



CAHA

MARCH 2010 NEWSLETTER

CAPITAL AREA HOUSING ASSOCIATION “LANDLORDS WORKING TOGETHER”

OFFICERS & BOARD OF DIRECTORS LISTING

President

Charlie Anderson
speakez99@yahoo.com

Vice President

Stefanie Barley
stefbarley@myfairpoint.net

Secretary

Barbara Eckhardt

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

As we start another new CAHA year, I want to thank everyone who helped make the annual banquet such a success. 101 members and guests attended, participated in a lovely meal, heard an interesting power-point presentation from Doug Barley of the Maine State Housing Authority, and won many door prizes donated by local area merchants.

Unfortunately, about 18 people signed up and didn't show up. We had "guaranteed" 130 attendees to the Elks Club, based on responses and reservations from members. Therefore, we had to pay for the "no-shows" and this costs CAHA money, so we'd like to cut down on that waste in the future.

As your new president, I want to first try to work on getting us the best oil prices for next year. The oil committee has already begun its work and would welcome input from any members who have thoughts and ideas to share. We're looking for new ideas that give the oil companies incentives to work with our organization. One plan is to meet with the Waterville landlords' association (CMAOA) to combine forces, making us even more effective as a bargaining unit. This group has done a lot of lobbying with the legislature and we may all benefit from their experience.

We have some exciting things coming up, and hope that you members will consider attending the monthly meetings to learn from our speakers.

Bob Stilwell, the Radon Section Leader of the Maine DHHS Radiation Control Program, our December speaker on radon, followed up on a question about landlords testing their own basements for radon, as follows:

"After my talk to CAHA in January, a few of your members asked if they could test their basements for radon (and not hire someone) because they occupy either a duplex next to the rental (over the shared basement) or they occupy the first floor and rent out the second floor. I finally heard back from the Attorney General's office with the answer. The AG's office says they have to hire someone to comply with the radon testing law. It does not matter that the building is owner occupied, and the owner is at the exact same risk (or greater risk) from radon, they still need to hire a tester to comply with the law.

Would you please pass this information on to your members who asked the question? If they need clarification or have follow-up questions, please have them contact me."

We appreciate Bob's additional information for us. Bob can be contacted as

PRESIDENT'S MESSAGE, continued on page 3.

NEXT MEETING:

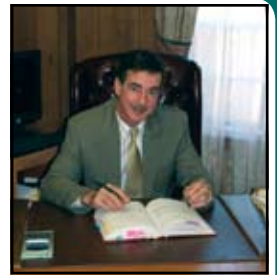
MARCH 9, 2010 • 7 – 8:30 P.M.
K.V. FEDERAL CREDIT UNION
DJ BROWN ASSOCIATES TO DISCUSS RADON
TESTING AND MITIGATION PROCESS

UPCOMING MEETING:

APRIL 13, 2010 • 7 – 8:30 P.M.
K.V. FEDERAL CREDIT UNION
TIM MURPHY FROM TENANT NET

ASK THE LAWYER

TENANCIES AT WILL: LANDLORD / TENANT RIGHTS



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.

Q. I only have a couple of apartments I rent, so I do not bother with leases. I recently obtained an eviction judgment against tenants in one of my units under a 7-day notice to quit due to non-payment of rent. However, before I obtained the writ of possession from the Court I received a money order that would bring them current, and the tenants insist on staying in the apartment. Aside from late payment of rent, these tenants have caused me a lot of problems and I just want them out of my building. Can I refuse their offer of payment and refuse to reinstate their tenancy?

A. Tenancies at Will; Post-judgment right of reinstatement, Title 14 §6002(1).

In the question presented, the landlord *must* reinstate the tenancy if *all* sums due have been paid, and in either event the landlord *should* accept tender of the money order.

A tenant at will who is being evicted for non-payment of rent has a statutory right to reinstate the tenancy by making payment of all rent owed, along with court costs and service of process costs, before a writ of possession issues from the Court at the end of the eviction process.

A tenancy at will must be terminated by service of a written Notice to Quit in a manner similar to termination of tenancies under a written lease. However, since there is no written lease that defines when and why the tenancy may be terminated by service of a Notice to Quit, State law controls.

