How to handle a tenant’s abandoned rental property

See page 11 for details

Membership Meeting, Wednesday, October 16, 6-8 pm. Timber Creek Grill & Buffet, 9211 E. Montgomery, Spokane (Argonne Plaza). Beer and Wine extra. Approx $13.50 at the door includes dinner, beverage & tax. Speaker is Diane Bobiak, Classified Ad Manager, Spokesman-Review. Topics include how to be highly successful in advertising your vacancies and introducing their new classified ads Landlord Page online.”
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L.L.A. Board & Staff

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L.L.A. Calendar

When you need services, Check Service Directory Page 23

Upcoming events of interest to landlords and property managers. Check our webpage at www.landlordassoc.org for update or email: office@landlordassoc.org. No RSVP necessary.

Oct 16, Wednesday. Membership Meeting. The speaker is Diane Bobiak, Classified Advertising Manager. Her topics will include how to get the very most from your Rental Property Ads, Choosing the best options to advertise your vacancies, and How to use the new Landlord Page to get the most eyeballs for your vacancy advertising. Timber Creek Grill & Buffet, 9211 E. Montgomery, Spokane (Argonne Plaza). $13.50 at the door includes dinner, beverage & tax. Beer and wine extra. Guests welcome.


No December meeting.

Our Annual Landlord Law Classes begin again Wednesday, January 15, 2014. Classes will be once a Wednesday a month beginning on January 15, and on February 19, and March 19, 6-8 pm. No cost for classes, materials, or parking. Pitch-in buffet. All Landlord Law classes held at Global Credit Union, 1520 W. 3rd, Spokane, in the downstairs classroom. Robert Rowley, Landlord Attorney will be presenter.

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Upcoming events of interest to landlords and property managers. Check our webpage at www.landlordassoc.org for update or email: office@landlordassoc.org. No RSVP necessary.
By now all of our members should know that the office has moved to a new location at 225 E. 3rd Avenue, Suite #2, in Spokane. The reason for the unplanned move was due to the acquisition of the Hutton Building by STCU last summer in a foreclosure, and their desire to fill the north end of the first floor with a credit union branch.

When a commercial building is acquired in a foreclosure, any contracts or leases with the previous building owner do not have to be honored. This provision in the law is an important one since commercial properties can have leases of 20, 50 even 99 years, and a potential new purchaser would not be able to buy out such long leases. This law was enacted to prevent buildings in bankruptcy or taken over in foreclosure from becoming derelict sites that attract squatters, become hangouts for teens, and just generally rundown eyesores.

The good news is that even though STCU was not required to return our security deposit nor return our payment of last month’s rent, they sent us a check for the full amount of both. The security deposit was $1,060.00 and the pre-paid rent was $530.00 for a total of $1,590.00. That money was used to cover the major part of the security deposit on the current LLA office location.

The Board of Directors and the membership of the Landlord Association are very appreciative that STCU came through for us at the exact time we needed it. We would like to extend thanks to Scott Adkins, Vice-President-Lending, for helping to make the reimbursement happen.

List rentals on the new, free HousingSearchNW.org

HousingSearchNW.org is a new, FREE way to advertise rentals in Washington. Launched in King County in 2012, the service has now expanded across the state. HousingSearchNW.org is an exciting new service, allowing listings of a broad range of rentals, including those at market rate. A toll-free, multilingual call center is available for support from 6 a.m. to 5 p.m. on weekdays. If you prefer live help instead of logging into the website, representatives can add and update listings via a toll-free phone call. The same representatives help tenants to find your vacancies.

HousingSearchNW.org lets you showcase rentals in great detail. Listings can include pictures, map links, details about special property features, and even information about neighborhood amenities like parks, schools, and hospitals. When rented, listings can be removed from public view immediately to avoid excess phone calls.

HousingSearchNW.org is growing daily and is quickly becoming the preferred resource for the best prospective tenants in our community. Log on and list today! Go to www.HousingSearchNW.org or call 1.877.428.8844 toll free (Monday-Friday, 6 a.m.-5 p.m. Pacific) for assistance.

The expansion of HousingSearchNW.org is sponsored by the Washington State Department of Commerce and the Department of Social and Health Services.

Rental Property For Sale by LLA Member

$105,000

2504 N. Pittsburg St, Spokane, 99207

3 BR 1 □ BA  Lifetime Roof, Fireplace, Forced Air Heating, Detached Garage, Nice Corner Lot on Pittsburg and Jackson

Currently rented w/tenants of 3 years. $775/month

Contact Steve or Tamara Heydt: 509-995-0608 or 509-981-7194
News & Notes

Get that property out of your name!

With thanks to: Rental Assn of Wenatchee Valley

There are over 80 million lawsuits filed every year in the United States. Landlords and real estate investors are especially susceptible to liability. Are your assets easy to locate, making you a prime target? Is your real estate titled in your name?

For those who would not walk around with a financial statement taped to their forehead or who would not feel comfortable with their assets exposed to public scrutiny, using a phrase, word or other title can protect you and your holdings from that undue exposure. Anyone can go to a county courthouse or recorder's office to look up a person's name and see their real estate properties. Real estate records are now computerized, so all of your holdings can be located at the touch of a button.

