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CAPITAL AREA HOUSING ASSOCIATION

“Landlords Working Together”

Post Office Box 2901 • Augusta, ME 04338-2901

JANUARY 2007 - NEWSLETTER

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PRESIDENT'S MESSAGE

Happy New Year to Landlords, one and all. One thing is certain; the government is putting more requirements and responsibilities on landlords. The indications are that the energy reporting bill went through so easily (even if it did seem to skip part of the process) that we may be confronted with shouldering more of the tenant's accountability when it comes to being a responsible consumer.

There are those in the legislature who are not supportive of landlord's positions because they never hear from us until a bill is presented. Each time the government tries to take care of a perceived problem, it winds up being the landlord's responsibility to have an additional inspection, create a new disclosure form (and keep it for years), etc.

CAHA is starting to talk with legislators in hopes of letting them know our position and needs, and for us to know some of positions and needs etc. This process starts with the January meeting. Kimberly Silsby [House-Augusta], Stephen Hanley [House- Gardiner], Sharon Treat [House-Hallowell/Farmingdale], and Earle McCormick [Senate-Gardiner/Winthrop/Hallowell]. (Be aware that individual legislators may have a scheduling conflict at the last minute, so it is possible that not all of those scheduled will be there.) The legislators will be guests, not "speakers", listening to our concerns, and discussing their views etc. Be aware that cloture, the date by which legislation must have been submitted, has already passed, so nothing can be done this session.

Ernie Clark, President

JANUARY 9TH MEETING - 7:00 P.M.

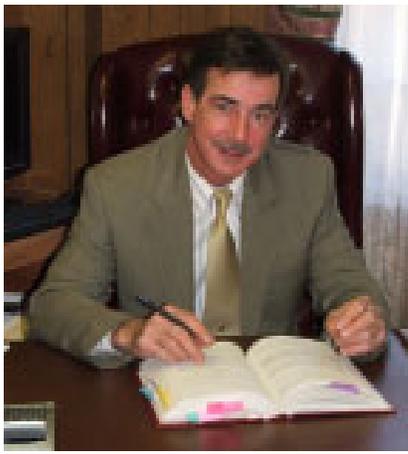
KV Federal Credit Union - 316 Northern Avenue - Augusta

Guests: Legislators & Senators

Next Meeting: February 13, 2007 - Annual Banquet

Reservation Deadline: February 1, 2007 (No tickets sold at the door))

Election of Directors and Officers • Elks Lodge - Civic Center Drive, Augusta



“ASK THE LAWYER”

QUESTION:

My tenants are moving out when their lease ends. Can I advertise and show the apartment before the current tenants move out?

ANSWER: Access to premises; Title 14 § 6025.

Yes, the landlord has the right to enter into a rented apartment to show the apartment to potential tenants or a potential purchaser of the

building. The landlord can also access the premises to make any necessary or agreed upon repairs, alterations or improvements, to supply necessary or agreed upon services, or to inspect the apartment where, for example, the landlord is attempting to refinance their mortgage and the bank requires a complete appraisal including inspection of the interior of the apartment units.

A tenant may not unreasonably withhold consent and refuse the landlord’s entry, so long as the tenant receives reasonable advance notice. The notice should be in writing, a copy of which should be retained by the landlord. A tenant may not refuse access by changing the lock to the apartment. If the tenant changes a lock, the tenant must give the landlord notice along with a duplicate key within 48 hours. If the tenant refuses to provide the landlord with a duplicate key, the landlord can terminate the tenancy with a 7 day notice to quit. Furthermore, in cases of emergency, the landlord may enter the apartment through whatever means necessary, including breaking a window or breaking down a door, and charge the tenant the reasonable cost for the resulting damage.

In cases of a true emergency (fire, broken water pipe, etc.) a landlord or the landlord’s agents can enter without advance notice. Otherwise, a landlord is required to give reasonable advance notice of intent to enter the apartment. Twenty-four hour advance notice is presumed to be a reasonable notice in the absence of contrary evidence.

