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**APARTMENT
JOURNAL**

April 2010 Volume 39 Number 4

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(see page 17)*

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Official California Apartment Journal

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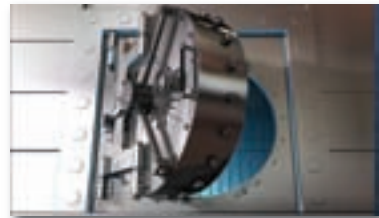


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May 20, 2010**

**2 CEUS
for CAM & CHPP**

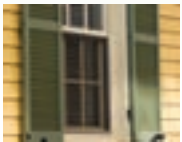
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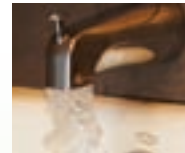
Pest control is tough in apartments. Who is responsible for bed bugs, ant infestations and cockroaches?

What are your pool responsibilities when it comes to chlorination, pool gates and the Virginia Baker rules?



Screens are required by law but how do you keep residents from taking them down? What is the best type to use?

With water shortages projected for several years, how can you increase conservation and decrease costs?



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LEGAL CORNER

Q&A

By Stephen C. Duringer




Don't
let
government
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down!

Q: *Seems like every time I turn around, there is another state or federal program threatening to fine me into poverty in the event I don't comply with some new requirement. The most recent seems to be this EPA rule regarding renovation, repair and painting. I'm an owner of a fourplex, built in 1968. What does a guy like me have to do to stay solvent and out of jail?*

A: The latest iteration of the EPA's 2008 implementation of the Lead Safe Practices legislation requires that after April 22, 2010, property owners who renovate, repair or prepare surfaces for painting in pre-1978 housing or space rented by child care facilities must be certified and follow lead safe work practices required by the EPA's Renovation, Repair and Remodeling rule. There is a form involved, training, and, of course, a fee, and, yes, penalties for non-compliance are severe. Not all housing built prior to 1978 contain lead. In fact only 24% of homes built between 1960 and 1978 contain lead, 69% of homes built between 1940 and 1960, and 87% of homes built prior to 1940. The lead safe maintenance practices are required unless your property has been tested and certified to be lead free. For many owners, it may be less burdensome and more cost effective to hire a certified inspector or risk assessor to determine if the property has lead or lead hazards. After April 22, 2010, ensure that your contractors are certified in lead safe practices and follow the lead safe procedures. Expect to pay a little more for prep, performance of any repairs, and clean up. As any disturbance of six square feet of interior space, 20 feet of exterior space, will invoke the practices' requirements, it will be an issue that all owners and contractors must be very familiar with. You can get complete information at www.epa.gov/lead/pubs/renovation.

Q: *I just opened my mail and saw a letter from the Department of Fair Employment and Housing. I slowly opened it, and saw it was a complaint from one of my residents. I*

have the urge to call them and give them a piece of my mind—how dare they waste my time and tax money sanctioning this drivel—but thought better about it. What is the best way to respond? They are asking for literally hundreds of documents relating to each and every one of my properties and going back many years, do I need to provide it?

A: No, not necessarily. The initial DFEH complaint form is pretty daunting and can be intimidating. Although you can handle it yourself, it is certainly not advisable. Contact an attorney who is experienced in responding to DFEH complaints, not one who wants to "be experienced." Your attorney will request that you prepare a summary response to bring him up to speed. Include the rental agreement and other documents that relate to the claim. The attorney will prepare the initial reply focusing only on the specific act that is alleged to violate fair housing rules, and should not allow the investigator to go on a "fishing expedition" through all of your paperwork for all of your properties. By focusing the response and directing the dialog, the response can be handled in an economical manner. Be candid with your attorney; if you made a mistake, better to recognize it early and resolve it. If you didn't, then by all means oppose the claim with vigor. Don't expect a quick resolution; DFEH complaints can drag on for over 12 months, and investigators routinely get reassigned through the process. The good news is over 98% of DFEH matters that we handle get resolved with findings of "no violation" or "no evidence to support a claim of discrimination." 

The foregoing is presented in a general nature to address general legal issues. Specific inquiries regarding a particular situation should be addressed to your attorney. The Duringer Law Group, PLC may be reached at 714-279-1100 or 800-829-6994 or 877-387-4643. Visit our website at www.DuringerLaw.com



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Register your maintenance employees for the **Certificate for Apartment Maintenance Technicians (CAMT)** training courses. This program is sponsored by the National Apartment Association Education Institute and the Apartment Association, California Southern Cities.

When: Select Tuesdays, June through August 2010, from 8:30 a.m. to 5:00 p.m.

Who should attend:

- All members of your maintenance team.
- To earn the CAMT certificate, participants must have at least one year of apartment maintenance experience prior to declaring candidacy for CAMT.

Course Price:

- \$800 for the entire CAMT program or
- \$110 per individual class

Instructor:

Pablo Paz, CAMT, a bilingual instructor with more than 20 years of apartment maintenance experience and four years experience conducting maintenance training for a national apartment company.

To register, contact Kim McCrossen at 703/518-6141, ext. 121 or kimberlymccrossen@naahq.org.

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July 13, 2010

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July 27, 2010

Heating/Air Conditioning and Repair (Part 1)

August 3, 2010

Heating/Air Conditioning and Repair (Part 2)

August 24, 2010

Appliance Maintenance and Repair (Part 1)

August 31, 2010

Appliance Maintenance and Repair (Part 2)

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REGISTRATION FORM ON NEXT PAGE

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Sign me up for:

June 1, 2010
Interior & Exterior Maintenance Repair

June 29, 2010
Electrical Maintenance and Repair

July 6, 2010
Plumbing Maintenance and Repair (Part 1)

July 13, 2010
Plumbing Maintenance and Repair (Part 2)

July 27, 2010
Heating/Air Conditioning and Repair (Part 1)

August 3, 2010
Heating/Air Conditioning and Repair (Part 2)

August 24, 2010
Appliance Maintenance and Repair (Part 1)

August 31, 2010
Appliance Maintenance and Repair (Part 2)

The price is \$800 for the entire CAMT program or \$110 per individual class.

All training will be held 8:30 a.m. to 5:00 p.m. at the Apartment Association, California Southern Cities Headquarters, located at 333 West Broadway, Suite 101, Long Beach, CA 90802

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Absolutely no refunds will be issued. If for any reason you cannot attend the course, you or your company may send someone in your place. If you choose to drop the class and cannot replace your seat, you may receive a credit towards another National Training course.

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Lobbyist Ron Kingston Works a Barrage of Landlord/Tenant Bills

2010 heralded the largest number of landlord/tenant bills ever in Sacramento. More than 50 bills were introduced and another 13 dealing just with water were presented.

Our lobbyist Ron Kingston and your Board of Directors have been hard at work developing strategies to defeat the overregulation promised by these bills. Ron has met with senators, assemblymembers, chiefs of staff, housing officials and staffers in the Governor's horseshoe. His work has been intense as he has crafted amendments to protect YOUR interests. He has joined AACSC with appropriate coalitions to leverage our strength of position. Some of his successes follow.

AB 1975 (Fong), would have required owners to have separate water meters for each unit every time a new water service was established. We objected to this and the author accepted our

language that would require ONLY NEWLY constructed units to have separate sub meters for multi family developments. We also were successful in making sure that the owners could have sub meters and NOT separate meters. The cost of sub meter installation is generally \$125 vs. \$2,000 to \$3,000 per unit for separate meters.

However, the bill was amended last week to prohibit a landlord from charging a late fee due to the non-payment of a water bill unless 19 days has lapsed AND the landlord can only charge a maximum of \$4 per water bill for the incidental processing charge of preparing a water bill. Those two amendments are adverse to the interests of landlords and they have tentatively agreed to strike those amendments from the bill. AACSC and AAOC were the only ones that opposed the bill.

continued on page 45

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Its ships plowed the Atlantic, with such names as the *Mauretania*, *Queen Mary* and *Queen Elizabeth*. In 1939, at the request of the British Government, Cunard merged with its long-term famous rival White Star Line becoming just the Cunard Line in 1950. Many would not guess Cunard operated 12 ships by the end of the '50s and that Winston Churchill believed the help provided by the *Queen Elizabeth* and *Queen Mary* shortened World War II by as much as two years.

