IREM® GOVERNMENT AFFAIRS TRAINING MANUAL

Updated January, 2014
USING THIS TRAINING MANUAL

We are pleased to provide you with the IREM Government Affairs Training Program. The intent of this program is two-fold: 1) to equip IREM chapters and chapter legislative contacts with the comprehensive information necessary to develop a legislative presence, and 2) to teach members how to effectively influence lawmakers to adopt policies and laws favorable to IREM’s position on issues pertaining to property management.

It is imperative for all IREM chapters to form their own chapter legislative committee in order to stay abreast of state and local issues pertaining to IREM® members and the property management industry. Legislative involvement is the driving force for legislative change. With the proper tools and knowledge, IREM members can make a difference in today's legislative agenda.

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PART I: Introduction

The Importance of Government Affairs and Public Policy to the Property Management Industry and the Realities About Politics

Political decisions produce winners and losers
- The Institute can be a winner or loser in the game of politics

Changes in the political environment alter how legislative decisions are made
- The Institute must adjust strategies to reflect changes in the political environment

The political process is VERY competitive
- The Institute must compete EFFECTIVELY to win!

One thing is clear. Any national association, even if represented at the regional or local level by chapters or through a federated structure, **must continuously monitor the pulse of state and local government**. Relegating state government affairs to a secondary tier of interest could create problems that cannot be undone at the federal level.

While IREM continues to maintain a strong presence in Washington, D.C., local chapters must make their voices heard in state legislatures and city halls all across the country. The Institute's chapter structure provides an excellent opportunity to affect policy and regulatory decisions at the state and local level.

Importance of Government Affairs to the Property Management Industry

By becoming involved in the legislative process means that you and your chapter are concerned about legislation affecting the property management profession and that you care enough to attempt to influence it. The IREM member is in a unique position to offer advice to lawmakers about specific legislation affecting the industry. Becoming involved in the legislative process early and often can ensure that the property manager's point of view has been considered.

Property managers should not discount the impact that legislative activity has on their particular industry. The U.S. Congress certainly handles legislative matters that affect property management, but legislation passed by state legislatures will usually have a more noticeable and immediate impact on the industry.

The Institute as a Resource

Providing members and chapters with timely, concise information is one of the most valuable services IREM government affairs staff in Chicago and Washington D.C. can deliver. Information on hundreds of issues that affect property management can be obtained through Institute Headquarters:
**Bill tracking** – The IREM State Legislative Database is a bill tracking program created and operated by IREM Government Affairs staff. Members are able to use this member-only service to review state legislation pertinent to property owners and managers. The IREM State Legislative Database allows members to search legislation easily by state and category.

To access the database, follow the following steps:

1. Go to the following webpage OR go to www.irem.org, and go to the Public Policy section of the web site, and then click on “IREM State Legislative Database.”
2. You must be logged in to your IREM account to access the database. If you do not know your used ID or password, call IREM Customer Relations at 800-837-0706.
3. You will see a map of the United States and search options on the upper left side of the page.
4. Begin your search! If you have questions, call IREM government affairs staff at 800-837-0706, ext. 6021.

**Government Affairs Staff** – The Institute can often assist members and chapters by helping to analyze a proposed bill for its impact on the property management industry. IREM government affairs staff can assist local chapters and members with the following: legislative and regulatory issues commonly visited by state and local governments, model legislative language, issue briefs, supporting data, sample testimony, and techniques for rebutting anticipated arguments.

**Policy Positions** – IREM legislative staff has drafted more than 120 policy positions on various issues impacting the real estate management industry. These positions act as guidance for IREM members when existing or pending legislation exists. Members can use these as a guideline to help lobby for or against policy.

**Legislative White Papers** – Detailed discussions of issues affecting the real estate industry are available in the form of legislative white papers and reports. Briefing papers may be viewed and downloaded from the IREM website. The direct link is: http://www.irem.org/public-policy/legislative-white-papers.
PART II: The Chapter Legislative Committee

Chapter Legislative Committee Responsibilities

- The principal goal of the chapter legislative committee is to assemble the talent and information necessary to establish positions and communicate with a unified voice for the purpose of promoting and advocating favorable legislation and regulations, and analyzing public policy issues that affect the property management community.

- It is the responsibility of the committee to establish legislative priorities and provide direction for the group's lobbying efforts. A chapter's lobbying power resides in the number of members that the committee can mobilize to support its actions.

- The committee should coordinate all communications with state and local policy makers from the IREM chapter in order to ensure a unified message.

- It should also seek to broaden legislative committee involvement to as many chapter members as possible in order to increase its visibility and effectiveness.

The following activities will help to achieve these goals:

1. Have a system in place to monitor, on a regular basis, federal, state and local legislative and regulatory actions that affect the property management industry.

