

2023 Legal Update

Navigating the New Normal as a Housing Provider

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Topics for TODAY

- ▶ Issues and trends to watch
- ▶ The New Normal – How did we get here?
- ▶ Fair Housing Compliance
- ▶ Recovering Unpaid COVID-19 Rental Debt
- ▶ Termination Of Tenancies And Eviction Law Changes
- ▶ Best Management Practices

Issues and Trends to Watch

Further Attempts To Restrict Criminal Background Checks For Tenant Screening

Increased presence of Emotional Support And Service Animals

Aggressive Efforts To Enact More Restrictive Rent Control And Just Cause Eviction Requirements

Increasingly Litigious, Confrontational Environment

Eviction Delays, Increase in Aggressively Defended Actions, Sympathetic Judiciary

Free Legal Representation For Tenants

The New Normal

Life after Covid-19 and the TPA

- How'd we Get Here
- Evictions Back to Normal?
 - No Fault Terminations?
 - Rent?
- Remaining Covid Protections?
 - Still cannot use unpaid Covid-19 rental debt for pretext to evict
 - Cannot use unpaid Covid-19 Rental Debt from protected period as reason for denying applicant.

Fair Housing Compliance

Trending Issues

- 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

Collecting Past Due Rent, Civil and Small Claims

What's the Best Option?

- ▶ File a **General Civil** or a **Small Claims**?
- ▶ Jurisdictional limit?
- ▶ How long does each approach take to get a judgment
- ▶ Housing Provider must request Rent Assistance through state and county programs.
- ▶ Limits award of attorney fees

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