



**HGAP Landlord Workshop and Peer Site Visit
July 28, 2008**

Hosted by Benton-Franklin CAC in Pasco, WA

Workshop Summary

Part One: Workshop on Leases and Landlord-Tenant Relationships

10:00 am Welcome, Purpose Statement, and Group Introductions Jennifer Turin (CTED)
and Charlie Corrigan (Building Changes)

Jennifer welcomed the participants, and gave an overview the HGAP program. Including the Spring 2008 grantees, the HGAP program will soon have 24 contracts and include programs in 20 counties. Jennifer led the introductions of the approximately 30 workshop participants.

The purpose of this workshop is to bring together partners from the HGAP programs in central and eastern Washington to discuss the legal aspects and best practices of landlord-tenant relationships and lease agreements. Each of the five HGAP programs at this workshop includes some form of rental assistance for formerly homeless clients, so workshop participants can learn from each other as well as from the speakers.

10:20 am Best Practices in Landlord Relationships and Lease Agreements Greg Provenzano

Greg Provenzano of Columbia Legal Services presented prepared remarks on the relationships between landlords, service providers, and tenants, and leases and rental agreements. He also engaged in Q&A with workshop participants. He emphasized that he was not providing specific legal advice, but rather discussing existing law and best practices, and recommended that programs engage counsel during the design phase of their programs.

Summary of his remarks and discussion:

- **Overview of legal advocates in Washington**
 - **Columbia Legal Services (CLS)** has five offices in the state
 - CLS focuses on advocacy at the state, federal, and local level, and on class action lawsuits that represent underprivileged and low-income clients
 - CLS also serves clients that are sometimes left out of the legal system, such as undocumented immigrants and individuals in institutions

- **Northwest Justice Project (NWJP)** is a larger organization that has many offices across the state and receives federal and state funding through the Legal Services Corporation
 - They serve low-income individuals and families across the state, although they have some restrictions due to their funding sources
 - Their toll free hotline is a good first point of contact, and they can refer clients to local NWJP offices or to other agencies like CLS (which can cover clients that the NWJP cannot, such as those in prison or jail or undocumented immigrants)

- **Laws governing housing in Washington**
 - It is important to keep in mind the restrictions that may be in place for the funding sources used in your programs, such as McKinney or Section 8 restrictions -- for example, restrictions on serving tenants with certain criminal records, or the length of the lease
 - The **Residential Landlord-Tenant Act** in Washington State (RCW 59.18) is the main law governing renters' and landlords' rights
 - With some exceptions, all landlords and rental agreements are covered by the Residential Landlord-Tenant Act
 - Exceptions:
 - When the primary purpose is not housing but something like acute medical care
 - Institutions like hospitals and jails
 - Emergency shelter situations (although there is a gray area between emergency housing and transitional housing, and programs should seek counsel to determine if these arrangements fall under the Act)
 - The Act describes rights and responsibilities of both landlords and tenants
 - A good guide by the Washington Attorney General's office is provided in the workshop materials
 - HGAP programs will fall under the Act if they have a landlord relationship with their clients; the laws of eviction always apply
 - Tenant-based rental subsidies alone do not constitute a landlord-tenant relationship, but master leasing arrangements do
 - Under the Act, there are several ways for landlords to proceed with eviction of tenants:
 - If a tenant disrupts other tenants or neighbors, the landlord can serve a three-day notice to vacate for nuisance
 - The landlord can also serve a three-day notice if the tenant misses a rent payment
 - For other lease violations, a six-day notice can be served
 - For rental agreements that are month-to-month, the landlord can give a twenty-day notice at any time
 - Under no circumstances can the landlord forcibly evict a tenant, such as locking them out; landlords must go through the judicial system
 - Unlawful detainers always apply, including when the landlord wants to terminate the lease

