



P.O. Box 2901, Augusta, ME 04338-2901 * (207) 512-2180



January 2014
Newsletter

CAPITOL AREA HOUSING ASSOCIATION

“LANDLORDS WORKING TOGETHER”

Officers

President

Ratna Don

ratnadon44@yahoo.com

Secretary

Barbara Eckhardt

eckhardtb@roadrunner.com

Treasurer

Emmy Swanton

joanemmy@roadrunner.com

Board of Directors

Charlie Anderson

speakez99@yahoo.com

Ratna Don

ratnadon44@yahoo.com

Barbara Eckhardt

eckhardtb@roadrunner.com

John McNaughton

mcn1@roadrunner.com

Ramona Venskus

ramona@NewcomerRelocation.com

Royce Watson

listmaine@yahoo.com

Harrison Wolfington

harrison@lafinwolfingtonrealty.com

President's Message

Dear Members,

This month's Ask the Lawyer Column explains the changes to the Radon testing requirements. According to the current law, all residential rental properties have to be tested for radon by March 1st 2014. Current Radon testing requirements are listed at the [DHHS website](#).

The CAHA membership renewal notices have gone out with the banquet reservation. Some members have already renewed their 2014 membership. If you have not done so, please return both forms with your check as soon as possible. Don't forget to check the information on the renewal form and make corrections if necessary. Delinquent members will not retain active status and will lose their membership privileges. Each month, we are sending Fieldings Oil Company and J & S Oil Company the list of current members.

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Slate of Candidates for the 2014-2015

CAHA Board of Directors:

Ratna Don

Barbara Eckhardt

Royce Watson

***We are looking for more candidates for the
2014-2015 CAHA Board of Directors!***

**No regular member meeting on
Tuesday, January 14, 2014**

Annual CAHA Banquet is on February 11, 2014

President's Message
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Our annual banquet is February 11, 2014 at the Elks Club, so make your reservation early. In the meantime, we are finalizing banquet planning and preparation.

On behalf of myself and the CAHA Board of Directors, we wish you a Happy and prosperous New Year 2014!

Ralna Don
CAHA President

ASK THE LAWYER

Q. What are the new requirements for radon testing of residential rentals?

A: Title 14 MRS, §6030-D. Radon Testing and Disclosure to Tenants.

Radon gas is heavier than air, and cannot be detected without testing. It is emitted from the soil under a building, or from well water, and is considered the second leading cause of lung cancer.

Maine law has contemplated mandatory testing of radon levels in residential rental properties since September 2009. At that time the Maine law was regarded as one of the most rigorous in the country, and required testing beginning in 2012, as well as mandatory mitigation if a test yielded a high result. I commented upon aspects of the law in the December 2009 newsletter.

As a result of feedback from CAHA and other groups, some aspects of the law were rolled back effective October 9, 2013. Testing is still required and the results must be reported to DHHS, and to current tenants on approved forms. However, in many instances the landlord can now perform the test. Mitigation efforts are no longer mandatory if test results are high, but if there is no mitigation, then the tenancy, including a lease, can be terminated with 30 days notice.

Nearly all residential properties are subject to testing, including single family and mobile homes. Mobile homes on wheels must currently be tested, although a proposal has been made to exempt those that do not have permanent durable skirting or a crawl space which creates the equivalent of a basement under the home. Testing must be performed in each unit in multi-unit buildings in contact with the ground, or in each unit on the lowest level if there is a basement or other space below the unit. At least one unit, or 10% of units on upper floors, whichever is more, must also be tested. No testing is required for short term rentals of less than 100 days, for instance a summer camp.



Ask the Lawyer
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Initial radon testing for existing rentals must occur by March 1, 2014, and every ten years thereafter if requested by a tenant, unless a mitigation system has already been installed. Newly constructed rentals must be tested within one year of occupancy.

A landlord can perform the testing for basic buildings that do not have a forced hot-air or air conditioning system, an elevator or an unsealed utility chase. A private water well also disqualifies the landlord from performing the test unless the well has been previously tested and yielded acceptable results. However, even tests by landlords must be done in accord with all protocols required by DHHS.

A tenant may also perform a test in their dwelling unit, or in common areas to which they have access, including a basement. Regardless of who does the testing, the results ultimately must be reported to DHHS, and all existing tenants. The DHHS website includes the required brochure for provision to tenants, as well as the disclosure form which existing tenants must sign to acknowledge disclosure. Upon request of a prospective tenant, test results can be disclosed verbally before a deposit is paid to rent the dwelling.

Test results of 4.0 picocuries per liter of air or more no longer require mandatory mitigation, although it is recommended. However, high results without mitigation permits the landlord or tenant to terminate the tenancy with 30 days notice. Any mitigation efforts must be performed by a DHHS approved "radon mitigator".

It is a breach of the implied warranty of fitness for human habitation if the landlord fails to provide the required disclosures, or falsifies a test, or test result. Moreover, a violation of §6030-D subjects the landlord to a civil fine of up to \$250.00 per violation.

DHHS has rulemaking authority to implement the requirements of the statute, and has recently published rules for testing on its website. Any landlord that contemplates performing their own tests should carefully review the rules. Refer to www.maine.gov/dhhs/mecdc/environmental-health/rad/radon/hp-radon.htm for the radon brochure (rental property tip sheet #1), reporting and disclosure forms, and DHHS rules.

