

June 2019

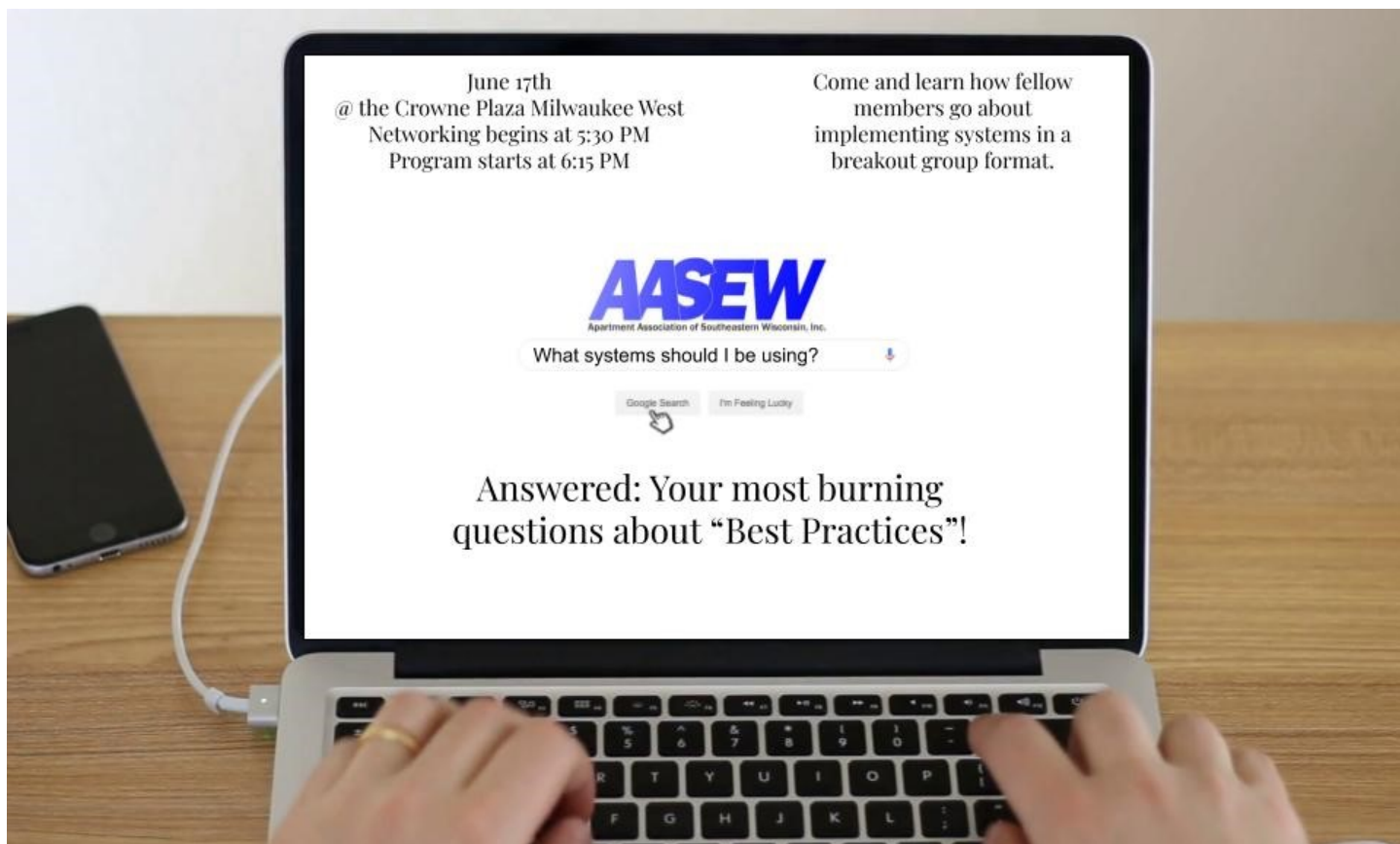
# AASEW

Apartment Association of Southeastern Wisconsin, Inc.

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## Are You Confused By Requests For Service, Emotional Support And Assistance Animals?

