

Maine Real Estate Managers Association



WWW.MREMA.ORG

Winter, 2008

WE HAVE MADE A DIFFERENCE! MREMA'S TOYS FOR TOTS AND TEENS ANNUAL FUNDRAISER by Deb Shangraw

You need to know that MREMA and its members, along with many friends, family and vendors have raised more than \$212,000 over the past 13 years for the Toys for Tots program!

This year alone we were able to deliver a check to the United States Marine Corp in excess of \$19,000. This is just incredible news and we wanted to share it with all.

MREMA has been one of two organizations in the State that have contributed the most funds to this great charity. MREMA has always been the second highest fundraiser. This year, we have made it to number one and that only means one thing...THE KIDS IN MAINE ARE GOING TO HAVE AN EVEN BETTER CHRISTMAS BECAUSE OF ALL OF YOU THAT HAVE GIVEN your time, money and items to make this happen.



A HEARTFELT THANK YOU TO ALL
HAVE A WONDERFUL CHRISTMAS EVERYONE!

***** Spring Training *****

Plans are already underway to offer NCHM's Certified Occupancy Specialist training in May 2008. The course material covers the HUD Handbook 4350.3 REV-1, Change 2, which includes the most recent changes issued in July, 2007. This training will be held in Augusta and is an excellent opportunity for new property managers to become certified on the HUD Handbook 4350.3.

Last year's Maintenance Seminar was such a success, organizers are already lining up topics and speakers for another seminar in the spring of 2008.

Watch your e-mail for more information.

INSIDE THIS ISSUE

Toys for Tots and Teens	1
Spring Training	1
From the President's Corner	2
Spotlight on MREMA's web-site	2
Susan E. Simpson Award	3
MREMA Membership News	3
MaineHousing Update	4
Legal Matters	5-6
President's Award	7
2007 MREMA Convention	7

We are no longer mailing the newsletter except upon request. If you have comments, ideas, or suggestions, please email WWard@midmaine.com.

From the President's Corner by Susan Michaud-Bosse

As we near the end of 2007, I realize how quickly time has gone by. With all of our accomplishments this year, the last two have had the biggest impact on me. After a very successful Toys for Tots and Teens Fundraiser, we know that many lives will benefit from everyone's generosity. The board of directors recently approved a \$500 donation to the Good Shepherd Food Bank. This will allow the food bank to provide 2500 meals to the needy. I cannot think of a better way to end the year than to know that we can make such a difference in the lives of many.

I wish to share a poem with you that I received from a friend. I hope you enjoy it as much as I have.

Christmas

*There is a list of folks I know, all written in a book.
And every year at Christmas time I go and take a look.
And that is when I realize that these names are a part
Not of the book they're written in, But of my very heart.
For each name stands for someone who has touched my life sometime.
And in that meeting they've become the "Rhyme of the Rhyme".
I really feel I am composed of each remembered name.
And while you may not be aware of feeling quite the same
My life is so much better than it was before you came.
For once you have known someone the years cannot erase
The memory of a pleasant word or of a friendly face.
So never think my Christmas Cards are just mere routine
Of names upon a list, forgotten in between.
For when I send a Christmas Card that is addressed to you
It is because you're on that list of folks I am indebted to.
And whether I've known you for many years or a few
In some ways you have had a part in shaping things I do.
So every year when Christmas comes I just realize anew
The biggest gift that God can give
Is knowing folks like you.*

Anonymous



Spotlight on the MREMA Web-Site

Have you checked out the MREMA web site lately? You'll find many great links to informative and useful web-sites. One that you may want to check out is www.refugeehousing.org. Among the many resources offered by this site are publications, such as the "Housing Orientation Booklet" and "Please Repair...", which are published in several different languages.

Susan E. Simpson Award

This award is given only as exemplary individuals are identified as being worthy of the award. It is given to someone in our industry who has demonstrated and shown outstanding commitment and dedication in the field of property management. In order to be considered, a recipient must meet the following criteria:

- Practices excellence in the field of property management or a related occupation;
- Be a visible force in the industry, education, leading, or guiding;
- Selflessly contributes their time to a cause that benefits humanity above and beyond the responsibilities and expectations of their career;
- Be a respected individual who personally and professionally serves as a role model for other aspiring persons within our industry.

