

Randall Pentiuk, Esq.
Editor-In-Chief

Volume 1, Issue 1

March 2010

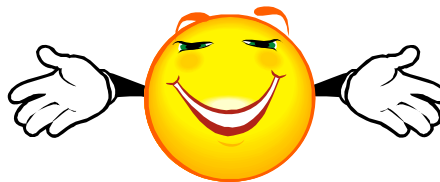
MIDWEST ASSOCIATION OF HOUSING COOPERATIVES
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MAHC MESSENGER

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MAHC Proudly Welcomes Board Member Anna Howard



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My name is Anna Howard, and I have been graciously granted the opportunity to serve on the MAHC Board.

I became aware of cooperative living in 1996 when I moved to Ash Street Cooperatives, in Illinois, with my children and grandchildren. Throughout the years I became more knowledgeable about the advantages offered through cooperative living. I found that the cooperatives offered affordable housing, maintenance—free conditions, as well as providing a strong sense of community relationships. Above all, I learned that as a member, I was also an owner.

Feeling a sense of commitment, I eventually became a Director on the Ash Street Cooperative Board.

I attended my first MAHC conference in Jacksonville, FL. Since attending with the late Cynthia Johnson and serving as her campaign

manager; attending the workshops, and networking with others, I set my sights on becoming more intensively involved in the decision-making body. My focal point would be the “seniors.” As I attended each conference thereafter, it became inevitable that I wanted to do more

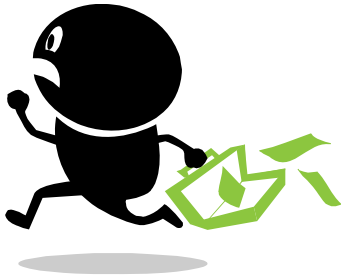
for not only Ash Street members, but for other seniors residing in other cooperatives.

I, again, offer my sincere thanks to Bill Magee and other members of the MAHC Board for affording me the opportunity to serve as a Board Member.

**The Greatest
thing about
MAHC is the
education . . .
Education,
Education,
Education!**

It is the Mission of the Midwest Association of Housing Cooperatives to support and champion the cause of quality housing through education, legislative action, partnership and advocacy for housing cooperatives.

GOING GREEN - SAVES GREEN



Whether you believe in global warming or not, the government is giving away benefits upon benefits to energy saving technologies. We all know that natural energy like wind, water, and solar are what our energy sources of the future will be. The newest incentives from the government are from the American Recovery and Reinvestment Act of 2009, along with the Energy Policy Act of 2005 and the Emergency Economic Stabilization Act of 2008. These acts can save you green!



If you want to save more green, you may want to start by looking into your current utilities. Look at your bills and see what you can live without. What can be changed is a great question to ask. Instead of blasting your heat all winter, try buying a plug in heater for a room. Something as simple as that can save you green on your gas bill. There are tax incentives to buy the energy efficient light bulbs, and you can also save green by turning off the lights that are not in use. Efficient water faucets and shower heads can save you on your water bill.

A group known as Eco Consulting, along with DTE, and Consumers Energy have a program that saves you green by installing up to eight energy efficient light bulbs for free, along with installing the low flow faucets aerators and shower heads. This program is free until the \$10 million runs out. They also will help with an energy saving audit for lighting and the heat plans. The right qualifications can get the groups to pay for 60 to 85% of the entire cost (materials and labor) in common areas, interior and exterior.



Not only is your government giving you incentives, but groups like this are putting themselves out there to help you. Start looking around at your co-operative and ask your counsels about these new acts that can help you save green. It could be as simple as turning off a light.



What to Do If the Upstairs Neighbor Clog Dances and Other Trials of Community Living

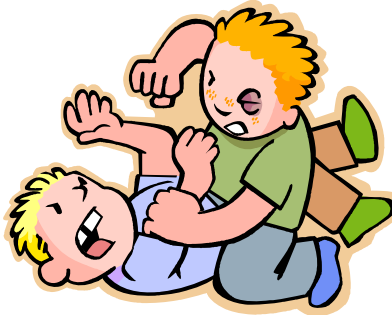
If you are like every other community, you receive complaints from Members spanning from noise to odor. Understanding that people are unique and expect to be treated that way, a lot of communities struggle with how to handle arguments and disagreements between neighbors. Rules are a good place to start.