By Ron Hegwood  
AASEW Board President

The FHA prohibits discrimination based on disability and requires housing providers to make reasonable accommodations for people with disabilities. But what if the prospect requested an emotional support bird in addition to a service dog? What if they gave you an online “certification” for the emotional support bird? What if the requested service dog was a restricted breed in your county? Accommodation requests related to assistance animals can cause much confusion. This is understandable – multiple laws apply and use different terms and definitions, there are many kinds of assistance animals that help people with many types of disabilities (some of which are not obvious), and online sites have surfaced offering questionable documentation.

### Three laws relate to rental housing and service and assistance animals:

- The Fair Housing Act (FHA)
- The Rehabilitation Act of 1973 (Section 504)
- The Americans with Disabilities Act (ADA)

The FHA applies to almost all rental housing. Among other things, it prohibits discrimination based on disability and requires housing providers to make reasonable accommodations for people with disabilities, such as making an exception to a no-pet policy or a breed restriction.

Like the FHA, Section 504 prohibits discrimination based on disability and requires housing providers to make reasonable accommodations for people with disabilities.

Whereas the FHA and Section 504 prohibit discrimination in housing, the ADA prohibits discrimination based on disability in all areas of public life, including schools, transportation, and all places that are open to the public. The ADA requires you to let service dogs accompany their owners in any area of the community that is open to the public, such as the leasing office.

### Know the terminology and definitions for assistance animals

Under the FHA and Section 504, emotional support animals, companion animals, and service animals are all considered assistance animals. The broad term of assistance animal describes any

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animal that provides assistance, or performs tasks for the benefit of a person with a disability. In addition, the animal can provide emotional support that alleviates one or more symptoms or effects of a person's disability. At the present time, an assistance animal may be any type of animal and is not required to have specific training.

**However, the ADA uses the term “service animal”**, and defines it specifically as a dog that has been individually trained to do work or perform tasks for people with disabilities.

Emotional support animals, companion animals and animals other than dogs (and sometimes miniature horses) are not considered service animals under the ADA.

You cannot deny a reasonable accommodation request because an animal does not meet the ADA definition of a service animal. Under the FHA and Section 504, reasonable accommodations must be granted for assistance animals, which include service animals, as well as emotional support and/or companion animals.

It may help to think of assistance animals as working animals instead of pets, to prevent confusion. Assistance animals may be cats, dogs, birds, turtles, rabbits, hamsters, fish, or nearly any other type of animal. It is not the type of animal that matters, but rather the function the animal serves.

### Proper assistance animal documentation

If you are suspicious about any aspects of the documentation, do not immediately deny the accommodation request. Instead, start a conversation with the resident to gather more information. You may treat the animal

*Continued on page 18*

## Rental Application—Proper Screening Practices

By Anne Belter  
Belter and Associates, LLC  
AASEW Member

As an experienced multi-family property investor I have learned that whether you are a property manager or landlord of a SFH rental or hundreds of units proper screening can be the single most important thing after already finding and closing on the deal. I say this because one bad tenant can cause you not only hours of headaches, but completely drive a property into the ground. First things first, have each potential tenant over 18 years of age fill out a rental application to determine if the individual(s) meet your requirements. The rental application should have questions that provide enough information to determine if they meet your requirements. If you are not already using a rental application or are not sure where to get a pre-drafted application, check out the Rental Application at Wisconsin Legal Blank.

Once you have an application, determine if you are going to charge to process the application or not. We learned over the years that by charging for processing of each application potential tenants who know they don't meet the requirements are generally deterred from viewing the unit and applying. The application fee also helps cover some of the cost of processing the application; such as the cost for credit, background, and/or eviction check.

Now that you have a filled out application and the application fee paid, you need to process the application. This means that you are going to look for some of the below items:

- Current and previous employers – How long has the tenant been at their current job? Has he or she switched jobs multiple times in the last few years? Is the job listed on the application within driving distance from your rental? And my favorite question to ask is – are they still currently employed with no plans to terminate? (You can't imagine how many times I have heard "No")
- Current income level – Does the tenant's income cover the rent plus normal living expenses?
- Contact information for previous landlords should be listed with previous addresses, amounts of rent paid, and reasons for leaving. Are there any gaps in rental history, or are the names and contact information for any landlords missing from the application? Were they ever evicted? Was their deposit returned in full?

