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Published by the Northeast Ohio Apartment Association



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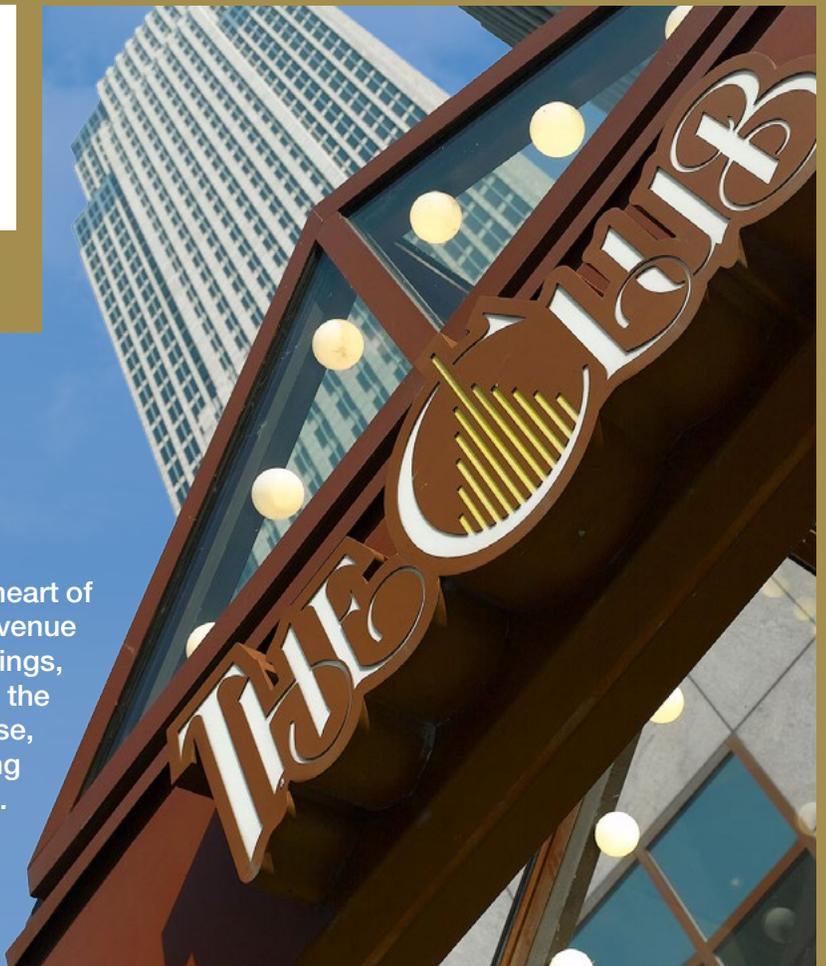
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Members should realize across-the-board benefits, from legislative representation to educational opportunities to revenue-producing tools.

Left: **Jeannette Cox**, 2016 NAA Membership Committee Chair.
 Middle: **Ralph McGreevy**, NOAA Executive Vice President.
 Right: **Marc Ross**, CAPS, 2016 NAA Chairman of the Board

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Published by the Northeast Ohio Apartment Association

The Northeast Ohio Apartment Association is a not-for-profit organization committed to furthering professionalism in the multi-housing industry. NOAA serves sixteen Ohio counties through specially designed education, networking and legislative programs.

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Message from the EVP

In 1997 we were members of the National Apartment Association. It cost a lot of money then, and still does today. But in 1997 it didn't seem to have much to offer our members besides lobbying. I have a theory about national lobbying: it will get done with us or without us. On a state and local level, I don't have the same ambivalence about the effectiveness of the effort.

In 1997 lobbying seemed about all that NAA offered to their affiliates, we dropped out. NAA has always offered education, but I believe we do a better job locally. Our education is top notch and our partnerships with Cuyahoga Community College for our management classes and Associated Builders and Contractors, our partner for our maintenance training, has elevated our offerings. But NAA will offer on-line education and I hope some of our members may avail themselves to those offerings. It wasn't for the education or the national lobbying, but after nearly 20 years NOAA has rejoined NAA.

One of the more interesting components of rejoining NAA is the partnership with Blue Moon Software's Click and Lease program. Several of our larger member companies already use this program. To do so, they had to carry a direct NAA membership for their Northeast Ohio units because there was no affiliate in this region.

NAA Click & Lease puts an Ohio lease at your fingertips along with many other forms, through an easy-to-use secure web interface designed to save you time, money and increase ROI by:

- Increasing productivity in lease generation and execution
- Eliminating costly fees for legal reviews of lease forms

- Easily integrating with your property management software
- Free E-Signature services
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- Free Document Storage services

NAA Click & Lease is only available to members of the National Apartment Association (NAA) and its affiliates. Since we re-joined, that means you.

The agreement we crafted between the two organizations is for a three-year run. NAA staffers have assured me it will be for the long haul because the programs are designed to assure a return on investment. I like the way they are thinking. At NOAA we've been thinking that way for a long time.

Our group purchasing programs are designed to offer you a return on your membership investment. Natural gas from IGS to heat your buildings is offered at a discount. The same goes for Sherwin Williams paint and floor coverings. We also have programs for electricity, waste, workers' compensation, marketing communications, telecommunications and faucets. Check the inside of Suites for a full list of participation members. Including the newest group purchasing partner, Blue Moon Software's Click & Lease.

Hope to see you somewhere soon.

Ralph McGreevy
Executive Vice President

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NOAA Calendar of Events

Associates Council 2nd Friday of each month. 9am - 11am

Free networking meeting with guest speakers. All members welcome!
CORT Furniture. 4698 Great Northern Blvd. North Olmsted, 44070.

9/8 **Key Award Gala** September 8, Thursday, 6pm Cocktail Reception followed by dinner and awards presentation.
Holiday Inn on Rockside Rd, Independence. \$75 / person.

9/21 **REAC Seminar** September 21, Wednesday, Michael Gantt back by popular demand for a full day seminar.

9/22 **Softball Game** September 22, Thursday, Associate vs. Primary members | Play in Lake Erie Crushers Stadium!
All Pro Freight Stadium - 2009 Baseball Boulevard - Avon, Ohio 44011

10/18 **Certified Manager of Apartments** Oct 18 - Nov 17, Tuesdays and Thursdays, 6-9pm
Members \$995. Non-Members \$1199 | Tri-C Corp. College East. 4400 Richmond Rd, Warrensville Heights, OH 44128

11/10 **Trade Show** November 10, Thursday, Holiday Inn on Rockside Rd, Independence.
Members Free (apartment industry professionals only).

11/15 **Certified Leasing Professionals Class** Nov 15-16, Tuesday and Wednesday, 9am - 3pm
Members \$279. Non-Members \$379 | NOAA Office 1468 West 9th St. Suite 110. Cleveland, 44113.

