

Maine Real Estate Managers Association



WWW.MREMA.ORG

Spring, 2010

MREMA Quarterly Training Working with Residents with Disabilities

Thursday, March 18
Hilton Garden Inn - Auburn

Don't miss the first quarterly business meeting and training of 2010 on Thursday, March 18 at the Hilton Garden Inn in Auburn. Our guest speaker for the afternoon is Amanda Wells, of Preble Street resources, who will talk with us about dealing with residents and applicants with mental health issues.

After graduating from the University of Maine with a degree in education, she began her career in social services doing shelter work and street outreach with homeless and street involved youth in Lewiston.

In 2002, she went to work for Preble Street where she has held several positions working with adults struggling with homelessness and poverty. She began as a case manager, also responsible for staffing and maintaining safety in the day shelter and breakfast programs. She then transitioned to first Team Leader, then Supervisor of Adult Services, overseeing the Adult Day Shelter. In 2007 Preble Street opened the first shelter for single, homeless women in the state and she transitioned to help develop and oversee this program.

In April, Preble Street will open Florence House, a new program with three types of housing for homeless women - a 15-bed Safe Haven Shelter, 10-bed Emergency Shelter, and 25 permanent efficiency apartments where she will continue as the Program Coordinator.

Through these roles Amanda works daily with individuals living with histories of trauma, abuse, violence, mental illness, substance abuse, and major health issues. As an extension of her role she will help to train staff, students and other community providers to work on safe de-escalation techniques in variety of environments.

MREMA to Sponsor One Day Updates June 28-30, 2010

Trainer A.J. Johnson will be in Portland to conduct three separate updates on the HUD 4350.3 Requirements, Low Income Housing Tax Credit Program Requirements, and Rural Development Program Requirements.

This training will be held at the Holiday Inn West, 85 Riverside Drive in Portland. Register for 1, 2, or all 3 days! Cost for members will be \$125 per day or \$300 for all 3 days. Cost for non-members will be \$250 per day or \$600 for all 3 days. The cost includes lunch and breaks. An overnight rate of \$79 is guaranteed until June 13th.

Watch your e-mail for registration information coming soon.

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If you have comments, ideas, or suggestions, please email WVard@midmaine.com.

From the President's Corner by Susan Michaud-Bosse

It seems as though the Board of Directors just got started, but 2010 is a voting year and the process is already underway. According to our By Laws, the Board of Directors shall consist of "full" members elected by the "Full" members of the Association. A Nomination committee, appointed by the President, shall present a slate of members who are interested in serving on the Board of Directors. They shall submit a nominee for all positions to be filled. The slate shall be presented to the Board of Directors 30 days prior to the annual meeting. Such slate shall be presented to each voting member of this Association prior to the election meeting held at the annual meeting. Nominations may also be made from the floor by a Full Member in addition to those names submitted by the nominating committee.

The Board of Directors shall be elected by the Full Members at the Annual quarterly of the Association on October 20th, 2010 at Sugarloaf. Each officer shall be elected for a two (2) year period commencing at the annual meeting of membership in even years and shall serve until his or her successor has been elected and confirmed. The number of directors of the Association shall be not less than five and no more than eleven. Of the five to eleven, up to one associate member may serve on the board with full voting rights at board meetings only. The number of directors during any given term shall be established by the outgoing Board of Directors. In addition to the five to eleven elected directors, the outgoing President shall remain on the Board of Directors for another 2 year term as a full voting member.

The Board of Directors shall have general charge and control of the affairs, funds and property of this Association. It shall present to the membership all proposed major activities for ratification.

If anyone is interested in adding their name to the ballot, please contact me or any other board member. We have had a lot of fun working together for the past 16 months and still have a lot to do before our term is over.

