



About the Presenter



Heather Staggs, AHM, CPO™, FHC™

Ms. Staggs brings knowledge from both sides of the aisle. Formerly with the Colorado Housing and Finance Authority (CHFA) and, prior to that, the U.S. Department of Housing and Urban Development, she is an expert in compliance with low-income housing laws and regulations. As a long-time property manager, Ms. Staggs possesses the real-world, hands-on knowledge of applying the rules of the trade. Her experience includes:

- More than 20 years of property management experience with deep knowledge of multifamily programs and regulations, including: Project Based Section 8, Low Income Housing Tax Credit, FDIC Affordable Housing Program, and FHA and Non-FHA Loan products
- Former Manager of Section 8, and Multifamily Program Compliance and Asset Management Officer with Colorado Housing and Finance Authority (CHFA)
- Former Project Manager with the U.S. Department of Housing and Urban Development
- Former Sr. Director of Property Management
- Former Community Manager/Assistant Manager with Windsor Communities / General Investment and Development
- Former District Manager with McCormack Baron Management Services and Wilhoit Properties
- Former Special Task Assignment Response Team Specialist with Property Asset Management / AIMCO
- Attended the University of Denver's Executive Leadership Program 2010-2011
- Rocky AHMA's Contract Administration Special Recognition Award for Commitment to Excellence in Affordable Housing in 2011
- Recipient of a Special Recognition Award from the Denver HUD Office 2012

Before We Begin...



Agenda



- Types of Communication
- Documenting Infractions
- Tips, Tricks and Suggestions
- Questions and Answers



TYPES OF COMMUNICATION



In Person

- Always try to meet with the resident in person before sending a written notice
- Have another employee available to witness the conversation
- Remain calm and state the facts
- Never disclose the source of the complaint
- Tie behavior to the lease



Email

- Only use email for property business
- Simply state the facts of the situation
- Do not send personal information via email such as social security numbers or other identifying information



Posting a Notice

- Ensure the residents names appear in the notice as they are on the lease agreement
- The notice must contain owner or management company contact information
- Include the complete address including the city, state and zip code

Posting a Notice

- Physically sign and date the notice
- Confirm correct delivery service
 - Handed to resident or occupant of the residence
 - Posted in a conspicuous space
 - Sent via certified mail

Posting a Notice

- If your notice has a timeframe to comply you generally cannot count the day of delivery/service
- For example, the resident has 3-days to pay or quit, and you deliver on 08/11/2014, your 3-days would end at midnight on 08/14/2014



Types of Notices

- Violation Letter
- Cure or Quit
 - Demand for Compliance or Possession
- Substantial Violation
- Notice to Quit for Repeated Violation
- Notice to Pay or Quit
 - Demand for Rent
 - 3-day, 10-day or 14-day notice



Substantial Violation

- A substantial violation is:
 - An act by the resident, their guest or invitee which has occurred on or near the property and threatens people or property this could include violent or drug related activity



Substantial Violation

- S.D. Codified Laws Ann. § 21-16-2 states, “Landlord can file eviction lawsuit immediately, without giving tenant an opportunity to cure, if tenant violates a lease clause that provides for immediate termination upon violation.”



U.S. Postal Service

- Copy the envelope before sending
- Keep a copy of the return receipt with the original notice
- Document the certificate number
- Always a good idea to send certified instead of regular mail service



Call or Texting

- Always document calls in writing
- If conversation was through a text message, note the date and time of the conversation
- If possible email the conversation to yourself
- Only use texting for company business



Texting

- Make sure the resident has agreed to receive texts from management
- Use “YES” to opt-in and “STOP” to opt-out
- Disclose that carrier and data charges may apply



Fair Housing Considerations

- Being friends with residents can cost you money
- The files must contain the same information for all violations and timeframes for every resident
- Residents who are disabled may have a need for reasonable accommodation



Fair Housing Considerations

- Engage in interactive dialogue
- Do not use your own discretion when making decisions
- Treat every resident the same



Documenting the Resident File



Documenting the Resident File

- Compile all of the information surrounding the complaint in chronological order
- Be as detailed as possible
- If a resident complains about another resident verbally, be sure to ask them to put their complaint in writing
- Send the resident who complained a letter requesting the complaint be put into writing and/or their willingness to do so
- Ask if the complainant would be willing to testify in court



