



# THE SOURCE

## A WORD FROM CHESTER BALDWIN | WLA LOBBYIST



The issue of service animals continues to be a source of confusion for landlords and business owners in Washington who have found little guidance in their attempts to balance the responsibilities to accommodate the disabled with the financial and safety concerns of their businesses. There are two federal laws that address service animals. The Americans with Disability Act (ADA) regulates reasonable accommodations for service animals in public spaces.

**Service Animals - Current Problem:** Due to differences in State and Federal Law, it can be next to impossible for a Washington landlord to understand their rights and obligations when a service animal accommodation is requested by a tenant. This generally happens AFTER a landlord has discovered an undisclosed dog (or snake) at the residence which does not allow such pets (or may require a pet deposit); now the tenant is claiming that it is a “service” animal in order to keep the animal at the residence.

Service Animals in Washington have historically been regu-

-lated under the ADA by the WA Human Rights Commission (HRC) under the Federal authority granted by the Housing and Urban Development (HUD) Agency. But because of a difference in definition between WA law and Federal law, HRC is no longer allowed to do the enforcement in WA state. This means that HUD has direct enforcement actions on WA Landlords currently.

HUD’s direct enforcement is bad for WA landlords because HRC’s enforcement was centered around education, and if they found a violation, they would often settle the matter with a class attended by the landlord and no fine. Currently, it is not uncommon for a landlord to receive a fine in excess of \$10,000 if HUD believed that a violation had occurred with regard to a “service animal”.

Also, HUD does not distinguish between “service animals” and “comfort animals” in housing matters.

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WLA has three offices in different cities: Everett, Olympia & Bremerton. WLA Members can contact one of these three offices for landlord questions and tenant screening.

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## WLA TENANT SCREENING REPORTS

<b>\$10</b>	<b>Tenant Performance Report</b>
<b>\$21</b>	<b>Decision Point Plus</b>
<b>\$30</b>	<b>Decision Point Plus &amp; WA/OR Criminal</b>
<b>\$40</b>	<b>Decision Point Plus &amp; Nationwide Criminal</b>
<b>\$12</b>	<b>Basic Credit Report</b>
<b>\$11</b>	<b>Statewide Criminal</b>
<b>\$20</b>	<b>Nationwide Criminal</b>
<b>\$6</b>	<b>Social Security Search</b>
<b>\$10</b>	<b>Landlord Verification</b>
<b>\$10</b>	<b>Employment Verification</b>

This means that there is no training requirements that can be enforced by a WA landlord for a “service animal” in their units.

**Current Fraud and Abuse in “Service Animals”** - As a landlord, you are not allowed to ask what medical condition the “service animal” is a reasonable accommodation for, but you ARE allowed to require documentation from a medical professional that this “service animal” will address the medical condition of the tenant requesting the reasonable accommodation.

Unfortunately, I tell landlords weekly in my law practice that if a tenant brings a note signed by any medical professional with letters after their name, and that letter says that the tenant’s “service animal” will address the tenant’s issue, then the landlord is likely stuck with the “service animal”.

The current problem allows an unscrupulous tenant to claim that any animal is a “service or comfort animal” after being found in the unit with an unallowed animal. Additionally, tenants can currently purchase these medical authorizations for fake “service animals” online very easily.

**Possible Service Animal Legislation in 2018** - With landlords worse off with enforcement under HUD, the Washington Landlord Association (WLA) Government Affairs Team, as well as other WA housing associations, are working with lawmakers in Olympia and the HRC to determine whether meaningful reforms could be enacted to allow HRC to again educate landlords instead of being hammered by HUD enforcement.

**Reform for Fake “Service Animals”** - Any potential legislation that WLA would support in Olympia will

have to have significant modification to the abuse being perpetrated by unscrupulous tenants and fake “service animals” currently.

WLA’s Government Affairs Team believes that unscrupulous tenants should be subject to penalty and fine for fraudulently claiming an animal is a “service animal” when it is not. Additionally, creating a standard form that requires medical professional to swear under penalty of perjury that the animal accommodation is legitimate would be a good first step in curbing the abuse currently happening with “service animals”.

WLA’s Government Affairs Team will be working with Lawmakers in Olympia, the Washington HRC, and the other stakeholders to determine whether legislation is possible that could bring about meaningful revisions to the current policy and allow enforcement of service animals by HRC instead of the Federal Government under HUD.

There will be regular updates about this service animal issue on the WLA website at [www.walandlord.org](http://www.walandlord.org). You may also contact me directly at [chet@lobbywa.com](mailto:chet@lobbywa.com) ◇

### **ATTENTION WLA MEMBERS** **Quarterly Newsletter going digital!**

This newsletter will be the final mass printed version unless you paid for the newsletter to be mailed to you. We are moving to a digital version to keep dues low.

Mailed newsletters are \$30.  
Please contact Katrina at 425-353-6929 or  
[everett@walandlord.com](mailto:everett@walandlord.com) for more  
information.

# LEGISLATIVE DAY ON THE HILL

## WEDNESDAY, JANUARY 31ST 2018

We would like to invite you to join us for Legislative Day on the Hill. We meet at the seal in the Capital at 9:00am on January 31st to get hot sheets and discuss the important bills that we wish to support and those we wish to oppose and why. From there, we break up to individual meetings with our lawmakers. Our members can call in advance to make short appointments. Contact info for lawmakers is in the web link blow.

### CAPITOL ADDRESS:

**416 SID SNYDER AVENUE SW | OLYMPIA, WA 98504**

Later that day, we will have a reception at the Hotel Red Lion at 5:00pm. Cost for the reception is \$45 and includes hors d'oeuvres and drinks and mingling with the lawmakers that impact our futures. The Everett Office Manager, Katrina Christoffersen, will have a table set up to collect payment. Check or Cash accepted.

