



FEBRUARY 2011 NEWSLETTER

CAPITAL AREA HOUSING ASSOCIATION
“LANDLORDS WORKING TOGETHER”

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PRESIDENT'S MESSAGE

This is my last column as President of CAHA. I'm hoping that a person with a lot of apartments and energy steps up to this position. We need someone who is willing to serve for at least a year.

CAHA has a lot on its plate right now; in particular, fighting for the repeal of LD1790. We have teamed up with CMAOA in Waterville and are making steady progress to that end. We will be e-blasting you information on what you can do to participate in this process. A hearing in Augusta is set for February 14th in which testimony will be heard by interested parties. Members from CAHA are invited to attend, and written testimony is also requested. Further details on this event will be shared with you as it becomes available.

I invite you to our February 8th Annual Banquet meeting at the Elks Club in Augusta. We will be having the Marden's Lady for entertainment, so it should be an evening of food, fun, and prizes. Attached to this newsletter is another banquet sign-up form to be RSVP'd by Wednesday, Feb. 2, 2011 (no tickets sold at the door). CAHA's cost for the meal is \$25 per person, so this year we are charging a modest price of \$5 for each member and \$10 for the first guest. Additional guests will cost \$25 apiece. We elect Board members that night as well, so we will have some business to conduct.

It's been a good year for CAHA insomuch as we are getting involved with CMAOA to try to help our members by getting the business climate for landlording changed. I implore you to get involved! Get a computer and get e-mail, so we can keep you up to speed. The postal service is not fast enough for us to alert you if we need to rally you into action. CAHA is not mostly about oil discounts anymore, as the legal climate of predatory legislation against landlords is ongoing and unrelenting. If it continues unabated, landlords will be going out of business. It needs to be monitored and opposed as it is spawned instead of trying to repeal it after it becomes law.

We will be trying to learn from you what issues you feel are most important and what you expect from being a member of CAHA as time goes on. Maybe monthly

PRESIDENT'S MESSAGE, continued on next page

ANNUAL MEETING & BANQUET:

FEB. 8, 2011 • 5:30 P.M.

AUGUSTA ELKS CLUB

SOCIAL HOUR @ 5:30 • DINNER @ 6:30

BOARD MEMBER ELECTION, DOOR PRIZES & ENTERTAINMENT

NEXT MEETING:

MARCH 8, 2011 • 7 – 8:30 P.M.

K.V. FEDERAL CREDIT UNION

GENERAL BUSINESS WILL BE DISCUSSED.

ASK THE LAWYER

TENANTS AND MEDICAL MARIJUANA – TITLE 22 §2421 ET. SEQ.

Q. A prospective tenant for my 6-unit building told me he is licensed to use medical marijuana and to grow his own plants in his residence. I do not want my building used for the smoking or growing of marijuana at all. Do I have to accept this applicant and allow this conduct in my building?

A. Medical Marijuana, Title 22 §2421 et. seq.

The landlord cannot deny this applicant an apartment solely because he can legally use medical marijuana. However, the landlord can prohibit the smoking, and probably the cultivation of medical marijuana in the building.

Effective April 9, 2010 certain qualifying patients with debilitating medical conditions can register with the State of Maine and be entitled to acquire, possess, cultivate, transport and use marijuana and related paraphernalia as part of their medical treatment. Such persons may either designate a primary care giver to supply their marijuana, or they may cultivate up to six plants themselves. A person's registration can be revoked if they sell, furnish, or give away medical marijuana to an unregistered person, or otherwise violate this relatively new law.

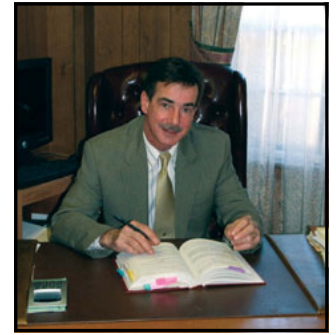
Under State law, a landlord may not refuse to lease to, or otherwise penalize a person solely because that person is a registered patient or primary care giver unless the landlord would be in violation of Federal Law or lose a Federal contract or Federal funding as a result of renting to such person.

However, a landlord may prohibit the smoking of medical marijuana in their building if the landlord prohibits all smoking on the premises and posts notices to that effect on the premises. Nonetheless, a registered patient could still lawfully prepare food in their apartment containing medical marijuana, and this is not grounds for termination of the tenancy or eviction. A landlord may also restrict the administration or cultivation of marijuana at the rented premises by a registered patient or primary care giver if such activities are inconsistent with the general use of the premises.

