



JALA NEWS

Jackson Area Landlords Association



Volume 17/Number 9

September, 2011

CLAIMABLE DEDUCTIONS FOR RENTAL PROPERTY

An unstable economy and a decline in the cost of homes has created an opportunity for wise investors to purchase income-producing properties. Landlords are in a position to receive a positive cash flow and return on their investments. Many enterprising entrepreneurs are becoming landlords for the first time. To maximize income potential, it is important to maintain accurate records of all property expenditures that may be tax-deductible:

Advertising/Interest: Advertisements for renting a property are tax-deductible. Also, the cost of mortgage interest is often a landlord's largest tax deduction. Interest on a loan to purchase, improve or maintain the property is tax-deductible, as is interest on credit-card debt on those items directly related to property maintenance.

Landscaping: Presenting an attractive landscape or green belt around rental property is integral to attracting and maintaining happy tenants. Mowing the grass, trimming and maintaining flower beds, and general yard upkeep is tax-deductible and a normal cost of doing business. Properties with swimming pools, fountains or water features can deduct the cost of maintenance and equipment operation and repairs, and trash removal is deductible.

Utilities: Utilities (including electric, sewer, gas and water) are deductible items. Maintain and keep verifiable records of all utility usage and expense attached to the rental property.

Insurance: In order to protect your investment, fire, theft, vandalism and flood insurance are required. A liability policy to protect the owner in case of injury or damage to a tenant or the public is also a cost of doing business and is tax-deductible.

Taxes and Depreciation: Property taxes on rental properties are tax-deductible. Consult a tax advisor to maximize your deductions. The structure itself can be depreciated over time, however, you cannot depreciate the land. Rental properties located in vacation destinations may be subject to transient accommodations taxes. These taxes are deductible as well.

Professional Services: Legal fees for examining titles and preparing contracts are deductible, as are fees for bookkeeping or accounting services. If you enlist the services of a property management company, those fees are also tax-deductible.

Maintenance and Repairs: A deadbeat client may move out leaving the property in disrepair, requiring cleaning, painting and trash removal. All of these expenses are deductible. Painting, plumbing, carpet shampooing and fumigation may be required. Cost of labor and supplies can be deducted from your tax liability.

Submitted By Robert F. Tulloch (By Marlene Affeld, eHow Contributor)

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, SEPTEMBER 26, 2011.

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

PRESIDENT'S MESSAGE

Robert Tulloch

Wow! It's only September 14th and we are hearing of our "first freeze" on September 16th. Last Sunday I was sailing on Lake Michigan; it was warm, sunny and definitely sunburn weather. How fast Michigan changes.

Of course, after the stifling heat over the summer, the cool weather is a relief. And, now we can get back to productive outside work.

Some of you are probably wondering why we are having the Jackson Mayor speak at the September meeting. Many folks have rentals outside the city limits and may not be too interested in the City of Jackson and the political shenanigans that take place there. Jackson is the only area called a "city" in our county and what goes on there affects all of us! After the budget cuts of last year and the cutbacks in the number of police and firemen protecting the city, property owners are concerned about the effects of those cut-backs and what the future holds for future budget problems.

I had made a proposal to the mayor on "outsourcing" code inspections to private contractors hired by the landlord with the purpose of protecting the rights of tenants/landlords to be free from threats of forced access to our properties. In addition to protecting rights guaranteed under the constitution, outsourcing the inspections would free up funds that could be used to rehire police and firemen. I would like the mayor and the head of community development to address this issue at the meeting.

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:

Larry Fogel

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, September 26, 2011
5:00 PM (Dinner)
6:30 PM (Speaker)

JALA General Meeting
Steak's Eatery
Monday, October 24, 2011
5:00 PM (Dinner)
6:30 PM (Speaker)

JALA General Meeting
Steak's Eatery
Monday, November 28, 2011
5:00 PM (Dinner)
6:30 PM (Speaker)

JALA BOARD OF DIRECTORS/2011

President	Robert Tulloch, 596-2592
Vice-President	Scott Craft, 474-2585
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Board Member	Fred Kulas, 784-2089
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STATE LEGISLATORS:

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(517) 787-0064
PO Box 30014
Lansing, MI 48909

State Rep. Mike Shirkey (65th Dist.)
517-780-4265

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.

Also, Property Mgr. Kyle Bamm (Rent-Me-Properties) has offered to be available to our members to answer questions too: (517-784-7368)!

YOU MUST POST, ADD TO LEASE, OR HAND OUT THESE ADDENDUMS

Landlords are now required to advise tenants of their rights in domestic violence (which was discussed significantly in the last JALA newsletter), or elderly/disabled transition to nursing facilities situations.

