



**BROKER/OWNER**  
*Conference & Expo*

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Hyatt Regency  
Hill Country  
San Antonio, TX

Lowdown on the Legal Landscape for Property Managers: Legislation, Liability and Litigation

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It's the Wild West out there...



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INC. TX FIRM

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It's the Wild West out there...



principles of honesty, 2. the state undivided

**legislation**  
noun 1. the act of  
2. a law or a body  
the process of m

LITIGATION

Liability

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## Legal Landscape-Legislation



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## Legal Landscape-Legislation

- Change to Lead Renovation, Repair, and Painting (RRP) rule for EPA Lead Based Paint.
- The RRP rule establishes training, certification, information distribution, and work practice requirements for firms who “perform, offer, or claim to perform” renovations, repair, and painting projects that disturb lead-based paint in homes...built before 1978.

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## Legal Landscape-Legislation

- EPA FAQ in 2018-Says PMC does not need to have certification.

Legal Landscape-Legislation

and for 5 years

Information Center (ENR)

your state EPA

- EPA changes it mind and says yes, PMC needs to be certified.
- EPA plans to hold both the PMCs and the contractors they hire responsible for compliance both entities performed or offered to perform renovations

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**Legal Landscape-Legislation**

- Certifications good for 5 years
- National Lead Information Center (NLIC)
- www.epa.gov or your state EPD




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**Legal Landscape-Legislation**

- Who CARES? Do you need to....maybe....
- Did the 30-day notice of eviction on covered properties HUD, USDA, FHA, Fannie Mae, and Freddie Mac sunset with the CARES Act?
- Consult your Attorney




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**Legal Landscape-Legislation**

- Choice in Affordable Housing Act (S. 1820/H.R. 6880)
- Bi-partisan support
- Incentivizes participation in the rental housing industry in the Section 8 Housing Choice Voucher program.
- Contains provisions to speed up tenancy approval processes, reduce duplicative inspections requirements and provide better ongoing support for housing providers.




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## Legal Landscape-Legislation

- Curate-NARPM Legislative Tracking Software
- Find it under Member/Legislative Resources
- Tyler Craddock and Troy Garrett!!



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## Legal Landscape-Legislation

- Short Term Rental Under Attack
- Manufactured Home Leasing Reform
- Growth Moratoriums
- Tenant Advocacy Groups



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## Legal Landscape-Litigation



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**Legal Landscape-Litigation**

- Mold Claims-Tenant Negligence Claims-Eviction Counterclaims
- Fair Housing Claims-Disability-Familial Status-Race
- Claims from Owners-Tenant Screening-Commission Claims

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**Legal Landscape-Litigation**

- Mold Claims-Tenant Negligence Claims-Eviction Counterclaims
- When in doubt, move them out
- Testing
- "The Mold Attorneys"

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**Legal Landscape-Litigation**

- Fair Housing Claims-Disability-Familial Status-Race
  - Non-visible Disabilities
  - Reasonable Accommodations
  - Neutral Tenant Onboarding
  - Conciliation

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## Legal Landscape-Litigation

- Claims from Owners-Tenant Screening-Commission Claims
  - Examples
  - Good Documents are Key



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## Legal Landscape-Liability



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## Legal Landscape-Liability

- What's your role? "Big A" vs. "Little a" PM
- Tight Documents-Exculpatory Language-Limits on Liability
- Train and Educate-A LOT-All Staff-VAs



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