Although there is an “I” in community, members need to realize that there is also an “Us” in housing. The best way to prevent situations is to host a variety of community only events. Budgetary issues need not be a factor in these events either. Summer and fall are great times to hold pot-lucks and share the wealth. It is also a great time for members to meet in a relaxed and open atmosphere. Getting to know one’s neighbors, in most cases, creates a sense of obligation to one another. The end result may be that complaints will be resolved without

further involvement. Sometimes however, it just does not work out.

Common complaints are noisy neighbors and neighbors that decide a hallway is good place to store his or her bicycle for the winter. Other complaints include a member using the community lawn as his or her pet’s toilet without picking up, and odors associated with cigarette and cigar smoking. Depending on how your rules and regulations are drafted and what they address, community living can either be delightful or downright frightful.



In the *Art of War*, Sun Wu said that “if orders are unclear, it is the commander’s fault. But when the orders are clear, and are not carried out, it is the officers fault.” In other words, if your community rules are either unclear or simply non-existent, dispute resolution will be tougher to handle and the offending behavior less likely curtailed. A very good

example is a complaint regarding a clear rule violation such as excessive noise (stereo after 10:00 p.m.) versus a complaint about cigarette smoke. If your rules fail



to address or regulate the smoking, your role in this dispute is going to be extremely limited and neither member will be pleased with each other or you.

In the event you find yourself trying to mediate disputes between neighbors, look first to see if the complaint can be resolved by pointing to a rule or regulation. If it is unclear or your rules do not address the substance of the complaint, try to hear each side and provide a solution grounded in the ideals of community living. Once the matter has been addressed, revisit cooperative rules and regulations and see whether or not clarification and revisions are in order. Often times one word can make all the difference.

Don't be a Discriminator!

The U.S. Department of Housing and Urban Development (HUD) receives more than 10,000 complaints a year about discrimination. You would think that in the year 2010 we would not have to think about discrimination as an issue. Unfortunately, the world still is not perfect, so we must keep making a conscious effort to change.

Where do I start? To start the change take a look at your By-Laws, rules and regulations, or your policies. If they have not been updated in the past 10 years you may be missing out on some new rules from the Fair Housing Act and the Americans with Disabilities Act. Like it or not, these two Acts supersede the governing documents to your co-operative. Every co-operative should be taking preventive measures to avoid complaints of discrimination.

What can I do? Proactive measures you could take are to look around your co-operative and see how your members use certain areas for recreation. A pool or tennis court with an age or time limit could be considered age discrimination. If you find out that one of your members was in an accident and was put in a wheelchair, it would be ideal to ask your member how you could help them with their new disability. Anything that brings good public image to your co-operative and assists your members may serve the dual purpose of avoiding discrimination complaints and help with attaining new members.

Do I need help? When reviewing your co-operatives governing documents you should always consult your attorney. He or she will be able to advise you whether they are discriminatory. It is always best to make sure you remain current with all the new governmental rules and regulations, so that you avoid complaints against your co-operative.

News from one of Our Coops

On September 16, 2009 our Board of Director's Vice President, Said Hakimi and our newest member, Paulette Spencer, received one of Rockville, Maryland's highest honors from the Mayor and Council Members—"The Good Neighbor Award." They have been invited to the Capital City of Maryland (Annapolis) to tour the city, State House, and to have lunch to receive another award from the State and County Representative. Heritage Park Board of Directors and Members are very proud of them and ask them to keep up the good work. Hopefully there will be more "Good Neighbors" like them not just at Heritage Park but throughout the area and the U.S. This is just a part of what "Cooperative Housing and Living" is about.

