



REOMA Newsletter

Nov. 2011

Real Estate Owners & Managers Association, Inc
2913 North 51st Street, Lincoln NE 68504-2710
www.reomalincoln.org reomasec@aol.com

November REOMA Dinner Meeting

Date: November 17, 2011 – **one week early!**

PLACE: Valentino's Grand Italian Buffet
2710 South 70th Street

PRICE: **\$13.00 per Person**

TIME: 6:00 – 7:00 p.m. Dinner and Conversation

7:00 p.m. – Meeting Begins

8:15 p.m. – Dismissal

8:30 – 9:00 p.m. – Conversation

PROGRAM: Did You Know? Useful Information
For Landlords and Managers In This Fast Paced
Rental Business.

SPEAKER: Joe P. Kelly, Lancaster County
Attorney

It is hard to believe we all have almost completed another challenging year in the rental business. Most certainly some may have numerous unanswered questions pertaining to the many laws those in this "line-of-work" must follow and be aware of on a daily bases.

The guest speaker for our November meeting is Joe P. Kelly, Lancaster County Attorney. He was elected to his first, four year term as the Lancaster County Attorney in 2010. Mr. Kelly was born and raised in Lexington, Nebraska and received his J.D. degree from the University of Nebraska college of Law in 1981.

From 1986-1990, Mr. Kelly was an associate with law firm of Berniger, Berg, Rioth and Diver in Colorado Springs, Colorado. He was a litigation attorney in the commercial real estate division.

For about 26 years, Mr. Kelly has been a criminal prosecutor handling murders, sexual assaults, bank robberies, security frauds, assaults and just about all other types of crimes.

Mr. Kelly plans to help us understand the recent legislation regarding rent checks, prosecutors' role with bad checks, plus other topics of interest to landlords and managers of rental property.

We hope to see each one of you at the November 17th dinner meeting ready to listen, share and ask questions perhaps you have been pondering for a time. Take a moment to jot down any questions you might wish Mr. Kelly to address.

As always keep in mind the REOMA programs provide each of you an opportunity to collect information and educational knowledge pertaining to the rental business, while the dinner hour offers everyone an excellent opportunity to discuss rental problems and, hopefully, their solutions on a one on one basis.

Bring a guest with you to the November dinner meeting to enable them to learn more about becoming a member of REOMA.

REMINDER . . . we still need to have 50 people in attendance for the dinner hour at Valentinos to ensure use of the larger party room. We do need to have a greater attendance this month, as last month's was down in numbers.

Please make an effort to come for dinner on the November 17th, besides the program time. This will be our last regular meeting until January 26, 2012. See you at the November meeting!

**Message
From REOMA President
Mike Dennis**

At our last meeting we had three representatives from the Lincoln Electric System. All of us appreciate the time they give to help us understand the changes.

Also, we had a short message from the new Nebraska Landlord group (Nebraska Property Owners Association – NPOA). Thank you all for indicating your support of the causes they presented for us to work together.

The EPA (Environmental Protection Agency) has a rotation to visit the towns of Iowa and Nebraska. They come to Lincoln doing their job of reviewing leases for compliance. When he shows up at your door, do not put off the request for information. His list might be longer if you ask him to come back another day.

The EPA inspector will have a list of the properties that you own or that you manage. To make the best use of his time, he may ask to look at your leases where there are children under age 6 in the unit. We must have the approved wording and signature, that the tenant received the Lead Based Paint booklet. It cannot be a check mark in the lease. It must be a signature.

PROPERTY TAX

As owners find it more difficult to sell a home at assessed value, we need to look at the market and learn. Start checking the prices of comparable property. See how close their sale price was, compared to the county assessor's value.

There are forms to fill out to request a review of your value. If you start doing research, you will be ready in the spring for the process.

Get the facts. Be sure you are not paying more tax than other similar properties. When we look at the high cost of insurance and repair materials, we know the budget is tight. Keep an eye on all aspects of your investments.

I hope you can join us for the November meeting – a week earlier than other months.

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Board Members – the November 14th board meeting will be held at Mary Jo’s home at 7 p.m. This is a week earlier than our normal board meeting date.

We ask you to please take a moment now to mark the date on your calendars and plan to attend. Should you, however, find that you will NOT be able to be in attendance, please take the time to call or e-mail either Leola or Mike. Both phone numbers and e-mail addresses are elsewhere in the newsletter for your use to do so.