### HOTEL RED LION ADDRESS:

**2300 EVERGREEN PARK DR SW, OLYMPIA, WA 98502**

WLA has 10 rooms reserved. To reserve a room, please contact the Hotel Red Lion and ask about the Washigton Apartment Association room block: (360) 943-4000

### CONTACT INFO FOR YOUR LAWMAKERS

We recommend that our members contact their one Senator and their two house members. If you do not know who your three lawmakers are according to your district, then you can locate them at the following link: <http://app.leg.wa.gov/DistrictFinder/>

Provided in the following is a link to the contact information for each lawmaker:

<http://app.leg.wa.gov/Rosters/Members>

### LEGISLATIVE FACT:

**LAST YEAR, 25% OF ALL LAWMAKERS IN OLYMPIA WERE PRESENT  
OR REPRESENTED AT OUR RECEPTION!**

**EVERETT SPEAKER MEETING:**

**Date:** Friday, February 9th, 2018

**Time:** 6pm | **Cost:** \$5

**Location:** Everett PUD (2320 California Street Everett, WA 98201)

**Speaker:** Rob Trickler, President and Attorney

**Topic:** Mr. Trickler will be doing a presentation on how to win in small claims court. Following will be a Q&A.

**Registration:** Contact Everett Office Manager, Katrina Christoffersen, to register in advance.

**Phone:** 425-353-6929 | **Email:** everett@walandlord.com

**OLYMPIA SPEAKER MEETING:**

**Date:** Monday, January 22nd, 2018

**Time:** 6pm | **Cost:** \$12 plus tax & tip (*We will be having a pizza & buffet dinner*)

**Location:** Ramblin Jacks (520 4th Ave. E, Olympia, WA 98501)

**Speaker:** Kevin Hummel | McFerran Law's 1031 Exchange Practice

**Topic:** While you may not be thinking of doing a 1031 right now it is good to have information about options. Plus you get to socialize with a great group.

**Registration:** Contact Olympia Office Manager, Chasity Colon, to register in advance.

**Phone:** 360-350-0753 | **Email:** olympiaoffice@walandlord.com

**BREMERTON SPEAKER MEETING:**

**Date:** Tuesday, January 30th, 2018

**Time:** 5pm | **Cost:** \$5

**Location:** Cloverleaf Bar & Grill

**Speaker:** Deputy Tim Gaston of the Kitsap County Sheriff Office

**Topic:** Deputy Gaston will be discussing the eviction process and holding property.

**Registration:** Contact Bremerton Office Manager, Sherel Baker, to register in advance.

**Phone:** 360-479-1683 | **Email:** bremerton@walandlord.com

## Rent Control Legislation Introduced - HB 2583 | Olympia

By: Mark Gjurasic, WLA Lobbyist



The 60-Day Washington State 2018 Legislative Session convened on Monday, January 8, 2018. HB 2583, was introduced by Rep. Nicole Macri (D-43) on the third day of session that allows for residential rent control in Washington state. HB 2583, concerning local authority to address affordable housing needs through regulation of rent and associated charges, would permit local cities and counties to allow rent control on rented/leased residential properties, which includes manufactured housing communities. This bill repeals the 1981 state preemption against rent control and allows cities to regulate your rents however they see fit.

Mark Gjurasic, WLA Lobbyist, met with Rep. Nicole Macri, Prime Sponsor of the bill, prior to the legislative session to be briefed on her intent to introduce this legislation. She informed him that organized labor contacted her that rent control is a viable means to control rents, especially in the Seattle area, where state services are in demand. He explained that rent control does not help either tenants, the community in which they live or the landlord in any way. Mark has also been in contact with organized labor representatives regarding their support of rent control and also providing them further reasons on why rent control is not beneficial to the state as a whole.

As we all know, rent control does NOT help tenants, community and landlord to provide housing supplies at an affordable rate.

### Five reasons rent control does not work include:

#### 1. Decreases Housing Supply

Housing units are lost from the supply when rent control is put in place.

Developers will choose to build de-controlled new homes, condominiums, office buildings, or simply not to build at all, investing their funds elsewhere.

#### 2. Decreases Low Income Tenants

Low-income tenants—including students, elderly, and disabled persons, and those receiving public assistance—have been displaced by people who can pay substantial "finder's fees" and who are more attractive as tenants.

#### 3. Reduction in Quality/Maintenance

A ceiling on rents reduces the quantity and quality of housing available. Landlords must let unit quality deteriorate to the point where the controlled rent is actually the market price, or they cannot afford the unit.

Rent controls discourage new construction, cause abandonment, retard maintenance, reduce mobility, generate mismatch between housing units and tenants, exacerbate discrimination in rental housing, create black markets, encourage the conversion of rental to owner-occupied housing, and generally short-circuit the housing market.

#### 4. Decreases Housing Turnover and Misallocates Housing

This creates an incentive to stay in the same apartment, which leads people to remain in the same apartment even if their tastes and conditions change. Tenants may apply for or remain settled in apartments that do not well suit their needs simply because the apartment carries a low price.

Continued on Page 7...

**5. Increases Unemployment/Decreases Worker Mobility**

Decreases the mobility of the labor force by making tenants reluctant to move from a rent-controlled apartment. The inefficient use of time and resources associated with extended commutes, leads to a decline in the quality of job matches for residents. Rather than imposing rent control we should be utilizing rent vouchers to increase the availability of housing in the private sector.

HB 2583 does not yet have an identical bill introduced in the Senate, but likely a similar bill will be introduced shortly. The sponsors of this legislation include: Representatives Macri, Gregerson, Frame, Pollet, Dolan, Peterson, Appleton, Wylie, Cody, Tarleton, Robinson.

This bill was referred to Community Development, Housing & Tribal Affair Committee and is awaiting a hearing. We will notify you once the bill is scheduled for a hearing to come to Olympia and testify in front of the committee in opposition of this bill.

In the meantime, we ask that all our WLA members contact their 2 House of Representative members and all the members of the Community Development, Housing & Tribal Affair Committee, to OPPOSE HB 2583.

**If you do not know who your House members are you can locate them at the following:**

**<http://app.leg.wa.gov/DistrictFinder/>**

The members of the Community Development, Housing & Tribal Affair Committee include:

Name	Phone	Email
Andrew Barkis (R-2), <i>Ranking Minority Member</i>	(360) 786-7824	Andrew.Barkis@leg.wa.gov
Bill Jenkin (R-16)	(360) 786-7836	Bill.Jenkin@leg.wa.gov
Nicole Macri (D-43), <i>Vice Chair</i>	(360) 786-7826	Nicole.Macri@leg.wa.gov
Gina McCabe (R-14), <i>Asst Ranking Minority Member</i>	(360) 786-7856	Gina.McCabe@leg.wa.gov
Kristine Reeves (D-30)	(360) 786-7830	Kristine.Reeves@leg.wa.gov
Cindy Ryu (D-32), <i>Chair</i>	(360) 786-7880	Cindy.Ryu@leg.wa.gov
David Sawyer (D-29)	(360) 786-7906	David.Sawyer@leg.wa.gov

Again, it is imperative that we utilize our statewide grassroots approach in contacting these lawmakers to voice our opposition of this bill and rent control in general. Your Washington Landlord Association (WLA) lobbyists, Mark Gjurasic and Chester Baldwin, will be working along with the residential rental real-estate coalition, in opposing this legislation and any other rent control bills during this short legislative session. ♦

## ATTORNEY HELPLINE

If you have a question on best practices according to the Washington State landlord tenant laws, then we recommend that you first contact one of the local WLA Offices: Everett, Olympia, & Bremerton. The contact info for these three offices can be found on page 2. However, if you have a legal question then we encourage you to contact one of the three attorneys in our Legal Helpline.

