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CAHA

APRIL 2008 NEWSLETTER

CAPITAL AREA HOUSING ASSOCIATION “LANDLORDS WORKING TOGETHER”

OFFICERS & BOARD OF DIRECTORS LISTING

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Treasurer

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Vice President

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CAHA Website
www.caha4u.org

PRESIDENT'S MESSAGE

Well, we'll have to try again. At the last regular CAHA meeting [March 11] - to discuss the by-laws revisions - we did not have enough members present to constitute a quorum, and were thus unable to conduct business. This means that the by-laws revisions, which require approval by two successive regular meetings, will have to wait until the April and May meetings.

In the meantime, the oil committee has begun its work. At the board meeting following the annual meeting we identified a board member to be a liaison to the oil committee so that the board can be kept current with the activities of the oil committee.

There will be a board member making a report to the membership on the progress of the oil committee at the next regular meeting [April 8] in addition to the business we need to conduct on the by-laws. If you have any helpful suggestions - please, no complaints - for the oil committee in their work this year, please bring them to this meeting. We'll pass these suggestions on to the committee.

The oil committee's job is made more difficult by the fact that the CAHA membership is comprised of individuals who are free to find their own oil



supplier - in the past year I've heard of many members who have been buying their oil from someone other than our 'selected supplier', Webber Energy.

The [apparent?] fact that many area oil suppliers are willing and eager to offer a "CAHA price" to CAHA members even though that supplier is not our 'selected supplier'

PRESIDENT'S MESSAGE, continued on next page



Harold Booth
President

UPCOMING MEETING:

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

NEXT MEETING:

MAY 13, 2008 ~ 7:00 P.M.
K.V. FEDERAL CREDIT UNION
REPORT OF OIL-COMMITTEE ACTIVITY
DISCUSSION OF BY-LAWS REVISIONS

ASK THE LAWYER

Q. I rent apartments in my building with heat included. I control a master thermostat which maintains 68° in each apartment. An older tenant wants 72° in her apartment. What are the State requirements?

A. Heating Standards: Title 14 §6021 (6)

State law does not specify a minimum temperature for heated apartments, although local ordinances or regulations may.

All dwelling units rented for human habitations are subject to an implied warranty that the unit is fit for human habitation. Among other things, it is a breach of that warranty if the dwelling unit has an insufficient heating system, or if the heating system is not operated so as to prevent harm to the occupants or the building.

Under Title 14 §6021 (6) it is a breach of the warranty for fitness for human habitation if the landlord is required to provide heat and:

- A. Indoor temperature is maintained so low as to be injurious to the health of the occupants (who do not suffer from abnormal medical conditions);
- B. The heating system is not capable of maintaining an indoor temperature of at least 68° as measured three feet away from an exterior wall, five feet above floor level when the outside temperature is -20° ; or
- C. The heating system is not operated so as to prevent the building equipment and systems from freezing.



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Unless the City or Town in which the building is located has established more stringent standards for the maintenance of a minimum temperature in rental units, the above State standard will apply, and the maintenance of a temperature of 68° does not violate the State standard.

However, as landlords reduce heat to their rented units in an attempt to save costs, tenants are more prone to use supplemental heat sources. Landlords

may wish to add language to their leases to prohibit use of certain types of supplemental heaters, such as those that utilize kerosene or propane since they generate CO₂ and represent an enhanced fire hazard. The landlord may wish to permit use of UL approved supplemental electric heaters. Of course this presumes that the tenant pays their own electrical costs, and that the building's electrical system will safely carry the electrical load. Otherwise, this form of supplemental heat should also be prohibited.

If the heating system is adequate, but the landlord permits the system to run out of heating fuel, the landlord should be aware that a total lack of

heat is a condition which is deemed to endanger or materially impair the health or safety of the tenants. Such condition, therefore, constitutes a breach of the warranty of fitness for human habitation, and unless the landlord promptly responds to a complaint of lack of heat, the tenant may buy the heating fuel and subtract the cost from the rent (up to a limit of \$500 or ½ the monthly rent, whichever is greater).

PRESIDENT'S MESSAGE, *continued from front*

indicates that our business is prized. The unfortunate fact that we can't 'deliver the goods' by assuring our 'selected supplier' that all CAHA members will patronize that supplier significantly reduces our bargaining position, and thus the attractiveness of the offers made by the suppliers in the bidding process.

Last year the problem was compounded by the fact that the identity of our selected supplier was not communicated to the membership in a timely manner – due to unfortunate difficulty that the board was having associated with the change of presidency at that time. This created a problem with the printing of the newsletter with the information. We will do our best to ensure that we don't have that problem

this year.

There have recently been reports in the news of landlords in some parts of the State just walking away from their buildings because of the high cost of keeping them heated. In these trying times for all of us, I hope that our oil committee will be able to find us the best deal possible in today's market, and that all of us, in turn, will support our oil committee by buying our oil from that supplier. Remember that the strength of our bargaining position is in direct proportion to the amount of business we represent to our selected supplier.

