



RENT BOARD

May 10, 2023

5:00 PM

ZOOM INFORMATION:

Please click the link below to join the webinar:

<https://portlandmaine-gov.zoom.us/j/81121629657?pwd=MUIzbGUxQ0UzK0pwc2lWTmlDTVByQT09>

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+16469313860,,81121629657#,,,*582606#**

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**US: +1 312 626 6799 or +1 646 931 3860 or +1 929 205 6099 or +1 301 715
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4580 or +1 253 205 0468 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209
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II. ROLL CALL:

III. EXECUTIVE SESSION

- a. Executive session pursuant to 1 M.R.S. 405(6)(E) to consult with the Rent Board's attorney regarding the Board's legal rights and duties to address conflicts of interest and comply with the public meetings law

IV. APPROVAL OF MINUTES

- a. March 22, 2023 Minutes with Appendix A

V. COMMUNICATIONS:

Please note: Written public comment must be received via email (rentboard@portlandmaine.gov) by 12pm the day before the scheduled meeting. The subject line must read "Written Public Comment"

- a. 655 Congress St - Rent Appeal Review
- b. Written Public Comments

VI. UNFINISHED BUSINESS:

- a. Rent Increase Application - Public Comment
Owner: Seaforth Housing LLC
Landlord's Representative: David M Hirshon, Hirshon Law Group
Property Address & Unit: 389 Cumberland Ave, All 116 units
CBL: 036-I-037-001
Increase Requested: Capital Improvement Costs and Fair Rate of Return
- b. Rent Increase Application - Public Comment
Owner: Eastern Residential Inc
Landlord's Representative: Caleb Normandeau with Port Property
Property Address & Unit: 16 Walnut St, Units 1-8 & B
CBL: 015-B-001-002
Increase Requested: Increased Housing Service Costs
- c. Rent Increase Application - Public Comment
Owner: West Bayside Partners LLC
Landlord's Representative: Caleb Normandeau with Port Property
Property Address & Unit: 132 Marginal Way, All 196 units
CBL: 442-A-001-001
Increase Requested: Capital Improvement Costs

VII. NEW BUSINESS

- a. Rent Increase Application - Public Comment
Owner: National Society of the Colonial Dames in the State of Maine
Property Address & Unit: 1267 Westbrook St, Upstairs Floor Unit
CBL: 213-D-002-001
Increase Requested: Increased Housing Service Costs and Fair Rate of Return

- b. Rent Increase Application - Public Comment
Owner: Rockprop LLC
Property Address: 14 Veranda St
CBL:429-C-006-001
Increase Request: Increased Housing Service Costs and Fair Rate of Return
- c. Nominations for the next Board Chair

VIII. ADJOURN

Remote Rent Board Meeting Minutes - Held Via Zoom

Wednesday, March 22, 2023

Start time: 5:03pm

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 - 00:00:57

A. February 22, 2023 Minutes

The Vice Chair had one amendment to Section VI “New Business”, Sub-section C “New Rent Increase Appeal” in the last sentence of the last paragraph - to remove the following:

“Also including the changes that are shown to what HSO is going to provide in the draft that is with the materials tonight”

00:03:32 - The Vice Chair made a motion to approve the minutes except as noted above. Seconded by the Chair. Vote: 5-0 (Two vacancies on the Board)

00:04:56 - The Chair advised the Board that he attended the City Council meeting on March 20th, the rules and MNOI form was adopted as written and those will be up on the City website shortly

00:05:55 - Elias brought up the discussion of expiring terms of Board members (himself and Ian) and status of new members being appointed

Per the Chair after discussion with the City Clerk’s office, no one has applied for the Rent Board.

IV. Communications - 00:08:20

A. Public Comments

Several written public comments were received for tonight’s meeting

V. Unfinished Business

There are no agenda items for this section

00:12:01 - The Chair states that he plans to ask for a motion for the Board to go into an Executive Session

00:12:54 - The Vice Chair makes a motion that the Board goes into Executive Session to receive advice from Counsel on interpretation of the ordinance. Seconded by Elias.