Mortgages are also recorded and most recorded mortgages state the amount of the original principal balance, the date payments began, and with only some limited math, anyone can calculate how much equity you have and whether suing you is worthwhile.

If a tenant or creditor is contemplating suing you, he will make an appointment with an attorney, and unless they can afford well over $150-$200 an hour, they will hire a contingency-fee lawyer. A contingency-fee lawyer does not charge by the hour, but takes the case based upon how much he believes he can collect from a settlement or judgment. The next step is for that attorney to do a search to determine the value of your assets. This is so common in winter months, when a tenant report falls on the ice, and wants to determine whether it will be profitable to sue their landlord. Some tenants have been reported to do this every two or three years to supplement their income.

Some landlords use a corporation or limited liability company to hold title to their real estate. But the officers and directors of these corporations are listed as a matter of public record, so they will not protect someone from finding your name on the asset. The solution of this is a land trust. A land trust is a revocable, living trust used to title ownership of real estate. Title to the property is held in the name of a trustee, who is forbidden to reveal the beneficial owner. The beneficial owner or “beneficiary” can be an individual, corporation, or other entity. In most state, including Washington, land trusts are supported by common law and general trust principles.

If a land trust is set up property, it will keep your name from public records as it regards to your rental properties. If there is a judgment entered against you, a lien will not automatically attach to those properties. But be sure to get a more complete explanation from an experienced real estate attorney or your financial advisor.

This article is for basic information only and it is strongly advised that readers who are interested in this topic consult a real estate attorney or financial advisor.

Property managers can recycle electronics for free

Landlords and property managers sometimes get stuck with ex-tenant’s old computer monitors, TVs, or other broken or abandoned electronics. In the past, most of you have paid to recycle them or taken acceptable items to the dump. But now there is a better option – RECYCLE!!

You can save money and do the right thing at the same time by recycling TVs, monitors, and computers through state-regulated “E-Cycling” programs. The E-Cycle Washington program provides free recycling for almost all electronics that rental housing managers end up with. Here is a link to the program’s website, including how to find free drop-off locations in your area: www.ecyclewashington.org

Also, if you would like to get information to distribute to your tenants so they will know where to take their old electronics, contact Miles Kuntz (360)407-7157, or miles.kuntz@ecy.wa.gov.
News & Notes

When a tenant refuses the landlord entry

The Landlord Association office gets calls occasionally from members who say their tenants refuse them entry even when notice was legally given, and wonder what to do next. If you find yourself in a situation where your tenant is unreasonably withholding access to your rental property, RCW 59.18.150(7) provides you some relief. Proper notice to your tenant for most circumstances is 48 hours and it’s always best to do this in written form.

The LLA office has a short form for this (48-Hours Notice of Landlord’s Intent to Enter Premises and costs 45 cents). However, if you are showing the unit to a prospective buyer or a prospective new renter, the law says you need only give 24 hours notice. And remember to add an extra 24 hours if you are mailing the form.

The law states that should the tenant continue to violate a landlord’s rights by unreasonably withholding access to a unit, the tenant can be fined up to $100 by the landlord. And if you decide to go to court to collect this fine and prevail, the tenant would also be liable for attorney costs, along with costs of the suit or arbitration.

In order for the $100 fine to be levied on the tenant, the landlord must first serve at least one written notification to the tenant of the landlord’s intent to enter the premises. If, after proper notice to enter is given by the landlord, the tenant continues to deny access, $100 fines may be levied for each occurrence.

It is very important for landlords to know that this law is a two-way street and a tenant may take the same $100 fine action against a landlord who abuses the right to access the unit, or harasses the tenant, or excessively exhibit the unit for showing. That might be showing the unit multiple times daily for several consecutive days, interfering with normal activities of daily living, or showing during regular sleeping hours.

A landlord needs to remember that privacy is part of what a tenant pays for in the rent and requesting to enter the premises should be only for the annual or semi-annual inspections, to change smoke detector batteries at the normal intervals, or for maintenance.

For legal advice on this topic, contact your landlord attorney or one of the LLA attorney partners listed on page 23 of each Rental Review.

Never pick up the rent again

One of the big complaints that landlords and property managers have is that at the first of every month, they have to make the rounds to pick up rent checks from tenants who don’t mail them in. The comment has been made that it seems that the tenants are training the landlords instead of the other way around. If you are looking for better ways to get the rent, here are some ideas.

1. When writing your Rental Criteria, interviewing applicants, and signing the lease, make it clear that all your tenants must use direct deposit from their bank account to yours, or to deposit their rent into your bank or credit union account. No exceptions. You can then check online at any time to determine who had paid and who has not. Post or mail 3-Day Pay or Vacate Notices right away. If you have tenants who just cannot manage to pay on time, hopefully they are on a month-to-month rental agreement basis and you can serve a 20-Day Terminating of Tenancy Notice and get a tenant...
There have always been tenants who invite friends or family to move in with them, but the practice became much more common without either tenants or landlords realizing the potentially serious consequences. The LLA office gets several calls each week about this problem, so we know that renters often let out-of-work relatives or friends move in without telling the landlord or even giving the situation a second thought.

Property managers and landlords report visiting their rental property only to have a stranger answer the door and ask the landlord who he or she is, and act offended when the landlord returns the question. It’s extremely important for tenants to know that having anyone move in with them and not be added to the lease is against the law, as well as a violation of the lease, and could result in eviction. What appears to be an act of generosity is actually a serious legal violation.

