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Published in association with Multifamily NW and Rental Housing Alliance Oregon



Apartment Jobs Surpass 2019 Monthly Average

NATIONAL APARTMENT ASSOCIATION

The apartment job sector began 2020 by delivering a solid performance, according to the latest National Apartment Association jobs report from the National Apartment Association Education Institute (NAAEI).

Apartment jobs postings comprised more than 41 percent of the real estate sector in January, surpassing the 2019 monthly average of 39 percent.

Top cities for job openings included Kansas City, Austin, Raleigh, Nashville, and Indianapolis.

This month's edition spotlights the maintenance technician.

Demand for these positions was more than three times the U.S. average in Denver.

The top specialized skills employers are seeking for maintenance technicians include plumbing, repair, HVAC, carpentry, and painting.

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Portland's New FAIR Rules

Multifamily NW, Landlords Lose First Round to Stop Suit

RENTAL HOUSING JOURNAL

Multifamily NW and Portland landlords have filed suit in federal court to stop Portland's new Fair Access In Renting (FAIR) rules from taking effect, but lost the first round when the judge denied a temporary restraining order, according to a release.

Because of the ruling, the new rules will go into effect in March as planned. The judge denied the lawsuit's request for a temporary injunction against the rules going into effect, saying the rules were passed in 2019 and the landlords and organization waited too long to file.

U.S. District Judge Michael Simon said the delay in filing "implies a lack of urgency or a lack of irreparable harm," according to Oregonlive. Simon said he didn't believe U.S. District Court was the appropriate venue to sort out the constitutional-



ty of city policies.

"I think at some point we're all going to be better off getting decisions on state-law questions from the state appellate courts," the judge said.

The suit was filed by landlords Janet

Newcomb and Jerry Mason, and Metro Multifamily Housing Association dba Multifamily NW, against the City of Portland.

"We are disappointed that the court declined to grant temporary relief to housing providers. However, we are looking forward to continuing the next steps of this case and getting relief from this unworkable ordinance," said Deborah Imse, executive director of Multifamily NW. "This request was the first step in our lawsuit against the city. Our legal fight will continue over the next six months to a year, with the potential for a more expedited process. We will be sure to share more information on these legal proceedings as they are available," she said in a statement.

The suit says the landlords and Multi-

See 'Multifamily' on Page 6

Strong Start to 2020 for Multifamily Occupancy, Rent in West, Southwest

RENTAL HOUSING JOURNAL

Sixteen of the top 30 U.S. multifamily markets bested the national average for year-over-year growth in January, according to the latest report from Yardi Matrix.

The report says occupancy remained near 95 percent.

While average rents fell by one dollar, "that's a seasonal occurrence and doesn't detract from the market's overall strength," the report says. "The decline in rents can be attributed to seasonality and could continue for the next few months, until we move into spring."

Yardi Matrix expects strong growth to continue in the West and Southwest. Over the past year, rent growth in the top markets was 7.4 percent in Phoenix, 5.4



See 'Strong' on Page 4



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Investing in Net Lease Properties Via DSTs

**By STEVE HASKELL, VICE PRESIDENT,
KAY PROPERTIES AND INVESTMENTS, LLC**

A CPA in San Diego contacted Kay Properties & Investments on behalf of his client, Peggy. Peggy owned an apartment building in East San Diego that she and her husband purchased together 50 years ago. Unfortunately, Peggy’s husband passed away five years ago and the maintenance, tenants, and looming threat of rent control had become overwhelming. She had an agent list her building and was pleased to receive the full asking price of \$1.4 million the very next day. However, her excitement quickly vanished after her CPA informed her the capital gains tax and depreciation recapture will result in over 35% of her property value and prevent her from maintaining her current lifestyle. They concluded that a 1031 exchange into a passive property was critical.

Peggy’s CPA told the Kay Properties team that his first thought was to introduce her to a commercial broker that could help her find a NNN leased property. However after he did more research, Peggy’s CPA decided that a NNN leased property was highly inappropriate for her for the following reasons:

1. FORECLOSURE RISK

A NNN leased property with a reputable tenant in

a populated location would be four to five times the price Peggy could afford. Peggy would then have to take on debt, which the CPA wanted to avoid at her age. Lender foreclosure would be catastrophic for Peggy at her stage in life, and the CPA believed that she should stay as debt free as possible. Kay Properties & Investments make these properties available to their clients... debt free! So Peggy invested in multiple debt free DSTs which gave her access to credit tenants in highly sought-after areas with no risk of lender foreclosure!

