



APRIL 2011 NEWSLETTER

CAPITAL AREA HOUSING ASSOCIATION "LANDLORDS WORKING TOGETHER"

OFFICERS & BOARD OF DIRECTORS LISTING

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Secretary

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Treasurer

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Board of Directors *Gerard Bechard. Jr*

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Charlie Anderson speakez99@yahoo.com

Venita Barley vbarley@rentmatchonline.com

CAHA Website

www.caha4u.org

President's Message by

by John McNaughton

Greetings, CAHA members:

It is with some reservation that I have accepted the responsibility of being the new President of CAHA. You may relate with me when I say that there just don't seem to be enough hours in the day. But we live in a time of economic uncertainty where all must work harder to obtain the necessities of life. Credit markets are tight, fuel prices are soaring, and the pendulum of government regulation has swung heavily against the Apartment Owner in Maine over the last 20 years. If we are to weather these storms as business people with a common interest, we must unite our efforts in legislative activities, collective purchasing power, and the sharing of best practices.

In an effort to utilize our resources effectively, we must transform the look and feel of the CAHA organization and deliver a value proposition to our members that goes beyond a good price on oil. Friends, we may have to accept the fact that oil prices could stay above \$3.00 per gallon for some time (I hope that I am wrong), and as such, we must look at every angle of apartment ownership to cut costs while improving tenant satisfaction.

Some changes to CAHA that you should look forward to are a new and improved web site, moving the newsletter to a quarterly publication with more frequent e-mail alerts to keep you informed as things happen, and possibly having a part time staff person to help reach out to past members who are no longer on our roles, while searching for new members who have never belonged before.

We must grow in numbers to be noticed. Above all, we must commit to ourselves that we can each make a difference! In just the last 90 days we have invited some of our legislators in to hear our member's concerns, teamed up with the Central Maine Apartment Owners Association to help fund a lobbyist to get our own legislative bill generated, had a legislative breakfast where several lawmakers attended to become more informed, and have had news coverage that is bringing awareness to how difficult it has become to be an apartment owner. With a new administration at the State House that seems intent on improving the business climate here in Maine, we

PRESIDENT'S MESSAGE, continued on page 3

NEXT MEETING:

APRIL 12, 2011 • 7 – 8:30 P.M. K.V. FEDERAL CREDIT UNION NORTHERN AVE., AUGUSTA, ME

Bring a Fellow Landlord to Visit!

UPCOMING MEETINGS

May 10 , June 14 , July 12 7:00 – 8:30 p.m. KV Federal Credit Union

NORTHERN AVE., AUGUSTA, ME

ASK THE LAWYER

Profiteering in Rents - Title 10 §1106

Q. I have tenants at will that pester me incessantly with minor issues and unreasonable demands. It never stops. When I address the issue, they find something else, and stir up problems with other tenants. I want them out of the apartment, but I do not want to incur the expense of an eviction. Can I give them a 45 day notice to triple their rent to either force them out, or make the hassle worth my while?

A. Profiteering in Rents, Title 10 §1106

No, a landlord cannot force a tenant out by unreasonably inflating rent far beyond the actual market value of the apartment. Artificially tripling the rent would almost certainly constitute an illegal eviction which would expose the landlord to an award of damages and attorney's fees in favor of the tenant. Moreover, it could constitute "Profiteering in rents", a criminal offense.



Disclaimer: For general information of CAHA members; not intended as legal advice. Consult a lawyer for your specific situation © 2011 Eric S. Dick, Esq., Augusta, Maine (207) 622-5872.

A residential rental is a necessary commodity, the value of which is established by standard economic rules of supply and demand in a stable market. Rental values are usually in lock step with the market value of the property; both rise or fall together. Landlords are entitled to charge rents that the normal market will sustain.

Title 10 §1106 prevents a landlord from demanding or collecting unreasonable rents that would not be supported by the actual market value of the property, along with a fair return on that value. A sudden and artificial increase of the magnitude contemplated by this landlord's question, which is not motivated by market forces, is unreasonable. A landlord found guilty of profiteering in rents can be punished by a fine of up to \$1,000, imprisonment for up to 11 months, or both under the statute.