When there is an occupant over the age of 18 who is not on the lease, there is NO landlord-tenant relationship. Technically, these violators are called “unauthorized occupants.”

When there is an occupant over the age of 18 who is not on the lease, there is NO landlord-tenant relationship. Technically, these violators are called “unauthorized occupants.”

There are many reasons that any person over the age of 18 cannot legally just move into someone else’s property, other than the common sense reason that a property owner should know who is living on their property. There are fire regulations that require each landlord or property manager know exactly how many people reside in their rental units so that in case of fire, the rescuers know how many people need to be saved from fire or smoke. This gives the information so that firefighters can continue to search until all residents are accounted for. If tenants and landlords are in violation of this most important requirement, there are fines that may be imposed, especially in the case of serious injury or death.

A more difficult problem is that a landlord who permits someone to live on their property without being on the lease is, in effect, just letting a “friend” or “guest” stay there rent-free. That’s...
because there is NO legal relationship between a landlord and an unautho-
ized occupant. So the tenant who invited the unauthorized occupant to
move in will probably end up having to pay the full rent anyway, plus all
the money to compensate for any damag-
es. Not a good deal for the legal tenant
or the landlord.

Many landlords have discovered
that the person on the lease
has moved away and the only
remaining person(s) are people
with whom there is no legal or
contractual relationship.

For tenants on a month-to-month
Rental Agreement
If you have a tenant on a month-to-
month Rental Agreement, the solution
is easy: Serve a 20-Day Notice to
Terminate Tenancy to the tenant. That
has to be twenty days remaining in the
month, plus one day to serve the notice
and an extra day if you are serving the
notice by mail. That still allows you
7-8 days to get that month’s rent prior
to serving the terminating notice. No
reason is needed to terminate tenancy
that is on a month-to-month basis, and
there are no defenses against it that
a tenant can offer. If you think your
tenant will try an end run around you
and keep trying to sneak in an unau-
thorized occupant even after agreeing
to cure the situation, a 20-Day Notice
is the best way to go. But if you have
a tenant on a lease, then your choices
are less simple.

There are 3 options to enforce
the lease when a tenant is on a timed
lease:

1. A landlord can allow the unauthor-
ized resident to become an autho-
rized resident if the landlord wants
to permit the potential new tenant
is cooperative. This can be done by
giving him a rental application so he
can be screened like any other ten-
ant, and if the screening shows he has
met the landlord’s criteria. Then he
should sign the lease that the original
tenant signed, making them all (each
one individually and/or together) 100%
responsible for the agreement.

2. Cure Notice or Lease Violation
Notice. The legal tenants can be noti-
fied of their lease violation by giving
them the required notice period to cure
their default. (The Landlord Associa-
tion has a form called 30-Day Notice
to Cure Lease Non-Compliance [Form
800], which our members may use for
this purpose.) This gives the landlord
some bargaining power. Also include
a Tenant’s Notice of Intention to Vacate
Form along with the violation notice,
just to indicate that you are willing to
lose them as a tenant. Some tenants do
make the choice that they want have
their adult children (friend, newly-
released prisoner, etc.) live with them,
even if that person cannot pass a basic
background check, and means they
must move from their current location.

3. In the event that the lease does not
explain that an unauthorized tenant
is a serious violation of the lease (or
rental agreement), you may want to
modify it. It is important to be able
to take a tough written stance in these
situations. The tenant has to believe
you will stop at nothing to rectify the
problem by legal eviction or to make
them conform to the rules. Do not tell
the tenant or hint to the tenant that
you don’t want to go to court about
this serious situation. If a tenant intuits
that you don’t want to go to court to
uphold the lease, they may take the
upper hand and use it to their advan-
tage. Pretend you love to go to court.
It doesn’t happen often, but there are
times when we must take fast, decisive
action.
Watch out for liabilities in your rental property

Here are some patterns that all landlords and property managers should etch in their minds to protect themselves when dealing with circumstances that could lead to a judgment against them in terms of liability. It begins with a consciousness of what is most important.

If a tenant calls about any situation that might remotely be considered dangerous, fix it immediately. And you should be visiting your property on a regular enough basis to determine if there are any problems that could fall into that “serious” category.

Even without tenant warnings, during those quarterly or regular inspections, here are things you will want to repair immediately:

- Loose handrails
- Loose handrails
- Loose handrails
- Broken steps
- Locks to the outside doors that don’t work
- Insecure outside doors
- Insecure windows that can be reached from the ground
- Loose things overhead that could fall at any time (loose gutters, boards, light fixtures, etc)
- Loose electrical wires that spark, smoke or blow fuses or circuit breakers
- Anything that could be a fire hazard

These are situations where if a landlord or property manager knew about a problem and did not correct it, there is great liability. And it’s important that the work be done correctly. A poor repair job is worse than none at all. Repairs that have been performed lead tenants and guests to the expectation that the job was done properly, that the problem is solved, and that it is now safe.

So during the regular visits to your property, wiggle, twist, test, stomp and push on anything that shouldn’t wiggle, twist or creak when stomped on or pushed. If these things need repair, attend to it quickly since these are the main causes of slips, falls and injuries to tenants – and the most frequent causes of formal complaints or litigation. Give close attention to the things right in front of you since those are the things most handled or used by the tenant. Reducing your liability should be an ongoing endeavor and will result in a safer unit for your tenants, lower insurance costs, and no courtroom dates due to repair/injury issues.

