

Build on the Past...

Florida Apartment Association

IMPACT

Vol. 16, Number 3

Focus on the Future...



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**THE FLORIDA APARTMENT
ASSOCIATION
EDUCATION CONFERENCE
& TRADE SHOW
August 23-25, 2001
Boca Raton Resort & Club
Boca Raton, Florida**



IMPACT

Volume 16, Number 3

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IMPACT is published bimonthly by the Florida Apartment Association. Please send articles and advertising copy to:
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MEMBER
Florida Magazine
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PRESIDENT'S MESSAGE

by Gary Cherry, Cherry Investments

As I write this message, I am in Las Vegas attending the summer assembly meeting and annual education conference of the National Apartment Association. I have been reminded of the value of our national association on many occasions during the past two days, as representatives of affiliates throughout the nation share legislative experiences and educational opportunities.

At the national level, the National Apartment Association and the National Multi-Housing Council fund a joint lobbying effort to represent our industry on issues before federal agencies and Congress. Our representatives are actively involved in efforts to insure that the House version of section 311, the provision sought by our industry to address bankruptcy abuse, is included in the conference committee's report as the House and the Senate iron out differences on bankruptcy reform. NAA/NMHC have challenges in federal court to the 1999 Federal Communication Commission satellite rule and the efforts by the Environmental Protection Agency seeking to regulate lead in dust and soil, regardless of the source of the lead. New areas of activity highlighted at this summer's meeting are housing-related sexual harassment and mold.

1) Housing-related sexual harassment standards were proposed by former Secretary Andrew Cuomo of HUD contemplating a broad, reasonable person standard for hostile environment sexual harassment claims. NAA/NMHC have advocated that housing operators should be entitled to certain affirmative defenses and a notice standard.

2) Mold issues have mushroomed in California and Texas. In Texas in particular, mold has become the next cottage industry for trial lawyers and owners of brand new and relatively new class A buildings have shut build-

ings down, either completely or partly, because of the presence of mold. The science in this area is ideal for "bad law," since there is no causative relationship demonstrated between the presence of mold generally and asthma and other health problems, but there are some statistical data suggesting a relationship. NAA/NMHC has worked with EPA to produce a residential consumer guidance pamphlet, due out in October of this year. In addition, the staff has prepared an extensive paper on mold and mildew in multifamily housing.

Copies of NAA documents on housing related sexual harassment and mold and mildew issues can be obtained by contacting Michelle Mathis of the NAA staff at 703-518-6141 ext. 140 or via e-mail at michelle@naahq.org.

In addition to tracking national issues, NAA assists state and local associations with their issues. Subjects actively discussed at this meeting included water submetering/RUBS, contractor/maintenance licensing and permits, and mold (discussed above). NAA is an active participant in a comprehensive study, by the American Waterworks Association, of water billing and the impact of various billing models on water conservation. At present, NAA is merely monitoring the contractor/maintenance licensing and permits issue in Jacksonville, Florida, and in Tarrant County, Texas.

At the state level we are preparing our legislative program for next year. Issues actively discussed for consideration include statewide deregulation, water conservation through submetering and RUBS, contractor/maintenance licensing and permits, mold, and towing reform.

We continue preparations for our 2001 Education Conference, to be held at the exciting Boca Raton Resort and Club, August 23-25. You should have received registration packets early in June. I look forward to seeing you there.

LEGISLATIVE REPORT

BY JODI CHASE, THE CHASE GROUP

Managing an apartment community in Florida is no easy task. You have dozens of details to juggle within the framework of confusing laws and regulations. All the while, you have to keep occupancy rates up and owners and residents happy. Luckily, the Florida Apartment Association is here to assist. However, we understand that sometimes you wonder exactly what benefit all the work done by the FAA Legislative Committee and Board bring you.

The Florida Legislature creates the regulatory climate within which you work. It can either be a friendly climate or an adversarial one. The FAA works within the legislature to slowly bring about change, hoping that each incremental change to the law will make your job easier and more profitable. This session, FAA was very successful in achieving this goal! Here is a peek at how new legislation advocated by your state apartment association and passed by the Legislature will affect you.

