

WEBSITE: reiawaynecounty.org
FACEBOOK: Wayne County REIA of Michigan
24hr recording (313) 437-2945
Fax: 313-386-7600
MAILING: P.O. Box 5341
Dearborn, Michigan 48128

NEXT MEETING
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INSTEAD OF OUR MEETING AT
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For More Info, Check the Website:
www.reiawaynecounty.org

For Any Questions Please Call:
Wayde Koehler, President 313-819-0919

Next Meetings
MONTHLY MEETING
• **CHRISTMAS PARTY**
December 6, 2016
• Tuesday
January 3, 2017
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December 13, 2016
• Tuesday
January 10, 2017

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(we hope this will encourage people to join)

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FOR RENEWING MEMBERS: Any questions/comments on how to better our organization??

REMINDER
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GET-TOGETHER This Month as
it falls Too Close to Christmas
Holiday.
See You Next Year!
MEETING THE MONTH
starts at 6:00pm

**Real Estate Investors Association
of Wayne County**
P.O. BOX 5341 • Dearborn, Michigan 48128
24hr recording (313) 437-2945/Fax: 313-386-7600
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Mickey Gilhool

Chris & Anna Ochocinski

Michael Holloway

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- Gary Segatti
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3RD TUESDAY
December 3rd

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FINGERS ARE POINTING THE WRONG WAY ON DEATH TAX

MITCH ALBOM

When I was a kid, I made the mistake of telling my mother, who had refused to buy me an expensive toy, that she could afford it because she had bought herself clothes the week before.

“Don’t you ever — ever! — tell your parents what they should do with their money!” she admonished.

She then went on to detail how poor my folks were growing up, how hard they had worked, and how I still had toys I barely played with.

She was right about all of it.

Her words echoed last week — especially the ones about other people’s money — when I heard Hillary Clinton in Detroit trying to shame Donald Trump over his plan to eliminate the estate tax.

“If you believe that he’s as wealthy as he says,” she said, “(killing the tax) would save the Trump family \$4 billion.

“Just think about what we could do with those \$4 billion.”

I wish my mother were still alive. Just so she could say, “It’s not yours to think about.”

No need to be taxed again

I have always been against the estate tax, or “death tax” as it is known. I was against it when I had no money. I am against it now, having money. I remain against it even though no one in my extended family is wealthy enough to benefit from its elimination — and thus, it won’t affect a dollar I might inherit.

I am against it for this reason: It taxes money that’s already been taxed. That simple. If the money was earned working, it was already shaved by income tax. If that money was put into a house, it was shaved by property taxes and, upon sale, a capital gains tax. The federal government takes its taxes, the state government takes its taxes, in some cases the city government takes its taxes.

Then, when you die, and you wish to leave what is left to your family, it needs to be taxed again?

“Just think about what we could do ” Clinton said.

Exactly. The whole image of the government rubbing its hands as you take your dying breath should creep you out. Look, I am no big fan of Trump or Clinton. Like many Americans, I want to jump on a spaceship when I see our choices.

But the estate tax is its own issue. Always has been. Our founding fathers didn’t invent it. It existed in brief and tiny forms in the 1800s but essentially was a 20th-Century development. Since then it’s been all over the map, from 10% to 77%. A few years ago, thanks to President George W. Bush it disappeared altogether for 12 months. Then it roared back.

This proves it can — and will be — altered by politicians. So people who point to the current \$5.45-million individual exemption and say, “I don’t have that much, why should I care?” are missing the point.

That exemption can easily change — and if Clinton gets her way, it quickly will. Her own tax plan proposes cutting the \$5.4 million down to \$3.5 million and raising the rate to 45%, according to a Tax Foundation analysis.

She conveniently did not mention this in Detroit.

Not ours to spend

Here is the longtime argument for the estate tax: to avoid too much wealth staying in the hands of too few families. But why? It’s not stolen money. It’s earned money. Taxed money. Why shouldn’t someone who works hard and achieves — things both candidates keep saying they celebrate — be told, “Sorry, you achieved too much. Give it back. Your kids can’t have it.”

Why? So the government — the most wasteful agency this side of a roulette wheel — can spend it instead? According to the most recent analysis, the feds wasted \$43 billion in 2014 alone. They really need more?

I hate to sound as cranky and old as this may read. But the estate tax issue is pretty cut and dry.

You shouldn’t need the horror stories of kids having to sell the family farm to pay it, or of houses needed to be liquidated or heirlooms auctioned off.

For what? Clinton, defying my mother’s warning, started spending Trump’s death money from her podium: his estate tax, she boasted, could pay for 47,000 veterans to get a college degree, or a year of health care coverage for nearly 3 million children. (Notice when politicians hype a tax, it’s always for veterans and children, never a \$600 hammer.)