This July, AACSC members have the chance to sail the legend, to walk in the footsteps of the great liners. Get aboard Cunard's newest jewel, the *Queen Victoria*, as our Seminar-at-Sea program embarks on a 13-night British Isles adventure. The trip starts with three nights in London and culminates with a 10-night Circle-the-British-Isles Cruise. This voyage is history itself as the ship visits a total of six ports in Ireland, Scotland and England for the first time.

Queen Victoria is British from bow to stern with touches of a bygone era. There's the Royal Arcade, with gas lamp lights, wrought iron railings and a grand station clock. The Golden Lion pub has red leather seats, small cozy areas and windows you would swear look out onto a bustling London street. Grand public areas abound, like the Royal Court Theater with its private boxes, or the Queens Room Ballroom, two stories tall with the feeling of an elegant hotel ballroom from a different time.



One of the reasons we chose *Queen Victoria* for this first-ever summer adventure is that we want everyone to feel that they are in the British Isles whether on ship or off.

We will spend three nights in the heart of London before boarding *Queen Victoria* in Southampton. As they say in Great Britain, our home away from home will be the stunning Renaissance Chancery Court. This grand hotel, built in 1914, is a wonderful example of preserved architecture, now serving as one of London's best 5-Star hotels. Voted in 2009 onto *Conde Nast's* Gold List as one of the best places to stay in the city, the Chancery Court, set between the Covent Garden and the West End, is a perfect setting for exploration of this world-class city.

Once aboard *Queen Victoria*, we will spend day after day in some of the most idyllic ports of call as we trace the coast northward exploring the best of the British Isles. We will visit wonderful ports in both Northern and Southern Ireland, such as Belfast, Cork and Dublin. We will journey across the channel for a day stop in France, and visit the magical village of Cherbourg, this also being the chance to visit the beaches of Normandy and connect with the history of World War II.

The *Queen Victoria* will stop at the city of Glasgow, on the West Coast of Scotland, before cresting the top of the island and working her way south to the incredible city of Edinburgh. Altogether it's seven ports in 10 days with a couple of days at sea mixed in for good measure.

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**AACSC
President
Todd Brisco,
Esq. will
present the
Seminar-at-
Sea for this
fabulous
cruise. All
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join us!**



Dear MAINTENANCE MEN



By Jerry L'Ecuyer and Frank Alvarez

Call AACSC for a list of upcoming certification classes offered at the Association. Classes are available in English and Spanish.

Dear Maintenance Men will be addressing a number of lead paint questions we feel are important, generated by the EPA's changes in the lead safety laws going into effect April 2010. These questions and answers are in no way definitive and only really scratch the surface of this issue. For more info on EPA Lead Safe regulations and how to limit your exposure to lead dust and liability, please go to the EPA web site: www.EPA.gov/lead

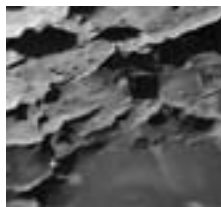
Dear Maintenance Men:

I heard there are new changes in the lead paint exposure laws. As an apartment owner, how does this affect me?

Bill

Dear Bill:

Beginning April 2010 new rules from the Environmental Protection Agency (EPA) will go into effect for anyone performing work for compensation that disturbs lead based paint in an apartment, home, child-care facilities and schools built before 1978. The person performing the work must be EPA certified and follow specific work practices to prevent lead contamination. They must also provide a Renovate Right pamphlet to the residents or the manager before the job begins. The reason the new rules will affect every apartment owner is because the EPA now **assumes every building has lead paint**. The old rule was essentially "Don't Test, Don't Know". This is no longer the case. Since all buildings are now assumed to have lead paint, you as an owner or manager must comply with the new lead safe procedures. This can be accomplished by becoming EPA certified yourself, certifying your employees, or hiring an EPA certified contractor to do your work. The only way to opt out of the new rules is to



either have a building newer than 1978, have your building tested and get a certificate stating your building is lead free or you do your own work on your building for no compensation.

Dear Maintenance Men:

I want to test my building for lead and try to avoid these costly EPA rules. Can I use a simple lead paint test found at my local hardware store?

Joan

Dear Joan:

The EPA is currently evaluating a number of test kits, but you must be an EPA **Certified Renovator** to perform the testing. At this time, we are not aware of any off the shelf EPA approved DIY test kits. We would recommend you contact a testing laboratory in your area. There are two ways to perform the test: one is to scrape and cut out spots for testing and the other is in the use an x-ray fluorescence (XRF) machine. The XRF machine is a non-invasive testing method. We are familiar with the following testing companies if your building is in the Southern California area; **American Environmental Specialists, Inc.** (www.AESHB.com) and **Masek Consulting Services, Inc.** (www.MasekConsulting.net). Or call your local apartment association for lead testing companies in your area.



Dear Maintenance Men:

Regarding these new EPA rules, I understand as a private owner doing my own work, I am exempt, but I still want to be in compliance. How do I set up a safe work site when I do painting, drywall work or anything else that might create dust?

Steve

continued on page 46

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Should Government Impose Retrofit Requirements on Existing Buildings?

By Ron Kingston and Jon Smock

Whether you like it or not, government will continue to mandate that property owners install new or replace existing improvements to real property.

Penalties for failure to comply with the endless stream of government requirements can be expensive... so expensive that the fines may cost up to \$37,500 per day.

Proponents claim the costs to retrofit are nominal and beneficial. You decide after you read this article.

Smart meters for gas and electrical utilities will or have been installed in many communities. The meters provide real-time use and cost information to customers, so they can voluntarily change the amount and time the utility is used. Smart meters also immediately inform a utility if service is interrupted by a storm or other reason, which may be helpful to quickly restore service.

Are we ready for Smart Meters, however?

- Utility companies claim that we are not paying for the labor and material cost of each installation. Actually, the cost of the meters is included in base utility rates or, in some limited cases, the federal government subsidizes the cost.
- Utility companies set the “incentives” to conserve. They will set the utility rates and pricing structure for each of the time zones.
- Many appliances are not set up to work with Smart Meters. Washing machines and clothes dryers do not have time delay devices, and most of us will not set our alarm clocks to rise during the middle of the night to wash and dry clothes.
- Lower income households do not have disposable income to pay for new, efficient, and expensive appliances such as air conditioners and refrigerators.



**Retrofit
mandates
are
coming.
Are you
ready?**

- Some people and businesses depend heavily on energy usage regardless of time. Senior citizens and the medically dependent may not be able to adjust their energy usage. Landlords will not be able to regulate the hours tenants want to wash and dry clothes nor charge different rates depending on the day and time tenants use laundry rooms.

Recently, a new state law was approved that will require every residential, commercial, and industrial property built prior to January 1, 1994 to replace every interior faucet, toilet, urinal, and showerhead to meet new water efficiency standards. For the most part, compliance deadlines are as follows:

- Single-family homes by January 1, 2017.
- Multi-family homes by January 1, 2019.
- Commercial properties by January 1, 2019.

Are you financially prepared to remove and replace every plumbing fixture?

- Proponents claim that 1.6-gallon water efficient toilets are plentiful and inexpensive. Technically, only 1.2-gallon toilets may be sold in California. The issue, however, is the cost of replacing toilets. The most important piece of advice is to refrain from purchasing an \$85 toilet unless you want to “service” the fixture. If you want a serviceable toilet, plan on

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Should Government Impose Retrofit... *continued from page 20*

spending at least \$185 per unit plus the cost of installation. Many times the cost of installation may be expensive, because new water supply lines and water hook-up requirements will change. There is a high likelihood new flooring may be required, because the new toilet footprint will not match.

- Water conservationists will argue that 2.2-gallon per minute faucets are inexpensive as well. Granted, you may spend as little as \$40 for a kitchen faucet and \$60 for a bathroom faucet. Repair frequency and part availability should be seriously considered when replacing these fixtures. As a consequence, initial costs per fixture will quickly rise. Also, faucet fixture layout may influence your purchase decision. Expect to replace water supply lines and more for each replacement faucet.
- 2.5-gallon per minute showerheads may be the least expensive and easiest to remove and replace. Costs per showerhead start at \$100.
- Because the total cost will exceed the jurisdiction of a handyman, property owners should plan on hiring a licensed plumber or doing the work themselves!
- For residential landlords that have two-bedroom, one and a half bath units, they can expect to realistically pay approximately \$1,000 per unit. Costs will sharply rise if flooring is replaced or water lines are broken during installation.
- For single-family homeowners, the costs should be higher than residential rental units, because owners are not purchasing at volume discount rates and they may be more particular when selecting fixtures.
- For commercial property owners, the costs will be much higher because fixtures and labor costs are more expensive.

