



Washtenaw Area
Apartment Association

*** 21 Years ***

*The Voice of Washtenaw and Livingston
County's Rental Housing Industry*

October, 2005
Volume 21, No. 7

UPDATE

AIMS Property Management Update

FAIR HOUSING AND ADA COMPLIANCE FRONT AND CENTER

Apartment firms should be alerted that accessibility advocates and the federal government have made enforcement of fair housing protections for the handicapped and the Americans with Disabilities Act (ADA) a top priority. In recent years, litigation has focused on the Fair Housing Act's (FHA) accessibility design requirements, but attention is now turning to the other FHA requirements concerning handicapped renters. These requirements apply to all properties, regardless of when they were built, and they prohibit discrimination against the handicapped, require housing providers to make reasonable accommodations in rules and practices, and allow reasonable modifications to apartment units.

A recent study issued by the U.S. Department of Housing and Urban Development (HUD) found widespread violations of these requirements in the Chicago area. While it is impossible to tell whether these violations were made by professional apartment firms or by

mom-and-pop operators, they underscore the need for firms and their employees to fully understand their obligations. Violating these laws can cost a firm millions in fines and retrofitting costs, so this *Property Management Update* reviews these laws, discusses forthcoming ADA guidelines and identifies additional resources.

QUICK REVIEW:

Every property owner, regardless of when the property was built, has some obligation to the disabled renter under the FHA and the ADA. In most cases, lack of compliance is associated with a lack of understanding over how and when each of these laws applies. The following is a quick reference that attempts to sort through the maze of how and when each is triggered. Keep in mind that the following only addresses accessibility and not the much broader protections afforded all persons against discrimination. Please consult your attorney for specific guidance.

For Properties Built before 1991:

FHA: Cannot discriminate against a prospective renter because of disability. Must provide reasonable accommodations/modifications for handicapped renters.

ADA: Requires architectural and communication barrier removal, if and when readily achievable, to public spaces, such as rental offices and clubhouses/recreational facilities if they are open to the public.

For Properties Built for First Occupancy after March 1991:

FHA: In addition to above requirements, HUD's seven design and construction requirements apply to all units in elevator buildings and all ground floor units in non-elevator buildings.

ADA: Same as pre-1991 ADA re-

quirements above.

For Properties Built for First Occupancy on or after January 1993:

FHA: Same as the pre-1991 and post-March 1991 FHA rules above.

ADA: Properties must be built in strict compliance with ADA Accessibility Guidelines (ADAAG). Technical assistance materials are available at www.usdoj.gov/crt/ada. Alterations to existing facilities must also be made in an accessible manner to the maximum extent feasible.

HUD STUDY

Released on July 25, *Discrimination Against Persons with Disabilities: Barriers At Every Step*, paired disabled and non-disabled testers to assess how rental providers treat prospective renters with hearing impairments and those confined to wheelchairs. It also evaluated how firms respond to requests for reasonable accommodations/modifications. The results showed that one out of every four wheelchair testers was given less information about available units and the application process and 30 percent were denied the opportunity to inspect any units. One in six housing providers tested refused requests for reasonable unit modifications and other accommodations, such as providing a designated accessible parking space. For hearing impaired testers, one in four who called a property using TTY (teletypewriter) system was refused service. They also received less information from those who took their calls and were given less encouragement to pursue the rental opportunity. This study is available at www.antibiaslaw.com/biblio/BarriersAtEveryStep.pdf.

RESOURCE: This study was as much about evaluating testing procedures as assessing compliance with the law. With that in mind, HUD also published a manual, titled *Testing Guidance for Practitioners*, for advocacy groups who conduct testing. This valuable tool can help apartment firms understand the methods that will be used to test their properties for non-compliance. It is available at www.huduser.org/Publications/pdf/

WA3

Calendar

briefs

**October 13th - Manager's
Only at Woodbury
Gardens.**

**October 18th - General
Membership Breakfast
Speaker - Rachel Arnold
from NAA**

(Continued on page 4)



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www.wa3hq.org

Deadline:

15th of the month for next month's publication. Submit all materials to Alice Ehn, Executive Officer

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President's Message:

By Melanie Zimmerman

In case you missed it, the NOVA Awards night at Instant Interiors was a success! The entry boards were extremely creative this year. Congratulations to everyone who won. The winners (and all other entries) will go on to GLASTAR to be judged against others statewide. A special thanks goes to Bonnie Bisson and the staff at Instant Furniture Rental for Hosting the Awards for us.

