



Landlord News

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HAVE YOU THOUGHT THROUGH, YOUR COMPLIANCE ENFORCEMENT POLICY?

Residents commit all types of lease violations. Many owners and management companies have not evaluated their lease compliance enforcement policies. We know this because we ask this question frequently. Yes, an experienced manager or management company generally knows what action to take when a resident violates a given lease provision. However, few have methodically evaluated and developed compliance enforcement policies. Failing to have written compliance enforcement policies can result in significant and costly problems, including fair housing and costly litigation expenses.

Compliance enforcement policies need to be tailored to individual goals and needs. One size does not fit all. The property goals, type, history, location, market conditions, and resident demographics might be some considerations, among many others. An A property that charges premium rents may want to consider strict enforcement of any violations that impact the property's reputation or ability to charge high rents. A property with abundant parking might be more lax in enforcing parking violations.

When a resident violates his lease, you have many enforcement options. Unfortunately, a commonly exercised option is to do nothing. When the resident violates again, you regret that you didn't do something the first time. You can have a meeting with the resident and verbally warn the resident. Verbal warnings may be appropriate in some situations, especially for first time minor violations. If handled correctly, verbal warnings can be used as an opportunity to build rapport with the resident. Verbal warnings may also have more of a personal or friendly resident relation touch.

You can write the resident a lease violation letter, also known as a warning letter. Warning letters are also appropriate for particular situations, depending on your overall compliance enforcement policies. Verbal warnings or warning letters are never appropriate for serious or repeat violations. The major drawback of warning

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JOIN THS IN GIVING BACK TO THE COMMUNITY AT THE SPRING CLEAN

On Friday, June 8, multi-family-housing providers and vendors will come together and once again head out into the community for the AAMD annual Spring Clean. We encourage everyone to join with our THS team and participate in this rewarding event. The Spring Clean benefits the Family Homestead, who have provided safe, secure, independent housing for homeless families with children for over 30 years. Family Homestead maintains a number of apartment buildings across the Denver metro area that provide housing to these families, but they need our help to maintain these properties.

Whether you are Mr. Fix-It or Mr. Magoo, the help and hard work of volunteers is essential to making this event a success. If you are unable to physically participate in the event, you can still lend a helping hand to this worthy project by donating funds, materials or services.

Each year, the AAMD organizes a Spring Clean to provide maintenance, landscaping, repairs and general upkeep to the Family Homestead properties. Participants who have donated their time to this event inevitably agree that it is not only a fun experience, but extremely gratifying to know that their contribution of labor will help ensure housing for Denver's homeless families and children. For more information, including donation information and site locations, contact Spring Clean committee member Michael Gardner at 303.699.3484 or mike@thslawfirm.com.



Mark At Spring Clean 2011

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letters is that they do not properly set the stage to evict a resident. If a resident is continuously violating their lease, you can't fax us a warning letter to start an eviction.

Warning letters also do not serve as the predicate notice to be able to service a notice to quit for a repeated violation. To evict a resident for non-compliance, you must serve a 3-day demand for compliance or possession. To evict a resident based on a repeated violation, you must first serve a 3-day Demand for Compliance or Possession and then a notice to quit for a repeated violation. The number of times a client has wished they had served a 3 day demand for compliance or possession, so they could serve a Notice to Quit ("just get out, you have no more rights to cure") is countless. If your policy is two strikes and you're out, you can only enforce your two strikes policy by always serving a 3 day demand for compliance or possession for violations.



Failure to have a well thought out compliance enforcement policy can result in fair housing problems. Ronnie resident constantly complains and is never satisfied. Ronnie has a loud party. You now have a legitimate reason to get rid of Ronnie. Because

Ronnie is a member of a protected class, Ronnie files a fair housing discrimination complaint. After reviewing the complaint, we call to discuss the case. "What's your compliance enforcement policy?" "I don't know". "Have you served other residents who committed similar violations with eviction notices?" "I don't know".

You might not know, but you're about to find out. The Colorado Civil Rights Division issues a request for you to produce all compliance notices and related information. If other non-protected class members had loud parties, but were not served with eviction notices, you have a problem. Whether intentional or not, failure to consistently enforce lease compliance issues is circumstantial evidence of discriminatory intent. When it comes to fair housing, discretion is your enemy. Onsite teams need specific policies to guide their actions. Onsite teams should never be exercising discretion regarding lease compliance matters.

Failure to have a well thought out compliance enforcement policy can result in significant monetary

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The Eviction Educator

Providing You With The Eviction Tips of the Month

1. Always be prepared if your resident files an answer to fight the case and a trial is set. You will need to be present for the trial. Trials are typically set 7-10 days from the original return date. Remember, you **MUST** forward your documents to the Evictions Department as soon as you receive notice from the evictions department that a trial has been set. The importance of your timely response to forwarding your documents cannot be overstated, as it is a key factor in assuring that we are well prepared to represent you at trial.



