



# Maine Real Estate Manager's Association

Spring Issue

March 1, 2013

## President's Corner

Greetings everyone. Elections were held at the September Quarterly Meeting & Training and it is my pleasure to introduce you to the new Board of Directors for the 2012 – 2014 term:

Diane MacDonald – President  
Sara LaBrecque – Vice President  
Susan Michaud-Bosse – Treasurer  
Tami Exchange – Secretary  
Mike Sprague  
Sheila Malynowski - Education  
Jeff Martin  
Bruce Merrill  
Holly Souza  
Denise Paradis  
Mike Myatt, Ex-Officio

And the Committee Chairs are:  
Holly Souza – Newsletter  
Cathie Whitney – Membership  
Rosemary Moeykens – Legislative  
Susan Michaud-Bosse - Conference  
Diane MacDonald & Susan Michaud-Bosse – Toys For Tots & Teens

Speaking of Toys for Tots & Teens Santa's little elves were hard at work on the Event this year that

was held at the Italian Heritage Center in Portland, December 7<sup>th</sup>, 2012. A BIG *THANK YOU* to everyone who has helped out by obtaining auction items, buying gifts for the children in the Group Homes, event setup, printing, etc..

We had a great turnout at the Maintenance Training held at the Augusta Civic Center in October 2012 and the feedback we received was very positive.

For upcoming trainings we are in the process of working on MREMA's 2013 Annual Conference to be held May 19-21 at Point Lookout, Northport, Maine. Please contact Susan Michaud-Bosse with any training or speaker options you would like us to consider for this years conference.

Sincerely,

Diane MacDonald  
President



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## Toys for Tots Event



The Toys for Tots Fundraiser event was held on December 7<sup>th</sup>, 2012 at the Italian Heritage Center in Portland. The event was a huge success. It included a silent auction & live auction led by George McCrillis that included items such as paintings, Maine made items, timeshares & sporting event tickets. The bead game was a hit and everyone enjoyed the great food and atmosphere. This year we

This year we were able to raise \$21,449.41 for the Toys for Tots!!! A huge thank you to The Hayes Company (our corporate sponsors) 1st Sgt Timothy Bunnell and the Toys for Tots committee for making this year such a huge success.



## SAVE THE DATE

### Maine Real Estate Managers Association 26<sup>th</sup> Annual Conference May 20 to May 22, 2013 Point Lookout Resort & Conference Center Northport, Maine

You don't want to miss this year's retreat.  
Here are a few of the workshops we have planned:

- ◆ 2 1/2 day COS Certification including exam – NCHM
- ◆ Safety & Security Measures – Keeping staff & residents safe
- ◆ EIV Expanded Version covering rules for Public Housing & Multi Family Housing
- ◆ Radon Testing, Fair Housing BIAS and much more....

#### Hotel Information

The charming rustic décor, airy screened-in porches and spacious layouts bring an air of casual elegance to 106 guest cabins. Fully heated and air conditioned, the one, two & three bedroom cabins include kitchenettes, living spaces, and one or two bathrooms. And while you feel like you are a million miles away from the hectic pace of daily life, you can stay connected to work and home with Internet access in each cabin.

**Phone Reservations: 1-800-515-3611**

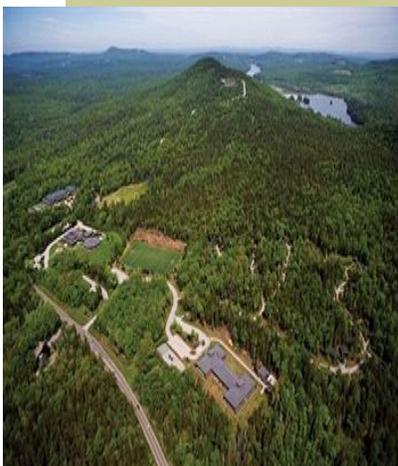
#### Guest Room Rates:

1 Bedroom Studio Cabin with 1 King Bed, 1 Bath	\$ 99.00 per day
1 Bedroom Studio Cabin with 1 Queen Bed, 1 bath	\$ 89.00 per day
2 Bedroom Cabin with 2 Double Beds, 1 bath	\$ 89.00 per day
2 Bedroom Cabin with 2 Queens Beds, 2 baths	\$ 149.00 per day
3 Bedroom Lodge with 2 King beds, 1 Queen, 2 Baths	\$ 179 .00 per day

Handicapped accessible cabins are available for 1 and 2 bedroom cabins. The above rates do not include a Maine lodging tax.

**Please reserve your cabin or lodge before 5/5/13 to insure availability.**

**Join MREMA today!  
Visit our website @ [mrema.org](http://mrema.org) for the benefits.**



## MREMA Membership

The MREMA renewals continue to come in to Cathie Whitney with 71 Regular Memberships renewed and 21 Associates Memberships renewed thus far.

We would also like to welcome a few new members:

- ⇒ Saco Falls Management
- ⇒ A&L Labs
- ⇒ Leach Home Partners

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## Becoming A Member of MREMA & Benefits

Becoming apart of an organization like MREMA helps your company in many ways. The first way being a member will help is you gain access to discounted trainings, classes and certifications. Being a member also helps your company with networking within a large organization that has the common goal. There are a couple ways you can become a member.

**FULL MEMBERSHIP** in the Association is limited to the dues-paying business entities professionally involved in real estate management, development, or ownership in the State of Maine. Each member shall have only one vote regardless of the number of employees or units managed or owned by a particular entity. Dues per calendar year: \$250 for companies managing 100+ units; \$100 for companies with 51-99 units; \$50 for companies with 50 or less.