Jackie Brown

COOPERATIVE REHABILITATION JUST GOT MORE AFFORDABLE

Last year, the Department of Housing and Urban Development developed the "Section 221d (4)" Program. If your community is in need of substantial rehabilitation, this program features the ability to fully amortize construction and permanent financing with no personal recourse for up to 40 years. Eligible applicants approved for the funding will receive a permanent interest rate locked in prior to construction. This loan program is not based on income restrictions and can be used with Low Income Housing Tax Credits. Those communities subject to this funding program will also be required to comply with HUD regulations including financial monitoring.

NEXT ISSUE OF MESSENGER

Look for the
NEXT issue of the
Messenger-
Article by
Attorney Herb Fisher on

"Improving Board
Meetings!"

Don't Gamble with Your Co-op's Future Get a MAHC Education.



MAHC 2010 ANNUAL CONFERENCE
May 23-27, 2010
At
Bally's Las Vegas



New Workshops for 2010!

- ◇ Anatomy of Your Building
- ◇ Blogs, Facebook, and More
- ◇ Choose your words wisely
- ◇ Community Building Activities



- ◇ Curb Appeal
- ◇ Green is Sustainable
- ◇ How to read financial reports
- ◇ Management with a mission
- ◇ Parliamentary Procedures

Things to do Before or After Workshops:

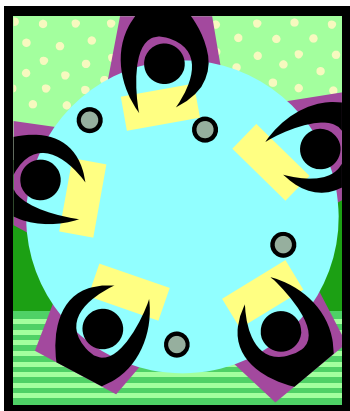
Take a day before or after the conference & see awe-inspiring sites you'll never forget—like the Grand Canyon, Hoover Dam, Zion National Park and MUCH more—just a short bus, helicopter, or airplane trip away!

Rio Secco Golf set among the rolling foothills of the Black Mountain range
The Shark Reef at Mandalay Bay is one of the finest aquariums in the country



For Reservations call: 800-358-8777
Ask for MAHC Group Rate—*ONLY \$139.00 per night
if you register BEFORE April 21, 2010!!
(Additional person(s) per room will be charged \$30.00 per person per night)

MAHC's Certification at Annual Conference = One of a Kind!!



Certified Cooperative Director (CCD)

This course is designed for all Board of Directors, Committee Members, and/or Members that want and need the components that drive the operations and oversight of the Cooperative Corporation.

The (CCD) course is a course that covers everything from the history of Cooperatives, Corporate Law, to Ethics in the Board Room. Additional topics covered will be budget's, audits, financial components, marketing and managing of your Cooperative. This list is only a piece of this comprehensive program which the Midwest Association of Housing Cooperatives has endorsed. Each individual who completes the course and passes the test will be given a certification of completion.

FEE: \$250.00

Course will be offered May 25th 9:00 AM to 4:30 PM then continuing on the 26th 9:00 AM-12:00 PM during the Annual Conference.

Certified Cooperative Manager (CCM)

This course is designed for managers and assistant managers of Cooperative Housing. Topics covered include fair housing, ethics, legal structure of cooperatives, policy making, decision making, financial integrity, and battling renter mentality in today's cooperatives.

The list is only a portion of what is covered in this sixteen hour course, that includes testing and receiving certification as a CCM, from the Midwest Association of Housing Cooperatives.

The participant who has received any other training in Cooperative Housing will be impressed with the amount and quality of information given in this course.

FEE: \$250.00

Course will be offered on Saturday May 22nd at 8AM-5PM and continuing on May 23rd, Sunday 8AM-1 PM at the Annual Conference.



Certified Cooperative Maintenance Manager (CCMM)

A class designed for Maintenance Personnel that have the duties of regular maintenance at a Cooperative Housing Property, as well as any Cooperative member or other staff that want to know more about the Cooperative Maintenance Process.

This class will not teach you what tools you need to fix a refrigerator, but it will teach you what tools you need to understand what a Cooperative is and your role in this unique form of housing.