2. Use IREM’s legislative statements of policy to determine positions on policy issues and legislation: [www.irem.org/File%20Library/Public%20Policy/IREM_SOP.pdf](http://www.irem.org/File%20Library/Public%20Policy/IREM_SOP.pdf)

3. Provide regular communication of legislative and regulatory developments to IREM chapter members and to IREM government affairs staff in Chicago.

4. Promote better understanding of property management public policy issues among IREM members and the general public.

Chapter Legislative Chairperson's Responsibilities

The chapter legislative chairperson will serve as the liaison between IREM national government affairs staff and the local chapter. Frequent contact will ensure that IREM’s policies reflect member and industry concerns.

Responsibilities and Expectations:

- Have interest in, and knowledge of, the basics of how the legislative and regulatory process works.
- Serve as the liaison between IREM national government affairs staff and the local chapter.
• Provide communication to chapter members on pertinent local (and sometimes federal) legislation and policy.
• Develop chapter legislative agendas – collects information on issues pertinent to that region.
• Encourage chapter member participation in legislative activities.
• Responsible for leading discussions of issues and actions during the chapter meetings.
• Develop and maintains relationships with other industry groups (to assist in lobbying efforts).
• Develop and maintains relationships with elected officials – **this is vital in establishing yourself and your colleagues as an expert in real estate management.**
• Monitor pertinent state-wide legislative issues and reports back to chapter when necessary.
• Responsible for issuing legislative or regulatory "Calls-for-Action" and coordinate Chapter legislative needs within the chapter and requests for involvement from IREM Headquarters.
• Lead grassroots lobbying efforts by implementing a “Day at the Statehouse” to introduce chapter members to state legislators, and discuss pertinent policy issues if necessary. More information on how to plan a “Day at the Statehouse” is in this guide.
• Encourage chapter members to attend annual IREM® Capitol Hill Visit Day in Washington, D.C. (Chapter Legislative Chair should be engaged in Capitol Hill Visit Day and attend if possible).

**Developing a Legislative Agenda**

It is important for chapters to develop a legislative agenda as this will serve as an advocacy guide throughout the year and beyond. The first step in developing a legislative agenda is to outline and prioritize appropriate current or impending property management issues to be monitored or acted upon and to collect information on such issues. Chapters can collect this information by consulting local sources such as chapter members, the local or state REALTOR® Government Affairs Director, and other industry government affairs professionals. Building relationships with lawmakers and their staff who can be relied upon to inform chapters of impending legislative proposals is extremely valuable. Let your elected official know that you are an interested constituent and want to be a voice on behalf of your industry.

Chapters should also take into consideration the resources that are available. Chapters will vary widely in the resources available to devote to state and local government affairs. The level of resources needed depends on the level of member involvement on the legislative affairs committee.

Once the legislative agenda is developed, it is imperative that chapters monitor the legislation of particular importance. Federal legislation can be monitored through the Library of Congress website at [http://thomas.loc.gov/](http://thomas.loc.gov/) and each state has a website with links to the legislative branch of their government (e.g. [www.state.il.us](http://www.state.il.us) for Illinois). The local and state REALTORS Government Affairs Directors can also be resources for information on monitoring legislation. IREM Legislative Staff can also assist you and your chapter in developing methods to monitor federal and state legislation that is of interest.

In addition to reacting to legislative items under consideration, local IREM chapters may wish to initiate legislation of their own, specifically relating to the property management industry. If the
legislature is considering several major issues during the current session, it may be wise to delay pushing your legislation until a later session. However, local chapters must determine, along with the legislation's sponsor, the most opportune time for seeking passage of your legislation.

**Topics for Discussion**

- Develop the chapter’s Legislative Committee and set goals.
- Develop the legislative agenda. What are the issues, priorities?
- Identify the methods used by your chapter to gather and monitor legislative and regulatory information. What additional resources do you need?
PART III: Executing the Legislative Agenda

Educating and Mobilizing IREM Members

Strength in numbers! Lobbying power comes from well-informed members who recognize the value of encouraging legislators to support their legislative agenda. IREM members are an important force by virtue of both their quality and their quantity. The key question is how to communicate with members so that they will be motivated to contact their legislators on behalf of the chapter’s concerns.

Include legislative issues on the agenda for chapter meetings. Take a few minutes to discuss an issue on your chapter’s legislative agenda with the membership. An excellent way to inform members is to plan a legislative luncheon or breakfast meeting and inviting a legislator or state REALTOR Government Affairs Director to attend and to increase the visibility of the chapter’s legislative agenda and presence. You can also extend an invitation to your federal, state, or local elected official to come to your chapter meeting.

As always, chapters can contact IREM for assistance in developing information to educate and to mobilize members on legislative issues.