Fall is the time to check those gutters

Gutters are often overlooked by landlords and property managers since there are so many other repair and maintenance problems to be attended to. And for the small landlord who doesn’t live close to their rental properties, dragging a ladder to the site can be literally a real drag. But it should be obvious that good drainage is as important to the structural integrity of your rental property as it is to your home.

Gutters and downspouts, which are connected to the roof and are the main components of a home’s outdoor drainage system, must be kept clear to prevent storm water from overflowing or backing up. Blocked gutters can cause erosion around the house, damage to the exterior walls, and basement leaks. Eventually, it can cause uneven settling of the foundation and mold problems, too.

You can call me or another skilled handyman to do this chore for you and it would take only a small amount of time. Or you can tackle the job yourself. But either way, in order to prevent drainage problems, you have to inspect gutters regularly and repair them at the first sign of trouble. At a minimum, you should clean your gutters twice a year – in late spring and late fall. If you live in a wooded area or have trees near the rental unit, check them four times a year, once each season. Early problem-solving will save big bucks later on.

How to clean gutters. A plastic scoop that fits the size of the gutter is an ideal cleaning tool. Remember to wear work gloves to protect your hands from cuts and scratches from the sticks and twigs that could be in there. Shovel out the leaves and other debris with the scoop. Work from a ladder that’s tall enough to let you reach the gutters comfortably. As you work, move the ladder frequently. It is absolutely worth it to move that ladder rather than try to reach farther than is safe and overestimate your ability to stay balanced. People who lean or bend to reach run the risk of losing balance and spend more on that emergency room visit than they would have spent having someone else do the job.

After cleaning out the loose debris, flush the gutters with a garden hose. Check the downspouts by also flushing with the hose. There is often stuff stuck in downspouts that dries out between rains and goes unnoticed until they pull away from the gutters due to the clogs. If there is clogging, break it up with a plumbers snake fed down through the opening in the gutter.

To keep the downspouts clean, use a wire leaf strainer at each one. Insert a leaf strainer into each downspout opening along the gutters and push it in just far enough to hold it steady. The strainer will prevent sticks and other debris from entering the downspout and clogging it, making next season’s cleaning much easier.

Leaf guards, unfortunately, are not always effective against leaf fragments and small debris that can go right through the screening. And contrary to popular belief, gutters covered by lead guards must be checked and cleaned regularly.

Before you’re done, let the gutters dry thoroughly and inspect them for signs of damage, cracks, pulling away from the structure, and rust. It’s not a task that can be described as “fun,” but remember that gutters and downspouts serve a very important function and preserve the value of your rental in many ways. The saying, “A stitch in time saves nine,” could be applied to this dreary job, but wait for a sunny day and enjoy the sunshine.
As cold weather approaches, it is extremely important that tenants know how to safely heat the rental unit if they decide to use a wood stove, fireplace or space heater. This cannot be over-emphasized!! Each winter, there are fires, injuries, even deaths due to misinformation or lack of knowledge. And your insurance company may reduce or even refuse coverage if you have not done what they consider due diligence by placing conditional language in your lease, adding a lease addendum regarding heating issues, or at the very least having a conversation with tenants about safe practices.

Most tenants DO NOT TELL the landlord that they either plan to save on heating costs or need to save on heating bills by bringing space heaters into the rental. There should be a frank conversation with tenants about their heating needs and plans and that conversation should be at this time of year. Do not just take for granted that your tenant already knows about heating safety or that they will practice what they know without some encouragement. You can even write heating safety requirements onto your lease or add an addendum to your lease with some or all of the following:

- Use of a space heater, wood stove or fireplace is permissible only after notifying and/or permission from the landlord or property manager.
- Use wood stoves, combustion heaters or fireplaces ONLY if they are properly vented to the outside and do not leak gas into the indoor air space. Also they may only be used with written permission of the landlord, or that it is in the lease or rental agreement.
- Use only the type of fuel the heater is designed to use. DO NOT SUBSTITUTE FUEL types.
- Follow the manufacturer’s instructions completely and keep the instructions handy throughout the heating season. Tenants with questions should call the manufacturer’s phone number or email them using the contact information given.
- Do not burn paper in a fireplace. This may seem counter-intuitive, but many house fires start due to residents burning newspapers and other paper trash in large amounts in a fireplace and getting out of control.
- Do not place a space heater within 3 feet of anything that may catch fire, such as drapes, furniture, bedding, clothing or stacks of wood or other fuel.
- Never place a space heater on top of furniture or near water.
- Never leave children unattended near a space heater.
- Make sure that the cord of an electric space heater is not a tripping hazard, but do not run the cord under carpets or rugs where it can catch them on fire. Use cord protectors or run the cords behind furniture.
- Avoid using extension cords to plug in a space heater. This is a great fire hazard.
- If the space heater has a damaged electrical cord or produces sparks, it is no longer safe to use and must be discarded!
- Keep a multipurpose, dry-chemical fire extinguisher near the area to be heated. This is essential when space heaters, wood stoves or fireplaces are in use.
- Rental properties are legally required to have a carbon monoxide (CO) detector installed in the area or areas where residents sleep. It’s also a good idea to have one where space heaters are to be used, generally the living room, family room or bedrooms. Ask the tenant if the space heater will be used in the evenings after going to bed and strongly discourage this since numerous fires occur because residents fall asleep and do not turn off the heater. Overheating can cause switch failures on a fairly regular basis and a fire can erupt.
- Make certain that your tenants know to never use generators, grills, camp stoves or similar devices indoors.
Do you have access to a real person in your community with your current card processing company?

