



P.O. Box 2901 • Augusta, ME • 04338-2901 (207) 512-2180



MARCH 2008 NEWSLETTER

CAPITAL AREA HOUSING ASSOCIATION

“LANDLORDS WORKING TOGETHER”

OFFICERS & BOARD OF DIRECTORS LISTING

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Secretary

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Treasurer

Ratna Don
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Vice President

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Gerard Bechard, Jr
(Ex-Officio)

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Tim Dennett
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CAHA Website
www.caha4u.org

PRESIDENT'S MESSAGE

What a fine banquet! What awesome door prizes! Thank-yous are certainly in order to the banquet committee, captained, as always, by our own very capable Ramona, who seems to have the magical ability to persuade even the most unlikely businesses to contribute door prizes, making the event even more fun for all of us.

The board held a brief meeting just after the banquet, resulting in the slate of officers shown on our 'masthead' at the left. As newly-elected president, after only eight months of being vice-president, and just over a year on the board, I certainly have my work cut out for me. I hope that I will be able to do a good job for you, but I'll need a lot of help, both from the board and the membership as a whole.

The new board met recently, going over the proposed by-laws revisions incorporating the suggestions that Eric Dick, our attorney had made. At that board meeting we went over the revisions one last time and voted to send them out to you, our members, for your comment and, we hope, approval. The next two regular membership meetings [March 11 and April 8] will be devoted to the process of discussing the proposed revisions and voting on acceptance. The complete by-laws - with the proposed revisions - are enclosed with this newsletter. Please be aware that we will ONLY be mailing out the by-laws once, so you should hang on to them, and bring them with you to the meeting[s] for the discussion[s]. The board has been working on these revisions for almost a year, so please take the time to look them over carefully, then come to the meetings with your comments.



Harold Booth
President



We enjoyed a great banquet!

With the legislature back in session, it's time for us to start thinking about legislation we may wish to work on for submission to the legislature in 2009 - the 2008 session, in theory, deals only with emergency legislation, so we didn't try to put in anything for consideration. Because of my duties as your president, I doubt that I will be able to participate as actively as I would otherwise like. The board is in

PRESIDENT'S MESSAGE, continued on next page

UPCOMING MEETING:

MARCH 11 ~ 7:00 P.M.
K.V. FEDERAL CREDIT UNION
DISCUSSION OF BY-LAWS REVISIONS

NEXT MEETING:

APRIL 8, 2008 ~ 7:00 P.M.
K.V. FEDERAL CREDIT UNION
DISCUSSION OF BY-LAWS REVISIONS

ASK THE LAWYER

Q. The City served me with notice of a code violation in one of my apartments. Can I evict the tenant that made the report?

A. "Presumption of Retaliation" Title 14 §6001(3)

Possibly, but only if there are independent grounds for eviction. Otherwise, Public policy and state law prohibits eviction of a tenant who makes a valid complaint.

The law presumes that a landlord is retaliating against the tenant if the landlord commences an eviction action within six months from the date the tenant made a good faith complaint of certain conditions regarding the apartment or building occupied by the tenant. In these circumstances the landlord cannot prevail in the eviction and obtain a writ of possession unless the landlord is successful in overcoming the presumption.

Under Title 14 §6001(3), a presumption of retaliation arises in any eviction action (whether the tenancy is pursuant to a written lease or a verbal rental agreement) if, within the six months prior to commencement of the eviction the tenant has:

1. filed a complaint in Court seeking a remedy for an alleged violation of the implied warranty of fitness for human habitation (conditions which endanger or materially impair the health or safety of the tenant);
2. has complained in good faith of conditions in the tenant's apartment which may be a violation of any building, housing, sanitary or other codes, ordinance, regulation or statute to the appropriate agency charged with enforcement, or where such agency has filed a notice or complaint of a violation; or
3. the tenant has provided a written complaint or request in good faith to the landlord or the landlord's agent to



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make repairs as required by any rental agreement, by any applicable building, housing or sanitary code, or as required to cure any breach of the warranty of fitness for human habitation.

