



CAHA

OCTOBER 2010 NEWSLETTER

CAPITAL AREA HOUSING ASSOCIATION
“LANDLORDS WORKING TOGETHER”

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PRESIDENT'S MESSAGE

Having just returned from an extended stay in Aroostook County, I really appreciate our Vice President Stefanie Barley's work in chairing the September CAHA meeting, as well as all of the work that she has done for CAHA. Darren Mathews of Fielding's Oil and Propane Company, CAHA's current selected oil and propane provider, was the guest speaker at our first meeting of the "regular" CAHA year.

Our next meeting is October 12, 2010 and our guest speaker will be Rob Pettengill, manager of the Augusta Sherwin Williams store. Rob has made arrangements for Sherwin Williams to set up a lead certification/training class for CAHA members. The class would run from 8 AM to 5 PM and lunch would be provided. Each class has a maximum of 48 participants, and would be likely be scheduled in November if interest is there. The price for CAHA members is \$99, a real bargain.

The Federal rules regarding lead have been "simmering" for years and will be implemented in October, 2010, unless they are extended again. "What does this mean for landlords?" you might ask. If you do repairs on apartments built prior to 1979, there is a chance that lead paint may be involved. If there is lead paint involved and you have not had the training and certification, doing your own repairs in lead paint environments will be costly. The EPA fines are severe, not to mention the lawsuits that tenants could launch. So attend the next meeting to learn more about this issue and contact Rob at 622-6818 to sign up.

The business of being a landlord has become very scary, given all of the rules and regulations that are imposed on us. The only way to succeed is to become involved - and CAHA is the place to start. The

PRESIDENT'S MESSAGE, continued on page 2

UPCOMING MEETING:

OCTOBER 12, 2010 • 7 – 8:30 P.M.
K.V. FEDERAL CREDIT UNION
SPECIAL GUEST: ROB PETTENGILL –
AUGUSTA SHERWIN WILLIAMS

NEXT MEETING:

NOVEMBER 9, 2010 • 7 – 8:30 P.M.
K.V. FEDERAL CREDIT UNION
GENERAL BUSINESS WILL BE DISCUSSED.

ASK THE LAWYER

ABANDONED PROPERTY – TITLE 14 M.R.S.A. §6013

Disposition of property abandoned by a tenant was last addressed in this column in June 2006. Title 14 §6013, entitled “Property unclaimed by tenant” was recently replaced by the legislature with new provisions that became effective in mid-July 2010.

A landlord cannot simply keep personal property left behind by a tenant after the tenancy has been terminated and the landlord has retaken possession of the rental unit. The property can be removed from the rental unit for placement in a safe, dry, secure location, but the landlord must inventory the property and send a list of the items to the last known address of the tenant, along with a notice which gives the tenant the right to claim the property.

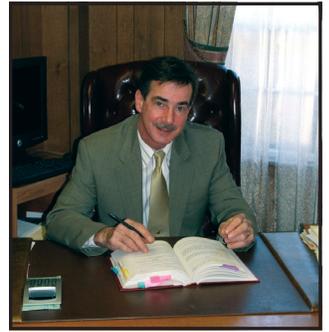
The notice to the tenant must state that the tenant has 14 days from the date the notice was mailed to claim the property. The landlord must send the notice by first class mail and obtain a “proof of mailing” from the Post Office to confirm the date of mailing. The landlord should keep the proof of mailing, along with a copy of the notice.

The tenant can claim the property within the 14 days by written or oral notice to the landlord. If a claim is made, the landlord must hold the property for at least 24 days from the date the notice was mailed to the tenant. If the tenant makes a timely claim to the property and retrieves it within the 24 days, the landlord cannot condition release of the property to the tenant upon payment of storage fees, or any other sum owed to the landlord by the tenant. Prior law permitted the landlord to condition release of the property upon the tenant’s payment of all rent arrears, damages and reasonable cost of storage.

Under prior law, the landlord also had to make an initial assessment of whether all of the abandoned property had a value of \$750 or more to determine which type of notice was required. The new law does not differentiate based on value. New §6013 applies to “any personal property that remains in a rental after the issuance of a writ of possession or that is abandoned or unclaimed by a tenant following the tenant’s vacating the rental unit...”, regardless of total value.

If the tenant does not assert a claim to the property within 14 days, or make a timely claim and retrieve the property within the 24 days, then the landlord may sell the property for a reasonable fair market price, and at that point, apply all proceeds to any rental arrearages, damages and costs of storage and sale. Any remaining balance must be forwarded to the Treasurer of State. The landlord may also discard or otherwise dispose of any property that has no reasonable fair market value.

If the tenant misses either of the deadlines, the landlord may still permit the tenant to retrieve the property, but is not required to do so. Further, once either of the deadlines are missed, the landlord may condition release of the property to the tenant upon the tenant’s payment of all rent arrearages, damages and costs of storage.



Disclaimer: For general information of CAHA members; not intended as legal advice. Consult a lawyer for your specific situation © 2010 Eric S. Dick, Esq., Augusta, Maine (207) 622-5872.

PRESIDENT’S MESSAGE, *continued from front*

Board and Officers of CAHA invite you to actively participate and this starts by attending our meetings.

The bed bug issue continues to plague landlords nationwide and since LD 1790 was enacted in Maine, we are at risk, big time, for these pests. We need to try to get the LD 1790 amended or repealed to address

the risk issues that overburden landlords. We need your help and participation. Please let Stefanie Barley, our Database Manager, know your e-mail address so that we can inform you of events as they unfold. Her e-mail is: stefbarley@myfairpoint.net

I hope to see you at our next meeting.