"Profiteering" in necessities is also prohibited during periods of abnormal market disruption arising from natural or man-made emergencies or disasters. Upon the Governor's declaration of an abnormal market disruption, it is presumed that a price is unconscionable if it has increased by more than 15% from the price immediately prior to the disruption. For example, the only operating gas station during an ice storm cannot temporarily triple the price of fuel, nor could local hotels suddenly triple their rates, even though some consumers would tolerate the price gouging to get what they need.

If apartment housing supply were suddenly disrupted, for instance by a hurricane or earthquake, the market value and rental value of surviving housing stock would temporarily soar and could be subject to similar constraints to prevent profiteering. The lack of such compelling circumstances is all the more reason that this landlord's proposal to triple the rents would be considered unreasonable and an act of profiteering.

The landlord posing this question should serve the tenants with a 30 day notice to terminate the tenancy at will, and if necessary, utilize the standard eviction process for forcible entry and detainer.

Minutes of Board Meeting – Capital Area Housing Authority (CAHA) Held at the Elks Club, Augusta – February 8, 2011

President Charles Anderson opened the meeting at 9:10 p.m. with the following present:

- Secretary & Board Member, Barbara A. Eckhardt Board Member, Venita Barley Board Member, Gerard (Tiny) Bechard, Jr.
 - Board Member, John McNaughton Board Member, Ramona Venskus Board Member, Glen Guerrette

Motion was made by Venita Barley, and seconded by Ramona Venskus, to nominate John McNaughton as President of CAHA. Motion was made by Tiny Bechard, and seconded by Glen Guerrette, to cease nominations. Motion was made, and seconded, to have the secretary cast one ballot for John McNaughton as President of CAHA. Motion passed unanimously.

Motion was made by John McNaughton, and seconded by Ramona Venskus, to nominate Emmy Swanton as treasurer. Motion passed unanimously.

Motion was made by Ramona Venskus, and seconded by Venita Barley, to nominate Barbara Eckhardt as secretary. Motion passed unanimously

Motion was made by Ramona Venskus, and seconded by Tiny Bechard, to accept the January 19, 2011 Board Minutes as written in the February 2011 newsletter. Motion passed unanimously.

President Anderson called the next Board meeting for Monday, February 21, 2011. At that time topics to be considered would be the nomination of the vice-president and the conversion of the website in order to utilize it more.

Meeting adjourned at 9:26 p.m.

Respectfully submitted, Barbara A. Eckhardt, Secretary

Regular Meeting Minutes Capital Area Housing Association (CAHA) Held at the Elks Club – February 8, 2011

After a social time and a delicious buffet dinner, President Charles Anderson called the meeting to order at 7:20 P.M. He gave a summary as to what CAHA has been doing in its attempt to revise LD1790. He stated that CAHA had partnered with CMAOA of Waterville in sharing a lobbyist to prepare an LD for the two clubs. Several CAHA members will be meeting with CMAOA on February 10 to further "brainstorm" their position as a group at the legislative hearing on Monday, February 14, at 9:00 A.M. at the Cross Building in Augusta. Landlords will have the opportunity to present their testimonies during this time. President Anderson encouraged CAHA members to attend the hearing.

Next, President Anderson opened the business portion of the meeting. Motion was made by Jean-Guy Paquet, and seconded by Venita Barley, to approve the January 11, 2011 Member Meeting minutes presented in the February 2011 newsletter. Motion passed unanimously. After the yearly 2010 Treasurer's report was distributed and the members reviewed it, motion was made by Harold Booth, and seconded by Tiny Bechard, to approve the yearly 2010 Treasurer's report, which showed income and expenses, and indicated a total balance of \$37,993.13 (\$24,615.55 of which is in a combination of four CD's). Motion passed unanimously.

President Anderson informed the members that the membership dues will be adjusted next year according to which members do or do not receive newsletters by e-mail. A show of hands indicated 85% of the members present received their newsletter via e-mail. President Anderson stated that having the regular monthly meetings reduced by the changes in the by-laws due to the low turnout at the regular monthly meetings would reduce the need to have the newsletter printed every month. He stressed his concern at the difficulty in getting the newsletter out on time during the past year. He felt e-mailing or having the newsletter faxed to the members would save time and money for the organization, plus important information would be received by the members a lot faster than the paper newsletter would. President Anderson said, "We would be a more effective organization, if we had the right equipment to work with."

