



TENNESSEE

SELF STORAGE ASSOCIATION

Volume 6, Issue 4

November 2015

Inside this issue:

- [Legislative Update](#) 2
- [News From Capitol Hill](#) 2
- [4th Quarter Luncheon Recap](#) 3
- [Luncheon Sponsors](#) 3
- [1st Quarter Luncheon Details](#) 4
- [Tales From Behind the Counter](#) 5
- [TNSSA Manager of the Year](#) 5
- [What is a Climate Controlled Facility?](#) 6
- [2016 TNSSA Board of Directors](#) 7

TNSSA
 2817 WEST END AVE
 STE 126-197
 NASHVILLE, TN
 37203
WWW.TNSSA.NET

A Letter From the President

From the Desk of Josh Lynn

Dear TNSSA Members,

Wow! What a great year for the TNSSA! I have truly enjoyed being President this year. Let me start out by stating what should be obvious. This has been a very successful year for the TNSSA! We have added 30 new members which is wonderful, but that's not all. We have also had a record breaking attendance for our biggest event of the year, the Legal Seminar. We had 80 in attendance for the Seminar and we also had 39 show up for the reception the night before. This was the first step in turning the Legal seminar into a two day event and it was a total success! We have added new Vendor Member sponsorship and advertising opportunities that you can check out [here](#) as well as a new membership benefit with [Office Depot](#) offering a discount to all of our members. If you have not yet checked out these new benefits, you should! More membership benefits are in the works, so keep an eye out for communication about new benefits coming your way.

I would like to give a personal

Thank You to all of our vendors and sponsors as we could not do this without you. I would also like to thank our speakers and round table leaders. I think I can speak for everyone in saying that the luncheons this year were some of the best on record. We had such a good turn out to all of our events and the speakers and round table leaders did a wonderful job. If you have not been to one of our luncheons, then you are missing some great information that could greatly improve your business. So make sure you make it out to an event or two in 2016.

Thank you to all of our members for allowing me to be your President for 2015. It has truly been an honor to work with such a great group of board members. I think our members will agree that they have done a great job this year. For those board members that will not be returning in 2016, thank you for your service and I wish you all the best! We will be losing long time Board Member, Sherry Cole, this year. Until now, Sherry was the first and only Legislative Chair that TNSSA has

had the pleasure of working with. Sherry's dedication to the Association was the driving force behind several legislative efforts that TNSSA has pursued, including the re writing of the state lien laws. Thank you, Sherry!

Our 2016 Board Members are nothing short of an amazing group of people and I am positive that they will serve the TNSSA and the storage industry in Tennessee to the best of their abilities. These are some truly dedication individuals that will take the TNSSA to new levels and will provide our members the best of service. If any member would like to help the board in any way please contact Melissa Roberts at info@tnssa.net and I am sure she can put you to work.

I would like to close with a special Thank You to our Administrative Director, Melissa Roberts. We could not do this without you!

Sincerely,
Josh Lynn,
 StorPlace



WWW.ABSOLUTEMGMT.COM
 901.737.7336

PROPERTY MANAGEMENT
 CONSULTING
 FEASIBILITY STUDIES
 DESIGN & DEVELOPMENT

Legislative Update– November

LEGISLATIVE UPDATE - 11/30/15

Legislative Committee

After being elected in 2010, it is with mixed emotions that I leave the TNSSA Board of Directors. The Legislative Committee was a new committee for TNSSA, and I was excited to be the first Chair. It has been a wonderful, productive, challenging, and rewarding experience. It was my pleasure to interview, hire, and work with Nathan Ridley, TNSSA's Lobbyist. Nathan's experience, knowledge and relationships with legislators greatly contributed to the Legislative Committee's successes.

Here's a short recap of the Legislative Committee's first six years.

In 2011 with the **incredible** support of its members, vendors and Board, and

with the financial and legal assistance of SSA, TNSSA was successful in changing Tennessee's 30-year-old lien law. These changes save all TN storage facility owners time and money year after year. I was honored to be recognized by TNSSA and SSA for spearheading this effort.



Sherry Cole,
Legislative Committee
Chair 2010-2015

In 2013 TNSSA was again successful in having legisla-

tion passed. Now owners of a self-storage facility can apply for authority to sell insurance to their tenants for the loss of or damage to property that occurs at the facility. This law not only helped tenants, it also removed a gray area in the law which could have harmed facility owners.

