why can’t the association do it?’ Who is the association? Certainly it is not our limited paid staff. It is you and I and every one of us who owns property. You must help in every way you can to increase our membership to make our work more effective. This is your association and for it to continue its effective work for you — you, too, must make some contribution besides the mere paying of dues.”

If you aren’t yet involved as a volunteer, please sign up by emailing [stephanie@uaahq.org](mailto:stephanie@uaahq.org) or call us at 801-487-5619. The UAA does really need you to be successful.

How to Avoid a Fair Housing Claim Over Source-of-Income Discrimination

By ELLEN CLARK

Many states and cities, including Seattle and the State of Washington, have laws against source-of-income discrimination, meaning a property owner cannot choose to reject an applicant based on where his income comes from as long as it is a lawful source.

Source-of-income discrimination has been documented by researchers, and advocates say it creates barriers for

grace hill

TRAINING TIP OF THE MONTH

people struggling to find housing.

In Baltimore, the City Council is set to take up legislation that would make it illegal for property managers

to discriminate against prospective residents because of how they would pay their rent.

This type of discrimination is known as “source-of-income” discrimination, and though not prohibited under federal fair housing law, it is prohibited by some state, city, and county laws. According to reports at least 12 states and numerous cities have similar legislation in place so it pays to check your local city and state laws on this issue. The states of Washington, Oregon, Utah and Colorado all have these types of laws.

Source-of-income discrimination is often directed at people whose lawful livelihoods come from sources other than a paycheck.

Examples of lawful sources of income include:

- Source-of-income discrimination may not be prohibited under federal fair housing law, however, it is prohibited by some state, city, and county laws.

Housing Choice Vouchers (Section 8)

- Supplemental Security Income (SSI)

- Social Security
- Veterans benefits
- Alimony or child support payments

- Temporary Assistance for Needy Families (TANF)

What types of actions may be considered discrimination based on a source of income?

Here are some examples:

- Advertising that a person “must have a job” to rent an apartment.
- Requiring documentation, such as pay stubs, that are typically only available to people who are working.

- Advertisements that express limitations as to the source of income of potential residents, such as, “No Section 8” or “We do not take public assistance”

- Refusing to rent to a person who is receiving public benefits.

- Setting income requirements artificially high in order to exclude applicants who receive public benefits.

- Requiring co-signers or a larger security deposit because of an applicant’s source of income.

If discrimination based on the source of income is prohibited in your state or locality, one of the most important things you can do to make sure you do not end up on the wrong side of a fair housing claim is to keep all employees well-informed.

All staff members who come into contact with residents and prospective residents must be trained in fair-housing laws.

- All staff members should refresh their fair-housing knowledge at least annually and should be very clear that discrimination based on the source of income is illegal.

- Don’t forget about vendors and contractors! Anyone who could possibly interact with your residents should be informed of your company’s fair-housing policy and asked to abide by fair-housing laws.

It is important to remember that many states, cities, and municipalities have expanded fair housing protection to include additional protected classes. In addition to the source of income, these may include characteristics such as ancestry, marital status, age, military status, and student status.

*Ellen Clark is the Director of Assessment at Grace Hill. Her work has spanned the entire learner lifecycle, from elementary school through professional education. She spent over 10 years working with K12 Inc.’s network of online charter schools, and later, at Kaplan Inc., she worked in the vocational education and job training divisions, improving online, blended and face-to-face training programs, and working directly with business leadership and trainers to improve learner outcomes and job performance. Ellen lives and works in Maryland, where she was born and raised. About Grace Hill: For nearly two decades, Grace Hill has been developing best-in-class online training courseware and administration solely for the Property Management Industry, designed to help people, teams and companies improve performance and reduce risk. Contact Grace Hill at 866.472.2344 to hear more.*

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Ask the Attorney

# Can You Claim Your Own Time Against a Tenant’s Security Deposit?

Dear Attorney,

When I am charging fees against a security deposit, can I charge for my own time working on the property?



JEREMY SHORTS  
Attorney

First, review your lease for anything specific to your situation. Second, Utah law allows you to charge the tenant for cleaning costs as well as repairs, above normal wear and tear.

Yes, you may charge your own time, but you need to make sure that the charges are reasonable. The word “reasonable” can have different meanings for a lot of people and can be

difficult to follow, so make an effort to ensure your hourly rate is not too high, and the hours you are charging are also reasonable.

Most cases never make it in front of a judge, but you should always act as if this one will. If your tenant disputes the charges and the matter ends up in court, that can be more of a headache than the charges against the deposit.