MREMA Board Members and Committee Chairs 2008-2010 Term

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

Gary Crowell - Vice-President (gcrowell@stanfordmanagement.com)

Sherrin Vail - Secretary (svail@avestahousing.org)

Diane MacDonald - Treasurer (macdonaldd@emeraldmanagement.biz)

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

Sheila Malynowski - Education Chair (smalynowski@presmgmt.com)

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

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

Sara LaBrecque (lpm375@verizon.net)

Sharon Pray (spray@shpmanagement.com)

Denise Paradis (dparadis@hallkeen.com)

Kelly Campbell (kcampbell@housinginvestmentfund.org)

MREMA Membership News by Cathie Whitney

Thanks to all of those, listed below, who have promptly renewed their membership! As of today's writing, we have 100 member organizations: 69 Regular Members and 31 Associate Members. If your organization is not on the list, please send in your renewal today!

Regular Members

Affordable Housing of New England
 Alpha Management
 Asset Real Estate Management
 Auburn Housing Authority
 Avesta Housing
 Barkan Management
 Brewer Housing Authority
 C&C Realty Management
 C.B. Mattson
 C.S. Management
 Clark Young Associates
 Coastal Enterprises
 Community Concepts
 Community Housing of Maine
 Diocesan Bureau of Housing
 Dover-Foxcroft Housing
 Elderly Housing Dev & Operations Corp.
 ElderServe, Inc.
 Emerald Management
 Evergreen Enterprises, LLC
 Federal Management
 Fickett Property Management, LLC
 Foreside Management
 Gary Buck Property Management
 Goodwill Development
 Group Home Foundation
 Guilford Development Corp.
 HallKeen Management
 Hillside Apartments
 Housing Authority City of Old Town
 Housing Foundation
 Housing Management Resources
 Jack Marshall Associates
 Kinney Rentals
 LaBrecque Property Management, LLC
 LaPlante Apartments
 Lewiston Housing Authority
 LGW Property Management, LLC
 Liberty Group
 Madison Avenue Associates
 Maine Development Associates

Matthew Sherman Memorial Apts
 Megunticook Management
 Mike Eon Associates
 Norridgewock Housing Corp.
 Phoenix Management
 Preservation Management
 Prosys
 R & K Oxford Management
 Realty Resources
 Sanford Housing Authority
 Seton Village
 Shalom House
 SHP Management
 SI Associates
 Spear Management
 St. John Valley Realty
 Stanford Management
 Stella Maris
 Stewart Property Management
 Targeted Management Co., Inc.
 The Caleb Foundation
 United Pejepscot Housing
 Volunteers of America
 Washburn Realty Co.
 Westbrook Housing Authority
 Weston Associates
 Yale Court, LP
 York County Shelter Programs
 York Housing Authority

Associate Members

Bangor Savings Bank
 Baslow, Levin & Cuccaro, Adjusters
 International
 Benchmark
 Crawford Consulting Services
 Cross Insurance
 David Van Baars, DVB Law
 First Class International
 First Protection Services
 Fortin Construction
 Mac-Gray

MREMA Membership News

Associate Members cont'd

Maine State Housing Authority
 Mid Maine Drug Screening
 Nelson & Small
 Northern New England Housing Investment
 Fund
 Norton Insurance
 Otis | Atwell
 Ouellette & Associates
 Protection Professionals
 Rent.com

RentGrow
 Resident Screening Solutions
 Servpro of Lewiston-Auburn
 Shankman Associates
 Spectrum Seminars, Inc.
 Tenant-Net
 US Housing Consultants
 USI New England
 Webber Oil Company



Maine State Housing Authority Update

by Bob Conroy, Director of Asset Management

Dale McCormick Confirmed as 10th Director of the Maine State Housing Authority

On February 11, 2010, the Honorable John E. Baldacci swore in Dale McCormick to a second four-year term as Director of MaineHousing. Dale is the 10th Director to serve since the agency was created in 1969 and is only the second Director in the agency's forty-year history to be named to a second term.



Photograph: Governor John E. Baldacci, Dale McCormick, and Peaches Bass

Maine State Housing Authority Update cont'd

MaineHousing Receives 2010 Funding from HUD for the Housing Choice Voucher Program

MaineHousing has received notification from HUD regarding 2010 funding levels for the Housing Choice Voucher Program. The funding has been increased to a level that will allow MaineHousing to issue vouchers that have been on hold due to funding limitations. These additional vouchers have been allocated throughout the State. Questions regarding the availability of vouchers may be referred to either MaineHousing or its agent partners: Aroostook County Action Program, PENQUIS, Washington-Hancock Community Action, or Avesta Housing.

