

City of Portland

Remote Rental Housing Advisory Committee



Monday, January 9, 2023 at 5:30 PM

To submit written public comment on an agenda item, email Vvolent@portlandmaine.gov. Submissions must be received by 5:00 the Friday before the Rental Housing Advisory Committee meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the name of the agenda item (see below).

REMOTE ACCESS INFORMATION:

The Rental Housing Advisory Committee will conduct this meeting remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app. If you are not able to attend via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

Please click the link below to join the webinar:

<https://portlandmaine-gov.zoom.us/j/88644778535>

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Webinar ID: 886 4477 8535

1. Review and Approval of the Minutes of the December 12, 2022 meeting.
 - a. Draft Minutes, December 12, 2022
2. Update on changes in RHAC membership.
3. Nomination and selection of new Tenant Co-Chair.
4. Discussion of upcoming meeting schedule and future meeting dates.
5. Discussion of memo to Housing & Economic Development Committee requesting clarification / update on RHAC's charge and duties.
 - a. Clarification / update on RHAC's charge and duties memo
6. Public Comment
7. Other Business.

**Rental Housing Advisory Committee
Minutes of Remote Meeting held on December 12, 2022**

Committee attendance: Nora Graves, Wendy Harmon, Jonathan Kurzfeld, Jeremy Lock, Crow Norlander, and Regan Sweeney

Absent: Gretchen Phoenix, Christopher Marot

Staff attendance: Victoria Volent

Item 1: Review and Approval of the Minutes of the November 14, 2022 Meeting

The Committee could not vote on the minutes of the November 14, 2022 meeting as they did not have a quorum.

Item 2: Update and changes in RHAC membership

Gretchen Phoenix has been sworn in as the newest member of the Committee. The Committee discussed the continued absence of the newest member combined with the current vacancy as hampering the ability to vote on items due to the lack of a quorum.

Item 3: Nomination and selection of new Tenant Co-Chair

The Committee tabled this item due to the lack of a quorum.

Item 4: Discussion of upcoming meeting schedule and future meeting dates

The Committee discussed meeting on January 9th at 5:30 pending confirmation Mary Davis can be in attendance as Victoria Volent indicated she is not available the second Tuesday of the month.

Item 5: Discussion of memo to Housing & Economic Development Committee requesting clarification / update on RHAC's charge and duties

The Committee held a discussion regarding the RHAC charge and duties memo. There was a general agreement the Committee desires a viable charge from the Council as well as the mechanism to ensure the Committee's positions are heard by the Council. Absent this, the Committee recommends the Council disband the RHAC.

Regan will incorporate the Committee's suggestions into the memo.

Item 6: Discussion of City's low-interest loan program for energy efficiency and related update/upgrades

Regan discussed the Sustainability Office's Electrify Everything! program that provided information about all available rebates, tax credits, and other financial assistance available to help residents install energy efficient, electric appliance in their homes and to encourage adoption of solar power for their energy needs. Electrify Everything 2.0 will be coming in 2023. Regan will reach out to the Sustainability Director Troy Moon regarding when EE 2.0 will be rolled out and the possibility of attending a meeting to discuss EE 2.0 with the Committee.

Item 7: Public Comment

The meeting was opened to public comment, seeing no members of the public in attendance, the public comment period was closed.

Item 8: Other Business

The next meeting is to be scheduled for Monday, January 9, 2023 at 5:30 pending attendance of Mary Davis.

The meeting was adjourned at 6:07 p.m.

Respectfully submitted by Victoria Volent

MEMORANDUM

FROM: Rental Housing Advisory Committee

TO: Housing & Economic Development Committee and
City Council

DATE: December 21, 2022

SUBJECT: RHAC Duties and Charge

I. Summary

As the Rental Housing Advisory Committee (“RHAC”) enters its seventh year of existence (though fourth year of operation), and in light of the significant changes to regulation of rental housing in Portland since its inception, the RHAC seeks a restatement/clarification of the charge and duties for the committee, so that we can better serve the City and its citizens. Absent such revised guidance, the committee feels it is unable to take any meaningful action, and would recommend that the City Council disband the RHAC.

