

ALOC NEWS

www.cumberlandlandlords.com

August 16, 2006

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

Vol. 12, Issue 8

Leases

Last month we started a discussion on leases and as summer winds down we will cover more important points.

In Maryland some very specific items must be included within the lease. The first and most important item is the disclosure of the tenant's rights under subsection 8-203 at the time the security deposit is paid. This can be disclosed when you receive the security deposit and issue a receipt, however the most frequent method is to include the language in the lease, which is the way our ALOC leases are written. While Maryland law doesn't necessarily require a verbatim repetition of the complete 8-203 subsection it is important to cover the major points. Unfortunately few if any mail order or custom made lease contain this information.

Within Maryland's Fire codes there is also a requirement for a statement about the possibility that AC powered smoke detectors may not work if the commercial power source is off or interrupted. The law is so specific as to require exact wording, the font size of the print and that it must be in bold type. Because there is no reference to this requirement in the Real Property Code many Housing officials and Lawyers frequently question this statement in leases. In particular this happened with the City of Cumberland when their HUD folks objected to the inclusion of this state mandated statement in ALOC's lease. We had to provide them a copy of the law to convince them that we were on the up and up.

Landlords must include in a written lease or post a sign in a conspicuous place on that property listing the name, address, and telephone number of the Landlord or a person authorized to accept notice of service of process on behalf of the Landlord. Most Landlords prefer to have this information contained in their lease versus having a sign posted in their rentals.

Maryland leases also need to clearly indicate who is responsible for the payment of all utilities and repairs to the premises. If you happen to have any tenant shared utilities such as water and sewage you will find it difficult to handle this within a Maryland lease. It is difficult if not impossible to fairly apportion water usage among multiple tenants and most judges will have a field day with this in court.

Repairs can be one of the most difficult things to handle within a lease and is also the single largest source of problems. ALOC's lease lays out a clear procedure for notification of needed repairs and this is the wise direction to take. While many Landlords like to transfer repair responsibilities to the tenant this can be a slippery slope. On single family dwellings this might be possible but in an apartment building it will be nearly impossible. Keep in mind that most judges frown on such provisions believing that a Landlord needs to be prepared to supply normal maintenance as part of the rental agreement.

Though Maryland law does not require that you disclose the 5 % late fee nearly every Judge will want to see your lease and the section that indicates the late fee before awarding you the money. Again ALOC's lease has provisions for this possibility.

A popular provision in many leases today is the requirement that the tenant cooperate with any government mandated Housing Inspections. With such a provision it can be possible to evict a tenant who will not comply with all of the MDE Lead regulations not to mention local Housing Codes.

Right of entry is not addressed in Maryland Law and any good lease should contain specific wording about how this procedure will work. Generally, except for emergencies, providing a 24 hour notice of the Landlords intention to enter the tenant's rental unit is the preferred method.

All of the above items are addressed within ALOC's lease.

More to come in September!

National Tenant Network

One of the best ways to avoid Tenant problems is to have a good way to check into the background of your prospective Tenants. Many of us have used the National Tenant Network and it will certainly simplify the process. Any member needing an informational package about the NTN can pick it up at TWR 549 N. Centre St. in Cumberland. You can also see the ad below and call them to sign up. You will need to mention that you are an ALOC member.

National Tenant Network

Brian D. Haymaker
President
15 East Boscawen St. 2nd floor
Winchester, VA 22601
866-387-6320
www.ntnnet.com

Carey Walker

Lead Inspections for Rental Housing
Visual Inspections and Dust Wipes
201 Massachusetts Ave.
Cumberland, MD 21502
301-722-8328 3-07

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www.chestnutflats.com

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MDE Yearly Report for 2005

The MDE has released its yearly report for 2005 with in depth information about lead poisoning among children in Maryland. These reports are normally not issued until late fall of each year so it is quite unique to see it out so early this year. For the most part the report is positive showing a continuing drop in lead poisoning cases. In what appears to be an effort to make these positive results look more negative the MDE has changed the way it describes the various levels of lead poisoning so as to capture more children leading one to believe that the number of lead poisoned children is higher. This is somewhat expected as the traditional base of poisoned children is declining rapidly. What they have done is created a third category of poisoned children and have modified the meaning of the classifications. We will try undo the doublespeak as follows:

Level of Qualified Offer (to replace number of children with lead poisoning) children with blood lead level ≥ 20 ug/dL

Incidence Case "new term" (any child with their first EBL in 2005)

Prevalence case (to replace number of children with EBL) children with blood lead level ≥ 10 ug/dL

Compare the figures below to see where we stand:

	<u>2004</u>	<u>2005</u>	
Level of Qualified Offer (Lead Poisoned)	230	106	down 124 or over 50 % reduction
Incidence Case (Elevated Blood Lead level)	1,811	916	down 895 or over 49 % reduction
Prevalence Case	1,311	-0-	????????????????????????????????
More information will follow next month!!!!!!			

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:

Large print regular or HUD Lease @ \$ 1.70

Rental Application @ \$ 0.50

Move in Checklist @ \$ 0.50

Lead Paint Brochures, both EPA & Maryland and document receipt@ \$3.50 for the set - Document Receipt for MDE & EPA brochures (disclosure) @ \$ 0.25

These forms are kept at Jeff Hutter'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 115 Monday through Friday and you can talk to Pam, Kathy or Gary.

TWR has limited Saturday hours from 9am-1pm most Saturdays (closed some Holiday weekends)

Please note: We do not keep MDE or City Housing registration forms on hand.

ALOC Officers

J. Jeffrey Hutter President

Carey Walker Vice President

J. Jeffrey Hutter Treasurer

Board of Directors

Clarence Anderson
Steve Jenkins
Bob Saville

Meeting Schedule

September 11, 2006

November 13, 2006

February 12, 2007

May 14, 2007

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

Thoughts for the Month

Life is either a daring adventure or nothing.

Helen Keller

Perpetual optimism is a force multiplier

Colin Powell

TWR Communications 301-777-2692 9-30-06

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

Marsh Neilson & Sons General Contractors

Replacement windows, doors, painting, trained in Lead Abatement, Also roofing, porches and decks, plumbing and electrical work.

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For more information call

Rick 301-697-6530

A-1 Inspections, Inc.

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301-724-5323 6-07

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