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NOAA Recent Events

Leasing Kickoff

April 27, 2016 - Speaker: **Dr. Debbie Phillips**

Dr. Debbie Phillips energized over 130 NOAA members with her presentation during the Spring Leasing Kickoff at Windows on the River.



Fair Housing

May 4, 2016 - Speaker: **Nadeen Green**

Nadeen Green, Senior Counsel - For Rent Media Solutions, educated 200 NOAA members on the basics of and recent changes to Fair Housing law.



Certified Leasing Professional Class

April 12-13 - Instructor: **Stephanie Sturzinger**

Congratulations to the 18 students who successfully completed the two day course for Certified Leasing Professional. The next CLP is scheduled for 11/15 – 16.

Taylor Barnes
Tayler Carnes-Taylor
Jacqueline Crawford
Robin Dudley
Barbara Dzwigala-Dill
Laura Engler

Vicki Gaither
Amber Gregory
Lisa Grisafó
Caitlyn Groom
Stephanie Howard
Carmen Iditoui

Katelyn Laubenthal
Amanda Ledford
Valerie Lindstrom
Kelly Moles
Tressie Patsolic
Christina Stone

Certified Manager of Apartments

March 22 - April 21 - Provided through Tri-C Corporate College East

Instructor: **Gina Pieragostine**

Congratulations to the nine students who successfully completed the 10 day course for Certified Manager of Apartments. The next CMA is scheduled for 10/18 – 11/17.

Margaret Amigoni
Cristin Howell
Deanna Langer

Joseph Libretti
Lawrence Sharp
Rowena Ventura

Joshua White
Hakeem Ysrayl
Robert Zebrowski

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Bronze \$250

2 tickets to Gala

Silver \$500

4 tickets + 2 drink tickets + 1/4 page in program

Gold \$1,000

3 tickets + 6 drink tickets + 1/2 page in program + 1/6 page in Suites

Platinum \$2,500

6 tickets + 12 drink tickets + 1/2 page in program + 1/6 page in Suites

Diamond \$5,000

10 tickets + 20 drink tickets + full page in program + 1/4 page in Suites

Trade Show

11/10/2016

Movie Theme. Pick your favorite movie to theme your trade show booth.

Standard Booth \$575

Premium Booth \$775

Theme Game

Standard Piece Free
20% participant visits

Upgraded Piece \$150
100% participant visits

For more details on the theme game visit
www.noaamembers.com

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NOAA Recent Events

Continued from page 7

Golf Outing

Monday, June 20, 2016 - Barrington Golf Club

114 NOAA Members gathered at Barrington Golf Club in Aurora for the annual NOAA Golf Outing. This is the first NOAA Outing at Barrington.



Golf outing hole signs, prop signs and photos courtesy of Consolidated Solutions | Maria Orsini 216.426.5286 morsini@csinc.com



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Carrara Companies - Golf Balls
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Buckeye Surface Maint. - First Place Team Prize
Sims Lohman - Closest to Pin Men & Women Prize
MFS Supply - Longest Drive Women
Carrara Companies - Longest Drive Men
The Club at Key Center - Various Prizes
Welker McKee - Four \$50 Gift Cards

Key Award Judging Day

Tuesday, June 21, 2016

A record 193 properties entered the Key Awards this year! Entries were received from as far away as Toledo, Conneaut, Galion and Youngstown!

50 judges and 25 drivers met for breakfast and briefing at Del Sangros Restaurant in Parma.



Ralph McGreevy giving instructions to judges and drivers before they start their routes.



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Criminal Conviction Screening Policies: Best Practices to Avoid Disparate Impact Liability

A white paper provided by NAA

Overview

In June 2015, the Supreme Court officially recognized disparate impact theory as a method for bringing a lawsuit under the Fair Housing Act (FHA). Disparate impact theory is grounded in the idea that although policies are not explicitly discriminatory, statistical disparities between different races can nevertheless show that a policy has a negative discriminatory effect—even if unintended.

The Department of Housing and Urban Development (HUD) recently issued Guidance discussing how a criminal conviction screening policy could violate the FHA under disparate impact theory. This white paper reviews the new HUD Guidance, relevant case law and offers best practices. 📄

View the 16 page white paper by visiting:
www.noaamembers.com/ccscreening.pdf

AT A GLANCE:

Recommended best practices to do and to not do in drafting and implementing a criminal conviction screening policy

DO

- Have a written and thoughtfully developed criminal screening policy
- Narrowly tailor the screening policy to reflect legitimate concerns over convictions that directly relate to the legitimate interests of a housing provider
- Write down justifications in support of the legitimate interests for the policy
- Give greater weight to convictions that reflect the legitimate concerns
- Allow an individual the opportunity to explain mitigating circumstances and provide evidence of rehabilitation if he or she is declined for tenancy
- Provide detailed training to staff to consistently apply the screening policy and to understand the justifications for the policy

DO NOT

- Inconsistently apply the screening policy or allow subjective considerations to be part of the decision
- Ignore mitigating information and fail to review on a case-by-case basis accounting for the time passed since the conviction, the nature and severity of the conviction, and efforts to rehabilitate
- Automatically deny an applicant because of the mere existence of a prior arrest
- Automatically deny an applicant because of the mere existence of a prior conviction
- Exempt certain people or classes of people from the screening policy
- Use a criminal screening policy as a pretext to exclude certain individuals or classes of individuals

The information discussed in this document is general in nature and is not intended to be legal advice. It is intended to assist owners and managers in understanding this issue area, but it may not apply to the specific fact circumstances or business situations of all owners and managers. For specific legal advice, consult your attorney.



NOAA

Northeast Ohio Apartment Association



NOAA joins National Apartment Association

Members should realize across-the-board benefits, from legislative representation to educational opportunities to revenue-producing tools

The National Apartment Association boasts more than 7,200 members, representing more than 8.4 million apartment units worldwide and a network of 170 affiliated apartment associations.

And now, after nearly two decades since it left the NAA to focus on building locally and regionally, the Northeast Ohio Apartment Association is back among them.

There's no doubting the legislative leverage, shared knowledge, marketing support and potential savings through group buying power that joining a large trade group provides, but, long term, the value of NOAA's return to the Arlington, Va.-based association will be measured beyond sheer numbers.

The move is viewed as a significant, well-timed step in NOAA's already proud history.

"Joining NAA," says NOAA Executive Vice President Ralph McGreevy, "sets us off on a new direction and exposes us to a larger world than I've experienced in my job in the last 20 years. It was a decision made in a team environment, with a lot of the people kicking the tires. We looked around and decided, if we're going to do it, now is a good time, let's try it."

The decision comes at a time of dynamic activity in the apartment industry, especially in Northeast Ohio. The business continues to grow more complex, driven by increasing legislative pressures, evolving market forces and expanding competition from players outside the area. The local apartment market has rarely been hotter, particularly in the central business district and sub-markets close to downtown.

Within that context, NAA membership represents a reunion, of sorts. McGreevy was executive director for less than a year when the collective decision was made to leave the national organization. At that time, about 19 years ago, leadership chose instead to strengthen from within.

