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MARCH MEETING

Tuesday, Mar. 17, 2015

Bad Checks and Criminal Damage to Property

Joe Bruscato,

Winnebago County State's Attorney

Tuesday, March 17 at 7pm

Cost: FREE for members, \$15. non-members

Networking 6:30 P.M.

General Meeting 7:00 P.M.

The Rockford Apartment Association's monthly meeting on Tuesday, March 17th, will host Winnebago County State's Attorney Joe Bruscato who will talk about new "bad check" and "criminal damage to property" initiatives by his office. Bruscato's efforts address two of the major problems that landlords encounter in the property rental business.

At the heart of the State's Attorney's Office efforts to fight bad checks is the Bad Check Restitution Program which has had a decades-old policy that declined to prosecute most "bad checks" cases involving landlords. Bruscato has said he will reverse that policy.

"Bad checks" come in a variety of forms ranging from those that are written without sufficient funds to those that are fraudulent on their face for any one of several reasons (ie. forgery). Bruscato will outline which kinds of check cases will be accepted by his office and what process will be followed.

Bruscato will also discuss what landlords can do to fight criminal damage to their properties and how his office will help landlords by prosecuting tenants who intentionally damage rental property.

Intentional damage to rental property is a complicated matter that involves both civil and criminal areas of law. The State's Attorney's Office requires specific evidence in order to prosecute the criminal cases. Bruscato will discuss those issues.

Bruscato's presentation is the result of an initiative by RAA Board Members Mary O'Sullivan-Snyder and Jerri Cole who met with him to express their concerns about bad checks.

The membership meeting starts at 7 pm at the Rockford Area Association of Realtors building at 6776 E. State St.



Meet Gerry Weber by Jerri Cole

Sometimes we meet really good people who are quiet and don't seek to be in the limelight. A happily married couple who work together to secure their future. Life is good: Happy home life, work and God. These are the ingredients many people pray for. It seems Gerry has all of this.

I would describe myself as a homebody. I am happily married. I am pretty quiet and am a good listener. I consider my wife and I to be very hard workers. We have been married for 8 years and have no children. She works nights and I work days. It's a match made in heaven. We kind of do rentals as a side business. Both of us have full time jobs.

I used to love to play golf. However, my lower back has been giving me lots of troubles so I haven't played a whole lot in the last 5 years. I am a Christian and am very involved with our church. I have been involved with our bus ministry for a very long time. I really don't have a lot of hobbies. However, when I retire from work, I am going to look at this subject a little harder. Between work, church, and the apartments, I am generally pretty busy. We do take vacations. In fact, we just got back from the Dominican Republic recently. It was the vacation of a life time!

What would you like people to know about you?

There are two Gerry Webers in Rockford: One is wealthy. I'm the other one!!

I first became a landlord with a friend of mine back in 1983, but soon after we bought the rental I sold my half to him because at the time I thought it wasn't for me. So later on in 1996 I purchased a four family which was brand new. I think that being a landlord was something I've always wanted to try, but didn't want to buy something that I would be spending lots of time fixing things on it.

One of the best things I like about being a landlord is that other than the first of the month, I like learning from other landlords and contractors that I sometimes hire to fix things.

The things I like least about being a landlord is I really get irritated when I can't get ahold of my tenants, especially when rent is owed. I remember one time a tenant who owed rent was hiding from me in the bushes.

Some time ago, I rented to a good friend of mine who was relocating from Texas. Some time later, I rented to a young lady who resided in the same building as my friend. Eventually my friend asked the woman out on a date. They fell in love, got married, and then moved out. I really didn't see that one coming, but I'm glad they are both happy.

Other than our church, I do belong to a local workout establishment. I wish I could say that I really enjoy working out, but I don't. I work out to try to keep my weight down (doctor's orders).

One of my pet peeves is using the computer to search for things. It seems that I can never find what I'm looking for and I get frustrated and quit!! I'll bet I'm not the only one having this problem! Maybe I should buy a "Computer for Dummies" book.

If I could change anything, lowering the property taxes comes to mind. I've tried to protest in the past, but it seems they just raise the tax rate.

Other than lowering taxes, I think Rockford could help landlords by providing decent paying jobs so renters can afford to rent the apartments. It seems the Rockford factory jobs are obviously disappearing and I don't think they are coming back. I see Rockford is trying to reverse this trend but it is going to take time.

My best advice for new landlords is to treat your tenants the way you would want to be treated. If you can't fix it then find someone who can. Treat them fairly when it comes time to refund their deposit. When they move out, try your best to part on good terms. These simple steps have paid dividends for me. They tell their friends and family members and often times I'm able to rent to them as well.

Other pieces of advice are screen your tenant, keep good records, and always save your receipts.

Muldoon

Muldoon lived alone in the Irish countryside with only a pet dog for company. One day the dog died and Muldoon went to the parish priest and asked, "Father, my dog is dead."

"Could you be saying a mass for the poor creature?"

Father Patrick replied, "I'm afraid not. We cannot have services for an animal in the church, but there are some Baptists down the lane, and there's no tellin' what they believe. Maybe they'll do something for the creature."

