



Tel. 512-2180

# CAPITAL AREA HOUSING ASSOCIATION

*"Landlords Working Together"*

Post Office Box 2901 • Augusta, ME 04338-2901

## NOVEMBER 2006 - NEWSLETTER

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*Treasurer*

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**Gerard Bechard, Jr.**

**Harold Booth**

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CAHA Website

caha4u.org

### THE PRESIDENT'S MESSAGE ...

We are pleased to announce that the Board has appointed Harold Booth as new Director. His contact info is [halbooth@verizon.net](mailto:halbooth@verizon.net) and he will be added to our officer's page on the website as soon as we get a picture.

At our November 14th Meeting, we are happy to have Mr. Joseph Charrier of Atlantic Adjusters to speak on making sure you get what your Insurance Policy says you are entitled to in the case of property destruction (usually a fire). Some members who are glad they used his services plan to be at the meeting to talk about their experiences with his work for them. If you have never "seen" him talk, I can only say that it is as much good entertainment as it is valuable information.

I need to thank Ramona for being so helpful with getting speakers. She has come up with the lion's share of our speakers while I have been here, and helps in many ways with many things. Without the help of Members like her, CAHA cannot exist.

Ernie Clark, President



*Happy Thanksgiving*

**NOVEMBER 14<sup>th</sup> MEETING - 7:00 P.M.**

**KV Federal Credit Union - 316 Northern Avenue - Augusta  
Guest Speaker: Joseph Charrier - Atlantic Adjusters**

**Next Meeting:**

**December 12 - 7:00 p.m. - KV Federal Credit Union  
316 Northern Avenue, Augusta, ME**

**Minutes of Regular Meeting  
Capital Area Housing Association (CAHA)  
Held at KV Federal Credit Union  
October 10, 2006**

President Ernie Clark called the meeting to order at 7:00 pm. Harold Booth moved, Lewie Manter seconded, to approve the minutes of the September 12<sup>th</sup> meeting as printed in the newsletter. Motion passed. Ratna Don gave the Treasurer's report, noting that CAHA has \$2248.42 at Gardiner Savings and \$20,324.71 at KV Federal Credit Union, and 266.00 in the new account at Kennebec Savings, for a total of \$22,839.13 in available funds. In addition CAHA has a \$10,000 bond. As voted at a previous meeting, more funds will be put in a CD to earn more interest. The report was approved.

Old business included announcements that the Board had voted at its September meeting to appoint Gerard (Tiny) Bechard as Vice President, Ratna Don as Treasurer, and Louise Hinkley as Secretary, to fill out the remaining terms of current vacancies. In response to a question about the stipend for database maintenance and office management, President Clark explained that the stipend is currently not being paid. Ratna Don is responding to phone calls, checking mail, and maintaining the database, but has not requested any payment. The Board has not yet determined if, what or how a stipend might be paid.

Regarding the Annual Meeting, Marge Straffin had gathered price and meal information from both the Elks and Club Calumet. The Board voted at the September meeting to hold the Annual Meeting/Banquet at the Elks, and proposed that CAHA alternate years between the Elks and the Calumet Club. The Elks has been reserved for February 13, 2007. A number of ideas were thrown out regarding entertainment, including a comedian, a magician, or music by a local school (or other) group. Straffin, along with Ramona Venskus, will continue working on details. Other members are encouraged to offer assistance!

Harold Booth moved, Ramona Venskus seconded, to re-instate providing \$25 Chamber gift certificates as door prizes at the regular meetings. Motion carried unanimously. Venskus will pick up 4 certificates from the Chamber.

The Board is working on making the lease manual available on CD. President Clark is working with Norman Veilleux to get a scanned copy. The CDs will be available to members sometime in the future, on the same terms as the current printed lease manual (one, either print or CD, per member per year, free at meetings, \$5 if not at a meeting).

There was a reminder that an Oil Committee had been appointed at a previous meeting, and will begin working on next year's oil pricing offers in a few months. Anyone interested can check with President Clark. Clark also announced that he had been informed that there is a battle in Oklahoma about housing inspections. Eric Dick will keep us informed if there might be any impact in Maine. And, as noted in the newsletter, Pine Tree Legal will be having a staff person on hand at all FED hearings, to provide instant assistance to low income tenants.

There is still interest in pursuing the inequity of trash pick-up in the City of Augusta. A question also came up about the fact that eviction information is no longer included in credit checks, possibly because of legislative action.

