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SEPTEMBER 2009 NEWSLETTER

CAPITAL AREA HOUSING ASSOCIATION

“LANDLORDS WORKING TOGETHER”

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PRESIDENT'S MESSAGE

As I write this [mid July], it's high summer, and my heating system is taking a break – apart from the work necessary to supply me with hot water.

I've just called J&S Oil, and they're delighted with the response they've had from CAHA members, with many of you

signing-up. As I've said many times, CAHA's ability to 'deliver the goods' – in this case, our membership's business – is the incentive we offer to the oil dealers in exchange for their good offer[s]. The more enticing our membership, the better the offers are likely to be.

I'm working on having someone from J&S Oil do a presentation at our October meeting [10-13] – just in time for the heating season. The details are still being worked out, so stay tuned . . .

I'm distressed to hear stories of some CAHA members using their discount at J&S to also buy oil for family members. Remember that the CAHA oil price is for CAHA members to use for their apartments and personal home only. Especially with there being a limited number of gallons set aside for the CAHA pre-buy, having family members take advantage of the CAHA price is not fair to other CAHA members.

In May, Darryl Arnold and Nick Parker from Liberty Mutual gave a very interesting presentation to those of us present at our gathering [there wasn't a quorum, so there was no 'meeting'], answering many questions. CAHA has signed an agreement with Liberty enabling them to offer us a discount. The last time I reported on their presentation, in the June newsletter, details of the discount they could offer CAHA members were still being worked out. That has now been done, and I'm delighted to report that all reports



Harold Booth
President



Liberty Mutual

PRESIDENT'S MESSAGE, continued on page 2

NEXT MEETING:

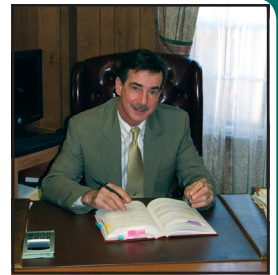
SEPTEMBER 8, 2009 • 7 – 8:30 P.M.
K.V. FEDERAL CREDIT UNION
MAINE HOUSING PRESENTATION

UPCOMING MEETING:

OCTOBER 13, 2009 • 7 – 8:30 P.M.
K.V. FEDERAL CREDIT UNION
J&S OIL PRESENTATION

ASK THE LAWYER

FAIR HOUSING TESTS AND MAINE HUMAN RIGHTS COMPLAINTS



Disclaimer: For general information of CAHA members; not intended as legal advice. Consult a lawyer for your specific situation
© 2009 Eric S. Dick, Esq.,
Augusta, Maine (207) 622-5872.

It was a difficult summer this year for our membership, as well as for most everyone else. Two months of nearly continuous rain hampered efforts to complete those outdoor seasonal maintenance projects. The poor economy further dampened the efforts of landlords and rental agents to keep their units filled with paying tenants.

Life was further complicated for a number of landlords and rental agents who found themselves named as defendants in housing complaints filed with the Maine Human Rights Commission and HUD in connection with another round of fair housing testing.

Periodically, the U.S. Department of Housing and Urban Development provides grant funding to train “testers” who use assumed names and contact local landlords and rental agents to make inquiry about available residential rentals. The testers are trained to identify conduct that may constitute unlawful housing discrimination. Sometimes the testers work in teams to establish disparity of treatment between one tester, for instance who may have children, and another tester who explicitly states that she has no children in the course of making inquiry about an available rental. Alleged violations are made subject of a complaint filed with the Maine Human Rights Commission, and a companion complaint may be filed at the federal level through HUD.

Notwithstanding that Maine State law is more expansive than federal law, most landlords understand it is unlawful to make written or oral inquiry regarding the race, color, sex, sexual orientation, physical or mental disability, religion, ancestry, national origin or familial status of a prospective

tenant. It is also unlawful to refuse to show or rent a residential unit, or to treat any tenant or prospective tenant differently on account of any of these protected class characteristics. Too often, what are seemingly benign inquiries of the landlord or rental agent cross the line and constitute a technical violation that will result in the landlord or agent being served with an unlawful housing discrimination complaint.

Did you know that you cannot ask for the number or ages of children in a household that wishes to rent from you? You may only inquire about the number of “persons”. Did you know that you cannot request a photograph with an application since it could identify an applicant’s ancestry, race, national origin or potentially their sexual orientation?

This year’s testing program was coordinated through Pine Tree Legal, whose attorneys also prosecuted the complaints, some of which are ongoing. Most complaints alleging technical violations are resolved through execution of a settlement agreement whereby the defendant agrees to accept education on the legal requirements and prohibitions, and to modify their practices consistent with the fair housing laws. The more blatant cases may well result in a preliminary finding by the Maine Human Rights

ASK THE LAWYER, continued on page 3

PRESIDENT’S MESSAGE, continued from front

I’ve heard – and my own experience – indicates that they are able to offer us significant savings on insurance. We will have Darryl and/or Nick back this fall – probably at the November meeting [11-10] – to present that program. If you don’t want to wait, you can contact Nick [nicholas.parker@libertymutual.com cell: 333-0736] or Darryl [darryl.arnold@libertymutual.com cell: 314-6560] for a quotation.

In the May and June newsletters, I mentioned a program that MaineHousing was going to present at the Civic Center in late June, describing a new program to establish a website for all vacant housing units in the State of Maine. I, and a number of other CAHA members, attended that presentation, finding it very informative. We have scheduled a presentation by Doug Barley of MaineHousing [and son of our own Stefanie Barley, and husband of board member, Venita Barley] for the Sept. 8th meeting. The new web-site looks like a wonderful resource for matching landlords and tenants.