Participation in our events is vital to our association. It allows us an opportunity to cascade messages as well as network with others industry partners. At our October 18th General Membership Breakfast at Weber's Inn (8 a.m.), we have the opportunity to hear from Rachel Arnold, the NAA Senior Legislative Coordinator for the State and Local Policy Division. She will be here to let us know what NAA is doing for us on a local level. It is a great opportunity to ask questions about what she does and what NAA is doing or can do for us. In addition, Jeremy Schneider from Rentlinx will be talking about our new website and the new apartment listing portion. There is advertising space available on the website, however, it is limited so please call Alice to get your advertising space.

We hope to have a great participation for this meeting. Please call Alice at 663-1200 to let her know that you will be attending or go directly to the website for online registration.

EO Message

By: Alice J. Ehn

The Property Management Association of Michigan is raffling off a New Orleans Basket with one free registration to the NAA 2006 Conference in New Orleans (or wherever it ends up) with all proceeds of the raffle going to NAA for the Political Action Committee to fulfill the Michigan Fair Share.

Included in the Basket along with the Conference ticket is:

- | | |
|--------------------------------------|--------------------------|
| * New Orleans note cards | * Crawfish Apron |
| * Pirate's pantry-treasured recipes | * Chicory Coffee and Mug |
| * Book about New Orleans | * Tabasco Sauce |
| * 5 New Orleans cooking items | * Tabasco Chili Mix |
| * Café du Monde Beignet Mix | * New Orleans Tote Bag |
| * 5 Music CDs from New Orleans | * Candle |
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Cost per Ticket: \$10

Prize will be awarded at the GLAStar Event November 12th.

You do not need to be present to win.

Contact the office at 734-663-1200 to purchase tickets.

Support the NAA PAC

CORRECTION FROM SEPTEMBER: The titles on page 7 mysteriously disappeared in the printing process. Thanks to Harbor Cove and Beach Club for donating their facilities was ignored.

Please go to www.wa3hq.org to view the corrected newsletter.

THANK YOU HARBOR COVE AND STAFF!!!!!!!





GLAStar Education Conference

November 11th — Kellogg Center — \$79 Full day

Following are some thoughts from Educators....Donna Hickey and Kathleen Mabie

Sign up now and hear more!!! 616-531-5243

In the Company of Presence!

By Donna Hickey

We talk about Leasing training in the apartment industry, telephone techniques, feature/benefits, take to site, and closing techniques. However, what about "First Impressions" I have the continued gift of showing up in a many apartment community through shopping, market comparison studies etc. and to my horror, I am greeted by an empty desk, someone on the telephone, folks eating lunch at there desks or in the clubhouse. I often wonder what training and follow up program is in place.

You see, YOU are the critical force, people rent from people they like and those that know the importance of "First Impressions" WIN. It's not enough just to show up for work, you really need to work. "get ready – get set – GO!" Stand, meet that person half way guide them to your introductory/ clubhouse/leasing center, shake their hand (I promise they won't bite)!

Before you leave the house for work, check what you are wearing. In other words, stop rushing out the door half made up, change your schedule YOU are important and need to be the professional. Clothes need to be cleaned and pressed, professional looking, don't forget deodorant (smelling good is just as important as looking good). While Capri's are good for the casual summer outfit, they are inappropriate for business wear (depending on the part of the country in which you live). Shoes not scuffed and in dis-repair, hair needs to be cleaned and styled (don't forget to take a mirror and look at the back of your head, how does your hair look?), nails... clean and clipped, not painted in all funky colors! If the polish is coming off – take it off!

Remember that you are in control that the person coming through the door is actually there for a reason – to rent an apartment! The prospect is looking for you to take control and guide/lead them through this process. They don't want to pull the information out of you! You, you, need to anticipate the needs.

Dress for success, you never know who is shopping you, what impression will you make today?

In today's economy, you need to set yourself apart from your competitors and these little changes can make the difference! When the economy is not-so-good, we need to dress it up a bit, Khakis and polo's are out! When the economy is good then you can dress down again. For today, dust off those suits and shoes and make an impression!

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Some Things to Think About.....

By Kathleen Mabie

FAIR HOUSING FOR MAINTENANCE

Who spends the most amount of time with our Residents and receives the least amount of training?

The Maintenance/Service Team

Fair Housing Training is an on-going process not an annual or semi-annual event you send everyone to for three hours. Fair Housing training should start at the time of hire and be on-going.

Do you have a formal training program for your entire staff? Do you have written service policies and procedures? Do all of your maintenance personnel apply it consistently? How do you know? Who is responsible to insure that everyone is being FAIR?

