



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



February 2014
Newsletter

CAPITOL AREA HOUSING ASSOCIATION

“LANDLORDS WORKING TOGETHER”

Officers

President

Ratna Don

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Secretary

Barbara Eckhardt

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Treasurer

Emmy Swanton

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Board of Directors

Charlie Anderson

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Ratna Don

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Barbara Eckhardt

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John McNaughton

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Ramona Venskus

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Royce Watson

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Harrison Wolfington

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President's Message

Dear Members,

Another New Year has begun. CAHA is looking for a new President and Board of Directors. If you are interested in becoming an officer or director, please contact CAHA by phone at (207) 512-2180 or via email at caha@caha4u.org.

I want to take this opportunity to thank the Officers and Directors for their time, cooperation and dedication to our organization this past year. I would like to give special thanks to our outgoing Treasurer, Emmy Swanton for her dedicated service as a treasurer for the past five years. Royce Watson also stepped up to assume a position on the board to fill an unexpired term.

COME HAVE FUN AT THE BANQUET!

The annual banquet is coming on February 11, 2014. I hope you have mailed in your reservation form and check by Saturday, February 1, 2014 so we are able to order your meal on time. We don't sell tickets for the banquet at the door. In the meantime, the board has been busy rounding up door-prizes. The doors open 5:00 p.m., Happy Hour at 5:30 p.m., and the dinner at 6:30 p.m. At the annual meeting, we'll vote for the Directors.

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Annual CAHA Banquet:

Date: February 11, 2014

Time: 5:00 p.m. – 9:00 p.m.

Place: Elk's Lodge, Augusta

Ask the Lawyer

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President's Message
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The ballot for the Directors positions include: Ratna Don, Barbara Eckhardt, and Royce Watson,

YOU HAVE UNTIL JANUARY 31ST TO PAY YOUR DUES!

Membership renewals are coming in numbers. We are pleased with the prompt response. But some member did not renew their membership yet. All membership dues for 2014 are due by the end of January. If the \$40.00 membership dues are not paid, then you will be removed from active status. If you have any questions, please contact CAHA by phone at (207) 512-2180 or via email at caha@caha4u.org.

Sincerely,
Ratna Don
CAHA President

**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!***

**Minutes of Board Meeting
Capital Area Housing Association (CAHA)
Held at Lucky Gardens Restaurant, Hallowell
November 19, 2013**

President Ratna Don opened the meeting at 5:50 p.m. with the following present:

Secretary & Board Member Barbara A. Eckhardt
Board Member Charles Anderson

Board Member John McNaughton
Board Member Ramona Venskus

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**Minutes of Board Meeting - Capital Area Housing Association
November 19, 2013**

Business: Motion was made by Charlie, and seconded by John, to accept the November 17, 2013 Treasurer's report, along with the October 14 through November 17, 2013 Profit & Loss report. Motion passed unanimously.

Motion was made by Charlie, and seconded by Ramona, to accept the October 15, 2013 Board Meeting minutes. Motion passed unanimously.

General Assistance Housing Ordinance in the City of Augusta: Motion was made by Charlie, and seconded by John, to accept Attorney Brian Winchester's fee of \$855 for his services in representing CAHA at the Thursday, November 7, 2013 Augusta City Council's General Assistance Housing Ordinance meeting. Motion passed unanimously.

Several Board members and a few CAHA members attended that meeting. It was the consensus of the Board to show their cooperation with the City Council by following the suggestions below:

- a. To have interested parties meet with the city officials on a monthly basis;
- b. Impress the city officials with CAHA's efforts in educating its members regarding Federal and State regulations, current building codes, land use codes and safety codes; and
- c. Inform CAHA's members of all the misinformation they are hearing concerning what the code enforcement officer can do, or will do, to a landlord who is not in compliance with codes.

