

Apartment Managers to Pay \$450,000 in Prop.65 Settlement!

By Claude Walbert

Property managers of 900 apartment complexes throughout the state have agreed to pay \$450,000 to settle a lawsuit accusing the group of violating Proposition 65.

Under conditions of the settlement, the managers agreed to post signs warning of possible exposure to chemicals, place the warnings in positions where they are visible and write them in language that was approved by the court, said Malcolm C. Weiss, who represented the apartment group and announced the settlement late last year.

55 companies from around the state will pay about \$500 per complex.

Proposition 65, approved in 1986, requires companies to post signs that warn employees and customers of possible exposure to on-site chemicals that cause cancer or birth defects.

Weiss, an attorney at Los Angeles' Jeffer, Mangels, Butler and Marmar, said 55 management companies will pay the settlement. He said the settlement was comparatively small and could serve as a guide for other property managers facing Proposition 65 suits.

"For the number of properties, the settlement is actually a low settlement," Weiss said, noting the sum amounts to \$500 per apartment complex.

Anthony G. Graham, the attorney for plaintiffs Consumer Defense Group and the McKenzie Group, said he was pleased with the settlement.

"We're happy enough with it," said Graham, who is with Irvine's Graham and Marin. "Our aim was getting the industry into compliance." Weiss said Orange Superior Court Judge C. Robert Jameson's approval of the settlement hinged on appropriately worded warning signs. Property managers will be able to look at the suits sign wording to avoid suits, Weiss said.

Jameson's approval came despite objections by Attorney General Bill Lockyer, Weiss said. Lockyer questioned the \$50,000 in attorney fees to be paid Graham, the amount of penalties the property managers agreed to pay and the wording of the warning signs agreed to by both sides in the lawsuit, Weiss said.

No one from the attorney general's office was available for comment.

Under Proposition 65, private parties can sue to enforce state law without having to show that they were injured, but the attorney general and local district attorney must be notified so that they can prosecute instead of the private parties.

Graham said he has filed other Proposition 65 lawsuits including one against people selling fish that have mercury in them. Lockyer took over the prosecution in that case, he said.

Graham said he also has sued the hotel industry for violations of the proposition's warning provisions.

The apartment lawsuit all but wraps up his legal actions against the multi-unit housing industry, Graham said. "There are a couple of stragglers," he said.

Weiss said that Proposition 65 plaintiffs could face malicious-prosecution charges if their targets are signs with the approved language.

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