

Mainely Landlords

For landlords with tenants who have Housing Choice Vouchers from MaineHousing

Spring 2010



EPA rule on lead safety applies to rental housing

An Environmental Protection Agency (EPA) rule on lead safety became effective on April 22, 2010 and addresses lead-based paint hazards created by renovation, repair, and painting activities in housing, child care facilities, and schools built before 1978.

Under the rule (40CFR Part 745), people who are paid to perform renovation, repair, and painting projects in targeted buildings must be certified and must follow specific work practices to prevent lead contamination.

If you are a landlord or property manager performing your own work, this applies to you. Performing work if you are not certified could lead to a serious fine from EPA.

Targeted housing includes most rental housing constructed before 1978. There are exceptions for housing designated for elderly or disabled persons (unless a child under the age of 6 lives there, or is expected to live there) and for zero bedroom units. There also are exceptions for very small projects and for buildings or areas where lead paint is not present.

Information on the EPA-required training and certification is available at http://cfpub.epa.gov/flpp/searchrrp_training.htm.






Before rehabilitation, repair, or painting work begins, tenants must receive a copy of EPA's lead hazard information pamphlet *Renovate Right: Important Lead Hazard Information for Families, Child Care Providers, and Schools*, available at www.epa.gov/lead/pubs/renovaterightbrochure.pdf. Property owners must document compliance with

this requirement. EPA's sample pre-renovation disclosure form may be used for this purpose.

Please see www.epa.gov/lead/pubs/renovation.htm for more information, or call EPA's call center at 202-554-1404.

Various Changes to Maine Landlord and Tenant Laws

The Maine Legislature recently passed "An Act to Implement the Recommendations of the Working Group to Study Landlord and Tenant Issues" (PL566), which will become effective 90 days after the end of the Legislative session. The Act addresses a variety of issues of interest to landlords. The Act:

-  Makes changes to the abandoned and unclaimed property law to simplify the process for landlords and tenants.
-  Makes several changes to update the law and clarify that the provisions apply to written leases and to tenancies at will.
-  Codifies in law the holdings of recent court decisions relating to a landlord's responsibilities to provide reasonable accommodations to a tenant.
-  Requires that a tenant be given written notice of the right to contest an eviction action.
-  Provides a remedy for a tenant if the landlord fails to pay for heat or utilities.


This newsletter is provided by MaineHousing's Asset Management Department. For more information, contact the Section 8 Housing Choice Voucher team at 624-5789 or 1-866-357-4853.


Table of Contents


EPA rule on lead safety applies to rental housing	1
Various Changes to Maine Landlord and Tenant Laws	1
Maine law on smoke detectors and carbon monoxide detectors	2
HUD changes to Housing Assistance Payment (HAP) contracts	2
April is Fair Housing Month	3
Working with MaineHousing	3

www.mainehousing.org



 Allows a municipality to intervene to provide basic necessities to ensure the habitability of property leased to tenants and gives the municipality a lien against the landlord for the costs. (Basic necessities include maintenance, repairs, heat, and utilities for which a landlord or tenant is responsible.)

 Establishes the duties of a landlord and tenant when a dwelling unit has a bedbug infestation.

 Allows a tenant to deduct from rent up to two month's rent for the cost associated with making necessary repairs to property in foreclosure if the landlord fails to maintain the property.

For more information, see www.mainelegislature.org/legis/bills/bills_124th/chapdocs/PUBLIC566.rtf.





MaineHousingSearch.org

MaineHousingSearch.org is a free rental listing service that links people who need housing with the housing they need.

Maine law on smoke detectors and carbon monoxide detectors

The Maine Legislature recently amended the Law Pertaining to Smoke Detectors and Carbon Monoxide Detectors, which was passed last year. Requirements of interest to landlords include:

 Smoke detectors installed within 20 feet of a kitchen or bathroom containing a tub or shower must be a photo-electric type. Working non-photo-electric smoke detectors in these areas do not need to be replaced; however, if a new smoke detector is installed for any reason in these areas it must be a photo-electric type. An exception is that ionization smoke detectors are allowed in bedrooms, even if they are within 20 feet of a kitchen or bathroom. Photo-electric smoke detectors are available at most building supply stores for less than \$15.

 Carbon monoxide (CO) detectors are required in all rental units. Carbon monoxide detectors must be installed in bedrooms or areas that provide access to bedrooms. They do not need to be on the ceiling. Detectors must be installed regardless of whether the building contains a fuel-fired device. Carbon monoxide detectors are available at most building supply stores for less than \$30.

For more detail on what is required, see www.mainelegislature.org/legis/bills/display_ps.asp?LD=1497&csnum=124.

