



NOVEMBER 2009 NEWSLETTER

CAPITAL AREA HOUSING ASSOCIATION “LANDLORDS WORKING TOGETHER”

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PRESIDENT'S MESSAGE



Liberty Mutual to present Nov. 10

The featured speakers for the November meeting [Nov. 10] will be representatives of Liberty Mutual Insurance Company. They gave a very interesting presentation on Insurance last spring. At that time, the company was still working out the details of a discount insurance program for CAHA members.

That program has now been finalized, and a significant number of board members - me included - have switched our insurance to Liberty Mutual to take advantage of the savings offered.

With that in mind, we have arranged for a return visit so that more CAHA members can find out about the benefits of this group-discount program. In addition, the presentation last spring provided valuable information about some of the less appreciated - but still important - details about insurance.

New smoke detector and CO detector laws

In his last Ask the Lawyer column, Eric Dick addressed the new laws about smoke detectors and carbon monoxide [CO] detectors. These laws are a significant departure from the laws as they have been.

The new laws are 25 M.R.S.A. §2464 ss 10, and 25 M.R.S.A. §2468 ss 6 - one dealing with smoke detectors, one with carbon monoxide. There does NOT seem to be any provision for 'grandfathering' with regard to rental properties, and some rental properties previously exempt from the provisions no longer are.

There is up to a \$500 fine for violations, so it behooves us to pay attention. Significant provisions are that the detector[s] must be powered by house wiring, with a back-up battery, and that the smoke detector must be the photo-electric type if it is located within 20 feet of a kitchen or a bathroom containing a tub or shower.

There are a number of combination units for both fire and CO. The thing you need to pay attention to is the TYPE of fire-detection provided. A lot of the combination units use ionization, rather than photo-electric, for their fire detection. That's fine as long as it's MORE THAN 20 feet away from a bathroom or kitchen. Otherwise you need the photo-electric type.

After searching on-line - without success - for a unit that incorporated all of my needs: AC-powered with battery back-up, photo-electric fire, and CO, I finally called a manufacturer and got a model number. First Alert model SC7010B met all my requirements. It wasn't



Harold Booth
President

PRESIDENT'S MESSAGE, continued on page 3.

NEXT MEETING:

NOVEMBER 10, 2009 • 7 - 8:30 P.M.
K.V. FEDERAL CREDIT UNION
LIBERTY MUTUAL INSURANCE COMPANY

UPCOMING MEETING:

DECEMBER 8, 2009 • 7 - 8:30 P.M.
K.V. FEDERAL CREDIT UNION
GENERAL BUSINESS TO BE DISCUSSED

ASK THE LAWYER

NEW LAW AFFECTS EQUIPMENT USED FOR SOLAR CLOTHES DRYING

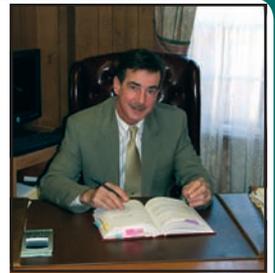
A new law became effective September 12, 2009 that prohibits restriction by law, ordinance, regulation, deed, covenant or contract on the installation and use of solar collectors, clothes lines and other equipment for the solar drying of clothing.

§10009 is part of Chapter 95 of Title 35-A M.R.S.A. addressing issues involving energy efficiency. The new §10009 specifically prohibits restrictions against the use of solar collectors and equipment for solar drying of clothing only by “a public or private entity” and does not apply to individuals at present. The terms “public entity” and “private entity” are not specifically defined by Chapter 95. However, elsewhere in the state statutes a “public entity” includes the state and all of its departments, agencies or authorities, as well as a county, municipality, school district or any other regional political or administrative sub-division. By one definition, the University of Maine System, Maine Maritime Academy and Maine Community College System are also included.

A “private entity” appears to envelop any entity other than a public entity. Thus, at present, the new law does not apply to landlords who hold their rental property in their own individual name. However, the law will apply to a landlord that owns and controls their rental property through a private entity such as a Corporation, Limited Liability Company, a Trust or a Limited Partnership. Such entities may not adopt or enforce any rule, deed restriction, contract or other binding agreement that prohibits or has the effect of prohibiting a person from installing or using solar collectors, clothes lines or other equipment for the solar drying of clothing. The statute is broad enough to encompass not only residential properties owned by a private entity landlord, but also mobile home parks and condominium associations where occupants own their dwellings, and even commercial properties owned or operated by a private entity.

Everyone is familiar with the old fashioned clothes line, but new fangled devices are substantially larger and more complex. Most involve a panel or other type of solar collector that captures the sun’s rays to heat a thermal mass, pass hot air over wet clothing, or to dry out and thereby recycle a desiccant that is used to draw moisture from a container of wet clothes.

An entity may limit the installation and use of such equipment and clothes lines only when necessary to protect access to buildings, to protect historic or aesthetic values, or to insure rapid evacuation of a building in case of fire or other emergency. However, in such instance, the entity must provide an alternative that does not impair the effective installation and use of such equipment and clothes lines. In the event of litigation involving the provisions of §10009, the prevailing party is entitled to recover costs and reasonable attorney’s fees.



Disclaimer: For general information of CAHA members; not intended as legal advice. Consult a lawyer for your specific situation © 2008 Eric S. Dick, Esq., Augusta, Maine (207) 622-5872.

CORRECTION

“The October 2009 column incorrectly stated that after October 31, 2009 a seller must provide a certification that each dwelling or apartment contains the carbon monoxide detectors and smoke detectors required by law. The new statutory provisions require that the purchaser, or person acquiring a single family dwelling or multiapartment building by sale or exchange, provide such certification.”