You will receive the tools to help you with the ethics, maintenance plans, Cooperative goals, inventory control, working with contractors, and much, much more.

MAHC has endorsed this eleven hour program for any staff and the completion and passing of a final test of this course will earn the attendee a Certification.

FEE: \$250.00

All Certified courses are available regionally...Just call the MAHC office for more details.

MAHC office 734-955-9516.

Polly wants a Crack at It?



Cooperatives ban fur bearing animals for many reasons including health, safety and welfare of the members. On the surface, pets are cute, fuzzy and adorable. They cuddle with you and alert you to trouble. They provide the conversations a lot of us crave because they cannot talk back. For all that cute fuzziness however, some pet owners just do not get it when it comes to pet care in a housing community making it necessary to limit types of pets and or all out banning pets.

Undaunted by leash laws, you will see dogs running about. Sometimes you even get to see more than you could have hoped and other times, you step in it. Cats you would believe are more acceptable, however, pet owners that neglect to keep kitty's box clean give kitty a reason to find better places relieve himself. Having had the opportunity to inspect an apartment unit at a location that permitted cats and not dogs, I immediately realized that it was going to take more than the \$150.00 pet deposit fee to rent that unit again. One bad apple spoils the whole basket and thus the no pets rule is born.

Housing communities, when pressed to permit an animal as an accommodation, immediately go to the no pets rules. Without guidance of counsel however, this could be a costly path. Under the Americans with Disabilities Act (ADA), emotional support animals are not addressed in the same way as service animals. The ADA requires that an animal be individually trained to perform one or more tasks that mitigate the disability of the disabled owner in order for that owner to have a protected right to be accompanied by that animal in public places. With this exclusion on a "companion" pet, there is no reason to give an accommodation, but HUD and the Fair Housing Amendments Act dictates otherwise.

If a doctor prescribes the presence of a pet as necessary for the treatment plan of a person who is substantially limited in their ability to function by mental illness, the pet owner may request a change in rules, policies, practices, or services, such as "no pets" rules to permit them to keep the pet

as an emotional support animal. Additionally they have to show that this accommodation is necessary to afford such person equal opportunity to use and enjoy their dwelling.

When faced with a request for a companion animal ask for enough information to verify the request is made by a person suffering from a disability with a need for the companion animal. Take the information and forward it to your attorney. He or she will guide you with the process in determining if criteria is met. If the accommodation is made, remember that demonstrated need for the animal does not preclude action if the animal becomes unruly or disruptive, unclean or unhealthy and so much so that it poses a health risk to the community. You are entitled to require proper vaccination and licensing of the animal as well. Remember it is an accommodation only and not a waiver of your rights to ensure certain rules are followed. If you are ever in doubt, contact your attorney to see what steps should be taken.



Getting Into Techno-Trouble

We all know of a certain Detroit Mayor that was involved in a texting scandal. He never thought that the text messages he sent would ever get him caught, or a certain football player that tweeted about his coach and then ended up sitting for the majority of the season, just to be traded to another team. Celebrities are constantly on twitter updating their status to the world, which has only gotten easier with today's free technology at everyone's fingertips.



Fortunately we live in a very technological time in human history where you can access an infinite amount of information online. Unfortunately, with e-mail, tweets, facebook, myspace, blogging, and endless other free outlets, it is very easy to learn about someone's personal or professional life that they post on these sites. I could put a status change saying that "I am going to a movie" or "had a terrible day at work, my boss is a jerk" and within seconds friends can comment on my status. Also, on these sites you can message your friends and co-workers, basically having a conversation in a chat. While many of these sites were created to help stay in touch with family and long lost friends, these sites can also get you into trouble, especially if you are a leader in your community.

As a leader in a co-operative we must understand that other people have access to these tweets, blogs, or status updates. Simple comments could turn into a hostile environment if the wrong things are said, or interpreted to your detriment and someone else's benefit. What is even worse is that every single word you write could be copied, pasted and used as evidence that you said it. Be conscious of what you put out in the technological world because it can, and often does, come back to haunt you.

