

The Liaison

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How to have a happy “fair housing” holiday season:

From the American Apartment Owners Association

In the realm of property management, the scope of fair housing laws extends to holidays and the adornments associated with them. Ensuring adherence to these laws is paramount, and decisions should be grounded in the principles of fair housing rather than personal judgment.

Property management professionals often encounter holiday-related items that may be perceived as offensive or insensitive by some, yet do not contravene fair housing laws. This poses a dilemma for industry experts.

To navigate this challenge effectively, it is crucial to establish best practices regarding holidays and holiday decorations, beginning with a comprehensive understanding of how fair housing law applies to these scenarios.

To start, let's consider HUD's stance on holiday decorations.

HUD weighs In

On January 9th, 1995, the U.S. Department of Housing and Urban Development (HUD) released a memorandum addressing Fair Housing holiday decorations. The memorandum titled “Guidance Regarding Advertisements Under 804(c) of the

Fair Housing Act” provides valuable insights into this matter. It states: “The use of secularized terms or symbols relating to religious holidays such as Santa Claus, Easter Bunny, or St. Valentine's Day images, or phrases such as Merry Christmas, Happy Easter, or the like does not constitute a violation of the Act.”

So here we can see that HUD has essentially created two categories that decorations can be put under: Secular and religious.

So, while widely accepted secular decorations legally can be used, ones that represent a specific religion i.e., nativity scenes or The Star of David, should be avoided. Now let's consider some of the more common questions we come across as the holiday season approaches.

Common fair housing holiday questions

- Is it acceptable to festively decorate the rental office?
- What about common areas? Can they be decorated by staff or residents?
- Can property managers prohibit or restrict what or how residents decorate their doors or patios during the holidays?

Leasing office and common areas

It is very common for people to get in the holiday spirit by decorating. But caution is needed when it comes to your leasing office and common areas. As stated above, HUD has clearly indicated that secular decorations are permissible.

That being said, taking a step further is an even better best practice. What does that mean? Try to ensure that the decorations chosen represent a wide variety of cultures or religions to ensure that there is never an appearance of discrimination or favoritism.

And, of course, strictly prohibit using religious symbols, be it imagery or text.



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Personal residences and outdoor spaces

This is where having clear policies and guidelines is incredibly important and helpful. Some properties don't allow any decorations regardless of the time of year making this a nonfactor.

However, if your community does allow residents to decorate their doors, patios, or balconies, the only thing you can do as a housing provider is prevent residents from displaying anything deemed offensive.

A few more holiday best practices:

Property management communities comprise diverse individuals with various religious and cultural backgrounds. It is imperative to ensure inclusivity when organizing festivities and social

"Happy Holidays" vs. "Merry Christmas" can align with the spirit of promoting equality and fostering a sense of community.

Strive beyond mere compliance with the law to make everyone feel genuinely welcome.

Despite all precautions, complaints may arise. Addressing these issues with a thorough understanding of fair housing laws and their applicability is imperative.

Take all complaints of religious discrimination seriously. Actively listen to residents, address their concerns, and meticulously document all interactions and resolutions. Protecting the rights of individuals in protected categories should be a top priority.

In summary, fair housing laws apply throughout the holi-

Strive beyond mere compliance with the law to make everyone feel genuinely welcome

events, especially during the holidays.

Every effort should be made to create gatherings that are welcoming to all community members. This includes the language you use on event flyers or other displayed materials.

While not explicitly mandated, choosing words like

day season and year-round. Housing professionals must foster welcoming communities that embrace the principles of equality embodied in the Fair Housing Act.

Solid policies and proper training will aid in adherence to the laws governing the holiday season and help ensure a happy and inclusive time for all.

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The LIAISON is a publication of the North Valley Property Owners Association which is solely responsible for the content. Comments, letters and advertising inquiries should be directed to:

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The statements and opinions herein are those of the contributors and not necessarily those of the North Valley Property Owners Association or its members.

President's Message

WHO I AM.

I have been married to Scott for 24 years. I am a mother of two wonderful children, two beautiful dogs and one black cat and a proud resident of Chico since 1986. Chico is my home.

There was a moment in time when I believed that I would not be a success without first obtaining a college degree.

See, I have a lot of smart friends. Those closest to me completed their college years with degrees in accounting, business, and liberal studies. Some go even further to achieve master degrees, PHDs, neonatal nurse! Really!

