

MOPOA NEWSLETTER

Make Your Rental Real Estate Business a Success

JULY 2016

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Summer Meetings

MOPOA Happy Hour

Thursday, July 14th, 2016 Fox and Hound (120th & Dodge). 5 p.m. to 7 p.m.

MOPOA Early Bird Breakfast

Saturday, July 16th, 2016 Farmhouse Café, 84th & Grover. 7:00 a.m.

Annual Dues are NOW Due! Please pay **today. \$120. If you've** paid, thank you! If **you've not paid, this is** your last newsletter.





LETTER FROM THE PRESIDENT

By John C. Chatelain | President MOPOA

“Apparently now aware of the potential dangers in this ordinance, councilman Jerram has acknowledged it could become “an unforeseen regulatory quagmire . . .”

City Councilman, **Chris Jerram**, has introduced an ordinance giving city government the power to deny property owners the right to demolish older buildings. The proposal comes at the instigation of historic preservation groups and State Senator, **Sarah Howard**. Buildings that are “structurally sound” and at least 75 years old, would be reviewed by the City Planning Department. Only those structures found to have no architectural or historic significance would be demolished.

The public hearing on the matter drew no opposition. A June 4th *World Herald* article *Developer seeks delay in plan to slow razings*, quoted developer **Tom McLeay** stating he wasn’t aware of the public hearing. Obviously only certain people knew about it. Final voting by the council is slated for July 12th.

To satisfy developers the following changes to the ordinance have been suggested: 1) shortening the time frame for review, 2) giving developers notice that a property might be subject to the process, 3) allowing a potential applicant to meet with Planning Department officials before formally filing for a demolition permit, 4) allowing for a mediation process between preservation advocates and developers, 5) starting with either residential or commercial properties, rather than enacting an ordinance that covers all buildings, and 6) clarifying that the ordinance applies only to primary structures, rather than garages and gazebos.

Apparently now aware of the potential dangers in this ordinance, councilman Jerram has acknowledged it could become “an unforeseen regulatory quagmire . . .”

According to his June 5th opinion piece in the *World Herald*, entitled *Demolition proposal overreaches*, city planning board member, **Brinker Harding**, warns the process would slide a request for a demolition permit into a complicated flow chart beginning with the Planning Department then to the Landmarks Heritage Preservation Commission, if necessary, potentially next to the Planning Board and possibly then to the City Council. The Landmarks Heritage Preservation Commission could look for or suggest alternative or adaptive uses of the property. The commission could deny a request to demolish if it deems the building or structure has potential for renovation or re-use. Commission members could determine whether a building or structure has historical significance.

According to a June 18th *WH* article *Proposal to preserve buildings needs tweaking*, Mayor, **Jean Stothert**, has stated the ordinance “needs work to address developer concerns”. The ordinance could hurt older areas in need of development, such as north Omaha, according to the mayor. “I think there’s a lot of adjustments that need to be made”, said Stothert. “We’ve got to work with our development community”.

Remember the Clarinda Page at Far-

Letter from the President Continued. . .

nam Street and Turner Boulevard? Despite its inclusion in the National Register of Historic Places and Omaha's Landmarks Heritage Preservation Commission, the City Council voted in July, 2014 to permit its removal. It became a pile of rubble November 13th, 2014. Given the plight of that structure and the administration's more recent scheme to broker the destruction of historic buildings adjacent to the Holland Center, it would be hard to make a case that our city government is friendly toward historic preservation. So what is really going on with the new ordinance, a desire to preserve history, or a quest for power?

In the current proposal, our elected representatives are overlooking a very important issue. The United States Constitution is about individual rights, not group rights. While attempting to ingratiate themselves to special interest groups, first the historic preservation faction, and then the real estate development faction, city government leaders seem perfectly willing to sell individual property rights down the river.

An important property right is the owner's ability to decide how the property is improved. Based on the condition of the building, and a host of other factors, the owner might decide that demolition is more appropriate than restoration. Under the proposed ordinance, experts will decide. What is the owner to do, if the right to demolish has been denied and he or she has no interest in continuing to own the building in its dilapidated condition?

