Mainely Landlords
For landlords with tenants who have Housing Choice Vouchers from MaineHousing

Summer 2013 www.mainehousing.org MaineHousing Maine State Housing Authority

HUD calls MaineHousing a 'high performer'

Agency scores 100% on Section 8 management assessment review; thanks landlords

By Denise Lord
Housing Choice Voucher Department Director

Each year, the U.S. Department of Housing and Urban Development requires all public housing agencies to participate in a performance measurement process. The Section 8 Management Assessment Program (SEMAP) assesses public housing performance on 14 indicators including four regarding inspections:

- ensuring units comply with the Housing Quality Standards (HQS) before families enter into leases and PHAs enter into housing assistance contracts;
- performing timely annual housing quality inspections;
- performing of quality control inspections to ensure housing quality;
- ensuring landlords and tenants promptly correct housing quality deficiencies.

MaineHousing scored a 100%! In 2011, we received scores of 0 in the inspection indicators above. As a result of this score, MaineHousing is designated a High Performer.

In addition to the SEMAP review, HUD conducted onsite inspections of 43 units in April and noted a lot of improvement in the HQS arena. Although 25 of the 43 units failed, the vast majority of the failures were for small items or were caused by the tenant (example: a bureau placed by the tenant that partially blocked a window egress). Also, they noted that most of the failed units were those still managed by our prior agents (MaineHousing didn't assume responsibility for ALL units until September 30, 2012).

HUD stated that overall they found just one or two minor issues in the units versus the multiple fail items seen in the past.

We could not have achieved this progress towards assuring that rental units subsidized by the Housing Choice Voucher program meet Housing Quality Standards without the cooperation and commitment of Maine landlords.

Thank you!

Legislature revises radon law; unit testing required by March 14

The Maine Legislature has revised the state's law on radon, but one important fact was not changed: the air of a residential building must be tested for radon by March 14, 2014 and every 10 years thereafter but only upon request of a tenant.

Governor Paul LePage signed the legislative measure on June 21, and it goes into effect on October 9.

Property owners, landlords, or a person who on behalf of a landlord enters into a lease or tenancy should take note of the new law as it lays out the rights and responsibilities of the lessor and the tenant. In this article we'll note a number of the changes, but remember that this is no substitute for reading and knowing the law.

For More Information:

Department of Environmental Health:
(800) 232-0842

Radiation Control Programt
(207) 287-5676

The law, of course, applies to landlords and property owners in the Housing Choice Voucher Program. Any landlord wanting to enter the program before the March 14, 2014 deadline will need to show the results of a radon test if requested by a tenant.

After the March deadline, testing will be required every 10 years thereafter if a mitigation system is not in place or if a tenant requests that the unit be tested for radon. A landlord of a residential building constructed or that begins operation after March 14, 2014 must have the building tested within 12 months of occupancy.

The Legislature has asked the Maine Department of Health and Human Services to adopt rules regarding when a landlord can perform a radon test and in what type of residential building, or whether a person registered with DHHS is required to perform

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MaineHousing Housing Choice Program managers Louise Patenaude, Allison Gallagher (center) and Lauren Bustard (far right) help individuals and families who lost their homes to fires in Lewiston find new housing during a housing fair last May.

MaineHousing leads efforts to relocate Lewiston fire victims

The Housing Choice Voucher and Asset Management departments of MaineHousing recently played the lead role in relocating 27 families left homeless in the wake of a terrible string of fires which ravaged apartment buildings last May in Lewiston.

Named by the U.S. Department of Housing and Urban Development (HUD) to take charge of the overall coordination of relocation efforts, MaineHousing with the support of the Lewiston Housing Authority, Auburn Housing Authority, City of Lewiston, other agencies and local landlords quickly set up a referral system to match displaced families with prospective landlords to identify available rental units which met family-size requirements. Identified units were then assigned an inspection date, which was usually within 24 hours if possible.

As soon as the unit passed a thorough inspection a move-in date was assigned within a matter of hours.

