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4. Ask the Attorney — Utah Eviction Law — Protect Yourself, The 4 Cs
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6. Fair Housing Conference and Trade Show Education Schedule

UPCOMING EVENTS:
General Membership Meetings **SALT LAKE**
Topic: Forms & Tax Laws and Accounting Issues
Thursday • February 27 • 7 p.m.
General Membership Meetings **PROVO**
Topic: Forms & Tax Laws and Accounting Issues
Wednesday • February 26 • 7 p.m.
UPRO Certification Classes
Friday • February 28 • 8:30 a.m.
Low Income Housing and Working With Government Agencies
Friday • February 28 • 10:30 a.m.
Property Management Regulations & Management Agreements
www.uaahq.org/upro
C.A.M. Certification Classes
Industry Essentials & The Resident Experience
UAA Office
Tuesday • March 17th • 9 a.m. – 4 p.m.
www.uaahq.org/cam
CPO Certification Classes
Certified Pool Operator
UAA Office
Wednesday • March 11th & 12th • 9 a.m. – 4 p.m.
www.uaahq.org/cpo

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Seattle City Council Bans Winter Evictions

RENTAL HOUSING JOURNAL

The Seattle City Council has voted to ban winter evictions from the months of December through February, shortening the original proposal from five months to three months, according to reports.

The council also added a provision exempting landlords who own four units or less.

The original proposal would have banned evictions in Seattle during the five months between November 1 and March 31. It would prevent a landlord from evicting a tenant for failure to pay rent for up to five months.

The exceptions to the proposal would be if a tenant is doing something illegal in or around the building.

To help survive potential legal challenges, council member Kshama Sawant added an amendment to position the winter months as a defense to getting evicted, rather than

See 'Seattle' on Page 5

UTAH APARTMENT ASSOCIATION

Trade Show Registration Now Open

UTAH APARTMENT ASSOCIATION

The UAA is excited to announce a registration incentive to those who attend the 2020 Fair Housing Education Conference & Trade Show at the Mountain America Expo Center on Tuesday, April 21st. Every week the UAA will hold a drawing and give away prizes to individuals who have registered for the Trade Show. This list of people we are drawing from is cumulative - meaning - the earlier you register, and the more people that are registered, the more chances that you or somebody on your team has to be selected. If you sign up to attend this week, your names will

2020 Fair Housing Education Conference & Trade Show
Mountain America Expo Center
Tuesday, April 21, 2020
www.uaatradeshow.com

• **Conference and Trade Show Education Schedule, Page 6**

be in the drawing every week leading up to the event!

General Admission tickets are \$40

and Admission & Lunch tickets cost \$65. You can receive discounts & special offers when you register online now. If you have any questions, please visit the UAA Trade Show Website: www.uaatradeshow.com, email events@uaahq.org, or call 801-487-5619.

This gathering of more than 1,500+ multifamily housing professionals and over 130+ exhibitors is the biggest and best event in the State of Utah — and is hitting record-breaking attendance numbers year after year. The numbers prove that attendees and suppliers are

See 'Conference' on Page 6

RENTAL HOUSING JOURNAL

Garbage Disposals Most Popular Fix in January

Imagine you just finished a delicious meal and now you're doing the dreaded chore of washing up. But as you switch on the garbage disposal, instead of hearing the familiar buzz, you hear the bland hum that signals a broken garbage disposal.

If you're like most people, you probably don't realize just how important a working garbage disposal is, that is until it's not working. Broken garbage disposals were the most in-demand maintenance call for Keepe in January.

Tenants calling in to property managers need help immediately. The common message is that their garbage disposal is not working, and their sink is jammed or clogged.

In one instance, a property manager in Phoenix put in an urgent maintenance call to request service as soon as possible. When the technicians arrived, they found a clogged sink and knew that they needed to further examine the garbage disposal to determine the problem.

off. Next, they looked under the sink to see if the garbage disposal was plugged in.