- Background information – Does the tenant conform to your written acceptance criteria?
- Credit Check – Do they have credit that meets your requirements?
- Dependent information
- Pet information (number, type, breed, age, weight) and require a picture to verify the mix breed isn't on your list of prohibited breeds
- Personal references should include names, type/length of acquaintance, and phone numbers

To process the application and answer these questions still doesn't help you determine if the applicant should become a tenant. To do that you should have a thorough and consistent screening process in place. This is one of the most vital steps you can take as a successful landlord. It helps minimize some, but not all, of the risks of being a property manager such as late payments, non-payment, illegal property use, and property damage.

Make sure you write down your requirements and date when they went into effect. If changes are made to your requirements make sure you update them and put the new effective date on them.

Requirements should consist of:

- Income
- Landlord and/or Employment References
- Credit History
- Eviction History
- Criminal History

Requirements should not consist of items that would break fair housing requirements (i.e. sex, race, etc.). Most importantly, the requirements should be applied equally to each and every applicant that applies and exceptions should not be taken. If exceptions will be allowed, they should be listed in your requirements. For example, if you require an additional deposit for someone to move in that does not have any rental history make sure this is noted in your requirements.

If you want to learn more on this and many other helpful landlord topics I encourage you to attend Tristan Pettit's Landlord Bootcamp!



**AASEW**  
Apartment Association of Southeastern Wisconsin, Inc.

## Community Spotlight



### Milwaukee County's Move On Initiative

Milwaukee County's Housing Division is working on the "Move on" initiative which gives individuals who have been successful in supportive housing programs the opportunity to move forward with tenant based vouchers. This opportunity will provide approximately 250 residents the chance to look for their own housing. For this to be successful we are hoping to partner with local landlords to assist residents in locating their new homes. If you have any units come available this please contact Kali Daugherty at Milwaukee County Housing Division

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## AASEW Welcomes Summer Intern—Ben Brandenburg



Hello everyone! If you are wondering who I am, my name is Ben Brandenburg and I will be interning for the Apartment Association and RJH Properties this summer. I am hoping to meet most of you at some point this summer, either at the monthly meetings or other events. And if you receive a ripped name tag at the monthly meeting, my apologies, I am still figuring out that darn tag machine! My background consists of graduating at Germantown High School and currently attending the University of Wisconsin-Madison, majoring in marketing and supply chain. However, I have a growing interest in real estate, due to working alongside Ron and Kathy and learning the ins and outs of this fantastic association. But I will be primarily in charge of the marketing side of things this summer, working to attract and retain members looking for an organization they can benefit from in AASEW. If you see me around at meetings or events, feel free to reach out, as I am always eager to meet new people and pick up on real estate topics and trends!

Let's have a great summer!

*Ben*



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## Some Current Legal Issues Affecting Landlords

By Heiner Giese  
AASEW Legal Counsel

On all levels - local, state and national – it seems there's always a lurking legal issue or proposal which is going to affect your rentals.

**Local, City of Milwaukee:** The Common Council is considering an ordinance to prohibit landlords from raising rent, refusing to renew a lease or terminating the tenancy of a tenant who has complained about a lead hazard in their unit. This would apply not just to an actual lead hazard but also to even an inquiry a tenant might make to the health department, for example simply requesting literature about water filters. Landlord retaliation against tenants who exercise their legal rights is already prohibited by state law and regulation.

The National Building Museum in Washington, D.C. is bringing a traveling exhibit based on the widely known 2016 book *Evicted* by Matthew Desmond to ten cities around the country. It will open first in Milwaukee at the Mobile Design Box (operated by the UWM School of Architecture at 27<sup>th</sup> and Wells) on June 21, 2019. I toured the original exhibit and I have had discussions with the curator, asking that the landlord's perspective also be presented. She wanted to only present the effect of evictions on tenants and not the economic and physical damages sustained by landlords.

**State of Wisconsin:** Your Association had been very active in the past three legislative sessions to secure the passage of fair and reasonable landlord/tenant law changes. Some of them were also helpful to tenants such as the "one strike" law which made it easier to end the tenancy of a violent resident. After the battle over the state budget concludes this summer we expect to work on some bipartisan proposals such as securing funding for greater use of mediation as an alternative to court-ordered evictions.

