



P.O. Box 2901 • Augusta, ME • 04338-2901

FEBRUARY 2008 NEWSLETTER

CAPITAL AREA HOUSING ASSOCIATION
"LANDLORDS WORKING TOGETHER"

OFFICERS & BOARD OF DIRECTORS LISTING

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CAHA Website
www.caha4u.org

PRESIDENT'S MESSAGE

Well members, we are getting ready for a change of officers and add to our Board of Directors.

It is too bad that it's always the same ones who volunteer their time to help out with all the new and young blood we are getting. It would be nice to get new help and opinions from other members.

If you are interested in becoming an officer or director contact an officer or director of CAHA.

The oil committee is gearing up for this year's oil prices and supplier. So anyone interested in serving on this committee contact Bob Gilbert.

Don't forget the annual banquet to be held on February 12, 2008 at the Calumet Club in Augusta. Social will be 5:30 to 6:30 p.m.

Our next meeting will be held March 11, 2008. We'll be going over the bylaws with the proposal changes. Only one printing of bylaws will be sent to members with our newsletter. So one wishing to follow along should bring their bylaws along on this evening.



I'm not a person with many words, but I do wish everyone a prosperous year.

Tiny Bechard

Note: There will be a slight delay in the consideration of the by-laws. Our lawyer, Eric Dick, has made us aware of a few changes that need to be made before we send the proposed revision out to the membership. The board will be addressing Eric's recommendations soon. We hope to have the revised by-laws out for your consideration in the near future. Stay tuned.



Tiny Bechard
President

UPCOMING MEETING:

FEBRUARY 12, 2008
CALUMET CLUB
DOORS OPEN @ 5:30 P.M.

NEXT MEETING:

MARCH 11, 2008 ~ 7:00 P.M.
K.V. FEDERAL CREDIT UNION

ASK THE LAWYER

Code violations, agents & owners



Q. I live in Florida in the winter. My son rents my apartments, collects the rent and does basic maintenance until I return in the spring, but my son does not own the apartments. Recently my son was served with notice of a code violation in one of the apartments. Can the City serve my son with the notice instead of me as the owner?

A. Agency: Title 14 §6023.

Yes. State law provides that any person who has authority to enter into a residential rental agreement on behalf of an owner is deemed to be the owner's agent for the purpose of receiving service of process, notices and demands. Since the son is authorized to enter into a rental agreement on behalf of the true owner, the son is deemed to be an agent of the owner and service of the code violation upon the son is just as valid as service upon the owner.

Just as importantly, landlords who rely on others to act as their agent should understand that they are bound to the agreements made by the agent on behalf of the owner within the scope of the agent's authority. In the question presented, the son rents the apartment and collects rent on behalf of the owner. If the son were to waive a security deposit or a month's rent for a tenant down on their luck, the waiver would be binding on the owner even if the owner would not have agreed to such a waiver.

“...landlords who rely on others to act as their agent should understand that they are bound to the agreements made by the agent on behalf of the owner...”

The owner will also be personally bound to any contract entered into by the son for maintenance services for the apartment where the son has actual or apparent authority to act as the owner's agent concerning maintenance issues. The agent will not be personally liable on the contract so long as the agent clearly discloses the fact he is acting on behalf of the owner, and not on behalf of himself. Nonetheless, the son could be subject to service of process in a lawsuit directed against the owner by the contractor or others who seek to commence an action involving the apartments for which the son acts as agent.

Obviously an agent must promptly inform the owner of any service of process. Otherwise, the owner's failure to timely respond to a lawsuit could result in a valid default judgment against the owner even though the owner was never personally served.

This owner also inquires whether he can evict the tenant that reported the code violation to the City. Next month I will address the “presumption of retaliation” that will arise in such an eviction.

Disclaimer: For general information of CAHA members; not intended as legal advice. Consult a lawyer for your specific situation © 2007 Eric S. Dick, Esq., Augusta, Maine (207) 622-5872.

Minutes of Executive Committee Meeting
Capital Area Housing Association (CAHA)
Held at KVFCU ~ December 18, 2007

President Tiny Bechard called the meeting to order at 5:45pm, with the following Officers and Board members present:

Vice President & Board Member, Harold Booth
Treasurer & Board Member, Ratna Don
Secretary, Louise Hinkley
Board Member, Ramona Venskus
Board Member, Don Gilbert

Harold announced that John Gwazdosky has resigned from the CAHA Board. As requested, Ratna will remove his name, photo and phone number from the website.

Ratna passed around a letter from Chief McKenney re evictions and problems with landlords trying to do their own evictions. It was suggested that we have Chief McKenney come speak at one of our meetings. Ratna also announced that about 150 members had renewed for 2008 so far.

The Copy Center printed and mailed the last newsletter for less than \$300. PagesPlus in Waterville has offered to do set-up for us for \$75 per month. This was approved, and Harold will contact them, and the rest of the Board, with details for submitting material. It was agreed that the next newsletter should go be ready the last week of December, and should include the Annual Meeting registration form again.

For the Annual Meeting, Ramona had contacted Gary Crocker, Maine humorist. He is available, and although normally charges \$1500, agreed to provide entertainment at the Annual Banquet for \$500. Approved, so Ramona will confirm with him. Tiny will confirm the menu with the Calumet Club. Ramona had sent the letters to vendors, and we will need to follow up in January about soliciting door prizes.

Louise will contact Eric Dick about the corporate stamp and about reviewing the proposed bylaws amendments.

