FEBRUARY 2021 PHILADELPHIA PCONEWSLETTER

Serving Philadelphia's Investment & Rental Property Community

SBA Extends Lifeline to Borrowers Impacted by COVID-19

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## Looking Ahead in 2021

#### By HP editorial staff

W ell, that was interesting. If nothing else, 2020 certainly kept us on our toes. And for too many fellow HP members, it brought them to their knees. Did it have to be this way? 2020 eviction moratoriums on the city, state and federal levels may have been generally well-intentioned. But knee-jerk, arbitrary responses that don't include a serious process to weed out abusers usually have consequences. And many Philly landlords felt them last year. Taking one on the chin. And in the pocketbook.

It goes without saying that people need a home, even without a pandemic. And Hapco Philadelphia has both Mission and Values Statements acknowledging this. We're dedicated to the preservation, expansion, and improvement of low to moderate income rental housing. And we resolve to be ethical and honest in our dealings with housing consumers. But those same values often aren't reciprocated. We've presented stories of our fellow landlords struggling with their own bills

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## Many Philly Landlords Didn't Apply For COVID Rent Relief

Penn Study Examines Why Rental Money Was Left On The Table

## By Hapco Philadelphia Board of Directors Editorial Staff

As the COVID-19 shutdowns threw many tenants out of work, the federal government funneled money into local rent relief programs to keep renters and landlords afloat.

But a recent study by the Housing Initiative at Penn (HIP) finds that some rental property owners did not apply for the pandemic rental assistance when their tenants were eligible for it. HIP researchers surveyed 600 rental property owners in Philadelphia in September of 2020 and found many said they were already working with their tenants on repayment plans and other measures to keep tenants in their homes. One rental property owner told the survey, "We sent out an email to tenants that we were aware things were going to get difficult, but we were with them, they had a roof over their head, and it would stay there."

The city's COVID Emergency Rental As-

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## Letter From HP President Greg Wertman

O president, I walked into the Hapco Philadelphia office, not knowing what state I would find it in.

I wanted to connect with our members to find out what Hapco Philadelphia could do to help them through these unprecedented times. I decided that answering and returning phone calls would put me in touch with what members, non-members, and tenants are going through during the pandemic. Since then, I have heard the frustration of landlords grow louder with each passing day.

> I am proud that our members are willing to work with tenants who are having difficulty paying rent due to COVID-related work issues.

What they're upset about are the tenants who aren't paying rent, even though they haven't lost any income. And their questions

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Hapco Philadelphia's Political Action Committee (HP-PAC) provides political candidates with support and ensures that important issues that affect our membership and the profession of rental property management and landlording are heard by our elected officials, both in City Council in Philadelphia and in the State House in Harrisburg.



HP-PAC uses contributions from individuals, corporations and others for the purpose of financing independent expenditures and political activity to elevate and enhance the core mission of Hapco Philadelphia.



Serving Philadelphia's Investment & Rental Property Community

## Leadership Matters!

Decisions are made every day by our elected officials that directly impact the livelihoods of Philadelphia landlords and property owners.

Here are just some of the laws enacted recently by the City of Philadelphia that affect our pocketbooks:

**COVID-19 Housing Protections for Tenants** While it's popular for lawmakers to support legislation that protect tenants, we must rally behind candidates who understand why this legislation has been disastrous for many landlords: tenants are living rent-free with no intention of leaving or paying, and landlords are left with no immediate redress.

Lead Paint Regulations While our population must be protected from lead poisoning, the City of Philadelphia has indiscriminantly imposed requirements on all rental properties without subjecting owner-occupied dwellings to the same rules. Tests cost hundreds of dollars per unit. We must support candidates that adhere to a doctrine of fairness.

**Bed Bug Remediation** A new city ordinance takes effect January 1, 2021 that requires landlords to develop, maintain and follow a bed bug control plan. *Even if the tenant is the cause of bed beds, the landlord is responsible for the costs!* And the price of non-adherance is harsh: a refund of past and present rent!

Help us help you! At Hapco Philadelphia, we're committed to monitoring all landlordrelevant legislation, ensuring our collective voices are heard and supporting candidates who understand the critical role we play in the city's infrastructure as small business owners.



Yes, I want to support the Hapco Philadelphia Political Action Committee (PAC) with my tax-deductible donation:

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# Philly taxes during COVID: What you should know as 2021 begins



### By Joseph Bamat Department of Revenue, City of Philadelphia

The New Year is underway, but the CO-VID-19 health emergency continues to present countless challenges for Philadelphia taxpayers and water customers. The Department of Revenue understands these are difficult times. Even as the pandemic has forced us to change policies and procedures, we've worked to serve the public as efficiently and safely as possible.

As 2021 starts off, we're providing this overview of our most important COVID-related updates, including links to find extra information. We've covered:

- · Making payments and filing taxes
- · Tax and water bill assistance
- · Refunds
- · Water
- Visiting our offices

We expect 2021 will bring more tax and water bill updates. Be sure to check our COV-ID-19 tax guidance webpage, and Philly water updates for ongoing policy and procedure news in response to the pandemic.

## Making payments and filing taxes

The best way to pay taxes or water bills is always online. Need to file taxes? Online is also the best choice. If you don't have one, registering for a Philadelphia tax account is easy and secure.

