

ALOC NEWS

www.cumberlandlandlords.com

April 4, 2005

Associated Landlords of the Cumberland Area
ALOC Phone (301) 759-0530 P.O. Box 1867

Vol. 11, Issue 4

Landlord Training

Allegany College of Maryland will again offer Landlord Training at the Willowbrook Road campus. The first session will be conducted on April 20-21 and will cover all of the basics, laying a firm foundation for property ownership and management. The second course on May 18-19 will be a logical extension of the basic course with concentration in Landlord-tenant law, MDE regulations and local housing codes. A brochure describing the course with the registration and fee information is attached. Contact Jeff Hutter at 301-777-0379 (home) if you have questions.

A great deal of subject matter is covered during this pair of 2 night courses and there is valuable information supplied even for the veteran Landlord. Rental real estate today is much more complicated and having a thorough understanding of the regulations involved can save the property investor a lot of time and money. Knowledge is power!

Hagerstown Community College is offering courses for Mold Remediation Worker on May 12-13th, Mold Inspection and Assessment on June 1-3rd, Lead Paint Worker on June 14th and Lead Paint Maintenance and Repainting Supervisor on July 14-15th. All courses are at the Valley Mall and you can call 301-790-2800 extension 520 for more information or details.

Some of these courses are also available at Allegany College and you can call 301-784-5023 for more details on their courses for 2005.

Forms

Some months back we started converting to a larger print lease using standard 8 1/2 by 11 paper and that has proven to be very popular with our members. We are running out of the legal size lease with very small print and we will not be stocking that version in the future.

If the members would like to see any other forms produced please come to a meeting and let us know.

April Meeting Speaker

We have asked Boyce Rogers with the Cumberland Fire Department to be the speaker for our April meeting. With the change to daylight savings time the emphasis on fire safety is heightened. Testing your smoke detectors and replacing batteries is recommended every spring. Plan to attend to get any questions related to fire safety issues answered.

Meeting Schedule Change

As explained somewhat in our minutes the membership is considering changing the meeting schedule. While there are still many important issues to discuss (but not as many as in past years) it seems that meeting as often as we do is unnecessary. If problems with the housing code erupt we could arrange special meetings. It has been proposed that when we start our fall 2005 meetings we meet as follows:

September 12, 2005
November 14, 2005
February, 12, 2006
May 8, 2005

This schedule would still allow us time to review legislative matters as it is usually February before we have any idea about pending bills and we can hold a special meeting in March or April if needed. Many members indicate that the newsletter keeps them informed and this will continue to be published on a monthly basis. Please note that many other Landlord groups in Maryland meet quarterly or yearly.

We will discuss this in depth at the April meeting and vote on the schedule. We would appreciate having as many members as possible present to help us decide on our schedule.

May Meeting

Our May 9th meeting will mark the end of our regular meetings until fall and we will be going over any loose ends and will try to have a speaker, though at this moment we have none lined up.

Richard Bonig
Rental Property Inspections
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301-777-1369

MDE: Certified Lead Paint Visual Inspector
HUD: Certified Lead Sampling Technician
9-30-04

Carey Walker

Lead Inspections for Rental Housing
Visual Inspections and Dust Wipes
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Cumberland, MD 21502
301-722-8328

3-05

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Lead Abatement - Lead Risk Reduction
Rental Property Maintenance Contractor

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FAX 301-729-4801 - Pager 301-546-0221
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Robert Saville

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1-06

MPON Legislative Update

Alfred Singer, our MPON Chairman, recently forwarded us information regarding a court case before the Maryland Court of Appeals and its impact on the rental industry may be huge. Quoting from Alfred on March 11th, "Today in the case of Polakoff v. Turner, the MD Court of Appeals confirmed its earlier decision in Brooks vs. Lewin Realty III, Inc. that "in order to make out a prima facie case in a negligence action, all that a plaintiff must show is (a) the violation of a statute or ordinance designed to protect a specific class of persons which includes the plaintiff, and (b) that the violation proximately caused the injury complained of." The Polakoff case was a lead paint liability case involving alleged violations of the provision of the Baltimore City Housing Code prohibiting the presence of peeling, chipping or flaking paint.)"

In essence this means that the Court ruled that any case (for any injury, even a slip and fall) can be proved by showing that a code violation existed (loose railing?) that caused the injury. The burden then shifts to the defendant Land lord to prove he acted reasonably and should not be held liable. Any case that was not final as of November 2003 is subject to the new rule. It does not matter that the Landlord was not aware of the defect, nor does it matter that the Landlord did not have an opportunity to fix it.

In light of this cockeyed decision it seems prudent for all Landlords to establish an inspection program for their rentals along with a defect/repair notification program. While there is no guarantee that such a program will decrease your chances of being sued, it certainly will go a long way to show that you acted in a reasonable and prudent manner to detect and correct any such defects. In order for this program to work it will require documentation and consistency. In our next newsletter we will try to address this situation more in depth and possibly help our members in developing an Inspection Program.

The decision can be found at <http://courts.state.md.us/opinions/coa/2005/20a04.pdf>

Leases and other Documents

ALOC has available leases, rental applications and tenant checklists for sale, at cost, to members. The cost for each item is as follows: Small print Lease @ \$ 0.50- Large print regular or HUD Lease @ \$ 1.25- Rental Application @ \$ 0.50 - Move in Checklist @ \$ 0.50 - Lead Paint Brochures, both EPA & Maryland and document receipt@ \$2.50 for the set - Document Receipt for MDE & EPA brochures (disclosure) @ \$ 0.25

These forms are kept at Jeff's office, TWR Comm. at 549 N. Centre Street. Any paid member can stop by and pick up whatever they need. If you need more than 5 of each item please call at least 24 hours in advance so that we can make sure we have plenty on hand. Call 777-2692 ext 113,115 or 147 Monday through Friday and you can talk to Pam, Gary or Kathy. Please note: We do not keep MDE or City Housing registration forms on hand.

ALOC Officers

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Stephanie Hutter Secretary

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Meeting Schedule

April 11, 2005

May 9, 2005

June NO MEETING

July NO MEETING

August NO MEETING

September 12, 2005

Meetings are held at the
South Cumberland Library
on Race and Seymour St.
at 6:30 PM

Thought for the Month

"Compromise is simply changing the question to fit the answer."

Merrit Malloy

"A ship in harbor is safe-but that is not what ships are for."

John A. Shedd

TWR Communications 301-777-2692 9-30-05

TWR supplies quality high speed Internet Access, both dialup and Wireless in the Tri-state area. TWR provides other computer services including training, computer repairs, networking and website hosting. If you have need of storage space check out our self-storage facilities on Necessity St. TWR is an agent for Cellular One, operates a wide area network with wide area paging and mobile 2-way radio. Check us out at twr@hereintown.net

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6-05

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5-05