



JANUARY 2009 NEWSLETTER

CAPITAL AREA HOUSING ASSOCIATION
“LANDLORDS WORKING TOGETHER”

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PRESIDENT'S MESSAGE

Well, here we are, just past the solstice and heading into the heart of ‘heating season’. The good news is that oil prices are the lowest they’ve been in a number of years – yippee! That does not, however, mean that we should abandon our efforts to cut our fuel consumption.

The speakers at our January meeting [Jan. 13 at the Credit Union] will be a couple of CAHA members, Buddy Carlton and Rob Jordan, who have made a business of saving energy. Buddy writes: “. . . The new business is called Maine Energy Conservation L.L.C. We will be both Certified Energy Auditors the first of Nov. We presently own/manage approx. 150 units in Augusta and Rockland. I started in 1985 and currently own/ manage 15 properties. We also provide heat for 90 % +/- of these properties. OUCH. Our primary market in our business venture will be older multi-family apartment buildings.

We have a combination of nearly 40 years of maintaining, and winterizing primarily older housing stock. These buildings are from 2 - 12 units, ranging from 2000 - 10,000. sq. ft. In today’s current energy crises that we all are experiencing, there is not a better time to save landlords energy costs. . .” I’m sure we can all learn a thing or two from their presentation.

In the meantime, a brief examination of the relative cost of various fuels. At the current cost of electricity, 16.1 cents per KWH [Kilo-Watt Hour], the equivalent cost for oil is \$4.717/gallon, Propane \$3.145/gallon. For those of you who use propane, be aware that propane provides 1/3 less heat per gallon, so you need to multiply your cost of propane per gallon by 1.5 to get a figure to compare with the cost of #2 oil.



Harold Booth
President

PRESIDENT'S MESSAGE, continued on next page

NEXT MEETING:

JANUARY 13, 2009 ~ 7:00 P.M.
K.V. FEDERAL CREDIT UNION
GENERAL BUSINESS WILL BE DISCUSSED.
ENERGY SAVING PRESENTATION.

UPCOMING MEETING:

FEBURARY 10, 2009 ~ 7:00 P.M.
AUGUSTA ELKS CLUB
ANNUAL BANQUET. GET YOUR
RESERVATIONS IN EARLY!

ASK THE LAWYER

Q. I do not allow pets in any of my apartments in a 6-unit building. An applicant for a vacant apartment told me she has a “therapy cat” for companionship and emotional support. The applicant has a good rental history and is otherwise acceptable. Am I required to allow this tenant to keep her cat in the building contrary to my policy? Can I charge a “pet deposit”?

A. *Service Animals – Title 5 M.R.S.A. §4582-A.* Under the State of Maine Human Rights Act a landlord must permit a tenant to keep any “service animal” that has been determined to be necessary by a physician, psychologist, physician’s assistant, nurse practitioner or licensed social worker to mitigate a physical or mental disability of a tenant, even if pets are not allowed in the landlord’s apartments. The label is irrelevant; the animal may be referred to as a service animal, therapy animal, assistive animal, emotional support animal or otherwise. Further, there is no limitation of species that may qualify, and beyond dogs and cats, animals such as monkeys and birds may also qualify as service animals. The law does not consider a qualified “service animal”



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to be a pet at all, but rather a physical aid to, or an extension of the disabled person. Therefore, the landlord cannot assess additional fees, or an additional deposit due to the presence of a service animal, although the tenant remains financially responsible for any damages caused by a service animal. Even when a landlord permits pets in their apartments in exchange for extra rent or an additional “pet deposit”, the extra rent or deposit cannot be charged for a service animal.

The determination of whether a particular animal qualifies as a “service animal” can be difficult because there is no requirement of special identification, registration or certification. In many circumstances, one of the professionals previously

mentioned may have provided a note or even a prescription for an animal. For instance, the cat in this question may have been prescribed by a psychologist to provide companionship to a person suffering from depression. However, an animal that has been individually trained to assist a person with a disability can also qualify as a legally protected “service animal”, even if

the animal has not been recommended or prescribed by one of the professionals mentioned.

ASK THE LAWYER, continued on next page

PRESIDENT’S MESSAGE, continued from front

The actual cost-comparison table – as provided by Consumer Reports – is:

Electricity: 0.293 X \$/KWH

Oil: 0.01 X \$/gal.

Propane: 0.015 X \$/gal.

Nat. gas: 0.013 X \$/100 cu. ft.