We continue to accept payments by mail, and over the phone too.

In early March 2020, we stopped in-person payments to keep staff and taxpayers safe. We have since adjusted that restriction to allow tax and water customers to schedule an in-person payment appointment.

When coming in for a scheduled payment appointment, it's important to bring:

A physical bill and payment coupon – Payment coupons are also required when making a payment on a Real Estate payment agreement.

A government-issued photo ID card – We are unable to process card payments without proper identification.

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## **AHAPCO**

Serving Philadelphia's Investment & Rental Property Community

#### The Hapco Philadelphia Newsletter

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## Landlord Questions: What If A Tenant Abandons Property?

### RentPrep | Landlord Blog By Stephen Michael White

or most people, it can be hard to imagine packing up, leaving, and never coming back to claim the property you left behind. In the rental business, however, tenant-abandoned property is a more common occurrence than you might imagine.

There are two primary types of property abandonment that you might be concerned about as a landlord.

First, you need to know what to do if a tenant abandons your rental property. Landlords made aware of an abandoned property might want to re-rent it immediately, but there are actually some things that you must do first. If you don't, you could face legal trouble.



Second, you need to know what to do if a tenant abandons their personal property after moving out. While it can be tempting to just throw it all away, there are actually rules in place about how you must handle these items.

It's key that you know what to do in both of these situations. Today's guide will cover those issues in greater detail.

What Happens When: Tenant Abandons A Rental Property

Working through what to do with a property when a tenant has abandoned it can be difficult. Here are some steps to take to make sure you handle things as efficiently and professionally as possible.

## Make Sure They Really Are Gone



The very first thing that you need to do is to be sure the tenant has actually abandoned the property. Even if a tenant hasn't been home for a few days or weeks, you cannot be certain that they have abandoned the property. There may be another explanation.

## If They're Still Paying Rent...

If the tenant is still paying rent, the property is not abandoned. In this scenario, take the time to contact your tenant and talk to them about the situation. Tenants who plan to be away for an extended period of time should allow you to check the property every week to ensure nothing is wrong there.

If they are not paying rent and haven't been at the property in weeks, it is more likely that this is a case of tenant abandonment.

## Talk To Emergency Contacts

Another way to find out if the tenant has moved on is to contact the emergency contacts from the tenant's rental application. They may know more or be able to get in contact with the tenant to determine if they have moved out.

## Talk To The Neighbors

If the property has neighbors who might have noticed something, find out if they saw the tenant moving out.

## **Check The Utilities**

Give your tenant notice that you will inspect the property. If they don't return your notice, check the utilities. If they are turned off, you could be dealing with tenant abandonment.

## **Document Your Investigation**

Throughout your investigation of whether or not the tenant has moved out, make sure that you are documenting every step. You

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## Tenant Abandons Property continued from page 4

will need evidence of the abandonment later on, so it's best to do this as you research.

### **1. Official Notice**

The first thing that you want to do is to send your tenant an official notice. Give the tenant 10 days to contact you to let you know if they have abandoned the property or if they will be returning. If you don't hear back in 10 days, the property will be declared abandoned.

When you send this notice, it's best to use certified mail so that you can prove it was delivered.

#### 2. Photographs

Take photos to show why you think the property is abandoned. These photos might be of overgrown grass, empty rooms, or something else that indicates they've moved out.

### 3. Rent Documentation

Put together a list of the rent, when it was last paid, and when you tried to contact the tenant to resolve rent issues.

#### 4. Record Conversations

If you contact the tenant's emergency contacts or neighbors, be sure to record these conversations as proof.

### **Terminate The Lease**

If the tenant will not get back to you to confirm if they have moved out or not, but you are sure the property is abandoned, you will want to take a legal avenue to declare the tenancy over.

Essentially, you will need to file an eviction lawsuit with your local court. The exact procedure for this in the case of an abandoned property will vary from state to state, but the general proceedings will follow that of an eviction case.

## Prepare Your Lease For The Future

To make this situation easier to handle in the

future, it's worth it to take time to ensure that your lease includes specific terms about abandonment and what will be done in cases of potential property abandonment.

Leaving a property empty can be dangerous for a number of reasons, so it is reasonable to include a clause in your lease that protects your property from becoming vacant.

One simple way to ensure that your property is protected is to add an Extended Absence clause to your lease. This clause can simply state that the landlord may enter and inspect the premises if tenants are absent for periods of seven days or longer, to ensure the property is safe.

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## Report suspected deed or mortgage fraud

#### From the City of Philadelphia

If you suspect you are a victim of deed or mortgage fraud, you should report the fraud to the Department of Records. We will provide you with information and direct you to the appropriate resources.

Deed fraud occurs when a person sells a home pretending to be the owner without the permission of the legal owner. The legal owner's name is removed from the deed without the legal owner's knowledge or informed consent.

Mortgage fraud occurs when someone signs a mortgage against a property that they do not own to borrow money against the property. The mortgage transactions are completed without the knowledge or informed consent of the legal owner of the property.

Did you know you can protect yourself from deed and mortgage fraud? Register for a

free Fraud Guard account.

