

## **Suggestions for Landlords to help keep them out of court.**

1. In your rental agreement, limit the hours that the decks, porches, and outside yard areas may be used. On many occasions we are dispatched on noise calls where the neighbors are trying to sleep but can't sleep because of people in these areas at night. As a suggestion we say 10:00pm but as a general rule, the earlier the better. The City does have a 24 hour noise ordinance with penalties up to \$1000.00 per tenant on the lease. **City Ordinance 8.12.070**. Tenants found guilty of violating the City's noise Ordinance can be cause for the landlord being pulled into Municipal Court under the performance standards of the **Zoning Ordinance 17.96.020**.
2. In your rental agreement, limit the amount of people that can be on a deck area at any given time. Frequently we will stop at houses where there appears to be a safety issue with the amount of people on outside decks. What number should you limit it to? How many people would you feel comfortable with the deck holding if one of them was your son or daughter?
3. In your rental agreement, spell out that areas that are not designed to be used as decks are not to be used as decks. Frequently we see tenants using roof tops as decks when they are not decks. This is dangerous to the tenant and the structure. It is also against the law and can land the landlord into Municipal Court.
4. In your rental agreement, limit the amount of people that can be in the rental unit at any time. Currently there is an ordinance that limits capacity levels in any rental units due to health and safety reasons. **City Ordinance 8.08.150**. The ordinance is very generous in the amounts that it allows in a rental unit at any time. Large numbers of people in confined areas present not only health & safety issues, it also causes wear and tear on the rental unit. Imagine the water bill after a weekend of parties with over 100 people present. As far as how many people to limit it to? Whatever the landlord feels is reasonable or what the ordinance requires the more restrictive of the two. Also be aware that the city limits the amount of people that can live in a single dwelling unit to five unrelated people by Zoning Ordinance, under the definitions section. **Zoning Ordinance 17.08.010**. The fine for this is up to \$500.00 per day of the violation.
5. In your rental agreement, make the tenant responsible for keeping the short-term rental registration and lease with the tenants names posted on the inside primary access door. This is required by ordinance for rentals of nine months or less. **City Ordinance 15.16.090**. The city places the responsibility on the landlord. The landlord can transfer this financial responsibility in the way of making tenants responsible for any fines that the landlord has to pay. It would of course be up to the landlord to collect any fine from the tenant which the landlord paid. Also, in your lease have an area were the tenants sign and initial that the short-term rental registration and lease are in place upon their taken possession of the rental unit. Explain to the tenant that it is in their best interest to keep them posted because

the majority of our calls there is no citation issued, however if there is no short-term rental registration or lease posted the landlord is issued a citation. So a typical call, which had the short-term rental registration and lease been posted, would not have gone much further, now involves the landlord going to court and seeking reimbursement from the tenants.

6. In your rental agreement, limit the hours that music may be played outside the rental unit. Some groups will go out on their decks and although it is somewhat early they turn up the music which ends up getting them cited and getting the landlord pulled into court as well. Limit the time that music may be played as a suggestion, no outside amplification after 8:00pm. The City does have a 24 hour noise ordinance with penalties up to \$1000.00 per tenant on the lease. **City Ordinance 8.12.070.** Tenants found guilty of violating the City's noise Ordinance can be cause for the landlord being pulled into Municipal Court under the performance standards of the **Zoning Ordinance 17.96.020.**
7. Landlords may also contact the local Community Oriented Police officer (C.O.P.) in the area of their rental property. There are a number of Community Oriented Police Stations throughout Newport. The officers that work at these stations are frequently the first to hear complaints from neighbors that live next to rental units when there is a problem. If a landlord leaves their contact information with a Community Oriented Police officer, the officer will try to alert the landlord when there is a potential problem. The officer may also watch to advise the landlord when their rental agreement is being broken if they are receiving complaints.
8. During Summer months, put air conditioning units in your rental property. This helps to keep tenants from opening the windows and doors. With AC, you could also put in the rental agreement that doors when not in use, and windows are to remain shut at all times after a certain hour. Proper insulation and sound proofing also helps to keep noise from traveling from the house. These are all things that can be done for small financial investments but which will last a while. One landlord who owns a number of properties in Newport routinely was pulled into court a handful of times every year for noise. This landlord has since added air conditioning and was not pulled into court at all in 2004 & 2005 for noise.
9. Some landlords find it helpful to leave their phone numbers with neighbors that abut or are in the area of the rental unit. Then if there are any problems, the neighbor may call the landlord before the police. It also gives the landlord an idea of what the neighbor is like and the neighbor an idea of who the landlord is. It's nice being able to put a face to a property. This area is tricky; it really is an area where the landlord needs to ask themselves if they want someone to have their number. The benefit is that you also have an extra set of eyes to let you know when something is amiss with your property that the city may not be acting on, like for example if a tenant breaks a pipe and water is flowing out of a house etc.

10. Let your tenants know common sense things that they can do, to help avoid conflicts with their neighbors. Tell them not to park in front of the neighbor's house if there is limited parking. Although it may not be against the law to take the neighbors parking spot, a little courtesy goes a long way. This is especially true were a neighbor shovels snow from a spot only to find your tenant parked in the space they shoveled out. Also do not park blocking a sidewalk this will get you ticketed and towed.

11. It is the landlord's responsibility to provide tenants with trash receptacles for their tenants. It is also the landlord's responsibility that trash receptacles are used properly for the property. Proper receptacles must be provided Receptacles must be non rusting material not to exceed 32 gallons and with tight secure fitting lids. **City Ordinance 8.24.070.** Trash must be bagged in the receptacles. The city also sells built oversized receptacles which are on wheels and have built in lids. Bagged loose trash that is not in a receptacle, even when on ones outdoor property, is a violation of city ordinance. Recyclables must be placed in the city provided bins for paper & glass/plastic. Call the Cities solid waste management Department for all the regulations. Trash should not be put curbside till the morning of pickup. If you are renting to tenants that only use the apartment for weekends. Make arrangements to have someone place the trash curbside and place the empty receptacles back in the yard after pick up. It is important to remember that trash is the landlord's responsibility and they are the ones that will be getting cited in for violations, not the tenants. Be prepared for when the tenant moves out. There will be an extra amount of trash and it all must be bagged and in cans. It can not be stressed enough that the oversized cans with built on lids are the best ones to use. The City sells them at cost. They are also available at most hardware stores.

12. Hiring a property manager to make sure your rental property is taken care of can help reduce or eliminate problems such as overgrown grass/vegetation, and trash problems. Property managers who leave their numbers with community policing or zoning enforcement can be advised when problems arise.

13. Realize that you can follow all of these suggestions and your tenants may still be pulled into court because the neighbors call on them. It is our belief that by following these suggestions you minimize the chances of your tenants being pulled into court and you insure yourself as a landlord the best possible outcome going to court having followed our suggestions.

*This list was compiled by the Newport Police Community Oriented Police Officers in conjunction with the Deputy Zoning Officers. The list is Suggestions only and in no way provides legal advice.*

**Why should I as a landlord implement any of these suggestions?** In dealing with landlords if they are summoned into court, we take into account if the landlord was cooperative in efforts to have good tenants. When it comes to variable fines, this can work in the landlord's behalf.

**The three major concerns for landlords are noise, trash, and parking concerns.**