



JALA NEWS

Jackson Area Landlords Association



Volume 18/Number 3

March, 2012

TOP TEN TAX DEDUCTIONS FOR LANDLORDS

- 1. INTEREST:** Interest is often a landlord's single biggest deductible expense. Common examples of interest that landlords can deduct include mortgage interest payments on loans used to acquire or improve rental property and interest on credit cards for goods or services used in rental activity.
- 2. DEPRECIATION:** The actual cost of a house, apartment building, or other rental property is not fully deductible in the year in which you pay for it. Instead, landlords get back the cost of real estate through depreciation. This involves deducting a portion of the cost of the property over several years.
- 3. REPAIRS:** The cost of repairs to rental property (providing the repairs are ordinary, necessary, and reasonable in amount) are fully deductible in the year in which they are incurred. Good examples of deductible repairs include re-painting, fixing gutters or floors, fixing leaks, plastering, and replacing broken windows.
- 4. LOCAL TRAVEL:** Landlords are entitled to a tax deduction whenever they drive anywhere for their rental activity. For example, when you drive to your rental building to deal with a tenant complaint or go to the hardware store to purchase a part for your repair, you can deduct your travel expenses. If you drive a car, SUV, van, pick-up, or panel truck for your rental activity (as most landlords do), you have two options for deducting your vehicle expenses. You can deduct or actual expenses (gas, up-keep, repairs), OR use the standard mileage rate. To qualify for the standard mileage rate, you must use the standard mileage method the first year you use a car for your business activity. Moreover, you can use the standard mileage rate if you have claimed accelerated depreciation deductions in prior years, or have taken a Section 179 deduction for the vehicle.
- 5. LONG DISTANCE TRAVEL:** If you travel overnight for your rental activity, you can deduct your airfare, hotel bills, meals, and other expenses. If you plan your trip carefully, you can even mix landlord business with pleasure and, you can still take a deduction. However, IRS auditors closely scrutinize deductions for overnight travel, and many taxpayers get caught claiming these deductions without proper records to back them up. To stay within the law (and avoid unwanted attention from the IRS), you need to properly document your long distance travel expenses.
- 6. HOME OFFICE:** Provided they meet certain minimal requirements, landlords may deduct their home office expenses from their taxable income. This deduction applies not only to space devoted to office work, but also to a workshop or any other home workspace you use for your rental business. This is true whether you own your home or apartment, or are a renter.

Top Ten Deductions...

IMPORTANT REMINDER:

Please pay your membership and credit reporting dues in a timely manner. JALA depends on your dues to pay its monthly expenses, so please pay on time, just as you would expect your tenants to do!

We look forward to receiving former members back!!

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ATTENTION!!!

THE NEXT JALA GENERAL MEETING WILL BE HELD ON MONDAY, MARCH 26, 2012.

THE MEETINGS ARE HELD AT STEAK'S EATERY AND BEGIN AT 5:15 P.M. FOR DINNER; THE SPEAKER(S) WILL BEGIN AT APPROXIMATELY 6:30 P.M.

PRESIDENT'S MESSAGE
Robert Tulloch

Spring is finally in the air. Even after a mild winter, we still get cabin fever; chomping at the bit to get out in the sun and warmth, we count the days and check the forecast looking for a few days where we can don our shorts and sandals (which has been daily as of late)! That is one of the great things about living in an area where we get to experience the "real" four seasons. Rebirth and resurrection is what makes it so rewarding. Some of the bulbs are exploding already. I am loving it!

This has been an exciting six or so months. The city unveiled the Economic Stabilization Program (ESP) which apparently is meant to "save" Jackson. The Jackson City Council seems to have embraced it, although we can't find any definitive action on their part endorsing it, except the Rental Registry, which is one component of the program.

President's Message.....Continued On Page 4

ANNOUNCEMENTS!

JALA Web Site:
www.jala-mi.org

Credit Reports are available through the JALA Office or directly using software for the members that have met the current criteria set forth by TransUnion, LLC and JALA.

A credit report is your first line of defense! Arm yourself wisely!!

JALA OFFICE HOURS

Monday
9:00 a.m. to 5:00 p.m.

Wednesday
9:00 a.m. to 2:00 p.m.

Friday
9:00 a.m. to 2:00 p.m.

