



APRIL MEETING

Tuesday, April 18, 2017

Fair Housing and Lead Laws

AJ Young from Prairie State legal Services and
Jim Hilliger from the Winnebago County
Health Department

Cost: FREE for members, \$15.00 for non-members

Networking 6:30 P.M.

General Meeting 7:00 P.M.

Meeting Location

RAAR

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Letter from the President

The Local elections are over and to no one's surprise City of Rockford Council member and current Third Ward Alderman Tom McNamara will become the City of Rockford's new Mayor. Due to a number of factors including huge backing and name recognition he easily beat his opponents Brian Leggero, Ronnie Manns, and Rudy Valdez. We will see many new faces on the Rockford City Council as well. Nearly half of the City Council will be replaced. Jonathan Logemann will replace Jamie Getchius in the 2nd ward, Chad Tuneburg will replace Tom McNamara in the 3rd ward, Natavias Ervins will replace Pam Connell in the 6th ward, Karen Hoffman will replace Jeanne Oddo in the 8th ward, William Rose will replace Tina Newburg in the 9th ward, and finally Tuffy Quinonez will replace Karen Elyea in the 11th ward. This will be a great opportunity for the Rockford Apartment Association. Prior to the election I had more than one conversation with Tom McNamara expressing our need to have a working relationship with whomever became the new Mayor. We want to create common sense solutions and really solve problems that both the City and landlords are faced with. Creating investment in older areas, fighting crime through the network of neighborhood associations, holding tenants accountable, and going after bad landlords without harming good Landlords will be our main focus. We will cross our fingers in hopes that the new Mayor and City Council are receptive to the Rockford Apartment Association and will be willing to work with us.

Thank you to all of our members who participated in supporting the RAAs efforts to elect new faces whether it was providing addresses for signs, speaking with candidates, speaking with their tenants or just spreading the word. It all helped! We didn't see all the changes we wanted but there is no looking backward. Our work is just beginning so I want to express again that our efforts through the election were nonpartisan and they will remain nonpartisan. The RAA is an entity that advocates for our members best interests. We simply want to help elect candidates

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that are willing to include the RAA in meaningful dialog and who would have open ears to our concerns and needs without looking at us as a revenue source.

Our Last regular meeting of the year is Tues April 18th. Our topics will be Fair Housing and Lead laws. We have AJ Young from Prairie State legal Services who will speak and answer questions concerning fair housing laws including rules about service animals. We also have Jim Hilliger from the Winnebago County Health Department coming to talk about lead laws in general and to explain the new lead abatement program. Our very own Mary O'Sullivan Snyder AKA Muffy will speak about working lead safe and EPA regulations pertaining to lead abatement. Finally we will announce to the membership in attendance the RAA board recommendations for new board nominees. The nominees will be voted on at our upcoming May 16th 2017 Banquet.

Thank you,

—Karl Fauerbach, RAA President

Meet Tom and Mary (Muffy) O'Sullivan Snyder

by Jerri Cole



I am so glad that I get to choose who I get to interview. It gives me the chance to pick of my favorite people, Tom and Mary (Muffy) O'Sullivan Snyder. You can't have one without the other. They are a team that has been happily married to each other for 27 years. They still hold hands. Muffy has a very enthusiastic, bubbly, personal personality and Tom is her soft spoken dependable rock. They have what most people yearn for, a good marriage and good business partners, and they know how to have fun! Tom says, "I met Muffy at a singles dance in 1988 and my life has never been dull since! I had 4 kids and Muffy had 3 sons so together we had

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7 kids (6 boys and 1 girl) we now have 13 grandkids and 5 great grandkids.

Muffy enjoys traveling to Mexico, playing dominos, but most of all being with friends and family. Do you remember the lady who goes around giving out those flashing rings at the Christmas parties? You are right, this is Muffy. Tom enjoys traveling, watching t.v. documentaries, and reading the newspaper. They both love having people over by the pool in the summer.

