



P.O. Box 2901, Augusta, ME 04338-2901 * (207) 512-2180



December 2012 Newsletter

CAPITOL AREA HOUSING ASSOCIATION

“LANDLORDS WORKING TOGETHER”

Officers

President

Ratna Don

ratnadon44@yahoo.com

Secretary

Barbara Eckhardt

eckhardtb@roadrunner.com

Treasurer

Emmy Swanton

joanemmy@roadrunner.com

Board of Directors

Peter Allen

peter71053@live.com

Charlie Anderson

speakez99@yahoo.com

Ratna Don

ratnadon44@yahoo.com

Barbara Eckhardt

eckhardtb@roadrunner.com

John McNaughton

mcn1@roadrunner.com

Ramona Venskus

ramona@NewcomerRelocation.com

Harrison Wolfington

harrison@lafinwolfingtonrealty.com

Dear CAHA Members,

We had a good turnout at our last meeting. We learned about radon testing requirements and how to save money on the electricity supply portion of the bill.

We are getting close to the beginning of the New Year. Elections for board and officers will be held at the banquet on February 12, 2013. It's always good to get fresh blood and new ideas.

Annual membership dues are due by January 1, 2013, with a thirty-day grace period. Those who do not submit their dues by February 1, 2013 will be subjected to a \$15 late fee. We will mail out pre-filled membership renewal forms for the convenience of our existing members. Please do not send checks without the renewal forms. If there are any inaccuracies on your pre-filled

Continued on page 2

SOLAR SAVINGS . . .

December 11th Meeting

7:00 p.m. – KV Federal Credit Union

Rich Roughgarden of Maine Solar Engineering will provide info about:

1. Hot Water heat pumps for domestic hot water – energy savings and application.
2. Photovoltaic systems – economics, tax incentives, net metering, renewable energy credits.
3. Heat pumps for space heating – introduction, basics, and economics.

Slate of Candidates for the 2013-2014 CAHA Board of Directors:

Peter Allen

Charlie Anderson

John McNaughton

Harrison Wolfington

Ramona Venskus

UPCOMING MEETINGS

DECEMBER 11 • MARCH 12

7:00 – 8:30 p.m.

KV FEDERAL CREDIT UNION

316 West River Road, Augusta, ME

meeting dates are subject to change or elimination as determined by the Board

**Minutes of Board Meeting
Capital Area Housing Association (CAHA)
Held at Dickey's Restaurant, Augusta, Maine
October 16, 2012**

President Ratna Don opened the meeting at 6:05 p.m. with the following present:

Secretary and Board Member Barbara Eckhardt
Board Member Peter Allen
Board Member John McNaughton
Staff Person, Lisa Montagna

Treasurer, Emmy Swanton
Board Member Charlie Anderson
Board Member Ramona Venskus

Business: Motion was made by Charlie, and seconded by Peter, to approve the September 11, 2012 Board Meeting minutes. Motion passed unanimously.

Newsletter: A short discussion was held regarding the November newsletter. Ratna will write the President's column. The Ask the Lawyer column will address a recent member's question concerning rental increases.

Legislative Update: Charlie and Ratna attended the CMAOA legislative committee meeting in July. Charlie attended the CMAOA legislative committee meeting in September. Peter plans to attend the next meeting on November 13th at 4:00 pm. The three critical issues to be considered are: LLC, radon testing, and the simplification of the eviction process.

After a lengthy discussion, it was the consensus of the Board to invite a spokesperson from the Department of Health and Human Services (DHHS) to speak at our November regular meeting regarding radon testing. Ratna volunteered to contact DHHS.

Oil Committee: The Oil Committee stated the members will be receiving oil information, plus another oil survey in December.

Annual Banquet: After a short discussion, it was the consensus of the Board to hold the Annual Banquet at the Elk's Club on February 12, 2013. Ramona will make the necessary arrangements.

Continued on page 3

***President's Message
Continued from Page 1***

renewal form, please make the necessary corrections. We want to make sure our database has correct information. In order to save money on postage expenses, we are sending an energy questionnaire and a banquet invitation with the renewal forms. Please do not forget to fill out and mail each form.

Our guest speaker for this month is Rich Roughgarden, who is the owner of Maine Solar Engineering. He will be delivering a presentation about: **Hot Water Heat Pumps** for domestic hot water – energy savings and application, **Photovoltaic Systems** – economics, tax incentives, net metering, renewable energy credits and **Heat Pumps for Space Heating** – introduction, basics, and economics.

We wish you a Happy Holiday Season!