Documenting the Resident File

- Document the who, what, where, when and how of the situation
 - Who were all of the persons involved
 - What happened
 - Where did the problem take place
 - When did the problem take place
 - Use specific dates and times
 - Why did the situation occur
 - How did the problem start or
 - How was the situation left i.e., police were called



Documenting the Resident File

- Always keep in mind a complaint may go to court
- Think about what would help you win your case?
 - Pictures
 - Witnesses
 - Was the situation addressed immediately
 - Copies of all documents and notices



Documenting the Resident File

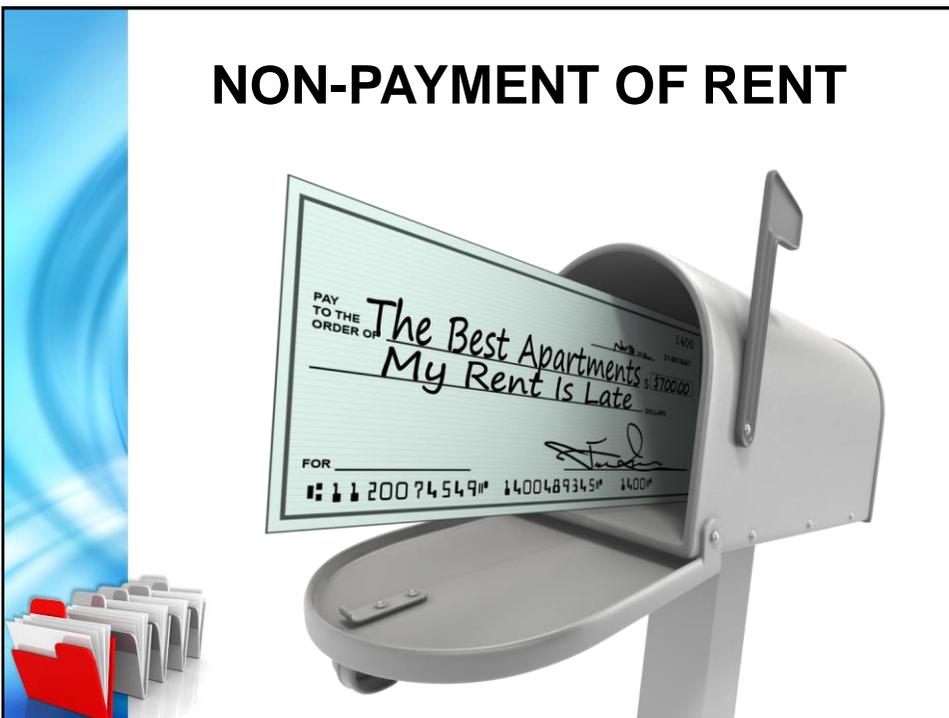
- Always follow-up with all parties involved
- Place the follow-up documentation in each file



TYPES OF INFRACTIONS



NON-PAYMENT OF RENT



Non-Payment of Rent

- Follow Rent Collection Policies
- Always collect all fees due
- Post late rent notices the day after the grace period ends
- Do not make deals
- Keep copies of receipts given to the resident



Non-Payment of Rent

- Know the State laws as well as the program regulations for the property
- Make a rent collection policy
 - When will you not accept payment
 - When will notices be delivered
 - What day does the 3-day notice go to the attorney
 - Accepting partial payments
 - Cashier's check or money order



Non-Payment of Rent

- Returning payments to the residents once the rent is rejected
 - Send a letter to the resident stating you are rejecting the rent payment
 - Require the resident to come in and pick up the check or money order
 - Have the resident sign that they picked up the rejected payment



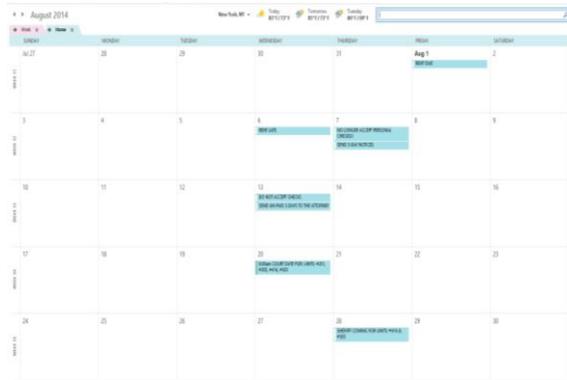
Non-Payment of Rent

- If charges are due do not waive the late charge
- Doing this could hurt you in court
- This could be considered “waiver”
- Know state law and program regulations
 - Can you credit charges first, leaving amount owing as rent due?



