



JALA NEWS

Jackson Area Landlords Association



Volume 22/Number 10

October, 2016

How We Undercounted Evictions By Asking The Wrong Questions

Steve Williams is dogged — so dogged that he got bit by an actual dog.

The dog attack happened while Williams was out doing his job: tracking down renters in the poorest parts of Milwaukee and trying to ask them questions. To reach some people, he'd call or return to their residence 10, 20 or 30 times. While pursuing another interview — knocking on doors with a clipboard — he was mugged, he said, but lost only \$17. Collecting data can be dangerous. "I sort of see it as part of the job," Williams said.

Williams took those risks to fill a big gap in our understanding of a crucial issue: eviction. Millions of Americans are forced to leave their homes every year, and experts see housing instability as a major contributor to a host of other problems that poor households face. But getting more precise than "millions" is impossible because of a lack of good data. The federal government does a poor job of tracking evictions, and the sources that do exist, such as court records, are incomplete and lack detail.

But that may be starting to change. The survey that Williams was part of, the Milwaukee Area Renters Study ([MARS](#)), may be the first rigorous, detailed look at eviction in a major city. Interviewers like Williams spoke to about 1,100 Milwaukee-area tenants between 2009 and 2011, asking them a battery of questions on their housing history. The survey has already fundamentally changed researchers' understanding of eviction, revealing the problem to be far larger than previously understood. Now the survey is going national: The Census Bureau recently agreed to add some of the MARS questions to its massive, [biennial housing survey](#).¹

MARS was the brainchild of Matthew Desmond, a Harvard sociologist whose recent book, "[Evicted: Poverty and Profit in the American City](#)," brought national attention to evictions. The book chronicles the lives of several poor families living in a variety of housing situations, such as crime-ridden inner-city neighborhoods and blighted trailer parks. To supplement his on-the-ground work in these communities, Desmond went searching for data. First, he looked at court records to gather eviction statistics, but there were lots of questions that those records couldn't answer, such as what are the demographics of people facing eviction. Then he looked at the academic literature, but that search "came up empty," Desmond said. That's when he reached out to the University of Wisconsin Survey Center, an academic research organization that specializes in reaching understudied groups: kids in foster care, welfare recipients, the homeless.

(Continued on page 4)

<p><u>IMPORTANT REMINDER:</u></p> <p>Please pay your membership and credit reporting dues in a timely manner. JALA depends on your dues to pay it's monthly expenses, so please pay on time, just as you would expect your tenants to do!</p> <p>We also look forward to welcoming former members back!!</p> <p>NEW OFFICE HOURS M-W-F 9:00 - 12:00 NOON</p>	<p><u>INSIDE THIS ISSUE</u></p> <p>Counting Evictions Page 1</p> <p>Presidents Message Page 2</p> <p>Criminal Background</p> <p>Checks Page 3</p> <p>Policing In Jackson Page 4</p> <p>General Meeting Page 7</p> <p>Domestic Violence Page 8</p> <p>Landlord Stuff Page 9</p>	<p><u>ATTENTION!!!</u></p> <p>THE NEXT JALA GENERAL MEETING will be on Monday, October 24th, 2016. (MEETINGS ARE NORMALLY HELD ON THE <u>FOURTH</u> MONDAY OF THE MONTH.) MEETINGS ARE AT THE STEAK'S EATERY and BEGIN AT 5:00 P.M. to 5:15 P.M. FOR DINNER; THE SPEAKER WILL BEGIN AT APPROXIMATELY 6:30 P.M.</p>
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PRESIDENTS MESSAGE

This has been a rough month. Trans Union changed some parameters in the processing software that responds to our credit report inquiries which resulted in reports being returned in non-human readable format.

We immediately contacted TU and were told WE had to change OUR program even though they admitted others had the same problem.

Normally TU sends out technical announcements well in advance of changes so issues can be resolved well ahead of impacting production. No such announcement was made and this change hit us (and others) out of the clear blue sky.

TU technical support was very unresponsive repeatedly refusing to admit wrongdoing and told us we had to change out program.

After trying to resolve this issue with the tech support engineer assigned to our complaint without any accommodation, I contact the responsible TU Vice President via LinkledIn and within two day we were informed that the problem would be fixed by 10/12/2016.

We realize that this has been a horrible experience for members who need to run reports to screen tenants and some members informed us they had

(Continued on page 3)

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 12:00 p.m.

Wednesday
9:00 a.m. to 12:00 p.m.

Friday
9:00 a.m. to 12:00 p.m.