In short, a landlord cannot discriminate against a person and refuse to rent to them solely because they utilize medical marijuana, but the landlord can prohibit all smoking in the building, including medical marijuana. The landlord can also restrict the sale or cultivation of medical marijuana from their building where, for instance, the general use of the premises is for multi-unit residential housing. Further, the sale of medical marijuana by care givers is usually a commercial activity which may be prohibited by local zoning, or the landlord's lease. However, a landlord cannot charge a tenant extra rent or "otherwise penalize" a person solely due to their status as a registered patient or primary care giver.

Any cultivated plants of a registered patient or primary care giver must be kept in an enclosed, locked "facility", for instance, a closet. This restriction may require a registered patient or care giver to utilize hydroponic methods which require significant use of electrical power for lights and fans which could potentially overtax the electrical system of an apartment in an older building and therefore constitute an independent basis to prohibit the activity.

Notwithstanding registration, a person cannot smoke medical marijuana in "public places" which is not specifically defined by the statute, but likely includes parking lots of multi-unit buildings, and common areas to which the public has access. Because this is a recent law, there are no reported cases that help define the limits of the statute. However, some landlords may be prompted to post their buildings to prohibit all smoking which will also encompass medical marijuana. Landlords may also wish to amend their lease to prohibit the sale or cultivation of medical marijuana in their residential buildings.



Disclaimer: For general information of CAHA members; not intended as legal advice. Consult a lawyer for your specific situation © 2011 Eric S. Dick, Esq., Augusta, Maine (207) 622-5872.

PRESIDENT'S MESSAGE, *continued from front*

meetings are no longer needed or maybe they are missing something. A heating oil survey has been sent out and is a good start in getting your feedback. Attendance at regular meetings has been low this past season, but it has started to improve. Getting the newsletter to you before the meeting occurs has been a big problem. This would not be the case

with e-mailed newsletters. We are also discussing upgrading our website with more features. Newsletters are posted on the website each month.

I enjoyed being your President this year. I had a lot of great help from members, Officers, and Board members. Thank you all for helping me out.

Charlie

Charlie Anderson



Banquet Invitation

1/21/2011

Dear CAHA Member:

Our annual banquet is coming up in just about two weeks. Please use the reservation form below so that you can put it on your calendar and plan to attend. The 2011 Banquet will be held at the Elks Club on Tuesday, February 8, 2011. If you wish to attend and have not yet made a reservation, please fill it out and return it promptly.

Please note the new pricing structure for the banquet this year:

CAHA Member:	\$ 5.00
First guest:	\$ 10.00
Second and additional guests	\$ 25.00 each

Annual CAHA Banquet Reservation Form

Date: Tuesday, February 8, 2011 Place: Elks Club in Augusta

Time: Social Hour at 5:30 P.M. - dinner at 6:30 P.M.

Price: \$5.00 CAHA Members Guests: 1st Guest = \$10.00
All additional guests = \$25.00 each

(Please bring no children under the age of 16 to the CAHA Banquet)

A check must accompany this reservation form and be received by January 31, 2011.

Member Name: _____ Card #: _____ Price: \$ 5.00

1st Guest: _____ Price: \$ 10.00

2nd Guest: _____ Price: \$ 25.00

3rd Guest: _____ Price: \$ 25.00

Total number attending _____ Total enclosed: \$ _____ (non-refundable)

Deadline for making reservations: Wednesday, February 2, 2011 (No tickets sold at the door)

Mail this form (with check if required) to: CAHA, P.O. Box 2901, Augusta, ME 04339-2901

Please contact a CAHA Officer if you have additional questions.

Regular Meeting Minutes – Capital Area Housing Association (CAHA) Held at KV Federal Credit Union – January 11, 2011

President Charlie Anderson opened the meeting at 7:03 p.m. After a quorum was established, the business portion of the meeting was conducted.

The minutes of the December 14, 2011 member meeting were not made public due to the testimony from landlords to legislators regarding LD 1790. Therefore, the minutes were not included in the January 11, 2011 newsletter to be voted on. However, the by-law changes were first voted on at the December meeting and needed to be voted on a second time. A member questioned why the by-laws were being revised? President Anderson explained that the revision of the by-laws would give the Board the option of not having a member meeting when the Board felt no meeting was necessary. Motion was made by Ratna Don, and seconded by Emmy Swanton, to accept the proposed by-law changes as written in the January 11, 2011 newsletter. Motion passed unanimously.

Emmy Swanton distributed the December 31, 2010 Treasurer's report, which showed income and expenses, and indicated a total balance of \$37,993.13 (\$24,615.55 of which is in four separate CD's). In addition, CAHA has a \$10,000 bond. Motion was made by Ramona Venskus, and seconded by Roger Daniels, to approve the Treasurer's report. Motion passed unanimously.