In addition to coordinating inspection efforts to ensure that all units met HUD Section 8 standards of being decent, safe and sanitary, MaineHousing worked closely with senior officials from HUD to streamline the process and receive a "pass through" waiver redirecting the project-based rental assistance tied to the property that burned into tenant-based vouchers. The tenant-based vouchers allowed the displaced families to relocate to private rental units in the community. This waiver is for the time it takes for the property owner to rebuild at which point the vouchers and the tenants would return to the rebuilt property.

MaineHousing is extremely pleased to report that all families in need of local housing are now relocated and living in new units! The relocation efforts were made possible through a well-coordinated effort utilizing several partners whose sole goal was to help traumatized families regain a safe home environment.

Legislature revises radon law; DHHS to set 'who tests what' rules

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the test. In both instances, the tests or testing equipment must conform to DHHS protocols. The rules are due November 1.

In the law, however, it states that a landlord can perform radon testing if the residential building, at a minimum, does not include an elevator shaft, an unsealed utility chase or open pathway, a forced hot air or central air system or private well water. (Well water must be tested by a person registered with DHHS and results must show an acceptable level of radon.) The rules regarding complex buildings will be better defined by November 1.

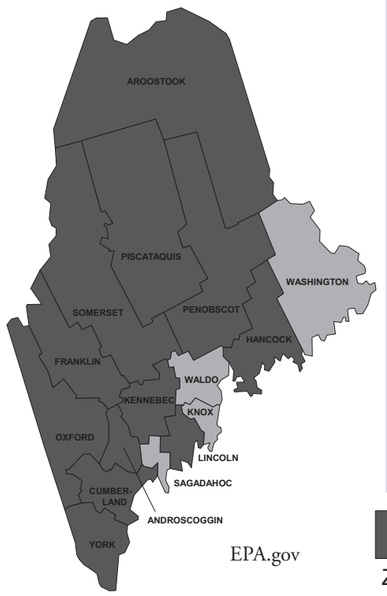
Landlords are required to disclose test results to existing tenants within 30 days of receiving the results, and to all potential tenants prior to renting the unit. Landlords, too, must report test results to DHHS within 30 days. The disclosure to tenants and DHHS must include the results of the test, the date of the test, that the tenant has the right to test, and a reference to where the tenant can get more information about radon, according to the law's summary. The standard disclosure form currently being used will be revised by DHHS to reflect the changes in the law.

Tenants explicitly have the right to test for radon. If a tenant and the landlord get different results, the landlord may hire a professional and must disclose the new test results. The landlord also may choose to accept the tenant's results.

The failure of a landlord to disclose test results or the falsification of records by a landlord is considered a breach of teh state's Warranty of Habitability Act.

A lease may be terminated within 30 days' notice in accordance with current law by a landlord or tenant if the results exceed 4.0 picocuries per liter, according to the law's summary, posted on the state's website. A landlord may not retain a security deposit for a termination based on radon test results.

Radon zones in Maine



EPA.gov

The U.S. Department of Environmental Protection identifies prominence of radon by three zones, with Zone 1 having the highest potential for radon. Maine does not have a Zone 3, the lowest level.

Zone 1 counties have a predicted average indoor radon screening level greater than 4 pCi/L (picocuries per liter)

Zone 2 counties have a predicted average indoor radon screening level between 2 and 4 pCi/L.)

Zone 3 counties have a predicted average indoor radon screening level less than 2 pCi/L.

Zone 1 Zone 2 Zone 3

This map is not intended to determine if a house in a given zone should be tested for radon. Homes with elevated levels of radon have been found in all three zones. All homes should be tested, regardless of zone designation. -- EPA

What is radon?

Radon is a naturally-occurring radioactive gas that comes from the normal breakdown of uranium that is found in almost all rocks and soils on Earth.

Radon can come from the ground, or from well water.

Radon is more common in the rocks and soils found in Maine than those found in many other states.

Radon has been proven to cause lung cancer. It is the second leading cause of lung cancer overall, and the leading cause for people who do not smoke.

It takes many years of exposure to high levels of radon before anyone might get lung cancer due to radon.

For more information, visit www.maineradiationcontrol.org.

Landlords ask: *'How much rent can I charge?'*

This is a frequently asked question from landlords. MaineHousing cannot assist you in determining your rent. We suggest comparing your unit to other unassisted units with the same building type and bedroom size for ideas on determining your rent.