2. LACK OF DIVERSIFICATION

Peggy relied almost exclusively on the income of her apartments. Exchanging into a single-tenant NNN property is risky. The CPA did not like the idea of Peggy putting all her eggs in one basket, leaving her entire livelihood vulnerable to a single tenant.

3. THE DUE DILIGENCE REQUIRED TO RESPONSIBLY MAKE A DECISION WAS OVERWHELMING

Peggy did not have the experience, time, or resources to conduct her own lease audits, environmental surveys, market analyses, insurance policies and building inspections. This was not the passive investment that the broker advertised.

After further research, the CPA determined that a 1031 exchange into a diversified portfolio of Delaware Statutory Trust (DST) investments was much more appropriate for Peggy. Due diligence had already been completed, including property visits, lease reviews, market comparable sales analysis, DST offering structure, underwriting analysis, and etc.

This enabled the Kay Properties Team to develop a tailored solution that spread her 1031 exchange equity among five DST investments, with Fortune 500 tenants and three multifamily DST investments. There are no guarantees in DSTs or any other real estate. However, the due diligence, diversification, and access to passive DST real estate provided by Kay Properties & Investments has allowed Peggy to enjoy the lifestyle she has looked forward to for the past 50 years, while allowing her CPA to feel comfortable in his recommendation to his client. This is an example of the experience of one of our clients and may not be representative of the experience of other clients. Past performance does not guarantee or indicate the likelihood of future results.

Please visit www.kpi1031.com for more details as well as to register for a list of currently available 1031 DST investments, call us at 1.855.466.5927 or email info@kpi1031.com.

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.

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 multi-family 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.

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Five Tips to Help Detect Mold Problems

KEEPE

Mold can not only lead to structural damage to your property, but also cause serious health risks to you and your tenants if not caught and treated in a timely manner. Because of the severe and broad effects that mold can have, responsible ways to detect mold problems and evaluated them will require both physical examinations of your property as well as open communication with your tenants and/or on-site building manager.

Here are some tips:

MOLD SPORES OR DARK SPOTS

Let’s start with the most severe. If you can see mold, you likely have a significant problem on your hands. Visible mold usually indicates just a small portion of a problem that lies underneath.

WATER OR MOISTURE COLLECTION

Mold needs moisture and dampness to settle and grow. Elevated moisture levels in building materials can be another sign of possible mold. A common complaint, for instance, may be a water stain on the ceiling. Official assessment will require a professional with the appropriate materials to confirm whether it’s just a leak to be fixed, or mold.

MUSTY OR DAMP SMELL

Not all mold has the same scent, so this may be hard to pinpoint. Generally, the



scent of mold is unpleasant and as though something is moist in the area. Some compare the smell to rotten wood or wet socks. Bottom line—if it is not a common scent in the building or apartment, it should be investigated.

FLOODING

If your building or any apartment within it has a history of flooding, you should keep a watchful eye on that space. If the flood was not handled by an appropriate professional, you stand the risk of growing

mold on both a short- and long-term basis.

HEALTH SYMPTOMS

There are several symptoms that could mean exposure to mold. These can be tricky, because the symptoms alone cannot prove a mold problem. However, if you are evaluating all of the above factors on a periodic basis, any additional health reactions can help you determine whether you have a problem. Signs of health symptoms from residents (or others who spend significant time on your property) that may be problematic:

- A lingering cold or flu-like symptoms;
- Frequent headaches that perpetuate and/or get worse;
- Nosebleeds;
- Difficulty breathing or other respiratory issues;
- Irritated eyes, skin, throat or nose.

Mold detection should be part of your regularly scheduled property inspections. Keep in mind that problem areas can include places that have the most exposure to moisture and little access to light, such as basements, bathroom ceilings and ductwork of your HVAC systems.

However, if you notice (or your residents report) any of the listed red flags in the interim, don’t wait to take action. A mold problem will only get worse and cannot be solved by a simple cleaning.

If you stay proactive, you will be better positioned to minimize your mold risks, keep costs down and keep your tenants happy.