The legislature is expected to send to the Governor a bill that will require all residential structures to install carbon monoxide detectors if they have fossil fuel heaters, appliances, fireplaces, or attached garages. Single-family homeowners will have just six months to install the devices (July 1, 2011), and multi-family owners will have two-years to install the CO devices (January 1, 2013). Here are the issues to consider when purchasing the devices:

- Cost of ownership per dwelling unit will be a minimum of \$25 per device.
- For multi-story dwellings, the cost will be higher.

- Be careful purchasing smoke detector and CO device combination units however, because of code installation requirements.
- CO devices must be replaced every seven years, which may be a legal quagmire for sellers and real estate agents of residential property because no one will easily track the month and year the device must be replaced.
- When purchasing the device look at the expiration date. Devices that have been on the retailer's shelf for a long period of time should be avoided.

There are local government requirements as well. Those requirements are triggered by a periodic inspection, point in time, type of building, or unique location. Inspections are usually conducted at the time of sale, re-rental, or periodically and are tied to mandatory "code compliance" issues.

There are other "upgrades" required by communities such as earthquake bracing of "soft story" structures or burglar bar installations. In those specific cases, the local government can require compliance with a specific code and only periodically. For example, earthquake bracing of "soft story" buildings can only be updated once every 15 years, not every time the code changes.

Replacement of certain products such as air conditioners requires inspection and certification of air duct delivery. While this is a laudable goal, it can be very expensive to inspect and correct air duct problems. Thus property owners, particularly landlords, have a built-in disincentive to upgrade air conditioning systems.


Many real estate experts have become very familiar with smoke detector upgrades, automatic garage door requirements, water heater bracing and strapping needs, and much more.

In summary, this is what we should expect:

- Property owners will pay for the costs of retrofit because:
 - Government cannot subsidize the costs any longer;
 - Shortage of new electrical and gas supplies;
 - Limited or nonexistent governmental financial resources;
 - Rising population growth.
- Technology will be integrated. Smart Meters

must work with other devices such as washing machines and clothes dryers.

- Real estate agents will become “de facto retrofit police,” because sellers and buyers will turn to agents regarding these requirements.
- Real estate agents will become increasingly familiar with the federal, state, and local government requirements in order to facilitate a sale or lease.
- Communities will seriously consider implementing a new state law that provides a substantial and material property owner benefit for energy cost retrofit upgrades. Every city and county is now authorized to designate areas in which willing property owners may enter into contract with that city or county to finance the installation of energy efficient improvements. The cost of the improvements will be financed through a property tax assessment, which may remain as an assessment extending beyond the time of sale.
- New retrofit requirements will become more expensive because most of the inexpensive to moderate changes have been addressed.
- The use and design of landscape materials and plants will change because of shortages of water supply and water pricing policies.

- Appliances such as air conditioners and refrigerators will evolve into more efficient units.
- Government inspection programs will increase in order to assure compliance with retrofit requirements. Concerns about the inspection programs will include: the timing of the inspection (periodic, at time of sale or rental), timing to comply with the changes that have been identified, who determines the costs of compliance versus the benefit, and assurance that the requirement does not trigger other code compliance requirements. 

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Essential Items For Property Owners To Consider When Requiring Renters Insurance Coverage

By Dave Dillon



**Renters
Insurance
is a MUST
today,
but...
do it
correctly!**

Property managers and landlords often struggle with the decision to implement a renters insurance requirement because of perceptions about the legality of such a program, the costs associated with implementation, and the potential negative impact on their competitiveness in the market.

However, experience has shown that, if done correctly, renters insurance requirements can be implemented in a legal and fair way that actually results in attracting residents and lowering costs. When residents are presented with a clear and reasonable insurance requirement, the freedom to choose a carrier and coverage levels, and a convenient, affordable option, most residents consider it a benefit of living at a community.

And, when a high percentage of residents have insurance coverage, a property's resident-caused damage expenses are reduced resulting in a positive impact to the bottom line.

The key to achieving positive results is to carefully consider the legal and business issues of a renters insurance requirement and to design a program that addresses these items. The 12 items presented below offer guidance for property managers and landlords that are contemplating the implementation of a renters insurance requirement. These items are presented as considerations only and do not constitute legal advice. Property managers and landlords should consult with their legal counsel prior to implementing a renters insurance program.

First, some general considerations for a renters insurance program:

1. **Disclosure of Renters Insurance Requirements To ALL Applicants.** Ensure that applicants clearly understand your renters insurance requirements prior to lease signing. Openly disclose these requirements during the application process by providing prospective residents with a separate written notice detailing the renters insurance requirement and by

publishing the requirement in your resident screening policies.

2. **Articulate Renters Insurance Requirements In Your Lease.** There should be a clear and conspicuous written provision in the lease describing the nature, purpose and requirement for renters insurance as a condition of the lease. You should also consider requiring residents to specifically initial the provision as evidence of the resident's knowledge of the requirement.
3. **Differentiate Between Liability and Contents Coverage.** Renters insurance typically provides coverage for resident liability and contents coverage. The resident liability, or property damage coverage, is where the property owner has "insurable interest" and can typically be required in a lease. However, you should still consider strongly recommending that residents also obtain contents coverage to provide protection for their possessions.
4. **Keep Things "Reasonable."** It has been established by case law that the minimum liability limit that is required or strongly recommended should be considered "reasonable" for a resident's responsibility. The property managers and landlords should not attempt to shift their financial responsibility to the resident. Simply make residents financially responsible for the portion of the building they are renting.
5. **Emphasize That Residents May Select Any Insurance Carrier.** While you may partner with an insurance provider to offer residents a convenient coverage option, you should always emphasize

that the resident may select ANY insurance carrier as long as the minimum coverage limits are met. If a resident selects their own carrier, be sure they provide you proof of coverage with the landlord listed as an "additional interest" or "interested party". The resident must always retain the ability to select the carrier and coverage that is best for them.

6. **Ensure Leasing Agents Do Not Sell Insurance.** Only licensed insurance agents are permitted to sell insurance policies. Therefore, your leasing team must not perform any activities that may be perceived as selling insurance. Keep your leasing team focused on leasing, managing and maintaining the community, and leave the insurance relationship to those with an insurance license. When selecting an insurance provider, consider one that has licensed insurance representatives in your geographic area so that they may assist leasing teams and residents with insurance sales matters.
7. **Consider Unique Implications For Affordable Properties.** Regulations may differ for certain types of affordable properties. Consult with your legal counsel to determine if your renters insurance requirements must be modified for residents living in affordable apartment units.

Now some considerations for selecting a provider partner:

1. **Choose An Insurance Provider That Delivers Results.** In order to reap the financial benefits of a renters insurance program, you need a high percentage of apartment units with insurance coverage. Select a partner that has a proven track record for helping property owners achieve high renters insurance coverage rates. Set participation metrics with your provider to track program success and ensure that your provider offers online reports so that you can monitor progress.
2. **Select An Insurance Provider That Offers Multiple Programs.** Each community in your portfolio is unique with its own set of diverse needs, therefore select a provider that offers multiple programs so that you can pick the best program, coverage and limits by property.
3. **Choose A Provider "Admitted" In Your State.** While not a legal requirement, consider selecting an insurance provider that is "admitted" in your state. Admitted carriers are reviewed by the state's department of insurance and therefore may provide the most consistency and uniformity.
4. **Select An Insurance Provider That Benefits Your Residents.** Well-implemented insurance programs differentiate your community from the competition and provide residents with a true

continued on page 27

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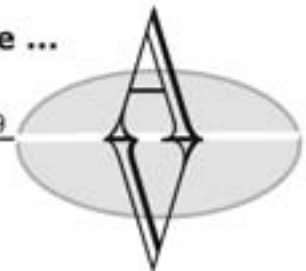
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Essential Items ...

continued from page 25

amenity. Consider selecting a provider that offers a program with newer, more innovative resident features such as:

- a. Affordable liability and contents insurance with flexible coverage levels and terms
 - b. Convenient enrollment and payment options
 - c. No paperwork/application—guaranteed acceptance for residents in your community
 - d. No review of prior claims
 - e. No credit check
 - f. No need to meet with an agent or broker
 - g. No or very low deductibles
 - h. No-hassle claim filing
 - i. No reporting of resident claims to insurance industry databases
 - j. Resident materials in Spanish, as well as bilingual claims and customer service personnel.
5. **Choose An Insurance Provider That Alleviates Workload For Your Leasing Team.** Consider selecting a provider that has licensed insurance representatives to support your leasing teams at the local level. The provider should offer training for your leasing and maintenance teams so that these teams understand insurance regulations and the claim filing processes. In addition, the provider should supply marketing and educational materials for your residents.