Anyone who suspects they may be a victim of deed or mortgage fraud regarding a property located in the City of Philadelphia.

You are not required to provide specific documentation to report suspected deed or mortgage fraud. However, we recommend that when you visit the Department of Records, you bring with you as much information as you can gather. The more information you are able to provide, the better we can assist you. The resolution of property fraud requires court action, including a court order issued by a judge.

You may visit us in our Reference Room in City Hall, Monday to Friday, 8:30 a.m. to 4:00 p.m. We strongly recommend that you schedule an appointment to meet with us in person to report the property fraud. These issues can be very complicated, and we find that a face-to-face meeting is the best way to assist you. You can contact us to make an appointment.

Department of Records, City Hall, Room 154, Philadelphia, PA 19107, (215) 686-2290, records.info@phila.gov

There is no cost to file a Deed or Mortgage Fraud Report with the Department of Records.

### Take these additional actions

- Report the fraud to the Police Department.
- After filing a police report, notify the District Attorney's Office at (215) 686-9902
- Notify the Pennsylvania Attorney General's Office of Consumer Protection at 1-(800) 441-2555.
- Obtain the services of a real estate lawyer immediately.

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## Tenant Abandons Property continued from page 5

## What Happens When: Tenant Leaves Their Personal Belongings

Another common situation that can happen in conjunction with an abandoned property or just when a tenant moves out is when a tenant leaves behind personal belongings. What should you do as a landlord when this happens?

Every state has specific rules about this that you should review, but the general procedure will go something like this.

## **Assess Why The Tenant Left**

The first thing that you should do is analyze why your tenant left. Typically, you will have to handle the belongings in different ways depending on the reasoning behind why the tenant has left the property.

Such situations might be:

- Tenant left at end of the lease or after sending notice that they are leaving
- Tenant was evicted and left their belongings behind after being forced to leave
- Tenant disappears or abandons the property
- Tenant is in jail

In each of these situations, there are going to be specific guidelines in your state that say what you need to do with those belongings.

### **Store Before Selling**

It can be tempting to just remove all of the belongings and immediately dispose of them.

Unfortunately, this is not something that landlords will be able to do right away.

In most situations, the landlord will be responsible for storing the belongings for a specific number of days. After attempting to contact the tenant about the belongings and waiting the required number of days, you can then move forward with selling or disposing of the items.

Even if you sell the tenant's belongings, there may be specific rules about what you can and cannot do with these funds.

As you can see, the rules about getting rid of these belongings can be quite complex. If you are in a situation where a tenant has left their belongings behind, be sure that you bring up that section of your state's laws to review before taking any actions.

Let's work through an example using Pennsylvania's state laws, so that you can see what kind of information you need to know before handling abandoned personal belongings.

## Pennsylvania Example

In Pennsylvania, tenants are supposed to take all of their personal property from the rental property whenever they move out at the end of the tenancy period. If they do not, what is a landlord supposed to do?

If the tenant has left belongings behind at the end of their tenancy, the landlord needs to give 10 days' notice to contact them about the belongings. If the tenant does not respond within 10 days, the landlord has a right to dispose of the property. If the tenant responds, they have up to 30 days to retrieve their belongings, and the landlord must store them until they do.

If the landlord sells the belongings rather than dispose of them after the allotted time

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leadswipephilly@gmail.com 484-854-1175 has passed, they can only keep proceeds that cover any funds they are still owed by the tenant. This can include the cost of storage for the belongings that were left behind. All money that remains after paying off those obligations must be sent back to the tenant.

If the landlord cannot contact the tenant to return the funds and does not hear from them within 30 days of sale, they can then keep the proceeds.

#### **Common Exceptions**

There are two common exceptions to the rules about abandoned property:

Fixtures: Any permanent fixtures installed at the property by the tenant, such as built-in shelves, can be considered part of the property. This language should be included in the lease.

Vehicles: Abandoned vehicles should be reported to the police, and the police will handle the vehicle according to local ordinances.

#### **Research Your Local Laws**

As you can see, the laws about disposing of abandoned personal belongings can be quite complicated, and there are often layers to the rules. Make sure that you completely familiarize yourself with your local laws before taking action.

#### From RentPrep.com

rentprep.com/landlord-tips/tenant-abandoned-property/



advocating for landlords. We are looking to expand our membership, and we hope that you will tell your other landlord friends how helpful **Hapco Philadelphia** has been for you and how important it is for them to join. **Hapco Philadelphia** is a first source for information about our industry. Check out our website at www.hapcophiladelphia.com

## HAPCO PHILADELPHIA NEWSLETTER ADVERTISING POLICY

The Hapco Philadelphia Newsletter is a medium for transmitting information to and exchanging ideas among rental housing providers who are members.

Advertising relevant to investment in and operation of properties is accepted. The advertisements help defray the cost of producing and distributing the publication. They are also a valuable resource for members, who own and manage more than 30,000 small and mid-size rental buildings in Philadelphia, by helping them identify vendors who offer goods and services relevant to their business interests.

Hapco Philadelphia reserves the right to decline advertising inconsistent with rental property acquisition, sale, maintenance, and management.

Hapco Philadelphia reserves the right to decline advertising, including cancelling of advertising contracts, with refund of any prepayments, based on conclusions reached in investigating complaints by members of unsatisfactory vendor performance or reliability.