Keepe is an on-demand maintenance solution for property managers and independent landlords. The company makes a network of hundreds of independent contractors and handymen available for maintenance projects at rental properties. 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. Learn more about Keepe at <https://www.keepe.com>

Strong Start to 2020 for Multifamily Occupancy, Rent in West

Continued from Page 1

percent in Las Vegas, and 5.1 percent in Sacramento.

WATCH REGULATORY RISK

“The slowing economy has had little effect on multifamily, but one potential headwind to keep in mind for 2020 is regulatory risk, as evidenced by statewide rent control (California, New York and Oregon), increased local regulation on security deposits (Cincinnati) and resident acceptance criteria (Seattle).

“However, this risk does not present an

insurmountable barrier nationally,” the report says.

JOB GROWTH REMAINS STRONG

Job growth is still strong and is carrying the economy forward, as it has throughout the current expansion.

Technology has caught the headlines, but strong gains in education and healthcare, professional and business services, and leisure and hospitality have also contributed significantly to the labor force, the report says.

“The economy shows mixed signals of both slowdown and growth, as the job mar-

ket propels forward into a new decade.

“Political uncertainty as the election nears will likely lead to a busy first and second quarter for transaction activity, followed by a slower summer and fall, as buyers grow cautious of a changing administration.

“Multifamily fundamentals remain strong and steady, despite a potential slowdown in transactions. Development is slowing modestly, but rent growth and occupancy will benefit,” the report says.

SUMMARY

“The nationwide housing shortage

continues to provide wind in the sails of steadily growing rents for both high-end and workforce housing,” the report says.

“New supply remains concentrated mainly in primary and top-tier secondary markets with heavy influence from the tech sector. Expect 2020 deliveries to decline slightly from previous years, falling under 300,000 units.

“As the recovery continues and the presidential race moves forward, the multifamily market remains well-balanced and poised to continue its steady march forward,” the report says.



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MULTIFAMILY NW
The Association Promoting Quality Rental Housing

FORM OF THE MONTH
M048 OR-WA Utilities Set-Up
and Transfer Agreement



UTILITIES SET-UP AND
TRANSFER AGREEMENT



DATE _____PROPERTY NAME / NUMBER _____

RESIDENT NAME(S) _____

UNIT NUMBER _____STREET ADDRESS _____

CITY _____STATE _____ZIP _____

MOVE-IN DATE _____

IMPORTANT—READ CAREFULLY!

Dear Future Resident:

It is our policy to require all incoming residents to personally contact the utility company(ies) to advise them of start-up of service. The utility company(ies) will also be notified to remove the property name from the temporary service as of the date of planned move-in. **If you fail to contact them, you will have an interruption of service. You will be held responsible for the bill from the date you move in.**

When you contact the utility company and make service arrangements, please obtain your new account number and list it below for Owner/Agent's records. Please return this sheet with the information. **Without exception, this document will be required before your keys can be issued.**

The following information may be helpful in making contact:

UTILITY COMPANY	PHONE	NEW ACCOUNT # (FUTURE RESIDENT FILL IN)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Your efforts to take care of this matter in a timely way will greatly assist in the move-in process.

X
RESIDENT

DATE

X
RESIDENT

DATE

X
RESIDENT

DATE

X
RESIDENT

DATE

X
RESIDENT

DATE

X
RESIDENT

DATE

X
OWNER/AGENT

DATE

ADDRESS

TELEPHONE

EMAIL

☐ ON SITE

☐ RESIDENT

☐ MAIN OFFICE (IF REQUIRED)

Form M048 OR-WA Copyright © 2017 Multifamily NW. NOT TO BE REPRODUCED WITHOUT WRITTEN PERMISSION. Revised 12/4/2017.

This is a form to better structure move-ins to show which utilities service the rental, with the expectation that the approved applicants will contact the utility companies and set up accounts in their names as a prerequisite of signing the Rental Agreement and receiving keys. Ideally, this form would be distributed at the time the approved applicant signs the Agreement to Execute Rental Agreement form when an execution deposit is collected.

The Multifamily NW Forms Collection is available immediately and electronically at www.RentalFormsCenter.com, via electronic subscription software through www.tenanttech.com & by mail or pick-up of printed triplicate forms at www.multifamilynw.org.