As a WLA member, you get free limited legal advice from our three attorneys (usually 10-15 minutes). Provided below is the contact information for our three attorneys: Rob Trickler, Chester Baldwin & Eric Steven.

Each attorney is located in a different part of Washington, so we encourage you to contact the one in your geographical area. Please note: if you have a complex situation, then please schedule a time to come in and speak with one of our attorneys.



**ALL COUNTY  
EVICTIONS**

LAW OFFICE OF ROB W. TRICKLER, PLLC

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**reception@tricklerlaw.com  
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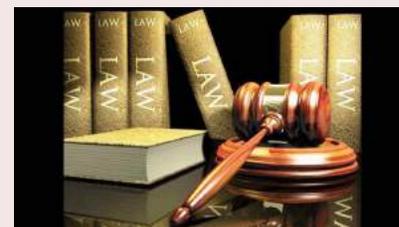
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**Eastern Washington  
and Northern Idaho**

**2018 SESSION**

For your information, provided is the anticipated calendar for legislative activities and bill "cutoff" dates.

The first day of the legislative session is on Monday, January 8th, 2018 and last day will be on Thursday, March 8th.

It will become permanent with the passage of the Concurrent resolution of the House and Senate.

Hope we finish in 60 days!

Thank you in advance.

Mark Gjurasic  
Public Affairs of  
Washington, LLC  
mgjurasic@comcast.net  
(360) 481-6000

**2018 Session Cutoff Calendar**

	Date	Day of Week	Day of Session		
<b>January</b>	8	M	1	← First day of session	
	9	T	2		
	10	W	3		
	11	Th	4		
	12	F	5		
	13	S	6		
	14	Su	7		
	15	M	8		
	16	T	9		
	17	W	10		
	18	Th	11		
	19	F	12		
	20	S	13		
	21	Su	14		
	22	M	15		
	23	T	16		
	24	W	17		
	25	Th	18		
	26	F	19		
	27	S	20		
	28	Su	21		
	29	M	22		
	30	T	23		
	31	W	24		
	<b>February</b>	1	Th	25	
		2	F	26	← Policy Committee Cutoff - House of Origin
		3	S	27	
		4	Su	28	
		5	M	29	
		6	T	30	← Fiscal Committee Cutoff - House of Origin
		7	W	31	
8		Th	32		
9		F	33		
10		S	34		
11		Su	35		
12		M	36		
13		T	37		
14		W	38	← House of Origin Cutoff	
15		Th	39		
16		F	40		
17		S	41		
18	Su	42			
19	M	43			
20	T	44			
21	W	45			
22	Th	46			
23	F	47	← Policy Committee Cutoff - Opposite House		
24	S	48			
25	Su	49			
26	M	50	← Fiscal Committee Cutoff - Opposite House		
27	T	51			
28	W	52			
<b>March</b>	1	Th	53		
	2	F	54	← Opposite House Cutoff	
	3	S	55		
	4	Su	56		
	5	M	57		
	6	T	58		
	7	W	59		
	8	Th	60	← Last day allowed for regular session under state constitution.	

**DRAFT**  
NOTE: Cutoff dates for the 2018 session are not official until adopted by concurrent resolution of the House and Senate.

After 5:00 p.m. on the 54th day, only initiatives and alternatives to initiatives, budgets and matters necessary to implement budgets, matters that affect state revenue, messages pertaining to amendments, matters of differences between the two houses, and matters incident to the interim and to the closing of the session may be considered.

The Governor has 5 days, if the Legislature is still in session, or 20 days, if the Legislature has adjourned, to take action on any bill passed by the Legislature.

# Seattle Bans Landlords From Screening "Qualified" Tenants

**The city's goal is to curb "unconscious bias." But the policy is based on dangerous premises, and is likely to harm tenants more than it benefits them.**

**By Ilya Somin of the Volokh Conspiracy**



The Pacific Legal Foundation, a pro-property rights public interest law firm, recently filed a lawsuit challenging a Seattle law that forbids landlords from picking and choosing among potential tenants. The purpose of the new regulation is to combat implicit or subconscious bias by landlords:

Seattle is apparently breaking new ground by requiring landlords in the city to rent their housing units to qualified applicants on a first-come, first-served basis....

The goal is to ensure prospective renters are treated equally, according to Councilmember Lisa Herbold, who championed the policy. When landlords pick one renter among multiple qualified applicants, their own biases — conscious or unconscious — may come into play, she says....

Proponents of the policy hope it will reduce discrimination.

Ann LoGerfo, a directing attorney with Columbia Legal Services who pushed for the policy, offered an example: A landlord with two qualified applicants picks a name he associates with his own ethnicity, rather than a name that sounds foreign to him.

Deliberate discrimination on the basis of race, sex, ethnicity, religion, and related classifications is already forbidden by state and federal laws, such as the Fair Housing Act of 1968. But the Seattle law, in an attempt to combat subconscious discrimination, would eliminate landlords' ability to choose among potential tenants to a vastly greater extent. If an applicant meets minimal criteria, he or she must be accepted on a first-come, first-served basis, even if there are other applicants who have much better qualifications.

It is surely true that landlords sometimes engage in subconscious discrimination. Indeed, the same is true of a wide range of people engaging in all kinds of transactions. It does not follow, however, that eliminating landlord choice is the right answer. Doing so is likely to harm tenants more than it benefits them. If landlords cannot rank potential tenants based on factors such as reliability, credit history, their treatment of previous rental prop-

erties, and so on, the predictable result is that they will either put fewer properties on the market to begin with, charge higher rent, increase security deposits, or some combination of these and other measures that make rental housing more costly. This likely to be particularly true of landlords who own properties in poor and minority neighborhoods, where landlords believe the risk of nonpayment or other problems is likely to be unusually high.

