

RRHA Update

DECEMBER 2013



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FROM THE PRESIDENT'S DESK

To say that it is an honor and privilege to be the President of the Rural Rental Housing Association of Texas is the understatement of the century! Following in the footsteps of so many great individuals who have devoted numerous hours to the betterment of RRHA of Texas is something I do not take lightly.

Many of you know my legacy, some of you may not, and some may not care. However, it means a lot to me and sets the tone for who I am and how I go about my business on a daily basis. MJS, Sullivan Companies, Sullivan Design Group and Rural Housing Specialists are now third generation businesses.

Since my niece Amanda (Jina's daughter) began working five years ago, I started having a deeper appreciation for what Mom (Judy) and Dad (Winston) started here in Linden forty-three years ago.

Dad was the son of a dry land cotton sharecropper in the Panhandle and South Plains part of Texas. By age twelve (after his father's death), he was running the family farm. Stories of going to work before daylight, going to school and then working till after dark will never leave my memory. Driving twenty plus miles to town on a tractor pulling a cotton wagon, working on an irrigation pump in the middle of the night trying to save a crop and pawning his prized 22 rifle to have money to buy groceries made a STRONG impression upon me as kid.

Mom grew up with her younger sister living in Kansas, Oklahoma, and Wyoming until finally settling in Eastern New Mexico with her mom and dad, following the oil company and pipeline job that my granddad had. My grandmother always worked; so my mom and aunt were left at home to do all the household chores as well as anything else that needed to be done. Since there was no younger or older brother, Mom as the older of the two daughters, worked alongside my granddad, mowing yards, cleaning buildings, putting in gardens, and going to work helping him gauge oil tanks, etc.

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RRHA OF TEXAS
36TH ANNUAL
CONVENTION AND TRADE SHOW
WORTHINGTON RENAISSANCE HOTEL
FORT WORTH, TEXAS
JULY 22-25, 2014



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PRESIDENT'S MESSAGE, *continued from page 1*

Jina and I never had a chance!!! When it came to working, it was inbred into us. I don't ever remember not having to make my bed, clean my room, clean the bathroom, wash the dishes, fold clothes, or any other thing you think of when it came to household chores. I can remember Jina and I going to work with Dad when I was five and Jina was three. He would always give us a job and would pay us with a candy bar, a package of peanut butter crackers and a Coke.

My first real job was digging footings on the foundation of a house that Dad was building. I say it was my first real job because it's the first time I ever received a paycheck. Up until that time, Jina and I were still on the candy and Coke payment system! I was fourteen years old. Minimum wage was \$1.65. Dad dropped me off at the house site where form boards had been placed. He handed me a square pointed shovel, a pick axe, and a stick marked with a line at 16" and 12". He told me to dig a ditch around the perimeter of the house 16" deep and a ditch down the middle of the house marked with two string lines 12" deep. He let me out at 7:00 a.m. and picked me up at 3:30 p.m. or 4:00 p.m. It was one of the greatest days of my life. I was going to get a paycheck!

At about the same time Jina went to work in the office. I was not too happy about this because she was going to get a paycheck, too. She was two years younger than me. It's always pissed me off. I've never gotten over it!

I've had lots of people ask me how we've made our business and family relationships work through the years. My answer is always, "I've never known anything else, no other way." There are several family businesses associated with and/or a part of RRHA, some in their third generation as well, that make me doubly proud to be a part of this Association. In many ways RRHA is like a big family! When you need something, you can pick up the phone, send a text, or email and there'll be someone there to help.

My family means everything to me and they are always there to help anytime I need it. My son Seth is entering his second year of Law School at St. Mary's in San Antonio. He's told me several times since he started that he is so glad that he grew up working and understanding the value of hard work. Without it, he probably would not have made it through the difficult and trying first year of law school.

I expect there may be difficult and trying times ahead in regard to the ownership, development, construction, rehabilitation and management of the 25,000 plus apartment units that make up RRHA, but like a close family, we will lean on each other, get advice, help each other and we will make it through.

This first President's message is dedicated to Mom and Dad—always there during the good and tough times, giving praise and adoration through every step of our lives, and instilling a tremendous work ethic; however, they have provided Jina and I with a stern hand or word when needed. But most of all, love and compassion.

