

The Backus Bulletin

"Your Management, Your Way"

Child Safety in Investment Property

July 2017

Some property owners would like to avoid renting to tenants with children because they feel this can lead to more damage and additional expense when it comes to safety. However, the Fair Housing Act prohibits discrimination of familial status.

There are exceptions such as properties that qualify under the senior housing exemption but exceptions are few. Discriminating against children and violating Fair Housing is definitely *not* the solution for any investor to avoid child safety.

In addition, the URLTA (Uniform Residential Landlord Tenant Act of 1972) *requires* that property owners provide habitability in rental property and that includes safety. While it is true that parents should provide supervision and responsibility, property owners are still ultimately responsible for providing a safe environment for all residents, *including children*. There have been many court rulings in the millions against property owners who fail in this critical area.

Here are key steps for investors to take to provide child safety in properties.

- *Property owners should abide by any legislation or guideline that specifically targets child safety.* Two examples of this are lead-based paint and asbestos. Lead-based paint applies to properties built prior to 1978. When children inhale either lead-based paint dust or asbestos fibers, it can

lead to significant health problems. Dangerous levels of either toxin can make any rental unlivable and usually constitutes a violation of the implied warranty of habitability. There are many federal and state laws for lead-based paint and asbestos, as well as for other safety issues.

- *Property owners and managers should always take safety complaints from tenants seriously.* Mold problems can lead to asthma for some individuals. Pests, such as insects and rodents, may trigger asthma and severe allergies. Structural issues such as loose handrails and stairs may lead to falls and injury. If there is a problem, property owners should act quickly to avoid extreme financial risk and demonstrate their commitment to provide safe housing in the event of legal action.
- *There should be a review of any rental property for child safety.* If an inspection reveals a problem, take action. By making practical expenditures, investors can often avoid high risk. For example, replace blinds with long cords that could easily choke a child. In California, a four-year old child died from choking on long blind cord in a rental. The tenant sued and the court ruled against the property owner. If the property owner had replaced the older window covering with a safer one, it would have avoided the tragedy, the suit, and a settlement that awarded over \$10 million dollars to the tenant. A preventative approach is always the best measure.

Below are specific examples of steps geared to prevent liability for children.

Rental units vary and could require additional measures.

- Provide working smoke and carbon monoxide detectors
- Ensure all doors, handles, and locks are working properly
- Ensure all windows and doors can lock and unlock safely
- Provide window screens with child safety latches
- Supply safe window coverings and remove coverings with very long cords that can loop
- Keep electrical, plumbing, heating, ventilating, and air-conditioning systems operating safely

(Continued on pg. 2)



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WHAT CAN WE DO TO MAKE OWNING A RENTAL PROPERTY EASIER FOR YOU?

We won't know unless you tell us! Don't forget we have an "Eviction Protection" plan for \$20.00 per month that covers the \$1,000-\$1500 attorney fees if you have to evict a tenant. We also have "Rent Protection" at 2% additional management fee that means we will pay the rent if the tenant does not pay on time or not at all. Call or email our office: info@backuspm.com or 831-455-2052.

THINKING OF BUYING OR SELLING?

If you are thinking of buying or selling, we can assist you. We specialize in residential and multi-residential units and are experienced in conventional sales, purchases as well as short sales. Just call and ask for Bill and we will help you with your Real Estate needs. There is no obligation. Check out your property value today!

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- Provide electrical outlet covers throughout the property
- Fix all leaks and plumbing problems to avoid moisture and mold Install non-slip strips in the shower and bathtub
- Protect children from scalding by adjusting the water heater so that it is 120 degrees, or below
- Provide proper trash receptacles and arrange for trash pick-up
- Exterminate infestations of rodents, pests, and other vermin
- Install child-proof latches in storage areas
- Secure all bannisters and railings

As your property management company, we know that safety for children is an important issue and *that taking preventative measures is the most practical solution to protect your investment.*