Remote Rent Board Meeting Minutes - Held Via Zoom

Wednesday, February 22, 2023 Start time: 5:02pm

II. Roll Call

Elliott Simpson, Tenant, District 3 - Chair
Barbara Vestal, Landlord, At-Large - Vice Chair
Vacant, District 1
Vacant, District 2
Ian McCracken, Landlord, District 4
Philip Mathieu, Tenant, District 5
Elias Kann, Tenant, At-Large

Staff present:

Katlyn Sawyer, Licensing & Registration Coordinator
Zachary Lenhert Licensing & Housing Safety Manager
Benjamin Plante, Esq., Counsel for the Rent Board

III. Minutes - 00:01:17

A. January 25, 2023 Minutes

The Vice Chair requested two amendments in both Agenda Items B & C under New Business to change wording from “No public comment was sought” to “No public comment was received”.

The Vice Chair made a motion to approve the minutes as corrected, seconded by Elias Kann. Vote: 5-0 (Two vacancies on the Board).

B. February 8, 2023 Workshop Minutes - 00:03:16

The Vice Chair made a motion to accept the minutes as written, seconded by Philip Mathieu. Vote: 4-0 (Two vacancies on the Board and Elias abstained).

IV. Communications

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”.

There are no agenda items to be discussed.

V. Unfinished Business - 00:05:48

A. Rent Increase Application - Public Comment
Owner: Richard MacLaughlin
Property Address: 57 Walton Street, Unit 1
CBL: 141-A-007-001
Type of Increase: Capital Improvement Costs

The unit is vacant, so no tenants spoke as objectors.

No public comment was received.

00:22:09 - The Vice Chair makes a motion based on the materials presented, that the Board finds that there were improvements made which were found to be capital improvements ($46,341.75). The Board agrees to amortize that amount over ten years, which would result in a monthly amount of $386.00, and that the Board approves an increase based on capital improvements of $386 per month but specifies that it is subject to the overall 10% cap on increases per year. Some of the increase will need to be banked.

Seconded by Elias. Vote: 5-0 (Two vacancies on the Board).

The Board will return to the decision form at the end of the meeting.

VI. New Business - 00:27:22

A. Rent Board Remote Participation Policy

There was some discussion regarding this document.

Benjamin Plante, Esq., Counsel for the Rent Board clarified that this specific policy largely parrots the remote participation statute which is within Title 1, Section 403(B). Mr LaPlante also quoted sub-section 2(E).

The Chair opened up this item for public comment, in which none was received.

00:43:10 - Philip Mathieu made a motion to adopt this policy as written, seconded by Elias Kann. Vote: 5-0 (Two vacancies on the Board).

B. Rent Board Rules of Procedure - 00:43:50

Amendments to this were made by the Vice Chair, Philip, and Amy McNally from Corporation Counsel.

The Chair opened up this item for public comment, in which none was received.

00:48:25 - Philip made a motion to approve this as written, with the correction to formatting for Article 6, Section 2. Seconded by the Vice Chair. Vote: 5-0 (Two vacancies on the Board).

The Board has adopted the revised rules.

C. New Rent Increase Appeal Application - 00:49:18

Amendments to this were made by the Vice Chair and Philip.

The Chair opened up this item for public comment, in which none was received due to no attendees from the public being present.

Zachary Lenhert, Manager of the Housing Safety Office (HSO), explained to the Board how tenant complaints are received (through various forms of communication), processed, and resulted as it relates to the Rent Board's Tenant Complaint Form.

01:01:47 - The Vice Chair suggested that on page 3, item #4 be deleted based on the conversation with HSO, and that item #5 and #6 would be renumbered.

01:03:50 - The Vice Chair made a motion to accept the Rent Increase Appeal Application as drafted except on page 3, that #4 would be deleted and renumber 5 and 6. Seconded by Philip. Vote: 5-0 (Two vacancies on the Board).

D. Revised MNOI draft - 01:05:38

Philip shared his screen to reflect the fillable version of the draft, since it was unable to be reflected in the agenda packet.

Some edits and suggestions were made to the document during the meeting.

The Chair opened up this item for public comment, in which none was received.

01:47:31 - The Vice Chair made a motion to approve the Landlord Worksheet/Petition for Rent Board Approved Increase using Fair Return Standard (MNOI Worksheet) as presented, with the minor changes discussed previously tonight. The Board is approving it subject to minor adjustments such as formatting.

Seconded by Ian McCracken. Vote: 5-0 (Two vacancies on the Board).

E. Proposal to delete "Tenant Complaint & Rent Increase Appeal Application" - 01:50:12

The Vice Chair had made hand-written changes to the original form posted on the Rent Board's website. However, based on previous discussion of this form during agenda item #C under New Business - this form has no particular use or purpose.
This would be for approval to delete this form from the list of Rent Board forms.

The Chair opened up this item for public comment, in which none was received.

01:51:33 - The Vice Chair made a motion to delete this as an operating form, seconded by Elias. Vote: 5-0 (Two vacancies on the Board).

01:52:08 - The Board returns to the decision form for 57 Walton Street.

Benjamin Plante, Esq., Counsel for the Rent Board has assisted with drafting the form.

Edits were made to the form.

02:12:57 - The Vice Chair made a motion to accept the decision as drafted including approving the findings as written and to authorize the Chair to sign the decision. Seconded by Philip. Vote: 5-0 (Two vacancies on the Board)

VII. Adjourn

02:16:26 - The Vice Chair made a motion to adjourn, seconded by Philip. Vote: 5-0 (Two vacancies on the Board).

Meeting end time: 7:19pm