~ Marlon Sullivan

SPOTLIGHT ... NEW BOARD MEMBERS

J. STEVE NAIL



A native of Jackson, Mississippi, J. Steve Nail serves as President and Chairman of the Board of INTERVEST Corporation. Steve attended public schools in Jackson and graduated from Murray High School. He attended undergraduate school at Mississippi State University and Mississippi College, and received his Juris Doctorate degree from Mississippi College School of Law in 1978.

From 1974 through 1976, Mr. Nail worked as an Inspector for an architectural firm where he gained construction expertise in all aspects of the construction industry. From 1976 through 1978 he worked as a Mortgage Banker, arranging financing for income properties, including HUD-insured multifamily projects. In 1978 Mr. Nail began C-N Co., a real estate development company whose purpose was to develop multi-family subsidized apartment projects insured through the Department of Housing and Urban Development. From 1978 to 1982 Mr. Nail was the Developer, Consultant, Mortgagee and Attorney for over \$50 Million of multifamily housing. In 1982 he formed Nail Properties, Inc., which began as a real estate management company, managing HUD-insured multifamily housing projects. In 1987 the name of Nail Properties, Inc., was changed to INTERVEST Corporation.

In 1994, Mr. Nail organized and served as the first President of the Housing Association of Mississippi (HAM), representing over 400 properties throughout the State of Mississippi. Mr. Nail is currently the congressional liaison for HAM and serves on the National Housing Impact Committee. He is currently serving on the board for the Mississippi Home Builders Multi-Family Housing Council, and as an advisory member of the National Housing Advisory Group.

VIOLA MALDONADO

Viola has been the Executive Director for the Beeville Housing Authority for the past 37 years, where she is responsible for 194 Public Housing units, 350 Vouchers, and 76 Rural Development 515 rental assistance units. She was a Board Member of Texas Housing Association for numerous years and also served as Secretary for the Board. She currently is a Board Member for Texas NAHRO, and is a member of Southwest NAHRO.



SMOKE ALARMS and FIRE EXTINGUISHERS—UPDATED REQUIREMENTS

By Patrick Barbolla, Fountainhead Companies

The law regarding apartment smoke alarms changed January 1, 2013. Since it is possible a few owners failed to read an article from last year, I have been requested to republish the smoke alarm requirements. The law required that, by January 1, 2013, a smoke alarm must be installed in every bedroom and all halls or corridors leading to multiple bedrooms. Whether the smoke alarms are battery operated or hard wired is determined by the apartment's construction date. The law also provides some protection from local authorities requiring expensive retrofit to modify the power source for smoke alarms.

SMOKE ALARM INSTALLATION

The state law requires at least one smoke alarm in each separate bedroom and, if multiple bedrooms are served by the same corridor, at least one smoke alarm must be installed in the corridor in the immediate vicinity of the bedrooms. If the apartment has multiple levels, at least one smoke alarm must be located on each level. If a smoke alarm is located on a ceiling, it must be no closer than 6 inches to a wall. If located on a wall, then it must be no closer than 6 inches and no farther than 12 inches from the ceiling. Both of the required placements may be modified if, and only if, located in accordance with the manufacturer's installation instruction. The smoke alarms may be powered by battery or alternating current as required by local ordinance. Many cities are now requiring that all the smoke alarms be interconnected so that if one alarm in an apartment is tripped, then all smoke alarms are tripped. But the only manner to obtain this result is to have the smoke alarms wired together – something that is not possible with solely battery operated alarms. Thus, many local ordinances are requiring that the smoke alarms be hard wired and interconnected. Interconnecting all smoke alarms is easy to accomplish in new construction or substantial rehabilitation, but is somewhat more troubling for existing properties. The law provides limited protection from the local imposition of the costly interconnection requirements.

For properties constructed before September 1, 1987, if smoke alarms powered by battery were installed in compliance with the operative local standard, then the law prohibits a local ordinance from requiring the installation of smoke alarms operating on alternating current unless:

- (1) the unit's interior is repaired, remodeled, or rebuilt at a projected cost of more than \$5,000 and either (a) the repair, remodeling, or rebuilding results in the removal of interior walls or ceiling finishes exposing the structure, or (b) the interior of the unit provides access for building wiring through the attic, crawl space, or basement without the removal of interior walls or ceiling finishes; **or**
- (2) an addition costing over \$5,000 occurs to the unit, **or**
- (3) a smoke alarm powered by alternating current was actually installed in the unit at any time prior to September 1, 1987, **or**
- (4) a smoke alarm powered by alternating current was required by city ordinance at the time of initial construction of the apartment.

