



Tel. 512-2180

CAPITAL AREA HOUSING ASSOCIATION

“Landlords Working Together”

Post Office Box 2901 • Augusta, ME 04338-2901

OCTOBER 2006 - NEWSLETTER

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CAHA Website

caha4u.org

THE PRESIDENT'S MESSAGE ...

An important development to mention this month is that Pine Tree Legal will now have an attorney present at all Forcible Entry and Detainer Hearing dates in Augusta District Court from this point forward. Low income tenants will be able to obtain free legal advice and representation on the spot. If you are appearing for these matters, you need to be prepared to respond to their legal challenges or have an attorney of your own present to respond on your behalf.

Augusta District Court — October, November and December Schedule

October 4, 11, 18, and 25, 2006 all at 1:00pm.

November 8, 15, 22, and 29, 2006 all at 1:00 pm.

December 6, 13, 20, and 27, 2006 all at 1:00 pm.

If you missed the last month's meeting, you can get a copy of the Energy Disclosure Form as well as "standards" and a "fact sheet" at: http://www.maine.gov/mpuc/doing_business/forms/EnergyEfficiencyDisclosure.html According to the fact sheet: The Public Utilities Commission's Consumer Assistance Division (1-800-452-4699) can answer basic questions about how to obtain or use the disclosure form. For information about energy efficiency, call Efficiency Maine (1-866-376-2463). Maine State Housing Authority can also answer questions. Call Peter Merrill 1-800-452-4668 or your asset manager.

Kim Davis will be at our next meeting to discuss the Energy Disclosure Bill and Legislative process.

Please note we have started posting the oil prices on the web site again.

Ernie Clark, President

OCTOBER 10TH MEETING - 7:00 P.M.

KV Federal Credit Union - 316 Northern Avenue - Augusta

Guest Speaker: Kim Davis

Next Meeting: November 14th - 7:00 p.m. - KV Federal Credit Union

We will have a booth at the Chamber of Commerce Business to Business Expo on Wednesday, October 11th. All CAHA members are invited at the Augusta Civic Center from 4:00 to 7:00 p.m.

Minutes of Regular Meeting
Capital Area Housing Association (CAHA)
Held at KV Federal Credit Union
September 12, 2006

President Ernie Clark called the meeting to order at 7:00 pm. He introduced the guest speaker from Maine State Housing Authority, Maureen Brown. She spoke about the new Energy Efficiency Disclosure form now in effect, and handed out copies of the form, which is also available on the Mainehousing.org website. Landlords are required to fill out and post the form when showing vacant units, although there is no enforcement process at this point. A committee was established to report back to the Legislature by January 2008 on the effectiveness of the process. Comments may be sent to pmerrill@mainehousing.org.

Denise Paradis, also from MHSA, spoke about Section 8 requirements. MSHA has taken over the administration of Section 8 housing which Dirigo Housing had serviced, primarily for areas not covered by Augusta Housing or Waterville Housing. She emphasized that landlords need to carefully screen all applicants. MHSA can provide previous landlord contact information if requested. They cannot enforce the lease, but can withhold the voucher if the tenant is not complying.

Ratna Don gave the Treasurer's report, noting that CAHA has \$1520.45 at Gardiner Savings and \$23711.01 at KV Federal Credit Union, for a total of \$25231.46. The report was approved.

Harold Booth moved to accept the minutes of the June meeting as printed in the newsletter. Approved.

Old business included questions about Norman Veilleux's health and resignation, Devon Dobbins' resignation, and clarification regarding Downeast Energy's rates for less than 4000 gallons (per previous minutes, Downeast agreed to offer the same price for less or more than 4000 gallons next heating season). President Clark explained that Mr. Veilleux is recuperating, and that he offered his resignation after it became clear that he is not eligible for membership under the standards he was applying to new applicants. Mrs. Dobbins resigned to spend more time growing her business.