Benjamin Plante, Esq., Counsel for the Rent Board recommended that the motion be amended to make clear that the Executive Session the Board is entering into is pursuant to 1 M.R.S. 405(6)(e) and the Board is moving into Executive Session for consultations between the Board and its attorney concerning the legal rights and duties of the Board to interpret Sec 6-234(b) Rent Stabilization ordinance

The Vice Chair amends the motion as quoted above from Counsel. Seconded by Elias. Vote: 5-0 (Two vacancies on the Board).

00:15:40 - The Board has entered Executive Session

01:05:00 - Elias motioned to adjourn Executive Session, seconded by Philip. Vote: 5-0

01:05:25 - The Board has returned to the meeting

VI. New Business - 01:06:05

A. Rent Increase Application - Public Comment

Owner: Seaforth Housing LLC

Owner's Representative: David M. Hirshon, Hirshon Law Group, P.C.

Property Address: 389 Cumberland Ave, All 116 units

CBL: 036-I-037-001

Type of Increase: Capital Improvement Costs & Fair Rate of Return

The Chair advised the public that this application is being heard under the old ordinance due to the fact that it was submitted prior to March 1st and that the Rent Board's forms which are required to be approved by the City Council under the new ordinance, were not passed until March 20th.

No tenants spoke as objectors.

01:18:11 to 01:27:35 - Public Comment

1. Kendi Dykema, a current tenant, just received the mailing of the packet
2. Matt Walker, a member of the public who lives at 655 Congress St, addressed the concerns of notice to tenants and claimed there were illegal rent increases due to the "rent freeze"
3. Mackenzie Staropoli, a current tenant, also just received the mailing of the packet

01:41:54 - Philip made a motion to table the application for the next meeting due to not having met the notice requirements per statement of tenants and applicant and to allow time for proper notifications. Seconded by the Vice Chair. Vote: 5-0 (Two vacancies on the Board)

B. Rent Increase Application - Public Comment - 01:45:00

Owner: Eastern Residential Inc.

Owner's Representative: Caleb Normandeau with Port Property (David Bergeron)

Property Address: 16 Walnut St, Units 1-8 & B (Legal address is 304 Eastern Prom)

CBL: 015-B-001-002

Type of Increase: Increased Housing Service Costs

One tenant, John Casco, had a bunch of questions about the material submitted

01:56:01 to 02:00:26 - Public Comment

1. Matt Walker, a member of the public who lives at 655 Congress St, addressed the excessive quantity of receipts provided in applications that tenants sent to him
2. Buddy Moore, a member of the public who lives at 95 Welch St, addressed the Board about how they should look at Increased Housing Service Costs that are beneficial to the tenant and/or offer a new service to the tenant

03:31:15 - The Vice Chair made the first motion that would apply to the first six applications, with the understanding that the Board will be going through building by building to flag any items there may be a concern about. Seconded by Elias. Vote: 5-0 (Two vacancies on the Board)

Please refer to Appendix A that summarizes all of the supplemental application materials that the Rent Board has requested from Port Property, prepared by Benjamin Plante, Esq., Counsel for the Board. This document was forwarded onto Port Property.

C. Rent Increase Application - Public Comment

Owner: Eastern Residential Inc.

Owner's Representative: Caleb Normandeau with Port Property (David Bergeron)

Property Address: 25-27 Montreal St, Units 1-8 (Legal address is 304 Eastern Prom)

CBL: 015-B-001-002

Type of Increase: Increased Housing Service Costs

See motion in Agenda Item B, at time stamp of **03:31:15** for notes.

D. Rent Increase Application - Public Comment

Owner: Eastern Residential Inc.

