RENT BOARD

November 29, 2023
5:00 PM

ZOOM INFORMATION:

a. Please click the link below to join the webinar:
https://portlandmaine-gov.zoom.us/j/85197146617?pwd=UzNBeTkvcWNPUWFKeHNpWk1ScVpuQT09
Passcode: 798946
Or One tap mobile :
+19292056099,,85197146617#,,,,*798946# US (New York)
+13017158592,,85197146617#,,,,*798946# US (Washington DC)
Or Telephone:
Dial(for higher quality, dial a number based on your current location):
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
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+1 646 931 3860 US
+1 253 205 0468 US
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 360 209 5623 US
+1 386 347 5053 US
+1 507 473 4847 US
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+1 669 444 9171 US
+1 669 900 6833 US (San Jose)
+1 689 278 1000 US
+1 719 359 4580 US
Webinar ID: 851 9714 6617
Passcode: 798946
International numbers available: https://portlandmaine-gov.zoom.us/u/kcbNofunj0

II. ROLL CALL:

III. APPROVAL OF MINUTES

a. October 25, 2023 Minutes

IV. 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 needs to read "Written Public Comment"

a. Written Public Comment

b. Request to Schedule Appeal Hearing

V. UNFINISHED BUSINESS:

a. Rent Increase Application - Public Comment
Owner: Eastern Residential Inc
Agent: David Bergeron with Port Property
Address: 13 Montreal St, Units 1-8
CBL: 015-B-001-002

b. Rent Increase Application - Public Comment
Owner: Eastern Residential Inc
Agent: David Bergeron with Port Property
Address: 19 Montreal St, Units 1-8 & B
CBL: 015-B-001-002

c. Rent Increase Application - Public Comment
Owner: Eastern Residential Inc
Agent: David Bergeron with Port Property
Address: 25-27 Montreal St, Units 1-8
CBL: 015-B-001-002

d. Rent Increase Application - Public Comment
Owner: Eastern Residential Inc
Agent: David Bergeron with Port Property
Address: 304 Eastern Prom, Units 1-8
CBL: 015-B-001-002

e. Rent Increase Application - Public Comment
Owner: Grant Street Realty Group LLC
Agent: David Bergeron with Port Property

Address: 63 Grant St, Units 1-6
CBL: 048-B-016-001

f. Rent Increase Application - Public Comment
Owner: Grant Street Realty Group LLC
Agent: David Bergeron with Port Property
Address: 65 Grant St, Units 1-6
CBL: 048-B-016-001

g. Rent Increase Application - Public Comment
Owner: Grant Street Realty Group LLC
Agent: David Bergeron with Port Property
Address: 69 Grant St, Units 1-6
CBL: 048-B-015-001

h. Rent Increase Application - Public Comment
Owner: Grant Street Realty Group LLC
Agent: David Bergeron with Port Property
Address: 61 Grant St, Units 1-6 (Legal is 65 Grant St)
CBL: 048-E-016-001

i. Rent Increase Application - Public Comment
Owner: Shepley LLC
Agent: David Bergeron with Port Property
Address: 18 Casco St, all 62 units
CBL: 037-C-006-001

j. Rent Increase Application - Public Comment
Owner: Ambassador LLC
Agent: David Bergeron with Port Property
Address: 37 Casco St, all 92 units
CBL: 037-D-007-001

k. Annual Report Update and Draft Review

VI. New Business

a. Rent Increase Application - Public Comment
Owner: BJB Realty LLC
Agent: BJB Realty LLC
Address: 231 State St
CBL: 046-A-010-001

b. Schedule December Meeting

c. Discussion of MNOI Updates

VII. Adjourn

Remote Rent Board Meeting Minutes - Wednesday, October 25, 2023

Wednesday, October 25, 2023

II. Roll Call - 0:00:40

Elliott Simpson, Tenant, At-Large - Chair
Barbara Vestal, Landlord, At-Large
Patricia Jane Washburn, Tenant, District 1
Matthew Walker, Tenant, District 2
Vacant, District 3
Antwane Mills, Tenant, District 4 (absent)
Philip Mathieu, Tenant, District 5 - Vice Chair

Staff present:
Dylan Orr, Rental Registration Coordinator
Zachary Lenhert Licensing & Housing Safety Manager
Benjamin Plante, Esq., Counsel for the Rent Board

III. Approval of Minutes - 0:01:26
A. September, 27, 2023 Minutes

Barbara Vestal makes a motion to approve minutes once amended to identify Philip Mathieu as acting Vice Chair. Seconded by Patricia Washburn. Vote: 5-0 (Mills absent)

IV. Communications - 0:03:22
A. Memo from Staff

00:03:31 - Zachary Lenhert, Licensing & Housing Safety Manager for the Housing Safety Office (HSO), introduced Dylan Orr as the new Rental Registration Coordinator and Secretary for the Rent Board. Communicated that Landlords have been inquiring how to adjust the determination of an appropriate increased Base Rent pursuant to Sec. 6-233(c).

VI. New Business - 0:05:51
A. Rent Increase Application - Public Comment
Owner: Trelawny 657 LLC
Agent: Paul Bulger, Esq with Jewell & Bulger, P.A.
Property Address: 655 Congress St
CBL: 046-D-021-001

0:07:20 - Matthew Walker motioned to reorder agenda and address New Business before Unfinished Business. Seconded by Patricia Washburn. Vote: 5-0 (Mills absent)

0:11:13 - Matthew Walker voluntarily recused himself due to conflict of interest as a tenant of the property.

0:11:47 - Chair Elliott Simpson addresses their absence from previous meeting when application was last heard and familiarization with review of current information.