Charlie Anderson

**Minutes of Board Meeting
Capital Area Housing Authority (CAHA)
Held at Slates Restaurant, Hallowell – 08/24/2010**

After a social time, Vice-President Stefanie Barley called the meeting to order at 5:52 p.m. with the following present:

- Past President & Board Member, Harold Booth
- Secretary & Board Member, Barbara A. Eckhardt
- Treasurer & Board Member, Emmy Swanton
- Board Member, Gerard (Tiny) Bechard, Jr.
- Board Member, Ratna Don
- Board Member, Ramona Venskus

VP Barley opened the meeting to discuss ideas for a speaker at the September 14, 2010 member meeting. The consensus was to have Darren Mathews of Fielding's Oil and Propane, Co., CAHA's selected oil provider, return to answer any questions the members might have regarding their contract with Houle's Plumbing, Heating & Air Conditioning. Also, Ramona will set up a speaker for the October meeting concerning the "bed bug" issue. And it was suggested that Lowe's store manager Tyler give a presentation at the November meeting.

The issue of changing the by-laws was presented by VP Barley, as President Anderson wanted it discussed at the September Board meeting. Currently, the by-laws read that member meetings are to be held monthly. It was suggested by President Anderson, at the April 20, 2010 Board meeting, that changing sections of the by-laws would give flexibility for the member meetings. Hal informed VP Barley that he had suggested, at that time, wording for a by-laws change to permit discontinuing the regular monthly meetings and replacing them with periodic meetings as needed. And in order to change the wording, the Board would need the approval of the members. The consensus was to discuss this issue at a later date.

Motion was made by Harold, and seconded by Ratna, to approve the May 25, 2010 Board Meeting minutes. Motion passed unanimously.

VP Barley stated that on October 1, 2010, the Database Manager's contract is coming up for renewal. A short discussion followed concerning a back-up person to assist when the Database Manager is away. Emmy agreed to be responsible for picking up the mail.

Under other business to discuss, Tiny volunteered to get together with CMAOA, Waterville's Landlord's group.

Motion was made by Harold, and seconded by Ratna, to adjourn the meeting at 6:40 p.m.

*Respectfully submitted,
Barbara A. Eckhardt, Secretary*

**Regular Meeting Minutes
Capital Area Housing Association (CAHA)
Held at KV Federal Credit Union – 09/24/2010**

Vice-President Stefanie Barley opened the meeting at 7:01 p.m. After a quorum was established, she introduced the speaker for the evening, Darren Matthews, Marketing & Sales Director of Fielding's Oil & Propane Co.

Darren spoke at the June 8, 2010 meeting and explained Fielding's proposal and Houle's service contract, since Fielding's does not have a service contract to offer in the area. Darren came this evening to clarify and answer any questions the members might have concerning Houle's service contract. However, there were two issues he wanted to mention first: 1)When you do call the Augusta or 1-800 number, the call will be forwarded to Fielding's answering service. Fielding's will then dispatch the call. However, if you call for propane, your call will go directly to a Fielding's technician. 2)There is a new Fielding's office opening up in Augusta on Riverside Drive on October 15. An open house for CAHA members is planned between October 15 and November. Darren's office will be housed at that site. Currently, Darren is working out of the Lewiston office.

A member informed Darren how easy it was to sign up with Fielding's and the convenience of Fielding's accommodating them in delivering on an on-call basis. Also, a few members were more concerned about the oil prices and switching from one company to another than contracting for service. For instance, one member said that they had not come over to Fielding's because the oil company they have been dealing with for several years will match CAHA's pricing.

Hal explained the fact that other oil companies who are willing to match CAHA's pricing are undermining CAHA's bidding power which undercuts the CAHA process in offering its members lower oil prices, which is CAHA's strength as an organization. If CAHA is not able to deliver a large number of customers to its oil supplier, its members will not be able to obtain lower prices.

Darren stated that even though Fielding's is not "big in this area," it has 3,500 customers in Augusta and 17,000 customers, all residential.

VP Barley had a couple of "tidbits" to offer the members before the business portion of the meeting began: 1)A copy of Tenant-Net's asset protection brochure, a handout from a previous meeting, was available up front at the Officer's table; 2)Maine Housing had merged their registry with Smoke Free Housing registry. If a member has smoke free housing, they may list it with Maine Housing at www.mainehousingsearch.org.

Motion was made by Tiny Bechard, and seconded by Ramona Venskus, to approve the June 8, 2010 member meeting minutes as written in the September 14, 2010 newsletter. Motion passed unanimously.

Emmy Swanton distributed the Treasurer's report, which showed a balance of \$45,440.55 (\$24,283.14 of which is in four separate CD's). In addition, CAHA has a \$10,000 bond. Motion was made by Harold Booth, and seconded by Ramona Venskus, to approve the Treasurer's report. The Treasurer's report was approved with one change--CD Due 7/26/2010 to CD Due 7/26/2012.

Eric Dick, Esq., who contributes to the newsletter in his column "Ask The Lawyer" had mentioned that he is looking for a fresh perspective of topics to write about.

Sign-in sheet indicated 11 members attending. Tiny Bechard won the \$25 door prize.

Meeting adjourned at 7:44 p.m.

Respectfully submitted, Barbara A. Eckhardt, Secretary



Fielding's Oil & Propane is proud to serve the members of CAHA with all of their heat needs and looks forward to having a long relationship with the organization. Call us and you will see how dedicated we really are.

Darren Matthews – (207) 749-5519

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