At the 2007 MREMA Convention, Diane MacDonald was presented this very special award. Kathleen Roberts Esposito, in presenting this award to Diane, shared these thoughts:

"This year's honoree has been practicing property management for over 25 years, constantly advocating for excellence, accountability, and comprehensiveness in our roles as managers. With a depth of knowledge not to be surpassed by anyone in this industry, this is a person so intimately familiar with all facets of operations, and so respected by the regulatory agencies and other housing professionals across our tri-state area, that when a recommendation is made, it is taken seriously... MREMA exists today, in large part, because of the contributions made by our 2007 honoree. Every committee has been served, every leadership position has been held, and every innovative idea has had contributions made by this individual... There is no one who has consistently, year after year, as selflessly and willingly devoted more time to this organization."



MREMA Membership News from Cathie Whitney

MREMA Membership now totals 102 member organizations! This includes 75 regular members and 27 associate members. Please welcome our newest associate member:

U.S. Housing Consultants, Concord, NH

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Beginning in 2008 membership information on the website will add a link to your webpage and provide a space for each member to add a statement or description of their business. Membership renewal notices will be mailed out in early January to all current Regular and Associate Members, so please be sure to send in your renewal dues by February 15th. As soon as your renewal is received, we'll send an email to get any updated information for your website listing. And please remember to recommend membership in MREMA to your industry friends!

MaineHousing Update by Donna Baker, Director of Asset Management

Project-Based Voucher Rents for Units Receiving Low-Income Housing Tax Credits - 24 CFR Part 983 - Final Rule -

24 CFR Part 983 was released on November 19, 2007. This final rule revises the low-income housing tax credit (LIHTC) rent provisions of HUD's Project-Based Voucher (PBV) program regulations which reinstate the regulatory provisions where the LIHTC rent does not serve as a cap on rents in PBV properties. All owners/managers of LIHTC properties that have Project-Based Vouchers should read this rule as soon as possible. Questions about the provisions of the rule should be directed to the agency that administers the PBV for a particular property. A copy of the Final Rule can be found at www.hudclips.org.

Residential Initiatives for Maine (RIFME)

Low income households in Maine who pay their own electricity, including those in multi-family properties that have utility allowances, are eligible to receive five Compact Fluorescent Lamp (CFL) light bulbs at no charge. It has been calculated that replacement of a single incandescent bulb with a CFL bulb will save \$1.00 per month in electrical costs. Furthermore, CFL bulbs on average have a life expectancy of six to eight years.

Single person households with an annual income at or below \$14,700 are eligible. Larger household eligibility can be calculated by adding \$5,100 for each additional household member. These light bulbs are being distributed through the Residential Initiatives for Maine (RIFME) program. The design is for RIFME to bulk distribute these light bulbs through agencies and owner/managers. RIFME will pay the distributor \$5.00 for each household served by this program. MaineHousing Construction Analyst and Housing Choice Voucher Inspection staff will be distributing five CFL bulbs to households as a part of routine HQS inspections for voucher holders at the time of their annual or move-in inspections.

If an owner/manager or other agency is interested in participating in this program, please contact Margaret Boulos at 591-6662 Ext. 11.

Maine Department of Health and Human Services (DHHS) - Office of Elder Services (OES) Health Housing Coordinators and State-Wide Needs Assessment

Through a grant from DHHS, each of the five Area Agency on Aging (AAA) programs have been able to or are about to hire a Health Housing Coordinator to assist elderly residents of Maine access services within their communities. This is an excellent opportunity for owner/managers of properties with elderly occupants to assist their residents in finding much needed services and for Resident Service Coordinators to have another resource available for referrals. In elderly designated multifamily properties, young handicapped persons eligible to live at the particular properties are also eligible to take advantage of the services of this program. More information regarding this new and exciting program will be shared in the coming months.

