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TECH TRENDS

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PRESIDENT'S MESSAGE

Those Who Can, Become Mentors

BY **SHAWN WINGATE**

RICHMAN PROPERTY SERVICES INC.

During Module I of the 2017 FAA Leadership Lyceum program, one of the students shared a favorite proverb: When you row someone else across the river you get there yourself. It got me thinking about how both people benefit from a mentoring relationship and about some of the lessons I've gained from my experiences.

I've had informal mentors who encouraged me to become more involved in my local apartment association, and then FAA and the National Apartment Association. When I attended NAA's Leadership Lyceum, a mentor was formally assigned to show me around.

Now, I am a mentor to one of my former employees, who started out as a leasing consultant and worked her way up to property manager. Even though she no longer works for me, I decided to take her under my wing.

Here are some things I have learned from being on both sides of the mentor relationship:

- **Honesty comes first.** Be truthful with yourself about whether or not you have time to be a mentor. You will be doing a disservice to your mentee if you agree to dedicate the necessary time when in reality your schedule doesn't allow it.
- **Communication is key.** Stay in touch with your mentee and what's happening in his or her professional life so that you can give good advice. You can't be a good teacher if you don't listen to your student.
- **Be knowledgeable.** Make sure you know what you need to in order to be a successful mentor. If you don't know anything about the field, you will be of no help to your mentee and could end up being a detriment to their success.

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- **Stay goal-oriented.** Ask about your mentee's goals so that you are always mindful of them when giving advice and teaching lessons.
- **Use the buddy system.** Bring your mentee with you to meetings and business events. It's a part of your job to introduce them to the right people.
- **Different is okay.** Your mentee might not want to follow the same path as you, but your knowledge is still valuable. Teach your mentee the do's and don'ts you have learned along the way.
- **A clean slate is a good slate.** If your mentee has little to no experience in the field, that is not necessarily a bad thing. In fact, it could make them more open-minded to what you are sharing and teaching.

Being a mentor has definitely been a rewarding experience. It has taught me to value myself as a teacher, and that we don't have to all follow the same path to support each other along the way. ▲



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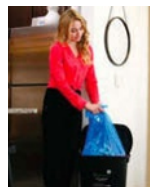
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Escape the Everyday through Teamwork

BY **JOSH GOLD**, CAE, CMP
FAA EXECUTIVE VICE PRESIDENT

Picture yourself and a group of friends and colleagues trying to solve puzzles, answer riddles, and decode ciphers, all within an hour so you can complete a mission and “escape” from a staged scenario. This kind of entertainment venue is called an “escape room,” and it’s the latest trend across Florida and elsewhere for vacationing families, competitive groups of friends, and workplace teams.

The FAA staff has successfully made our escape from such a game, so a similar experience seemed like it would enhance the Executive Committee Retreat in February, which is an annual weekend for FAA’s volunteer leaders to take time out from day-to-day obligations — to escape, if you will — and focus on how to work together to accomplish the association’s goals for the year.

An escape room really is a test of teamwork. One participant might be completely stumped by a puzzle, while a teammate has it all figured out already. At the next clue, a different teammate takes point. Although

teamwork is an essential method to solving problems and completing tasks, getting it right can be tricky at times.

In an article on Inc.com, research from *Team Genius: The New Science of High-Performing Organizations*, by Rich Karlgaard and Michael S. Malone, identifies some surprising facts about the right way to approach team building and teamwork.

Our recent escape room experience bore these out. For example, the ideal team size is between five and nine people. We had seven in the escape room. Having not enough people on the team can mean less discussion will take place, leading to ideas of lesser quality. Having too many people in the team can be a disorderly mess from which nothing productive is born. The article makes several other useful points:

- **The most effective teams don’t have leaders.** In the escape room, our strategy was to complete several tasks at once by splitting up and working on the puzzles

in groups. This was effective because completing the tasks one by one would have taken much longer.

- **Conflict within a team is essential.** We didn’t necessarily have conflict in the escape room challenge, but people did have different ideas about how to approach a task. Total agreement and harmony is oftentimes a route to mediocrity. Different ideas, on the other hand, lead to finding the best idea with the greatest efficiency. The conversations that take place after completing escape rooms always include how the team would never have been able to get through it without each and every person.
- **“Good chemistry” makes teams less effective.** This idea means that without escape room experience, the diversity in the room included people of different ages, genders, socioeconomic backgrounds, and more. We didn’t all approach situations in the same manner, making us more effective and productive.
- **A chemical called oxytocin is released in the brain when bonding with a team.** This means that working together in a group to complete a series of tasks can be more enjoyable than working by oneself. I definitely found this to be true after our escape room challenge. Even team members who’d noted that they had reservations going into the experience had fun. Working with a group of people not only is a bonding experience, but also promotes inclusion and camaraderie in the workplace because it allows everyone to have a voice. This can lead to smoother group work down the road.

Working well as a team takes thought and effort, but it can pay off in efficiency, effectiveness — and fun. ▲



Tech Trends

Communities are becoming smarter, thanks to technology

BY DIANE SEARS

The resident comes home from a business trip, and right away it's evident something is wrong. Very wrong. There's water all over the top of her toilet, dripping onto the floor. Pieces of the ceiling have fallen into her bathroom, and they're speckled with patches of black mold.

It's likely the neighbor upstairs had a leaky toilet for some time and just didn't realize it. Suddenly it has become this resident's problem.

In years past, there was no real way of knowing about an issue like this one until it was too late and a resident reported it. But today, because of smart home

technology, apartment managers can detect, monitor, and repair water leaks and many other issues that otherwise can cost properties thousands of dollars and a lot of ill will.