"It was one of those moves that either makes you stronger or tears you down," McGreevy recalls. "And, in our case, our members, our executive committee, the rest of our staff, we all pulled together and created a very strong local association, which we are today."

"We're going to see where this takes us," McGreevy says. "They made it worthwhile to take the risk, and we are excited about it."

But it was a much different time. NOAA's makeup was steady and predictable. Two decades ago, the local association was predominantly comprised of large, local family-owned apartment owners and managers whose properties were mainly concentrated in Northeast Ohio. Locally based companies existed for decades, passing the torch — and portfolio of

Northeast Ohio properties — from one generation to the next. The business was about tradition and consistency.

The local industry is still largely family owned, but portfolios have expanded beyond the region — to Michigan, Florida, Alabama, Tennessee, California and elsewhere — as companies wisely reduce their risk by not being so heavily invested in a single region. And more national companies, seeing new construction and redevelopment opportunities arising from the steady demand that's occurred in the last five years, are poking their heads into the Cleveland market and investing.

So the NOAA's makeup and direction were much different

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when the association left the national group to focus on its core priorities.

"We remained independent at that time," McGreevy says, "and continued to press our own way. We stayed that way until they made the proverbial offer we couldn't refuse."

Great expectations

As the local apartment industry landscape evolved, the national association was simultaneously and aggressively courting NOAA to re-up. NAA recognized the independent association's strength and saw potential mutual benefit in reconnecting.

Chuck Schulman, president of Carlyle Management Co. and NOAA president-elect, said the NAA sought out and wooed the NOAA board relentlessly over the past few years.

"The NAA representatives had been very impressed by our own education programs, including the fact that we were the first nationally to offer a class that used the book the national association was involved in publishing, The Essential Industry Text for Multifamily Housing," Schulman says. "Our group purchasing programs and the revenue and benefits they achieve were far greater than anything they had seen before, and they saw that an affiliation with NOAA

would benefit them as much as it would us."

"This partnership," says David Edwards, NAA's vice president of membership and affiliate services, "brings together two very powerful associations — one that is a major force in Northeast Ohio and in the state, and one that has a significant national presence."

So, then, what are the anticipated benefits for NOAA members?

From Edwards' perspective, there are several. Membership provides:

- An opportunity for more industry education and "best practices." NOAA already prides itself on industry educational opportunities, but leadership expects membership in NAA to ramp that up even more.
- Access to an NAA lease program that is customized for the Northeast Ohio market, offering increased efficiencies and protection from lawsuits.
- Increased support for legislative initiatives that impact the local market. More specifically, NAA's legislative team provides research, monitoring and financial resources to combat issues that could affect

Feature continued on page 16

operations, such as fair housing, tenant screening and housing affordability.

"NOAA members are now part of a national network of industry professionals at all levels," Edwards says. "NOAA will gain a partner that will go above and beyond to support them in every area of their businesses."

But at what cost to members?

NAA membership is an opportunity to grow and mature as an association. But it's also expensive: \$50,000. NOAA leadership weighed the cost and opportunities and decided the national group's offer was too good to pass up.

"Our rekindled relationship with the NAA does come at a price," Schulman says. "We have agreed to a three-year deal that provides guarantees of economic subsidy over that period if we do not achieve the economic return that they forecast we will realize because of their programs, like Click and Lease, and their expansive educational offerings."

And rather than pass that fee on to the 400 current NOAA members, NAA agrees to cover that in the agreement, and the three-year term allows NOAA to "test the waters," so to speak. In addition, the national association offers income-producing programs, including a lease software that offers a commission based on use by members, which is measured by the number of online clicks.

Because some local NAA members are not now members of NOAA, they will be. NAA makes it mandatory. Therefore, membership in the national association will drive the addition of 25 to 50 new members to NOAA, generating more income to the local association. The expectation is that new members and lease clicks will cover the membership fee and create additional revenue.

"The size of the association allows Ralph and the staff to negotiate better deals with our group purchasing members and, specifically, with our ability to buy utilities at a more substantial discount because of our greater usage," Schulman says. "As NOAA grows, we become more attractive for new members to join, and our service area

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has been expanded by the new re-affiliation with NAA."

Through the NAA's well-developed online education track, NOAA members expect to meet and have access to national speakers and their base of shared knowledge that can only add even more professionalism to how business is done locally.

"Quite frankly," says NAA's Edwards, "NOAA has an amazing association and is really doing things at a high level."

NAA becoming a partner with NOAA is going to provide NOAA members with additional options to the already strong programming and support members receive. We have the most widely read magazine in the industry (UNITS), webinars, niche e-newsletters and national designations through NAA's Education Institute (NAAEI). The resources are there to hopefully give them additional options to improve industry their knowledge.

"We're going to see where this takes us," McGreevy says. "They made it worthwhile to take the risk, and we are excited about it." 🏠

Legislative Representation

Among the significant benefits of National Apartment Association membership is the legislative watchdog role the NAA plays. Stronger representation in Washington, D.C., will allow NOAA to stay informed and address issues bubbling up nationally and statewide. Among them: An anti-discrimination law known as disparate impact, which holds that practices in employment, housing or other areas may be considered discriminatory and illegal if they have a disproportionate “adverse impact” on persons in a protected class. More specifically, that can affect how property owners

and managers address tenant applications from convicted felons, for instance.

“Many are issues with suggestions on how you should behave, not cut-and-dried requirements, which opens up the possibility of expensive, time-consuming lawsuits,” says NOAA Executive Vice President Ralph McGreevy. “Housing has always been a litigious industry. Now the possibility has increased for it being more litigious — not what any industry wants to hear.” 📄

Key legislative issues NAA is currently tracking include:

Affordable Housing

- Affordable housing funding/trust fund
- Cause eviction
- Inclusionary zoning
- Mandatory notice for rent increases
- Rent control

Fair Housing/ADA

- Emotional support animals
- Occupancy standards
- Use of date of birth

Tenant Screening

- Credit history
- Criminal background
- Portable screening reports

Source: Fred Tayco, director of government affairs, National Apartment Association



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Hoarding and Its Implications on Landlord-Tenant Law

Landlords are all too familiar with the sense of concern that arises upon finding a rental property in disarray. That concern is compounded when the disarray rises to the level of what is commonly known as, hoarding. This article serves as a short review of the recent changes regarding the psychological/legal treatment of hoarding and potential suggestions for reasonable accommodations. The Collyer brothers brought hoarding into the public eye when their situation became front page news in 1947. The Collyers were two brothers whose infamous hoarding led to their tragic deaths caused by the collapse and entrapment by their belongings. Since the time of the Collyers our collective understanding of this ailment developed, policy evolved and perhaps unwittingly, provided protection for those suffering from the symptoms. If you, as a landlord, meet this information with a slight sense of alarm for the future, fear not. Ask any veteran property owner or manager and they will assuredly convey their understanding of the ever-present sense of change that accompanies landlord-tenant relationships. Most people who have been in the business of owning property for an extended period of time find themselves becoming very adept at the law. However, with respect to hoarding, Ohio law has not yet fully developed.