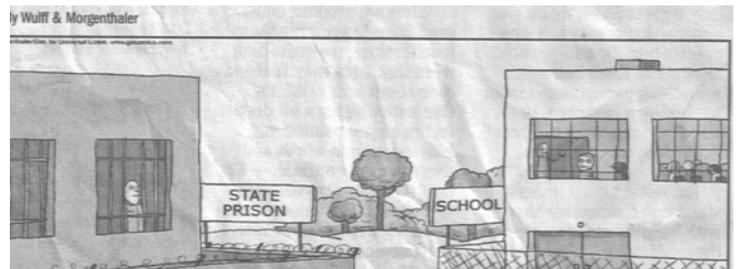
This is dangerous and incendiary stuff. If we start getting excited about dead people’s money, it won’t stop at an artificial cutoff. Besides, it’s just wrong. It’s not ours to spend. It’s been through the tax ringer.

And, by the way, not everyone who has earned money behaves like Donald Trump. But lots of politicians, when it comes to taxes, behave like Clinton.

“Think about what we could do ” she said.

I am. That’s what scares me.

***Reprinted from the Detroit Free Press & Submitted by
Wayde Koehler, President R.E.I.A. of Wayne County***



Real Estate Investors Association of Wayne County

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Landlords should know the risks of liability associated with tenant smoking and understand how they can limit that liability

As one of the cases in this bulletin highlighted, landlords may face the complicated issue of tenant grievances associated with second hand smoke from other tenants. Smoking related conflicts that continue unresolved may expose landlords to legal liability.

THE "RISKS" ASSOCIATED WITH TENANTS' SMOKING

According to a 2010 notice from the United States Department of Housing and Urban Development, secondhand smoke, also referred to as environmental tobacco smoke, can migrate between units in multifamily housing, causing or worsening certain health effects in neighboring tenants, including respiratory illness, asthma, heart disease, and cancer. According to the Centers for Disease Control, secondhand smoke causes almost 50,000 deaths in adult nonsmokers in the United States each year, including approximately 3,400 from lung cancer and another 22,000 to 69,000 from heart disease. According to the United States Environmental Protection Agency, secondhand smoke exposure causes disease and premature death in children and adults who do not smoke.

LANDLORD'S QUARTERS



Smoking can also be a source of fires and fire-related deaths and injuries. Based on data from the U.S. Fire Administration of the Department of Homeland Security, there were an estimated 18,700 smoking-material fires in homes in 2006. Those fires caused 700 civilian deaths, and 1,320 civilian injuries, and \$496 million in direct property damage. In multifamily buildings, smoking is the leading cause of fire deaths. For this reason, some insurance companies may provide a discount when there is a smoke-free policy at the residential rental property.

Also, smoking increases maintenance costs of rental units, particularly when preparing a unit for a change in tenancy.

POSSIBLE RELATED LANDLORD LIABILITY

Legal claims that may be brought against a landlord by a tenant claiming substantial harm from a neighboring tenant's drifting second hand smoke include:

- ~ nuisance;
- ~ negligence;
- harassment;
- constructive eviction;
- ~ violation of the implied covenant of quiet enjoyment;
- ~ violation of the implied warranty of habitability.

Note: Some cities, including several in California, specifically prohibit smoking in multiunit housing and/or specifically declare secondhand smoke to be a nuisance. - Continued pg 8

R.E.I.A. Membership Benefits

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- **Court-Approved forms available-(courts.michigan.gov/)**
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(ask and have your membership card.)**

Continued from pg 7

Of course, whether any such claims brought by a tenant against a landlord would be successful depend on various factors, including: whether the tenant actually suffered significant harm (e.g., frequent respiratory complaints; missed work due to illness caused by the smoke; absence from the rental unit because of neighbor's smoke; or other inability to open windows or use a heater in an attempt to prevent smoke from entering the unit).

Note: Tenants who have disabilities with conditions made worse by secondhand smoke may be eligible for special legal protections.

If such a suit brought by a tenant is successful, possible awarded damages may include:

- money damages — such as for medical bills, moving costs, or lost pay;
- an injunction might forcing the landlord to designate certain units smoke-free or provide the complaining tenant with a different unit, or take remedial action to inhibit the drifting of smoke — such as installation of exhaust fans or sealing of units.

POTENTIAL SOLUTIONS FOR SMOKE-RELATED COMPLAINTS

Tenants do not have a "right to smoke" in their residential rental units. Smokers do not have a constitutional right to smoke, nor are they a protected class under fair housing laws. Moreover, an addiction to tobacco, nicotine, or smoking is not considered to be a disability under the Fair Housing Act or the Americans with Disabilities Act. Accordingly, as a landlord, if you desire, you have various options for limiting your potential liability associated with tenant smoking:

Prohibit Smoking. In lease agreements, landlords may include covenants, conditions, or terms that prohibit residential tenants from smoking in units, as well as in all common areas, including outdoors.

Note: State law may already prohibit smoking in indoor common areas if the facility has employees, such as property managers or others, who work on site.

If, as a landlord, you do not currently have a "smoke-free" policy for your residential building, such a policy can be phased in gradually with new leases containing clauses that prohibit smoking.

Note: If an existing lease agreement does not prohibit smoking, then you cannot change its terms until the lease expires without tenant consent. In any case, if changing the building rules on smoking, be sure to follow landlord-tenant law by giving notice, having existing tenants sign agreements with the rule change, and applying the rule equally.

