

Hopkins • Tschetter • Sulzer  
Attorneys and Counselors at Law



# Landlord News

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## COMMUNICATION AND CONFLICT RESOLUTION

When did property management become so challenging? Owners and managers who have been in the industry for many years remember simpler times. Successful resident retention programs now require management personnel to combine legal, psychological and marketing techniques to try to resolve conflicts that inevitably occur.

Trying to understand the source of conflict can be a good start. It seems that the hectic pace of our lives today has created an environment in which there is more potential for conflict. In spite of many labor-saving devices and enhanced communication technologies, landlords and residents alike are frequently hurried and impatient. Additionally the trouble with the economy (and the resulting loss of jobs, home foreclosures, etc.) is creating a lot of additional stress for people everywhere. The



economy is also negatively impacting the rental housing industry. Vacancy rates have been on the rise and it is becoming more and more difficult to fill vacancies and to retain

current residents.

Multi-Housing unit living provides an environment where it is common to have a neighbor above, below, and to each side of a rental unit. Because of this and today's ever present societal stress there are more and more complaints about problems caused by other residents...noise, cooking odors, cigarette smoke, etc. Media reports about lawsuits and activist groups have created unrealistic expectations regarding residents' rights and have fostered a negative environment reducing the chance for cooperation between resident and management when conflicts arise.

It seems that there is a general desensitization to violence in society today. Somehow, many people have gotten the idea that it is normal to act-out in anger. This increases the potential for physical violence and

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## HTS WELCOMES NEW ATTORNEY

HTS is pleased to announce that Russell Sanford joined the Firm as a Senior Associate in March 2010. Prior to joining HTS he was a partner for the past twenty-one years in the widely respected Fort Collins law firm of Allen, Vahrenwald & Johnson. Before that he was a partner in the firm of Sutin, Thayer and Browne, Inc., one of the largest law firms in New Mexico with offices in Albuquerque, Santa Fe and Las Cruces. Russ brings almost three decades of experience as an attorney to the Firm and is licensed in both Colorado and New Mexico. Russ stated that one of the primary reasons he chose to join HTS "is our reputation for outstanding personalized client service" which is something that he has always embraced in his practice of law. With the addition of a seasoned attorney like Russ Sanford to our team HTS has strengthened and expanded the level of service that we can provide to our clients. We are excited to have Russ at the Firm and hope that you will join with all of us at Hopkins Tschetter Sulzer in welcoming Russ to our team.



Since 1988 Russ has concentrated on Business, Corporate, Commercial Landlord/Tenant and Real Estate Law. Focusing on real estate development and investment, real estate entitlement, planning and construction law, commercial landlord/tenant law, entity formation, business acquisitions and sales, banking and contract law he has successfully represented real estate developers and investors, commercial landlords and homeowners/owners associations. In conjunction with his professional responsibilities he has served as an Officer, Manager and Director for a number of Metropolitan Tax Districts and Special Tax Districts. Although all attorneys engage in

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**COMMUNICATION AND CONFLICT RESOLUTION**  
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therefore, it is important for management to have resources and training regarding the de-escalation of emotion and reasonable resolution of conflict.

Many residents feel restricted in their options and believe that they are not seen as individuals. They think that management is trying to control them. The truth is, property management requires a certain amount of control ...but it can be exercised in such a way that residents can feel that their opinions count and that the control exercised is at least tolerable. The foundation of



a cooperative atmosphere can start at the beginning of the landlord-resident relationship. Careful thought should be given to the content of the rental agreement and property rules. They should be reasonable so they can be

explained without an apology or defensiveness on the part of management personnel. The rules should be specific enough to be understood. They should be signed and a copy provided so that residents are less likely to try to use the excuse that they "didn't know" what was prohibited. Address the breaking of rules promptly. If a person does not get away with a violation the first time, he or she is less likely to "test the limits" of management's tolerance. Enforce the rules consistently. Doing so will underscore the importance and fairness of the rules. Management should document violations in writing so that there is proof of the reasonableness of management's actions. Such documentation can be useful, both to help convince the resident and in an eviction, if it becomes necessary. If legal action is threatened be prepared to follow through... otherwise no one will take future threats seriously.

Management should have an "open-door" policy - let residents know management is trained to deal with and invites the discussion of problems. If you are authorized to make decisions, make it clear...if not, state that you will convey important

information to the decision-maker and that a response will be provided within a reasonable time frame. If residents feel that they can talk to someone and resolve issues quickly and reasonably, management may have the opportunity to take care of a small problem before it evolves into a large one. The longer one feels frustrated and ignored, the more likely it is that they will become irate and difficult.



When conflict arises, listening is a good first step. After the resident has a chance to vent, there are several methods of response to consider. There are common, recurring conflicts in resident landlord relationships. Management training programs that include role-playing with regard to common conflict scenarios can help managers feel more prepared to deal with problems. A positive strategy in dealing with these situations is to use the "feel, felt, found" method. The response to a complaint can be: "I understand how you feel, I have felt that way myself, but I have found that\_\_\_\_\_." Such a technique can blunt hostility by establishing a mutuality of understanding between the resident and the manager. Sometimes management

can suggest several choices, all of which are OK with management. Or, it may be helpful to ask what suggestions the other side has for resolution. It is always important in these situations to



de-escalate emotion, remain outwardly calm no matter what. The louder and faster the other party talks, the quieter and slower you should talk if you want to gain control.