Welcome New Members:

Dave and Joan Holmes
Leslie Evans

If you have questions about landlording, you may call/email JALA Attorney, Adam Howard (788-9055/ aeh@aehlaw.com) for assistance.

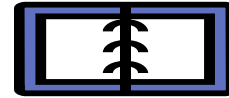
You may also contact JALA President Robert Tulloch (596-2592/ contact@jala-mi.org) for answers to your questions.

FOR YOUR INFORMATION:

Editorials and/or articles in this newsletter are the opinion of the author and do not necessarily reflect the policies or positions of JALA.



Equal Housing Opportunity



CALENDAR OF EVENTS

JALA General Meeting
Steak's Eatery
Monday, March 26, 2012
5:00 PM (Dinner)
6:30 PM (Speaker)

JALA General Meeting
Steak's Eatery
Monday, April 23, 2012
5:00 PM (Dinner)
6:30 PM (Speaker)

JALA BOARD OF DIRECTORS/2012

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Lansing, MI 48909

State Rep. Mike Shirkey (65th Dist.)
517-373-1775

Senator Mike Nofs (19th Dist.)
(517) 373-2426
PO Box 30036
Lansing, MI 48909

Sen. Randy Richardville (17th Dist.)
P.O. Box 1631
Monroe, MI 48161
1-800-477-8238

MEMBER SUPPORT

If you need advice regarding any of your rental properties, please feel free to contact **Robert Tulloch (JALA Board President)**. Bob is generally available to answer your questions in a quick manner (517-596-2592) or you may email him at the following address: contact@jala-mi.org.

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Top Ten Tax Deductions...Continued from Page 1

7. EMPLOYEES AND INDEPENDENT CONTRACTORS: Whenever you hire anyone to perform services for your rental activity, you can deduct their wages as a rental business expense. This is so whether the worker is an employee (for example, a property manager), or an independent contractor (for example, a repair person).

8. CASUALTY AND THEFT LOSSES: If you rental property is damaged or destroyed from a sudden event like a fire or flood, you may be able to obtain a tax deduction for all or part of your loss. These types of losses are called casualty losses. You usually won't be able to deduct the entire cost of the property damaged or destroyed by a casualty. How much you may deduct depends on how much of your property was destroyed and whether the loss was covered by insurance.

9. INSURANCE: You can deduct the premiums you pay for almost any insurance for your rental activity. This includes fire, theft, and flood insurance for rental property, as well as landlord liability insurance. And, if you have employees, you can deduct the cost of their health and worker's compensation insurance.

10. LEGAL AND PROFESSIONAL SERVICES: Finally, you can deduct fees that you pay to attorneys, accountants, property management companies, real estate investment advisors, and other professionals. You can deduct these fees as operating expenses as long as the fees are paid for work related to your rental activity.

Be sure to ALWAYS consult or verify your tax return with your CPA professional or another type of expert in the tax field.

Reprinted from JD Fishman's Every Landlord's Tax Deduction Guide

LEAD DUST CONTROL DURING CITY DEMOLITIONS

During the last general meeting where the presentation was on lead dust contamination in neighborhoods (see article about the last general meeting on Page 4), we stated we would request copies of the contracts under which both Lester Bros. and another contractor from Holland, MI demolished several buildings in Jackson in December.

We received those documents and the one contamination issue addressed was that of asbestos. There was no mention of lead whatsoever. Granted, asbestos is a contaminant to be dealt with during all kinds of demolition/renovation activities. Lead dust and its effects on children presents a far more serious hazard, yet the city is silent in this area even though this was brought to the attention of the mayor and city council in 1999.

We need to keep vigilant and if any landlords are sued over high blood levels in children, be sure to make your attorney aware of this issue.

Historical information on demolition patterns and the city's failure to protect adequately may assist you in defecting blame to where it belongs!

Written By Robert F. Tulloch, JALA President

ZONING ORDINANCE ENFORCEMENT

PA 12 of 2008 provides cities with a third option for enforcement of zoning ordinances in subsection 407(c). A zoning ordinance violation may be designated a blight violation and a civil fine or other sanction imposed as authorized by law. This is only applicable to cities that establish an administrative hearings bureau according to section 4Q of the Home Rule City Act (PA 279 or 1909 MCL 117.4Q). Not all cities are eligible to establish an administrative hearings bureau, please refer to the Home Rule City Act for more information. Blight violation notices issued by the administrative hearings bureau must be approved in writing by the city attorney or assistant city attorney, and fines may not exceed \$10,000. For a detailed account of the procedures of an administrative hearings bureau please refer to the Home Rule Cities Act.