Non-Payment of Rent

- Have a wall calendar or other tracking calendar for the eviction process



RESIDENT DAMAGES



Resident Damages

- Regularly conduct unit inspections
- Provide documents to the resident stating expectations on care of the unit
- Give the resident a charge list for damage and cleaning
 - State amounts are an estimate and resident will be charged actual costs for cleaning, repair or replacement
- Document all unit inspections in the resident file
- Send letters with damages owed and notice of repairs
 - 24 hours to enter to make repairs
 - Notice to enter is not a request but a directive
- Take a lot of pictures



Resident Damages

- Understand billing practices in your area
- What is allowed under state law
 - Can rental payment be put towards damage balance first leaving rent owing?
 - Are you required to enter into a repayment for damages



Resident Damages

- When a resident moves out document all damages
- Video if possible
- Take photos
- Provide the resident with a detailed itemized listing of all cleaning and damage charges



PET VIOLATIONS



Pets and the Lease Agreement

- You can require the following in your lease:
 - A deposit be paid for each pet
 - Pets be vaccinated in accordance with state or local law
 - Pets be registered
 - Size and breed restrictions
 - The number of pets
 - Pets be restrained while in common areas



Pets and the Lease Agreement

- You can require the following in your lease:
 - Pets be spayed or neutered
 - Indicate that only 4-legged animals are allowed (common household pets)
 - Require resident to control the noise and/or odor of the pet
 - Exclude visiting pets



Pet Violations

- Not cleaning up pet waste
- Not having the pet on a leash
- Pet chasing or acting aggressive towards individuals
- Having unauthorized pets
 - Pets not registered with the office
 - Pets not allowed by pet policies i.e., snakes or mice
- Having too many pets



What to Say

- “Your pet was witnessed chasing and trying to bite another resident”
- “On Thursday, July 7th and Friday July 8th the property staff witnessed you not picking up after your pet. This is a violation of paragraph 8 of your lease agreement dated_____. We are assessing a \$5.00 penalty for each occurrence”



What NOT to Say

- “You can only walk your dog between the hours of 8am and 8pm”
- “On Thursday, July 7th and Friday July 8th the property staff witnessed you not picking up after your pet. This is a violation of paragraph 8 of your lease agreement dated_____. We are assessing a \$25.00 penalty for each occurrence”



SERVICE ANIMAL VIOLATIONS



Service Animals

- Also known as
 - Assistance animals
 - Comfort animals
 - Support animals
 - Companion animals
- The resident may have the need for more than one service animal



Service Animals

- Does the resident have a physical or mental impairment that substantially limits one or more major life activities?
- Is there a disability related need for the animal; in other words, is there a connection between the disability and the need for the animal?
- Is the disability and related need readily apparent?
 - If not, you may request verification



Service Animals

- Service animals are not pets
- Do not charge a pet deposit or pet fees
- Management cannot restrict breed and size
- Cannot require the animal be trained to assist
- You may deny the animal if it poses a direct threat or harm to management or other residents
 - Take care not to restrict because of a stereotype or fear of a particular animal



Service Animals

- You can require:
 - The resident to have the animal on a leash while in common areas
 - The resident to clean up after the animal
 - The animal be vaccinated and licensed
 - Require that the animal not interfere with the rights or quiet enjoyment of other residents
 - The resident to pay for damages caused by the animal



Service Animal Violations

- Management should send a violation letter
 - If a resident is not picking up after their animal
 - The resident's animal is aggressive towards other residents
 - The animal incessantly barks non-stop and neighbors are complaining



What to Say

- Use care not to call the animal a pet in a violation letter
- Recognize the resident may need an additional reasonable accommodations to have someone else pick-up after their animal
- Barking can be an “alert” to the resident, so the barking would have to be excessive. This should be defined





What NOT to Say

- “ You need to pick up after your pet or we will fine you for each occurrence”
- Your pet has been heard barking in your unit a few times each day”
- We have discovered you have an unauthorized pet in your apartment. Pets are not allowed at our property, **NO EXCEPTIONS.** You must remove the pet immediately”



RESIDENT HARASSMENT AND BULLYING



Resident Harassment and Bullying

- Do not ignore complaints that one resident is harassing or bullying another resident
- Especially if a resident is displaying discriminatory behavior or making discriminatory remarks
- Objectively investigate all claims



Resident Harassment and Bullying

- Does the residents behavior pose a risk or the possibility of endangering another
- Did the violation or behavior threaten another's safety?
- What does your lease or addendum say?
- Do you have a policy against resident discrimination, harassment or bullying?



