# APARTMENT AGE

OFFICIAL PUBLICATION OF THE APARTMENT ASSOCIATION OF GREATER LOS ANGELES

NOVEMBER 2013

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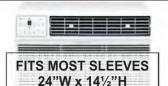
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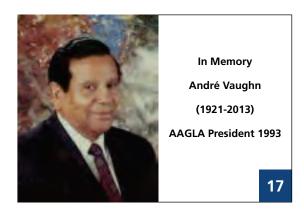
**NOVEMBER 2013** 

VOLXXXVIIII NO.10

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# This Is Your Association, This Is Your Future

By Rick Otterstrom, AAGLA President



Last month I shared with you our Long Range Planning Program. If you are reading this article you are holding evidence in your hands of our Long Range Planning of two-to-three years ago, AAGLA's new and more competitive monthly magazine.

Our members and Directors have, for some time, been telling us we needed to update our Apartment Age magazine. But changing a magazine like ours and doing it right takes more than a quick change. We wanted to give you the best apartment industry periodical in California and the whole nation. I think you will see we have accomplished that feat.

You probably receive other monthly apartment industry magazines. However, the rest of the apartment magazines you receive are from privately owned businesses that are interested in making a profit. This is not a bad thing but it is a major difference between them and us. The Apartment Association of Greater Los Angeles is the only local apartment association in Northern Los Angeles County, Ventura County and San Bernardino County where the members own the Association. They own the building we are in, our costs of the products and services we use, and the dues you pay that go toward making this Association an effective advocate for you.

We hope that this new Apartment Age magazine will help explain why an Association that you own is an investment and not just a business expense. Your Association dues go into supporting AAGLA's daily political and legislative battles to keep apartment owners in business. Apartment Age magazine will help you to understand that the AAGLA Directors, whose voluntary work is free to the Association, and AAGLA's paid political staff are winning legislative battles for all of us daily. Our magazine will not only tell you what is wrong with current and potential legislation, but the Association behind the magazine will actually work to do something about bad legislation before it becomes law. This is unlike the private magazine publishers who are solely interested in making a profit on products and services sold to the apartment owner.

We need you, the member/owners, to spread the word. Let other apartment owners know there is a difference between privately owned businesses that look like an apartment association and your Apartment Association, the Apartment Association of Greater Los Angeles. Let us know if you know an owner who is paying checks to a business that looks like an apartment association, but is not using their funds for the benefit of the apartment owner.  $A_{\mathbf{A}}$ 





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# Let Your AAGLA Membership Pay for Itself

By James B. Clarke, AAGLA Chief Executive Officer



Many of our members have empowered themselves by learning and knowing more and more about the many benefits of AAGLA membership. Take for example our many discount programs. If you used just one of the business discounts offered to you through AAGLA or the National Apartment Association (NAA) - don't forget your AAGLA membership includes membership in NAA – you could easily recoup the same amount of money you paid for your AAGLA membership – or more.

A perfect example is AAGLA's Workers Compensation Insurance program with EMPLOYERS Insurance. You will receive a 5% discount on top of their already-low rates when you bind a policy. Many of our members are already taking advantage of this terrific benefit.

NAA offers a number of discounts on products and services to its members. The National Apartment Association Education Institute (NAAEI) and Dell have teamed up to offer members the benefit of participating in the Dell University Program. This program offers award-winning technology, flexible financing options, service and support, and more. You can enjoy exclusive savings for NAAEI Students, Members, Faculty and Staff.

AAGLA/NAA members are eligible to receive valuable discounts of up to 27% on select FedEx® shipping services through the FedEx Advantage® Program. There are no costs and no minimum shipping requirements to take advantage of this great member benefit. AAGLA/NAA members can save:

- Up to 27% on select FedEx Express® services
- Up to 23% on select FedEx Express international services
- Up to 15% on select FedEx Ground® services
- Up to 10% on select FedEx Home Delivery® services

For more information about the FedEx Advantage Program call 1-800-MEMBERS (800-636-2377, 8 a.m.-6 p.m. EST, M-F).

One of the most popular benefits is discounts of maintenance products and services. Maintenance USA offers discounts on more than 20,000 brand name products. You have the opportunity to source repair and maintenance products like the largest management companies without the typical volume requirements. The NAA Independent Rental Owner (IRO) program with Maintenance USA features the following:

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For more information on these and many more benefits that make your membership pay visit our AAGLA website and/or connect to NAA. We hope you will take advantage of them. It pays to be a member of AAGLA. A



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#### **MARK YOUR CALENDAR**

#### **November 5, 2013**

RESIDENT MANAGER TRAINING PROGRAM Also Held, Nov. 6,7, 11, 12, 18, 19, 20

**Location:** AAGLA Main Office

Time: 6:45 - 10:00 p.m.

Cost: \$450 - Special price for members Call Yvonne (213) 384-4131 ext. 326

#### November 5-8, 2013

## **CAMT NAAEI DESTINATION TRAINING** (Certified Apartment Maintenance Training)

**Location:** AAGLA Main Office **Time:** 8:30 a.m. - 5:00 p.m.

Cost: \$800 per person

Kimberly McCrossen (703) 797-0610



## November 9, 2013

Monthly Membership Meeting Guest Speaker: Steve Carlson, AAGLA State Advocate

#### November 14,16 2013

## LAHD/PROPERTY MANAGEMENT TRAINING (English Session)

**Location:** AAGLA Main Office

**November 14:** 9:00 a.m. - 6:00 p.m. **November 16:** 9:00 a.m. - 6:00 p.m.

Cost: \$225 with Citation

\$99 AAGLA Members with No Citation \$149 Non-Members with No Citation Call Yvonne (213) 384-4131 ext. 326

#### November 20, 2013

### MANAGING A SAFER & MORE PROFITABLE **RENTAL PROPERTY**

**Location:** AAGLA Main Office - Training Room

621 S. Westmoreland Ave. Los Angeles, CA 90005 **Time:** 9:00 a.m. - 1:00 p.m.

#### November 20, 2013 **VENTURA COUNTY MEETING**



**Location:** Hampton Inn

50 W. Daily Dr.

Camarillo, CA 93010 Time: 6:00 - 8:00 p.m. Guest Speaker: Jeff Gorrell, 44th District Assembly Member

### November 25, 2013

## **SANTA MONICA MEETING**

7-9 p.m. at the Colorado Center Community Room 2500 Broadway Ave., Santa Monica, Ca 90404.



