



REOMA Newsletter

Oct. 2011

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

October REOMA Dinner Meeting

Date: October 27, 2011

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: Lincoln Electric System Overview

SPEAKER: J. Todd Hall, Vice President of the
Consumer services Division of LES.

After polling the REOMA members at the September dinner meeting, the majority voted to have a speaker from the Lincoln Electric System present a program this month.

Our October guest speaker is J. Todd Hall, Vice President of the Consumer Services Division, Lincoln Electric System.

As the head of the Consumer services Division, Mr. Hall is responsible for directing LES' Energy Services Consulting and Account Management; Consumer Accounting, Meter Reading, Billing, Credit and Collections, and Customer Service; New Products and services; Electric Rates Program; Financial and Load Forecasting; and Community Economic Development.

Mr. Hall brings over 26 years of experience in the energy/utility industry. He has held management responsibilities with electric and natural gas utilities

with service in Kansas, Missouri, Oklahoma, Nebraska and New Mexico. His experience has been in regulated and unregulated energy companies throughout the Midwest and western United states.

Prior to joining LES in 2002, Mr. Hall served as the chief executive officer for Nebraska Energy Services headquartered in Lincoln.

Mr. Hall plans to address the following items:

- 2012 Budget and Rates
- Sustainable Energy Program
- Account Manager Program
- Future – Increasing efficiency of the utility

Be sure to have in mind or jot down any questions you might wish Mr. Hall to answer on this month's program topics.

Remember – our speakers donate their time to share their information with us, and we ask your polite understanding consideration at the meeting. Not always do our viewpoints coincide with our speaker, but PLEASE do remember they are only the messengers and have agreed to come at our invitation.

Bring a guest with you to the October dinner meeting that might wish 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. Please make an effort to come for dinner on the 27th of October besides the program time!

**Message
From REOMA President
Mike Dennis**

All of us enjoyed the presentation by the Lancaster County Extension Educator, Barb Ogg, in September about bed bugs. Only a landlord could say they enjoyed such a subject at a dinner meeting. I have met several members at Menards' (where we all hang out) who have said they were glad for the information. Please invite any property owners that you meet to join our group.

Elsewhere in this newsletter is the city code (Section 309) about insects. It does not tell us how to get our tenants to clean up their mess.

The solution for bed bugs that I got from the speaker was this:

1. Heat kills bed bugs – a few hours at 120 degrees.
2. Bed bugs only live on blood – No blood, they die (but not quickly).

My plan is to vacate the property, turn up the furnace, and take a 3 month ocean cruise.

If you have a dog that can sniff out bed bugs, he is worth \$10,000.

A motel that treats the infested room, and then turns down the heat, will lose the battle.

Several subjects were discussed for future programs. Please keep those suggestions coming. Our best plan for survival in the rental business is to share information and solutions.

I have met with owners from other areas of Nebraska. We are trying to band together to help our laws to be consistent in all towns. The repairman/contractor laws should not vary greatly from town to town.

We had a good turnout for the meeting and I hope to see you at the next one.

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E-Mail Addresses:

Leola Allen - reomasec@aol.com
 Jerry Boyce - jboyce@neb.rr.com
 Mary Jo Bousek - mjbousek@neb.rr.com
 Mike Dennis - mdennis156@aol.com
 Lynn Fisher - greatplace@neb.rr.com
 Mike Ireland - irelandhomes@neb.rr.com
 Sandy Ireland - sireland@lincolnfed.com
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Board Members – The October 24th board meeting this month will be held at the home of Mike Dennis at 7 p.m., the Monday prior to our monthly dinner meeting.

Mike’s home address is: 1845 South 48th Street.

Please take a moment now to circle this 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 list previously in the newsletter for your use. Thank you!

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New Statewide Organization Tentatively called the Nebraska Property Owners Association or NPOA.

The following is a letter Mike Dennis, REOMA president, received from Kent Rogert, Public Affairs/Lobbying/ Consulting.