Once the electricity was turned off and the garbage disposal unit unplugged, they needed to unclog

See 'Garbage' on Page 7



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LET'S TAKE A CLOSER LOOK AT THE STEPS TAKEN

First, they checked the circuit breaker to determine if the power had gone out in the kitchen; they attempted to reset the circuit breaker by flipping it on and

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Five Things to Remember When Deciding to do a 1031 Exchange

By Dwight Kay
and the Kay Properties Team

A 1031 exchange is a legal way for investors to defer their capital gains taxes on the sale of real estate held for investment or business purposes. It allows one to defer taxes on a property sale as long as they follow specific 1031 rules and guidelines. In other words, you have the potential to keep all your profits working for you with the purchase of your next investment property, without the IRS coming after you looking for their share of the pie. Here are five things to remember before a 1031 exchange.

1. Taxes are Applicable in a Non-1031 Exchange

When an investor sells a property that has gone up in value this results in several types of taxes. These include capital gains taxes, which the investor must pay if they sell the asset at a price higher than they initially paid for it. Federal capital gains are taxed at 15-20% of the increase in value, while state capital gains are taxed between 0- 13.3% of the increase in value.

Depreciation recapture taxes are taxes due when the seller had claimed depreciation expenses on the sold property. Depreciation recapture is currently taxed at 25% of the amount you have depreciated over the years. Other taxes incurred on property sales include the 3.8% Medicare surtax.

All these taxes are able to be deferred if you do a 1031 exchange. But if you choose to sell your property without a 1031 exchange, ensure you consult a reputable attorney and

CPA so you can know what your full tax bill will be when adding up federal capital gains, state capital gains, depreciation recapture and the medicare surtax.

2. You Need a Qualified Intermediary

A 1031 exchange isn't as simple as selling and reinvesting in another property. You must first transfer the relinquished property to an intermediary or an accommodator so they can execute the sale on your behalf. This is a process whereby your sale contract is assigned to the qualified intermediary and when the property closes your funds are then wired to your account at the qualified intermediary. From there you will instruct which properties you would like the qualified intermediary to purchase on your behalf. Kay Properties is not a qualified intermediary however we work with many throughout the country so if you would like a referral please let us know.

3. You Can Only Purchase a Like-Kind Asset

For you to defer taxes via a 1031 exchange, you must reinvest the profits from the sale in like-kind property. In other words, if you sell a property held for investment or business purposes in a 1031 exchange, the replacement property must be of the same character. For example, you could sell an apartment building and purchase a commercial building or you could sell a rental home and purchase a DST 1031 investment.

4. Remember Deadlines

1031 exchanges are subject to deadlines. If you sell a property today, you're expected

to have identified the replacement property within the next 45 days and reinvested the proceeds in it within 180 days. But if you'd already identified the replacement property, you can reinvest immediately.

5. Understand Your Options

Once investors have decided to do a 1031 exchange they should consider their options. First, they could purchase another type of investment property that they would manage on their own. Second, they could purchase a triple net lease property whereby a national tenant such as Walgreens or FedEx has leased the property for typically 10-15 years. The problem with the triple net leased properties is that it causes investors to place a large portion of their net worth into a single property which could be disastrous (think Blockbuster Video). Third, if the investor is wanting to get out of active management and the day to day issues of dealing with tenants, toilets and trash as well as they are wanting to diversify their investments into multiple properties then a DST 1031 exchange may be a solution. The DST (or Delaware Statutory Trust) is a type of property whereby the management is handled by a third party trustee and since the typical minimum investment of a 1031 DST offering is \$100,000 investors are able to purchase a diversified portfolio of Delaware statutory trust properties that may include a piece of Walgreens for 100k, piece of a FedEx distribution warehouse for 100k and a piece of a 800 unit portfolio of multifamily properties located throughout the south east and Texas*.

If you are interested in learning more about your 1031 exchange options please get in touch with us today to learn more.

Kay Properties and Investments, LLC is a national Delaware Statutory Trust (DST) investment firm with offices in Los Angeles, San Diego, San Francisco, Seattle, New York City and Washington DC. Kay Properties team members collectively have over 114 years of real estate experience, are licensed in all 50 states, and have participated in over \$9 Billion of DST real estate. Our clients have the ability to participate in private, exclusively available, DST properties as well as those presented to the wider DST marketplace; with the exception of those that fail our due-diligence process.



