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**CAHA**

**NOVEMBER**  
**2010 NEWSLETTER**

**CAPITAL AREA HOUSING ASSOCIATION**  
*“LANDLORDS WORKING TOGETHER”*

## **OFFICERS & BOARD OF DIRECTORS LISTING**

### **President**

*Charlie Anderson*  
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### **Vice President**

*Stefanie Barley*  
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### **Secretary**

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### **Treasurer**

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### **Board of Directors**

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**CAHA Website**  
[www.caha4u.org](http://www.caha4u.org)

## **PRESIDENT'S MESSAGE**

Last month's regular membership meeting regarding the lead paint law issues facing landlords was very informative and useful to all landlords needing to renovate pre-1978 housing.

For this month's meeting on Tuesday, November 9th, we are pleased to have Eric Dick, Esq., our CAHA attorney, discuss legal issues and answer questions that members may have. This provides you an opportunity to get the answers to your legal questions that we all have from time to time as landlords. Don't pass up this opportunity to get your questions answered.

It's hard to believe that the CAHA election for Officers and Board Members is on the horizon. While I have enjoyed serving CAHA this term as president, I will not be seeking reelection for that position. There will be several positions available for the Board of Directors as well. So if you are interested in becoming more involved in CAHA and want to run for Office or the Board, please let us know. Remember that your participation makes CAHA an effective landlord organization and there is no better way to get involved than to run for one or more of these slots.

We hope to have a December meeting that will bring local politicians to speak about the State laws affecting us, like LD 1790 (the "bedbug" law). We need to get answers to questions about the possibility of getting this law amended to lessen the burden on landlords as it relates to costs that they might incur to rid rental properties of these pests.

I hope to see you at these meetings.

*Charlie Anderson*

### **UPCOMING MEETING:**

NOVEMBER 9, 2010 • 7 – 8:30 P.M.  
K.V. FEDERAL CREDIT UNION  
FEATURES SPEAKER – ERIC DICK, ESQ.

### **NEXT MEETING:**

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

# ASK THE LAWYER

## DEATH OF A TENANT – OR LANDLORD

**Q: For many years I have rented to an elderly tenant, who now has a terminal condition. What happens to the tenancy when she dies?**

**A: Death of a Tenant.**

It depends on the type of tenancy involved. A tenancy at will automatically terminates upon death of either the tenant or the landlord, whereas respective obligations generally continue under a written lease, unless the specific terms of the lease provide otherwise.

A tenancy at will creates a possessory right in the tenant, but is not an interest in land. The tenancy at will generally arises by legal implication under a verbal rental agreement. In fact, under Maine law, no more than a possessory interest as tenant at will can be created except in writing. However, a tenancy at will can also arise, and often does, by express agreement under a written lease that provides for a creation of a tenancy at will at the end of the leasehold term. Therefore any documents involved have to be reviewed to determine the type of tenancy involved

A leasehold tenancy invariably involves a written agreement, usually for a specific period of time, and constitutes an interest in the land, however humble. A long term lease, or memorandum of lease, may even be recorded in the Registry of Deeds. This is why the purchase or sale of an apartment building with existing leasehold tenants is always subject to the outstanding leases. The rights and obligations of both the landlord and the tenant continue despite sale of the building, or the death of either party. However, this result can be modified by express written agreement. For instance, the CAHA residential lease specifically provides for termination of the leasehold tenancy on the rent day of the month following the death of the last tenant.

Therefore, if the tenancy at issue in the question posed is a leasehold tenancy, the tenant's estate remains responsible for payment of rent and the discharge of any other obligations under the lease through its personal representative. The personal representative of the tenant's estate may elect to continue paying rent for the remainder of the term until the tenant's personal affects are inventoried and removed. If the personal representative does not pay rent and retain possession for the remainder of the term, that would constitute an "early termination" of the lease, and entitle the landlord to exercise their rights under Title 14, §6010-A to re-rent the apartment, and assert a claim against the tenant's estate for the lost rental and advertising expenses.

On the other hand a tenancy at will is terminated upon death of the tenant or the landlord, as well as upon any transfer of title by deed, or by execution of a lease with a new tenant. When the tenancy at will is terminated by death of the tenant, the landlord may retake possession following expiration of the period through which rent as been paid.

In either event the landlord would still have to account to the tenant's personal representative for return of the security deposit, or application against unpaid rent and damages.



*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.*

**Minutes of Board Meeting  
Capital Area Housing Authority (CAHA)  
Held at the Augusta Country Club – 09/28/2010**

Vice-President Stefanie Barley called the meeting to order at 5:02 p.m. with the following present:

**Past President & Board Member, Harold Booth  
Secretary & Board Member, Barbara A. Eckhardt  
Treasurer & Board Member, Emmy Swanton  
Board Member, Ratna Don  
Board Member, Ramona Venskus**

Vice-President Barley opened the meeting to confirm the schedule of speakers for the October and November meetings. Ramona agreed that she would contact Bob Pettengill, Manager of Sherwin Williams, to speak at the October 12th meeting concerning his Lead Certification training class scheduled for November. Ramona also mentioned her concern about the various new codes that landlords are to be in compliance with now. Ratna felt that a state agent should speak to the members concerning the Lead Paint code at the October 12th meeting, as well, and volunteered to contact the Department of Human Services.