By carefully outlining your renters insurance requirement and selecting the right insurance provider you can establish a strong program that helps attract residents and improve your bottom line. 🏠

Dave Dillon is Vice President of Renters Insurance Services for First Advantage SafeRent. For questions about renters insurance, contact Dave Dillon at 800-999-0350 or ddillon@FADVSafeRent.com.

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Five Free Ways to Boost Resident Satisfaction and Retention Rates

By Justin Henson

You don't have to spend a lot to make a big impression with your new residents. In fact, here are five simple but effective ways to start building lasting tenant relationships that won't cost you a dime:

1. Ease the Pain of the Moving Process. Show your new residents you genuinely care about them. Start by offering them a moving checklist that can help them stay organized through this stressful event. Be sure to include important information, such as your rental office, maintenance, and after-hours emergency numbers. Before moving day, take one final walk through the apartment to ensure all appliances work properly, and that the property looks clean and inviting. Moving day sets the tone for the other 364 days leading up to a potential lease renewal, so start on the right foot by making sure the apartment is in the condition you would want to

Show your new residents you genuinely care about them.

see if it was your new home. Call or stop by the day after the move to see how it went, and ask if the resident needs anything from you. While these gestures may seem small to you, they'll mean a lot to your new tenants, and will help foster a positive, caring image for your property—the type that makes residents more apt to stay longer.

2. Keep the apartment community clean. Residents want to be proud of where they live. They don't want to see trash when they return home after a long day at work, or be embarrassed when they have company. Simply put, a clean property that's free of debris makes a difference in how residents feel about their complex. And don't forget to post friendly reminders to residents who are not keeping their balconies neat. After all, it's hard for your residents to enjoy their morning coffee on their balcony while having to look at their neighbor's junk.

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66"	32.25	33.75	35.00	37.50	40.00	44.00	49.50	51.75	54.25	59.00	64.50	69.75
84"	34.00	36.00	37.25	40.25	43.00	47.50	53.50	56.50	59.25	64.50	70.50	76.50
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3. Return calls and e-mails the same day. Did you know that a lack of responsiveness is a big reason residents choose not to renew? Waiting endlessly to hear back from the apartment manager is a sticking point with many residents; prompt and effective communications can be the deciding factor between staying put and leaving a complex. Fortunately, you can easily handle this problem by routing voicemails and emails to a designated folder in your inbox, and setting a time each day to return the messages.

If you're waiting to hear from a staff member to see when they can address a specific problem, that's fine. But, just call your residents and let them know you're working on resolving their issues. By taking such action, your residents understand they're not being ignored—which can help stem any frustration they may be feeling.

4. Be nice to guests. Residents that love where they live have friends. That means potential new residents are stopping by your property every day, so it's important to capitalize on this opportunity. Don't force guests to park blocks away or prevent them from parking overnight, which creates an unfavorable impression of your complex. Instead, provide a couple of daily guest passes for your residents to use when they have friends over.

Just have your tenants send you a request email a day or two ahead of time. Use a template email so you can quickly type the necessary information and promptly email the permit to your resident. It's an easy and effective way for your complex to be seen as tenant-friendly, and it also supplies you with qualified leads by capturing the guests' information for follow-up calls and lease incentives.

5. Call to say hello. Keep the lines of communication open. Residents often report the only times they hear from the leasing agent is when they sign the lease and when renewal is fast approaching. This leaves a large block of time where there is a void of communication. Periodically touching base with your residents during this time develops goodwill, and provides an opportunity to address any small problems now that could fester into bigger ones months down the road.

By employing these five simple tips, you can increase resident satisfaction and retention rates, and watch your costs drop while your profits grow. 🏠

Justin Henson is the Director of Business Development for Resident Rewards (www.residentreward.com), a free, leading national tenant attraction and retention program. Contact Justin at jhenson@residentreward.com or (866)798-4450 (ext. 704) to learn more about these tips, or to discover other ways to increase resident retention rates.

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A Property Management Regroup - How To Do It And Why It Works!

By Ernest F. Oriente

**Continually
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results.**

Regroup... is this a new management trend? Not a chance! Regroup is simply an opportunity to end one month's business cycle, recap the performance at each property you manage and outline a plan of success for the new upcoming month. Why does it work? Because it allows each person on your team to assess their performance from the previous month, and to make any necessary adjustments for the new month. Here's how it works.

Scheduling and preparing regroup: Regroup should be scheduled during the slowest time of each month and should start before your leasing office opens in the morning, if possible. A solid and productive regroup takes about two hours and will require about one hour of preparation by your resident manager. Be certain to have a blank chalkboard or a standing easel for taking notes and keep distractions to a minimum. Regroup is also a time to build on the creative juices from each person on your team, so make regroup a special part of each month and allow for everyone to have equal time to share their feedback. Simply stated, there are no wrong questions or topics discussed at regroup and your team will respect and respond positively to this freedom.

Tip From The Coach: As the supervisor for your properties, it is critical for you to attend regroup and actively participate in them. Your preparation for each regroup should begin by reviewing the agenda from the previous month with your resident manager, to assess if the to-do list from last regroup was accomplished. Then, review together the new regroup agenda making certain your resident manager's gameplan is consistent with your company goals and expectations.

Running the meeting: Each month's agenda for regroup should begin by reviewing the financial information important to your



company and its investors. This might include "actual" revenue and income versus budget, resident retention percentages, collection issues or expense performance versus the budget. Then, have your resident manager address any problems experienced during the past 30 days or any upcoming issues that will affect the property.

Next, map a calendar of activities that will enhance the performance for this property. This might include a monthly event to thrill your residents, a new marketing plan, or a special focus on your resident referral program. This part of regroup is where the creativity of your team really starts to roll and if you listen closely, you will hear many "golden" ideas. Lastly, have your resident manager recap the team goals for the new month and be certain the meeting always closes on a positive note!

Tip From The Coach: As the supervisor for this property, take detailed notes during regroup, then send a brief memo to your resident manager recapping the day. Include in this memo a to-do list for the upcoming month, so your resident manager will clearly know what is expected. Clear communication is the cornerstone of management success.

Meeting individually with your team: At the close of each regroup, plan to spend another thirty minutes more with your resident manager to recap the day, cheer their success, and discuss the specific

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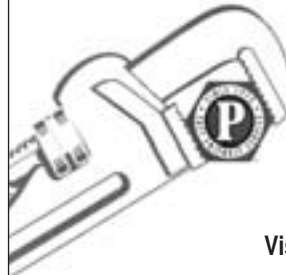
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Retirement Plan Solutions for the Small Business Owner

The SEP, the SIMPLE IRA, and more.

By Robert R. Tweed



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What options do hands-on owner-operators have? If you have a small company and want a retirement program, you want to consider these plan choices.