To learn more about Kay Properties please visit: www.kpi1031.com

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There are material risks associated with investing in real estate, Delaware Statutory Trust (DST) properties and real estate securities including illiquidity, tenant vacancies, general market

conditions and competition, lack of operating history, interest rate risks, the risk of new supply coming to market and softening rental rates, general risks of owning/operating commercial and multifamily properties, short term leases associated with multifamily properties, financing risks, potential adverse tax consequences, general economic risks, development risks and long hold periods. There is a risk of loss of the entire investment principal. Past performance is not a guarantee of future results. Potential cash flow, potential returns and potential appreciation are not guaranteed. For an investor to qualify for any type of investment, there are both financial requirements and suitability requirements that must match specific objectives, goals and risk tolerances.

Securities offered through WealthForge Securities, LLC, Member FINRA/SIPC. Kay Properties and Investments, LLC and WealthForge Securities, LLC are separate entities. There are material risks associated with investing in DST properties and real estate securities including illiquidity, tenant vacancies, general market conditions and competition, lack of operating history, interest rate risks, the risk of new supply coming to market and softening rental rates, general risks of owning/operating commercial and multifamily properties, short term leases associated with multifamily properties, financing risks, potential adverse tax consequences, general economic risks, development risks, long hold periods, and potential loss of the entire investment principal. Past performance is not a guarantee of future results. Potential cash flow, returns and appreciation are not guaranteed. IRC Section 1031 is a complex tax concept; consult your legal or tax professional regarding the specifics of your particular situation. This is not a solicitation or an offer to see any securities. Please read the Private Placement Memorandum (PPM) in its entirety, paying careful attention to the risk section prior to investing. Diversification does not guarantee profits or protect against losses.

Chair's Message

Hot Topics and Strategies for Success

Every spring, our industry celebrates Fair Housing month in April. This year, on April 21, 2020 the Utah Apartment Association will be hosting our annual Fair Housing Education Conference and Trade Show. Each year hundreds of rental housing owners, managers, developers, personnel, service providers and suppliers converge on the Mountain America Expo Center for the largest event of its kind in Utah. There will be over 20 classes and seminars presenting the hottest topics and strategies for succeeding in rental housing.

The keynote lunch speaker this year



JEAN SMITH
Chair, Utah
Apartment
Association

will be Thurl “Big T” Bailey. Thurl is often first noticed as a basketball player, but he is a man of as much depth as height. His strong sense of service has led to countless hours of volunteer work and to numerous awards for leadership and contributions to the

community. He has directed basketball camps for youth since 1984 where he teaches young people lessons about life and basketball. Many of his students have special needs including coming from disadvantaged backgrounds or having serious illnesses, and they attend the camps on scholarship. In He is a devoted family man and the father of six children. He and his wife Sindi live in Highland, Utah with the three youngest children.

In addition to the keynote lunch, the Utah Apartment Association is bringing in key national and local speakers to educate, instruct, train and motivate.

Rommel Anacan with the Apartment All Stars will be flying in, as well as an industry favorite Amy Kosnikowski Dilisio. Along with them other local and national industry professionals will be there to help inform and inspire you on best practices that will lead to your success.

Reserve your tickets early and take advantage of the early bird registration discount of \$10 off (if registered by February 29th) or \$5 off (if registered by April 1st) Register online at www.UAATradeShow.com or by calling 801-487-5619.

Ask the Attorney

Utah Eviction Law — Protect Yourself, The 4 Cs

Practical v. Legal: A practical solution to a problem tenant will probably be much faster and cheaper than the legal solution. However, Contact Us if you're stuck with a deadbeat tenant. You're better off in the hands of an attorney. Here are some practical tips to avoid or deal with a problem tenant.

Contracts: Detailed contracts are absolutely necessary to protect yourself and your investment. I've successfully evicted tenants based on an oral agreement (nothing in writing). But it is



JEREMY SHORTS
Attorney
Utah Eviction Law
801-610-9879

always easier to handle situations based on a well-written contract that protects you and your property. Use your UAA account download free copies of rental applications and rental contracts.

