

Landlord News

Volume 7 Issue 6

HOPKINS-TSCHETTER-SULZER, P.C.

June 2005

A Full Service Law Firm

Pavilion Tower II

2821 South Parker Road, Suite 228, Aurora, Colorado 80014

htsnews@htspc.com www.htspc.com

Phone (303)766-8004 FAX Completed Eviction Forms To: (303)766-1181 or (303)766-1819

LEGISLATIVE REPORT THE GOOD & THE BAD

To Quote Republican Senator Mark Hillman, "The Good News on Session 2005: It Could Have Been Worse!" As of May 9th, when the Legislature adjourned, the governor had vetoed 11 bills, many of which would have reduced government efficiency and accountability, encouraged tax increases,



interfered with religious freedoms, exacerbated lawsuit costs, or increased unnecessary regulation. However, the Governor still has over half of the bills

that passed to review and to decide on signing or vetoing.

Fortunately for the multifamily housing industry one of those vetoes was House Bill 1061 that was sponsored by Michael Merrifield, Democrat of Colorado Springs, at the request of the Legal Aid Attorneys. As previously discussed, this legislation would have had significant negative impact on owners/managers of multifamily housing in the areas of Security Deposit Return, Late Fees for Non-Payment of Rent, Notice Provisions and Tenant Rights Waivers. Unfortunately, we haven't seen the last of this. You can count on the fact that this type of legislation will be reintroduced again next session and we need to be prepared to lobby our views before it gets out of committee.

Although we dodged a bullet on negative legislation with the veto of HB 1061 we did not fare as well with some of the other proposed bills that impact our industry. House Bill 1062

CONTINUED ON PAGE 2

THE U.S. CENSUS BUREAU AND YOU

Title 13 of United States Code, 181 and Title 29, United States Code 1-9, gives the Census Bureau the authority to conduct surveys each month to provide information for policy makers, analysts, the public, and for the President and Congress. As part of these surveys, Census Bureau employees visit properties requesting information from residents, and on occasion, information from you about your residents.

You must cooperate with Census Bureau workers. Failure to cooperate can potentially lead to a \$500.00 fine. Title 13, United States Code, Section 223, states "**Whoever, being the owner, proprietor, manager, superintendent, or agent of any hotel, apartment house, boarding or lodging house, tenement, or other building refuses or willfully neglects, when requested...to furnish the names of the occupants of such premises, or to give free ingress thereto and egress therefrom... so as to permit the collection of statistics with respect to any census... or any survey... shall be fined not more than \$500.00.**"

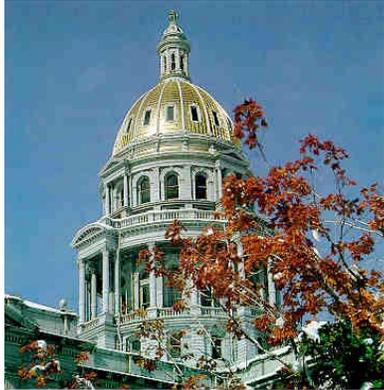
Always verify the identity of any person who claims to be working for the Census Bureau. You are only obligated to give information to duly accredited representatives of the Census Bureau. Census workers should produce a Census Bureau business card, and in some instances a badge for identification. Once you obtain the Census worker's name, make sure to call the regional office and verify that the person does in fact work for the Census Bureau.



CONTINUED ON PAGE 2

LEGISLATURE (Continued from Page 1)

sponsored by Joel Judd, Democrat of Denver concerning Sheriffs Fees was passed and signed into law by the Governor. This bill gives the Sheriff's the right to charge up to \$200 for service and execution of a writ of restitution plus actual transportation costs and also permits the sheriff to additionally charge for actual expenses in excess of the \$200 if the work performed exceeds two



hours in duration. The bill also provides that the writ of restitution is in effect for 45 days and automatically expires thereafter. **HTS has surveyed the county sheriff's and they all report that they do not intend to immediately raise**

sheriff's fees. However, unfortunately, they have the power to do so now, and thus probably expect an increase in fees in the near future. Similarly House Bill 1169, sponsored by Democrat Nancy Todd of Arapahoe County, which deals with Housing Concerns for Domestic Violence Victims passed and was signed into law by Governor Bill Owens.

It would appear that, with the help of the Governor, we dodged a bullet this session but that is not something we should count on in the future. It is important to recognize that the time to build bridges to legislators is not when the crisis is upon us but when nothing is on the line. It is incumbent on all of us in the multifamily industry to become familiar with our State Representatives and Senators and to be pro-active in election cycles so that we do not have to be reactive when negative legislation is taking aim at us. For the time being, the best news is that with the legislature now in recess, Colorado multifamily owners and managers can go back to sleeping with both eyes closed.



CENSUS (Continued from Page 1)

The regional office's telephone number is 303-264-0202 or 800-852-6159.

If your building is a secure building you must allow Census workers access to your facility. You do not have to give them access to a specific



apartment, but you do have to allow them access to the building in question.

Census workers are entitled to know whether the apartment is occupied or not, how many occupants, and the names of the occupants. You are only required to give this specific information. You do not have to give the Census workers resident telephone numbers, social security numbers, or any other information.

If Census workers visit your property and you have any issues or questions, as always please feel free to call us.



LUNCH ATTENDANCE CONTINUES TO GROW

Our new north location, Ciancio's at Hyland Hills, was well received by those who attended our May client lunch. The metro lunch for June is scheduled on Friday June 17th at our usual location – Piccolo's at South Monaco and Hampden. The Firm's first client lunch in Colorado Springs is going to be on Thursday June 16th at Marigold. The restaurant is located at 4605 Centennial Blvd which is close to the Colorado Springs Apartment Association office.