Referral Bonuses

Your team has been brainstorming new tactics to increase referrals of new residents by existing residents of your property. You settle on the concept of providing a \$50 gift certificate to a popular local eatery for every new resident referred by an existing one. The very next week, Mr. Tim Tenant refers his charming sister and brother-in-law, Mr. & Mrs. Renter, to your community, and the Renters sign a lease. To show your appreciation, you proudly announce to Mr. Tenant that you have just instituted a referral rewards program and present him with the gift certificate. Then you find out that you've just broken the law. According to Florida Statutes Chapter 475, this transaction is unlawful and violates the Real Estate Code. Until now....

On May 24, Senate Bill 838 was presented to Governor Bush after receiving the approval of the Florida Legislature. After almost 20 years, change is coming to Florida's Landlord/Tenant Law due to the efforts of the Florida Apartment Association during the 2001 Legislative Session.

Now signed by the Governor, the law allows you, the property manager, to provide your residents a referral or finder's fee

of up to \$50. This can be in the form of cash or in-kind services, such as a gift certificate or rent adjustment.

Abandoned Property

But hold on, before you run out to the lobby to pin up that Referral Program flyer to the bulletin board, listen to more good news thanks to the efforts of FAA.

Mr. Vince Vacator and his wife Valerie have departed your property, leaving behind an old sofa. After you look it over, you the property manager decide it has less than \$250 in value and instruct your maintenance crew to drive it to a nearby dump.

Two weeks later, Mrs. Vacator calls the office to inquire after her beloved sofa that they inadvertently left behind. You inform her that based on your assessment, the sofa was worth at most \$200 and you got rid of it. She claims that they paid \$300 at the local UR Kiddin' store and she has a receipt. If she is correct, you have broken the abandoned property law. Until now....

Senate Bill 838 increases the value threshold of abandoned property to \$500. This adjustment will keep the abandoned property statute from being triggered so easily, which then requires many additional layers notice and responsibility on behalf of the property manager when property is voluntarily abandoned by a vacating resident.

Security Deposits

Hey, get back here! Don't rush off just yet to the maintenance shed to inform the maintenance crew of this excellent change; there is more. The FAA was very, very busy this year.

Mr. Don Damage and his wife Dorothy have left their apartment in need of some significant repairs before it can be rented again. The clock is ticking on the 15-day letter but your local contractor cannot get down to look at the unit and make an estimate for a few days. You can either risk guessing the amount to claim on the security deposit yourself, or wait for the official estimate. You want to be certain to recoup the proper amount of money, so you wait. Unfortunately, the claim letter is post-marked on the 16th day, so you get nothing. The law clearly states that a landlord has only 15 days either to return the security deposit or make a claim against it for damage to the unit. Until now....

**The Florida Legislature
adopted important changes
to the state's Landlord/Tenant
Law - approving referral
bonuses, expanding the
abandoned property limit,
and lengthening the period in
which owners may make a
security deposit claim.**

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Association News

Members Already Using the NAA/FAA Standard Lease

In the short time since the new standard Florida lease has been made available, 30 communities have adopted it: 14 in Bay Area, 11 in Jacksonville, and 5 in Greater Orlando. Of the initial \$175 cost of the software, the local association to which that community belongs receives a \$50 rebate. And only apartment association members may acquire it; a few communities have requested it but had to join or rejoin the local association first, making the lease a valuable membership tool as well.

David Watkins of Greystar Management Services has bought the lease and will have all his properties converted to it by the end of June. He is extremely pleased with the results.

"If you're not using it, you're missing the boat. It is really slick, and my on-site people love it. It's concise, easy to read, and extremely user-friendly. You can complete the lease in less than five minutes instead of the usual 15 to 20 minutes," he said.

"You get a diskette from Blue Moon Software and you set up your default items—length of lease, addenda, security deposit amount, etc.—in advance. When someone moves in, the manager or leasing agent just types in the person's name, date, term of lease, and the date, and the computer automatically shows the lease ending date. The program lets you know if information is entered incorrectly. It generates an inventory condition form. And it has special features such as a lead paint addendum for properties built before 1978 and an animal addendum that lists such information as the animal's description, weight, license number, and even a veterinarian to contact in case of emergency. And once it's used commonly in Florida, judges in evictions proceedings will get used to having a standard lease that makes decisions much easier."