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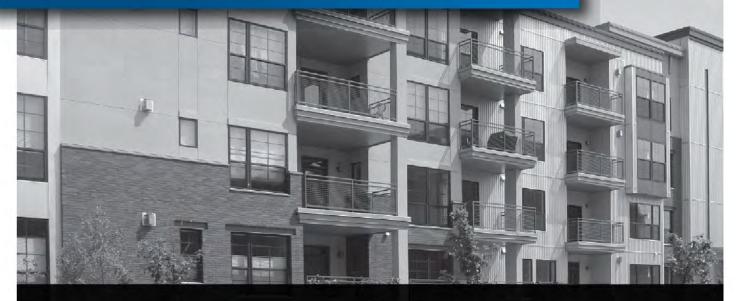
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# AAGLA's 17th ANNUAL

First off, a big **Thank You** to everyone that attended and participated. The new venue for the trade show proved to be a major success this year, and with that, AAGLA would also like to especially recognize our breakfast sponsors; Screening Pros, Fuller Insurance, and The Law Office of Harold Greenberg. The host Crowne Plaza Hotel was excellent as well, up to AAGLA's standards. The feedback from members was great on our compilation of high quality vendors as was the feedback on our attendees from those vendors. The seminars scheduled throughout the day given by Gary Glucroft of Screening Pros, Kari Negri of Sky Properties, Matt Fuller of Fuller Insurance, and Dennis Block of Dennis Block & Associates were very educational and informative. Our staff is already thinking ahead to making next year's event even bigger and better!















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# **André Vaughn (1921-2013)** AAGLA President (1993) An Exceptional Life

By Herbert Molano



In early October I sat transfixed by the one of the purest renditions of Schubert's "Ave Maria" I've ever heard live. It was a performance worthy of a concert hall, but I heard it in the middle of the mass in honor of André Vaughn past president of AAGLA. The tenor's melodic voice was clear, purposeful, dynamic and memorable, just like the life we were commemorating that day at St. Bernadette Catholic Church.

André or "Vaughn" as many of his associates called him, lived a life of clear purpose, steady discipline and exceptional integrity. These are not simply respectful remarks for a decedent... Vaughn, an African American from the South born in the early 1920's, forged ahead regardless of any obstacles that stood in his way, and exceeded in his personal and professional life to a degree no one would have predicted.

We build memories, not just the ones we keep for ourselves, but the ones we build in the minds of others. It was Joyce, his wife, who sat with me in their family room recollecting their life together and how music became a central theme in their lives. Joyce opened one of the many custom made drawers that contained Andre's jazz collection of rare and exceptional recordings, as she recalled their travels listening and evaluating the nuances of the melodies and improvisational arrangements of the artists.

André was a thinking man who knew how to read situations and read people. Early in his real estate career, as he transitioned from being a CPA, he recognized the obstacles that a segregated society imposed on an African American. Despite being prevented from becoming a member of the Realtors in the early 1950's, he persisted in his quest to build an investment business, a profession suited for a man with a business college degree and the self-assurance that commanded attention and respect. It is as if he had been the model for Lisa Nichols' book "No Matter What." A steady determination to succeed imbued with relentless honesty. His keen observation of people, coupled with an insatiable desire to devour books (Joyce, his wife, estimates his collection of books in the thousands) gave him a sober perspective of life and a steady hand at piloting his businesses and influencing his friends.

These values André carried with him as he stepped up to become board president of AAGLA, the first African American to hold that job. His unpretentiousness and easy grace is remembered fondly by the board members who were present during his tenure. His calm demeanor masked a strong and steady advocacy against rent control, recalls Evelyn Reeves his long-time business manager.

So what would be a fitting musical tribute for a man of faith, discipline and integrity? I'd pick one song from one of the artists in his collection – Sara Vaughan. The album and track I would choose – Mystery of Man, The poetry of John Paul II. For André - A man of faith from a non-too-distant past who always seemed to know the answer to this mystery we call life. A

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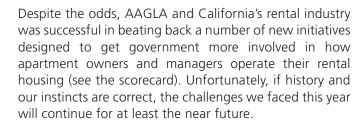
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# **Good Year but Expect More (Bad) to Come**

# Super Majority in Senate and Assembly Gives Tenant Groups a Greater Foothold in Sacramento

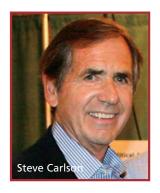
#### By Steve Carlson & Tim Coyle, Sacramento Lobbyists



The difficult political situation in Sacramento for apartment owners this year came as little surprise to us and other veteran business lobbyists. The state's general election of November, 2012 delivered super-majorities that is, a margin of more than 2/3 for the ruling party, the Democrats – to both the Senate and Assembly. That's not to say that Democrats are naturally inclined to support more government intervention into private housing markets. Indeed, the 2012 freshman class produced some true centrists – members we can work with.

But, simple math shows just how much easier it now is and this year was proof - to pass legislation unfriendly to business interests. The number of Democrats in both houses not only far exceeds the 21 and 41 votes that are necessary to pass legislation in the Senate and Assembly, respectively, meaning our adversaries have more potential sympathizers to chose from. And, their 2/3 majorities mean they not only can raise taxes and place constitutional amendments on the ballot on their own, but they can adopt without challenge any rules for legislating they want. Moreover, when the leaders of both the Senate and Assembly have that many fellow Caucus members to work with, they have a pretty good chance of controlling outcomes.

So, much of what kept us busy this year was a function of the numbers. Consider the much-despised AB 1229 (Atkins) legislation. The same bill was defeated two years ago twice – when the numbers were slightly more in balance.





But, this year, by contrast, the numbers emboldened our adversaries and made it easier for Atkins and Senate and Assembly leaders to pick off enough Democrats to go against our interests. And, it wasn't just the apartment industry that felt the brunt of this new power – the Atkins strategy was repeated several times over.

The difficult political situation in Sacramento for apartment owners this year came as little surprise to us and other veteran business lobbyists.

Nevertheless, we defeated many bills that truly would have made it more difficult to own and manage rental housing. As the adjacent chart highlights, measures dealing with pests, smoking, gun storage, security deposits, credit reports, rent caps, court fees, water submeters, property taxes, disabled access, eviction limitations and pets were among those which threatened our interests. With the exception of AB 1229 - for which, as of this writing, a gubernatorial veto is being sought – all other measures were defeated, fixed or shelved.

But, looking forward, things appear just as challenging. Of particular concern are the pent-up interests in raising property taxes on commercial real estate, including rental housing. While we were successful this year in keeping those interests at bay, the groups backing Proposition 13 "reform" and higher property taxes are made up of true believers and we must be ready for a fight. Indeed, AAGLA is part of a broad-based coalition organized specifically to stop the property-tax menace.

So, our work is already cut out for us. The work continues and AAGLA members will be called upon even more than in the past. Meantime, the chart marks some of our successes in 2013.