Communication: A landlord who communicates with their tenant (especially at the first sign of a problem) is much more likely to stay on top of potential issues. If you communicate with your tenants to understand any questions or concerns they have they, you will be in a much better position to handle problems before they develop into serious disputes.

Consistency: If you are consistent with your tenants, they will learn what to expect from you. For example, if rent

is due on the 1st and late if after the 5th, a consistent phone call on the 6th will do wonders to keep a client on track. Worst case scenario, you are updated in a timely manner to determine whether eviction will be necessary. However, it is up to the landlord to determine how to handle each situation. One of my clients would send an eviction notice (Three Day Pay or Quit Notice) to the tenant when rents were only one day late. That may be a little extreme, but he said that

Continued on next page



Building relationships from the ground up.

When it comes to investing in properties that generate income, often the difference between an acceptable investment and an *exceptional* one, is your financing. Smart investors work with a Portfolio Lender, like WaFd Bank.

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NMLS #1825021

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Director's Message

Fair Housing Conference a Must for Members

The 2020 UAA Fair Housing Conference and Trade show on April 21st at the Mountain America Expo Center will be one of the biggest and most exciting events we have ever had as an association. There are literally hundreds of reasons to come to the event – but in the interest of space I just want to list some of the most significant:

KEYNOTE SPEAKER

Thurl “Big T” Bailey, long time Jazz man and Basketball Hero! Thurl is often first noticed as a basketball player, but he is a man of as much depth as height. His strong sense of service has led to countless hours of volunteer work and to numerous awards for



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

leadership and contributions to the community. He has directed basketball camps for youth since 1984 where he teaches young people lessons about life and basketball. Many of his students have special needs including coming from disadvantaged backgrounds or having serious illnesses, and they attend the camps on scholarship. In He is a devoted family man and the father

of six children. He and his wife Sindi live in Highland, Utah with the three youngest children.

EDUCATION CLASSES

We have more than 20 different classes available this year, designed to fit the interests of everybody who is attending the Trade Show – from management and leasing staff to independent owners and maintenance personnel, there is something for everybody. And many of the classes come with Real Estate Continuing Education Credit!

We are particularly excited to welcome nationally renowned speakers Amy Kosnikowski Dilisio and Rommel

Anacan who will be presenting some of our classes. Their energetic presentations and solutions-based training have helped thousands like you from coast to coast and we are lucky to have them join us.

VENDOR BOOTHS

This year’s Trade Show will feature more than a hundred vendors who have gathered together to showcase their products and services, and to provide you with the contacts and solutions you need to succeed as a property owner and manager.

I hope to see you there! Register online or by phone now.

Continued from Page 4

he warns his tenants that he’ll do this when they sign the lease and that all of his tenants pay their rent on time and in full.

Courtesy – Tenants are more likely to pay rent to a landlord that is courteous and respects them. Be a good landlord by taking care of problems promptly and completely. It is your property, but respect your tenants and their space.

For more free tips and tricks on being a good landlord, email us at info@utahevictionlaw.com to sign up for our free e-mail newsletter.

Seattle City Council Bans Winter Evictions

Continued from Page 1

an outright ban, and included a few “just-cause” exemptions that include crimes by the tenant and any illegal actions from the landlord, according to SCC Insight.


Seattle Mayor Jenny Durkan and some landlord and development groups, however, have raised questions about the measure’s legality and effectiveness. She could veto the legislation, and it takes six council votes to overcome her veto.

In a letter sent to the council Monday, a representative of the mayor’s office said they have “significant concerns that the operational, legal and policy issues associated with [the bill] will not help the city achieve those goals” of reducing eviction, according to Crosscut.

Sawant originally introduced the idea of banning winter evictions late last year. She said in a release that the City of Seattle Renters’ Commission sent a letter urging the City Council to pass an emergency moratorium –

effective immediately – on evictions during the winter. In their letter, the Commissioners said, “Passing such a moratorium will keep neighbors from being displaced to the streets during the months with the harshest weather and poorest living conditions for neighbors living unsheltered.”

“I am grateful to the Renters’ Commission for recommending an emergency moratorium on winter eviction,” Sawant said in the release. “I strongly agree that (the) council needs to put this into effect immediately.”