0:15:18 - Applicant and Objectors address any concerns of Chair's participation in consideration of application.

0:32:17 through 0:42:21 - Ethan Strimling of Trelawny Tenants Union speaks as an objector.

0:43:18 through 0:47:31 - Matthew Walker, a tenant of 655 Congress St, speaks as an objector.

No public comment was received.

0:48:46 through 0:54:42 - Response from Paul Bulger

0:55:41 through 0:58:40 - Response from Ethan Strimling

0:59:30 through 1:00:54 - Response from Matthew Walker

1:01:30 through 1:02:17 - Final response from Paul Bulger

2:15:54 - Elliott Simpson motions that the expenses associated with natural gas delivery are considered rent per the definition of rent in the ordinance and encourages the applicant to pursue the avenue of rent adjustments outlined in the ordinance by filing an MNOI application. Seconded by Barbara Vestal. Vote: 4-0 (Mills absent, Walker recused)

V. Unfinished Business - 2:29:32

A. Annual Rent Board Report Update

The Chair shares his screen for the Board to review the report. No voting will take place regarding this item.

VII. Adjourn - 3:33:11

Patricia Washburn motions to adjourn. Seconded by Barbara Vestal. Vote: 5-0 (Mills absent)

Dylan Orr <dorr@portlandmaine.gov>

Written Public comment: Rent Board Report

1 message

Winston Lumpkins <winston.lumpkins@gmail.com> Mon, Nov 27, 2023 at 3:15 PM
To: Rent Board <rentboard@portlandmaine.gov>

Dear Chair Simpson, Members of the Portland Rent Board,

I was wondering if a new rent board report would be coming out soon, as they interest me, as a tenant and friend to many people who rent in Portland.

This brought me to watching your meeting from October 25, and the discussion of the report therein. I hope it's appropriate for me to comment on what I think should be reported in the final report.

I'm really excited to see data broken down by district; I've been wanting to see that since rent control and this registration regime began in 2020. Congrats on getting this far.

I want to urge the board in **the strongest possible terms** to include board member Matt Walkers suggestions about including the issues with registration; the council and the public absolutely must be aware of these issues: covered units with rental increases over 10% and the continuing issues of registered units with a rent of Zero, either covered or not. These are very concerning issues and should not be hidden or obscured in any way. No one I know pays Zero rent. Non-compliance with the law is both harmful for tenants and harmful to landlords who are complying in good faith.

I also want to applaud and highlight Mr. Walker's idea for a rent card style database for every unit, including sending that card to new tenants: knowing how much your landlord has in the bank could prepare tenants for future increases and will more or less eliminate new tenants being scammed into paying illegal rents. In addition, the automated nature of registering in such a way would allow easy compliance with the law for landlords, and would ensure any new owner of a building would have automatic access to any banked rent: we need to make this as easy as possible!

Whether it's included in the final report or not, I hope such a suggestion can be made to the HSO, and that the HSO and Portland adopt such a system as quickly as possible: I think it's the best thing for both Tenants and landlords: **The IRS sets a very bad example- we should not require landlords to fill out forms with information the city already has- this should be easy, not a silly test.**

I acknowledge the hard work the HSO has been putting into this, but it should be automated going forward so that they can be freed from the arduous task of data entry (I know I'd rather gouge my eyeballs out than do that) and allowed to go after those 729 units reporting illegal increases in rent and other issues.

Thanks to all of you on the rent board; I'm impressed by the long hours you put in, and I thank you!

Sincerely,

Winston Lumpkins IV (he/him/his)

72 Waterville Street, Apt 1,

District 1

Portland Maine

These are the wrong kind of application

These applications are generally for "Increased Housing Service Costs"

- This means the costs associated with increased housing services - like putting in a new pool that now incurs a regular expense that never was there before. There is no other category that things like the pool example could fit into. That's why the category existed.
- This does not mean the increased costs of current housing services. This already has a category, it's the automatic CPI increase.

- The applications do not demonstrate any increased housing services, and the representative even says they interpret this to just mean normal increases in costs.
  - Since these applications do not demonstrate any increased housing services and associated costs, there is no basis for these applications, and they must be rejected.

- Instead, these applications do demonstrate that, as completely expected by the ordinance, inflation resulted in cost increases.
  - While the allowable CPI increase is meant to cover these, if the applicant thinks that the increased costs outpaced inflation, and resulted in a loss compared to previous years, they can and should submit an MNOI application.

The applications were submitted in a rush to avoid the new rules, and significant errors were made

These applications have been before the board since early 2023 (before half of these board members were even here) and keep being sent back to the applicant for corrections and more information.

- The applications that appear in groups were and still are wrought with error
  - i) Specifically, the costs of plowing and insurance for groups of buildings were allocated to single buildings, whereas the cost should have been distributed among all the properties serviced.
    - These problems bleed into things like "trash removal", "parking", and "landscaping" however the board has yet to identify these and request the proper allocation.
  - ii) There is the potential for double counting some things and putting the same cost on multiple applications, but without receipts we can not tell if this happens or not. [it definitely happened at 25-27 Montreal with those water heaters, for example]

- Initially, there were some receipts, but they were out of order and often included things which were not related to the properties in question. The board asked the applicant to arrange the receipts in the order they appeared in the application worksheets, and remove the ones which were not pertinent.
  - i) The applicant rejected the board's request and removed the receipts completely in favor of a ledger style cost sheet. This removes the ability to check for double counting and misallocations. It also defies the application instructions as well as the requests of the board.

- If you ask an applicant for something, and they say no, you should reject their application. I write proposals for a living. This is standard stuff. You can not just leave bits out and expect to have your proposal approved.