#### **AAGLA Governmental Affairs**

## 2013 Legislative Scorecard

LEGISLATION	OBJECTIVE	OUTCOME
AB 59 (Bonta) - Allows school districts to assess special taxes differently, based on property type.	Defeat	Defeated
AB 116 (Bocanegra) - Extends expiring subdivision maps for 2 years.	Support Passage	Passed; signed into law
<b>AB 188 (Ammiano)</b> - Re-defines real estate sales; sets stage for creating split property tax roll.	Defeat	Defeated
AB 227 (Gatto) - Allows right to cure a violation of Proposition 65 before a civil action is brought.	Support Passage	Passed; signed into law
AB 746 (Levine) - Would prohibit smoking in all multifamily housing (2 or more units sharing a common wall).	Defeat or Improve	Defeated
AB 969 (Levine) - Adds new "protections" in alleged retaliatory evictions/promotes jury trials.	Defeat	Defeated
AB 1220 (Skinner) - Would impose new credit-reporting obligations on property owners, others.	Defeat or Improve	Improved: amended to remove offensive provisions. Passed; awaiting Gov action.
AB 1229 (Atkins) -Evades state rent-control law; allows localities to dictate affordable housing mandates.	Defeat	Passed narrowly; veto requested.
SB 391 (DeSaulnier) - Imposes new real-estate fee to create permanent funding for affordable housing.	Defeat or Improve	Action suspended; 2-year bill.
<b>SB 488 (Hueso)</b> - Permits duplicative inspections/citations for pest control, trash, storage.	Defeat or Improve	Improved: amended to remove offensive provisions. Passed; awaiting Gov action.
<b>SB 550 (Jackson)</b> - Would impose new disabled accessibility requirements for rental housing.	Defeat or Improve	Defeated
<b>SB 603 (Leno)</b> - Would create new penalties for alleged security-deposit offenses.	Defeat	Defeated
<b>SB 750 (Wolk)</b> - Would mandate the installation of water submeters in all new rental housing.	Defeat or Improve	Action suspended; 2-year bill.
SCA 3 (Leno), SCA 4 (Liu), SCA 7 (Wolk), SCA 8 (Corbett), SCA 9 (Corbett), SCA 11 (Hancock) All measures amend state constitution, lowering 2/3 vote standard to 55% for increases in property taxes.	Defeat	Action suspended; 2-year bills.

Thanks to all AAGLA members who weighed in at the state Capitol with 



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# The "Split Roll" Property Tax Threat

# What You Should Know



#### In September, Jon Coupal, President of the Howard Jarvis Taxpayers Association spoke to over 200 real estate professionals and apartment owners in San Diego.

Let me spend just a moment talking about split roll – the proposals that would remove Proposition 13 tax limits for commercial properties. First, let's note that Proposition 13 did not create a loophole for business properties. California has always - at least since 1850 - taxed property at the same rate. Proposition 13 didn't change that. Second, we often hear that, during the campaign in 1978, the fact that Proposition 13 protections would be extended to business properties wasn't presented to the voters. Not true. The opponents hammered those arguments throughout the campaign and, specifically, in the official ballot pamphlet itself.

During the Proposition 13 campaign, it was predicted that, over time, homeowners would pay an increasing percentage of the total property tax revenue because residential properties change hands more frequently than commercial properties and thus would be taxed closer to market value. But for many years the percentages remained relatively static. Only more recently has there been an uptick in the percentage of property taxes paid by homeowners. According to the LAO, the total assessed value of owneroccupied homes was at an all-time low of 32% in 1986 to

a high of 39% in 2005. But that percentage shrunk back to 36% in 2011.

Why does that even matter? I would submit to you that it does not. Merely because commercial properties may now be contributing a smaller slice of the property tax pie does not necessarily mean they are getting a break at the expense of homeowners. Consider a small town with only a handful of businesses. If one of those businesses closes. then the residential share, when stated as a percentage of total property tax revenue, will go up. And if all the businesses close - because of a burdensome tax and regulatory climate - then homeowners will reflect 100% of the assessed valuation. This is hardly a tax break for businesses which were bankrupted or driven out of state. More importantly, the supporters of split roll are themselves split on the issue whether income producing residential properties - apartments - would be included in the definition of "commercial." If they are, this would have an even more profound impact on California's economy and, of course, housing costs.

Now, let's talk politics: are we going to get a split roll?

We already have one bill proposal by Assemblyman Tom Ammiano so we know that there is at least some political pressure for altering Prop 13. Keep in mind that these proposals can come in three different forms.

First, a constitutional amendment to Prop 13 could authorize a higher tax rate on commercial property. Instead of the one percent cap, the current rate, it could be moved up to whatever the proponents designate. However, since a constitutional amendment would be required to effectuate this change, it would have to be initiated either as a proposed Senate Constitutional Amendment (SCA) or Assembly Constitutional Amendment (ACA) and secure a two-thirds vote in each house. Alternatively, the spending interests – mostly organized labor organizations - could secure the signatures necessary to place such a proposal on the ballot. Indeed, that is the far more realistic threat right now.

Second, via the same means just described to amend the constitution or perhaps by statute – there could be a change in the law relating to "change of ownership." There are few definitional guidelines in Prop 13 itself as to what constitutes "change of ownership." Thus, especially with a two-thirds Democrat majority in both houses, the fear of the business community is the passage of legislation that would include certain corporate real estate transactions as "changes of ownership" which currently are not so defined.

Third, and potentially more dangerous, a de facto split roll can be imposed via parcel taxes. This requires a bit of explanation.

In the words of Founding Father Benjamin Franklin, we can either hang together or hang separately. It is vitally important, in our view that all property owners step up to preserve Prop 13 for everyone. For if we lose Prop 13 for businesses today, it will be far easier for our adversaries to come after homeowners tomorrow.

The California Constitution requires that all property be taxed "according to value." But the courts, regrettably, have found that additional taxes on property can be imposed as qualifying "special taxes" under Proposition 13 as long as they are not imposed as a

percentage of value. Many parcel taxes are imposed on an entirely flat basis. A typical parcel tax would be \$79 annually on every parcel in a school district to pay for education programs. The negative policy implications of parcel taxes (regressivity, etc.) are readily apparent.

The threat to the business community is when parcel taxes are imposed, not on an entirely flat rate basis, but in different amounts depending on the use of the property. For example, in order to limit opposition from voting homeowners to a parcel tax proposal, a school district might put forward a modest flat rate \$29 per parcel for single family residential properties but, at the same time, hit commercial properties with a \$1,200 levy or, potentially worse, a high cost per square foot.

Despite the fact that the majority party now has a twothirds supermajority in each house, we are hopeful that moderates and perhaps the Governor himself will deter some of the more radical proposals to gut Prop 13. But that will not stop the interests for whom no amount of tax revenue is enough from qualifying an initiative to weaken or even repeal Proposition 13. Given the passage of Proposition 30, itself a \$50 billion tax hike, we think these interests – mostly public sector labor groups – have simply had their appetites whetted. For that reason, those in the private sector, particularly those in the business of commercial real estate, had best prepare for political battle in 2014.

Finally, we are often asked why HJTA is taking a lead position in the fight against split roll. While it is true that most of our members are homeowners whose primary interest in preserving Proposition 13 is to prevent them from being taxed out of their homes, HJTA counts among our members a substantial number of businesses who support our mission. Many of these are owners of apartment buildings who would be devastated – as would their tenants – if they were to lose Proposition 13 protections.

In the words of Founding Father Benjamin Franklin, we can either hang together or hang separately. It is vitally important, in our view that all property owners step up to preserve Prop 13 for everyone. For if we lose Prop 13 for businesses today, it will be far easier for our adversaries to come after homeowners tomorrow. Prop 13's enemies have made it clear that they will not rest until Prop 13 is destroyed in its entirety.