The SIMPLE IRA. These plans are very easy to create, and they have lower administrative costs and no annual IRS reporting requirements. You set up traditional IRAs for each eligible employee; they can contribute to the IRA on a tax-deferred basis (via payroll deductions, and you can either match the contributions of plan participants or contribute a fixed percentage of all eligible employees' pay. The employees own the money in their IRAs.^{1,2}

The SEP. A Simplified Employee Pension plan lets you make contributions toward your retirement and your employees' retirements. (You can even have a SEP and another kind of retirement plan at your business simultaneously.) A SEP allows business owners annual tax-deductible contributions equal to 25 percent of your compensation (if you have a corporation) or 20 percent of self-employment income (for a sole proprietor).^{3,4}

The solo 401(k). Yes, you can have a 401(k) when you are self-employed. A business owner may establish one and include their spouse in the plan, provided the spouse is an employee of the business. A solo 401(k) throws in a profit-sharing twist on the standard 401(k). Solo 401ks may be funded by the employee (deferred compensation) and the business (a percentage of profit). As an employee of your business, you can contribute an amount up to the standard yearly 401(k) contribution limit (catch-up contributions permissible if you are 50 or older). Additionally, solo 401(k) plans allow you to make tax-deductible profit-sharing contributions equal to 25 percent of your

compensation (corporate entity) or 20 percent of self-employment income (sole proprietor). It is even possible to have a solo Roth 401(k). These plans do require a TPA (third-party administrator).^{4,5}

Profit-sharing plans. Here's one way to compete with larger companies for prime employees. Contributions are usually deductible at both the federal and state level, with contribution limits equivalent to a SEP. Contributions aren't mandatory. If your business has a bad year, you don't have to make them. The assets placed within the plan grow tax-deferred. Again, annual tax-deductible contributions may be made according to the 25/20 percent rule depending on your business entity.^{4,6}

New comparability plans. Basically, this is a form of profit-sharing plan that rewards senior or key employees more than others. The classic situation for this plan is when you have a small business whose multiple owners take home similar earnings, but are of different ages. The plan must be tested to meet Internal Revenue Code nondiscrimination requirements, of course. It allows different levels of compensation to different groups within a small business.

What plan might work for you? If you are reading this, you are probably thinking about putting a plan into place or switching to a retirement program more easily administered than the one you have now. But which one should you choose—and what is the next step? Take a big step today and take advantage of all that is available in the marketplace—consult an independent financial advisor to review your options and find the program that fits your needs. 🏠

Robert "Rusty" Tweed is a Representative with CapWest Securities, Inc. and may be reached at www.TweedFinancial.com, 626-588-1520 or rusty.tweed@tweedfinancial.com. Robert "Rusty" Tweed is president of Tweed Financial Services, Inc., an independent financial planning and investment management firm. A Certified Estate Advisor, he is a member of the Tenants-in-Common Association and the National Association of Financial and Estate Planners. Tweed Financial Services, Inc., (626) 588 1520.; 2060 Huntington Dr., Suite #1, San Marino, CA 91108.

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The specific law that established guidelines for these processes is the Fair Housing Act. Adopted in 1968 as part of a larger piece of legislation known as The Civil Rights Act, it was the federal government's attempt to mandate fair housing throughout the country within the limitations created by the Constitution.

The section of the law that covers advertising is 804(c), which states that it's unlawful to publish any advertisement for the sale or rental of a dwelling that indicates any preference, limitation, or



discrimination against people who are covered by, what attorney Nadeen Green calls, "the seven protected classes:" race, color, national heritage, religion, gender, disability, and familial status (whether or not you have a child under 18 living with you).

Nadeen, who is Senior Legal Counsel for Rent Media Solutions, a blogger for the National Apartment Association, and author of countless articles concerning fair housing, has delivered 900 presentations educating landlords/property managers on the complexities of the law. She explains that, "The law applies to every landlord and every place. While no state or local government can take away



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the [federal] law, they can add their own provisions regarding things like age, source of income, and sexual orientation.” Nadeen cautions landlords to become familiar with both federal and state fair housing laws before they attempt to advertise for tenants.

While the federal law is generally considered universally applicable to all landlords throughout the U.S., its full force is reserved for those with a substantial number of apartments to rent. Any person with less than four rental units under their control isn’t subject to the provisions of the Fair Housing Law. However, even though a landlord may be considered exempt from the law, they are still bound by the necessity to create an advertisement that is in compliance with it, meaning they too, are forbidden from saying anything that indicates preference, limitation, or discrimination against people within the protected classes.

Although a lot of what the law has to say about advertising focuses on not showing preference, Nadeen was quick to point out that there are preferences a landlord can include that are legally acceptable. You can indicate partiality for people with children, or people with disabilities. That’s because people without children and people without disabilities aren’t protected classes, so they aren’t being discriminated against by the request.

But the biggest problem with most ads is what many landlords include along with the description of the apartment, says Nadeen. Instead of simply giving an account of the physical features, they offer an opinion as to what sort of renter would be best suited for the place. If you want your ad to be in compliance, you can describe the number of bedrooms, bathrooms, and whether or not it has an eat-in kitchen, but you can’t say something like, “This one bedroom apartment would be ideal for a single person.” So stick to a description of the features and amenities, and stay away from expressing your thoughts as to the type of tenant you anticipate living there.

When it comes to placing the ad, there are no real requirements regarding the types of publications you can use, unless if publishing it in a particular periodical will result in “geographic discrimination”. A classic example of this kind of situation is if a devout practitioner of a particular religious sect wants to be sure that they only receive responses to their ad from like-minded individuals, so they advertise the apartment exclusively in their church bulletin. Limiting your advertising in this way results in geographic discrimination because you’re not reaching enough people who might be interested in renting the unit.

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NAA Bed Bug Resource Center Offers Education and Guidance

By Marc Rosenwasser



NAA's recently launched Bed Bug Resource Center (www.naahq.org/governmentaffairs/issues/bedbugs) is a comprehensive online repository that includes materials developed under the guidance of NAA's Bed Bugs Working Group. Numerous bed bug-related resources are available to members through this platform, including educational brochures for property management staff and residents, legislative and legal information and links to additional information.

For members interested in information regarding the effectiveness of various bed bug treatment options, a new report is available in the resource center. The report, "What's Working for Bed Bug Control in Multi-Family Housing: Reconciling best practices with research and the realities of implementation," was produced by the National Center for Healthy Housing (NCHH) and describes methods to control bed bugs, evaluates each method's pros and cons and makes recommendations on the method. Allie Taisey, the report's primary author, reviewed published research and trade journals and interviewed 35 experts in writing the report.

Bed bug control is an emerging challenge, so the report is a snapshot of current practices rather than a best management practices document. We are not yet at a stage in bed bug control in multi-family housing where there are clearly effective best practices; however, the NCHH report provides a starting point for bed bug control efforts.

If you have questions or comments regarding the resource center, please feel free to contact NAA's Government Affairs Department at 703/797-0623.

Allocation of Delegates and RVPs for 2011

Please make sure that NAA has received your membership dues by April 30 so that payment is included in the final analysis for leadership positions in our national association.

NAA's Bylaws and Policies state that delegate allocation is based upon the percentage of NAA's national dues received for the billing period May 1, 2009, to April 30, 2010, for representation for the following year (2011).



2010 NAA EDUCATION CONFERENCE & EXPOSITION OFFERS GREAT OPPORTUNITIES FOR INDEPENDENT RENTAL OWNERS (IROs)



The National Apartment Association's (NAA) Education Conference June 24-26 in New Orleans offers several exciting education sessions and networking opportunities for independent rental owners. Here are three sessions among the 40 that will be offered:

1. **Owner/Operator Best Practice Roundtable** – Discover from a panel of small, local owners who will offer cost-saving operational and onsite ideas that have worked and not worked for them.
2. **Accessibility Issues in Multifamily Housing** – Identify common areas of construction and fair housing non-compliance on your property and walk away with easy solutions that will help to correct them.
3. **The Science and Psychology of Leasing** – Learn through sales processes on how to get into the head of prospective residents and convince them to lease with you.

The conference also features the IRO Financial Forum. NAA will host a special forum with expert panelists who will discuss today's economic climate and offer strategies for dealing with raising capital, refinancing loans and dealing with distressed properties.

NAA also will host its annual IRO Networking Event. This special event enables owners to network, build partnerships and develop relationships in a relaxed, enjoyable business setting.

Register today. For information visit www.naahq.org/nola.

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For information, contact NAA's David Edwards at 703/797-0689

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Each region shall elect one Regional Vice President. In addition, the delegates in regions paying the first and second highest percentage of national dues shall each elect two additional Regional Vice Presidents. The regions paying the third, fourth, and fifth highest percentages of national dues shall each elect one additional Regional Vice President.

Contact Valerie Hairston at 703-797-0624 or valerie@naahq.org with questions.

National Lease Program Offers Webinar

Interested in learning more about the National Lease Program?