Once a unit passes the Housing Quality Standards (HQS) inspection, MaineHousing will perform a rent survey following HUD guidelines and fair market values to determine the reasonableness of the rent you requested. We evaluate your rent request in relation to rents currently being charged for at least three comparable units in the private market. We consider bedroom size, appliances provided, utility types and assignment, the location and town, amenities, structure type, and size of unit.

Once the rent has been established and a HAP contract signed you must continue to rent the unit at the agreed-upon rent for one year. You may increase your rent after the first year of the lease. Landlords are required to provide a 60-day written notice of the rent increase request to both the tenant and MaineHousing. We will perform a rent reasonable test at the time of your request. If we cannot find three comparable units, you will be given the opportunity to do so. If both the landlord and MaineHousing are unable to locate three comparable units, the original rent increase request will be denied and we can negotiate further for a reduced rent increase.

Whenever in doubt, call your HCV Program Officer.

Contact us:

HCV Program line
624-5789 or 1-866-357-4853

Rent abatement awaits landlords of rental units with inspection fails who don't repair the fail items

A rental unit must pass a Housing Quality Standards inspection every year in order to continue to receive Housing Assistance Payments (HAP).

Abatement means there is no rental subsidy payable for the days the unit is out of HQS compliance. An owner is notified of all failed items and given a reasonable amount of time to make repairs. If the repairs are not completed in the time given, MaineHousing will notify the owner that the rent subsidy is in abatement. Abatement notification letters will be sent by both regular and certified mail to the owner, copying the tenant.

During the abatement period the owner can only collect the tenant's portion of the rent. The tenant only is responsible for their portion of the rent. You cannot impose on the tenant to pay for any part of the abated HAP subsidy. The abated HAP subsidy cannot be reimbursed or compensated at any future date.

An abatement can be lifted if the owner makes the repairs timely. If the owner fails to make the repairs the tenant is issued a voucher to move and the HAP contract is ended.

Example: A time flow of the abatement process

An inspection occurrs on September 28 and has 30-day failures the owner must repair.

A failure notification letter is sent the following day to the owner, copying the tenant, indicating the failed items must be corrected no later than October 28 or 30 days from the date of the September 28 inspection.

For this example: The re-inspection takes place and the failures are not corrected.

On the first day of the following month, or November 1, the HAP abatement period begins (Nov. 1 through Nov. 30). The HAP payment is not paid during this period, but the HAP contract remains in effect. The tenant is responsible for only their portion of the rent.

If failures are corrected while the HAP contract still is in effect, payments begin again as of the date of the correction. However, for the time in which the unit remains out of HQS compliance, the HAP dollars are forfeited, and not reimbursed at any future date.

For this example: Failures are not corrected during abatement period.

Therefore, on December 1 the HAP contract is automatically terminated.

The agent issues a voucher effective December 1 to the tenant to move, (unless it was previously revealed by the owner that he/she was not going to correct the failures, in which case, the agent immediately issues a voucher to the tenant).

Use of licensed trades in HCV rental units

MaineHousing policy states that all work on units resulting from a failed inspection must be completed by a state licensed professional if so required by law. This includes, but is not limited to, electrical, plumbing, and oil and solid fuel as applicable.

MaineHousing reserves the right to request that owners provide written documentation of professional completion. In addition, state licensing boards have the ability to levy fines if the repair was not completed by a licensed professional.

MaineHousing updates HQS policy to reflect HUD's

As part of our administration of Housing Quality Standards, MaineHousing has adopted the following required inspection and performance standards effective March 26, 2013:

* **Smoke detectors:** Hard-wired smoke detectors must be installed on all floors including the basement in units in apartment buildings with 3 or more units.

* **Furnaces and boilers:** All oil and gas furnaces and boilers must be serviced annually and a dated inspection tag must be affixed to the burner or hung in the immediate vicinity.

* **Deteriorated surfaces:** Deteriorated interior and exterior surfaces must be treated and stabilized using lead-safe work practices as appropriate. A deteriorated surface is paint or any other coating that is peeling, chipping, chalking or cracking or otherwise damaged or separated from the substrate.