Our mission is to ensure that that never happens. Thank you. 🗛

This Article has been edited to fit the constraints of the magazine, for the full version of this speech visit www.hjta.org





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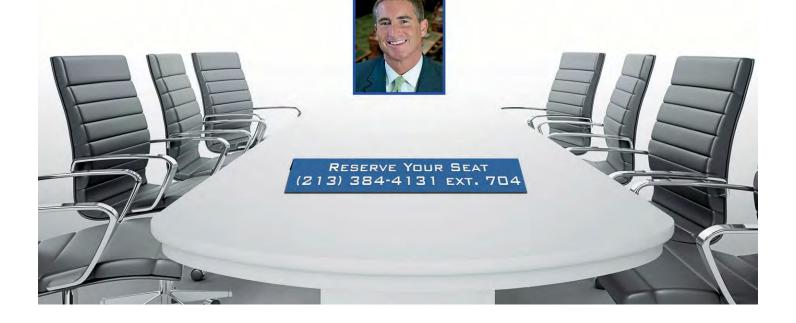
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# **Capitol Update**

# From Greg Brown, NAA Legislative Affairs

Apartment Industry Advocates,

As I write these words the clock is ticking down to the first shutdown of the federal government in 17 years. House Republicans want to defund, delay or otherwise defang the Affordable Care Act (ACA) in exchange for extending funding for the federal government through December 15. Senate Democrats and the White House refuse to consider any legislation that touches the ACA. If neither side relents, the government will shut down.

The inevitable blame game is in full swing. All of the usual media suspects are releasing polls showing who will face the greater public wrath - 1600 Pennsylvania Avenue or Republicans in the House of Representatives. So far, it appears the President has the advantage as polling indicates that the GOP will shoulder most of the blame for a shutdown and any economic fallout that results. All of this depends on the length and depth of the shutdown as well as its impact on individuals and families (especially those who make the evening news).

Ultimately, this fight is a warm up for this fall's main economic policy event - the debt limit increase. As of October 17, the United States will hit its borrowing limit and the Congress will have to authorize additional borrowing authority. That authorization is where House Republicans feel they have leverage over the President to make a deal on other policy priorities. Thus far, their list is topped with a one-year delay of the ACA. It also includes approval of the Keystone Pipeline, rescission of new EPA rules on construction of new coal-fired power plants and a number of other items. I will resist the temptation to use a "kitchen sink" metaphor at this moment.

The Administration maintains that it will not negotiate on increasing the debt limit while House Republicans assert that if the President wants the increase, he will have to negotiate with them. Who wins on this one has much to do with what happens with the government shutdown debate. If the shutdown goes badly for the Republicans, their position in the debt limit fight could be severely weakened.

Thinking big picture for a moment, GOP leaders need to tread carefully so as not to endanger their hold on the





House of Representatives overall. Economists of every philosophical stripe, Wall Street analysts, academics, and my neighbor who day-trades in his pajamas agree that a default on the debt would have immediate and lasting negative impacts on our economy. The 2014 midterm elections are only 13 months away. Presently, the Democrats have a pretty slim chance of retaking the House while Republicans have a decent shot at taking back the Senate. If the GOP indeed takes the blame for fallout from a government shutdown or default on the debt, the odds could turn against them.

Based on everything above you might think that it's all blue skies and roses for the President. As it turns out, frayed intra-party relationships are not the sole purview of the GOP. Congressional Democrats have complained for some time about the lack of a relationship with the President. So far, that has not translated into actual policy losses. However, within the past month the President has been turned down by his own party on two major requests. It certainly could be read as an end to the nearly automatic support from a large majority of House and Senate Democrats.

First, the President asked Capitol Hill to back his plan to attack Syria and enforce his "red line" on the use of chemical weapons. House and Senate Democrats rebuffed him. This put the President in a position of abiding by Congressional opposition and being viewed as weak on the national stage or ignoring the Congress and executing the strike anyway. That is a move fraught with all sorts of danger.

The second instance was during the process of selecting a nominee to replace Federal Reserve Chairman Ben Bernanke. The President floated a trial balloon for Larry Summers, former Treasury Secretary and past Chairman of the President's National Council of Economic Advisors. Janet Yellen, Vice Chair of the Federal Reserve Board of Governors, was also a potential candidate although it was well known that Summers was the President's first choice. This time a small group of progressive Senate Democrats pushed back and ultimately, Summers withdrew his name, leaving Yellen as the President's likely nominee.

Is this just another bump in the rocky road of the Administration's relationship with Capitol Hill or something deeper? Time will tell, however, it does seem to indicate that the power of the office and the role as leader of the Democratic Party are not enough anymore to ensure the President gets what he wants out of Democrats in Congress. For someone who does not focus too much time building relationships with members of either party in Congress, this could have big implications for the President's last three years in office.

The apartment industry has a significant stack of policy

issues at play in the remaining 15 months of the 113th Congress. Immigration, housing finance, tax reform and energy issues all are in play. The outlook for these and many other legislative initiatives will depend greatly on what happens with the twin fiscal fights of the federal government's budget and the debt limit. Here's hoping that a resolution in both cases is swift and definitive so we can move on.

That's it for now. As usual, tell me what you think of these scribblings by emailing me at greg@naahq.org. Talk to you next month. Regards, Greg A



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# **Choosing a Property Management Company**

# One of the most important decisions you will make

By Kari Negri, CEO Sky Properties

"Ask Kari" is a monthly Question & Answer feature from Kari Negri. Kari has two decades of property management experience, is a featured speaker at many industry trade shows, such as AAGLA's annual trade show, and is the founder and CEO of SKY Properties, Inc., in Los Angeles.



This month brings a special feature from the AAGLA Trade Show! I gave a free seminar on, "The Pitfalls of Choosing the Wrong Property Management Company." Many owners thought it would make a great article to share and reference. Here are the main points from my seminar:

#### PITFALL 1: Stuck in a 12-Month Contract

You could be stuck in a 12-month contract with a company that does not share your vision for your property. Additionally, that company has control of not only the management, but also the building funds. At SKY Properties, we offer monthto-month management contracts due to the number of owners stuck in dissatisfactory management agreements prior to coming to us.

#### **PITFALL 2: Poor Accounting and Out-of-Control Finances**

If you suspect anything, ask for copies of the invoices. You don't want a disorganized company that blindly pays invoices without investigation, or potentially double pays invoices. Make sure to find out what accounting software the company is using.

#### **PITFALL 3: Non-Professional Property Managers** as Managers

If you consider hiring an accountant, agent, asset manager, or family member to manage your building, be aware. Due to their lack of property management specific experience, they may be more susceptible to all pitfalls listed here including unnecessary legal exposure, and over-spending.