To find out more about the lease or to purchase it, contact the FAA office at 407-647-8839.

Two New Local Association Executives Hired

The Jacksonville Apartment Association and the Space Coast Apartment Association have hired new executive directors.

In Jacksonville, **Peggy Queen** replaces **Caron Burkhardt**, who moved with her new husband to San Diego. A native of Johnstown, PA, Peggy has extensive experience with associations. She managed the Occupational Therapy Foundation in Washington, DC before moving across the country to Tucson, AZ to serve as regional director of a network of rehabilitation clinics. She then moved to Florida to serve as consultant for the Florida Independent College Fund and to finish her degree at Flagler College in St. Augustine. For the past two years, she has

done social science research for community colleges in Georgia, the American Association of Community Colleges, and Microsoft.

Now in her third month managing the Jacksonville Apartment Association, she has been adjusting to a very different clientele and catching up on the backlog of work.

"The people here have bent over backwards to help me, as have my contacts at FAA and NAA," she said. "Everyone has just been great. I have always worked with professional rather than trade associations, and the difference hit home with me two weeks ago during our trade show. People actually had fun! Right now, I'm just trying to increase our membership and serve our existing members. Over time, I'd like to improve our educational offerings and communications services and add activities. In two weeks JAA's new Web site will go online, at the address www.jaxaptassoc.org. That's a major step for the group."

Peggy lives with her two cats in St. Augustine Beach and loves to read. She works with local Humane Societies and volunteers for associations that serve the mentally handicapped. In Arizona, she worked as a volunteer mediator on all sorts of cases the courts didn't want to handle—small claims, domestic disputes, parking tickets, etc.—and would like to do that again.

At the Space Coast Apartment Association, **Cindy Mars** has taken over from interim executive Jackie Collins.

In February, SCAA hired Space Coast Property Management of Brevard, Inc. to manage its administrative affairs. Since 1994, the husband-and-wife team of Kevin and Cindy Mars ran the company and managed individual properties, homeowners associations, and other real estate management services. The company has a staff of 20.

"This is the first non-profit we've managed," Cindy said. "It's a great group and a completely different atmosphere than we're used to. We're used to small homeowners' association meetings in which people complain a lot, but with SCAA people come together to do business, educate themselves, and socialize."

When the Mars' aren't working (which isn't very often), they like to go fishing, watch sports, and above all enjoy their new baby.

AAGO Hires Legislative Specialist

The Apartment Association of Greater Orlando has hired **Gary Scarboro**, formerly with **Epoch Development**, as its Education/Government Affairs Director. Starting March 19, Gary supervises the Education Dept. and monitors local legislative issues affecting the multifamily industry.



In the News

In Memorium

Crow-Segal regretfully announces that former FAA Executive Director **Cherie Biederman** died on April 28, at the age of 36. Her family asks that any memorial contributions be made to the Orlando Humane Society, The FAA Board contributed \$500 to this fund.

People

Finlay Properties in Jacksonville Beach appointed **Judy A. Watterson** Vice President of Residential Development. She will oversee the sales operations for the company's multifamily developments and provide feasibility analysis and planning for future projects. She has more than 16 years of experience in on-site sales and management and general real estate.

Vestcor Realty Mgmt. in Jacksonville has added two new Regional Managers: **Chris Anderson**, an 11-year Navy veteran, and **Cynthia Stumetz Jacobs**, a former Vice President at Bank of America.

Property Advisors, Inc. in Tampa has added **Lori M. Krull, CAPS** as its new Executive Vice President, overseeing 2284 units on eight properties throughout Central Florida.

Apartment Finance Today's Top Apartment Developers

Stockton, CA-based **A.G. Spanos** started more apartment units (10,000) in 2000, more than any other developer. Spanos was followed by **Lincoln Properties**, Dallas, with 6415 units; **Trammell Crow Residential**, Atlanta, 6000; **Simpson Housing**, Denver, 5661; and **Home Properties**, Rochester, 5384.