President Anderson presented those Board members who were to be re-elected to a two-year term: Venita Barley, Gerard (Tiny) Bechard, Jr., and Ramona Venskus. Motion was made by Jean Guy Paquet, and seconded by Harold Booth, for acceptance of the nominations. Motion passed unanimously.

President Anderson presented a Board member who is to be elected to a two-year term: Glen Guerrette. Motion was made by Jean Guy Paquet, and seconded by Harold Booth, for acceptance of the nomination. Motion passed unanimously.

President Anderson presented a member to be confirmed in position as a Board member to a two-year term: John McNaughton. Motion was made by Jean Guy Paquet, and seconded by Harold Booth, for acceptance of the nomination. Motion passed unanimously.

CAHA Attorney Eric Dick, Esq., swore in the Board members.

Board Member John McNaughton presented President Anderson with a plaque in appreciation for all the time and hard work he gave to CAHA during his one-year tenure as President and Board member.

Motion was made by Venita Barley, and seconded by Tiny Bechard, to adjourn the business portion of the meeting at 7:36 P.M.

Birdie Googin (aka: The Marden's Lady) hilariously entertained us for an hour with a few of her landlord and down-home jokes, several dance steps, and the Maine song. She was available for photographs and signing autographed pictures of herself after the event.

John McNaughton and Ramona Venskus emceed the door prizes.

CAHA sincerely thanks the following vendors for their donated gifts: 1-800-Water Damage, A-1 Affordable Home Inspections, Aubuchon Hardware, Downeast Energy, Dennis's Pizza, Fielding's Oil, Gosline's Hardware, Harvery's Hardware, Hattie's Restaurant, J&S Oil, Kennebec Properties Management, Liberty Mutual Insurance, Lowe's (15 gifts), Lucky Garden's Restaurant, Margarita's Restaurant, Newcomer Relocation Services, Northeast Bank, On Top, Rent Match, Sherwin Williams, Subway, Sprague & Curtis, Tim Dennett & Co., Vallee Property Management, Village Jewelry.

A special thanks goes out to Lowe's for their extremely generous donated gifts.

The 50-50 raffle was not presented.

President Anderson expressed his thanks to Ramona Venskus and other Board members for organizing the Annual Banquet.

Respectfully submitted, Barbara A. Eckhardt, Secretary

PRESIDENT'S MESSAGE, continued from front

have a very good opportunity to bring about change that will affect us positively.

Please join with your CAHA board and fellow members to band together at this most important time to be heard. We know that you are busy because we are busy, too. But if we don't stand up for ourselves, who will? When a hearing is scheduled, please plan on attending if to do nothing more than wear a sticker that shows support for our cause. It makes a difference! We have been told by the lobbyist and other legislators that when more than 10 people show up to a hearing it is a big deal. What about 50 people?

Come join us at our next meeting on Tuesday, April 12th, at 7 P.M. at the Kennebec Federal Credit Union on Northern Avenue, and bring a fellow apartment owner so that we can bring you up to speed on all that is being done on your behalf by CAHA. If you know of someone who used to be a member but is no longer, invite them back into the association so that we may stand united.

We can do this, and we will.

Sincerely,

John McNaughton

CAHA Newsletter • April 2011

Minutes of Board Meeting – Capital Area Housing Authority (CAHA) Held at Lucky Gardens Restaurant, Hallowell, February 21, 2011

After a social time, President John McNaughton opened the meeting at 6:13 P.M. with the following present:

- Past President, Charles Anderson Vice-President & Board Member, Stefanie Barley Treasurer, Emmy Swanton
- Secretary & Board Member, Barbara A. Eckhardt Board Member, Venita Barley Board Member, Gerard (Tiny) Bechard, Jr.
 - Board Member, Ratna Don Board Member, Glen Guerrette Board Member, Ramona Venskus

President McNaughton opened the meeting by calling for the Secretary's minutes.