HUD changes to Housing Assistance Payment (HAP) contracts

The Department of Housing and Urban Development (HUD) has notified all housing authorities via Notice PIH 2009-52 that they will be revising the language in HAP contracts to include requirements of the recently enacted Protecting Tenants at Foreclosure Act.

This Act requires that a new owner who takes possession of property through foreclosure accept any existing Section 8 voucher leases and Housing Assistance Payments (HAP) contracts. The new owner may terminate a tenancy at the end of the term of the Section 8 voucher lease, with 90-days notice. The HAP contract terminates when the lease terminates.

The Act also provides that during the term of a tenant's lease, a landlord cannot terminate the lease due to foreclosure; foreclosure does not constitute "good cause." The only exception is when a new owner intends to occupy the unit as a primary residence; in this case, the lease may be terminated with at least 90 days notice.

April is Fair Housing Month

April is Fair Housing Month. Each year HUD and communities and organizations across the country recognize Fair Housing Month by hosting an array of activities that enhance the public's awareness of their fair housing rights. The theme for this year's activities is "Fair Housing in 2010: Time to Act." For more information, see [http://portal.hud.gov/portal/page/portal/ HUD/press/press_releases_media_advisories/2010/HUDNo.10-067](http://portal.hud.gov/portal/page/portal/HUD/press/press_releases_media_advisories/2010/HUDNo.10-067).

Federal and state laws define rights to fair housing. These laws prohibit discrimination in the sale, rental, advertising, or financing of housing on the basis of race, color, religion, sex, sexual orientation, national origin, ancestry, age, disability, or familial status. Discrimination means any action, omission, or decision that has the effect of restricting your choice of housing and access to housing assistance.

To learn more about state fair access laws from the Maine Human Rights Commission, see www.maine.gov/mhrc/. To learn more about federal fair housing and equal access laws from HUD's Office of Fair Housing and Equal Opportunity, see www.hud.gov/offices/ftheo/.

Working with MaineHousing

MaineHousing is committed to providing excellent customer service to landlords and tenants, whether you work directly with MaineHousing staff or one of our program agents.

Many landlords have questions about inspections. To help your inspection(s) go as smoothly as possible, and to ensure that MaineHousing can continue to make payments without interruption, please consider the following:



Periodically inspect the units yourself, especially *before* we do our annual site visit. If repairs are needed you will be able to address them quickly and remain in compliance with federal Housing Quality Standards.



If you have a tenant who wants to move into another unit in the same building you must contact us to arrange for an inspection *before* the tenant moves.



For move-in inspections, some areas to pay particular attention to are:

- Electricity and water must be turned on.
- Appliances must be in the unit.
- GFCI outlets must be installed where necessary.
- Smoke and CO detectors must be properly installed and working.
- Furnace must have a recent service tag.

Landlords often ask about utility payments, and whether the cost of utilities must be included in the rent. Responsibility for paying heat, hot water, and electricity can be either with the landlord or with the tenant. Please let the tenant and MaineHousing know if you want to change the responsibility for these payments. Proper advance notification—at least 60 days—must be given to both, so let us know well in advance of the anticipated change.

If you have any questions or concerns, please feel free to call your agent or MaineHousing, as listed on the back of this newsletter.

Agents for the Housing Choice Voucher Program are:

for Aroostook County:

Aroostook County Action Program, Inc.
207/768-3023
207/764-3721 Voice/TTY
1-800-432-7881
Susan O'Clair
soclair@acap-me.org

for Androscoggin and Oxford Counties:

Avesta Housing
207/744-4046
1-800-521-6003
Judy Arsenault
jarsenault@avestahousing.org

for York and Cumberland counties:

Avesta Housing
207/282-0032
1-888-294-3551
1-800-339-6516 TTY/Voice
Laura Hebert
lhebert@avestahousing.org

for Kennebec, Lincoln, Franklin, Sagadahoc and Somerset counties:

Maine State Housing Authority
207/624-5789
1-866-357-4853
1-800-452-4603 TTY
Melinda Folsom
mfolsom@mainehousing.org

for Waldo, Knox, Piscataquis, and Penobscot counties:

Penquis Community Action Program
207/973-3500
207/973-3520 TTY
1-888-424-0151
Diane Dunham
ddunham@penquis.org

for Washington and Hancock Counties:

Washington-Hancock Community Action
207/664-2424
1-800-828-7544
1-800-339-9422 TTY
Lisa Remillard
lremillard@whcacap.org

MaineHousing does not discriminate on the basis of race, color, religion, sex, sexual orientation, national origin, ancestry, age, physical or mental disability, or familial status in the admission or access to, or treatment or employment in, its programs, and activities. 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: Mary Darling, Equal Access Coordinator, Maine State Housing Authority, 353 Water Street, Augusta, Maine 04330-4633, Telephone Number (207) 626-4600 or 1-800-452-4668 (voice), or 1-800-452-4603 (TTY).