

SOME OF ORHA FORMS CHANGED... BUT WHAT ABOUT THE ONES I STILL HAVE?

Some of the ORHA forms changed. Some of that is driven by changes in the law, mostly effective Jan. 1, 2010; but some is driven simply to make the forms more usable. In most cases, you can still use forms currently in your inventory, but you will have to be careful in a few instances. I won't comment here on forms preceding 2007; refer to the Forms Manual for those.

Form #2, #2A: You can still use the month-to-month lease forms, but don't put anything in the "fees" column, because none of these fees are allowed after 2009. Also, don't put anything on the "Delivery of Notice" fee because that also won't be allowed. Remember to put not more than \$25 on the Returned Check Charge line. You are required to disclose if the rental unit is located in a 100-year flood plain. If it isn't, you don't have to disclose anything. If it is, you need to say so. You could write "The dwelling unit is located in a 100-year flood plain" somewhere on the form. Certain provisions in the fine print, particularly those imposing noncompliance fees, on the back won't be enforceable, but as long as you don't try to charge them, there is no harm in them being on the form. The biggest drawback to using the older forms will be that you won't be able to use the new carpet-cleaning rule unless you want to take the wording off the new form and put it in an addendum. Easier, I suggest, to buy the new forms.

Form #2B: You can use the Fixed-Term Lease form, as well, subject to all the cautions in the previous paragraph. In addition, you cannot charge a lease buyout fee in excess of 1.5 times rent and, if you use the old form, you won't be able to take advantage of the ability to charge actual damages in lieu of the buyout fee where that makes sense.

Form #3: You can use the Pet Agreement form after 2009, but you are not allowed to charge a pet fee, so don't fill in anything on the "Additional Fee for Keeping Pet(s)" line.

Form #5: This form, for a no-cause termination notice is fine, but the instructions on it are not. If your tenants have occupied the dwelling for over a year, the minimum time on the notice has to be 60 days, not 30 days. You can use the older form, just don't put a vacate date on it that is sooner than 60 days away—and be sure to add the three days for mailing. If you intend to tell the tenant in writing why you are terminating the tenancy, there is some more required wording so don't use an older form..

Form #25: The Abandoned Property form is changing but the current one is fine. Just don't use either one if the property is abandoned because a tenant who lives alone dies.

Form #30: The Deposit to Hold form is changing because of new law that requires a landlord, before accepting money from a tenant or applicant, to disclose fees as well as rent and deposits that will be charged. You can make those disclosures—and use the current form—if you attach to Form #30 a copy of the lease or rental agreement you will be using, filled out with the pertinent information. My process is to fill it out entirely; after all, you have to do that eventually anyway.