What is Hoarding?

In defining hoarding, the words of Supreme Court Justice Potter Stewart come to mind, "I know it when I see it." Most of us have some anecdotal understanding of what hoarding is. However, the current relevant clinical definition comes from the American Psychiatric Association ("APA"). According to the APA, hoarding disorder is characterized by "the persistent difficulty discarding or parting with possessions, regardless of the value others may attribute to these possessions."¹ The behavior associated with hoarding causes far reaching implications, not the least of which is the impact on a person's ability to maintain stable housing. While hoarding has long been a public health concern, it has only just recently been added as diagnosis within the DSM-5. The DSM-5 is the diagnostic tool that mental health professionals utilize to identify mental health conditions. Its addition to the DSM-5 causes hoarding to be recognized, not only as a symptom of mental health illness, but also a diagnosis in its own right. Given the heightened recognition by the mental health community, people who suffer from hoarding are now provided the requisite protections afforded under the law.

What Does The Law Say About This?

Published appellate eviction opinions that cite hoarding as the precipitating factor do exist; however, they do not originate

from Ohio. Now that hoarding is considered a diagnosis, which could be the basis for a handicap (discussed below), it is most relevant to begin with a review of the Fair Housing Act ("Act").

The Fair Housing Act prevents discrimination against, "any person in the terms, conditions, or privileges of *** the rental of a dwelling, or in the provision of services or facilities in connection with such dwelling," on the basis of that person's handicap.² Federal laws define a person with a handicap as, "any person who has a physical or mental impairment that substantially limits one or more major life activities; has a record of such impairment; or is regarded as having such an impairment." The discrimination prohibited by the Act also includes the refusal to make reasonable accommodations in "rules, policies, practices, or services, when such accommodations may be necessary to afford equal opportunity to use and enjoy a dwelling."³ So, what does all this mean? In short, the Act imposes a duty upon landlords to reasonably accommodate the needs of handicapped persons.⁴

The topic of accommodations is one that can quickly become impassioned. Some may have heard the urban myths of renovations costing tens of thousands of dollars for seemingly innocuous physical needs. Others may recall folklore warning of the extremely noise sensitive tenant. It is not difficult to imagine a tenant asking for what some may consider excessive accommodations. However, the law only asks that accommodations be both reasonable and necessary to afford the disabled tenant an equal opportunity to use and enjoy a dwelling.⁵ An accommodation is reasonable when it imposes no "fundamental alteration in the nature of a program" or "undue financial and administrative burdens." Ohio courts have held that a handicapped individual bears the initial burden of proposing an accommodation and showing that the accommodation is objectively reasonable.⁶

When reasonable accommodation claims are made, courts distinguish between alterations of policies and physical alterations of the premises. Reasonable accommodations only pertain to the "rules, policies, practices, or services."⁷ For example, a tenant diagnosed with hoarding may not request that the structure be altered but, rather, may ask that the policy regarding unit maintenance be altered. The case of *Douglas v. Kriegsfeld*, provides an example of a court's intervention. In *Douglas*, the Plaintiff sued because she was not granted a stay of eviction proceedings in order to clean her unit and seek counseling for her underlying addiction. The court found the tenant's request for a brief stay of the eviction, coupled with related follow-up, to be a "reasonable accommodation" because it imposed no "fundamental alteration," or "undue

¹ APA 2013, Diagnostic and Statistical Manual of Mental Disorders (5th ed.)("DSM-5").

² 42 U.S.C. §3604(f)(2)(A)

³ 42 U.S.C. §3604(f)(3)(B)

⁴ *United States v. California Mobile Home Park Mgmt. Co.*, 29 F.3d 1413, 1416 (9th Cir.1994) as cited in *Groner v. Golden Gate Gardens Apartments*, 250 F.3d 1039, 1043-44 (6th Cir. 2001)

⁵ *Smith & Lee Assocs., Inc. v. City of Taylor*, 102 F.3d 781, 795-96 (6th Cir.1996)

⁶ *Monette v. Elec. Data Sys. Corp.*, 90 F.3d 1173, 1183 (6th Cir.1996).

⁷ *Reid v. Plainsboro Partners, III*, 2010-Ohio-4373, ¶ 49, citing *Salute v. Stratford Greens Garden Apartments (C.A.2, 1998)*, 136 F.3d 293, 301.

financial or administrative burdens.”⁸ Thus, where a tenant provides a simple and cost effective solution, Courts are more likely to grant the accommodation.

To make out a claim of discrimination based on a failure to reasonably accommodate, the tenant would need to show that (1) she suffers from a handicap⁹; (2) the landlord knew or reasonably should have known of the tenant’s handicap; (3) accommodation of the handicap may be necessary to afford the tenant an equal opportunity to use and enjoy the dwelling; and (4) the landlord refused to make such accommodation.¹⁰

While there are Federal and State Fair Housing Acts to protect the interests of tenants, landlords do have recourse after having discovered a tenant’s hoarding.

What May a Landlord Do?

Landlords may pursue a forcible entry and detainer (eviction) action where the tenant has failed to comply with one of the tenant’s obligations. However, this is not to imply that this should be the immediate action. Ohio has standardized tenant obligations through the promulgation of Ohio Revised Code (“R.C.”) §5321.05. Among the list of tenant obligations is the requirement that a tenant, “keep that part of the premises that he occupies and uses safe and sanitary.”¹¹ The statute also requires a tenant to “dispose of all rubbish, garbage, and other waste in a clean, safe, and sanitary manner.”¹² Therefore, Ohio law provides a limitation on the tenant’s behavior, even as it pertains to a handicap. If a landlord discovers conditions causing a violation of these statutory provisions, the landlord may notify the tenant of the conditions in writing and request that the conditions be remedied within thirty days pursuant to R.C. §5321.11. In the event that conditions are not remedied and no reasonable accommodations have been requested, a landlord may then commence an eviction action based upon the tenant’s violation of statutory duties. The intersection between Federal/State Fair Housing requirements and R.C. §5321.05 creates the requirement that property owners give their tenants the opportunity to repair the defective condition prior to seeking repossession of the rental property. However, there is an exception.

The Act does not protect an individual with a handicap whose tenancy would constitute a “direct threat” to the health or safety of other individuals or result in substantial physical damage to the property of others.¹³ Thus, if the hoarding rose to the level of causing an immediate health and safety concern, a landlord could forego the general requirement that she give the tenant an opportunity to correct the defective condition.

