

MOPOA NEWSLETTER

Make Your Rental Real Estate Business a Success

April 2017

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1031 TAX FREE EXCHANGE

Bill Stowell & Rick Holum will be the speakers on 1031 tax free exchanges.

**Monday, April 10th, 2017
6:45 p.m.**

**Westside Conference Center
3534 S. 108th St. Omaha, NE**

MOPOA Happy Hour Thursday, April 13th, 2017
Fox and Hound (120th & Dodge). 5 p.m. to 7 p.m.

MOPOA Early Bird Breakfast Saturday, April 15th, 2017
Farmhouse Café, 84th & Grover. 7:00 a.m.





"Our association would not be complaining about situations involving legitimate requests for service animals."

LETTER FROM THE PRESIDENT

By John C. Chatelain, President MOPOA

On March 13th **Mike George** led MOPOA in a discussion of our committee development efforts. The assembly broke into the following three groups: 1) advocacy, 2) membership and 3) operations and finance for brainstorming on growing and energizing the association. We're asking for help in these three areas.

Its MOPOA election time again. There are three vacancies on the board to be filled. The board meets once each month at Nebraska Realty (168th & West Dodge Road). The work we do is personally rewarding. Please consider running for the board. Submit resumes to info@mopoa.com immediately.

Statewide Property Owners Association is supporting LB 576, a four year property valuation moratorium bill sponsored by Sen. **Tom Brewer**. I testified in favor of the bill on March 9th. Real estate taxes in Nebraska are out of control. And landlords are forced to pass these costs on to tenants, who are already struggling to pay the higher rents. LB 576 is not a perfect bill, but it buys the state some time to address the brisk real estate tax increases. The bill is currently sitting in the Revenue Committee.

We need MOPOA members to send respectful letters and emails to the following senators, requesting that they vote LB 576 out of committee:

Jim Smith:
jsmith@leg.ne.gov

Curt Friesen:
cfriesen@leg.ne.gov

Mike Groene:
mgroene@leg.ne.gov

Lydia Brasch:
lbrasch@leg.ne.gov

Tyson Larson:
tlarson@leg.ne.gov

Brett Lindstrom:
blindstrom@leg.ne.gov

Paul Schumacher:
pschumacher@leg.ne.gov

Burke Harr:
bharr@leg.ne.gov

We are also supporting LB 491 to curb service animal fraud. Through private practice and my involvement in MOPOA, I have become aware of many abuses against property managers over "service animals", "companion animals" or "assistance animals", as they may be referred to.

Despite the existence of a landlord's "no pet" policy, it's a Fair Housing violation, to deny a request for a "reasonable accommodation" when a tenant, or tenant applicant, asserts a medical and emotional need to possess an animal in their rental unit. The animal can be any breed of dog, small horses or other species. Fair Housing Complaints are investigated by the Nebraska Equal Opportunity Commission (NEOC).

If the tenant produces a pre-

scription, substantiating the need for an animal, the property manager must accept the animal. Failure to do so can subject the manager to civil damages, attorney fees and other costs. This presents a major "Catch 22" for the landlord. While the type of animal can present a danger to other people living at or near the property, Fair Housing regulations prohibit discrimination against all breeds of dogs. And property liability insurance will not cover certain breeds deemed to have dangerous propensities.

At no cost to the complainant, the NEOC investigates Fair Housing cases, which can cause considerable expense and inconvenience to the Respondent. The NEOC also mediates settlements between the Complainant and Respondent. Settlements typically involve cash payments and an agreement by the landlord to attend continuing education hosted by the NEOC. In many cases, Respondents have little choice but to make cash settlements to avoid the expense and uncertainties of further litigation.

Our association would not be complaining about situations involving legitimate requests for service animals. But in cases in which spurious complaints are filed merely for the purpose of extorting money from business owners, we would like some protection from the law.

Sign-ups for the Statewide Property Owners Association Spring Seminar are coming in at a brisk pace. The half day seminar focuses on real estate management and offers 3 hours continuing education for Realtors and delicious lunch. Sign up now!