The law regarding posting the domestic violence advisory is in accordance with MCL554.601b, paragraph 1 (Landlord and Tenant Relationships Act 349 of 1972). The letting an elderly/incapacitated renter out of the lease is in accordance with MCL554.601a.

Landlords must post these paragraphs in their rental management office, incorporate them into the lease, or hand them out as a special addendum page at the time the tenant signs the lease. You may find the following paragraphs helpful in your compliance:

“A tenant who has occupied the premises for more than thirteen (13) months may terminate this lease upon sixty (60) days written notice to the landlord if: (i) Tenant has become eligible during the term to take possession of a subsidized rental unit in senior citizen housing and provides the landlord with written proof thereof; or (ii) Tenant has become incapable during the term of living independently, as

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certified by a physician’s notarized statement.”

“A tenant who has a reasonable apprehension of present danger to him/her or his/her child from domestic violence, sexual assault, or stalking may have special statutory rights to seek a release of rental obligation under MCL 554.601b”.

Reprinted from the SLA NL, MI, May, 2011

POWER OF ATTORNEY FOR LANDLORDS

Are you managing properties for an elderly parent, or someone who is disabled? Or, are you a landlord who would like a relative or friend to take over the hassle of filing papers and appearing in court?

There are two ways to accomplish this; the first and the easiest is to quit claim the property to the friend or relative. Though if this person, for whatever reason, does not wish to assume or be added to the deed as owner, there is an alternative.

The second is to have a lawyer prepare a power of attorney (POA) for this relative or friend. In this POA, you must list each address of the properties that you want this person to manage. Then, you must inform the

tenants that as of such and such a date, the affairs will be handled by someone other than you.

A regular power of attorney that allows a person to make financial and medical decisions will not be accepted by the court.

Reprinted from the SLA NL, MI, October, 2010

DIG OUT YOUR MONEY JUDGMENTS AND GARNISH STATE INCOME TAX

Now is the time to start thinking about garnishing your ex-tenants/ current tenants who owe you money by their garnishing their State of Michigan income tax.

It’s a very good idea to find those money judgments now, before the end of the year in order to garnish their state income tax.

You should file them as early as possible (November) before the ex-tenant/ tenant has a chance to claim it.

Reprinted from the SLA NL, MI,

October, 2010



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THE END RUN

Senate Bill 8, which has been approved by the Michigan Senate and is now heading for the House is an end run against property tax limitations imposed by the Headlee amendment and other statutes. The bill analysis reads in part:

Senate Bill 8 (S-5) would create the "Municipal Partnership Act" to authorize two or more local governments, or one or more local governments and a public agency, to enter into a contract to form a joint endeavor that could exercise the functions of the local government or public agency. The bill also would: Allow a joint endeavor to levy up to five mills with voter approval.

You can read the full text of the bill at the Michigan Legislature website.

Two key elements of this bill are cause for concern. First is that the creating of these "partnerships" are not subject to voter referendum. That means your city or township can enter into an agreement and if the voters don't like it, tough. You cannot circulate a petition to gather signatures and revoke the agreement.

The second issue is taxes. The fact that this new "partnership" can levy up to five mills with voter approval is a travesty. Governor Snyder proposed combining government entities as a way of saving tax dollars. Here we have the proposal materializing as legislation, which clearly allows for tax increases, not decreases.

What can you do? Write or call your local elected officials and ask them to explain how these "partnerships" are going to reduce costs and taxes.

For your convenience, the contact information is on Page 2 of this newsletter.

Those representatives and senator read this newsletter. If they don't hear from you, they will know you don't care.

Respectfully submitted by
Robert F. Tulloch
JALA President

TEN REASONS WHY YOU SHOULD NEVER FEEL GUILTY ABOUT EVICTING TENANTS!