LIP SERVICE OR RESIDENT SERVICE

"Our maintenance staff is the best...we provide service within 24 hours...we provide service the same day...we have 24 hour emergency maintenance...and the beat goes on."

Conducting maintenance is not providing service. The entire staff is to provide service. Are they aware of this? Resident Appreciation Week is neither a plan nor service. It's a gimmick. Have an entire team meeting and figure out a realistic plan. What could you do better?

Take small steps and remember little things mean a lot.

**Think about the above questions
when you are deciding who should**

attend the 2005

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REASONABLE ACCOMMODATIONS/ MODIFICATIONS

The decision about whether a modification or an accommodation is required is not always easy to make. Examples of *reasonable accommodations* that an owner should offer include: designated parking spaces; allowing an "assistance" pet, such as a dog or cat; altering policies for disabled renters who cannot walk to the trash facilities or rental office to pay rent. Examples of *reasonable modifications* include: installing grab bars in the bathroom; widening doors to permit wheelchair access; removing cabinets under sinks; changing doorknobs to door levers.

For properties built after 1991, these modifications should already be in place in ground floor units if the property has no elevator and in all units in elevator buildings. For pre-1991 buildings, owners should note that they are not responsible for the cost of the modification. However, if the property receives federal funds under Section 504, the housing provider usually pays, unless they can prove financial or administrative hardship.

Many court opinions have been written to provide guidance about whether an accommodation or modification was required in specific situations. In addition, HUD and the U.S. Department of Justice (DOJ) have published a joint statement explaining property owners' obligation to make reasonable accommodations for persons with disabilities. It is available at <http://www.antidiscrimination.com/today/DOJandHUDstatement5-04.pdf>. The bottom line is to seek legal counsel before denying a modification or accommodation request. One jury awarded a plaintiff more than \$300,000 in damages when the rental provider refused to waive a no-pets rule to allow the resident to keep an emotional support dog.

RESOURCE: NAA/NMHC have published a new "Frequently Asked Questions" guidance on fair housing protections for individuals with disabilities at www.naahq.org/govern_affairs

FAIR HOUSING CONSTRUCTION AND DESIGN CASES

The cases are becoming all too familiar—apartments with thermostats that are too high for wheelchair users, doors that are too narrow and bathrooms that are too tight. There are also cases where property entrances are too steep and ramps fail to meet slope and other requirements. Other violations result when disabled residents cannot get from the parking lot to the building entrance. A typical settlement agreement will impose civil penalties on the apartment firm. In a recent headline-making case, a large apartment

owner paid \$1.4 million in damages and attorneys' fees and will be required to make an estimated \$20 million in retrofits to its properties.

The most common retrofits include removing building entrance steps; widening interior doors; expanding floor space in kitchens and bathrooms; and relocating switches, controls and electrical outlets to accessible locations. Firms are also often asked to retrofit leasing offices, clubhouses, parking lots and sidewalks. Consent orders can also require defendants to have future design and development work pre-approved, mandate fair housing training, require signs describing the firm's policy of nondiscrimination in housing, and impose reporting and record-keeping obligations.

RESOURCE: Additional guidance is provided by HUD on their new Fair Housing Accessibility FIRST web site with frequently asked questions, training modules and more resources for developers. See www.fairhousingfirst.org

NEW ADA GUIDELINES COMING

Firms covered by the ADA should know that DOJ is planning to change the guidelines implementing the ADA for the first time in 15 years. The changes, which will not become effective for one to two years, will affect all new and renovated properties. The purpose of the updated guidelines is to make them more consistent with model building codes and standards to make compliance easier. An example of the types of changes made include lowering light switches from 54 to 48 inches. These changes were made over several years and in consultation with the industry. NAA/NMHC are working with DOJ to encourage ample time for developers and owners to become familiar with them before making these new rules effective.

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Faces of Hope

Over the last few months with so many traumas in the world both close to home and far away, I have been exploring the meaning of Hope. I've been contemplating that 'hope is essential to life', 'hope springs eternal', 'when we lose hope, all is lost' and, that hope allows us to have our dreams and to take steps towards our desires.

So when devastation like Hurricane Katrina hits...with so many tangible belongings and dreams swept away...what is left? I say Hope with a capital H. Hope is a strong emotion...a core tenant or foundation of life. Distinct from 'wishful thinking' that can seem frivolous. When we choose hope we know that everything has a reason, the learning will be apparent at some point, and that all will work out even better than before. Hope is powerful. It's an emotion that can soothe us when we do not understand the 'whys' of life. Hope serves us whereas hope's opposite, despair, takes our strength and can leave us anguished and feeling victimized.