Obviously, landlords' decisions about potential tenants are sometimes misguided, both because of unconscious bias and for other reasons. But if there is a substantial population of tenants whose reliability current landlords are underestimating, that's a potentially valuable profit opportunity for wiser landlords or new entrants into the housing market. Cities can strengthen such beneficial competition (and otherwise make housing more easily available to the poor and lower middle class) by reducing zoning restrictions that make it difficult to build new homes and massively inflate the cost of housing in many cities. Seattle itself is one of the best examples of this phenomenon. If the city wants to increase housing opportunities for minorities and the poor, it should cut back on zoning rather than adopt regulations that are likely to make rents even higher than is already the case.

The Seattle law illustrates an important downside of trying to use government regulation to offset the subconscious cognitive biases of the private sector: there is little, if any reason to believe that voters and politicians are less biased than the people whose behavior they are trying to regulate. Much of the time, they are likely to be more so. Because the chance that any one vote will make a difference in an election is extremely small, voters have very little incentive to combat their biases, and often instead act as "political fans" who evaluate information in highly prejudiced ways. Politicians are not much better. In the case of Seattle, political leaders, likely influenced by ideological bias, have adopted a policy that is likely to harm the very people it is supposed to help.

By contrast, landlords and other market participants are likely to lose money if they let their decisions be influenced by irrational bias. That does not mean they will always avoid such influence; far from it. But their incentives to do so are much stronger than those of politicians and voters. Relying on the political process to cure cognitive biases will often lead to more biased decision-making rather than less.

At this point, it is difficult to say whether the PLF lawsuit against the Seattle policy will succeed or not. Their landlord clients' main claim is that the new law is a "taking" of landlords' property that requires compensation. Such a claim would likely fail under the Takings Clause of the Fifth Amendment. Current Supreme Court precedent (which, in my view, is misguided) makes it very difficult for property owners to prove that a regulation counts as a taking unless it has destroyed virtually all of the property's economic value. However, the case against Seattle is being litigated under

Continued on Page 11...

the Washington state constitution, which state courts have interpreted as giving stronger protection for property owners. The motion for summary judgment drafted by PLF discusses the relevant precedent.

Whether or not Seattle's policy is illegal, it potentially sets a dangerous precedent. If the state can impose severe restrictions on liberty and property rights in order to curb subconscious bias, there would be few meaningful limits to its power. Very few if any types of decisions are completely free of cognitive errors of this type. They can occur in almost any economic or social transaction.

UPDATE: In the original version of this post, I should have noted that the Seattle law does allow landlords to set initial minimal criteria for potential tenants seeking to rent a given property. But once the criteria are set, the landlord must take all "qualified" tenants on a first-come, first-served basis. I have revised the post to make this clear, and also altered the title to that effect.

UPDATE #2: In principle, landlords could eliminate most questionable tenants by setting the initial minimal qualifications very high (e.g. - requiring a perfect credit rating or the like). But aside from risking leaving apartments empty, this would tend to screen out a disproportionate number of poor and minority renters - precisely the population that the Seattle law is supposed to help. ◇



## What housing actions are prohibited by fair housing laws?

### Fair housing laws prohibit the following housing actions:

- Refusing to rent to someone or telling someone that a rental is not available even though it is, because of his or her protected class.
- Discriminating in the terms and conditions of rental because of a resident's protected class. [Examples: Sending violation notices to an Asian resident who breaks a rule, but not to a Caucasian resident who breaks the same rule. Charging additional deposits to families with children or to wheelchair users. Allowing Russian residents but not Saudis to use the community center.]
- Making, printing or publishing a notice, statement, or advertisement that indicates any preference, limitation, or discrimination based on a protected class. [Examples: Newspaper ad states "Apartment available for single person." Manager tells a Vietnamese applicant he'd be more comfortable in another community that people like him.]

- Failing to provide reasonable accommodations to a person with a disability, refusing to allow a disabled resident to make reasonable modifications, or failing to meet facility access requirements. [Examples: Refusing to let a blind resident live with a guide dog. Not permitting a person with a disability to install bathroom grab bars. Having an on-site leasing office that is inaccessible.]
- Enforcing a neutral rule or policy that has a disproportionately adverse effect on a protected class, unless there is a valid business reason for the rule or policy, and the housing provider can show that there is no less discriminatory means of achieving the same result. [Example: Management has a rule that applicants must have an income of at least three times the monthly rent. Because people with Section 8 vouchers are low income, virtually all voucher holders would be denied tenancy under such a rule. It is appropriate to apply a different standard - for example, to require Section 8 applicants have an income three times their portion of the rent.]
- Retaliating against a resident or applicant because he or she has asserted fair housing rights or has been a witness in a fair housing investigation. [Examples: Refusing to make prompt repairs because a resident filed a fair housing complaint. Evicting a resident because he was a witness in a civil rights investigation.] This applies to people who have made informal verbal complaints to management as well as formal discrimination cases filed with a civil rights agency.

Even though the original allegation might turn out to be unfounded, if a housing provider takes retaliatory action, a retaliation complaint can be supported. [Example: A resident complains of racial harassment. A week later, the manager issues her a parking violation notice, but does not give notices to other residents for the same offense. The resident files a fair housing case alleging harassment and retaliation. The civil rights office finds no evidence of harassment; however, the investigation shows that the manager retaliated against the resident for the harassment complaint by issuing the parking notice.] ◇



**EQUAL HOUSING OPPORTUNITY**

# Republican tax plan poised to benefit landlords

While regular homeowners may be worrying that the Republican tax plan will raise their monthly costs, investors in single-family rental homes see the proposal as a potential boon to business.

In fact, just the prospect of the plan, which is still being negotiated on Capitol Hill, has more small investors rushing in. Unlike owner-occupants, investors in single-family homes can write off all the expenses of owning and running a rental because the properties are considered a business. The vast majority of individual investors use mortgages on the properties. Fannie Mae and Freddie Mac allow up to 10 investor loans per person.

The interest on those mortgages, along with repair and management costs, are deducted from the income the property produces. Investors are only taxed on that income, so by reducing it, the investment acts as a tax shelter. None of that would change under the Republican tax proposal.