In 2015 TNSSA was able to determine and clarify that facility owners are required to collect the parking tax described in TN Code Annotated, Section 67-6-205(c) (2) and remit it to the TN Department of Revenue.

For the past year, Trey Kirby with NAI Nashville has been an ongoing volunteer assisting the Legislative Committee. I am excited and very pleased that Trey has been elected to the Board of Directors and has been appointed as the new Legislative Chair.

There is no doubt TNSSA

has a very committed volunteer Board of Directors. But there is always a need for more volunteers to step forward. Storage facilities that do not belong to TNSSA may not even be aware that laws have changed or been passed. I encourage everyone who reads this to contact the storage facilities in your area and let them know what TNSSA does and the benefits of membership and participation.

If you have any additional questions or would like to discuss this further please contact Sherry at cole37129@comcast.net and put "TNSSA legislative question" in the subject line. Your suggestions and involvement are always welcome!

Thank you all for your past and continued support of TNSSA's legislative efforts!

News from Capitol Hill - December, 2015 - Nathan H. Ridley

Background: The 109th General Assembly will reconvene at noon on Tuesday, January 12, 2015 in regular session. The deadline for the introduction of the general bills is the close of business on Thursday, January 21, 2016. Governor Haslam will introduce his appropriations bill by February 1, 2016. As you will recall, the appropriations bill is the only bill that the General Assembly has to pass. The session is expected to conclude by mid-April. These time constraints will include about 11 regular committee meetings.

As the World Turns. State Representative Mike Harrison (57) (Republican of Rogersville) will resign from the General Assembly in December to become executive director of the Tennessee Association of County Mayors. Harrison has represented the ninth district composed of Hancock and Hawkins counties since 2002. He serves as chair of the House Finance Subcommittee, sometimes referred to as the Black Hole where bills not favored by the leadership go to die. The Hawkins County Commission will appoint a successor to serve until the 2016 elections. After Representative Harrison's announcement, House Speaker Beth Harwell announced that Representative Curtis Johnson of Clarksville will serve as interim chair of the Finance Subcommittee. Interestingly, Representative Johnson will also continue in his role as House Speaker Pro Tem.

Checklist for this month.

- Make sure you and all your employees are registered to vote.
- Include your state and local elected officials on your 2016 holiday card list.
- Welcome Trey Kirby of Brentwood as our new Legislative Committee Chair.
- Thank Sherry Cole for her tireless work as our Legislative Committee Chair. Her efforts made me, particularly, and all of us generally, better on behalf of the Association.

Calendar Notes: State offices will be closed Thursday and Friday, December 24 and 25 for the Christmas Holidays and Thursday and Friday, December 31 and January 1 for the New Year's festivities.

Nathan Ridley is an attorney with the Nashville firm, Bradley Arant Boult Cummings LLP. You may contact him by e-mail at nridley@bab.com.

4th Quarter Luncheon Recap - Nashville



Melissa Roberts, TNSSA Administrative Director

I think I speak for all of the attendees from the 4th Quarter Luncheon when I say that this was a fantastic event! We tried out a new venue - the Four Points by Sheraton Brentwood proved to be a fantastic choice!

The meeting was kicked off with the introduction of our 2016 Board of Directors: **Stacey Gorman** of Marcus & Millichap, **Chris Johnson** of U-Haul, **Sue Woodard** of Secure Self Storage, **Chris Novarese** of PSS Investors, **Barb Wurstner** of Absolute Storage Management,

Trey Kirby of NAI Nashville, **Stephanie Tharpe** of A+Storage, **Bev DeLong** of Dyersburg Self Storage, **Dee Sharp** of William Knight Insurance Agency, **John Budd** of Global Roofing, **Anne Williams** of Marcus & Millichap, **Paul Uren** of Anytime Rental, **Robert Craig** of A+Storage and **Josh Lynn** of StorPlace.

