

**JUNE
2017
NEWSLETTER**

smlamaine.com

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**SOUTHERN MAINE
LANDLORD ASSOCIATION**

**Recap of SMLA's Meeting
May 16, 2017**

Troy Moon, Sustainability Coordinator for the City of Portland, provided an update to members on the new recycling program.

Portland is transitioning to Recycling Carts vs the tubs Portland has now. They will distribute two sizes: 64 gallon or 96 gallon. The carts are free of charge!

The problem with the old tubs was when the wind blew, recycling material would fly all over the city.

The new system will provide worker safety with less of a chance for injury.

Cart distribution will begin in August and the program begins in September.

The city will educate the public how to use and recycle using the carts. Each cart will have an information packet.

One cart will be distributed for each unit.
2-4 units will have one 64 gallon per unit,
5-6 units = 3 each 96 gallon carts,
7-8 units = 4 each 96 gallon carts,
9-10 units = 5 each 96 gallon,
11+units TBD. If a larger cart is needed, give Troy a call.

The cost is approximately \$1million, plus the city has a grant for \$200k. This program will save taxpayers the cost to collect recyclables and greatly decrease litter in Portland! Website, seeclipclick.com? To report any problem.

For more information call Troy Moon 756-8362 or thm@portlandmaine.gov

Allison Citro-Cunningham and Casey Lancaster are the Tobacco Prevention Coordinators for Cumberland & York County. They provide free materials and offer resources and strategies for landlords for smoking policy. Both Cumberland County & York County have grants of up to \$1,000 per landlord, for landlords who want to go smoke-free.

Smoking is the leading cause of death and costs landlords 5-10% more to turnover a unit that smokers were in. Having smoke-free buildings and units is becoming the norm for rental buildings. Approximately 65% of rental buildings are smoke free and 8 out of 10 tenants are looking for smoke-free units.

Landlords by law, must state their smoking policy in their lease and have the tenant sign. Be specific! Is smoking allowed in front of the building? Is smoking allowed anywhere on the grounds? Be sure to take the time to include marijuana.

It's always a good idea for landlords, when advertising a vacancy, to state their smoking policy in the add. There are always more possible tenants looking for smoke-free housing, rather than housing that allows smoking!

For more information log on-to: smokefreeforme.org. You can order materials by clicking the "order free materials" tab. For the Cumberland County grant, please visit <http://portlandmaine.gov/CivicAlerts.aspx?AID=2536>. For the York County grant, please reach out to Casey Lancaster via phone or email (207)490-7854, // Crlancaster@smhc.org. Grants are limited.

Jim Carter of "Ants Plus" gave members an update on pest control.

Roaches have surged back and the mice population has exploded. Lewiston has huge problem with mice now. Mice reproduce every 40 days. Portland has a rat issue, which also reproduce in less than 60 days.

Ants Plus takes care of all commercial and residential issues. From trapping skunks, ground hogs, squirrels and tick control.

Check with your town if there is a "pesticide ordinance". So. Portland has an ordinance, in fact, due to the ordinance performing a treatment on exterior issues, will be such a burden he won't do them. Also if you live in So. Portland, you cannot put Grubex down yourself or you will be fined! Portland is looking into doing the same!

With bedbugs, Jim has a great success rate. Generally it takes only two treatments, as long as the tenant complies. Adult bug can live up to 500 days. The tenant must strip their bed, have everything off the floor and leave the unit for 3 hours.

Deer ticks are the primary tick that carries lime disease. Jim can google map your property and give you an estimate over the phone for treatment. May 15 to mid June is the largest hatch. You can get a tick in January or anytime of year! They are hardy! Do a spring and fall application. It's control not eradication. Ticks can be brought onto your property by turkeys, rodents etc.

See page 9 for Ants Plus discount for members! 207-319-8324

Members, Jim Carter from Ants Plus has submitted the following letter for Landlords to give to tenants. The letter is written to encourage tenants to prepare their unit for extermination.

Dear Resident:

On, _____ a representative of Ants plus Pest Control will be treating your unit for bed bugs. They will be entering around _____ a.m./p.m.

Your participation is encouraged for this inspection. If you are unable to be present for this inspection, you may have a person of appropriate age represent you in your absence.