Enterprise Income Verification (EIV) Becomes Mandatory Effective January 31, 2010

Use of the Enterprise Income Verification (EIV) System for Multifamily Housing Programs became mandatory on January 31, 2010, the effective date of the *"Refinement of Income and Rent Determination Requirements in Public and Assisted Housing Programs - Final Rule"* published in the Federal Register on January 27, 2009 (FR-4998-F-02).

In order to meet the compliance requirement for using EIV and to avoid penalties relating to noncompliance with the Final Rule, owners and management agents who do not have access to EIV must act immediately. Please refer to Asset Management Notice 2010-02 dated February 5, 2010 for additional details regarding the determination of EIV roles, the application process for Coordinators and the application process for EIV users. This notice and all previous notices may be found on MaineHousing's website at www.mainehousing.org by selecting the "Housing Partner's" tab in the lower right corner of the homepage and then selecting "Downloads".

As the Asset Management Department embarks on its 2010 Management and Occupancy Review schedule, MaineHousing staff will be monitoring for EIV compliance, particularly in the areas of: security; coordinator and user activities and documentation; policies and procedures for the handling and storage of EIV information; the use of EIV reports; and the correction of EIV/tenant reporting discrepancies. MaineHousing is currently in the process of preparing resource materials to assist owners/managers with the EIV process. Tentative plans have been made for training events for owners/managers. Additional information will be provided as it becomes available.

MaineHousingSearch.org Continues to Grow - UPDATE

Maine's free online rental listing service that "links people who need housing with the housing they need" is growing by leaps and bounds. As of the beginning of February: 950 available units were listed; 12,621 units were loaded into the system; 620 landlords had registered; and there were available units in each of the 16 counties.

Please visit MaineHousingSearch.org. If you have not yet registered and posted available units, it is never too late. Landlords may register online at the website or call the toll free number 1-877-428-8844 and the SocialServe call center will assist with registration and the loading of rental property information.



With the deadline for MREMA's quarterly article knocking at my door, my Paralegal and I reviewed dozens of pressing issues that needed to be addressed. We have chosen three.

Smoke Detectors

Maine law requires that every rental unit in a multi-family building must have at least one smoke detector on or near the ceiling in areas within each bedroom or at the entrances leading to each bedroom. Multi-unit buildings that are four stories or higher must have additional smoke detectors installed in each closed corridor and closed hallway on each floor. As of October 31, 2009, any smoke detectors that are installed in a multi-family building must be powered both by the electrical service and by battery. Note that any smoke detector located within 20 feet of a kitchen or a bathroom (containing a tub or a shower) must be a photoelectric type smoke detector. Every smoke detector must be of a type approved by the State Fire Marshall.

An individual who violates the smoke detector law is guilty of a civil violation and subject to a penalty of up to \$500.00 for each such violation. The Court has the discretion of waiving the penalty if there is satisfactory proof that the violation was corrected within ten (10) days of the issuance of a

complaint.

If you have a tenant who is either deaf or hard of hearing, you are required, upon the request of a tenant, to provide an approved smoke alarm sufficient to warn the tenant of smoke. If the property manager fails to act within 24 hours, the tenant may purchase, install and maintain such a smoke detector and deduct the actual cost from the monthly rent.

At the commencement of each tenancy, it is the landlord's duty to confirm that each smoke detector is in working condition. After written notification of any deficiencies by the tenant, the landlord is required to repair or replace any defective smoke detector. On the other hand, it is the tenant's duty to maintain the smoke detectors in working condition by keeping charged batteries in them, by testing the smoke detectors periodically and by doing nothing to disable them from working.

The smoke detector statute can be viewed at Title 25, Section 2464 of the Maine Revised Statutes. The Commissioner of Public Safety has been instructed to adopt rules to implement this law. Preliminary guidance is available on line at www.mainechief.com/documents/p1162.pdf. When final rules are adopted, they will be available at www.maine.gov/dps/fmo/laws/rules.html.