Our key note speaker, Dewey Greene of C12 Group gave a wonderful talk about conflict resolution that applies not only to the work place but to all relationships

and interactions throughout our lives. We followed up with three round table discussions. Ken Crowne of Call Potential gave practical tactics to improve sales and collections. Kelly Zimmerman of Storage Plex - Absolute Storage Mgmt, discussed the basics that all new managers need to know and that seasoned managers need to be reminded of. Justin Huff of LightWave Solar explained the solar tax benefits, utility incentives and financing.

Thank you to our event

sponsors - John Budd of Global Roofing, Ken Crowne of Call Potential, Billy Parra of Select Merchant Solutions and Rick Dodge of Paramount Metal Systems. Without your help these events would not be possible. The nice venues, yummy food special guest speakers are all possible because of your support of the TNSSA.

Make plans today to attend our first meeting of the year on [February 16th](#). We'll be announcing the winner of our [2015 Manager of the Year](#) Contest!

Thank you to our November Luncheon Sponsors!



(866) 839-8409



WILLIAM KNIGHT
INSURANCE AGENCY, INC.

Specialty coverages available to self storage include

- Commercial Property & Liability
- Employment Practices Liability
- Data Breach & Cyber Liability
- Customer Goods Liability
- Sale & Disposal Liability
- Worker's Compensation
- Business Auto
- Builder's Risk

Dee Wiseman Sharp

*Protection you need. Service you deserve.
Price you can afford.*

Toll Free 866-839-8409
Office 865-670-2990
Email dees@wkia.com
www.wkia.com



VENDORS

We have new sponsorship and advertising opportunities available for 2016. Take advantage of these opportunities today!

[Sponsorship spaces are limited so act now!](#)

1st Quarter Luncheon

February 16th

11:00 am-1:00 pm EST

Networking begins at 10:30 am



6721 Heritage Business Court
Chattanooga TN 37421

[CLICK HERE FOR A MAP OF THE AREA AND LIST OF NEARBY HOTELS](#)

2015 Manager of the Year Award Will be Presented!

Round Table Discussions:

“Using SBA to Grow Your Business”
by Tom Stewart of Civis Bank

“Are You Leaving Money on the Table”
by Anne Williams of Marcus & Millichap

“Supplementing Your Income While Filling Up Your Storage Rooms with Truck Rentals”
by Chris Johnson of U-Haul

And more!

Visit www.tnssa.net for details

Event Sponsors:



Tales From Behind the Counter: Returning Customers

Nicole Jones, Property Manager, StorPlace Self-Storage, Murfreesboro

When I first started working in the storage industry, back in 2012, one thing that was always stressed to me was that a lot of our business comes from returning tenants. As an assistant working at several locations, I never really grasped how true this was. When I first took over my property, for the longest time people would come in and mention that they had rented when the previous manager was

there. Now that I have been managing the property for nearly three years, I am beginning to see many of my favorite tenants returning to rent again.

A while back you may remember me writing about one of my tenants who was hearing impaired. I was so sad when she moved out, but also so happy for her moving into her new apartment. A few weeks ago I saw a car pull into the parking lot and when she stepped out my whole day

was made better. When she came in I grabbed the notebook so we could write back and forth. She told me that her new apartment was not as good as she had expected so she would be moving again soon. She wrote that even though it was a further drive to store here she had wanted to come back because of how nice it was the first time. We got her set up in a new storage unit and she was able to get her things moved in.

It is important, when renting to new customers, to remember that they may be a returning customer some day.

When you go out of your way to make sure someone has a good first impression of your business, they will be more likely to return and rent again regardless of price or distance.

2015

TNSSA Manager of the Year

Nominations are now being accepted for the 2015 Manager of the Year Contest!

Commitment to Leadership, Creativity, High Occupancy Rates, Low Delinquencies, Community Involvement and Overall Business Practices are considered when choosing our award winner.

Do you know a manager that stands out in our industry?

Nominations will be accepted through 12/31/15. [CLICK HERE FOR DETAILS!](#)



MANAGER OF THE YEAR 2014

Donna Porter



WHAT IS A CLIMATE CONTROLLED FACILITY?

Recognizing the Difference Between Marketing and Deceptive Advertising

**Scott Zucker,
Attorney at Law**

The term “Climate Controlled” has often be used in the self storage industry to suggest that the storage facility takes some effort to control the temperature (and in some cases the humidity) of the storage facility and its spaces. Yet, the phrase itself is not a defined term and as such, is subject to many different meanings and possibly the risk of misinterpretation.