Standards to Guide Landlords in Framing Demands for Correcting Conditions

In order to assist landlords in identifying individual cases

of hoarding, the City of Cleveland Department of Aging has created a list of minimum guidelines. This list identifies conditions that should be present within a home, irrespective of hoarding. These Minimum Acceptable Standards are intended as guidelines in working with tenants. The standards are as follows:

1. **Emergency Access:** There is adequate access for first responders to be able to remove the individual in case of an emergency. That is, an existing pathway that is large enough (at least 3 feet wide) to allow an ambulance crew to move a gurney into each room.
2. **Kitchen:** The kitchen is functional as a kitchen. The stove or method of cooking (hot plate, toaster oven, etc.) has no combustible materials in it, on it or near it. If the stove is not being used, it is disconnected, either unplugged if electric or shut off and capped at the gas valve. The kitchen sink is accessible and usable.
3. **Bathroom:** The bathroom is functional as a bathroom. The toilet must be in full working order. The sink must be in full working order. The tub/or shower should be usable.
4. **Sleeping Area:** There is a functional, defined sleeping area. There is adequate access to the sleeping area. Any accumulation of goods does not prevent the sleeping area from being used for sleeping.
5. **Fire Safety:** Working smoke detectors are present in the living space. When applicable, there is a three foot clearance around the furnace and hot water tank.
6. **Utilities:** The house must have electric power, heat and hot water.

Conclusion

Those persons suffering from the oppressive symptoms of hoarding now have further protections when faced with a forcible entry and detainer action. The law, which incorporates a general sense of justice, compels landlords to treat those suffering from this affliction with fairness. However, many other approaches exist. Because of the continued growth of knowledge in mental health treatment, social service providers have become adept and sometimes specialized in treating hoarding behavior. There are numerous mental health agencies in Northeast Ohio that provide helpful services and, it would be wise to seek their assistance in dealing with instances of hoarding. Additionally, as landlord-tenant matters involving hoarding can sometimes present unique and challenging issues, it is always advised that landlords seek advice from legal counsel. 📄

⁸ Douglas v. Kriegsfeld Corp., 884 A.2d 1109, 1127 (D.C. 2005).

⁹ As defined by 42 U.S.C. 3602(h)

¹⁰ Manor Park Apts., LLC v. Garrison, 2005-Ohio-1891, ¶ 11

¹¹ R.C. §5321.05(A)(2)

¹² R.C. §5321.05(A)(3)

¹³ Cincinnati Metro. Hous. Auth. v. Brown, 2013-Ohio-4143, ¶ 1



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REAC Nightmare in Northern Ohio

A property in northwest Ohio underwent a REAC ordeal earlier this year, in which at least 19 deficiencies were clearly cited

unjustly. The property appealed these and 6 other deficiencies that they believed were cited improperly, only to have 24 of the 25 issues they appealed rejected under circumstances that also appeared to be contrary to REAC's own written rules. A complaint was submitted to multiple REAC officials, asking for reconsideration of the appeal, but no answer has been given to the property at this time.

In the meanwhile, the property is in limbo, with an official failing score, coming under scrutiny for failure and looming requirements to conduct an internal survey, repair all items, and certify repairs. If the property does not significantly disrupt normal operations and spend a great deal of effort and cash to meet the deadline, the ownership and management organizations will both face suspension of their 2530 Prior Participation Clearance. They are, in other words, under threat of penalty for an inspection gone very wrong at no fault of their own, but simply because neither their inspector nor the appeal reviewer followed REAC's rules.

The property in question was under redevelopment and had a high vacancy rate. Because 50% of the units in the building were vacant, management had responsibly turned off water valves at sinks, bath tubs, and toilets to prevent flooding and water damage if plumbing began to leak while the units were unattended. Management also turned off circuit breakers to appliances and fixtures that were not in use, to reduce the possibility of energy waste or a fire.

These units came under inspection and the inspector refused to allow property staff to turn on water valves and circuit breakers to demonstrate that sinks, toilets, tubs, stoves, refrigerators, and other appliances and fixtures were functional. This resulted in 19 of the issues that the property attempted to appeal.

The reviewer of the appeal rejected all 19 issues in the Technical Review, and stated that property staff are "prohibited from conducting maintenance activities" during a REAC inspection, and that turning on valves and breakers would constitute "maintenance activities."

There is, in fact, absolutely no such REAC policy. Staff are required, in fact, to unlock doors and turn on stoves during the inspection. Are these not "maintenance activities?" Staff are allowed to replace burned out lightbulbs and reconnect bath fans to demonstrate operation, and these are also maintenance activities. The reviewer of the appeal misunderstood REAC's policy, or simply invented a new policy to justify rejecting the appeal.

One can only wonder if this occurs solely of ignorance or of malfeasance. Neither is acceptable in any case.

Subsequent communication with a REAC official at a high level confirmed that REAC policy requires inspectors to allow property staff to turn on breakers and valves if necessary in order to properly test such devices rather than simply citing a defect without testing them. The property has presented the facts of this inspection and

the unjust rejection of the appeal to REAC for reconsideration, with no answer to date.

During the same inspection, the inspector cited a Level 2 deficiency for Building Exterior; Walls; Cracks and Gaps. According to REAC's own written definitions which have existed for nearly 18 years - a matter of public record published in the Federal Register, in effect becoming Federal Law - this defect is cited only when the foundation exhibits cracks or gaps that are larger than 1/8 inch. Because this property is a single building, the arcane REAC scoring methodology makes such a crack in the foundation worthy of a staggering 8.28 point scoring deduction on the 100 point REAC scale.

The inspector did not inform the staff of this defect, and did not make any comment in his report as to its location. Distressed by the alarmingly high scoring value of this defect, the property hired a licensed engineer to assess the damage. The engineer's finding was that no such damage existed. The engineer presented a letter to be used in the appeal, stating that "no crack larger than 1/8 inch exists."

The reviewer of the appeal rejected this appeal, asserting that the engineer's statement, "no crack larger than 1/8 inch," logically means "there are cracks of precisely 1/8 inch." The reviewer went on to say that this amounted to an argument about the Level of Severity of the defect, and that REAC does not allow the property to contest the Level, only the existence of the defect.

Apparently the reviewer, who was fully capable of divining the hidden meaning from the engineer's words "no crack larger than 1/8 inch" to ascertain the secret meaning is "there ARE, however, cracks of exactly 1/8 inch," was not so capable of interpreting REAC's written rules which state that cracks must be "larger than 1/8 inch" to be counted as a defect at all.

One can only wonder, again, ignorance or malfeasance?

It must be said that most REAC inspections do not turn out like this one. It must also be said that most REAC appeals, Technical Reviews or Data Base Adjustments, don't turn out like this one.

But, it must also be asked: Is it acceptable either within HUD or within our industry that even one REAC inspection or appeal ever turns out like this one? We think not. 🙄

Industry Standards update. For All Inspections Conducted on or After August 1, 2016

View the changes at noaamembers.com/REAC-july11

Michael Gantt hosted a very informative three hour REAC inspection seminar for NOAA members on March 3, 2016. He will be back on September 21 for a full day REAC seminar.

