

Maine Real Estate Managers Association



Spring, 2008

MREMA Quarterly Meeting - Thursday, March 20 Submitted by Sheila Malynowski

The first quarterly meeting for 2008 is scheduled for March 20th at the Holiday Inn Portland West beginning at 8:45 with time for coffee and networking before the business of the day begins. The afternoon presentation offers Joe Wolfberg of Elder Circle, Inc. who has worked with Maine's elderly population for almost 30 years and is willing to share with us a historical look at the aging of our residents and how that process has changed over the last 25 years or so, while helping us understand how to stimulate a healthy housing environment using residents. As many of us know, it doesn't take much for one resident to disrupt an entire building, making life for both residents and management very difficult and unpleasant. Join us to listen and learn tips of how turning around this situation and resident is possible.

As members of MREMA continue to be at the fore-front of energy conservation measures within the state, green technology to keep our properties, residents, and environment, healthy for a long time, staying on top of the ever changing regulatory requirements and maneuvering the volatile housing market, it is important that we all take the time to share information and to learn from each other. This meeting also gives us a chance to hear from our regulatory friends and other industry leaders, so mark your calendar and send in your registration to save your spot. The day promises to be an informative one and learning about the changing process of aging is one that I am looking forward to hearing!



"Always Be Prepared" - The New Maintenance Motto -

This year's Maintenance Seminar will be April 3rd at the Augusta Civic Center from 8:00am - 4:00pm. Maintenance staff and management alike will benefit from learning how to prepare for REAC Inspections and prevent workplace accidents. You don't want to miss this interesting, informative day. Space is limited, so get your registrations in soon. Only \$25 per person and that includes lunch!

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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

I can't believe that two months have already gone by in 2008. It seems like it just began, however, I must admit that I can't wait for this winter to end. It has been challenging to say the least, with the colder temperatures, higher heating costs and tons of snow on roofs and on the ground. Plowing, snow blowing, shoveling and removing snow to make room for more seems to be a never ending task. Most of our property budgets are probably financially drained making it more difficult to find funds for training. MREMA is offering great opportunities for training, so be creative so you don't miss out.

The third combined conference with the Maine Real Estate Managers Association, Granite State Managers Association, and Vermont Housing Managers Association will be held at the Lake Morey Resort in Fairlee, VT. We have reserved the entire resort, which includes 130 guest rooms, 21000 square feet of meeting space, wireless high-speed internet, an 18 hole championship golf course, a fitness center, an indoor pool, a jacuzzi, and a full service spa.

The agenda will include a full day Fair Housing Training with Debbie Piltch and workshops on Resident Retention, Energy Conservation, Maintenance for Managers, and Boston Post and Real Page, to name a few.

After a full day of training on Monday, you will enjoy our Casino Night for an evening of fun and networking. Get ready to dance on Tuesday evening with music from one of Vermont's favorite DJ's.

As if this is not enough to peak your interest, we are making this conference very affordable. You can actually attend for three days and nights for under \$700, and even less if you share a room with a colleague. The cost of the fair housing training alone, without meals and lodging, could cost more than this if it were offered in Boston.

Book your room early, since we expect to sell-out. Check out the site at www.lakemoreyresort.com

I look forward to seeing everyone at the March 20th quarterly meeting.



Spotlight on the MREMA.ORG

Are you thinking **GREEN**? HUD, Preservation Management, and Realty Resources Management have been. They've put together some excellent green information that we can use to educate ourselves and our residents about energy conservation. Check out the Resident Education Guidance Package, Resident Conservation Package and Think Green Package in our document library. Each document includes energy-saving and money-saving ideas and is formatted to be easily printed and shared with your residents.

MREMA Membership News from Cathie Whitney

I'm pleased to report that the majority of our members have been very prompt in completing their membership renewals. We also welcome 3 new members. At this time, our membership totals 88 organizations of which 65 are regular members and 23 are associate members.

I'd also like to remind everyone that among the benefits of membership, we are now able to include more information about our regular and associate member listings at www.mrema.org. If you'd like to include your business slogan or statement and/or would like to have a link to your website, please email me with the information you'd like added and I'll coordinate that with our webmaster.