- Other potentially applicable laws, may be used in conjunction with ot when landlord-tenant laws do not applu
 - Federal and state fair housing laws
 - Mobile home landlord-tenant act (RCW 59.20)
 - Also important to pay attention to any local ordinances, such as in Seattle, that apply to landlord-tenant relationships
- **Leases and Rental Agreements**
 - Rental agreements are distinct from program participation agreements, or agreements between service providers and landlords
 - Program participation agreements for clients receiving tenant-based rental subsidies do not constitute a landlord-tenant relationship, and therefore cannot be a basis for evictions or entering units without consent
 - Rental agreements are not always necessary, but are a best practice to have in addition to a program participation agreement
 - Rental agreements come in two forms
 - **Periodic agreements** (often month-to-month) do not expire but are continued until one of the parties gives notice (usually at least 20 days or 30 days)
 - **Fixed date agreements** set rental parameters for the duration of the contract, which can be any length, but is often six months or one year; fixed date agreements can only be terminated due to cause (such as lease violation) or mutual consent of both parties
 - After fixed date agreements expire, the parties can either sign new fixed date agreements, or let the agreement roll over into a month-to-month lease
 - **Common elements** of rental agreements:
 - Contact information for parties
 - Furnishing in the unit
 - Term of the agreement
 - Rental amount, and method and timing of payments
 - Late fee policies (must be reasonable, or usually less than \$1 per day)
 - Utilities
 - Obligations when vacating the unit
 - Termination provisions
 - Refundable deposit(s)
 - Non-refundable fees (such as a background check)
 - Maintenance and repair responsibilities
 - Tenant duties
 - When the landlord is permitted to enter the unit
 - Any limits on subletting the unit
 - Elements that **cannot** be in a lease:
 - Cannot waive any landlord or tenant rights
 - Cannot include provisions for paying other party's attorney fees
 - Cannot remove liability for your own negligence
 - Cannot say ahead of time who or how parties will arbitrate disagreements

- **Liability Issues**

- Programs are not strictly liable for their clients, but must be found negligent
- **Negligence** requires four elements to be present:
 - Duty
 - There can be duty between landlords and their tenants, in certain circumstances (for example, in the areas of the building that a landlord has control over)
 - Landlords have a duty to protect tenants from foreseeable criminal activity in the area that they control – therefore landlords are exposed to more risk than providers using tenant-based rental assistance
 - A breach of that duty
 - The injury affected the party seeking damages
 - Proximate case between the breach of duty and the injury
 - The injury would not have happened but for the breach of duty
- Ways to avoid negligence:
 - Background screening
 - Property security, such as locks and lighting
 - Involve local law enforcement and community corrections
 - Liability insurance
 - Educate tenants
 - Enforce criminal violations of rental agreements by all tenants
 - Retain counsel in advance, including when drafting the rental agreements

12:10 pm Breakout group discussionall participants

The group divided into three smaller groups to discuss Greg's presentation and their experiences working in their own counties. The small groups then reported back to the whole group, including the following observations:

- It is important to maximize the services and aftercare available to clients in housing
- Programs need to create clear expectations for their clients
- Lifeskills and credit counseling help make tenants better able to stay in housing and keeps landlords in the program
- There are limited local resources for engaging landlords, but a responsible renter certification program can help reassure landlords
- The housing continuum across the region should also include homeownership opportunities, including community land trusts
- Strategies for outreach include:
 - Cold calls and craigslist.org postings
 - Educational brochures to share among homeless networks, landlord associations, housing authorities, and other potential partners
 - Important to meet with landlords in person to put a face on what you'll be doing in your liaison role
 - You can hire a housing specialist that has existing relationships with landlords

- Build on any existing relationships you have with landlords
- There are limited local resources for start-up, but perhaps the state can facilitate or spearhead statewide public relations, such as a public service announcement
- Opportunities to partner with corrections officers and justice centers
- Yakima uses the housing authority to do the utility calculations, housing quality standards, and other procedures that the housing authority already does for other programs
- Important to be consistent with drug testing policies across all tenants
- One barrier can be low vacancy rates in the housing market – seek opportunities when the market is not as tight

12:40 pm Lunchtime presentation: Perspectives on Landlord Relations Panel presentation