Lastly, is attached a copy of the Bed Bug Preparation Checklist. This is a list of your responsibilities as a Tenant to prepare for treatment. If you are unprepared when the exterminator arrives, you will be charged a \$100.00 fee for the service. Also, please be aware that being unprepared for treatment is a violation of your Lease and could be a cause for eviction.

Thank you for your attention to this matter. If you have any questions, please call _____ during regular business hours of _____ a.m. to _____ p.m. Monday through Friday.

Sincerely,

Landlord

- **ADOPT A POLICY**
Put your smoke-free policy in writing. For examples of language and templates, visit: SmokeFreeforME.org/resources-landlord

- **DISCLOSE POLICY TO RESIDENTS**
Maine's secondhand smoke disclosure law requires property owners and managers to notify tenants, in writing, about where smoking is allowed, if anywhere, on the property.

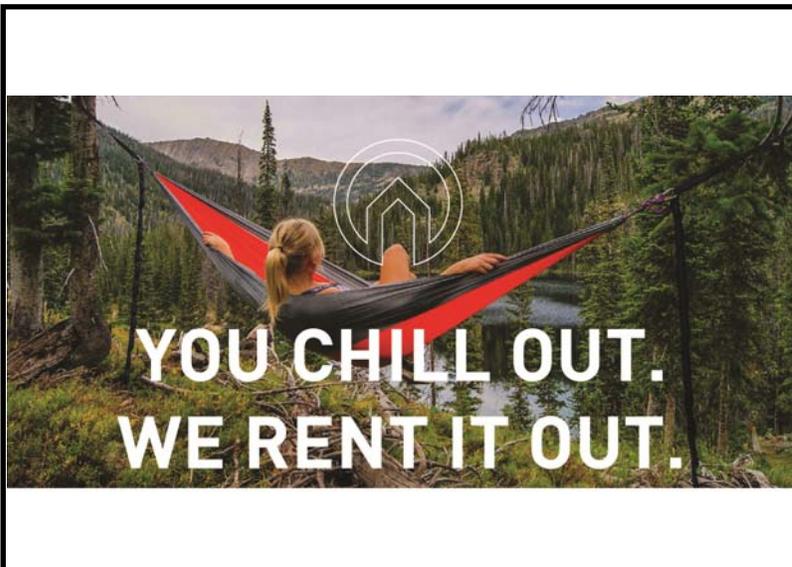
- **COMMUNICATE AND PROMOTE STATUS**
Educate residents on your policy, add signage to the building and promote your status to prospective residents through: www.MaineHousingSearch.org

Free materials including signage, keychains and magnets: SmokeFreeforME.org/order-free-materials

- **MONITOR STATUS**
Awareness and communication are keys to successful enforcement. Contact the Smoke-Free Housing Coalition for support.

Learn more at SmokeFreeforME.org

The Breathe Easy Coalition



**YOU CHILL OUT.
WE RENT IT OUT.**

Renting in a hot market may seem like a no brainer, but the truth is it's not. Finding and screening qualified tenants with a trusted rental history, that meet your requirements, takes time and care.

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207-475-6994

INFO@DOMAINE-REALESTATE.COM

DOMAINE-REALESTATE.COM



CHRIS LAVOIE
LEAD AGENT/FOUNDER



ETHAN MORTON
BUYER/RENTAL AGENT

**JUNE
2017
NEWSLETTER**

**SMLA'S NEXT
MEETING:**

**MONDAY
SEPTEMBER 18th**

At: The Italian
Heritage Center
40 Westland Ave.
(Behind Shaw's,
Outer Congress St.)
Portland, Maine

Free Parking

Social Hour
5:30 - 6:30 p.m.

Per IHC please do not
arrive before 5:30 p.m.

Cash Bar

Buffet Menu

Will be in
September's
Newsletter

Bread & Rolls
Dessert Tray
Coffee/Tea

Cost: \$30/pp, please regis-
ter by 5 p.m., Friday Sep-
tember 15. **\$5 fee waived!**

Southern Maine Landlord Association

CLARK INSURANCE TIP

Even though you might not believe it, we WILL have some warmer weather sometime this summer and your tenants are going to want to try and stay cool with fans and air conditioners. Now is a good time to remind them about safe operation of these appliances.