* **Lead-based paint testing:** Any required lead-based paint testing will be conducted by a certified lead-based paint inspector. MaineHousing will not abate Housing Assistance Payments if the owner is complying with the state plan for treatment. If the owner fails to comply with the state plan, MaineHousing will abate Housing Assistance Payments retroactive to the expiration date of the original 30-day notice.

* **GFCIs:** Working ground-fault circuit-interrupter (GFCI) protection must be installed for all outlets in the following locations:
    - bathrooms,
    - outlets installed to serve counter-tops in kitchens,
    - outdoors (must also be covered),
    - crawl spaces at or below grade,
    - garages and accessory buildings located at or below grade,
    - sinks in areas other than the kitchen where receptacles are installed within 6 feet of the outside edge of the sink,
    - in unfinished basements and boathouses.

* **Egress:** When a unit has a bedroom window that may not provide a minimum clear area of 5.7 square feet and therefore does not meet the NFPA 101 Life Safety Code, but may be adequate for an emergency exit, Inspection Services will notify the owner, tenant and local code enforcement officer in writing and pass the unit with comment. In cases where the window clearly does not meet NFPA 101 Life Safety Code, the inspector will fail the unit.

* **Double-key deadbolt locks** are not allowed to be installed for any egress door of a unit.

* **CO2 detectors:** Carbon monoxide detectors must be installed within 15 feet of all bedrooms and be powered by both electrical service and battery backup.

* **Adult present:** MaineHousing inspectors will not conduct an HQS inspection without a person 18 years of age or older present in the unit.

* **Basements:** All basements and utility rooms must be accessible at the time of inspection.

* **Repair work:** All work on units resulting from a failed inspection must be completed by a state licensed professional if so required by state law. This includes, but is not limited to, electrical, plumbing, and oil and solid fuel as applicable. MaineHousing reserves the right to request that owners provide written documentation of professional completion.

For a complete copy of our adopted HCV Administrative Plan, please visit: http://www.mainehousing.org/docs/default-source/property-mgmt/hcv-administrative-plan-adopted-mar-26-2013.pdf

New National Healthy Housing Standard on safe, healthy housing being developed

The National Center for Healthy Housing in partnership with the American Public Health Association unveiled a new National Healthy Housing Standard on June 10.

The standard is aimed at improving the health of Americans by addressing serious health and safety hazards in U.S. homes, and is intended to be used by government agencies to ensure that the existing housing stock — more than 100 million units nationwide — is maintained in a condition that protects the health and safety of Americans. The document also can serve as a standard of care for any property owner to follow to ensure the health and safety of residents.

The proposed National Healthy Housing Standard is intended to be attainable, enforceable, evidence-based drawing upon the best thinking in the fields of public health, building science, housing code enforcement, and landlord/tenant law, and other disciplines. It seeks to reduce preventable disease and injury and improve the overall health of neighborhoods by reducing substandard housing conditions.

NCHH is requesting comments from health and housing practitioners, advocates, and other stakeholders in healthy housing on the standard. The closing date is July 31, 2013.

To learn more about the National Healthy Housing Standard, visit: http://www.nchh.org/Policy/NationalHealthyHousingStandard.aspx

Lead Hazard Control Program offers assistance to get lead out

MaineHousing's Lead Hazard Control Program provides 0% deferred, forgivable loans (interest free with no monthly payments) to landlords, and grants to single-family households, in an effort to make lower-income homes in Maine lead safe.

The program provides up to $16,000 to eligible owner-occupied single-family homeowners, and up to $10,000 per unit with a 10 unit maximum per landlord for lead safety improvements.

For landlords, the entire amount of the deferred forgivable loan is forgiven after 5 years, provided the property isn't refinanced or sold during that time and rental units are reserved for low-income tenants.