If the tenant has taken any of these steps within six months from the date the landlord begins an eviction action, the law presumes the landlord is retaliating against the tenant, and the landlord cannot prevail in the eviction unless the landlord can rebut the presumption by proving a non-retaliatory reason for the eviction.

For example, a tenancy at will can usually be terminated with a 30 day notice to quit, which does not require any reason be stated to terminate the tenancy. (No breach or fault of the tenant is required) However, the Court would almost certainly deem such an eviction to be retaliatory if service of the notice to quit promptly followed the landlord's receipt of notice of a bona fide code violation reported by that tenant.

On the other hand, termination of the tenancy at will with a 7-day Notice to Quit for non-payment of rent, or damage to the apartment, can rebut the presumption, and the Court may find that the eviction is prosecuted for valid, non-retaliatory reasons.

I find it to be a common tactic of seasoned tenants to allege questionable code violations in an effort to gain leverage when the tenant has fallen behind in payment of rent, or has other issues with the landlord.

Fortunately, most code violation officers are competent professionals who are aware of this ruse and will not permit themselves or their offices to be misused. Nonetheless, the tenant's report of a valid code violation will result in issuance of a notice to the owner and will complicate any eviction action begun within six months thereafter due to the presumption of retaliation.

PRESIDENT'S MESSAGE, *continued from front*

the process of trying to set up a committee to work on legislation. If any of you out there have an interest in being on that committee – or chairing it – please let us know. I know some of the legislative process – I've submitted a couple of bills to the legislature, getting one of them passed, so I can be of some help, but I can't lead the charge this time.

We're also moving to improve the lines of communication between the oil committee, which is currently gearing up, and the board. We hope that the changes improve the oil-bid process – including getting information out to the membership in a more timely manner. This year the oil committee has the benefit of the experience they acquired last year, which should help them obtain an even better contract this year.

I wish you all a prosperous year and good tenants.

Hal Booth

Hal Booth, President

Minutes of Board Meeting

**Capital Area Housing Association (CAHA)
Held at Le Club Calumet ~ February 12, 2008**

President Tiny Bechard called the meeting to order at 9:10 pm with the following Officers and Board members present:

**President, Gerard "Tiny" Bechard
Treasurer & Board member, Ratna Don**

Secretary, Louise Hinkley

Board Member, Ramona Venskus

Vice President & Board Member, Harold Booth

Ramona Venskus nominated Harold Booth as President of CAHA. Seconded by Ratna Don. Approved unanimously. Ratna Don nominated Louise Hinkley as Secretary. Seconded by Ramona Venskus. Louise accepted, with the proviso that she will only be available until summer. Approved unanimously. Ramona nominated Ratna Don as Treasurer. Seconded by Louise Hinkley. Approved unanimously.

The next Board meeting will be on February 26th at Lucky Garden, 5:30.

Meeting adjourned at 9:25 PM.

Respectfully submitted, Louise Hinkley, Secretary

Minutes of Board Meeting

Capital Area Housing Association (CAHA)

Held at Lucky Garden Restaurant ~ Hallowell, February 5, 2008

President Tiny Bechard called the meeting to order at 5:45pm,
with the following Officers and Board members present:

Vice President & Board Member, Harold Booth

Treasurer & Board Member, Ratna Don

Secretary, Louise Hinkley

Board Member, Ramona Venskus

Details concerning the Annual Banquet were finalized. We have approximately 50 door prizes, and agreed to add up to 10 checks of \$25.00 each from CAHA. 153 people had registered, plus there will be about 10 guests. Tiny will guarantee a head count of 150 with the Calumet Club, and will ask them to set up 20 tables, plus a head table for the door prizes.