Working with Coalitions

Legislation is often influenced through the combined efforts of a number of groups working in a coalition, rather than through the efforts of a single organization. Coalitions focus and coordinate the resources of many groups that have a common policy interest.

At the national level, IREM has been involved in legislative coalitions with such other real estate industry groups as the National Association of REALTORS®, the CCIM Institute, and the Building Owners and Managers Association (BOMA), the Chamber of Commerce, and the Real Estate Roundtable to name a few.

While coalitions have the potential to garner tremendous legislative strength, they are always vulnerable to the danger that some members may become dissatisfied with the direction being taken and attempt to arrange a legislative compromise not supported by the majority. Despite this inherent weakness, the risk is worth taking to gain the strength that comes from a broad base. With the use of a coalition comes compromise. Therefore, chapters may not always find support from coalition partners on all the positions it has taken.

It is especially important to provide coalition members with accurate, timely, brief and clear information on which to take action because, in many instances, the goals of the coalition may differ somewhat from an organization's individual, long-range agenda. Coalition members must be consistent in their presentations to legislators. Their message must be focused and concise.
Political Action Committees

Due to our affiliate status with the National Association of REALTORS®, Institute Headquarters and individual chapters are not allowed to form political action committees (PACs) separate from the REALTORS® PAC (“RPAC”).

IREM® members are encouraged to become involved with and contribute to RPAC and/or the political action committees of their state or local Associations of REALTORS®. RPAC funds are used for direct contributions to federal candidates' campaigns, and in some cases for other activities such as advertising or polling in support of federal candidates. Information on becoming involved in RPAC can be found in the Public Policy Section of the Institute’s website at www.irem.org/public-policy/realtors-political-action-committee-rpac.

IREM® members are eligible for membership on state or local REALTOR® political affairs committees. Involvement in those committees is quite advantageous, as an IREM® member can promote support of issues unique to the property management industry. For information about how you can become involved in politics through NAR at the state or local level, contact the Government Affairs Director of your state or local Association of REALTORS®.

Public & Community Relations

An indirect form of lobbying is through the media. Legislators pay particular attention to the media and, therefore, it plays an important role in shaping public policy. Effective public and media relations can be an important means of building support for your legislative issue.

Chapters can present information to the media in a number of different ways that will draw more attention to your issue and increase the interest of the legislature.

- Press Releases -- A press release can be used to promote a legislative initiative or take a stand on action by the legislature. The information contained in the press release should be both important and new. The press release should answer the "five w's" -- who, what, where, when, and why.

- Press Conferences -- Unless the issue is particularly timely and important, it may be difficult to get good attendance at your press conference. Have a well-written press statement and background materials available as handouts. Keep the press conference short and leave plenty of time for a question-and-answer session.

- Letters to the Editor -- Letters to the editor can significantly increase awareness of an issue. Sometimes letters are used to respond to negative editorials. Letters should be tightly composed and include specific examples to make your points.

Social Media Outreach

The use of social media tools has become one of the fastest ways to communicate with people. There are several new and hot methods of using social media; Facebook, Twitter,
LinkedIn and others. Consider creating a Facebook page for your respective chapter or the legislative committee. You can post legislative updates, information on pending bills, meeting times, and chapter schedules. Twitter is an effective way to get a quick message out to members in a time sensitive manner. You can inform members and interested parties of Calls-to-Actions, bill votes, last minute meetings, and other pertinent information. LinkedIn is a more professional, formal method to share information, although it may not be as user friendly as the aforementioned social media tools. LinkedIn allows you to create groups to share important industry information or reach out to other networks and members.

**Topics for Discussion**

- Assess IREM members' involvement in chapter legislative affairs. What can you do to increase participation?

- Identify local real estate groups and other organizations that may be potential coalition partners.

- Identify IREM member relationships with legislators or other public officials. How can these relationships help to achieve legislative or regulatory success?

- Discuss methods of publicizing Institute positions on public policy issues.
PART IV: Lobbying Techniques

Be Prepared

Perhaps the most important thing you need to know when lobbying is the issue.

- What is the substance of the legislation? Why is it important?
- What are the consequences if it passes, fails?
- What are the financial implications of the legislation?
- What will be the impact of the legislation on the legislator's constituents?

It is helpful to give an illustration or two of how the problem will affect the legislator's district. Be sure of the facts and build communication around them.

It helps to know a little about the legislator you are lobbying.

- On which committees does he/she serve?
- What are his/her pet issues?
- How has he/she voted on similar legislation in the past?

Much of this information can be obtained from state legislative rosters that are available in every state. However, don't let a lack of detailed knowledge about a legislator stand in your way. Legislators pay attention to well-presented positions by constituents, regardless of their knowledge of personal details.