Welcome New Members:



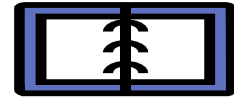
If you are a JALA member in "good standing" and you have any legal questions about being a landlord or landlording, you may email JALA Consulting Attorney Tony Raduazo at traduazo@yahoo.com for some assistance. You may also contact JALA President Robert Tulloch (596-2592/contact@jala-mi.org) for answers 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, October 24th 2016
5:00-5:15 PM (Dinner)
6:30 PM (Speaker)

JALA General Meeting
Steak's Eatery
Monday, November 28th, 2016
5:00-5:15 PM (Dinner)
6:30 PM (Speaker)

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(Continued from page 2) Presidents Message

to go elsewhere for reports. That is an unfortunate consequence of something beyond our immediate control.

Remember that if we did change out program and then TU “fixed” their end due to the global nature of the problem, we would again have a non functioning system.

I can only hope that those who chose to go elsewhere will reconsider.

Criminal Background Checks

The government, under a liberal administration which is bent on forcing landlords to rent to folks they would otherwise deny has again stuck a knife in our backs.

I just turned down an applicant (Craig’s List) who sent me a brochure from the Fair Housing Center of Southeast and Mid-Michigan with a link to the following:

U.S. DEPARTMENT OF HOUSING
AND URBAN DEVELOPMENT WASHINGTON, DC 20410-0500
April 4, 2016

Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions

I. Introduction

The Fair Housing Act (or Act) prohibits discrimination in the sale, rental, or financ-

ing of dwellings and in other housing-related activities on the basis of race, color, religion, sex, disability, familial status or national origin. HUD’s Office of General Counsel issues this guidance concerning how the Fair Housing Act applies to the use of criminal history by providers or operators of housing and real-estate related transactions. Specifically, this guidance addresses how the discriminatory effects and disparate treatment methods of proof apply in Fair Housing Act cases in which a housing provider justifies an adverse housing action – such as a refusal to rent or renew a lease – based on an individual’s criminal history.

II. Background

As many as 100 million U.S. adults – or nearly one-third of the population – have a criminal record of some sort. The United States prison population of 2.2 million adults is by far the largest in the world. As of 2012, the United States accounted for only about five percent of the world’s population, yet almost one quarter of the world’s prisoners were held in American prisons. Since 2004, an average of over 650,000 individuals have been released annually from federal and state prisons, and over 95 percent of current inmates will be released at some point. When individuals are released from prisons and jails, their ability to access safe, secure and affordable housing is critical to their successful reentry to society. Yet many formerly incarcerated individuals, as well as individuals who were convicted but not incarcerated, encounter significant barriers to securing housing, including public and other federally-subsidized housing, because of their criminal history. In some cases, even individuals who were arrested but not convicted face difficulty in secur-

ing housing based on their prior arrest.

Across the United States, African Americans and Hispanics are arrested, convicted and incarcerated at rates disproportionate to their share of the general population. Consequently, criminal records-based barriers to housing are likely to have a disproportionate impact on minority home seekers.

While having a criminal record is not a protected characteristic under the Fair Housing Act, criminal history-based restrictions on housing opportunities violate the Act if, without justification, their burden falls more often on renters or other housing market participants of one race or national origin over another (i.e., discriminatory effects liability).

So what we are being told by this administration is that because blacks commit more crimes in relation to their total population than whites and as a result represent a larger proportion of incarcerated criminals, denying housing based on criminal background checks is discriminatory because blacks are more likely to fail criminal background checks. I suppose we could be prosecuted for discrimination if we deny housing to any individual who belongs to a “group” which is disproportionately represented in some particular category.

What about minorities who are disproportionately represented in eviction proceedings compared with the general population?

Would we be accused of discrimination because we rejected an applicant with 5 prior evictions? Ten prior evictions? Where will this ever end.

This story would be funny since I had and have no idea of the race of the applicant is, so denying based on a Craig’s List set of question and responses prior to personal contact exonerates me of any racial bias. This kind of attitude is very prevalent in certain segments of our society. Be vigilant and minimize your exposure.



Anonymous

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The Effects of A High Crime Rate

We had a member call up and report an unnerving problem. The landlord called a tow service to remove a car parked on the property.

The tow company informed the landlord that they would not come unless they were assured that they would be met by the owner at the site. The tow company said that the frequent shooting in Jackson many them wary of responding.