Has the humdrum of another winter in Omaha gotten to you? If so, it costs nothing to dream. At our April 10th meeting we will cover the mechanics of 1031 exchanges. **Bill Stowell** will then discuss tax free exchanging into commercial property. How about a ski condo in the mountains, a beach-front bargain in Florida or a property in Arizona? **Rick Holum** will explain how he exchanged an Omaha rental for a residential unit in Sun City, Arizona. Don't miss what promises to be a very entertaining evening.

For Barb Gent and Family on the passing of Leo Gent.

In Sympathy

We would like to extend our sincerest sympathy to you and your family.

Please accept our deepest sympathy.

Our heartfelt thoughts are with you.

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Events of Interest

**Monday Night Meeting:
April 10th, 2017**

6:45 p.m. Meeting held at Westside Conference Center 3534 S. 108th St.

2nd Monday of Month Sept-May

**Early Bird Breakfast:
Saturday, April 15th, 2017**

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

(Saturday after the MOPOA Monday Night meeting)

MOPOA Happy Hour:

Thursday, April 13th, 2017

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

(Thursdays after the Monthly Monday Night meeting)

NE Taxpayers for Freedom:

Wednesday, April 19th, 2017

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

(3rd Wednesday of the month)



April 2017

Sun	Mon	Tue	Wed	Thu	Fri	Sat
						1
2	3	4	5	6	7	8
9	10 MOPOA Monday Night Meeting 6:45 p.m.	11	12	13 MOPOA Happy Hour 5-7 p.m.	14	15 Early Bird Breakfast 7 a.m. & Lowe's Event 9 a.m.
16	17	18	19 NE Taxpay- ers for Free- dom 6:30 p.m.	20	21	22
23/30	24	25	26	27	28	29

Welcome New MOPOA Member!

- *Dave Kroupa *Zach Serhan *William Crilly
- *Mary Brown *Robin Bro *Milton Schneider
- *Kevin Schaben *Carrie Johnson
- *Christopher McMeekin *Kenny Onatolu
- *Christopher Burge *James Hassebrook
- *David Kroupa *Christina Hacker
- *Mindy Kidney *Carmen Bunde *Sid Magill

Lowe's Event



Date: April 15th, 2017

Time: 9:00 a.m.

75th & Dodge Lowe's

Location

**Instructions
on How to
Refinish a
Hardwood
Floor**

Questions: Rick 402-651-0586

BACK TO THE BASICS: ENFORCE LATE FEES

By Molly Zavitz MOPOA Operations and Finance Committee

Reasonable late fees might be \$25-\$100 or even 10% of total monthly rent.

It is very hard to get 'blood out of a turnip' as the saying goes. This applies to getting late fees out of tenants.

The only time to set the tone is the first time your tenant is late. Charge the full late fee of 10% or whatever your lease allows. And send them a three day notice to evict if they don't pay the late fee with the rent. It may sound harsh, but it's good business. And you have to do this the first time they are late without fail. They have to know you mean business. If you wave the late fee once, get used to them paying late and never paying the late fee.

You can't get into a wrestling match over this late fee. When you are signing the lease, look them right in the eye and say something similar to this, "I expect the rent paid on time. If you know you are going to be late, inform me ahead of time to see if it is acceptable and you will owe the 10% late fee as well. If I do not receive the rent on time, and I do not hear from you to make arrangements that are agreeable to me, I will send you a 3 day notice for nonpayment of rent. This is the start of the eviction process. It takes about 2 weeks to evict, and I swiftly enforce this. So pay your rent on time or make approved arrangements with me ahead of time and we won't have any problems."

You may want to do some variation on this, but paying rent is vital. Charging a late fee and enforcing it is equally vital because it can nip late payers in the bud. Who wants to pay an extra \$25-\$100 on their rent each month? Not many.