Muffy is an EPA ACCREDITED TRAINER for the Certified Renovator training and always gives RAA members a discount for the 8 hour Initial and the 4 hour Refresher Class. Muffy is on the Rockford Apartment Association board and is also the Academy speaker for the state of Illinois. Tom was secretary for two years and then president for the Kiwanis Club years ago in West Chicago.

Muffy and Tom would like people to know:

Muffy: "I am Christian with a strong faith system. I know our success is a blessing from God. I believe we all came from someplace and we are all going someplace. Everyone of us will have to stand before our Maker and explain what we did with the talents He gave us. What did we do to make His world better? My main philosophy in life is to ... GIVE BACK!"

Tom: I am honest, sincere, and a bit philanthropic. "I am a Christian man, husband, and father."

They became landlords in 2006 when their retirement went south with the stock market and a Ponzi scheme took the rest.

Muffy: Tom, who is able to do almost anything, was running out of projects around the house (side note: we have 7 bathrooms in our house, plus an elevator!)

What do you like best about being a landlord?

Muffy: "I love seeing people's faces when they see our units. I also love the lifetime income we are creating for ourselves and our kids and our grandkids"

Tom: "Satisfaction in giving people a new start or helping them in the progress of life. AND ... THE MONEY!!"

What do you like least about being a landlord?

Muffy: "Being taken advantage of and having to go to court.

Tom: "Sloppy tenants that disrespect the work we have put into our units."

Funny Stories:

Muffy: We are now known as Miss Muffy and Mr. Tom.

Tom: "While remodeling a house that had mold, we had to take down some drywall. A squirrel had gotten into the insulation, got stuck, and died. One of the workers unknowingly reached up and grabbed the leg of the petrified squirrel. The screaming and dancing around was as funny as any comedy routine!!!"

What are your pet peeves?

Muffy: "People who live on a "Pity Potty" People who are always mad about something or putting others down. I hate criticism. It is like an impersonal fist fight. It becomes very personal after the first blow."

Tom: "People who know nothing but think they do. Also, people who stand around with their hands in their pockets and yawn when you are talking to them. And lastly, it drives me crazy when people correct me when I am trying to teach them. (I am always right, just ask my wife!!) How do I handle it you say? I just say: I CAN EXPLAIN IT TO YOU—BUT I CAN'T UNDERSTAND IT FOR YOU."

What can Rockford do to help landlords:

Muffy: "MAKE PEOPLE RESPONSIBLE FOR THEIR ACTIONS! If a tenant trashes a unit they should be charged with criminal destruction!"

Tom: "Give landlords a 3 year reprieve on the real estate taxes when they come into and improve a delapidated property."

A man went to the police station demanding to speak to the burglar who had broken into his house the previous night.

"You'll get your chance in court," said the desk sergeant.

"No, you don't understand," said the man. "I just want to know how he got into the house without waking my wife. I've been trying to do that for years."

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What do Fair Housing Laws prohibit, and who do they protect? <http://www.clccrul.org/fair-housing>

All discrimination laws specify protected classes and prohibited acts. Under federal, Illinois, Cook County, and Chicago law, it is illegal to engage in the following prohibited acts against someone based on one of the following characteristics, which are called protected classes.

PROTECTED CLASSES

- race
- national origin and ancestry
- familial status
- disability
- sexual orientation identity
- source of income, including Housing Choice Vouchers (formerly Section 8)
- religion
- gender or gender identity
- age
- marital status
- military status and unfavorable military discharge status, and
- [domestic violence] order of protection status

PROHIBITED ACTS

- refuse to rent, sell, or negotiate for housing
- falsely deny that housing is available for inspection, sale, or rental
- advertise or make any statement that indicates a limitation or preference in housing
- engage in steering, which is limiting access to available housing based on discrimination
- set different terms, conditions or privileges in the sale or rental of housing, or in occupying housing after acquiring it
- provide different housing services or facilities
- refuse to provide reasonable accommodations or to allow reasonable modifications to housing for people with disabilities
- coerce, intimidate, threaten, or interfere with any person in the exercise or enjoyment of their fair housing rights, and
- for residential lenders, to refuse to lend or set different loan terms or conditions