Ratna Don
President

CAHA Website/PayPal: Our staff person Lisa is still in the process of creating a button for PayPal. She has almost all the information she needs; however, she is waiting for the customer agreement with the post office. Ratna will contact the post office and get the details on this. Motion was made by Charlie, and seconded by John, to pay the post office a reasonable fee for their service to notify CAHA by email of receipt of new mail in its P.O. Box. Motion passed unanimously.

CAHA Phone: Ratna is still receiving CAHA phone bills with Norman Veilleux's name on the account. US Cellular was contacted two years ago requesting his name be removed from the account. Barbara stated she will look into the matter.

Liberty Mutual Insurance Flyer: After having to deal with Liberty Mutual Insurance Company's flyer to be included with CAHA newsletter mailing, Ratna felt it was too much work for a Board member to deal with it. He stated there was too much emailing back and forth with this outside company, plus their requesting CAHA to supply them with a W-9 form is not what we should be doing.

Recruiting New Members: There was a lengthy discussion on the subject, bouncing around several recruiting ideas, Ratna and Ramona will email Gardiner landlord list to Lisa. Lisa will call and try to recruit them. However, our meeting caught the attention of a customer at a nearby table who showed interest in becoming a member and left her name, address and telephone with Lisa.

Meeting adjourned 7:41 p.m.
Respectfully submitted,
Barbara Eckhardt, Secretary

ASK THE LAWYER

Q. How did the changes in the law under LD 1198 affect evictions?

A. As a result of united efforts between CAHA and other landlord organizations, and as part of the effort of Governor LePage to make Maine a more business-friendly State, LD 1198 was implemented last fall and rolled back some important regulations affecting landlords, including the eviction process:



Presumption of Retaliation: In some circumstances, a presumption of retaliation arises if the landlord seeks to evict a tenant within six months of a tenant complaint concerning conditions in the rental unit. A landlord cannot obtain a Writ of Possession in an eviction unless that presumption is overcome.

Under prior law, if a tenant filed a complaint with the landlord, Code Enforcement, or a Fair Housing Complaint with the Maine Human Rights Commission concerning conditions of the rental unit, the landlord was presumed to be retaliating against the tenant. On a regular basis, I encountered cases where a tenant would immediately file such a complaint after being served with a Notice to Quit.

Under LD 1198, the presumption will not arise where an eviction is brought because the tenant failed to pay rent or caused substantial damage, unless the tenant claims that conditions in the rental unit endanger or materially impair the health or safety of the tenants, in violation of the Warranty of Habitability. Further, no presumption arises from a Fair Housing Complaint, unless it was filed *before* service of a notice to quit.

Continued on Page 4

Reasonable Accommodation: In some circumstances a Judge must refuse to grant an eviction if a disabled tenant has requested a “reasonable accommodation” under state or federal law, and the landlord has a duty to provide the accommodation, but has refused. “Reasonable Accommodation” means a change, exception or adjustment to a rule, policy, practice or service that is necessary for a person with a disability to have an equal opportunity to use and enjoy a dwelling, including public and common access spaces for that dwelling.

Under the changes implemented by LD 1198, the Court will grant the eviction where:

1. There is no direct link between the reasonable accommodation requested and the conduct that is subject of the eviction; or
2. The landlord does not have a duty to offer the accommodation; or
3. The landlord has offered a reasonable accommodation.

Appeals: If a tenant appeals an eviction, the tenant must pay to the landlord, or to the Court if the amount is disputed, any unpaid portion of the current month’s rent, or the rent arrearage, whichever is less. LD 1198 added the requirement that the tenant pay that sum and file an affidavit with the Court confirming that payment when they file their notice of appeal.

Other changes implemented by LD 1198 will be addressed in a future column.

Disclaimer: For general information of CAHA members; not intended as legal advice. Consult a lawyer for your specific situation © 2012 Eric S. Dick, Esq., Augusta, Maine (207) 622-5872.

**Regular Meeting Minutes
Capital Area Housing Association (CAHA)
Held at KV Federal Credit Union
November 13, 2012**

President Ratna Don opened the meeting at 7:00 p.m. A quorum was established.

Business: Motion was made by Peter Allen, and seconded by Ramona Venskus, to approve the October 9, 2012 regular meeting minutes. Motion passed unanimously.

Motion was made by Ramona Venskus, and seconded by Barbara Eckhardt, to approve the Treasurer's Report. Motion passed unanimously.