Under new business, Marge Straffin volunteered to begin organizing the Annual Meeting arrangements. More committee members are needed. It was noted that Devon Dobbins had resigned as both Vice President and Board member. It was clarified that Board members are normally elected by the membership at the Annual Meeting in February, and then officers (who do not have to be Board members) are elected by the Board. Mid-year vacancies can be filled by the Board. CAHA needs more volunteers, for Board, officers and committees. Both John Gwadowsky and Harold Booth indicated that they would be interested in being on the Board.

There were questions about security deposits, which made the point that our meetings are a great place to share and network. It was also suggested that newsletter issues be archived, at least the Lawyer's column.

It was noted that Rep. Kim Davis of Augusta has promised to submit a bill to repeal the Energy Efficiency Disclosure law. Rep. Stan Moody of Manchester has also expressed support for this.

Meeting adjourned at 8:00.

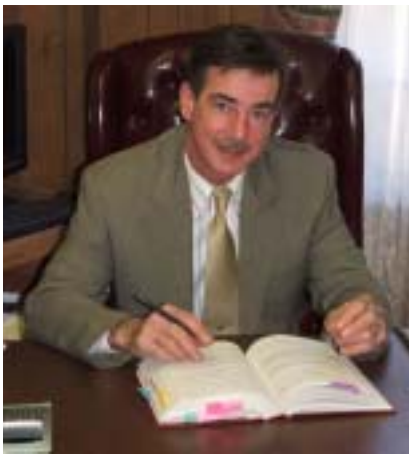
Respectfully submitted,

Louise Hinkley

Secretary Pro-Tem

“ASK THE LAWYER”

Security Deposits – Part II of III



QUESTION:

Please explain State Law concerning residential security deposits.

ANSWER:

As mentioned last month, a security deposit paid by a tenant is the tenant's property held in trust by the landlord to secure the tenant's financial responsibilities under a written or oral rental agreement until the end of the tenancy.

Regardless of whether the tenancy ends on expiration of a specific term under a lease, by eviction, agreement or otherwise, the landlord has strict time limitations in which to either return the security deposit in its entirety, or to provide the tenant with written notice itemizing the reasons for retention of any portion of the security deposit, and to return the balance. The landlord is faced with harsh consequences under State Law if the deadlines are missed.

Under Title 14 §6033 a landlord must return or account for disposition of a security deposit involving a tenancy at will within 21 days from the end of that tenancy. The tenancy is at an end once the tenant has returned possession of the apartment to the landlord. This date is usually established by return of the keys, or upon expiration of 48 hours after service of a writ of possession at the conclusion of the eviction process. A written lease or rental agreement can provide for up to a maximum of 30 days to return or account for disposition of the security deposit.

Before expiration of these deadlines the landlord must send the tenant written notice itemizing the reasons for retention of any portion of the security deposit and return the remainder to the last known address of the tenant. If the tenant did not leave a forwarding address, the mailing should be to the apartment address the tenant vacated and the landlord can rely upon the tenant's duty to inform the post office of a forwarding address. It is not necessary to send the notice by certified or registered mail, although a proof of mailing may be prudent to confirm the date of mailing, and the landlord should always retain copy of the notice sent to the tenant.

If the landlord fails to provide the required written notice to the tenant within 21 days for a tenancy at will or up to 30 days under a written lease or rental agreement, the landlord loses the right to retain any portion of the security deposit regardless of whether money may be owed by the tenant. In that case, the landlord must return the security deposit and sue the tenant for recovery of the money owed in small claims court or otherwise.

Furthermore, if the landlord fails to return the security deposit or to provide the itemized statement within the time limits, the tenant may serve the landlord with a written notice that the tenant intends to bring legal action against the landlord after expiration of 7 days. If the landlord fails to return the entire security deposit within that 7 days, the law presumes that the landlord has wrongfully withheld the security deposit. If the tenant sues the landlord, and the presumption of wrongful retention is not overcome, the court will award the tenant double the amount of the security deposit, plus court costs and attorney's fees.

In Part III of this column concerning security deposits, I will address the nature and scope of proper deductions from the security deposit and offer practical pointers.