New Regular Members:

Affordable Housing of New England
York County Shelter Programs, Inc.

New Associate Member:

First Protection Services, Inc. of Scarborough

Regular Membership Renewals

Alpha Management Corp.
Auburn Housing Authority
Barkan Management
Brewer Housing Authority
C & C Realty Management
Caleb Foundation
CB Mattson
Clark Young Associates
Coastal Enterprises, Inc.
Community Concepts
Community Housing of Maine
CS Management
Diocesan Bureau of Housing
Dover-Foxcroft Housing Development Corp.
Elderserv
Emerald Management Corp.
Evergreen Enterprises, LLC
Federal Management Co., Inc.
Forside Management
Gary Buck Property Management
Goodwill Development Corp.
Grady Management, Inc.
Hallkeen Management, Inc.
Harbor Management
Highland Park Apartments
Hillside Apartments
Housing Authority of the City of Old Town
Housing Management Resources, Inc.
Jack Marshall Associates, Inc.
L & L Management
LaBrecque Property Management, LLC
Laplante Apartments

Lewiston Housing Authority
LGW Property Management, LLC
Libert Management, Inc.
Madison Avenue Associates
Maine Development Associates
Maine Properties, Inc.
Megunticook Management
Mike Eon Associates
Phoenix Management
Preservation Management, Inc.
PropSys
R & K Oxford Management
R.L.W. Management, LLC
Realty Resources Management
Sanford Housing Authority
Seton Village
Sherman Heights Apartments
SHP Management Corp.
Spear Management
St. John Valley Realty Co., LLC
Stanford Management
Stella Maris Housing Dev. Corp.
Stewart Property Management
The Housing Foundation
United Pejepsot Housing, Inc.
Vosmus Associates
Washburn Realty Company
Westbrook Housing Authority
Weston Associates
Yale Court, LP
Yorkshire Commons

MREMA Membership News cont'd

Associate Membership Renewals

Bangor Savings Bank
 Basloe, Levin & Cuccaro, Ltd
 /Adjusters International
 Calise Consulting
 David Van Baars
 DKM Consulting
 First Class International
 Mac-Gray Services, Inc.
 Maine State Housing Authority
 Nelson & Small

Northern New England Housing
 Investment Fund
 Norton Insurance
 Otis | Atwell
 Ouellette & Associates, PA
 Q10 | New England Realty Resources
 Shankman & Associates
 Spectrum Seminars
 Sue Crawford Consulting
 Tenant-Net, Inc.
 US Housing Consultants



Certified Occupancy Specialist Training

If you have not signed up yet for the COS Training, taught by Mark Alper from NCHM, there is still time to register. The training will be held May 14, 15, and 16 at the Senator Inn Conference Center in Augusta and the registration deadline is April 30. The class will cover the updated HUD 4350.3 Handbook, including eligibility, 504/Fair Housing, assets and income determination and calculation, allowances and adjusted income, verifications, annual and interim certifications, billing and special claims, and tenant fraud.

The class includes the option for each participant to take an exam, and those participants with a passing score earn their COS certificate. The cost for the training includes the manual, lunches and breaks for all three days. The cost for MREMA members is \$550 with the exam and \$450 without the exam. For non-members, the cost is \$725 with the exam and \$600 without the exam. For further information on this training, or to register, please contact Diane MacDonald, macdonald@emeraldmanagement.com.

MREMA Board Members and Committee Chairs

Do you have questions or suggestions? Would you like to volunteer for an upcoming event or find out more about how you can help (or how MREMA can help you)? Please send us an e-mail and let us know!