Anonymous

POLICING IN JACKSON

Due to the recent wave of shooting in Jackson and other street crimes we read about daily. we decided to push for a reinstatement of the Neighborhood Officer/Community Policing program which was implemented by the previous chief. We thought that 10 additional officers, 4 neighborhood and 6 patrol would bring about better communication with residents and a greater presence to deter crime.

We obtained current staffing and patrolling data through FOIA requests to the city. Much to our surprise, the 36 patrol officers were working overtime equivalent to an additional 20 officers. It is quite obvious that 20 equivalent extra officers due to OT is not the same as 20 additional officers on duty. 20 fresh eyes will see much more than 20 tired and overworked eyes let alone the difference in alertness and observation power. 20 additional police on the street would send a signal that Jackson is serious about controlling crime.

We have asked where all this money to pay overtime is coming from and have not received an adequate response. The budget does not account for the funds necessary to pay the overtime.

We have given up the effort until we can gather more information on what the city is actually doing

Bob Tulloch



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(Continued from page 1) Evictions

Conducting good survey research is hard. Conducting good survey research on people with low incomes — who tend to be transient, hard to reach and often hesitant to greet strangers knocking on their doors — is even harder. Desmond’s survey targeted people who are particularly tough to reach: low-income renters, who move more often than the general population. “The people who are easy to get in touch with aren’t the same as those that are hard to reach,” said John Stevenson, associate director at the survey center.

That’s where interviewers like Williams come in. The survey center runs a training program before sending staff into the field. “The hardest part is getting interviewers to keep going back,” said Kerryann DiLoreto, a senior project director for MARS. “It’s that fine line between not wanting people to think we’re stalking them and being *very* persistent.”

Interviewers were taught to time their arrival to catch tenants in the driveway, before they got behind closed doors. And

to let residents know they were coming, the center sent out mailings, with a dollar or two inside so tenants would look at them before throwing them out. To get tenants’ attention, teams sometimes dropped goody bags containing a candy bar and notice outside their door.

“Interviewers have to be trained in presenting themselves quickly,” DiLoreto said. Some tenants rejected interviews if they suspected the interviewer of being a representative of the landlord, an agent from child protection services or a police officer. But through sheer persistence, the MARS project ended up with a response rate of over 80 percent, a remarkable figure for such a survey. “Great interviewers — we ride on their shoulders,” Stevenson said.

It wasn’t just the survey process that was tailored to the target population. The questions themselves were, too. Questionnaires used to interview poor people — what sociologists call “material hard-

(Continued on page 7)

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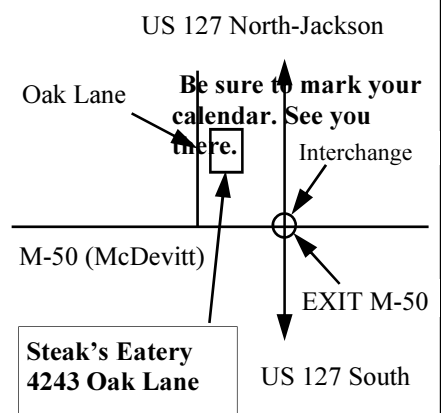
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EXCELLENT FOOD

The next JALA General Meeting will be held Monday, October 24th, 2016. The topic will be the April directive from HUD regarding the use of criminal background checks. The speakers will include Judge Joe Filip, Michael Darby of Legal Aid and a representative from HUD.



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Judicial Services Group

October General Meeting

The subject of the meeting will be the recent direction from HUD concerning the use of criminal background checks in screening tenants.

When we look at a potential tenant, we not only check their references, their employment, a credit report and last of all a criminal background check.

One of the most difficult areas in which to render judgment on the suitability of an applicant is in reviewing criminal history.

Obviously a few minor traffic violations is not some basis for rejecting an applicant. However, if there are many violations with fines imposed it should give you pause since this person has the potential to end up with more violations and more fines which may impact their employment and ability to pay rent.

Civil actions, though not criminal, are of a concern also. Outstanding child support obligations and civil judgments can mean an applicant can be garnished at any time. Past due child support can put the applicant in jail and unable to pay the rent. Past evictions are indicative of a tenants

inability or refusal to pay their obligations. Money judgments can be collected at any time. The tenants vehicle can be seized and sold to pay the debt leaving them unable to get to work and pay the rent due you.

Student loan debt is another area to watch for. You will find many applicants carrying a huge student loan debt and working at a near minimum wage job particularly in an area like Jackson where the local community college has the highest rates in the state and few if any jobs providing wages able to support repayment of the college debt.