The tax plan could, however, drive increased demand for single-family rentals because it will reduce the tax benefits of homeownership. The proposal could eliminate the deduction for property taxes as well as lower the limit on the mortgage interest deduction. That would hit all homeowners who itemize and especially those owners of higher-cost properties in expensive locations. That, in turn, would benefit landlords.

“I think homeowners in those areas, instead of maybe buying up into a different property, will consider investing elsewhere to take advantage of tax shelters available with single-family investing,” said Steve Hovland, director of research at California-based HomeUnion, a single-family rental marketplace and management company.

“People that are renting may consider investing into single-family real estate as opposed to owner-occupied real estate just because the tax benefits are so much better.”

That is just what Finley Miller, a 34-year-old aerospace engineer in Southern California, is doing. He rents the home in which he lives but recently invested in two single-family rental homes in Atlanta. After putting 25 percent down on the mortgages, Miller said he is seeing about a 15 percent return. “It’s attractive relative to what I would guess that the stock market or other asset classes would do, and I think that will continue to be the case in the foreseeable future,” said Miller, who added that he thinks the tax plan could actually benefit the markets where rental investors are most active.

“If it’s a competition for businesses to locate in somewhere like Atlanta or Dallas versus somewhere like LA or New York, then maybe it’s incrementally more attractive now in those lower-cost areas than it was if this tax plan hadn’t gone into effect,” Miller said.

A sign advertises an apartment for rent along a row of brownstone townhouses on June 24, 2016 in the Brooklyn borough of New York City.

The tax plan could also add to some of the issues that are already making homeownership more difficult, namely lack of supply. If the cap on the mortgage interest deduction were reduced from the current \$1 million in mortgage debt to \$500,000, which is in the House plan, current homeowners would be grandfathered into the original cap. That would give them much less incentive to move, thereby reducing the number of potential homes for sale.

One hit to investors, however, could be a drop in home prices. Investors not only gain income from monthly rent but from the appreciation of the asset. Several housing industry reports have predicted that home prices could drop as much as 10 percent as a result of the tax bill.

Miller agrees that prices could fall in more expensive markets, but most single-family investors don’t operate in high-cost areas. “I just don’t think it’s particularly likely in the lower-cost markets where most people don’t itemize to begin with, and if they do, they’re more likely to see a benefit than a hit,” Miller said. The biggest variable will be demand — does it increase or decrease with the tax bill? Republicans would argue that the tax plan will stimulate the economy and put more money in Americans’ pockets. That, in turn, could help more young renters buy a home.

But, at the same time that the government is adding fiscal stimulus, it is also raising interest rates, which could make housing even more expensive.

And that is really the issue for landlords. Home prices continue to rise due to a severe shortage of homes for sale. If the cost of homeownership gets even higher, due to the tax bill and/or interest rates, it will be even more difficult for the youngest and largest generation to become homeowners. That means they will rent longer, and landlords will rake in the profits. ◇

# Credit Score Hurdle Harder To Clear For Apartment Renters

Source: [cnbc.com](http://cnbc.com)



Though millennials are flocking to the city to be closer to work, research shows the more competitive the market, the better the credit score that is needed to secure an apartment.

Justin Rubner wanted to live close to his office in Midtown Atlanta. While he thought he had solid credit, a mark from his past kept him from being able to rent one of the gleaming new apartment towers sprouting up in the city within walking distance from his employer. In the end, Rubner and his fiancée decided to lease at an apartment along Atlanta’s new coveted BeltLine walking trail in the popular Old Fourth Ward neighborhood.

“It wasn’t our first choice. Not because it’s not awesome, but simply because the other one was a tad swankier, a bit cheaper and was walking distance to my new workplace,” he said. “We explained the bogus mark and the leasing manager had zero problem with it. They approved us in minutes.”

When it comes to credit scores, Rubner is not alone in finding them to be a major, and at times difficult, factor in the multifamily leasing process. Apartment owners across the country are raising their acceptance standards at a time when the industry is booming, and both millennials and baby boomers are flocking to cities.

The average consumer credit score in the U.S. to get approved for an apartment lease today has increased to 650 from 638 just three years ago, according to a new study by RentCafé. Those acceptance rates are scaling even higher as consumers move up the apartment quality ladder. The average credit score for tenants accepted into a Class-A apartment this year is 683. The average credit score in the U.S. ranges from 669 to nearly 700 (an all-time high for FICO credit scores), according to a recent WalletHub analysis. Regardless of the quality of the apartment building, the wave of new renters entering the apartment market has allowed landlords to be more choosy. Average credit scores, both on acceptance and rejection, have increased in the past three years as well. Those averages, though, vary among cities, with RentCafé’s top five cities all showing average acceptable credit scores above 700.

The market in Seattle, with an average score of 711, has a tough acceptance standard. The average rents exceeded \$2K/month. Why So Strict? “It was pretty obvious that the more competitive markets, they are more demanding in terms of credit requirements,” RentCafé researcher and report author Nadia Balint said.

Balint said America’s healthy economic expansion, increases in higher-paying jobs and the paradigm shift toward rental over ownership is all allowing landlords their pick of the litter. “It’s the demand really that’s sustaining this,” she said. “We know that a lot of the cities in the top are actually dealing with housing affordability. You don’t need just cash, you now need good credit too.” New York-based GAIA Real Estate Managing Partner Danny Fishman said the average credit score of many of the residents in its portfolio of some 18,600 apartment units across the country has gone up this year, driven in large part by demand. The firm’s occupancy is more than 96%, Fishman said. “We can be more choosy,” Fishman said.

#	City	Avg. Credit Score	Avg. Rent	5-Year Rent Increase
1	Boston, MA	737	\$3,232	25.3%
2	San Francisco, CA	724	\$3,440	38.0%
3	Seattle, WA	711	\$2,016	51.8%
3	Minneapolis, MN	711	\$1,471	29.0%
5	Oakland, CA	707	\$2,520	52.7%
6	Philadelphia, PA	702	\$1,496	22.3%
7	Los Angeles, CA	691	\$2,289	38.1%
8	Portland, OR	690	\$1,458	39.4%
8	Chicago, IL	690	\$1,825	29.2%
10	Nashville, TN	686	\$1,258	49.2%
	National	650	\$1,354	20.8%

But the credit score data does not tell the full story. For one, many younger residents are not renting apartments solely on their own. Instead, their parents — many of whom are baby boomers with even more powerful credit scores — are acting as guarantors on leases.