- I know none of you want to look at the receipts. I get it - it's a lot of work especially if the applicant is giving you the runaround. <u>This is what you volunteered for</u>, however. To not consider and verify these, as the applications do demand, is a dereliction of your duty. You took an oath. Make good on it.

<u>The management fees are not documented enough to verify, and are a self charge</u>

Now the board has requested information on the "Management Fees", specifically about how those are allocated property by property and how those fees are related to "housing services".

i) The applicant has again rejected the board's request and instead has provided a presentation about what a "cost-plus" model is, generally, and not related to any specific property.

ii) They describe PPM's costs increasing, thus necessitating an increase in the management fees to cover this, but **they do not describe what those costs are or how they are attributable to the housing services at the specific properties.**

- They even point out that more than 30% of management fee increases were increases that are not "attributable to occupancy improvements". **So what are they for?**

Total increase in expenses	34.22%
Increase attributable to occupancy improvements	9.36%
Increase after reducing amounts attributable to occupancy improvements	31.29%

- We get this only.
  - So which category was it?
  - What necessitated nearly 30% increases to the management fee?

- The premium is known as the property management fee, and this represents the "margin" of the management company.
  - "Margin" is not necessarily synonymous with total profit.
  - This margin is simply the amount by which revenue exceeds expenses. It may be used to cover special items, invest in growth, capital expenditures, etc. or potentially distributed to ownership.

- The most concerning part of the management fees, however, remains the fact that the owner of the properties in question is also the owner of the property management company.

  i) If there were true competition, I might be a bit more understanding of a company increasing their overhead on their client. However, this is a guy using one company to increase costs to another one of his companies, and then saying he is losing money.

  - What are the chances that Tom Watson is going to fire his own company, and seek out another property management company to run his properties, if those fees get too high?

  ii) This is a pretty clear example of just moving money from one business to another, calling it an expense, and then trying to trick the board into approving rent hikes as a result. Don't fall for that.

- This problem is not going to go away with MNOI applications. Property management fees will still be a line item on those.

  i) If the board does think these are fine, is there a limit?

  - Say the management company raised their fee by 500 per month per unit. Would you approve that increase? If not, then where is the limit?
  - If you approve these now, get ready for PPM to be back every year to get around rent control this way. They are here right now just testing the waters, so to speak. Have some oversight please.

City of Portland | Permitting and Inspections
Zachary Lenhert, Licensing and Housing Safety Manager

To: City of Portland Rent Board
From: Licensing and Housing Safety Office
Re: Request to Schedule Appeal Hearing

The Rent Board received an appeal of a rent increase pursuant to Section 6-234(e) on November 15, 2023.

Sec. 6-234 "*(e) Tenants, individually or collectively, who receive notice of a rent increase that they believe does not conform with this Section may file a complaint with the Housing Safety office. The Housing Safety office shall promptly investigate such complaint and take appropriate action. If, within fourteen (14) days of filing such a complaint, the notice is not rescinded by the Landlord, an appeal of said rent increase may be filed with the Rent Board. Upon receipt of the appeal, the Rent Board shall schedule a public hearing to be held no more than twenty-one (21) days after the filing of the completed appeal application. At the public hearing, the Board will consider de novo the rent charged under the existing Rental Agreement, the amount of the proposed new rent, and the factors which may or may not allow such an increase in accordance with this Article. Upon consideration of such evidence, the Board will render a decision as to whether the increased rent is allowable.*"

To allow adequate time to appropriately notify all interested parties, a public hearing on this appeal cannot be scheduled before December 13, 2023. December's regular meeting is currently scheduled for December 27, in between the Christmas and New Year's holidays.

Thank you,

City of Portland
Business Licensing & Housing Safety Office

389 Congress Street, Portland, Maine 04101 | 207-756-8131 |housingsafetyl@portlandmaine.gov

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

Date of Hearing:

March 22, 2023 – Tabled to June 28, 2023 – Tabled to July 26, 2023 - Tabled to August 16, 2023 - Tabled to November 29, 2023

Owner Name and Address:

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

Agent Name and Address:

David Bergeron with Port Property

Property Address and Unit:

13 Montreal St, Units 1-8 (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
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Owner Name and Address:

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

Agent Name and Address:

David Bergeron with Port Property

Property Address and Unit:

19 Montreal St, 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))
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Owner Name and Address:

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

Agent Name and Address:

David Bergeron with Port Property

Property Address and Unit:

25-27 Montreal St, Units 1-8 (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))
X	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))

Matt Walker - Trelawny Tenants' Union - (Recused) D2 Rent Board Member

This application is a 2-in-1 application.

1. A capital Improvement application
2. An Increased Housing Service Cost application

1. A Capital Improvement Application

Obviously, capital improvements are extremely important in order to upkeep the living spaces of everyone. Things need to be repaired and replaced to ensure the habitability of anyone's place. So I do like to see capital improvement applications. Thank you for making sure your people have hot water!

In this case, the $7900 for two water heaters is a good example of a necessary expense that the property owner should be allowed a rent increase to recover.

The 10 years amortization schedule is appropriate.
The $8.23 per unit per month increase is correctly calculated. [$7900 / 10yr / 12mo / 8unit = $8.23]
Approve it.

2. An Increased Housing Service Cost application

General issues with the type of application here and the management fees aside…

They have the same water heaters from above, in this IHSC application too.

Together these applications are asking for a rent increase

1. For water heater costs, recovered over 10 years
2. The same water heater costs again, but this time only over one year.