Be reasonable, and back up your charges with logs, detailed work descriptions, and even estimates or invoices from other service providers.

When in doubt, it might be best practice to have an independent third party complete repairs and cleaning. That way you will be able to provide a third-party invoice along with the deposit closing statement to support the charges.



## Answers to Questions About Medical Marijuana Legislation

Continued from Page 1

permitted the smoking of medical cannabis, landlords have an argument that the lease could be used to restrict smoking within the unit. Think of tobacco – It’s legal under the law to smoke, but landlords are still within their rights to restrict smoking within

the unit.

Also, the initial draft of the UMCA specifically stated that a landlord could not refuse to lease to a person based on their status as a medical cannabis card holder. That was removed and is not in the version that became law, but it’s important not to overreact. If

medical cannabis is being used by a tenant in accordance with the UMCA, it’s highly unlikely that the landlord would ever even know about it. How many landlords are aware of what prescription medications their tenants are taking? It is likely to be the same scenario when it comes to medical cannabis use; the landlord is probably never going to know about it.

Finally, do you need to update your lease to address medical cannabis? Probably not. The most common abuse will be smoking marijuana, which is already prohibited by the UMCA and most leases.

There is no need to have your lease address specific prescription medications that your tenants are taking, so it’s unlikely that medical cannabis needs to be addressed in your lease. Continue to refer to your lease



and enforce it if you see any violations.

The big takeaway here is for landlords not to overreact; we aren’t expecting UMCA to drastically impact the manner in which landlords and tenants operate.

## Attracting College-Age Renters

Continued from Page 1

apartment unit with other people. Make sure your policy is flexible on the number of occupants one unit can have to maximize on renter interest.

### 3. PARKING

If your property isn’t centrally located near stores and a university, consider re-evaluating parking costs to ensure your college-age applicants can afford the extra expense. High parking costs might drive students from considering your property as a reasonable place to live.

### 4. REPUTATION

College-age renters review online sites to get a sense of what to expect from the landlord. If you are receiving bad reviews on such sites, be sure to make changes in your business that will reflect you more positively in reviews.

### 5. AMENITIES

High-end features are not a necessity,

but amenities such as laundry, gym, and a pool are all features that can sway college-age renters to picking your property over another. If your apartment complex has useful amenities, be sure to highlight these features on your website and other marketing channels.

### 6. SMART TECHNOLOGY

Millennials and Generation Z are early adopters of smart apartment technology and prefer renting in properties that have already adopted technologies such as smart thermostat and lighting systems, which are among the top devices that are seen as valuable to renters. Invest in smart technology to draw in millennial renters, especially if you are in a competitive market.

*Keepe is an on-demand maintenance solution for property managers and independent landlords. Keepe is available in the Greater Seattle area, Greater Phoenix area, San Francisco Bay area, Portland, San Diego and is coming soon to an area near you.*



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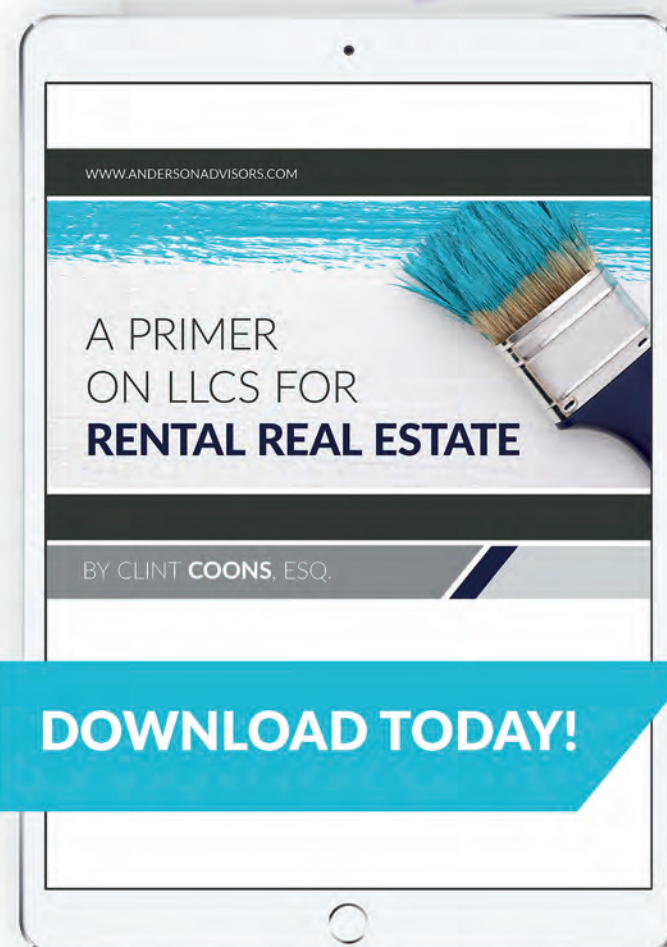
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# The ABCs of Eviction in the State of Utah

By JEREMY SHORTS, LAW  
OFFICES OF JEREMY M. SHORTS

How long does it take to evict in Utah? Most of our evictions are handled in weeks, but if they are not done correctly we have seen evictions take months.

