



P.O. Box 2901, Augusta, ME 04338-2901 *(207) 242-4535



December 2023

CAPITAL AREA HOUSING ASSOCIATION

"LANDLORDS WORKING TOGETHER"

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Dear CAHA Members,

CAHA invites members to become a board of director. We really need you to be involved. Please make your interest known to any one of our directors by email (caha@caha4u.org) or by phone (207-242-4535). According to the bylaws, the officers and Board of Directors members' dues are waived, and other expenses related to conducting the business of the organization will be paid for by the association.

CAHA membership renewal notices have gone out. Please return the invoice with your \$40 check as soon as possible. Don't forget to check the information on the renewal form and make corrections if necessary. Delinquent members will not retain active status and will lose their membership privileges such as discounted heating oil and propane prices. Each month we send Fabian Oil Company and Fielding's Oil & Propane Company the list of current members.

Our 2024 annual meeting will be held via Zoom. It is scheduled for 6 p.m. Tuesday, February 13, 2024.

Wishing you a Merry Christmas and happy and healthy New Year,
Ratna Don
CAHA President

City of Augusta Rental License Task Force will send it's finding to City Mayor soon. Augusta landlords, contact your city councilors to convey your concerns.

Slate of Candidates for the Board of Directors:

For 2-year term: Ratna Don, Nicole Covelli-Wentworth

2023 Legislative Wrap-Up

In 2023, we faced easily the busiest legislative session we have ever had. The shortage in housing in our state resulted in a lot of legislation going after the eviction process and application process. There was some legislation hoping to increase the supply of housing. A key point that needed to be made to the Legislature is that when you have a shortage of housing, you should work with people who provide housing, not against them, to increase the supply of housing. Below is a summary of some of the legislation that we dealt with this last year.

LD 11 An Act to Strengthen Temporary Protections for Children Living in Dwellings with an Identified Lead Hazards gives the Department of Health and Human Services the authority to order and enforce actions to protect children and families living in any residential unit from identified lead hazards until they are relocated to lead-safe housing or lead hazards are abated. This law applies not only to rental housing but also to child care facilities, nurse schools, etc.

LD 45 An Act to Prevent Retaliatory Evictions In its original form, this legislation would have done away with no cause evictions. As amended, it merely establishes that an illegal rent increase can be a retaliatory defense in an eviction. Maine currently requires a written forty-five (45) day notice for a rent increase. A bill we will address later that is going to be lengthened to seventy-five (75) days for a rent increase. If a landlord illegally increased rent and the tenant complained about it, the tenant could then assert a retaliatory defense in an eviction proceeding that the landlord was retaliating against them for that complaint, provided the rent increase occurred within six (6) months of the eviction. As amended, this bill is greatly improved over the original bill.

LD 314 An Act to Establish a Permanent Commission on the Status of Housing in Maine has been carried over to the next legislative session.

LD 330 An Act to Ensure Legal Representation of Residents Facing Eviction This was a concept draft. As finally amended, landlords will have to attach to their notices of eviction a form that is currently being served with summonses which provides phone numbers where tenants can get legal assistance. It also requires the judges and the courts to announce that counsel is available if Pine Tree Legal or other legal counsel is present to represent tenants at hearings.

LD 347 An Act Regarding in Court Appearance Requirements for Persons Authorized to Serve Eviction Notices and the Process for Serving a Writ of Possession This bill clarifies that if a sheriff or constable serves an eviction notice, their return of service can be submitted for the judge's review without the sheriff or constable being present in court. It is important to remember that if someone other than a sheriff or constable serves the notice, they do need to be in court to testify about the service. It further goes on to state that if it is necessary for a sheriff or a constable to testify, that they may testify remotely via telephone or Zoom.

LD 388 An Act to Require the State or Municipality to Reimburse Landlords for Unpaid Rent During Eviction Moratoriums was killed by the Legislature. This bill attempted to address concerns over losses landlords suffered during the moratorium on evictions through COVID-19.

LD 470 An Act to Support Lead Abatement in Older Residential Properties would provide more funding to assist with lead abatement through Maine State Housing. While the bill passed, it has yet to be funded by the Legislature.

LD 557 An Act to Decrease Discrimination based on Evictions and Housing Applications was defeated. This bill would have prohibited landlords from asking questions about previous evictions or discriminating against tenants based on previous evictions.

LD 558 An Act Regarding Rental Housing Applications was defeated. This bill would have prohibited application fees. Prior to obtaining information about the tenant, the landlord would have had to notify the prospective tenant in writing regarding what types of information would be assessed to conduct the tenant's screening.

LD 679 An Act Regarding Animals Abandoned by Tenants was passed by the legislature. This bill authorizes landlords to require tenants to provide information about any animal present in a rental unit. Landlords may also request the contact information of a person the tenant authorizes to enter the property to retrieve or care for an animal in the event the tenant abandons the animal or is unable to care for the animal as a result of death or disability. The bill also establishes a process for the landlord to turn an animal over to the Humane Society or an Animal Control Officer. If the landlord follows that process, they are exempt from liability.

LD 690 An Act to Streamline Rental Applications Screenings by Allowing Potential Tenants to use Screening Services was defeated. This would have allowed potential tenants to choose the screening service used and would have permitted landlords to charge no more than twenty-five (\$25.00) dollars for application fees.

LD 691 An Act to Reduce Barriers to Housing by Prohibiting Tenant Application Fees was amended and did pass in the end. This bill would allow landlords to charge tenants the actual cost of a background check, credit check or other screening process and require landlords to provide the tenants with a complete copy of the information obtained. Further, it states that a landlord may not charge a tenant for more than one (1) background check per year.