The 24-year-old me was feeling inadequate. An underachiever. What would I be? How could measure up to these people with formal educations? I could not possibly see what my future had in store: How my ambition would lead me forward, to making my own way, to discover my potential! To find my accidental career, a career in Property Management.

I began my career in Property Management at the age of 19, right here in Chico working for Steve Depa. I worked through the ranks, (Receptionist, Resident Manager, Maintenance Services).

Then exploring opportunities to be creative while being the Marketing Director at Craig Hall, then owning, developing, and operating my own business for 12 years until reconnecting with an old friend and coworker, Wes Hill. In 2012, Wes asked me to join his small company, Hill Properties, as a Property Manager.

Six years later, I became the Director of Property Management and Maintenance Operations and purchased the business with my partner, Wendy Griggs, in 2020.

WHAT I HAVE LEARNED.

I became a member of the Education Committee in 2016, mostly because I couldn't say "no" to Jennifer Morris. After spending time with other committee members, I began to understand how connections are import-



Tanya Morgan

ant for a successful community. This deeper understanding helped drive my decision to advance to the Board of Directors in 2018.

After 25 years, I am finally understanding my WHY. You see, it's not the business that drives me, but rather the people we affect with our business practices.

I understand the significance of my contribution to the association and the community and intend to practice my duties to the highest ethical standards. The responsibilities and duties as President have pushed me to reach and grow beyond what I ever thought was possible.

Thank you all for a wonderful experience. I feel truly blessed by the relationships that will last my lifetime.

Sincerely,

Tanya Morgan



Tanya Morgan with incoming NVPOA President Matt Depa

NVPOA offers:

- Advocacy
- Education
- Connections



Join today!

Executive Corner

By Jennifer Morris

A look back on 2023: Every year it goes faster and faster.

Well, this year was no different of course. I am trying to be more mindful in practicing being present and, in the moment, and I will let you know at the end of next year if that slowed things down—ha-ha.



I wanted to reflect on the accomplishments we achieved over the year. We started the year out strong with our annual housing expo in January. The Board of Directors had developed a great five-year strategic plan to be carried out in our discovery year (2023).

The mission: Provide support and resources to enhance, protect/advocate, and educate the rental industry for the benefit of the community. We have our active committees of Mem-

bership/Social, Education, Legislative, Executive/Financial/Personnel, and the Board of Directors. Each Committee has a role to help carry out the strategic plan as it pertains to our objectives and their area of focus.

I just want to say I think we did a great job over all with the execution of the plan. If anyone is interested in getting more involved with NVPOA, reach out. We would absolutely love to grow our committees as a major goal for 2024! Thank you to all of you that dedicated the most precious gift of time to NVPOA and our mission this past year.

After our Annual Expo, we had quarterly luncheons in both Redding and Chico. We had an Appreciation Industry Partner luncheon in March-which by the way our Industry Partner Membership has grown from 50-80 over this past year. If you haven't checked out all our vendor members for services at your property, check them out under our buyers guide in the monthly newsletter or on the NVPOA website under resources. We offered 3 Fair housing workshops. Participated in 2 community Home and Garden Shows in Redding and Chico. Had 3 socials at the Hatchet House in January, The Commons in July, and our Pins 4 Presents event in December. In October was our Gala and Awards Ceremony that was quite successful.

As for the fun socials and education events we had, we offered a variety of ways to help our members stay educated on what changes were coming through the pipeline for 2023. We just hosted our 2024 law updates luncheon and while I am sure it was frustrating to hear what the new laws regulating the housing industry are, it could have been worse. CalRHA has and continues to play an important role in actively engaging our members and communicating to the Legislative body what a few small words can do to impact our industry of providing housing. We got important carve outs included in SB567 and AB12. Is AB12 still bad, yes, but know that the original language of the bill was worked by NVPOA representatives and the CalRHA Legislative committee and Board of Directors with lots of hours and hard work. When you see your membership dues renewals and think about not continuing

to support our non-profit organization know that most of our dues collected go to staffing the NVPOA office and our continuation of affiliation with a reputable organization of CalRHA and the NAA. Thank you for your support! 2024 is a Presidential election year and we already know we have 3 important ballot measures we will be actively seeking donations to help educate the voters on voting no on.

In addition to the events, education, and legislative activity. We transitioned the NVPOA website and software to a new and improved system and partnered with Azibo to offer more benefits to our membership.