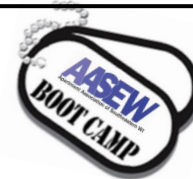
Bills to alleviate homelessness and provide more funding for homeless shelters, for example, are already working their way through committee hearings and we support these efforts.

I am working with members of the State Bar and the judiciary to specify that when volunteer attorneys provide assistance to unrepresented parties, such as tenants in an eviction case, they must disclose their names on documents filed in any case which is contested.

**National:** Our lobbyist Joe Murray contacted the office of Rep. Glenn Grothman to check the status of regulation of emotional support animals (ESA) and HUD guidelines on what screening landlords are allowed to do when screening for past criminal behavior.

ESAs – HUD is currently going through the final steps of the publishing process on new guidance. There is no specific publication date set at this time, but it could be in the next couple weeks to a month.

Criminal background checks – There are conversations going on at HUD right now about their 2016 guidance titled "Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real-Estate Related Transactions." HUD's General Counsel said they are still a couple months out from possibly taking action. He said possibly later this year or early next year. HUD will update Rep. Grothman's office on their progress as soon as they find out new information.



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## AASEW CLASSIFIEDS

Do you have a property for sale? Are you looking to buy? Do you have equipment to sell, or something you are looking for? Do you have a job opportunity to offer? AASEW Classifieds can help! Bring a quarter page ad to the next meeting and post it on our board or use one of the forms provided at the meeting. This is a great way to advertise! After the meeting your sale item or job offering will be shared in the "What Happened" email. Reach our membership with just a quarter page ad! Questions? Call or email Kathy. She will be happy to help you get it set up!

At our general membership meetings, AASEW members are invited to fill out a quarter sheet form to advertise properties or tools they either would like to sell or they would like to buy. Members are also able to post job openings. We are in hopes this will continue to improve our members' experience. Forms are available at the meeting registration table as well as online. You are welcome to fill it out and bring it with you to the meeting.

#### *Please note:*

*All Business Members listed in this directory are current business members in good standing with the AASEW and are offered only as such.*

# 10 Best Practices to Prevent Tenant Lawsuits



By Melissa Page  
Landlordology.com, a service of Cozy

As a Landlord, you need to be hardworking, proactive and attentive in order to prevent tenant lawsuits. No one wants to go to court. In fact, most landlord-tenant claims and lawsuits could have been easily prevented. By implementing excellent property management practices, you can eliminate the majority of reasons why a tenant might sue you.

Here are my top 10 best practices to help you prevent and avoid tenant lawsuits.

## 1. Screen Tenants Properly

Although it might take some time, it is extremely important to screen any potential tenant. Check their background, credit history, and criminal record. Aside from checking references, you can use various tenant screening software tools to help you perform these tasks. The folks over at Cozy even provide you verified employment history by giving you access to their LinkedIn employment record. Thorough screening will usually prevent future problems that might arise – such as a tenant who trashes your place, one who doesn't pay rent, or one who lets undesirable individuals move in.

## 2. Show Respect and Be Fair

Remember the Golden Rule? Follow it. Don't treat your tenants like second-class citizens. They are paying your mortgage, so show them some respect. Treat them as you would want to be treated, and treat each tenant equally – otherwise they can hit you with a discrimination lawsuit.

## 3. Document Everything

Lease contracts set the rules that both landlords and tenants agree to follow in their relationship. A lease is a legal document that includes all business details, such as the rent, terms of tenancy, limits of occupancy, fees and deposits, repairs, entry to rental property, and other restrictions. Some landlords want to include specific clauses unique to their property. If you do this, make sure you start with a base lease template that has been reviewed by a lawyer for your state.

## 4. Keep Them Informed

Let your tenants know of any possible situation that may cause them inconvenience. If there's a mold infestation on the property, inform them. Many landlords have reached the civil court level due to tenant health problems resulting from environmental toxins in the premises.

## 5. Provide Safe and Secure Premises

Tenants would love to stay longer in a safe and secure environment. Don't let your property be an easy mark for thieves and other criminals. Assess your property and take measures to protect it. Landlords may be held liable for losses within the premises.