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11 MAR

16 APR

30 APR

7 JUL

17 SEP

13 OCT

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MULTIFAMILY NW

The Association Promoting Quality Rental Housing

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Multifamily NW Schedule

MARCH 4	LANDLORD STUDY HALL	6:30 PM - 8:00 PM
MARCH 5	CAM: PROPERTY MAINTENANCE	9:00 AM - 3:00 PM
MARCH 9	LANDLORD/TENANT LAW PART I - SALEM	1:00 PM - 5:00 PM
MARCH 10	MOLD AWARENESS	9:00 AM - 1:00 PM
MARCH 11	HR ISSUES: EMPLOYEE ON-BOARDING	8:00 AM - 4:00 PM
	REVERSE TRADE SHOW	1:00 PM - 6:00 PM
MARCH 13	IT’S THE LAW: WINNING COURT STRATEGIES	12:00 PM - 12:00 PM
MARCH 16	LANDLORD/TENANT LAW ADVANCED	1:00 PM - 4:00 PM
MARCH 17	PDX MARCH LUNCHEON	12:00 PM - 1:00 PM
	FAIR ACCESS IN RENTING (FAIR) CITY OF PORTLAND ORDINANCE	1:00 PM - 5:00 PM
MARCH 18	LANDLORD/TENANT LAW PART 1 - EUGENE	11:30 AM - 4:00 PM
	LEASING WITH CONFIDENCE	1:00 PM - 5:00 PM
MARCH 19	UNIT INSPECTIONS AND TURNOVER TECHNIQUES	10:00 AM - 1:30 PM
MARCH 25	BUILDING RELATIONSHIPS/MARCHKETING & CUSTOMER SERVICE (BEND)	9:00 AM - 11:00 AM
APRIL 6	LANDLORD/TENANT LAW PART II - SALEM	1:00 PM - 5:00 PM

Multifamily NW, Landlords Lose First Round to Stop Suit

Continued from Page 1

family NW “are suing the City of Portland because it has passed laws that make management of rental housing so costly, burdensome, and risky that plaintiffs will have to either raise rents – to cover the additional costs and risks – or sell their rentals.

“Plaintiffs are also suing the city because the new laws violate their civil rights of free speech and due process. Additionally, plaintiffs are already regulated by federal and state law, which preempts the city’s conflicting new law. Plaintiffs are concerned that the city’s additional layer of unreasonable, unconstitutional governmental regulations will drive out landlords, which will result in reducing the supply of rental units and increasing rents in Portland,” the suit says.

ORDINANCES PROVIDE A ‘CHOOSE-YOUR-OWN-ADVENTURE’ SCENARIO

“Without providing enough direction, the FAIR ordinance treats the serious processes of tenant screening and security deposits as a kind of choose-your-own adventure,” Imse said in a previous release.

“This is unacceptable, as rental housing and finding a home is not a game to Portlanders. Portlanders deserve laws that are well-thought-out, that give enough clarity for renters to understand their rights, and enough direction for housing providers to be able to follow them,” she said.

The FAIR ordinance consists of two ordinances “drastically changing housing-provider and tenant law in Portland,” according to the release.

“One changes the way housing providers

“We look forward to a positive outcome for our members in this fight and for the future of rental housing in Portland.”

post vacancy notices and how they process and evaluate applications; and one changes the way housing providers handle security deposits. The screening ordinance does not allow landlords who use the ‘low-barrier’ screening process from denying applicants with poor criminal history, credit history or rental history.

“The second ordinance creates new rules so stringent it discourages the use of security deposits, instead leaving tenants and housing providers to resolve disputes through the court,” the release says.

Lawsuit says the ordinances violate Oregon and U.S. constitutions in 4 ways:

- First, the lawsuit says the ordinances violate free-speech protections because they prohibit plaintiffs from speaking to applicants during a 72-hour blackout period. The ordinances also force plaintiffs to follow a certain script when advertising, and to send city-written notices to applicants and tenants.
- Second, because the ordinances are overly vague and fail to inform plaintiffs how to comply with all the new requirements, the lawsuit says the ordinances violate the Oregon Constitution and the due-process clause of the United States Constitution.
- Third, the suit says the ordinances vi-



olate the due-process clause because they impose arbitrary regulations that have no substantial relation to public health, safety, or welfare.

• Fourth, the lawsuit says the ordinances conflict with the Oregon Residential Landlord Tenant Act, ORS Chapter 90, and are thus preempted by state law.