Landlord Faces Jail Over Lead Hazard Avoidance

A federal grand jury in Washington, DC has returned a 15-count indictment against a landlord for submitting false

documents and obstructing justice, allegedly in order to conceal his failure to comply with the Lead Hazard Reduction Act of 1992. This landlord, **David D. Nuyen** of Silver Spring, MD, faces possible pen-

alties of 5 years incarceration and \$250,000 in fines per count. This is the first-ever criminal prosecution in the U.S. related to the "Disclosure Rule" under the Act. The indictment stems from a two-year investigation that began when HUD contacted the landlord as part of an increased enforcement effort.

Merger

Archstone Communities and **Charles E. Smith Residential Realty** have agreed to merge in a transaction worth approximately \$3.6 billion. Closing is scheduled for September of this year. The combined company will own 87,456 units, including 4899 under construction. The new entity will operate under the name **Archstone-Smith Trust**. The Smith Residential brand name will be used for its high-rise portfolio, and Archstone will be used for all other communities. As part of the transaction, Archstone will convert to an UPREIT structure. The company will operate from corporate headquarters in Denver with regional offices in Arlington, VA, Irvine, CA, and Atlanta. **J. Lindsay Freeman** is president of the Eastern Division.

Awards and Nominations

Vestcor Realty Mgmt. in Jacksonville won three awards for excellence in real estate management communications in the 2001 MACY (Marketing, Advertising & Communications of the Year) competition sponsored by the Institute of Real Estate Management (IREM).

Vestcor captured first- and second-place MACY Awards in the Training Manuals category for its "Preventing Harassment in the Workplace" and "Hiring the Best People" training programs. The company also won a second-place award for its Website at www.vestcor.com in the Non-Print Advertising category.

Courtney Manor Apts., a **Vestcor** community located off Collins Rd. in Southwest Jacksonville, won a Meritorious Achievement Award at the annual conference of the National Association of Local Housing Finance Agencies, held in San Diego, CA. The award considers criteria including how the housing meets the needs of low- and moderate-income residents, achieves public purpose goals at little or no cost to residents, targets particular neighborhoods for improvement, uses innovative financing mechanisms and construction methods, and exceptional physical design.

The Grand Reserve at Kirkman Park, developed by **LeCesse Development Corp.** and **Del American, Inc.**, won the Platinum People's Choice Award in the "Best Interior Merchandising" category at the Multihousing World 2001 event on April 26 in Orlando. In addition, **LeCesse/Del American's The Grand Rivage at Brandon Lakes** in Tampa won two Platinum People's Choice Awards, and its management team was chosen Industry Service Provider of the Year.

St. George's Landing Apts. in Delray Beach was honored by the city with an award for excellence in design in the Multifamily Residential Development category.

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FINANCE

FHA Multifamily Credit Subsidy Action Alert The Mortgage Bankers Association of America issued the following call to action on May 10, 2001.

Background

- ◆ The Federal Credit Reform Act changed the budgetary treatment of all federal credit programs, including housing loan guarantee programs.
- ◆ Federal Housing Administration (FHA) is required to estimate the net costs to the government of insuring new mortgage loans.
- ◆ Since OMB and HUD have maintained that the FHA multifamily new construction programs must maintain a loan loss reserve, each year it is necessary for FHA to request credit subsidy through the annual appropriations process.
- ◆ The volume of new multifamily loans FHA may insure is limited by the amount FHA is given for the credit subsidy.

- ◆ Annual appropriations are essential to continue to develop
- ◆ Affordable multifamily housing and it has become increasingly difficult to accurately estimate the amount of credit subsidy needed for the programs.
- ◆ During FY 2000, the amount of credit subsidy appropriated was inadequate to meet the need. HUD ran out of credit subsidy in July 2000, and shut down the FHA multifamily programs that required credit subsidy until new funds were appropriated in FY 2001. President Bush's 2002 budget contains just \$15 million for credit subsidy, down from \$101 million for 2001.

Issue

- ◆ On April 19, HUD ran out of credit subsidy for FY 2001 and shut down the programs in FHA's General Insurance and Special Risk Fund (GI/SRI Fund) that require credit subsidy.

Legislative Report

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Senate Bill 838 makes a very significant and beneficial amendment to the law; now, if a property manager intends to make a claim against a vacating resident's security deposit for damage to a unit, you now have 30 days to notify the former resident of the amount to be withheld.