## 6. Stay On Top of Repairs

When a tenant requests for repairs, set up a time that works best for the tenant to come and inspect the damage. Tenants will respect you if you let them know when you plan to stop by. After the inspection, schedule the repair immediately using your little black book of contractors. The faster you make the repairs, the happier your tenants will be. Also, without immediate action, tenants can sue you for injuries caused by a defective condition. After the repair is finished by a contractor, remember to follow-up on all work to ensure it was done to your (and the tenant's) satisfaction. Just because a contractor says a project is complete, doesn't mean it actually is.

## 7. Know the Laws

Each state has its own housing laws. As a landlord, it is important to be familiar with the landlord-tenant act that in your area. You need to know all the state statutes regarding rent, obligations, rights, security deposits, and evictions. Violating even one of your tenant's rights can lead you to a dissatisfied tenant, and worse – a lawsuit.

*Continued on page 15*

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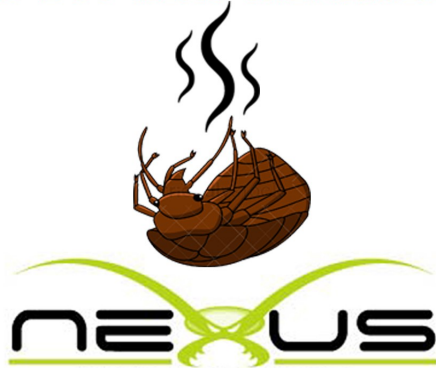
*Please note:*

*All Business Members listed in this directory are current business members in good standing with the AASEW and are offered only as such.*

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When partnering with Always Towing & Recovery Inc., you can expect fair and ethical treatment from qualified towing professionals. Our team is dedicated to redefining the towing experience for each of our customers. We currently offer the following services to you, the property owner or manager, **at NO COST TO YOU OR YOUR PROPERTY!** There is no justification to pass along the costs of dealing with illegally parked vehicles. All vehicles are ticketed and/or removed immediately at the vehicle owner's expense.

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**SECURITY:** Our daily drive-through service also provides added security to your facilities. Over all of our customers say that our services have reduced overall crime on their property. While patrolling the property, we note any suspicious activity and inform the management and, if necessary, local law enforcement.

**FLEXIBLE:** We will work with you to make your property a safer and more attractive place for your residents. We adjust our services to accommodate your needs.

**RESIDENT RETENTION:** Over 99% of our customers believe that Always Towing & Recovery Inc. Parking Solutions have improved parking and increased resident satisfaction.

**SIGNS:** We provide "State Certified signage AND "Permits: Our permits are reflective, numbered, and tamperproof for security.

**Always Towing & Recovery Inc.**  
Melissa Gaglione - Account Executive  
Cell 414-839-9786 • Email: [melgaglione@icloud.com](mailto:melgaglione@icloud.com)

## Best Practices: An Example

Submitted by Cynthia Dixon  
AASEW Board Member

*Here is a great example of one of the lease addendum practices used by one of our AASEW Board Members. Thank you, Cynthia, for sharing!*

### Plumbing

**DRAIN STOPPAGES.** As of the date of this Agreement, Landlord warrants that the dwelling's sewage drains are in good working order and that they will accept the normal household waste for which they were designed. They will not accept things such as:

- paper diapers,
- children's toys,
- clothing,
- wads of toilet paper,
- table scraps,
- rocks,
- sand,
- sanitary napkins, tampons,
- balls of hair,
- grease,
- dirt,
- rags,
- newspapers

Tenant agrees to pay for clearing the drains of any and all stoppages except those, which the plumber who is called to clear the stoppage will attest to in writing, were caused by defective plumbing, tree roots, or a result of weather. Tenant agrees to keep on hand and properly use a plunger when necessary to unclog drains and prevent water overflow from toilet, sinks and bathtub." Tenant also understands that a drainage filter would be a way to proactively prevent plumbing repairs.

"**DRAIN CLEANING PRODUCTS.** Tenant agrees not to use caustic drain cleaning chemicals in any of the drains or plumbing fixtures. Such products may cause damage to the plumbing system and may be hazardous to the environment. Tenant may be able to keep drains clean and clear with regular maintenance by pouring down the drain a quarter cup of baking soda followed by a half cup of vinegar.