Atlanta-based apartment owner RADCO Cos. CEO Norman Radow, who oversees some 18,000 apartment units in the Southeast — said he sees a lot of co-signing even among his Class-B urban properties. “Many of the properties in Atlanta ... are getting guarantors. And those guarantors aren’t showing up in that data,” Radow said.

Credit Only One Factor Fishman cautions that credit scores are only one factor that his and many other U.S. firms take into account when analyzing prospects. Another huge factor is earnings. “When someone makes \$150K [a year], it’s less of a traditional question than if someone makes \$60K, and you don’t know if they could make [rent],” he said.

Fishman cites a recent project it acquired in Atlanta called Station R, a project near both a major medical center and the city’s technology and law firm hubs. In a place like that, Fishman said income trumps credit scores. “You’d be shocked to see the average income of the average household. They make, like, five times more than what we need to keep them in place. [Credit scores] are not even a consideration,” he said.

While credit standards have grown more stringent, Texas-based Pinnacle — which owns more than 170,000 apartment units — has also seen acceptance rates increase since the Great Recession, its chief operating officer, Larry Goodman, said. That is because credit scores are only part of a formula to determine acceptance, taking into account rental history, income and criminal records. “The criminal [record] alone is a separate piece of that model. And if the criminal [records] hit a certain criteria, that’s an immediate rejection,” Goodman said.

Goodman said he is also seeing more guarantors on leases, especially from young professionals who are fresh from college and often saddled with student and/or automotive loans. That could prove a longer-term concern for credit scores. “My daughter’s in college in New York. She can’t afford an apartment, I had to guarantee it,” he said.

Radow said for his firm, credit scores are also just part of the underwriting, but not the most critical part. “We’re more concerned with tenant history and income-to-rent ratio,” he said. “We have to [be]. People who are just getting by have circumstances. Do they understand that rent is their primary obligation? If they do, we want to help and put them in a home.” ◇



## Can I Say "No Pot In My Apartments" When It's Legal In My State?

By John Triplett of the Rental Housing Journal

Property managers are often confused and seeking to better understand how to handle the issues of legal marijuana and medical marijuana when it comes to tenants and rental housing in their states.

Laws are changing all the time in many states, just as California did on January 1, 2018, as voters approve different levels of permission when it comes to marijuana. This leaves property managers trying to figure out what should be in their leases around the issue.

You may be able to ban smoking, but do you really know what your tenants are eating or growing in their apartments? Do you really want to know if they are good paying tenants? Rental Housing Journal did a recent interview with Seattle, Washington attorney Bret Sachter, an expert in tracking the progression and transformation of marijuana laws, to discuss some common questions property managers have about marijuana and tenants.

“I’ve been asked this a lot,” Sachter said, “but it does not come up as often as you might think. The overarching issue here is that, with few exceptions, people can do what they want to protect their property, even if the prohibited behavior is not illegal.

You can prohibit smoking, prohibit pets, but with marijuana it’s much easier because it is federally illegal. So you can pretty much prohibit it if you want to no matter what, even medical marijuana,” Sachter said.

Continued on Page 15...



## 4 Questions about Pot, Tenants and Apartment Leases

Sachter says in terms of Fair Housing issues, and the U.S. Department of Housing and Urban Development (HUD) it is a situation where HUD wants it in the lease that marijuana is illegal but enforcement is another issue, he said. It is not so much that HUD wants landlords to evict over marijuana, but that you have something in the lease language that allows for eviction in the instance of marijuana use on the property. "So it is pretty clear as far as HUD is concerned," he said. Here are his answers to four questions on pot and apartments.

### No. 1 - Tenants with a disability and medical marijuana

**Question:** If a tenant comes in and says I have a disability, here is a note from my doctor, I use medical marijuana, which is legal in this state, and I want to rent your apartment. Can a landlord prohibit that?

**Answer:** "A landlord can absolutely prohibit that because marijuana is illegal under federal law." The landlord can say, "I understand our state allows medical marijuana but as it is still a Schedule 1 drug and I prohibit it on my premises."

### No. 2 - Marijuana is legal in my state - but what does the lease say?

**Question:** What if a tenant says marijuana is legal and they should be allowed to use it?

**Answer:** "If your lease prohibits smoking and prohibits use of illegal drugs, then the legality of marijuana at the state level is irrelevant because under federal law marijuana is illegal. If your lease does not have those types of clauses, you should talk to an attorney in your state or city to find the best solution for your lease."

There is no law about reasonable accommodation for marijuana users, federal laws do not require it. As far as the federal government is concerned it is not ok.

"One thing I would say, and it is important, I would encourage landlords just to make everything clear," in the leases, he said. "Clarify in a lease that you must abide by all laws state and federal." That is the case in residential.

### No. 3 - What if the tenant using marijuana is a well-paying, good tenant?

"Landlords can certainly put a no-waiver clause in the lease. If I say, 'Here is a list of prohibited things' and if you do these prohibited things in the lease, you are subject to eviction," he said.

"However, any time I waive any of these things does not constitute an overall waiver. It basically means you should not ever do it again," he said. "Just because you get away with it once, does not mean you get away with it every time," Sachter said.

### No. 4 - Can I say 'no pot in my apartment?'"

"Usually if you say, 'No pot in my apartment' and you find a tenant using marijuana and you haul them into court, more than likely the judge is going to say, 'Have you stopped?' to the tenant and 'Are you going to do it again?' and the tenant is going to say 'No.'" And then judge will say, 'Ok, dismissed.'" To put a more legalistic term on it, usually a court will be in favor of "allowing the tenant to cure the defect," rather than evict for most things like that, Sachter said.