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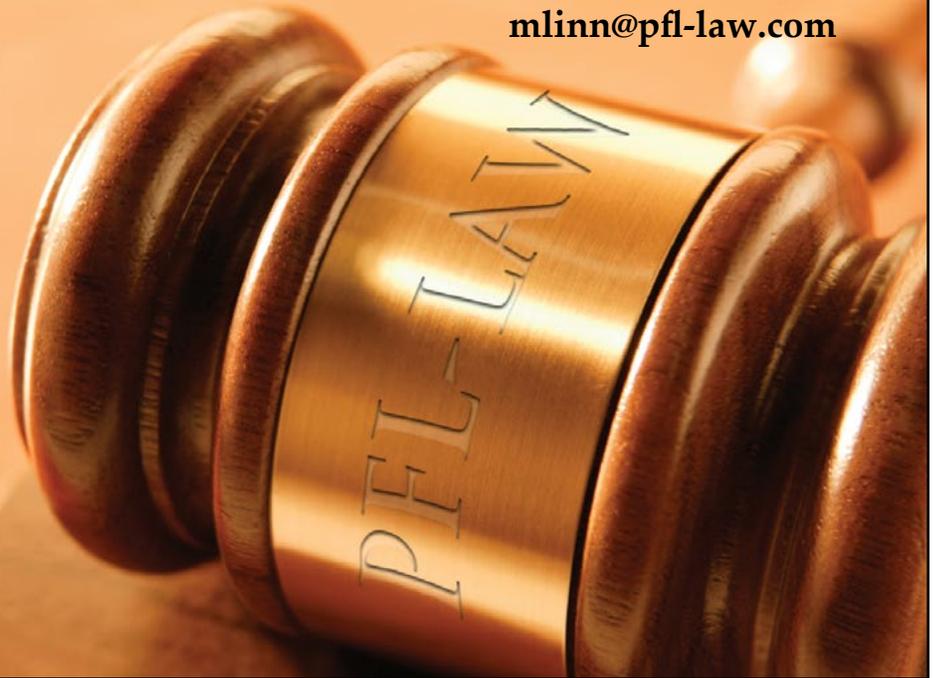
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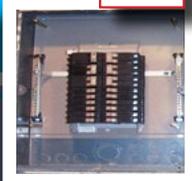


After

Before



After



Before



After



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9 Warning Signs Your Computer is Infected With Spyware



Spyware is Internet jargon for hidden programs that advertisers install on your PC without your permission to spy on you, gather information, and report this information about you and your online activities to a third party.

OK

Cancel

Spyware is NOT harmless; it can be responsible for delivering a boatload of spam, altering your web browser, slowing down your PC, and serving up a bounty of pop-up ads. In some of the more extreme cases, spyware can also steal your identity, passwords, e-mail address book, and even use your PC for illegal activities.

Most spyware finds its way onto your computer via file downloads including free programs, music files, and screen savers found everywhere on the Internet. These nasty programs piggyback the download and run undetected on your computer collecting information about you and sending it out to a third party until they are removed. Although spyware has malicious components, it is not illegal, and it is not considered a virus because it doesn't replicate itself or destroy data.

If you are experiencing one or more of these warning signs, chances are your computer is infected and you will need to seek professional help in getting the spyware removed.

1. Your browser has been hijacked. If you open your Internet browser and a strange-looking homepage pops up and won't go away, chances are you have a spyware program installed on your computer. You may also discover that you cannot modify your browser settings and that your "favorites" folder has been modified.
2. You conduct a search but another (unauthorized) browser completes it for you. For example, you type a search term into Microsoft IE but another browser pops up and lists various websites tied to your search term. This is a surefire sign of a spyware infection. You'll also notice that if you try and remove this program, it comes right back.

3. Your computer is unstable, sluggish, locks up, or crashes frequently. Spyware programs run in the background taking up disk space and processor speed which will cause serious performance problems.
4. You constantly get pop-up ads displayed on your screen, even if you aren't browsing the Internet. Some of the ads may even be personalized with your name.
5. You receive expensive phone bills for calls to 900 numbers that you didn't make. Some spyware programs can use your computer to make calls on both a broadband and dial-up line.
6. The send and receive lights on your modem blink actively as though you are surfing the Internet or downloading files online, even though you aren't. More than likely this is due to spyware programs sending and receiving information via your computer without your permission or acknowledgement.
7. Mysterious files suddenly start appearing on your computer, your files are moved or deleted, or the icons on your desktop and toolbars are blank or missing.
8. Your CD drawer starts opening and closing by itself.
9. You find e-mails in your "Sent Items" folder that you didn't send.

Because spyware is so prevalent on the Internet, it's a good idea to scan your system once a week to clear out any potential infections. Most spyware programs are designed to run undetected by the user. That

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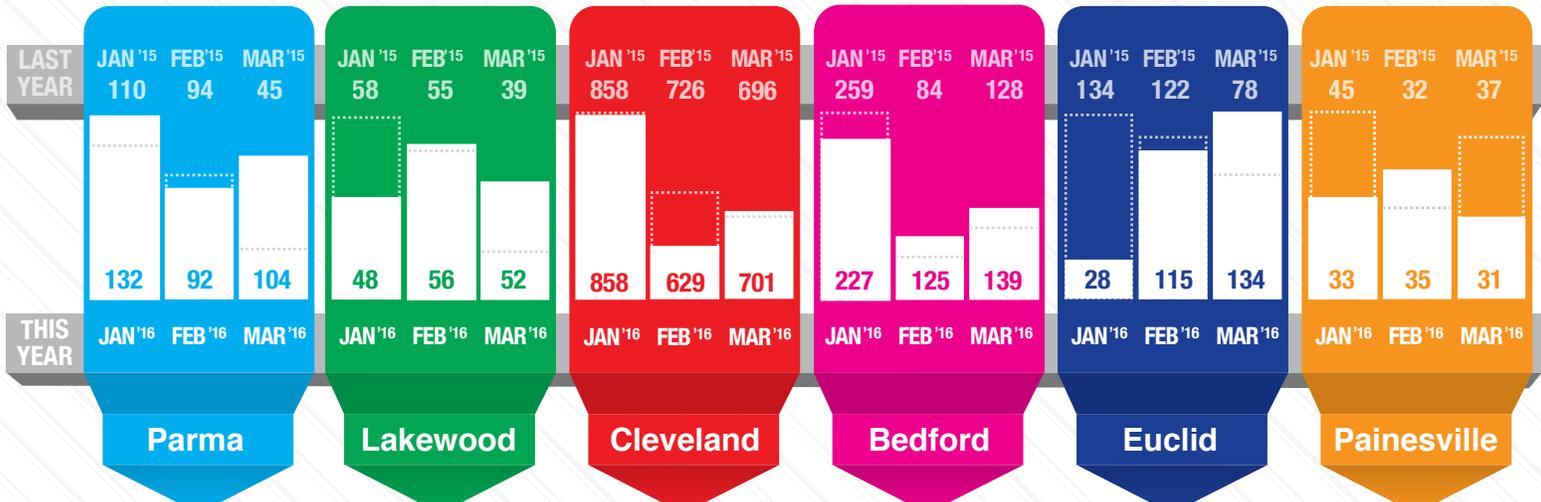
Eviction Index

The Suites Magazine Eviction Index is presented to owners and managers of multifamily properties to assist them in assessing the regional market. The numbers represent the number of eviction filings in the corresponding courts.