Owner's Representative: Caleb Normandeau with Port Property (David Bergeron)

Property Address: 304 Eastern Prom, Units 1-8

CBL: 015-B-001-002

Type of Increase: Increased Housing Service Costs

See motion in Agenda Item B, at time stamp of **03:31:15** for notes.

E. Rent Increase Application - Public Comment

Owner: Eastern Residential Inc.

Owner's Representative: Caleb Normandeau with Port Property (David Bergeron)

Property Address: 13 Montreal St, Units 1-8 (Legal address is 304 Eastern Prom)

CBL: 015-B-001-002

Type of Increase: Increased Housing Service Costs

See motion in Agenda Item B, at time stamp of **03:31:15** for notes.

F. Rent Increase Application - Public Comment

Owner: Eastern Residential Inc.

Owner's Representative: Caleb Normandeau with Port Property (David Bergeron)

Property Address: 19 Montreal St, Units 1-8 & B (Legal address is 304 Eastern Prom)

CBL: 015-B-001-002

Type of Increase: Increased Housing Service Costs

See motion in Agenda Item B, at time stamp of **03:31:15** for notes.

G. Rent Increase Application - Public Comment

Owner: Eastern Residential Inc.

Owner's Representative: Caleb Normandeau with Port Property (David Bergeron)

Property Address: 10 Walnut St, Units 1-8 (Legal address is 304 Eastern Prom)

CBL: 015-B-001-002

Type of Increase: Increased Housing Service Costs

See motion in Agenda Item B, at time stamp of **03:31:15** for notes.

H. Rent Increase Application - Public Comment

Owner: Grant Street Realty Group LLC

Owner's Representative: Caleb Normandeau with Port Property (David Bergeron)

Property Address: 61 Grant St, All 6 units (Legal address is 65 Grant St)

CBL: 048-B-016-001

Type of Increase: Increased Housing Service Costs

There was a mix-up of applications for this item. Tenants were notified for 61 Grant Street, however, the application for 67-69 Grant Street was uploaded to the Board instead. The Board discussed additional items needed only on 67-69 Grant Street.

04:01:22 - The Vice Chair made a second motion to table the 3 applications for Grant Street to the next meeting for consideration. Seconded by Philip. Vote: 5-0 (Two vacancies on the Board)

Please refer to Appendix A that summarizes all of the supplemental application materials that the Rent Board has requested from Port Property, prepared by Benjamin Plante, Esq., Counsel for the Board. This document was forwarded onto Port Property.

I. Rent Increase Application - Public Comment

Owner: Grant Street Realty Group LLC

Owner's Representative: Caleb Normandeau with Port Property (David Bergeron)

Property Address: 63 Grant St, Units 1-6 (Legal address is 65 Grant St)

CBL: 048-B-016-001

Type of Increase: Increased Housing Service Costs

See motion in Agenda Item H, at time stamp of **04:01:22** for notes.

J. Rent Increase Application - Public Comment

Owner: Grant Street Realty Group LLC

Owner's Representative: Caleb Normandeau with Port Property (David Bergeron)

Property Address: 65 Grant St, Units 1-6

CBL: 048-B-016-001

Type of Increase: Increased Housing Service Costs

See motion in Agenda Item H, at time stamp of **04:01:22** for notes.

K. Rent Increase Application - Public Comment

Owner: West Bayside Partners LLC

Owner's Representative: Caleb Normandeau with Port Property (David Bergeron)

Property Address: 132 Marginal Way, All 196 Units

CBL: 442-A-001-001

Type of Increase: Capital Improvement Costs & Increased Housing Service Costs

04:06:08 - The Vice Chair makes a third motion to table the application for 132 Marginal Way to the next meeting and that the applicant provides the additional information requested by the Board. Seconded by Philip. Vote: 5-0 (Two vacancies on the Board)

04:09:59 - The Vice Chair made an additional motion to postpone the application for Capital Improvement Costs (two separate rent increase requests were submitted for the same property). Seconded by Elias. Vote: 5-0 (Two vacancies on the Board)

Please refer to Appendix A that summarizes all of the supplemental application materials that the Rent Board has requested from Port Property, prepared by Benjamin Plante, Esq., Counsel for the Board. This document was forwarded onto Port Property.

