Remote Rent Board Meeting Minutes - Held Via Zoom

Wednesday, December 28, 2022 Start time: 5:02pm

II. Roll Call - 00:00:26

Elliott Simpson, Tenant, District 3 - Chair
Barbara Vestal, Landlord, At-Large - Vice Chair
Amir Familmohammadi, Tenant, District 1
Hilary Glaus, Tenant, District 2 (absent)
Ian McCracken, Landlord, District 4 (absent)
Philip Mathieu, Tenant, District 5
Elias Kann, Tenant, At-Large (absent)

Staff present:

Katlyn Sawyer, Licensing & Registration Coordinator
Zachary Lenhert Licensing & Housing Safety Manager
Jessica Hanscombe, Permitting & Inspections Director
Amy McNally, Associate Corporation Counsel

III. Minutes - 00:00:51

The Vice Chair moves to accept the minutes as written, seconded by Philip Mathieu. Vote: 4-0 (Ian, Hilary, and Elias are absent)

IV. Communications - 00:01:43

A. **Please note: Written public comment must be received via email (rentboard@portlandmaine.gov) by 12pm the day before the scheduled meeting. Please make sure that the subject line reads "Written Public Comment".**

Two comments were received in regards to application(s) listed on the agenda, these will be discussed during those items.

B. **MNOI Methodology Reference - 00:02:18**

The Vice Chair just wanted to state that there is no formal action to be taken, just acknowledging this information as it was from a discussion in a prior meeting.

V. Unfinished Business - 00:03:02

There are no items to be discussed

VI. New Business - 00:03:05

A. **Executive Session - The Board may go into executive session pursuant to 1 M.R.S. 405(6)(E) to consult with its attorney regarding the Board's legal rights and duties**

Per the Chair, this is just a placeholder on the agenda as the Board does not intend to go into Executive Session at this time.

B. **Rent Increase Application - Public Comment - 00:03:19**
Owner: Nevens LLC
Property: 26 Poland St
CBL: 146-B-005-001
Increase: Capital Improvement Costs

Attempt #1: technical difficulties, will return to this item after the next application.

00:43:53 (After Discussion of Agenda Item VI, Letter C) - Attempt #2: still having technical difficulties, will return once more after the next agenda item.

01:40:39 (After Discussion of Agenda Items VI, Letter D & Letter E) - Attempt #3:

No tenants spoke as objectors.

No public comment was taken.

01:48:28 - The Vice Chair makes a motion to approve the application for Board approved rent increase based on Capital Improvements of $71.67 per month, subject to the standard requirements about compliance with the ordinance and the 10% cap. Seconded by Amir. Vote: 4-0 (Ian, Hilary, and Elias are absent).

C. **Rent Increase Application - Public Comment - 00:05:31**
Owner: Francine D'Alfonso
Property: 39 Holly St
CBL: 142-E-014-001
Increase: All

No tenants spoke as objectors.

No public comment was received.

During deliberations, the general request from members of the Board was that the applicant provides additional documentation such as:

-invoices for total amount spent, focusing on 2021 and 2022
-breakdown of expenses for the specific unit that is seeking a rent increase versus the entire building
-follow-up with the Housing Safety Office (HSO) regarding rent amounts
-fill out and submit the Capital Improvement worksheet

00:33:51 - The Board has asked the Landlord if they are okay with the Board tabling this application to the next meeting where they can provide additional documentation.
The Landlord has agreed to table it to the next meeting.

00:39:09 - The Vice Chair makes a motion to table this application to the next meeting and that the applicant returns with the Capital Improvement Costs worksheet completed indicating the units that the improvements related to and the amounts. She makes sure that the Board has legible receipts for the major items of work that she is asking for a rent increase. The Board would then consider the application under the Board's current Capital Improvements rules.
Seconded by Philip. Vote: 4-0 (Ian, Hilary, and Elias are absent).

00:43:53 - The Board returns to Agenda Item VI, Letter B for attempt #2.

D. Rent Increase Application - Public Comment - 00:45:50
Owner: Home State Properties LLC
Property: 25 Grant St
CBL: 036-D-013-001
Increase: Capital Improvement Costs

*Please note: Agenda items VI, Letter D (25 Grant St) and Letter E (27 Grant St) were discussed jointly as the properties are located side by side and owned by the same company.

00:58:45 - Tenants who spoke to comment on the application(s) submitted are:

-Madeleine Adelson who lives at 25 Grant St. Madeleine submitted one of the written public comments included in the communications section of the agenda

-James DuBourdieu who lives at 27 Grant St. James submitted the other written public comments included in the communications section of the agenda

-ML Rice who lives at 27 Grant St. This tenant is in agreement with the previous two commenters

-Christopher Rushlau who did not state which address he lived at, but spoke in positivity about the Landlord

01:08:48 - The Chair has requested that the Landlord briefly addresses the tenants who spoke regarding the application(s).

