



MAY 2008 NEWSLETTER

CAPITAL AREA HOUSING ASSOCIATION “LANDLORDS WORKING TOGETHER”

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PRESIDENT'S MESSAGE

Finally! As I write this, the temperature is close to 80 with nice bright sun to boot, and my oil burner isn't. It's been a long, cold winter, and with the price of oil continuing to rise, a real concern for our membership for next winter, even as we look forward to having a few months off.

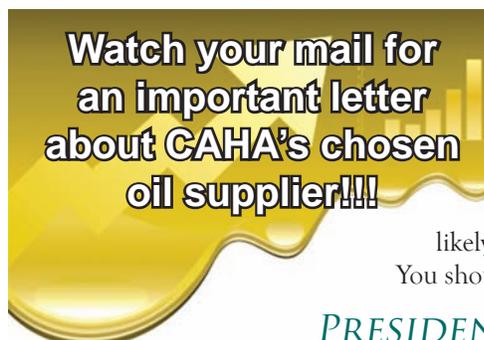
The oil committee is busily working to get us the best deal they can for next year. With the confusion of last year in mind, I'm going to do all I can to keep you all informed of what's happening. To start with, the oil committee is taking a bit more time this year - allowing for the oil dealers to get a better feel for what the market will be before committing to a price. This means that the oil committee is not going to have a recommended supplier for our consideration 'til the June CAHA meeting [June 10].

In the meantime ANY mailing you get from ANY oil supplier talking about a "CAHA price" and urging you to "... sign up now ..." IS NOT from our selected supplier. Just a couple of days ago I saw an oil-company ad in the KJ with a "... call for landlord pricing ..." line. This is actually good news. The oil companies want our business [we probably represent more than a million gallons of oil purchased per year], but the way to get our business - and the way for us to get the best price - is for us to stick together and wait. Let the oil committee do its work, and forward any mailings soliciting your business with a claim of a "CAHA price" to the oil committee.

We - CAHA - will be sending out a letter [e-mail or USPS, depending on your expressed preference for the newsletter] informing you of the selected supplier as soon

as that selection is made [it takes about a week to get the letter printed and mailed]. The letter will also outline any options or other details you may need to know. Please don't sign up with any oil supplier 'til you get that letter from us. The bigger we are as a buying block, the better the deal we're likely to get, both this year and in the future.

You should reasonably expect that letter to arrive



Harold Booth
President

PRESIDENT'S MESSAGE, continued on next page

UPCOMING MEETING:

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

NEXT MEETING:

JUNE 10, 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 was out of town on business and could not be contacted when the furnace in my apartment building stopped working over a weekend. A tenant tried to notify me that he was going to call a repairman, and then hired a local oil burner technician who charged \$200 for a weekend service call to replace a clogged filter. I could have replaced the filter myself for less than \$10.00. The tenant paid the bill and then deducted the \$200 from the next rent payment. Can the tenant deduct this expense from the rent?

A. Dangerous conditions requiring minor repairs. Title 14 §6026

Yes, with certain qualifications, including prior notice to the landlord that the tenant intends to engage a repairman at the landlord's expense, the tenant may legitimately deduct the actual and reasonable cost of the furnace repair from the rent.

State Law permits a tenant to correct a dangerous condition at the landlord's expense after giving two weeks' notice. However, a dangerous condition in the nature of an emergency may be corrected by the tenant more promptly, as circumstances warrant.

As mentioned in last month's column, State Law deems a total lack of heat during the heating season to be a breach of the implied warranty of fitness for human habitation, and to also constitute a dangerous condition of an emergency nature. The tenant may remedy such a condition at the landlord's expense, if the landlord fails to promptly fix the problem after being notified. Here, the landlord could not be reached, and presumably had not provided the tenant with information to contact someone else in case of emergency in the landlord's absence. In such emergency situations, the tenant may purchase fuel oil or hire a professional oil burner repairman and deduct the cost up to a limit of \$500, or one-half the monthly rent, whichever is greater.