Changes Concerning Military Personnel

The new legislation makes one additional change to the Florida Landlord/Tenant Law. It creates a state version of the federal Sailors' and Soldiers' Relief Act. It allows military personnel stationed in Florida who are either discharged, called into active service, or transferred more than 35 miles away to terminate a lease agreement, although they are still responsible for any liquidated damages incurred. The bills also permits families of military personnel killed in active duty to terminate more easily a lease agreement.

Summary

These changes are common-sense steps toward providing some needed balance between the rights of property owners

and the responsibilities of residents. While these changes certainly do not solve all the inconsistencies and inadequacies of this portion of the law, they are a positive first step in bringing about some necessary reforms. The FAA Board and Legislative Committee worked on these changes for a year. From conception to drafting to lobbying and committee appearances, it certainly took a team effort to get them passed into law.

Those FAA members who participated in this year's Legislative Day are to be commended for their hard work and commitment to being involved in this process. Your persistent, timely efforts were invaluable and certainly paid off during a particularly difficult and contentious Session. We continue to receive extremely positive feedback from legislators who so appreciated having property managers from their area come to the Capitol to discuss important industry issues. More association members need to make a point of being involved in this unique and exciting opportunity to be activists and make a tangible difference both for your association and your individual workplace.

We look forward to expanding on our successes and maintaining FAA's positive momentum during the 2002 Session.

◆ However, a bill signed by the President on December 21, 2000, includes \$40 million in supplemental funds for the FHA credit subsidy. HUD says the \$40 million can not be released for use in FY 2001 until a number of statutory requirements are met. HUD has stated they will not ask for the release of the \$40 million.

◆ The \$40 million will provide for the new construction or substantial rehabilitation of over 15,000 units of rental housing with a mortgage amount of over \$1 billion.

◆ An additional appropriation of \$115 million for FY 2001 would provide sufficient funds to keep the FHA multifamily programs operational for the rest of the fiscal year.

What You Can Do

◆ Contact your member of Congress. Call Members of Congress to request their assistance in the release of the \$40 million for credit subsidy, as well as the appropriation of \$115 million in additional funds necessary to continue the programs for the rest of the year.

◆ Convey the message that Congress should take action to halt the shutdown of FHA multifamily projects, and ensure the current and long-term problems with the FHA multifamily credit subsidy are solved.

◆ Congress should support the release of \$40 million for credit subsidy, support the appropriation of \$115 million for the continued viability of the program, and pass HR 1481, the FHA Shutdown Prevention Act.

Review Shows FHA Affordable Rental Housing Production Lags Critical Need New Coalition Formed To Push For Increased Supply

In an immediate effort to address the growing affordable housing crisis for low- and moderate-income families, a new coalition is urging Congress to take steps to increase the production of federally insured affordable rental housing—an action that could benefit thousands of working families.

On March 13, the Coalition for Affordable Rental Housing released data showing that new construction of federally insured affordable rental housing has all but disappeared in several large cities where there is a critical need for affordable housing. The figures show that in New York City, Boston and San Francisco there were no new units of Federal Housing Administration (FHA)-insured multifamily housing produced in 2000. Dallas, Los Angeles, and Washington, D.C. each saw only one new multifamily development. Other major cities where federally insured rental housing production dropped to zero in 2000 included Akron, Baltimore, Birmingham, Cincin-

nati, Norfolk, Oakland, Providence, Rochester, Salt Lake City, San Jose, Syracuse, and Tampa. Each of these cities has tens of thousands of working families facing a “critical housing need,” meaning the family pays more than 50 percent of its income for housing or lives in severely inadequate housing.

The Coalition, whose formation was announced at a National Housing Summit hosted by the Mortgage Bankers Association of America (MBA), called on Congress to increase by 25 percent the base amount FHA can insure for multifamily housing, with additional allowances for high-cost areas of the nation. The FHA provides insurance to back financing of multifamily housing development. The mortgage insurance limits have not been raised since 1992, while housing construction costs have increased 25%. As a result, new production has not kept pace with the increased costs of building new rental housing affordable to low- and moderate-income working families, and production has dropped accordingly.