Using Calls-to-Action

One method to effectively mobilize members to communicate a message this is by using a legislative alert or "Call-to-Action." (See "Call-to-Action" in the Appendix.) Institute Headquarters uses "Calls-to-Action" at the federal level to alert members that the time has come to personally contact a member of Congress or a regulatory agency, urging them to support a particular legislative position or to influence the writing of certain regulations. "Calls-to-Action" issued by Institute Headquarters can be duplicated at the chapter level to involve even more members and strengthen our effectiveness and can be distributed to chapter members via email or fax. Send your alert soon enough for your members to contact their legislators, but not before their efforts will be effective in influencing the issue. Timing is key.

Letters

Written campaigns are an effective way to persuade legislators to support a position. Remember that competition is stiff - legislators receive an enormous amount of mail each session. (See "Sample Letters" in the Appendix.) It is important that all letters be different. Form letters are tallied and discarded, but individualized letters have a much greater impact upon the representatives and staff who read them.

Making Phone Calls/Sending Email

In every legislative effort there comes a time when it is crucial to have immediate member contact. Often there are less than twenty-four hours before a key vote comes up in committee or even before final vote in a legislature. Having a procedure for generating personal phone calls or emails from members to legislators before a key vote is essential. Several calls or emails to a legislator's office just before a vote can be persuasive,
especially if the legislator has not taken a definite stand on the issue.

Chapter members should be provided with a legislative roster including the legislators' telephone numbers and email addresses for either their district or capitol office. If it is not possible to speak directly with the legislator, ask to speak with his or her legislative aide or leave a detailed message – be sure to include the bill number and the action you would like the legislator to take, i.e. “Support” or “Oppose”. Legislative offices keep count of pro and con phone calls on particular issues.

Provide copies of your letters, emails and any replies received to the Chapter Legislative Chairperson and the Chapter President.

**Personal Visits**

Personal meetings are effective in communicating with legislators. You are a constituent and they are interested in your view of specific legislation, particularly with regard to legislation that impacts the property management industry. During a visit, inquire about how the IREM Chapter can be most helpful in developing support for legislation.

With regard to Congressional members, meeting in the district office can be beneficial because legislators are usually less harried when they are home on weekends or during recess. Don't hesitate to meet with staff if the legislator is unavailable. Staff people wield considerable power and are often able to give more time and attention to issues than legislators can.

If you know that you are going to be in Washington, D.C. or your state’s capital while your legislature is in session, schedule a time to meet with your representatives. These appointments should be made well in advance of your arrival and should BE FLEXIBLE – legislators’ schedules change on an hourly basis while they are in session. You can also plan a Day at the Statehouse with your chapter or region. See this section below.

You will probably know considerably more about the legislation than your legislator does. Legislators will welcome information and will particularly appreciate any anecdotes or illustrations that spell out the impact of the legislation upon their constituents or their legislative districts. Explain how the issue relates to the legislator's past votes or interests. Providing them with general information is necessary. Remember to be personable, friendly but firm in your views.

Remember to acknowledge the arguments of your opposition and be prepared to explain why your position is best. Provide information both orally and in the form of a fact sheet that you can leave with the legislator. Be certain that it includes a brief description of the issue, why it is important, and the action that you want the legislator to take. Key statistics that illustrate the importance and impact of the legislation are particularly helpful.

Again, follow-up is important. A thank you letter restating the issue and position should be sent immediately after the visit. Copy any staff member that might have participated in the meeting as well.
In all communications, whether by phone, letter, email or personal meeting, it is important to be accurate, brief, clear and timely. Never become angry or argumentative with the legislator about his or her failure to support your position. Most legislators have long memories and if you have strained your relationship by getting angry -- no matter how much you may have been justified in doing so -- chances are that you will not be given access to that legislator in the future.

Providing Testimony

Legislative and regulatory bodies often call for public hearings. They may be held to inform the public about issues or to get the information they need to draft laws and regulations or to find out whether or not a law or rule is needed. Providing testimony can help to establish a chapter as an authority in the eyes of the body.

The chapter president, legislative chairperson, or a member with expertise on the subject being discussed should deliver the testimony. When testifying, the statement should be brief, but effective. Provide written copies of the testimony to ensure that the main points will be noted in the record. Contact the clerk of the decision-making body holding the hearing for the format requirements for giving testimony.

If it is known which legislators or regulators will be opposed to the position, anticipate the opposing arguments and be prepared for effective rebuttal. Be courteous to those expressing opposing views and follow up your testimony with a letter that deals specifically with the issues he or she raised; it is simply part of the process.

Working with a coalition can be of a great benefit when coordinating and providing testimony. Attempt to get other groups who favor your position to sign on to your testimony if they are not planning to testify separately. Having several other organizations that are well known to legislators sign on to the statement can significantly strengthen the impact of your message.

