



TENNESSEE

SELF STORAGE ASSOCIATION QUARTERLY NEWSLETTER

Volume 8, Issue 3

September 2017

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LETTER FROM THE PRESIDENT

From the Desk of Chris Johnson

Dear TNSSA Members,

What an event we had in Memphis! The 10 year “Birthday party” was quite a celebration. We would like to thank all who attended including our original board members. Great to see these folks attend the party. The celebration is not over! Our Legal Seminar & Conference had to be rescheduled due to the hurricane Irma BUT we have already rescheduled the event for [December 6-7!](#) Details are the same... just a new date.

Let's be sure to get the questions in for Scott to help him prepare for the meeting. I have been watching the questions come in and am quite pleased with the topics that are going to be covered. This being a two day event will allow everyone to get their legal questions answered. Scott does a great job making you feel comfortable to ask any question. This year we have a lot more vendors signed up than ever before. If I were you, I would not miss it.

I am thankful that this year has been a “growth year” for the Tennessee Self Storage Association. We have had a lot of new members sign up and past members renew. I would like to personally thank each and everyone including current members for their support. We would not be successful with out you. The board members goal is to support each and every storage facility in Tennessee. Please feel free to communicate to us any questions that you might have. This is what the Tennessee Self Storage Association is about.

In closing, I would like to thank Melissa our director and the events committee. For what is going to be one of the biggest and best Legal Seminar & Conference Tennessee Self Storage Association has ever presented. Thank you

Sincerely,
Chris Johnson

President,
Tennessee Self Storage Association



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2017 EVENTS

[4th Qtr Lunch](#) - Nashville
Nov 14

[9th Annual Legal Seminar & Conference](#) - Murfreesboro
Dec 6 - 7

[Board Member Elections - Accepting Nominations](#)
Sept 25 - Oct 14th

TNSSA Board of Directors

Nominations will be accepted through October 14th for the 2018-19 term
Details about the nomination process can be found [here](#).

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3RD QUARTER LUNCHEON RECAP - MEMPHIS

**Melissa Roberts, TNSSA
Admin Director**

The Tennessee Self Storage Association celebrated its 10th year in style. The founding board members were honored with a gift donation in their name, to the Children’s Hospital in Nashville. Many of our founding board members attended the event, as we celebrated 10 years of hard work and dedication to the industry and Tennessee property owners. Pictured to the right are all of the past and present board members that were in attendance.

We have been privileged to work with so many fantastic owners and vendors in the industry. They have dedicated countless hours, and it shows! In 10 short years, we have re-written our lien laws, established best practices for the auction process, and addressed industry issues such as ADA compliance, parking taxes and tenant insurance licensing. We have developed a fully-interactive website for our members, grown our quarterly luncheons into events that offer valuable education throughout the year and also hired our administrative director.

Our biggest accomplishment is the long-awaited expansion of our Legal Seminar & Conference into a full two-day trade show! With 23 vendors, 7 speakers and 10 round table leaders, we will see the results of our hard work pay off later this year in December.

We would love to have you join us for our next 10 years! Find out more information about us at www.TNSSA.net.



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celebrate 10
years?**

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What Do You Need To Know About The Americans With Disabilities Act?

LEGAL CORNER

Jeffrey Greenberger, Attorney at Law

The Americans with Disabilities Act (ADA) was originally enacted in 1990. At the time, no one in the self-storage field, thought that the ADA applied much to Self Storage Facilities, except under Title III of the Act, dealing with Public Accommodations, which meant to us that if you built a Self Storage Facility after 1990, you would have to have an office that was accessible to those with all disabilities, such as wheelchair access. In 2010, the Justice Department began floating around modifications to enforcement of the ADA, which included new and specific design and building requirements. Again, no one was certain that these design and building requirements applied to the Self Storage industry, because most of that which makes up a Self Storage Facility is not an area of "Public Accommodation". When the standards went out for public comment, without pressing too hard, our industry leaders, including those with the National Self-Storage Association, began to inquire whether or not the Obama Justice Department believed these design standards would apply to Self Storage Facilities, and if so, how many years back did the requirement go before a facility was "grandfathered" out of the requirement. It is my understanding that an exact answer was never determined by the SSA for various reasons, but that there was, under the Obama Administration's Justice Department, a good chance that the design requirements did apply to Storage Facilities.

For the purpose of this article, it is safe to say, that you should assume these requirements apply to your facility, especially if it was built or issued a Certificate of Occupancy or you have added buildings since March 15, 2012. These requirements deal with both Scoping and Dispersion. Scoping deals with the number of units that you must have which are disability accessible. That number at a facility is 5% of all units if the facility has 200 units or less or 10 units plus 2% if there are more than 200 units. The dispersion requirement means that you have to have the number of required units spread out among the various types and styles of units that you offer. If you are a 10x10 only non-temperature controlled facility, you would just have the required number of units, but if you had fifteen different unit sizes, some in temperature controlled, some in not, then you would have to do your best to make the required number of units available, spread out through the various sizes and styles. That does not mean you have to make more units accessible than is required under Scoping. You do not have to build additional disability accessible units, in order to have one unit of every type and style at your facility.

[Continued on page 6](#)



TENNESSEE
SELF STORAGE ASSOCIATION

Congratulates

Allen Baxter

A+ Storage of Nolensville, TN



In recognition of the distinctive achievement awarded as 2016 TNSSA Manager of the Year



and Amy Calixte of StorPlace was recognized as Runner-Up

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9TH ANNUAL LEGAL SEMINAR - MURFREESBORO



Our Legal Seminar and Conference has continued to grow over the years. This fall marks our 9th year for this annual event and we have two days of education, food and fun planned! Registration fees include the networking reception, breakfast, lunch and all of the educational presentations and round table discussions.