However, the landlord or landlord’s agent may enter only at reasonable times, and only with reasonable frequency. A landlord may not make a lawful entry in an unreasonable manner (2:00 a.m. inspection) or make repeated unreasonable demands for entry that have the effect of harassing the tenant. A violation of Section 6025 allows the tenant to recover their actual damages or \$100.00, whichever is greater, obtain injunctive relief to prevent recurrence of the landlord’s unreasonable conduct, and the tenant may recover their reasonable attorney’s fees if they obtain a judgment against the landlord after a contested hearing. Therefore, the landlord wishing to show potential tenants the rented apartment should not attempt to do so on a daily basis, but rather take a number of potential tenants through the apartment on a single occasion at a reasonable hour.

The current tenant need not be present when the landlord accesses the premises although it is preferable. Further, the landlord and landlord’s agents should never access the premises alone, particularly if the tenant is not present. Otherwise, the landlord may be subject of a claim asserted by the tenant that cash or property is missing.

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

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

President Ernie Clark called the meeting to order at 7:00 pm. He presented the speaker, Tom Mason, from Badrenters.net, a website where member landlords can post information about problem tenants. The fee is \$100 per year, which provides members a password and the ability to post factual information about tenants, and to search names to see if they've been added to the database. Mr. Mason consulted a lawyer before starting this website in 1999, and he acts as a gatekeeper before posting listings. The database is nationwide, but has close to 300 people from Kennebec and Somerset Counties. It is password protected and only for landlords, but questions were raised about privacy, possible slander suits, and liability. The member posting information would be the responsible party, but Mr. Mason noted that he has had no complaints or lawsuits since starting in 1999. Mr. Mason suggested the possibility of rebating half of the \$100 individual membership fee back to CAHA when CAHA members join Badrenters.net, if CAHA handled the money. He also said he would be willing to give CAHA a one-week trial password so that members could actually look at the database.

Harold Booth moved, Cheryl Dostie seconded, to approve the minutes of the November 14th meeting as printed in the newsletter. Motion passed. The Treasurer is on vacation out of the country, so there was no report. The Secretary and President are handling mail, depositing checks, and inputting member renewal information. Close to 200 renewals have been received.

There was discussion concerning Mr. Mason's offer. The general opinion was that CAHA as an organization should not be involved, leaving a decision to join Badrenters.net up to individual members. Mr. Mason had also asked about having an ad included in the CAHA newsletter. We have had a request from another business also, and would have to rearrange the space to add more ads, so this issue will be discussed by the Board at its next meeting.

Bob Gilbert reported for the Oil Committee. The basic purpose is to gather information and negotiate a group price with a local oil company. The Committee met on Dec. 6th and discussed expectations. They hope to negotiate a package that would include consistent pricing for all (no minimum number of gallons), a pre-pay program and a 30-day cash program, a capped price but with downside protection, and service discounts. They will ask companies to respond by February 1st. The Committee had hoped to do some random phone calls to members, but instead polled the members present at the meeting, who indicated that price was the most important goal, although good service should be included. The Committee would like to gather information about prices paid over the last year; if you can provide dates with price/gallon paid, please contact Don Gasink at 622-9552 or dunculus@aol.com.

Harold Booth reported that letters had been sent to 9 area legislators, inviting them to attend a future CAHA meeting to share concerns, and noted that they were invited to our Annual Meeting. He will follow up with phone calls in the next few weeks to determine their interest and availability.

Reminder that the Annual Meeting has been scheduled for February 13, 2007, at the Elks Lodge. It was noted that we need some door prizes (10-20). Louise reported that she contacted Cony about music entertainment, and is waiting for further response.

After some discussion, Harold Booth moved, Cheryl Dostie seconded, that members appointed to Committees by the Board as authorized in the Bylaws may include spouses/significant others of CAHA members. Passed unanimously. There was also some discussion about whether to allow landlords who only own rentals in other states to join CAHA. The general opinion was that membership should be limited to landlords with Maine properties, although others are certainly welcome to come as guests to meetings.

Harold Booth won the monthly Chamber gift certificate drawing. Sign in sheet indicated 22 members attending, with 138 units, and 10 vacancies.

Meeting adjourned at 8:55 pm. • Respectfully submitted: *Louise Hinkley, Secretary*

ANNUAL CAHA BANQUET

Date: Tuesday, February 13, 2007 • **Place:** Elks Lodge, Civic Center Drive, Augusta

Time: Social 5:30 p.m. - Dinner 6:30 p.m. • **Price:** Free to CAHA members

Guests: 1st guest = \$ 8.00 - All additional guests = \$ 15.00 (no children under the age of 16)

<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@NewcomerRelocation.com www.NewcomerRelocation.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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