Members having complaints about the performance or reliability of advertisers will be requested to describe their grievances in writing, on forms provided by Hapco Philadelphia. The relevant vendor will be advised of the complaint and given an opportunity to respond. The complaint and response will be reviewed by the Hapco Philadelphia Newsletter Editorial Committee and forwarded with a recommendation to the Hapco Philadelphia Board of Directors for a decision. This decision will be considered final; the complaining member and the vendor will be so notified.

An advertisement in the Newsletter does not imply endorsement by Hapco Philadelphia. Members are urged to request and consult references as they consider prudent.

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## Everything New Landlords Should Know About Collecting Rent

### By SherRon Marcek ©applyconnect.com

So, you've sealed the deal and purchased your first rental property. Now it's time to start watching the rent roll in; Not quite. While collecting rent can seem relatively straightforward, there are a few sticky situations that inexperienced landlords can run into if they aren't careful. Here's what every new landlord should know about rent collection.

## Be Proactive with a Rent Collection Policy

They always say that an ounce of prevention is worth a pound of cure, and the same is true when it comes to collecting rent. As part of your lease, we suggest including a rent collection policy. Here are the essential things that your rent collection policy should include:

- · When is rent due?
- How will rent be collected?
- What payment methods do you accept?
- When is rent considered late?
- How are rent payments documented?
- What fees are imposed on late payment?
- When will the eviction process start?



Establishing and enforcing your policy sets a good foundation of expectations for all parties, which can further alleviate issues down the line.

## Collect Rent Safely

While most tenants are peaceful, situations can become volatile when someone's living situation feels threatened. To avoid this, here are some things you can do to protect yourself as a landlord.

Screen your tenants. The more you know about your tenant's background, the safer you will be as a landlord. Don't be afraid to run a background and credit check on applying renters.

Don't collect rent in person- Have your tenants pay rent online, mail checks to a p.o. Box, or put their rent in a dropbox.

3. Don't give out your home address- While this is not possible for landlords who live onsite, landlords should never have mail from renters sent to your home address. Set up a P.O. Box for all paper correspondence. It's also a good idea to set up an email address for your rental business for digital communication.

4. Never disclose your financial information to your tenants. This includes allowing them to deposit funds directly into your account without a middle-man. If they can use that information to put funds in, they can also use it to take funds out.

5. Get help for sticky situations. If you need to confront your renter about a situation that could become tense, ask a member of local law enforcement to accompany you, or schedule to meet up in a location that is under surveillance. Many municipalities provide secure locations for online purchase sales or custody exchanges.

continued on page 10

## Philly taxes during COVID continued from page 3

## Tax and water bill assistance

Many businesses did not have back taxes before the pandemic but are now struggling to pay them. If this is your case, you can take advantage of our Business Recovery Payment Agreement.

If your situation is more complicated, we have other business payment agreement options to get you back on track.

We also have affordable plans for property tax and water bill accounts. If you have questions about any form of assistance, please call our hotlines between 8 a.m. and 7:30 p.m., Monday to Friday.

(215) 686-6442 about property tax, (215) 686-6600 about all other taxes, (215) 685-6300 about your water service or bill, or email: revenue@phila.gov about taxes, and wrbhelpdesk@phila.gov for water-related issues

You can also request a telephone call back from a Revenue representative.

## Refunds, amending returns, and fee delay

In 2020, many businesses were ordered to close or limit operations. Many employees were also ordered to work from home. As a result, Philly employers and workers may need to request refunds for Wage Tax, Use & Occupancy Tax and 2020 BIRT estimated payments.

We're provided guidance for all of these cases on our COVID tax webpage. We will also provide information for a new. streamlined process for employer-requested 2020 nonresident Wage Tax refunds soon.

Property owners who haven't paid their Annual Refuse Collection Fee now have an additional six months to pay this bill. The due date for this year is now June 30, 2021.

To receive these kinds of updates directly in your inbox, sign up for our email updates.

## Water bills and service

The City of Philadelphia has extended its water shutoff protection measure through April 1, 2021. This is for both residential and commercial water customers.

We've also paused all penalties and late fees for unpaid water bills. While shutoffs have been suspended, your balance will continue to grow if you don't pay your bill.

If you can't afford your water bill, now is the time to apply for assistance.

## Visiting Revenue offices

Our two satellite offices remain closed until further notice. While we are working hard to provide digital and telephone customer service, we know some people need help in person.

As mentioned above, if you want to come to the Municipal Services Building, you must

InvestorSchooling.com

**Register at:** 

schedule an appointment first. During your visit, please know:

All customers are required to wear masks.

You will be required to share the phone number used to make the appointment.

Follow safety protocols, including standing on yellow markings and waiting to approach cashier windows until your turn.