But if you don't want to enforce the late fee, then you really haven't given your tenant any reason to pay on time. If you do nothing if they pay after the grace period of say the 5th of the



month, then why should they? If it's the 6th and you've seen no rent, you charge the FULL late fee allowed by the lease, along with the rent due, and send a 3 Day Notice for Nonpayment of Rent, then you've just given an incentive for them to pay their rent. It is pay rent or be evicted.

I go so far to lay out briefly the eviction process during the lease signing, and then end it with, 'it is very easy to not get evicted. Pay your rent.'

Over the years, I've known of landlords that let their tenants get into \$3,000-\$4,000 worth of back rent before they file to evict. I've said it before and I'll

say it again, it is not good business for them to get this far behind. If they can't pay within the month, then you will have to face the music that they can't afford your place. Because believe me, the second month late they will be even less likely to pay anything more than the rent, and by the third month, you've become a charity.

It's a business. No one is allowed to take groceries without paying, or gas without paying, but yet landlords are suppose to provide housing without expecting to get paid for that service. That isn't right. Charge the full late fees allowed by the lease the very first time a tenant is late. Follow up and evict immediately if necessary. An empty unit is better than a nonpaying tenant.

CALL FOR VOLUNTEERS

MOPOA is looking for volunteers, committee members, Board members (in May) and other help. Three Board positions will be open in May, so please consider being a part of our leadership. In addition, we need members to help with committees (from membership to government watch dog), liaisons for community events and even a new Saturday breakfast emcee. PLEASE considering donating your time to help our membership. Even if you only have a few hours each month, that can help us offset those hours from our Board members.



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- **Operations and Finance Committee/ Newsletter**— Molly Zavitz
402-598-5790 info@mopoa.com
- **MOPOA Helpline** 402-658-0586
- 402-932-1022 Maxine Kading



FROM MR. LANDLORD.COM

EXPENSIVE LANDLORDING LESSONS THAT ARE RE-LEARNED

1. I paid \$276 to relearn a lesson. I called an electrician because a garage outlet did not work. I called an electrician to fix the problem. Well the reason the garage outlet did not work is because the "GFI" switch in



the bathroom upstairs needed to be reset. I know about outlets and resetting the GFI switch. Instead I paid an electrician \$276 just to remind me of it.

2. I learned that a double breaker can shut off and still look like it's on. Years ago in my own house my wall oven stopped working. I checked the breaker box. Yep, the breakers were all "on". I called an electrician who asked to look at the box. "Oh, I already checked," I said. He flipped the breaker off and back on. And of course, the oven worked. That was my \$65 lesson.

3. Had the HVAC guy out because residents said furnace wouldn't turn on. Paid the service call to find out that the switch on the furnace had

accidentally been turned off. Another time at another house the problem was that the thermostat batteries were dead. Now I make sure to check those things myself first!

15 RED FLAG PHRASES SAID BY RENTAL APPLICANTS THAT SHOULD MAKE YOUR EARS PERK UP DURING THE SCREENING PROCESS

1. "I have the money now."
2. "Can you work with me?"
3. "I'm staying at motel."
4. "I am living with friends."
5. "Call me back ASAP!"
6. "I can explain..."
7. "Do you check credit?"
8. "What do you look for?"
9. "Here's the thing..."
10. "Not my fault..."
11. "My current landlord is a real..."
12. "I don't drink or use drugs."
13. "I don't want his/her name on the lease."
14. "We had to move because of ____ in the house."
15. "I'll be honest with you..."

The tips are shared by regular contributors to the popular MrLandlord.com Q&A forum, by real estate authors and by Jeffrey Taylor, Founder@Mrlandlord.com. To receive a free sample of Mr. Landlord newsletter, call 1-800-950-2250 or visit their informative Q&A Forum at LandlordingAdvice.com, where you can ask landlording questions and seek the advice of other rental owners 24 hours a day.

DO NOT FEAR A VACANCY!

I love to see when landlords get to the point that they do not fear vacancies. One landlord shared his thoughts on the fear of vacancies.