Technically, in Washington, a landlord would serve a 10-Day notice to comply or vacate with the terms of the lease. This process, therefore, gives the tenant a chance to "cure" the violation before the landlord can evict. Check your local state laws on this. ◇

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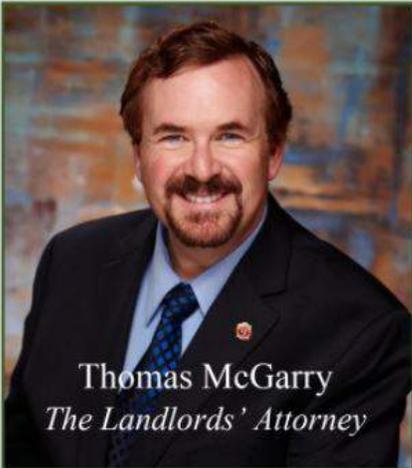
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Sey-Mik Cabinets- Buckley (360) 829-0173

**CARPETS/VINYL**

B&R Flooring & Installation- Olympia (360) 456-2323  
 Northwest Trim- Bill Dean (360) 456-5958

**CARPORTS**

Carports of Washington (360) 897-1200

**CLEANING**

Bio Clean Inc.- Specialists in Incidents Cleanups (888) 412-6300  
 Bright Blind Unlimited- Marie Poulin (360) 893-6183  
 DeVany Industrial- Mold/Lead/Asbestos (503) 522-9524  
 Jades Jet City Carpet Cleaning (425) 745-3031

**COLLECTIONS**

Bonded Adjustment Co- Jacci Aronow (509) 624-5181  
 Credit International Corp- Stephen Johnson (425) 941-3402  
 Dynamic Collections- Kristin (360) 748-0420  
 Stuart J Sinsheimer- Collections (206) 340-0700

**COMPUTING**

Small Business Solutions (253) 732-7801

**CONSTRUCTION**

Bodine Construction Svc (Drainage/Structural) (425) 778-2557  
 Compass Construction Inc- Spokane (509) 532-0055  
 D B Knapp Construction & Repairs Seattle/Snoho (360) 715-1566  
 DMD Construction- New/Remodel (253) 564-7191  
 Horizon Homebuilders & Remodel- Olympia (360) 867-1101  
 Lanning Construction- Spokane (509) 218-0255  
 Lehmann Const0 Frame/WDs/Decks/Trim/Tile (360) 528-9595  
 Responsible Contractors (253) 891-1397

**DOORS**

Hoke construction- King County (206) 949-7058

**DRAINAGE**

Better Properties Summit- Dryouts, Alan Miller (253) 537-8873

**DRAPES/BLINDS**

Wholesale Custom Blinds- C. Duda (253) 848-3321

**ELECTRICAL**

Economy Wiring-Seattle (206) 244-7542  
 Mr. Electric- Chad Lundblad, Oly/Tac/Yelm/Shel (360) 705-4225  
 Exchange Facilitator Corporation (800) 359-1350

**FLOORING**

B&R Flooring America (360) 456-2323

**FORECLOSURE-PROPERTY RECOVERY**

Mel Codd, Receivership & Property Recovery (206) 992-1946

**FORUMS**

BiggerPockets.com- RE Blog- Brandon Turner (360) 464-3160

**HARDWARE**

Lakewood Hardware & Paint, Inc (253) 581-1010

**HEATING/AIR**

ARCH Mechanical Inc.- Heat/Ventilation/Refrig (360) 229-2139  
 Cline's Air Conditioning & Heating- Snoho (509) 443-6146

**HOARDING**

Homes Are For Living- Mitigation/Prevention/Education (360) 720-8401

**HOUSING**

Kittitas Co Housing Authority (509) 962-9006

**INSPECTION**

Sound Choice Home Inspection- George Sharrett (360) 561-0951

**INSURANCE**

Clifford Insurance- Mike Clifford (253) 858-9879  
 Cross Insurance- Abby Johnson, Oly/Centralia (360) 888-2336  
 Pilkey Hopping & Ekberg Insur- Donna Haynes (253) 284-9354  
 Soloman Insurance (includes rental properties) (253) 566-1069

**LOCKSMITH**

Rekey Locksmith Services (Douglas Ava) (206) 623-3388 (Seattle) | (425) 455-0662 (Eastside) | (253) 272-7707 (Tacoma)  
 Budget Key & Security- Puget (206) 380-7200

**MAINTENANCE**

ABC Alpha Builders- Port Angeles (360) 452-3154  
 Maintenance Solutions- Industrial Chemicals (509) 993-0117  
 McLain Const- Remodel & Repairs (360) 970-1693

**MEDIA**

Click! Cable TV- Josh Newman (253) 502-8442

**MOLD/MOISTURE**

Envirotest- Mold/Air Quality Insp. W. Wa (206) 877-3191  
 Mold Eaters- Test, Inspect, Remove SW Wa (360) 574-6399  
 Mold Solutions NW- Peter Kakoczky (425) 864-5870  
 NW Infrared Moisture- Brent Foster (360) 786-6850

**EXCHANGE NOTARY**

John G Wells, Jr (253) 686-7199

**PAINT SUPPLY**

Lakewood Hardware & Paint (253) 581-1010

**PAINTING**

Acey's Painting & Cleaning- N Puget Sound (425) 349-3226  
 Brink Painting & Construction- S Puget (253) 882-6100

**PLUMBING**

Backflo Pro's Inc- Valve test, Repair, Install (360) 951-6130  
 Simply Leak (360) 907-0767  
 Springer Plumbing- Repairs & Remodel (360) 754-9670

**PROCESS SERVERS**

AA Servers- Bill Farmin (253) 495-1986

**REAL ESTATE**

5 Starr Property Management- Delores Cante (253) 314-1057  
 ALL RE Investor-Buyer-Seller Svcs (253) 927-4000  
 Accent Real Estate- Mike Jorgensen (360) 791-2235  
 Agilon Properties LLC- Full Real Estate (253) 529-4566  
 Altman Property Management- Bellingham (360) 527-9829  
 Berkshire Hathaway- King/Pierce- Sandi Kleist (425) 332-2342  
 Better Properties Dupont- Sue Larsen (253) 468-3717  
 -Pierce & Thurston (253) 370-8919  
 Blue Sage Property Management- Sequim (360) 406-5252  
 Burkhamer Property Services- Grays Harbor (360) 249-2740