Resident Harassment and Bullying

- Protection orders:
 - Changing locks
 - Domestic Violence
 - Requirement to bifurcate the lease
 - Requirement to pay rent



Resident Harassment and Bullying Solutions

- Offer relocation as a solution
- Offer to let one or both residents out of their lease without penalty
- Offer information on free mediation services
- If the harassment is severe enough, have the complainant contact the local authorities



What to Say

- When speaking in person with the resident:
“We have been notified of a verbal altercation that occurred between you and another resident, can you tell me what happened?”
- When sending a letter:
“Our office has been notified of a verbal altercation between you and another resident on July 7th, we ask that you contact the management office as soon as possible so we may discuss the events of the situation with you”

What NOT to Say

- “Sorry to hear that you and Mary in unit #104 cannot get along, you need to work this out yourselves. I am not getting involved.”

HOARDING



Hoarding

- According to the Mayo Clinic, “Hoarding disorder is a persistent difficulty discarding or parting with possessions because of a perceived need to save them. A person with hoarding disorder experiences distress at the thought of getting rid of the items. Excessive accumulation of items, regardless of actual value, occurs.”

Mayo Clinic Staff

Hoarding

- Hoarding can cause the following:
 - Health and safety issues
 - Pest infestations
 - Fire safety issues
 - Blocked egress
 - Mold problems
 - Weakness in weight/load bearing ability



Hoarding

Clutter Image Rating: Living Room

Please select the photo below that most accurately reflects the amount of clutter in your room.



From the International OCD
Foundation



Hoarding

Clutter Image Rating Scale: Kitchen

Please select the photo below that most accurately reflects the amount of clutter in your room.



1



2



3



4



5



6



7



8



9

From the International OCD
Foundation

Hoarding

Clutter Image Rating: Bedroom

Please select the photo that most accurately reflects the amount of clutter in your room.



1



2



3



4



5



6



7



8



9

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Foundation

Hoarding

- Frequent unit inspections may help minimize the amount of time a resident has to collect and store items



Hoarding

- When addressing the concern of hoarding with a resident:
 - Keep in mind hoarding is a legitimate disability
 - There may be need for a reasonable accommodation
 - Infractions must be addressed as lease violations and not because of a disability
 - The possessions are important to the resident
 - Seek legal advice



What to Say

- “We recently conducted property unit inspections on 07/10/2014 and observed the bathroom, bedroom and kitchen are unusable due to the amount of personal belongings, as well as garbage debris in those spaces. This is a violation of Paragraph 10,(b) numbers 1 and 6 in the Lease Agreement dated, _____ which states... ”



What to Say

- Be cautious of the terms used in the letter
- List the date of the inspection
- List the lease infraction(s)
- Give a clear and concise date of when the resident must have the unit in acceptable condition and/or become complaint with the lease agreement



What NOT to Say

- “We inspected your unit on 07/10/2014 and all of the rooms are filled with junk making difficult to move throughout the unit. You must clean your unit and remove your excess stuff by 07/21/2014”



Resources

- The resident's doctor or mental health care provider
- Resident Services Coordinator
- Local health officials
- Police
- Adult or child protective services
- Agencies that help with hoarding disorders



UNAUTHORIZED OCCUPANTS



Unauthorized Occupants

- How did you find out about the unauthorized occupant?
- Gather documentation and proof of the unauthorized persons residing in a particular unit
 - Send a certified letter to the person at the unit (If you know their name)
 - Get written statements from complainant
 - Ask for proof of residency somewhere else



Unauthorized Occupants

- Address expectations up-front at move-in
- Include the visitor and guest policy in your lease and/or house rules
- When sending notices include “all other occupants”



Unauthorized Occupants

- Require that all vehicles parked on the property must be registered with the office
- Give notice to tow unauthorized vehicles
- Ensure you include how you will address unauthorized occupants in your internal property management policies and procedures



Unauthorized Occupants

- Give the resident an opportunity to come and discuss the situation with management in person
- Give the resident the opportunity to add the unauthorized occupant to the lease if they meet programmatic and tenant selection requirements
- Document all conversations in the resident file