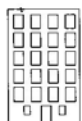
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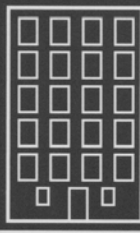


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10 Things Landlords Should Know About Fair Housing

By Kristi Bunge

http://www.americanbar.org/newsletter/publications/law_trends_news_practice_area_e_newsletter_home/10thingslandlords.html

Sounds pretty simple if there are just 10 things to advise Landlords about with regard to fair housing law. Unfortunately there are more than just the 10 items listed in this article. However, these 10 are an excellent start, and knowing about fair housing will help lead to understanding what should and should not be done when renting property. Understanding fair housing is the best protection against a claim that a fair housing law has been violated. If you are an attorney advising a landlord on what to watch out for, the following items are a good start.

1. **ADVERTISING.** Advertising is one of the most common ways landlords find people to place in rental properties. When advertising, landlord clients should describe property attributes and/or amenities, not what they are or are not looking for in a resident. Landlords should not say "great for a young couple" as it may be considered discriminatory to families with children. Nor should landlords say "safe" or "exclusive" as this may imply they only rent to certain groups. At the end of the advertisement, landlords should use either the fair housing logo or a disclaimer such as "This community does not discriminate on the basis of race, color, religion, national origin, sex, disability or familial status." Photographs need to be carefully considered before use in advertising and only after speaking with an attorney.
2. **STEERING.** "Steering" occurs when a landlord attempts to direct a resident, for whatever reason, to a specific area of the property. To help avoid claims of "steering" by a prospective resident, landlords should show all available properties to prospects, let the prospect decide what to see and what to skip, and finally present only facts about the property and the community, not about other residents or neighbors. Landlords should never say "you would really like this particular apartment because it is nice and quiet with few children around", or "there are lots of other children in the same age group as your own" as both statements may be considered a violation of fair housing law. Failing to show a handicapped person the recreational areas (on the assumption the prospect would not use those facilities) may create potential liability. However, if a prospective resident expressly states they are not interested in seeing a specific area it is okay to skip that area. Even if asked, landlords should never comment on the "types" of persons who live in the community.
3. **SCREENING/APPLICATIONS.** Fair housing claims arise frequently as a result of the application and screening process. Landlords should have a written rental policy detailing the criteria necessary for approval to live in their property. The rental policy should include occupancy guidelines, availability policy, rental criteria (i.e. employment history/income, credit standards, etc.) with an explanation of what the criteria are, an outline of the application process and that your client adheres to all applicable fair housing laws. Questions included on the application should not ask about physical or mental disabilities, and landlords should limit questions about drug/alcohol use and lawsuits. Asking questions regarding prior evictions, prior money judgments, bankruptcy and why prospective residents are leaving their current landlord are acceptable and may provide important information. Once a written policy is created, the landlord should expect strict adherence and compliance with the written policy. Additionally, landlords need to keep good records of each applicant or inquiry. However, if an applicant requests a deviation from the written policy based on a disability, the landlord should consult you immediately before making a decision.
4. **OCCUPANCY STANDARDS.** In 1996 Congress enacted a law based upon a 1991 HUD memo stating that a 2-person-per-bedroom occupancy standard was acceptable in most situations. This is by no means a hard and fast rule with regard to the number of occupants for a particular residence. This figure can change depending on how the property is laid out. More occupants may be allowed if there are unusually large living spaces or bedrooms, and fewer occupants if the opposite holds true. Many fair housing experts believe that infants do not count when calculating occupancy standards.
5. **APARTMENT RULES.** It is absolutely acceptable for a landlord to have a set of "house rules" for all residents to live by. The house rules should be basic

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and non-discriminatory. Rules should be written so they are applicable to all residents and not just specific groups of residents. Rules stating "Children shall not roughhouse in the hallway" may be discriminatory. Using general terms such as "Residents or guests" should keep the rule unbiased, fair and applicable to all residents. Rules must be enforced uniformly against all residents and records regarding rule violations need to be kept. The records should include the time/date and manner of the violation, how the landlord became aware of the violation and what actions were taken to enforce the rule. As a special note, pool rules should be carefully scrutinized to insure they do not discriminate against children. A rule saying "no children under 4 in the pool area" is discriminatory, while a rule saying "children under 12 must be supervised by an adult over 18" is likely not discriminatory. As always, landlords should consult you for specific state or local laws on these issues as well.