Going forward we will be announcing a topic of the month that will



be presented at our luncheons. You can check out the topic on the home page of our web site htspc.com where you will also find a form to register for lunch as well as make suggestions for topics you would like to see us cover. Don't forget to call and RSVP for lunch or register to attend on the web site.



THE FIRM AAMD TRADESHOW BOOTH PROVES POPULAR

A fun time was had by all at the 2005 AAMD Tradeshow. In keeping with the show theme of **Movies, Music and Move-Ins**, the Firm



booth was created to represent a mini movie theater complete with the obligatory lobby snack section and flashing lighted marquee. Our featured film was a continually

looping show about HTS titled "The Big Eviction" interspersed with classic clips of Charlie Chaplin in his famous 'The Making a Movie' silent film.

The tempting smell of our freshly popped corn served from an old fashioned vendors cart drew many tradeshow attendees to our booth where attorneys Mark Tschetter and Vic Sulzer had the opportunity to meet with many of our clients and industry friends. An equally popular attraction was our mini concession display of junior sized candy bars that vanished almost quicker than we could stock them – over 750 by days end.



The highlight of our booth was the



competitive movie game based on the popular new game Scene It. Contestants competed for prizes by viewing movie clips and answering

three specific questions regarding the clips. Entrants who got all three questions correct then had to answer the tie break question about the Firm Web Site. Competition for the prizes was

enthusiastic and proved to be close. Grand Prize winner of the Samsung DVD/VCR Player was Jason Steinbreaker of the Willows At Tamarac. Second Prize, \$50.00



United Artists Movie Tickets was won by Shannon Phelps at Legacy Heights; Third Prize, a deluxe Scene It Game went to Vickie Breaux-Michaud at The Aventine and the Fourth Place Prize winner of \$30.00 United Artists Movie Tickets was Paul Sroka at Contra Vest/Courtney Downs. Congratulations to all of the Winners and thanks to all who participated and stopped by our booth. The Firm's booth received an honorable mention from the AAMD committee.



FIRM EVICTIONS & FAIR HOUSING JUNE & JULY WORKSHOP SCHEDULE

The next regularly scheduled workshops in June and July are on Basic Fair Housing and Advanced Non-Monetary Evictions. Vic will be teaching the Advanced Evictions class on Thursday June 9th beginning at 9:00 a.m. That class is scheduled at HTS and directions can be found on our June calendar on our web site htspc.com. in the Events Link. Mark will be teaching a Basic Fair Housing Class for the Apartment Association on Tuesday June 7th. Please contact Gayle Gahagan at AAMD for information on this workshop. On July 12th Mark will offer a Basic Fair Housing Workshop for our clients at our facility. All workshops at HTS begin at 9:00 a.m. For reservations please contact our office at 303-699-3484.



CELEBRATE FLAG DAY

On June 14th our nation honors one of its traditional symbols with the celebration of Flag Day. From the first national flag, chosen on June 14, 1777, to its current incarnation with 13 stripes and 50 stars, Americans have long treasured Old Glory, the American Flag. From Stars and Stripes to the Star Spangled Banner and the Pledge of Allegiance, we honor our flag and all it stands for on this national holiday.

Inspired by three decades of state and



local celebrations, Flag Day - the anniversary of the Flag Resolution of 1777 - was officially established by

the Proclamation of President Woodrow Wilson on May 30th, 1916. While Flag Day was celebrated in various communities for years after Wilson's proclamation, it was not until August 3rd, 1949, that President Truman signed an Act of Congress designating **June 14th** of each year as **National Flag Day**.



A LITTLE EMPLOYMENT HUMOR FOR FUN

For managers who think they have seen it all in dealing with residents. The following may bring a smile to your face when you realize there are others out there also dealing with the unusual and the bizarre.

A survey of top personnel executives of 100 major American corporations asking for stories of unusual behavior by job applicants revealed the following low-lights:

1. "... stretched out on the floor to fill out the job application."
2. "She wore a Walkman and said she could listen to me and the music at the same time."
3. "A balding candidate abruptly excused himself. Returned to office a few minutes later, wearing a hairpiece."
4. "... asked to see interviewer's resume to see

if the personnel executive was qualified to judge the candidate."

5. "... announced she hadn't had lunch and proceeded to eat a hamburger and french fries in the interviewer's office - wiping the ketchup on her sleeve"
6. "Stated that, if he were hired, he would demonstrate his loyalty by having the corporate logo tattooed on his forearm."
7. "Interrupted to phone his therapist for advice on answering specific interview questions."
8. "When I asked him about his hobbies, he stood up and started tap dancing around my office."
9. "At the end of the interview, while I stood there dumbstruck, went through his briefcase, took out a brush, brushed his hair, and left."
10. "... pulled out a Polaroid camera and snapped a flash picture of me. Said he collected photos of everyone who interviewed him."
11. "Said he wasn't interested because the position paid too much."
12. "While I was on a long-distance phone call, the applicant took out a copy of Penthouse, and looked through the photos only, stopping longest at the centerfold."
13. "During the interview, an alarm clock went off from the candidate's brief case. He took it out, shut it off, apologized and said he had to leave for another interview."
14. "A telephone call came in for the job applicant. It was from his wife. His side of the conversation went like this: "'Which company? When do I start? What's the salary?' I said, 'I assume you're not interested in conducting the interview any further.' He promptly responded, 'I am as long as you'll pay me more.' I didn't hire him, but later found out there was no other job offer. It was a scam to get a higher offer."
15. "Candidate said he really didn't want to get a job, but the unemployment office needed proof that he was looking for one."
16. "Pointing to a black case he carried into my office, he said that if he was not hired, the bomb would go off. Disbelieving, I began to state why he would never be hired and that I was going to call the police. He then reached down to the case, flipped a switch and ran. No one was injured, but I did need to get a new desk."