It should be noted that a few municipalities have enacted ordinances at least as rigorous as this statute, some of which contain more severe penalties. Noncompliance with either state statute or local codes could become the basis for a civil action for damages in the event of personal injury or damage to property. Strict compliance with the law is mandatory. Criminal prosecution has been initiated in a few jurisdictions following the deaths of tenants where landlords failed to install smoke detectors.

Radon Testing

During the last legislative session a law was enacted that requires landlords to have their residential buildings tested for radon no later than 2012, with subsequent testing every ten (10) years thereafter. It is not clear from the statute itself, or from the legislative history, whether the phrase "by 2012" is intended to require that the testing be done prior to the commencement of that year, or prior to the end of that year. See Title 14, Section 6030-D of the Maine Revised Statutes.

Home testing kits are not permitted. Radon tests must be conducted by a person who is registered with the Department of Health and Human Services.

If test results reveal a level of radon of 4.0 picocuries per liter of air or above, the landlord is required to take all necessary steps to mitigate the level of radon to a number below that standard. "Mitigation services" must be provided by a person registered with the Department of Health and Human Services.

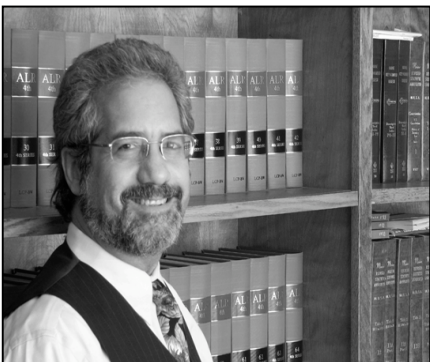
Landlords are required to provide written notice to tenants and potential tenants regarding the presence of radon in the building. This information must include the date and results of the most recent test and must explain the risks associated with exposure to radon. Standard disclosure forms are being prepared by the state and will be accessible at some point during 2010. Go on line at www.state.il.us/IEMA/radon/pdf/DisclosureRadonHazards.pdf.

If a landlord fails to comply with the requirements of state law, he or she would be subject to a fine of not more than \$250.00 per violation. It is likely that enactment of this new law will strengthen the hand of Plaintiff's lawyers who are filing litigation on behalf of individuals who have been harmed by exposure to radon.

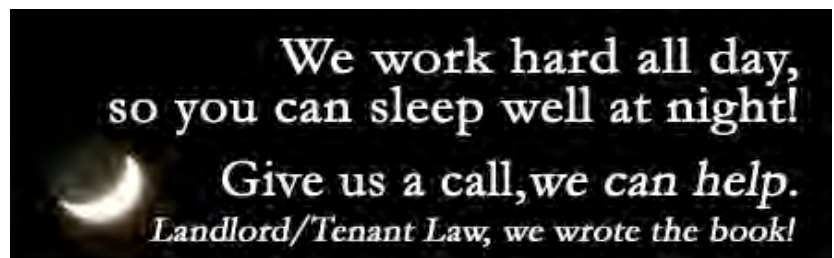
Staff Training

We have recently published the revised edition of our book "Maine Landlord-Tenant Statutes & Commentaries". We have included updated analyses and case references on all State statutes relating to landlord-tenant relations. We have paid particular attention to the various substantive changes that have occurred within the last two years. When emergency situations arise, you may not be able to contact your lawyer immediately. It is very important for you to have knowledge of the laws when dealing with your tenants and, quite frankly, when dealing with your lawyer. You need to understand the law in order to be able to ask the right questions and get the desired results. To order a copy of the book, please contact us.

Please mark your calendar for our full-day seminar on Landlord-Tenant Process & Procedures on April 9, 2010 at the Ramada Inn in Lewiston. This seminar will include the most comprehensive and hands-on practical book that we have ever published. MREMA members will be eligible for a 25% fee discount. If you are not sure that you are on our mailing list, please contact Karen Cook at kcook@shankmanlegal.com or call her at 786-0311.



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