“Although homeownership may be the American dream, finding affordable rental housing is often a nightmare for many working families,” said Andrew D. Woodward, president of MBA. “We are facing an affordable rental housing crisis in this country. Raising the FHA multifamily loan limits is an important first step in solving this problem. This change will have an immediate impact by allowing the FHA and its housing partners to increase the supply of affordable housing for working families.”

The slowdown in affordable rental housing production comes as America’s working families are increasingly unable to find decent, affordable homes in the communities where they work. Nationwide in 1997, according to the National Housing Conference, 13.7 million households, including 7.5 million renters, faced critical housing needs. A review of more recent Census Bureau figures released last month by MBA and the National Housing Conference confirms the continuing crisis for low-income families and also reveals that the number of moderate-

A new coalition will push for Congress to authorize HUD to make funds available for affordable housing. Many cities face critical shortages of low-cost housing.

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Finance

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income families facing a critical need for rental housing has grown alarmingly in recent years—increasing by 64 percent between 1997 and 1999, from 433,000 to 711,000 families. According to recent FHA statistics, however, only 748 FHA-insured multifamily new-construction or substantial-rehabilitation loans, producing just 127,409 units, were made nationally over the past four years. There is a significant gap between the demand for and the supply of affordable rental housing.

In addition to MBA, other groups in the Coalition include the AFL-CIO Housing Investment Trust, the National Apartment Association, the National Association of Home Builders, the National Leased Housing Association, the National Multi Housing Council, the National Association of Realtors, and the U.S. Conference of Mayors.

“It’s extremely expensive and difficult to build multifamily projects, and the resulting rents are often higher than what working families can afford,” said Bruce Smith, president of the National Association of Home Builders and a home builder from Walnut Creek, CA. “Our builders want nothing more than to be able to meet this great demand, but they are hindered by the FHA loan limits. Raising the cap on FHA-insured multifamily loans would help to finance the construction of affordable rental housing, particularly in high-cost urban areas, where it is desperately needed.”

Under the FHA multifamily programs, lenders obtain insurance on mortgages to build or refinance apartment buildings, up to a maximum mortgage amount per unit set by Congress. In addition to a base insurable amount, the insured loan can be higher in certain high-cost areas. The Coalition wants the base to be raised throughout the country and the high-cost limit to be raised in several cities where the limit is already at its maximum of 210 percent of the base.

These increases would help offset the rise in land, construction and other costs that have occurred since 1992. A 25 percent increase in the base, for example, would mean that the maximum loan amount the FHA would insure for a multifamily building with two-bedroom units and an elevator in a city with a high-cost limit of 150 percent would increase from \$68,375 per unit to \$85,468 per unit. Increasing the mortgage limits would allow FHA’s housing partners to develop new affordable housing units in areas that have become too costly for the FHA program.

The artificially low FHA loan limits, coupled with rising costs, have contributed to a dearth of affordable rental units. In Boston, for example, almost 300,000 households had “critical housing needs” in 1998 and the city’s apartment vacancy rate now stands at an extremely low 2.7 percent. Yet there were no FHA-insured multifamily new-construction or substantial-rehabilitation loans made in the past four years.

“Raising the FHA multifamily loan limits will help to jump start housing production in communities of greatest need,” said Steve Coyle, CEO of the AFL-CIO Housing Investment Trust, one of the nation’s leading union pension investment programs. “The decline in affordable housing production will take time to turn around but this would be an important start.” Coyle said that since 1992, when loan limits were last adjusted, the nation’s

supply of rental housing has grown by less than 0.5%.

Raising FHA’s multifamily loan limits is just the first step toward increasing the production of affordable FHA multifamily housing. The housing coalition also will work on other solutions to the affordable housing crisis, including developing a new market-based production tool that will:

- ◆ Be designed to benefit working families that are not being assisted through other programs
- ◆ Serve a range of incomes
- ◆ Utilize market mechanisms, including debt (loan) programs, insurance products and tax incentives
- ◆ Complement existing programs
- ◆ Serve all areas of the country
- ◆ Make effective use of the secondary and capital markets
- ◆ Have adequate resources for a meaningful impact

“Our Coalition is committed to working with policy-makers, housing advocates and other concerned parties in developing solutions to our nation’s affordable housing crisis,” said Donald Plusquellic, mayor of Akron, OH, representing the U.S. Conference of Mayors. “This problem deserves to be a national policy priority, and we intend to make it one.”