Importantly, lease language that prohibits smoking should: make clear the purpose of the policy; define proscribed activities (e.g., define "smoking" to not solely mean smoking of "tobacco products"; particularly in states where the use of marijuana is legal, you may wish to also proscribe the smoking of marijuana); spell out landlord and tenant responsibilities; and limit landlord liability for violations of the policy when the landlord takes all reasonable steps to enforce the policy. The lease should not create an express or implied warranty that a property's smoking policy will increase safety, enhance habitability, or improve air quality. The lease should clearly define what constitutes a tenant breach of the smoking policy and the consequences of a breach.

Separate Units. If you own or operate a multibuilding complex, you may consider separating the units of smokers and nonsmokers and designating some buildings as "smoke-free."

Reprinted from Landlord Tenant Law Bulletin and taken from Rental Property Owners Association. Submitted by Wayde Koehler, President R.E.I.A. of Wayne County

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Around Town with Real Estate Investor Groups

(call each group for details)

• OAKLAND R.E.I.A.

www.ReiaofOakland.com

• Macomb Property Owners Association

Cocktails/Dinner 6-6:30 pm • Meeting 7:00 pm

For More Info Call: 586-977-7372

• Monroe County Landlord Association

6:30-7:30 pm Social/Dinner • 7:30 pm Meeting

(734) 457-5758

• American Landlord Association

Northwest Activity Center

877-247-3372

• Real Estate Investors Association of Wayne County

(REIA of Wayne Co) 1st Tuesday of every Month

6:00 pm Networking @ Red Lobster, Southgate

7:15 Announcements • 7:30 pm Meeting

(313) 347-1401 • 24 hr Answering Machine

• Real Estate Investors Association of Wayne County

(REIA of Wayne Co) 3rd Tuesday of the Month

Red Lobster • 13999 Eureka Rd • Southgate

• Jackson Area Landlords

6:30 pm Meeting

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• Toledo Real Estate Investors

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• Southeast Michigan Real Estate Investor Association

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SPEAKERS COMMITTEE

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7:30 - ... Meeting — (\$20.⁰⁰FOR GUESTS)

Christmas Party!!

See Front Page

Detroit Water Shutoffs Criticized
They add to foreclosure problem, group finds
By Bill Laitner - Detroit Free Press

A Detroit-based group of activists and university professors said the city’s policy of shutting off water to those who don’t pay water bills is driving residents from their homes and exacerbating the city’s foreclosure crisis.

The group’s research, released as a published report Thursday, provides maps of Detroit showing concentrations of “thousands of families being deprived of water and simultaneously having their homes taken,” according to a news release.

The group, called We the People of Detroit Community Research Collective, also said the policy of enforcing water shutoffs is having a disproportionate effect on African Americans.

Members of the group -which includes professors and former professors at Wayne State University, the University of Michigan and the University of Detroit Mercy — said they spent 18 months to generate the report called “Mapping the Water Crisis: The Dismantling of African American Neighborhoods in Detroit.”

“This is just Phase I. We’re partnering with Michigan State University to do some water testing (for lead and other contaminants) in Detroit, and we’re gathering from the community their anecdotal stories about their water shut-offs — how they’re trying to live without water, or how they’re having to conserve water at a debilitating level,” said Monica Lewis-Patrick, CEO of We the People of Detroit Community Research Collective.

Asked to respond, Detroit Mayor Mike Duggan’s office issued the following statement: “About 75% of the residents in the city of Detroit, regardless of where they reside, pay their water bill on time or are in a payment plan. Our priority is to work with customers on developing payment arrangements to avoid a disruption in service. The city has one of the most robust and compassionate water assistance programs in America.”

In addition, the city’s group executive Charlie Beckham — who was director of the city’s Department of Water and Sewerage under former Mayor Coleman Young — said “it gets a little offensive” when activists charge the city with driving residents away.

Referring to rallies in which people chanted “Water is a human right,” Beckham said the city before its bankruptcy trial had accumulated \$20 million in debt when numerous residents stopped paying their water bills.

“The bankruptcy court would not let us continue giving away free water in a city that’s broke. So, the argument that water should be free just doesn’t fly,” he said.

The city has a simple installment plan that lets those who’ve fallen behind on water bills catch up, “and the WRAP (Water Residential Assistance Program in Wayne, Oakland and Macomb counties) program basically subsidizes people and also has a payment plan with it,” he said. In addition, “we will come out and do a free assessment of your house, look for leaks and pay \$1,000 toward fixing your leaks if you qualify” on the basis of low income, Beckham said.

Reprinted from the Detroit Free Press & Submitted by Wayde Koehler, President R.E.I.A. of Wayne County

WEB SITE CORNER

This new column of useful website addresses is a new addition to our newsletter format. If you wish to have a website featured in this column please email reianews@aol.com

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- <http://www.oakgov.com/crtsOO04/main> Oakland County District Court Case Search
- www.mipsor.state.mi.us/..... Michigan Sex Offender: (PSOR)

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| BOARD MEMBERS INFORMATION | | |
|----------------------------------|-------------------|-------------------------------------|
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