



Tel. 512~2180

CAPITAL AREA HOUSING ASSOCIATION

Landlords Working Together

Post Office Box 2901 • Augusta, ME 04338-2901

JUNE 2007 - NEWSLETTER

PRESIDENT'S MESSAGE

I am honored to have been voted in by the Board of Directors as you new President for the remainder of this administration. I will do my best to be as committed to CAHA as past president **Ernie Clark**.

As you read the minutes of the executive board meeting you will note that we will be updating our website as well as our newsletters, also all officers and directors will have a caha e-mail, so that we may better serve you.

A note of interest: LD 383 "An act to amend the landlord-tenant laws" did not pass. We are fortunate to have director **Harold Booth's** knowledge of legislative issues pertaining to landlords matters. Harold is very much committed and he does an excellent job informing the membership on any upcoming bills being presented. When he ask for landlord support, we should all be there when our concerns and votes are needed.

The Oil Committee presented a brief overview of their work at the last meeting. This coming **June 12th** meeting, they will present their recommendations to

the general membership. Your input and vote will be needed at this upcoming meeting, so we encourage you to attend and be heard. **Darren Matthews** of **Webber Energy Fuels** will be addressing oil prices for 2007.

A reminder that CAHA does not have meetings or newsletter in the months of July and August, but you can still contact us at **512-2180**.



On behalf of the Board of Director and members of CAHA, our "thanks" to outgoing president **Ernie Clark** for his many years of dedicated service to our organization.

Have a safe and enjoyable summer!

Gerard "Tiny" Bechard
President 2007

President
Gerard Bechard, Jr.

Secretary

Louise Hinkley
telhink7@adelphia.net

Treasurer

Ratna Don
ratnadon44@yahoo.com

Board of Directors

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Cheryl Dostie
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(Ex-Officio)

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Ratna Don
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Harold Booth
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Gerard Bechard, Jr.

CAHA Website

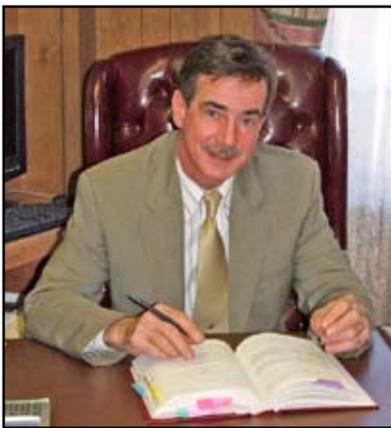
caha4u.org

Meeting: June 12th - 7:00 p.m. - KV Federal Credit Union • Augusta

OIL PRICE CONTRACT ~ Webber Energy Fuels ~ Guest Speaker: Darren Matthews

NEXT MEETING:

September 11, 2007 - 7:00 p.m. KV Federal Credit Union



ASK THE LAWYER

QUESTION:

Please explain the Section 8 Subsidized Housing Program, and comment on renting to subsidized tenants.

ANSWER: Section 8 Subsidized Housing - Part III of III - More Pros and Cons of Subsidized Tenancies, and “Do I have to rent to Subsidized Tenants?”

The last two columns have provided an overview of the Section 8 Subsidized program, and have highlighted some important aspects of the

contracts involved which modify the landlord’s lease, subject the housing unit and the landlord’s records to inspection, and impose limitations in the event of eviction. In this final installment, I will highlight some additional pros and cons of subsidized tenancies, and touch upon whether a landlord must accept subsidized tenants.

Subsidized tenancies can be beneficial to the landlord as well as the tenant. Subsidized tenants tend to stay in the rental unit longer than unsubsidized tenants resulting in less turnover and lower vacancy rates. Further, the landlord is virtually guaranteed that at least the subsidized portion of the rent will be paid on time thereby enhancing predictable cash flow. Some landlords will seek to emphasize or specialize in providing subsidized housing for these reasons.

There are also downside costs to subsidized housing. Subsidized tenants tend to be at home more than the tenant working a 9-5 job, which translates to more wear and tear on the housing unit and greater use of utilities. Because a subsidized tenant must generally have few assets and little income in order to qualify for subsidy, the landlord will be unable to recover any lost rent or damage to the housing unit beyond the security deposit.

The subsidized tenant’s disability or lack of assets and income also serves to qualify that tenant for free legal representation through Pine Tree Legal, the Disability Rights Center and other such agencies while the landlord is not eligible for free legal help. Since the tenants do not pay attorney’s fees or Court costs, the stage is often set for extensive and expensive (for the landlord) litigation of eviction issues. The tenant pays nothing and has nothing to lose other than the housing unit. I have recently litigated several contentious evictions in which the landlord has prevailed, but only after spending in excess of \$5,000 for a single eviction. Unfortunately, the landlord has little choice but to see such a matter through or abandon the effort to evict. A disabled or low income tenant often asserts peripheral claims as well. The tenant complaining to the Maine Human Rights Commission alleging discrimination is typical. Again, the process is free to the tenant, but adds another significant layer of legal expense to the landlord

in asserting a defense, even when the landlord ultimately prevails. These costs are tax deductible business expenses, but are not recoverable.