If you have questions about liens, judgements or other legal issues, you can make an in-person appointment with a Law Department representative by calling (215) 686-0500. www.phila.gov/documents/coronavirus-tax-quidance/







## SBA Extends Crucial Lifeline to Borrowers Impacted by COVID-19 with Debt Relief

### January 10, 2021

WASHINGTON – As the U.S. Small Business Administration continues implementation of the Economic Aid to Hard-Hit Small Businesses, Nonprofits and Venues Act, signed into law by President Trump on Dec. 27, 2020, SBA Administrator Jovita Carranza made the following statement in regards to Section 325:

"Small business is big business in America, and this Administration will continue to extend a lifeline to small business owners during this critical time. Congress charged the SBA with making debt relief payments (principal, interest and fee payments) under Section 1112 of the CARES Act to help borrowers in SBA's 7(a), 504 and Microloan programs; and now SBA is working expeditiously to implement the newly enacted assistance.



"The new law extends SBA debt relief authority, allowing the Administration to continue alleviating adverse economic effects of COVID-19 for small businesses with SBA loans. Since April last year, the SBA has made over \$7.1 billion in payments across 1,819,130 loans on behalf of these borrowers. It's important to note that these firms were also initially able to access capital because of the SBA federal guarantee."

The SBA is determining how much additional debt relief assistance can be provided to SBA borrowers with the newly issued Congressional appropriation. Debt Relief guidance will soon be posted on the SBA website.

#### About the U.S. Small Business Administration

The U.S. Small Business Administration makes the American dream of business ownership a reality. As the only go-to resource and voice for small businesses backed by the strength of the federal government, the SBA empowers entrepreneurs and small business owners with the resources and support they need to start, grow or expand their businesses, or recover from a declared disaster. It delivers services through an extensive network of SBA field offices and partnerships with public and private organizations. To learn more, visit www.sba.gov.

## What's New About Collecting Rent continued from page 8

## Protect Yourself from Partial Payments

Some lessons you don't even know you need to learn until you're suffering from the consequences. Accepting partial payments is one of those lessons. Accepting a small payment from a tenant could cause you trouble down the line should you ever end up in eviction court. If you are using peer-to-peer payment platforms you won't be able to block incoming payments from your tenants- no matter how big or small they are. A landlord-specific payment processor will give you control of what payments you will and won't accept- so

## HAPCO PHILADELPHIA MEMBERS!

Newsletter advertisers underwrite this publication. Please patronize them and tell them you saw their ad in the Rapco Philadelphia Newsletter THANKYOU! that your eviction case is never in jeopardy.

## Enforce your Late Fees

While empathy is certainly an admirable quality, it can come back to bite you later. If you choose to be lenient with your tenants when they've had a rough month, make it clear that this is a one-time exception, and in the future, you will not be able to make late fee concessions. An online rent collection service can help you to enforce your late fees by only allowing the full payment to be accepted, as discussed above.

January 5, 2021, Capplyconnect.com



## Looking Ahead in 2021 continued from page 1

because their tenants, still working, simply refuse to pay their rent. They're living rent-free, hiding behind the City's Emergency Housing Protections laws; laws that when unchecked are easily abused. And unfortunately, the threat of a tenant eventually losing in court six months or a year down the line is hardly a deterrent. Landlords are left with a choice: fight or flight. Some, indeed, are fleeing, looking to sell their properties and leave the city, which doesn't bode well for preserving, expanding, and improving the city's rental housing.

But we at Hapco Philadelphia will keep up the fight in 2021. And with so much at stake, there's a lot we're fighting for. Philadelphia's Eviction Diversion Program has been extended through the end of March. Meanwhile, lawmakers at all levels of government are considering extensions to other tenant protections as well.

But hard work does pay off. Thanks to our state lobbying partners, the Pennsylvania Residential Owners Association (PROA), several bad proposals were blocked in the state legislature in 2020, including bills that would have:

- prohibited landlords from conducting criminal background checks on prospective tenants,
- required courts to seal records of tenants who were previously evicted, and
- imposed limits on the amount landlords can charge for security deposits.

In 2021, PROA will push for the passage of several bills to help landlords, including accelerating the timetable for a landlord to regain possession after an eviction and prohibiting municipalities from passing rent control laws. The latter is something we at HP will watch very closely.

Still, new laws in the City of Philadelphia are taking effect which will cost landlords more money and pose potential health risks in 2021. The new bed bug law, for example, mandates that the landlord is responsible for the cost of remediation in the first year of a lease, even if the tenant caused the problem. And properties in more zip codes across the city will be required to meet new lead paint compliance rules, which City department heads with the authority to do so refused to push back the date of inception, even though the Covid-19 pandemic rages on, unnecessarily putting both residents sheltering in place and inspectors' health at grave risk.

Meanwhile, the City has raised its trash fees on landlords at a most sensitive time given the tenuousness of revenue sources, further amplifying Philadelphia government's tonedeaf posture to the rental property industry. Likewise, they've also reduced the tax abatement program for commercial construc-



Advertising Rates and Information about the HAPCO Monthly Newsletter

Claudia Christian 215.222.2374 cchristian@pressreview.net tion projects, to the long-term detriment of greater Philadelphia's economic health. When compared to other cities whose incentivized development packages have remade urban landscapes and improved their vibrancy, reduced unemployment, increased in-migration and incomes. And (as of this writing, at least), while the Revenue Department has developed a work-out for back business taxes for companies struggling due to Covid-19, is not waiving penalties, interest, or fees for late payments of real estate taxes. In other words, your real estate taxes are still due even if your tenant hasn't paid you in months. Another slap in the face of this critical industry.