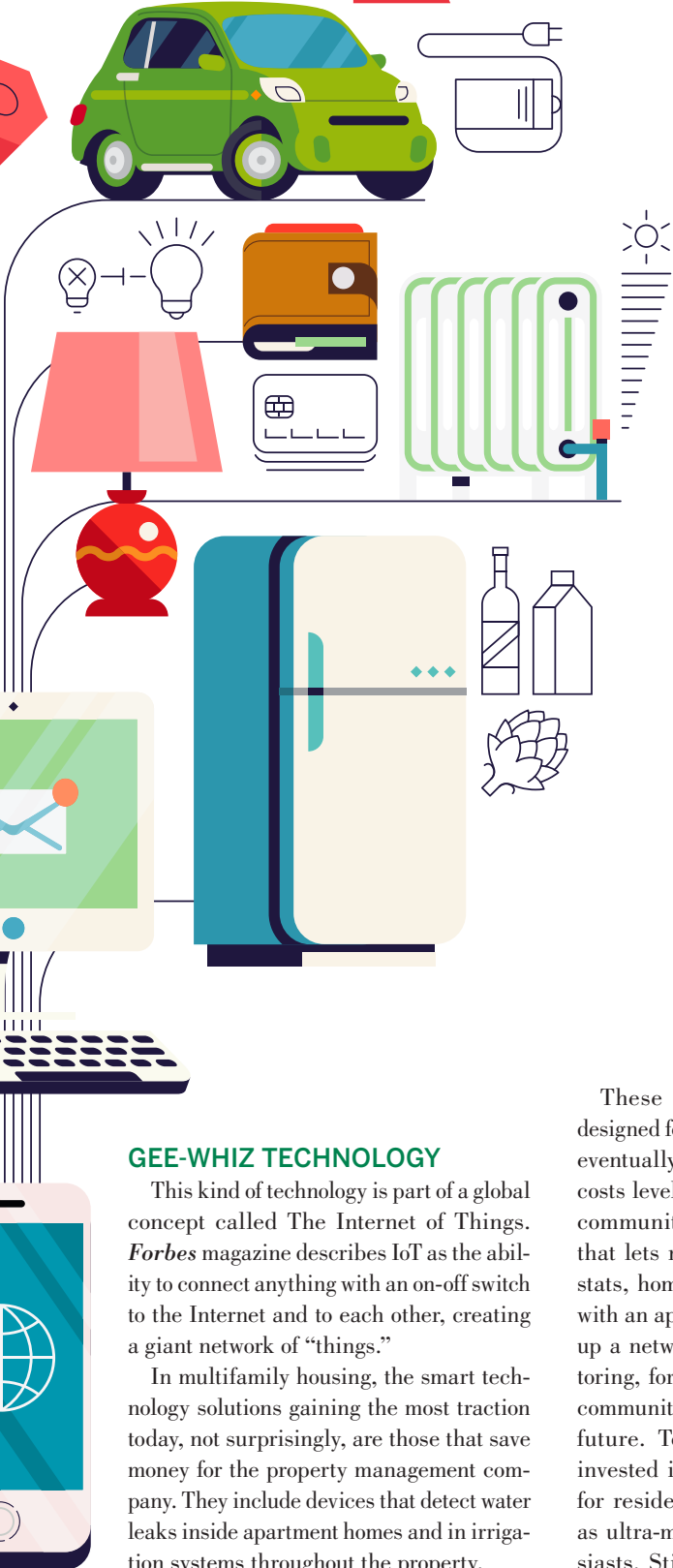
"If you've never had to deal with a \$200,000 repair because of a leak, then you might not see the value," said James Johnson, vice president of resident experience at RealPage, a company near Dallas that provides software and data analytics to the real estate industry. Once a property manager experiences a major project stemming from a burst pipe that could've been detected through a monitoring device on the water line, he said, the choice becomes clear.

"They shy away at the beginning," Johnson said. "But that investment is going to pay off for properties in the long run."

Smart technology can remotely control heating and cooling systems, lights, door locks, solar power, and many other devices to help make an apartment more efficient. But what makes sense in today's economy, and what goes into the decision to implement this new technology? Property managers who haven't faced these questions yet are sure to consider them in the future.



OF THINGS



GEE-WHIZ TECHNOLOGY

This kind of technology is part of a global concept called The Internet of Things. *Forbes* magazine describes IoT as the ability to connect anything with an on-off switch to the Internet and to each other, creating a giant network of “things.”

In multifamily housing, the smart technology solutions gaining the most traction today, not surprisingly, are those that save money for the property management company. They include devices that detect water leaks inside apartment homes and in irrigation systems throughout the property.

These solutions aren’t necessarily designed for the resident’s convenience. But eventually, as research-and-development costs level out, prices will drop and more communities will invest in technology that lets residents control their thermostats, home security systems, and lights with an app on their smartphones. Setting up a network that allows for water monitoring, for example, can allow apartment communities to plug in more uses in the future. Today, communities that have invested in the state-of-the-art solutions for residents are marketing themselves as ultra-modern to appeal to tech enthusiasts. Still, the software providers are

“In the U.S., smart home technology in apartments seems to be gaining the most traction in the West Coast region ... The consumers are expecting it — you have a much more technology-focused consumer regionally.”

— James Johnson

focused on appealing to the practical side of property managers.

“Our value proposition is not in the cool resident software you’re going to get but in the savings you’re going to see,” Johnson said. “But it is pretty cool, and it’s going to differentiate your property on the market.”