If you’ve been paying attention, you’ve noticed that I’ve just laid out our ‘program schedule’ for fall: September

– MaineHousing, October – J&S oil, November – Liberty Mutual.

For December, we will present candidates for the Board – the election is at our annual meeting in February – but we want to give you a good opportunity to meet the candidates. With that in mind, we are currently looking for people who are interested in running. The position doesn’t pay anything, but you have the opportunity to help shape the direction CAHA takes, and our board meetings take place at local restaurants, with CAHA picking up the tab.

I’m approaching the end of my second year as president of CAHA, as well as the end of a two-year board position. At this point, I’m not planning on another term as president, so I’ll just have another year as ‘past president’ on the board. There are four board positions that are up for election, so if you’re interested, please make that interest known ASAP. Just contact any of the board members [we’re listed on the ‘Masthead’ at the left]. We welcome your participation.

Hal Booth

**Minutes of Regular Meeting
Capital Area Housing Association (CAHA)
Held at KF Federal Credit Union
June 9, 2009**

Vice-President Charlie Anderson opened the meeting at 7:05 p.m. It was established that a quorum was present.

The meeting began with the business portion. Motion was made by Stefanie Barley, and seconded by Ratna Don, to approve the minutes of April 28, 2009 with the following changes: Minutes of Regular Meeting changed to Minutes of Board Meeting and Hatties changed to Hatties ~ and to approve the May 12, 2009 minutes as written in the newsletter.

Motion was made by Stefanie Barley, and seconded by Ratna Don to amend the April 14, 2009 minutes with the following changes: April 15, 2009 to April 14, 2009 and Darren Mayer to Darren Matthews.

Emmy Swanton distributed the Treasurers report, which showed a total balance of \$37,606.36. (\$22,492.54 of which is in a CD). In addition CAHA has a \$10,000 bond. Motion was made by Roger Kilgon, and seconded by Stefanie Barley, to approve the Treasurers report. The Treasurers report was accepted as presented.

Charlie presented an item regarding the Maine Housing Authoritys Free Forum for Landlords to be held at the Augusta Civic Center on June 24, 2009 from 9:00 a.m. to 12:30 p.m. Stefanie circulated the program amongst the CAHA members.

Charlie also reported that the Oil Committee recommended J&S Oil. A long discussion followed. Darren Matthews, Consultant for the Oil Committee, answered questions concerning prebuy, budget plan, automatic delivery, the service rates and discounted service contract coverage, and informed the CAHA members that J&S was flexible with deliveries. Donald Gasink, Esq., Chairman of the Oil Committee, stressed the ability of J&S to be able to e-mail the CAHA membership and that the CAHA members, as a whole, should switch to the winning bidder and not be tempted by non-winning suitors, else the bidding process would be rendered sterile and we would eventually have no group buying power.

Motion was made by Roger Kilgon, and seconded by Stefanie Barley, that CAHA endorse the approval of J&S Oil as the preferred oil dealer for the 2009-2010 season. Motion passed with only 1 dissenting vote.

Sign in sheet indicated 21 members attended. Shawn Kimball won the \$25 door prize.

Meeting adjourned at 8:10 p.m

Respectfully submitted by
Barbara A. Eckhardt, Secretary

**Minutes of Board Meeting
Capital Area Housing Association (CAHA)
Held at Lucky Garden Restaurant,
Hallowell
May 26, 2009**

After a social time, President Harold Booth called the meeting to order at 5:40 p.m. with the following present:

*Vice President & Board member, Charlie Anderson
Secretary & Board member, Barbara Eckhardt
Treasurer & Board member, Emmy Swanton
Board Member, Stefanie Barley
Board Member, Ratna Don
Board Member, Ramona Venskus
Board Member, Venita Barley &*

Guest: Oil Committee Consultant, Darren Matthews

Motion made by Ramona Venskus, and seconded by Stefanie Barley, to extend Darren Matthews' consulting time to five additional hours. Motion passed unanimously. Charlie Anderson then led the members in a long discussion concerning the proposals the Oil Committee received from interested oil vendors, and noted that the recommended vendor would be invited to come speak at the June member meeting.

Motion made by Stefanie Barley, and seconded by Charlie Anderson, to approve the minutes for the April 28, 2009 Board Meeting held at Hatties Chowder House, Hallowell. Motion passed unanimously.

Motion made by Charlie Anderson, and seconded by Venita Barley, to approve the minutes for the May 12, 2009 Special Board Meeting held at KV Federal Credit Union, Augusta. Motion passed unanimously.

Motion made by Stefanie Barley, and seconded by Venita Barley, for the Board to authorize Emmy Swanton to establish a checking account with the Maine State Credit Union if CAHA qualifies for advantage checking. Motion passed unanimously. Meeting adjourned at 7:55 p.m.

Respectfully submitted by,
Barbara Eckhardt, Secretary

ASK THE LAWYER, *continued from page 2*

Commission that there is reasonable cause to believe that unlawful housing discrimination took place, and such a finding will thereafter serve as the basis of a lawsuit in State Superior Court, or potentially, Federal Court.

A case that is prosecuted to a conclusion can result in significant financial penalties if the landlord or agent is found by the court to have intentionally engaged in discriminatory practices. Even where the landlord or agent prevails in court, the defense costs will run many thousands of dollars. Even

worse, neither an adverse award, nor defense costs are generally covered by insurance.

Landlords and rental agents should familiarize themselves with the finer points of what types of inquiry are permitted, and those that are not. A succinct "Housing Applicant Inquiry Guide" as well as other materials can be located on the website for the Maine Human Rights Commission at www.maine.gov/mhrc. Landlords and agents must also exercise care in every contact with prospective tenants - they may not be who they say they are.



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