That means that using supplemental electric heaters, like those described at the December meeting, is a rather more expensive way of providing heat. When the cost of oil was high, as it was last summer, the use of such devices made some sense. You can draw your own conclusion about their use now. In addition, shortly after last month’s meeting, a member sent me an e-mail alerting me to the possibility that some insurance policies might be affected by the use of free-standing heaters.

For those of you interested in my solar heater, I have some figures: It cost me a bit over \$200 for the materials. On a clear sunny day, I get about three hours of heat – because of its location, I have some shading by adjacent structures. It’s set to start blowing [at about 50 cubic feet/minute] when the temperature in the collector reaches about 70 degrees. It gets its air from about two feet above my cellar floor – about 50 degrees these days. Today, with the outside temperature at about 40, it’s blowing air into my cellar at 105 degrees, peak. That temperature [of delivered air] will gradually drop as the sun moves away, ‘til the fan stops at about 65 degrees. All-in-all, I’m pleased with the results. . .

A reminder that our annual banquet is February 10 at the Elks Club – get your reservation in early.

Hal Booth

**Minutes of Regular Meeting
Capital Area Housing Association (CAHA)
Held at KV Federal Credit Union
December 9, 2008**

The meeting came to order at 7 PM. Stefanie Barley introduced her friend, Jon Weymouth, of New England Heating Alternatives, Inc., who was the evening's speaker. Jon explained that he offers a product which supplies an effective, healthy, new type of heat for homes. His heaters are marketed under the brand name of ComfortZone.

Everyone who has purchased one of these units uses a lot less fuel oil. Jon advised using these heaters as back up to a regular furnace, and he suggested that people set their furnaces at a lower temperature than usual.

Jon researched these heaters for quite a long time before deciding to act as a distributor for them in this area. He said ComfortZone is the only unit with digital thermostats and it has a DC fan, which is quieter than other infra-red heaters.

Jon gave people at the meeting his phone number, web site address, and other contact information in case anyone wanted to talk with him further about his products.

He said that the heaters ought not to be placed directly under a window and need to be 4" away from any wall. Currently, these heaters are selling for \$397, including tax.

At 7:25 PM, Ramona Venskus made a motion to approve the minutes from the last CAHA meeting on November 11th, and Chris Karagiannes seconded Ramona's motion, which passed unanimously. Stefanie Barley made a motion to accept the Treasurer's Report as written and Ramona Venskus seconded that motion, which also passed unanimously.

President Harold Booth spoke about the slate of

CAHA officers and their terms of service. Tim Dennett, Tiny Bechard, Ramona Venskus, and Herb Mann all have agreed to serve on the Board again. There is one slot open, which Venita Barley has been nominated for. All of these terms are for two years.

A member asked how many times someone could run for service on the Board; at this time, there are no term limits.

There was a motion to accept the slate of officers; this motion was made by Chris Karagiannes and seconded by Stefanie Barley.

Harold Booth pointed out that anyone is welcome to offer the serve on the Board. Additional names can be presented at any time prior to the election in February.

President Booth brought up the topic of auditing the books, which is an annual event. Last year's cost was \$150. Every January there are two members who review the CAHA books. This year Joan Swanton and Wayne Niles will perform that task. They will set up a time to meet with Treasurer Ratna Don. Ratna will get the key and open up the KV Credit Union prior to next month's meeting, and Joan and Wayne will do their audit on that day.

Then President Booth passed out tickets for the drawing for the \$25 gift certificate, and Jean Guy Pacquet won.

Ramona Venskus made a motion to adjourn; Chris Karagiannes seconded her motion, and the meeting adjourned at 7:45 PM.

Respectfully submitted,

*Ramona Venskus, secretary pro tem for Barbara Eckhardt
who was unavailable because of illness.*

ASK THE LAWYER, *continued from page 2*

In most all circumstances, a landlord may not inquire about the nature of a disability, or whether a tenant or prospective tenant suffers from any physical or mental disability at all. However, a tenant or prospective tenant who represents they require a service animal may be asked about the nature of their disability if it is not obvious, and can be requested to produce evidence that the animal has been prescribed by one of the named professionals, or has been specially trained to help the tenant overcome the effects of a disability. In the latter case, a mere demonstration of



the special training is sufficient.

The landlord may not segregate tenants with service animals to specific apartments, or otherwise discriminate against the person with a disability from making normal usage of the apartment and common areas.

A tenant with a services animal can be evicted if the animal constitutes a "direct threat" to the health or safety of other persons, causes substantial physical damage to property of others, or substantially interferes with the reasonable enjoyment of the property by other tenants.



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