VII. Adjourn

04:20:56 - Elias motioned to adjourn the meeting, seconded by the Vice Chair. Vote: 5-0 (Two vacancies on the Board)

Meeting end time: 9:25pm

Rent Board Guidance Regarding Port Property Rent Increase Applications from March 22, 2023 Rent Board Meeting

I. General Guidance

The Rent Board would like Port Property to:

- (1) Reorganize each rent increase application so that invoices are organized and filed under separate tabs. Each tab should correspond to a different category of “housing service” costs. For instance, any invoices that are properly categorized as “Management fees” would be filed under a tab labelled “Management Fees,” and so on.
- (2) Provide evidence regarding the lease terms that exist between the landlord and the tenants in each of the buildings for which the applicant is seeking a rent increase. The applicant can provide existing leases, a lease that is representative of the terms that currently exist between the landlord and its tenants, and/or advertisements for units that were leased to tenants.

Below these application requirements are referred to as the “General Guidance.”

II. MacArthur Gardens

- Guidance that Applies to All McArthur Gardens Applications: The Applicant must include updated information allocating proportionate insurance costs to different buildings located within the McArthur Garden Complex (hereinafter referred to as “Updated Insurance Information”)

Below, under the street address for each building, the Board provides a list of the information that must be provided with each rent increase application.

- 16 Walnut Street
 - Include General Guidance
 - Include Updated Insurance Information
- 25/27 Montreal
 - Include General Guidance
 - Include Updated Insurance Information
 - Explain why \$7,900 cost for two water heaters should be considered a housing services costs, rather than a capital improvement cost. The Board is willing to allow the applicant to reclassify this as a capital improvement cost.
- 304 Eastern Promenade (Units 1-8)
 - Include General Guidance
 - Include Updated Insurance Information

- Further explanation of the maintenance and repair expenses in the application. The applicant should explain which of these expenses were turnover related, and which were related to addressing general wear and tear of the building and units.
- 13 Montreal Street
 - Include General Guidance
 - Include Updated Insurance Information
 - Explain the management expenses that were included as a part of the application.
- 19 Montreal
 - Include General Guidance
 - Include Updated Insurance Information
- 10 Walnut Street
 - Include General Guidance.
 - Include Updated Insurance Information
 - Insurance needs to be reallocated, or at the very least the applicant must explain why there is a \$15,000 insurance cost increase from 2021 to 2022.
 - Applicant needs to explain why \$11,000 snow plowing cost is fully allocated to this building.

III. Grant Street Buildings

- Guidance that Applies to All McArthur Street Properties: Applicant must provide further information regarding all types of housing services costs that fall under the category of “Other” on the City’s housing services costs worksheet (hereinafter referred to as “Other Housing Services Costs”).

Below, under the street address for each building, the Board provides a list of the information that must be provided with each rent increase application.

- 63 Grant Street
 - Include General Guidance
 - Include Other Housing Services Costs
 - The application appears to provide for maintenance costs that do not equal up to total of the invoices/receipts that were included with the application. This should be further explained.
- 65 Grant Street
 - Include General Guidance
 - Include Other Housing Services Costs
- 69 Grant Street
 - Include General Guidance
 - Include Other Housing Services Costs

IV. 132 Marginal Way

Below, under the street address for each building, the Board provides a list of the information that must be provided with each rent increase application.