*10 Best Practices to Prevent Tenant Lawsuits  
Continued from page 11*

#### 8. Be Available

Respond promptly if your tenants call or leave a message. If you are going on a long trip, let them know beforehand. Unavailable landlords produce unhappy tenants. Listen to their concerns and if you can do something about it, tell the tenant you're on to it and then do so. If there is a dispute between two of your tenants, you could become the mediator – but don't get sucked into something that's not your business. Do your best to make the tenants feel that their concerns are addressed. I suggest even being available via text message.

#### 9. Reward Good Behavior

It pays to be nice. If they paid rental on time or in advance, you can reward them with movie tickets, chocolates, or anything nice you'd think they'd like. Try to be compassionate to your tenants – especially the good ones – who just happens to have a one-time problem. However, never break your own lease rules when trying to be compassionate, otherwise tenants will start to take advantage of your soft side. When your tenant asks to waive his late fee, consider forgiving a late fee once, but only once. When tenants feel they have an understanding landlord, they might think twice before filing a lawsuit against you.

#### 10. Ask for Professional Assistance

If you are evicting a tenant for the first time, being sued for injury, audited by the IRS, having a competent attorney by your side is a smart move. You could hire a full time attorney, or you could save some money by looking into a prepaid legal plan. These types of plans allow you to consult with an attorney for only a low monthly fee. I've used Legal Shield before, and consider them reputable.



Advertising rates  
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Ad Size	#of runs	Total Cost
Business card	6	\$200
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Full Page	1	\$150
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	12	\$1000

Notes:

- Ads are black and gray scale in print unless other arrangements are made. Ads will all appear in color if color ads are provided in the electronic copy of the newsletter.
- If an ad is changed during a run, blocks may still be purchased, however, there will be a \$25 charge for each new/changed ad
- Additional costs may be incurred if your Ad needs to be designed or modified. Please contact Kathy with any questions or changes. (Kathy@aasew.org) (414) 276-7378
- Ad space for more than one run must be purchased in blocks of 6 or 12 consecutive runs, and must be paid in full to receive block prices.
- Please furnish ads as jpegs for best results. Please send ads to Kathy@aasew.org

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## We Are All In This Together!!

By Carrie Maas  
AASEW Member

Many Landlords fail to understand the importance of not only filing for an Eviction, but seeing it through to completion. That completion being; setting up a date for second and third cause, showing up to court on that date and getting a judgment.

Yes, I know that many of us will never see the money we are granted in a judgment. Many of our tenants will attempt bankruptcy or quit jobs before they see us getting the money we rightfully deserve.

I am suggesting that instead of just thinking about ourselves and our own businesses, we look forward into the future. There will come a time when Dismissed Evictions will be erased from the system of CCAPs. We will lose the ability to find out if our new applicants have had an Eviction or Eviction(s) filed against them.

So, if a Stipulated Dismissal is used or forced upon you by an Eviction Defense Fund Attorney or by the Court Commissioner, I strongly suggest you still go after second and third cause. This way there is a paper trail that cannot be erased. A **Judgment** will show up in the data base.

This will be our edge against the onslaught of favoritism given to the Evicted and not the true victim, the Landlord.

### Thank You to May's Panel of Speakers!

Thank you to our great panel who spoke at the May AASEW meeting! Graig Goldman of ReMax Lakeside Realty, Mike Cottrell of the Equitable Bank, Anne and Steve Belter of Belter Associates, LLC and our panel moderator, Dawn Anastasi.

We had great discussions and energy around the topics discussed related to growing your business in today's market. Anne and Steve had some great stories and were able to share some of the systems they have put in place that enable them to not only grow and operate their business but to travel and enjoy their young family as well.

Graig and Steve were able to share current trends in both the real estate and financial markets.

Thank you to Dawn for keeping us all on topic and helping us to cover so much ground!

It was a great night of learning, that spurred the topics for the June meeting. Be sure to attend the meeting on June 17th as we all discuss what systems we use, what works, what doesn't and what we should try.

Thanks again for all the great information!

## Did You Know?

By Carrie Maas  
AASEW Member

Once a judgment has been granted by a Judge or a Court Commissioner you need to do two things.

During the hearing, request the Court Commissioner to provide the Defendant a *Financial Disclosure* form. This by law forces the Defendant to provide you information such as where they work and their current address. This will help you to collect money owed to you.

