



Newsletter

April 2017

CDARPO
Capital District Association of Rental Property Owners

Hughes Courtyard in Troy (Story on Page 4)



Please submit your photos and descriptions to Ray Koloski
(rayhats@gmail.com)

Next Meeting **Thursday, April 13**

@Best Western plus Franklin Square Inn (Across From Dinosaur BBQ)

Featured Speaker:

Hilary Lamishaw
Director of Community Development

Troy Rehabilitation and Improvement Program (TRIP)
(Details on Page 4)

Speak-Up

**Networking around the
Refreshment and Resource Tables**

Advice to the Houselorn

By Mac Mowbray



Colonie has a newer duplex with a kitchen problem. *About five years ago I had the kitchens redone in my 40-year-old duplex. The contractor did what I thought was a nice job. Everything fit properly, the design was practical. The units rented quickly. The places showed well. Well, five years later one of the tenants moved out and the kitchen cabinetry is a wreck. Most of the drawer fronts were off. I also noted the doors were loose and some were actually off the hinges. I first thought the parents had let the children swing and hang on them. They denied it and when I looked at the drawers and doors, I saw they were right. The cabinets were constructed of chip core or particle board, which was hardly "particle board" more like "sawdust" board. The screws and staples had pulled out and loosened up and fallen out. They had tried longer screws but they had pulled out also. I checked with the tenants in the other half of the duplex and they had been having the same problem.*

I can't afford to replace the kitchen cabinetry and of course the contractor moved to Galveston and the manufacturer went out of business. It turns out there are liens and lawsuits against both. What can I do to fix this mess, I need to rereant as soon as possible. Also, the tenants that are staying want theirs fixed.

Mac says: This can be done, but it may take quite a while. First count the number of drawers (even the ones that have not fallen apart). Multiply that times 4 and you will have the number of right angle braces that you will need. At the same time, purchase that number times 4 and that is how many nuts and bolts and lock washers you will have to buy. The bolts should be flatheaded so you can countersink them if you have to. Also, purchase some strong glue designed for particle board. The glue alone will not be sufficient. The particle board is too porous.

Take the doors and count the number of bolts you will need. Try to get ones that will look good with the cabinet doors. If you can't bolt some of the hinges, get longer screws and before installing them, coat a toothpick or two with glue and insert them in the screw holes and use slightly longer screws. With the drawers, glue them and either clamp them together or tie some very heavy twine around them and tighten it. Then bolt the angle irons on the inside of the drawers, linking all four sides together. Allow to dry as long as the directions on the glue say to.

Cohoes had a minor fire. *I had a tenant who smoked in bed and caused quite a mess. Only the bed clothes and the bedstead were damaged. However, let me tell you about the stench!! The professional fire restoration folks wanted a very large sum to remedy the problem. Can I do this myself?*

Mac says: Maybe. I can give you some suggestions to try. They are time consuming and hard work. They also may not work and you would still have to hire the pros.

First, place large pans of ammonia in the room. They must be stainless steel or enamel. Ammonia will stain aluminum and you will not be able to clean them. Close up the room and wait a day or two. Some use white vinegar for this purpose. You could try first one and then the other. Both substances are cheap. Then get rid of, clean, or wash all the upholstered furniture and rugs. Then scrub the walls, ceilings, and woodwork with a cleaner containing ammonia. You may have to repaint using an alcohol-based primer. It is called B-I-N and is manufactured by the Zinsser company. You may have to shellac the floors if they are wood. It's up to you which route you want to take. I would find out if the insurance company will pay.

See you next month.

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President's Message: 'Ask the Lawyer'

I suppose there should be some enhanced benefit to our membership electing a president who is an attorney. For this reason, I have agreed to author an "Ask the Lawyer" column. Please forward your questions to me at john@keenanlegal.com and maybe you will find the answer in our newsletter.

Like any lawyer, however, I have to provide a couple caveats. First, and perhaps most obviously, utilizing this format will not get your question answered quickly, if at all. If your need is time sensitive, you should contact me, or someone like me, in some other format.

Second, my malpractice carrier frowns on my providing legal advice to the public, who may use advice from one set of circumstances and misapply it to another. If you want legal advice about your specific set of circumstances, contact me or another attorney directly.

That being said, the first question I will tackle has to do with pets, service animals, emotional support animals and whether or not landlords need to accept them.