LEAKY TOILETS

More than 12 percent of all indoor water use is wasted because of poorly fitted or worn-out toilet flapper valves, according to research by the U.S. Environmental Protection Agency and the American Water Works Association. Sensor Industries of Camarillo, Calif., cites this figure as a

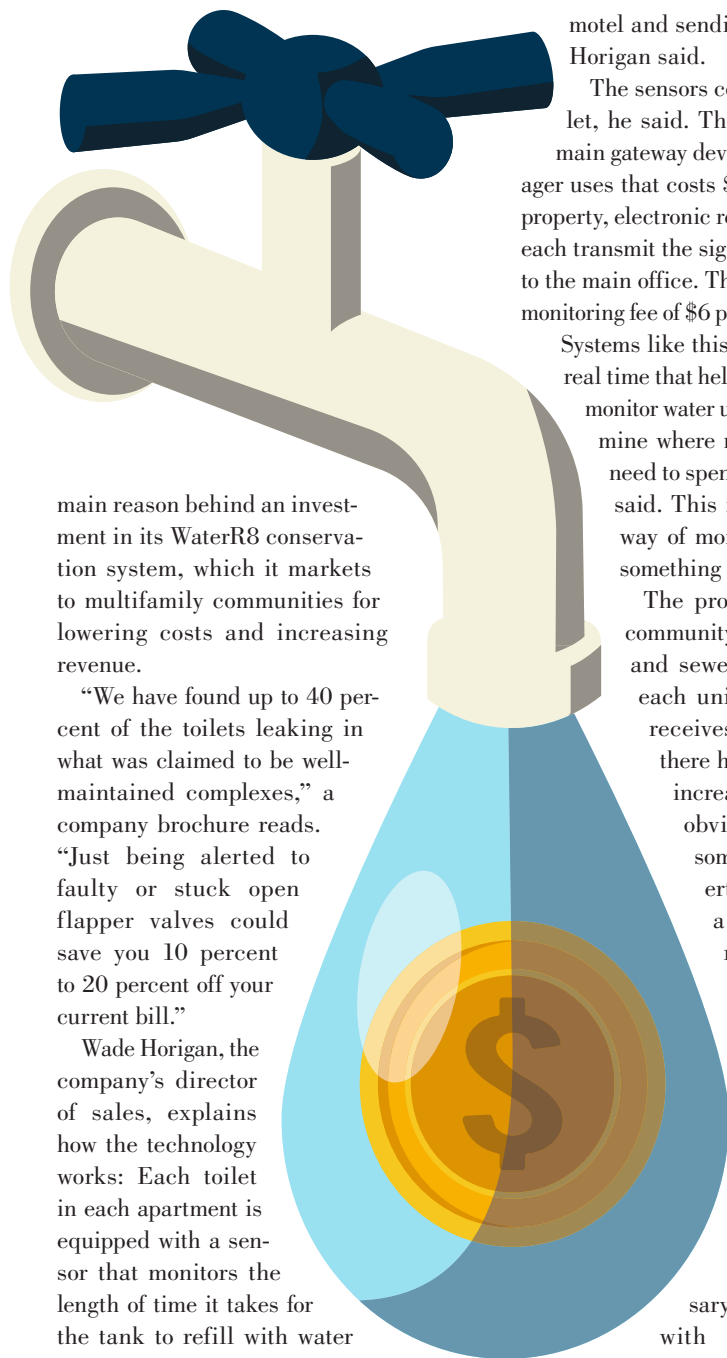


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main reason behind an investment in its WaterR8 conservation system, which it markets to multifamily communities for lowering costs and increasing revenue.

“We have found up to 40 percent of the toilets leaking in what was claimed to be well-maintained complexes,” a company brochure reads. “Just being alerted to faulty or stuck open flapper valves could save you 10 percent to 20 percent off your current bill.”

Wade Horigan, the company’s director of sales, explains how the technology works: Each toilet in each apartment is equipped with a sensor that monitors the length of time it takes for the tank to refill with water after it’s flushed. The sensors are calibrated to the normal operation of each toilet’s brand and model. They’re connected by radio-frequency technology to a monitoring device that spots variations and sends out alerts. The device beeps inside the apartment to alert the resident and sends an email or text message to the property manager. The manager contacts the resident and dispatches a maintenance technician — all before the leak turns into something worse.

“Now it’s a matter of vacuuming up water, turning on fans, and opening windows, instead of moving someone into a

motel and sending in a repair crew,” Horigan said.

The sensors cost about \$49 per toilet, he said. They’re connected to a main gateway device the property manager uses that costs \$149. Throughout the property, electronic repeaters that cost \$25 each transmit the signals from apartments to the main office. The company charges a monitoring fee of \$6 per apartment per year.

Systems like this one generate data in real time that helps property managers monitor water use patterns and determine where maintenance workers need to spend their time, Horigan said. This replaces the manual way of monitoring, which goes something like this:

The property manager in a community that includes water and sewer service as part of each unit’s monthly charges receives a bill that shows there has been a 20 percent increase in water use. It’s obvious there is a leak somewhere. So the property manager sends out a general notice to all renters saying there will be an inspection. The maintenance team goes into each apartment to inspect all the toilets and determine which ones are broken and need to be fixed.

All of that unnecessary work can be avoided with smart technology.

“Owners have been accepting that as an overhead expense,” Horigan said. “Now instead, they know the toilet in Unit 102 needs help. You’re never fixing a toilet that is working fine. You’re saving on maintenance and just fixing those that need to be repaired.”

The company rolled out its product in March 2016 in Southern California, where water use has become a priority over the years because of droughts and rising costs. The customers saw results right away, he said, and the system is projected to recover costs for apartment communities within eight months. The company is launching

nationwide this year, targeting metropolitan areas like Boston and Atlanta, where sewer costs are higher than average.

In the future, property managers can expect to see similar devices developed for showers to help make users aware of water conservation, Horigan said. Dripping faucets, another big water waste area, are not as cost-effective to monitor right now.

Another trend, industry watchers say, is in systems that allow for submetering. In communities where one main water meter serves multiple apartments, it’s impossible to tell which residents are using more water than others.

That means Joe, a single airline pilot who’s gone most of the time, is paying the same for water every month as Bill and Donna, who have six children, Horigan said. With submetering technology, Joe could now be charged according to his portion of water use instead of subsidizing the family down the hall.

More important, Horigan said, an awareness of personal water use can help residents conserve a resource that is becoming more precious with time. This concept appeals especially to younger renters, who have grown up studying global causes and are more interested in conservation than their elder counterparts.