Members running for the Board are Harold Booth, Ratna Don, Herbert Mann and Stefanie Barley. Charlie Anderson is not available on Tuesday evenings, so declined to be a candidate. With Ramona remaining on the Board, and Tiny serving ex-officio as Past President, we could still have one more Director, so will ask for nominations from the floor. Ramona will bring her camera to the Annual Meeting, and take pictures of Board members for the website. Tiny will ask Eric Dick to swear in the new Board members at the Meeting. Tiny also agreed to order and pick up a plaque to present to Ernie Clark, in appreciation of his past service to CAHA.

The Annual Meeting agenda was discussed. Louise will type it up and bring copies to hand out at the Meeting.

Harold announced that the February newsletter was approved this day, so should be out to members in a few days. Ramona had sent information to PagesPlus for ads for the vendors who returned forms to her. Since the last Board meeting, we all received a long letter from Eric Dick regarding concerns and suggested language for the proposed bylaw amendments. Louise will try to re-draft these, to be further discussed at the February 26th Board meeting, and hopefully printed with the March newsletter.

Ratna reported that 470 members have paid dues for 2008. He sent an e-mail reminder to those who had not renewed, and had e-mail addresses, as of January 20th. It was agreed to have Ratna have Mr. Elwell do the financial audit again this year. CAHA will most likely not have to file an income tax return for 2007, because most of the 2007 dues were deposited in 2006, and Ratna waited until 2008 to deposit dues for 2008. (Organizations with less than \$25,000 income do not file.)

No word from or about the Oil Committee yet.

Meeting adjourned at 7:35 PM.

Respectfully submitted, Louise Hinkley, Secretary

Minutes of Annual Meeting

Capital Area Housing Association (CAHA)

Held at Le Club Calumet, Augusta ~ February 12, 2008

After a social time and a wonderful buffet dinner at Le Club Calumet, President Tiny Bechard called the meeting to order at 7:20 pm. Rick Gilbert moved, Don Gilbert seconded, to approve the minutes of the January 8, 2008, meeting as printed in the newsletter. Motion passed. The Treasurer's report was distributed, giving a financial report for the year 2007, and showing a balance as of February 12, 2008, of \$42,284.88. Louise Hinkley moved, Ramona Venskus seconded, to approve the Treasurer's report as distributed. Motion passed.

It was announced that the proposed bylaws amendments will be printed with the March newsletter, and will be discussed at the March meeting and voted on at the April meeting. Also, the Oil Committee will be meeting soon.

President Bechard presented those members who had been nominated for the Board:

For 2 years terms: Harold Booth, Ratna Don and Stefanie Barley

To fill the second year of a two-year term: Herbert Mann, Sr.

(Ramona Venskus remains on the Board for her second year).

Ramona Venskus nominated Tim Dennett to also fill a one-year position on the Board. Seconded by Harold Booth.

By a show of hands, the slate of nominees was approved. CAHA Clerk swore in all Board members.

President Bechard presented Past President Ernie Clark with a plaque, in appreciation of all the time and hard work Ernie gave to CAHA during his tenure as President and Board member.

The business portion of the meeting adjourned at 7:50, followed by a "mahvelous" performance by Maine humorist Gary Crocker, and then door prizes, emceed by Gary Crocker and Ramona Venskus.

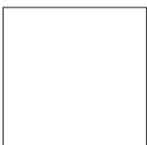
President Bechard expressed thanks to Le Club Calumet, and to Ramona Venskus and other Board members for organizing the Banquet.

Respectfully submitted, Louise Hinkley, Secretary

Congratulations to our Banquet Door Prize Winners!