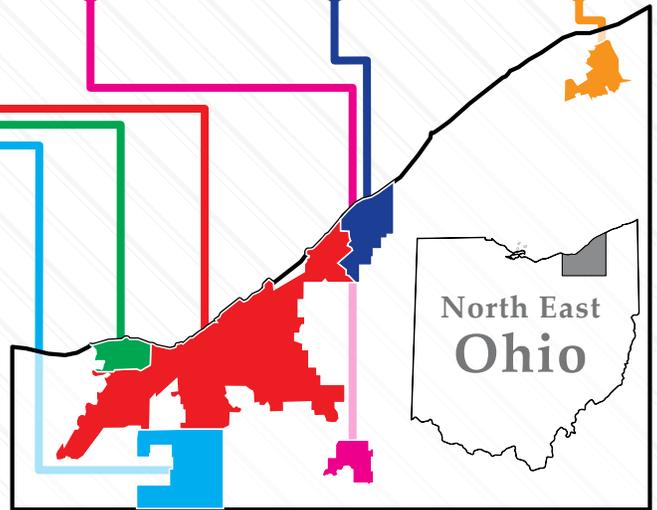
The Eviction Index is sponsored by Powers Friedman Linn, PLL, a law firm specializing in real estate management issues.

Court	2015 / 2016					
	OCT	NOV	DEC	JAN	FEB	MAR
Bedford	212	108	158	227	125	139
Cleveland	917	752	855	858	629	701
Euclid	155	107	116	28	115	134
Lakewood	65	42	60	48	56	52
Parma	94	104	101	132	92	104
Painesville	40	37	26	33	35	31
Total	1483	1150	1315	1326	1052	1054

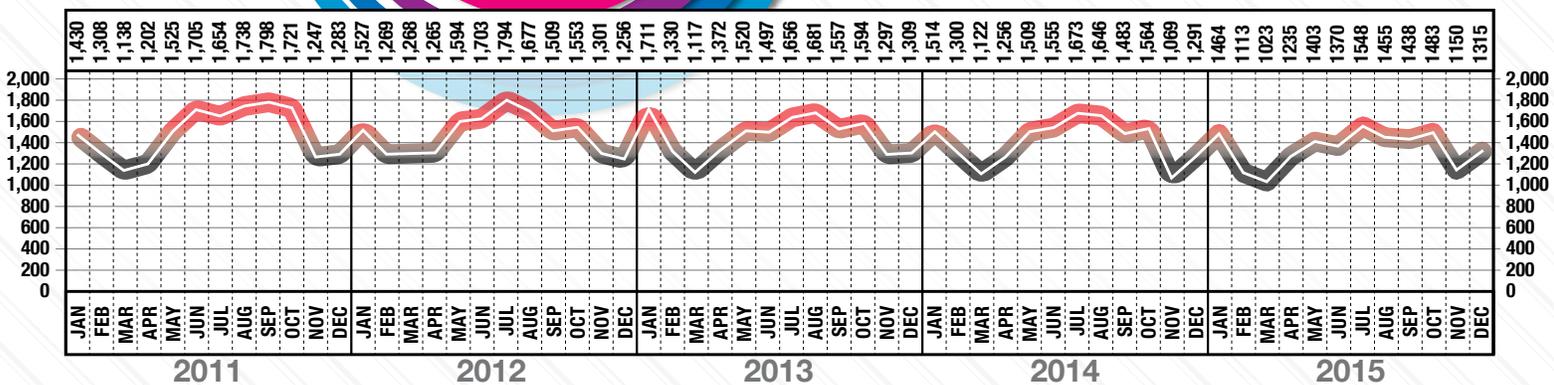
Three Month Previous Year Comparison by Area



Area Eviction Totals by Year



Historic Eviction Index



Legislative Update

Outlined below are the most recent bills being monitored for the Ohio Apartment Association.



House

HB 134: FORECLOSURES-VACANT PROPERTIES

(Grossman, Curtin)

To establish summary actions to foreclose mortgages on vacant and abandoned residential properties, to expedite the foreclosure and transfer of unoccupied, blighted parcels, to make other changes relative to residential foreclosure actions, and to terminate certain provisions of this act on December 31, 2019, by repealing sections of the Revised Code on that date.

Current Status: 4/13/2016 - Senate Government Oversight and Reform, (First Hearing)

HB 149: ATTORNEY'S FEES-ACTUAL DAMAGE

(Dever, Patterson)

To make permissive actual damages and attorney's fees, to limit certain civil penalties, to allow respondents to recover attorney's fees in certain instances, and to exempt certain landlords from the housing provisions of the Ohio Civil Rights Law.

Current Status: 4/13/2016 - SUBSTITUTE BILL ACCEPTED, House Financial Institutions, Housing and Urban Development, (Fourth Hearing)

HB 463: MORTGAGE FORECLOSURE-ABANDONED PROPERTY

(Dever, Jonathan)

To establish expedited actions to foreclose mortgages on vacant and abandoned residential properties, to permit private selling officers to conduct judicial and execution sales of real property, to state the intent of the General Assembly regarding mortgage foreclosure actions, to revise the Commercial Paper Law relating to mortgages and lost instruments, and to make other changes relative

to foreclosure actions.

Current Status: 4/27/2016 - House Financial Institutions, Housing and Urban Development, (Fourth Hearing)

HB 534: CONDOMINIUM-PLANNED COMMUNITY LAW

(Grossman, Perales)

Relative to the Condominium Law and Planned Community Law.

Current Status: 04/26/2016 Introduced

Senate

SB 84: FLAG-BANNER DISPLAY

(Coley, William)

To prohibit manufactured homes park operators, condominium associations, neighborhood associations, and landlords from restricting the display of Ohio flags and blue star banners, gold star banners, and other service flags, and to prohibit manufactured homes park operators and landlords from restricting the display of the United States flag.