Disclaimer: For general information of CAHA members; not intended as legal advice. Consult a lawyer for your specific situation © 2006 Eric S. Dick, Esq., Augusta, Maine (207) 622-5872.

<p>CERTA PROPAINTERS * Painting (Exterior & Interior) * Pressure Washing * Plaster / Drywall repair Andy Mann - 622-6065 10% off for CAHA Members</p>	<p>Aubuchon Hardware 623-9844 20% off Glidden Paint - 10% off all other regular price items Aaron Feldmus</p>	<p>SHOP FROM HOME FLOORING 626-3100 10% off any regular price Sales & Installations Sam Macmaster</p>	<p>Sherwin Williams 622-6818 Paint, Wallcovering and Accessories 10-20% off all products Aaron Smith</p>
<p>Central Maine Wall to Wall 582-1526 - email: info@cleaningmainescarpets.com Carpet and upholstery cleaning Rick Bonenfant</p>	<p>Hammond Lumber Co. 495-3303 Full Service Lumber & Building Materials 10% off Retail and Free Delivery Dale Tobey</p>	<p>Major Appliance 622-5859 Free Delivery Farmingdale, Maine Ken Martin</p>	<p>Steve's Appliance Service & Sales, Inc. 621-0520 - Fax:547-4083 Heaters - Mattresses New & used appliance sales / service</p>
<p>Farris, Foley & Dick, P.A. Eric Dick, Esq. 88 Winthrop Street, Augusta LEGAL SERVICES • 622-5872 \$ 25.00 off standard hourly rate on landlord/tenant matters</p>	<p>DOWNEAST ENERGY. Oil • Propane Equipment Sales & Service 191 Water Street - Hallowell 622-7521</p>	<p>Central Maine Property Management Property Mgmt - Maintenance Lawn care - Bookkeeping - Snow removal 20% discount to CAHA members Devon L. Dobbins • 622-7691</p>	<p>D.R. Struck Landscape Nursery 395-4112 15% discount on your purchase Robin Struck</p>
<p>Rick's Downeast Building & Property Maintenance 923-4054 & 623-7535 10% discount on property maintenance excluding the new Depo-section. Ricky Bradstreet</p>	<p>SEARS • Appliance packages • Maintenance Equipment packages Discounts based on brand SGM Tess Zardus or ASM Peter Sullivan 621-2088</p>	<p>Moody & Company Office Supplies, Inc. 622-6616 25% off list and Free Delivery</p>	<p>TC & Company Cellular: 242-8499 or Phone: 621-8090 Handyman jobs at a 10% discount No jobs too small Tim Dennett</p>
<p>POULIN PROPANE Propane Appliance Installation & Service Edward Poulin 441-1574 Discount on Labor</p>	<p>Moreau Home Improvement Property Management & Maintenance (207) 215-7500 - (207) 549-5724 10% off - \$45.00 hr.</p>	<p>O&P Glass (the clear choice) 622-3652 Fax: 622-3268 Auto, residential commercial, stained glass</p>	<p>Winslow Aluminum 873-0412 • 1-800-924-0412 Windows, Doors, Siding, etc. 35% off Replacement Windows Rick Heffernan Sales Representative</p>
<p>Big Daddy's Handyman Service Painting & Lawn maintenance Apartment clean-ups - Odd jobs big or small Discounted rates for CAHA members Sean Fritz 441-2490 93 Green Street - Augusta, ME</p>	<p>R&R Property Management Rob Jordan (207) 485-1237 Tenant Relations - Handyman service Landscaping & Odd Jobs Discount on Labor for CAHA members</p>	<p>NEWCOMER RELOCATION SERVICES "Upscale Rentals" Phone/Fax 622-4312 - Cell: 446-4312 email: ramona@aan-newcomers.com www.aan-newcomers.com No application fee for CAHA Members</p>	<p>Dave Labbe Plumbing 622-2566 DISCOUNT ON LABOR</p>

ADDRESS SERVICE REQUESTED

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