President Clark introduced our guest speaker, Rep. Kim Davis of Augusta. She explained the legislative process, and spoke about the Energy Efficiency bill. She understood from the Chairman of the Utilities Committee that the legislation was not a mandate, but literature received from the PUC and the Maine State Housing Authority indicates that all landlords must provide the forms to new tenants, and to prospective tenants when asked. Rep. Davis is willing to work with CAHA to amend or repeal this legislation, but to do so she needs more information, especially specifics from CAHA members, so that she can present an alternative. She recommended that CAHA get better organized regarding legislation and city ordinances, possibly including hiring a lobbyist.

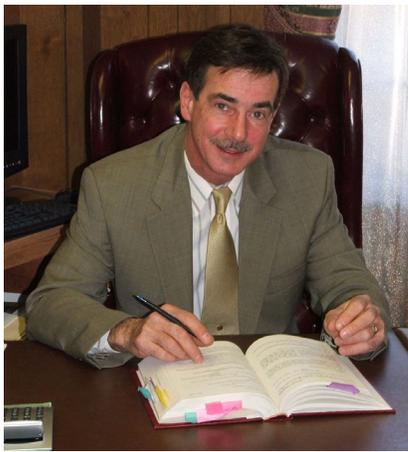
President Clark reminded all that CAHA will have a booth at the Chamber of Commerce Business to Business Expo on October 11<sup>th</sup>, at the Augusta Civic Center. He showed the plastic clips (with magnets) that were purchased to provide as give-aways. Ramona Venskus won the monthly Chamber gift certificate drawing.

Meeting adjourned at 8:14.

Respectfully submitted,

*Louise Hinkley*

Louise Hinkley, Secretary



# “ASK THE LAWYER”

## Security Deposits - Part III of III

### QUESTION:

Please explain State Law concerning residential security deposits.

### ANSWER:

In the last two columns we have reviewed the nature of security deposits and the limitations under State Law of the amount of the security deposit, how it must be treated by the landlord during the tenancy and the strict time limitations to return or account for the

deposit. This part will address the nature and extent of proper deductions from the security deposit and conclude with some practical pointers.

Deductions may not be made from the security deposit for “normal wear and tear” which is defined by *Title 14 §6031* as the deterioration that occurs through normal use without abuse, accident, carelessness or negligence of the tenants, their invitees or guests. The landlord may properly charge for items that do not fall within that definition, including such things as repair of any physical damage beyond normal wear and tear, and the removal of trash or personal property abandoned by the tenant. If the apartment is left in an uninhabitable condition caused by the tenant, their invitees or guests, then the landlord can deduct costs incurred to return the rental unit to a habitable condition.

State Law does not allow an outright forfeiture of a security deposit if the tenant is in breach of the rental agreement or was evicted from the apartment. The landlord still must itemize the reasons for deductions and return any remaining balance within the time limits.

In addition to cost to repair physical damage to the premises beyond normal wear and tear, the landlord may deduct from the security deposit rent arrears owed to the landlord, along with unpaid utilities, court costs and sheriff’s fees paid in connection with an eviction action as reflected in the writ of possession. The landlord normally will not recover attorney’s fees expended in the eviction process from the security deposit.

The following are practical points concerning residential security deposits:

1. Never agree to apply the security deposit to the last month’s rental payment;
2. Always get at least one month’s security deposit because it will generally take about three weeks to prosecute an eviction in court after expiration of a notice to quit. Therefore, the landlord should always serve the notice to quit for non-payment of rent as soon as it becomes available in order to minimize exposure to unpaid rent;
3. A careful landlord will video-tape the rental unit at the beginning of the tenancy to prove the condition of the apartment and support deductions for any physical damage observed at the end of the tenancy;
4. Never surrender possession (keys) to a tenant until the security deposit and initial rent is paid;
5. In addition to a security deposit the landlord may require a personal guarantee of a parent, grandparent or other financially responsible person to guarantee satisfaction of all financial obligations of a young or insolvent tenant as a condition of renting the apartment;
6. If a security deposit is paid in installments by agreement with a tenant (permissible but not recommended) a partial installment payment should first be applied toward the security deposit in accordance with the agreement, with the remainder applied toward rent. This is because the landlord can evict a tenant based on non-payment of rent, but generally not due to non-payment of the security deposit. Example: Tenant pays first month’s rent of \$400, along with \$200 of the \$400 security deposit upon agreement that an extra \$100 will be paid with each of the next two month’s rent. The following month the tenant pays only \$400. The landlord should apply \$100 of that payment toward the security deposit as agreed, and the remaining \$300 toward the second month’s rent, leaving a rental arrearage of \$100. The landlord may then serve a notice to quit based on non-payment of rent of \$100.

**Disclaimer:** For general information of CAHA members; not intended as legal advice. Consult a lawyer for your specific situation © 2006 Eric S. Dick, Esq., Augusta, Maine (207) 622-5872.