Century 21 N Homes Realty- Brenda Rumball	(425) 244-0400
Coldwell Banker Kline- Centralia- Jody Kyes	(360) 520-4647
Cycle RE- www.cyclerealestate.com	(360) 753-0916
Dupong/Lacey Realty/Property Mgt- Penelope Lacy	(253) 964-4400
EHI Management Group- Greg Kappers, PM	(425) 890-6252
Greene Realty Group- John Dandridge	(360) 701-7111
Guardian Property Management- Shelton	(360) 426-3319
Guidotti Group/ Windermere	(425) 466-7380
Hometown Property Management LLC	(360) 456-7368
JMC Commercial Real Estate- Spokane	(509) 927-9001
Port Orchard- Gary Lidstrom	(360) 340-6334
Keller Williams- Bothell- Grant Weaver	(206) 553-9428
Keller Williams- Clark Co- Christina James	(360) 931-3180
Kidder Matthews- Ted Sipila, Cell (253) 691-5551	(253) 722-1421
Lee Realty- Timothy Lee	(506) 696-2664
Maple Leaf PM & Vac Rentals- Kit McPherson	(206) 850-8095
McNally Property Management- Tacoma	(253) 858-7368
McQuaid Commercial RE- Michael McQuaid	(206) 270-8880
Paragon Real Estate	(206) 623-8880
Real Estate Exchange PM- Jack Gross	(253) 474-6993
Re/Max- Four Seasons- Lanie Hodson	(360) 979-2225
Issaquah- Cory Brandt	(206) 419-2679
Olympia- Beckie Stephens	(360) 789-6381
Jessica Liederbach	(360) 556-3878
Riley Jackson RE- Olympia- Anke Matthews PM	(360) 870-2868
Roma Management	(360) 820-8400
Safe Harbor Property Mgmt- Marie Pettie	(253) 820-6298
Sterling Property Mgmt- Herbert Scheu	(253) 565-1000
Sterling Realty- Josie Evans	(360) 491-3620
Three Peas Farm LLC- Cohousing Homestead	(425) 239-0003
Van Dorm Realty- David Bodine	(360) 701-9023
Paul Klenk	(360) 951-7285
Vanguard Realty- Thurston County- John Orfao	(360) 791-2206
Virgil Adams RE- Dennis Adams	(360) 352-3756
Windemere- Bellingham- Sandy Jones	(360) 733-7944
Sequim- Dollie Sparks	(360) 582-7361
Shoreline- Therasa Alston	(206) 650-4777
Linda Conn	(206) 244-5900
Spokane- Bob Frankovic	(509) 220-2589
<b>RESTORATION</b>	
McClincy's Restoration- Renton	(888) 205-0151
<b>ROOFING</b>	
3-D Roof Systems- Victoria Hansen, Mgr	(425) 775-0232
Advanced Roofing	(425) 344-5219
<b>SCREENING</b>	
Alliance 2020 Screening (tenant/employment)	(800) 289-8065
Bonded Data Research- Spokane	(509) 624-5181
Rental Research, Inc	(253) 838-9545
<b>SEWING</b>	
Olympia Sewing & Vacuum	(360) 491-5124
<b>SHEET METAL</b>	
Rain Barrel Architect Sheet Metal	(360) 491-1444
<b>SOLAR PANEL</b>	
South Sound Solar- Kirk Haffner	(360) 352-7869
<b>TRANS HOUSING</b>	
Interface Coalition- Whatcom County	(360) 734-3983
<b>WINDOWS</b>	
Washington Window & Glass Services	(360) 451-9033

If you are a WLA member with a business and would like to be added to our vendor list, then please contact us!

Call 425-353-6929 or email [everett@walandlord.com](mailto:everett@walandlord.com) for advertising rates and design services!



# WASHINGTON LANDLORD ASSOCIATION ADVERTISING RATES

Provided below are the advertising rates for WLA's Newsletter, **THE SOURCE**, published quarterly, each year. We also invite members to submit appropriate & informative articles to our quarterly newsletter at no cost.

**WLA Advertiser Membership - \$45/yr**

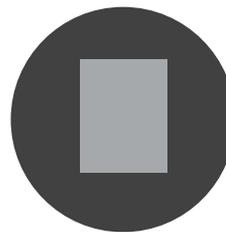
2018 Prices				
Size	1qr	2qr	3qr	4qr
Bus. Card	\$15	\$25	\$50	\$75
1/4 Page	\$25	\$50	\$75	\$100
1/2 Page	\$50	\$100	\$150	\$250
Full Page	\$100	\$200	\$300	\$400

[www.walandlord.org](http://www.walandlord.org)

Interested in Advertising in our Quarterly Newsletter?

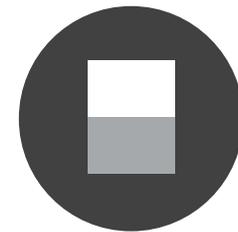
Please Contact Katrina  
at 425-353-6929 or  
[everett@walandlord.com](mailto:everett@walandlord.com)

Let us design your ad for you!



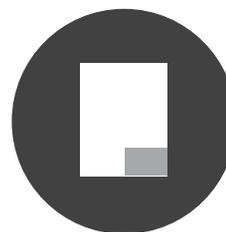
Full Page Ad / Flyer  
7.5 x 9.5 in.

\$50



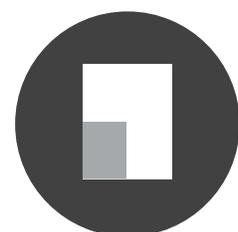
Half Page Ad  
7.5 x 4.75 in.

\$40



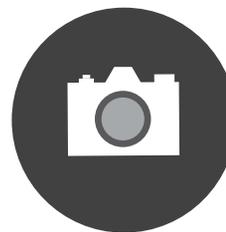
Business Card  
3 x 2 in.

\$20



Quarter Page Ad  
3.75 x 4.75 in.

\$30



Real Estate Photography

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Logo Design  
(Includes 3 Free Revisions)

\$60

The Washington Landlord Association is the largest Landlord Association in the state of Washington. It's not enough to just represent Landlords statewide. WLA is designed to give Landlords a voice and say in what action we take in Olympia by having a board made up of delegates from all over the state.

## WLA MISSION:

- Promote the rental housing industry through its' participating members
- Represent the rental housing industry in legislative activities
- Promote positive public relations through high professional standards & ethics
- Provide continuing education through programs & specialized rental housing forms
- Encourage the exchange of ideas and member benefit programs
- Promote and protect private ownership of rental housing

## MEMBER BENEFITS

- Legislative Representation
- Tenant Screening
- Rental Forms
- Quarterly Newsletters
- Membership Meetings
- WLA Handbook
- Arbitration Panel
- United Voice
- Referral Service

Washington Landlord Association (WLA)  
3301 Rucker Avenue, Suite A  
Everett, WA 98201