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For non-emergency conditions which endanger or materially impair the health or safety of the tenant, the tenant must first provide the landlord with written notice of the tenant's intent to fix the problem at the landlord's expense, by certified mail, return receipt requested. If the landlord fails to remedy the dangerous condition within 14 days after receipt of the certified mail notice, the tenant may then cause the work

to be professionally done at the landlord's expense, subject to the financial limits mentioned above.

Regardless of whether the dangerous condition is of an emergency or non-emergency nature, certain other limitations apply:

1. Section 6026 does not apply to dangerous conditions created by the tenant or a tenant's guest. Likewise, this section does not apply if the landlord is unreasonably denied access to the rental unit, nor where extreme weather conditions prevent the landlord from making the repairs;

2. Any installation and servicing of electrical, oil burner and plumbing equipment must be performed by a licensed professional who must use the same quality of materials as are being repaired;

3. The tenant may not assess a charge for the tenant's labor, or for any member of his immediate family, to correct a dangerous condition that does not require the services of a licensed professional, although appropriate parts and materials purchased by the tenant are reimbursable;

4. Section 6026 does not apply to a building having five or fewer rental units, one of which is occupied by the landlord;

5. If the tenant agreed to accept the rental unit with knowledge of specific problems that may violate the warranty of fitness for human habitation in exchange for reduced rent or other fair consideration, then §6026 does not apply.

Importantly, whenever the repair of a dangerous condition is undertaken by or on behalf of a tenant, the landlord is not liable to the tenant or any other persons thereby injured.

PRESIDENT'S MESSAGE, *continued from front*

around June 17. We will also post the name of our selected supplier on our web-site CAHA4U.ORG once that selection is made, so you can look for it there shortly after the June 10 meeting, where we expect to receive the recommendation of the oil committee and to vote on that recommendation.

Last month's meeting, in addition to providing the first approval of the revision to the by-laws, consisted of a 'spirited' discussion of oil prices and the oil committee's work. The May meeting [May 13] will have the same agenda: We will vote on the second [and final] approval of the by-laws revisions, and with that and other business - the approval of the secretary and treasurer's reports - [quickly] out of the way, the rest of the meeting will provide more opportunity for helpful suggestions for the oil committee. Let's continue to use this time well by expressing ideas

succinctly, and avoiding airing complaints, which are not helpful.

John Gwazdosky has recently made me aware that Maine law requires a minimum of 45 days' notice of a rent increase for a tenancy at will, and that rent increases are not permitted during the term of a lease. Some of you may be tempted to charge a "fuel-oil surcharge" to try to mitigate some of the pain we're feeling from the high prices this year. Please check with a lawyer before you do that. It might not be legal. I've suggested that Eric Dick address these issues in an upcoming column.

You may not know that we are giving away a door-prize at the regular CAHA meetings. A \$25 cheque is given to a lucky CAHA member in attendance after a random drawing.

The high, and rising, cost of oil is making it a challenging time for us all. With that in mind, it's more important than ever for us to stick together.

In solidarity,

Hal Booth

**Minutes of Board Meeting
Capital Area Housing Association (CAHA)
Held at Maria Libra's Restaurant, Hallowell
March 25, 2008**

President Booth called the meeting to order at 5:40 pm, with the following present:

Vice President & Board member, Tim Dennett
Past President, Tiny Bechard
Treasurer & Board member, Ratna Don
Secretary, Louise Hinkley
Board member, Ramona Venskus
Board member, Herbert Mann
Board member, Stefanie Barley

Tiny reported that Larry Fleury had indicated that he is willing to help with a Legislation Committee. Harold will contact him again to share more information.

Stefanie reported that the first meeting of the Oil Committee was postponed until Wed., March 26th. Tim will plan to attend, and make sure the Committee is aware that they need to try to solicit bids from all the area oil suppliers. Time is running short! Stefanie asked about the possibility of CAHA actually purchasing oil on pre-buy, then re-selling to members. However, CAHA does not have the funds to purchase a large number of gallons, and it would be a huge task to track and manage the finances.

In regards to the suggestion of staff stipends, Louise reported that she spends approximately an hour after each meeting writing up minutes. She strongly opposes paying officers for their normal duties. Ratna is paid for the database management and financial consulting (including preparing information for the annual tax return), but not for the normal Treasurer duties. If the Board is interested in paying stipends, we need to figure out clear delineation of what constitutes "normal" duties, and create specific job descriptions.