Are you tired of not being able to understand your card processing statement and waiting for your monies to get deposited into your account in a timely matter?

As a member of the Landlord’s Association, I will provide my personal attention to questions and training for your credit & debit card transactions, and provide you with local support.

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How to handle a tenant’s abandoned rental property

1) Making the Decision
If you have evicted your tenant(s), and they have left items in your rental unit, skip down to number 2) below and fill out a Notice of Storage/Disposition of Abandoned Property and mail it to the evicted tenant’s known address, almost always the rental address from which they were evicted. The Landlord-Tenant Law does not expect a landlord or property manager to be a finder of lost persons or to investigate where the tenants are now living. Courts have ruled that if a person who has moved, including an evicted tenant, wants to receive mail, security deposit checks, notices, etc., they have the responsibility to inform the postal service of their forwarding address.

Other than an eviction or when a tenant gives proper notice they are vacating the rental unit, deciding when tenants are no longer living in your unit can be a simple matter or extremely perilous. The wrong decision can result in the landlord being on the costly end of a judgment. The simple situation is when the tenant has given proper notice, hands you the keys, and tells you he or she has moved out. And tenants should take note here that the best way to end the rental relationship is to give the landlord notice, take all personal property, clean the rental unit and hand

WHEN A TENANT IS IN THE HOSPITAL OR IN JAIL
When a tenant is hospitalized or incarcerated, it is important that personal property should not be released to anyone without a written authorization from the resident, the police or an appropriate court. If the tenant will not be occupying the residence for an extended period, you, as the landlord,

Continued on next page
Abandoned

continued from page 11

may ask the tenant if he or she wants to vacate the rental and have a friend, relative or other authorized person take charge of the personal property. This is done only with the tenant’s written authorization.

If no one is available and the tenant gives written authorization for the owner to move possessions to where the tenant designates, the following steps should be taken:

- Enter the premises with an unrelated witness (LLA has a Witness Program and the list of Witness volunteers is in each Rental Review issue). It is important that the witness have no monetary or other interest in the rental business, and neighbors of the tenant should not be chosen as witnesses for this process.
- Inventory all items.
- Arrange and/or contract out pick-up and delivery to where the tenant designates. Mail a bill for the expenses and a copy of the inventory to the tenant.

If the tenant continues to pay the rent, tenancy is NOT terminated and abandonment procedures are not applicable. If the resident owes rent and refuses to move, a legal notice can be served at the hospital or jail by you, the sheriff, or private process server. Regular eviction procedures apply in this case. And since each circumstance is different in its particulars, a brief call to an attorney specializing in landlord issues is strongly recommended.

The Landlord Tenant Law says there are three basic ways to decide that a tenant has moved out:

- If he or she has stated that to the landlord, property owner or their staff
- If the tenant has told their neighbors, employer, relatives or others that they are moving away permanently
- If all furnishings, belongings and other traces of residence are gone, and hopefully the keys are left somewhere in the unit.

Other circumstances can be much more uncertain, and there are many variations on the theme. For example, if the landlord has been unable to get in touch or get a response from the tenant for a couple of weeks and decides to check on the property. A 48-Hr Notice to Enter and Inspect (LLA Form 605) should be posted on the door. If the notice is still attached to the door when go to inspect, that is a clue that probably no one has been home in at least those two days. If there is reason to suspect an emergency such as gas leak, fire, water leaks or flooding, medical emergency or death, you can enter right away.

If there is no food in the refrigerator or cupboards, no cooking utensils, most of the furniture and possessions are gone, no hygiene items, empty drawers, then this is acceptable evidence that the tenants have moved. There may be a bed, TV, trash and garbage left behind, but these do not necessarily indicate that the tenants still live there. Some tenants, especially during economic hard times, leave items that won’t fit into their new location, which could be simply because they are moving in with family, friends, or in a transient situation.

The next step is to check with the references on the application form, specifically with their employer and family, and talk to the neighbors. Ask if they heard that the tenant was moving. Could they be hospitalized or in jail? Visiting relatives for vacation or to help with an illness? If none of them has heard anything and the unit has been uninhabited until the end of the rental period (to the end of the month) without a notice, then there is reason to believe the unit has been abandoned.

Continued on next page
Abandoned  

continued from page 12

Be certain that whatever else happens that the property manager or landlord should document every step. Write down each person spoken with and what information you got, what notices you sent or posted, and the length of time since anyone saw the tenant(s) at that address. Also, take photos of any trash and furniture left behind and make an inventory list of any furnishings or belongings. These will be the basis of showing a “reasonable” belief of abandonment and has surrendered the property.

The tenant need not expressly state an intention to abandon. Such an intention may be implied by law. However, the tenant’s actions must indicate “clear, unequivocal and decisive evidence” of “an absolute relinquishment” of possession.