Take note how all these things come together over time. Under the rental registry ordinance, if you have a multi-unit in perfect condition, but have a vacancy for 18 months in an R-1 zone, under the City of Jackson's property reversion plan, the property can be declared in violation of the zoning requirements and prosecuted as a blight violation with up to a \$10,000 fine.

This will effectively put YOU out of business and the city proceeds on with its long march to depriving you of your property and pushing the city to possible bankruptcy.

Written By Robert F. Tulloch, JALA President



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**FEBRUARY'S GENERAL MEETING UPDATE
 (Demolition and Lead Dust In The Community)**

Last month's general meeting was a very lively event with a good turnout. Unfortunately, the camcorder didn't capture the meeting as anticipated, so we have no video to post on the JALA website, but I will do my best to give you play-by-play here.

The meeting opened with a little history of lead dust contamination resulting from demolition of condemned properties starting in year 1999. Results from those tests in 1999 indicated surface contamination adjacent to a demolition at 5,800+/-ug/sq. ft. The allowable HUD level is about 400 ug/sq ft. This is a potential source of lead dust contamination in our rental properties which can result in elevated blood lead levels in children and all the consequences of abatement, lawsuits, city enforcement of lead cleanup and will be a great expense to landlords.

What brought this issue to a head again is the demolition of some 450 to 650 abandoned/foreclosed properties that Jackson wants to rid the city of. A picture in the Jackson Citizen Patriot taken in December shows a tracked backhoe knocking down a building at Morrell and First Street and releasing a big cloud of dust into the neighborhood. There were no apparent dust controls in place to protect either the neighborhood or the workers.

We invited Jackson's city manager (Shaffer), the director of community development (Burtch), the mayor (Griffin) and several council members to attend our general meeting and give a presentation on what is being done to protect the neighborhoods and neighborhood children from dust born lead during the city's demolition program.

First, we were assured that the example presented in the newspaper was a fluke. The event was supposed to be a staged "photo-opp" with no actual demolition. The contractor got out of control and tore down the building accidentally with no dust controls in place. We were assured that this would not be the case during the regular program, and that specifications/contracts would contain all the OSHA, HUD and EPA required safeguards for dust control during demolition.

February's General Mtg.....Continued on Page 6

President's Message.....Continued From Page 2

We have asked the Jackson City Attorney for a copy of the plan/study which is the basis for the ESP and were told there is none.

I went to websites for Dundee, Michigan (City of Jackson's Director of Community Development - Pat Burtch - worked there before coming to Jackson) and Amhurst, NY (where Laurence Shaffer, who is the Jackson City Manager, worked previous to Jackson) to see if perhaps either of these two proponents of the ESP had introduced or managed a similar program in their past professional lives. It appears not to be the case.

It seems the future of the City of Jackson, Michigan is based on a "virtual" study. The city council listened to the Power Point pitch for the ESP, but there seems to be no critical investigation/discussion of the basis for the program. How in the world are these folks serving their constituents as promised in their election campaigns????!!

DID YOU KNOW???

*Landlords can greatly increase the depreciation deductions they receive the first few years they own rental property by using segmented depreciation.

*Careful planning can permit you to deduct, in a single year, the cost of improvements to rental property that you would otherwise have to deduct over 27.5 years.

*You can rent out a vacation home tax-free in some cases.

*Most small landlords can deduct up to \$25,000 in rental property losses each year.

*A special tax rule permits some landlords to deduct 100% of their rental property losses every year, no matter how much.

*People who rent property to their family or friends can lose virtually all of their tax deductions.



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RENTLINX STATS

Properties Listed:

October: 113
November: 137
December: 134

Units Listed:

October: 279
November: 327
December: 315

Property Views:

October: 898
November: 1,230
December: 1,595

Email Leads:

October: 2
November: 4
December: 3

**LONGTIME JALA MEMBER,
CHET BIDWELL, HAS PASSED
AWAY**

The association was saddened to learn of the passing of long-time JALA Member, Chester (Chet) Bidwell in late-February, 2012.