- Avoid operating fans or AC window units with extension cords. Overheating of the cords and resulting fire danger is possible when doing so.
- As tempting as it may be to do so, do not leave these appliances running when nobody is in the unit. Shut it off when you leave and turn it on when you return.
- Be sure AC window units are securely installed in windows, preferably NOT over areas where there is foot traffic below. Be sure fans are kept away from curtains or other fabrics that could be sucked into the blades.
- And last, read and follow manufacturer's instructions regarding these and ALL appliances.

Stay safely cool, my friends!



Bill Exley
207-523-2263
wexley@
clarkinsurance.com

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ATTORNEY AT LAW

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PORTLAND, ME 04112-7046
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FAX: 207-774-3965

EMAIL: kpierce@monaghanleahy.com

Howe Safety Services

Fire Safety and Code Consultant

75 B Street, Unit B
South Portland, ME 04106-2879

Arthur Howe III
President

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howe2befiresafe@gmail.com

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2 Properties For Sale

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Price: \$349,000

Price: \$144,000

184 Bartlett Street, Lewiston, ME - 9 Units

275 Bates Street, Lewiston, ME - 6 Units

55 Lot Mobile Home Park



Price: \$1,250,000 - Location: Houlton, ME

Call (207) 553-2000 EXT 213 For Information.



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\$5 OFF

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22 SHERMAN STREET, INTOWN 6-UNIT



OFFERED AT \$550,000

**8 Offers after 2 days
of showings!**

“Vital Ideas” Rent Control Referendum Looms

So if you haven't heard, there is an organized movement actively working to put RENT CONTROL on the November ballot in Portland. The group is currently holding events, raising money, and the final proposed ordinance is being reviewed by an attorney (according to their website). Here is an excerpt from their website (<https://fairrentportland.org>) about their intentions:

In most years, landlords may only increase the rent once a year according to the rate of inflation (local CPI). If the city increases property taxes or municipal utility rates change, the tenant/landlord board will establish rental increases to cover a substantial fraction of these expenses.

If a landlord makes a necessary im-

provement to a property (installing a new water heater or more insulation), but the costs cannot be recouped based on the current rental price, they may apply for an exception from the tenant/landlord board. In nearly all instances, these increases can only amount to 10% of the current rent.

The final language has not been determined and there may be some strategic exemptions in the final draft in an effort to decrease opposition. Whatever the final language, the SMLA supports the rights of housing providers to manage their properties in the context of the free market. Our properties are not a public utility. We do not ask for public subsidies when the rental market declines. The vast majority of us treat our tenants fairly and with respect.

There are many reasons that the experts believe that rental control is not the

way out of a housing crisis. There are so many compelling reasons in fact, that the Portland City Council, all of them Democrats, decided against implementing any form of rent control in their nearly year-long examination of the tight housing market. Their clear conclusion was that it doesn't work and is actually counterproductive.

Whatever your reasons for opposing rent control, we are going to need your help! This is likely going to be a big public issue with big dollars spent by Fair Rent Portland. Every landlord should be prepared to give of their time and money to oppose this misguided effort. The SMLA is already preparing and will be calling on you very soon. Stay tuned...Brit



Brit Vitalius
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SOPO SECURITY ORDINANCE

The City of South Portland has decided to implement the Housing Security Ordinance under their code of ordinances. In my opinion this ordinance is political cover because our landlord association was successful in beating back the egregious proposals of rent control and landlord regulation proposed by Pine Tree Legal. As far as I know, there has been only one complaint to the City Council of "landlord abuse" and that complaint came from Chris Kessler, who is the leader (and only member) of the South Portland Tenants Association. To my knowledge landlord abuse simply does not exist in South Portland.

Be that as it may, the Affordable Housing Committee has been tasked with implementing the South Portland Housing Security Ordinance which, by the way, was thrust upon our committee by the City Council and staff and was not created as a result of consensus among committee members. The short story is this will be implemented probably by November by the City Council. The proposed ordinance is currently in committee. We, as landlords, may have a chance to make some small changes on how this ordinance affects a landlord's business practices.

One example of a possible small change is as follows. The ordinance, in its current form, requires a landlord to present a new disclosure, entitled "A Tenant's Housing Rights," to each tenant. The landlord is restricted to providing this disclosure via certified mail as proof of complying with the ordinance. We should try to expand this to also include using DocuSign, hand-delivered documentation, e-mailed confirmation, etcetera, and not limit this to certified mail only. This would be an example of how we could make a small change in the ordinance to streamline our business practice. As the ordinance is written right now, if we don't send this document via certified mail we would be subject to a \$500 fine.