Of the total $5541.38 increase claimed, $7900 of it is the water heaters.
Leaving an actual increase of $-2358.62 (its negative).
Unless this is a rent *decrease* application, **reject it.**

2022 Repair Plumbing

25_27 Montreal Street (25mon)

Account Detail

Period = Jan 2022-Dec 2022

Book = Cash

Property	Account	Date	Period	Person	Control	Reference	Amount	Remarks
25mon	6140 Repair Plumbing	1/27/2022	01-2022	Port Property Maintenance (v9000002)	K-42105	3800	203.75	WO#52025 Kitchen sink fell into cabinet
25mon	6140 Repair Plumbing	2/24/2022	02-2022	Port Property Maintenance (v9000002)	K-43337	3800	30.00	WO#52384 Toilet flush issue+NOTE
25mon	6140 Repair Plumbing	4/1/2022	04-2022	Maine Hardware (v9000121)	K-44637	72153	16.67	25-6 water tank thermostat
25mon	6140 Repair Plumbing	4/8/2022	04-2022	Maine Hardware (v9000121)	K-44852	72260	39.21	25-2 Supply line and faucet
25mon	6140 Repair Plumbing	4/28/2022	04-2022	Port Property Maintenance (v9000002)	K-45572	3800	150.00	WO#54169 No hot water
25mon	6140 Repair Plumbing	4/28/2022	04-2022	Port Property Maintenance (v9000002)	K-45572	3800	125.00	WO#54450 bathroom sink leak
25mon	6140 Repair Plumbing	5/1/2022	05-2022	Lowe's (v9000100)	K-46210	8412	48.18	25-2, #54450- replace bathroom faucet
25mon	6140 Repair Plumbing	7/27/2022	07-2022	Port Property Maintenance (v9000002)	K-48556	3800	15.00	WO#56416 My kitchen sink is clogged
25mon	6140 Repair Plumbing	7/27/2022	07-2022	Port Property Maintenance (v9000002)	K-48556	3800	75.00	WO#56428 It's day 2 of NO hot water
25mon	6140 Repair Plumbing	8/26/2022	08-2022	Port Property Maintenance (v9000002)	K-49535	3801	25.00	WO#57193 Shower not draining well
25mon	6140 Repair Plumbing	11/4/2022	11-2022	Scott Champagne DBA Summit Solutions (v9000067)	K-52069	74297	7,900.00	25-Install 2 Rinnia water heaters
25mon	6140 Repair Plumbing	11/28/2022	11-2022	Port Property Maintenance (v9000002)	K-52682	3800	135.00	WO#57765 Water heater leaking
						Total	**8,762.81**	

The offending charge is on page 69 in the "2022 Repair Plumbing" charges ledger, seen above.

This is THE perfect example of why receipts are needed. Mistakes happen.
In this case one item ended up in two applications.

How can we be sure similar things have not happened on all (or even just some) of the others, especially when it's multiple properties that form one group?

- This misallocation issue has come up time and time again on stuff like insurance and plowing. I see it all over the place on trash and parking too.
- If one place can be allocated all the costs for multiple places, its just as likely multiple places can be allocated the same costs.
- The potential for this stuff to happen is large, and that's why you need receipts!

So I am kinda grateful they messed this one up, just to make that case for me that there's systematic issues in these applications!!

Even without receipts - the only reason one can notice this is because it's so large and an easy number to remember seeing.

But lots of little things can add up too.
And without receipts there's no way for your mind to just remember, for example, some $42.48 for tools if they show up in multiple applications just by scanning these ledgers.
You would, however, remember seeing that receipt and cross referencing it on the worksheets.
So, while it is a pain in the caboose, you do need to be verifying these receipts.

Here is a great opportunity to scrutinize specific costs.
I don't need to submit a comment for every single charge on every application to make the point (and you dont wanna read 'em!), so please just use this application as an example of the general issue.
See below.

On page 67

2022 Repair Appliance

25_27 Montreal Street (25mon)

Account Detail

Period = Jan 2022-Dec 2022

Book = Cash

Property	Account	Date	Period	Person	Control	Reference	Amount	Remarks
25mon	6120 Repair Appliance	1/18/2022	01-2022	Chase Card Services (v9000189)	K-42115	8411	105.45	25-3 DW control board
25mon	6120 Repair Appliance	2/24/2022	02-2022	Port Property Maintenance (v9000002)	K-43337	3800	45.00	WO#51414 Washer not cleaning clothes
25mon	6120 Repair Appliance	2/24/2022	02-2022	Port Property Maintenance (v9000002)	K-43337	3800	90.00	WO#52925 Washing machine in basement+note
25mon	6120 Repair Appliance	2/24/2022	02-2022	Port Property Maintenance (v9000002)	K-43337	3800	85.00	WO#53312 Pager- washer repair
25mon	6120 Repair Appliance	2/24/2022	02-2022	Port Property Maintenance (v9000002)	K-43337	3800	60.00	WO#53326 washer no worky
25mon	6120 Repair Appliance	4/28/2022	04-2022	Port Property Maintenance (v9000002)	K-45572	3800	245.00	WO#50735 Repair DW
25mon	6120 Repair Appliance	4/28/2022	04-2022	Port Property Maintenance (v9000002)	K-45572	3800	210.00	WO#54094 Our dryer is broken in building 25/
25mon	6120 Repair Appliance	5/1/2022	05-2022	Lowe's (v9000100)	K-46210	8412	25.92	25-3 -#50735- repairs to DW
25mon	6120 Repair Appliance	5/9/2022	05-2022	Maine Hardware (v9000121)	K-45833	72503	26.08	25-caulk, dryer vent
25mon	6120 Repair Appliance	5/18/2022	05-2022	Chase Card Services (v9000189)	K-46481	8411	94.79	25-3 Dishwasher part
25mon	6120 Repair Appliance	5/27/2022	05-2022	Port Property Maintenance (v9000002)	K-46488	3800	100.00	WO#54931 install dryer vent
25mon	6120 Repair Appliance	12/2/2022	12-2022	Maine Hardware (v9000121)	K-53039	74535	8.60	25-6 hose parts WO 62260
25mon	6120 Repair Appliance	12/28/2022	12-2022	Port Property Maintenance (v9000002)	K-54083	3800	32.50	WO#62206 Dishwasher is not working again
25mon	6120 Repair Appliance	12/28/2022	12-2022	Port Property Maintenance (v9000002)	K-54083	3800	227.50	WO#62260 Washing machine flooding
						Total	**1,355.84**	