#### **PITFALL 4: Not Properly Screening Tenants**

Mitigating eviction risk starts with tenant screening. An inexperienced manager may fill a vacancy fast, and temporarily increase cash flow, but in the end, this is the worst thing they can do. Without properly screening tenants, eviction risk and community safety can be a heavy price to pay. At minimum, check: criminal, credit, employment, eviction reports, and get confirmation of

current residence via a utility bill. Additionally, look at three months of bank statements to confirm rent and utilities are being paid. Lastly, look at the driver's license closely and confirm the identity of the person applying is the actual person you are approving.

#### **PITFALL 5: Incorrect Forms and Not Following Proper Procedures**

All on-site managers must have a manager contract and submit weekly timesheets. Make sure your management company has an HR department that understands labor law and employee procedures. There are many other examples of improper, or lack of paperwork that is required, which management companies and their on-site managers must stay current on.

#### **OUESTIONS TO ASK MANAGEMENT BEFORE SIGNING.**

Would you rather wait for the right tenant or just get it rented?

Do you like your bills paid within 30 days?

Do you want a janitorial service or does your on-site manager do the work?

Do you do maintenance just when needed or do you do preventative work?

What are your priorities and objectives?

What kind of vacancy turns do you want - basic or remodel or small upgrades?

Bonus: How to best qualify a property management company.

Length of time doing business?

Length of time with current clients?

**Involvement with local associations?** 

Is the company bonded?



#### **PITFALL 6: Neglected Maintenance**

To make the bottom-line appear healthier, some managers may choose to neglect maintenance. This is a huge mistake. It results in massive repair bills when a problem becomes out of control and causes city write-ups.

#### **PITFALL 7: Inspection Schedule Not Kept**

Smoke alarms and carbon monoxide detectors must be checked every six months. Utilize these inspections to check plumbing (look for leaks and running faucets that can massively affect your water bill, create unhealthy conditions in apartments, and cause potential liabilities). Keep a copy of the inspection report in the main office and on-site. Also check the pool gate and, all railings – insurance company checks once a year but that is not enough.

#### **PITFALL 8: Hidden Fees**

Not understanding all of the fees before signing a management contract can sting, especially if you're in a 12-month management contract. Besides the management fee – what else will you be charged for? Leasing? Postage? Office supplies? What is included in the management of your property?

Do you have a question for Kari? Please submit your question today: kari@GetSky.net Watch the web video series to this feature at www.GetSky.net A

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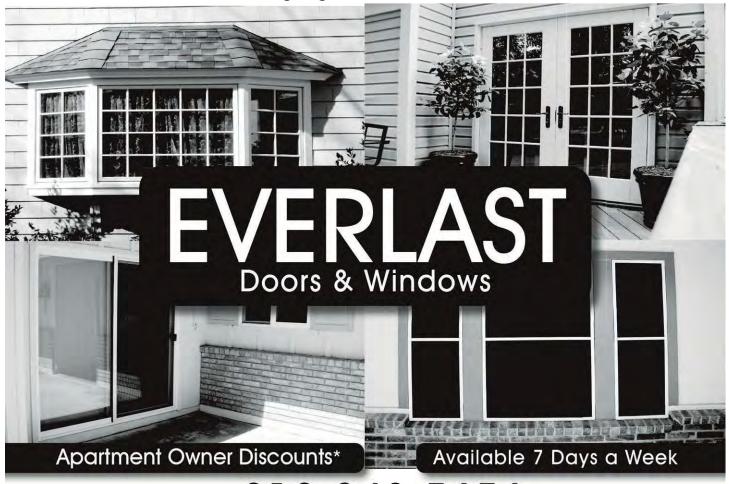


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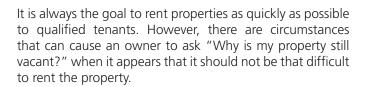


Have A Vacancy In Another Neighborhood? We Cover Other Areas!

# **Why is My Property STILL Vacant?**

# Tips to get it rented

By Jacqueline Kimaz, Director of Operations, The Madison Real Estate Group, jkimaz@madisonreg.com



Of course, it is obvious to look at the rental market and review competition. Perhaps there is simply a glut of comparable properties available and tenants can be choosy. Sometimes, it appears that the market is tighter and the property should rent more quickly, but is still available despite the advertising and many showings. In either case, you have to look at some reasons why a property will not rent.

### TIME OF THE YEAR

Of course, every year has events that slow down the market – back to school days, Thanksgiving, the December Holiday Season – all these can "slow" the market down and make it a little trickier. However, properties do rent during these periods, it is just that the numbers are lower and so may make it a little longer vacancy.

Ask yourself. What do I sell? How do my customers benefit when they live at our property? Remember, benefits, not features. How will living at your property impact your resident's life? What makes your property, better, more appealing, more convenient, more attractive, hands-downthe-best-choice your prospect can make?

Describe something about your property that you and only you can say. In the first few sentences, remember to include your name and a fast tip about yourself. "Hi, I'm your leasing consultant, Josh. I love helping people find their new home and believe I have the perfect unit for you."

### **ASKING PRICE**

Many times, it is simply the asking rent. Is the rent a competitive price? For example, if a larger two bedroom unit in the area is \$1200 and your property is a one bedroom for \$1250 with less square footage, it may be that the property is simply overpriced. The more competition in the



area, the more important it is to adjust the rent to entice a tenant. Even when there is not a lot of competition, a longer vacancy will generally cost more loss of income than adjusting the rent to entice a tenant.

### **PROPERTY CONDITION**

Is the property in good condition and attractive to prospective tenants? It may be a great house inside, but if a tenant pulls up and sees trash, peeling paint, and a deteriorating roof, getting them inside to look at it could be difficult. They may be concerned about future maintenance issues.

Perhaps the outside looks good, but the inside has worn, dirty carpet and dingy walls. Good tenants are not likely to put in an application, particularly if there are other available rentals. If either outside or inside conditions present problems, it is time to address them. The longer a property takes to rent, the more costly the loss.

### **AREA PROBLEMS**

One of the more difficult obstacles to overcome when renting can be a neighborhood or area problem. Is the property located where there are recurring burglaries, a listed pedophile, suspected drug activity, or even a murder? Any of these conditions can happen in any neighborhood and it may only be a temporary problem. However, it is a serious drawback when it exists while trying to fill a vacancy. It may be that you will need to adjust the rent, offer special incentives, and have extra patience before the property will rent to an acceptable tenant.

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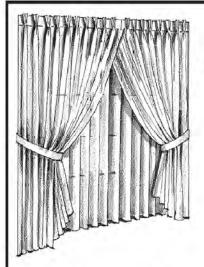


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### By Niagara Conservation

Apartment owners and managers can save hundreds of dollars per unit by taking advantage of new government and utility rebate programs for replacing 3.5 and 1.6 gallon per flush toilets. In an effort to help apartment owners maximize savings potential plus add value to properties, Sustain-Ability Solutions, a program management and installation company, is offering a limited time program which includes free toilets, showerheads and aerators. "This turn-key program, from site analysis to installation, provides the most water-efficient and best performing products on the market," according to Sustain-Ability Solutions President, Herb Lee.