- Marvalene Broadhead (former director of Yakima Valley Landlords Association)
- Dale Briebe (Volunteers of America in Spokane)
- Greg Provenzano (Columbia Legal Services)

Marvalene discussed her experiences working with landlords as director of the Yakima Valley Landlords Association. She agreed with a lot of the comments that came up in Greg's presentation and the small group discussion. She emphasized that landlords require rent payments to maintain their bottom line, and service providers need to keep that in mind when reaching out to landlords and continuing to work with them. She said that a priority for programs must be to ensure tenants have the education and information they need about their rights and responsibilities, as she has seen many low-income tenants taken advantage of by landlords. For example, tenants who do not know their rights or are afraid to speak up may not make the maintenance requests to their landlords that they need.

Marvalene also discussed the incentives that will make programs more attractive to landlords, including rent guarantees, reliable support from case workers, good screening procedures, and tenants who understand their responsibilities, such as those who take responsible renter certification trainings. Some landlords have had negative experiences in the past with programs like Section 8 without accompanying services. Tenant advocates can help prevent evictions and relieve a lot of the pressure many landlords feel they are under.

Dale discussed his existing programs at VOA that provide 48 units of rental housing through seven landlords, including one landlord that has master leased units. In all but one of the arrangements, VOA screens clients; in the other arrangement, the units have funding restrictions that require further screening and delay placement compared to the others.

Part Two: Peer Site Visit between HGAP Programs

1:45 pm Description of Benton-Franklin HGAP program Debra Biondolillo

Debbie described the Benton-Franklin HGAP program, which received funding through the HGAP pilot funding round in fall 2006. The Home Base program provides tenant-based rental assistance with support services to jail inmates and their families who would otherwise be homeless upon their discharge. The program has been underway for about one year, and currently has 19 active clients, and one FTE staff.

BFCAC worked with corrections staff to develop a flyer and application for the Home Base program that are available in the Benton and Franklin County jails. After receiving an initial application, BFCAC staff assess the inmate's situation and develops a discharge plan with the individual. Upon release, the client has five days to make an appointment with BFCAC to complete enrollment into the program.

Enrolled clients receive a voucher for rental subsidy, and support from the case manager in finding housing. The case manager works with the client and the landlord to review the unit and set up expectations. The case manager develops a housing stability plan based on the individual's assessment, and helps the client reach services. BFCAC also operates several other TBRA programs, and offers similar services to all their clients, including consumer credit training, classes on landlord-tenant rights, and additional lifeskills training.

For more information on the Home Base program, you can refer to program summaries and documentation on the HGAP website.

2:30 pm Demonstration of Jail In-reach Videoconferencing Debra Biondolillo

Debbie demonstrated the videoconferencing technology that BFCAC uses to interview potential clients in the Benton County jail. Debbie spoke with Lt. Kathy Daniels, who discussed how they use the videoconferencing in-reach to connect potential clients with BFCAC staff.

2:45 pm Group discussionall participants

Several participants asked for advice on reaching out to their own corrections agencies to form the same depth of partnership that BFCAC had achieved. Lt. Daniels agreed to share her positive experiences working with the HGAP program to her peers in other counties. She also recommended keeping local law enforcement agencies and city and county commissioners involved when appropriate.

3:15 pm Evaluation and Next Steps.....Jennifer / Charlie

Jennifer thanked everyone for their participation and reminded the group to complete their evaluations before adjourning. Charlie mentioned that the online resource library will continue to be updated each month, and HGAP programs should continue to send any requests they have particular resources or topics. Charlie and Katherine Cortes of Building Changes will also be contacting HGAP programs throughout the next few months to update

their program summaries and provide documentation on the HGAP website of each program's policies, procedures, staffing, and other materials.

Participants suggested including resources and/or trainings on the needs of homeless youth and relationships to juvenile justice and school district homeless liaisons; examples of lifeskills curricula and trainings; and resources for working with difficult-to-serve populations, including formerly institutionalized individuals, mental health clients, and people with chemical dependency.

3:30 pm Adjourn