1. Always start evictions early. If the tenants need extra time, the court will give it to them.
2. You don't make a profit with evictions; you only cut your losses.
3. You have already supplied the "needy" with free housing. You have done your share of charity work, give someone else a chance.
4. If the tenant does not have a friend or relative that will help him/her out, doesn't that say a lot about your tenant's character?
5. If anyone asks you how you could put someone out on the street, ask him/her to pay your tenant's rent for them and they won't be evicted after all.
6. The tenant has illegally kept possession of your house and is stealing from you, literally. He/she has stolen your home, utilities, hard-earned investment, and services. Do you see any stories letting your tenant go inside and steal from them?
7. Letting a tenant stay in your house who is not paying rent is like giving him your credit card or a blank check and telling him/her to "Feel free to spend whatever you like, because I really don't care. I like loaning out money interest free, even if I am sure I will never be paid back.
8. How would you feel if you worked all week and your boss said, "Sorry, I don't have a paycheck for you." Guess what?! Your tenant has basically told you that. Do you want to work for free?
9. If you want to give your apartment away or provide free rent, you should be the one who decides who gets it, not your tenant. There are probably lots of other people more deserving.
10. Your tenant is taking money that stops you from providing for your family's needs. The sad thing is, some tenants live better lifestyles that their landlords do, and it's easy when the landlords let them live rent-free. Picture yourself telling your child that you can't give him/her the item they really, really wanted because you had to pay a stranger's rent so that the stranger could buy a gift for his/her child!

There are pages in the newsletter that reflect our advertisers.

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VENDORS AND LANDLORD'S LIABILITY

If you have been utilizing the same repair companies for years and they do good work for you, then there is no reason to change or run them through a check. But, if you are using a new company, you should check new vendors for the following (recommended by Pro Compliance www.procompliancesource.com):

- Business status and identity
- Personal identity of the principal
- Liability insurance
- Professional business, trade license and bonds
- Workman's compensation
- Criminal background and sex offender reports/status
- Bankruptcy, tax liens and judgments or business credit reports
- Better Business Bureau search

Remember, a little effort on your part at the beginning of your business relationship may save many years of grief!

WHEN WILL IT EVER END?

It is against our policy at JALA to write politically-slanted articles in our newsletter. I will try my best to keep this straight up-and-down from my perspective.

We are in real trouble in the United States of America. We have mortgaged our children's future by saddling them with mountains of debt through ever-increasing deficits with no end in sight. We have outsourced our manufacturing sector which was the back bone of the middle-class lifestyle enjoyed by so many. That manufacturing sector made us the envy of the world! "MADE IN U.S.A" meant something. We were proud wherever we went. We were a creditor nation. We offered our advice to other countries on how to run their economies. We were the pinnacle of success.

What is destroying us? Debt brought about by outsourcing jobs and importing every imaginable item from China. We fill the Chinese coffers with profits made by selling both high tech items and junk through places like Meijer's and Wal-Mart. Go to a hardware store and try to find something made in the U.S.A. It is VERY difficult. The Chinese use their vast reserves to buy our bonds and the rest to build a vast war machine. Mark my words, within the next 20 years we will have a military confrontation with China that may well lead to a war unless we cut the pipeline now, when they are much weaker. Japan attacked Pearl Harbor sooner rather than later because we cut off oil and raw materials to them. Later could have meant an atom bomb on Pearl Harbor rather than on Hiroshima, just as cutting the pipeline to China may mean a local war over Taiwan, rather than WWII.

Free trade, NAFTA, and all these other agreements have led to the demise of the American skilled workforce. There are many daunting problems we face today. First and foremost is putting Americans back to work. We need well-paid workers to provide the revenues needed to pay off our debt, run the government and provide adequate funding for our defense.

When Will It Ever End.....Continued on Page 7



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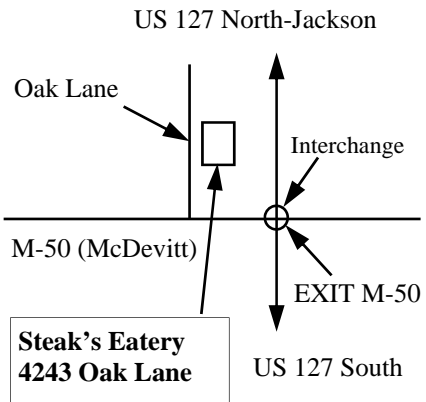
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The next general meeting will be September 26, 2011. Jackson Mayor Karen Dunigan will be our guest speaker and she will be bringing with her the new Community Development Director, Patrick Burch.



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Evenings and weekends by Appt.

When Will It Ever End.....Cont'd From Page 6

We need to re-impose the tariffs we used to have in-place to protect our industries and their workers. We will NEVER recover from this failed experiment until tariffs are used to level the playing field. Other countries all have tariffs to protect themselves. We tried to change the world thinking our industries could migrate to different areas of expertise and still be on top. That has failed. It was a bad idea. A very bad idea. We thought our high-tech industries would protect our industries and way of life. It has not. We have given every last one of our "secrets" to the Chinese and others in agreements to open their markets. All it has done is left us with company after company staring in the face of bankruptcy and government bailout.