<p><b>CERTA PROPAINTERS</b>  * Painting (Exterior &amp; Interior)  * Pressure Washing  * Plaster / Drywall repair  Andy Mann - 622-6065  10% off for CAHA Members</p>	<p><b>Aubuchon Hardware</b>  <b>623-9844</b>  20% off Glidden Paint - 10% off all other regular price items  <b>Aaron Feldmus</b></p>	<p><b>SHOP FROM HOME FLOORING</b>  <b>626-3100</b>  <b>10% off any regular price Sales &amp; Installations</b>  <b>Sam Macmaster</b></p>	<p><b>Sherwin Williams</b>  622-6818  Paint, Wallcovering and Accessories  10-20% off all products  <b>Aaron Smith</b></p>
<p><b>Central Maine Wall to Wall</b>  <b>582-1526 - email:</b>  info@cleaningmainescarpets.com  Carpet and upholstery cleaning  <b>Rick Bonenfant</b></p>	<p><b>Hammond Lumber Co.</b>  <b>495-3303</b>  Full Service Lumber &amp; Building Materials  10% off Retail and Free Delivery  <b>Dale Tobey</b></p>	<p><b>Major Appliance</b>  <b>622-5859</b>  Free Delivery  Farmingdale, Maine  <b>Ken Martin</b></p>	<p><b>Steve's Appliance Service &amp; Sales, Inc.</b>  621-0520 - Fax:547-4083  Heaters - Mattresses  New &amp; used appliance sales / service</p>
<p><b>Farris, Foley &amp; Dick, P.A.</b>  <b>Eric Dick, Esq.</b>  88 Winthrop Street, Augusta  LEGAL SERVICES • 622-5872  \$ 25.00 off standard hourly rate on landlord/tenant matters</p>	<p><b>DOWNEAST ENERGY.</b>  Oil • Propane  Equipment Sales &amp; Service  191 Water Street - Hallowell  <b>622-7521</b></p>	<p><b>Central Maine Property Management</b>  Property Mgmt - Maintenance  Lawn care - Bookkeeping - Snow removal  20% discount to CAHA members  Devon L. Dobbins • 622-7691</p>	<p><b>D.R. Struck Landscape Nursery</b>  <b>395-4112</b>  15% discount on your purchase  <b>Robin Struck</b></p>
<p><b>Rick's Downeast Building &amp; Property Maintenance</b>  <b>923-4054 &amp; 623-7535</b>  10% discount on property maintenance excluding the new Depo-section.  <b>Ricky Bradstreet</b></p>	<p><b>SEARS</b>  • Appliance packages  • Maintenance Equipment packages  Discounts based on brand  SGM Tess Zardus or ASM Peter Sullivan  <b>621-2088</b></p>	<p><b>Moody &amp; Company Office Supplies, Inc.</b>  <b>622-6616</b>  25% off list and Free Delivery</p>	<p><b>TC &amp; Company Cellular: 242-8499 or Phone: 621-8090</b>  Handyman jobs at a 10% discount  No jobs too small  <b>Tim Dennett</b></p>
<p><b>POULIN PROPANE Propane Appliance Installation &amp; Service</b>  <b>Edward Poulin</b>  <b>441-1574</b>  <b>Discount on Labor</b></p>	<p><b>Moreau Home Improvement</b>  Property Management &amp; Maintenance  (207) 215-7500 - (207) 549-5724  <b>10% off - \$45.00 hr.</b></p>	<p><b>O&amp;P Glass (the clear choice)</b>  <b>622-3652 Fax: 622-3268</b>  Auto, residential commercial, stained glass</p>	<p><b>Winslow Aluminum</b>  873-0412 • 1-800-924-0412  Windows, Doors, Siding, etc.  35% off Replacement Windows  <b>Rick Heffernan</b>  Sales Representative</p>
<p><b>Big Daddy's Handyman Service</b>  Painting &amp; Lawn maintenance  Apartment clean-ups - Odd jobs big or small  Discounted rates for CAHA members  Sean Fritz 441-2490  93 Green Street - Augusta, ME</p>	<p><b>R&amp;R Property Management</b>  Rob Jordan  <b>(207) 485-1237</b>  Tenant Relations - Handyman service  Landscaping &amp; Odd Jobs  Discount on Labor for CAHA members</p>	<p><b>NEWCOMER RELOCATION SERVICES "Upscale Rentals"</b>  Phone/Fax 622-4312 - Cell: 446-4312  email: ramona@aan-newcomers.com  www.aan-newcomers.com  No application fee for CAHA Members</p>	<p><b>Dave Labbe Plumbing</b>  <b>622-2566</b>  <b>DISCOUNT ON LABOR</b></p>

ADDRESS SERVICE REQUESTED

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