Many of these folks are waiting for the debt relief promised by political candidates hoping to get a vote while totally ignoring the rapidly accumulating national debt now approaching \$21 Trillion. Many of these “students” are using these loans to support themselves. I have tenants who somehow get some refund on their student loan funds and pay several months in advance,

The new directive from HUD addresses discrimination caused by indirect factors such as criminal background. Who knows what else could be conjured up as a result of indirect causes.

Bob Tulloch

(Continued from page 4) Evictions ship surveys” — tend to ask something like: “Have you ever been evicted?”

“That seems like a valid question,” Desmond said. “But when you spend time with low-income tenants, you realize that’s incomplete.” That’s because there are formal and informal evictions.

A typical image of an eviction may be when a sheriff with a court order and some tough guys move all a renter’s stuff to the sidewalk. But these formal evictions, Desmond found, were comparatively uncommon, making up only 24 percent of all forced moves, according to the MARS data.

Informal evictions were twice as common (48 percent of all forced moves). In these off-the-books evictions, a landlord might, for example, give a tenant \$200 to move out by Thursday. Or they might take the door off. Regardless, it happens without a legal paper trail. (To round out the other reasons, the MARS survey found that about 23 percent of forced moves were because of landlord foreclosure and 5 percent because of a building condemnation.)

No matter the reason, the MARS researchers found that when people were forced to move, they often didn’t see it as an eviction. So instead of just asking, “Have you ever been evicted?” the MARS survey posed a roster of questions about a tenant’s housing history — when and where they had lived and why they left. This “moving module” was the centerpiece of the MARS study. By asking [more than 250 questions](#), interviewers like Williams gathered data on every place a respondent lived for at least 30 days over the previous two years. Small wording details made a big difference. Rather than “Where do you live?” people were asked, “Where do you spend most nights?”

“When you say, ‘Where do you live?’ they’re thinking of something quite formal — like where they’re getting their mail or the address they’re registered for government benefits,” DiLoreto said. Where people live and whether they’ve been evicted are questions that aren’t as

(Continued on page 8)

(Continued from page 7) Evictions simple as they might seem.

Armed with arguably the most comprehensive data set on eviction ever collected, the MARS study produced a [shocking finding](#): In the two years before being surveyed, more than 1 in 8 Milwaukee renters were forced to move, whether because of a formal or an informal eviction, foreclosure or condemnation. Also, Desmond's follow-up research using MARS data has found a strong connection between eviction and [subsequent residential instability](#), even after factoring in the tenant's income and race. Eviction is linked to [substandard housing conditions](#). And eviction also has serious [negative health consequences](#), particularly for children. Eviction also has a racial and gender bias: "Among renters, over one in five black women report having been evicted sometime in their adult life," Desmond [has found](#). "If incarceration had come to define the lives of men from impoverished black neighborhoods, eviction was shaping the lives of women," Desmond wrote in his book. "Poor black men were locked up. Poor black women were locked out."

The MARS survey has drawn so much attention for its innovative questions that the federal government is adopting it into the American Housing Survey, a massive biennial survey on homes, housing costs and related subjects. The survey didn't ask about eviction at all until 2005; now, it has one question on the subject.

"It's fair to say we have not collected good data in the past on evictions," said Shawn Bucholtz, the director of the division that runs the biennial survey at the Department of Housing and Urban Development, which administers the survey in conjunction with the Census Bureau. The results of the 2015 survey — which will be released next month — won't contain much data on evictions, but starting with the 2017 survey, things will change. That's because HUD is adopting the MARS questions "pretty much verbatim," Bucholtz said. "It was a pretty easy decision to make."

By pioneering how to ask about eviction,



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and showcasing its prevalence, the MARS study has spurred policymakers to take it seriously. "I'm unaware, at a federal level, of any other deep-dive into eviction," Bucholtz said. "It's just not a question that pops up on our major household surveys."

Evictions, like other subjects related to poverty, have historically been understudied, in part because surveys like MARS are expensive and time-consuming. But Stevenson said that avoiding this kind of research is a false savings. "Not studying them is not making them go away," Stevenson said. "They don't go away; they become bigger, more expensive problems."

By [Andrew Flowers](#)

Copied from Five Thirty Eight

When The Tenant Breaks The Lease Because of Domestic Violence

A tenant can break a lease if they fear domestic violence, sexual assault, or [stalking](#). They may be able to break the lease to move to a safe location without having to pay the rent through the end of your lease.

How to protect yourself against this potential loss? Some folks have a record of habitual domestic violence and protection orders that should be a caution flag.