I see lots of charges related to a washing machine.
How are the charges determined?
Is it just getting the report incurs a charge, or is the cost of a person coming to repair it? Or what?

I count $852.18 in washing machine repairs.

A VERY NICE brand new one runs a lot less than that.

It will probably save you on repair costs, electricity, and water too.

The issue was on 2/24/22. You can tell these are just the reports left by the tenant to the manager using their rent cafe log in. (eg "washer no worky" and "our dryer is broken"). These reports got multiple charges.

I am concerned that just receiving the report is triggering a charge. And even if it is the cost to pay a maintenance guy to fix it, that still can't be right because we are told that staff costs are included in the management fees. What is going on here?

On page 70

2022 Repair Other

25_27 Montreal Street (25mon)

Account Detail

Period = Jan 2022-Dec 2022

Book = Cash

Property	Account	Date	Period	Person	Control	Reference	Amount	Remarks
25mon	6150 Repair Other	2/24/2022	02-2022	Port Property Maintenance (v9000002)	K-43337	3800	75.00	WO#52521 Laundry machine ate $$
25mon	6150 Repair Other	5/1/2022	05-2022	Lowe's (v9000100)	K-46210	8412	12.95	25- #54290- secure wires in basement
25mon	6150 Repair Other	5/1/2022	05-2022	Lowe's (v9000100)	K-46210	8412	-7.86	25- wire return
25mon	6150 Repair Other	7/27/2022	07-2022	Port Property Maintenance (v9000002)	K-48556	3800	125.00	WO#56276 gas detector in basement
						Total	**205.09**	

Can you describe what the process is for receiving the "laundry machine ate $$" report, and how the charge of $75 is applied for something like that? Does it really cost $75 to fix a quarter jam, or to refund the tenant?

I notice this a lot on the fire safety expenses too. There's not a whole lot in 2022 to look at, but 2021 has some charges.

2021 Fire Safety Expense

25_27 Montreal Street (25mon)

Account Detail

Period = Jan 2021-Dec 2021

Book = Cash

Property	Account	Date	Period	Person	Control	Reference	Amount	Remarks
25mon	6310 Fire Safety Expense	1/22/2021	01-2021	Maine Hardware (v9000121)	K-29851	66780	53.96	25-2 smoke alarm
25mon	6310 Fire Safety Expense	1/27/2021	01-2021	Port Property Maintenance (v9000002)	K-29959	3800	52.50	WO#42565 Install bsmt smoke/CO det.
25mon	6310 Fire Safety Expense	3/29/2021	03-2021	Port Property Maintenance (v9000002)	K-31821	3800	35.63	WO#44055 Changed batt. in combo detector
25mon	6310 Fire Safety Expense	3/29/2021	03-2021	Port Property Maintenance (v9000002)	K-31821	3800	85.00	WO#44286 PAGER Chirping smoke detector
25mon	6310 Fire Safety Expense	5/21/2021	05-2021	AAA Fire Extinguisher Company (v9000010)	K-33509	68327	5.85	25-Extinguisher Inspection
25mon	6310 Fire Safety Expense	7/26/2021	07-2021	Port Property Maintenance (v9000002)	K-35828	3800	85.00	WO#46786 PAGER smoke detector chirping
25mon	6310 Fire Safety Expense	7/26/2021	07-2021	Port Property Maintenance (v9000002)	K-35828	3800	85.00	WO#47351 PAGER smoke detector beeping
25mon	6310 Fire Safety Expense	9/29/2021	09-2021	Port Property Maintenance (v9000002)	K-38191	3800	25.00	WO#48819 Replaced batt. in hall smoke det.
25mon	6310 Fire Safety Expense	12/29/2021	12-2021	Port Property Maintenance (v9000002)	K-41354	3800	85.00	WO#51552 PAGER chirping smoke detector
						Total	**512.94**	

2022 Fire Safety Expense

25_27 Montreal Street (25mon)

Account Detail

Period = Jan 2022-Dec 2022

Book = Cash

Property	Account	Date	Period	Person	Control	Reference	Amount	Remarks
25mon	6310 Fire Safety Expense	6/28/2022	06-2022	Port Property Maintenance (v9000002)	K-47585	3800	6.25	WO#55811 Smoke chirping in basement
25mon	6310 Fire Safety Expense	8/12/2022	08-2022	AAA Fire Extinguisher Company (v9000010)	K-49081	73441	7.50	25-Fire Extinguisher Inspection
25mon	6310 Fire Safety Expense	12/28/2022	12-2022	Port Property Maintenance (v9000002)	K-54083	3800	32.50	WO#61531 2 smoke detectors beeping
25mon	6310 Fire Safety Expense	12/28/2022	12-2022	Port Property Maintenance (v9000002)	K-54083	3800	48.75	WO#61675 Stairwell smoke det chirp
						Total	**95.00**	

What is the $85 charge for PAGER when the smoke detectors chirp?
It sure looks like something in addition to the cost of replacing the battery, as those incur other charges

I can see it happened on 3/29/2021
$85 for PAGER
$35.63 for changed batt.