Government meddling always brings unintended consequences. If this ordinance is adopted, one can expect experts to eventually dictate, not only with regard to demolition, but with respect to how an older building must be rehabbed, so as not to destroy its historic significance; and what about the obvious unintended consequence of creating an environment conducive to cronyism? Demolition of a building on one's property might be denied, drastically reducing the parcel's value, to pave

the way for a developer, cozy with city bureaucrats, to pick it up on the cheap. MOPOA favors preserving old buildings, but individual property rights must come first. Preservation does not occur effectively when the desire to restore is not united with title to the property. It is truly admirable when an owner takes on such a project. It is an expensive, time consuming, labor of love. Putting it bluntly, however, if someone wants to preserve an old building, let them buy one. We've had quite enough of being told what we should do with our properties.

The 5th Amendment to the Constitution states, "No person shall be . . . deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation." Inasmuch as there appears to be no provision in the ordinance to pay the property owner for being denied the right to demolish, the ordinance cannot be interpreted as anything but an unlawful taking of one's property without due process and without compensation. It needs to be scrapped, not "tweaked".

Our association would be happy to make suggestions for how historic properties might be saved, including reducing the regulatory burdens already in place on private properties and celebrating owners who have successfully restored and preserved historic buildings. How about an awards banquet to honor those who have done a great job? We could try a positive approach, it might just work.



Events of Interest

July 2016

**Monday Night Meeting:
Resume in September**

Early Bird Breakfast:

Saturday, July 16th, 2016

7:00 a.m. Farm House, 84th & Grover

(Saturday after the MOPOA Monday Night meeting)

MOPOA Happy Hour:

Thursday, July 14th, 2016

5-7 p.m. Fox and Hound, 120th and Dodge St.

(Thursdays after the Monthly Monday Night meeting)

NE Taxpayers for Freedom:

Wednesday, July 20th, 2016

Millard Library 132nd St. and 1/2 mile So. of West Center Rd.

(3rd Wednesday of the month)

Omaha 1 Real Estate Investors Association:

Monday, July 18th, 2016

7:00p.m. Westside Conference Center, 3534 S. 108th St. Info: Andy at 402-218-9440 *(3rd Monday of the month)*

Sun	Mon	Tue	Wed	Thu	Fri	Sat
					1	2
3	4	5	6	7	8	9
10	11	12	13	14 MOPOA Happy Hour 5-7 p.m.	15	16 Early Bird Breakfast 7 a.m. & Lowes Event
17	18 Omaha 1 Real Estate Investors 7:00 p.m.	19	20 NE Taxpayers for Freedom 6:30 p.m.	21	22	23
24	25	26	27	28	29	30
31						

Welcome New MOPOA Members!

- *Linda Siffring *Judie Kyler
- *Robert Baburek *Tim Slobodnik
- *David Sandliland *Dale Wall

Saturday, July 16th, 2016 at 9:00 a.m.



Improving Home Improvement™
74th and Dodge St. Location

Demo Event:

Demo of new flooring products and tour of flooring department with product explanation

- **Saturday, July 16th at 9:00 a.m. sharp at the 74th & Dodge Location**
- **We will walk the flooring dept. to explain all our options then we will get a demo on the installation of some of the newer products**
- **Donuts and beverages provided**
- **Contact Rick McDonald for more info 402-651-0586**

Important Note: there is no discount for shopping, but this event is free to attend

Recovering Utility Costs: Reasons and Benefits (Part 2)

By Kat Brousseau, Invoice America Utility Billing Company MOPOA Member



So you are ready to start charging your residents for their water and sewer usage, but don't know where to begin... There are many options available, but which option is the best for your property?

The two major types of allocation are:

Submetering:

- ⇒ Traditional Metering (single point)
- ⇒ Inferential Metering

Mathematical Allocation:

- ⇒ Flat surcharge
- ⇒ Ratio Utility Billing Service (RUBS)

SUBMETERING:

TRADITIONAL WATER SUBMETERS

Most newly constructed apartments include plans for submetering water. Plumbing could be configured now so that meters may be added later if desired. But, if the property owner is going to spend the money to plumb units with individual water feeds, he or she may as well reap the immediate benefits and charge tenants for their measured consumption. Submetering offers immediate enhancement to the worth of

real estate, in terms of both ROI and property value. Please review the matter with your engineers and architects *before* the design phase concludes. To implement submetering, it is essential to decide beforehand, so that the designs include a single point of water supply.