Next Vice-President Barley wanted to know what the progress was on the By-Law changes regarding fewer monthly member meetings. Hal stated that the new verbiage must be presented to the members at two meetings and that the best time to do this would be at the November and December meetings when the candidates are also to be presented. Ratna had with him a copy of the new verbiage that Hal had proposed at the April 20, 2010 Board meeting. He agreed with Hal to review them along with the by-laws for any further needed changes before they went into the November newsletter.

Ratna informed the Board that he had an oil questionnaire he wanted to send along with the member renewals. He felt that having the members' input would be very beneficial for the Oil Committee this spring. The consensus was for Ratna to do this.

Vice-President Barley stated that she would be out of town the week when Cory would be forwarding the galley sheet of the newsletter to the printer and she would not be available to proof it. Barbara volunteered to proof the galley sheet for her.

The topic of a Microsoft Word product was the next agenda item. Vice-President Barley was looking for an update on this, as the Board had approved to purchase the product for the CAHA Secretary at its February 16, 2010 meeting. Harold stated that E-Bay sells Office Suite which contains Word 2003 for \$30. Ramona volunteered to buy the product from E-Bay.

Vice-President Barley revisited the Database Manager's contract, as the contract ends on September 30, 2010. Ratna had presented his proposal at the meeting. Stefanie stated she wished to continue one more year as the Database Manager. Although she did not have an available proposal to review at this time, she did state she would email it to the Board members. Motion was made by Harold, and seconded by Barbara, for Stefanie Barley to continue on as the Database Manager for an annual total of \$4,000. Motion passed unanimously. It was also the consensus that Ratna would receive a copy of the database every month.

Motion was made by Ratna, and seconded by Ramona, to adjourn the meeting at 6:14 p.m.

*Respectfully submitted, Barbara A. Eckhardt, Secretary*

**Regular Meeting Minutes  
Capital Area Housing Association (CAHA)  
Held at KV Federal Credit Union – 10/12/2010**

President Charlie Anderson opened the meeting at 7:02 p.m. After a quorum was established, the business portion of the meeting was conducted.

Motion was made by Richard Breton, and seconded by Norm Pouliot, to approve the September 14, 2010 minutes as written in the October 12, 2010 newsletter. Motion passed unanimously. Emmy Swanton distributed the October 12, 2010 Treasurer's report, which showed income and expenses, and indicated a total balance of \$41,591.88 (\$24,393.06 of which is in four separate CDs). In addition, CAHA has a \$10,000 bond. Motion was made by Ramona Venskus, and seconded by Richard Breton, to approve the Treasurer's report. Motion passed unanimously.

President Anderson next introduced Beth Pratt from the Department of Environmental Protection. Beth represented the Lead Education and Outreach program of the Division of Solid Waste Management. She does not work for the Federal Government. What she does, from the state aspect, is educate construction workers and landlords concerning the new Federal regulations on lead paint poisoning, which came into effect in April. Beth stated that studies have shown an increase of children in the USA as having spiked levels of lead in blood due to lead paint poisoning. Landlords and paid workers doing renovations on housing units built prior to 1978 that contain lead paint are required by law to be trained and certified to work in a lead-paint environment. The Federal EPA will be policing this and has placed fines around \$35,000 for those not complying with its lead paint regulations.

A second speaker for the evening was Rob Pettengill, store manager at Sherwin Williams in Augusta. Rob plans to set up a separate CAHA landlord training class for \$99, which includes lunch. The training will take place in December. If the interest is insufficient, Rob would set up CAHA applicants for a training with painters. President Anderson stated he would get the word out on the CAHA website.

Sign-in sheet indicated 14 members attended. Norman Traffin won the \$25 door prize.

Member Jason Feugill took the opportunity to introduce his 1-800 Water Damage business and handed out literature to the members.

Meeting adjourned at 8:35 p.m.

*Respectfully submitted,  
Barbara A. Eckhardt, Secretary*



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**Darren Matthews – (207) 749-5519**

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<p><b>Rent Match LLC</b>  <b>Venita Barley, Owner</b>          (207) 623-2580 • Fax (207) 623-3374          vbarley@rentmatchonline.com          "Bringing Landlords and Tenants Together!"          www.RentMatchOnline.com</p>	<p><b>Eric S. Dick, Esq.</b>  <b>Farris, Foley &amp; Dick, P.A.</b>          (207) 622-5872          ffdllaw@gwi.net          Discount off regular hourly rate to CAHA member on landlord/tenant matters</p>	<p><b>Winslow Aluminum Inc.</b>          Vassalboro, ME          (800) 924-0412          winslowaluminum@yahoo.com          30% off list price of replacement windows</p>	<p><b>Vallee Property Management, LLC</b>          Rentals &amp; Property Management          vpmme@valleerealestate.com          www.vpm.me          (207) 620-7500          Gently used Refrigerators \$175.00 and up.</p>
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