This risk of misinterpretation commonly arises when a facility advertises its facility as “climate controlled” and the renting tenant later finds that their property has been damaged from mold or mildew arising from high humidity in the space. The tenant then complains that the unit should have been protected from the dangers of humidity because the facility claimed to be able to “control the temperature” of the units. The facility owner then has to explain that their definition of “climate controlled” only meant the use of air conditioning in the summer or the use of heat in the winter and was never meant to control humidity. These types of divergent definitions can often lead to liability claims against the facility for the value of the damaged property and typically often include allegations of “false” or “deceptive” advertising.

The best way to avoid such conflicts is for operators to include within their rental agreements a clear definition of what the facility is providing under the term “climate control”. A standard type provision may read as follows:

CLIMATE CONTROL: Climate controlled spaces are heated and cooled depending on outside temperature. These spaces do not provide constant internal temperature or humidity control. Owner does not warrant or guarantee temperature or humidity ranges in the spaces due to changes in outside temperature and humidity. **Do not store property that can be damaged by fluctuations in temperature or humidity in the storage space.** Occupant waives any claim for loss of or damage to stored property from Owner’s failure to regulate the temperature and humidity in the storage space from any cause whatsoever, including mold or mildew, even if such damage is caused by the active or passive acts or omissions or negligence of Owner.

However, the operator should go further. If the facility only provides dehumidification, it should not reference heating or cooling. Similarly, if the facility is in the north and does not provide air conditioning, it should not reference cool-

ing. In other words, the facility should attempt to clarify for its customers in both its rental agreement and in its facility advertising (such as brochures and website) what it provides and what it doesn’t provide.

The only state which does not allow such a general waiver of responsibility is Nevada where its law (found under NRS 597.890) provides in part that:

1. The owner of a facility for the storage of personal property or a person acting on his or her behalf shall not advertise that the facility is “climate controlled” unless the advertisement specifies the range of the minimum and maximum temperature and humidity within which the facility is maintained.

2. If an owner or a person acting on his or her behalf fails to indicate the range of temperature and humidity of a facility in any advertisement that refers to it as being “climate controlled” or fails to maintain the temperature and humidity of the facility within the advertised range, the owner is guilty of a misdemeanor and is liable to the occupant for any damages that are caused to the occupant’s personal property as a result of extremes in temperature or humidity, not-

withstanding any contrary provision in the rental agreement.

Therefore in Nevada, the rental agreement provision must additionally contain the following language:

The range of the minimum and maximum temperature and humidity within which the Facility is maintained is as follows: minimum temperature: _____; maximum temperature: _____; minimum humidity: _____; maximum humidity: _____.

The important message for storage operators is to properly define their services so as to avoid claims by their tenant that they were misled in any way. This recommendation applies not only to the definition of climate control, but also should be considered when describing the security services that are offered, such as “electronic gate access” and “24 hour digital recording”.

Scott Zucker is a partner in the law firm of Weissmann Zucker Euster Morochnik, P.C. in Atlanta, Georgia. Scott specializes in business litigation with an emphasis on real estate, landlord-tenant and construction law. Scott is a frequent lecturer at national conventions and is the author of Legal Topics in Self Storage: A Sourcebook for Owners and Managers. He is also a partner in the Self Storage Legal Network, a subscription based legal services for self storage owners and managers. Scott can be reached at 404-364-4626 or at Scott@wzlegal.com.

2016 TNSSA BOARD OF DIRECTORS



Stacey Gorman, President



Chris Johnson, V. President
& Communications Chair



Sue Woodard, Secretary



Chris Novarese, Treasurer



Stephanie Tharpe,
Events & Education Chair



Bev DeLong,
Membership Chair



Barb Wurstner, Assistant
Treasurer, Website Comm



Trey Kirby,
Legislative Chair



John Budd,
Events & Education Comm



Paul Uren,
Membership Comm



Dee Sharp,
Website Chair



Melissa Roberts,
Administrative Director

[Click here to read more info about our Board of Directors](#)



Anne Williams,
Events & Education Comm



Robert Craig,
Membership Comm



Josh Lynn, Non-Voting,
Supporting Board Member