



2008 Crime Free Rental Property Program Panel Discussion Notes



Panel Discussion: Establishing Best Practices for Rental Property **Presented by Nancy Preffitt and Jack Pugh**

Nancy Preffitt began the discussion by explaining the advantages of joining the Greater Springfield Apartment & Housing Association. Among the benefits are monthly meeting where relevant topics are explored, professional contacts, and legislative lobbying.

According to Preffitt, the rental business has become more sophisticated since the days of renting for cash. For this reason, she and Jack Pugh made some recommendations that they felt landlords should employ. They include:

- 1) Gauging the prospective tenant's personality during the initial property showing, considering their behavior, temperament, hygiene, etc.
- 2) Ask probing question during initial meeting, inquiring about their background, family size, etc.
- 3) Treat every applicant the same to ensure compliance with Fair Housing laws.
- 4) Have a set criteria in writing to use when evaluating applicants
- 5) Be sure to include a space for signed authorization on the application.
- 6) Make sure the application is complete
- 7) Ask for a complete listing of those who will live in the unit
- 8) Require all tenants over 18 years of age to fill out application/lease.
- 9) Get and make a copy of applicant's identification card.
- 10) Consider requiring an income threshold, e.g. 3 times the rent.
- 11) Securely store in a file all applicants information.
- 12) Get to know your rental unit's neighbors.
- 13) Require automobile insurance as part of criteria.
- 14) Ask on application if they are legal citizens.
- 15) If applicant meets established criteria, then require a paid deposit.

The panelists also recommended every landlord perform background searches of each applicant. In doing so, one might consider charging the applicant a fee to compensate you for your time and effort. The background search can include:

- 1) Credit Report
- 2) Rental history
 - a) Check with the 2nd to last landlord, b/c it is possible that their current landlord will distort the truth in order to get them out of his unit if they are not good renters.
 - b) Check to make sure the listed people are actual landlords, and not the applicant's friends.

- c) Ask if the applicant gave proper notice to vacant and paid their rent fully and on time.
 - d) Ask if they would rent to the person again.
- 3) Work History
- a) Check if job is permanent or temporary, full-time or part-time.
 - b) Talk with the supervisor, rather than the human resources dept.
 - c) Ask if employer can verify the income amount listed by applicant.
- 4) Criminal Background Check
- a) Inquire with online service companies.
 - b) Consider doing it yourself by checking the circuit court, docket sheets, and police calls on the City of Springfield and Greene County websites.
 - c) Search the applicant's name on Missouri's Casenet website.

Identifying good renters is always risky, first appearances can be deceiving. That is why it is important to spend the extra time to thoroughly research the applicant. Sometimes the application process alone is enough to eliminate prospective renters who are not serious or worthwhile.

PANEL DISCUSSION: CITY CODES & NUISANCE ORDINANCE

Presented by Johnnie Burgess, Jim Fry, and Sgt. Steve Licis

Violations of the nuisance ordinance typically follow a process which begins with a citizen complaint to the Public Information Office. This office fills out a report that the Police will check before assigning personnel to investigate. The officer on the case will physically verify the problem or refer it to another appropriate department depending on the type of nuisance. The officer may provide stand-by assistance to these departments if necessary.

The Health Department does safety checks and investigates nuisance complaints related to health issues. They may also receive complaints directly to them. For example, mold is the 2nd most common complaint. Yet it is important to note that they only offer suggestions for remediation of mold and its underlying cause.

The Health Department will try to notify the landlord of a complaint so that they may be present at their site visit, yet the tenant must be the one to invite the Health Department in to their home to investigate. The Health Department investigations determine if "minimum standards" are violated. If a violation exists, they will send a notice to that effect, whereby the owner/landlord will be ultimately responsible for fixing the violation. If the problem is not fixed, a summon is issued.

The City of Springfield's Prosecuting Attorney's Office handles many of the nuisance violations, but not all. Once they receive a file, which can include the summons, investigator notes, photographs, etc), they determine whether or not to charge the violator. If the alleged violator pleads guilty, the presiding judge will hear from the respondent and dispose of the case in a manner he sees fit. If the alleged violator enters a not-guilty plea, he may have the opportunity to negotiate with the prosecuting attorney in an attempt to reach an acceptable agreement.

The prosecuting attorney strives to achieve an deal with has both a punishment and deterrence component. If he/she feels this goal is met, and the alleged violator is in satisfied, the judge will likely dispose of the case based on the prosecuting attorney's recommendations.

During the question and answer portion of this panel discussion, several topics were explored. The first concerned constant repeat offending, or what Mr. Burgess referred to as a "continuing reoccurring problem." It was noted that there was a threshold at which point habitual offenders do risk a forfeiture action being brought against them. This means that the property is shut down but the owner is still responsible for it. It was commented that this is a drastic measure that is not used very often.

A question was asked pertaining to whether private security firms could provide their reports to the prosecuting attorney to be used as acceptable evidence when filing charges. Mr. Burgess answered this question in the affirmative.

Sgt. Licis noted that people can look at the City's website to check citizen complaints of nuisance violations. On the "Interactive Maps" page, one can click "Service Request" for the information.

Finally, parking cars in the front lawn was confirmed as a nuisance violation, and Sgt. Licis instructed citizens to call the police if they knew of a violation.