

**NOVEMBER
2018
NEWSLETTER**

smlamaine.com

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**SOUTHERN MAINE
LANDLORD ASSOCIATION**

Next SMLA Meeting, November 13, (NOT THE 20TH) 2018, at: The Elk's Lodge

**DID YOU RENEW
YOUR MEMBERSHIP?**

**Recap of
SMLA's Meeting
October 16, 2018**

Members voted on slate of officers, all were in favor for the same officers, with an addition of Kevin D'Amboise.

Keith Gautreau, Portland Fire Chief, touched on many subjects and stated that this is "Fire Prevention Month".

Smoke detectors should be disassembled and cleaned annually with a q tip and rubbing alcohol. The average life of a combo detectors is seven years. CO is colorless and odorless. So don't buy inexpensive detectors. He recommended Gentex, which is photo electric and can be purchased at an electrical supply house (Grainger etc).

Mike Sauschuck Assistant City Manager. Permitting and Inspections falls under him. He has a fresh set of eyes. We have a lack of consistency and communication and are addressing those issues. There will always be a handshake and a smile.

John Brennan, Fire Captain, Portland Fire Prevention & Community Outreach. "It Depends" is his

usual statement because every property is different. We try to help and protect you!

Early detection is key! The code book is all about getting out of the building. Portland and So. Portland uses NFPA Life 101 Safety Code and NFPA 1. Chapter 31 relates to apartment buildings (6 pages long).

His department inspect three units or larger, commercial or schools. Conforming vs Nonconforming.

What we look for: Your address on the building, 2 means of egress, fire doors (buys you time to get out, most important piece is the self-closing hinges and must have a label for 60 min.) (if to exterior no need for fire rated), carbon and smoke detectors (interconnected again buys time to get out), boiler protection (sprinkler over boiler). Put apartment #'s on doors including interior doors. Install panic bars on doors if over 100 people in the building. 10 year sealed batteries are acceptable in 1 and 2 family dwellings; as long as sealed, photo electric and placed properly. Egress windows. Why required in bedrooms? So fire department can get in and out with a pack on their back. Required 5.7 sq. ft. (20 x 24 opening). Life safety trumps historic buildings. Some exceptions: if the door is directly to outside or to the ground level or if building is sprinkled.

Lock boxes or Knox box (cost about \$300) required when a fire alarm or sprinkler system is in building. Place at front door 5

feet high.

Fire alarms system required if 4 stories or more than 11 units, along with pull stations and heat detectors. If third floor unit has a loft it's ok.

Miscellaneous: Ionized smoke detector give off a lot of false alarms. Photoelectric detectors looks for smoke vs partials.

Finally make sure your contact information is correct with the Fire Department!

Portland response time is 2-3 minutes! Pretty impressive!
Chief Keith Gautreau 874-8400.