A 7-day Notice to terminate a tenancy at will for non-payment of rent must contain specific language that permits the tenant to nullify the notice if the tenant pays the rent arrearage stated in the notice *before* the notice expires (within 7 days of the date the notice is served). However, if the tenant does not nullify the notice within the 7 days, the landlord will proceed with a forcible entry and detainer action and obtain a judgment for possession of the apartment. Typically, the Court will issue a writ of possession one week after the judgment is entered to force the tenant out of the apartment.

However, State law provides that a tenancy at will which is terminated by a 7-day Notice to Quit due to non-payment of rent must be reinstated *if*, during the period after entry of judgment, but prior to issuance of the writ of possession, the tenant pays:

1. All rent arrears specified in the notice to quit;
2. All rent due as of the date of payment (which is often the current month's rent in addition to the arrears);
3. The court filing fee paid by the landlord in the eviction action (presently \$70.00); and
4. All service of process fees paid by the landlord in connection with the eviction, which includes sheriff's fees for service of the forcible entry and detainer summons and complaint *and* any sheriff's fees paid for service of the Notice to Quit.

If the tenant makes timely payment of *all* of these sums before the writ of possession issues from the Court, the tenant has the right to reinstate the tenancy at will, which continues as though the eviction never occurred. In short, the court may not issue a writ of possession in an eviction of a tenant at will where the sole issue was rent arrearage and the tenant paid all sums necessary to reinstate the tenancy before the writ issues. This is true even if the tenant failed to appear for the eviction hearing and a default judgment was entered. Noteworthy is that if the landlord had engaged an attorney to prosecute the eviction, the tenant does *not* have to reimburse the landlord for the attorney's fees incurred in the eviction to reinstate the tenancy at will.

However, the right of reinstatement applies only to evictions of a tenant at will under a 7-day notice due to non-payment of rent, and only where the tenant has paid all sums necessary to reinstate the tenancy before the writ issues. Therefore, if any portion of the required sums is not paid within one week after entry of judgment, the landlord may retain any partial tender from the tenant and still request issuance of a writ of possession. Note, however, a payment voucher or written assurance of payment under the general assistance programs of the State or City involved must be accepted as a payment in cash.

This landlord could have avoided the right of reinstatement if judgment had been obtained based on other available grounds for termination of the tenancy under a 7-day Notice to Quit (for example, substantial damage or nuisance). Alternatively, the landlord could have combined a 7-day Notice with a 30-day Notice in a single notice to quit.

PRESIDENT'S MESSAGE, *continued from front*

follows: Bob Stilwell, Radon Section Leader, Maine DHHS Radiation Control Program, State House Station 11, 6 Water St, 4th Floor, Augusta, ME 04333-0011. Phone numbers: 1-800-232-0842 (in Maine only); 1-207-287-5698 (locally); and 1-207-287-3059 (fax). His e-mail address is radon_dhhs@maine.gov and his website is www.maineradiationcontrol.org.

This month, we have engaged Jack Brown from DJ Brown Associates to discuss the radon testing and mitigation process that his firm does and perhaps offer our group useful suggestions

and/or discounts.

In April, Tim Murphy from Tenant Net will be our featured speaker, and will help those who, at the annual meeting, expressed interest in how to deal with dead-beat tenants. Doug Barley's presentation gave us another tool for advertising and filling our vacancies, and Tenant Net helps ensure that those chosen are suitable tenants.

Another item on my wish-list for the coming year is to make our web site more accessible and useful to members. I have a number of ideas that relate to this project. Stay tuned!

Charlie Anderson

**Minutes of Annual Meeting
Capital Area Housing Association (CAHA)
Held at the Elks Club
February 9, 2010**

After a social time and a delicious buffet dinner, President Harold Booth called the meeting to order at 7:25 p.m. Motion was made by Emmy Swanton, and seconded by Charlie Anderson, to approve the December 8, 2009 meeting minutes as printed in the newsletter. Motion passed unanimously. Motion was made and seconded to approve the February 9, 2010 Treasurer's report, which showed income and expenses, and indicated a total balance of \$49,532.74 (\$24,182.15 of which is in a combination of four CD's). Motion passed unanimously.

President Booth presented those Board members who were to be re-elected to a two-year term: Barbara Eckhardt, Ratna Don, and Stefanie Barley.

Motion was made by Emmy Swanton, and seconded by Tiny Bechard, for acceptance of the nominations. Motion passed unanimously.

President Booth presented a member to be confirmed in position as a Board member to complete a one-year term: Emmy Swanton.

Motion was made by Stefanie Barley, and seconded by Venita Barley, for acceptance of the nomination. Motion passed unanimously.