Utah courts allow evictions to proceed through an expedited legal process. This is simply based on the fact that the courts understand that you, as the landlord, cannot wait months or years for a court's decision when you are dealing with a dead-beat tenant.

There are generally three steps to properly evict a non-paying tenant. It is important to consult an attorney to ensure that you are complying with the law. Failing to follow the proper procedures can result in your eviction action being dismissed or even penalties imposed on the landlord.

Here is a brief outline of the process for a typical Utah eviction:

## STEP #1 - EVICTION NOTICES (ENDING THE LEASE)

The eviction process begins with serving an eviction notice. Along with the eviction notice, we will personally serve an eviction demand letter letting your tenants know that they must comply with the eviction notices or face an eviction lawsuit.

Selecting the correct eviction notice is critical because it forms the foundation



of the eviction. Utah law allows for multiple eviction notices. If the tenants have caused multiple violations, the landlord should serve multiple notices that apply to the situation. This provides the landlord with a stronger eviction case because it provides multiple grounds for eviction (we don't have to prove ALL of the notices, we only have to prove one notice to justify the eviction). Failing to provide proper notice to a tenant can easily result in a judge dismissing your entire eviction.

## STEP #2 - FILING AN EVICTION WITH THE COURT

If the tenant fails to comply with the eviction notices, the landlord must file an eviction lawsuit with the court. This is typically where our clients have us

take over. Our evictions are handled online and submitted electronically directly with the court. Most evictions are filed the same day and completed 2-3 weeks later with the locks being changed.

Evictions must be filed in Utah's District Courts (small claims cannot handle evictions). An eviction lawsuit usually has two main purposes: (1) to re-gain physical possession of the property, and (2) to obtain a judgment for any amounts owed under the contract. We work to accomplish both of these goals.

## STEP #3 - PERFORMING THE LOCKOUT

Once the eviction case is filed we work through the case until the sheriff

or constable is able to change the locks. Lawsuits can be complex and there are multiple reasons you should hire an attorney. If not done properly, your case may be delayed or you may have to start the entire process over.

## TIMELINE

Civil lawsuits in Utah's District Court often take months or years before a judge renders a decision. If forced to wait through the regular timelines, landlords would often face default on their mortgage which may result in foreclosure. In order to avoid this result, and to provide landlords with relief from dead-beat tenants, Utah law provides landlords several significant opportunities to speed up the eviction process and have a judge review the case. If done properly, evictions can typically be resolved within days or weeks as opposed to months or years.

Benjamin Franklin once said, "An ounce of prevention is worth a pound of cure." This is certainly true when dealing with evictions. A good eviction attorney can prevent potential problems with your eviction case and can often evict a tenant faster.

*Before you get started, feel free to contact us for a free consultation for landlords.*

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**2. Rental and Lease Forms** - Unlimited 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 expense for each unit, property and company. Perfect for mid and small size property managers and independent rental owners, who neither have the need or budget for larger, more expensive software.

**4. Management Database** - Rentegration.com is an easy to use, database driven software. Most form fields are auto populated from the database. The modules are all integrated and work together. For example, a customer can use the rent-roll function to identify all delinquencies, apply fees, and create eviction forms with a few simple clicks of the mouse.

**5. Value** - Large property management companies that use Rentegration.com for only forms generation will save time and money over other methods. Mid and small size property managers and independent rental owners can manage their entire business at a fraction of the cost of other software and forms.