A writer asks the following: *I have had an inquiry by a young woman with a dog which she calls a "companion" dog. How do I know if: A) This dog is a validly, legal "companion" animal or if she's giving me a story; B) Am I required to treat the applicant with any companion animal equally with other applicants with or without a dog OR something more unusual; C) Do I have to do anything to accommodate whatever kind of "companion," e.g., pigs, fowl, snakes, cats; D) Can I request a special security deposit because of the animal, and more if it's a bizarre type?*

First, this issue is only of concern to those of us who have a "no pets" policy, or those who allow pets but charge an enhanced rent or security deposit. Second, it only comes into play after the tenant has made a formal request for a deviation from the policy as a reasonable accommodation to assist him or her with the effects of a disability. Until the tenant makes the formal request, there is nothing for you to act on, so avoid entering into conversation about hypothetical facts.

In the application, the tenant needs to provide proof of the existence of a disability and a recommendation from his or her doctor that the animal is needed. As I understand State Education Law (the entity that issues most professional licenses), a professional with an LSW (licensed social worker) or LCSW (licensed clinical social worker) does not possess sufficient credentials to either diagnose a disability, or to prescribe anything to help treat a disability. They are essentially confined to treating the condition. The diagnosis and prescription generally come from a treating doctor (e.g., MD, DO, PhD, etc.).

Once you receive the formal request, then fact-specific analysis can begin. While I cannot and will not attempt to provide fact-specific

examples of what constitutes a disability, or whether or not the request for accommodation is reasonable, keep a few principals in mind.

First, if the person's disability is obvious (e.g., blindness or amputation), a note from the doctor is not necessary. Doctor's notes are needed only for alleged disabilities that are not obvious.

Second, in order to be considered "reasonable," the nature and extent of a request must be the least intrusive in order to accomplish its means. Now, getting to the questions asked.

A) How do I know if this dog is a valid, legal companion animal?

Answer: you don't. There is no such thing as a "validly legal companion animal." Keep in mind that there is a difference between service animals and companion animals, but for our purposes, once approved, landlords should treat them the same.

A service animal assists a person with a disability to perform functions that the person cannot physically perform for himself or herself. Perhaps the most commonly known service animal is a Seeing Eye dog. However, there are service animals that are certified to assist amputees, paraplegics and stroke victims with everyday activities, such as answering the telephone or the door, or picking up their socks. There are service animals that are trained to alert epileptics of an oncoming seizure and to alert diabetics of oncoming blood sugar issues. This list is in no way comprehensive. The things that service animals are trained to do is simply astonishing.

Almost universally, service animals have received extensive formal training. Conversely, companion or emotional support animals rarely, if ever, have any specialized training because they do not provide the service that trained animals do. Instead, simply their very existence allows a person with certain types of psychological or emotional conditions to deal with everyday issues, such as depression, anxiety, etc.

While service animals almost always have proof of satisfactory completion of formal training, I know of no federal or state registry for emotional support animals. However, I am aware of at least one company who, for a fee, will not only provide a diagnoses (via an email analysis) from an LSW or LCSW that the applicant suffers from a disability. They also prescribes an emotional support animal for the disabled person. Another arm of the same business will, for an additional fee, certify that the animal is a "registered" or "certified" support animal.

(Continued on page 6)

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Featured Speaker

Hilary Lamishaw



TRIP Director of Community Development

According to the TRIP website, their mission (TRIP) is “to connect individuals and families with resources and knowledge to live in desirable homes and create vibrant, sustainable communities.” You can reach Hilary at 518-272-8239, ext. 214 or 518-527-1414 (cell).



Asthma Healthy Housing Training Workshop

Thursday, April 27
9:00 am – 1:00 pm
Ellis Hospital
McClellan Auditorium
600 McClellan Street, Schenectady, 12304

- ❑ **Pest Management Strategies to Reduce Pest Triggers with a Whole-Structure Strategy**
The Big 2: Mice and Cockroaches
➤ NYS Community IPM Program of Cornell University
- ❑ **Mold and Moisture Management**
- ❑ **Asthma-Friendly Products for Public Housing Maintenance and Renovation**
➤ Environmental Education Associates/ Healthy Housing Solutions
- ❑ **Tenant Engagement Strategies Panel Presentation**
➤ Tobacco-Free Communities Program
 ➤ Healthy Neighborhoods Program
 ➤ More...