Other Methods of Communication

There are many other ways to communicate your position to legislators. The following are a few examples:

- Invite a legislator to visit a member’s property and describe how a specific piece of legislation will affect its management. Such a visit may be the most effective way to illustrate a position.

- Invite a legislator to speak at a chapter meeting. Legislators usually appreciate such opportunities.

- Organize a Day at the Statehouse and invite members to participate. Participants should be well briefed and appointments with legislators should be set in advance (see the section on how to plan a Day at the Statehouse in this guide).
Be certain to publicize any meetings or events the chapter participates in with a legislator to other IREM\textsuperscript{®} members and the local media.

**Topics for Discussion**

- Discuss specific lobbying methods used by you chapter in the past and the effectiveness of those methods.
- Identify special abilities of IREM members that may assist in lobbying legislatures or regulatory bodies (i.e. attorney, accountant, journalist, engineer, etc.).

"No man's life, liberty, or property are safe while the legislature is in session."

-- Tucker (N.Y., Surr. 1866)

**IREM\textsuperscript{®} Day at the Statehouse**

In 2014, we are implementing a new program called the IREM\textsuperscript{®} Day at the Statehouse. This is an opportunity to mobilize chapter and regional members to come together and visit your statehouse and meet with legislators. This is different from the IREM\textsuperscript{®} Capitol Hill Visit Day in Washington, D.C. as this program focuses more on building relationships with your local legislators rather than lobbying issues. Of course, if an important policy issue arises during the time of your statehouse visit, it would make sense to discuss the issue with the legislator. *Please see the appendix below on how to plan your visit.*
Appendix

Chapter Legislative and Regulatory Activity

Article I, Section 2 of the Institute of Real Estate Management Bylaws outlines the responsibilities and guidelines of legislative and regulatory activity by IREM Chapters.

SECTION 2. CHAPTER LEGISLATIVE AND REGULATORY ACTION

2.6.1 No chapter shall undertake any program of attempting to influence legislation or regulations by state or local authorities when the outcome of such activity would be contrary to policies or positions taken by the Institute or the NATIONAL ASSOCIATION OF REALTORS®. When any such program is undertaken, the chapter must limit its position to the parameters set out in the Institute’s Statement of Policy on that issue or any Institute policy that relates, even indirectly, to the issue in question. In the event there is no official Institute policy on the issue in question, lobbying efforts must be confined to the position of the respective local REALTOR® board(s). In the event the local REALTOR® board(s) has adopted no position on the issue in question, the chapter may adopt such policy as it deems appropriate with prior approval of such policy by the Institute. In all cases, the chapter is encouraged to keep Institute headquarters informed of all such activity and seek guidance where appropriate. The Institute shall provide information to a chapter relative to established Institute policies and positions pertaining to legislation and regulations.

2.6.2 Chapters may, as needed, hire consultants, such as lobbyists, to assist in their state and local legislative projects, provided that they take measures to ensure that all state and local laws and regulations concerning lobbying activities are followed.

2.6.3 Chapters must avoid lobbying activities that might have a detrimental tax impact on the Institute and its members. “Grassroots” lobbying, which is defined as attempts to reach the general public rather than just association membership, should also be avoided. Lobbying activities must be directed to the impact that proposed legislation would have on the real estate community. In the event questions arise as to the scope of an issue, the Institute and legal counsel should be consulted.

2.6.4 Chapters may solicit their members for contributions to a legislative action fund.

(Current as of January, 2014)
How to Address Letters to Elected Officials

**US Senator**
Dear Senator Doe:
The Honorable John Doe
United States Senate
(Use either district office address or Washington D.C address)

**US Representative**
Dear Representative Doe:
The Honorable John Doe
U.S. House of Representatives
(Use either district office address or Washington D.C address)

**Governor**
Dear Governor Doe:
The Honorable John Doe
Governor, State of Illinois
Address
City, State, Zip

**State Senator**
Dear Senator Doe:
The Honorable John Doe
Illinois State Senate
(Use either district office address or state capitol address)

**State Representative**
Dear Representative Doe:
The Honorable John Doe
Illinois House of Representatives
(Use either district office address or state capitol address)
Sample Letters and Calls-to-Action to Elected Officials

The following sample letters and calls-to-action demonstrate the format and manner in which correspondence should be addressed to elected officials.

Make letters as personal as possible and be certain to mention that you are affiliated with the Institute and include your credentials. Also, be sure to mention that you are a constituent of the legislator (this is very important!).

Write letters on business letterhead and try to keep them as brief and concise as possible.

In the first paragraph, ask for the action you want the legislator to take, i.e. “Vote for HB235” or “Oppose HB235.” Identify the legislation clearly by name and number if a bill has been introduced in the legislature. Ask the legislator to reply and ask them directly whether or not they support your position. Be as direct as possible while still being courteous.