6. **REASONABLE ACCOMODATION.** A reasonable accommodation is at the resident's request and when a client voluntarily makes exceptions to their standard rules/policies to accommodate the resident's disability. The requested accommodation must be reasonable and should not present an undue burden on the landlord. If the accommodation is not reasonable or if it would impose an undue hardship on the landlord, the request may be denied. If the request is denied a letter should be sent to the resident explaining the denial, the facts behind the denial, how those facts were discovered and offering to meet with the resident. Landlords should not offer to make an accommodation to a resident but should wait for a resident to request the accommodation. Offering an accommodation before it is requested may subject your client to a claim of discrimination.

7. **REASONABLE MODIFICATION.** This should not be confused with a reasonable accommodation. Landlords may require a resident to pay for modifications to the property and require that those modifications be removed when the resident vacates the property. If the modification were for something that federal law already requires a landlord to have in place then the landlord would be responsible for the cost of the modifications. Landlords should check with you to determine where financial responsibility for common-area modifications lay,

and whether the resident would be responsible for both the installation and removal of the modifications. As with accommodations, the modifications must be reasonable.

8. **RECORD KEEPING.** Landlords need to keep records on all prospective residents, in addition to current/past residents. Landlords can create a system of guest cards or logs with relevant information (i.e. date/time of visit, properties shown, prospective move-in date, etc.) as well as a log of all calls made by prospective residents, even if the resident never comes to see the property. Records regarding available properties also need to be kept and updated every time there is a change in availability. Additionally, all applications should be retained, even if the applications were rejected or withdrawn. Landlords should contact you regarding how long the records should be saved in order to comply with changing requirements in federal and state law, as well as what types of records to maintain. Being able to produce consistent records showing nondiscriminatory application of written screening criteria in every case can usually successfully defend a Fair Housing claim.

9. **EMPLOYEE TRAINING.** Landlords need to ensure that there is a written policy to avoid claims for harassment, particularly sexual harassment. Every time a new employee joins the staff there should be a training meeting about fair housing laws and how to comply with them. The meeting should include copies of all memos regarding policies about how to comply with fair housing, what can happen to the landlord for a violation and what will happen to the employee who violates fair housing.

10. **EVICTION.** Landlords should not be afraid to evict a resident for legitimate reasons because of a fear of a fair housing violation claim. The rules set by the landlord apply to all residents equally. When contemplating an eviction for other than non-payment of rent advise your client to ask themselves the following two questions: (1) Has there been a serious violation of the lease agreement? (2) Do you and have you evicted other residents for the same type of problems or behavior? If the answer to these questions is yes, then an eviction would be warranted under the circumstances. Resident files should contain records of all complaints against the resident and what has been done in response to each of

the complaints. HUD has historically looked for five types of documentation when dealing with fair housing claims. Landlords should document and include in resident files the following information: (1) warning letters/eviction notices, (2) written complaints by third parties, (3) written logs kept by management, (4) police records and (5) photographs. Resident file documentation needs to be consistent for all residents. This documentation may prove there was a legitimate reason, unrelated to any fair housing claims, for evicting the resident.

All information contained in this article is consistent with the Fair Housing Act (42 U.S.C.A. 3601 et seq.) Information was also obtained from the Federal Housing and Urban Development website (<http://www.hud.gov>).

