

# TOWING IS A GOOD THING!

## TOWING IS A SERVICE Law Holds Property Manager "HARMLESS"

**Management's collaboration with towing provides obscure benefits:** With towing, stored vehicles don't diminish property values; abandoned vehicles don't become an attractive nuisance; drug dealers may get towed before they complete the transaction; red-lights residents don't have customer parking; patrolling for fire lane violations or having the tow truck meet with to tow vehicles is a high visibility deterrent for late night prowlers and parking violators; pavement jobs go smoothly; and even having the tow signs, "Parking Restricted 24 Hours a Day" is perhaps preventive maintenance. Having the tool available is only half the solution, knowing how and when to use it is the other half.

**Private Property Towing, can only be accomplished peacefully,** and has its origin from Common Law, derived from the Medieval England, 1215 Magna Carta. This means, the totality of all previous legal decisions sets the ground rules for "Self Help" vs. "Judicial" enforcement for parking rules, repossession, trespass, etc. Self Help ground rules allow the property managers, banks, or private citizens to take immediate economical action, vs. hiring an attorney to proceed Judicially. Self Help authority is confirmed in California UCC

(Uniform Commercial Codes) effective January 1, 1965 and modified July 1, 2001. Self Help towing regulations were revised by CA State legislature, CVC 22658 in January 1, 2007 and provides for local city municipal codes, such as San Jose SJMC 6.66, which establishes local regulatory authority to perform private property towing safely with limited liability for both property manager and tower when done correctly.

**Towing is a service** allowing property management to provide the assigned parking spaces, immediately and economically, as contracted. No one likes to be towed, but when someone is parked in your space, blocking your access, or parking an expensive vehicle across two spaces, we suddenly enjoy seeing the vehicle being

MANAGEMENT IS RESPONSIBLE TO  
PROVIDE ASSIGNED PARKING SPACES

towed.

**Towing inadvertently becomes a barometer for the economic factors affecting the property.** When

## WHAT GOOD CAN COME FROM TOWING?

Too many guests and too many cars take up too much of management's time and energy. Towing is the quickest, easiest, and most economical way to control these problems.

apartments have vacancies, it creates available parking stalls, and towing may not be necessary. When condominiums suffer from foreclosures or high rental ratios, tenants do not have the same heightened vested interest in their living environment as homeowners, creating increased need for towing; board members are nervous about appearances and enforcement of parking rules to preserve their property values. Generally, when occupancy in multifamily complexes is low, need for towing is reduced. Conversely, as the occupancy improves, so does managements willingness to control the parking problems, quickly and economically, to preserve the tranquility.

**Housing density with parking ratios create the need for parking control.**

In San Jose the zoning requirements are usually 1.5 parking spaces per dwelling unit making developers scramble to construct as many units as financially feasible providing allocated parking. If management fails to assign parking, vehicle density soon includes stored vehicles, inoperable vehicles,

commercial vehicles, and sports equipment, which consume available spaces.

When management assigns a parking space, they are responsible to provide them. Property management needs to have a service available 24/7 to remove unauthorized vehicles from the guest parking (frequently office parking during the daytime), or from someone's assigned parking stall, as well as keeping fire lanes cleared for emergencies. Management is expected to be firm, but fair. Whether management issues warning notices, knocks on the doors, or immediately calls a tow truck, it becomes an available service alternative. Doing nothing or allowing the residents to resolve parking problems between themselves is not a recommended method of conflict resolution. Many complexes require alternative solutions for Self Help or Judicial solutions, all of which consume management time and energy. Towing is always the quickest and most economical way to service parking problems, but not always the best way.

## TOWING IS A PARTNERSHIP TO CONTROL PARKING

Having the tool is half the solution,  
knowing how and when to use it is the other half

TOWING IS A SERVICE THAT GUARANTEES ASSIGNED PARKING STALLS FOR THE  
BEST RESIDENTS.

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