Dear Mike,

As requested, here is a short introduction of me and what I'll be looking to help the NPOA accomplish in the coming months and hopefully years.

In September, a group of property owners from across the eastern portion of the state of Nebraska came together and formed a new statewide organization tentatively called the Nebraska Property Owners Association or NPOA. They voted on temporary officers and began the process of writing their bylaws and attaining monetary collection and spending authority. Their primary goal is to bring property owners in Nebraska together to form one voice and acquire and maintain a strong presence regarding governmental affairs. They also elected to hire me as their lobbyist representing them in matters before the Nebraska Legislature and the agencies that it oversees.

Some background on myself: I served as State Senator for District 16 from 2007-2010. I began lobbying in 2010 and have built a small but significant client base, one of them being the Omaha Area Board of Realtors. I also am a licensed Real Estate Broker and own a Real Estate Company in Tekamah, NE where I reside. I have a separate residence and office in Lincoln across the street from the capitol that I spend nearly full time in during the legislative session.

One of the bills I passed while in the Unicameral was LB 712 which raised the dollar amount from \$250 to \$1,000 for the disposition of abandoned personal property in rental units. I also worked extensively with code adoption issues, having served on the Urban Affairs and as Vice-Chair of the General Affairs Committee. I passed 17 bills in 4 years and became very effective in brokering compromise on many bills between opposing sides due to my relationships around the legislature amongst the variety of elected personalities.


The issues I see that NPOA may have some interest in the coming session are outlined in a series of Legislative Resolutions that were introduced last spring to call upon the legislature for interim studies and hearings. Two topics of particular interest in the interim are building codes and vacant properties. LRs 209 and 227 are awaiting hearings and dive deep into the process of how Nebraska adopts updated versions of international building codes. There has been many a heated discussion from opposing sides and Senators

on how this process shall continue into the future. I believe that is of utmost importance that property owners have a seat at the table to provide input on this issue. Another is the process by which cities handle vacant properties. LR 203 was introduced and a hearing was held regarding tools municipalities have to address vacant commercial and residential properties. There is a continued effort by cities and counties across the US and within our state to over-regulate and, thus, tax rental properties. Property owners should be directly in the middle of any discussions surrounding a city's interest in vacant property...be it owner-occupied or rental-investment. A third topic of increasing irritation is the ability of municipalities to require licenses from contractors of different vocations, over and above the state requirements. Cities have the power to require permits and inspect construction projects of various magnitudes, and even create ordinances requiring certain parameters of engineering. Requiring expensive licenses is yet another barricade to the local economy as contractors look to spread their workload over broader geographic areas.

These issues and potentially some yet to be determined upon bill introduction in January are the issues I will be representing the NPOA in the coming year. There is certain to be more as we move through the session, and I will be communicating these to the group as they occur and looking for direction from the board on how to best represent the group.

Thanks for your interest in political action...I look forward to working with you.


Kent Rogert



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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 you might have a need for any of these 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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Make sure your membership DUES are paid!

For those of you that have not paid your renewal dues yet, we are removing all expired memberships as of this month. Several attempts have been made to contact you – so please take a moment and make sure your dues are up to date. If not, you will no longer receive newsletters or have access to other membership benefits, such as discounted Tenant Data. Questions give Leola a call at 402-466-3028.

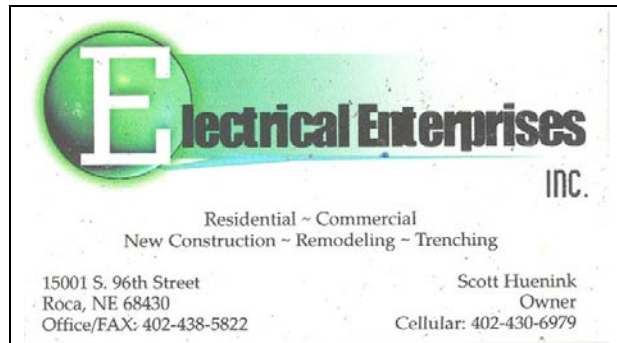


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FYI . . . The REOMA newsletter is for informational and educational purposes only. It does not constitute legal advice in any manner.