Be certain your legislator receives the letter before the vote.

You may want to scan the letter and e-mail it as well as send a hard copy.
February 28, 2005

The Honorable Maria Cantwell
717 Hart Senate Office Building
Washington D.C.  20510

Dear Senator Cantwell:

As your constituent, I am writing you today to urge your support of S.256, the “Bankruptcy Abuse Prevention and Consumer Protection Act of 2005.” I am a member of the Institute of Real Estate Management of the National Association of Realtors® (IREM) and in addition to being the operator of a property management company based in Spokane, I am legislative chair for IREM’s Spokane chapter and sit as a member of IREM’s national Legislation and Public Policy Committee.

I have advocated for prior versions of this legislation in visits to your Washington D.C. office. This legislation is of great importance to the real estate industry and the clients that we serve.

The first component of the legislation focuses on single-asset real estate bankruptcies. The Bankruptcy Code provides for properties valued at less than $4 million are subject to an automatic stay from creditors for 90 days. The stay for those properties valued in excess of $4 million is often for 180 days to over one year. S.256 would provide for the 90-day automatic stay to apply to all properties, regardless of value. Debtors demonstrating good cause for extensions beyond the 90-day stay could receive extensions at the end of the first 90 days, if there is merit.

The second issue of relevance to the real estate industry relates to automatic stay provisions in rental housing. State and local landlord tenant laws provide the basis for landlords to terminate residential leases for cause. The current Bankruptcy Code, however, provides debtors who are residential tenants an unnecessary loophole, which, in effect, allows continuing economic and non-economic defaults by renters after issuance of an automatic stay. This defect in the Code needs to be rectified.

A third element of the bill in which I have significant experience deals with bankruptcies by shopping center tenants. Current law allows commercial tenants who file bankruptcy a 60-day period to make a decision to assume a lease and continue the tenancy, or to reject the lease and terminate. Extensions of this period of time are available to debtors who make a showing of good cause for the extension to be granted. Too many debtors are abusing these extensions by piling one extension on top of another, and in some cases, doing so for a period of two or three years, while leaving the commercial landlord with what is, in effect, a month-to-month tenancy that can be terminated by the tenant at-will. This uncertainty negatively impacts the value of shopping centers and the ability of property owners to sell or refinance the asset. S.256 would double the initial
period for a debtor to assume or reject a lease and allow one additional 90-day extension, if requested by the bankruptcy trustee. The total period for the tenant to accept or reject the lease would be capped at 210 days, absent the express consent of the landlord.

Another real estate related issue deals with debtors who own units in homeowners’ and community associations and hold obligations to that association for assessments. S.256 would make homeowners’ association fees and assessments non-dischargeable in bankruptcy.

In closing, I urge your support of S.256 and ask that you not support any amendments that would dilute the above-provisions of this bill or limit its chances for passage this year. This is legislation founded in equity and common sense, and deserves passage.

Sincerely,

TOMLINSON BLACK MANAGEMENT, INC.

[Signature]

John M. Bennett, CPM®
President

jmb/sw
The Honorable Jane Doe
US House of Representatives
Address
Washington DC  20510

May 5, 1999

Dear Representative Doe:

   On behalf of the professional property managers of the Institute of Real Estate Management®, we urge the defeat of an amendment to H.R. 833, dealing with single asset real estate. The Institute of Real Estate Management is comprised of over 9,000 property management professionals who manage over 24% of the nation’s privately owned residential apartment properties, 44% of the nation’s office buildings, and 10% of the nation’s retail space.

   H.R. 833, the "Bankruptcy Reform Act of 1999", contains a provision which would eliminate the cap on single asset bankruptcies. This provision of the Code subjects properties with a value of less than $4 million to an automatic stay from creditors for 90 days. However, the stay for properties of over $4 million can last for 6 months to well over a year. As written, H.R. 833 would eliminate the arbitrary cap, as recommended by the National Bankruptcy Review Commission, and treat all single asset bankruptcies the same.

   Representatives Conyers and Nadler plan to offer an amendment, which would prohibit the definition of a single asset from applying in any case where 5 or more jobs could be lost. This would in effect, nullify the single asset protection currently in the Code. Chapter 11 debtors could continue to game the system as they have in the past, by hiring employees before filing, or delaying the bankruptcy action unfairly. This provision would recreate the uncertainty that the original provision sought to contain. Bankruptcy Courts could hold endless hearings on the application of this amendment and whether certain employees may lose their jobs. This unlimited uncertainty was an underlying reason for changing the Code in 1994, when Congress determined that single asset cases are different. They rarely result in reorganization, and employees are better off if a new entity takes over the troubled property to return it to a going concern.