We have to accept that South Portland will be adopting some form of this ordinance, following Portland's lead. All we can hope for is to alter this ordinance while it is still in committee to make the requirements of the ordinance less burdensome on landlords. The next committee meeting is June 6th at 7:00 at South Portland City Hall. There is always time made available for public comment and, as we have learned in the past, voices from many landlords can alter public policy.

Stay informed and get involved. For more info. contact: Mike Duvernay 233-5949.

MAOMA LEGISLATION UPDATE

All MAOMA members will now be receiving individual group's newsletters. You will not have to go looking. They will be emailed to you thru your local group. Bangor and Portland have excellent newsletters. Sharing information will hopefully have benefits for all our members in areas of Bangor, Bath-Brunswick, Farmington, Portland, and Rumford.

Our Legislative Committee has been meeting monthly with Lobbyist Dan Bernier. Again I can say all bills we are involved with have moved in a positive direction for landlords.

LD 136 "Additional reasons landlords can use 7 day evictions". We supported. Out of committee. Voted Ought to Pass.

LD 198 "Protection for Landlords from damage by tenant's therapy animals." We supported. Enacted.

LD 441 "More regulation when working where lead paint may be presents." We opposed. Dead. No new Maine regulations. All federal EPA regulations remain same.

LD 1239 "Maine Human Rights Commission seeking more power and funding." We opposed. Bill has been amended removing wording that would give commission more power. No final outcome. **Peter Flaherty-President MAOMA 207-841-2756**



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SMLA

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

"43 YEARS - SMLA PROMOTING RESPONSIBLE HOUSING MANAGEMENT AND OWNERSHIP"

Reproduction of this newsletter, in whole or in part, for other than your own use, without authorization of SMLA, is prohibited.

Lead \$

Maine Housing and City of Portland has funds for lead abatement!

The poison level in Maine has dropped from 20, to a level of 5!

Anyone who sells a property that has a high level and does not inform the new owner will be fined as well.

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

Portland Lead \$

www.portlandmaine.gov/1006/Loan-Programs. Then, click: Portland Lead-Safe Housing Program.

Portland FREE RRP Training
Call Colleen Hennessy
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: smoke-freeforme.com or call 874-8774.



Forcible Entry & Detainer Dates

Portland:

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

**July 6 & 20
August 10 & 24
September 7 & 21**

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

Biddeford:

All at 8:30 a.m.

**July 7 & 21
August 11 & 25
September 8 & 22**

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

Have You Registered Your units?

Per a new Portland Ordinance (Chapter 6, Article 5, Sec 6-151), All Rental Units in Portland, Maine must now be registered with the City of Portland and pay a fee by February 1, 2016. Failure to do so may result in a fine of \$100/day.

The office location is Housing Safety, Room 315 , City Hall, 389 Congress Street, Portland, ME 04101. Phone is 207-756-8131. Registration deadline is January 1, 2016.

Office hours are 9-4 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

**ENDED
MAY 15**

Radon

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

Northeast Lab at: 999 Forest Ave., Portland 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

New: Drop box at 347 Main St., Gorham. In hall of Focus Property Inspections

NOTICES OF TERMINATION & NOTICES TO QUIT

My last article focused on naming all co-tenants on notices of termination and notices to quit. As I indicated, not naming all co-tenants on the notice is a frequent mistake that I see landlord's making. Well we know that all co-tenants must be given a notice and be named on the notice, but what about the form of the notice? The form of notices to quit for nonpayment of rent for tenants at will and tenants under a lease are different.

In the case of a lease, the landlord or the landlord's attorney must draft a notice that effectively incorporates the termination language of the lease. A lot of leases do have 7 day notice provisions for nonpayment of rent. However, there is no controlling statute which requires leases to have a certain specified timeframe. You can have a notice provision that provides for a shorter timeframe. 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.

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 or even being able to serve the nonpayment notice the day after the due date. It all depends on how the termination language defines the timeframes.

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.

