



CAHA

JUNE 2010 NEWSLETTER

CAPITAL AREA HOUSING ASSOCIATION “LANDLORDS WORKING TOGETHER”

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Charlie Anderson
speakez99@yahoo.com

Vice President

Stefanie Barley
stefbarley@myfairpoint.net

Secretary

Barbara Eckhardt
eckhardtb@roadrunner.com

Treasurer

Emmy Swanton
joanemmy@adelphia.net

Board of Directors

Gerard Bechard, Jr

Stefanie Barley
stefbarley@myfairpoint.net

Harold Booth

halbooth1@yahoo.com

Ratna Don

ratnadon44@yahoo.com

Ramona Venskus

ramona@NewcomerRelocation.com
622-4312

Charlie Anderson

speakez99@yahoo.com

Venita Barley

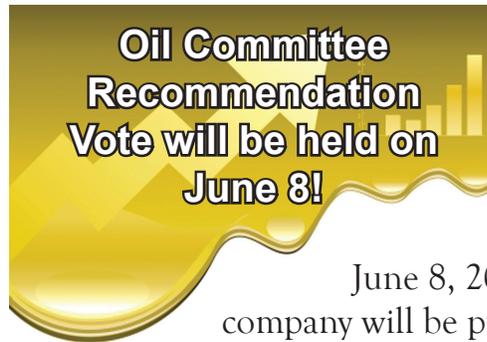
vbarley@rentmatchonline.com

CAHA Website

www.caha4u.org

PRESIDENT'S MESSAGE

The June 8, 2010 meeting will be an opportunity for you to vote on the Oil Committee's recommendation for a contract with a supplier for the 2010-2011 season.



CAHA's Oil Committee solicited a number of bids from oil companies and the Oil Committee will be making its recommendation to be voted on by the membership at our

June 8, 2010 meeting. The recommended company will be providing you the opportunity to learn about energy savings upgrades that they recommend and decisions that you may be able to make to lower your energy costs.

CAHA will have a link on its website that will give daily information on the NYMEX heating oil price, to which the winning bidder's markup can be added to compute the CAHA price for that day. Usually oil is delivered automatically, so a daily check of that link would enable our members to compile the daily NYMEX price. Having a computer will give members the ability to know the price each day.

June is the last meeting for the summer with meetings resuming in September. I hope that you have an enjoyable summer and hope you can make our next meeting.

Charlie Anderson

UPCOMING MEETING:

JUNE 8, 2010 • 7 – 8:30 P.M.
K.V. FEDERAL CREDIT UNION
OIL COMMITTEE RECOMMENDATION VOTE

NEXT MEETING:

SEPTEMBER 14, 2010 • 7 – 8:30 P.M.
K.V. FEDERAL CREDIT UNION
GENERAL BUSINESS WILL BE DISCUSSED.

ASK THE LAWYER

TENANCIES AT WILL: NOTICE TO QUIT ELEMENTS

- TITLE 14 §6002

My last two columns have commented upon some of the new legal implications to landlords arising from the recent passage of Public Law Chapter 566. This month, I continue that theme in respect to a new statutory warning required in Notices to Quit involving tenancies at will. I also reiterate pre-existing requirements for such notices.

Beginning mid-July 2010, a Notice to Quit to terminate a tenancy at will must include language “advising that the tenant has the right to contest the termination in Court” pursuant to newly amended Title 14 §6002.

The Legislature has apparently concluded it is insufficient that the Forcible Entry and Detainer (FED) summons already contains a warning (in big bold print) that the Court can award possession of the property to the landlord by default if the tenant should fail to appear to oppose the FED action. Now the Notice to Quit itself must also state that the tenant has the right to contest termination of the tenancy in Court.

A landlord’s failure to include the language will not result in dismissal of an FED action brought to enforce the notice. However, the absence of the required language is sufficient grounds for the Court to set aside a default judgment entered against a tenant who fails to appear for the Court hearing.

By its terms, the new statutory warning is required only in Notices to Quit that terminate tenancies at will, which usually arise where there is no written lease. However, many leasehold tenancies become tenancies at will, or provide for termination as a tenancy at will, after expiration of the initial rental term, and the new warning to tenants will be required in those cases as well.

As a practical approach, landlords should include new stock language in all Notices to Quit which may be as straightforward as stating “You have the right to contest termination of the tenancy in any Court proceeding brought to enforce this Notice to Quit”. The inclusion of this, or similar language, does not impede the landlord’s effort to evict, and avoids any controversy as to whether the required language has been provided.