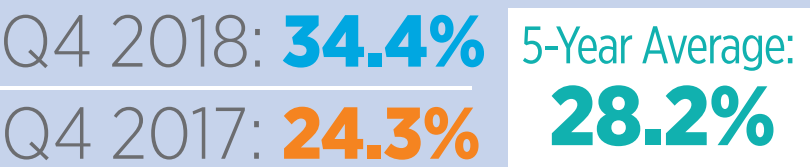
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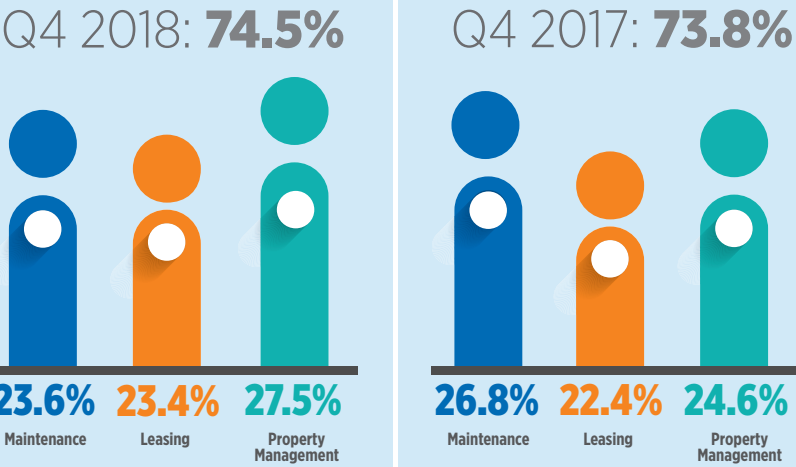


Total Q4 Job Postings in Apartment Industry (% of Real Estate Sector)



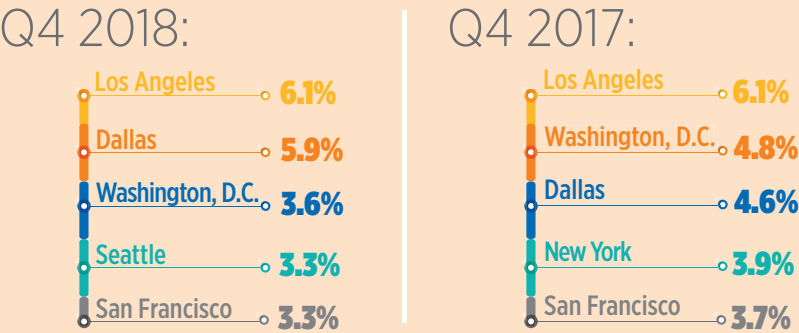
Summary: More than one-third of real-estate jobs across the country were available in the apartment sector, well above recent averages for the final three months of the year.

Job Postings by Major Category (As a percent of all Apartment Jobs)



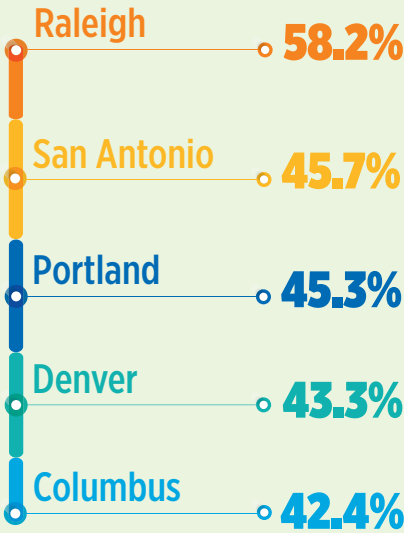
Summary: Positions within property management were in the greatest demand with leasing and maintenance fairly evenly split. Property managers, assistant property managers and community directors fell within the top 5 job titles comprising more than 6,200 postings combined.

Top MSAs\* (As a percent of all U.S. Apartment Jobs)



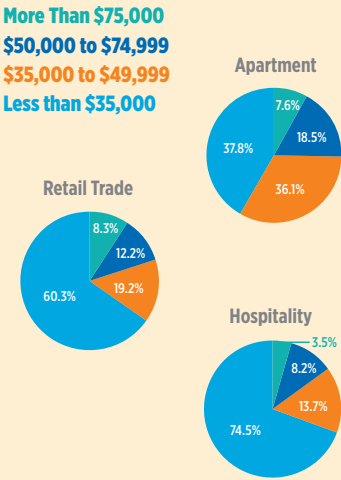
Summary: The metro areas with the greatest numbers of apartment jobs were little changed compared to the same period last year. Seattle, where apartment demand has been fueled by robust job growth, took New York City's place in the top five.

December 2018: % Apartment Jobs of Total Real Estate Jobs



Summary: The monthly MSA ranking ended the year with three cities making an appearance five times: Denver, Nashville and San Antonio. These markets had the highest concentration of open apartment positions as measured against the broader real estate sector. Although new apartment construction slowed somewhat in 2018, a steady stream of new supply over the past several years bolstered by healthy in-migration and employment growth kept demand for apartment jobs elevated.