Some existing properties were built with the foresight of water submetering. They were constructed so the entire water used by an apartment comes into the unit at one single point, with adequate space (in an appropriate area) for a water submeter. By installing submeters, properties will demonstrate to tenants that increasing costs are the result of the city's sewer reconstruction program, and residents will not mistakenly hold the property responsible for frequent rent increases that would otherwise be required just to cover rising utility costs.

INFERENCEAL SUBMETERING

Some existing properties were built without foresight of water submetering.

However, with **individual** hot water tanks, these properties are excellent candidates for *inferential submetering*. Though strikingly similar to traditional water submetering, only the water that feeds the hot water tank is measured. That measured usage is then used to infer the total usage for that apartment, based on the total usage for the building.

MATHEMATICAL ALLOCATION:

Most existing properties were not plumbed in a way that submetering can be done without major expense. When these apartment complexes decide to begin allocating water and sewer charges, they turn to mathematical allocation. The residents are charged based on various factors, allowing for a fair method of billing without causing the property to 'break the bank' on setup costs.

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FLAT SURCHARGES

Some properties opt to have a flat rate per tenant, or even per bedroom, for the water and sewer. There are many problems with charging a flat rate. The tenant doesn't feel like they are paying for water, but are paying additional rent. There is no incentive for the residents to conserve on their utilities. Lastly, the flat amount is an estimate of what the tenant might use in the next year and may not be able to be increased until the current lease agreement expires, leaving the property vulnerable to rising costs.



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RUBS: RATIO UTILITY BILLING SERVICE

One effective approach to billing residents for water, if submetering is not a viable option, is to allocate charges using a formula. This approach is a well-established and accepted method when actual utility metering is impractical. The most common type of RUBS billing is charging based on the number of occupants and the square footage of an apartment. However, there are other methods available, such as; solely based on occupancy, even division of the fixed service charges with usage based on occupancy alone, or solely based on square footage. Using RUBS methodology gives the resident incentive to conserve and the feeling that they are paying for their water and sewer usage, rather than just additional rent.

No matter which option is chosen, the best method is to start charging residents now, before the utility rates get so high that the first tenant bills are too hard to swallow. With so many options to choose from...stay tuned next month as we will discuss, in depth, the benefits of implementing water submetering at your complex.

Kat Brousseau, Sales Manager

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Membership Review/Input Requested!! – MOPOA Strategy 2020

On Monday, June 13th, we presented the Draft MOPOA Strategy 2020 to Members in person during our normal Monday night meeting. We had a very lively discussion! The Strategy we presented is printed below. The Board requests your review and input. As you read the Strategy, ask yourself these questions:

Why am I a member of MOPOA?

As you look to the future, what do you want MOPOA to do for you?

Are you willing to help MOPOA implement the Strategy once it takes its final form, lead a Committee, be a Committee Member, etc.?

Please send any comments or questions to me at Michael.george2@cox.net, or any Board Member (email addresses listed in this Newsletter on page 11). We look forward to hearing from you, our Membership!! Thank You! Mike George, Board Member

MOPOA Strategic Plan 2020

Overall Strategic Objective: Increase/enhance landlord profitability/enjoyment of rental real estate.

1. Objective I: Protect/advocate for the property rights of landlords.

Ways:

A. Develop a proactive, long-term relationship with Omaha, Douglas County, and Sarpy County Planning Departments and selected government officials/City Council Members

- Consider publishing selected articles written by city/county officials in our newsletter

B. Educate government officials on the MOPOA Mission, suggest ways to work cooperatively together

C. Create a dedicated legislative watch program, charged with weekly oversight of city and county governments in Douglas and Sarpy Counties

D. Leverage our website to link our membership to pertinent government websites, as well as direct communication between members and government officials

2. Objective II: Increase the professionalism of landlords and the rental real estate business.

Ways: A. Serve as the primary source in the Omaha Metropolitan Area for Landlord Continuing Education both by conducting internal training and sponsoring external training

- Develop recommended web-based syllabi to support internal training
 - Develop recommended syllabi for external training
 - Develop a Strategic Partnership with the Randall School of Real Estate/like organizations to sponsor external continuing education for MOPOA Members at a discounted rate
- B. Create a robust website/blog/technology plan to:
- Facilitate the use of standardized administrative tools
 - Serve as a forum for Q&A – allow members to easily converse with one another, as well as Board Members, etc.

