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Executive Director

Lisa Figlesthler  
Assistant Director/Marketing Director

April 25, 2019

To whom it may concern:

The Greater Lexington Apartment Association represents over 25,000 apartment homes in Lexington, and surrounding areas of Kentucky. I have spoken with numerous apartment members who have worked and/or own apartment homes in Kentucky, for over thirty years. No one that I have spoken to is aware of any individuals that were injured or lost their life in an apartment pool during operating hours of the facilities.

Therefore, we feel that any legislation that would require apartments in Kentucky to have lifeguards on duty is unnecessary and would add additional cost to operating our apartment homes. Which, in turn, would be added back to rents and therefore, affecting "affordable" housing to the residents of Kentucky.

Please keep in mind, that our continued goal is to provide safe, affordable, housing to the residents of Kentucky.

Sincerely,

A handwritten signature in black ink that reads "Brenda J. Wells". The signature is written in a cursive style with a large, looped initial "B".

Brenda J. Wells, CAM, CAS  
Executive Director



April 17, 2019

Louisville Apartment Association  
JD Carey  
7410 New La Grange Road, Suite 200  
Louisville, KY 40222

RE: *Jefferson County Pool Requirements*

JD,

As you are aware PMR Companies is a Third-Party Property Management Company with its corporate office in Louisville, KY. We currently manage 8,500 units in 6 states with a total of 17 pools, 3 being in Jefferson County, KY. Our 3 pools in Jefferson County are the only 3 pools required to have pool attendants/life guards. I'm pleased to report that our pools have not experienced any life threatening events or injuries as a result of not having pool attendants or life guards.

Since we are a Third-Party Management Company, we continually have to explain to our clients looking to enter the Louisville Market that pool attendants/life guards are required for pools and they must budget properly. Most clients do not understand, as this isn't the norm in other markets.

Financially the burden is huge to all properties. In 2018 we paid pool attendants \$12 per hour, this year because it has become increasingly difficult to find dedicated part time workers, the going rate is now \$15 per hour. It's very competitive and the selection of respectable workers is minimal. For us, we want our residents to enjoy the summer months, and we open our pool 7 days a week, 10 hours a day. This means we must employ 4-5 guards to have coverage. If a guard is unable to cover a shift, calls in, doesn't show up then the pool is closed. Of course, as you can imagine this causes residents to become unhappy. Aside from the wage alone, we have to offer health insurance if working full time, workers compensation insurance, etc. for the employees.

We will continue to comply with all local laws in Jefferson County and respect such rules put in place for our residents, their guests, our clients and employees. However, if other states and counties do not require pool attendants/life guards at private pools I'd ask why this restriction cannot be lifted in Jefferson County.

Respectfully,

A handwritten signature in blue ink that reads 'Jennifer VanVactor'.

Jennifer VanVactor  
Executive Vice President



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500 North Hurstbourne Parkway, Suite 400  
Louisville, Kentucky 40222  
(502) 426-4800

*Gregory G. McDearmon*  
*Senior Vice President*

April 26, 2019

J.D. Carey  
Executive Director, Louisville Apartment Association  
7410 New LaGrange Rd  
Suite 200  
Louisville, KY 40222

Dear Mr. Carey,

NTS Development Company owns and manages 17 apartment communities throughout the southeastern United States. These 5,153 apartment units are found in Louisville and Lexington, Kentucky, across the northern suburbs of Indianapolis, Indiana, in Richmond, Virginia, in downtown Nashville, Tennessee and in the greater Orlando, Florida area. In all but our Louisville communities, the local code and our swimming pool design do not create a requirement for lifeguards or pool attendants.

Our company has managed apartment communities in all of these markets and others for nearly 50 years and to the best of our knowledge, we have never had a single drowning or near-drowning incident at any NTS apartment pool, with or without lifeguards. We believe the communities located outside of Louisville provide greater resident satisfaction in connection with the apartment amenities because we can serve our residents with pool and pool deck access more days of the year and more hours of the day. Lifeguards greatly limit pool access due to scheduling and availability.

NTS Development Company strongly supports Metro Louisville Health Department reviewing Nashville, TN or Indianapolis, IN pool codes and adopting requirements more similar to those cities so that pools with reasonable access control, liability insurance and located on the private property of an apartment own are not required to be manned by lifeguards. This will encourage further development and also create an enhanced living experience at Louisville apartment homes.

Sincerely,



Greg McDearmon  
Senior Vice President  
NTS Development Company

July 23<sup>rd</sup>, 2018

**Louisville Apartment Association**  
7410 New La Grange Rd., Suite 200  
Louisville, KY  
40222

JD,

With regards to our prior conversations on the unique pool rules in Jefferson County and your efforts to change current regulations, I thought I would share with you some thoughts from a national multi-family apartment owner-operator who is looking to enter the Louisville market.