In the case on nonpayment of rent for tenants at will, the timing, form and service of the notice are all governed by statute at Title 14 M.R.S.A. § 6002. In the case of a tenant at will, you cannot serve a tenant until the tenant is 7 days or more in arrears in the payment of rent. What does that mean as a matter of practice? If the rent is due on the first day of the month, the tenant has all day on the first to pay.

Thus, the 7 day countdown starts on the second day of the month and expires on the eighth of the month. Accordingly, you can first serve a tenant at will on the ninth of the month. Tenants at will must be served with a 7 day notice of termination and notice to quit that contains certain statutory language.

Title 14 M.R.S.A. § 6002 states "If a tenant who is 7 days or more in arrears in the payment of rent pays the full amount of rent due before the expiration of the 7-day notice in writing, that notice is void. Thereafter, in all residential tenancies at will, if the tenant pays all rental arrears, all rent due as of the date of payment and any filing fees and service of process fees actually expended by the landlord before the issuance of the writ of possession as provided by section 6005, then the tenancy must be reinstated and no writ of possession may issue." The notice must contain the following language:

- **If you pay the amount of rent due as of the date of this notice before this notice expires, then this notice as it applies to rent arrearage is void.**
- **After this notice expires, if you pay all rental arrears, all rent due as of the date of payment and any filing fees and service of process fees actually paid by the landlord before**

the writ of possession issues at the completion of the eviction process, then your tenancy will be reinstated.

Now that we know the timing and form of the notice, we have to serve it properly. Title 14 M.R.S.A. § 6002 provides that notices in reference to tenancies-at-will must be served in hand or, 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 you actually serve the tenant in hand, there is no mailing requirement. However, if you do have to post it or slide it under the door after 3 good faith attempts, you must also mail a copy to the tenant at the property address.

If you have any questions regarding non-payment of rent notices under a lease or for tenancies at will or any other landlord-tenant issue, feel free to contact me.



David P. Chamberlain, Esq.,
represents only landlords and
can be reached at:
70 India Street,
Portland, ME 04112-0066
Tel.# (207) 775-0060, cell 650-5640
dchamberlain@dpclawoffice.com



CONGRATULATIONS TO:

Mike Duvernay

Who won a \$25 gift card
to Home Depot

**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
878-0901
Jim Harmon, Priscilla Dunn
& Mat Leighton

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**SMLA NEWSLETTER
ADVERTISING
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Full page \$150/m

1/2 page \$ 90/m

1/4 page \$ 55/m

Business Card \$35/m

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get a 10th month free.
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month & ads are pre-paid.

Call 883-8016 for more
information.



SMLA

Upcoming SMLA Meetings

June, July & August no meetings, have a great summer!

September 18, 2017, MONDAY NOT TUESDAY!

REMINDER to please RENEW your membership before the meeting! Thank you!

The Portland Landlord Class – The Essentials and the Insider Tips. The kickoff meeting for the 2017-2018 is a 2 part seminar. The first section is a trimmed down revival of our “Back to Basics” class, covering all the MUST KNOW aspects of residential rentals, including all required Maine forms, fair housing issues, and an update on new local ordinances. The second half will be fun as top local landlords share the tips and tricks they have learned over the years. This event is going to be a huge kickoff to our season and a great way to introduce people to the SMLA. We’re anticipating over 100 attendees.

You will receive another newsletter before the September 18th meeting with more details.

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 *NEW

*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
Maine Backflow Prevention, Nick Derrig, 10% off, 317-0901

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****



P.O. Box 3115, Portland, Maine 04104
Return Service Requested

PLEASE NOTE DATE CHANGE TO MONDAY NIGHT SEPTEMBER 18!!

Next Meeting:

SEPTEMBER 2017

18

MONDAY

Meeting will be held at: The Italian Heritage Center, 40 Westland Ave., Portland.
Located behind Shaw's, 1364 Congress St., Portland. See page 3 for more information.

Please invite other landlords to join our organization and meetings! If you're not already a member, please consider joining SMLA online at www.smlamaine.com. We need your support!

Not only do we host educational events, produce a monthly landlord newsletter and get great local discounts, we also advocate strongly for landlords at the state and local level. Our volunteers are following the Portland/South Portland discussions on rent control and "housing crisis" proposals.

A %d of your membership dues goes to Maine Apartment Owners & Managers Association (MAOMA) for lobbying efforts in the Maine State Legislature, to keep landlord-tenant laws fair and balanced.

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!