



FEBRUARY 2010 NEWSLETTER

CAPITAL AREA HOUSING ASSOCIATION
“LANDLORDS WORKING TOGETHER”

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PRESIDENT'S MESSAGE

As you doubtless know, the next meeting [February 9] is our annual meeting and banquet. This year it's at the Elks Club, with the doors opening at 5:00, Happy Hour at 5:30, and the dinner at 6:30. The board has been busy rounding up door-prizes and planning the 'entertainment'. Tickets are NOT available at the door, so if you haven't made your reservation yet you need to get it in right away. One ticket is free for members, additional tickets are \$10 for the first guest and \$25 for each additional guest. Remember that this meeting is also when we elect board members for next year. Anyone interested in running for a position on the



Harold Booth
President

Please let a board member know if you are interested in being on the oil committee.

board is encouraged to make that interest known – you can send an e-mail to any of the board members [our e-addresses are on the newsletter] – or be nominated from the floor.

It's also time for the oil committee to start work again. This is important work and benefits everyone. Your participation on that committee is encouraged – especially if you are unhappy with the results in the past. Please make your interest known.

This column also represents, for me, the end of my second year as the president of CAHA. As I have indicated in earlier columns, I will not be running for another term. As I look back over my two years as president, I can note some things that I'm proud to have been a part of accomplishing. We have adopted a significant revision in the by-laws and brought more coherence to our day-to-day operations. We have also arranged for significant discounts

PRESIDENT'S MESSAGE, continued on page 2

ANNUAL MEETING & BANQUET

FEBRUARY 9, 2010 • 5:00 P.M.

AUGUSTA ELKS CLUB

HAPPY HOUR @ 5:30 • DINNER @ 6:30

DOOR PRIZES & ENTERTAINMENT

UPCOMING MEETING:

MARCH 9, 2010 • 7 – 8:30 P.M.

K.V. FEDERAL CREDIT UNION

GENERAL BUSINESS TO BE DISCUSSED

ASK THE LAWYER

UNDERSTANDING THE SERVICE MEMBERS CIVIL RELIEF ACT (SCRA)

Q. A young military family rented a house from me under a written lease. Subsequently, the husband was deployed to Iraq with the Army. His young wife does not manage money well and has accrued a significant rent arrearage, despite my efforts to work with her. My expenses for the house still have to be paid every month, and I may have to proceed with an eviction. Are there any special considerations involving an eviction of a military service member?

A. Service Members Civil Relief Act (SCRA).

Yes, a federal law known as the Service Members Civil Relief Act imposes additional requirements beyond state law concerning eviction of military families and their dependents.

A landlord may not evict a service member or his/her dependents (which includes a spouse) during a period of military service without a Court Order authorizing the eviction.

If the wife holds her husband's Power of Attorney during his military service, she is considered his legal representative and may appear in Court on his behalf, even if she is not an attorney. Even without a Power of Attorney, a dependent spouse or child of a service member is entitled to the protections of the SCRA.

In either event, the Court would conduct a hearing to determine whether the ability of the service member, or his dependent, to pay rent is materially affected by the service member's military service. If so, the Court can stay (delay) the eviction for several months, although the Court's Order can include a requirement that the military make an allotment from the service member's pay for application toward rent, and impose such other conditions as circumstances may require in fairness to both the landlord and the tenant.

The inability of the service member, or their dependent, to keep current with rent must be directly related to military service and not other issues, such as mismanagement of funds that would otherwise be adequate. Furthermore, an eviction related to damage to the house, or other grounds for eviction aside from non-payment of rent are not covered by the SCRA. In the case presented, stay of an eviction may not be granted by the Court if the service member is providing adequate funds to his wife to pay rent, but those funds are misspent.

Numerous other rights and responsibilities of landlords and military families are impacted by the SCRA in different circumstances. For example, a tenant who enlists in military service *after* signing a lease can terminate the lease obligation 30 days after the next rent day upon providing proper written notice to the landlord, with copy of their military orders. Any pre-paid rent must be refunded and the Court can also order a refund of any deposit paid. A tenant who is a service member at the time a lease is signed may likewise terminate their lease if they are subject to a permanent change of station, or are required to report for a deployment of 90 days or more.

A service member can elect to sign a written waiver of their rights under the SCRA during or after their period of military service. The service member's legal representative, including a spouse holding the service member's Power of Attorney, can sign the written waiver on behalf of the service member.

The important point to remember is that a landlord should obtain legal advice before attempting to evict a military service member or their dependents since federal law provides for imposition of significant fines and/or imprisonment in the event of a violation.



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.

PRESIDENT'S MESSAGE, *continued from front*

for our membership in insurance with Liberty Mutual, and in the carbon monoxide/smoke detectors at Lowe's. Working with the board - especially this year - has been a joy. They're a great group of people.

At our last meeting, we again did not have a quorum, but Bob Stilwell of the State radon program gave an interesting program on the reasons and requirements for

radon testing in apartments. A summary is presented, in lieu of minutes, elsewhere in this newsletter. The new legal requirements are something that we need to pay attention to.

Stay warm, and see you at the banquet.

Hal Booth

**Minutes of Board Meeting
Capital Area Housing Association (CAHA)
Held at Lucky Garden Restaurant, Hallowell
December 22, 2009**

After a social time, President Harold Booth called the meeting to order at 5:55 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, Ratna Don

Board Member, Ramona Venskus

Board Member, Venita Barley

Board member, Gerard (Tiny) Bechard, Jr.