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- Serve as a catalog of best practices (compile the lessons from past newsletters)
- Allow members to advertise services to a wider audience
- Serve as the hub of a network for the property owner community of interest

- i. Incorporate social media
- ii. Enhance capability for mobile apps
- iii. Incorporate responsive design/improved navigation and search functions
- iv. Automatically solicit feedback (“Survey Monkey/Mind-Mixer”)

C. Continue to build a long term relationship with the Community Buying Group (CBG), as well as other cost-savings and discount programs for the Membership

D. Create a mutually beneficial strategic partnership with an established tenant screening company/business

E. Continue to build a long term relationship with Omaha businesses that provide value to MOPOA Members (Lowe’s, etc.)

F. Explore long term relationships with sister organizations, as well as the National Association of Rental Property Managers (NARPM)

3. Objective III: Improve the condition of the Greater Metropolitan Omaha community/ improve community perception of property owners.

Ways:

- A. Select 1-2 community organizations to support in a dedicated way over the long term
- B. Develop a free courses open to the public on “How to be a Good Tenant,” and “Understanding My Rights as a Tenant”
- C. Create a Marketing Plan to communicate with the public via newspaper, radio, our website, and scheduled meetings with the local me-

dia to improve the image of MOPOA and property owners writ large

D. Add “Apartment Finder” and other search tools to our website to aid prospective clients in the search for quality rental properties



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DOES YOUR MONEY WORK FOR YOU???

By Maxine Kading Past MOPOA President and Past Board Member

"The work world has changed. There is a lack of benefits. There is no gold watch or big bonus at the end of your employment. You are on your own. Buy rental property. Have your own business!"

We all dream of being on easy street some day. The question is, how to get there? Working hard. Bending your back. Using your brain. It takes a little time to put some money aside, but after you do so, what is your plan? A new car. A piece of jewelry. A fantastic vacation. OOPS your money just went down the drain.



I have preached to make your money work for you. It irks me to see more money laying in the bank with the bank using your money and you get pennies in return. I bought a house last fall, and had it ready and renting in 1 1/2 months for \$950 per month. My money is working for me. Maybe I'll buy another house, if a good one comes up. I buy in the area I live so I can check on them easier.

Understand the value of the property you are buying. Understand the legal end, check with your tax accountant, chat with someone you consider as a good advisor. Put your plan on paper, and proceed. Make your money work for you. The work world has changed.

There is a lack of benefits. There is no gold watch or big bonus at the end of your employment. You are on your own. Buy rental property. Have your own business!

My work world was primarily as an Independent Contractor, where you provide your own benefits. With proper thinking of how is my future retirement provided for, I eased into picking up a rental property whenever a good deal came along. Was it easier in past years than it is now to buy real estate? In some ways, yes. Be alert to what is available. Be prepared to know how you are going to finance your purchase. Know what it will cost to make any changes to the property, and how long will it take to prepare the new purchase for a tenant. Always keep that cushion of money to cover repairs. As you know, days go by with no calls to make repairs. . .and then, bingo, you get a series of calls. Pay your bills quickly and you will find quick responses when you call for help.

I'm sure we all have different ideas as to how we purchase rental properties, and how we handle them. How we choose tenants. Some people are in such a hurry to get the property rented that they accept a poor prospect. If you can't afford to have a longer vacancy, review how you are handling your money. It's tough, but you are running a business. You are taking care of your OLD AGE. (Those are ugly words, but take it from me, it's all worth it!)



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Maxine Kading



WELCOME TO THE EARLY BIRD BREAKFAST

By Ryan Basye | MOPOA Board

MOPOA Early Bird Breakfast

Saturday, July 16th, 2016 Farmhouse Café, 84th & Grover.
7:00 a.m. Order off the menu. 7:30 a.m. meeting starts

*Attend the
Breakfast
Meeting!
It's a casual
open
forum to get
solutions
and meet
other
members!*

Have a question for the Group? Our breakfast meeting is the best way to get answers from the landlords of Omaha who have been through similar situations. If you are unable to attend, you can send me the question and I will print the answer in the next newsletter. We want you to succeed!