Susan Michaud-Bosse - President, Convention Chair (smbosse@midmaine.com)

Sheila Malynowski - Vice-President (smalynowski@presmgmt.com)

Margaret O'Connell - Secretary (mjoconnell@presmgmt.com)

Suzanne Raymond - Treasurer (sraymond72@roadrunner.com)

John Desjardins - Ex-officio (fedmgt1@maine.rr.com)

Cathie Whitney - Membership Chair (cwhitney@ccrealtymanagement.com)

Diane MacDonald - Education Chair (macdonaldd@emeraldmanagement.biz)

Rosemary Moeykens - Legislative Updates (rmoeykens@avestahousing.org)

Wendy Ward - Newsletter/Web-Site Chair (wward@midmaine.com)

Save the Date - Toys for Tots and Teens 2008 Fundraising Auction



Join MREMA at the Holiday Inn Portland West on December 3, 2008 for a great evening of fun and help us match last year's donation to the US Marine Corp of \$20,000.

MaineHousing Update

by Donna Baker, Director of Asset Management

HUD Preservation Efforts

HUD and MaineHousing Asset Management staffs have begun a series of meetings with owners of Section 8 properties that have rental subsidy contracts nearing the end of their term and are at risk to opt out of the program. In most cases this is because the property is located in a rental market that supports market rents that exceed the subsidy contract rents. These meetings are part of a HUD initiative intended to work with owners to preserve existing affordable housing.

The first meeting was held on January 30 in southern Maine with the owner of 3 Section 8 properties. The meeting was very productive and it was learned that the owner intends to remain with the program but wanted some technical assistance with escrows, rent increase requests and other program requirements. Asset Management has begun working with the owner on these questions.

Future meetings are planned with other owners of expiring contract properties.

Management Review Season Begins

Asset Management has begun the process of scheduling for the 2008 Management Review season. This first step includes contact with management agents throughout the State to establish the best time for the review. Please be sure to let your Asset Manager know if you have scheduling issues that need consideration in this process.

During this year's review season Asset Managers will be asking for a copy of the most recent property tax assessment for your property. This information will be added to the database of the Asset Management portfolio.

HUD Programs Team Update

As of February 19, 2008 the HUD Programs Team will be fully staffed and focused on preparation for the Housing Choice Voucher software conversion. Additionally we intend to emphasize cross-training efforts throughout 2008 in an effort to de-centralize specific job functions. So much of what we do has become "specialized" and assigned to one point-person. The learning and sharing of job tasks and responsibilities will help us develop a safety net to more effectively absorb future staff turnover or lengthy absences.

Rural Development Update by Robert Nadeau

Fiscal Year 2008 Budget

The budget for Rural Development programs has not yet been “officially” released; however we expect that it will be published within the next couple of weeks. We anticipate that funding levels will be very similar to Fiscal Year 2007 levels for most programs. Once the official budget is published we will know precisely how much is available for Rental Assistance, new construction, rehab/repair, preservation, etc. As many of you know, each specific funding pool will then be announced via Notice of Funding Availability (NOFA). Be sure to check Rural Development’s website periodically to see what NOFAs have been published as they contain the instructions for application submission. The link is: <http://www.rurdev.usda.gov/rd/nofas/index.html>

Site Manager of the Year

The Site Manager of the Year guidelines have been issued and they are very similar to prior year requirements. Soon you will be contacted by your local area servicing office with the details of the program, but we wanted to let you know the program notification was just released. The deadline for submittal to your local area office will be April 18, 2008. Since the guidelines essentially remain unchanged from last year, we encourage you to begin putting together your submittals now based on last year’s program guidelines.

State Place Ranking List

Each year Rural Development issues its State Place Ranking List which identifies eligible communities for new construction proposals under the Section 515 new construction program. On March 4, 2008 we received notice that Maine’s list was approved by the Rural Development National Office. Within the next week we will have the list posted to the Maine’s Rural Development website so check back to see the Fiscal Year 2008 list. The link is to the State Place Ranking List is: <http://www.rurdev.usda.gov/me/MFH/multi.htm>

Did You Know?

Rural Development now has all its properties (photos included) listed on our website? Check this out at: <http://www.rurdev.usda.gov/>. On the left hand side under links click on Apartments for Rent, then the state and county you wish to look at.

OVERCROWDING vs. DISCRIMINATION SIZE MAY MATTER

BY: Neil S. Shankman, Esq.