Kristi Bunge is a partner with the law firm of Springman, Braden, Wilson & Pontius, PC in Denver, Colorado, a firm that handles more than 500 evictions each month. Ms Bunge focuses on representing landlords in eviction and collection matters. Ms Bunge also represents property managers and Associations, advising them on Community Association issues.

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New lead law affecting Illinois landlords kicks off 2017

Posted on January 3, 2017 by Richard Magnone
<http://chicagoeviction.com/2017/01/affecting-illinois-landlords/>

Amendments to Lead Poisoning Prevention Act regarding lead mitigation effective January 1, 2017

Back in August, 2016, the State passed amendments to the Illinois Lead Poisoning Prevention Act that affect landlords. Many landlords are aware of the federal law that requires landlords of residential rentals built prior to 1978 to disclose information (reports, pamphlets, etc.) of potential lead-based hazards in their real estate. However, many Illinois landlords are unaware of their obligations under the Illinois Lead Poisoning Prevention Act. The new amendments deal with mitigation notices for lead paint hazards in an Illinois rental building governed by the law.

Under the new amendment to section 9.1 that went into effect January 1, 2017, a landlord receiving a mitigation notice is subject to certain disclosure requirements. If a residential landlord receives a mitigation notice under the act, the landlord needs to make certain disclosures before the renewal of the existing lease agreement. The landlord must provide the current tenants, if the lease is to be renewed, with written notice that a lead hazard has previously been identified in the dwelling unit, unless the landlord has obtained a certificate of compliance. An owner will satisfy the notice requirement by providing the tenant with a copy of the mitigation notice and inspection report. More importantly, before entering into a new lease, a residential landlord who receives a mitigation notice must mitigate the lead hazard and obtain a certificate of compliance pursuant to the Act.

Finally, Section 9.4 of the Act requires that a landlord who has received a mitigation notice must post a specific notice in common areas of the building that must include the following information:

- that a lead hazard has been found in the building;
- that other units in the building may have lead hazards;
- that the Department of Public Health recommends
- that children 6 years old or younger receive blood lead testing;
- where to seek further information; and
- whether two or more mitigation notices have been issued during the last five years.

These notices may be removed once the owner has obtained a certificate of compliance for the mitigation.

EPA Lead-based Paint Rules Cost Landlords Thousands of Dollars in Fines

Written by Brian Koenig
<https://www.thenewamerican.com/tech/environment/item/12624-epa-lead-based-paint-rules-cost-landlords-thousands-of-dollars-in-fines>

Strict lead-based paint regulations imposed by the Environmental Protection Agency (EPA) have resulted in costly fines to businesses and landlords looking to sell or rent their property. "Thinking of renting or selling a home or apartment?" the EPA asked in a press release in April 2010, when its Renovation, Repair, and Painting (RRP) rule went into effect. "Make sure you disclose its lead-based paint history. Mr. Wolfe Landau did not and it cost him a \$20,000 fine."

Landau received the fine because he failed to offer an EPA-approved pamphlet to tenants looking to rent or buy a residence built before 1978. Available in six different languages, the brochure contains tips to "protect your family," including tips to quickly dispose of paint chips, keep play areas clean, and prevent children from chewing on painted surfaces or window sills.

Seemingly boasting about Landau's failure to follow the EPA's strict protocol on dealing with lead, the agency detailed why the landlord was slapped with such a large fine:

The landlord with over 25 properties in Brooklyn and 1 in Manhattan has signed an agreement with the U.S. Environmental Protection Agency (EPA) to pay the civil penalty for alleged violations of lead-based paint disclosure rules. EPA has cited the property owner for failing to properly inform residents about potential lead-based paint in their apartments through disclosure statements, warning statements and failing to make them aware of records or reports that would alert them of the potential lead hazards. In addition, Mr. Landau must take proper steps to address violations of lead rules.

Juan Hernandez of Connecticut also fell victim to the EPA's meticulous regulatory regime when he neglected to provide seven tenants with the pamphlet "Protect Your Family From Lead in Your Home," a requirement mandated under the Residential Lead-Based Paint Hazard Reduction Act of 1992. The law

directed the EPA and the Department of Housing and Urban Development to require that property owners disclose lead-based-paint hazards before they sell or rent housing units constructed before 1978.