PRESIDENT’S MESSAGE, *continued from front*

cheap – a bit north of \$60 plus shipping. There may be other manufacturers and models out there, and my mentioning of a specific brand and model is NOT presented as either an endorsement or recommendation. It is for information only.

These new requirements are effective November 1, 2009, so it’s something you probably need to take care of soon. We were hoping to schedule a representative from the State Fire Marshal’s office for our Dec. 8 meeting to answer any questions. Alas, they aren’t available then, but we will try to do some research on the law so that we will be able to answer your questions. That meeting will also be when we present candidates for election to the board, so if you’re considering running, please make that interest known ASAP.

Model lease and eviction manual updates

We have just received the latest update to CAHA’s model lease

and eviction manual. Because of the size of these documents, and the expense of having them updated, we are trying to avoid the additional cost of having them printed.

They will be available [as PDFs] to CAHA members as an e-mail file attachment for \$10 each. The PDFs will also be available as a CD for \$15 each – both for \$25 – which includes postage and handling. They are also available to people who are not CAHA members for \$50 each – both for \$80.

Requests for these documents should include a check for the appropriate amount. People without computers can get the PDF printed out at various office-supply or copier stores.

I regret that this column has been heavy on technical detail, but it’s important stuff. Take care . . .

Hal Booth

**Minutes of Regular Meeting
Capital Area Housing Association (CAHA)
Held at KV Federal Credit Union
October 13, 2009**

President Harold Booth opened the meeting at 7:15 p.m. It was established that a quorum was present.

The meeting began with the business portion. Motion was made by Charlie Anderson, and seconded by Ratna Don, to approve the minutes of the June 9, 2009 Board Meeting as written in the September 8, 2009 newsletter.

Emmy Swanton distributed the Treasurer's report, which showed a total balance of \$44,154.58 (\$24,000 of which was divided into four CD's at \$6,000 each). In addition, CAHA has a \$10,000 bond. Motion was made by Charlie Anderson, and seconded by Christos Karagiannes, to approve the Treasurer's report. The Treasurer's report was accepted as presented.

President Booth stated that although the representative from J & S oil, CAHA's selected oil supplier, had confirmed in her phone conversation with him that morning that she would be at the meeting regardless of not feeling well, she evidently succumbed to her ill health. She did not attend the meeting, nor did she inform him she would not be attending, nor did she send a substitute representative in her place.

President Booth next directed our attention to Eric Dick's column in the October 13, 2009 newsletter, as new laws become effective as of October 31,

2009 concerning new requirements for carbon monoxide detectors and smoke detectors. President Booth supplied a website that carried the detectors that were in compliance with the state law. The web site is <http://www.readywholesaleelectric.com>.

Charlie Anderson brought up a discussion concerning the work Eric Dick, Esq., did on updating CAHA's Model Lease of about 70 pages and CAHA's Eviction Notice Manual of about 40 pages. President Booth stated that the board members will further discuss the \$5,000 charge Eric had submitted to them for the length of time it took him to do those updates. It is coming to the fact that the manuals will no longer be free to the CAHA members, nor will they be distributed in paper form, but will be put on a CD.

Sign-in sheet indicated 10 members attended. Robert Berry won the \$25 door prize.

Meeting adjourned at 7:55 p.m.

Respectfully submitted,
Barbara A. Eckhardt, Secretary

**Minutes of Board Meeting
Capital Area Housing Authority (CAHA)
Held at Lucky Garden Restaurant, Hallowell
September 22, 2009**

After a social time, President Harold Booth called the meeting to order at 5:50 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

There were no motions made at the September 22, 2009 meeting, although several topics were discussed. The topics were the new lease and eviction manual revisions, Eric Dick's bill for his work for revising them, the possibility of selling the PDF file, the new laws concerning carbon monoxide detectors and Radon testing, and the concept of paying officers. Upcoming topics for future discussion were the data base management going out to bid, the annual meeting program, discussing new board members in December, and Hal Booth as ex officio in 2010.

President Booth opened the meeting with a discussion regarding the revisions of the lease. Charlie informed everyone that after searching the lease, he found no mention of carbon monoxide detectors, or the new Radon law coming into effect in 2010. Barbara presented the Board with a copy of the new Maine Smoke Detector and Carbon Monoxide Law, which can be downloaded from the State Fire Marshal's Office website. President Booth stated he would inform Eric to include both those two laws in the revised lease.

President Booth brought to our attention that Eric's bill of \$6,000 exceeded the \$2,500 estimated amount for the revision of the lease and eviction manual. Charlie recommended that the Board look into the idea of selling the PDF file state-wide to make up for the cost of the revisions. Ratna reminded everyone of the high cost it would be for CAHA if the PDF file were advertised state-wide. Charlie suggested that President Booth talk with Eric about the work he did on the lease and eviction notice to warrant his excessive bill.

President Booth felt we should consider the concept of monetary payment for the officers serving CAHA. He stated he remembered reading such a concept in the by-laws for the board members. Ratna reminded us that only three officers serve CAHA, but board members serve too. After a thoughtful discussion, it was the consensus that the officers were perfectly satisfied with having their membership dues waived and having free meals at board meetings as enough compensation for their service to CAHA.

President Booth brought forth topics for future discussion as mentioned above in the first paragraph: Ramona suggested that Doug Barley of Maine Housing present their new website for all vacant housing units in the state of Maine at the annual meeting.

Meeting adjourned at 7:15 p.m.

Respectfully submitted,
Barbara A. Eckhardt, Secretary



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