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Conference and Trade Show Registration Now Open

Continued from Page 1

getting an excellent return on their investment. This event is the state’s best, and most comprehensive, recourses for your business. Wither you own or manage rentals you can’t afford to miss this show. Come experience world class education seminars that will save you money and headache, while at the same time collaborating with exhibitors that can save you money on the bottom line. With tens-of-thousands of dollars in draw prizes, giveaways, and money to win; no other event will be as fun or as rewarding as this one.

The UAA is pleased to announce we will have Basketball Hero Thurl “Big T” Bailey as the Keynote Luncheon Speaker at the 2020 Trade Show. Thurl is often first noticed as a basketball player, but he is a man of as much depth as height. His strong sense of service has led to countless hours of volunteer work and to numerous awards for leadership and contributions to the community. He has directed basketball camps for youth since 1984 where he teaches young people lessons about life and basketball. Many of his students have special needs including coming from disadvantaged backgrounds or having serious illnesses, and they attend the camps on scholarship. In He is a devoted family man and the father of six children. He and his wife Sindi live in Highland, Utah with the three youngest children.

EDUCATION SCHEDULE

Education Session 1

9:30 AM

Current Issues in Fair Housing Panel

Fair Housing can be a difficult maze to navigate, with expensive penalties for doing it wrong. Learn about the most pressing Fair Housing issues that are impacting Utah Landlords and Managers.

How Established Communities Can Succeed in a Lease-up Market

Amy Kosnikowski Dilisio

Feeling the negative effects of the new product in your market? Need to transform to effectively compete? Attend this session to renew your community by maximizing your offering with a strong, talented message and product with updates that matter. Tap into the latest resident trends to adjust marketing and leasing efforts to elevate your community to compete.

The Psychology of Customer Service Rommel Anacan

“Why do so many people in customer service, who know better, choose to say and/or do things that make everyone else wonder, ‘What were you thinking??’” Or why do good-intentioned people, who want to provide great customer service experiences, fail to say or do the things that their customers want them to say or do? In this session you’ll discover what prevents customer service professionals from giving their customers what they really want and how to break through those barriers to create amazing customer service experiences.

New Laws for Property Managers Panel

Learn the newest laws passed by the 2020 legislature and discuss what laws may be on the agenda at the next legislative session. Also discuss federal and local laws that are evolving and how they impact your operations.

EDUCATION SESSION 2

10:45 AM

Sexual Harassment in Housing is Illegal Michele Hutchins

This session will provide information on how to recognize sexual harassment and the housing providers responsibilities to address it when it occurs. Learn about the two legal doctrines under sexual harassment: “quid pro quo” and “hostile environment.” Identify steps to prevent sexual harassment, how to provide appropriate responses to harassment, and ensure it doesn’t occur in your housing.

Be A Coach Not the Boss Amy Kosnikowski Dilisio

Today’s teams do not want to be “bossed around” but rather prefer to be coached with clear expectations, fair performance

management and frequent customized communication from their coach. Learn from the ultimate coach’s playbook to increase team member’s accountability and ownership to exceed goals every time!

The Powerful B’s of a Powerful Team Rommel Anacan

If you lead a team today you want them performing at their highest potential don’t you? But how often do you find that your team seems to stuck in a low gear, neutral, or even worse, in reverse? In this dynamic program you’ll discover not only the three B’s of developing a high-performance team, but specific action items on how to implement the power of the “The B’s” to work for you.

Current Issues in Short Term Rentals (1 CE Credit)

TBD

Learn how modern travel preferences have changed and how short-term rentals are filling a growing need. Discuss the housing affordability issues with short-term rentals and the balance between “highest and best use,” property rights and the squeeze short-term rentals put on workforce housing. Also learn the state and local laws and how to talk intelligently about the issue with your clients.

EDUCATION SESSION 3

2:00 PM

Assistance Animals Verification Procedures Panel

Complaints about assistance animals are the number one issue in Fair Housing. Learn the verification process to make sure the legitimately disabled receive accommodations and eliminate fraud.

Bridge the Gap to Unite the Office & The Maintenance. . .