“Conservation matters to them,” Horigan said. “They will pay a little more for an apartment if it means they’re going green and saving resources. A green, ecofriendly building is going to appeal to millennials.”

OUTDOOR IRRIGATION

Water use outside of the individual apartments generates another major cost for rental communities. Irrigation systems frequently spring leaks and cause water to gush out, sometimes underground where the damage remains invisible until it’s spotted on a utility bill.

A solution by Banyan Water in Austin, Texas, monitors irrigation systems in real time and alerts property managers as soon as a possible leak is detected. “We track the water use, analyze it, optimize it, and verify our savings against actual utility bills to show we saved the dollars we say we did,” said Gillan Taddune, the company’s CEO. “Water is finite. Rates are up ... and water is the fastest-rising utility cost.”

She explains how the technology works: The company installs hardware on-site

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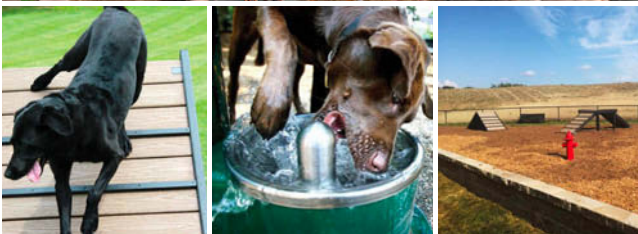


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that collects information about water flow. Banyan Water IQ, a smart water-management platform, compares the data in real time to historical use gathered from previous utility bills. The property manager follows the activity on a computerized map using a software dashboard tool that shows where groundskeepers need to focus their attention. The software also calculates financial savings. This replaces the manual way of monitoring irrigation systems, which involves the property managers and maintenance crews consulting a paper map to determine where sprinkler heads are located and digging up water lines where they see the ground oversaturated from leaks.

In 2015, the technology saved LivCor multifamily properties 50 percent on its irrigation bills, conserving 70 million gallons of water, according to a case study published by Banyan Water. The savings prompted LivCor, a portfolio company of the Blackstone investment firm, to implement the technology in more of its properties. Today LivCor has 37 communities on the system and can monitor water use across its portfolio in Texas, California, Colorado, North Carolina, Kentucky, and Tennessee. Banyan Water hasn't done any work in Florida yet but is actively seeking properties in this market, Taddune said.

She expects to see utility companies become more proactive about encouraging water conservation by offering financial incentives for cooperation from property owners. "Something should be done about the water crisis we're all facing," Taddune said. "I'm a big believer in helping the market solve problems through technology."

DOOR LOCK SYSTEMS

Another function that is saving property managers money allows electronic control of the locks on individual apartment doors. With today's technology, property managers can adjust locks to fit a new key without replacing the hardware. The locks can be programmed with certain rules, such as an expiration date that matches the last day of the lease.

A side benefit is that maintenance teams can gain entry to multiple units where the locks are preprogrammed to match the passkeys that are programmed into their smartphones. This saves them time going back and forth from apartments to the office to pick up new keys, and offers



"I'm a big believer in helping the market solve problems through technology."

— Gillan Taddune

more security than a single master key for the entire property.

The key technology has been developing in recent years, and there are several different options on the market, said Johnson from RealPage. Some rely on the resident's Wi-Fi, some are connected by electronic tether to smartphones, and the most modern solutions are linked into a community-wide network that can transmit data about other devices, such as the toilet sensors.

Johnson sees all kinds of possibilities in future uses of this technology. For instance, property managers can prequalify potential new residents and offer them an agent-less tour by pre-programming the network to open a home to guests via password. At 15 minutes before the appointment, the technology could program the lock to work with the code, set the thermostat at a desirable temperature, turn on welcoming lights, and tune in to the guest's favorite kind of music. All that would be missing is the chocolate chip cookies baking in the oven, although that could probably be arranged through smart technology, too.

One thing the industry is discussing, he said, is privacy of the residents. "We're not going to display an occupied unit's information," he said. "The property manager is not able to see that the resident in 302 has her thermostat set to 82. We are very cognizant of privacy, so we're taking a cautious approach."

But the aggregate data could prove useful, he said. For instance, the system can tell a property manager that 85 percent of the residents are home at 6:30 p.m. on Tuesdays, which means that might be a good time to schedule a community meeting.

THE FUTURE

In the U.S., smart home technology in apartments seems to be gaining the most traction in the West Coast region,

Johnson said. In places like Seattle and San Francisco, people come home from their jobs at Amazon, Microsoft, Facebook, Twitter, and Google, and they want the latest gadgets in their home just like they have at work. "The consumers are expecting it — you have a much more technology-focused consumer regionally," Johnson said.

But another population he sees as a potential early adopter of smart home technology is the elderly. That could very well affect parts of Florida known as havens for retirees because of the mild climate.

"Where I see a lot of value is in active-living or assisted-living communities," Johnson said. "The applications here are just immense."

For instance, some communities monitor the wellness of their residents with low-tech methods like placing a sliver of wood in each door. The manager then walks the property to spot doors that haven't been opened and pays residents at those homes a visit to be sure they're OK. Instead, Johnson said, smart technology can determine whether the resident has used a toilet, water heater, or pedometer device in the past 24 hours and alert property managers only when they detect a predetermined period of inactivity in a home.

Builders of single-family homes are experimenting with all kinds of other uses of smart technology. The Lake Nona mixed-use community in Orlando, for instance, has one of the few smart model homes in the nation that focuses on health-related technology, according to *The Orlando Sentinel*. Features include cork floors, air filtration, and water purification systems, a vitamin C shower, variable lighting that helps with the circadian rhythm, an alarm clock that mimics sunrise, aromatherapy, a pedal desk, and iPads that provide access to local healthcare facilities for telemedicine. Prototype kitchen appliances are designed to help residents select healthy menus. Smart toilets act as mini-laboratories, testing urine for health conditions.

It might take a while for features like those to reach the multifamily market, where investing \$250 in each thermostat control device wouldn't show a quick return on investment, experts say. But eventually renters will come to expect more from their homes.