Don Gilbert announced that, due to personal reasons, he will not be running for the Board in February. Tiny will automatically stay on the Board, ex-officio as Past President. We need to elect two people for 2-year terms and two for 1-year terms.

Don Gilbert announced that Don Gasink has agreed to serve as the Oil Committee Chair again. Besides the price, they will be addressing customer service issues, contracts, automatic delivery and member verification.

Meeting adjourned at 7:00 PM.

Respectfully submitted,

Louise Hinkley
Secretary

Minutes of Regular Meeting
Capital Area Housing Association (CAHA)
Held at KV Federal Credit Union ~ January 8, 2008

Vice President Harold Booth opened the meeting at 7:00. He announced that we are still working out the best procedures with the new printer for the newsletter. Feedback is welcome. He then introduced the guest speaker, Amy Olfene from the Smoke-Free Housing Coalition.

Ms. Olfene presented statistics showing that smoking, and second-hand smoke, are deadly. There are 7 deaths per day in Maine related to smoking, with one of those due to second-hand smoke. Besides medical problems, tobacco smoke also causes extra costs in housing units, including odors, fire hazards, residue on walls, damage from burns in carpet or counters, as well as general appearance. It costs up to six times more to clean and prepare a smoking unit for new tenants as it does for a non-smoking apartment. Making units/buildings non-smoking is absolutely legal, and could also save on insurance costs (Ms. Olfene suggests contacting Travelers or Concord Insurance about discounts for non-smoking units). 78% of tenants prefer non-smoking buildings, and tenants with asthma or chronic pulmonary disease can request accommodation under the Americans with Disabilities Act. If the no smoking policy is included in the lease, then smoking by those tenants and/or their guests is an evictable offense. Signs, refrigerator magnets and key chains are available, for free, from the Coalition (e-mail amy@smokefreeforme.org), and more details and tips for implementing and/or enforcing a no smoking policy are available on the website at www.smokefreeforme.org.

Ratna Don distributed the Treasurer's report, which showed income and expenses from December 12th, 2007 to January 8th, 2008, and indicated a total balance of \$37,063.25 (\$12,258.38 of which is in a CD). In addition CAHA has a \$10,000 bond. There are currently 582 CAHA members. 320 members have paid dues for 2008. Treasurer's report was accepted as presented. Because of problems getting the newsletter out, Louise read the minutes of the December 11th meeting. Ramona Venskus moved, Rick Gilbert seconded, to approve the minutes as read. Motion passed.

The next meeting will be the Annual Meeting/Banquet at the Calumet Club on February 12th. Social hour at 5:30, dinner at 6:30. Entertainment provided by humorist Gary Crocker. New Board members will be elected. Assistance in soliciting door prizes would be appreciated, and let Ramona Venskus know so we don't duplicate.

Thomas Hair, with SJSA Housing LLC, introduced himself, and let it be known that his company is interested in buying rental properties in the Augusta area.

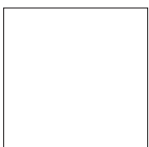
Sign in sheet indicated 16 members attending, with 256 units, and 11 vacancies.

Meeting adjourned at 7:35 pm.

Respectfully submitted,

Louise Hinkley,
Secretary

<p>Bob Philbrick Well Drilling 623-8603 <i>rephilbrick@yahoo.com</i> 10% off pumps & wells (contractor prices) "Maine's largest installer & designer of geothermal systems."</p>	<p>On Top, Inc. 622-7037 or 622-7376 75 Court St., Augusta, ME Screen printing & embroidery services. 10% discount from normal wholesale price</p>	<p>Agren Appliance 622-2244 <i>eseiler@agrenappliance.com</i> 5% off HDTVs • Appliance package discount • 10-year major comp. warranty on \$299+ applicancess <i>agrenappliance.com</i></p>	<p>Webber Energy Fuels 623-4747 or (800) 281-3061 Generous heating oil & propane discounts. Discounted labor rates for service & installation <i>webberenergy.com</i></p>
<p>Yankee Hearth & Home/ Lambert Propane Service 582-1597 <i>info@yankeestoveandfireplace.com</i> 10% off space/water heating <i>www.yankeestoveandfireplace.com</i></p>	<p>Sherwin Williams Paint + Paint Supplies 622-6818 <i>sws736@sherwin.com</i> generous discount (average of 15%)</p>	<p>Winslow Aluminum Inc. Vassalboro, ME (800) 924-0412 <i>winslowaluminum@yahoo.com</i> 30% off list price of replacement windows</p>	<p>Tim Dennett + Co. 242-8499 <i>timdtcco@aol.com</i> Home & apartment maintenance, both inside and out 10% discount on materials</p>
<p>R&R Property Management Home & Apartment Maintenance/Remodeling Snow Plowing & Sanding 485-1237 <i>rjordan@rrpropertymanagement.biz</i> 10% discount on labor</p>	<p>Farris, Foley + Dick P.A. 622-5872 <i>ffalaw@gwi.net</i> \$25 off regular hourly rate on LL/Tenant matters</p>	<p>Newcomer Relocation Services "Upscale Rentals" Phone/Fax: 622-4312 – Cell: 446-4312 <i>ramona@NewcomerRelocation.com</i> <i>www.NewcomerRelocation.com</i> No application fee for CAHA members</p>	<p>This space and many others available! Make your services known to over 500 CAHA members!</p>



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