On 7/26/21 the building was hit with two $85 PAGE charges. Why two? Presumably two people reporting the same issue should not mean that the cost should double. [and]

I am concerned that just receiving the PAGE incurs some charge, and then the actual fix incurs another. What’s the point of those $85 PAGE charges, for example? Remember, that the wages and such of the maintenance staff are in the management fees, not the repair line items. So what's that for?

I could go on, but you get it. In any event. Receipts would really help identify what the charges are. Please demand those.

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

Date of Hearing:

March 22, 2023 – Tabled to June 28, 2023 – Tabled to July 26, 2023 - Tabled to August 16, 2023 - Tabled to November 29, 2023

Owner Name and Address:

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

Agent Name and Address:

David Bergeron with Port Property

Property Address and Unit:

304 Eastern Prom, Units 1-8

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 June 28, 2023 – Tabled to July 26, 2023 - Tabled to November 29, 2023

Owner Name and Address:

Grant Street Realty Group LLC, 82 Hanover St, Portland, ME 04101

Agent Name and Address:

David Bergeron with Port Property

Property Address and Unit:

63 Grant Street, Units 1-6 (Legal address is 65 Grant St)

CBL:

048-B-016-001

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))
	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 June 28, 2023 – Tabled to July 26, 2023 - Tabled to August 16, 2023 - Tabled to November 29, 2023

Owner Name and Address:

Grant Street Realty Group LLC, 82 Hanover St, Portland, ME 04101

Agent Name and Address:

David Bergeron with Port Property

Property Address and Unit:

65 Grant Street, Units 1-6

CBL:

048-B-016-001

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))
	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 June 28, 2023 – Tabled to July 26, 2023 - Tabled to August 16, 2023 - Tabled to November 29, 2023

Owner Name and Address:

Grant Street Realty Group LLC, 82 Hanover St, Portland, ME 04101

Agent Name and Address:

David Bergeron with Port Property

Property Address and Unit:

69 Grant Street, Units 1-6

CBL:

048-B-016-001

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))
	Fair Rate of Return (6-234(b)(5)(d))

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

Date of Hearing:

August 23, 2023 - Tabled to November 29, 2023

Owner Name and Address:

Grant Street Realty Group LLC, 82 Hanover St, Portland, ME 04101

Agent Name and Address:

David Bergeron with Port Property

Property Address and Unit:

61 Grant Street, Units 1-6 (Legal address is 65 Grant Street)

CBL:

048-E-016-001

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))
	Fair Rate of Return (6-234(b)(5)(d))

City of portland

Dylan Orr <dorr@portlandmaine.gov>

Written Public Comment

Martin Lodish <mlodish@portlandstage.org> Tue, Nov 28, 2023 at 9:39 AM
To: Rent Board <rentboard@portlandmaine.gov>

Members of the Rent Control Board,

Thanks for taking the time to read my letter. I am the Managing Director of Portland Stage. Portland Stage has rented all six units since 6/1/17 in 61 Grant St and we plan on continuing to rent these apartments indefinitely. Our current least extends to 7/31/28. The issue of management fees likely extends to many of the Port Property Management (PPM) managed units that are being discussed this week. I will address my concerns with that first, before I move on to issues that are specific to us.

It is our understanding that advertising etc. to get new tenants is to be covered by the onetime 5% increase in rent and not passed along to existing tenants. Thus, I am wondering if any of the management fees are attributable to marketing efforts to either rent existing apartments or recruit additional owners to choose PPM to manage their units? If so, that should not be passed on to us. Ironically, this is the one example that PPM used in their short description of management fees:

> *Example: An employee is sitting at a desk waiting to take incoming calls from potential renters. While she waits, which property should be charged for her salary, benefits, office space, computer, phone, etc?*

My answer would be that PPM or the owner of an apartment building that has vacancies should cover the cost – as it would be recouped in the onetime 5% increase in rent. It shouldn't be passed on to existing tenants who have leases in other buildings.

Management fees are mysterious to me – by using the justification to not disclose much of the detail on management fees because in the past that they have been "distributed maliciously and out of context on social media" results in not enough detail to understand if the increase is justified. If there isn't enough justification in the cost, it should not be approved. How can I as a tenant understand and/or argue with a fee if there is not enough detail? We should not have to take the word of the landlord.

Specifically, how did management spend their time? Time in pursuit of additional clients, time in pursuit of new tenants, etc., should not be passed on to existing tenants – essentially, was this time spent doing work that **benefits the existing tenants** or for some other cause, like future income? An employee bonus for landing a new client? An employee bonus for renting a new apartment? Nothing that doesn't benefit existing tenants should not be passed on to them in the form of a rent increase. Neither should an owner's draw be passed on to existing tenants, as that should be covered by the expected profit margin. Was any of the management fees paid directly to the owners of PPM and/or owners of the properties in question?

I totally understand that keeping track of any one tenant's work is likely impractical, and prorating work done for all tenants based on the number of units or rent (or some other reasonable method) makes sense. However, how management fees are allocated was never addressed in their memo (except to imply that it was complicated) – why did one property's share of fees increase less than 2% whereas another property increased by over 31%? And, no two properties increased similarly – I believe that this should have been explained in detail for all units that they are requesting increases at this time. The increase that PPM is asking **caused by management fees alone** for 61 Grant St will result in our rent going up by **over $9,000** in the term of our current lease and more for each year in the future we extend our lease and thus requires significant scrutiny.