"This is the future," Johnson said. "Some really fun stuff — and good value." ▲

FAA Members Go to Bat for Important Legislation

BY COURTNEY BARNARD



Multifamily industry leaders from across the state gathered in Tallahassee for the annual FAA Legislative Conference. The conference began with many members arriving early on Tuesday, February 7, to participate in meetings of the FAA Legislative Committee, Apartment Political Action Committee (APAC), and Board of Directors, as well as a briefing dinner with guest speakers.

This year, members had a front-row seat to the legislative process, as two massively important pieces of legislation that impact the apartment industry were filed that morning. The bills, which include House Bill 639 filed by Rep. Holly Raschein (R-120) and Senate Bill 742 filed by Sen. Jack Latvala (R-16), deal with housing discrimination lawsuits and are very close in language to one of the FAA legislative priority bills — SB 268 filed by Sen. Darryl Rouson

LEGISLATIVE RECEPTION



(D-19). All three of the filed bills would greatly alter Florida's legal system in multiple ways. The legislation could double the time frame for filing a fair housing civil suit and would allow those who file a claim to bypass any HUD investigation or conciliation process. If any of the three bills passes, it could greatly increase the number of un-vetted civil suits brought against apartment communities.

Legislation dealing with discrimination lawsuits is a very hot topic of the 2017 session, and many bills affecting the multifamily industry are in play for the session officially beginning on March 6.

FAA members lobbied about two other priority pieces of legislation, including Senate Joint Resolution 76 filed by Senator Tom Lee (R-20) and its House companion HB 21 filed by Rep. Collen Burton (R-40). This legislation is very beneficial to the multifamily industry and would help preserve a 10 percent property tax assessment cap for all apartment communities in Florida. Without the cap, properties could face rapidly rising tax assessments and in turn a much higher tax bill each year. Many local governments have faced budget shortfalls over the past few years and this bill is incredibly important to keep local governments from overtaxing non-homestead properties.

The third FAA priority legislation was the support of the Sadowski affordable housing trust funds. These funds are a dedicated revenue source of \$300 million to build affordable properties in Florida and, in turn, create more jobs for the apartment industry. Affordable

housing funding helps to stop local governments from mandating inclusionary zoning, which forces apartment communities to set aside a certain percentage of units as affordable units. The funds must be renewed by the legislature each year and can be swept into the general revenue fund so it is exceedingly important that FAA remain committed to supporting housing funds year after year.

The priority issues and newly filed legislation were discussed in detail at the Legislative Committee meeting. Members also learned about the many other bills that could potentially impact the industry, which FAA is monitoring. At the briefing dinner, the three priority pieces were recapped by special guest speakers including Jaimie Ross, president of the Florida Housing Coalition, who discussed the job creation impact of Sadowski funds, and Carolyn Johnson, director of business, economic development and innovation policy with the Florida Chamber of Commerce, who spoke about SJR 76 and other bills on the horizon that may affect apartment owners. The keynote speaker of the evening, FAA lobbyist Ron Book, gave the group a bit of inside baseball as to the priorities of the 2017 Legislative leadership, which include budget shortfalls, gaming compacts, and the possible dissolution of Visit Florida. Book also stressed the importance of meeting with legislators and the impact FAA members have by traveling to Tallahassee as industry experts to educate and convene with our elected officials.

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LEGISLATIVE DINNER



The briefing dinner also included a time to honor the many special members and partners to the industry at the including 2016 FAA Leadership Lyceum graduates (top) and FAA Hall of Fame Inductees Nena Gang and Peggy Queen. Other honorees included the 2016 legislators of the year Rep. Dane Eagle (R-77), who sponsored the FAA maintenance bill in both 2015 and 2016, and Sen. Travis Huston (R-7), who also sponsored the maintenance bill in 2016. The dinner concluded with a time for each local affiliate to caucus for the next day's meetings at the Capitol. ▲

Editor's Note: For more information about the 2017 FAA Legislative Conference, please see *By the Numbers* on Page 35.

THE IMPORTANCE OF COALITIONS

BY COURTNEY BARNARD

E Pluribus Unum — meaning out of many, one — is the de facto motto of the United States. The phrase conveys the importance of working together as a united force and the strength of a cohesive group. In the apartment industry, working together makes us resilient to challenges and allows us to face legislative battles as a united industry. During the 2017 FAA Legislative Conference in Tallahassee in February, 160 members from all facets of the multifamily industry — on-site staff, managers, regional vice presidents, suppliers, and more — came together to lobby for the three priority issues selected at the annual platform meeting in October. Those multifamily professionals come from across the state of Florida and have different roles in the industry, but they work together as one to achieve FAA's priorities. In addition, this grassroots unity gets results because FAA doesn't work alone.

FAA members also join forces with many other industry groups to form legislative coalitions to ensure that FAA's voice resonates through the entire Legislative session. Instead of promoting an issue as a lone group, FAA sees the strategy of building coalitions with others to achieve the best results for our industry. FAA is a long-standing member of two influential coalitions, The Florida Chamber of Commerce and The Sadowski Coalition. These groups promote different legislative issues that are beneficial to the multifamily industry.

The Florida Chamber advocates for businesses in Florida and has a goal of making Florida the best place in the nation to do business. As a member of the Florida Chamber Board of Governors, FAA has a strong say in what issues the chamber promotes, which include stopping additional taxes and inspections, and supporting the FAA maintenance bill that went into effect last year. Additionally, the chamber provides speakers and educators to FAA and its local affiliates. As a member of The Sadowski Coalition, FAA is part of a 30-member group that promotes a dedicated revenue source for affordable housing. This revenue helps to build more apartments, create additional jobs in the industry, and keep inclusionary zoning at bay.

As a member of these groups, FAA is working smarter, not harder, to promote its legislative priorities. FAA is more productive and a stronger force in Tallahassee as a part of these coalitions.