Join the National Lease Program staff for instructional Webinars that will help your communities increase operational efficiency, legal security and lease accuracy. Webinars are held the last Wednesday of each month at 2:30 p.m. ET (with some exceptions). If you have questions, please contact Justin Barker at justin@naahq.org or 703/797-0614. Visit <https://www2.gotomeeting.com/register/485418611> to register.

NAAEI, Orkin Host 'Bed Bug-inar'

In partnership with Orkin, NAA Education Institute (NAAEI) will host a "Bed Bug-inar" on how to prevent and identify bed bug infestations, as well as what to do

if bed bugs are found in an apartment. The Webinar is April 29 at 2 p.m. and is expected to last 45 minutes with additional time for Q&A. The cost is \$69 for NAA members and \$89 for non-members. NAAEI Designates and Certificate Holders will earn one CEC/PDA for attending this Webinar. For information or to register, visit www.naahq.org/education/onlinelearning.

Did You Know?

NAAEI developed the National Training Program to bring trainings such as CAM, CAMT, CAPS and NALP to areas of the country where training is not readily available. To find a training course near you or if you are interested in hosting a national training course, please contact Kimberly McCrossen at kimberlymccrossen@naahq.org or visit www.naahq.org/findacourse. 🏠

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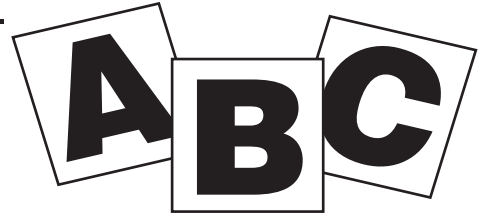
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Fair Housing is as Easy as ABC – Let's Do It with Some Poetry!



By Nadeen Green

*We are taking the alphabet, letter by letter,
So perhaps you can do things a little bit better
To make your apartments open to all,
And not take an unexpected fair housing fall!*

A is for Animals, and you can say no
To my dog, cat, or birdie unless I can show
That this critter is truly needed by me
To manage better with my disability.
Then dog, cat or birdie is not a pet,
But rather a *service animal* to whom you must let.

B is for Buildings, are they old or new?
Knowing this is important to you.
Since March 13, 1991 many units must be
Built to specific standards of *accessibility*.
Inside and outside, the burden's on you,
And if the law wasn't followed, I just might sue.

C is for Children, they will live with you,
Unless your residents are older – 55 to 62.
Be careful how you restrict them with your community rules,
Since perhaps except for your gyms, your spas and your pools,
Your policies should reflect the *behaviors* you desire,
From both the young and from those whose ages are higher.

D is for Damages, and oh, what the cost,
If yours is the legal position that's lost.
From punitive damages to penalties civil,
The amount you might pay could make you snivel.
Landlords have lost *millions* in some of their cases,
Where fair housing violations have been the bases.

E is for Everyone, the message two-pronged,
All of us have protection when rights are wronged.
We each qualify, in some way, for equal opportunity,
But keep in mind, in our business, we *each have liability*.
Whether in management, leasing or maintenance,
Our level of employment is no legal defense.

F is for Fair Housing Poster, so let me see
Your commitment to equal housing opportunity.
The law says the poster *must be in view*
To those who have come to seek housing with you.
At least 11" x 14" is the size it must be,
And hanging where it is easy to see.

G is for Gender, which simply means "sex"
When we are looking at the fair housing context.
Our *sleeping* arrangements are not yours to ponder,
So don't even hint that in fact you may wonder
Which bedrooms will house me, or my daughter or son,
Because this is how fair housing cases are won.

H is for Hailstorm, when I want to see
The apartments that you will offer to me.
Do you take me to tour in the storm at its height,
Or how about when gloom turns into night?
Think out your *plan now*, and put it in writing,
So suits based on tours are not ones you are fighting.

I is for Insurance, which you may have or not.
Often landlords don't know what they've got.
Don't assume you have coverage for that or for this,
It can be costly if its *fair housing coverage* you miss.
Talk with your agent, read your policy through.
What it doesn't provide or cover may surprise you.

J is for Jargon, all industries have it,
Expressions we use from force of habit.
Depending on viewpoints, there are those who say,
If you use *certain words*, you might have to pay.
So look out for "adult" – "traditional" – and "active"
And beware as well "mature" and "exclusive."

K is for King, as in Doctor and Reverend,
Whose civil rights fight was abruptly ended.
Then Congress decided in response to enact,
For the first time ever, the Fair Housing Act.
Out of sadness and tragedy our country would see
A commitment to *equal housing opportunity*.

L is for Logo, the house with the roof,
And words of commitment that are the proof:
"*Equal Housing Opportunity*" is available here,
And to no other place you will we steer.
Use it on ads, signs, leases and such,
A little logo which message means much.

M is for Mothers-in-law, those bedrooms *Master*,
And you need to know that it's not a disaster
To say *Merry Christmas* at that time of year,
So no fair housing action need you to fear.

HUD has said these words are OK,
As long as all else is done the fair housing way.

N is for National Origin, which tells us
It matters not whether Spain, Haiti or Belarus
Is from where someone or their family came,
Because no matter the country, you'll treat them the same
As you treat all others who knock on your door,
Because this is one of the protected classes EHO is for.

O is for Occupancy Standards, the number
Of how many people can live and can slumber
In housing that's owned or managed by you;
Generally for each bedroom the number is two.
But it could be more, which you may not realize,
Depending on local laws, or the dwelling's overall size.

P is for Parking, a significant issue
When those with disabilities approach you
Needing a particular designated spot
Somewhere in the community's parking lot.
Reasonable accommodation is what you may often owe,
Requiring that you assign parking and violators tow.

Q is for Quiet, and yes, that can be
A condition imposed at your community.
But remember this standard is for everyone,
The adults, the children, the vow-silenced nun.
Noise is the issue, and all must you scold,
Not just the young ones, but those who are old.

R is for Recovery, which has been deemed to give
Protection of fair housing to those who may live
With an addiction that is now under control,
Meaning no drug use or abuse of alcohol.
While not intended for those who manufacture or deal,
Those with addictions have a disability that's real.

S is for Steering, when you send them away,
Or limit the housing at which they may stay.
Playgrounds or ponds, tennis courts or stairs,
It matters not for families or those in wheelchairs.
Any available housing your prospects may choose;
Limit their options, the lawsuit you'll lose.

T is for Testers, they have standing to sue
Your company, your manager, and yes, even you.
And while no law requires your consistency,
It's certainly a great operating policy.
Email, phone or in-person communication,
All people should get the same information.

U is for Unjust, and it's important to this poet
To point out that everyone should know it –
It's not just about law or about what it can cost,

And it's not just about the opportunity that's lost.
It's about destroying someone's personal dignity
By denying simple equal housing opportunity.

V is for Voice, and now people do sue
Based on the concept that it's easy for you
To know their race, particularly white or black,
Even though a visual meeting you lack.
So promptly return phone messages, and invite those who call,
So you don't take a linguistic profiling fall.

W is for White Only Advertising, a major sin
When you select only blonde Barbie® to appear in
Your ads, so that those of color and those with kids
Believe that you will turn down their housing bids.
The majority and minority groups you must use,
If human models to market is the technique you choose.

X is for Xenophobia, "the dislike, mistrust or fear
Of foreigners or that which is strange" to us here.
And while you may to such a phobia cling,
To act upon it is not a wise thing.
So get used to diversity, in our lives it's a fact,
And much is protected under the Fair Housing Act.

Y is for Yarmulke, worn by the observant Jew,
A religious symbol likely recognized by you.
In decorating and advertising please stay away
From using any symbols that clearly show or say
That the message is intended in a religious way.
(But Santa and the Easter Bunny are actually OK!)

Z is for Zip Code, it's where people live,
And there is information about them that zip codes give.
Perhaps their ethnicity or race or income
Is known by where they now make their home.
So target market by zip only if you can show
A good business reason for where your promotions go.

We have rhymed the letters A through Z;
Questions may have been raised by this poetry.
You are welcome to ask me any of those,
Though it may be your attorney who best knows.
"Do it right" is the final message from me,
Offer everyone Equal Housing Opportunity.