Competing Sectors: Mean advertised salaries by dollar range\*\*



Summary: Salaries in the apartment sector have been more competitive than the retail trade and hospitality sectors, which have overlapping skill sets for some positions. High location quotients\*\*\* across all three sectors in Denver, Colorado Springs, Seattle, and Phoenix, among others, present both opportunities and challenges with all sectors competing for the same pool of labor.

The Evolution of Titles & Skills 2018 vs. 2013

Top Increases in Job Titles in 2018 (percentage point change in postings)

- Maintenance Technician: 5.3

Assistant Property Manager: 2.0

Maintenance Supervisor: 1.4

Top Increases to Skills Desired in 2018 (percentage point change in postings requiring skill)

- Yardi Software: 6.7

Writing: 6.4

Teamwork/Collaboration: 6.3

Summary: The change in the proportion of job titles over the past 5 years is not only reflective of demand, i.e. the highly sought-after maintenance tech, but of recruiters providing more focused and appealing titles. The generic "apartment manager" has given way to "community manager" while the surge of assistant property managers and maintenance supervisors reveals a clear career path within those sectors. The greatest increases in skills desired for all types of positions included both specialized skills such as Yardi software, and soft skills, particularly writing and collaboration.

NAA National Apartment Association Education Institute

Apartment Jobs Snapshot

Q4 2018

# West Coast Markets Dominate Demand for Apartment Jobs

RENTAL HOUSING JOURNAL

The apartment industry labor market held its momentum through the final three months of the year, with apartment jobs representing more than 34 percent of job openings in the real estate sector.

The latest National Apartment Association jobs report shows demand levels were well above the recent average of 28.2 percent for this quarter.

West Coast markets Los Angeles, Seattle and San Francisco dominated the top cities for apartment- job demand in terms of the sheer number of available positions.

Both Denver and Colorado Springs had the highest location quotients, meaning demand in these markets was three times the U.S. average.

PROPERTY MANAGER JOBS IN HIGH DEMAND

Positions in property management were in the greatest demand, with leasing and maintenance fairly evenly split, according to the December report.

Property managers, assistant property managers and community directors were in the top five job titles, comprising more than 6,200 postings combined.

SALARIES MORE COMPETITIVE

Salaries in the apartment sector have been more competitive than the retail trade and hospitality sectors, which have overlapping skill sets for some positions.

High location quotients in Denver, Colorado Springs, Seattle, and Phoenix, among others, present both opportunities and challenges as all sectors are competing for the same pool of labor.

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The greatest increases in skills desired for all types of positions included both specialized skills such as Yardi software, and soft skills, particularly writing and collaboration

The jobs report focuses on jobs that are being advertised in the apartment industry as being available, according to Paula Munger, Director, Industry Research and Analysis, for the National Apartment Association's Education Institute.

"Our education institute is a credentialing body for the apartment industry. They hear often that one of the biggest problems keeping our industry leaders up at night is the difficulty in finding talent, attracting talent and retaining talent," Munger said. "Labor-market issues are happening in a lot of industries, certainly with the tight labor market we have."

NAA partnered with Burning Glass Technologies. "They have a labor-job posting database that is proprietary," she said, and they can "layer on data from the Bureau of Labor Statistics (BLS). We looked at that and thought we could do something that is really going to help the industry and help benchmark job titles and trends as we go forward." NAAEI's mission is to provide broad-based education, training and recruitment programs that attract, nurture and retain high-quality professionals and develop tomorrow's apartment industry leaders.

Highest Location Quotients\*\*\*

Apartments		Retail Trade		Hospitality	
Denver	3.0	Seattle	2.1	Las Vegas	3.9
Colorado Springs	3.0	San Francisco	1.7	Nashville	2.4
Austin	2.9	Denver	1.7	Denver	2.3
Portland	2.7	Colorado Springs	1.7	New Orleans	2.2
Raleigh	2.7	Burlington, NC	1.7	Phoenix	2.1

\* MSAs with 100 or more apartment job postings. \*\* Sample size for apartment job advertised salaries was 8,544 positions. \*\*\* Location quotients show how concentrated demand is within a particular geography. US-wide average demand equals 1.0; an LQ of 1.2, for example, indicates 20% higher demand than the US average (or 1.2 times the US concentration).

Sources: NAA Research; Burning Glass Technologies; Bureau of Labor Statistics; CoStar Group (Job postings data are not seasonally adjusted)

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