▼
FAA has a strong say in what issues the Florida Chamber promotes.



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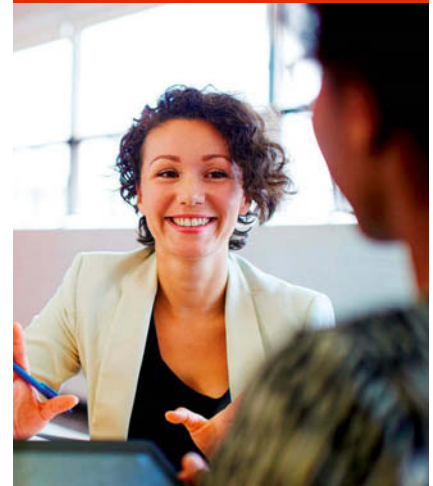
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HALL OF FAME INDUCTEES HONORED



Peggy Queen



Nena Gang (front, center) with current and past leaders of BAAA, FAA, and NAA

The Florida Apartment Association honored FAA Hall of Fame inductees Nena Gang and Peggy Queen at its annual legislative briefing dinner in Tallahassee on February 6.

Nena Gang was the executive vice president of the Bay Area Apartment Association until she retired after suffering a stroke in 2011. Jordan Petras, BAAA president, spoke at the dinner about her accomplishments. She received her award at BAAA's Gold Medallion Awards dinner in December.

Peggy Queen is retiring as executive vice president of First Coast Apartment Association. Chip Tatum, chief executive officer of the Apartment Association of Greater Orlando, spoke about her accomplishments and presented her award.

Typically, Hall of Fame recipients are recognized at the closing dinner of the FAA Annual Conference & Trade Show, but the 2016 event was canceled because of Hurricane Matthew.

LEGISLATORS OF THE YEAR



Two Florida state legislators were honored by FAA for their work on behalf of the multifamily industry in 2016. They are Rep. Dane Eagle, pictured with FAA leaders (above), and Sen. Travis Hutson, pictured with FAA Vice President Lori Trainer and Courtney Barnard, FAA government affairs director (left).

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STATEHOUSE VISITS



Bay County Multihousing Association, Capital City Apartment Association, Emerald Coast Apartment Association, with Rep. Frank White



Apartment Association of Greater Orlando



North Central Florida Apartment Association

FAA members from across Florida visited the offices of state senators and representatives serving the regions that correspond to the various local affiliates. Members explained FAA's legislative priorities and then gave legislators and staffers a brochure that included data about Florida's multifamily industry and its importance to community, jobs, and growth, and cards explaining each of the priorities.



Bay Area Apartment Association, with Senator Jeff Brandes

Florida District Court Decisions Uphold Rule for Fair-Housing Administrative Remedies

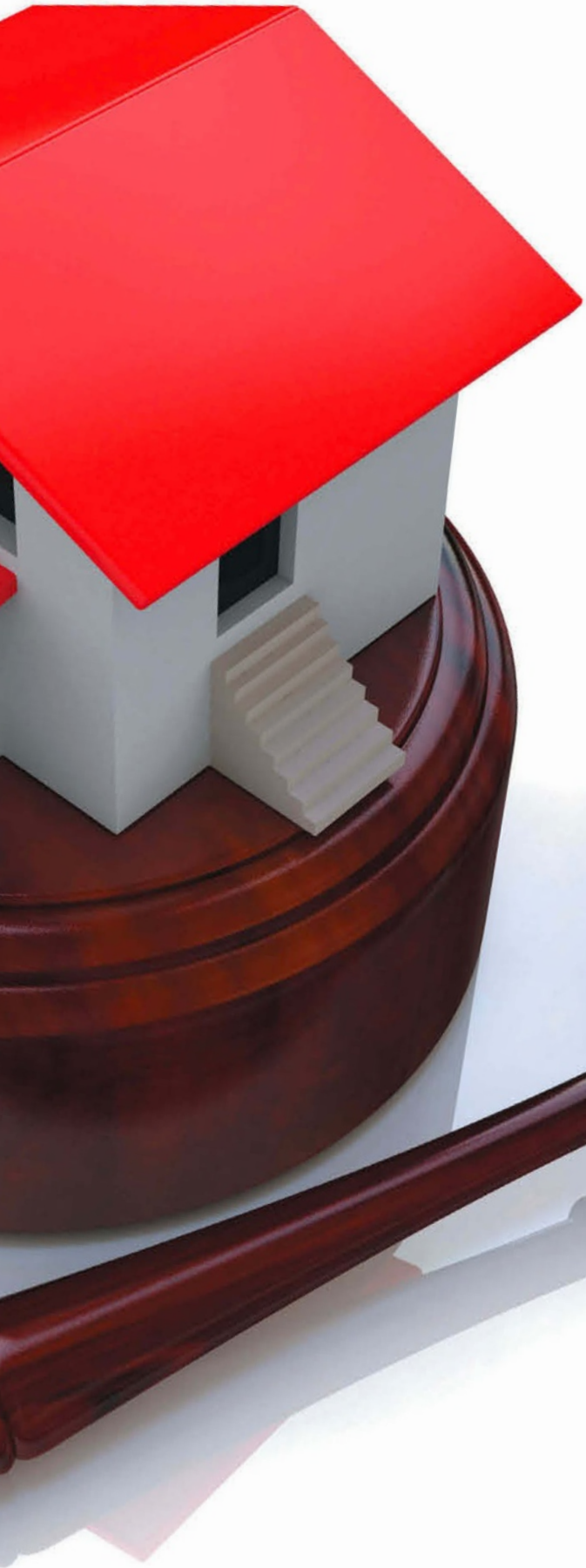
BY DARREN J. AYOUB

During the 2012 and 2016 legislative sessions, the Florida Legislature attempted to amend the Florida Fair Housing Act (FFHA) to allow a person who may have been affected by housing discrimination to file a lawsuit regardless of whether an administrative complaint had first been filed with the Florida Commission on Human Relations or an approved local housing discrimination agency. Despite receiving unanimous support in every committee that voted on the bills, the amendments never passed.