*REQUIRED LANGUAGE FOR ALL REPRINTS OF THIS ARTICLE:
This Fair Housing Focus article was written by Nadeen Green,
Senior Counsel with For Rent Magazine®, who regularly
teaches fair housing law to the apartment industry. The
information contained in this article is not to be considered
legal advice, and the author and FRM strongly recommend that
you consult with your own counsel as to any fair housing
questions or problems you may have. 🏠*

Sell Property Tax-Free — Without an Exchange!

By Philip J. Kavesh, Esq.



Would you consider selling a rental property if you could achieve all this? Avoid capital gains. Increase your income. Eliminate property management headaches. Pass more to your family, estate tax-free.

The solution is something I call the “Capital Gains Bypass Trust” or “Tax Exempt Trust”. Here’s how it works.

**Charitable
Remainder
Trusts
may be
your
best bet!**

You transfer your rental property into the Tax Exempt Trust before you accept any offer. You can be the Trustee in charge. When the property is sold, it can be sold to the same buyer, at the same price and terms, and using the same broker as you would have if you had sold it without the trust. The big distinction is that the trust may avoid both federal and state capital gains taxes when the property is sold!

You, as Trustee, may then reinvest the entire 100 percent of the sales proceeds, rather than 65 cents or 70 cents on the dollar (if you had paid taxes). When you unlock the equity in your rental real estate, and are able to generate even modest bond or dividend income, you probably will receive more spendable income than you do now. The Tax Exempt trust is usually structured so that you receive the enhanced income for the rest of your life (including the lifetime of your surviving spouse).

When you (and your spouse) pass away, there appears to be a catch, but there really isn’t when the plan is setup properly—the remainder of this Tax Exempt Trust will normally pass at your death to a charity or charities that you’ve selected. (It’s technically known as a “Charitable Remainder Trust”.) Bear with me, I will show you how your family will get as much or more than the charities and receive it completely free and clear of both income and estate taxes.

For the time being, the important thing to understand is that, because the remainder of the trust passes to charities, you not only avoid current taxation on the capital gains tax, but you also receive a substantial current income tax charitable deduction (and even if you can’t use it all in one year, you can carry it forward for another five years!). The tax savings you receive from this income tax deduction, which you would not have received if you had sold the asset yourself, can then be used to replace the remainder to your loved ones.

The tax savings may be used to acquire a life insurance policy on you (or on both you and your spouse, known as a “second to die” policy), that will pay off to your loved ones after you’re gone. If this insurance is structured properly, such as placed in an irrevocable life insurance trust, your family will receive the proceeds free of both income and estate taxes. Think of it as a “free” insurance policy (paid for by the government!).

Don’t dismiss this Tax Exempt Trust strategy just because you think you may be too old to get insurance or are otherwise uninsurable. There are other ways to replace to your family the Trust remainder that charity will receive, such as continuing the income stream from the Trust to your loved ones for a period of years after you’re gone.

I tell a lot of my older clients, who have big capital gains locked in their rental real estate and don’t want to exchange for more property to manage: You really want to consider selling, utilizing this Tax Exempt

Trust. Think about it... how many more “up” markets will you live through during your lifetime? Wouldn't you like to get out of the headache of being a “24-hour commode doctor?” This is a great way to “cash out” your profits right now and increase your own living standard, as well as assure a better life for your loved ones!

Don't assume this Tax Exempt Trust won't work for you. Check it out with a qualified tax and financial advisor.

By the way, if you're instead looking to buy real estate, and you're trying to motivate the seller to get him to reduce his price, maybe the Tax Exempt Trust will be a fit for him! 🏠

Attorney Philip J. Kavesh is a California State Bar Certified Specialist in Estate Planning, with a Masters Degree in Tax Law and over 30 years of experience. He can be reached at phil.kavesh@kaveshlaw.com or 800-756-5596.

Tenant Screening ...

continued from page 35

Nadeen advises landlords to avoid developing a profile of the perfect tenant because, “It is almost impossible to create a profile without stepping on the toes of the protected classes. There are only three things you should be concerned with, that the tenants will pay the rent, maintain the premises, and follow the rules.” That doesn't mean you shouldn't be consistent when you screen applicants. Nadeen says that landlords should decide what information they need to know about a prospective tenant, and then take that information and devise a set of question that will be used to screen anyone who inquires about the unit. Just be sure that the questions are neutral, and in no way discriminate against the protected classes.

Finally on the issue of using tenant applications, Nadeen says they are a good idea. However, she cautions landlords against writing their own unless they can have it vetted, meaning examined by someone conversant with fair housing law who can determine that it is in compliance.

In addition to the question of compliance, you also want to be sure the rental application you're using is comprehensive enough to provide you with critical information such as employment history, income, housing history, social security numbers, and landlord contact information. All 68 forms necessary to operate rental housing are on the AACSC website, www.apartment-assoc.com, for our members' use and have been reviewed by a panel of California attorneys for Fair Housing compliance. 🏠

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SB 1035 (Hancock) would have permitted a municipal utility district to place a lien on the landlord's property due to the non-payment of a water bill by a tenant. We were successful in blocking that effort and amendments have been inserted into the bill assuring that cannot happen.

AB 2706 (Lowenthal) would have made it a discriminatory practice not to rent to homeless individuals. We obtained amendments that assure that we can continue to remove the homeless from our rental properties and properties that are incidental to the ownership and management of rental properties, i.e., parking lots.

AB 891 was actively opposed by us last year and would have allowed a county to seize a landlord's property if illegal drug activity was occurring on the property. The author dropped the bill due to our opposition. This year, the author, Bill Berryhill, introduced AB 1838 which allows more city attorneys and county district attorneys to step in the shoes of landlords that have illegal drug activity occurring on the property and evict the tenants. This is a win for AACSC because we were successful in re-directing a very bad bill into something of great benefit.

AB 2362 (Skinner) would exempt seismic safety improvements to soft-story buildings from a Prop 13 reassessment. We are the only apartment association supporting the measure.

SB 782 (Yee) continues to be of high importance because the bill would permit the victim of domestic violence to remain in possession and owners would be barred from evicting the aggressor from the property! The next set of hearings on that bill will be in June. It will be a make-it-or-break-it hearing before the Assembly Judiciary Committee.

SB 1252 (Corbett), the chair of the Senate Judiciary Committee, was successful in getting her bill out of her own committee on a partisan vote. The bill would make it very easy for low income households to file a claim of discrimination against all landlords who are charging market rent levels that are too high for those households to afford. And if that was not enough, it could seriously undermine landlords' current legal right to establish a three times rent rule (*Harris v. Capitol Growth Investors*). The bill is pending before the Senate Appropriations Committee. The ONLY two entities to oppose the bill were AACSC and AAOC.

continued on page 52

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A Property Management Regroup ... continued from page 30

performance of each individual at the property. During this meeting ask your resident manager if he/she needs any additional support or training to develop their skills or the skills of their team. This is the most important part of regroup as time spent developing your team for future opportunity, will make for pro-active management which means you always have a sharp person ready to be promoted to the next position.

Tip from the Coach: In the same spirit of the individual meeting you have with your resident manager, ask him/her to have a similar meeting with each member of their leasing team. This will help to grow their skills as a leader and you will want to attend the first few meetings to be certain the agenda for the individual meetings are exactly as you expect. In fact, as a manager, always “inspect what you expect”. A good rule of thumb!

Wow! Such an important topic and so much to share! Incorporate regroup into your next 30 day business cycle and see for yourself how successful the time is spent! Need help planning your agenda? E-mail a quick note to ernest@powerhour.com and *the Coach* will send you a sample agenda in ten minutes. It's easy! The Coach says so! Want to hear more about this important topic or ask some

additional questions? **Send an E-mail to ernest@powerhour.com and The Coach will E-mail back to you a free invitation to be a participant on a PowerHour conference call.** 🏠

Ernest F. Oriente, a business coach since 1995—the author of SmartMatch Alliances—and the founder of PowerHour [www.powerhour.com], has a passion for coaching his clients on executive leadership, hiring and motivating property management SuperStars, traditional and Internet SEO/SEM marketing, competitive sales strategies, and high leverage alliances for property management teams and their leaders. To subscribe to his free property management newsletter go to: www.powerhour.com. PowerHour® is based in Olympic-town. Park City, Utah, at 435-615-8486, by e-mail ernest@powerhour.com or visit their website: www.powerhour.com

Dear Maintenance Men ...

continued from page 18

Dear Steve:

According to the EPA, the work area must be contained so that no dust or debris leaves the work area. Use signs to keep residents and pets out of the work area, remove furniture and belongings or cover them with heavy plastic sheeting. Close and seal any vents, turn off the forced air systems. To minimize dust: water mist work areas before sanding, scraping, drilling or cutting. Always use a shroud with a HEPA vacuum attachment when using power tools.