To choose hope can be a tough process to go through. Natural disasters are beyond our control and it can be easy to slip into that hope-less feeling. Yet, hope boosts the inner strength of us all at this physically & emotionally traumatic time.

With hope being so very important, 'what can I do and how can I help' has become the rallying conversation. As a nation we have banded together to share that Hope is alive and well through our caring and contribution in so many ways. 'Hope Lives!' has become our message. While much has been done and is underway here are some hope-full options to consider at this time of need:

- * **Take time to connect and talk.** The other day my doctor said that his patients want to talk to him more than normal. They

want to talk about not only Katrina, but about their lives, issues, concerns not even related to what they are seeing him about. Take time to listen and comfort those around you. Help others feel their own hopefulness with whatever concerns them.

- * **Put life in perspective.** Yours and my current issues can seem overwhelming and rightfully so. Yet, when we observe the trauma, loss and devastation of so many people in the South, my issues seem much smaller and more manageable. Count your current blessings and give thanks.
- * **Neighborhood support.** The National Apartment Association has put out a request for its 171 local member chapters to rally to the aid of the Red Cross in whatever ways they can. The musicians from the Whole Life Church in Fort Collins recently hosted a fundraiser. In Bradburn, my new-urbanism community, we are going to pass a 'Hope Lives!' hat for relief donations at the free neighborhood concert this week. What ideas do you have for your community to aid in providing Hope?
- * **Membership/Association assistance.** Many professional associations have charitable foundations set up to specifically help their members during a crisis. The National Speaker's Association is also offering a website to connect those in need with those that can help...not money, rather physical assistance. Recommend an idea to one of your Associations as to how your membership can assist.
- * **Provide financial support.** Opportunities abound for ways to give what is also desperately needed...money. Food, water, counseling and shelter are immediate needs. Rebuilding lives as well as buildings and infrastructure is going to take years and lots of funding. To make it easier here are some options: American Red Cross www.onlinedonationsareeasy.com; www.americares.org; www.operationusa.org. United Airlines will even give you a bonus 500 in your travel miles account when you donate. Simply fax a copy of your donation receipt and Mileage Plus® number to United toll-free at 1-866-583-5943.

While Hope is an inside job (within each of us) there are many ways that we can provide encouragement and support to make the external realities easier. Yes, Hope Lives! Share your face of Hope at this trying time. Take action now.

Terri Norvell is a national trainer and leader in facilitating change. Discover how The Inner Prize programs can impact your bottom line by calling Terri at 303-439-0077 or sending an email to: terri@theinnerprize.com.

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IT'S NOVA TIME

Winners of the Nova Awards headed to GLAStar Awards are presented at the Holiday Awards Banquet - December 2



Outstanding Leasing Person
Lisa Reedy at Medical Center Court



Best Asst. Manager
Calvette Jenkins
Glencoe Hills



Best Website Community
Arbor Glen

Best One Bedroom Floor Plan
Glencoe Hills Apartments



Best Website Associate
Rentlinx

Maintenance Supervisor

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Schooner Cove
Pictured is Kristan James,
Manager



Outstanding Maintenance Team
Windemere Park
Pictured is Mary Arno, Manager



Best Overall Star Community
Ann Arbor Woods



Business Book Review!!

Who Moved My Cheese
by Spencer Johnson

Review written by Jenny Paillon of McKinley

This informative, yet short, novel is a creative story on how to address and handle change in the workplace and in our daily lives. We all have dealt with change in one facet or another throughout our business and could learn a great deal on how to manage changing environments, markets, processes and day-to-day complexities. Unlike most business reads, this is told fictionally and the lesson is learned metaphorically. It is a great, interesting, and necessary read for businesses, students, and pleasure alike! Enjoy your read, and if you have any suggestions for next month's book, feel free to email jpaillon@mckinley.com.

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Associates Spotlight:

Instant Furniture Rental

Ann Arbor, MI—Sondra Hayes and Children were selected to be the recipients of Instant Furniture Rental's Compassion Action Program for the month of August. They were nominated for Compassion Action by Mike Morrison of Woodbury Gardens in Ann Arbor, MI. As the recipients of this program, this family will receive complimentary furnishings for their home from Instant Furniture Rental on September 2, 2005.