Secretary Eckhardt distributed the minutes of the Annual Members' Meeting and the Annual Board Meeting for the Board to review. Motion was made by Stefanie, and seconded by Charlie, to approve the Annual Board Meeting minutes of February 8, 2011 after amending them with the following two changes: (1)To strike the motion made by John McNaughton, and seconded by Ramona Venskus, to nominate the re-election of Venita Barley, Tiny Bechard, Jr., and Ramona Venskus to a two-year term on the Board and replace it with the motion made by John McNaughton, and seconded by Ramona Venskus, to nominate Emmy Swanton as Treasurer. (2)To strike the motion made by Ramona Venskus, and seconded by Venita Barley, to nominate Glen Guerrette to a two-year term on the Board and replace it with the motion made by Ramona Venskus, and seconded by Venita Barley, to nominate Barbara Eckhardt as Secretary. Motion passed unanimously.

President McNaughton said, "In order for us to make efficient use of our time, I will be assigning tasks at the end of the Board meetings and then follow-up at the next meeting to make sure that we are making progress. If we meet and talk and don't do anything, then it is a waste of our time, unless someone has something specifically to discuss."

President McNaughton next called for the Treasurer's report. Treasurer Swanton distributed the 2011 two-month Treasurer's report, which showed income and expenses, and indicated a total balance of \$43,633.56 (\$34,608.96 of which is in four separate CD's). In addition, CAHA has a \$10,000 bond. Motion was made by Charlie, and seconded by Venita, to approve the Treasurer's report. Motion passed unanimously.

Personally, President McNaughton felt that the Treasurer's report would be something the Board would go back to more often as it moved forward. He stated he had a personal commitment to try and grow the participation in the group, and as the membership grows, the income will grow as well. He said, "We will have to be careful how we are spending the money." Then he inquired about this year's banquet expenditures compared to last year's expenditures. It was noted by Ramona and Venita that the attendance of the banquet was down this year.

Next, President McNaughton directed our attention to the current Apartment Owners' LD draft, which he had e-mailed to the Board members prior to the meeting. But first he stated he had spoken with Rep. Pichiotti at the legislative breakfast asking when he thought we would have our own LD. Pichiotti answered that the LD had already been submitted and was "kicked back out" by the Reviser's Office because of a wording issue on the name of the LD. Glen interjected by saying, "There was a deadline and we had to submit something right away." President McNaughton continued by stating that while Glen and he sat in the overflow section at the legislative hearings, they started matching up what they saw had been submitted, which was: repeal 6001, repeal 6010-A, repeal 6025-A. He said "We didn't know what that was." Hence the document that was e-mailed to the Board members was President McNaughton's attempt to translate what had already been submitted pertaining to the LD 1790 document. He stated that the whole top part of the LD draft had already been submitted and everything below Necessary Additions to our Landlord LD had not been included in the apartment owners' LD.

President McNaughton gave several examples of what had been submitted by CMAOA's lobbyist Dan Bernier. They were: The presumption of retaliation should be repealed and affirmative defense should be repealed. Certain nuances of abandoned property to be repealed and enacted so that a landlord could state in the lease, "If the tenant has abandoned property, the landlord can throw it away." To repeal the requirements that the landlord disclose when an adjacent unit had bedbugs or is being treated for bedbugs, and to eliminate the requirement that the landlord make reasonable assistance; that is, make loans available to a tenant who has a bedbug infestation. Energy disclosures upon request; plus, enact if an action for when an F.E.D. is brought for failure to pay the rent or for doing damage, that there is no presumption of retaliation. Meaning, if we are kicking the tenant out for not paying the rent, the tenant cannot use that for a defense. If the tenant appeals to the Human Rights Commission, he or she would have to have proof of being paid up on rents due.

In a like manner, President McNaughton gave examples of what was not submitted by a lobbyist; such as: Theft of services and forcible entry and detainer hearings. These should be streamlined so that a landlord should be allowed to post a seven-day notice on the first attempt instead of being forced to confront someone face-to-face three different times before being allowed to do so. Also, an LLC should be allowed to represent themselves in court without being forced to hire an attorney at considerable cost when a Sole Proprietor is not required to do so. And, further,any constable, sheriff, or officer of the law should be able to deliver the actual F.E.D. hearing notice. And if landlords do go to an eviction, why do they have to go back for a Writ of Possession, if the tenant hasn't moved out? The F.E.D. hearing should address all issues surrounding the eviction at the first time. President McNaughton read from his document the example of how an F.E.D. should be conducted. He encouraged the Board to add to it, as well. He returned to the "bed bug" law, stating his concern regarding a CMAOA member who spent \$5,000 to clear a building of bedbugs, only to learn that they had returned one week later. The law as it currently reads is not sustainable. Then he read the three proposals he wrote for the LD draft.