For an apartment first occupied before September 1, 2011, or a certificate of occupancy was issued before that date, a smoke alarm may be battery operated and is not required to be interconnected with other smoke alarms, except a smoke alarm that was in place on the date the apartment was first occupied must comply with the residential building code that applied to the apartment on the date of occupancy. Thus, if the original smoke alarms in an apartment first occupied before September 1, 2011 was powered by alternating current and was interconnected with other smoke alarms, then it must be replaced with the same – one can not replace a hard wired smoke alarm with a non interconnected smoke alarm.

SMOKE ALARM TESTING, INSPECTION AND REPAIR

The landlord is required to inspect and test all smoke alarms in an apartment to insure that all are in good working order at the beginning's of the tenant's possession. The move in condition form should be documented and signed indicating that all smoke alarms have been tested prior to the tenant's occupancy. State law does not require the owner to inspect smoke alarms during a tenant's possession unless the tenant requests an inspection or gives notice of a malfunction.

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SMOKE ALARMS and FIRE EXTINGUISHERS, *continued from page 4*

State law recognizes that tenants are adults and should bear some responsibility for the care of the apartment. However, if your property is subject to monitoring from the Rural Housing Service, HUD, or the Texas Department of Housing and Community Affairs, an inoperative smoke alarm is blamed on the owner regardless of Texas law removing the inspection requirement from the apartment owner or manager. Thus, it is advisable to test the smoke alarms every time a manager or maintenance person enters the apartments. Any malfunctioning smoke alarms need to be repaired immediately as a practical matter although state law gives the owner's seven days to repair it after the resident's notice of malfunction. If the malfunction is caused by resident or any guests thereof, then the property is allowed to charge the tenant for the damage.

FIRE EXTINGUISHERS

There is no statewide requirement for installing individual fire extinguishers in apartment. However, if the property elects to provide apartment fire extinguishers, the property is under a duty to properly inspect the fire extinguisher prior to the tenant's occupancy and upon written request of the resident. The inspection is to involve making sure the fire extinguisher is actually located in the apartment and, then checking to fire extinguisher gauge or pressure indicator to insure the fire extinguisher contains the correct pressure reading. The fire extinguisher is to be replaced by the owner if it is found to be not working upon inspection, fails the correct pressure test or upon a resident stating that resident used the fire extinguisher for a legitimate purpose. If a resident damages or removes a fire extinguisher, then the owner may charge the resident for repair or replacement.

In summary, all properties must have smoke alarms in every bedroom and in a hall leading to multiple bedrooms by January 1, 2013. Be aware of the \$5,000 level when considering interior work involving wall or ceiling repairs and check for the existence of a city ordinance that requires hard wired and interconnected smoke alarms. Remember to always inspect smoke alarms every time someone enters a resident's apartment – it is amazing the number of residents that disable smoke alarms. Do not allow a resident to place your property in danger by disarming smoke alarms. *To view the Texas State Property Code, Subchapter F. Smoke Alarms and Fire Extinguishers, please follow this link: [Subchapter F: Smoke Alarms & Fire Extinguishers](#)*

PROVEN STEPS TO REDUCING APARTMENT FIRES

By Larry Davis, Brent Guldahl, and Angie Ruddock, Commercial Insurance Solutions

Over 90,000 apartment fires occurred in the US in 2009 killing hundreds. Over 70% of all apartment fires are tenant related. How can management keep their apartment community as safe as possible? Following these simple steps can save lives and help stop fires.