So yes, 2021 will keep us on our toes again. But as the COVID-19 vaccines become more widespread, we'll hopefully begin to see a slow return to normalcy later this year. Know that Hapco Philadelphia continues to be at the forefront of information gathering that is critically important to the local and regional real estate marketplace and providing our members with knowledge and insights that drives the industry.



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Current Hapco Philadelphia members with paid-up dues, along with members of their families and employees, are be eligible for special group-rate medical insurance under a choice of programs offered by Blue Cross and Aetna. Rates and options are attractive compared with those for which individuals and owners or operators of small businesses are typically qualified. Further, within the general framework, plans can be custom-tailored to suit individual needs.

Hapco Philadelphia membership renews on a yearly basis every January 1. Persons joining later in the year can enroll in their choice of plans, but must renew annually on or before January 1 to maintain their eligibility.

The plans fall into two major categories:

**UNDER AGE 65:** The basic plans include one from Aetna and two – Keystone and Personal Choice – from Blue Cross. Aetna requires a health questionnaire; premiums vary according to applicant's health, and coverage could be denied for preexisting conditions. Blue Cross honors pre-existing conditions.

**AGE 65 AND OLDER:** The plans for those 65 years of age or older are Aetna's Medicare Advantage programs.

For more information, including detailed descriptions of the alternate plans, options, and to discuss tailoring plans to your specific situation, call Hapco Philadelphia client representative, **Allen Heffler at 215-658-1555.** 

## HAPCO PHILADELPHIA WEBSITE

Hapco Philadelphia has an informative website at www.hapcophiladelphia.com, featuring:

- NEW Fully Integrated Website
- Streamlined forms for landlord & tenant legal actions
- Searchable archive
- Continuous updates of legislative matters
- Updated news & information feeds
- Announcements & calendar events
- PA state level legislative activity & PROA
- Online store (coming soon!)
- Special "ask our lawyer" section (coming soon!)

## Many Landlords Didn't Apply For Rent Relief

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sistance (CERA) program sets conditions and restrictions on rental property owners. It mandates rental property owners waive a third of back rent and not pursue eviction or increase rent during the period of assistance.

Since the pandemic began, researchers found the share of rental property owners experiencing issues with tenant nonpayment has doubled from 25.9% to 51.5%. And that nonpayment has created a financial ripple effect for their landlords.

The survey found that 28.4% of landlords are now having difficulty paying their mortgage, compared to 9.2% prior to the pandemic. 24.3% are struggling with property taxes on their rental properties, up from 14.4%. Repairs and renovations were also affected, as 34.3% of rental property owners indicated having difficulty paying for one or both in their rental properties since the pandemic began. That's up from 23.0% beforehand. The impact of the pandemic on their ability to pay those expenses often determined whether a landlord would apply for rent aid.

Of Philadelphia's 280,000 renters, 8,900 tenants applied for the CERA program during the pandemic. 4,076 got more than \$9 million in rent help.

Smaller landlords tend to be hit harder by the effects of COVID-19 and are more likely to apply for CERA money, according to the study.

The survey also revealed that owners of fewer properties are more likely to forgive back rent and enter into repayment agreements.

Most landlords surveyed viewed the individual requirements of the CERA program as reasonable, but some felt combining them made applying for rent relief untenable.

Several rental owners surveyed found the CERA application process confusing. And some landlords expressed concern about the timeline for receiving money. Many worried the funds would run out before they were approved.

The survey finds that the ongoing eviction moratoria have increased tensions between landlords and the city, as well as between landlords and their tenants. That could also have a bearing on a rental property owner's willingness to apply for rent relief.

A rental property owner's relationship with a tenant was frequently cited as a reason why they did or did not participate. And many of the rental property owners surveyed said communication from their tenants weighed heavily on whether they would apply for rent relief. One told Penn researchers, "Someone who's two months behind but in constant communication and making an effort—I'll have a lot more patience than with someone who hasn't paid me in a few weeks and hasn't called."

Landlords also reported a small minority of tenants who seemed to be exploiting the moratorium by not paying rent, even if they were employed or not experiencing COVIDrelated hardship. This was a common theme among the landlords interviewed, but all acknowledged that it was not the case for the majority of tenants.

While the Penn study found reluctance by some landlords to apply for rent relief, many found other federal money helpful. "The \$1,200 stimulus check and unemployment payments were a huge help...everyone caught up on rent," one landlord said.

And that leads Penn researchers to conclude that current and future pandemic rent relief needs to include not only a direct-to-landlord aid plan for landlords who agree to participate, but aid that goes directly to tenants whose landlords don't participate.

Because many tenants were financially struggling prior to the pandemic, researchers caution that a COVID-19 vaccine should not also be viewed as a cure for the rent payment crisis.

## Letter From HP President Greg Wertman

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continued. What about tenants who breach the terms of their lease? And how about evictions filed prior to the moratorium? Why aren't those tenants with previously issued lockout orders and who aren't legitimately affect by COVID-19 being evicted?

They feel the eviction and lockout moratorium should follow the CDC guideline of 30% or more loss of income due to COVID.

Tenants aren't paying rent because there are no consequences. These people have had a free ride at the landlords' expense.