According to the lawsuit, Newcomb is a resident of Nevada and owns and operates 19 rental units in Portland. Newcomb owns and personally manages these units. Mason is an Oregon resident and member of Westland Partners LLC, an Oregon limited-liability company that owns and manages 62 rental units in Portland.

MULTIFAMILY NW LETTER TO MEMBERS

Multifamily NW members own and manage more than 30,000 rental units within the city of Portland, and these members are subject to the ordinances.

In a letter to members, the association said, “Multifamily NW took a stand against Portland’s failed housing policies. As of February 20, 2020, we have filed a lawsuit to stop and repeal the FAIR ordinance with the United States District Court, for the District of Oregon, Portland Division.

“As many of you know, Portland City Council passed the FAIR ordinance last June after a hostile and broken policy-development process facilitated by the Rental Services Commission. The ordinance is set to take effect on March 1. The chief proponent of the ordinance, Commissioner Chloe Eudaly, would later make the statement, ‘We know it will take time for ten-

ants to understand and for the industry to adjust. We know some fine-tuning will be necessary. But we also know that research and data have laid a solid foundation for the decisions we made.’

“Economic data and industry research were not a part of that solid foundation. Representatives of the rental-housing-provider community, including Multifamily NW, could play only a symbolic role in the development of the FAIR ordinance. Despite being regularly-attending members of the Rental Services Commission and in good standing, our collaboration on this major policy initiative was consistently rejected.

“At the time of adoption, Mayor Ted Wheeler and the Portland City Council had committed to fixing the glaring errors in the ordinance during the administrative rulemaking process before the law was to be implemented. It’s now clear that commitment will not be honored, and Portland housing providers will be forced to comply with a broken law.

“Since June, Multifamily NW’s members and staff have worked around the clock to make sure our housing-provider members are prepared to meet the sweeping administrative demands created by the FAIR ordinance. The Multifamily NW’s Forms Committee has volunteered dozens of hours of their personal time to collaborate with multifamily staff and legal counsel to craft the additional forms needed to comply with the FAIR ordinance.

“With the Rental Services Commission providing only a slow drip of inconsistent and outright perplexing information pertaining to the legal compliance requirements of the ordinance, it became clear that the administrative rulemaking process was not going to fix this ordinance. Further action is required to protect Portland’s housing providers and renters from the clearly disastrous impacts of the FAIR ordinance.

“We want to thank all our members who have worked so diligently throughout this process. Thank you for hours spent trying to guide the Rental Services Commission away from bad housing policy, speaking up at Portland City Council’s public hearings in opposition to the FAIR ordinance in front of a hostile crowd of activists, and helping guide our legal actions against the city.

“We look forward to a positive outcome for our members in this fight and for the future of rental housing in Portland. Stay tuned for more updates as they become available,” the association said in the letter.

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Lack of New Construction Underlying Cause of Oregon Housing Affordability Crisis

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Apartment Jobs Almost 40% of Real Estate Jobs

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President's Message

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RENTAL HOUSING JOURNAL VALLEY

EUGENE - SALEM - ALBANY - CORVALLIS

Published in association with Multifamily NW and Rental Housing Alliance Oregon

Eugene Rents Flat in January

Apartment rents in Eugene rose 0.1% for a one-bedroom apartment and 0.2% for a two-bedroom apartment in January.

Currently, median rents in Eugene are \$925 for a one-bedroom apartment and \$1,025 for a two-bedroom apartment. That's up from \$900 for a one-bedroom and \$1,000 for a two-bedroom in January 2019.

Eugene's year-over-year rent growth has the slowest of 10 cities, as well as the national average of 1.6 percent.

CORVALLIS RENTS INCREASED

Corvallis rents have increased the most this month, but up only 0.1% to 1.1 percent year-over-year.

The City Council of Portland once again passed a rent control ordinance on March 1, 2020.

Portland's rent control ordinance would cap the rate of rent increases at 3% for tenants with leases that expire on or after January 1, 2020.

It also sets a cap on rent increases for tenants without leases at 3% per year.

Portland's New F.A.I.R. Housing Ordinance

The City Council of Portland once again passed a rent control ordinance on March 1, 2020.

Portland's rent control ordinance would cap the rate of rent increases at 3% for tenants with leases that expire on or after January 1, 2020.