I sincerely hope that you didn't feel any interruptions in your membership service as we had five months in 2023 with one paid staff member. I want to take this opportunity to really acknowledge the committee members and board of directors for their roles in stepping up to help with the events and volunteering their time to help cover as we navigated the changes. Kailyn has now been with NVPOA for the past three months and continues to take in and absorb the ever-changing housing industry landscape and to best serve members.

Please continue to share any suggestions on what you want more of, less, or new.

Happy Holidays!

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THANK YOU, BOARD OF DIRECTORS, AND COMMITTEE MEMBERS!

As the year rolls to another end, we have some wonderful volunteer leadership that needs to be recognized for their time, ideas, and efforts. I wish I had the time and ability to articulate how much these guys do for our association and the industry, but I know I cannot put it into words how much your efforts are deeply appreciated.

Nick Yorton is rolling off the Board of Directors out of the Past President term. Nick, your ideas, mindfulness, and participation over the years will not be forgotten. We appreciate all you do for NVPOA and have done. We look forward to continuing to have your ideas and participation around for many more years to come.

Jon Kressin is our Legislative Officer and is also rolling off from his term. Jon always should produce fun theme music or a good Dad joke that kept everyone laughing and having fun. Jon is like a walking google with the amount of community knowledge on real estate and the movers and shakers of the real estate world. Thank you, Jon, for your dedication and stepping up the last three years to help grow NVPOA. We appreciate all your support and time you generously gave us. I hope that we will continue to see you involved with NVPOA in the future. Thank you!

Tanya Morgan is rolling out of the President role and into the Past President term. Tanya, your innovative ideas, industry experience, time, and heart you poured into NVPOA was truly special. You showed us how we could have fun and think outside of the box all while still checking off the to do list and reaching our goals. Thank you, Tanya, for all you have done for NVPOA and your dedication to continuing to support and participate with NVPOA.

Matt Depa has been elected to President term. Brittany Hightower has been elected to Vice President. Erin Campos has been elected as Secretary. Stacie Power continues her term as the Education Officer. Analise Uhrig continues her term as the Membership Officer. Angela Waller continues her term as the Industry Partner Officer. We welcome our newly elected Legislative Officer, Brooke Shelton, and Treasurer, Alysha Sanchez. Thank you so much to all our board of directors for their energy, ideas, execution, support, participation, and time you have given to NVPOA. A big shout out to all our wonderful volunteers on the Education, Social/Membership, and Legislative Committees as well. Thank you to Adam Pearce for your leadership and representation in CalRHA as well! If you are interested in being a part of NVPOA we are always looking for members to participate and grow NVPOA.

Protecting the Costa-Hawkins Rental Housing Act:

WHAT IS COSTA-HAWKINS? The Costa-Hawkins Rental Housing Act is a California state law that exempts certain kinds of residential rental units from rent control ordinances and allows landlords to reset the rental rate on rent-controlled rental units where they become vacant or where the last rent-controlled tenant no longer permanently resides at the unit (including where they move and leave behind subtenants).

In simpler terms, the Cos-

ta-Hawkins Rental Housing Act places limits on the ability of local governments to enact rent control. Specifically it exempts single family homes/condominiums and post 1995 construction from rental control. It allows landlords to establish initial rental rates for a new tenant — a policy known as vacancy decontrol.

WHAT ARE OWNERS UP AGAINST? Well, to put it bluntly ... a lot. CalRHA provides a factsheet to a rent

control 2024 initiative called the "Justice for Renters Act." As you can see in the link, it's pretty cut and dried, a full abolishment of the Costa-Hawkins Act.

SO WHAT CAN I DO? We have created "5 Reasons Why Economists and Housing Experts Say Rent Control Doesn't Work", which can be viewed below. And you can contribute to our cause to protect Costa-Hawkins. We appreciate your attention and understanding of this ongoing



ing battle to keep our rights intact and the rental housing industry viable for decades to come.

Go to <https://cal-rha.org/advocacy/protecting-costa-hawkins/> for talking points about this issue.

Dispelling common ADA myths & compliance

By Anthony Guichard

ACR Concrete & Asphalt Construction, Inc.

ADA lawsuits are on the rise for a variety of reasons. Mostly because owners and tenants with properties or businesses that are open to the public are not addressing and making corrections properly.

The most common reason we see multiple ADA lawsuits filed against owners of property or businesses is due to not following certain guidelines. Most defendants simply contact an asphalt contractor and have them perform the corrections outlined in the lawsuit. This is a critical mistake since asphalt contractors do not necessarily have the expertise to ensure compliance under ADA rules.