An unresolved issue is whether a landlord must accept subsidized tenants at all. State Law provides that a landlord or manager cannot refuse to rent to, or impose different terms of tenancy, to an individual primarily because that individual receives a subsidy. The Maine Human Rights Commission takes the position that a landlord is required to accept Section 8 Tenants and the failure to do so constitutes unlawful discrimination under the Fair Housing Laws. I disagree with that position because the landlords are not free to make their own contract with a subsidized tenant. Instead, the landlord must accept the terms of the HAP Contract and tenancy addendum which is effectively the Government’s lease on behalf of itself and the tenant. In my view, this strips important rights away from the landlord, including the right of the landlords to make their own contract with the tenant within the constraints of law, and imposes certain obligations upon the landlord such as participation in compliance reviews and permits government access to otherwise private records.

In practice, I have found virtually everyone at the MSHA and AHA to be good, reasonable people who do not abuse landlords. The Housing Authority as well as Federal Regulations state that the landlord’s participation in the Section 8 Program is voluntary. The apparent contrary position of the Maine Human Rights Commission has not been specifically litigated in the State of Maine although Pine Tree Legal Association is actively shopping for such a case in order to clarify State Law.

In conclusion, there are different opinions as to whether a landlord must accept subsidized tenants, though no clear answer. Some unlucky landlord will be drafted into litigation on the point when the suitable case arises at significant cost to that landlord. Consequently, the safest current advise is to follow the recommendation of the Maine Human Rights Commission “Housing Applicant Inquiry Guide” which recommends that owners and managers avoid making oral or written inquiries suggesting that an applicant was denied housing because of their status as a recipient of a subsidy.

Disclaimer: For general information of CAHA members; not intended as legal advice. Consult a lawyer for your specific situation © 2007 Eric S. Dick, Esq., Augusta, Maine (207) 622-5872.

Minutes for Executive Meeting
Capital Area Housing Association (CAHA)
Held at The Senator Inn & Spa on May 22, 2007

Meeting Attendees: Lewie Manter, Ramona Venskus, Harold Booth, John Gwadowky, Ratna don,
Tiny Bechard and David Jackson

Meeting called to order at 5:30pm on Tuesday the 22nd of May, 2007

Ramona introduced David Jackson of Graphic Design Plus to go over a proposal for web design and maintenance.

Harold made a motion to accept the proposal as written from Graphic Design Plus. John G. seconded the motion.

The vote was 4 members in favor, 0 against and 1 abstention.

Harold asked if newsletters could be printed from the website version. Graphic Design Plus says that it is an available service. Cost was discussed. Ratna recommended that we hold for the moment to give Graphic Design Plus a test trial.

Ramona mentions that city council is again talking about the housing inspections and issues on garbage removal.

Ratna read a letter from Eric Dick that talked about the previous meeting at his office.

Ratna mentioned that the IRS sent a second letter and payment to IRS was sent. Ratna also presented a bill from Eric Dick for 3 hours of service.

Harold requested a meeting a meeting for modifying bylaws.

Ratna Don handed in a contract for services talked about at an exec meeting at Eric Dick's office that included charging CAHA \$1500.00 for correcting and completing 2005 and 2006 tax returns for CAHA.

And a separate contract for \$450.00 per month for the rest of 2007 for database management.

A motion was made 8:00 pm to adjourn the meeting by Harold Booth and seconded by John G.

It was a unanimous all in favor vote.

Notes for meeting taken by Lewie Manter 9:15 pm May 22, 2007

Where is Norman... ?

As many of you already know, Our Newsletter Publisher, Norman Veilleux has undergone a very turbulent year...one of which is now a memory. And without going into those glory details, CaHa wants to share with you that Norm has been declared **"Cancer Free"**. This is great news for all of us at CaHa and more importantly to Norm and his loved ones. :-)



Guest Speaker June 12th, 2007



Webber Energy Fuels is excited to be one of the great benefits available to CAHA members. We look forward to serving all your heating needs from heating oils to propane for the upcoming season. We have a number of services that are Webber Energy exclusives like, our Presidential heating contracts and new this year, our Watch Dog Program that takes at least one worry out of your winter. Make sure you come to the CAHA meeting on June 12th. I will be there to answer any questions and look forward to meeting all of you.

Sincerely,

Darren Matthews

Darren Matthews • Webber Energy Fuels

<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><i>Bayleigh Flooring</i> Flooring & Lighting Sales Essence Wilkins (207) 620-8888 - FAX 620-7024 ewilkins@bayleighflooring.com</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>