LD 701 An Act to Increase the Notice for Rent Increases was amended. The original bill would have required a ninety (90) day notice of any rent increase. Currently, Maine law requires a forty-five (45) day notice of any rent increase. As amended, the bill would require a seventy-five (75) day notice for rent increases of ten (10%) percent or more, but landlords can still use a forty-five (45) day notice for rent increases under ten (10%) percent.

LD 804 An Act to Increase the Time Period for Notice to Terminate Tenancy at Will was defeated. This bill would have taken the current thirty (30) day notice and turned it into a ninety (90) day notice.

LD 853 A Resolution Proposing an Amendment to the Constitution of Maine to Establish a Right to Housing has been carried over. Currently, both landlords and tenants have due process property rights under the 14th Amendment. The purpose of eviction hearings is to look at the rights of each of the respective parties. What exactly would this bill do in the future? Does this bill intend to require the State to pay for everyone to have housing? Does it somehow change the eviction process to make it harder to evict? The ramifications of this bill are simply not understood at this point.

LD 887 An Act to Amend the Regulations of Mobile Home Parks was carried over. The bill will likely be heavily amended from its original text.

LD 1193 An Act Allow Residents of Low-Income Housing to Keep Pets was defeated. This bill would have required landlords accepting Section-8 vouchers or other vouchers to allow pets.

LD 1259 An Act to Recover Legal Fees for Low-Income Individuals in Actions or Proceedings was defeated. The purpose of this bill was to allow people with low income to recover their attorney's fees in eviction actions, although it would have applied more broadly than that.

LD 1481 An Act Regarding Clearance for Lead Occupancy under the Lead Poison Control Act passed. This bill would give the Department of Health and Human Services a little more discretion in authorizing reoccupation of an owner-occupied residential building of three dwelling units or less in which lead-based substances have been ordered removed. The intent is that if one unit has been cleaned up, but they are still working on the other units, one could potentially reoccupy the abated unit with Department of Health and Human Services permission.

LD 1490 An Act Reduce Rental Housing Costs by Eliminating Additional Fees at or Prior to Commencement of a Tenancy has been carried over. The original bill states that a landlord may not require a tenant to pay an amount in excess of rent, a security deposit and the installation cost for key and lock at the beginning of the tenancy. The bill will likely be amended and we still have concerns about any potential amendment. One of the driving issues behind this bill is that certain large landlords are using very long leases with many fees hidden in them. We will keep you posted as this bill evolves.

LD 1574 An Act to Create Rent Stabilization and Amend the Laws Regarding Termination of a Tenancy and Rent Increase Limitations was defeated. It would have required landlords evicting for no cause to use a ninety (90) day notice and pay the tenant one (1) month of rent. It also would have enacted a limitation on rent increases based on the consumer price index and a fixed amount. This bill would have also limited the number of reasons for which you could use a thirty (30) day notice for cause. Again, this bill was defeated.

LD 1710 An Act to Establish the Maine Rental Assistance and Guarantee Program and Amended Law Regarding Tenants and Municipal General Assistance Programs has been

carried over. This legislation would force landlords to accept rental assistance programs. Currently, Maine Law does not allow you to discriminate against someone based on their receipt of public benefits; however, it does allow landlords to refuse to sign a contract with a government agency. This bill would compel landlords to sign contracts with government agencies. It has been carried over and we will keep you posted on how it proceeds.

LD 1904 An Act to Enact the Maine Fair Chance Housing Act was carried over. This would prohibit landlords from discriminating against someone based on their having a criminal conviction. Landlords could be brought before the Human Rights Commission if they didn't rent to tenants with criminal conviction records.

LD 1905 An Act to Create Residential Rental Unit Registry was defeated. This bill was an attempt to create a state-wide rental registry.

LD 1931 An Act to Foster Stable and Affordable Home Ownership in Mobile Home Parks by Amending the Laws Relating to the Sale of Mobile Home Parks was passed. This bill requires Mobile Home Park Owners to give tenants a sixty (60) day notice of sale. If least fifty-one (51%) percent of the tenants in a mobile home park want to buy the mobile home park, then the owner must negotiate in good faith with them.

LD 1949 An Act to Establish and Affirmative Defense to the Crime of Criminal Trespassing and Aggravated Criminal Trespass that a Person was Unhoused and Seeking Shelter was killed. This bill would have established an affirmative defense that would have allowed "unhoused persons" to commit trespasses in their quest for shelter.



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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 at (207) 623-3322 or email at cathy@fieldings.com and you will see how dedicated we really are.

<p>Erin Dunning, Assoc. Broker Hoang Realty Cell: (207) 931-7679 Erin@HoangRealty.com 31 Western Avenue Augusta, ME 04330 Working with Buyers & Sellers to make your dreams come true!</p>	<p>I should have bought it when I saw it at MARDEN's Surplus & Salvage Mr. Ken Clark Flooring Merchandiser Cell: 207.944.3324 Email: KClark@Mardens.com</p>	<p>Northeast Bank (207) 623.0303 Mortgage loans for residential and investment properties https://www.northeastbank.com</p>	<p>STEVENS & DAY, LLP 82 Winthrop Street Augusta, ME 04330-5506 phone (207) 430.3288 www.StevensDayLaw.com Discounted hourly rates and flat fee arrangements for CAHA members Avery Day, Esq. ADay@StevensDayLaw.com</p>
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