II. History

The RHAC was formed in November of 2016, as part of the Tenant Housing Rights Ordinance (Chapter 6 Article XI, Section 6-225; Council Orders [76-16/17](#) and [32-18/19](#)). The Ordinance cited addressing housing insecurity and educating tenants among its purposes, and specifically charged the RHAC with two duties:

1. Provide the Housing Committee with recommendations or proposals for improvements, modifications, or changes regarding landlord and tenant policy issues; and
2. Identify educational opportunities, seminars, and materials that would be useful to landlords and tenants.

The RHAC’s first meeting was on September 24, 2019, and it very quickly set to work on an issue raised by RHAC members in early meetings: rental housing application fees. After much debate and hard work, on December 16, 2019, the RHAC made a formal recommendation to the then-Housing Committee, recommending that the City adopt an ordinance prohibiting landlords from charging prospective tenants application fees (or any fees prior to move-in, aside from first month’s rent and security deposit). *See* RHAC Memo, 12/16/2019. Through a process in which the RHAC’s recommendation and work went mostly unconsidered, on August 3, 2020, the City Council ultimately enacted its own, and very different, ordinance restricting rental application fees. *See* [206-19/20](#). (This would ultimately be superseded by the [Act to Protect Tenants in Portland](#), passed via citizen initiative (Question C) on November 8, 2022, which, in part, prohibits application fees for rental housing. *See* Chapter 6, 6-223.1 and 223.1(c).)

On April 27, 2020, the RHAC sent a recommendation to the Housing Committee and City Council, providing committee members' feedback, questions, and suggestions regarding Councilor Cook's proposed amendments to the City's Stay-at-Home Order (#156-19/20) as they pertained to short-term and long-term rental housing. The memo also included a recommendation that the City enact a temporary prohibition on rent increases, to run concurrent with other pandemic protections. *See* RHAC Memo, 4/27/2020.

At some point, the RHAC discussed hosting or otherwise coordinating a housing-related forum to facilitate the exchange of information and provide education to Portland tenants and landlords, similar to the event previously held at King Middle School in (to the best of our recollection) 2015. City staff informed the RHAC that such activities were outside the scope of the RHAC's charge, and so the RHAC ceased its efforts in that regard.

In November of 2020, Portland voters approved the citizen initiative enacting the Rent Stabilization Ordinance, effective as of January 1, 2021. This Ordinance created the [Rent Board](#), and gave it the authority to "conduct hearings in response to tenant complaints, mediate disputes between tenants and landlords, and consider landlords' requests for rent increases outside the scope of this Ordinance."

This past November, Portland voters approved the Act to Protect Tenants in Portland, which built upon and expanded the authority granted to the Rent Board by the initial Ordinance. These new provisions give the Rent Board the jurisdiction and authority to, among other things, "adopt or amend ... such rules and regulations as are necessary to implement" the Ordinance, and to "initiate changes and amendments to the city's Rent Stabilization Ordinance."

III. Request

Because the RHAC was formed prior to the citizen initiatives creating the Rent Board, and in light of the recent expansion of the Rent Board's authority via the most recent initiative, the RHAC seeks clarification of its purpose and/or role. Understanding that the RHAC is separate from, and independent of, the Rent Board and its activities, and seeking to avoid any duplicative or otherwise redundant work, the RHAC seeks a restatement or reaffirmation of its mission from City Council / H&ED, as well as a defined procedure by which we can be regularly heard by the HEDC, and the City Council as need be.

The RHAC has also considered that, without a viable charge and mechanism(s) by which we can be effective and heard, we would suffer a frustration of purpose, and would ultimately advocate for our disbandment. Each and every member of the RHAC sought appointment because they genuinely care about the issues and the people involved, and if we are unable to serve the City and its citizens effectively through the RHAC, we would appreciate the opportunity to serve our community in other capacities.

IV. Summary

The RHAC is, and has always been, comprised of members who are not only knowledgeable about Portland's rental housing environment, but are dedicated and committed to working on finding solutions to the many issues therein. We all remain eager to do so, and seek the City's guidance on how we can better do that in light of the significant changes to rental housing regulation since our committee's inception.