Thank you! The November board meeting will be our last one this year, unless a special meeting needs to be called in December.

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Two Topics of Interest Received From the Lincoln Commission on Human Rights

The Lincoln Commission on Human Rights (LCHR) is an impartial city government agency that enforces Title 11 of the Lincoln Municipal Code (Title 11). Title 11 makes it unlawful to discriminate against someone in obtaining housing or in the terms and conditions of housing because of the individual's race, color, national origin, ancestry, sex, disability, religion, marital status and familial status. It also makes it unlawful to retaliate against someone for exercising their fair housing rights. In addition, the LCHR has a contract with the U.S. Department of Housing and Urban Development (HUD) that gives LCHR enforcement power and the authority to investigate complaints alleging a violation of the Federal Fair Housing Act.

For questions or to obtain more information relating to the following topics, please contact the Lincoln Commission on Human Rights at 402-441-7624.

The purpose of this article is to bring an awareness of fair housing to housing providers so they can make informed decisions that do not run afoul of the law. Below are emerging issues that LCHR has seen locally and nationally in the area of fair housing.

Service Animal vs. Emotional Support Animal

Both Title 11 and the Fair Housing Act make it unlawful for a housing provider to discriminate against an individual with a disability and also require a housing provider to make reasonable accommodations to allow an individual with a disability equal access and enjoyment of the dwelling. One common example of a reasonable accommodation is allowing an individual with a disability to keep a service or emotional support animal in housing facilities that otherwise impose restrictions or prohibitions on animals.

In September 2010, the U.S. Department of Justice (DOJ) amended the Americans with Disabilities Act (ADA) regulations limiting the definition of "service animal" to include only dogs that are individually trained to do work or perform tasks. As amended, the regulations expressly exclude emotional support animals. The amendments to the ADA regulations have caused a lot of confusion among housing providers who mistakenly believe this definition of "service animal" applies to the Fair Housing Act as well. Neither Title 11 or the Fair Housing Act contains a specific definition of the term "service animal," and species in addition to dogs, with or without training, and animals that provide emotional support have been recognized as necessary assistance animals under the fair housing laws.


In short, rules, policies or practices must be modified by housing providers to permit the use of an assistance animal – which may be a dog or another animal, and may be an emotional support animal – as a reasonable accommodation when its use may be necessary to afford a person with a disability an equal opportunity to use and enjoy a dwelling.

No Children Allowed

In recent years cases involving allegations of familial status discrimination have been on the increase. Title 11 defines "familial status" as . . .one or more minors being domiciled with: 1) a parent or other person having legal custody of such individual; or 2) the designee of a parent or other person having legal custody, with the written permission of the parent or other person." Both Title 11 and the Fair Housing Act make it unlawful to deny rental or impose different terms and conditions on a tenant or prospective tenant based on his or her familial status. Examples of this include outright refusal to rent to qualified individuals based on familial status, steering individuals to certain complexes or to first floor units out of concern for child safety (i.e. balconies, stairs, etc.), and imposing unreasonable occupancy standards such as one-person per bedroom or requiring separate bedrooms for children of opposite sexes.

Many times decision or actions made by housing providers are done with good intentions, but it is important to be aware that "good intentions" is not a valid defense in a fair housing case.

(Thanks to Ryan Reinke for contacting the LCHR office to obtain the above articles for inclusion in the November REOMA newsletter.)




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Have you taken time to look over the Associate Members' ads through-out the newsletter? Check out what services they offer. See if what they might have to offer is something you may need as you go about your daily landlording business.

Don't forget to ask if they allow a discount for REOMA members when using their service.



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FYI. . .The following information was sent to one of our REOMA members from the Lincoln Electric System (Tom Anderson) regarding their web site and Tree Pruning and Removal services.

There are two links. The first one is to LES' web site. The second one is the link to the vegetation programs and services that LES offers for customers. Tom Anderson stated he added this one because the web site is not easy to follow to where a person wants to get.


He also stated he could not find any clear information on undergrounding services lines from the pole to the house. If anyone has questions, please call Roger Wohlers at 402-467-7570. He is the contact person for undergrounding service lines.

LINKS: <http://www.les.com/>
http://www.les.com/your_home/tree_program.aspx




NEW MEMBERS

Steven and Terese Janovec
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Take Note. . .the web site for the EPA Lead Base Paint disclosure form and pamphlet is: www.EPA.gov/lead. This is the place to go to find these items.