It also sets a cap on rent increases for tenants without leases at 3% per year.

3 Reasons Why You Should Consider Trash Valet Service at Your Property

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RENTAL HOUSING JOURNAL VALLEY · MARCH 2020

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 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.” The Washington Multifamily Housing Association wrote a letter to the council opposing the ban on evictions and suggesting instead that they consider additional investment in emergency rental-assistance programs.

“It is financially prudent to invest in emergency rental assistance before an eviction is filed, than (to) wait for an eviction action to be filed, risking the tenant’s housing and increasing the cost burden on programs dedicated to preventing displacement due to eviction,” the association said in the letter.

“We support a modest increase in the emergency rental assistance to provide tenants experiencing financial hardship the opportunity to recover their tenancy prior to an eviction action starting, and ask that you consider this approach as an alternative to preventing the court from considering evictions altogether 42 percent of the year,” the association said in the letter.

King County saw approximately 3,200 evictions in 2017, with more than 85 percent of them filed for nonpayment of rent, and more than half involving the nonpayment of one month’s rent or less, according to *The Seattle Times*.

The average temperatures in Seattle in the winter months according to Climate-Data.org are: November, high 51, low 40; December, high 46, low 37; January, high 45, low 35; February, high 49, low 37; and March, high 52, low 38. The average number of days per month when the temperature dips below freezing are: November, three; December, eight; January, six; February, five; March, two.

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RHA Oregon President's Message

Political and Legal Storm Clouds Overhead

An old English proverb about the weather tells us “March comes in like a lion and goes out like a lamb.” From my viewpoint as a landlord, it looks like March will be arriving like a lion, with respect to the political and legal storms here in Oregon, and especially in Portland.

As I write this, Multifamily NW, another organization that supports landlords in the region, has filed suit against the City of Portland to halt the implementation of the so-called Fair Access in Renting, or FAIR Ordinances, which would regulate Security Deposits and Application & Screening procedures. These rules had been scheduled to go into effect on March 1, 2020. As an organization, RHA Oregon supports Multifamily NW in their lawsuit, and we are encouraging our members to support MFNW as individuals as well.

If you attended one of RHA’s workshops or our February dinner meeting covering this topic, you are certainly aware as to why landlords are so upset about these ordinances, which appear to be motivated more by a desire to punish small landlords and drive them out of business than to help bridge the housing affordability gap in Portland and the surrounding Metro area.

As I write this, the Portland Housing Bureau has published an eight-panel brochure describing the rules for Security Deposits, and a 20-page booklet describing the Application & Screening rules. When the explanation of a single rule exceeds the length of an entire lease agreement, the system is broken.

ENOUGH IS ENOUGH!

Even as the Portland Housing Bureau attempts to implement these ordinances by micromanaging the business of being a landlord or property manager, there are myriad unanswered questions and unintended consequences, which these ordinances do not address. A lawsuit to stop this process is both timely and appropriate.

If there is a silver lining to the gathering storm clouds, it appears that landlords won’t be fighting against bad regulatory legislation at the state level this year, as the debate over cap-and-trade legislation will likely consume the short session scheduled to end on March 7. However, housing issues and rent regulation are almost certain to reappear in the 2021 session. Now is the time to prepare.

Fortunately, organizations like RHA Or-



egon and Multifamily NW have members who are willing to step up when the going gets tough. Whether you are a member of one or both organizations, or neither, there

are some specific ways that all landlords can help in current and future fights:

Make a contribution to the Multifamily NW Defense fund; there is a “Donate” button on their website under Advocacy/Defense Fund. Donations are confidential.

- Make a contribution to RHA Oregon; designate it for landlord advocacy.
- Join the RHA Oregon Member Advocate Subcommittee which is organized under the Legislative Committee. Contact the RHA office and let them know if you are willing to write letters or present public testimony.

• Support and vote for city council candidates and state legislators who are willing to listen to the positions of landlords.

• Share your story of being a good landlord, and how these regulations are impacting you personally, by sending an email to MyHousingStory@multifamilynw.org.

• Join, follow, and like our organizations on social media! Be sure to find us on Facebook, Twitter, LinkedIn, and Google.

I hope you will join me and other landlords both large and small as we work to stem the tide of bad regulatory legislation.

— **Ken Schriver**
RHA Oregon President

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