"Occasionally I talk to local landlords about their residents and make comparisons to my residents. One thing I have noticed is that many landlords tend to have a real fear of having a vacancy. This 'fear' or paranoia, (for lack of a better word), keeps them from raising rents. It allows the residents to

pay late without consequences, or not pay at all just because of some resident misfortune.

Personally, I see a vacancy as an opportunity to get the house cleaned up and re-rented at full-market rent value. Three weeks ago, I lost a 5-year resident that was paying \$475.00 (below market). Just yesterday I re-rented that house at \$605.00. In the last 5 years, all of my rents have increased 20% and this was due to having vacancies and increasing the rent to market value."

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From The Costco Connection
September 2016 by Rhonda
Abrams from the article
Gain an Hour a Day

3. **Delegate.** Sure, you can do everything yourself, and probably better than an employee or contractor. But isn't your time better used on income-producing activities rather than ordering office supplies or standing in line at the post office? Get help, and then delegate.



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SECURITY DEPOSIT SETTLEMENT REFUND AND RECEIPT & RELEASE FORM

I hereby accept \$ _____ as my security deposit refund in full from my landlord/manager for my rental of

I have no further claims whatsoever in regard to my rental of this property.

Tenant: _____ Date: _____

Tenant: _____ Date: _____



Endorsement of this check release the maker now and forever from all further claims to the security, damage and cleaning deposit of the payee(s) herein named

The above sample form "Security Deposit Settlement Refund and Receipt & Release Form" could be used if your tenant is receiving their security deposit in person.

If you'd rather mail the check along with the 'Itemization of Security Deposit Return' then you could stamp the back of the check with this statement:



WELCOME TO THE EARLY BIRD BREAKFAST

By Ryan Basye MOPOA Board Member

MOPOA Early Bird Breakfast

Saturday, April 15th, 2017

Farmhouse Café, 84th & Grover.

7:00 a.m.
Order off the menu.

7:30 a.m.
meeting starts

** This was my last MOPOA Breakfast as the emcee! I appreciate all the kind words and warm faces over the years. I'm cutting back my duties in life to spend more time with my kids (I have two under 3). If you would like to run our breakfast, feel free to contact me with any questions.

Meeting Notes:

Real estate market trends (March 2017 versus March 2016):

Number of homes on the market- 1,900 (2017) vs 2,468 (2016) – down nearly 23%!

Existing home sales prices - \$155,000 (2017) vs \$147,000 (2016) – up 5%!

New construction sales prices - \$299k (2017) vs \$269k (2016) – up 11%!!

For more market stats, go to www.omaharealtors.com, click on Market Stats

Every now and then you get a tenant who wants to buy the house they are renting. What do you do? The consensus from the group is to treat it like any business transaction. If your profit

from the sale (final Net amount) is equal to more than 5 years of rent cash-flow then you should consider the sale. It is always important to make sure the tenant is serious, qualified and has financing in place. If they want you to finance the sale, that makes you a lender. There are new laws in place for this type of transaction so we suggest you contact an attorney and/or CPA to make sure you're covered.

Pets continue to be a good topic. The simple solution on pets seems to be charging "pet rent" for properties where you allow pets. The going rate seems to be \$25 per cat (small dogs) and \$50 per dog over 40 pounds. You may be surprised how easy tenants agree to these additional rents. We have discussed the laws regarding assistance animals and comfort animals. Always remember that if someone calls and asks about having a pet, tell them to complete an application and that you follow all the guideline and laws.

A friendly reminder if you plan to protest your tax assessed value(s). When you do a protest



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make sure you have documentation in hand that helps prove your value to be lower than what the County says. The reason is that when you open an appeal, the County will do an in depth analysis on your property and has the option to reduce or INCREASE your valuation.