Instant Furniture Rental gives back to the communities it does business in through the Compassion Action Program. Nominations are voted on monthly and one winner is selected to receive furniture each month. Since 1993, the furniture chain has been giving away furniture for free to people in need. The furniture the recipient receives is either new or pre-leased depending upon what the warehouse has in stock at the time.

Instant Furniture Rental offers full service furniture leasing. They specialize in affordable furnishings for the home, apartment, or the office on a rental or sales basis. Much of the company's focus is serving the interim housing industry. Instant Furniture Rental has local offices in most major cities in the Midwest.

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New Members:

Actives

Treo Property
Gloria Reo
704 Island Lake Pt.
Chelsea, MI 48118
Phone: 734-475-1979

Merkle Real Estate, LLC
Roger Merkle
2782 Maitland Dr.
Ann Arbor, MI 48105
Phone: 734-662-2307

Associates:

The Mahoney Group
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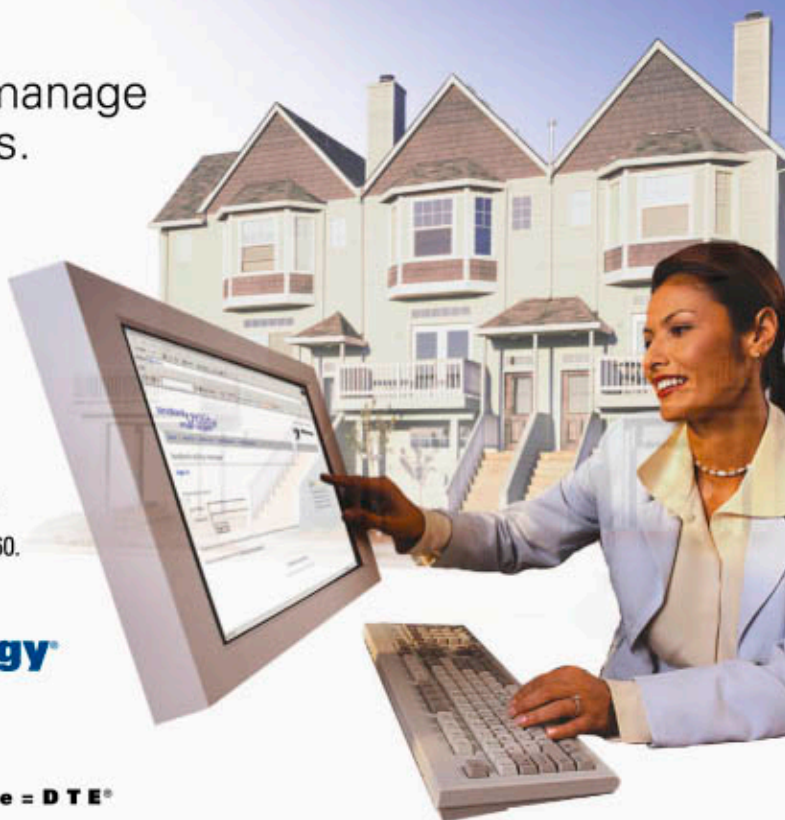
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Events:

October 4th – Property Management Based Real Estate License Continuing Education for Michigan. Cost \$55, from 9 to 4 (mandatory six hours) at the Home Builder's Association, 179 Little Lake Drive, Ann Arbor, MI 48103. Qualifies as 6 CEC for NAA designations. No need to have your Real Estate License to take this great property management class. Instructor: Cindy Reach, attorney with Reach Ranney and Carpenter.

October 5th – First CAMT II class, Certified Apartment Maintenance Technician Supervisor Class. This class will proceed through October and November. Call the office now if you are interested, it is limited to 10 maintenance personnel.

October 13th – Manager's Only - See below

October 18th – Legislative Reception with guest Rachel Arnold from the State and Local Policy division of the National Apartment Association in Washington DC and Rentlinx with updates on the new apartment availabilities section of the website.

October 19th – CAMT II - Session number 2.

November 8th – Annual General Membership Breakfast

November 11th and 12th – GLAStar Education and Award Event. (see page 3 for more information)

December 2nd – Holiday and Award Banquet at Washtenaw Country Club, \$55 per person includes dinner, award and committee presentations, drinks and dancing.

Any Associates interested in doing a Spotlight Sponsorship at any of the regular General Membership Meetings, contact Alice at 734.663.1200 or info@wa3hq.org.

NEXT MANAGER'S ONLY MEETING

October 13, 2005 • 8:30 to 9:30 am

Hosted by Woodbury Gardens

Call 734/663-1200



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