Muldoon said, "I'll go right away. Father, do ya' think \$5,000 is enough to donate to them for the service?"

Father Patrick exclaimed, "Sweet Mary, Mother of Jesus! Why didn't you tell me the dog was Catholic?" **Marriage**

Fair Housing in the Technology World by Douglas D. Casick *(reprinted from 2003)*

It's virtually (no pun intended!) impossible to conduct business these days without utilizing technology: We have websites that allow prospective residents to "visit" our property, view apartment floor plans, request additional information, and even file a rental application, all without ever leaving the comfort of their homes. Email has become ubiquitous: prospects request information via email, residents send us service requests via email, and vendors now use email to furnish us with product information and price quotes. Voice mail systems have become more sophisticated, allowing us to receive voice and even fax messages anywhere and at any time. The latest "killer application" is unified messaging, which combines email, voice mail and faxing into a one-stop (and one phone number) retrieval system. Oh, yeah, there's also the post office. . .

How does all of this technology impact the implementation of our fair housing policies and procedures? Several areas come to mind immediately: Responding to email and website inquiries, applicant screening / scoring systems and the proper usage of email and Internet access.

Responding to email and website inquiries

Every inquiry received electronically must be handled in a consistent manner. This means that you should have a written policy detailing the acceptable response time for inquiries, the text of the message that will be used to respond, and whatever follow-up procedures are to be used. Failure to respond, or delaying the response to some email inquiries and not others could be construed as discrimination. How? Well, as we all know, people have been accused of discrimination based upon the fact that they responded to some service requests more quickly than others. If an investigation reveals a pattern that the people who had to wait for service were members of a protected class, the complaint becomes very credible. Likewise, if a pattern of slow or no response is determined to be based on inquiries (or service requests sent via email) from members of a protected class, you've got a problem.

Create and follow a specific policy that specifies how often you will check your property email each day, what your response time is ("It is our policy to respond to all emails within hours of our receipt of them"), what information is to be included in the reply (availability, pricing, etc.) and what follow up procedures will be followed ("Within 12 hours, we will send an information package via USPS to the prospect, within 24 hours, we will send a second email; within 48 hours, we will call the prospect, etc.")

Credit Screening and Scoring Services

These services will process your rental applications, gather credit and landlord history information, and then return a recommendation for accepting or declining the application. They use a scoring system based upon the specific criteria you furnish, and can process applications and return the results in a matter of minutes. The good news is that by outsourcing this process, you are establishing consistency in the way all of the applications are processed and evaluated (although, in the end, someone must accept or reject the vendor's recommendation and sign off on the application). The not so good news is that you can't outsource your liability or exposure to fair housing complaints — if you furnish the vendor with discriminatory criteria, or if you ignore the vendor's recommendations and start accepting or declining applications based on discriminatory factors, you ARE discriminating.

Proper usage of email and Internet access

There should be written policies regarding the use of company computers and Internet access, especially personal usage. Potential fair housing problem areas include sending and receiving inappropriate jokes, cartoons or photographs and the viewing, transmission or receipt of unacceptable files and/or websites. As wonderful as technology is (well, most of the time, anyway ...) the best way to stay out of fair housing trouble is to follow the basics:

Train, train, and train some more

You can have a 350 pound policy and procedure manual that details every conceivable situation known to man (and woman), and unless your employees are trained to read it, refer to it, and USE IT, it is useless! Training does not mean that our employees attended a one-hour class in the past 10 years, or that we bought them a book about fair housing to read; training means an on-going program that combines classroom programs, distance learning programs (training delivered by telephone, computer or on the Internet), reading materials and consistent reinforcement by supervisors that following the fair housing laws is the ONLY way we do business.

Put it in writing:

While it is impossible to prevent fair housing complaints, it IS possible to run your business so that you can demonstrate compliance with fair housing laws. The first step is to put EVERYTHING in writing:

What are your rental qualification guidelines— whose application gets accepted and whose gets de-

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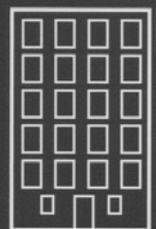
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clined? This document should cover income, credit, landlord history, your occupancy guidelines, pet policy, and anything else that is evaluated for the purpose of determining who gets approved and who doesn't. A copy of this policy should be posted in a prominent place in your office, and a copy given to every visitor.

What apartments are available? We've all heard stories about properties that were tested where one prospect was offered a certain apartment and the next prospect wasn't—sometimes it's discrimination, and sometimes, we actually leased the apartment in between testers. If we can produce records that show how we account for each available apartment, everyday—when it became available, how often it was shown and when it was leased—that goes a long way toward proving that we may have had a vacant at 10:00 am on Tuesday, and it was gone by noon.

What is your application processing procedure? How long does it take to reach a decision from the time the application is submitted, how do you notify the applicant, how much is the application fee, is it refundable, etc. Put it in writing and give the visitor a copy of it before they fill out the application.