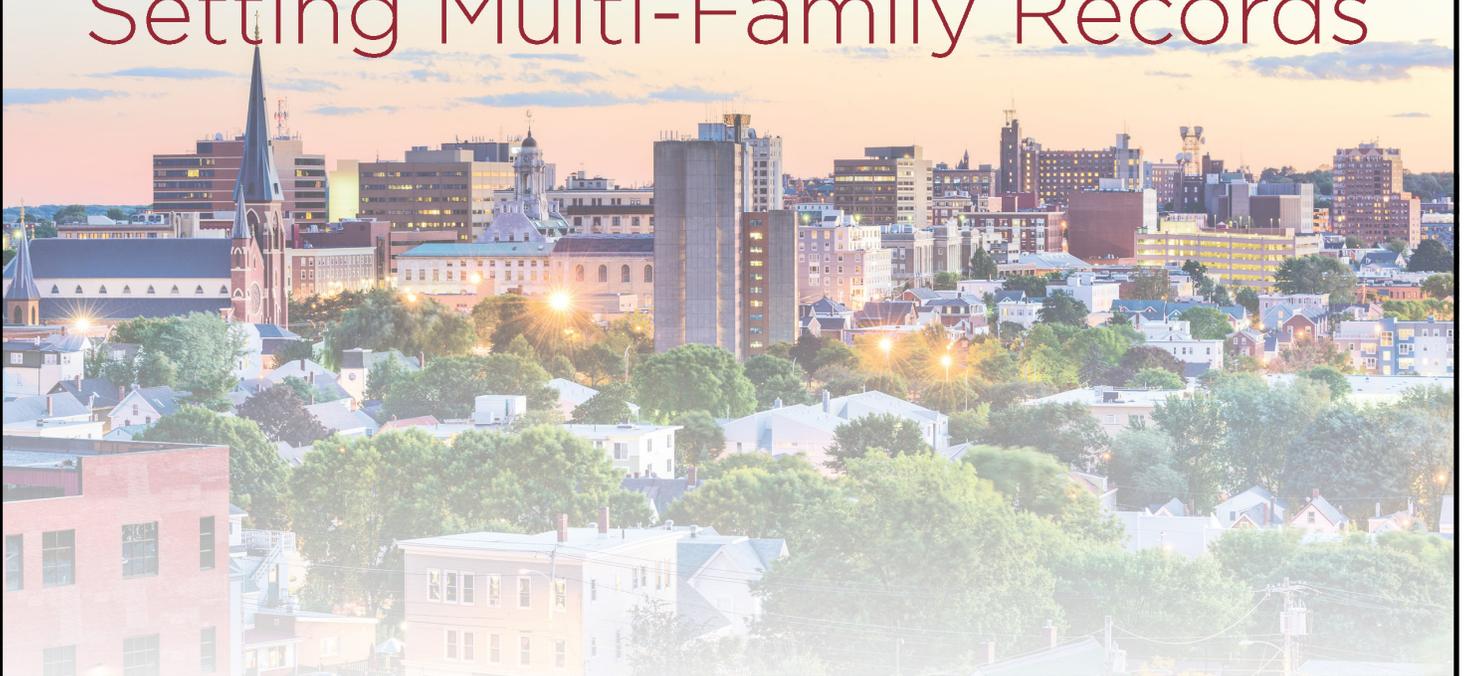
October 5, 2018, SMLA Board attended the Habitat for Humanity Dinner "Raise the Roof"!

**MEMBERSHIP
CARDS**

Membership cards are no longer mailed out.

To download and print your membership card: Sign into SMLA's website under your username and password. Then click on your name. The membership card will come up and ask you if you want to print or save to your computer.

Setting Multi-Family Records



(Based on MLS data for 1/1/18 to 8/21/18)

Greater Portland Prices up 23%

Multi-family sale prices are setting new records in Greater Portland and have increased 23% over last year. There has never been a better time to sell your multi or a more qualified team to help.

Multi-Family Specialists

We're landlords too and understand your needs and those of your tenants. We have extensive experience marketing multi-unit buildings and offer the very best sales experience, from respecting and working with your tenants, ensuring only qualified buyers walk through, and helping you sell for the highest possible price.



Tom Landry & The Landry Team
Maine's Real Estate Leader®
Landryteam@benchmarkmaine.com
207-775-0248

**NOVEMBER
2018
NEWSLETTER**

**SMLA'S NEXT
MEETING:**

**TUESDAY
NOVEMBER 13**

at: The Elk's Lodge
1945 Congress St.
Portland, Maine

Free Parking

Social 1/2 Hour
5:30-6 p.m.

Buffet /Dinner Meeting
6-8:30 p.m.

MENU

Fruit/Cheese & Crackers
Caesar Salad
Caesar salad
Broiled haddock
Stuffed shells
Chicken parmigiana
Baked potatoes
Buttered peas
Rolls & Bread
Dessert Platters
Coffee Station

Cash Bar

Please register by
November 9.
\$30 Members
\$40 Non-Members

After November 9
\$35 Members
\$45 Non-Members

Southern Maine Landlord Association

Vital Ideas

The real estate market has been glowing-red hot for the past few years. Recent local and national indicators signal a cooling that has been expected and needed. While inventory is still low, higher interest rates and affordability are a couple factors finally pushing back against ever increasing prices.

Sellers should take note as the market is still perfectly healthy.

Buyers should get more aggressive as some good values are now just sitting on the market, waiting for the industrious and visionary.

Moderate market cycles are healthy in that they restore balance and create a new perspective on opportunities.

Stay active, be responsible, and treat your tenants well – good things happen.



Brit Vitalius
President SMLA
541-3755
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P.O. Box 7875, Portland, ME 04112
(207) 799-8485

Sam@FineAttorney.com

Board Certified in Creditors' Rights Law
REPRESENTING ONLY LANDLORDS

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KENNETH D. PIERCE
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Non-Payment of Rent Notices of Termination and Notices to Quit

Nonpayment of rent is the most typical type of eviction action brought by landlords. The focus of this article is nonpayment rent involving leases. Title 14 M.R.S.A. § 6002 of the Maine Revised Statutes dictates that exact method that a landlord must following in terminating a tenant at will's tenancy for nonpayment and each technicality must be followed by the landlord. Termination of leaseholds for nonpayment of rent and lease violations are governed by the terms of the lease.