Meeting Notes:

EAB or the Emerald Ash Borer is here in Omaha! We discussed places that treat, types of treatment and what trees to save. The consensus for investors seems to be to want to save a tree it must help your property value and be in its middle years of life. Old trees, new trees and maintenance trees just seem to be better off being removed. Once you treat, you will need to treat every year and eventually that pesticide will kill the tree. Is it worth the upfront cost of removal? Each of us will have to make that choice on this new property issue! Lucky for us there is lots of information online and at our locally nurseries.

back on the direction of MOPOA. Thanks to all the members who were able to contribute. Together we make MOPOA the go-to organization for property owners!

Code Enforcement and the Vacant/Abandoned Property polices have an appeals board in place. We would like to know if anyone has received a notice or tried to appeal. Please contact a Board member with your story. It is up to us to monitor these City arms of enforcement. We are starting to see the economy pick up and with that it's harder and harder to get good contractors. Some of them don't call back, some are backed up 2-3 months, and some just start a job with no intention of finishing it. Our Board member RICK has some great advice. First, get on down to the LOWES events and learn how to do some of these fixes by yourself! Save time and money by replacing tile, toilets, flooring, etc.

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The strategic planning session on Monday went well and we had some very positive feed-

The next tip is MAKE YOUR OWN CONTRACT with any contractor. Rick advises a 1/3 pay out (start, finish and pass inspection). If they need a permit, then the 1st payment does not take place until they have one in hand. Be sure to have a completion date on the contract and a penalty for not making the timeline. You can even offer a bonus for those

CONTINUED. . . WELCOME TO THE EARLY BIRD BREAKFAST

who get the work done early! If a contractor wants you to write them a check, but is unwilling to sign a contract with a completion date – maybe you need a better contractor!

We will be working on having a blog and recommendation page on the new website. This way we can share who does great work for landlords.

“OPEN HOUSE” for showing rental property. We all know the pain of having to get a new tenant into a rental. You set up showings, drive to the property and some of them don't even show up for their appointment. Try holding an OPEN HOUSE! Schedule all showings for a 2-3 hour window on a certain day. This assures you should have multiple showings to make it worth your time. You will find that potential tenants are more prompt in completing applications or turning in paperwork when they can see other parties interested in the same rental property. You can now advertise these on Zillow, Craigslist and other sites. Be efficient with your time and get your place rented to the best candidate.

xc

Tax assessments are UP – you knew it was coming. If you think yours went up way too much there are several members who help in fighting those valuations. Hopefully, we lose the Learning Community LEVY soon since that is going away. That will save about 0.95% a year (which is \$950/year on \$100k property)

VOLUNTEER OPPORTUNITY in August! We are working on two seminars in conjunction with Omaha Young Professionals. If you have any interest, time or contributions we would love for you to be a part of this project. Please contact me direct for more information. The 1st seminar will be on real estate investing and house flipping. The 2nd seminar will be on how to get started and then be successful in land-lording. We all started at some point, so we should have some advice for the next generation.

VOLUNTEER NEEDED! We are looking for someone who would be willing to keep tabs on the Omaha City Council agenda and meetings. The agendas come out on Friday for the following Tuesday meeting. It seems they keep trying to slip stuff on the agenda without a lot of public input. Please contact a Board member to help out.



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WHEN DOES A GUEST BECOME A TENANT?

Written by Jimmy Moncrief on June 6, 2016

from www.Landlordology.com used with permission

New roommates, visiting family, new boyfriends, and live-in nannies are all common scenarios. But when does a guest become a tenant?

What's the Difference?

There is a thin line between what defines a guest and a tenant. Guests can be a huge liability if they start acting like tenants.



Some landlords would respond by saying "a tenant is someone who is on a lease". While true, this doesn't account for guests that have taken up residence in your rental without your permission. Built into the tenant's right of [quiet enjoyment](#), guests are certainly allowed, but [rogue tenants](#) are not.