By way of background, Venterra Realty has owned and operated apartments for 18+ years in 5 states and across 17 markets (many more individual cities / counties). We have bought and sold over 130 apartment communities and currently manage a portfolio of 60 properties, 15,000 units and valued in excess of \$2 billion. I say that only to illustrate that we have a significant breath of experience as it relates to apartment related regulations and that our perspectives are well informed.

As any business looking to expand to new markets, one of the first things we do is to identify how a new market may differ from your existing markets and what risks or opportunities that may present. While every market has its own nuances, very rarely do we find something that we have never experienced in the 17 markets and significantly more cities / counties that we have operated in over the past 18+ years. For that reason, the requirement to have lifeguards at community pools really stood out to us. Not only is this requirement something we have never experienced, it also is a significant obligation as it relates to owning and operating apartment communities. Without going into extensive detail, I can highlight the concerns we had with this specific regulation:

- Requiring lifeguards increases operating complexity which one can only assume will deter outside investment. There are recruiting efforts to staff the lifeguard position, additional coordination of manpower and scrambling associated with disruptions in planned work schedules.
- In the inevitable cases where lifeguards are not available, either due to resource shortage or someone not showing up, residents are not able to use amenities. This hurts our ability to deliver the exceptional service we commit to providing and lowers the overall living experience for our customers.
- Our insurance providers are not used to this requirement and expressed reservations that this regulation increases risk / cost due to establishing a higher burden on the insured. By extension of this point, the regulation increases financial exposure to apartment owners and operators.

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- The costs of lifeguards are prohibitive. We have assumed this is a leading reason why so many communities we have toured have chosen to “bury” pools rather than invest in maintaining one of the most popular resident amenity. We have owned one community in 18 years that does not have a pool – while touring in Louisville we have already toured 10 plus properties that do not have a pool (or at least a working one) – and in almost all cases they at one point had a pool. This trend over time reduces the quality of apartment living experience.

This complexity is likely contributing to the fact that the Louisville market has the lowest representation of national apartment operators of any market we have operated in. Generally, national operators bring a more professional level of apartment management that is great for residents but also local homeowners.

I would also like to note that we have never had any incidents that would make us believe that greater pool use regulation than we are generally subjected to is needed. This is likely due to the considerable advancement of regulations related to signage, drain covers, depth markers, lighting and fencing that have been very effective in addressing some of the concerns that were more significant 20-30 years ago. We believe that Jefferson County can implement National best practice regulations regarding pool safety and achieve the same results while making the local apartment community more desirable to investment and enhancing the resident living experience.

As you are aware, we have continued looking at properties in Louisville in spite of the above hurdles. It is important to note that the fact there were efforts underway to change what we viewed as onerous regulations that increased risk and operating costs, and our optimism regarding the success of your efforts, was critical to our investment committee approving the plan to move forward with investing in the Louisville market.

Please keep us updated on your progress and thank you for your efforts to make the Louisville apartment market more attractive for investment.

Best Regards,



Richard Roos, COO  
Venterra Realty Management Inc.



# NOLTEMEYER

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C O M P A N Y

April 25, 2019

To Whom It May Concern:

We are a local company who owns and manages 2,250 apartment units with 6 pools in Jefferson County, Kentucky. With the shorter summer breaks for high school and college students, we are finding it increasingly more difficult to keep the pools fully staffed and operational. This shortage in staff has resulted in the loss of an important amenity to the residents of our apartment communities.

In addition to this, we own and manage 390 apartment units with 2 pools outside of Jefferson County and are not required to have lifeguards on duty at this property.

We have had no casualties at any of our communities in or out of Jefferson County. Because these are private properties and the pools are only available and accessible to residents living in the apartment community, we do not feel there is a need for lifeguards.

The burden and cost to fully staff the pool areas is a significant factor for us as we consider future development in Jefferson County.

Sincerely,

**NOLTEMEYER COMPANY**

Kyle J. Noltemeyer  
Owner



## REALTY GROUP, LLC

7265 Kenwood Road, Ste. 111, Cincinnati, Ohio 45236

May 1, 2019

To: JD Carey

Fr: Don Brunner

Re: Louisville area pool regulations

JD, I am writing today to request the assistance of the Louisville Apartment Association in regards to the pool regulations in the greater Louisville area. Our company is actively looking to acquire assets in your market and during the underwriting process it has come to our attention the requirements for lifeguards for community pools. This is something we don't experience in Ohio, Indiana, or other parts of Kentucky and adds to the overall cost of the property.

In some cases considering the condition of the pools it would make sense to fill in the pool, which of course reduces the enjoyment of the residents and value of the property.

Thank you in advance for your assistance. We will be happy to speak with whomever is the appropriate.

A handwritten signature in black ink, appearing to be 'D. Brunner', written in a cursive style.