Amy Kosnikowski Dilisio

The ideal teamwork scenario is people coming together using their individual skills, ideas and support to achieve a common goal. Why is this shared vision and cooperation so difficult to achieve with the office and maintenance team? Discover solutions to this common onsite challenge along with proven ideas to succeed together.

Stop Selling – Start Attracting! Rommel Anacan

Get an inside look at the heart and mind of your customers. You’ll discover what they want from you, what they don’t want from you, what attracts them to what you’re selling and what makes them want to run away. Want to know how to help your customer “fall in love” with what you’re selling? This session will show you!

Tips and Tricks for Improving Vacancy

TBD

We’ve all heard it before: TIME IS MONEY! In this session you’ll learn about the newest strategies and tips for improving your vacancy and turn times from systems to speeding up your process and preventative measures and steps you can take to reduce turn times across your portfolios.

EDUCATION SESSION 4

4:00 PM

Current Issues in Fair Housing Panel

Fair Housing can be a difficult maze to navigate, with expensive penalties for doing it wrong. Learn about the most pressing Fair Housing issues that are impacting Utah Landlords and Managers.

Crazy Busy vs. Productive: a Plan to be Effective. . .

Amy Kosnikowski Dilisio

Learn to see the service department as an integral and essential entity that can complement the other operational units of your property. This class will take a holistic approach and teach you how to interact, communicate and partner with the entire team (management, leasing, accounting, development, etc.).

Throwing Shade: The Secrets of Dealing with Difficult People Rommel Anacan

We are wired for connection. We are designed to want relationships with people and to need people. Yet if we’re honest the biggest cause of stress, anger and frustration in our lives are often caused by people! So, the very thing we need, want and desire is the very thing that drives us crazy! In this session you’ll discover how to effectively deal with the difficult people in your life in ways that build connection and trust, and without making any situation even worse.

The Importance of Branding in Property Management Coel Studio

Your “brand” is made up of opinions and perceptions that current and potential residents hold about you. Learn about branding strategies to build positive perceptions and boost your bottom line.

MAINTENANCE SESSION 1

8:30 AM

Electrical Fundamentals (3 Hour Class) HD Supply

This three-hour class is an introduction to and overview of electricity, how it works, and how it is measured (voltage, amperage, watts, and resistance). Ohm’s law and its applications will assist in defining and understanding troubleshooting components.

MAINTENANCE SESSION 2

1:30 PM

Furnace and A/C Maintenance & Trouble Shooting (3 Hour Class) HD Supply

This three hour class will cover proper maintenance of furnaces & air conditioners and what is necessary to keep them running smoothly. Trouble shooting common issues and repairs will allow you to complete service requests and repairs more efficiently.



March 11 & 12, 2020
9 AM—4 PM (MUST ATTEND BOTH DAYS) \$235
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Garbage Disposals Most Popular Fix in January

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the sink. They removed all the bits in the sink, then used a plunger multiple times to force the drain to unclog. This allowed some of the water to move freely down the drain.

Maintenance technicians understand that garbage disposals are used heavily and can get jammed by stuffing too much down the drain at once. The workers started removing any fragments and food particles like raw meat, bones, and vegetable peelings by using tongs, not their hands. Once they finished cleaning the debris out, they pressed the reset button (located under the sink on the unit itself).

When looking under the sink the technicians checked extensively to see if there was a water leak, which can mean a worn-out seal, caused by wear and tear. At this point they did not find any leaks and felt confident that they would not need to replace any parts of the unit, or the unit itself.

The technicians were convinced that the garbage disposal was now in working order and proceeded to turn the power back on, after ensuring that no one’s hands were in the disposal. At this point, they tested it out to find that their efforts worked.

It is important to note that the garbage disposal should be used daily, and never over-stuffed with waste. Grease should never be poured down the drain. Water should be running before using and while using the disposal, and only the right kinds of food waste should be put down the drain.

From beginning to end, the entire process took just 30 minutes. Both the tenant and property manager were extremely satisfied.



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Website

www.RentalHousingJournal.com

Mailing Address

4500 S. Lakeshore Drive, Suite 300
Tempe, AZ 85282

Email

info@rentalhousingjournal.com

Phone

(480) 454-2728 - main
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