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CAHA

MAY 2010 NEWSLETTER

CAPITAL AREA HOUSING ASSOCIATION “LANDLORDS WORKING TOGETHER”

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PRESIDENT'S MESSAGE

My apologies for the late arrival of the newsletter for April. A problem with the computer system that the graphic layout person uses delayed the process. The email version was available before the meeting, but the print version was not.

Our goal is to have both versions in your hands 4 to 5 days before the meeting. If you have not gotten a computer yet, I encourage you to do so and get connected to the Internet. If you are intimidated by the process, this is normal, but rest assured, things are getting easier. I know that getting started is sometimes the biggest barrier. The prices have dropped a lot on computers, so much so that you can even get a new laptop (aka notebook) for less than \$400 by mail order - with free shipping.

A laptop is a good choice to start with, as you can go have a coffee at many places or visit the library and bring your laptop to be connected to the Internet for free. Getting an email account is free too, and I recommend Yahoo, Hotmail, Gmail to name a few. I have used Yahoo for my email for a long time and it really becomes a needed tool for my daily tasks.

If you are interested in getting started, but don't know how to begin, call me at 207-441-8893 and I will try to help. If there is enough interest, we can have a meeting to get started with it. Come to our next meeting if this sounds like a plan and we'll gauge the interest level and go from there. Remember, your grandchildren are learning this in school right now, so this gives you a chance to bond with them in a new and positive way, allowing them to help you get started while you spend quality time with them. We need you to get connected so we can more quickly inform you about issues that come up, particularly with the lawmakers in Augusta. If we don't react sooner and stronger, we will be hurt again by landlord- unfriendly legislation. By the way,

PRESIDENT'S MESSAGE, continued on page 2

NEXT MEETING:

MAY 11, 2010 • 7 – 8:30 P.M.
K.V. FEDERAL CREDIT UNION
OIL COMMITTEE UPDATE.

UPCOMING MEETING:

JUNE 8, 2010 • 7 – 8:30 P.M.
K.V. FEDERAL CREDIT UNION
GENERAL BUSINESS WILL BE DISCUSSED.

ASK THE LAWYER

NEW PENALTIES FOR MISTREATMENT OF SECURITY DEPOSITS - TITLE 14 §6038

It happened. After my column was penned for last month's newsletter, LD 1790 was passed by the Legislature and signed by the Governor as public law, chapter 566.

Most new provisions of the law become effective on July 11, 2010, ninety days after adjournment of the regular legislative session. However, revised §6038 affords tenants new remedies against a landlord who fails to appropriately hold tenant security deposits which are paid to the landlord after June 1, 2010. After October 1, 2010, the new tenant remedies apply to all security deposits held by the landlord, regardless of when paid by the tenant.

The basic requirements for treatment of security deposits have been in place for more than 30 years and were addressed in an earlier column (September 2006). Section 6038 requires the landlord to treat the security deposit as property of the tenant which cannot be co-mingled with the landlord's funds during the tenancy. The landlord must place security deposits in an escrow account which is not subject to claims of creditors of the landlord, including a bankruptcy trustee, or bank, which may foreclose upon the landlord's real estate. The security deposits must remain transferable to a new owner, or to the tenants, upon termination of the landlord's ownership interest in the rental unit.

A landlord may use a single escrow account to hold the security deposits from all rental units owned by the landlord, whether or not located in separate buildings, even where the buildings are owned by different entities, as long as those entities are substantially controlled or owned by a single landlord. Interest generated by the escrow account may still be retained by the landlord. Upon request, the landlord must disclose to a tenant the name of the financial institution and the account number where the security deposit is held.

Until now, there was no specific tenant remedy, nor penalty to a landlord who failed to comply with these requirements. That has changed.

Under the new law, if a landlord fails to comply with any of the requirements of §6038, a tenant is entitled to recover from the landlord actual damages, \$500, or one month's rent, **whichever is more**, along with reasonable costs and expenses incurred in the court action. The court may also award the tenant reasonable attorney's fees.

A tenant need not sustain any actual loss. It appears these remedies can be invoked for a mere technical violation, such as failure to disclose the name of the bank and account number where the security deposit is held upon request of a tenant. I anticipate such requests will become far more commonplace.

Landlords must be aware of the requirements of § 6038, and promptly insure that all security deposits are appropriately held in order to avoid imposition of these harsh penalties.



Disclaimer: For general information of CAHA members; not intended as legal advice. Consult a lawyer for your specific situation © 2010 Eric S. Dick, Esq., Augusta, Maine (207) 622-5872.

PRESIDENT'S MESSAGE, *continued from front*

LD 1790 did pass and will become law.

In April, Tim Murphy from Tenant- Net was the guest speaker. We learned that they do more than just screen bad tenants; they also look for feedback from landlords about good tenants. This way, if good tenants are in their files, they will be available to landlords to choose from as well. Tenant- Net is another must- have resource to help

you screen the tenants and choose only the best to rent.