### **FREE PRODUCTS**

One product included in this program is Niagara Conservation's ultra-high-efficient Stealth toilet. The Stealth has been acclaimed as one of the world's most efficient toilets and the only toilet that achieves a quiet, powerful flush using only 0.8 gallons of water. Moreover, satisfied customers say the toilet's revolutionary technology ensures maximum performance and a major reduction in repairs and maintenance. The program also offers water-saving showerheads as well as kitchen and bath faucet aerators, all warrantied for 10 years. After installing Niagara's Stealth in four apartment complexes, Keith Denner, President of Professional Property Management in Des Moines, Iowa, was astounded at the results. "Not only did the Stealth toilets save water and money, they also required less service than the less efficient toilets they replaced. When researching repairs since the retrofits, service calls were found to have dropped 90%," claimed Denner.

### WHAT IS STEALTH TECHNOLOGY?

Niagara's Stealth toilet contains a vacuum-assisted power chamber to use the least amount of water to achieve a powerful, effective flush. Water fills the tank and inner chamber, forcing air to the top of the chamber and down



the transfer tube. Air is then forced through the tube and into the trapway, exerting positive pressure on the water in the bowl. This action pressurizes the trapway and creates a larger water surface area in the bowl.



### **SAVINGS AND VALUE**

Program participants will reap benefits that include new free fixtures and installation and immediate savings on maintenance and utility bills. Savings experienced can be up to \$200 per unit installed. Plus, participants will not only save on water bills but on energy bills as well with the showerhead and faucet aerator products as there is water to heat.

As an added benefit, apartment owners can also realize property value increases from fixture upgrades. In addition to the annual savings of \$140,000, the property value at a 243-unit apartment complex in Georgia increased dramatically after a Stealth retrofit program. "The property has increased five to seven times the savings number and the payback period for the retrofit project is estimated at only fourteen and a half months," according to property management at the Landmark at Richmond on the Fairway in Lawrenceville, Georgia.

Rebate programs will end when funding expires, so don't wait to benefit from immediate savings and increase property value. For more information about this program, call Niagara Conservation 800-831-8383, Ext. 406. A

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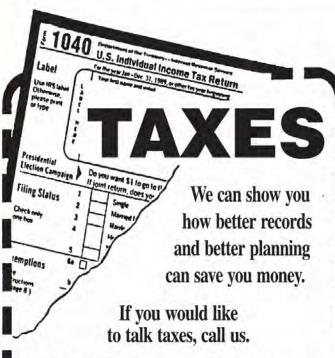
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# Social Media Is Good for Your Business

# How to utilize technology to communicate with customers

By Ellen Thompson, Founder 4 Walls, Inc.



If you're like most people, the first thing that comes to mind when you hear the phrase "social media" is a vision of your teenager tweeting, a college student posting photos to Instagram or your staff wasting time on Facebook. In fact, about 27% of all online time is spent on social media activities and a lot of it is recreational. In fact, as of mid 2013 we spend more time on social media sites than watching TV.

But it's not all fun and games. Brands can be built or broken on social networks and there is a strong business case to take advantage of free and low cost opportunities to manage their online reputations.

The problem is it's hard to know where to start. There are so many social media networks to choose from, and it's hard to know how much is enough. Here are three good places to start:

**LISTEN.** Before the social media revolution, publishing to the Internet was in the hands of few because it required technical skills. Now, all it takes is the desire to share your thoughts online, an Internet connection and a few clicks. As a result, corporate messaging is no longer in the hands of businesses. Consumers can easily make their feelings known on rating and review sites. Further, there's nothing to stop angry residents from setting up a virtual resident's association on Facebook either. This means you've lost

control of the conversation, but that doesn't mean you should give up. The first, and single most important way you should use social media is to be aware of what people are saying about you on social networks, ratings and review sites and on the web in general.

RESPOND. After you listen, it's likely you'll find opportunities to join the conversation. Social media, like the phone and email, is a useful communication platform for property managers. How (or if) you choose to respond to what you hear will vary dramatically from company to company and will reflect the temperament of your leadership as well as your corporate culture. For instance, some property management professionals are adamant that you should respond to all online reviews. Others are equally certain the best strategy for their companies is to ignore them. What matters most is that you've carefully considered the consequences of each path and follow though on whatever review and rating response strategy you set.

It's also easy to post your own messages to social networks. Posting notices about routine maintenance, resident events and community news on social networks such as Facebook and Twitter help you reach residents who prefer these communication vehicles. How social media can be used during emergencies should also be considered during the

disaster planning process. When Superstorm Sandy hit the east coast last year, social media was the only way some communities could communicate with residents. Property management companies that had a communication plan that included the ability to post messages to multiple communities at once weathered the storm better.

### INCREASE YOUR SEARCH ENGINE VISIBILITY.

Creating and maintaining social networking pages on sites like Facebook and Twitter and uploading content to social media sites, such as videos to YouTube, help you increase your online visibility. Every social media page you set up and every asset you post expands the reach of your digital presence. Over time, this can help you generate more leads through web pages you control and over time, can decrease you dependency on paid advertising sources. In fact, one of the main reasons the largest, most respected property management companies continually invest in social media is to improve the visibility of their brands in the search engine.

Brands can be built or broken on social networks and there is a strong business case to take advantage of free and low cost opportunities to manage their online reputations

### **SOCIAL MEDIA RESOURCES**

There are a number of free and low cost reputation management tools that make reputation management and the social media posting process easier. Some of these companies can provide you with a social media back office and will actually post to your social media sites and reply to user comments for you. Multifamily focused vendors including Community Sherpa (digitalsherpa.com), Respage (respage.com) and Apartment Marketing Systems (apartmentmarketingsystem.com) offer live sales support. If you don't need any support and are looking for a free social media management tool, check out Hootsuite.com.

Unfortunately, calculating an accurate ROI on social media spending remains elusive. For most communities, social media isn't a primary driver of leads at this time. However, being aware of your online reputation, responding as you see fit, communicating with your residents and improving your search engine visibility assist in the lead generation and resident retention process, and that's why you can't entirely ignore social media regardless of your size. A

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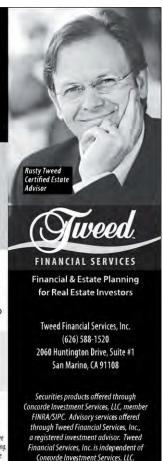
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# Ready to Move, But Not to Sell

# Financing Real Estate Using Securities-Based Lending

By Saba C. Jahanian, Financial Advisor / The Jacobus Group at Morgan Stanley



As the real estate market slowly begins to turn the corner, many prospective sellers face the question of whether to accept today's lower prices or hold out for a more robust market. And many are weighing the pros and cons of turning their home into rental property as they wait out the recovery.