MBA and the Coalition also pledged to work closely with HUD Secretary Mel Martinez and the Bush administration. “I want to commend Secretary Martinez for the commitment he has demonstrated to affordable housing for all Americans,” MBA President Woodward said. “We look forward to working with him as a partner on these issues.”

Emergency maintenance service is an absolute necessity if you're a property owner or manager. However, it can put you and your residents at risk. In 1995 a maintenance technician on call assaulted a young female resident in the state in which I live. Unfortunately this type of thing does happen occasionally. On the other hand the maintenance technician on-call is at risk of being the victim of a false accusation. How do we reduce the risk of such a dreadful occurrence?

1. Communication removes all doubts.



Set up a voice mail system with the local Phone Company. When your maintenance technician receives an after-hours emergency call have them call the designated voice mail line and log-in. When they

complete the service have them call the line again to log-out. This voice mail recording then becomes a record for defense should a false claim be raised against your maintenance technician. Ask your maintenance technicians to record the time of day, apartment number and the nature of the call. You can use this information to protect them as well as record overtime hours worked. Of course you are relying on them to call the designated number, but let them know this is how they will be paid for emergency calls as well as serve as protection in the event of a claim being filed against them. Phone voice mail boxes usually cost a few dollars a month to maintain a wise investment should a claim arise.

2. Always ensure the resident is comfortable.

About a year ago I was asked to conduct an interview for a client. The interview was with a young lady applying for a sales position. The only time she could meet was at the end of the day and the client wanted me to interview her at their location. Realizing that we could find ourselves alone in the office I called her and told her that we might be alone and if so would she be comfortable with that? The point is to make sure the resident feels comfortable with your maintenance technician coming into their home after hours. When the call comes in to your on-call person they should call the resident and get the details of the call and make sure they are comfortable before they show up at the door. As we all know, many after-hours calls come in only to alert your maintenance team of a problem and not to have it addressed right away. Some residents don't want them to come out; they only want you aware of the problem. If your on-call technician just shows up at the door it could make them very uneasy.

3. Never put yourself in a compromising position.

Unfortunately some people don't understand proper attire. As a former maintenance supervisor I've had residents answer their door wearing nothing more than a towel. NEVER enter the apartment when this happens. Always let the resident know in a

kind way that you will give them time to get dressed and then you'll be back. You're inviting trouble if you handle this in any other way!

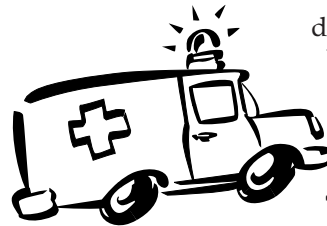
4. Supply your maintenance team with ID badges.

Make sure your on-call technicians have photo ID badges and that they wear them. This protects your residents from intruders showing up at their door posing as one of your team members. Notify your residents that your team will have ID badges. Do not permit anyone to enter the apartment without one. Also, ask them to notify the office if this should ever occur.

5. Always post a sign on the door.

We teach our maintenance staff to hang a "maintenance working" sign on the door so the resident will know they are inside during the day should they come home. This sign will also let neighbors know they are in the apartment after hours. You want as many people to know that your on-call technician is in the apartment as possible. You're letting your residents know that you offer service around the clock as well as establishing witnesses should a complaint be registered. Even if the resident is home while the service is being performed they should post the sign.

**Take the Risk Out of
Emergency Service**
BY BILL NYE



dent is home while the service is being performed they should post the sign.

6. Limit your conversation to the nature of the call.

Your presence in the apartment is a business call, not a social call. Don't stand around and engage in conversation. Your residents called you out of necessity so respect their home and their time. The quicker you get out of the apartment the better it is for everyone.

7. Report any trouble right away.

Should your on-call technician encounter any type of confrontation he should call the on-site manager immediately. Don't wait until the morning. By then the problem could become too big to handle.