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FYI . . . The REOMA newsletter is for informational and educational purposes only. It does not constitute legal advice in any manner.



Have you circled the date of November 17th on your daily planner/calendar? The 17th is the date of our last REOMA dinner – program meeting for 2011. Hope to see you at this meeting!

Do You Raise The Rents on Good Residents?

The typical response from most landlords is to only raise rent at turnover and leave good residents alone (even if rents are currently below other competitors' rates). The main fear is that good residents may move and a small increase is not worth the risk of losing a good resident. The average landlord does not increase the rent each year. They also, sometimes, do not improve the property each year either. I would challenge landlords to make small increases every year but also improve the property each year. Your good residents will stay even longer, and your cash flow and property value will continue to increase every year. People who really like their property will not leave over a small increase, especially if your rents remain very competitive, even slightly below market rent. I'd like to share a comment from a successful landlord that was posted on the popular MrLandlord.com Q&A forum recently that is an example of what I am suggesting:

"I like to raise rent a little most years, when my expenses go up – taxes, garbage service, insurance, the cost of a handyman. We have a 3% vacancy rate so if I have a vacancy rent increase, it's to market, but if they stay long term I don't want to be way below the market and not making any money. So, I raise the rent a small \$10 to \$20 per month. I have single family homes so rent is \$1,195 for 3 bedrooms and \$1,325 for 4 bedrooms. Still, they are \$75 per month below market and at the resident's anniversary date they will see a little increase in the rent. But they're not likely to move and pay even higher rent somewhere else.

Turn over cost is always expensive, so I try to keep them happy and do upgrades each year. This year one tenant gets a new drive and the gravel area, the area beside the driveway, will be paved for their boat parking. Another house got new windows at turnover, and next year they'll get a ceiling fan. Happy tenants will not move for a small increase is my thought." --Al, from Oregon

(Reprinted from (c) 2011 MrLandlord.com)



To Run a FREE Ad in the Classified Corner Section of the monthly REOMA newsletter –

1. Your membership dues must be current.
2. You must e-mail or mail your ad. NO ads taken by phone.
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Thought for the month.

The more you think you know,
The more you've got to learn.

Author Unknown




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 Vice President
 Loan Officer

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**Quick Tips – By Maxine Kading
MOPOA Board**

(Reprinted from the November 2011 MOPOA Newsletter)

Guess what? No tips about how to take care of property, paint, clean, etc.. . NOT TODAY! This is about taking care of business. Business that many of you neglected to take care of in a timely fashion. We don't like to talk about what happens if we suddenly die. NO! You have heard get your affairs in order. If you haven't done so, it is way past time to take care of this big matter.

What if a husband or wife is suddenly left with the business and perhaps children yet at home? What to do? Rental properties are big business. Can the remaining spouse take care of the rental business without some knowledge of where to turn, what to do. What happens if you sell everything in one year? What money will be coming in? If there are vacancies and a mortgage payment to make, plus utilities and up keep, where is the money coming from to survive?

NOT A PLEASANT THOUGHT, BUT YOU WILL BE GLAD WHEN YOU GET ALL YOUR AFFAIRS IN ORDER. WHAT COULD BE A BETTER CHRISTMAS GIFT TO GIVE YOUR FAMILY THAN TAKING CARE OF EVERYTHING. PLEASE TAKE TIME TO DO THIS. IT'S CALLED "TAKING CARE OF BUSINESS."

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Announcement

The following information is from the Letter from the President, John C. Chatelain, President MOPOA, section of the MOPOA November 2011 newsletter. (Mr. Chatelain attended the October REOMA meeting and spoke of details of the newly formation of the Nebraska Property Owners Association. The REOMA members showed Mr. Chatelain their support of the causes presented.)

“The formation of the **Nebraska Property Owners Association (NPOA)** is well under way. Delegates from our association have been meeting regularly with members from sister groups in Lincoln and Beatrice. We’re in the process of filing Articles of Incorporation and adopting Bylaws and have engaged **Kent Rogert** as our lobbyist.

NPOA has adopted the following list of action items for the coming year.