   The Institute urges you to vote "no" on this amendment, which will throw single asset bankruptcies into games of confusion, legal maneuvering and finagling. Reject this amendment, and support the provision as written in H.R. 833.

Sincerely,

Michael B. Simmons
1999 President
May 3, 1999

The Honorable Dianne Feinstein  
United State Senate  
SH 331  
Washington, DC 20510

Dear Senator Feinstein:

On behalf of the professional property managers of the Institute of Real Estate Management, we thank you for your support of Section 311 of S. 625, the "Bankruptcy Reform Act of 1999". The Institute is comprised of over 9,300 property management professionals who manage over 24% of the nation’s privately owned residential apartment properties.

Section 311 of S.625 would close a loophole in the Bankruptcy Code, which allows for serious fraud and abuse. Currently, tenants of multifamily rental housing will file bankruptcy and refuse to pay rent, costing landlords hundreds of dollars of lost rents and legal fees to pursue bankruptcy remedies. Current law will even allow a stay from eviction for residents who have caused property damage, health department violations, and have threatened fellow residents. The rental housing industry has witnessed an increasing number of tenants who are manipulating the U.S. Bankruptcy Code in order to live in their apartments without paying rent. As written, Section 311 is narrowly crafted to provide adequate notice and due process to residents filing bankruptcy. At the same time, the provision protects private property owners (over 96% of whom are small businesses); current residents, who are often forced to pay the passed-on costs associated with those who abuse the Code; and prospective tenants who would not have to wait 6 months or longer, as they do now, to get into rental property units occupied by residents overstaying their lease.

Again, we thank you for your comments at the Judiciary Committee mark-up, addressing the importance of Section 311 of S. 625. This provision is important to the members of the Institute, and we very much appreciate your support.

Sincerely,

Enis L. Hartz  
Senior Vice President  
Legislative Services  
Institute of Real Estate Management
The alert should contain the necessary background material including bill number, status, and a list of pertinent facts about the bill. It is difficult, but important, to keep your legislative alert brief, but precise. Be certain that your first paragraph tells your member what the issue is and what action you are requesting. Include websites where members can access more information on the bill or how to contact their legislators.

Sample CALL-TO-ACTION

TO:  IREM New York Chapters  
FROM:  Patricia Nooney, CPM®
       Senior Vice President, IREM Legislative Affairs Division  
DATE:  April 28, 2000  
RE:  New York Forced Access Legislation  
AB 10054/SB 7059

The Institute has learned that telecommunications legislation has been introduced in New York. AB 10054 and its companion, SB 7059 would require all building owners and managers to allow telecommunication carriers access to their buildings. These bills infringe on private property rights by telecommunication carriers. If passed, AB 10054/SB 7059 would be extremely detrimental to those involved in the real estate industry by denying you, as owner or manager of property, to decide what telecommunication services are allowed in your property. Both bills are in committee in their respective chambers. To make sure these bills die in committee, your IMMEDIATE involvement is needed!

Please note that even though the language of the legislation refers to “telephone service”, the bill analysis discusses other forms of telecommunication, specifically mentioning cable television provider access. The intent is the same - this is forced access legislation in disguise!

Institute Headquarters has been fighting telecommunications and forced access legislation over the past three years with tremendous success. **We are confident that with your efforts, this bill will be defeated!**

**What you can do:**

1. Write, call, fax or email your state legislators and urge them to not support AB 10054 and SB 7059

Addresses for Senate and Assembly members can be found by accessing each chamber’s website at [www.senate.state.ny.us](http://www.senate.state.ny.us). A copy of AB 10054 and an analysis of the bill are enclosed. In addition, bullet points further outlining the Institute’s argument against AB10054/SB 7059 are attached should you want to include those in your letters as well.
How to Plan Your IREM® Day at the Statehouse

Each IREM chapter should establish and maintain professional relationships with state legislators. It is imperative to keep lines of communication open with elected officials to ensure the passage of legislation that enhances the property management industry. A “Day at the Statehouse” is an efficient and fun way to get involved with your state legislators. Essentially, a Day at the Statehouse is an opportunity for IREM chapters and regional members to travel to your respective state capitol and meet with legislators introducing them to your chapter and IREM®, and discussing any pertinent legislative issues.

To plan your Day at the Statehouse, see the guide below.