A few people discussed how technology can help your business. On the accounting management side, many folks use Quick-Books. This program is geared more towards the bookkeeping/taxes side of the business. For management, some of the suggested software included; Quicken Property Mgmt, 123 Landlord, AppFolio, RentManager. Some work better for large scale landlords versus 2-10 properties. You should be able to test drive them for 30-days free and find out what works best for you.

It's hail season. A lesson learned from one of our members, NEVER sign a POA (power of attorney) to your roof contractor. They may tell you that they handle all the details and they will make it smooth, but you are giving up your rights to make sure the work is done right and your out of pocket cost is no more than your deductible. Try to stay with local, reputable roof companies and do not pay them until the work is done. Always get a permit (or tell the roofer they need a permit), so you can have the work certified upon completion before final payment.

Board elections in May – MOPOA needs your help to keep us moving forward.

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!

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HOW TO HANDLE NOISE COMPLAINTS FROM THE NEIGHBORS

By Laura Agadoni, www.landlordology.com
Used with permission



"The best way to ensure you'll rent to tenants who won't cause trouble is to screen them first."

If you rent out a house in the middle of nowhere, you can rent to the noisiest tenants imaginable. Why? Because no one can hear them.

But if you rent to tenants who will live in close proximity to other people, you hope they'll respect their neighbors' right to quiet.

If you rent to noisy tenants, a few things might happen. You might receive a formal complaint from a building manager, a nasty email from the neighborhood HOA, or a nuisance complaint from the city if a neighbor complains to the police. If you don't do anything about the complaints, you could receive fines until you do something.

So what should you do if you get complaints that your tenants are so loud they're disruptive?

Determine Whether the Complaint Is Valid

Before you confront your tenant, find out the nature of the noise complaint. Your tenant could very well be causing a disturbance, but it's just as likely that the complainant isn't warranted. Tenants are allowed to live their lives, and sometimes that includes making noise.

Your job is to determine whether your tenant is crossing the line by being excessively noisy.

If your jurisdiction places a limit on noise decibel levels, then your tenants should not exceed this level. If your rental property is subject to noise laws and you receive a complaint, ask the department that issued the complaint to come out and measure the noise levels to determine whether there is a valid reason for the complaint.

If you don't have regulations, you can use some common sense measures to evaluate whether your tenants are the problem or whether the complaining neighbor is just being fussy.

Here are some examples:

Dinner Parties

Having people over for a get-together that ends by 11 p.m. is not complaint-worthy, but regular loud parties that go late into the night are a problem.



Noisy Feet

Tenants walking around their own apartment, no matter what time of day or night, is not complaint-worthy from

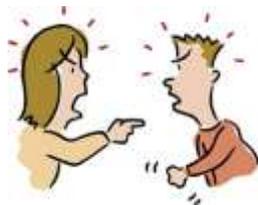
a downstairs neighbor, but if your tenant is jumping rope or acting out their own *WrestleMania* session at midnight, that's valid.

Barking Dogs

A dog that barks occasionally is not complaint-worthy, but a dog that barks incessantly all day or night is.

Loud Arguments

Disagreements between partners are bound to happen, and an occasional argument is not complaint-worthy, but a nightly screaming match is.



If the Noise Complaint Isn't Valid

Let the complaining party know that you have researched the noise complaint. Tell them what you did to determine whether your tenant is guilty of a noise violation or not. If you found out your tenant didn't do anything wrong, let the complainant know that you didn't find any evidence to suggest the complaint was warranted.

If the Noise Complaint Is Valid

If you've received multiple complaints from a variety of sources, your tenant is probably being too noisy. You might also wish to witness for yourself whether the complaints are valid by driving by your rental property and seeing for yourself.

You need to address this issue with your tenant immediately. If your tenant is being too noisy and interfering with the neighbors' peace and quiet, you should tell your tenant to keep the noise at acceptable levels. Explain the problem and what you expect your tenant to do to resolve the problem.

Sometimes the resolution is easy. If a downstairs neighbor complains about noise coming from upstairs, for example, put down area rugs. If your tenant listens and stops the noisy behavior, problem solved. If not, and the complaints continue, you may need to evict. *Article continued on the next page . .*



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How to Handle Noise Complaints from Neighbors Continued from the previous page. . .