For more information contact:
Teri Sokol-Kachur
 Healthy Capital District Initiative
Tsokol-Kachur@HCDINY.org 518-375-1864

A Hidden Treasure in Troy

By Beth Anne Hughes

August will mark our tenth year of owning property in Troy, NY. We never dreamed we would buy 100 miles north of our hometown, let alone a 100-year-old, four-building property.

President of a building business for twenty-five years and owning a private home inspection company made the purchase a lot easier for us. We knew it would need a lot of work, but the extent was much more than we thought as the plumbing was literally Band-Aided together. With the closing, we inherited the existing tenants, some of whom were not exactly picture perfect.

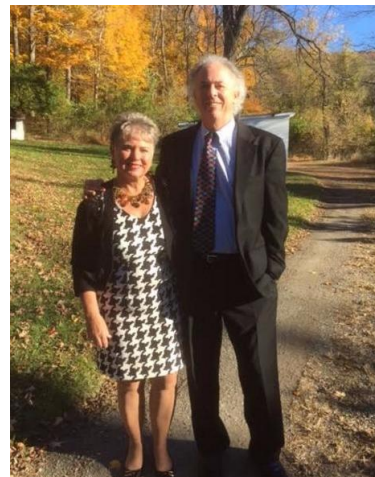
As soon as someone vacated an apartment we started renovating and would move into it. Damage was done to some of the fiberglass tubs, sinks, and floors from cigarettes being extinguished, so the decision was made to deem our property smoke-free, which was one of our best decisions.

One of the first projects was cleaning out the attics of pigeon dung and securing the buildings from their occupancy. We then put 12-inch insulation in all four buildings and made sure they were well ventilated.

The windows were literally falling apart and quite large; as of today we have replaced over eighty windows. We have installed one new boiler and six water heaters. To date we have replaced eighteen toilets with low flush, thirteen refrigerators, four rubber roofs, and too many cabinets to mention. Thank you God for Habitat for Humanity Restore and Craigslist.

Over the years, we have become best friends with our neighbors and many shop owners. Within a short walk we are in the city center and at many the cities' restaurants. I hardly put any gas in my car, as I only need it for big grocery days at Trader Joe's. We took the Troy Landlord Training class sponsored by the Troy Rehabilitation and Improvement Program (TRIP), which was incredibly helpful. Joining CDARPO has been invaluable with all the sages and tools we have been privy to.

Our investment in Troy is for the long haul, and we could not be more tickled with accidentally landing here.



Beth Anne Hughes,
President,
Troy Raven, LLC
with William Hughes

FREE EPA LEAD TRAININGS

April 2017

CLASS SIZE IS LIMITED—REGISTER TODAY—ALL TRAININGS ARE FREE

Funding for RRP classes is provided by Albany County Department of Health, Rensselaer County Department of Health, and Schenectady County Public Health Services



Effective April 22, 2010, workers performing renovation, repair and painting projects that disturb lead-based paint in homes, child care facilities, and schools built before 1978 must follow specific work practices to prevent lead contamination and must be certified. This federal EPA Renovation, Repair, and Painting (RRP) rule applies to contractors, painters, plumbers, carpenters, electricians, window replacers, roofers, and landlords.

Trainings to become EPA certified are offered by Cornell Cooperative Extension Albany County, an EPA accredited training provider. This course is approved for purposes of certification under Section 402 of Toxic Substances Control Act (TSCA) for the respective discipline.

Upon successful completion of the **RRP Initial course** including passing an exam at the end of the class, participants are EPA certified renovators. This certification is good for 5 years. Certified renovators must take a **RRP Refresher course** before their certification expires.

Failure to comply with EPA's RRP program requirements could result in penalties of up to \$37,500 per day per violation.