- 1) **Inspect.** A comprehensive and documented quarterly internal inspection of all occupied units is the first step. When management inspects their units, they should look for things like the use of candles, overloaded extension cords, working smoke detectors, water leaks, tenant damage, safety devices and general housekeeping among others. A checklist must be used to insure efficiency in documentation. When a lease violation is found, the tenant must be given notice to correct and/or an eviction notice. Giving "bad apple" tenants leniency will just cost you headaches and money.
- 2) **Prohibit the use of candles.** The use of candles is prohibited by all apartment leases. The reason for this is that candles are a major cause of fires. Management must enforce a no tolerance policy for candles. The way to sell this to your tenants is with increased tenant communications. Explain to your residents the dangers of candles and your desire to keep the community safe.
- 3) **Mandate the use of 'safety' extension cords.** Overloaded extension cords have been a major source of fires for years. Now the 'safety' extension cords with a fuse or circuit breaker are available at every Walmart or similar retailer for less than \$8.00. This is a small price to pay for safety. This requirement needs to be added to your community policies which makes it a part of your lease. Tenants need to be notified and educated to the reasons for the change. If properly explained, tenants will likely embrace and comply. Use your 90 day inspection to make sure they are complying.

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PROVEN STEPS TO REDUCING APARTMENT FIRES, *continued from page 5*

- 4) **Provide fire extinguishers & explain how to use them.** A fire doubles every 30 seconds. A 2 ½ pound disposable metal fire extinguisher mounted on the wall in the kitchen is a proven deterrent to fires. These can be purchased at Home Depot for about \$20. More and more cities are now requiring landlords furnish fire extinguisher because of their effectiveness. To insure their use, they must be mounted on the wall between the kitchen and dining area. No one will be looking for the extinguisher under the sink when the stove is on fire. Management must also take a few minutes to explain how to use the extinguisher to all tenants when a new lease is signed so that the tenant knows what to do in the case of a fire.
- 5) **Purchase & install stovetop suppressors.** Unattended cooking fires are the number 1 cause of tenant related fires. Nearly 50% of all tenant related fires are grease fires. The best way to eliminate this exposure is to purchase stovetop suppression devices which cost as little as \$35 per stove. Two fire suppressors mount under the vent-a-hood of an electric range. When flames reach the bottom of the devices, a fire suppressing powder is released.
- 6) **Keep a close watch on smokers and smoking areas.** Smoking is one of the top 4 causes of tenant related fires. Management can identify smokers through the internal inspection process. Increased awareness of this exposure through handouts to the residents can be effective. More and more smokers are now smoking outside on balconies and patios. It's important that management make sure these areas are free of any flammable materials such as boxes and/or trash.
- 7) **Increase tenant awareness.** Increased tenant awareness is essential to the successful completion of your safety program. Management must explain to their residents that the new procedures are for the safety and well being of all residents. One letter is not enough. Constant communication via newsletters, signage, handouts and meetings (especially in their first year on property) greatly assists in reminding residents to comply and participate.

It takes very little money (approximately \$60 per unit) to incorporate stove top fire suppressors and fire extinguishers into each unit. Good extinguishers have a 5 year life. This equals about 3 cents per day, per unit for two of the most effective fire prevention tools.

Furthermore, it takes very little time to prepare & distribute helpful flyers. Communicate and complete a comprehensive inspection process quarterly.

You benefit because these proven procedures can and will help eliminate a tenant-related fire. A fire is one of the worst things that can happen to your community. Owners and management are preoccupied with repairs and paying painfully large deductibles which take away from growing healthy and happy communities. As bad as that sounds, the *best* thing about diligently implementing the steps above is that you save lives!

WELCOME . . . NEW ASSOCIATE MEMBERS**LEE E. SHAFER, CPA | ROBERT J. FOSTER**

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. . . Development | Construction | Management . . .

SOLVING THE HOUSEHOLD TRANSFER PUZZLE

Submitted by Gordon Anderson, Public Information Officer, TDHCA

Remember those sliding puzzle games where you have eight little tiles in the wrong order and you must slide each piece to its correct place – with only one empty space to work with – to form a picture? Is that what you think of when the subject turns to household transfers? If so, TDHCA is here with a solution. Transfers are easy to understand if you break the process down into little tiles, depending on the funding source(s) used to develop your property and the number of buildings involved:

Transfers within Same Building: *Does the household need to transfer from one unit to another unit within the same building? All programs monitored by the Department permit the transfer within the same building without certifying (unless due); however, keep in mind that the income designations on the Unit Status Report swap.*

Transfers between Different Buildings: *Does the household want to transfer from a unit in one building to another? If your development was financed using just BOND, HTF, HOME, or NSP (and no HTC, Exchange, or TCAP) funding, all of your buildings are one big project and the household may transfer without certifying (unless due) and the designations swap.*

If you have HTC, Exchange, or TCAP units alone or layered on top of another funding, follow these steps:

First, determine if your buildings are: 1) all individual building projects, 2) certain buildings in certain projects, or 3) all buildings in one project. How do you do this? Check the IRS Forms 8609, Part II, question 8b and any required attachments.