- 132 Marginal Way
 - Include General Guidance
 - Capital Costs regarding parts that should be updated.
 - Applicant should provide an overview explaining whether the 132 Marginal Way building was fully occupied in 2021 and 2022.
 - Applicant should provide a breakdown between residential and non-residential costs associated with the building.
 - Applicant should provide more information regarding insurance costs that increased from 2021 to 2022.
 - Applicant should provide more detail and information regarding security and costs associated with providing security for the building.
 - Applicant needs to explain why there was a \$51,000 change in cleaning costs for the 132 Marginal Way Building.
 - The Board would like the Applicant to reorganize both aspects of the application.

This list was compiled by counsel from statements made during the meeting on March 22, 2023, and contains specific requests made by the Board during the meeting after summary review. This list doesn't preclude the Board from discussing other aspects of the proposed increases, whether or not raised by subsequent tenant and/or public comment.



Date: April 6, 2023

To: Portland Rent Board

Re: 655 Congress Street - Tenant Appeal of Rent Increase and Request
of Fines

At its meeting on January 26, 2022, and continued on February 9, 2022, the Portland Rent Board held a public hearing for a “tenant appeal of rent increase and request for fines” for the property owned by Trelawny 657 LLC at 655 Congress Street in Portland. The date of the official decision was February 23, 2022.

Given the findings of the hearing, the Rent Board issued the following orders:

- A. Landlord is ordered to reissue corrected notices of rent increase to the Tenants based on the modified allocation of the property tax increase as explained in this decision. Landlord may not increase rent for any Tenants until 75 days after the new and corrected notices are issued. Landlord is also expected to reevaluate other notices of rent increase for other occupants of the Property and reissue corrected notices for those that may be incorrect.
- B. The Rent Board recommends that the Housing Safety Office reopen and reconsider their position on the imposition of fines in this matter and consider whether, in the discretion of the Housing Safety Office, it is appropriate to pursue fines against Landlord in the amount of \$15,350.

The decision was subsequently appealed by Trelawny 657 LLC to the Maine Superior Court, Docket No.: AP-22-07. The appeal was dismissed by the Court on 1/16/23.

The Rent Board’s February 9, 2022 Decision (paragraph #14) found the most appropriate application of the property tax increase was to allocate it among the Covered Units “based on relative square footage of each unit.”

Upon review of material submitted by Trelawny 657 LLC and available to the Housing Safety Office, it appears that the landlord corrected the method of allocation of TRRA for the Tenants consistent with the Rent Board’s Decision. Property taxes were appropriately allocated to the personal residence of the landlord, to the commercial space on the first floor of the Property, and to the basement of the Property. The remaining property tax amount was allocated to the individual units based on relative square footage of each unit.

The Housing Safety Office reviewed and considered all the information provided by the Landlord since the Rent Board's Decision to determine next steps as to whether or not to impose fines. Since the Rent Board's Decision, the Landlord has met all of the requirements of the Rent Board Decision including reissuing Notices and reallocating the TRRA relative to the square footage of each unit. In light of the Landlord's compliance with the Rent Board's Decision, as well as the Landlord's cooperation and ongoing compliance with the requirements of the Rent Control Ordinance, the Housing Safety Office has decided not to pursue fines in this matter.

Dear Rent Board,

My name is Matt Walker. I live at 655 Congress St and I am a member of the Trelawny Tenants' Union.

I believe that the capital improvement expenditure, for water heaters, is a legitimate reason to increase the rents above those allowed automatically by rent control. The ordinance, and this board, do serve to ensure that properties are able to be maintained and upgraded and that the associated costs can be recovered by landlords. For this, I believe that they should be allowed to recover the \$102,760 in this way.

I could not identify the receipt, in the 2000 pages which describes why the cost used to calculate the increases was instead \$116,360, however I assume the difference must be related to financing.

I also hope that the board considers that a significant portion of this building, the first floor, is for commercial businesses. I noticed that on page 322 one of the costs referenced water heaters for the UPS store. I think the board might ask the applicant if the water heaters for the capital improvements serve only the residential tenants, or if the commercial tenants also use those. Furthermore, there's lots of receipts that indicate things like rats and roaches at the UPS store, so I similarly wonder how much of the increased service costs PPM has attributed to the commercial space versus the residential space.

