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CAPITAL AREA HOUSING ASSOCIATION

“Landlords Working Together”

Post Office Box 2901 • Augusta, ME 04338-2901

NOVEMBER 2007 - NEWSLETTER

PRESIDENT’S MESSAGE

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The Weather is getting colder, the prices are getting higher, the laws are getting tougher, so why aren't "we", as an association getting stronger?

Our organization seems to be growing, but in finances only. Active participation in monthly meetings should be stronger. We have excellent speakers and presenters, yet the number of attendees is at a stand still.

I encourage you to read the minutes of the executive committee meeting as well as the members monthly meeting to find out what is happening.

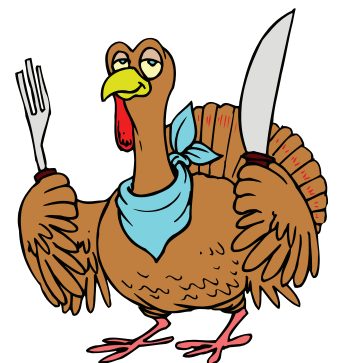
You should be thinking about becoming an officer or director for the upcoming year. Elections will take place at the Annual Banquet on February 12th at the Calumet Club.



November 11th is Veterans Day. Remember to recognize our heroes.

Have a Happy Thanksgiving and give thanks for all your blessings.

Tiny Bechard



Upcoming Meeting:

November 13th ~ 2007
KV Federal Credit Union ~ 7 pm

~ NEXT MEETING ~

December 11th ~ 7:00 P.M.
K.V. Federal Credit Union



ASK THE LAWYER

More Newly Enacted Landlord/Tenant Laws

Last month I advised of a new law that requires advance notice to tenants of repairs in older buildings. This

month I touch upon additional new laws involving landlords which became effective on September 20, 2007.

1. New Title 22 §7309 provides that a landlord may not charge a tenant additional rent or utilities due to the fact the tenant receives in-home care and community support services. Such services include personal care and home health aid assistance. A landlord may request confirmation from the Department of Human Services of the tenant's eligibility for such services. This law is presently set to be repealed on January 1, 2009.

2. New Title 14 §6004-A now requires Court-sponsored mediation prior to a contested hearing on landlord/tenant disputes, including eviction hearings (Forcible Entry and Detainer). The Court may waive the mediation requirement for good cause or where the facts are not in dispute, and all unresolved issues are questions of law. The Court's Alternative Dispute Resolution Service will provide the mediators.

The law requires each party to make a good faith effort to resolve the issue at mediation, or the Court may impose sanctions, including dismissal of the action or an award of attorney's fees and costs. While this provision is technically effective now, it is not yet being utilized because the Supreme Judicial Court must first adopt Rules of Procedure and a Schedule of Fees for the required mediations.

3. New Title 14 §6039 allows the landlord the option, but not the requirement, of accepting a surety bond from a tenant in lieu of a security deposit for residential rentals. The amount of the bond may not exceed the value of two month's rent and the landlord

may make a claim against the bond for sums owed by the tenant at the end of the tenancy, such as for unpaid rent, damage due to breach of the rental agreement, physical damage in excess of normal wear and tear, unpaid utility charges and the cost of storing and disposing of unclaimed property.

From my perspective, the landlord's acceptance of a surety bond, in lieu of a security deposit, makes no sense as there appears to be no advantage to the landlord, and a significant disadvantage in having to assert a claim against the bond which may invite disputes with the bonding company, and will certainly result in a delay in being reimbursed for money owed by the tenant. The landlord may already require cash payment of up to two month's rent as a security deposit, and can keep the interest generated on the tenant's security deposit held in the landlord's bank account.

I also suspect that a market will simply not materialize for these types of bonds. The surety company is effectively an insurer to the extent of the bond, must be licensed by the State Bureau of Insurance, and would presumably set premiums at a very high level approaching 100% of the security deposit to issue these small, high-risk bonds. The tenant may as well pay a cash security deposit with expectation of a refund at the end of the tenancy, instead of paying a non-refundable premium for a bond.

In short, this new law appears to make little economic sense for bond issuers, tenants or landlords, and may find little use.