- If the owner has checked “no” and the buildings are not part of multiple-building project, then your buildings are individual projects (like two properties on opposite sides of town).
- If ownership has checked “yes” and the buildings are part of a multiple-building project, then look to the attachment to the IRS Forms 8609 to see how your owner elected to put together their project(s). They may have decided to put them all in one project (added up all the dollar amounts together) or split them up into two or more projects (added up the dollar amounts in groups).

Second, determine if the household was over income (OI) at the time of their last annual income recertification. If the unit is in a project that has market units mixed with low-income units, they had to recertify by the anniversary date of their move in.

If the household was OI, they may *not* transfer within the same multiple-building project. If the household was not OI, they may transfer; however, do not forget to recertify them by the anniversary date of their move in, regardless of when they transferred.

Third, does your household want to transfer from one project to another? They have to be certified under current limits and be qualified before they are given new keys.

When in doubt, pick up the phone and walk it through with a TDHCA Compliance Monitor. Staff will be happy to help you with the myriad moving parts and see the big picture.



CONGRATULATIONS TO MICHAEL AND JOHANNA CHAMY

Proud parents of Thea Josephine Chamy born on Saturday, November 16, 2013.

Thea weighed 6 lbs. 8 oz.

Paternal grandparents are Joe and Judy Chamy.

As most of you know, Michael is currently serving as our Vice President for 2013-2014 and Joe serves as a Board of Director.

LIMITED ACCESSIBILITY CHECKLIST

Submitted by Cherie Shearfield, Inspection Specialist, TDHCA

Recently, TDHCA has been focused on accessibility requirements. Below, please find our "Limited Accessibility Checklist" that is being completed in conjunction with our UPCS inspections.

Development Name:						
Monitor:	Date:	BLACK OUT or DELETE COLUMN IF NOT APPLICABLE				
CMTS #		Check yes if feature is present	Section 504	FHA	Yes (N/A)	No *
ACCESSIBLE ROUTE						
Route Is there at least one accessible route that is a continuous, unobstructed path through the development (with sufficient curb cuts).			UFAS 4.3.2	FH 2.12		
Route Width Does the accessible route have a minimum clear width of 36" (not reduced by obstructions, vegetation, parked cars).			UFAS 4.3.3	FH 2.15		
Stair/Ramp alternative If stairs are part of the accessible route, is there a ramp or other alternative way to get between levels. (check "yes" if N/A)			UFAS 4.1.2(4)	FH 1.7		
Amenity Access Does the accessible route connect all buildings containing UFAS and/or FH-covered units and <u>at least one</u> of each type of amenity.			UFAS 4.3.2(3)	FH 1.6		
ACCESSIBLE PARKING						
Minimum Parking Spaces Does the development provide a minimum of 2% of parking spaces for fair housing "covered" units and/or a minimum of one parking spaces for mobility units.			UFAS 4.342(4)/ 4.1.1(5)(d)	FH 2.23		
Accessible Parking Signs-Do all accessible parking spaces reserved for the disabled have a sign with the symbol of accessibility designating the space. The sign must clearly visible and not be obstructed by a vehicle parked in the space.			UFAS 4.6.4	FH 2.20		
Space Width Are all designated parking spaces at least 96" wide and have an adjacent access aisle that is 60" wide which can be shared between two spaces.			UFAS 4.6.3	FH 2.20		
Access Aisle Are the accessible parking spaces and aisles part of the accessible route to the building and/or facility entrance.			UFAS 4.6.3	FH 2.20		
Parking Space Types If the development provides different types of parking (i.e. carpots, garage, surface, etc.) is at least one of each type is designated as accessible.				FH 2.23		
Parking at amenities If parking spaces are available at common and public use amenities then one space is designated as accessible.				FH 2.23		
COVERED UNITS' PRIMARY ENTRY DOOR						
Door handles Do the doors that are part of an accessible route have door hardware that is operable with a shape that is easy to grip with one hand and does not require tight grasping, pinching, or twisting of the wrist. FHA only, all entry doors on accessible route (including screen doors).			UFAS 4.13.9	FH 3.3		
COMMON USE DOORS						
Door handles Do the doors that are part of an accessible route have door hardware that is operable with a shape that is easy to grip with one hand and does not require tight grasping, pinching, or twisting of the wrist (including screen doors).			UFAS 4.13.9	FH 3.3		
COMMON USE FACILITIES						
Trash disposal facilities Is at least one trash facility provided on an accessible route and have hardware that does not require tight grasping, pinching, twisting of the wrist to operate and is no higher than 54" for a side approach or 48" if only a front approach is possible.			UFAS 4.34.2(1)	FH 2.16		
Common-Use Laundry Facilities -For any development built after 2002 that provides common use laundry facilities; is at least one washing machine(s) and clothes dryer(s) a front loading type. (check "yes" if N/A)			UFAS 4.34.7.2			
Rent Collection Slots If provided, is the slot less than 54" high for side reach approach. (check "yes" if N/A)			UFAS 4.2.6	FH 2.12		
<small>Covered multifamily dwellings are all dwelling units in buildings containing four or more units with one or more elevators, and all ground floor units in buildings containing four or more units, without an elevator. Townhouse or multi-story residential units with one primary entrance are required to meet the Fair Housing Act with 20% of units having at least 1 bedroom and 1 bath or powder room on the main level.</small>						
* If any question is answered "NO", please describe the location and nature of the problem.						