When checking d12 for legal actions, in addition to LT evictions, take note of the name of any co-defendant in an LT proceeding. Search for the applicants name as well as any co-tenants for those names appearing in civil actions. Civil action case numbers have a code at the end. Don't bother with those

other than:

PH

(e) Personal Protection Against Stalking [PH]. All personal protection proceedings under MCL 600.2950a when there is no domestic relationship between the parties and the respondent is not under the age of 18.

PP

(f) Personal Protection in Domestic Relationships [PP]. All personal protection proceedings under MCL 600.2950 and/or MCL 600.2950a when there is a domestic relationship between the parties and the respondent is not under the age of 18.

VP

(i) Violation Proceedings on Out-of-County Personal Protection Order - Revised Judicature Act [VP]. All proceedings conducted for violation of personal protection orders issued under MCL 600.2950 or MCL 600.2950a when heard by a county other than the county that issued the personal protection order.

If there are numerous domestic relations proceedings, use caution in renting the these parties. There is a high probability of recurrence and perhaps the potential for breaking a lease.

Keep your eyes open when entering a lease agreement.

Robert Tulloch

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HARRASSING TENANTS?

Some landlord actions can be considered harassment. To avoid harassment claims you should always give the required minimum 24 hour notice of entry unless of course in an emergency. Also avoid "frequent" visits even with the 24 hour notice. Also you should avoid making regular visits to the tenant to collect past due rents face to face. Sending a Demand for Possession - Non-Payment of Rent should be sent and include a \$25 service fee for providing such notice. Your lease should define this fee and state that the service fee becomes part of the rent. This fee is in addition to the normal late fee charged when rent is not paid on time.

When you serve the summons and complaint be sure to request a money judgment and include all outstanding fees.

Anonymous

USING A LICENSED CONTRACTOR

Remember, many repairs to rental buildings require a licensed contractor to pull a permit and then call for an inspection when the work is completed.

What you normally could do in your own home becomes a violation if not done by a qualified contractor.

Granted, the requirements for using a contractor border on the absurd but violating these requirements can be costly in that you can be fined and end up having to hire a contractor to "fix" what you have done.

I remember hiring an electrician to do some work in a 4 unit I bought. I had a contractor install a new high efficiency furnace after removing the old octopus unit that had served the owner well for 100 years, being converted from an old coal unit to natural gas.

The HVAC contractor needed an electric service to the new furnace location so prior to his arrival on site, I installed a new breaker and ran a new 12-3 cable to the location where the furnace would go. This was a prerequisite to the HVAC fellow coming on site. The furnace was installed, tested and turned over to me. Later that year I hired an electrician to certify the electrical for the building. We got in numerous arguments about the requirements based on circuits, floor area etc. etc. This fellow want to replace the main breakers and all 4 service panels. We had a meeting with the electrical inspector who fortunately was knowledgeable and whom I was able to convince that the electrician was wrong and we could proceed using the existing equipment. I am not sure this issue would be resolved in a like manner today given the attitude of the inspection department toward landlords.

As it turned out, this electrician tore out the wire and breaker I had put in for the new furnace and replaced these items with identical materials. He ran "his" cable through the same joist holes where "my" cable had been run following the exact same router. He then charged me for labor and materials for this replacement. He was a complete jerk.

This was an unfortunate experience but one that can be avoided with careful planning.

Just a warning. Some landlords run wiring and rub dirt all over the new cable and boxes so the code enforcement inspectors won't notice. They rub dirt and crunge on a new water heater so it looks "old" and won't be noticed. Same with new copper piping. which can be made to look old with a wipe from mild sulfuric acid, a dangerous practice.

I got written up during an inspection for ungrounded 3 contact outlets which had been replaced sometime in the past. I have owned the building 27 years so am at a loss as to "who" did it. Anyway. I was pleasantly surprised and the low cost for an electrical contractor to fix the problem as well as replace some knob and tube in the attic. (Yes, they are after me). Most of all, I am not 76 and it is hard for me to pick up a toilet and change the wax ring. **Bob Tulloch**

Jackson Area Landlords Association
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October 2016



ADDRESS SERVICE REQUESTED

OFFICE HOURS

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Meeting
Robert Tulloch**

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MEETING LOCATION

**The next General Meeting will be held
Monday, October 24th, 2016
Time: 5:00 to 5:15 menu/6:30 speaker
Steak's Eatery**

The topic will be the April directive from HUD regarding the use of criminal background checks.

The speakers for the October 24th meeting will include Judge Joe Filip, Michael Darby of Legal Aid and a representative from HUD.

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