In December 2016, the Third District Court of Appeal, which is based in Miami, decided the issue of whether the FFHA requires a private claimant to engage in a statutory conciliation process, such as mediation, directed by the Commission as a condition that must be met before a lawsuit can be filed under the FFHA. For the second time, a Florida appellate court found that the FFHA indeed requires that a claimant must exhaust his or her administrative remedies before filing a civil lawsuit alleging housing discrimination.

The case of *Housing Opportunities Project v. SPV Realty LC* (2016 WL 7403656), involved a private, fair-housing, not-for-profit corporation (“HOPE”) and four of its employees posing as testers and inquiring about the availability







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of housing at Miami apartment communities owned by SPV Realty LC. The case was initially filed in federal court in 2012 and involved the federal Fair Housing Act. It resulted in a confidential settlement agreement in 2013. Then, in 2014, HOPE filed suit in state court alleging SPV Realty breached the settlement agreement. The trial court dismissed the case because HOPE did not engage in the mandatory administrative process with the Commission before filing the civil lawsuit.

In upholding the trial court's dismissal of the civil lawsuit, the appellate court reached its decision, in part, by employing

several standards to interpret the FFHA, the first being plain meaning. The court specifically focused on the plain meaning of Florida Statute 760.34 and found that the language of the statute leads to one conclusion — that a private citizen or entity may not pursue a civil lawsuit for a violation of the FHHA prior to filing an administrative complaint with the Commission and affording the Commission the opportunity to resolve the complaint informally. The second method of statutory interpretation used was the principle that a statute should not be interpreted to render meaningless any portion of its text.

The court rationalized that if the FFHA was interpreted to allow civil lawsuits to be filed concurrently with the administrative process, then section four of the statute, which requires that the Commission first attempt voluntary compliance before the aggrieved person may commence a civil lawsuit, would be rendered meaningless. Third, the court used a linguistic canon known as *expressio unius est exclusio alterius*, which means the expression of one thing implies the exclusion of the other. Under this approach, the court pointed out that the Legislature expressly lists who is not required to exhaust administrative remedies before filing a civil lawsuit, and only the Commission is included. Therefore, all persons (such as the testers) and entities (such as HOPE) must comply with and exhaust the statutory conciliation process before they may file a civil lawsuit.

Thus, the decision reached by the Third District Court of Appeal was in agreement with the *Belletete v. Halford*, decision in the Fourth District Court of Appeal, which is based in West Palm Beach. That case is the only other Florida case which considered the issue of whether the FFHA

contains an administrative exhaustion requirement, but the court did not take the same route to reach the same conclusion as the Third District. The Fourth District Court compared the nearly identical language of the Florida Civil Rights Act (FCRA) to the language of the FFHA and noted that the FCRA had previously been found to require exhaustion of administrative remedies by a claimant before filing a civil lawsuit. Therefore, the court ruled, the FFHA must also require exhaustion of administrative remedies.

Despite two appellate decisions reaching the same conclusion concerning the same law, there is still significant disagreement within the legal community as to whether the FFHA requires exhaustion of administrative remedies before filing a civil lawsuit. In fact, several federal courts in Florida have concluded that exhaustion of the administrative remedy is not required before filing a lawsuit. And even the three judge panel that decided the *SPV Realty* case was not in complete agreement. The decision was 2-1, with Judge Vance Salter offering a compelling dissenting opinion as to why the court made the wrong decision in

finding that the FFHA requires exhaustion of administrative remedies.

This year, the Legislature has already introduced SB 268, which once again seeks to amend the FFHA to allow a person aggrieved by housing discrimination to file a lawsuit without having to first exhaust administrative remedies. The bill would allow an aggrieved party up to two years to file a lawsuit after an alleged discriminatory practice has occurred. Such a change in the law would undoubtedly have a significant negative impact on the multifamily housing industry, including the possibility of landlords having to defend an investigation by the Commission and a civil lawsuit simultaneously. However, if SB 268 meets the same fate as the 2012 and 2016 FFHA bills, then the decisions issued in *Belletete* and *SPV Realty* would stand, and a claimant would have to exhaust his or her administrative remedies first before filing a civil lawsuit alleging housing discrimination. ▲

Darren J. Ayoub is an attorney with McCain Barfield PA in West Palm Beach.



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Skyhouse Channelside **EMBODIES LUXURY** in Downtown Tampa

BY ALEXIS VILABOY

Just step outside from the luxury Skyhouse apartment building in downtown Tampa, and you see what residents get to enjoy all year long in the bustling Channelside district.

The 23-story structure enhanced the city's skyline when it opened in 2015, and its residents and ground-floor retail businesses have helped improve the overall quality of the downtown experience.

"The additional residents directly impacted the economy of the downtown Channelside area, giving a much-needed boost to local retail and restaurants," said Lisa Wood, regional manager at ZRS Management, which oversees the property.