Whether moving for a job opportunity, to upsize, downsize, or retire to a more pleasing climate, homeowners who are ready to move face a challenging real estate market. Many who bought at the top of the market must deal with the specter of owing more than their home is now worth, while others may find today's deflated prices unacceptable and sense the market is poised for an upswing. Those who have already moved on to a new home prior to selling may face the prospect of carrying their previous home and all of its costs indefinitely.

Given this changing real estate dynamic, many homeowners are weighing the pros and cons of renting rather than selling their properties. But the decision to sell or rent is not simple and should include an examination of tax considerations and cash flow issues, as well as personal and financial expectations.

### THE ACCIDENTAL LANDLORD

Homeowners who choose to rent out their homes rather than sell, or are pressed into it out of necessity, join the ranks of what some call "accidental landlords." Many homeowners squeezed by the collapse of the real estate market have found that postponing the sale of a previous home by turning it into rental property can very quickly eliminate an array of problems, such as:

- The possibility of selling at a loss.
- Having a property languish on the market indefinitely.
- Cash flow issues that may arise if two mortgages are involved.
- The stress of anxiously waiting for an offer.

Additionally, landlord status may also offer:

• Tax advantages including deduction of mortgage interest and real estate taxes as well as expenses and depreciation

that can offset rental income, depending on your particular

- The ability to continue to build equity if a mortgage is
- Time to wait out the market until prices rebound and sales improve.

### **WAITING HAS ITS DRAWBACKS**

While becoming a landlord may solve a host of problems, there are some serious issues--both financial and personal that should be carefully considered such as:

- Losing the capital gains tax exclusion. Married couples filing jointly qualify for a \$500,000 capital gains exclusion on their primary residence, as long as they have lived in the house for two of the previous five years. If the rental period lasts for more than three years, this tax benefit may be forfeited.1
- Depreciation will become taxable. If the capital gains tax exclusion is claimed following the property sale, any depreciation used to offset taxes on rental income will become taxable, thereby reducing the exclusion amount.
- Potential problems with tenants. Landlords often find themselves dealing with damage to property, legal issues or failure to pay issues that can result in a lengthy and expensive eviction process.
- Lack of diversification. Carrying two homes may result in an overall financial portfolio that is significantly overweight in real estate. Assets tied up in a former residence that is converted into rental property may be more wisely redirected into investments with a potentially higher rate of return.

Additionally, potential landlords should seriously consider the following questions:

- Is a potential appreciation rate of 3% to 5% per year over the next three years meaningful enough to make renting a viable option?
- Is the rental market strong enough to allow for a rent that will cover all carrying costs?

Reaching a decision on whether to sell or rent should be the result of a thorough examination of financial, tax and

personal considerations. The advice of a real estate professional as well as a trusted financial advisor can help you reach the right decision for your particular situation. Please contact me if you would like to explore the pros and cons in greater detail. A

Courtesy of: Saba C. Jahanian, Financial Advisor / The Jacobus Group at Morgan Stanley

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Sources: 1 IRS, Publication 523, "Excluding the Gain," p. 10, 2013. (http://www.irs.gov/ pub/irs-pdf/p523.pdf)

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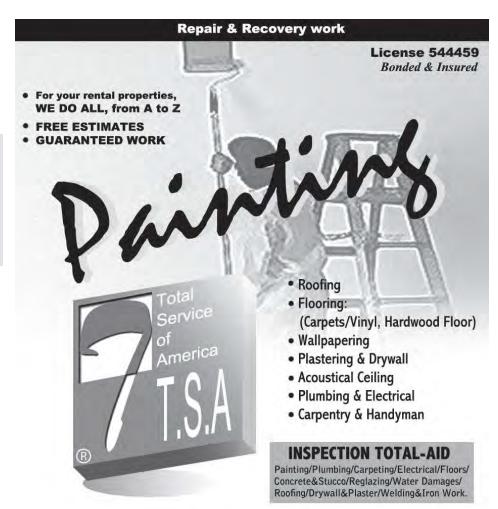
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Morgan Stanley Financial Advisor(s) engaged Apartment Age to feature this article.

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3 BED / 3 BATH	\$250	\$110	\$15 ea.	\$90	\$70

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# **Disability-Related Accommodations**

# What you should know

By Marisol Arzate, Dir. of Outreach and Education, **Housing Rights Center** 

## **CAN A TENANT'S REQUEST FOR A REASONABLE ACCOMMODATION BE DENIED?**

Tenants with disabilities have the right to make changes or adjustments, known as reasonable accommodations, to a landlord's policies, practices or rules as long as those changes are necessary, reasonable and would allow a disabled tenant the ability to fully use and enjoy his or her housing. However, a tenant's reasonable accommodation request can be denied if: (a) the tenant does not have a disability (b) there is no disability-related need for the accommodation, or (c) the accommodation imposes an undue financial or administrative burden on the landlord or fundamentally alters the nature of the landlord's business. If the landlord denies an accommodation request because it's not reasonable (i.e. it poses an undue financial burden), he or she must discuss with the tenant whether there is a possible alternative accommodation that would still equally meet the tenant's disability-related needs, and be reasonable for the landlord.

# CAN A LANDLORD REQUIRE THAT A TENANT'S ACCOMMODATION REQUEST BE **PUT IN WRITING?**

No. Reasonable accommodation requests can be made orally or in writing. Although it's a good idea for both the tenant and landlord to put the request in writing to avoid any misunderstandings, if a tenant refuses to put the request in writing, a landlord must treat the request as if it was submitted in writing. Landlords should be careful in responding to requests in a timely manner because unnecessary and undue delays could be construed as a failure to provide an accommodation, which can be illegal. Furthermore, the request doesn't have to be made by the disabled tenant directly, and can be made by a family member or someone else acting on the tenant's behalf, such as a caregiver or a nonprofit agency. The requestor must explain to the landlord what type of accommodation is being requested, and if the need for the accommodation is not obvious, must explain the relationship between the disability and the requested accommodation.



# WHAT KIND OF INFORMATION CAN LANDLORD REQUEST FROM A TENANT IF A TENANT HAS AN OBVIOUS OR KNOWN DISABILITY AND IS REQUESTING A REASONABLE **ACCOMMODATION?**

Landlords are entitled to obtain necessary information to determine if the requested accommodation relates to the tenant's disability. This can include requesting a doctor's letter explaining the need for the accommodation as it relates to a tenant's disability. However, if the person's disability is obvious and if the need for the accommodation is also readily apparent, landlords may not request any additional information about the disability. For example, if a tenant uses a walker or wheelchair due to his or her physical disability, and requests an assigned parking space near the entrance of the building, rather than a space in a different location, this would be considered an obvious or readily apparent accommodation based on a disability and no further verification should be requested. A

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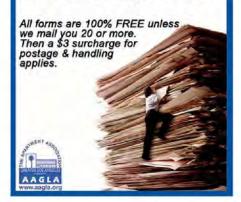
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# the Lighter side of Apartment Management

# Unbelievable but True!

By Gabriela E. Litov, AAGLA Director



Many of our members, including our property management company, have had concerns about questionable requests for allowing pets to occupy an apartment—particularly when the so-called "service animal" is strictly for emotional problems and the certificate of need seems less than legitimate.