Of course, if someone is rude, hostile or obscene, let them know that the discussion must remain businesslike. Always suggest that they put their concerns in writing. If you are not ready to make a decision tell them you will take the issue under consideration and get back to them in writing. Finally, if a resolution does not appear to be readily achievable on-site, consider getting third party help from your attorney.

**REMEMBER THOSE WHO SERVED**

**ALL GAVE SOME, SOME GAVE ALL**

**Memorial Day 2010**

**HTS WELCOMES NEW ATTORNEY**  
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some form of transactional practice, Russ is respected by both clients and peers as an exceptional attorney in the area of law often referred to as Transactional Law and more commonly known as the “law of the deal”. Attorney’s who excel in this discipline are excellent problem solvers and recognized as “can do” lawyers who understand and appreciate all aspects of business, commercial and real estate transactions and the importance of being a team player.

A Colorado native born and raised in Fort Collins he received his undergraduate degree in Business Entrepreneurship from the University of Northern Colorado. He was awarded his Juris Doctorate from the University of Oklahoma in 1983. In addition to practicing law, Russ assisted in the development of 3,000 acres in Northern Colorado for the entitlement, development and construction of industrial, office, retail and residential projects while serving as Vice President of Real Estate Development for the Water Valley Land Company. He was an Owner and Board Member of Signature Bank a new successful start-up State Bank and an Owner, Director and Manager of the Colorado Eagles, Professional Central Hockey Minor League team. Currently, he is the Manager and Co-Owner of a number of residential and commercial development companies and he and his partners hold the exclusive rights to develop sports and arenas and own Minor League hockey teams in various markets. He is also the Manager of a company that is negotiating for the acquisition of one or more Minor League baseball teams to be located in Northern Colorado and Grand Junction.

Russ is the proud father of five, four girls and one boy. He currently has two daughters in college, one in high school and the youngest in grammar school. His nineteen-year-old son is currently volunteering as a member of a non-profit organization in Haiti as part of Project Medishare where he will spend the next two years helping to build medical facilities and schools.



*teacher who is a native Spanish speaker with extensive experience in teaching who is working with us to develop our class and will be assisting in the teaching of our Spanish Fair Housing classes. It is our intent to roll out this new class in July. All of our clients will shortly be receiving a questionnaire to determine who and how many of your employees would have an interest in Spanish Fair Housing Training.*



**Wes Answers Question on FH at Arapahoe/Douglas Forum**

**HTS IS NUMBER ONE IN EDUCATIONAL TRAINING**

HTS enjoys an earned reputation for being a leader in educational training programs for Multi-Family Housing providers and HOA’s. Our philosophy that preventive law is king is based on the fact that we recognize that better educated clients are less likely to get into legal trouble. That is why educational workshops are one of the most important components of our Value-Added Services to our clients. Based on our reputation of excellence in providing educational classes on Fair Housing,



**Mark Teaching FH at Arapahoe/Douglas Forum**

Evictions, Collections, Legislation Issues and New Laws, Landlord Recovery/ Collections, and HOA Training Programs we also frequently make presentations and teach classes on these subjects to industry associations community and government entities.

In addition to our regularly scheduled workshops for clients, Apartment Associations and CAM classes the HTS team was kept very busy teaching and speaking in April at educational programs from Fort Collins to Colorado Springs. Mark gave a full Fair Housing Workshop to a group of nearly one hundred industry professionals in Larimer County. The City of Fort Collins Neighborhood Services sponsored this Fair Housing Event.

Wes taught a Forcible Entry and Detainer CLE that was presented by the Jefferson County Bar Association. His program was titled “When Eviction Cases Transform into Civil Rights Actions”.



**Stacy’s Workshop at NARPM Regional Conf**

Stacy taught an overflow standing-room only class on Landlord Recovery/ Collections to the NARPM Regional Four State Conference. Both Mark and Wes were featured presenters at the recently held Arapahoe/ Douglas Counties Fair Housing Community Event. This important forum included presentations by the HUD Region VIII Director, the Director of the CCRD and the Deputy Assistant Secretary HUD National Office of Fair Housing & Equal Opportunity.