CAHA Clerk Eric Dick, Esq., swore in the Board members.

Vice President Charlie Anderson and Board Member Stefanie Barley presented President Booth with a plaque in appreciation for all the time and hard work he gave to CAHA during his tenure as President and Board member.

Motion was made by Venita Barley, and seconded by Connie Couverette, to adjourn the business portion of the meeting at 7:40 p.m.

Doug Barley from the Maine State Housing Authority gave an interesting and informative power-point presentation offering a program to landlords for free on-line apartment listings.

Stefanie Barley and Emmy Swanton emceed the door prizes.

President Booth expressed thanks to Ramona Venskus and other Board members for organizing the Banquet.

Respectfully submitted,
Barbara A. Eckhardt, Secretary

**Minutes of Board Meeting
Capital Area Housing Authority (CAHA)
Held at Hattie's Chowder House Restaurant, Hallowell
January 26, 2010**

After a social time, President Booth called the meeting to order at 5:53 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

President Booth opened the meeting with a short discussion concerning the presidency, as his term would be ending in February.

Details concerning the Annual Banquet were finalized. Ramona

Door Prize Winners:

Gail King, business card box from American Awards
Bruce Crockett, filled bucket from Aubuchon Hardware
Gloria Gilbert, \$25 gift certificate from CAHA
Tom Beeckel, \$25 gift certificate from CAHA
Erick Dick, \$25 gift certificate from CAHA
Bruno Blais, \$25 gift certificate from CAHA
Sal Crisci, \$25 gift certificate from CAHA
Jean Guy Paquet, \$25 gift certificate from CAHA
Nancy Fritz, \$25 gift certificate from CAHA
Barbara Eckhardt, \$25 gift certificate from CAHA
Helen St. Pierre, gift basket from Downeast Energy
Duke Dulac, \$50 gift certificate from Downeast Energy
Philip Hart, \$50 gift certificate from Downeast Energy
Gerard Bechard, \$50 gift certificate from Downeast Energy
Rozelle Bilodeau, \$50 gift certificate from Downeast Energy
Venita Barley, free tune-up from Downeast Energy
Sue Barrows, \$25 hair product certificate from Duke's Barber & Beauty Shop
Frank Venskus, model car from Gosline's Hardware
Lou Carrier, Jr., model van from Gosline's Hardware
Greg Wehrwein, \$25 gift certificate from Hattie's Chowder House
Hal Booth, \$50 gift certificate from J & S Oil, Inc.
Emmy Swanton, \$50 gift certificate from J & S Oil, Inc.
Lou Ashland, \$50 gift certificate from J & S Oil, Inc.
Rejean Blais, \$50 gift certificate from J & S Oil, Inc.
Dana Holmes, Grand Prize granite bench from J. C. Stone
Clem Dostie, \$25 from Kennebec Property Management
Doreen Holmes, \$100 gift certificate from Liberty Mutual Insurance Co.
Ratna Don, fire extinguisher from Liberty Mutual Insurance Co.
Alain Blais, saw drill from Lowe's Home Improvements
Fred Converette, dremel from Lowe's Home Improvements
Sandra Niles, paint & primer from Lowe's Home Improvements
Harold Small, \$25 gift certificate from Lucky Garden Restaurant
Louise Hinkley, dinner for two from Margarita's Restaurant
Mary Parker, screwdriver set from Newcomer Relocation Services
Fred Benner, gift basket from Northeast Bank
Norman Pouliot, sweatshirt from On Top
Wayne Niles, water filter from Philbrick Well Drilling
Joseph Owen, gift certificate from R & R Property Management
Burt Martin, a bottle of wine from Rent Match
Sam McMaster, a bucket full of painting tools from Sherwin Williams
Stuart Turney, gift certificate from Slate's Restaurant
Marge Lambert, gift certificate from Sprague & Curtis Realtors
Patty Welsh, binder from Staple's
Charles Anderson, \$25 gift certificate to Lowe's from TC & Co.
Earnest Rice, coffee set from Tim Horton's
Barbara Derbyshire, \$25 Mad Dog certificate from Vallee Property Mgt.
Stefanie Barley, \$100 window gift certificate from Winslow Aluminum
Colleen Spencer, paint & primer from Lowe's
Ellen Jackson, binder from Staple's
Melody Main, Makita tools from Home Depot
William Bourne, drill bits from Home Depot
Roger Badershall, sawzall blades from Home Depot
Jackie Green, \$250 gift certificate from Home Depot
Pricilla Young, drill bit sets from Home Depot
Dave Gilbert, drill bit sets & voltage detector from Home Depot
Beverly Daggett, basket from DownTown Gifts & Crafts
The 50-50 raffle winner was Francena Atwater, who won \$126.

distributed a Gift Donation form and a sign-up sheet to the Board members for last minute gift contributions from the area merchants. Motion was made by Stefanie, and seconded by Emmy, that CAHA would donate ten \$25 gift certificates. Motion passed unanimously.