The EPA filed a complaint in late March, notifying Hernandez that he would have to pay a \$49,980 fine — or more than \$7,000 for each pamphlet he neglected to provide. CNSNews.com reported on similar fines issued to landlords for failing to provide the EPA-approved pamphlets:

In September 2011, Douglas Paulino of Hartford, Conn., failed to provide the EPA-approved pamphlet to six lessees, resulting in a fine of \$49,700, according to an Initial Decision and Default Order.

A Default Order also was filed against John C. Jones of Roxbury, Massachusetts, in February 2012, when a penalty of \$30,960 was levied for not providing the pamphlet to four tenants.

Lester Sykes, of Chicago, Illinois, was penalized \$54,180 for 11 counts of failing to provide the lead hazards pamphlet in October of 2011. Sykes was ordered to pay total fines of \$159,310 after he failed to respond to a complaint filed against him in 2008.

Costly regulations streaming from the EPA's RRP guidelines have also proved burdensome to painters, renovators, and anyone else performing work that would possibly disperse lead-based paint in pre-1978 homes. Any business performing such work must become EPA-certified — and all individuals must be trained in the use of "lead-safe work practices" — or face a heavy fine. In addition to the required pamphlets, the agency charges contractors and other renovation firms with a host of other rules, including:

- Provide a copy of your EPA or state lead training certificate to your client.
- Tell your client what lead-safe methods you will use to perform the job.
- Learn the lead laws that apply to you regarding certification and lead-safe work practices.
- Ask your client to share the results of any previously conducted lead tests.
- Provide your client with references from at least three recent jobs involving homes built before 1978.
- Keep records to demonstrate that you and your workers have been trained in lead-safe work prac-

tices and that you follow lead-safe work practices on the job. To make recordkeeping easier, you may use the sample recordkeeping checklist (PDF) (1 pg, 141K) that EPA has developed to help contractors comply with the renovation recordkeeping requirements.


- Read about how to comply with EPA's rule in the EPA Small Entity Compliance Guide to Renovate Right (PDF).

According to research by Professional Remodeler, which surveyed hundreds of contractors impacted by the RRP regulations, 65 percent of respondents said the lead rules lost them business. While the EPA originally estimated added costs of \$35 to \$376 per project (depending on the type of job), 37 percent of remodelers said the regulations added more than \$1,000 to the average job; 81 percent said they added more than \$400.

"We lose work because of it," said one California remodeler. "Most homeowners think it is ridiculous and won't work with a contractor who feels obligated to comply." Respondents reported that many homeowners have hired uncertified contractors — who do not follow the EPA rules — to save money on home repair and renovation work. In fact, of the remodelers surveyed, 76 percent said they had lost business to an uncertified contractor.

"It has cost me business, because no client wants to pay the additional cost involved for me to be compliant with the EPA," lamented a Virginia contractor. "I would say that the RRP rules haven't helped me in the least bit. They have cost me jobs; cost for compliance, training and certification; as well as materials and equipment to be compliant."

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▲ *Karl Fauerbach announces open RAA board seats*



▲ *Crew from Hoff Disposal*



▲ *10th ward candidate Jim Hughes speaks to membership*



◆ *RAA Member Chris Hoffman win Paper shredder from Union Savings Bank*

A lawyer's closing speech was dragging on into its second hour when he suddenly stopped and told the judge, "Your honor, a juror is asleep."
 The judge responded, " You put him to sleep, you wake him up!"

Rockford Apartment Association Directory

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	Jerri Cole	779-770-8521
Government and Public Affairs Director		
	Paul Arena	815-243-2924
IRPOA Rep	Paul Arena	815-243-2924

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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.

The content and opinions expressed in the RAA newsletter do not necessarily reflect the views of, nor are they necessarily endorsed by, the Rockford Apartment Association or its board.