So for the capital improvement, I mostly agree and I am happy to see the ordinance providing an avenue for capital expenditures.

However, the second component of this application does not meet the criteria to approve rent increases for increased housing service costs in addition to inflation based increases.

- The application does not demonstrate a loss in NOI that is unable to be recovered through the standard and allowed inflation based increases. From the submitted material

	2022	2021
Income	\$4,740,731.69	\$3,450,918.32
Expenses	\$1,677,574.65	\$1,262,986.76
NOI	\$3,063,157.04	\$2,187,931.56

Adjusted 2022 NOI	\$3,213,251.73	\$2,187,931.56
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This indicates an increase in NOI of \$875,225.48 before even adjusting for inflation. After expenses, they made 875 thousand dollars more than they did in the previous year. There is no increased housing cost for which to award additional increases.

Again, I have to complain about these receipts. They are not well organized and they are trying to deceive you. Take for example one of the first receipts on page 31. This is a list of David Chaimberlan's, an eviction lawyer, invoices. The date of the bill is for Dec 27, 2020. The services were all for the months of August, September, and October of 2020. None of these should be included in 2021 housing service costs, yet here they are. One might ask, which category for the 2021 column this 2020 expense was included in. Hopefully the answer is that it was not. But then that begs the question, why include this receipt in the packet?

Now consider a stormwater bill from the city of Portland on page 40. The monthly bill is dated Jan 4 2021, so presumably is for stormwater services which occurred sometime in 2020. Furthermore, you might notice that this bill also includes an unpaid balance of \$297 in addition to the new charges of \$297. Those unpaid portions of the bill certainly must have occurred in 2020, likely November 2020. Since these are 2020 charges, they should in no way show up on a 2021 or 2022 cash flow sheet. You should invite the applicant to get their receipts in order, and apply again once they've organized themselves.

I want to point out the instructions that say...

"

Please attach copies of invoices, receipts, canceled checks and other documents to verify the cost of housing service increases. Please arrange these in the order they appear on this worksheet, and number each page.

"

To my eye, the receipts are neither numbered nor are they arranged in the order that they appear on the worksheet. Honestly, you can't really even figure out which category half these receipts are supposed to fall into. Please just dismiss this application until the applicant is better organized. The burden here is on the applicant to make their case for a rental increase. It is not the Boards job to sift through thousands of pages of unrelated receipts, in order to hunt for a rental increase for the applicant.

I can keep going on with these receipts, if you like, as I did scrutinize them and expect the board may have as well. (for example page 73, smoke alarm batteries for unit 4 at 129 grant st are not applicable to 132 marginal) (or page 218 financial services for some property in North Carolina) (page 384 and 535 and 793 are the exact same page repeated - this occurs frequently in the 2200+ pages - especially on the credit card lists). I think you get the point. You can save yourselves a lot of time, by just realizing that the net operating income at this property increased by \$875k from 2021 to 2022. By this reason alone, the application should be rejected. If, however, the board finds this is not a sufficient reason to dismiss the application, you must individually scrutinize all 2000 pages of receipts, as Ive done. I think you will find that many of these receipts are irrelevant, or that the costs can and have already been recovered through the various automatic increases available, such as the 5% turnover bumps and the automatic CPI increases.

Thanks,
Matt Walker



Written Public Comment #2 (Pg 1 of 2)

Written statement for tonight's Rent Board meeting.

Casa Difesa <portlandmerentersrightswatch@gmail.com>
To: RentBoard@portlandmaine.gov

Wed, Apr 26, 2023 at 12:17 PM

Hello,

We understand that the Rent Board reads public comments at the beginning of its meetings; we would like the following statement to be included.

Hello, my name is Casa Difesa and I am writing on behalf of a Tenant Union with a Rent Stabilization complaint submitted to the Housing Safety Office ("HSO").