Unlike the Mayor and the football player you still have the chance to avoid controversy. If you are thinking about something that is annoying you about a tenant that is about to be evicted it is best not to tweet, blog or status update about it. Stay calm and let your attorney handle it. Don't get caught up in a "he said, she said" argument. Contact your



How Much Debt Could a Woodchuck Chuck if a Woodchuck Could File Bankruptcy?

According to the Bankruptcy Code, if the woodchuck is a member of a housing cooperative, he is not going to get to discharge all of his carrying charges, and if there is a possession judgment against him, the automatic stay may not protect him either.

As part of the Bankruptcy Abuse Prevention Act of 2005, charges which accrue during the time the debtor physically occupies the unit, or, for as long as he holds a legal, equitable or ownership interest in the share of the cooperative are excepted from discharge.

“The importance of vigilance in the payment and collection of carrying charges is

The exception will only apply to charges assessed after the date the debtor files his petition, or, the order for relief. Any charges accrued prior to that date are dischargeable, including charges which accrued during a earlier bankruptcy case if one was pending.

Collection of the assessments which accrue prior to the date an order for relief is filed will be considered a violation of the automatic stay provisions and the protections afforded by an order of discharge. Charges often will continue to accrue after the date of filing which ties the hands of cooperative. The cooperative cannot issue a notice to quit and the cooperative is not receiving any carrying charges. Chapter 7

cases often last no longer than 90 days which means that by the time a motion for relief from the stay is granted and a possession judgment is obtained, close to 60 days will have passed.

The importance of vigilance in the payment and collection of carrying charges is stressed since the Bankruptcy Code also provides for situations where the cooperative already has a judgment for possession. This is helpful if the individual files bankruptcy, continues to accrue charges and his or her bankruptcy is subsequently dismissed. If the cooperative acts quickly enough after the dismissal, it is possible to obtain a judgment before the member decides to file again. In some instances, quick action may result in an exemption from the automatic stay.

Receiving a notice of filing bankruptcy is notice to the cooperative that it must halt all collection efforts as to the debtor.

However, it does not mean the member will get to live for free and neither does it necessarily prevent an eviction. Every case is unique and it is strongly advised that all actions halt until proper advice from counsel is obtained.

“quick action may result in an exemption from the automatic stay.”

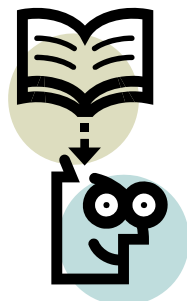
MAHC's First Line

The first line of MAHC's mission statement is "To support and champion the cause of quality housing through education ". This is the part that I personally take seriously, which is the heart of MAHC. Members have been requesting more education, and thanks to Marlene Dau, Melanie Phillips and Dino DeMare, three new classes have been developed for cooperative living. Certified Cooperative Director, Manager and Maintenance.

At the mid-year conference, cooperative and MAHC board members, myself included, had the opportunity to take the Certified Cooperative Directors pilot course. The class itself was sixty-seven strong which included board members who have served twenty or even thirty plus years, who came away with new knowledge, perspectives and ideas. As for myself, I cannot praise the class or its instructors enough. The information provided was geared for new and sitting board members alike. The materials, book and handouts were done in a professional manner which added to the quality of the class and emphasized the education. It is my belief, that to ensure quality and affordable cooperative living for the present and the future, is through education and information that is current and cutting edge. The new Certified Cooperative Directors class meets this criteria and more.

Now that these classes have been rolled out, members need to take advantage and participate in learning and maintaining their co-ops traditions of providing quality housing for not only the current generation, but for those yet to come. It has been said that Cooperative living is the best. Those of us who have experienced this unique lifestyle couldn't agree more, which is why we need to not only continue our education, but to support and champion our cause.

I look forward to seeing many of you at our annual conference in Las Vegas and the opportunity of exchanging thoughts and ideas.



Until then,

Cooperatively yours,

Brenda McElhaney
MAHC Board Member

**MAHC 2010
ANNUAL CONFERENCE
MAY 23-27, 2010**

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