Afterwards, President McNaughton stated it was imperative that our two groups become committed to the above proposals and to have Dan go forward in promoting them on our behalf. Charlie stated that Dan really needs to be committed in eradicating the "bed bug" law. President McNaughton said, "I just want to make sure that Dan's activities are what we are paying him for in getting all of what we want and not part of what we want." Glen suggested that if Dan isn't doing what we want, then perhaps we should get our own lawyer. President McNaughton agreed, stating that CMAOA feels the same way. They want Dan to do what we want.

President McNaughton returned the Board's attention to the Treasurer's report. He felt it was not necessary for Emmy to attend the Board meetings. Charlie referenced the By-law stating that the physical presence of the Treasurer is not required at the meetings. Hence, President McNaughton presented his implementation of the new procedure in the distribution of the Treasurer's report to be e-mailed to the Board two or three days before the meeting, thus giving the Board the advantage of seeing what is going on and responding to any questions that the group might have. As a result, Emmy will be available by phone to answer questions we might have for her at the meeting. Motion was made by Charlie, and seconded by Stefanie, to have the Board allow Emmy Swanton to be available by phone or other communication devices such as e-mail or regular

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mail. Motion passed unanimously. President McNaughton sincerely said, "We really appreciate the service that you do, Emmy."

After returning to the current Apartment Owner's LD draft, President McNaughton addressed the issue of Therapy Pets. A short discussion followed as to how to clarify the definition of a therapy pet. However, no clear definition was solidified, and President McNaughton then read the summation of the draft. Afterwards, he mentioned that Lindsay from CMAOA felt there should be something included in LD 551 regarding an LLC, some formal warning differentiating a criminal offense from a civil offense. Motion was made by Charlie, and seconded by Venita, to accept the substance of the Apartment Owner's LD proposal as discussed this evening. Motion passed unanimously. A short discussion followed in which President McNaughton stated we had to vote on this tonight as a group, as Lindsay of CMAOA and Dan might have some additional information to include in it, giving them time before the window closed. Then we would go forward with our proposal in hand and say to Dan, "This is what we want you to do." However, President McNaughton is concerned that Dan will say, "Let's choose our battles and not go for so much now, and get them in the next session." Glen interjected saying, "We can't let him do that." Thus, President McNaughton asked the Board if they were all in favor of presenting to the lobbyist the Apartment Owners LD proposal as the official legislative platform of CAHA. The Board unanimously agreed.

The Oil Committee topic was next. President McNaughton asked if the present oil contractor, Fielding's, has been a success. The consensus was "no." A couple of reasons are that our contact person, Darren Mathews, left Fielding's to work for another oil company and Fielding's adds an additional five cents to the gallon to the oil price on credit card charges. Motion was made by Tiny, and seconded by Stefanie, to have Glen Guerrette head up the Oil Committee, and to include Charlie Anderson and Ratna Don as members. Motion passed unanimously. A lengthy discussion followed. President McNaughton stated that oil is not going to be the only reason why landlords join CAHA. And Charlie stated that oil isn't as important as it was (meaning for membership), and that members are going to do what they want to do, anyway. President McNaughton suggested that we approach the members of CAHA having the largest units, to see if they would be willing to form an advisory group. He felt by having them actively participating and taking ownership, there would be a higher level of commitment in the oil decision-making process. He considered having them come together and sit round the table and tell us whom they are using as oil providers. "This way," he said, "we are going to figure out who is already getting the 'lion's share of those gallons." This would give us 'a leg up' on our negotiating and bring credibility to our members.

Since President McNaughton stipulates that CAHA is no longer just for the oil, he brought forth ideas for discussion about the way CAHA will look and feel in the future. An example of this would be in the way prospective members would join CAHA. The consensus was to improve the database so that prospective members could sign up on line. It would be a three-step process: complete application, make electronic credit card payment, and have the membership card printed. President McNaughton was also considering developing a landlord forum (chat room) on the web. This would be a site where landlords could go with a question and receive an answer. This site would also generate a FAQ site because at the end of the question-and-answer process, the question will remain on the website.