Here's a story with a twist, from a fellow management company owner.

"Mary" (not her real name), an elderly tenant residing in a building under Kari's management, had been in her unit for some years, when two of the tenant's adult children moved in with her. They were in the unit, ostensibly, to

be caregivers for their elderly mother. One fine day, the lady's children came to the management office and presented a certificate, signed by a doctor, saying that it was medically necessary for the elderly tenant to have a dog, as a companion animal. Kari smelled a rat (as well as a dog) and went to the unit to see who was actually living there. She did see the adult children, but the elderly lady was missing. Upon further investigation it turned out that at around the same time that the adult children had moved it, "Mary" had moved permanently to a nursing home.

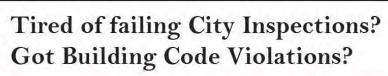
At that point, Kari decided to have a heart-to-heart talk with the physician who signed the certificate of need for the animal. She confronted him with the fact that his "patient" did not even reside in her unit any more when he signed the certificate, and that he could be held liable for fraud. The good doctor was profusely apologetic and wrote another note—this time rescinding his earlier certificate. A

If you have an interesting landlord/tenant story for this column, please send it to Gabriela at glitov@eglproperties.com. Your story may be featured in an upcoming issue of *Apartment Age* magazine.









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### Attention Apartment **Owners**

...all the apartment interior painting and cleaning service prices in this magazine are the same: now, how will you choose a painting and maintenance service company?

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3 Bed & 2 Bath	185.00	100.00	80.00
Closet Inside	45.00 each 50.00 each 10.00 each 10.00 each	Kitchen cabinets: Inside painting Outside painting Outside varnishing Cabinets: Hallway cabinets Bathroom cabinets	60.00 70.00

### **ADDITIONAL NOTES FOR PAINTING**

Prices based on one color paint: Navajo or Antique Extensive plastering, second coats of paint, other colors and latex enamel

finishes are extra.

All prices are for standard size rooms, Extra large rooms - add \$50, per room. Older apartments and houses need estimates. Occupied - will estimate.

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Singles	\$50.00	\$40.00	\$10.00
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3 Bed & 2 Bath	90.00	60.00	35.00

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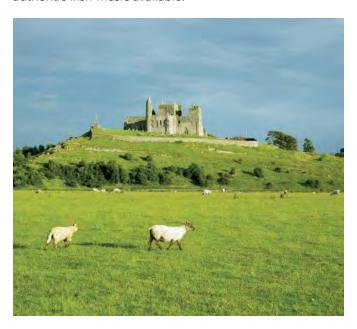
# **IRELAND: More Than A "Wee" Journey**

Summer 2014

**By Stewart Tours** 

In August 2014, rental property owners will embark on the 44th tour since 1995, a magical journey to the Emerald Isle, Ireland. During this 15-day experience we will visit both northern and southern Ireland exploring the best of seven different regions of the country. This tour is enhanced by staying in some of the best small boutique hotels and inns the Irish Isle has to offer, including two nights at what is considered the best Castle Hotel in Ireland, Dromoland.

Enjoy a tour that is not loaded with forced shopping stops like so many discount ones often are, but one with a wonderful balance of rich experiences featuring visits to on- and off-the-beaten-path sites and hotel stays of 2-3 nights each, instead of quick overnights, which allow more time to explore and soak up local atmosphere and food. This handcrafted tour is loaded with many diverse cultural experiences from Irish bread baking to peat farming, even a visit to the oldest pub in Ireland, home to some of the most authentic Irish music available.



We'll use seven stays in Cork, Kilarney, County Claire, Donegal, Westport/Knockranny, Belfast and Dublin as our home bases for exploration into the surrounding countryside, visiting both legendary and inspiring sites. We'll explore the famous Ring of Kerry with its stunning scenery and villages; meet local farmer Brendan Ferris and learn how his dogs herd local sheep in the traditional



way; explore the Rock of Cashel in Tipperary, the site of conversion of the King of Munster by St. Patrick; and marvel at the ghostly CGI projections that bring King John's castle in Limerick to life, as its 800-year history is explored. We'll stand on the breathtaking Cliffs of Moher, the location of the most iconic images of Ireland and then go off-the-beaten path with a visit to Carrowmore, the site of a prehistoric ritual landscape on the Knocknarea or Cúil Irra Peninsula. Carrowmore is home to the large megalithic tombs, among the oldest in Ireland at 3,500-4,500 B.C. This is just a small taste of the wonderful touring over 15 days as we explore Ireland from South to North.

In an Apartment Association Trip with Stewart Tours, there are no extra charges or additional tours to purchase, along the way. All hotels, transfers, admissions as well as many dinners and all breakfasts are included. These small group adventures with have the benefit of two escorts (Mark & Vicki Stewart) and a full-time driver/quide plus specialized local guides to enrich the entire touring environment. With the use of primarily full size coaches while touring, there is often room to spread out – the benefit of a boutique tour. All trips feature our popular Rental Property Owners roundtable/ seminar, so remember to check with your local tax advisor about the possible tax benefits of association travel.

So come along! You're invited to join other Rental Property Owners in a small group journey to Ireland, from Aug 6-21, 2014. \$4,899pp + Low Group Airfare! See the full trip at www.StewartTours.com or Call 866.944.3036 for more information/brochure.

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For more information about the AAGLA Product/Services Council, contact Art at 213-384-4131x704 or Art@aagla.org.

# Santa Monica Update



City officials and multi-unit housing providers, including members of AAGLA's Board of Directors, have been meeting to discuss the challenges of installing electric vehicle charging stations at multi-unit residential buildings.

As more and more tenants purchase electric vehicles, the desire for charging stations increases. And having these charging stations may benefit an owner who would be able to market units with this amenity and command a better price for rental units.

Initial information puts the cost of installation somewhere between \$1000 to \$5000 for equipment and connection for the charging station. But who is going to pay for this, and what about the possibility of passing through the cost to tenants who will use it?

However, the electrical systems of older multi-unit buildings may be dated and not compatible for adding a charging station, which could significantly increase the cost if an owner must upgrade of the building's electrical system.

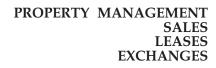
Another relevant concern in Santa Monica is whether the city will mandate other work relative to the installation of a charging station – such as mandating an upgrade of a building's entire electrical system, or installing new digital electric meters underground, or new subpanels in each unit, the installation of gas safety valves and other add ons.

While installing electric vehicle charging stations in older multi-unit residential buildings may make sense in the long term, particular for marketing purposes, the cost and other unknowns still must be resolved before we see any consensus and a workable plan for installations.

### November 25, 2013

Santa Monica Meeting – 7-9 p.m. at the Colorado Center Community Room 2500 Broadway Ave., Santa Monica, Ca 90404

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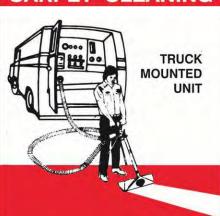
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