President Booth then engaged Ramona and Emmy in a discussion concerning the decorations for the banquet.

Motion was made by Ramona, and seconded by Venita, to adjourn the meeting at

6:45 p.m.

Respectfully submitted,
Barbara A. Eckhardt, Secretary



***Oil *Propane *Service *Install**

**"Large enough to serve your needs,
small enough to care"**

626-2714 872-2714

On Top, Inc.
(207) 622-7037 or (207) 622-7376
75 Court St., Augusta, ME
Screen printing & embroidery
services.
10% discount from normal
wholesale price

Sprague & Curtis Real Estate
Great People • Great Places
Jim Pepin
623-1123 ext 217 (w) • 626-0413 (h)
Fax: 623-2071 • Cell: 242-3015
75 Western Avenue • Augusta, ME 04330-7288
email: jim@spragueandcurtis.com

Sherwin Williams
Paint + Paint Supplies
(207) 622-6818
sw5736@sherwin.com
20-40% discounts & free delivery!

A1 Affordable Home Inspection
(207) 215-7907
Home inspections, annual preventive
home inspections, energy evaluation.
mike@a1affordablehomeinspection.com
\$25.00 off home inspection.
10% off other services.

Tim Dennett + Co.
(207) 242-8499
timdtcco@aol.com
Home & apartment maintenance,
both inside and out.
Now offering snow-plowing!!!
10% discount on materials

R&R Property Management
Home & Apartment
Maintenance/Remodeling
Snow Plowing & Sanding
(207) 485-1237
rjordan@rrpropertymanagement.biz
10% discount on labor

Kennebec Property Mngt., LLC
Property Management, Residential
& Commercial, Leasing/Portfolio
Development, Full or Partial Service
kennebecpropertymanagement@yahoo.com
(207) 333-1855
25% off leasing

Newcomer Relocation Services
"Upscale Rentals"
Phone/Fax: 622-4312 – Cell: 446-4312
ramona@NewcomerRelocation.com
www.NewcomerRelocation.com
No application fee for CAHA members

J.C. Stone, Inc.
(207) 549-4729
stonecenter@jstoneinc.com
10% discount on landscape products.
"We carry wallstones, flagstone, patio
stones, garden accents & more!"

Northeast Bank
(207) 623-0303 • Cell: (207) 446-0990
Mortgage loans for residential and
investment properties
ssachs@northeastbank.com
\$250.00 discount on already low
closing costs.

Liberty Mutual – (207) 622-0581
Nick Parker (X-52907)
Darryl Arnold (X-52909)
New Auto and Home Insurance Benefit
CAHA member benefits include savings on
auto and home insurance! Purchase high-
quality auto, home, condo, and renters
insurance at low group rates.

Bob Philbrick Well Drilling
(207) 623-8603
rephilbrick@yahoo.com
10% off pumps & wells
(contractor prices)
"Maine's largest installer & designer
of geothermal systems."

Downeast Energy
(207) 622-7521
Heating oil, propane
& service contracts
mboucher@downeastenergy.com
Please call for program details.

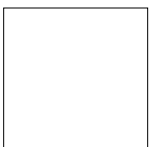
Rent March LLC
Venita Barley, Owner
(207) 623-2580 • Fax (207) 623-3374
vbarley@rentmatchonline.com
"Bringing Landlords and
Tenants Together!"
www.RentMatchOnline.com

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

Winslow Aluminum Inc.
Vassalboro, ME
(800) 924-0412
winslowaluminum@yahoo.com
30% off list price of replacement
windows

Vallee Property Management, LLC
Rentals & Property Management
vpmmel@valleerealestate.com
www.vpm.me
(207) 620-7500
\$50.00 off placement fee
to CAHA Members

CAHA Newsletter • March 2010



Capital Area Housing Association
Post Office Box 2901
Augusta, ME 04338-2901