After the business portion of the meeting, President Anderson informed the members of what CAHA has been doing in the past couple of months. Basically, the two organizations, CAHA and CMAOA, are taking advantage of the new administration in repealing LD1790 in legislation. Three Board members, Ratna Don, Barbara Eckhardt, and Charles Anderson, met with CMAOA at their Waterville headquarters on December 20. Also present was Dan Bernier, Esq., the lobbyist for both groups. The feeling from him was not to ask for the full changes the landlords are requesting but rather ask for partial change. An example of this would be storage time. Landlords say they are not in the storage business and want this law eliminated. However, Bernier suggested to change the law from 24 days to 7 days.

President Anderson was adamant about telling the members to "not allow ourselves to appease our wants." He emphatically stated, "We must say NO; we are not in the storage business! It has gotten so bad we have to test for Radon every 10 years and pay an expert to do the testing. The issue of 'bed bugs' is the same thing in that landlords are required to pay the pest-control expert to do it."

A member spoke up about the problem he was having with bed bugs. He has an eight-unit building and has a pest-control agent coming every month to keep the bed bugs under control. It has cost him \$3,000 in the course of a year. Finally, he is evicting a tenant due to the clutter in that particular unit, as the pest control is not effective there. This particular member is upset because the tenant who brought the bed bugs into his building, and has since left, came from the Augusta Housing Authority. He claims they are turning their backs on his request for them to help pay for the expense of his trying to rid the bed bugs from his premises.

John McNaughton mentioned that "bed bugs" should be considered a public health hazard.

President Anderson stated, "We don't want the laws to put all the burden onto the landlords. We obviously have a problem to deal with, but we don't want to take 'bed bugs' as our problem, alone, as far as our liabilities are concerned! The landlord business has gotten so bad, that we have to pay the tenants to leave."

McNaughton inquired as to what the progress with the legislators has been since our last member meeting?

President Anderson answered that we are to keep a "low key" as to what we are doing in order to make a good impression and not present ourselves as "slumlords." CAHA will blast emails to the members prior to the hearings to enlist participation by showing up for moral support. Board member Donna Hodges from the CMAOA group has been to "red tape" meetings in Bangor and Newport. There will be a Waterville Chamber meeting on Tuesday, January 25, at Thomas College. Donna is hoping that some of our Board members will be able to attend it.

On December 15, the day after the member meeting, John McNaughton, Ramona Venskus, Glen Guerrette, Glen Kibler from CMAOA, and President Anderson spoke up at the Augusta Chamber meeting. They also had a chance to talk with Dan DeMerrit, the Governor's Communication's Director, who is also a landlord.

After hearing a member complain about wanting to report a bad tenant, President Anderson informed him of Tenant-Net, a Maine tenant screening organization run by lawyers. A lengthy discussion followed. McNaughton suggested that Tenant-Net would be a good agenda item for the Board to look into stating, "We are shooting for educated decisions."

A member inquired if it was against the law to evict a family with children in the winter? President Anderson told him that notion was a fallacy. A landlord can evict a family with children in the winter.

As the meeting was drawing late, Ratna reminded the members that the process to change LD1790 has already been started.. When the legislature's hearing comes, all of us need to show up and come with our stories (testimonies). He suggested that we talk with all the legislators before the hearing comes.

McNaughton stated, "We have to pack that room. There are a lot of people who need us and we need them. We cannot let the momentum die out!"

President Anderson asked if there was further business to discuss. Ramona Venskus brought up the Annual Banquet. A short discussion followed. She suggested that the Banquet be "pumped up in the newsletter and that the newsletter be printed real early."

The sign-in sheet indicated 14 members attended.

Meeting adjourned at 8:44 p.m.

Respectfully submitted,
Barbara A. Eckhardt, Secretary

Minutes of Board Meeting – Capital Area Housing Authority (CAHA) Held at the Ruby Tuesday Restaurant, Augusta – January 19, 2011

President Charlie Anderson called the meeting to order at 6:40 p.m. with the following present:

- Secretary & Board Member, Barbara A. Eckhardt
- Board Member, Venita Barley
- Board Member, Ratna Don
- Board Member, Ramona Venskus
- Treasurer, Emmy Swanton
- Board Member, Gerard (Tiny) Bechard, Jr.
- Board Member, John McNaughton
- Guest, Glen Guerrette

The first order of business was to approve two Board meeting minutes. Motion was made by Ramona, and seconded by Venita, to approve the October 26, 2010 Board minutes as printed in the December 2010 newsletter. Motion passed unanimously. Motion was made by Ramona, and seconded by Venita, to approve the November 16, 2010 Board minutes as printed in the January 2011 newsletter. Motion passed unanimously.