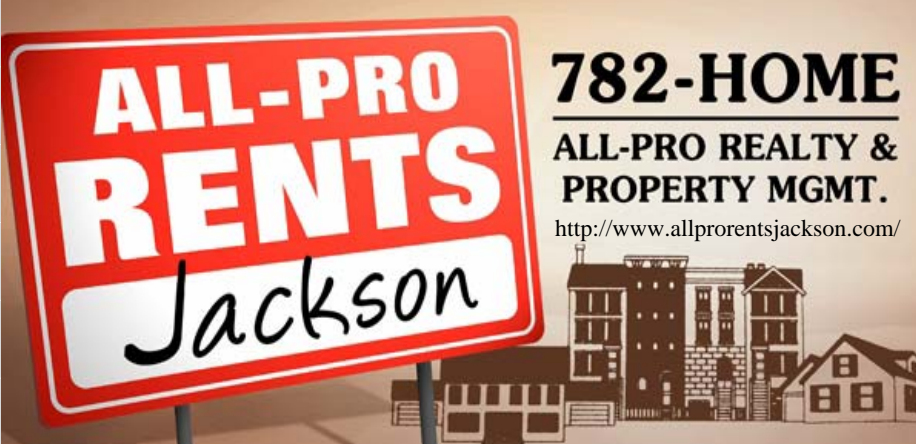
We must impose tariffs now, or we will be forever doomed. Drop the corporate taxes and bring the companies and their production home.

The Chinese are waging an economic war against us and we must defend ourselves and retaliate. We can't depend on boycotting Chinese goods at Wal-Mart, Meijer, Kroger, K-Mart, Best Buy or the local hardware store. Or, all the other stores who have lost control of their suppliers and whose customers will opt for cheap over "MADE IN THE U.S.A."

Please write or call your congressman and senators and tell them to get America working again, not by phony "stimulus" programs, but by imposing tariffs. Filling your rentals with dependable tenants depends on it!

The only recourse is imposition of tariffs, period!

Written By Robert F. Tulloch
JALA President



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STORM WATER FEE

By Robert F. Tulloch, JALA President

I am sure many of you who own property in the city are as concerned about the new storm water “fee” as I am (although not concerned enough to attend the presentation at the Jackson District Library on September 12, 2011). The meeting was sponsored by the Sierra Club, “a staunch advocate of everything good in the world”. I attended. Sadly enough, this was a typical liberal advocacy group meeting where I, and it appears, only one other person questioned the program. The rest of the attendees (all ten of them) were from the Sierra Club, G.R.E.A.T., or were agency employees.

As a little background, for those of you from Rio Lindo, the Storm Water Utility was created last year to offload general fund costs associated with “the environment” to a separate “utility”, which could then assess fees not subject to voter approval. The term “utility” is used so that the monies collected cannot be considered any kind of tax. The EPA is deeply involved in this kind of activity throughout the United States. The City of Jackson was not under some mandate from the EPA (according to the city manager), but is doing this voluntarily. You can see the incentive, when through “fees” collected by this utility, about \$775,000 previously spent on “clean water activities” is freed up for other things. This is how bureaucrats get around dealing with a reduced budget without going to the voters for a tax increase. Pretty sneaky I might add, but typical. Anyway, according to the city manager the freed-up funds will be used to repair streets, the funding for which has been reduced by current economic conditions effecting driving/gas consumption/gas taxes. So, we are going to pay for our street repairs with the Storm Water Utility Fee. That might not be too bad if it really happens, but I suspect the freed-up funds will go to pay obligations to the public employees union retirement and benefit funds.

So, what is the fee we are talking about? It’s \$8/quarter added to your water bill if you are residential or four or less units in a rental. This is based on a calculation of the impervious area of your property. The deviousness of this calculation is beyond the pale. The roof area of your building is considered impervious, even though the water off the roof is collected by gutters and downspouts and retuned to the ground for infiltration. Of course, if you invest in “rain barrels” or a “rain garden”, the city will give you a discount. Lets see, if your roof has 2,000 square feet of surface and it rains one inch, that comes to 1,416 gallons or 26 55-gallon rain barrels. That would look nice around the house. How many rain barrels would a home owner put out to get the 25% discount (\$2)? Since that number is likely one, that means the barrel would be overflowing after ten minutes of raining and onto your lawn where it was going before the rain barrel.. How about that rain garden? Designate an area in your front yard which is 10’x 50’ as a rain garden. Now the one inch of rain on the roof becomes four inches when piped to your rain garden, a rate far exceeding the capacity of the soil to absorb it. Oops! More runoff into your lawn areas.