Since March of 2020, lockouts have continually been pushed back; now until January 31, 2021, with state lawmakers considering an eviction moratorium until June. That means there will be tenants who haven't paid rent in over a year.

How are landlords, especially those with just a few units, supposed to pay for upkeep, maintenance, mortgages, utilities, etc?

Let's not forget that most small landlords file a 1099 form, which disqualifies them from getting any PPP money.

Remember who was standing with Gov. Wolf when he announced the eviction moratorium, and he had the landlords on board the president of the apartment association. That's who got the PPP money.

And if that weren't enough to upset landlords, the city enacted a lead inspection law, bed bug regulations, and increased the refuse collection fee from \$300 to \$500, a 67% increase!

All despite state and city lockdowns, the closing of non-essential businesses, repeatedly asking employers to allow employees to work from home and avoid co-mingling outside the family unit.

In order to comply with the lead paint laws, landlords are having to hire inspectors who must enter rental units to test for lead paint. That puts landlords, inspectors, and tenants at risk. And many tenants refuse to let lead inspectors enter their units, which is understandable.

But without a lead paint certification, landlords can't get or renew their rental licenses.

Many landlords want to know when this nightmare will end. Unfortunately, not any-





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time soon, according to

many housing experts.

New chapters have

vet to be written. How

many tenants will

eventually pay up? Will

there be monetary com-

pensation for lost rent? Will

the "mom and pop" landlords ever

see PPP money? And how will our elected

leaders address these landlord injustices to

ensure they never happen again?



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Edited by Robert Christian

## Some recent traffic on Hapco's Online Forum:

Names have been withheld to protect the innocent. Responses reflect the views of the Forum respondents and not necessarily those of Hapco Philadelphia.

## REGARDING HAPCO PHILADELPHIA EVICTION PROCESS

Solution Post: The eviction moratorium has a clause to file a petition to show cause. I've called/emailed Hapco and Baritiz Law about how to file this petition. I've been left out in the dark.

I called the courts. There is a way. Why I've been stonewalled by HAPCO and BARTIZ on this infuriates me. I've now contacted the courts directly and will be filing without them.

**Response:** We also had a very bad experience w/Baritz over a year ago, when we attempted to evict a tenant. We would never use him again!

When they first came on board I had them start an eviction but they did not alert me or even copy me on important documents sent to the tenant, thereby setting up an adversarial encounter that was not conducive to getting paid what was owed. It seemed I was on to some kind of auto-pilot mechanism, I had them back off and dealt with the tenants directly.

It's just one story after the next about Baritz. I have been trying to understand how they are determining "hardship" when making payment agreements with my tenants who I do not believe are suffering any hardship. I wanted to understand the parameters for defining hardship. Because, understand, if they are claiming hardship, then landlords lose out on late fees and legal fees.

I sent multiple emails to multiple people at Baritz and was summarily ignored. This morning, I called and was treated like a common criminal by both the receptionist and the paralegal simply because I was demanding an answer to a pretty fair question. I was accused of "sending mean emails" and "calling the office and waiting on hold" - horrors! Apparently these snowflakes can't even be professional to PAYING CLIENTS.

HAPCO - why not find a new law firm? If so many of your members have had these experiences with Baritz, why continue to use them? Unless there's something in it for HAPCO that we don't know about?

The Baritz Law team has represented me many times in Landlord tenant court and they do an excellent job. They should not be called out on this forum and deserve absolute respect for the fine work they do, at a very reasonable cost to HAPCO members.

I also have had good experiences with the firm. As I have written here previously, they also garnish wages and I find that helpful too.

### Hello All:

Over my years as a landlord and property manager in West Phila. I have filed over 100 evictions. I have also been on the Board of HAPCO on 2 separate occasions. 90 % of my evictions have been done by HAPCO's sponsored eviction lawyers. Nothing is perfect but Baritz is good and less expensive than others because they have numbers (scale). And YES, HAPCO makes money on the eviction process. Realize HAPCO is a non-profit organization. Nobody is getting rich. The biggest reason why people become HAPCO members is because evictions are the most significant part of HAPCO as believed by the majority of members. I understand your frustration with the eviction process, the judges, the tenants, Baritz and HAPCO. It seems the whole thing is unfair.

If you wish to do it yourself, be my guest... What is worth your time, what is worth your money, what is worth your passion? ...It's not simple to eradicate indifference, poverty, government bureaucracy...The politics of Philadelphia make it very difficult to succeed. Yet there are many landlords out there. Either they cope and survive and profit or they bitch and moan and cry, Unfair! Landlords wanting to get out of the business sell it to other Don Quixotes. And the circle goes around and round.

Email Baritz and politely ask questions about your case or procedures. Remember, they know the procedures, the judges, the reality of the situation. You merely aspire to get a favorable outcome...

## BEST RATES FOR CASH OUT REFINANCE ON INVESTMENT PROPERTIES

Solution Post: Good afternoon, who is giving the best rates for cash out refinance on investment properties? Does anybody know going rates?

**Response:** [I use] MBFS which services 4-5 local credit unions. I am about to finish 2 refis and rates I am getting are 4.0 and 4.25% depending on the institution. Otherwise if you try the other local credit unions

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like PFCU or Trumark they should be able to accomodate you. Also many of the small local banks are doing this too.