Greg Wehrwein, Black & Decker drill from Aubuchon Hardware; Lou Ashland, \$20.00 gift certificate from Bond Brook Pancake House; Norman Straffin, \$100.00 gift certificate from BugBeaters; Claudette Albert, Deadbolt lock from Burt's Security Center; Harold Booth, \$100.00 gift certificate from Winslow Aluminum (3rd year in a row!!); Scott Treworgy, Certificate for one large pizza from College Carry Out; Don Gilbert, Red Sox book and CD from Crocker Entertainment; Ray Poulin, Maine humor CD from Crocker Entertainment; Stewart Turney, Gift basket from Downeast Energy; Larry Fleury, \$100.00 gift certificate from Downeast Energy; Jackie Arbour, \$100.00 gift certificate from Downeast Energy; Kay Kahlvati, a 1-year service contract from Downeast Energy; Gail King, a 1-year service contract from Downeast Energy; Bob Some, Tea assortment from Downtown Gifts & Crafts; Rick Gilbert, Scrapbooking calendar kit from Downtown Gifts & Crafts; Joe Owen, Flower arrangement from Flo's Flowers & Gifts; Ratna Don, Jewelry box and bracelet from G. M. Pollack & Sons; Luck Bolduc, \$50.00 Savings bond from Gardiner Savings Bank; Robert Berry, \$50.00 Savings bond from Gardiner Savings Bank; Kate McLin, Model car from Gosline's Hardware; Gloria Gilbert, Model airplane from Gosline's Hardware; Norm Pouliot, \$100.00 certificate from Hammond Lumber; Carmen McIver, a 1-year annual maintenance contract from J & S Oil; Alden Sachs, Gift certificate from Lucky Garden restaurant; Rita LaChance, Gift certificate (dinner for two) from Margarita's; Phil Hart, Gift certificate (dinner for two) from Margarita's; Brigitte Ndikum-Nyada, Gift basket from Newcomer Relocation; Ernie Clark, Gift basket (by Perfect Gift) from Northeast Bank; Stefanie Barley, Gift basket (by Perfect Gift) from Northeast Bank; Alain Blais, Embroidered sweatshirt from On Top; Al Michaud, \$25.00 gift certificate from Panera Bread; Patti Welsh-Force, Water purifier from Philbrick Well Drilling; Tiny Bechard, \$50.00 gift certificate (Spring clean-up) from R & R Property Management; Mary Parker, Paint bucket and supplies from Sherwin Williams; Bert Martin, \$50.00 cash from Tim Dennett & Co. Dale Ackerson, \$100.00 gift certificate from Webber Energy; Rejean Blais, \$100.00 gift certificate from Webber Energy; Diana Olore, \$100.00 gift certificate from Webber Energy; John Gaudet, Huge gift basket and sweatshirts from Webber Energy; Bruno Blais, \$100.00 gift certificate from Gagne Concrete; Rob Jordan, Gift basket from Yankee Hearth & Home; William Bourne, \$25.00 check from CAHA; Bill Gauvin, \$25.00 check from CAHA; Mary Littlefield, \$25.00 check from CAHA; Barbara Derbyshire, \$25.00 check from CAHA; Jean Guy Paquet, \$25.00 check from CAHA; Roger Badershall, \$25.00 check from CAHA; Colleen Spencer, \$25.00 check from CAHA; Rozelle Bilodeau, \$25.00 check from CAHA; Sue Kiefer, \$25.00 check from CAHA; Herbert Mann, \$25.00 check from CAHA. And, the 50-50 raffle winner was Desmond Parker, who won \$118!!

<p>Bob Philbrick Well Drilling (207) 623-8603 rephilbrick@yahoo.com 10% off pumps & wells (contractor prices) "Maine's largest installer & designer of geothermal systems."</p>	<p>On Top, Inc. (207) 622-7037 or (207) 622-7376 75 Court St., Augusta, ME Screen printing & embroidery services. 10% discount from normal wholesale price</p>	<p>This space and many others available! Make your services known to over 600 CAHA members!</p>	<p>Webber Energy Fuels (207) 623-4747 or (800) 281-3061 Generous heating oil & propane discounts. Discounted labor rates for service & installation webberenergy.com</p>
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