OPINION – ORDINANCES
By Lynn Fisher – REOMA Board Member

In response to the two items in the last newsletter on Ordinances about problem properties, I want to say a couple of things. I, too, don't want or need the government, whether local, state or federal to place any financial or time consuming burdens on me or other property owners.

There should be and there is a limit to our city's power to interfere with the peaceful enjoyment of our private properties, both our homes and our rental properties. But when a private property owner creates a situation that adversely affects either the value of the neighboring properties or for neighboring rental properties makes finding and keeping good tenants difficult by letting his

property fall into such a horrible state of disrepair and he is unresponsive to reasonable offers of help, then for the worst cases, the neighbors nearby should be able to petition the local government for some relief.

The disagreement is about where on the scale from a burned out, dangerous shell of a building to the home with the grass uncut, should the line be drawn as to when a property becomes a problem. Only the most problematic and dangerous properties should be targeted by the city.

I doubt we need any new laws. The current ordinances can be utilized to respond to the worst of the worst cases. If anyone doubts that there are properties in our city that are so poorly maintained that they bring down the value of the neighborhood, especially the adjacent properties, they have their head in the sand.

Neighbors' first efforts should be an appeal to the owners of such properties to bring their property at least to a state of having no negative impact on the neighboring homes. If this doesn't work in a reasonable time then they need another place to go.

An article in the newspaper maybe one place. In College View one property mentioned recently improved greatly soon after the article came out. I doubt it was just coincidence.

Criticism of the Journal Star for writing such articles misses the point that by bringing attention to the problem, it may be improved without going to the city.

Another tactic by neighbors has been holding a potluck gathering near a problem property in order to bring attention to it. This is another form of public shaming and seems to be effective.

The last resort then is to petition the city by complaint and then follow up to be sure corrective actions are taken. Even then it takes a long time to see results. The system is there but it requires lots of patience and prodding to keep it going.

No more ordinances are needed. Neighbors have means available to them if they choose to suffer a problem property nearby.



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Thought for the month.....

People hear best when you listen to them.

Author Unknown




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Vice President
Loan Officer

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FYI. . .Did You Know?
By Mike Dennis, REOMA President

I had a note (after I asked) from John Benson – Tenant Data – about my applicants with zero credit score. I thought that anyone past high school would have a number on their credit score.

Not so. They must use a charge card to purchase something, or use credit in some way. Or they must have made a payment on a credit account within the last six months. If no transactions were recorded in the last six months in their name, they have zero score.

Some people are going with all cash. They could be paying their bills promptly, but it would not show up. In that case we would go with other criteria for determining approval.

Be sure to have your own “office list” of reasons to approve or disapprove each applicant. Fairness is key.



**PROPERTY MAINTENANCE CODE
City Of Lincoln**

SECTION 309 – PEST EXTERMINATION

309.1 Infestation. All structures shall be kept free from insect and rodent infestation. All structures in which insects or rodents are found shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination, proper precautions shall be taken to prevent re-infestation.

309.2 Owner. The owner of any structure shall be responsible for extermination within the structure, prior to renting or leasing the structure.

309.3 Multiple Occupancy. The owner of a structure containing two or more dwelling units, a multiple occupancy, or a rooming house shall be responsible for extermination in the public or shared areas of the structure and exterior property. If infestation is caused by failure of an occupant to prevent such infestation in the area occupied, the occupant and owner shall be responsible for extermination.

309.4 Occupant. The occupant of any structure shall be responsible for the continued rodent and pest-free condition of the structure. Where an infestation is caused by failure of an occupant to prevent such infestation, the occupant shall be responsible for extermination. Where the infestations are not caused by the occupant or where the infestations are caused by defects in the structure, the owner shall be responsible for extermination.

This information was a handout provided by our guest speaker, Barb Ogg, at the September REOMA meeting, something for everyone to peruse and use regarding your rental units.



Take Note . . .