Notices to quit terminating a tenancy at will for non-payment of rent must already state:

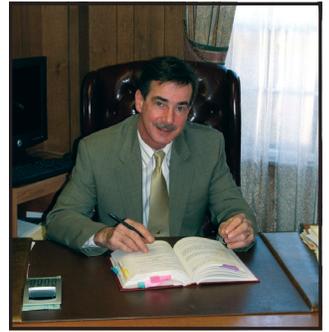
1. the amount of the rent arrearage that is seven (7) days or more past due as of the date of the notice; and
2. a specific notice: “If you pay the amount of rent due as of the date of this notice before this notice expires, then this notice as it applies to rent arrearage is void. After this notice expires, if you pay all rental arrears, all rent due as of the date of payment and any filing fees and service of process fees actually paid by the landlord before the writ of possession issues at the completion of the eviction process, then your tenancy will be reinstated.” (See March 2010 column on the tenant’s right to reinstate the tenancy)

Clerical errors, such as an incorrect rent arrearage figure will not invalidate the notice to quit, as long as the error does not significantly or materially change the purpose or understanding of the notice.

Every notice to quit should specifically name all adult persons who are known to have paid rent to the landlord, or whose tenancy the landlord has otherwise acknowledged, along with “all other occupants”. For notices to quit under a written lease, all adult persons that have signed the lease should also be specifically named.

Landlords or agents terminating a tenancy under a written lease must also include any language required by the written lease. Extra caution is required for subsidized tenancies since the contract for the subsidy (a Section 8 HAP Contract for example) often requires additional specific language in a notice to quit.

An appropriately drawn notice to quit remains the most critical first hurdle for landlords to clear in those cases where a tenancy must be terminated. The list of technical requirements to terminate a tenancy at will becomes somewhat longer next month.



Disclaimer: For general information of CAHA members; not intended as legal advice. Consult a lawyer for your specific situation © 2010 Eric S. Dick, Esq., Augusta, Maine (207) 622-5872.

Regular Meeting Notes
Capital Area Housing Association (CAHA)
Held at KV Federal Credit Union
May 11, 2010

President Charles Anderson did not open the meeting for lack of a quorum. Therefore, the April 13, 2010 minutes and Treasurers report could not be voted on.

Nevertheless, President Anderson informed the attendees~one member, not counting the Board members, and a former member~that the oil committee would be meeting on Monday, April 17, as negotiations with the oil companies were still in progress.

The one participating member informed us about the EPA Lead-Safe Certification Program.

As of April 22, 2010, federal law requires that: Renovation firms be certified under EPA's Renovation, Repair and Painting Rule Individuals be trained in lead-safe work practices Training providers be accredited by EPA.

Contact Karen Tucker, Health Community of Capital Area: phone (207) 588-5011, email ktucker@mcd.org. Also, there is a web address at www.epa.gov/getleadsafe and phone number 1-800-424-LEAD.

The non-member stated he plans to join CAHA now that he knows there is no sliding scale on becoming a member. He was very concerned about the new laws that have come down on landlords from the legislatures regarding lead paint, carbon monoxide detectors, radon testing, and now bed bugs. He looked at the attendance at the meeting and said, There is no power with the CAHA group, no one comes to the meetings. He recommended that every member bring as many landlords as they know to the meetings in order to have a voice in legislation.

Respectfully submitted,
Barbara A. Eckhardt, Secretary

Minutes of Board Meeting
Capital Area Housing Authority (CAHA)
Held at the Augusta Elks Club
February 9, 2010

President Harold Booth opened the meeting at 9:06 p.m. with the following present:

- Vice President & Board Member, Charlie Anderson
- Secretary & Board Member, Barbara A. Eckhardt
- Treasurer & Board Member, Emmy Swanton
- Board Member, Stefanie Barley
- Board Member, Ramona Venskus
- Board Member, Venita Barley
- Board Member, Ratna Don
- Board Member, Gerard (Tiny) Bechard, Jr..

Motion was made by Stefanie Barley, and seconded by Venita Barley, to nominate Charles Anderson as President of CAHA. Motion was made by Tiny Bechard and seconded by Venita Barley to cease nomination. Motion was made, and seconded, to have the secretary cast one ballot for Charles Anderson as President of CAHA. Motion passed unanimously.

Motion was made by Stefanie Barley, and seconded by Ramona Venskus, to nominate Emmy Swanton as Treasurer. Motion was made by Tiny Bechard, and seconded by Venita Barley, to cease nomination. Motion was made, and seconded, to have the Secretary cast one ballot for Emmy Swanton as Treasurer of CAHA. Motion passed unanimously.

Motion was made by Venita Barley, and seconded by Stefanie Barley, to nominate Barbara Eckhardt as Secretary. Motion was made by Tiny Bechard, and seconded by Charlie Anderson, to cease nomination. Motion was made, and seconded, to have the Treasurer cast one ballot for Barbara Eckhardt as Secretary of CAHA. Motion passed unanimously.

Motion was made by Stefanie Barley, and seconded by Tiny Bechard, to adjourn the meeting at 9:10 p.m.

Respectfully submitted,
Barbara A. Eckhardt, Secretary



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Eric S. Dick, Esq.
Farris, Foley & Dick, P.A.
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