Typically, a lawsuit only calls out a few corrections when the CASp report may identify upwards of ten (or more) corrections. Only performing the three or so corrections outlined in the lawsuit and not addressing the remaining corrections within the CASp inspection report leaves the owner or tenant vulnerable for the remaining corrections in the form of a second or third lawsuit. A CASp inspection report identifies violations of the applicable accessibility standards, and a schedule for completion of accessibility improvements over a reasonable time. Make sure you are working with a qualified ADA expert such as ACR Concrete & Asphalt Construction, Inc..

Let's take a moment and "DISPEL THE MYTHS" surrounding ADA lawsuits. The following are the three most common myths:

MYTH: My business does not need to be compliant because the building is old and therefore grandfathered in.

• Fact: There are no grandfathering provisions. "Grandfathering" is the notion that

ADA requirements do not apply to buildings constructed prior to the establishment of the ADA. This, however, is not true. Regardless of the age or historical importance of a building, if it is open to the public, you must provide access to the goods and services you offer.

A CASp inspector can provide a written report to identify what needs to be corrected. A CASp inspector is a professional who has passed an examination and has been certified by the State of California to have specialized knowledge of the applicability of state and federal construction-related accessibility standards.

Myth: The building is owned by someone else, so I am not liable for the violations.

• Fact: Compliance is not only the landlord's responsibility. Both the lessor and lessee are responsible for the accessibility of a facility public areas. If you lease or rent a facility, it is advisable to have an agreement with your landlord about who is responsible for providing and maintaining the facilities accessible features.

Lease and rental agreements must stipulate whether the property was inspected by a CASp inspector, and, if so whether the property is compliant with all applicable construction-related accessibility standards.

Myth: The standards are always changing, making it hard to stay in compliance.

• Fact: Construction standards for your facility do not change. The ADA has only been updated once in more than twenty years. Although the California Building Code is amended regularly, your facility's compliance is determined by the building code in place when your facility was originally constructed or last ALTERED. A once-compliant facility is not made noncom-

pliant because the accessibility regulations and guidelines are updated; however, accessible features must be maintained.

As you navigate and speak to attorneys, CASp inspectors, etc. you will come across terminology such as readily achievable, financial hardship or technically infeasible. These terms are often thrown around loosely as defenses on how not to become compliant. Be very careful of how you plan your defense strategy since you just may spend thousands of dollars defending your position.

At ACR Concrete & Asphalt Construction, Inc., we suggest you speak with a highly qualified TEAM which consists of expert ADA attorney, ADA designer / contractor and an experienced CASp inspector. The TEAM approach versus hiring each discipline separately is the TEAM approach that works together, precisely and economically to reduce time, costs and frustration in resolving your ADA lawsuit and protect you against second and third lawsuits. Hiring each professional individually may result in delays, lacking coordination and more costs in addition to frustration and confusion.

Here at ACR Concrete & Asphalt Construction, Inc. we take our clients down a path of full compliance swiftly and correctly the first time by providing documentation. The first step is a quality CASp report, and I can assure you they are not all the same. From here

we perform a detailed site visit, perform surveying to establish all barriers. Then we perform a precise design with formal plans for the city to review and approve. Once all construction has been performed, we provide a city permit signed as the final approval. After this, a second CASp reinspection is performed to catch any possible errors.

Once we are done the client is provided a history of this compliance starting with the following documents:

- CASp original report to identify ALL corrections.
- Formal plans approved by the city.
- Permit card signed by the city inspector approving the construction work.
- CASp reinspection to catch any errors and document all corrections.

By following ACR Concrete & Asphalt Construction, Inc.'s 4-step approach, which we provide to ALL our clients, you will now have documentation with your city on when the property was brought into compliance. Without documentation, documentation, you may be vulnerable to multiple lawsuits.

Feel free to email a property address for a quick review and analysis at no cost on how you should proceed to bring your property into ADA compliance. Be proactive and sidestep the fast growing trend ADA lawsuits.



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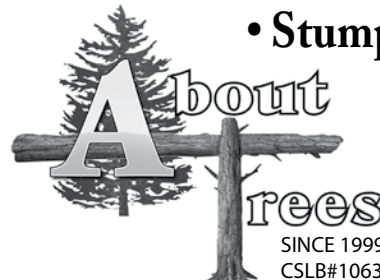
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