Once you have received your Judgment in the mail, take your copy and go to room 104 in the Courthouse to Docket your case. There is a \$5.00 fee but it is well worth the money and time. And it is a business expense. (If you filed electronically you can also pay this \$5.00 fee online.)

By Docketing, your Judgment will appear on their credit report for 10 years. When your Judgment shows up on their credit report it alerts other Landlords to their rental history and future lenders may force them to settle their Judgment with you.





Would you like to submit an article for publication in the AASEW monthly newsletter?

Here are the current submission guidelines:

- Deadline for all submissions is the first of each month.
- The newsletter will be delivered electronically to the membership on the 10th of the month.
- Limited print copies of the newsletter will be available at the General Membership Meeting following its publication.
- We are happy to accept one article per author per newsletter.
- Please keep article to approximately 500 words in length.
- Any edits made to an article (generally for length) will be approved by the contributor before it is published.
- All articles must be properly attributed
- The Editorial Staff reserves the right to select articles that serve the membership, are timely and appropriate.

*The President's Corner  
Continued from page 3*

like any adult and require a pet application. Remember, the better your documentation the better your protection. If there are any questions, consult your legal counsel.

Sites that claim to be certifying bodies or that offer official registrations are misleading because there is no such thing. Currently there are no legally recognized organizations for registering service or assistance animals.

HUD states that you are entitled to documentation from a reliable third party that is in a position to know about the individual's disability. If the organization or person who issued the documentation has never talked to or met with the person requesting the accommodation, it is likely reasonable to ask for supplemental information.

#### **Know how to handle accommodation requests**

Remember these criteria when considering accommodation requests:

1. Under the FHA, there is no requirement that assistance animals be trained. The person must have a disability. If the person's disability is obvious, you may not ask questions. If the disability is not obvious, you may ask if the person meets the definition of "disabled" under the FHA guidelines. Never ask for details of a person's physical or mental disability.
2. The animal must serve a function directly related to the person's disability. If the disability-related need is obvious, you may not ask questions. If the need is not obvious, you may ask for reliable documentation that the animal provides disability-related assistance or emotional support.
3. Under the FHA, there is no requirement that assistance animals be trained. Documentation only needs to establish that the person has a disability and that the animal provides disability-related assistance or emotional support. An animal's training is not relevant when evaluating a reasonable accommodations request.
4. A resident may be entitled to multiple assistance animals.
5. The request must be reasonable. You are not obligated to grant every request. Consult your legal counsel.



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*Continued on page 19*

*The President's Corner  
Continued from page 18*

6. You can deny a request if that particular animal has harmed someone in the past.

7. You can usually take action when residents with assistance animals violate community rules.

### Continuously educate yourself

The best way to avoid confusion is to read as much as you can and get exposure to the scenarios that come up in real life. In regards to the list of criteria above, make sure to gather all relevant information about the animal situation before making a final decision. Additionally, consult your legal counsel with any sort of question, as it is best to have all facts correct before presenting them. AASEW's Landlord Bootcamp is another great resource for dealing with this issue as well as others that arise as you manage your properties. Attorney Tristan Pettit includes service animals in both his teaching and in the manual provided.

If you still have any other questions or concerns about this topic, refer to the article listed below:

#### Companion Animals In Multi-Family Properties

Written by the Institute of Real Estate Management, June 2015

You can find it at: <https://www.irem.org/File%20Library/Public%20Policy/CompanionAnimals.pdf>



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## Looking forward...

### **Membership Meeting—Monday, June 17, 2019**

Best Practices: You be the expert: Bring your questions and your solutions to share with your fellow landlords.

### **AASEW Summer Party— Monday, July 22, 2019 7 pm**

Take me out to the ball game! - Tickets are SOLD OUT!!  
Enjoy a Milwaukee Brewers Game together on the Johnsonville Party Deck.

### **Membership Meeting—Monday, August 19, 2019**

Watch for details...something exciting is coming!

### **Save the Date: AASEW 2019 Trade Show**

Friday, October 11, 2019 at Potawatomi Hotel and Casino  
Vendor booths go on sale August 1, 2019  
Registration for attendees opens in September.

### **Save the Date: AASEW Landlord Boot Camp**

Saturday, October 26th at the Four Points Sheraton near the airport  
Registration is now open. Sign up at [www.aasew.org](http://www.aasew.org)

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