Nonpayment of rent involving tenants holding premises under written leases must be terminated in accordance with the default/termination language of the lease. Rubin v. Josephson, 478 A. 2d 665 (Me. 1978) and MacKerron v. MacKerron, 571 A.2d 810 (Me. 1990), requires that a lease contain default/termination language in order for a landlord to terminate the lease and then maintain a FED action. If the lease does not contain default language, there is provision under Title 14 M.R.S.A. § 6001 that allows the landlord to utilize the termination provisions of the tenancy at will statute cited above. However, a landlord utilizing a written lease can have more aggressive termination language than what is provided for by the tenancy at will statute, such as, shorter timeframes to be in default, shorter notice timeframes and easier methods of service. Clearly, when drafting a lease, a landlord should be extremely careful to include favorable and aggressive default/termination language.

When drafting notices of termination under your lease, the landlord or the landlord's attorney must draft a notice that effectively incorporates the termination language of the lease. For instance, if the lease requires a five (5) day notice in the case of nonpayment of rent, then the landlord must provide a five (5) day notice of termination. The notice must be served in accordance with how the lease states that notices are to be served. Title 14 M.R.S.A. § 6002 provides that notices in reference to tenancies-at-will must be served in hand and, after three (3) good

faith attempts at in-hand service have been made, the notice can be left at the unit and must also be mailed to the unit. If your lease is silent on the issue of how notices are served on the parties, you should utilize the tenant at will service method because it is recognized by law. However, if your lease is silent on how notices are to be served,

However, the notice in the case of a leasehold cannot be served that way unless the lease so provides. A significant number of leases provide that notices can be either served by regular mail, by in-hand delivery, or delivery to the premises. Obviously, the nonpayment notice of termination can only be served on the tenant after a default has occurred under the terms of the lease. The lease must also contain language defining when the rent is in arrears. Leases are very inconsistent on this point. Typically, leases contain provisions stating that the rent is in arrears after seven (7) to fourteen (14) days. However, nothing prevents the landlord from defining a shorter time frame, such as, defining that the tenants are in default if they fail to make any payments on the due date under the lease. In the latter case, if rent is due on the first of the month, the tenant is deemed in default on the second of the month.

After a notice of termination has been drafted in accordance with the default/termination language of the lease, served on the tenant in accordance with the terms of the lease and the tenant fails to cure, the landlord can then maintain a forcible entry and detainer action against the tenant. Therefore, please check your lease to determine if it has termination language. If you have any questions regarding your lease or any other landlord-tenant issue, feel free to contact me .



David P. Chamberlain Esq.
1-207-775-0060

Clark Insurance Tip

Pets are often a source of conflict when it comes to finding and retaining good tenants. We do recommend a "No Pet Policy" that applies to cats, dogs, snakes and other unusual animals such as ferrets, lizards, turtles and birds. But we also understand that there are times when exceptions do make sense, but when you do grant one, use good common sense. Following are some guidelines to use:

Do not allow any undomesticated animals such as snakes, wolves, rodents, wild cats, etc. Period. Do not allow large (over 30 lbs when fully mature) dogs or dangerous breeds, such as: pit bull of any kind, akita, chow, doberman, great dane, german shepherd, mastiff, rottweiler, or any mix with any of these breeds. Check with your agent for a more complete list because there are others. Pet owners must control dogs at all times. Dogs should be restrained as necessary for control. Leashes should be used when the dog is outside the apartment and dogs should not be left tied up outside unattended.

No dogs with vicious or aggressive tendencies, or which have bitten or attacked in the past. You should see the dog and evaluate its behavior. If you do make an exception, insist that the tenant have a Renter's policy that has at least \$300,000 in Personal Liability coverage. Ask to see the policy periodically, at least annually, and keep a copy if you wish.

If you put your pet policy into writing, either separately or as part of a lease, be sure to have it reviewed by your attorney. Also be sure to understand what your insurance company's position is regarding pets – companies do have varying underwriting requirements – because you could risk cancellation or non-renewal in the event of a claim involving an animal. At Clark, we do have markets that will insure apartments that have pets, but good "pet management" is still essential.