It's extremely important for any adult occupant who is living there, to be on the lease. Otherwise, there is no legal accountability for them.

Examples of Tenants vs. Guests

	TENANT	GUEST
College Kids	Returning home for the summer or because they dropped out	Returning home for Weekends, Spring/Winter Breaks, but always goes back to school.
Elderly Parents	Moving in with children because they can no longer take care of themselves	Visiting children for a brief few weeks, or to help with a new child
Boyfriend, Girlfriend or Friend	Spending most days and nights there - for weeks/months at a time	Only visiting during the day, no matter how frequent
Hired Help, Nanny or Farm Hand	Living on the property	Only on-site during normal business hours
Au Pair	Living on the property	By definition, they live with the family, so they will always be a tenant.

Warning signs that a guest has become a tenant:

- Guests who pay rent
 - Guests are receiving mail at the property
 - Guests that spend every night at the property
 - Guests that have moved-in furniture or pets
- Guests that make maintenance requests

Other Considerations

State laws are different regarding this issue, so be sure to check out [Landlordology's state guides](#) to research this issue for yourself.

1. This issue of how long a guest can stay should be addressed in your lease, such as no more than 10-14 days in any six-month period. 14 days should be enough time for any one friend or relative to visit in a six month period.

Should You Add the Guest to the Lease?

Again, it's extremely important, and an industry best practice, for any adult occupant who is living there, to be on the lease. This is so 1) they are obligated to the lease, and 2) you know who is living there.

Confrontation is Uncomfortable. Most landlords I talk to prefer to ask the current tenant to add the new roommate to the lease. Yes, this is an uncomfortable conversation, but it's also an opportunity to talk about renewing the lease at a higher rate and for a longer term!

The alternative is to serve the original tenant with a lease violation notice, and threaten to terminate the agreement.

Factors to Consider. Many of the factors that you should consider when trying to convert a guest to a tenant are:

1. length of stay;
2. existence of a lease or other "special contract for the room;"
3. receipt of mail;
4. access to cooking facilities;
5. degree of control over the space (such as whether the person has his or her own key);
6. whether the person has another residence; and
7. the extent to which the person has made the dwelling his or her home for the time being

At the end of the day, give it the "Duck Test": If it looks like a duck, swims like a duck, and quacks like a duck, then it probably is a duck.

Take Preemptive Action

This whole situation of a guest becoming a tenant is fairly easy to avoid if you have a candid conversation with the current tenant explaining what is and is not allowed. The issue should also be addressed in your lease, and you could even ask your tenant to initial beside the lease portion that addresses this issue.

USE OF PREMISES.

The Premises shall be used and occupied by Tenant(s), for no more than **FIVE (5)** persons exclusively, as a private individual dwelling, and no part of the Premises shall be used at any time during the term of this Agreement by Tenant(s) for the purpose of carrying on any business, profession, or trade of any kind, or for any purpose other than private dwelling.

Tenant(s) shall not allow any other person, other than Tenant's immediate family or transient relatives and friends who are guests of Tenant(s), to use or occupy the Premises without first obtaining Landlord's written consent to such use. Any guest staying in the property more than 2 weeks in any 6 month period will be considered a tenant, rather than a guest, and must be added in the lease agreement. Landlord may also increase the rent at any such time that a new tenant is added to the lease or premise.

Tenant(s) and guest(s) shall comply with any and all laws, ordinances, rules and orders of any and all governmental or quasi-governmental authorities affecting the cleanliness, use, occupancy and preservation of the Premises.

Article continued on the next page. . .

WHEN DOES A GUEST BECOME A TENANT? CONTIUNUED. . .

If you accept rent from a guest, you might have initiated a landlord-tenant relationship. If that is true, your new tenant might now have the same rights as any other tenant and will not be easy to remove, as a simple trespasser can.

It's also a good idea to consult an attorney before the issue actually warrants one. That way, you can proceed with the right course of action as directed by the attorney.

What Others Have to Say

"Depending on the individual state laws with respect to the issue, once someone has started receiving mail at an address they have established residency. That can be done without someone actually occupying a property. If the guest spends more than half a

month at a place they could also be considered a tenant at that point as well. Our lease forbids more than 14 nights in a month for anyone not named on the lease for this reason."