These tips won't guarantee the absence of trouble, but they will certainly help. Our society is a very litigious one, so we can never be too cautious. Brainstorm this topic at your meetings and you will probably come up with additional ideas on how to **take the risk out of emergency service**.

Bill Nye is a national industry speaker with experience as a maintenance supervisor as well as on-site and multi-site management. He is available to speak on maintenance topics at trade shows, manager & maintenance supervisor conferences, association dinner meetings and educational seminars. He recently spoke on upgrading maintenance service and productivity at the Multi-Housing World Conference in Orlando and we be speaking on the Psychology of leasing and selling at the NAA Conference in Las Vegas. You can contact Bill at (919) 846-8480 or via email at billnye@mindspring.com

“Who is Responsible for Your Decisions?”

BY MR. PER

“What should I do?” The question was from a long-time friend who, for close to an hour over the phone, had described to me the harassing actions of her boss; actions that were unethical, unprofessional, and illegal. (He was later prosecuted on criminal charges.) “What should I do?” she asked again, as her tone became more insistent. In response to her question I said this: “I am not going to tell you what to do because I’m not the one that has to live with the consequence of the decision. Only you will have to bear the full consequences. Since you are the one who has to live with the decision, my question for you is this: What decision do you want to live with?”

A year later, when we spoke in person, she told me that it was at that moment when she heard my question that she realized what she really wanted to do. She had asked dozens of people what she should do and yet I was the only one who had asked her to decide for herself.

In the past I used to tell people what they “should” do. I stopped doing that when I realized that by making the decision for them, I also assumed *responsibility* for the decision. Because I had made the decision, the person was less accountable for his or her actions. If you have ever questioned someone as to why

they did something and they said, “You told me to” or “You made me do it,” you have experienced this concept first hand!

Have you ever tried to guess, as you sat in the car, when a red light was going to turn green? Once when doing that as a passenger, I said my guess out loud. After hearing me say “go,” the driver then ran the red light! Her response to my protest was, “You told me to go!” If we had been stopped, I can hear her arguing with the police officer, “Per should get the ticket, he was the one who made the illegal decision!” When someone else makes a decision for you, you are probably going to be less enthusiastic, committed and accountable for your actions and results. You are also more likely to be resistant to doing it.

At times in life you will be in situations that force you to make decisions for others. So how can you “allow” them to make the decision? If you decide “what” they have to do, give them as much choice as possible as to when, where, and with whom they do it with. After I suggested that advice to a parent with a challenging 8 year-old, she emailed this to me. “Thanks for the advice with my daughter, I started giving choices and it creates fewer battles.”

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The Florida Apartment Association, in cooperation with the National Apartment Association, now has an electronic lease program available for all our members. The software has been designed to save you time and money by speeding up the preparation and printing of lease packages. The software has also been designed to improve accuracy and reduce errors by providing built-in math calculations, default settings for recurring items and charges, automatic data transfers from the main lease form to other forms making up the lease package, built-in error checking, and lease expiration reports.

Please see the lease form inserts included in this issue of IMPACT to start using this great service today!



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"Who is Responsible for Your Decisions?"

from page 14

Making decisions for others is done in more subtle ways as well. Have you heard a spouse say something like, "You can do that until we have children"? What is really being said is that I have made the decision and *you* have no say in it.

Can you think of a time when someone else made a decision that you were obligated to fulfill? Assuming that you can, how did you feel about it? Highly motivated or hardly motivated? If you had made the decision yourself, would you have been more enthused about fulfilling it and more committed to completing it? Sure you would have because making the decision, and accepting the responsibility that goes with it, would have energized you to take action.

Today, will you do your best to make your own decisions while enabling others to make their own?

If you like this article, you will love the book it came from. Titled My Brain is Sweating! this soon to be best selling book is the world's first encyclopedia for self development. You can learn more about My Brain is Sweating! at www.iztek.com <<http://www.iztek.com>> . Mr Per is a speaker with a fresh perspective on the apartment industry. To bring this speaker who has been called, "An ordinary guy with an extraordinary message" to your next meeting, go to www.iztek.com or call Per at 407-210-3666. To receive iztek's weekly email, send an email to m4@iztek.com.

