

# ALOC NEWS

www.cumberlandlandlords.com

October 9, 2011

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

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## MDE will be at our November Meeting

The MDE along with representatives from the Coalition to Prevent Childhood Lead Poisoning will be attending our meeting on November 14<sup>th</sup> to bring us up to speed on new regulations that take effect on January 1<sup>st</sup>.

This meeting will also be open to other interested parties including Contractors, Lead Inspectors, Health officials and local Housing and code officials. We will have more details in the next newsletter.

We encourage all members to mark their calendars for this event and plan to attend. Knowledge is a powerful tool and in our business it is the only way to avoid problems.

## Lease Upgrades-Changes

At the last meeting we hoped to have time to go over this item but the presentation by the Sheriff's office took up most of the meeting and we did not get around to the upgrading of our lease and other paperwork. Any thoughts or suggestions from the membership would be appreciated.

With a lot changes over the years it may be time to make some upgrades to our leases and other forms. We will also look at the other forms we use to see if they need some changes. For instance we only have one form left on legal size paper and it may be time to have it redone on regular 8 1/2 x 11 paper as we did with the lease some years back. This simplifies the ability to fax it and or copy it.

## Sheriff's Presentation about Evictions

Most of the September meeting was absorbed by the Sheriff's deputy explaining the eviction process as followed in Allegany County. As we have property owners/managers operating in a number of Maryland counties there were a lot of comparisons between the procedure used in Allegany County and Frederick - Washington Counties.

A number of central issues kept arising including the ability to collect partial rent payments up to the moment of eviction without jeopardizing the eviction process. Up to now if a Landlord accepted any money after the Warrant of Restitution was issued the Sheriff would cancel the eviction, which would require us to repeat the whole process.

A number of members including myself read the text of the law and there are no prohibitions concerning the acceptance of partial payments, though most of us thought any tenant willing to make such a payment only to be evicted seemed unlikely!

The weather and temperature issue also did not seem to be reflected in the law. Currently it must be above 32 degrees and there can be no precipitation for the eviction to move forward. The law books seem to leave this up to the judges? To a great degree this seems impractical as consulting with a judge would delay it even further.

We will continue our research and have more details later!

## Maryland Special Session

The Legislative Special Session will soon begin with the primary focus being redistricting for our Congressional Delegation. It has already generated a great deal of controversy as the first major change alters the district for Roscoe Bartlett. This change would shift a great deal of Montgomery County into the new District which may make it difficult for him to hold on to his conservative seat.

We can assume other shenanigans will also take place with other conservative Districts? While we can blame the Democrats for this blatant politically motivated change we may have seen the same had the Republicans been in charge, but we need not worry about that ever happening! Maryland politics are so dominated by the left we will never see Republicans gaining control of the House or Senate.

The fear that most of have with the Special Session will be the possibility for the adoption of new taxes and fees to help balance the budget. Maryland's political leaders keep saying they want to steer clear of this, but politics being what they are we should expect anything!

Some of the potential targets will be the expansion of the sales tax to cover professional services, **PROPERTY MANAGEMENT SERVICES**, repair labor charges, funeral services and many others! New taxes on tobacco and auto sales may also be a possibility.

The bad news is that even if these items get passed over in the Special Session expect to see them to come to life in January 2012 when the new session begins!!

## MDE Registration-Renewal in December

Maryland's lead law requires renewal of registration "on or before December 31." An important issue under litigation is whether an owner is in compliance if MDE does not actually receive the renewal forms and payment until after December 31st. In at least one court, there is a serious question of the owner's compliance, with possible exposure to unlimited damages for alleged poisoning that occurred during the brief period between December 31st and the date MDE actually received the renewal forms.

To avoid this, please complete and mail in your MDE registration renewals, with the annual fee, early in December. This will eliminate the argument and make sure that your limited liability continues uninterrupted. If you have doubts about the proper delivery of your registration form send them certified mail with return receipt requested!