1st Guest Speaker: Ashley Rand from ElectricityMaine, a competitive electricity provider, informed us that by buying electricity from a locally owned electricity supply company, Mainers pay less on their electric bills every month. She states enrolling is easy, simply by calling, toll free, (866) 573-2674 or by visiting them at www.electricityme.com.

2nd Guest Speaker: Bob Stilwell, Radon Section Leader, from Maine DHHS, Radiation Control Program. Bob gave a very comprehensive presentation as to what radon is, how to test for it, and how to fix a radon problem. Radon is considered a public health issue, as it is considered the second leading cause of lung cancer. It is a natural occurring radioactive gas which can be found in the ground and water. Landlords are extremely concerned about the cost of the test and the cost of radon mitigation to rid the building of high radon levels, if found. The deadline for landlords to have their buildings tested for radon is March 1, 2014. Bob Stilwell may be contacted at (207) 287-3743 or at bob.stilwell@maine.gov.

Motion was made by Ramona Venskus, and seconded by Barbara Eckhardt, to adjourn the meeting at 9:10 p.m. The sign in sheet indicated 13 members attended.

Respectfully submitted,
Barbara A. Eckhardt, Secretary

CAPITAL AREA HOUSING ASSOCIATION

TO: CAHA Members
FROM: CAHA Energy Committee
DATE: December 1, 2012

REF: 2013-2014 heating season

The oil/energy savings committee is getting ready for negotiations for the 2013-2014 heating season. We need your help to gather some important information. This information will help us better negotiate with oil companies/energy savings improvement companies. Please fill out following questionnaire and return it with your membership renewals.

Thank you,
CAHA Energy Committee

Member # _____

How many gallons do you use for a heating season? _____ gallons #2 Fuel Oil
_____ gallons K-1 Oil

Do you use any other types of fuel for heating and, if so, what volumes do you purchase and at approximately what cost? _____

How many hot-water boilers do you own? _____ Baseboard _____
Radiant _____
Steam _____

How many hot air furnaces do you own? _____

Do you have a service contract for your furnaces/boilers? _____

Who is your heating oil supplier? _____

Is your service contract with your heating oil supplier ___ or with somebody else ___?

Are you most interest in? Heating oil price _____
Service contract price _____
Both _____

Have you recently made any major energy savings investments, Re: insulation, energy saving heating equipment? Please share your experience if possible _____

Any other suggestions or comments to CAHA Energy Committee?

Please provide any suggestions or comments to CAHA Board concerning landlord issues other than energy related.



We deliver quality home heating oil, kerosene and propane to homes and businesses throughout the communities of Central Maine. We are happy to assist you in ordering fuel, setting up credit or with any questions you may have. Call us at (207) 626-2714.



Fielding's Oil & Propane is proud to serve the members of CAHA with all of their heating needs and looks forward to having a long relationship with the organization. Call us and you will see how dedicated we really are. (207) 623-3322

<p>Newcomer Relocation Services "Upscale Rentals" Phone/Fax: 622-4312 Cell: 446-4312 <i>ramona@NewcomerRelocation.com</i> www.NewcomerRelocation.com No application fee for CAHA members</p>	<p>Liberty Mutual – (207) 622-0518 Darryl Arnold (x-52909) New Auto and Home Insurance Benefit CAHA member benefits include savings on auto and home insurance! Purchase high-quality auto, home, condo, and renters insurance at low group rates.</p>	<p>Gosline's Hardware (207) 582-1900 563 Maine Ave. Farmingdale, ME Paint, paint supplies, plumbing, heating, electrical, lawn & garden, hand & power tools.</p>	<p>Northeast Bank (207) 623-0303 Cell: (207) 446-0990 Mortgage loans for residential and investment properties <i>ssachs@northeastbank.com</i> \$250.00 discount on already low closing costs.</p>
<p>VANGUARD PROPERTY MANAGEMENT P.O. Box 405 Hallowell, ME 04347 (207) 620-7500 First Rate Tenant Placement and Property Management Services! www.vpmmaine.com</p>	<p>Your Ad Can Go Here</p>	<p>Eric S. Dick, Esq. Farris, Foley & Dick, P.A. (207) 622-5872 <i>ffdlaw@gwi.net</i> Discount off regular hourly rate to CAHA member on landlord/tenant matters</p>	<p>Sherwin Williams <i>Paint + Paint Supplies</i> (207) 622-6818 <i>sw5736@sherwin.com</i> <i>Property Solutions Flat, ES, SG</i> <i>From \$17.33 per gallon</i> <i>10-40% discount + free delivery</i></p>

Capital Area Housing Association
 P.O. Box 2901
 Augusta, ME 04338-2901