2. Occasionally residents may call your attention to the fact that they have an eviction action showing up on their record. They cannot understand why, if they paid and stayed, that this eviction action is appearing on their record. The simple fact of the matter is that when you sue someone (eviction) it will always show on their record, no matter what. Remember, an eviction is a lawsuit, which sues people for the return of the property or payment of rent. You always have the option to request that our office remove the judgment and dismiss the case against the resident. However, removal of the judgment and dismissal of the case will not remove the action from their official credit record. To remove an action from a credit record, the resident must personally dispute this with the credit bureaus.



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problems. The community requires renter's insurance.



You discover Ronnie Resident doesn't have renter's insurance.

Rather than serve Ronnie with a Demand for Compliance or Possession, the onsite team relies on

a lease provision and fines Ronnie. Everyone who read March's Landlord News knows fines and penalties are not enforceable. A fire significantly damages Ronnie's unit, and asbestos remediation is necessary. Ronnie's belongings must be cleaned or destroyed pursuant to regulation.

Ronnie has no insurance or money to pay the significant costs to have his property cleaned. You inform Ronnie that he is holding up the asbestos remediation, and that he has seven days to sign off on his property, or get it cleaned. Ronnie hires an attorney who threatens to sue you if you toss Ronnie's property. With the simple solution of the insurance paying for Ronnie's loss off the table, Ronnie's issue can potentially cost the community thousands or maybe even tens of thousands of dollars in litigation costs, increased remediation costs, and lost rent due to remediation delays. Residents are required to have renter's insurance for a reason. If the community consistently served eviction notices when residents failed to comply with renter's insurance requirements, Ronnie either would have had renter's insurance at the time of the fire, or would have no longer been living at the community.

Well thought out and written compliance enforcement policies have many advantages. Written policies facilitate team training and accountability. Written policies eliminate discretion. When discretion is eliminated, potential costly fair housing complaints are eliminated as well. Not only were similarly situated residents served with a notice, but also we have a written policy to this effect. Compliance policies significantly reduce costly lawsuits and settlements. Developing a plan is not difficult or time consuming. Sit down with your team and review common scenarios. How are violations being enforced? Are violations being consistently enforced? If you don't think this is a problem, ask your team a simple question: What is the community's enforcement policy? You will be surprised by the answers.



Tee Up for Down Syndrome

On Thursday, June 21, the Mile High Down Syndrome Association will hold their third annual "Tee Up for Downs Syndrome" event at Inverness Hotel and Conference Center in Englewood. Our Firm has been an active supporter of the MHDSA and this event for many



years. Participation in this golfing activity helps to ensure that the same resources and opportunities are available to all people in Colorado, regardless of the number of chromosomes they have. Proceeds from this event

go towards MHDSA's programs that, in partnership with individuals, families, professionals, and the community, provide education, resources and support to people with Down Syndrome. We encourage clients and friends who are golfers to enjoy a day on the links, a fun social event and lend their support to this worthy cause.

Your registration includes golf, lunch, and an after-party celebration that will include food, beverage, music, a live and silent auction and a "wall of wine" opportunity. For more information, or to register today, contact MHDSA at 303.797.1699 or maryannb@mhdsa.org, or visit their website at MHDSA.org <<http://MHDSA.org>> .



IMPORTANT THS JUNE DATES

- June 5th** **Advanced Fair Housing**
AASC
2790 N. Academy Blvd. Suite 227
Colorado Springs, CO
1:15 p.m. - 3:30 p.m.
- June 7th** **Evictions Workshop**
THS Lower Conference Center
3600 S. Yosemite Street
Denver, CO
8:30 a.m. - 11:30 a.m.
- June 15th** **South Client Lunch**
Dave & Busters
Westminster
11:15 a.m. - 1:00 p.m.
Earlier Start Time



AAMD TRADESHOW 2012 REVISITED

A look back at the recent AAMD Education Conference and Tradeshow. The theme of this years conference was BE A HERO. THS chose to feature a Batman motif as



the Batman myth that focuses on the fact that Batman is always available to render help 24/7 closely mirrors the services that we provide to our clients. Playing off the Bat Signal theme we used the

tagline **Tschetter Hamrick Sulzer IS ALWAYS AVAILABLE TO ANSWER YOUR CALL FOR HELP** for our booth. Our attorneys and staff appreciated and enjoyed the opportunity that the show provided us to interact face-to-face with so many of our valued clients. Thanks to those who stopped by our booth and to everyone who entered our contest to win a Kindle Fire. **The lucky winner, who correctly guessed the number of "sour balls" in our display, was Hope Trimble, who guessed 1026 pieces of candy and came within one digit of the exact count.** Hope is the Community Manager at Del Arte Lofts and Flats, a Riverstone Residential Group Property. In the industry for almost 12 years she most enjoys the people aspect of her job which has provided her the opportunity to meet and become friends with many individuals, both professional peers and great residents. All of us at THS want to congratulate Hope for being the lucky winner of the Kindle.



Mark Chats with The Crossing's (Niakwa Mgmt) Asset Mgr. Cathy Bryant and Manager Lisa Hart

Mark Temkin, Owner-Kenton Mgmt. checks out our Batman booth with Drew



Vic and Trivonda Smith, Mgr., Highland Park Apartments (RAM Partners LLC) share a laugh at the Tradeshow