He and his lovely wife Ellen have been supportive members of the Jackson Area Landlords Association since 1979.

It was always a great pleasure to be engaged in conversation with Chet and Ellen. People don't come much nicer than them!

Chet will surely be missed greatly by Ellen, and JALA as a whole, as well as all those fortunate enough to be involved with him over the years.

Respectfully submitted by Charyl Wozniak

February's General Mtg....Continued from Page 4

This would add substantially to the cost of demolition, but it was the city's obligation to protect its citizens. The issue was raised over runoff carrying lead contaminated debris through the storm water system into the Grand River.

We were assured that this issue would be addressed through using weirs or coffer dams at the storm water outflows into the river. Perhaps this is one of the things the city needs the new storm water fees to pay for?!

We will keep watch over these activities to make sure there are no breakdowns in the process that could endanger children through contamination of neighborhoods.

We have requested under the Freedom of Information Act (FOIA), copies of the specifications/contract which were used in the December demolitions, and we will sample/monitor sidewalks and porches in the demolition zones with the help of the Michigan Department of Community Health.

I'd like to offer once again my apologies for not getting the meeting footage for the website, especially for those members that couldn't attend the meeting. Sorry!

Written By Robert F. Tulloch, JALA President



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The next general meeting will be held Monday, March 26, 2012. The speaker will be the Honorable Judge Joseph Filip from the 12th District Court in Jackson.

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**INTERVIEWS FROM
THE JACKSON CITY
COUNCIL**

We attempted to interview three City of Jackson council members with regard to the rental registry and the Economic Stabilization Program to get an idea as to what they understood, and what their rationale was for supporting a program apparently lacking any analytical basis to support its objectives.

Two council members declined, while one did not answer the request. Of the two that declined, the first stated they did not like my confrontation with the mayor, while the second did not like the fact that we hired an attorney to look into a lawsuit against the city, and obtained recall petition forms. I just wanted to make members aware of what is taking place.

Written By Robert F. Tulloch, JALA President



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You can't be beaten at anything, until you quit in your own mind; there is no failure except in your not trying and there is no defeat except from within.

You have no really insurmountable barrier except your own inherent weakness of purpose. The odds are with you if you keep on trying.


Consider yourself on a very long journey. Sustain your personal vision of success until you achieve it.

In the end, you can only fail if you don't try.

Winning isn't everything, but wanting to is.

Success is a road that's paved with perseverance.


Submitted by Charyl Wozniak



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RENTAL REGISTRY * CHAPTER 14 ORDINANCE

Written By Robert F. Tulloch, JALA President

Of all the provisions of the recently passed Rental Registry Ordinance, perhaps the most irritating is in the following section:

Section 14-18 Abatement of Rent. In addition to all other remedies provided for in this chapter, if a summary proceeding action is pending for a non-owner occupied residential dwelling or unit, and when there is no current, valid registration for a non-owner occupied residential dwelling or unit, no rent payments shall be accepted, retained, or recoverable by the owner or lessor of the non-owner occupied residential dwelling or unit for the period of time in which the non-owner occupied residential dwelling or unit was not registered under this article.

The City of Jackson is telling tenants that if the property from which they are being evicted for non-payment of rent (or some other violation of the lease agreement) is not registered with the city, the tenant does not have to pay you rent, and if you accept a rental payment or payment on a judgment for possession, that in itself is a violation of the ordinance. Thus, a landlord could be deprived of a life, liberty, or property interest protected by the Due Process Clause of the Fourteenth Amendment of the US Constitution. We do not know if the courts would accept this argument prior to an actual injury to a landlord in considering an injunction against this ordinance. However, this is a CLEAR VIOLATION of separation of powers. The judicial branch of government is independent of the legislative and executive branches. The operation of the courts comes under the purview of the SCAO and the supreme court. The city has no authority to impose a result on any judicial process.

Section 14-17 Penalties. A violation of any provision of this article is a blight violation subject to the penalties provided in Chapter 2.5 of this Code. Each day that a provision of this article continues to exist is a separate offense. In the case of a multi-unit non-owner occupied residential dwelling, each unit that is in violation of any provision of this article constitutes a separate offense.