Ratna reported that the audit has been completed by Mr. Elwell, and the books approved. He will get or bring copies of the report for the Board to the next regular meeting. CAHA did need to file an income tax return for 2007, with income of \$25,090, but we do not have to pay any income tax. Ratna also reported that the website is updated except for photos of the Board, because he did not have all the photos yet.

At the April meeting, Tim (and members of the Oil Committee, if present) will report on the Oil Committee's meetings and process. And we will discuss the proposed bylaws amendments.

Ramona realized she does not have the time to coordinate the newsletter, so Stefanie offered to do so. Louise sends minutes, Eric sends his Ask the Lawyer column, Harold sends his President's message, Ramona sends any vendor ad information, all to Cory at Pages Plus. Basically we need someone to proof Cory's layout (and remind him to e-mail a copy to Ratna for e-mail distribution), then proof again at the Copy Center. Information needs to be to Cory by March 14th.

Louise moved, Ramona seconded, to approve paying bills to Mr. Elwell for the audit (\$100) and the 2007 tax return filing (\$130), and to Eric Dick (\$68) for follow-up on a bylaws question. Motion passed. Ratna will sign and send in the income tax form.

Ratna pointed out that the website maintenance he is doing is not included in his contract. He is volunteering his time for that, needs Board input when changes are suggested, and would appreciate members' understanding that he cannot make changes immediately.

Meeting adjourned at 7:10 pm.

Respectfully submitted,
Louise Hinkley, Secretary

**Minutes of Regular Meeting
Capital Area Housing Association (CAHA)
Held at KV Federal Credit Union
April 8, 2008**

President Harold Booth opened the meeting at 7:00 pm. It was established that a quorum was present. Stefanie Barley moved, Tim Dennett seconded, to approve the distributed bylaws with proposed amendments. There was some discussion about limiting membership to the 25 mile radius, and about the definition of residential property. A vote was taken, and the motion was approved. However, according to the bylaws, the proposed bylaws will be discussed again, and a final vote taken at the May meeting.

Tim Dennett, along with members Mark Williams, Jean Guy Paquet and Barbara Eckhardt, reported on the activities of the Oil Committee. They have had two meetings, and would like to survey the membership concerning company used, price paid, number of gallons used, automatic delivery, and other services of interest. Webber Energy had reported that only 187 of the 500 CAHA members used Webber this year. There were strong feelings that we need to "stick together" to increase our buying power, and that we need to make sure the process and decision are communicated to members in a timely manner. The Oil Committee will draft a questionnaire to send to members, with responses to go to the Committee. They will solicit bids from a variety of local companies, including possibly looking at some smaller independents. It was hoped that we could have the information and vote at the May meeting, but that seemed unrealistic, so we will plan to have the Oil Committee's recommendation and a vote at the June meeting. The Oil Committee would appreciate receiving information from any members who receive offers from companies other than Webber.

Thomas Hair (representing SJS Housing) volunteered to join the Oil Committee. Gloria Gilbert moved, Jean Guy Paquet seconded, to allow a member's representative to serve on CAHA committees. Motion passed.

Minutes of the February Annual Meeting were approved as printed in the newsletter. Ratna Don distributed the Treasurer's report, which showed income and expenses from January 9th to April 6th, 2008, indicating a total balance of \$36,196.93 (\$12,408.75 of which is in a CD). In addition CAHA has a \$10,000 bond. There are currently 498 CAHA members. Treasurer's report was accepted as presented.

There was some discussion about the ads on the back of the newsletter, including why Downeast Energy still had an ad, even though they are not the approved CAHA oil supplier. The criteria the Board had established to have an ad is for the company to provide a discount specifically to CAHA members, and to provide a door prize for the Annual Banquet. The Board will discuss this issue at the next Board meeting.

Sign in sheet indicated 17 members attending, with 219 units, and 15 vacancies. Tara Minoty won the \$25 door prize.

Meeting adjourned at 8:25 pm.

Respectfully submitted,
Louise Hinkley, Secretary



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