Therefore, if the tenant left a significant amount of property behind, it is probably not abandonment. If the tenant does abandon the property, a landlord may not dispose of the tenant’s property without express written consent.

2) Give Notice to the Tenant(s)

The landlord is required to store the tenant’s property for 45 days after giving notice “containing the name and address of the landlord and the place where the property is stored, and informing the tenant that a sale or disposition of the property shall take place pursuant to this section, and the date of the sale or disposal. If the property has a cumulative value of $250 or less, the landlord may sell or dispose of the property in the manner provided in Section 59.18.310, except for personal papers, family pictures, jewelry, etc. After taking photos of everything and finishing up that inventory list, box up the irreplaceable items, which usually fit into a small box.

The trash, garbage, food in the refrigerator, anything that has spoiled or could spoil should be thrown away to prevent attracting insects, rodents and mold. Your choices for storage are varied. As long as the abandoned property is in a locked location and out of public view, you may select a variety of storage solutions. You can use a lockable garage or shed on the rental property (as long as it is weatherproof and not susceptible to water damage), storing the abandoned items on your own properties elsewhere or on another landlord’s premises, commercial storage units, or somewhere else. As long as the notice provides the accurate address of storage and how the tenant can contact you to retrieve their property, the site you choose is up to you.

You must keep the irreplaceable items for 1 year, but since this is usually a small box, this can be kept at your own office or home — labeled, dated, and with a list of the items taped to the top just for your own reference. After the full year has passed, you may dispose of them as you wish. That includes donating to a charitable organization, selling online or at a yard sale, keeping the items or throwing them away.

The items with a cumulative value of over $250, must be kept for 45 days, plus one day for service of the notice and one or two additional days for mailing time. Then they may be disposed of in the same ways mentioned above. There are organizations that help tenants in transition or who need help that would welcome donations of furniture, cooking utensils, etc. The Spokane Community Warehouse, Arc of Spokane, Goodwill Industries, etc. are places to check out for this.
Never continued from page 5

who does pay on time.
2. Some landlords even reinforce the above suggestion by sending an invoice towards the end of each month to remind their tenants to deposit the rent amount directly into the landlord’s bank account.
3. If a landlord does want to make an exception to the direct deposit route, tenants can drop off a check to a locked mailbox attached to the front door of the apartment building office. For smaller landlords, tenants can drop off the rent check in a sealed envelope at a postal service like Mailboxes, etc., The UPS Store, or anyplace else that has private post office boxes.
4. Again, for landlords who do not want to drive around collecting rent checks, they can set up an online account through payment services like PayPal. Tenants can pay with a credit card.
5. Occasionally, there is a bank or credit union very close to the apartment complex or rental unit. If so, it might be worth the trouble to open an account so that tenants can just walk across the street or drop off rental payments on their way to or from their rental unit. Make it clear to tenants that rent is due by the close of business on the 1st of each month, or the next business day if the 1st is on a Sunday. Let them know they must go to the bank or credit union before it closes on the 1st or the rent will be late and late fees and penalties will apply.
6. As part of the screening process, request that the tenant have a bank account or is willing to open one before they can sign the lease and get keys to the unit. Generally, the reason people are unable to open an account is that they have had a history of bad credit or so many bounced checks that no bank will take them as a customer. If this is the case, this will be a financially high-risk tenant from whom you may not be able to collect rent, and should probably take a pass on renting to them.

Bonded Data Research

We are a full service screening agency specializing in tenant and employment screening. We offer competitive pricing and operate both locally and nationwide. There are no membership fees and you can begin screening the same day you sign up! We offer a one business day completion on full reports and same day completion on short reports. Our databases include sex offenders, criminal and civil records. Credit reports are pulled through Equifax. We also provide landlords with any forms they might need as we have a large collection of rental documents ranging from lease agreements to 3 day notices and deposit dispositions.

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L.L.A. Witness Program

In response to many requests, the L.L.A. Witness Program has been established to serve our members. The members of the Witness Committee are ready to help you if you have damage or cleaning, or suspected abandonment you may need to establish in court.

Don't hesitate to call the L.L.A. member that serves in your rental's vicinity. If you have any questions, or would like to volunteer for this program, please call Cathy Gunderson at 534-9357.

**Northeast:**
- Ann Wick 475-1675

**Northwest:**
- Dennis Grey 951-7326
- Barbara Riley 466-1383

**North:**
- Dwayne Phinney 466-9316

**Valley Area**
- Shawn Dolan 208-651-4076

**Area Wide:**
- Margie McConnachie 999-8024
- Donna McRory 455-8513
- Vicky Rosier 290-3215
- Connie Stacey 226-3226
- Ken Vlasak 991-8770

Members Helping Members!

---

L.L.A. Mentor Program

The LLA Mentor Program has been established as a way to individually support our members. The Volunteers are available by phone for brief consultations on being a successful landlord or for answers to questions. This unique method of “paying it forward” is a way to share our hard-won information gathered over the years.