An important detail from the Landlord Tenant Act that was brought to members attention at the September meeting of the Metropolitan Omaha Property Owners Association (MOPOA). . . is what cannot be included in the lease legally:

1. Attorney's fees
2. Waivers of liability
3. Waivers of rights

If you have these, then you could be sued by the tenant for actual damages and attorney's fees.

(Reprinted from MOPOA's October 2011 newsletter)



Things You Don't Want to Learn the Hard Way

By Molly Zavitz MOPOA Operations and Finance Committee

I've been a landlord for 10 plus years. Two months ago a tenant moved out without notice. They owed me money, ruined the carpet, broke doors off the hinges and ended up costing me about \$1,000 in repairs! Not to mention the headache of my angry neighbors when the tenant left all their trash out front of the unit on Mother's Day!

Does this sound typical of vacating tenants? I know some of you experience this tenant damage and sometimes we can't do anything about it. In this case I should have done things differently to minimize my financial loss. The tenant lived in the duplex that my husband and I also live in. I got soft with enforcing the rules. They paid on time for about a year. Then a few sob stories about paychecks being small and soon they were paying twice a month. Then no money at all, but promises of some the next pay day. Did I send a 3-Day Notice and file to evict them! NO, I did not. I should have known better. I would not have saved the carpet, which had some black sticky substance all over it, but I would have not lost any more rent if I would have promptly evicted them when they didn't pay.

No matter how long I'm in the business, I kick myself every time I make a choice based on trying to be sympathetic instead of good solid business decisions. As any of you long time landlords know, this business is not for the faint of heart and is not a charity. Don't feel bad enforcing the rules, they are there to protect your business. Never stop educating yourself.

AVOID THESE MISTAKES:

1. NOT having a written lease. How can you enforce rules if you don't make them clear from the beginning?
2. NOT having a GOOD written lease. Don't have illegal statements in your lease, it could invalidate the whole thing, or worse invite a lawsuit. Have an attorney look at your lease.

3. NOT doing EPA Lead Disclosure and NOT following EPA RRP if your property is built pre-1978.
4. NOT disclosing situations you may be aware of such as mold, a sex offender living in the same building, or a recent death in the property. Check with an attorney if you have a situation that is unique, you may need to disclose.
5. NOT sending a 3-Day Notice the day rent is late and following it up with a swift eviction.
6. NOT following proper procedure for an eviction. Don't do anything stupid like shutting off utilities or locking the tenant out.
7. NOT making the tenant get rid of an unauthorized pet immediately using a 14/30 Day Notice.
8. NOT doing regular inspections with proper notice.
9. NOT knowing Fair Housing and the Landlord Tenant Act for the state your properties are in and following them. Treat everyone the same and follow your application process to the letter for each person each time.
10. NOT requiring a security deposit or charging more than one month's rent for it.
11. NOT returning a Security Deposit if owed to a tenant. You must make itemized deductions for damage and return the balance to the tenant within 14 days.
12. NOT fixing repairs in a timely fashion.
13. NOT having safety features such as adequate lighting and changing locks between residents.
14. NOT giving proper notice to tenants if you need access to the unit. . . 24 hour notice, written or verbal is required, except in cases of real emergency.
15. NOT following proper Disposition of Personal Property after a move-out or an eviction for the tenant's left behind stuff. Under \$1,000 in value and over \$1,000 in value have different procedures.
16. NOT having adequate insurance for a property.

In most situations when a landlord does something incorrect, the tenant will come out as the winner with monetary compensation and the landlord picking up the bill for their attorney fees. The cost of doing business is always going up for us, so we need to be educated and enforce the rules each and every time; it only makes good business sense.

(Reprinted from July 2011 MOPOA newsletter)

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 October 27th at Valentinos. Come to the dinner hour as well as the program time to ensure yourself of being a well-educated – informed landlord.

2011 Dinner Meetings



October 27th – Lincoln Electric System
November 17th (one week early!) -
Lancaster County Attorney Joe P. Kelly

No Meeting in December



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