Legislative Committee Report: The lobbyist for CAHA and the Waterville landlords group felt it was not a good time for us to approach the Maine Legislature with our concerns to introduce new legislation to ease landlord tenants laws. The acrimonious atmosphere there would not be favorable for us, and he doesn't want to jeopardize the legislative bills that were recently passed by them.

Year-End Membership Renewal: Due to illness, Ramona was not able to connect with an out-side source to work on CAHA's year-end membership renewal.

Motion was made by John, and seconded by Charlie, to have Ratna work on the year-end membership renewal for 100 hours for \$1,400. Motion passed unanimously.

December Newsletter (two concerns): It was the consensus of the Board for Lisa Montagna to work on the newsletter for a flat fee. Also, it was noted that not all members were receiving their newsletter electronically.

CAHA Annual Banquet: Ratna will mail out the banquet pricing charge for the members with the year-end renewal invoices.

The Board had taken a 35-minute dinner break.

Motion was made by Ramona, and seconded by Charlie, to adjourn at 7:56 p.m.

Respectfully submitted,
Barbara A. Eckhardt, Secretary

ASK THE LAWYER

Q. What are the recent changes in the law concerning Sheriff's service of eviction pleadings upon tenants?

A: Title 14 M.R.S. §6004; Service of Process in Eviction Actions.

State law has always provided that the commencement of a Forcible Entry and Detainer Action, an eviction, be accomplished in the same manner as other civil actions. That means that a complaint, along with a Court summons, must be served upon the tenants in compliance with Rule 4 of the Maine Rules of Civil Procedure to give them official notice that the eviction is being filed in the Court.



Under Rule 4, service of a summons and complaint is technically permitted by mailing a copy of the summons and complaint to the person to be served, along with two copies of a notice and acknowledgment form with a return envelope, postage prepaid. The recipient can sign and return the acknowledgment to confirm receipt of the summons and complaint, and this constitutes service. However, this method is almost never used, because the recipient can simply ignore the mailing and refuse to return a signed acknowledgment. Sending the documents by certified mail is insufficient, even if accepted.

Consequently, service of the complaint and summons in eviction cases is made by a person authorized by law to serve court process which is typically the civil deputy sheriff for the county involved. For CAHA members, this is the Chief Civil Deputy for Kennebec County, Harry McKenney, and his able deputies.

Service in hand is the preferred method of service of process; the deputy literally hands the tenant a copy of the complaint and summons. However, what happens if the tenant cannot be located, or refuses to answer the door? Until recently, the deputy had to make several good faith efforts to serve the tenant in hand. If service was not possible, the deputy would return the pleadings to the landlord (or the attorney) along with an Affidavit confirming details of the attempted efforts at service. The landlord then had to file a motion with the Court asking for approval of an alternate means of service. The Judge's Order would typically authorize the deputy to post copy of the summons and complaint on the apartment door, and mail a copy to the tenant. With the Court's approval, this constituted valid service of process. However, it also resulted in a further delay and additional costs to the landlord.



Effective October 9, 2013, the landlord no longer needs to seek the Court's approval for alternate service. Now, the civil deputy can make three good faith efforts on three different days to serve the tenant in hand. If these efforts are unsuccessful, the deputy sheriff may then leave a copy of the summons and complaint at the tenant's last and usual place of abode (posting) and mail a copy to the tenant's last known address.

When service has been made by posting and mailing of the summons and complaint, the deputy sheriff will provide an Affidavit to the landlord confirming compliance with the requirements of this new statutory provision. The landlord (or attorney) must then file that Affidavit in the Court, along with the original complaint and summons to prove that service of process has been made.

ASK THE LAWYER
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This new provision substantially eases the burden and delay in commencing an eviction action in those cases where the tenant cannot be personally served in hand. However, this new statutory provision is subject to a sunset provision and expires on September 1, 2016, unless extended by future legislation. In my view, this is a common sense approach to streamlining the service of process procedures in eviction actions and should become a permanent change to the law.

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.

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