Sec. 2.5-53. - Penalties. All blight violations under this Code are subject to enforcement by the procedures and penalties outlined in this chapter. The city council will establish a schedule for the potential fines for violations by resolution, and as amended from time to time.

(Ord. No. 2004.18, 11-9-04)

Blight Violation Fine Schedule:

Trash, garbage, graffiti, and noxious weeds: \$0 to \$500

Building code violations: \$0 to \$500

Unlicensed building code violations: \$100 to \$500

Fire code violations: \$100 to \$500

Housing, vehicles, and zoning violations:

First offense: \$0 to \$2000

Second offense: \$500 to \$4,000

Third offense: \$1,000 to \$6,000

Fourth offense: \$1,500 to \$8,000

Fifth offense: \$2,000 to \$10,000

So it would seem that the fine for not registering can be up to \$500 per day and additionally, if you accept rent during summary proceedings and have not registered your property, that is another \$500 per day.

Is there any doubt as to how the city intends to drive out landlords and reduce the percentage of rental housing from 52% down to 20%?!

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Suffice it here to say that a Custom-House officer of long continuance can hardly be a very praiseworthy or respectable personage, for many reasons; one of them, the tenure by which he holds his situation, and another, the very nature of his business, which, though, I trust, an honest one, is of such a sort that he does not share in the united effort of mankind. An effect, which I believe to be observable, more or less, in every individual who has occupied the position is, that while he leans on the mighty arm of the Republic, his own proper strength, departs from him. He loses, in an extent proportioned to the weakness or force of his original nature, the capability of self-support. If he possesses an unusual share of native energy, or the enervating magic of place do not operate too long upon him, his forfeited powers may be redeemable. The ejected officer, fortunate in the unkindly shove that sends him forth at

times, to struggle amid a struggling world, may return to himself, and become all that he has ever been. But this seldom happens. He usually keeps his ground just long enough for his own ruin, and is then thrust out, with sinews all unstrung, to totter along the difficult footpath of life as he best may. Conscious of his own infirmity, that his tempered steel and elasticity are lost, he forever afterwards looks wistfully about him in quest of support external to himself. His pervading and continual hope, a hallucination, which, in the face of all discouragement, and making light of impossibilities, haunts him while he lives, and, I fancy, like the convulsive throes of the cholera, torments him for a brief space after death--is, that finally, and in no long time, by some happy coincidence of circumstances, he shall be restored to office. This faith, more than anything else, steals the pith and availability out of whatever enterprise he may dream of undertaking. Why should he toil and moil, and be at so much trouble to

pick himself up out of the mud, when, in a little while hence, the strong arm of his Uncle will raise and support him? Why should he work for his living here, or go to dig gold in California, when he is so soon to be made happy, at monthly intervals, with a little pile of glittering coin out of his Uncle's pocket? It is sadly curious to observe how slight a taste of office suffices to infect a poor fellow with this singular disease. Uncle Sam's gold (meaning no disrespect to the worthy old gentleman) has, in this respect, a quality of enchantment like that of the devil's wages. Whoever touches it should look well to himself, or he may find the bargain to go hard against him, involving, if not his soul, yet many of its better attributes; its sturdy force, its courage and constancy, its truth, its self-reliance, and all that gives the emphasis to manly character.

Nathaniel Hawthorne
 The Custom House
 Introductory to the Scarlet Letter
 Submitted By Robert Tulloch

JALA Newsletter/www.jala-mi.org

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March, 2012

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Friday: 9:00 a.m. to 2:00 p.m.



MEETING LOCATION

The next general meeting will be held
Monday, March 26, 2012
Time: 5:30 menu/6:30 speaker
Steak's Eatery

JALA is very happy to announce that the speaker for the March 26, 2012 General Meeting will be 12th District Court Judge, Joseph Filip. Accompanying Judge Filip will be Jackson County's Assistant Prosecuting Attorney, Jerry Jarzynka. Judge Filip will give a short presentation then take questions!

IN ORDER TO EXPEDITE THE MEETING, NO DINNER ORDERS WILL BE TAKEN AFTER 5:30 PM. THIS WILL ENHANCE THE EXPERIENCE FOR EVERYONE INVOLVED!

50/50
Winner:

Milo Fisher
(\$35)



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