## Contact with ALOC

The easiest way to contact Jeff Hutter is via email at: [jeff.hutter@twrcommunications.com](mailto:jeff.hutter@twrcommunications.com) or 301-777-0379 in the evenings. If you cannot call after normal business hours or do not have email access you can call 301-777-2692 ext. 137. Best times are 7am to 330 pm.

## Chestnut Flats LLC Rental Property Management

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## MDE Summer Study of the Lead Program

Alfred Singer and Jeff Hutter attended the October 6<sup>th</sup> meeting of the Lead Poisoning Program summer study group at MDE Headquarters in Baltimore.

A lot of charts, graphs and statistics were reviewed and discussed. One member of the study group expressed concern that the further drilling down of the numbers still did not reveal any smoking gun. We felt the same way as it continued to point to owner occupied housing Ebl's accounting for anywhere from 40 % to 60 % of the problem, depending on which part of the numbers were examined.

Many issues were discussed starting with the high levels of Ebl's reported for owner-occupied homes and how this can be improved. One option brought up by the Coalition to Prevent Childhood Lead Poisoning was to require a lead dust clearance for all real estate sales. No specifics regarding the age of the property was discussed but it seems that if this would occur it would at least involve all pre-1978 real estate. As expected the Maryland Board of Realtors opposed such a requirement as the Lead Disclosures currently part of the documentation associated with sales should be sufficient. We agree with their stance.

There was some discussion about expanding the Lead Program to include 1950-1960 rentals based on a chart presented by the MDE but this idea resulted in many mixed opinions as to whether it would really accomplish anything.

Jeff Hutter related his experience talking with the mother of lead poisoned child at a recent hearing in Annapolis and explained to the group that this mother mentioned that had she was not educated about the health hazards associated with deteriorating lead paint. With that said he indicated that the real problem is lack of education. Clearly pamphlets, booklets and posters at DIY stores are not cutting it and what is needed is a combination of regular press releases, educational courses within the school system starting in elementary school and continuing into high school.

Horacio Tablada from MDE suggested that we might agree on incremental steps and try less Draconian steps first and see if they work, before requiring stricter measures.

The next Meeting is Nov. 3 - 10:30 a.m., but we may need an interim meeting (to allow us to cover outstanding issues) so that we have a draft report to review in December. Interim meeting may be late October or mid-November. We still have to talk about how rentals constructed between 1950 and 1978 should be treated.

### 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 @ \$ 2.00 - Rental Application @ \$ 0.50 - Move in Checklist @ \$ 0.50  
Lead Paint Brochures, both EPA & Maryland and document receipt@ \$3.00 for the set - Document Receipt for MDE & EPA brochures (disclosure only) @ \$ 0.25. Sales Tax will be added to each purchase as will shipping or postage costs if mailed.

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 Kathy, Jeff or Gary. TWR is open from 730am-430pm weekdays and is closed on TWR recognized Holidays. Please note: We do not keep MDE or City Housing registration forms on hand.

#### Thought for the Month

Three things never return:  
The past,  
The neglected opportunity,  
And the spoken word.

#### *Carey Walker*

Lead Inspections for Rental Housing  
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6-12

#### Meeting Schedule

**November 14, 2011**

**February 13, 2012**

**May 14, 2012**

**September 10, 2012**

**Meetings are held at the  
South Cumberland Library  
on Race and Seymour St.  
at 6:00 PM**

#### ALOC Officers

Jeffrey Hutter President  
301-777-0379 (home)

Carey Walker V. President

Jeffrey Hutter Treasurer

Board of Directors

Clarence Anderson  
Steve Jenkins  
Bob Saville

#### TENANT WATCH

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Full details on the ALOC [www.cumberlandlandlords.com](http://www.cumberlandlandlords.com)  
website or you can call TWR at 301-777-2692 ext 115 and talk  
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8/12