- 1) Adopt legislation to remove the power of municipalities to license contractors, and various other occupations.
- 2) Monitor LR 203 introduced by **Senator Mello** to study issues surrounding vacant residential and commercial properties.
- 3) Monitor LR 209 of the Urban Affairs Committee which is examining all building codes in Nebraska.
- 4) Adopt legislation to eliminate the power of municipalities to require registration and inspections of rental properties.”

First Time Homeownership Slips

(Digested From “First Time Homeownership Slips” HousingPredictor (10/27/11) by Mike Colpitts) (NAA the Industry Insider Nov. 1, 2011)

New CoreLogic research shows that homeownership rates for the 25-to-34 and 35-to-44 year-old age groups were down 10 percent last year compared to 1980. The decline among these groups, which comprise the largest number of first-time home buyers, is due to lingering doubts about the weak economy and falling home prices in most of the country. Additionally, CoreLogic said the real median income for first-time home buyers had not changed since the 1970’s until falling 2.3 percent in 2010 at the peak of the recession.

Probe Finds Seattle Apartments Discriminated Against Certain Applicants –

(NAA the Industry Insider Nov 1, 2011)
(Digested From “City Investigation: Seattle Apartments Discriminated Against Black and Disabled Applicants” KIROTV.com (10/28/11)

The Seattle’s Office for Civil Rights recently conducted an undercover investigation of apartment communities citywide and found that more than half the apartments checked engaged in some kind of discrimination against potential residents. The operation determined that apartment managers favored a white applicant over a black applicant and a not-disabled applicant over a disabled applicant in over 50 percent of the 48 communities surveyed.

The Olympus Apartments in Belltown is one of a half-dozen facing discrimination charges that could include financial penalties. The others have been issued warnings. The civil rights office contracted with a non-profit agency and sent teams of undercover black and white applicants, along with disabled and not-disabled applicants, to randomly selected apartment communities to determine the results. Julie Nelson, director of the civil rights office, remarks, “With Seattle’s values, we do not want discrimination to take place. And so doing this level of proactive testing makes sure we’re living in accordance with our values.” Nelson added that most apartment owners and managers comply with anti-discrimination rules once they are presented with the evidence.

	
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BARN MOVING IN NEBRASKA

News report from Bruno, Nebraska in 1981, Herman Ostry and his wife, Donna, bought a farm a half mile outside of Bruno, Nebraska, a small community sixty miles west of Omaha. The property had a creek and came with a barn built in the 1920's. The barn floor was always wet and muddy. When the creek flooded in 1988, the barn ended up with 29 inches of water covering the floor. That was the last straw. Ostry needed to move it to higher ground.

He contacted a building moving company and was discouraged by the bid. One night around the table, Ostry commented that if they had enough people they could pick the barn up and move it to higher ground. Everyone laughed.

A few days later, Ostry's son Mike showed his father some calculations. He had counted the individual boards and timbers in the barn and estimated that the barn weighed approximately 16,640 pounds. He also estimated that a steel grid needed to move the barn would add another 3,150 pounds, bringing the total weight to just under 10 tons. He figured it would take around 350 people with each person lifting 56 pounds to move the barn.

The town of Bruno, Nebraska was planning its centennial celebration in late July of 1988. Herman and Mike presented their barn moving idea to the committee. The committee decided to make it part of their celebration.

So, on July 30, 1988, shortly before 11 a.m., a quick test lift was successfully made. Then, as local television cameras and 4,000 people from eleven states watched, 350 people moved the barn 115 feet south and 6 feet higher up a gentle slope and set it on its new foundation.

The reason most people THINK that SOMETHING CANNOT BE DONE is because they know that they can't do it by themselves. But IMPOSSIBLE THINGS CAN BE DONE IF WE JOIN TOGETHER IN THE TASK. Working together, we cannot only move barns, but change the world.

The above article is one that we all need to ponder and think about. As REOMA members working together, we just might be surprised by what can be accomplished on any "front" if we all do work together. . .even if it might seem to be an uphill climb.



Up Coming REOMA Dinner Meeting Dates

Do you have the dates listed in the column to the right on your calendars for the upcoming REOMA dinner meetings? The next one will be held on November 17th at Valentinos. Come to the dinner hour as well as the program time to help ensure you to continue being a well-educated – informed landlord. Remember there will be NO meeting in December.

2011 and 2012 Dinner Meetings



**November 17th (one week early!) -
Lancaster County Attorney Joe P. Kelly**

No Meeting in December

**January 26th – Nancy Loftis, Attorney
February 23rd – to be announced**



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