Current Status: 4/12/2016 - House Armed Services, Veterans Affairs and Public Safety, (First Hearing)

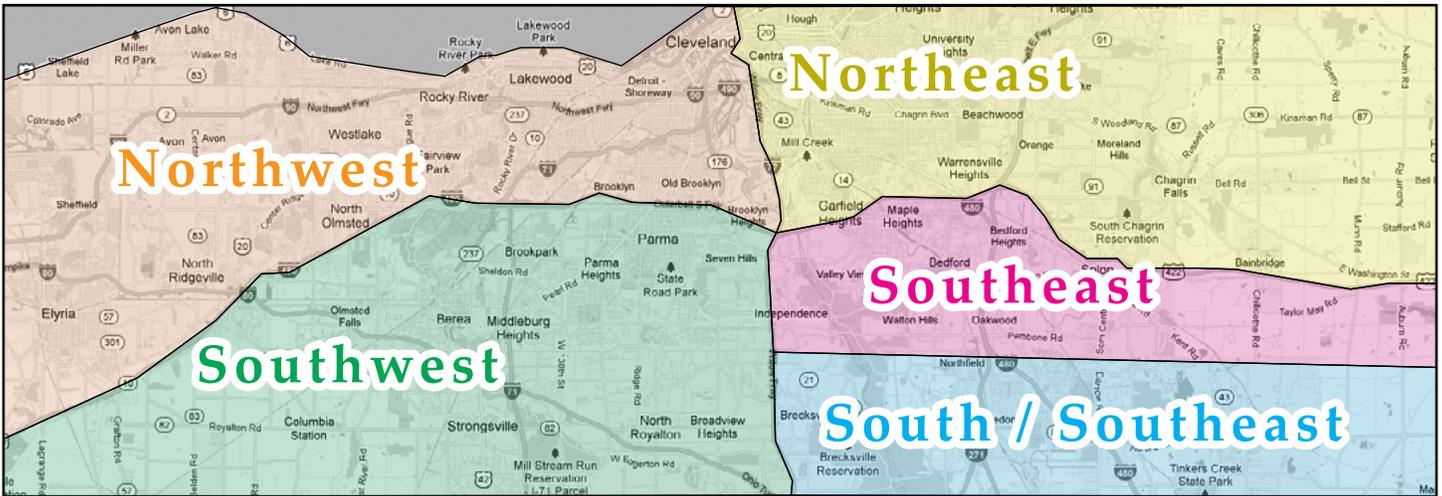
SB 205: RENTAL PROPERTY-SECONDARY EGRESS

(Beagle, Lehner)

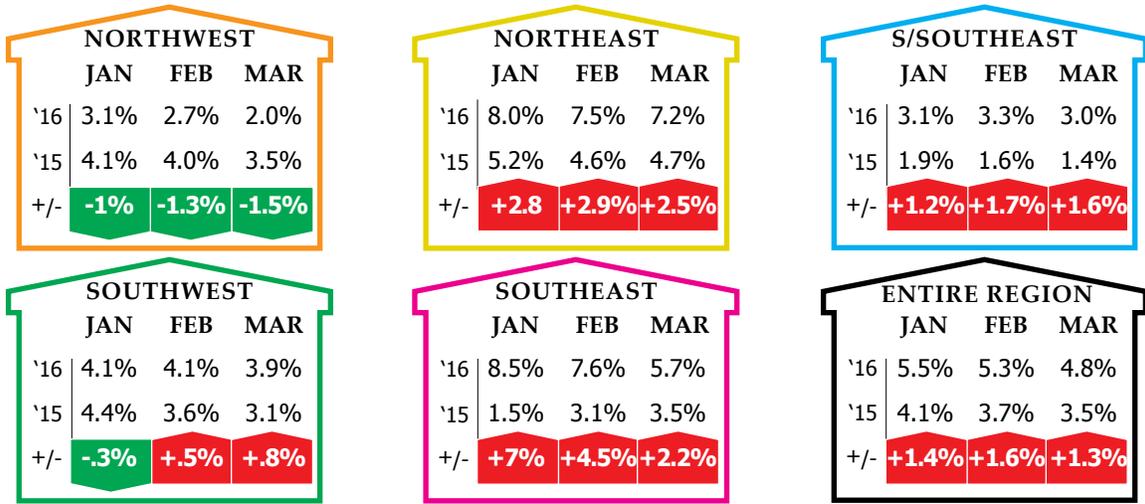
To require a separate, exterior means of egress for dwelling areas above the second story of certain residential rental properties and to provide a qualified immunity to landlords who in good faith comply with the requirement.

Current Status: 4/27/2016 - Senate Transportation, Commerce and Labor, (Third Hearing)

NOAA Vacancy Rates



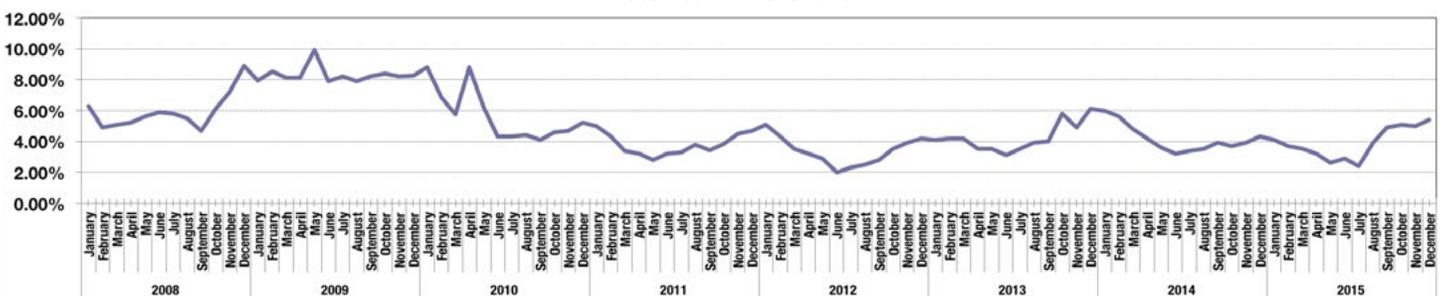
Three Month Previous Year Comparison By Area



All Reported Vacancy

AREA	2015									2016		
	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
Northeast	4.3%	4.7%	5.0%	2.8%	6.3%	7.6%	7.8%	7.3%	8.1%	8.0%	7.5%	7.2%
Southeast	3.9%	1.8%	3.3%	3.5%	5.0%	5.6%	6.4%	7.2%	9.3%	8.5%	7.6%	5.7%
South/Southeast	2.0%	0.4%	1.9%	1.6%	2.6%	4.3%	4.3%	3.8%	2.2%	3.1%	3.3%	3.0%
Northwest	2.2%	1.6%	0.6%	1.0%	2.2%	2.9%	2.8%	2.5%	3.1%	3.1%	2.7%	2.0%
Southwest	2.5%	1.8%	2.0%	2.7%	2.5%	2.9%	3.1%	3.2%	3.7%	4.1%	4.1%	3.9%
Entire Region	3.2%	2.6%	2.9%	2.4%	3.9%	4.9%	5.1%	5.0%	5.4%	5.5%	5.3%	4.8%

Total Vacancy Rates Historical Line Chart





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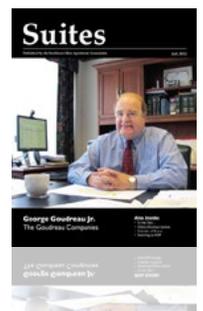
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