President Booth informed the members of the research he had recently done concerning the combo smoke detector, CO, photoelectric units. He was impressed that Lowes in Augusta has the BRK unit at a flat-rate discount for all

CAHA members who show their membership card. Motion was made by Ramona, and seconded by Venita, to go with Lowes bid. Motion passed unanimously.

There was a short discussion concerning the January meeting and gifts for the February banquet.

Motion was made by Tiny, and seconded by Emmy, to authorize President Booth to sign a contract with Stefanie Barley for a nine-month period, from January 1, 2010 to September 30, 2010, with a reimbursement rate at \$500 per month for January and February, and \$300 rate per month for the other months. Motion passed unanimously.

Motion was made by Ramona, and seconded by Venita, for the Board to approve the November 24, 2009 Board meeting minutes. Motion passed unanimously.

Motion was made by Ramona, and seconded by Venita, to adjourn the meeting at 7:00 p.m.

Respectfully submitted,

Barbara A. Eckhardt, Secretary

**Minutes of Regular Meeting
Capital Area Housing Association (CAHA)
Held at KV Federal Credit Union
January 12, 2010**

At 7:05 p.m. President Harold Booth announced that no quorum was established; so, the business portion of the meeting could not be conducted. However, President Booth introduced our scheduled speaker Bob Stilwell, Coordinator and Radon Section Leader, from the Department of Health & Human Services.

Mr. Stilwell spoke on the new radon law that went into effect September 12, 2009. His informative power point presentation was an impressive eye-opener in our understanding the reason Maine government is serious about not only testing for radon radiation in homes but also about the research that went into finding the means in which high levels of radon can be treated.

Highlights of Mr. Stilwells presentation:

1. Radon is a public health issue.
2. Radon is a naturally occurring radioactive gas that comes from radium, which is found in the ground and water all over the world.
3. Studies have shown that radon causes lung cancer.
4. Radon enters our bodies by breathing it, eating it, or drinking it. It does not penetrate the skin.
5. Radon enters a home through cracks in solid floors and in walls, construction joints, gaps in suspended floors, gaps around service pipes, cavities inside walls, and the water supply.
6. Any home can have a radon test. If you are buying or selling a house and testing for radon, state law requires you to use a Maine registered radon tester. To find a registered tester go to www.MaineRadiationControl.org or call 1-800-232-0842, or 287-5698.
7. Radon problems can be fixed. The test indicates the levels of radon gas in the air. If the levels are 4 pCi/L or

above, action must be taken to reduce the air levels to around 2 pCi/L or below.

8. ASD: Sub-Slab Depressurization (SSD) is the method to use to reduce radon gas from your home. Suction is created by a fan which draws the radon from beneath a concrete slab and vents the radon outdoors.

9. Test must be conducted by a person registered under the Maine Radon Registration Act to all residential rental properties by 2012 and every 10 years thereafter.

10. Notification Requirement: Landlord or lessor shall provide written notice of radon test results to include information of risk from radon. DHHS shall prepare a standard form for this notice, which is publicly posted on its website. The form must include acknowledgement that the tenant has received the notice.

11. A landlord who does not get the testing done, or does not use registered tester/mitigators, commits a civil violation for which a fine of not more than \$250 per violation may be assessed.

The few members that attended this meeting received the following handouts:

- Radon Disclosure Property Lease Forms,
- Information concerning radon in Maine,
- Testing your home for radon; Making sense of your radon test results,
- Know the radon levels when you buy or sell a house,
- Treatment systems: Reduce air radon levels in your home,
- Treatment systems: Reduce radon levels in your well water,
- When you build a new home: Put in a system to reduce radon dangers,
- Working with a registered radon tester,
- Working with a registered radon reduction expert.

Meeting adjourned at 8:20 p.m.

Respectfully submitted,

Barbara A. Eckhardt, Secretary



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<p>R&R Property Management Home & Apartment Maintenance/Remodeling Snow Plowing & Sanding (207) 485-1237 rjordan@rrpropertymanagement.biz 10% discount on labor</p>	<p>Kennebec Property Mngt., LLC Property Management, Residential & Commercial, Leasing/Portfolio Development, Full or Partial Service kennebecpropertymanagement@yahoo.com (207) 333-1855 25% off leasing</p>	<p>Newcomer Relocation Services "Upscale Rentals" Phone/Fax: 622-4312 – Cell: 446-4312 ramona@NewcomerRelocation.com www.NewcomerRelocation.com No application fee for CAHA members</p>	<p>J.C. Stone, Inc. (207) 549-4729 stonecenter@jcstoneinc.com 10% discount on landscape products. "We carry wallstones, flagstone, patio stones, garden accents & more!"</p>
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<p>Rent Match LLC Venita Barley, Owner (207) 623-2580 • Fax (207) 623-3374 vbarley@rentmatchonline.com "Bringing Landlords and Tenants Together!" www.RentMatchOnline.com</p>	<p>Eric S. Dick, Esq. Farris, Foley & Dick, P.A. (207) 622-5872 ffdlaw@gwi.net Discount off regular hourly rate to CAHA member on landlord/tenant matters</p>	<p>Winslow Aluminum Inc. Vassalboro, ME (800) 924-0412 winslowaluminum@yahoo.com 30% off list price of replacement windows</p>	<p>Vallee Property Management, LLC Rentals & Property Management vpmmel@valleerealestate.com www.vpm.me (207) 620-7500 \$50.00 off placement fee to CAHA Members</p>

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