— Brian Levredge, First Property Management

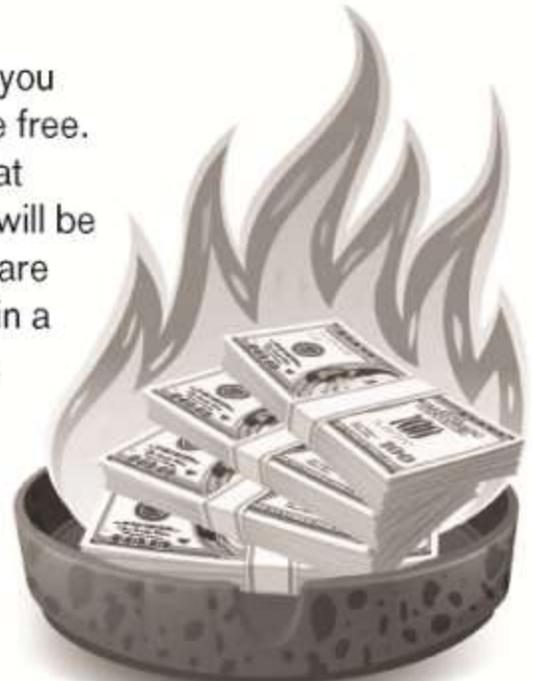
"For us, it's not a big deal so long as the tenant on the lease still lives there and is current with the rent. We don't allow our tenants to sublet without written permission which normally involves a new set of paperwork."

— Aaron Kinney Mobile Home Park Owner

Summary – Prepare, don't React. This very important issue will probably come up if you are a landlord for any length of time. The time to prepare for this situation is before it happens, not when it is happening.

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This project is supported in part by Region 6 Behavioral Healthcare through funding provided by the Nebraska Department of Health and Human Services/Tobacco Free Nebraska Program as a result of the Tobacco Master Settlement Agreement.

Hoarding: Part 4

If you've been following for the past few months, we've had an article series on hoarding. The actual case that this series of articles was based on has come to resolution. Here is a picture from the unit after the tenant was evicted. Fair Housing had instructed the landlord, after the original 30 day notice, to give the tenant an additional 30 days to move as a reasonable accommodation for the disability of hoarding. The landlord complied. Then the eviction proceeded as she still would not move.



“Hoarders, as persons with disabilities, have the right to request a reasonable accommodation.”

Here is from the landlord, “In the end the judge told her that I'm simply not extending her lease and nothing else matters. He gave me restitution. The hoarder wanted to talk after and . . . I told her she has one week before the Constable will be there to lock her out. I expect lots of stuff to still be there.”

The landlord had given a 30 day notice to vacate, and additional 30 days to comply with fair housing, and then followed by a 3 day notice to quit specially formulated by the attorney he was working with, which removed the tenant's permission to be there. (If you find yourself in a similar situation with a hoarder tenant, please seek the advice of an attorney.)

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- Discounted Services: To Tenant Data—discounted cost to MOPOA members is only \$49 payable to Tenant Data at P.O. Box 5404 Lincoln, NE 68505. www.tenantdata.com 402-934-0088.
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- Our educational organization has 450 plus memberships, representing around 1,000 persons and businesses active in the rental real estate field. We are dedicated to increasing the professionalism of the rental business through education.
- New Member Forms Packet, which includes a Lease Agreement and a Three Day Notice. The Tenant Data tenant application and EPA Lead Disclosure and pamphlet and the 3rd party notices from OPPD and MUD, Fair Housing Rules, and NE Landlord/Tenant Act Brochure and more, so you have all the important forms in one packet.
- A Monthly Meeting (Sept-May) is held which is both informative and educational. We will strive to keep our members up to date on matters that affect us in the rental property business. Second Monday of the month Sept-May. Westside Community Center at 3534 S. 108th St. at 6:45 p.m.
- A Monthly Early Bird Breakfast Meeting is held year round on the Saturday following the Monday night meeting. 7:00 a.m. Monthly Happy Hour on the Thursday after the Monday Night Meeting. These are great times to learn from and network with other landlords.
- Monthly Newsletter, which is chock full of valuable information.
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