Another new look for CAHA would be its newsletter. President McNaughton suggested that CAHA might want to model its newsletter after CMAOA's 12-page newsletter, or even integrate CAHA's information with CMAOA and pay them a portion of the printing expenses. He stated our time and energy would be better spent on growing our membership. The more members we have, the more power we will have for leverage with our vendors. And this will bring value to the members. Right now we do not have that ability.

The consensus was for a quarterly newsletter and to consider collaborating with CMAOA regarding the newsletter. Also, the newsletter would be primarily delivered via e-mail, with exceptions for mailing it to those who do not have e-mail. President McNaughton stated that members will have to realize that action alerts via e-mail is CAHA's way of notifying them that something is coming up they need be aware of.

Furthermore, President McNaughton stated he would like to have a website committee go out and research at least three different website design providers and bring them back to the group for us to listen to them and perhaps to draw up specs. Charlie suggested that the Board come up with specs, in order to be in agreement. Motion was made by Tiny, and seconded by Glen, to form an Investigative Website Committee. Motion passed unanimously.

In addition, President McNaughton suggested investigating CMAOA'a website to see how thorough it is. Motion was made by Charlie, and seconded by Ramona, for Glen to chair the Website Investigative Committee. Motion passed unanimously. Motion was made by Tiny, and seconded by Venita, for Glen, Stefanie, Charlie, and Ratna to make up the Investigative Website Committee. Motion passed unanimously.

President McNaughton touched upon CAHA's joining forces not only with CMAOA, but with the mid-coast group LALA and expanding further to Rumford and Bangor. Right now, he would like to see the two Boards (CAHA and CMAOA) have a majority control so that there will be no take-over (coup). He stated that it takes the requirements of both boards to always be engaged with the lobbyist and the boards. Each board would select one or two people and send them out to do battle. In turn, LAC would then be responsible for sending members of their team out to other groups who did not attend the meeting. Motion was made by Ramona, and seconded by Venita, to approve John's communications with CMAOA to form very rough ideas about a LAD. Motion passed unanimously.

Motion was made by Stefanie, and seconded by Ramona, to nominate Glen Guerrette as Vice-President of CAHA. Motion was made by Charlie, and seconded by Venita, to cease nominations. Motion was made, and seconded, to have the secretary cast one ballot for Glen Guerrette as Vice-President of CAHA. Motion passed unanimously.

Emmy left the meeting at this point.

Motion was made by Charlie, and seconded by Tiny, to remove pictures from CAHA's website. Motion passed with six yea's and one nay. Tabled Agenda Items were: Review of Annual Banquet Results, Tiered Membership, Forming a Legislative Action Committee, and Part-Time Staffing.

A short discussion ensued regarding printing a March newsletter and holding a March members' meeting. After a short discussion, the consensus was to not have a March newsletter or meeting. However, an E-blast would be sent out to the members for the April meeting. Ramona would place an announcement in the KJ as follows: "There will be no CAHA meeting this month."

The next board meeting will be held on Monday, March 14, 2011 at 6:00 P.M. Place not determined yet.

Motion was made by Stefanie, and seconded by Venita, to adjourn the meeting at 8:44 p.m.

Respectfully submitted, Barbara A. Eckhardt, Secretary

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Rent Match LLC Venita Barley, Owner (207) 623-2580 • Fax (207) 623-3374 vbarley@rentmatchonline.com "Bringing Landlords and Tenants Together!" www.RentMatchOnline.com	Eric S. Dick, Esq. Farris, Foley & Dick, P.A. (207) 622-5872 ffdlaw@gwi.net Discount off regular hourly rate to CAHA member on landlord/tenant matters	Winslow Aluminum Inc. Vassalboro, ME (800) 924-0412 winslowaluminum@yahoo.com 30% off list price of replacement windows	Vallee Property Management, LLC Rentals & Property Management vpmmel@valleerealestate.com www.vpm.me (207) 620-7500 Gently used Refrigerators \$175.00 and up.
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