Despite the recent rollback of some requirements, it is likely that radon testing, and disclosure will be a fact of life from now on, and I expect the law to again creep toward mandatory mitigation. Therefore, as I mentioned in this column four years ago, a person contemplating acquisition of a residential rental property should insure that the necessary testing, as well as any recommended mitigation has been performed, before closing on purchase of the building.

Disclaimer: For general information of CAHA members; not intended as legal advice. Consult a lawyer for your specific situation © 2014 Eric S. Dick, Esq., Augusta, Maine (207) 622-5872.

Banquet Invitation



12/11/2013

Dear CAHA Member:

Our annual banquet is coming up soon and we're sending the reservation form to you now so that you can put it on your calendar and plan to attend. The 2014 Banquet will be held on Tuesday, February 11, 2014 at the Elk's Lodge #964, 397 Civic Center Dr, Augusta.

Below is the Annual CAHA Banquet Reservation Form. Please fill it out and return it promptly.

Please note the pricing structure for the banquet this year:

CAHA Member: \$ 5.00
First guest: \$10.00
Second and additional guests \$25.00 each

What's Planned?

Social Hour: 5:30 – 6:30 p.m.
Dinner: 6:30 – 7:30 p.m.
Presentation, guest speaker TBA: 7:30 – 8:00 p.m.
Door Prizes and Social: 8:00 – 9:00 p.m.

Annual CAHA Banquet Reservation Form

Date: Tuesday, February 11, 2014 Place: Elk's Lodge #964, Civic Center Dr, Augusta
Time: Social Hour at 5:30 p.m. – Dinner at 6:30 p.m.

Price: \$5.00 CAHA Members Guests: 1st guest = \$10.00, All additional guests =

(Please bring no children under the age of 16 to the CAHA Banquet)

A check must accompany this reservation form and be received by February 1, 2014.

Member Name: _____ Member # _____ Price: \$5.00
1st Guest: _____ Price: \$10.00
2nd Guest: _____ Price: \$25.00
3rd Guest: _____ Price: \$25.00
4th Guest: _____ Price: \$25.00

Total number attending _____ Total enclosed: \$ _____ (non-refundable)

Deadline for making reservations: Saturday, February 1, 2014 (No tickets sold at the door)

Mail this form (with check) to: CAHA, P.O. Box 2901, Augusta, ME 04338-2901

Own or Manage a Multifamily Building?

Learn about NEW incentives and opportunities to save energy and money!

Please join Efficiency Maine for an informational breakfast and learn about new ways to improve the energy efficiency of your 5+ unit apartment buildings.

- Financial incentives available
- All fuel types eligible

New Ways You Can Save

With Efficiency Maine's Multifamily Efficiency Program you now have the flexibility to decide which upgrades and incentives work best for your buildings.

Choose from a customized, whole-building approach or individual efficiency upgrades with a menu of options including:

- Insulation & air sealing
- High-efficiency boilers & furnaces
- High-efficiency water heaters
- High-efficiency lighting (LED)
- Low-flow showerheads
- Programmable thermostats
- Ductless heat pumps

The program also offers no-cost benchmarking services to assess building energy performance and generous financial incentives to help reduce the cost of implementing energy efficiency measures.

Learn more at one of our informational breakfast meetings:

Wednesday, January 15
Clarion Hotel
1230 Congress St., Portland

Thursday, January 16
Ramada Conference Center
490 Pleasant St., Lewiston

Tuesday, January 21
Governor Hill Mansion
136 State St., Augusta

**Please RSVP by Jan 10th to Kelly Bryan:
207-620-3837 or kbryan@trcsolutions.com**



We deliver quality home heating oil, kerosene and propane to homes and businesses throughout the communities of Central Maine. We are happy to assist you in ordering fuel, setting up credit or with any questions you may have. Call us at (207) 626-2714.



Fielding's Oil & Propane is proud to serve the members of CAHA with all of their heating needs and looks forward to having a long relationship with the organization. Call us and you will see how dedicated we really are. (207) 623-3322

<p>Newcomer Relocation Services "Upscale Rentals" Phone/Fax: 622-4312 Cell: 446-4312 <i>ramona@NewcomerRelocation.com</i> www.NewcomerRelocation.com No application fee for CAHA members</p>	<p>Liberty Mutual (207) 622-0518 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.</p>	<p>Gosline's Hardware (207) 582-1900 563 Maine Ave. Farmingdale, ME Paint, paint supplies, plumbing, heating, electrical, lawn & garden, hand & power tools.</p>	<p>Northeast Bank (207) 623-0303 Cell: (207) 446-0990 Mortgage loans for residential and investment properties <i>ssachs@northeastbank.com</i> \$250.00 discount on already low closing costs.</p>
<p>Sherwin Williams <i>Paint + Paint Supplies</i> (207) 622-6818 <i>sw5736@sherwin.com</i> <i>All painting accessories</i> <i>15% off list price everyday!</i> <i>20% off many case lots!</i></p>	<p>Your Ad Can Go Here</p>	<p>Eric S. Dick, Esq. Farris, Foley & Dick, P.A. (207) 622-5872 <i>ffdlaw@gwi.net</i> Discount off regular hourly rate to CAHA member on landlord/tenant matters</p>	<p>Your Ad Can Go Here</p>

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 Augusta, ME 04338-2901