**ASSOCIATE MEMBERSHIP** in the Association is offered to organizations who do not manage property, but who provide a resource or service to professionals within the property management industry. Associate members are not eligible to vote. Dues per calendar year: \$100 Please make check payable to MREMA and send completed form & check to Cathie Whitney, C&C Realty Mgmt, PO Box 2506, Augusta ME 04338.



Contact Cathie Whitney with any questions.

[membership@mrema.org](mailto:membership@mrema.org), or call (207) 621-7700

Please visit our website [www.MREMA.org](http://www.MREMA.org) for news about our Annual Conference, Quarterly Meetings & Trainings, Maintenance One-Day Training and any Certification Trainings we are offering.

## CANNABIS CONUNDRUM

Aubrey A. Russell, Esq.  
Neil S. Shankman, Esq.  
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Landlords are confronted with ever-changing laws and challenges which affect the way they manage their properties. In just the past few years, Landlords have had to adapt to new service animal laws, bed bug laws, and most recently, issues surrounding medical marijuana use.

The enactment of Maine's Medical Use of Marijuana Act ("MMUMA") has raised numerous issues for landlords and property managers in the State of Maine. Landlords, by law, are required to disclose their smoking policies to all tenants or potential tenants. Many landlords have chosen to enact No Smoking Policies at their properties in order to limit liability, improve public health, increase fire safety and maintain cleanliness at the properties. What happens when a tenant begins to smoke medical marijuana in a no-smoking unit? What can and should the landlord do?

MMUMA states that "a landlord or business owner may prohibit the smoking of marijuana for medical purposes on the premises of the landlord or business if the Landlord or business owner prohibits all smoking on the premises and posts notice to that effect on the premises." Title 22 M.R.S.A. §243-E(2). The Maine Human Rights Commission issued an Advisory Opinion that addressed how the Maine Human Rights Act (MHRA) applies when a tenant requests a reasonable accommodation to smoke medical marijuana at a no smoking property. The result of the law and Commission's opinion is that it is possible to deny such a request, so long as you have crossed your t's and dotted your i's.

So, what do you do if a tenant is smoking marijuana in a non-smoking unit? First, if you do not have prior knowledge that it is medical marijuana use, or if you have such knowledge, but the tenant has not requested a reasonable accommodation, then you should serve the Tenant with a Notice of Intent to Terminate or Notice of Termination, dependent upon their Lease. If you either have knowledge that it is medical marijuana, or if the tenant requests a reasonable accommodation, you must address the issue as you would any other reasonable accommodation request.

First, you need knowledge of the disability. If the tenant's disability is not obvious and you do not have prior knowledge of the disability, then you may request information to determine if the tenant meets the definition of disabled.

Once you have knowledge of the disability, you need to know if the accommodation requested is reasonably related to the disability. If you do not have prior knowledge of how the accommodation is related to the disability, you may ask for documentation showing the accommodation is reasonably related to the tenant's disability. For purposes of medical marijuana use, a medical marijuana card or doctor's note would likely be considered sufficient documentation.

If you are unable to determine that the reasonable accommodation request is reasonably related to the tenant's disability, and that the accommodation is necessary for the tenant to use and enjoy their housing due to their disability, then you would not be obligated to provide the requested accommodation.

If you are able to determine that the Tenant is disabled and that use of medical marijuana is reasonably related to their disability making it necessary to use and enjoy their housing, then you may grant the reasonable accommodation, but you may not be required to do so. As with any other request, you may deny the reasonable accommodation request if granting it would fundamentally alter the nature of the program, impose undue financial or administrative burden, or undermine a business necessity.

The MHRC's Advisory Opinion is that a landlord would likely be able to refuse a request to use medical marijuana based upon business necessity where the landlord has a no smoking policy based upon public health, fire safety and cleanliness, and the landlord enforces the no smoking policy against all tenants. Thus, if you have a no smoking policy based upon any of the three basis listed above, and you enforce the no smoking policy against all tenants, not just the disabled or medical marijuana users, then you may deny the reasonable accommodation request, and still be in compliance with the MHRA.

Of course, there are any number of variations on the circumstances listed above that may require a different analysis or change in outcome. As a result, it is always a good idea to consult an Attorney before making a decision that could result in a costly and time consuming MHRC complaint.



We work hard all day,  
so you can sleep well at night!

Give us a call, we can help.  
*Landlord/Tenant Law, we wrote the book!*

**S** Shankman  
& Associates  
LEGAL CENTER

**Spectrum Annual Tax Credit Symposium**



Cost: \$675 Including Lobster Bake!

Spectrum Symposium Returns Home!

**Annual Spectrum Tax Credit Symposium in Portland, ME August 28-30, 2013.**

**Laughter, Learning, Labor Day and Lobster!**

**Celebrate Steve Rosenblatt's amazing 35 year career in the Affordable Housing industry!**

Register Online : <http://www.spectrumseminars.com/courses/annual-spectrum-tax-credit-symposium/>

**Steve Rosenblatt began his career in Affordable Housing 35 Years ago (1978-2013). He has had the opportunity to help develop and manage thousands of units of affordable housing in his home state of Maine and has consulted on thousands more across the US and its territories.**

**He has been offering trainings for USDA since 1986, Tax Credits since 1987 and Fair Housing 504 since 1989. In his career he has trained close to 100,000 people including developers, managers, accountants, investors and state and Federal Agency staff.**

**Located at: Holiday Inn by the Bay in Portland, Maine**

**Lobster bake on Thursday night!**