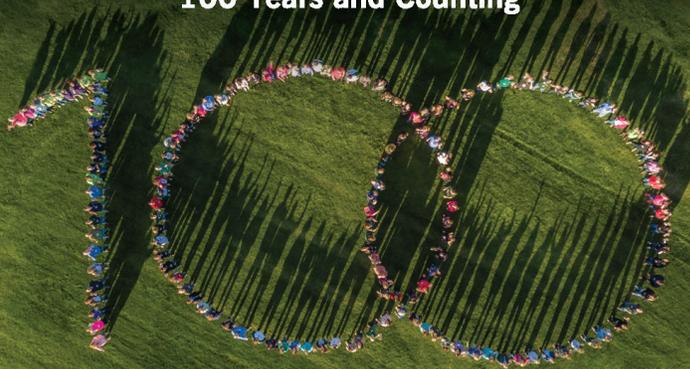
As always, give us a call if you have questions that you think we can answer.



Bill Exley
Clark Insurance
207-523-2263

Thank You

For Being Part of Our Journey for
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Contact Brit for more details

Email: brit@vitalius.com

Phone: 207.541.3755

www.vitalius.com



TIME TO SELL YOUR MULTI-FAMILY? THE MARKET IS STRONG! HERE ARE A FEW OF OUR LISTINGS AND ONE THAT IS COMING SOON:



39 Lombard, South Portland
For Sale: \$349,000



80 Roberts St, Portland
For Sale: \$499,000



41 Main St, Topsham
For Sale: \$725,000



88 Forest Ave, Portland



West End 3-Unit
List: \$599,000



North Deering 2-Unit
List: \$359,000



SMLA

DISCLAIMER

Please note all positions are voluntary and may not be legal professionals. Any interpretations of articles within this newsletter should be independently verified.

“44 YEARS - SMLA PROMOTING RESPONSIBLE HOUSING MANAGEMENT AND OWNERSHIP”

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Lead \$

For all cities except Portland:

Right now restrictions have been lifted, so as long as the tenants' income qualifies, then the building will!

- \$ Available for 200 units!!
- 1 bedrooms qualify!
- Single or Multi-family apply!
- **Vacant units now qualify!**

For more information contact: Kevin Leonard, Community Concepts, 333-6443

For Portland Lead \$:

Grant funding available up to \$10k/unit for lead prevention. Free RRP Training.

For more information, go to www.portlandmaine.gov/1902/Lead-Safe-Housing or call Theresa Galvin 874-8983.

Go Smoke-Free

Smoke-free policies saves landlords money and attract tenants!

Maine law requires property owners and managers to disclose, in writing, if and where smoking is allowed on their property!

Order your free signs (see below, others are available) and key chains at:

smokefreeforme.org (click “policy implementation then housing materials order form) or call 662-7154.



Forcible Entry & Detainer Dates

Portland:

All at 9 a.m. in Court Room# 2

**November 8
December 6 & 20**

(The above is subject to change. To verify dates, 822-4200, #3)

Biddeford:

All at 8:30 a.m.

**November 9 & 30
December 7 & 21**

(The above is subject to change. To verify dates, 283-1147, #5)

Have You Registered Your units?

Portland Ordinance - (Chapter 6, Article 5, Sec 6-151), states all rental units in Portland, Maine must be registered with the City of Portland and pay a fee. Failure to do so may result in a fine of \$100/day.

The office location is “Permitting & Inspections”, Room 315, City Hall, 389 Congress Street, Portland, ME 04101. 207-756-8131.

Office hours are 8-4:30 p.m., Monday to Friday.

Their email address is: housingsafey@portlandmaine.gov

Giroux Energy Oil

girouxenergy.com

Giroux's offer to our members for oil, is daily rack + \$.10 on an auto-fill basis. This price was lower than the lowest cash price every day we checked last year!

With fixed prices impossible to pick and no attractive fixed-price offers, the Giroux offer is who SMLA is recommending.

To enroll, download the application from our website:

smlamaine.com.

You can send the application in to us via fax, email, or drop off at my office:

Brit Vitalius
President SMLA
Fax: (207) 631-2054,
Email: brit@vitalius.com
Office: 306 Congress St, Suite 3, Portland

Heating Season

**BEGINS
SEPTEMBER 1**

Radon

March 1, 2014 was the deadline to have your units tested for radon!