1. Your chapter’s Legislative Contact should initiate, plan, and implement the program. If the Chapter Legislative Contact cannot plan the event, he or she should designate a chapter member to this responsibility.
   a. The Legislative Contact will want to reach out to the chapter president and other officers to get options for dates for the event.
2. Reach out to other chapters in your state and region to have them join you at the IREM® Day at the Statehouse.
3. Start planning the day.
   a. There is no right or wrong time of year to visit, but be sure to check the session calendar and make sure they are in session that month/day you will be visiting.
      i. Understand that because it will be a session day, you will need to be flexible in scheduling meetings with individual legislators.
   b. Depending on your chapter’s resources and budget, you can have a breakfast or coffee hour to kick-off your Day at the Statehouse program. You can invite legislators and/or their staff to join you and mingle.
   c. You may want to request a statehouse tour for the day – probably in the morning is best. You can do this at your respective state’s website; check for a link to “visitor information.”
   d. Schedule 30 minute meetings with legislators throughout the day. (And remember to be prepared to be flexible if they get called away for a moment.) If they are in session, they may be called away on occasion to the floor to vote. Despite these “interruptions,” it will prove to be an exciting and energetic day!
      i. You may need to break up into several groups. Be sure to have at least one person in your group who is a constituent of the legislator you are meeting.
   e. Again, depending on your chapter’s resources, you may want to consider a reception at a local establishment and invite legislators.

   Sample IREM® Day at the Statehouse Schedule:

   8:00AM: Coffee and networking
   9:00AM: Statehouse tour with all IREM members who are at event
   9:30-11:30AM: Meetings with legislators (Senate and House)
   12:00-1:00PM: Break for lunch
   1:00-4:00PM: Meetings with legislators (Senate and House)
   5:00-6:00PM: Cocktail reception

4. What to prepare for the visit.
a. You will want to have a “script” for each visit.
b. Introduce yourselves, explain what you do professionally (types of properties you manage, how many units your company has, etc.), and then explain who IREM is and what the organization does (many legislators have heard of IREM, but will welcome more information).
c. If there is a particular piece of legislation or policy issue that could impact property managers, you should plan to discuss it with your legislators.
   i. Tell the legislator what the legislation is (include bill number(s)), why it is beneficial/harmful to the property management industry and IREM® members, and ask the legislator to vote for/against the legislation when it gets to the floor.
   ii. Be prepared with examples of why the legislation is harmful or beneficial.
   iii. Have financial impact information of the legislation (how much will it cost the taxpayers?) readily available because the legislator WILL ask for it.
d. Prepare a 1-page “leave behind” or brochure to leave with the legislator after your meeting.
   i. The leave behind should explain IREM and give a bit of information on your chapter(s).
   ii. If there is a pertinent issue pending, be sure to include information on why the legislator should or should not support it.
e. Leave business cards behind with legislators and their staff.
f. The goal of the IREM Day at the Statehouse is to have a fun, light-hearted event to educate legislators on IREM and the property management industry. You want to establish a relationship with the legislator so he or she knows to contact you as an expert of the property management and real estate industries.

5. What else to know.
   a. Be sure to communicate with other IREM chapters and members in the state about your event so they can join you and be prepared.
   b. Most statehouses will have metal detectors and have similar rules and regulations as courthouses – no knives or guns, etc. Be sure you check the rules before your visit.
   c. Dress professionally. We recommend wearing business suits or comparable attire. Also, wear comfortable shoes. You’ll be on your feet the entire day and don’t want to be miserable.
   d. Bring a camera and take pictures with legislators. You can use these photos for press releases, Facebook, Twitter, and other social media.
   e. Be pleasant, personable, and warm. This is an opportunity for IREM® members to get to know their state legislators and vice versa. You want to leave a good impression so the legislator feels confident to look to you in the future as an expert.

6. Contact the IREM Senior Manager of Government Affairs at (800) 837-0706 ext. 6021 with any questions you may have about planning your IREM® Day at the Statehouse.

7. Have fun!
Sample letter to state legislator requesting meeting for Day at the Statehouse event:

January 22, 2014

Honorable Governor Maggie Hassan
State House
107 North Main St.
Concord N.H. 03301

As the Legislative Chairman of the Institute of Real Estate Management (IREM) and a resident of Salem New Hampshire, I am writing for myself and my fellow commercial real estate colleagues from New Hampshire. We are scheduled for a NH Statehouse tour on May 8th at 2:30 PM and would like to meet you briefly at this tour. We realize you juggle a busy schedule and only ask for a few minutes of your time.

As you are aware the real-estate industry plays a critical role in the recovering economy. IREM is an affiliate of the National Association of REALTORS® consisting of more than 19,000 real estate management professionals who manage 57% of the nation’s conventionally financed apartment units, 1.3 million units of federally assisted housing, 32% of the nation’s office buildings, and 9% of the nation’s retail space. Collectively, IREM members manage more than 6.5 billion square feet of commercial space and more than 13 million residential units, totaling over $848.2 billion in real estate assets. IREM® Members are employed by some of the most prestigious real estate firms in the world and nearly 70% hold upper-level management positions.

Sincerely,
David Barrett CPM®, ARM®, CMCA®, AMS®, PCAM®
President, Institute of Real Estate Management Chapter #4