If the work is done outside, mark off the work area to keep non-workers away. Cover the ground and plants with heavy plastic sheeting. Close any windows or doors near the work area. When the job is completed or at the end of each workday; put all trash and debris in heavy-duty plastic bags. Wrap waste building components, such as windows and doors in heavy plastic sheeting and tape shut. HEPA vacuum the work area. You must now perform a final clean-up check. Use a disposable cleaning cloth to wipe the floor and walls of the work area and if your cloth shows anything but white or just slightly off white, do it again. A verification card is available to compare what is an adequately-cleaned area. Go to www.EPA.gov/lead or call 800-424-5323 to get the **Lead Safety During Renovation** pamphlet and other additional information. 🏠

Jerry L'Ecuyer is owner of JLE Property Management, Inc. and Buffalo Maintenance, Inc. He can be reached at (714) 778-0480 or jerry@JLE1.com. Frank Alvarez is the Operations Director for Buffalo Maintenance, Inc. and can be reached at (714) 956-8371 or Frankie@ContactBuffalo.com. Websites: www.JLE1.com and www.BuffaloMaintenance.com



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Nine Common Mold Myths

Media reports have linked indoor mold exposure to everything from asthma to headaches. But what's the real scientific evidence that exposure to mold in your home actually can cause physical symptoms? A recent review of scientific literature about mold-related diseases found that, while mold can cause certain health problems, many common claims just don't hold up under scrutiny.

Five allergists, including Robert A. Wood, M.D., of the Johns Hopkins University School of Medicine, set out to define what can and can't be proved about mold exposure. Here's what they found in their review:

Toxic mold. Popular reports about the health effects of mold are likely to include the term "toxic mold." But that term can be misleading, the experts say. They point out that only certain mold spores produce toxins, and only under certain circumstances. Just because a particular mold can produce toxins doesn't mean it will. Even if the mold is producing toxins, a person must breathe in a sufficient dose to be affected. It is highly



unlikely that you could inhale enough mold in your home or office to receive a toxic dose.

Mold and Asthma. While allergic responses to inhaling mold are a recognized factor in lower airway disease such as asthma, studies show that outdoor mold is more likely to cause problems for asthmatics than mold found indoors. A better assessment of the effects of indoor mold on people with asthma would require studies that follow people over a long period and take into account factors that could affect the results, such as humidity and other airborne allergens and irritants.

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Political Perspective ...

continued from page 45

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Elections Elections Elections

Congrats to Mayor Bob Foster (Long Beach) who won an easy reelection bid in the April primary. First District Councilmember Robert Garcia, Third District Councilmember Gary DeLong (an AACSC member) and Fifth District Councilmember Gerrie Schipske joined City Attorney Bob Shannon and City Auditor Laura Doud in easy primary wins. Newcomer Steve Neal defeated Ninth District incumbent Val Lerch who ran as a write-in candidate since he was termed out. James Johnson opposed incumbent write-in candidate Tonia Uranga and both will appear on the June 8th ballot. 🏠

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Nine Common Mold Myths ... *continued from page*

Mold and Allergies. The link between mold and allergies is even weaker, the experts say. Current research doesn't provide a persuasive case that exposure to mold in the outdoor air plays a role in allergies, and studies linking indoor molds to upper airway allergy are even less compelling.

Mold and Skin Rashes. Exposure to molds doesn't contribute to atopic dermatitis, or rashes.

Mold and Sinusitis. There's no clear-cut evidence that sensitivity to mold causes chronic sinusitis, nor are there conclusive data to show that mold-killing antifungal drugs such as amphotericin, applied to the nasal passages, are an effective treatment for sinusitis.

Mold and Infection. Superficial fungal infections, such as toenail fungus or jock itch, generally result from fungi that develop inside the warm, moist environments found in shoes or tight garments. Thrush can develop inside the mouths of people with weakened immune systems, such as those who have AIDS or cancer. These infections generally are not the result of exposure to mold in the home or workplace.

Mold and Irritation. Mold found indoors, even inside damp buildings, is not likely to cause irritation of the eyes or throat—and if it does, the effects are short-lived. Symptoms or signs persisting weeks after exposure and those accompanied by complaints related to the nervous system, brain, or whole body (such as those attributed to chronic fatigue) can't be pinned on the irritant effects of mold exposure.

Mold and Immune System Damage. There is no credible evidence to suggest that environmental exposure to mold damages the immune system. The experts warn against immune-based tests given to look for intolerance to mold and other substances in the environment—so-called multiple chemical sensitivity. The authors specifically advise against using blood tests that look for a wide range of non-specific changes in the immune system. They also discourage using tests of autoantibodies, which are abnormal antibodies that the body sometimes produces in reaction against its own tissues. These tests are expensive and do not provide useful information that will help to diagnose or manage diseases related to mold, they say.

Mold and Hypersensitivity Pneumonitis. This uncommon inflammation of the lungs, an example of which is Farmer's Lung, is caused by exposure to an allergen, usually organic dust that may come from animal dander, molds, or plants. A person generally develops this condition only after high-dose or prolonged exposure, or both, to mold or other allergens.

Much of the hoopla over mold exposure came in the wake of Hurricane Katrina, the experts note in their report, which appeared in the *Journal of Allergy and Clinical Immunology*. The flood-ravaged areas of the Gulf Coast, sadly, have provided a natural laboratory, which enables medical researchers to address lingering questions about the health effects of mold. 🏠

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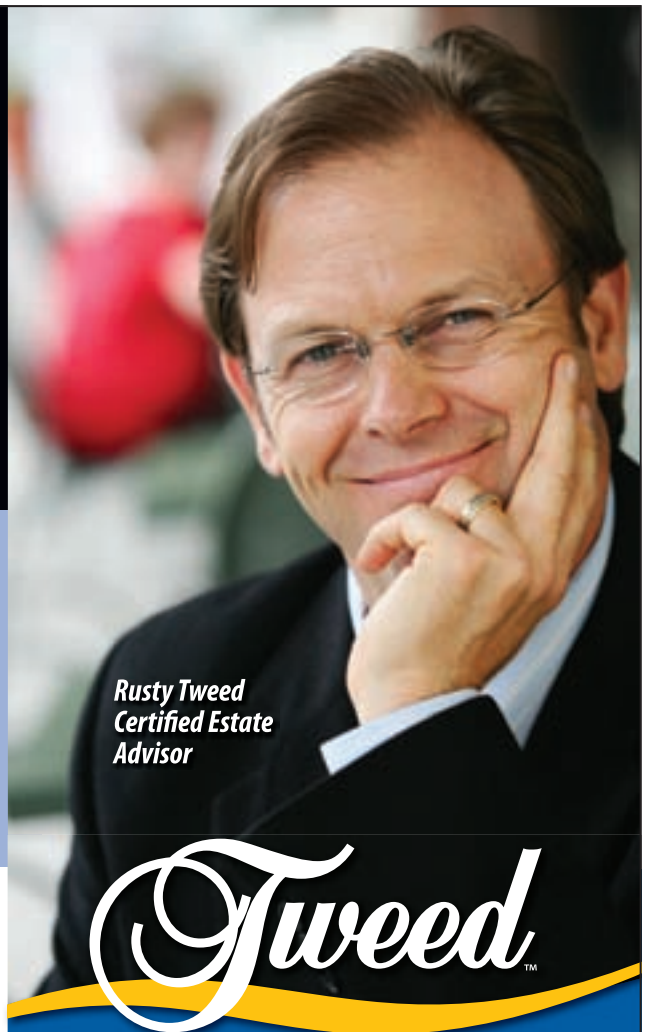
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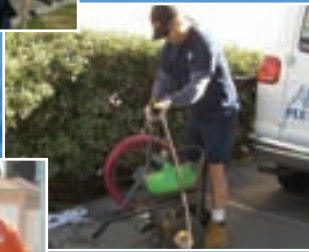
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