We are a nonprofit theater, for those that are unfamiliar with us. What might seem like a small increase in rents, is multiplied for us – as we have a five year lease (it expires 7/31/28) with rents set by the maximum allowed and thus a single dollar per month increase in each unit, would cost us upwards of $300 over the lease (6 units, 12 months each, for the four years of lease where rent hasn't been set), so we would appreciate every consideration to what might seem "small" numbers. And, that doesn't consider that we plan on renting these apartments indefinitely, so any increase your approve will continue forever.

We have continued concerns about snow plowing, which was an issue that was never really addressed in the last meeting this building was discussed – we are fine with covering our portion of snow blowing/shoveling, etc. for the walkways and sidewalks, but there is a parking lot attached to this building complex (I believe there are three buildings owned by the same LLC) and we have no parking spaces for our use. So, we believe we should not be charged for any of the costs associated with plowing a lot we are not allowed to use. Rent directly connected to increased snow plowing expenses, if approved, will cost Portland Stage over $2,700 over the next four years, and more in the upcoming years.

I ask you to reject their increase in management fees based on the insufficient justification and ask that you remove the snow plowing costs from the calculations.

Respectfully submitted,

Martin Lodish
Managing Director
Portland Stage
Tennent of 61 Grant St, Apartments 1, 2, 3, 4, 5, and 6

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Martin Lodish
(he/him/his)
Managing Director
(207) 774-1043 ext. 111
mlodish@portlandstage.org
visit us online at www.portlandstage.org

I recognize and honor the Wabanaki Confederacy who for generations have stewarded this land where I live and work. I pay respect to elders both past, present, and emerging and commit to the ongoing work of decolonization in Maine and beyond.

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

Date of Hearing:

August 23, 2023 - Tabled to November 29, 2023

Owner Name and Address:

Shepley LLC, 82 Hanover St, Portland, ME 04101

Agent Name and Address:

David Bergeron with Port Property

Property Address and Unit:

18 Casco St, all 62 units

CBL:

037-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))
	Fair Rate of Return (6-234(b)(5)(d))

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

Date of Hearing:

August 23, 2023 - Tabled to November 29, 2023

Owner Name and Address:

Ambassador LLC, 82 Hanover St, Portland, ME 04101

Agent Name and Address:

David Bergeron with Port Property

Property Address and Unit:

37 Casco St, all 92 units

CBL:

037-D-007-001

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))
	Fair Rate of Return (6-234(b)(5)(d))

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

Date of Hearing:

November 29, 2023

Owner Name and Address:

BJB Realty LLC, 80 Elm St, Portland, ME

Landlord's Representative and Address:

BJB Realty LLC, 80 Elm St, Portland, ME

Property Address:

231 State St, Portland, ME, all 31 units

CBL:

046-A-010-001

Tenants/Interested Parties:

Yes

City of portland

Dylan Orr <dorr@portlandmaine.gov>

Updated! FOR PUBLIC COMMENT or (preferably) attached to the Rent Increase Application for 231 State St scheduled for 11/29/23. Thanks!

1 message

Vivienda Apoyo <portlandmainerentersrights@gmail.com> Mon, Nov 27, 2023 at 10:28 AM
To: Rent Board <rentboard@portlandmaine.gov>
Cc: emmalee.tracy@maine.edu, janetgdenison@gmail.com, grace.dbonarrigo@gmail.com, flyingcurls@gmail.com, angekaz@gmail.com, tonygioia34@yahoo.com, sethspelletier@gmail.com, juliaroseplante@gmail.com, bergquist.julia@gmail.com, zacharycole.me@gmail.com, pam.overlock@yahoo.com, sabrodeur97@gmail.com, bmonti56@hotmail.com, jpleary13@gmail.com, keiran.lorentzen@gmail.com, msladydoyle@yahoo.com, k8masters@gmail.com, Maiacarlson3@outlook.com, mereymadden@gmail.com, adamthib@gmail.com, MaroldNicholas@gmail.com, cookgm9@gmail.com, john.crane.jc@gmail.com, rainbowwendel@yahoo.com, jason_berry02@yahoo.com, kylefriday@gmail.com, swtorregrossa@gmail.com, c.daniel.paradis@googlemail.com, moditmars@gmail.com, abby.quintal@gmail.com

Greetings Rent Board Members,

I am writing on behalf of the tenants of 231 State St. regarding the Rent Increase Application scheduled for the 11/29/23 Rent Board meeting.

On reviewing the Rent Increase Packet including the MNOI worksheet submitted by BJB Realty LLC we have some notes and questions.

In part IV (Services) the storage fees ($900 per month) being charged by BJB Realty (listed in part XVII) are not included. Why not?

In part V. (Changes to Services) in response to the question: *“Briefly describe the services provided to the rental units. Include all services provided and state which services are provided without additional charge:”* we have the following sentence and beginning of another that exits the page stage right: “*Gas is paid for by the landlord and it provides both heat and hot water. Co[…]*”

How does that continue off of the page and why wasn't it rectified before this was brought to the board?

Part V also asks: *“If there have been any changes to the services listed above or in the responsibility for their payment since the base year, please explain:”* and the response to this is the phrase “NO CHANGE”.

This simply isn't true.

BJB Realty implemented the storage fees $100 per unit in May of 2023 for basement storage historically allocated to each apartment by the prior ownership.

https://youtu.be/_nMUi3endW8

This is a YouTube video of a walkthrough of the basement storage units after the newly imposed fees caused most of us to empty our storage; notice they are numbered by unit.

BJB Realty never got the required approval from the Rent Board for this Rent Increase.

We tenants of 231 State St. have outstanding complaint(s), submitted through the Housing Safety Office, that have moved to the point where Sec. 6-234(e) of the Rent Stabilization Ordinance gives us the right to hearing(s) on this matter before the rent board.