It seems that the purpose of this activity is to reduce the runoff of sediment/oil/pollutants/doggie poop (and other such things) into the Grand River via the city storm drain system. Wow, I can just see the well-attended rain gardens at South-side rentals. This will keep the “weed” inspectors busy full-time. Oh, and the mosquito/larvae filled rain barrels? Call the city inspectors! One would think that creating a “utility” would involve building something, maybe a treatment plant for storm water or something like that? No way! The storm water fee will pay for the street sweepers (paid for before with taxes), pay to clear trees out of the river (paid for before with taxes), pay to clean-out catch basins (paid for before with taxes), and finally, pay for the bureaucrats and new agency called the Jackson Storm Water Utility (NOT paid for before with taxes).

What about commercial entities such as the Toy House? What about the city itself with vast paved imperious areas? In the case of the Toy House, their parking lot drains directly into the Grand River, as do many other businesses like Kuhl’s. The Toy House will receive a 75% exemption on their calculated fee for doing nothing to abate the polluting runoff from the parking lot. I wonder how that fee the Toy House will pay helps improve the Grand River? All one needs to do is look at Ann Arbor and their storm water utility. If you want to build an addition onto your house, build a patio, build a driveway out of “pervious” gravel or any other activity that increases “impervious” areas more than 200 square feet, you must get a permit/evaluation from the city in addition to paying their normal fees. See it coming? More government, more costs, absurd regulations promulgated by big government folks who never see a dollar in your pocket that they don’t want.

Jackson County is suing the City of Jackson, claiming the “fee” is actually a tax and is unconstitutional, since it was not passed by voters. In October 2010, the Washington Post reported that the federal government refused to pay the City of Washington, DC a storm water fee, because the fee amounted to a tax and the US government is exempt from taxes. Who knows where this will go, but from my perspective (biased as it is), it doesn’t matter if it is a tax or fee. It is being pushed as part of a program to clean-up the Grand River. I see it as a way to increase availability of general fund revenues to be diverted to other uses (maybe street repairs, maybe to the Enterprise Group, maybe to a Clock Tower at Cooper and I-94 to attract people to Jackson, maybe to put more street-lights in certain areas of the city, or maybe to fund contribution to city employee retirement and health trusts which are under funded.)

Maybe the city could alleviate our fears by revising the Storm Water Ordinance to designate that those freed-up funds can only be spent on street repairs?!

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1 to mail to plaintiff

1 to mail to the defendant

1 to be served personally

When you add a defendant this is why the court needs two extra copies:

1 summons to mail the defendant

1 summons to be served personally

1 complaint to mail the defendant

1 complaint to be served personally

(Additionally, you must take two (2) stamped envelopes for **EACH** defendant addressed to the plaintiff and defendant.

Answered by Robert Tulloch/Robyn Papaioannou

JALA Q AND A:

comes, the guy hiding in the closet can be put out too.

Q: I served a notice, summons and complaint on two folks who rented from me. On the documents, I stated the defendant as Jane Doe et al. The lease was signed by Jane Doe and Ron Buck. I had assumed that et al covered all the other occupants of the rental unit. The assigned judge disagreed and dismissed the complaint against Ron Buck because he was not specifically listed on the summons and complaint. I had to re-file against him to get him out. I thought et al covered everyone else including the other legal tenants. M.H.

As a side note, the filing requirements are met by using the multi-part forms available in our office. If you are using the forms off the website or the on-line SCAO forms, you must make copies of those forms **yourself** before filing. The requirements are as follows:

For 1 defendant: Five (5) copies of the summons:

1 for the file

1 to mail to plaintiff

1 to mail to defendant - *tenant copy* (this copy will show what their rights are)

1 to be served personally - *tenant copy* (this copy will show what their rights are)

1 for the return of service

Four (4) copies of the complaint:

1 for the file

A: The court (judge) was correct. Including et al is used to include anyone else (adults) in the unit that are not identified by name on the leasing documents. When you serve a notice, you must identify by name those people you are telling to move and proceed to mail or serve it on each one. The same thing is true of the summons and the complaint. As for et al, be sure to include that **in addition** to all the known defendants so when eviction time

JALA Newsletter/www.jala-mi.org

Jackson Area Landlords Association
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September, 2011

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



MEETING LOCATION

The next general meeting will be held
Monday, September 26, 2011
Time: 5:30 menu/6:30 speaker
Steak's Eatery

The speaker for the September general meeting will be the City of Jackson's Mayor, Karen Dunigan. Mayor Dunigan will be bringing with her Patrick Burtch, Director of Community Development for the City of Jackson. This will be an Informative meeting! Be sure not to miss it!

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:

No meeting

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