Keith Reekie ........................................ 994-1791
Jim & Margie McConnachie ........... 924-6716 or 999-8024
Garry Forney ........................................... 230-3766
Randy Hendricks ............................ 456-8793
Ken Zalud ..................................... 467-7315 & 235-6526
Karl Zacher .................................... 475-6377 & 326-5151
Kevin McKee .............................. 475-4002 (new)
Vicky Rosier .................................... 290-3215
Donna McRory ............................... 455-8513
Ken Vlasak .................................. 991-8770 (new)
Roger & Linda Carney ............... 448-0417
Stacia Routh ................................ 747-1414 & 624-4343
John & Laurel McKinney ............ 535-5155
Mardi Brendt .................................... 499-3545
Mystery Couture ............................. 252-7153, 326-9774
Ron Tussey .................................. 290-6445

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Spokane, WA 99204

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Facsimile
509.226.4646
Electronic
Trainor@gmail.com

Roger Trainor
Appraiser

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MAINTENANCE

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jallenconst@hotmail.com

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www.bertiswieber.com  Call Vic Bertis

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Contact: Gary Geschke
235-5000

Douglass Management
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Spokane, WA 99208
Contact: Harlan Douglass 489-4260

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Spokane, WA 99201
Alicia Barbieri or Pat Lewis 459-6102
www.G-B.com

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Green Acres, WA 99016
Contact: Debbie Dobbins
info@homelandspokane.com
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Northern Pines Real Estate Services
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lesliemaki@gmail.com

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Contact: Cheryl Wagner 509-276-2175
www.SpokaneRentalPartners.com

Specialty Management
408 First St., Cheney WA
Contact: Mr. Terry Gingrich 235-4049

TG Properties
P.O. Box 18040, Spokane, WA 99228
Contact: Paula Garske 467-0946

WEB Properties
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If your old dog-eared copy seen better days, or perhaps you loaned it out to what’s-his-name and never got it back? Or maybe you just want to get a copy for a friend?

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FHA & Union Specialist
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Cellular: 509 939 3807
thomas.haney@chase.com

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• There’s a change in meeting time, place or speaker
• A meeting or event is cancelled
• A bill in the Legislature that needs immediate attention
• There is an error or question about your forms order
Send your info to: office@landlordassoc.org
or call us at 509-535-1018
### FORMS ORDER LIST:

To comply with tax laws, purchase of forms is restricted to LLA Members only.

Order by Phone, Fax or E-mail. Sales tax & postage (if mailed) will be added to order or you can pick it up in person.

<table>
<thead>
<tr>
<th>FORMS</th>
<th>Prices: Packets have 20 forms or booklets each</th>
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<th>Singles</th>
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<td>Rent Increase Notice</td>
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<td></td>
<td>or Unlawful Use of Premises</td>
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<td>How an Eviction Will Affect You (Letter to Tenant)</td>
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<td>Washington Residential Rental Law Book: Member:</td>
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<td>Non-member 15.00</td>
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</table>

**Total Forms Cost $**

---

**Payment Method**

- [ ] Cash
- [ ] Check #
- [ ] Credit Card
- [ ] Please Bill (Payment due within 15 days)

**E-Mail:**

**Telephone:**

---

**Your Name:**

**Or Membership Name:**

**Address:**

**Credit Card Number**

**Exp. Date:**

**3-Digit V Number** (from back of card)

**Sept. 19, 2013**
The L.L.A.

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- **Networking**: Monthly dinners; Committee memberships; and State Conventions
- **Education**: Monthly classes at no charge for members; Monthly dinner speakers; Alerts for Community Sponsored Seminars.
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- **Legal Plan**: Free consultation per tenant issue and reduced fees for professional attorney services for LLA members.
- **Mentor Program**: Experienced landlord volunteers are available by phone for brief consultations on being a successful landlord. Hard-won information is shared first-hand member to member.
- **Witness Program**: Landlord volunteers are ready to help you if you have damage, cleaning or suspected abandonment you may need to establish in court.
- **Membership Packet**: Upon joining the LLA, each member receives a membership packet worth $50.00 that includes two each of our 30 legal forms and notices; Washington State Residential Rental Laws book; LLA Landlord Handbook; Legal Plan Information and referral; the LLA By-Laws; Screening Company referrals; and latest edition of the Rental Review Newsletter. The Landlord Association of the Inland Northwest is a non-profit group in existence for 40 years working together to increase residential property values through participation, education and legislation. Committee participation by all Association members is invited and encouraged! That’s how we work!

If you are not a member, join today with over six hundred landlords and become part of one of the largest landlord associations in Washington State. Contact the LLA office at 535-1018 for further information or...complete and mail the membership application below.

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**Annual Membership Fees**

<table>
<thead>
<tr>
<th>Units</th>
<th>New</th>
<th>Renewal</th>
</tr>
</thead>
<tbody>
<tr>
<td>1-4</td>
<td>$115.00</td>
<td>$90.00</td>
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<tr>
<td>5-14</td>
<td>$150.00</td>
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<tr>
<td>15-24</td>
<td>$195.00</td>
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<td>25-50</td>
<td>$245.00</td>
<td>$180.00</td>
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<td>51+</td>
<td>$365.00</td>
<td>$275.00</td>
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**Property Management Firms**

- $375.00
- $375.00

**Commercial Member**: $195.00

*Includes a business card size advertisement in 10 issues of Rental Review*
For direct links to our service providers go to www.landlordassoc.org