EPA Certified Renovator Initial (RRP I)

April 7, 2017

Bennett Contracting
5693 South Pearl Street
Albany, NY 12202

7:45 am registration/breakfast
 8:00 am - 4:30 pm training

April 11, 2017

CEO JLB Community Resource Center
2328 Fifth Avenue
Troy, NY 12180

7:45 am registration/breakfast
 8:00 am - 4:30 pm training

April 28, 2017

Steinmetz Homes Community Room
120 Emmons Street
Schenectady, NY 12304

7:45 am registration/breakfast
 8:00 am - Noon training

Questions can be answered by:

Alex at 518-765-3529/ARK249@cornell.edu OR

Nancy at 518-765-3521/NKL1@cornell.edu

PARTICIPANTS MUST PRE-REGISTER

Please register online:

https://pub.cce.cornell.edu/event_registration/main/events.cfm?dept=201

ALL RRP INITIAL TRAININGS INCLUDE: Continental Breakfast * Lunch * Refreshments * Course Manuals & Materials

New York State code officials successfully completing Cornell Cooperative Extension Albany County's 8 hour EPA RRP Initial training course will receive 8 hours of Professional Development Electives toward their 24 hours of annual in-service credit. (Individuals must sign in, complete all paperwork, have their picture taken, pass the exam, and sign out. All students must follow these procedures to receive in-service training credit for this class.)

Name: _____ (please choose) Class Date/Time: _____

Address: _____ City: _____ State: _____ Zip: _____

Company or Organization: _____

Phone: _____ Cell Phone: _____ Email: _____



Cornell University
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Ask the Lawyer

(Continued from page 3)

B) Am I required to treat the applicant with *any* companion animal equally with other applicants? This is somewhat unclear, but the bottom line is that you **MUST** treat the disabled tenant (with or without a reasonable accommodation) no differently than any other tenant. Not because fines associated with such violations are astronomical—and they are *astronomical*—but more importantly because it is just wrong. No person with a disability wants the disability or asked to have it. All they want and deserve is to be treated fairly and, sometimes, that means we need to make a reasonable accommodation to allow them to deal with their condition.

C) Do I have to do anything to accommodate whatever kind of ‘companion,’ e.g., pigs, fowl, snakes, cats? There’s no need to approve a rhinoceros if a cat will do. In order to be considered reasonable, the request for accommodation must be the least intrusive/violative of the landlord’s policy. What constitutes the least intrusive is simply fact-specific.

One issue is the policy of one premises liability insurer to prohibit certain breeds of dogs. If your insurer has this practice, and if your tenant seeks to have one of those breeds as his or her companion animal, I believe that passing the enhanced premium from the insurer to the tenant is reasonable. If your insurer will drop your coverage because of the animal, then perhaps the request is not reasonable.

D) Can I request a special security deposit because of the animal, and more if it’s a bizarre type? This is a resounding NO. As I said, it is probably reasonable to assess the tenant the increased insurance premium from your insurer (if any). However, if you take nothing else from this article, please remember this: **You cannot charge an enhanced rent, pet fee, or security deposit for a support animal** that you granted (or were forced to grant) as a reasonable accommodation to a person with a disability.

While you may always require the tenant to maintain the apartment and the grounds in a sanitary manner by cleaning up after the animal, and while you may assess whatever costs you incurred due to property damage caused by the animal, it is NOT A PET and you cannot treat it as such.

If you are willing to simply grant every application of this nature, then there is probably very little you need to worry about legally. Your biggest concerns will likely be noise or other nuisance complaints from your other tenants. However, if you get to the point where you are considering denying an application, don’t go it alone. Speak to a professional first. I have read cases where violators were fined as much as \$13,000.00 a day for improperly denying a request for a reasonable accommodation.

John. Keenan, President

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We are the Capital District Association of Rental Property Owners

**CDARPO members represent the entire Capital District –
Albany, Rensselaer, Troy, Saratoga, and Schenectady counties.**

Please join us!

Dues are \$45 emailed newsletter or \$50 snailmail newsletter.

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Find our membership form on-line at www.cdarpo.org.

Know of a prospective member or a landlord who needs help? With their permission, send their e-mail or address to membership@cdarpo.org or call (518) 433-7377. We will send them newsletters and information.

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¼ Page	\$ 120	\$ 225	\$ 345
½ Page	\$ 225	\$ 375	\$ 600

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See us at:

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CDARPO

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CDARPO can help.

We offer 10 newsletters each year, general meetings with professional speakers, and members with years of experience.

Next Meeting Thursday, April 13

The Best Western Plus Franklin Square Inn

(Across from Dinosaur BBQ)

Troy, NY

7:00 pm – 9:00 pm

One 4th Street
Troy, NY 12180



**Meetings are held on the 2nd Thursday of each month
September – June.**

CDARPO NEWS is published by the Capital District Association of Rental Property Owners.