Have a Clause in Your Lease

You can protect yourself from noise problems by including a noise, or quiet hours, clause in your lease. That way, if your tenant violates the noise clause, you can act based on the lease terms, such as fining them if you receive a valid noise complaint.

Here's a sample of a noise clause from a lease, courtesy of the University of Rhode Island.

PARTIES/DISTURBING NOISES/NUISANCE: The Tenant agrees that he/she/they will not breach the covenant of quiet enjoyment for the other tenants and/or neighbors. Tenant agrees not to make or permit any disturbing noises (e.g. hooting, yelling, shouting, singing, music inside a car). Lessee shall keep the volume of any guests, radio, stereo, television, CD, musical instrument, or any other piece of equipment which emits sound sufficiently reduced so as not to disturb nearby residents, in accordance with local noise ordinances. If the Tenant and/or Lessor receives a notice from the local police department that there has been a disturbance at the rental premises, which has caused a nuisance to the neighborhood, in violation of Rhode Island General Law §11-30-7, there will be a \$50.00 penalty fee per Tenant for the first notification.

At this point there will be a three month period which will be considered a probationary period. There will be no further penalty fee during the term of the lease if there are no further disturbances. If there is a second such notifica-



tion, the rent will increase \$100.00 per Tenant for the remaining term of the lease. If there is a third such notification, the rent will increase \$150.00 per Tenant for the remaining term of the lease. Eviction can result from any nuisance/noise violation depending on severity. Tenants will receive written notice of eviction. Parents and/or co-signors may also be notified of any incidences. Any breach of Rhode Island General Laws relative to disturbing the enjoyment of the homes by the neighbors, or disturbing the peace of the neighborhood, will be considered a breach of this contract. No kegs are permitted on the property without the prior consent of the Lessor. Tenants are not allowed firearms on the premises at any time. Tenants agree to comply with the attached town rental ordinances which address ordinances for Public Nuisance, Noise Disturbance and Unlawful Possession and Consumption and any associated penalties. ABSOLUTELY NO FRATERNITY OR SORORITY ACTIVITIES MAY OCCUR IN HOUSE OR ON THE GROUNDS, UNLESS OTHERWISE AGREED TO BY THE PARTIES.

Note: This lease pertains to university students in the state of Rhode Island. You can, however, personalize your lease to meet your needs. Please consult a lawyer when preparing your lease.

Screen Tenants

The best way to ensure you'll rent to tenants who won't cause trouble is to screen them first. Run a background check and check references to determine whether potential tenants have a history of complaints against them. I use Cozy tenant screening, and I recommend it.

Bottom Line

If you get complaints about a noisy tenant, you need to do something about it. Don't rush to judgment by automatically blaming your tenant. But don't ignore the complaints, either. It's best to come up with a compromise that everyone can live with.

Now, peace out everyone.

"Why join the navy if you can be a pirate?"

—Steve Jobs



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NEED A FORM?

If you are looking for a lease, 3 day notice, pet agreement, and other common forms, email MOPOA and we might have one!

Many forms are available on the member's only section at www.mopoa.com. Need the password? Contact us at info@mopoa.com



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***Note: Membership Dues \$120. Membership is from May 1st to April 30th Annually.** (*New members who join after May 1st, will pay \$120 for initial annual membership and pro-rated first renewal dues on May 1st of the following year.)

BENEFITS OF A PAID MEMBERSHIP OF METROPOLITAN OMAHA PROPERTY OWNERS ASSOCIATION:

- 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.
- Free membership to Community Buying Group for discounts and services. www.communitybuyinggroup.com
- 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.
- Advertising opportunities for your rental related business in our Monthly Newsletter and Website. As well as discounts from some of our advertisers, ask them directly if they have any offers.
- Access to the Member's Only section of our Website at www.MOPOA.com



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