DHHS has also hired the consulting firm of Hornsby Zeller Associates to assess the needs of Maine communities and elderly designated housing complexes to determine how best the Healthy Housing Coordinators and the Independent Housing with Services program can serve these populations. Owners, managers, Resident Services and residents may be contacted in the near future to participate in the assessment program. If anyone has questions about this program or the assessment project, please feel free to contact Daniel Drost, Asset Operations Manager at ddrost@mainehousing.org or by telephone at 207-626-4623.

Wanna Buy An Expensive Lawsuit?

by Neil S. Shankman, Esq.

Let us start with some basics. Like most relationships, a tenancy is far easier to begin than it is to end. Therefore, your goal as a landlord or property manager, is to take all reasonable steps to minimize problems down the road. The basics are simple. Always use a lease. Pre-screen all applicants. Monitor tenant compliance with the lease. Be responsive to legitimate tenant concerns. Terminate any tenancy quickly and efficiently if things are not working out.

The focus of this missive is on preventative medicine. The key is to screen out high risk tenants without exposing yourself to a claim of discriminatory behavior at some point in the future.

All prospective tenants must be treated in the same manner. They must be asked the same questions and they must be judged by the same standards.

The first step in the process is usually going to be a determination whether the individual can afford to pay the rent. You are permitted to request information regarding the applicant and any co-applicant as to his or her current employer, address, telephone number and length of time employed. You may ask for the supervisor's name and how to reach this person. You may ask about gross income and net income.

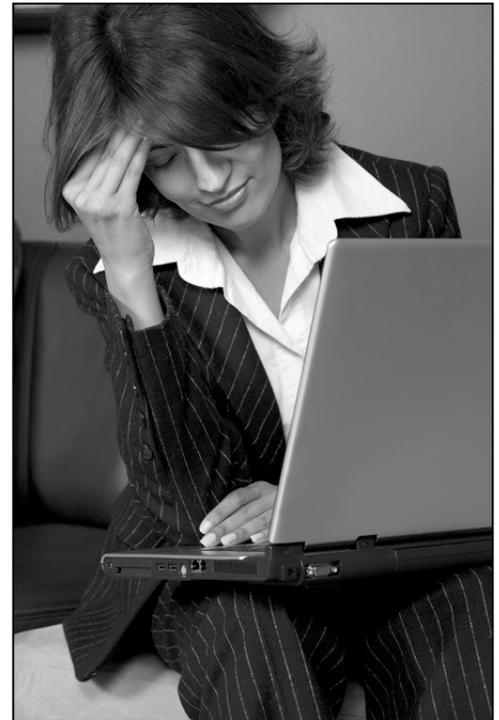
You also have the right to request banking references (where do they bank, their account number and the type of account in question). As a landlord, you have the right to have them provide you a credit report. These can be requested by the tenant sending a letter to: Annual Credit Report Request Service, P.O. Box 105382, Atlanta, GA 30348-5281 or by going on-line at <https://www.annualcreditreport.com>

You have the right to inquire about criminal history of all prospective tenants. While you may not simply ask whether someone has ever been arrested for a crime, you have the right to ask whether the applicant or any household members have ever been convicted of a criminal offense, and if yes, the details. You can obtain a criminal history report from the State of Maine at <http://www10.informe.org/PCR/> or by contacting the State Bureau of Identification at 207-624-7240.

Another crucial site to check is the Maine Sex Offender Registry by going on-line to: <http://sor.informe.org/sor/>

One of the common reasons given by landlords and property managers for not seeking credit reports or conducting criminal background checks is the cost. While we acknowledge this can be a significant drain on a budget, it is important to keep in mind that you do not need to do this on each and every applicant. You may require the prospective tenants to provide this information initially, make a determination regarding overall financial ability and suitability and then incur the expense for credit checks and criminal background checks only on those applicants who are otherwise qualified for the tenancy.