RRHA OF TEXAS UPCOMING EVENTS

JANUARY 15, 2014

Mid-Mgmt. | Small Owners Forum
Temple Chamber of Commerce
Temple, Texas

FEBRUARY 5, 2014

Convention Committee Meeting
The Worthington Renaissance Hotel
Fort Worth, Texas

APRIL 16, 2014

Convention Committee Meeting
The Worthington Renaissance Hotel
Fort Worth, Texas

APRIL 17, 2014

Board of Directors Meeting
The Worthington Renaissance Hotel
Fort Worth, Texas

JULY 22-25, 2014

Annual Convention & Trade Show
The Worthington Renaissance Hotel
Fort Worth, Texas

THE APARTMENT MANAGER'S PLEA

She stood before the pearly gates,
Her face was scarred and old.
She stood before the man of fate,
For admission to the fold.

"What have you done," St. Peter said,
"To gain admission here?"

"I've been an Apartment Manager, Sir,
For many and many a year."

The pearly gates came open wide,
St. Peter touched the bell.

"Come in and choose your harp my friend,
You've had your share of Hell."

"Just choose a soft and snowy cloud,
They never need repair.

They're completely insulated,
And have individual air."

"The maintenance up here, old girl, is absolutely nil,

And as for kids and cats and dogs,
I know you've had your fill.

The parking space is endless here,
Park your carcass where you will."

"We have no plumbing problems,
We've solved them very well.

Our pipes run under Heaven,
And drain out down in Hell."

"So if you wish," St. Peter said,
Sleep until noon or more.

No tenant will come knocking,
Or rapping on your door."

"We have no telephones to ring,
No gripes for folks to air.

There are no tenants here, old girl,
We've sent them — you know where!"

RRHA of Texas *UPDATE* is a quarterly publication devoted to a variety of topics of interest to our members. The views and analyses presented herein do not necessarily represent the policies or the endorsement of the Rural Rental Housing Association of Texas, Inc. Articles containing legal analyses or opinions are intended only as a discussion and overview of the topics presented. Such articles are not intended to be a comprehensive legal analysis of every aspect of the topics discussed. Due to the general nature of the discussions provided, this information may not apply in each and every fact situation and should not be acted upon without specific legal advice based on the facts in a particular case.

If you have an idea or article for our publication, please forward it to Royce Ann Wiggins at RRHA of Texas, 417-C West Central, Temple, Texas 76501, or via e-mail at office@rrhatx.com.

ANNUAL BOARD RETREAT— OCTOBER 2013 LA TORRETTA RESORT



1st Place Team

SALSA
CHALLENGE
2013



Congratulations to the 1st place team (top left photo). Back row—left to right: Murray Calhoun, Danna Hoover, Brenda McElwee, Cheryl Rogers. Front Row: Jess Parker, Diane Kinney, and Johanna Chamy.