Agency	Area Covered	Telephone
Aroostook County Action Program, Presque Isle	Millinocket, Aroostook County	207-764-3721 Toll Free: 800-585-3053
Community Concepts, Inc., South Paris	Androscoggin, Cumberland, Franklin, Lincoln, Oxford, Sagadahoc, York Counties	207-743-7716 Toll Free: 800-866-5588 TTY: 207-743-0276
Penquis Community Action Program, Bangor	Kennebec, Penobscot, Piscataquis, Somerset Counties	207-973-3500 Toll Free: 800-215-4942 TTY: 207-973-3520
Washington-Hancock Community Agency, Machias	Hancock, Knox, Waldo, Washington Counties	207-546-7544 Toll Free: 800-828-7544

Making homes lead safe may involve paint removal or stabilization, and window and door replacement.

Homeowner eligibility If you own a single-family home that was built before 1978, your income is at or below 80% of the area median income, and you have a child under age six living at home, you may be eligible. Priority is given to families whose children under age six test positive for elevated lead levels in their blood.

Landlord eligibility If you own an affordable multi-family rental property that was developed before 1978, you may be eligible, provided that the rental units have at least two bedrooms, half of the rental units are rented to tenants earning less than 80% of the area median income and half to tenants earning less than 50% of the area median income. The rental units must be kept affordable for five years.

To apply for MaineHousing's Lead Hazard Control Program please refer to the above contact list. One of the partner agencies will be able to assist you.

Wet basements pose serious property hazards, health risks

Heavy rains and melting snow can make basements wet places, especially those in older homes with stone foundations.

In some instances where snow melt has gone into basements, the problem takes care of itself within a few weeks as drier weather takes hold. But not always. Landlords should closely monitor their properties to ensure that water does not create bigger, costlier problems – and, most importantly, does not put people's lives in danger.

Remember: long standing water or damp conditions can assist in the production of mold and mildew bacteria, which can lead to serious health threats for tenants. Wet conditions lead to the deterioration of building components, most noticeably sills, joists and floors. Also, the dampness and water can attract insects and rodents.

Here's a list of items to check:

- Check all floor drains and sump pumps to make sure they are fully operational and have adequate capacity to remove excess water.
- Examine around the perimeter of the building to make sure there is no extensive pooling of water draining into the basement. Correct any exterior drainage problems.
- Be sure all boilers, furnaces, hot water tanks, etc… are not sitting in standing water as this is a dangerous situation.
- Check to make sure any electrical wiring or connections are not near standing water, particularly if tenants or maintenance staff will be walking nearby.
- If tenants have storage areas in basements, check to ensure the areas are dry.
- Be sure laundry areas are free of water and appliances are high and dry.
- Open basement windows if possible to aid in the drying process.

Inspectors offer tips to ease inspections, prevent failed items

Want to make your Section 8 inspection process run more smoothly and eliminate unnecessary failed items? Here are some tips straight from the inspector's tool belt!

1. Conduct inspections yourself throughout the year and especially a week or two prior to your scheduled inspection. This will enable you to make necessary repairs in a proactive manner.

2. During your inspections check batteries in all smoke and carbon monoxide detectors and replace as needed. A good rule of thumb is to change the batteries both when the clock is turned forward and back. Also check that all detectors are in good working order. At a minimum there must be one smoke detector on each level of a unit - the basement and each floor thereafter. If there are 3 or more units in the building ALL smoke detectors must be hard wired with battery backup. There must be an AC powered with battery backup carbon monoxide detector within 15 feet of all bedrooms or rooms used for sleeping.

3. Working ground-fault circuit-interrupter (GFCI) protection must be installed for all outlets in the following locations: bathrooms,
   * outlets installed to serve countertops in kitchens,
   * outdoors (must also be covered),
   * crawl spaces at or below grade,
   * garages and accessory buildings located at or below grade,
   * sinks in areas other than the kitchen where receptacles are installed within 6 feet of the outside edge of the sink,
   * in unfinished basements and boathouses.

4. All oil and gas furnaces and boilers must be serviced annually and a dated inspection tag must be affixed to the burner or hung in the immediate vicinity.

5. All living rooms and bedrooms must have at least one window.

6. Double-key deadbolt locks are not allowed to be installed in any egress door of a unit.

7. Significant deteriorated interior and exterior painted surfaces will be failed even if there is not a child under age 6 in the unit.