## COUNCILMAN THOMAS WOULD LIKE TO HOST A ZOOM MEETING FOR HAPCO PHILADELPHIA MEMBERS

Solution Post: Has anyone else received this email from the Councilman?

First and foremost, I hope you and your family are in good health during these difficult times.

As a member of Councilman Thomas's policy team, the Councilman has asked I reach out to you regarding your concerns pertaining to the unfortunate situation Landlords are facing during the COVID-19 pandemic.

It is a priority to Councilman Thomas and City Council to ensure that we are protecting not just our city's most vulnerable, but every

working family during these unprecedented times. Councilman Thomas and our team have been engaging stakeholders, including landlords, tenants, small business owners, as well as entitles such as the Pennsylvania Apartment Association. While Councilman Thomas do support the Eviction Moratorium, he has also pushed for the expansion of rent subsidies to put money into the hands of hardworking landlords, like yourself.

Councilman Thomas is aware of the sacrifice and challenges landlords throughout Philly have had to endure. With this in mind, Councilman Thomas signed onto a letter circulated to financial institutions with a physical presence in the city to encourage creative workarounds and generous terms with landlords during this time. We know this is not a solution, but please be assured that your challenges absolutely something Councilman Thomas is absolutely aware, and our team is looking into potential ways to assist the landlords of our city.

Lastly, I have included our Legislative Director. He and I would welcome the opportunity to meet with you on a Zoom call to discuss ways City Council could be better supportive of you and the landlords throughout Philly. If this is something you would be interested in, please send along some dates and times which work best for you.

I hope to have the opportunity to work with you.

#### Best, Jackie Golden

Constituent Services Coordinator Office of Council Member Isaiah Thomas Philadelphia City Council, At-Large City Hall Room 330, Philadelphia, PA 19107

**Response:** Several replies as follows: Yes, I got the exact same letter about a zoom call. Asked them to set up a date so many of us can get on it.

## **Reasons to JOIN Hapco Philadelphia**

apco Philadelphia is the pre-eminent rental real estate industry trade group in the Philadelphia region.

Hapco Philadelphia (HP) was established in 1954 to represent the collective interests and municipal concerns of owners of rental properties in the City of Philadelphia. Now with nearly 2,000 members, its owners/managers control over 20,000 low- and moderate- and market-rate rental units, including single-family and multifamily properties throughout the Philadelphia.

The Hapco Philadelphia board is an all-volunteer 401C-4, Not-For-Profit organization, comprised of entrepreneurs, teachers, police, lawyers, architects, and who helm firms ranging from start-ups to mom-and-pops, and old-line multi-generational firms.

HP advocates for an improved business environment, fair and reasonable laws, rules and regulations that protect the health and safety of tenants and at the same time enable landlords to operate in a free, fair, and open marketplace.

## — hapco@hapcophiladelphia.com —

### **FEATURES & BENEFITS OF MEMBERSHIP:**

- NEW Fully Integrated Website
  - Streamlined forms for landlord & tenant legal actions
  - · Searchable archive
  - Continuous updates of legislative matters
  - Updated news & information feeds
  - Announcements & calendar events
  - PA state level legislative activity & PROA
  - Online store (coming soon!)
  - Special "ask our lawyer" section (coming soon!)
- Exclusive members-only online Forum
- Facebook and LinkedIn platforms, & YouTube channel
- Online monthly newsletter, including news, trends, & editorials

- Educational series, lectures & roundtables
- Affordable, Tax deductible membership dues
- General Membership Seminars featuring guest speakers from the local business community, building, industry, and elected officials
- HP-PAC to support our various interests and causes on behalf of its members
- Exclusive members-only discount at major retailers, including Home Depot and Sherwin-Williams
- Affordable, tax-deductible membership dues make joining a snap!
- Get involved! Exciting opportunities to make a difference by joining Hapco Philadelphia's wide array of committees.
- Meet-and-Greets!

### Join Hapco Philadelphia NOW!



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## Nobody Wants to Evict a Tenant

HapcoPhiladelphia and its members appreciate and value their tenants and the symbiotic relationship they share. Unfortunately, sometimes that relationship breaks down, with the necessity of court intervention in order to reclaim your property. Eviction is likely a last resort.

Everyone knows that going to court is timeconsuming and expensive; HapcoPhiladelphia membership benefits include access to our one-stop solution to Philadelphia Municipal Court. Exclusive members-only fee structure provides top legal professionals who will guide and advise you on how the process works, from paperwork origination, mediation, settlement negotiation and, if necessary, actual eviction and lock-change, so you are comfortable knowing your rights as a property owner are known and respected.

## Professional Services Fee Schedule

## Pre-Step (mediation) ...... \$250

### Step-By-Btep Method

- Municipal Court Hearing...... \$230
- Writ of Possession.....\$165
- Alias Writ (actual eviction)......\$95
- Reschedule Eviction For Landlord/Tenant Officer ......\$45
- Petition Hearing.....\$150 if tenant should file a petition
- All-In-One-Package..........\$445.00

To join HapcoPhiladelphia and for more information, or to register visit at HapcoPhiladelphia.com

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