

LEGAL CORNER - LIVE!!!

Stuff you just have to know



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TOPICS FOR TODAY

- Legal Issues and Trends
- Fair Housing Compliance
- Latest on Evictions,
Collection, Civil and Small
Claims
- Best Management Practices
- Q & A

ISSUES AND TRENDS TO WATCH

Tenant Screening Limitations

Reduced Data reporting on
Criminal and Credit History

More Restrictive Rent
Control And Just Cause
Eviction Requirements,
Relocation fees, further
attacks on Costa Hawkins

Eviction Delays, More
Aggressively Defended
Actions, Sympathetic
Judiciary, Increasingly
Litigious and
Confrontational

Socialized Housing
Increased Effort to
Streamline Re-Entry of
Felons / Criminals, Debtors,
Deadbeats and Homeless
Back into Society (your
apartments!)

FAIR HOUSING COMPLIANCE



- ✦ Increased Governmental Involvement and Oversight of our Business Practices (federal (HUD) and state (CRD fka DFEH))
- ✦ Source of Income Discrimination
 - ✦ Do you have to accept Section 8?
- ✦ Disparate Impact
 - ✦ Criminal Background Screening?
 - ✦ Serious Crime Involving Persons Or Property
- ✦ Disability / Access Issues
 - ✦ Request For Reasonable Accommodation Or Modification
 - ✦ Service Animal / Psychological Support Dog (PSD) / Emotional Support Animal (ESA)
 - ✦ Written Procedure, Case By Case Analysis, Balance Benefit vs Burden

EVICTIONS, COLLECTION, CIVIL AND SMALL CLAIMS



- EVICTIONS: Almost back to normal, except for Los Angeles and Sacramento
 - Notice of Exemption under AB 1482?
- COLLECTION: New laws limiting Wage Garnishment to 20% of Disposable Income and Renewals of Judgment, single Five-Year renewal, and only 5% interest accrual
- General Civil or Small Claims action to recover Unpaid Rent? Consider pros and cons of each option
- Small Claims Jurisdictional limit increased to allow claim? interpretation is unclear
- Housing Provider must have requested Rent Assistance through state and county programs

BEST MANAGEMENT PRACTICES

- Ensure You Have The Best Residents, Screen Effectively, Residents Should Have:
 - Positive and Verifiable Credit
 - Positive and Verifiable Tenant History
 - Sufficient Income to Meet Obligations
 - Not Pose a Risk of Harm to Residents or Property
- Consider a Surprise Visit To Applicant's Current Home
- Actively Manage Your Buildings:
 - Update Forms, Current Lease, Notices
 - Maintain Units, Create Baseline, Annual Inspections
 - Keep a Resident Log of Events for Every Unit
 - Pictures, Pictures, Pictures!
 - Respond Timely to Issues, Document your response
- Diversify Holdings – Multi-family/ SFR, Commercial, DSTs, Out of State Properties, think Red State!
- Adjust Portfolio to Maintain Trophy Properties, Pay Off Debt, De-Leverage, Minimize Risk and Exposure
- Written Review of Insurance – General Liability, Umbrella, Personal and Commercial Umbrellas

ANY QUESTIONS?



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