Sec. 6-243(a) of the Rent Stabilization Ordinance ("RSO") requires anonymous Tenant Unions be given standing to assert rights under the RSO and Sec. 6-243(b) prohibits the city requesting the names of members of the Tenant Union. However, this understanding is not reflected in the response of the HSO to Rent Stabilization complaints.

The two forms that are provided for accessing rights under the RSO (i.e., the 'Rent Control and Tenant Protection Complaint' and the 'Rent Increase Appeal Application') make no mention or allowance for these rights; instead these forms directly request the prohibited information. Despite this, the forms are presented by the HSO as the sole means of accessing rights under the RSO and are provided as such to both Tenants and Tenant Unions approaching the city in good faith. This behavior has continued despite the express violation of the RSO being repeatedly called to the attention of the HSO, the Office of the Corporation Counsel (OCC), the Mayor and the City Council. This clearly needs to be addressed by the city but every time we have brought it up it has garnered no response; perhaps it will be heard here.

This is not the only way the city's response to the RSO is systematically failing to meet its obligations to its citizens. As an illustration take our complaint about a new Landlord 'reclassifying' our included basement storage as optional and instituting an additional charge for that storage in addition to the Rent Stabilization Allowances provided for under the RSO. The RSO clearly defines the scope of a Rental Unit, Rent and the means by which Rent Stabilization Allowances (increases to the Base Rent) are determined. However, this understanding is absent in the reasoning applied by the HSO to Rent Stabilization complaints; at every step of this complaint the HSO has misrepresented the RSO.

1. The HSO maintains that a Covered Unit doesn't include storage currently used by the tenant. However, Sec. 6-232 of the RSO explicitly defines a Rental Unit as including storage "held out for use by the tenant".
2. The HSO maintains that Rent does not include fees charged for storage by the Landlord. However, Sec. 6-232 of the RSO explicitly defines Rent to include any monies rendered to the landlord for any housing service.
3. The HSO maintains that changes to a lease fall outside of the scope of the RSO. However, Sec. 6-239 of the RSO explicitly rules out any waiver of its rights in rental agreements and calls out the attempt to induce the waiver as being itself a violation of the RSO.

Written Public Comment #2 (Pg 2 of 2)

The definitions of the RSO are clear, but they are not being used by the HSO. The current understanding reflected by the HSO is that changes to the lease allow a Covered Unit to be subdivided and then that subdivision to be charged for outside of Rent Stabilization. This interpretation expressly stands the RSO on its head and is ridiculous on its face.

The Board will be hearing our complaint on this matter in an upcoming meeting.

Our complaint is against BJB Realty; they have a history of being held accountable before this board. The Housing Safety Office collects information under Sec. 6-151(f) during the registration process for Covered Units. Sec. 6-151(g) states, "The City's Permitting and Inspections Department or its designee is required to make anonymized data from the registration of Covered Units available to the Rent Board at the Board's request."

We ask that the Rent Board request a report from the Permitting and Inspections Department covering BJB Realty's Rent Stabilized units. This will add the information to the public record thereby making it available to Freedom Of Access requests and further our efforts to hold them accountable under the RSO.

Thank you.

City of Portland – Housing Safety Division
LANDLORD APPLICATION FOR RENT INCREASE SUMMARY

Date of Hearing:

March 22, 2023 – Tabled to May 10, 2023

Owner Name and Address:

Seaforth Housing LLC, 601 California St, Ste 1150, San Francisco, CA 94111

Landlord's Representative and Address:

David M. Hirshon, Hirshon Law Group, P.C., PO BOX 124, Freeport, ME 04032

Property Address, Unit, and CBL:

389 Cumberland Ave (all 116 units)
CBL: 036-I-037-001

Tenants/Interested Parties:

Yes

Type of Request:

- ☒ Renovation of a unit or Reconfiguration of one or more units (6-233(c))
- ☒ Capital Improvement Costs, including financing costs (6-234(b)(5)(a))
- ☐ Uninsured repair costs (6-234(b)(5)(d))
- ☐ Increased housing service costs (6-234(b)(5)(c))
- ☒ Fair Rate of Return (6-234(b)(5)(d))

City of Portland – Housing Safety Division
LANDLORD APPLICATION FOR RENT INCREASE SUMMARY

Date of Hearing:

March 22, 2023 – Tabled to May 10, 2023

Owner Name and Address:

Eastern Residential Inc., 82 Hanover Street, Portland, ME 04101

Landlord's Representative and Address:

Caleb Normandeau with Port Property, 82 Hanover Street, Portland, ME 04101

Property Address, Unit, and CBL:

16 Walnut Street, Units 1-8 & B (Legal Address is 304 Eastern Prom)
CBL: 015-B-001-002

Tenants/Interested Parties:

Yes

Type of Request:

- Renovation of a unit or Reconfiguration of one or more units (6-233(c))
- Capital Improvement Costs, including financing costs (6-234(b)(5)(a))
- Uninsured repair costs (6-234(b)(5)(d))
- X Increased housing service costs (6-234(b)(5)(c))
- Fair Rate of Return (6-234(b)(5)(d))

City of Portland – Housing Safety Division
LANDLORD APPLICATION FOR RENT INCREASE SUMMARY

Date of Hearing:

March 22, 2023 – Tabled to May 10, 2023

Owner Name and Address:

West Bayside Partners LLC, 82 Hanover St, Portland, ME 04101

Landlord's Representative and Address:

Caleb Normandeau with Port Property, 82 Hanover St, Portland, ME 04101

Property Address, Unit, and CBL:

132 Marginal Way, All 196 units

CBL: 442-A-001-001

Tenants/Interested Parties:

Yes

Type of Request:

- ☒ Renovation of a unit or Reconfiguration of one or more units (6-233(c))
- ☐ Capital Improvement Costs, including financing costs (6-234(b)(5)(a))
- ☐ Uninsured repair costs (6-234(b)(5)(d))
- ☐ Increased housing service costs (6-234(b)(5)(c))
- ☐ Fair Rate of Return (6-234(b)(5)(d))

City of Portland – Housing Safety Division
LANDLORD APPLICATION FOR RENT INCREASE SUMMARY

Date of Hearing:

May 10, 2023

Owner Name and Address:

National Society of the Colonial Dames in the State of Maine
1267 Westbrook Street
Portland, ME 04102

Property Address and Unit:

1267 Westbrook St (Legal address is 6 Waldo St)
Upstairs Floor Unit

CBL:

213-D-002-001

Tenants/Interested Parties:

Yes

Type of Request:

- Renovation of a unit or Reconfiguration of one or more units (6-233(c))
- Capital Improvement Costs, including financing costs (6-234(b)(5)(a))
- Uninsured repair costs (6-234(b)(5)(d))
- X Increased housing service costs (6-234(b)(5)(c))
- X Fair Rate of Return (6-234(b)(5)(d))

City of Portland – Housing Safety Division
LANDLORD APPLICATION FOR RENT INCREASE SUMMARY

Date of Hearing:

May 10, 2023

Owner Name and Address:

Rockprop LLC, PO BOX 184, East Boothbay, ME 04544

Property Address and Unit:

14 Veranda Street (Single Family)

CBL: 429-C-006-001

Tenants/Interested Parties:

Yes

Type of Request:

- Renovation of a unit or Reconfiguration of one or more units (6-233(c))
- Capital Improvement Costs, including financing costs (6-234(b)(5)(a))
- Uninsured repair costs (6-234(b)(5)(d))
- X** Increased housing service costs (6-234(b)(5)(c))
- X** Fair Rate of Return (6-234(b)(5)(d))