No public comments were taken on these items.

01:13:18 - The Board moves into questions for the applicant regarding the applications submitted

01:18:02 - The Board moves into deliberations

The Chair addresses some of the comments made by tenants regarding complaints about a hole in the ceiling, heat issues, etc. The Chair asked HSO about the history of the two properties regarding these issues.

Zachary Lenhert, Licensing & Housing Safety Manager, confirms that there are no complaints for the last 5 years in either building.

01:33:20 - The Vice Chair asks through the Chair, to ask the applicant whether the applicant is agreeable to tabling this to the next meeting as unfinished business. Amir added a request that the applicant can break out what is a general repair versus a capital improvement expense.

The Landlord has confirmed that tabling the applications to the next meeting is okay.

01:38:55 - The Vice Chair makes a motion to table the application for 25 Grant St to the next meeting as unfinished business, seconded by Philip. Vote: 4-0 (Ian, Hilary, and Elias are absent)

E. Rent Increase Application - Public Comment - 00:45:50 (Discussed jointly with the previous agenda item)
Owner: Home State Properties LLC
Property: 27 Grant St
CBL: 036-D-012-001
Increase: Capital Improvement Costs

*Please note: Agenda items VI, Letter D (25 Grant St) and Letter E (27 Grant St) were discussed jointly as the properties are located side by side and owned by the same company.

See notes in Agenda Item IV, Letter D.

01:39:38 - Motion for this specific application:

The Vice Chair makes the same motion (that was made for 25 Grant St) for 27 Grant Street, seconded by Philip. Vote: 4-0 (Ian, Hilary, and Elias are absent).

01:40:39 - The Board returns to Agenda Item VI, Letter B for attempt #3.

F. Rent Increase Application - Public Comment - 01:49:33
Owner: Jonas Allen (correction made)
Property: 4 Bay View Dr
CBL: 129-I-003-001
Increase: Capital Improvement Costs, Increased Housing Service Costs, Fair Rate of Return

No tenants spoke as objectors.

No public comment was taken.

01:55:47 - The Board moves to questions to the applicant regarding the application submitted

01:58:42 - The Board moves into deliberations

02:06:05 - Amir makes a motion that the Board rejects the application

> 02:06:14 - The Chair asks Amir to accept an amendment to his motion in that the Board rejects the application and requests that HSO review the rent that is currently being charged at this property. That HSO works with the applicant on what their current rent should be and what the allowable rent increases are.
>
> > Amir accepted the amendment.
>
> 02:10:59 - The Chair restates the motion that the Board rejects the application as presented and requests that HSO take note of the rent that is being charged and consider whether that is an invalid rental amount. Seconded by the Vice Chair. Vote: 4-0 (Ian, Hilary, and Elias are absent).

G. Rent Increase Application - Public Comment - 02:12:23
Owner: 44 Pleasant St LLC
Property: 44 Pleasant St
CBL: 040-B-004-001
Increase: Renovation & Capital Improvement Costs

No tenants spoke as objectors as the unit is vacant.

No public comment was taken on this item.

02:27:11 - The Vice Chair makes a motion to approve the application on the basis of renovation of the unit and to establish a new base rent, with the current rent of $1,100.00 plus an increment of $297.00 a month, making a new base rent of $1,397.00. The investments to this point could not justify a second increase based on capital improvements. Seconded by Amir. Vote: 4-0 (Ian, Hilary, and Elias are absent).

02:29:30 - Amir makes an announcement that he will be resigning after this meeting due to him moving out of Portland, therefore, he can no longer serve as a Board member for District 1.

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02:30:08 - The Board returns to decision forms for the following properties:

26 Poland Street

Some edits were made to the form.

02:32:41 - The Vice Chair moves to accept the form as it reads, seconded by Philip. Vote: 4-0 (Ian, Hilary, and Elias are absent)

4 Bay View Drive

Some edits were made to the form.

02:42:01 - The Vice Chair moves to accept the form as written, seconded by Philip. Vote: 4-0 (Ian, Hilary, and Elias are absent)

44 Pleasant Street

Some edits were made to the form

02:49:10 - Philip makes a motion to approve as written, seconded by the Vice Chair. Vote: 4-0 (Ian, Hilary, and Elias are absent)

VII. Adjourn - 02:50:06

The Vice Chair makes a motion to adjourn, seconded by Amir. Vote: 4-0 (Ian, Hilary, and Elias are absent).

Meeting end time: 7:53pm