***** NEW DATES *****

DECEMBER 6 & 7

Embassy Suites Murfreesboro

Those that were registered for the original event date are still in our system - your registration fees have been applied to the new event. If you have any questions please give Melissa a call at 423-443-8249.

We have room for more attendees!

**[CLICK
HERE TO
REGISTER](#)**



We are excited to have Attorney Scott Zucker, our featured speaker, scheduled to deliver presentations on *both days* of our event!

Additional Speakers & Round Table Leaders Include:

John Colclough of The Self Storage Group

Jim Ferguson, Lynn Sykes & Melissa Stiles of Storage Asset Management

Kelly Murphy of the 18th Judicial District Drug & Violent Crime Task Force

Anne Ballard "The Hat Lady" of Universal Storage Group — Chris Baird of Automatit

Jamie Tuck of Janus Int'l — Dakota Harwell of Spider Door — Olivia Austin of SiteLink

Lonnie Bickford of StorageAuctions.com — Jim Mooney of Devon Self Storage

Todd Levy of StorSmart Insurance AND MORE!!

Day One - Dec 6th - 3pm - 9pm

Drug Dog Presentation, Ending the War Between Marketing & Sales (Part 1), Round Table Discussions, Scott Zucker Answers Your Questions! Education will be followed by the Networking Reception which includes, food, cocktails, networking and door prizes!

Day Two - Dec 7th - 8:30am - 3:30pm

Breakfast, State of the Industry, Science of Internet Marketing, Ending the War Between Marketing & Sales (Part 1), Lunch, followed by Tennessee & State Law for Self Storage Operators and a fun game of "Family Feud" by Scott Zucker!

Vendor booths will be open on both days!

[Continued from page 4](#)

If you have many styles and types, you still only have to hit the numbers that are required under Scoping.

The problem is making a unit disability accessible is much trickier in self storage than in other types of businesses. When we talk about accessibility, we are not simply talking about the ability to lift a door and have the resistance meet the ADA requirements for the pressure or weight of the door. The ADA deals with the entire path to the unit being accessible. This includes such things as, the amount of slope permitted in the drive aisles to access the units. The requirement is 1" per Foot of rise or fall. Many self storage facilities have sloped drive aisles to move water away from the buildings, which may violate ADA, in that your drive aisles fall or rise more than 1" per Foot. Also, there is the accessibility to the latch, the ability and ease of opening and closing the door, and the accessibility of the keypad control to get into the facility which has to be at a regulated height. Your offices, and access to the office, as well as any bathrooms you have, also have to be fully ADA compliant.

While all of this is important to know, what is even more important to know is that there are advocacy groups doing what is called "drive-by" shops of your facilities. While many advocacy groups do great work for the people that they serve, unfortunately, there are advocacy groups whose missions are not quite so noble. These advocacy groups also have many names and appear to be working for people with disabilities. These agencies will drive by your facilities, notice what they perceive to be a deficiency, or appear interested in renting a unit and conduct measurements, and if they find a deficiency, rather than asking you to correct it, they bring a ADA lawsuit against you, even though no disabled person is actually trying to rent or having trouble using the unit. Many of you say to me, I do have disabled people, they have no trouble getting over my rain lip in their wheelchair or getting up the drive aisle, even though it is a little more of a slope than permitted. That does not matter to the advocacy groups at all. They are simply looking for lockstep compliance and money from you. These "agencies" may or may not have ever received a complaint from anyone disabled about your facility. However, in order to fulfill their mission, they go out and seek, on their own, violations that they can determine exist and quickly make monetary claims. These agencies do not need, necessarily, to have an actual injured party or harmed party to bring the claim and they bring the lawsuit against you for ADA violations seeking large sums of damages, and oh yes, correction.

While there is nothing we can do to stop these advocacy groups who are less than legitimate, forewarned is forearmed. If you have questions about whether or not you are disability accessible, or even if your facility has to be, it is worth investing time and money now into a review of your facility by access specialist or architect to determine whether or not there is enough of your facility which is accessible to meet the Dispersion and Scoping rules, along with the design requirements of accessibility, so that if an agency or advocacy group ever does a drive-by and decides to target you, that you are ready with an answer to defend yourself, instead of simply becoming the next unwitting shakedown victim. I do understand these are harsh words, but do understand that to be on the other side of one of these claims when there is no actual harmed party, will shake your beliefs, and will make you question your faith in our legal system. Rather than finding yourself in that situation, be prepared, if appropriate, compliant and avoid this rather nasty surprise that many operators around the country have received.

Jeffrey J. Greenberger is a Partner with the law firm of Greenberger & Brewer, LLP, in Cincinnati, Ohio and is licensed to practice in the states of Ohio and Kentucky. Mr. Greenberger's practice focuses primarily on representing the owners and operators of commercial real estate, including self-storage owners and operators. This column is for the purpose of providing general legal insight into the Self-Storage field and should not be substituted for the advice of your own attorney. Jeffrey's website, www.selfstoragelegal.com, contains Jeffrey's legal opinions and insights into the self-storage industry, as well as an article archive. You can send your questions, comments, or suggestions for future topics to Jeffrey J. Greenberger at jeff@grbrlaw.com, or mail them to Jeffrey J. Greenberger, c/o Greenberger & Brewer, LLP, 7750 Montgomery Road, Suite 205 Cincinnati, Ohio, 45236, or you can reach Mr. Greenberger at (513) 698-9350.

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Manager of the Year 2017

Nominations accepted
through December 31st

[Nomination details can be found here.](#)

This is a great time to highlight the hard work and dedication that our managers show on a daily basis.

Contact info@tnssa.net
for details.

2017 TNSSA BOARD OF DIRECTORS



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