Service Directory

Abatement & Mold Services
Able Clean-up Technologies
509-466-5255
Just Right Cleaning & Construction
509-994-8494
www.jrcconline.com
Servicemaster Restoration Services
Gina Ferrauolo 800-737-8994
509-481-0485 gina@smrestoration.com
SERVPRO of South and West Spokane
509-534-0568 / Contact: Bruce Groshong

Accounting & Tax Preparation
Omlin, Gunning & Associates
Chris Bourassa, CPA (509) 467-2000
Tax Preparation & Review
www.omlin.com

Appliances
Cozzeto Coin-Op, 459-4300
Hainsworth Company, 534-8942

Appraisal Services
Roger Trinard, Landlord Appraiser Specialist
Berg Appraisal Services, P.C.
509-993-6934, fax 509-226-4646
Trinard@gmail.com

Attorneys
Neil Humphries, 509-838-4148
nthumphries@hplattorneys.com
McMullen Law Office
924-9816 - Toll Free: 800-796-9816
Rob Rowley, 509-252-5074
Rob@Rowleylegal.com
Steven Schneider of Murphy Bantz and Bury
Susan Amstadter (509) 838-4458

Cabinetry
NHance Wood Renewal
Call Dennis Pace 328-9863
707-848-1002 www.nhance.com

Carpets & Flooring
ColorMaster Professional
Carpet Care Superior
Northside: 487-3530 - Valley: 922-2628
Fashion Carpets and Flooring
819 E. Sprague, Spokane
Al Hirt. 509-926-9550
Shur Kleen Carpet & Upholstery
509-926-1199 brooke@burkesadr.com

Carports
Carports of Washington, Inc.
253-882-7556

Collections
Automated Accounts, Inc.
326-2276, Scott Millsap, President
scott@automatedaccounts.com
www.automatedaccounts.com
Bonded Adjustment Company
509-624-518
www.bondedadjustment.com

Construction
Homestead Construction
312 S. Farr, Spokane, WA 99206
Bobbie Swanson 892-0454
homesteadbobbie@comcast.net

Electrical Services
Ment Electric of Spokane
Brian Blair 509-535-3930
bblair@mentelectric.net

Environmental Services & Testing
Able Clean-up Technologies
509-466-5255

Financing
Global Credit Union
509-455-2001
Spokane Teacher’s Credit Union
Cheryl Connors 850-2976 and 344-2497

Fire & Water Cleanup and Restoration
Just Right Cleaning & Construction
509-994-8494
www.jrcconline.com
Servicemaster Restoration Services
Gina Ferrauolo 800-737-8994
509-481-0485 gina@smrestoration.com
SERVPRO of South and West Spokane
509-534-0568 / Contact: Bruce Groshong

Flooring
American Flooring & Blinds
Cory Spotski 509-220-6546
cory@carpetandblinds.com
Alliance Flooring Services
Mark Stoniker 206-234-365
Mark@allianceflooring.com
Fashion Carpets and Flooring
819 E. Sprague, Spokane
Al Hirt. 509-926-9550
Great Floors North Spokane Showroom
Don Geliner, 509-482-0839
d.geliner@greatfloors.com

Gutters & Siding
Huguenin Construction
509-684-3426 or 684-6454

Handyman
(Painting, Carpentry, Electrical, Plumbing, etc.)
Handy Husband
Jerry Hitzinger, 509-838-3684
www.thehandyhubby.com
Helpful Hands Contracting and Repairs
509-218-6391
helpful-hands@live.com
James Allen, 362-0256
jallenconst@hotmail.com
Thompson Handyman Service
Dave Thompson 509-218-4418

Heating & Cooling
Hurlman Heating & Air Conditioning
509-891-6110
www.hurlmanheating.com

Insurance
Matthew Best, Country Financial Insurance
509-4448813
Matthew.Best@countryfinancial.com

Locksmiths
24-Hr Houdini Locksmith
509-362-9582 for Rapid Response
Ask for Matt Sweet

Masonry
Betz Masonry
Dave Betz (509) 468-5107

Pest Control
Enviro Pro Pest Solution Professionals
Raymond VanderLouw 509-847-8240
www.enviropropestsolutions.com

Plumbing & Drain Services
The Drain Specialists
509-487-5555

Process Service
Eastern WA Attorney Services
1201 N. Ash, Ste 100
Spokane, WA 99201
509-325-0001

Real Estate
Jim McConnachie-Re/Max
509-325-0001
Spokane, WA 99201
1201 N. Ash, Ste 100

Rent Control
ACRAnet, Inc.
Cole Hockett 324-1350
Airfactz Screening & Reporting Service
Lasa Treppiedi, www.airfactz.com
509-928-0229 – 800-729-7776
Bonded Data Research Company
Dennis Dillin 509-755-8200
www.bondeddataresearch.com

Sprinkler Systems
Jones Sprinklers, Alex Jones
509-701-2588, alexjones509@gmail.com

Storage
Valley Self Storage
924-8457

Tile
Fashion Carpets and Flooring
819 E. Sprague, Spokane
Dennis Runolfson 509-928-9550

Become a commercial member of the LLA and market your business to hundreds of landlords and thousands of properties across the Inland Northwest. For info call: 509-535-1018 or visit: www.landlordassoc.org.
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Spokane, WA 99202

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ss@mbblegal.net
Washington & Idaho

Susan Amstadter, Esq.  818 W Riverside, Ste 631
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