NOTE: Sometimes, in our honest, wellintentioned effort (see intentions, below) to assist all visitors, and save them the disappoint of having their application denied and losing their non-refundable application fee, we "discourage" them from submitting an application because we KNOW that their application will not be approved. WRONG! It is our job to accept any and all applications—it is the visitor's choice as to whether or not they want to apply for an apartment. If you want to assist them, give them a copy of all of your policies as described above, and then let them make an informed decision about whether or not to submit the application—it is our job to *accept all applications*.

Remember that your "intentions" have nothing to do with fair housing; we all know which road is paved with good intentions . . . Our job is to create as much certainty as we can, and the most effective way to achieve certainty is through written policies and procedures, and documentation (see below).

Be consistent:

If there is one rule that must be followed without exception, it is the rule of consistency.

Treat everyone the same!

Either stand up to greet everyone, or don't standup for anyone. Shake everyone's hand, or no one's hand. Offer every visitor refreshment or simply have the refreshments in plain view with a small sign that says, "Please help yourself". The consistency rule applies to information as well as actions: Make certain you give everyone

the same information about your apartment availability, prices, specials and policies.

Document everything.

Documentation is useful in establishing a pattern of behavior by our employees. We want to demonstrate that we follow our policies and procedures, and treat everyone consistently. Some documentation occurs without having to do any "extra work": our guest cards, rental applications and service requests are all examples of written documents that can and should be filed for possible future use as proof of consistent behavior.

Some people think it would be wonderful if there was a rule for every situation that arose, and we never had to make exceptions — personally, I would call that BORING. Although our goal is to create uniform policies and procedures for as many situations as possible, it is NOT possible to cover every situation — there will be exceptions. When you make an exception, document it: write a "memo to file" that includes the day, date and time, your name and the names of everyone else involved (other employees, visitors, residents), EXACTLY what happened, what you did about it and why you did it. Another documentation resource available to property managers is the CallSource system, which records each incoming phone call to the property and can be used to document a particular conversation in case of a dispute (www.callsource.com).

Fair housing is about people, not technology. Technology is a tool that can simplify and accelerate the way we market our apartments, process applications and manage our properties, and it can never replace the people who ultimately have to create the policies, enter the data and make the decisions. We can take a rental application in longhand on a yellow pad, or we can scan someone's retina to access their life history, and the bottom line is always the same: Everyone must be given the equal opportunity to obtain housing!

Douglas D. Chasick, CPM® is The Apartment Doctor™ specializing in restoring rental health to ailing communities. With over 25 years of experience in the property management industry, Doug is a frequent speaker at national industry conferences and currently consults for CallSource.com on their Distance Learning program. Doug@aptdoctor.com / 888-222-1214.

Humor

Wife: "What are you doing?"

Husband: Nothing!

Wife: You've been reading our marriage certificate for an hour!!

Husband: "I was looking for the expiration date!!"

Dean Impey

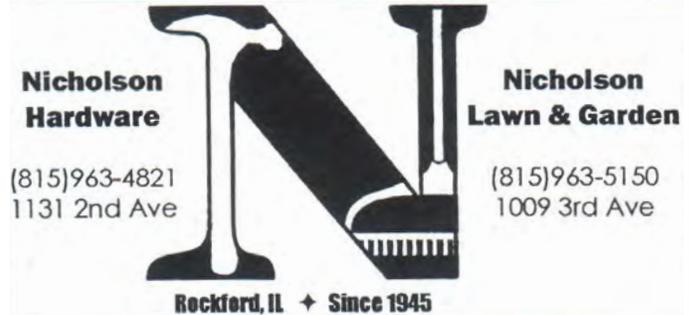
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Rockford Apartment Association Code of Ethics

We, the members of the RAA, recognizing our duty to the public and the intimate nature of the relationship between the apartment resident and the owner, or manager, and being aware of the vastly increasing role of the apartment industry in providing the home of the future, and in order to provide the apartment-residing public with the maximum in quality and service upon the highest standards of honest and integrity, do hereby bind ourselves, with each and every member, together and alone, agreeing that, so long as we remain members of the RAA and so long as nothing contained herein shall be unlawful, we shall:

- Promote, employ and maintain a high standard of integrity in the performance of all rental obligations and services in the operation of our apartment communities.
- Maintain and operate our apartment communities in accordance with fair and honorable standards of competition, ever mindful of the purposes of the Rockford Apartment Association and in compliance with the bylaws thereof.
- Strive continually to promote the education and fraternity of the membership and to promote the progress and dignity of the apartment industry in creating a better image of itself in order that the public may be better served.
- Seek to provide better values, so that an even greater share of the public may enjoy the many benefits of apartment living.
- Establish high ethical standards of conduct within the apartment industry in the business relationship between the owner, managers and suppliers of products and services to the apartment industry.
- Maintain property standards of the appropriate governmental authority.
- Ensure that every qualified individual, regardless of that individual's race, color, religion, gender, disability, familial status or national origin is afforded the same opportunity to rent an apartment and enjoy the benefits of apartment living.

Financial statement available upon request to members in good standing.

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Tuesday, March 17

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State Line Rentals	920 22nd Street	1-815-398-8886
Terra Creek Apartments	375 Bienterra Trail	1-815-397-3320