The easiest way to turn a high-end apartment complex into a housing nightmare is to permit overcrowding. How do you avoid this problem without spending inordinate amounts of time and money with your attorney and the Maine Human Rights Commission?

Neither State nor Federal law provides definitive guidance. There are no maximum numbers of people per bedroom. There are no maximum numbers of people within units of a particular size. Essentially, we are expected to act “reasonably” and to avoid any intentional or inadvertent discrimination against families with children.

While logic may dictate that two children in a small bedroom would make perfect sense and two adults in that same bedroom would be overcrowding, the law does not permit you as a landlord or property manager to make such distinctions.

The extremes are easy to address. If a family of two adults and six children wants to move into a two bedroom apartment, can you say no? Of course you can. The issue is not whether you are engaging in discrimination based on familial status, but whether you are prohibiting unsafe overcrowding and unreasonable wear and tear on a unit.

The Maine Human Rights Commission is not going to be knocking on your door because you have made a logical decision with the net result that large families are unable to rent in your project. On the other hand, if they determine that families with children generally are being discouraged from seeking housing in a particular project, the level of scrutiny is going to be greater.

If your prospective tenants are two adults and two children who want to rent a one bedroom apartment, can you tell them that this would be unacceptable? The answer is a resounding “maybe”. It will depend, at least in part, on the size of the unit. In most cases, we would presume that a refusal to rent would be logical, reasonable and non-discriminatory.

What would happen if we were looking at a two bedroom unit instead? Again, the size of the unit matters, but it will not be controlling. The age of the children would be a logical area of inquiry, but it would be an inappropriate question to ask.

The Maine Human Rights Commission has made it quite clear in multiple decisions that while you may inquire into the number of individuals who will be residing in a household, you may make no inquiries as to the number of children, the age of the individuals, whether anyone is pregnant or not, or whether there are any future child bearing plans. For that matter, you may not ask about custody issues, visitation rights, or adoption plans.

At this point, I presume, that most of you ready to respond to this article by saying: “Thanks for nothing”. The fact is, unfortunately, that neither the Maine Human Rights Commission nor any lawyer versed in this field is in a position to give you any specific guidance that can be “guaranteed”. Each case is evaluated on an individual basis and with the risk of exposure increasing as we move further from “Yes” and closer to “No”.

There are a few things you can do however. A few towns and municipalities in the State of Maine have enacted ordinances by which the number of individuals in a particular unit may be limited based on the amount of square footage of the living space. Some insurance policies affirmatively limit the number of people who may reside in a rental unit. Either of these factors would be a defense to a discrimination complaint.

We also recommend ... strongly ... that any Lease Agreement between you a tenant must include a specific provision identifying who the individual tenant or tenants are and specifically stating: "There will be no other persons residing in the rented premises except as specifically authorized in writing by the landlord or as listed here: _____". Tenants do not have an inherent right to add friends or family members to the Lease Agreement. They have no right to have others move in without permission.

Last, but not least, you have the right to include in your Lease Agreement specific provisions regarding the number of guests at any given time and the number of days that any guest may stay individually or the cumulative number of guests who may stay over the duration of a specific time period. In other words, as with many other aspects of the landlord-tenant relationship, you have rights that will be recognized by a Court if you include appropriate provisions in your Lease Agreement.



*Neil S. Shankman, founder of
Shankman & Associates.
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for Lawyers, Paralegals,
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LEGAL CENTER**

April 11, 2008
Ramada Inn – Lewiston

Neil S. Shankman

THE SEMINAR

Landlord-Tenant Law is not hard, but it can be complicated. Learn how you can protect yourself in the future. We will talk about leases, tenants and your rights. We will be taking questions during the seminar and will be available for consultations during breaks and at lunch. Don't miss out, sign up today, limited space is available.

WHERE

Ramada Conference Center – Exit 80 off ME Turnpike
490 Pleasant Street – Lewiston

WHEN

April 11, 2008 – 9 A.M to 4 P.M.
Registration: 8 A.M. to 9 A.M.
Lunch: 12 Noon (on your own)
Afternoon Session: 1 P.M.

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