*HTS is always improving and expanding the educational opportunities that we provide to our clients and the newest addition to our educational toolbox is our Fair Housing Class in Spanish. We are very excited to announce that we now have a certified Spanish*



# MARK ELECTED TO AAMD BOARD

All of us at HTS wish to express our thanks and appreciation for the support and votes you cast for Mark in the recent AAMD election. Mark is very excited



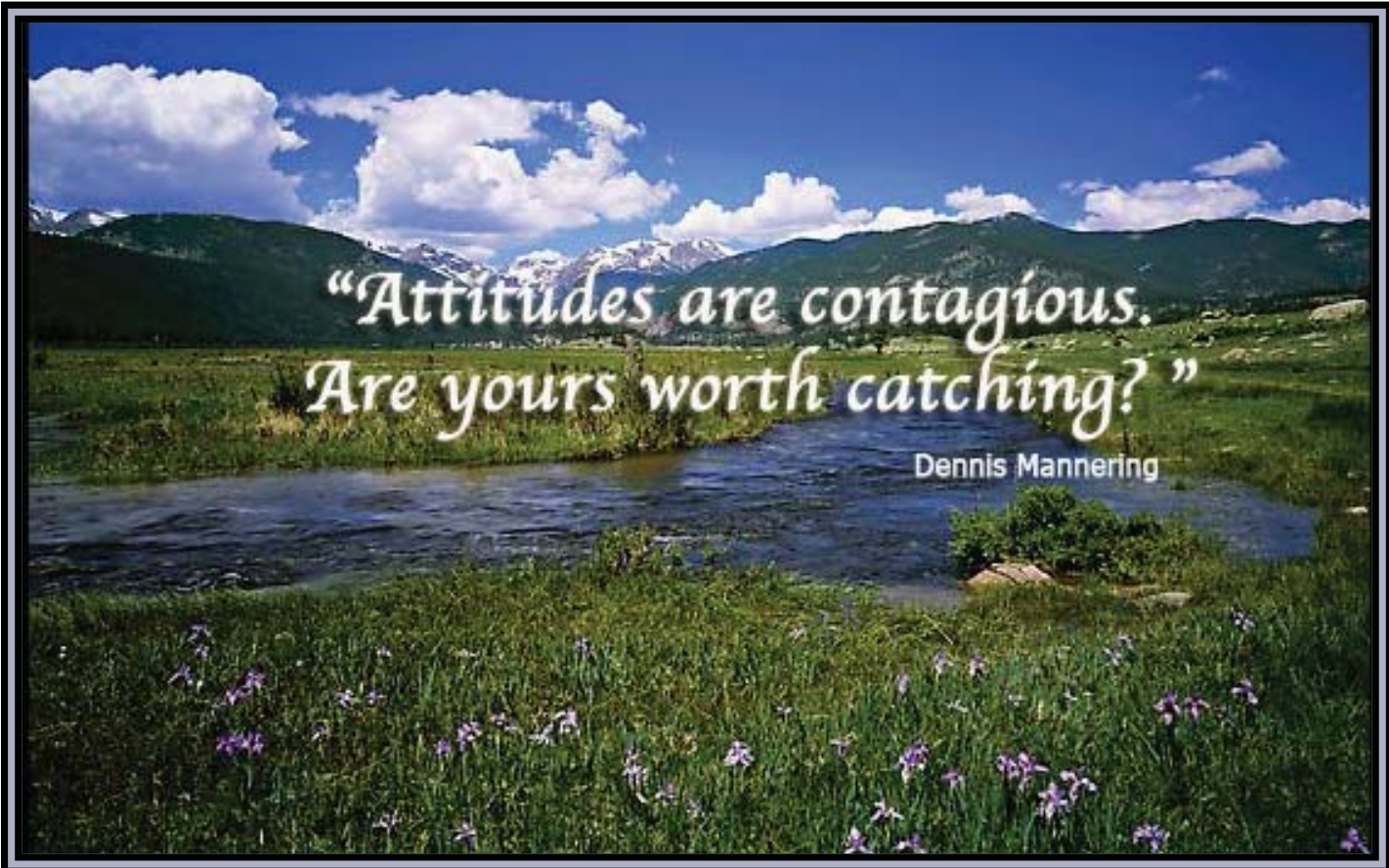
to have been elected to the AAMD Board of Directors and is looking forward to working with his fellow board members to meet the ever-expanding challenges that are facing the multi-family housing industry. He is committed to strengthening the Association by encouraging broader participation and diversity of voices

within the AAMD. Mark will definitely bring the same dedication to service on the Board that he has brought to his clients in his over twenty years of practicing law.

IMPORTANT HTS MAY DATES	
May 12th	Basic Fair Housing HTS Conference Center 3600 South Yosemite Street Lower Level 8:30 a.m. - Noon
May 19th	Collections/Landlord Recovery AASC Colorado Springs 2790 N. Academy Blvd Suite 227 8:30 a.m. - Noon
May 21st	North Client Lunch Dave & Busters Westminster 11:30 a.m. - 1:00 p.m.
May 27th	Collections/Landlord Recovery HTS Conference Center 3600 South Yosemite Street Lower Level 8:30 a.m. - Noon
May 28th	<b>DENVER COURTS CLOSED FURLOUGH DAY</b>
May 31st	<b>All Courts Closed Memorial Day Holiday</b>  <b>HTS Closed Memorial Day Holiday</b>



**HAVE YOU FORGOTTEN  
TO MAKE  
YOUR RESERVATIONS  
FOR THE AAMD  
JUNE AWARDS DINNER  
JUNE 17TH, 2010  
CALL THE AAMD TODAY**



*“Attitudes are contagious.  
Are yours worth catching?”*

Dennis Mannering