Hal Booth

Harold Booth
President

**Minutes of Board Meeting
Capital Area Housing Association (CAHA)
Held at Lucky Garden Restaurant, Hallowell
February 26, 2008**

President Harold Booth called the meeting to order at 5:40pm,
with the following Officers and Board members present:

**Treasurer & Board Member, Ratna Don • Secretary, Louise Hinkley
Board Member, Ramona Venskus • Board Member, Tim Dennett
Board Member, Stefanie Barley • Past President, Tiny Bechard**

The newly revised proposed bylaws amendments, incorporating recommendations from Eric Dick, were discussed. Ratna moved, Tim seconded, to remove the second paragraph in Article 2, 1. Membership, as suggested by Eric Dick, thus removing the language concerning Past Presidents. Motion passed unanimously. Louise will work on putting together a list of towns that would fall within the 25 mile radius of the Capitol Building, as mentioned in the new proposed language in Article 2, 1. Membership.

Tiny moved, Ramona seconded, to replace language, in Article 2, 6. Notice of Meetings, from The newsletter shall be delivered, to Every effort will be made to deliver the newsletter. Motion passed, 3 in favor, 2 opposed, 1 abstention. Stefanie moved, Tiny seconded, to change language in Article 3, 4. Newly Created Directorships, from ...hold office for the unexpired term of his predecessor, to ...hold office until the next Annual Meeting. Motion passed, 5 in favor, 1 opposed.

Louise moved, Ratna seconded, to change, in Article 4, 1. Officer, Election, Term, from "within its membership" to "within the regular Association membership." Motion passed unanimously. Ratna moved, Tim seconded, to change, in Article 6, Dues, "in the month of January" to "by January 1st." Motion passed unanimously. Ratna moved, Louise seconded, to remove the last sentence of the second paragraph in Article 6, Dues, referring to Past Presidents. Motion passed unanimously.

Tim moved, Ramona seconded, to accept the proposed bylaw amendments as revised by Louise according to Eric's suggestions, except where specific votes were taken at this meeting, for including in the March newsletter and presenting to the membership. Motion passed unanimously.

Louise moved, Stefanie seconded, to appoint Tim Dennett as Vice President of CAHA. Motion passed, 5 in favor, 1 abstention. Louise also reminded the Board that she will be stepping down as Secretary this summer.

Ratna announced that he has given information to Mr. Elwell for the audit.

Tiny will contact Larry Fleury about serving as coordinator of CAHA's Legislative efforts.

Materials for the March newsletter need to be submitted as soon as possible. Besides the regular information, we need to add the new Board member and Officer information, and Ramona has three more vendor ads. Ramona agreed to coordinate newsletter information gathering each month. Louise will revise the bylaw amendments again, and send to Harold, who will convert to pdf and get them to the Copy Center.

Stefanie agreed to serve as liaison with the Oil Committee, and will contact Don Gasink and/or Rick Gilbert to find out what the status is, and let them know to keep her informed.

The issue of whether we should be paying a stipend to officers, especially the Secretary, was discussed. Louise will think on it, perhaps try to figure amount of time spent, and report back at the next Board meeting.

The website needs to be updated with new Board members and officer information. Ramona had some new pictures, Harold will scan them and send to Ratna. Ratna will also change the News button to link to the newsletter rather than old minutes, and will delete all the vendor ads from the website. No vendors expressed interest in paying the \$50 per year to include their ad with a hot link.

Louise moved, Stefanie seconded, to approve payment of \$1190 to Eric Dick for his detailed review of the proposed bylaw amendments. Motion passed unanimously.

Next Board meeting will be March 25th, 5:30, at Maria Libra's in Hallowell. Ramona moved, Tim seconded, to adjourn at 7:35 pm.

Respectfully submitted,
Louise Hinkley, Secretary

**Minutes of Board Meeting
Capital Area Housing
Association (CAHA)
Held at Kennebec Valley
Federal Credit Union
March 11, 2008**

As there were only 8 members present for the regular March meeting, no business was conducted. At 7:05 pm, President Booth called a Board meeting to order, with the following present:

Treasurer & Board member,
Ratna Don

Secretary, Louise Hinkley

Board member, Ramona Venskus

Board member, Herbert Mann

Ramona Venskus moved, Herb

Mann seconded, to add the following language to the proposed bylaws changes, Article III, 4. Newly Created Directorships and Vacancies: "If the term of the removed or resigned director would have extended for another year, a director shall be elected to fill that one-year position to maintain the stagger in the two-year director terms." Motion passed, 4 in favor, 1 abstention.

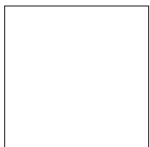
Louise Hinkley moved, Ratna Don seconded, to change the wording in the proposed bylaws amendments, Article VI, Dues and Assessments to: "The Officers and Board of Directors shall have their dues waived and other expenses related to conducting the business of the organization paid by the association." Motion passed unanimously.

Meeting adjourned at 7:12 pm.

Respectfully submitted,
Louise Hinkley
Secretary



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