8. All bedrooms and rooms used for sleeping must have an egress window which provides a minimum clear area of 5.7 square feet and meets the NFPA 101 Life Safety Code. This does not apply if the unit is sprinkled or there is a door directly from the room to the exterior.

9. MaineHousing inspectors will not conduct an HQS inspection without a person 18 years of age or older present in the unit.

10. Plan on attending the inspection or have your maintenance person on hand. If there are some easily corrected items such as outlet covers, batteries in alarms or blocked window egress, they can be taken care of on the spot.

    In addition, if you are in attendance you can record a list of any items which fail and begin to make repairs sooner.

11. If you cannot attend the inspection make sure the basement and utility rooms as well as garages and out buildings are accessible for inspection.

HUD: Mobile homes must be tied down or unit fails inspection

All mobile homes occupied by tenants subsidized by the Housing Choice Voucher (HCV) program must be tied down, according to the U.S. Department of Housing and Urban Development (HUD). HUD recently reminded MaineHousing of the requirement.

MaineHousing is required by HUD to fail any mobile home without tie downs found during an inspection.

HUD code states, "all homes need either to be tied down to properly designed and installed ground anchors or installed upon a foundation that is engineered to resist the loads specified in the HUD code." HUD's Mobile Home Installation Manual lists three wind zones, and

Contact us:

HCV Inspection Services
626-4647 or or 1-855-887-6045

Maine is in zones 1 (most of Maine) and 2 (along coast). In Zone 1, the maximum sustained wind speed which must be resisted is 65 mph resulting in a design lateral wind load of 15 psf (pounds per square foot) and a design upward wind load of 9 psf; for Zone 2 it's up to 100 mph, 39 psf (lateral), and 27 psf (upward).

It is impossible to resist the wind load requirements for any wind zone by simply setting a home on a stack of concrete blocks.

MaineHousing is requesting a waiver from HUD for the tie-down requirement because they are not required under Maine law with the exception of the installation of new manufactured homes.

In the meantime, if you know that your mobile home is not tied down and you want to take care of it prior to an inspection, please call HCV Inspection Services at (207) 626-4647 for more information. If you own a tenant-occupied mobile home and it is tied down, please contact HCV Inspection Services and we will send you a Tie Down Self Certification Form, which should be completed and returned to MaineHousing. Your unit will be added to our record of compliant units.

DO YOU OFFER LEAD-SAFE HOUSING?

You work hard to make your rental properties safe & healthy for your tenants.
Now you can advertise your lead-based paint free, lead-safe or
*lead-maintained units to thousands of prospective renters for **FREE**.*
List your properties on MaineHousingSearch.org today.

It's ***FREE***! Go to MaineHousingSearch.org
to list online or call toll-free **(877) 428-8844**.

Does my property qualify for lead-safe status?
Find details at MaineHousingSearch.org or call Beth Chase
at the Maine Department of Environmental Protection at (207) 592-6157.

***MaineHousingSearch.org** is a service provided by the Maine State Housing Authority and the Maine Department of Health and Human Services, the Smoke-Free Housing Coalition of Maine, which supports smoke-free housing listings on the registry, and the Maine Department of Environmental Protection, which supports the **new** lead status feature.*

MaineHousingSearch.org

Maine State Housing Authority ("MaineHousing") does not discriminate on the basis of race, color, religion, sex, sexual orientation, national origin, ancestry, physical or mental disability, age, familial status or receipt of public assistance in the admission or access to or treatment in its programs and activities. In employment, MaineHousing does not discriminate on the basis of race, color, religion, sex, sexual orientation, national origin, ancestry, age, physical or mental disability or genetic information. MaineHousing will provide appropriate communication auxiliary aids and services upon sufficient notice. MaineHousing will also provide this document in alternative formats upon sufficient notice. MaineHousing has designated the following person responsible for coordinating compliance with applicable federal and state nondiscrimination requirements and addressing grievances: Louise Patenaude, Maine State Housing Authority, 353 Water Street, Augusta, Maine 04330-4633, Telephone Number 1-800-452-4668 (voice in state only), (207) 626-4600 (voice) or Maine Relay 711.

Mainely Landlords

MaineHousing
Maine State Housing Authority
353 Water Street
Augusta, ME 04330-4633