Between State and Federal law, there are literally dozens of questions that you cannot ask. For example, while you may ask an applicant whether he or she is a U.S. Citizen and whether they are legally eligible to remain permanently in the United States, you may not ask anything about their nationality, lineage, ancestry, descent, or the birthplace of either the applicant or his or her relatives. You may not ask about their native or primary language, or how they learned to read and write. You may not ask how long they have lived in the United States. Questions regarding religious denomination, affiliation, place of worship, religious leaders, or the religious holidays they observe are not permitted. You may not ask someone about their arrest record, although as indicated earlier, questions regarding criminal convictions are permitted. Maine law prohibits any inquiry as to whether an applicant is pregnant, has children, or plans to have children. However, you may ask an applicant how many individuals will be residing in the unit dwelling. You may not ask someone their maiden name (other than for credit check purposes) or their marital status. You may not inquire as to the sex, sexual orientation, gender identity or gender expressions of an applicant. You may not, under any



circumstances, request a photograph with the application. However, you may ask to see the driver's license or state identification for any potential occupants.

You have the right to request the names of all individuals who will be residing in the household. You may inquire about someone's smoking or non-smoking. You may ask an applicant how he or she intends to pay the rent.

Last, but not least, you have the right to confirm the current address of the prospective tenant, determine the name, address and telephone number of the current landlord, and may inquire of him or her. If you determine that the duration of the relationship between your prospective tenant and his or her former landlord is not long enough to satisfy you, you have the right to inquire as to the prior landlord.

Finally, I have consistently urged my clients to include the following "Authorization" at the end of each application (just above the signature line): "The undersigned hereby represents that all of the above statements are true and complete and hereby authorizes verification by the landlord. Failure to answer any of the above inquiries entitles the landlord to reject this application. False information given above entitles the landlord to (1) reject this application and/or (2) terminate tenant's right to occupancy if the false information is discovered after the tenant takes occupancy."



*Neil S. Shankman,
founder of Shankman & Associates.*

*For more information log onto
www.shankmanlegal.com*

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The laws governing
Landlords are complex,
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save money by empowering you
with knowledge and good counsel

Property Management Issues?
Evictions & Leases
Discrimination

2007 President's Award

Susan Michaud-Bosse and MREMA honored board member and membership chair Cathie Whitney at October's Annual Convention. Susan recognized Cathie by saying "she has shown exemplary service throughout the year and has been goal oriented right from the beginning. She has worked on the convention committee and has been responsible for gathering information for the web-site that has been very useful to our members. Her creativity has truly made a difference. We now have a tiered level for membership, allowing smaller property owners and managers to join our organization for an affordable fee. Last September, MREMA had only 65 members. Today we have 101."



2007 MREMA Conference a Huge Success!

Here are some of the comments from this year's conference attendees:

"Everything we do must be a team effort. Enjoyed every minute of this workshop. Excellent speaker." (More to Maintenance Than Nuts & Bolts) • "Thanks Dan for the tremendous handout and great presentation." (HUD's Done It Again - 4350.3 chg. 2) • "Helping me to think ahead & plan for next REAC inspection" (Understanding REAC Inspections) • "Always excellent. Very informative-always walk away with great info." (Legal vs. Risk) • "Great conference. Workshops with ideas/help I can immediately put into practice." • "Vendors were great. Answered all my questions." • "A lot of hard work obviously went into planning and executing the conference - GREAT JOB!"

Not only was the conference fun and educational, it was also profitable! After all expenses were accounted for, MREMA made a profit of \$3,632. Many thanks to our convention committee: Susan Michaud-Bosse, Diane MacDonald, Cathie Whitney, Sheila Malynowski, Kelly Campbell, Margaret O'Connell, Sarah Snow and Rosemary Moeykens.

If you missed out on this year's conference, pull out your 2008 calendar and save the dates for next year's Tri-State Conference at Lake Morey Resort in Fairlee, VT. The conference dates are 10/27/08 - 10/29/08 and the convention committee members are already hard at work planning another motivational, informative, and entertaining conference.