Next President Anderson clarified that since Emmy is no longer a Board member of CAHA but remains its Treasurer, she is obligated to attend Board meetings. However, she is not obligated to attend the member meetings, or required to present the Treasurer's report at regular meetings except for the February meeting. Ratna stated he felt the members should know what is in the treasury, and that is why he started the practice of having the Treasurer's report voted on at the member meetings. However, the "year end" Treasurer's report must be presented to the members at the Annual Meeting in February.

President Anderson announced that he wanted the newsletter out early next week. All the materials should be at the printer's on Friday the 28th of January. His President's column would basically be concerned about the banquet forms and that everyone must make an effort to get their requests in real soon. If Eric Dick does not have his column in, we would use it for the next newsletter. He stated, "The bottom line is, we have to get the newsletter out on time!"

John wanted to know what was actually standing in the way of CAHA not converting over to electronically distributed newsletters. "We are not adapting to the times," he stated. A lengthy discussion followed. Venita suggested that a report could be run to find out how many members do not have access to email. Board member Tiny was one, who stated that he didn't intend to. Glen felt that CAHA should give the members what they want and that perhaps we should email the newsletters out a week ahead of time. Also, he proposed that there would be a disclaimer at the bottom of the new member application stating, "If you have an email address, a newsletter will be mailed to that address." Charlie suggested increasing the dues, beginning next year, to the members who are mailed the newsletter.

The Board randomly discussed two topics as follows:

1) John stated, "We want the membership of CAHA to grow." He stated that we need to contact all the members who dropped out of CAHA and call them and ask them why they left. He informed us that he rejoined CAHA not for the oil but to tackle legislation. He felt that CAHA should look into getting an administrative assistant to make the phone calls and to select someone who is sharp enough to go to the law library to gather information for CAHA.

2) President Anderson commented on a recent legislation bill: An Act to Impose Liability on a Landlord for Damages Caused by a Tenant's Pet. The Summary: This bill provides that a tenant and that tenant's landlord are jointly and severally liable for damages caused to a 3rd party by the tenant's pet. Ramona stated, "Nobody knows what is going on in the legislature."

The next order of business was Ratna's presentation of several completed oil questionnaires that had come back from the members. He stated he had received about 100 of them. Ratna requested having them entered into the data base. He also noted that the majority of the members were not changing to CAHA's preferred oil vendor. In fact, their vendors "were all over the place." President Anderson suggested that Ratna put in the fields that he wanted, or have a separate data base for it. A discussion of different data bases ensued.

Since CAHA is supporting LD1790's repeal, along with CMAOA, President Anderson asked the Board how we want to pay for the cost of the logo buttons and the legislative breakfast. Would we pay for half the cost or pro-rate the cost? President Anderson felt that since CAHA had fewer members than CMAOA, we should pro-rate the cost. A lengthy discussion followed. Motion was made by Ratna, and seconded by Venita, for further expenses with CMAOA on a per member basis. Motion passed unanimously.

President Anderson cited a quote from Donna Hodges on 250 stickers for \$180. Motion was made by John, and seconded by Ratna, to participate on the 250 stickers for \$180. Motion passed unanimously.

Another item President Anderson would need a vote on was the legislative breakfast. However, he did not know the cost of it. A short discussion followed. John wanted us to really know all the "in's and out's" of the legislative breakfast and suggested we ask some enthusiastic questions. Glen also wanted more information on this. President Anderson invited the Board to correspond with Donna Hodges.

Ratna directed the Board's attention to the Waterville Chamber meeting on Tuesday, January 25, at Thomas College between 8:00 and 10:00 a.m. John, Glen, and Venita stated they would be attending. Ramona suggested that CAHA should join the Augusta Chamber of Commerce for half price. Motion was made by Tiny, and seconded by Ramona, for CAHA to become a member of the Augusta Chamber of Commerce. Motion passed unanimously.

Ramona drew our attention to the Annual Banquet. John felt that the banquet should be revamped. Motion was made by Ramona, and seconded by Venita, to delete CAHA's cash contribution to the Annual Banquet. Motion passed unanimously.

President Anderson asked Glen if he were interested in becoming a Board member. Glen answered yes. Therefore, on February 8, at the Annual Meeting, the Board will nominate Glen to fill the empty Board slot President Anderson will be vacating.

Motion was made by Ramona, and seconded by John, to adjourn the meeting at 10:02 p.m.

Respectfully submitted,
Barbara A. Eckhardt, Secretary



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