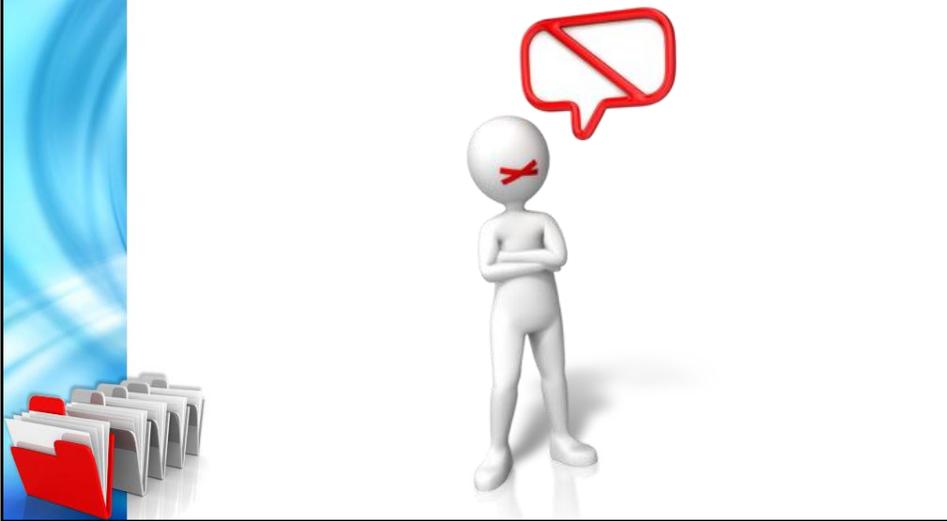


Unauthorized Occupants

- Trespass violators
- File for a protection order if threatened with imminent danger or bodily harm



WHAT NOT TO SAY TO RESIDENTS



What NOT to Say

- “You are late with your rent again. If your rent is not paid, I am going to change your locks on the 7th”
- “Pay your rent or get out”
- “No pay, no stay”



What NOT to Say

- “That crazy resident in #201 came into the office yelling that Joe from maintenance made a extra key the her apartment and then went in to her unit to put toothpicks inside of her toothpaste. Clearly she is off her meds again”



What You Should Say

- The resident in unit #201 came to the office on 06/01/2014 at 1:33pm she stated the following, “Your maintenance man made an extra key then came into my unit and put toothpicks in my toothpaste...”
- She continued on and kept calling me me a dumb *\$&%^ and said she was going to call the State agency and HUD.



What You Should Say

- I offered to have the locks changed by a professional locksmith service and offered to have both of the maintenance staff for the property enter her unit together from now on, before doing any type of work”



TIPS TRICKS AND SUGGESTIONS



Just Remember to Always...



Tips and Tricks

- Keep personal opinions and beliefs out of the written documentation and/or conversations with the resident
- Ensure the resident's behavior is addressed
- List all lease provisions which were violated
- Always tie behavior to the provisions in the lease or house rules



Tips and Tricks

- Only use approved legal demands for rent
- Follow proper service delivery
- Always use written document communication instead of verbal communication when it comes to matters concerning rent



Tips and Tricks

- Document the conversation as soon as possible so you do not forget any of the conversation
- Include the exact time and date
- Document conversations word for word as much as possible
- Use exact quotes even if they contain inappropriate language



Tips and Tricks

- Always sign and as well as print your name on the documentation
- Ensure the property rules are given to each resident and make them realistic and easy to explain
- Spend time taking annual conflict resolution training
- Roll play different resident complaint scenarios



Tips and Tricks

- When a resident brings forth a complaint, ask them what would be a reasonable outcome to the situation



Tips and Tricks

- Never retaliate
- Make certain anyone picking up the resident file would understand the entire situation without any or very little explanation
- The file should tell a story



Tips and Tricks

- Ensure your lease or house rules address different types of resident infractions
- Outline the procedures as well as the process for handling resident infractions





Customer Service

- Remember we are dealing with people not just paper files
- Try to be compassionate
- Be aware of your tone and body language
- Careful not to accuse without having proper back-up or proof
- The person is not upset with you personally, they are upset with your position

The image features a blue wavy background on the left side. In the bottom left corner, there is a stack of white folders with red dividers. The main content is a white rectangular area with a brown top-left corner. The text 'Customer Service' is at the top in bold black. Below it, there is a bulleted list of five points.

Customer Service

- It is always preferable to have a conversation before sending a demand for compliance



S.T.A.R. **MOMENTUM**

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