In May we will be discussing the Oil Committee's work to date. We have sent out the bid proposals to 9 oil companies. They were all sent out by email! As I mentioned, those interested in starting with a computer should also attend, so we can plan on how CAHA can help you get started.

Charlie Anderson

Regular Meeting Notes

Capital Area Housing Association (CAHA) Held at KV Federal Credit Union – April 13, 2010

President Charles Anderson opened the meeting at 7:00 p.m. After a quorum was established, the business part of the meeting was conducted.

Motion was made by Ramona Venskus, and seconded by Hal Booth, to approve the February 9, 2010 Annual Meeting minutes as written in the March 9, 2010 newsletter. Motion passed unanimously.

Emmy Swanton distributed the Treasurer's report, which showed a balance of \$45,550.32 (\$24,283.04 of which is in four separate CD's). In addition, CAHA has a \$10,000 bond. Motion was made by Hal Booth, and seconded by Venita Barley, to approve the Treasurer's report. The Treasurer's report was accepted as presented.

President Anderson introduced the speaker for the evening, Tim Murphy, an attorney from Saco. Mr. Murphy runs Tenant-Net, an organization that screens prospective tenants for landlords; email address: www.goodtenants.net. He presented many informative facts concerning how Tenant-Net is able to provide good tenants because Tenant-Net has access to the best national data banks; its seven staffers go weekly to Maine courts, assuring access to new evictions and collection case records; it holds over 100,000 individualized records on Maine tenants sent in by landlords. Also, Tenant-Net provides vital financial history on each applicant, plus screens applicants against available public records maintained by the U. S. Bankruptcy Court, the Maine Secretary of State, Maine State Bureau of Identification, and the U. S. Marshals Service.

Mr. Murphy also pointed out that the internet is changing the way businesses are run, currently, and for landlords to consider using the internet for their rental business, as well. The reason, most renters are from the ages of 18 thru 35-years old. This age group will scan the internet as their main source to find a rental. So, if you have vacancies, the web is the way to go!

Sign-in sheet indicated 13 members attending. Harold Booth won the \$25 door prize.

Meeting adjourned at 8:28 p.m.

Respectfully submitted,
Barbara A. Eckhardt, Secretary

Minutes of Board Meeting

Capital Area Housing Authority (CAHA) Held at the Great Wall Buffet & Restaurant, Augusta April 20, 2010

After a social time, President Charles Anderson called the meeting to order at 6:00 p.m. with the following present:

- Past President & Board Member, Harold Booth
- Secretary & Board Member, Barbara A. Eckhardt
- Treasurer & Board Member, Emmy Swanton
- Board Member, Venita Barley
- Board Member, Ratna Don
- Board Member, Ramona Venskus

President Anderson opened the meeting with a concerned question: "What happened that the members received their April newsletter in the mail two-days after the meeting when everything was with the lay-out person on time?" After a lengthy discussion, Hal volunteered to contact the lay-out person to find out what happened, as his service has been excellent throughout the years with CAHA. Also, it was mentioned that Stefanie, CAHA's printing coordinator who was not present at this meeting, would further consider other printing vendors in the area for the newsletter.

Next, President Anderson addressed the issue of changing sections of the by-laws for flexibility of the Member Meetings. Hal presented suggested wording for a by-laws change to permit discontinuing the regular monthly meetings, replacing them with periodic meetings when called. Discussion of that suggestion, along with other changes that might be necessary, ensued. Further discussion is planned.

Venita noted that some areas of the CAHA web site needed changes, as well as in the newsletter format.. Ratna agreed to make the changes for both.

Motion was made by Hal Booth, and seconded by Ramona Venskus, to approve the March 16, 2010 Board Meeting minutes printed in the April 13, 2010 newsletter. Motion passed unanimously.

President Anderson informed the Board that LD 1790 had passed. He was quite concerned about the verbiage (Another provision will automatically create a presumption of retaliation in any eviction begun within six months of the date a tenant exercises any newly created rights under the proposed). Hal seemed to recollect that the word "rebuttal" was included as part of the change to LD 1790.

Hal inquired about the Oil Committee's progress. A lengthy discussion followed. CAHA would be joining CMAOA. It was the consensus of the Board that the membership would expect competitive bidding. Motion was made by Ratna, and seconded by Hal, for the Oil Committee to put the process out to bid. The motion passed unanimously.

Motion was made by Ramona, and seconded by Ratna, to adjourn the meeting at 7:31 p.m.

Respectfully submitted,
Barbara A. Eckhardt, Secretary



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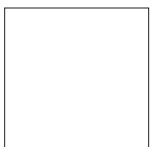
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small enough to care"**

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