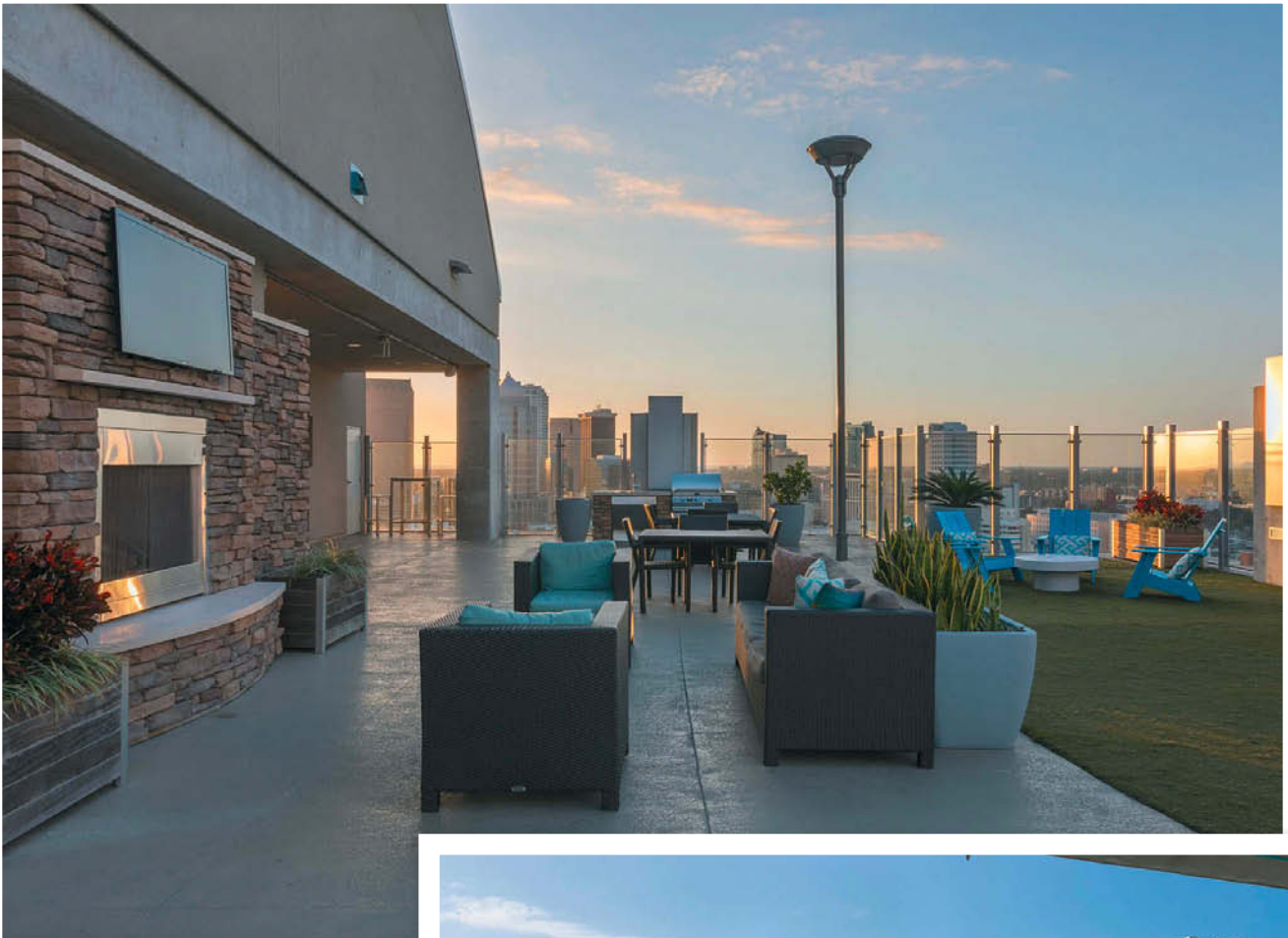


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Residents say they enjoy living there because it has a community feel even though it's in the heart of the city. "People in the building are just so friendly, and they genuinely take an interest in the surrounding businesses and restaurants," said resident Nicole C.

The building has 320 residences that range from studios to one-, two-, and three-bedroom apartments. The list of amenities is lengthy and includes a 24-hour concierge, a terrace with a fireplace and grilling stations, a clubhouse, a catering kitchen, a coffee bar, a 24-hour fitness center, a 360-degree infinity saltwater pool, and a poolside lounge. The residential tower is also pet-friendly and is adjacent to a dog park.

"The amenities and the interior finishings were probably the two most important things when I leased at Skyhouse," Nicole C. said.





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“Everything but the pool is 24 hours, and the interiors of the apartments are wonderful with real hardwood flooring and granite. I definitely use the pool the most. I usually go there after work to watch the sunset.”

The luxury continues inside each living space. The apartments come with wood-plank flooring, exposed concrete ceilings, and granite countertops — giving each unit a high-end feel. The community is especially proud of its floor-to-ceiling windows inside each apartment that offer views of the downtown skyline and the waters of Tampa Bay.

“The amenities that it brings, they’re second to none,” Wood said. “We make sure that the residents have the best experience possible.”

Skyhouse Channelside has created an environment where residents can enjoy a wide variety of services that truly add

to the downtown experience — and they can do it without even leaving the building.

The ground floor is home to several retail outlets that are only feet away from residents’ front doors, including a UPS Store, a Great Expressions dental center, and soon a new Publix grocery store. Perhaps the most popular feature is the District Tavern, which touts handcrafted cocktails, drink specials, American cuisine, TVs for sports enthusiasts, weekly trivia games, live music, and Sunday brunch. The *Tampa Bay Times* called the gastropub “far sleeker and more modern than the classic neighborhood bar. It caters to a different kind of local regular — the young, urban professional — and the look and feel of the place is tailored to suit: hip, modern, maybe just a little upscale.”

That upscale lifestyle in Channelside is filling a need for the growing millennial workforce. “It has given the people

who want to be closer to their work easy access to downtown,” Wood said.

Residents can take advantage of the surrounding activities the downtown area has to offer. With just one short walk or a ride on the TECO streetcar line, Washington Street Park and Tampa Riverwalk are minutes away. The residential tower is walking distance from Amalie Arena, home of the Tampa Bay Lightning professional ice hockey team and year-round concerts and events. It’s also near the Channelside Bay Plaza shopping and entertainment complex, the Florida Aquarium, and numerous bars and restaurants.

Skyhouse has clearly made an impact on its residents, surrounding businesses, and the views of Tampa. “The building itself has added to the Tampa skyline,” Carnevali said, “as well as allowed for amazing and unique views of Tampa in its entirety.” ▲

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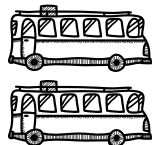
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