Let's get back to this application.

In part VIII. (Income and Operating Expense Worksheet) line 16 is an illustration that the prior landlord didn't have storage fees. Additionally, BJB Realty listed $300 in storage fees for the year but they are collecting $900 per month (per part XVII); they have collected 7 months so far so that is $6,300.

They dropped that I guess; annually, this year, the figure would be $7,200.

The attention to detail, given the tendency towards omissions, suggests the question, specifically for parts VIII and IX: are receipts provided for these figures?

We have to say at this point our trust is pretty low.

For instance, where is the explanation for legal expenses that is required?

Even given the above, when we look at part XVI. (Net Operating Income) we find the most egregious error:

5.Percent Annual Increase in CPI Base Year to Current Year [Current Year Annual Average CPI- Base Year Annual Average CPI divided by Base Year Annual Average CPI]

They got 62.8%, but the equation is (314.356- 281.082)/281.082 = 0.118378… or 11.8378…% **not** 314.356-281.082!

Let's see what they should have got.

6. Fair Net Annual Operating Income Base Year Net Operating Income Adjusted by CPI Increase [Line 3 Base Year Line 5 Percent]

208,489.16 * 1.118378… = 233,169.75 **not** 339,420.35!

7.Fair Net Annual Operating Income Minus Current Net Operating Income Allowable Rent Increase Line 6-Line 3 Current Year]

233,169.75 − 245,096.86 = −11,927.11 **not** 94,323.49!

Because the number is negative it means that there is ~$12,000 worth of additional operating expenses that can be covered without justifying any additional rental increase under this methodology.

If we look at the annual increase from the new fire doors, found in XV(i), we have 9,174.46 so that still leaves −2,752.65 in our cushion.

And that is with the unverified expenses and conveniently omitted income.

So after all that there is **clearly** no need for an additional Rent Increase under this methodology.

On a side note, we received a Rent Increase Notice for January 1, 2024.

Sec. 6-234(f) of the RSO states: *"A landlord who is not in substantial compliance with any provision of this chapter, including but not limited to the Rent Stabilization Ordinance, may not demand, accept or retain any rent increase otherwise permitted by this section or any other provision of this Code or Maine statute."*

That upcoming rent increase isn't valid for the above reasons.

We count 10 violations with a total of 2725 total violation days across 31 units, with fines of $100-500 per day. It is a crazy amount, 8.4 to 42 million.

The way we read the ordinance if this matter comes before the Rent Board these fines are obligatory.

We aren't sure how this will play out.

We suggest that BJB Realty withdraw the illegal Rent Increase Notice and work towards rectifying the situation before moving forward.

Thank you for your consideration.

City	Approach	Year Adopted or Amended	Source Link
St Paul, MN	"If the Landlord does not have Base Year operating expense data, it shall be presumed that operating expenses increased by the percentage increase in the CPI between the Base Year and the current year. This presumption is subject to the exception that specific operating expenses must be adjusted by other amounts when alternate percentage adjustments are supported by a preponderance of evidence (such as data on changes in the rates of particular utilities or limitations on increases in property taxes)."	2023	https://www.stpaul.gov/sites/default/files/2023-01/RSO%20Rules%20for%20January%201-01-19-23.pdf
Richmond, CA	"If the Landlord does not have Base Year operating expense data, it shall be presumed that operating expenses increased by the percentage increase in the CPI between the Base Year and the current year. This presumption is subject to the exception that specific operating expenses shall be adjusted by other amounts when alternate percentage adjustments are supported by a preponderance of evidence (such as data on changes in the rates of particular utilities or limitations on increases in property taxes.)"	2018	https://www.ci.richmond.ca.us/DocumentCenter/View/47039/Chapter-9---REGULATIONS
Berkeley, CA	"The necessary documentation will vary according to the petition and is specified in the appropriate regulation and in the petition form. If the necessary documentation is unavailable, the petitioner's verification of the petition or declaration under penalty of perjury may substitute for the unavailable documentation."	2001	https://rentboard.berkeleyca.gov/sites/default/files/documents/CHAPTER%2012_Individual%20Adjustments%20of%20Rent%20Ceilings_Updated%2007_20_2023.pdf
Los Angeles, CA	The base year for a J&R rent increase is 1977. If the financial information for 1977 is not available, a landlord may substitute the base year with the first year following 1977 for which records are available. Landlords who did not own the rental property in 1977 must use the 1977 NOI of the landlord of record in 1977. If the information is not available, a landlord may substitute the first year following 1977 for which records are available. If no financial records are available from a previous landlord, the current landlord is eligible to apply for a J&R rent increase only when the landlord has two complete years of operating income and expenses. The first year for which records are available is the base year and the current year is the year prior to the year in which the J&R application is filed.	2023	https://housing.lacity.org/rental-property-owners/what-is-a-just-and-reasonable-rent-increase
Elizabeth, NJ	... The board shall use its expertise and the evidence presented before it to make the determinations ... At the request of the fair rental housing board, the landlord shall supply documentation supporting all or any of the items listed in the application, and all figures set forth therein shall be certified by a professional certified public accountant licensed by the state of New Jersey, or, in the alternative, by the landlord individually, if a sole proprietor, or a partner if a partnership, or a corporate officer of a corporation, to be a true and accurate summary of the landlord's books and records. Documentation must be sworn to before an officer authorized to take oaths.	2023	https://library.municode.com/nj/elizabeth/codes/code_of_ordinances?nodeId=TIT5BULIRE_CH5.70RECOST_5.70.100HAIN&showChanges=true