Disclaimer: For general information of CAHA members; not intended as legal advice. Consult a lawyer for your specific situation © 2007
Eric S. Dick, Esq., Augusta, Maine (207) 622-5872.

**Minutes of Executive Committee Meeting
Capital Area Housing Association (CAHA)
Held at KVFCU
August 28, 2007**

President Tiny Bechard called the meeting to order at 5:50 pm with the following Officers and Board members present:

Treasurer & Board Member, Ratna Don
Secretary, Louise Hinkley
Board Member, Harold Booth
Board Member, John Gwazdosky
Board Member, Don Gilbert
(Board members Ramona Venskus and Lewie Manter were both excused.)

After some discussion about ads in the newsletter, and on the website, it was decided to continue discussion at a future meeting about whether and/or how to charge vendors for the ads.

An apartment owner from Brunswick has enquired about joining CAHA. It was decided to allow her to join, with the caveat that she be aware that CAHA cannot provide the same level of services (for example, lobbying on local housing ordinances) to members outside the Augusta area. John G. will call her back; Ratna will send a letter after receiving her application, to make sure she understands the limitations. It was also agreed that we need to review the by-laws, and possibly limit voting membership to a particular geographic area, and/or create a new class of individual associate membership.

Suggestions for speakers at our Fall meetings included Darren Matthews from Webber Oil on heating efficiencies, a Fire department official on fire safety, and Eric Dick on landlord legal issues. It was also recommended that we try to include some kind of survey in the newsletter and/or on the website, soliciting topic/speaker suggestions from members.

For the September newsletter, VP Booth will draft a "President's" message, Louise will send in minutes, John will line up a speaker, check with Eric Dick about the Lawyer's Column, and coordinate newsletter production with Norman and David Jackson. Target date is Tuesday, September 4th.

Board members should come prepared to review and discuss by-laws at the next Executive Committee meeting.

Meeting adjourned at 6:50 PM.

Respectfully submitted,

Louise Hinkley
Secretary

**Minutes of Regular Meeting
Capital Area Housing Association (CAHA)
Held at KV Federal Credit Union
September 11, 2007**

President Tiny Bechard opened the meeting at 7:00. He presented the speaker, Augusta Fire Chief Roger Audette.

Chief Audette explained that the Augusta Fire Department had 45 FTE firemen and paramedics, and they get about 150 calls per week. There is no one on staff designated to do inspections; Code Enforcement does some, but has been spending most of their time on retail permitting. About three-quarters of fires and deaths from fires are in apartment buildings. Smoke detectors are required, should be checked twice a year and replaced every five years. Make sure tenants are not disabling them!! Candles and smoke are the biggest problems. Sprinkler systems have been shown to prevent both deaths and damage, as usually only one sprinkler head will go off – the Fire Dept. will be recommending a city ordinance to require sprinkler systems in all new construction. Fire extinguishers are not required, but if provided, they should be ABC extinguishers. Units need accessible exits, which could be a large window with a ladder off a porch roof. Augusta has adopted the National Fire Protection Association's Life Safety Code, which has very complex fire safety requirements based on living space, number of floors, number of units, etc. For more information, check the NFPA website (www.nfpa.org), or for answers to specific questions, Chief Audette can be reached at 626-2421, or e-mail at roger.audette@augustamaine.gov.

The minutes of the June meeting were not printed in the newsletter, so Louise read them. Harold Booth moved, Ernie Clark seconded, to accept the minutes as read. Motion carried. Ratna distributed the Treasurer's report, which showed income and expenses to date for 2007, and indicated a total balance of \$27,909.15, of which \$12,059.65 is in a CD. In addition CAHA has a \$10,000 bond. Treasurer's report was accepted as presented.

Tiny introduced Don Gilbert as the newest Board member.

Harold Booth gave an update on CAHA's intent to get legislation submitted to the next biennial Legislature (2009-10). Items of interest are based on the bill that was killed in last session -- streamlining the eviction process, and criminalizing some tenant actions. It will be very important to work with tenant advocacy groups such as Pine Tree Legal and the Disability Rights Center to try to work out language that is acceptable to both sides. Anyone interested in working on the Legislation Committee, please let Harold Booth know.