Northeast Lab at: New Address, 120 Main Street, Westbrook is **STILL** offering SMLA members a deal on *1 vial kit of (1 each) radon test canister for **\$15!**

Be sure to show them your membership card! 873-7711
There is a drop box at 347 Main St., Gorham. In hall of Focus Property Inspections

**Southern Maine
Landlord Association
(SMLA)**

306 Congress St.
Portland, ME 04101
1-207-541-3755

To Join: smlamaine.com

\$60/yr - emailed newsletter
or
\$80/yr - mailed hardcopy

**Maine Apartment Owners
and Managers Association
(MAOMA)**

P.O. Box 282
Bath, ME 04530

1-800-204-4311
maoma.org

**MAOMA
Representatives**

Carleton Winslow
318-8284
Priscilla Dunn & Mat Leighton

smlamaine.com

**SMLA NEWSLETTER
ADVERTISING
RATES**

Full page \$150/m

1/2 page \$ 90/m

1/4 page \$ 55/m

Business Card \$35/m

Advertise 9 months,
get a 10th month free.
Deadline is the 30th of the
month & ads are pre-paid.

Call 883-8016 for more
information.



SMLA

Upcoming SMLA Meetings

November 13, 2018 (not the 20th) - A panel on consumer lending for multi-family owners: Matt Barbour, of McLeod Ascanio, on tax matters for landlords. Jason Stractz, of Gorham Savings Bank, on Commercial Lending. Scott Lalumiere of Milk Street Capital. And Ralph Graceffa of Residential Mortgage Service.

December 2018 - No Meeting. Happy Holidays.

January 15, 2019 - Brit Vitalius presents his annual Southern Maine Multi-Family Report. Dava Davin from Portside Realty, on residential home sales. Tom Watson on new housing initiative.

The above is subject to change.

SERVICE DISCOUNTS

Carpet Cleaning

Eastern Carpet Cleaning, Free Estimates, \$.40/sq. ft., then 15% off, Min. \$90, 885-1499
Servpro of Portland, Holly Merrill, 772-5032, 15% off carpet cleaning

Electric

Alan Eger Electric Inc., Alan Eger, 415-6094, 10% off jobs over \$200. Lights at cost if paid by customer at pick up
Campbell Electric, Tom Campbell, 252-2411, 10% off any electrical service.

Hardware

Dupuis Hardware - 2 Spruce Street, Biddeford, 284-8702, offering 5% off

Landscaping

C.K.C. Landscaping, Kenny Roberts, 615-3152, 20% off a full year contract
AC Yard Service, Justin Hayden, 712-5554, 15% discount on service

Pest Control

Ants Plus Inc. - Jim Carter, Bedbug Treatment \$150, for 1st initial treatment, 319-8324, for card holding members only

Radon

Tom Caron, 415-2345, 5% basic discount, 10% discount for over ten tests
Maine Radon Solutions, Chris Cole, 318-3536, Radon testing, 10% off for mitigation. Also tests water systems.

Roofing

Dobson Roofing - Dan Dobson, 772-7710, call the office for an estimate and discount.

Miscellaneous

Free Energy Maine. \$100 off completing Energy Efficiency Disclosure forms, \$200 for one building. Also, all Efficiency Maine services. Peter Ulrickson, 207-450-6110.

Grandview Window Cleaning, Doug Johnson, 772-7813, 10% on specialty cleaning services.

Marden's, Ken Clark, at the Scarborough Store, 5% off flooring, furniture and appliances. You must show your updated membership card.

The UPS Store, Dennis Abbott, Southern Maine, 883-9087, 15% off eligible products and services

Southern Maine Chimney and Firewood Service, Nicholas DiMastrantonio, 233-8429, 10% on cleanings, chimney liners & free chimney inspection with cleaning

Sebago Metal Fabrication, Frank Walker, 653-3766, 10% off new purchase of handicapped access ramps, fire escapes, stairs, and more...

S&C Satellite, Stephen Bailey, 620-1032, Free property assessment for centralized video and internet systems.

Please show your current paid membership card to obtain the discounts. These vendors have kindly offered discounts to our active card-holding members only. Buyers should carefully check ID's, references and insurance as well as issuing 1099's when required. No endorsement of any kind is made by SMLA, nor should be implied.

****New discounts or corrections, call 883-8016****

Next Meeting:

NOVEBER 2018

**13th not
the 20th!**

TUESDAY

SMLA's meeting will be held at:

The Elk's Lodge, 1945 Congress Street, Portland, ME.

SEE PAGE 3 FOR MORE DETAILS

- **SMLA's regular dinner meetings are the third Tuesday of each month (except July, August & December).**
- **Please invite other landlords to join our organization and meetings!**
- **Land lording is a business; don't treat it any other way and you'll survive!**
 - **Know the law and know what is going on inside your rental units.**
 - **IGNORANCE OF THE FEDERAL LEAD LAW IS NO EXCUSE!**