It was announced that Board member Ramona Venskus had recently had surgery. Ernie Clark moved, Barbara Eckhardt seconded, to have the Board send her a card and flowers. Motion carried.

MAOMA's annual educational seminar is scheduled for Oct. 13th at the Augusta Elks Lodge. Registration for non-members is \$40.

Tiny Bechard won the smoke detector donated by the Fire Chief.

Sign in sheet indicated 15 members attending, with 91 units, and 13 vacancies.

Meeting adjourned at 8:05 pm.

Respectfully submitted,

Louise Hinkley,
Secretary

<p>CERTA PROPAINTERS * Painting (Exterior & Interior) * Pressure Washing * Plaster / Drywall repair Andy Mann - 622-6065 10% off for CAHA Members</p>	<p>Aubuchon Hardware 623-9844 20% off Glidden Paint - 10% off all other regular price items Aaron Feldmus</p>	<p>SHOP FROM HOME FLOORING 626-3100 10% off any regular price Sales & Installations Sam Macmaster</p>	<p>Sherwin Williams 622-6818 Paint, Wallcovering and Accessories 10-20% off all products Aaron Smith</p>
<p>Central Maine Wall to Wall 582-1526 email: info@cleaningmainescarpets.com Carpet and upholstery cleaning Rick Bonenfant</p>	<p>Hammond Lumber Co. 495-3303 Full Service Lumber & Building Materials 10% off Retail and Free Delivery Dale Tobey</p>	<p>Major Appliance 622-5859 Free Delivery Farmingdale, Maine Ken Martin</p>	<p>Steve's Appliance Service & Sales, Inc. 621-0520 - Fax:547-4083 Heaters - Mattresses NEW & USED APPLIANCE SALES & SERVICE</p>
<p>Farris, Foley & Dick, P.A. Eric Dick, Esq. 88 Winthrop Street, Augusta LEGAL SERVICES • 622-5872 \$ 25.00 off standard hourly rate on landlord/tenant matters</p>	<p>DOWNEAST ENERGY. Oil • Propane Equipment Sales & Service 191 Water Street - Hallowell 622-7521</p>	<p>Central Maine Property Management Property Mgmt - Maintenance Lawn care - Bookkeeping - Snow removal 20% discount to CAHA members Devon L. Dobbins • 622-7691</p>	<p>D.R. Struck Landscape Nursery 395-4112 15% discount on your purchase Robin Struck</p>
<p>Rick's Downeast Building & Property Maintenance 923-4054 & 623-7535 10% discount on property maintenance excluding the new Depo-section. Ricky Bradstreet</p>	<p><i>Bayleigh Flooring</i> Flooring & Lighting Sales Essence Wilkins (207) 620-8888 - FAX 620-7024 ewilkins@bayleighflooring.com</p>	<p>Moody & Company Office Supplies, Inc. 622-6616 25% off list and Free Delivery</p>	<p>TC & Company Cellular: 242-8499 or Phone: 621-8090 Handyman jobs at a 10% discount No jobs too small Tim Dennett</p>
<p>POULIN PROPANE Propane Appliance Installation & Service Edward Poulin 441-1574 Discount on Labor</p>	<p>Moreau Home Improvement Property Management & Maintenance (207) 215-7500 - (207) 549-5724 10% off - \$45.00 hr.</p>	<p>O&P Glass (the clear choice) 622-3652 Fax: 622-3268 Auto, residential commercial, stained glass</p>	<p>Winslow Aluminum 873-0412 • 1-800-924-0412 Windows, Doors, Siding, etc. 35% off Replacement Windows Rick Heffernan Sales Representative</p>
<p>Big Daddy's Handyman Service Painting & 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>R&R Property Management Rob Jordan (207) 485-1237 Tenant Relations - Handyman service Landscaping & Odd Jobs Discount on Labor for CAHA members</p>	<p>NEWCOMER RELOCATION SERVICES "Upscale Rentals" Phone/Fax 622-4312 - Cell: 446-4312 email: ramona@NewcomerRelocation.com www.NewcomerRelocation.com No application fee for CAHA Members</p>	<p>Dave Labbe Plumbing 622-2566 DISCOUNT ON LABOR</p>

