<u>Remote Rent Board Meeting Minutes - Held Via Zoom</u>

Wednesday, April 24, 2024

II. Roll Call - 0:00:49

Anne-Laure Razat, Tenant, At-Large
Kristen Carreras, Landlord, At-Large (absent at time of roll call)
Matthew Lax, Tenant, District 1
Matthew Walker, Tenant, District 2
Christopher "Buddy" Moore, Tenant, District 3 - Vice Chair
Caleb Roebuck, Tenant, District 4 (absent at time of roll call)
Philip Mathieu, Tenant, District 5 - Chair

<u>Staff present:</u>
Dylan Orr, Rental Registration Coordinator
Benjamin Plante, Esq., Counsel for the Rent Board

0:01:22 - Because elections were held for the Chair in the regular February meeting, Philip Mathieu moves to table the consideration of a new Chair to the regular June meeting. Seconded by Christopher "Buddy" Moore. (5-0, Carreras and Roebuck absent at time of vote)

0:02:08 - The Board takes item VI.a. out of order to schedule the tenant' rights complaint hearing.

0:04:49 - Kristen Carreras joins the meeting.

0:08:49 - The Board schedules a special meeting for May 2, 2024 at 6:00 PM for the tenants' rights complaint in item VI.a.

III. Approval of Minutes

a. March 27, 2024 Minutes

0:10:27 - Kristen Carreras moves to approve the minutes. Seconded by Matthew Lax. (6-0)

IV. Communications

a. Communication from City Staff

0:10:57 - City Staff references the attached memo and explains that the Rent Board's procedure of providing summary sheets was a Rent Board created policy and that any changes to the policy would need to be voted on and approved by Board members.

V. Unfinished Business

a. Consideration and Vote on Changes to Rent Board Rules and Procedures

0:15:48 through 0:37:14 - The Board discusses the rule proposals focusing on recusal procedures.

0:30:07 - Caleb Roebuck joins the meeting.

0:37:18 - Kristen Carreras moves to approve Version A of the proposed rule. Seconded by Philip Mathieu. (3-4, Razat, Moore, Lax and Walker vote no) The motion fails.

0:38:20 - Matthew Lax moves to table the vote and revise the rule proposal to move the language "preserve the integrity of the Board's proceedings and decisions" from part 3 of Version A to the end of part 2 to read "The existence of actual or perceived bias that would prevent the member from making a fair and impartial decision on an item of business before the Rent Board to preserve the integrity of the Board's proceedings and decisions" and remove the language "or for any other reason not specifically identified below" from section 4. Seconded by Philip Mathieu. (7-0) The motion passes.

b. Rent Increase Application - Public Comment
Owner: Maryann Shea and Christopher Shea, 24 Winding Way, Peaks Island, ME 04108
Address: 78 Mellen St, Unit #6
CBL: 048-C-012-M06

0:45:20 - Because they were not present at the previous meetings the application was considered, Kristen Carreras states on the record the preparations they have taken to familiarize themselves with the application.

0:46:59 - The applicant, Maryann Shea, presents the new information added to the application.

No tenants spoke as objectors.

No public comment was received.

1:03:08 - Caleb Roebuck leaves the meeting for a brief recess and voluntarily abstains from consideration of the present item.

1:25:48 - Matthew Walker moves to approve the application for an MNOI increase of $484.09 and to find that a change in base year is not justified. Seconded by Matthew Lax.

1:29:29 - The motion is amended into two parts, first to find that a change in base year is not justified on the basis of the information presented. (6-0, Roebuck abstained) The motion passes.

1:30:42 - Matthew Walker moves to approve the application for an increase of $484.09 due to adjusting the accounting number. The Chair takes a straw vote in order to finalize the Findings of Fact and Conclusions of Law at the next meeting. (6-0, Roebuck abstained)

1:33:18 through 1:37:48 - The Board takes a recess.

c. **Rent Increase Application - Public Comment** - 1:38:00
Owner: Forty Nine LLC, 82 Hanover St, Portland, ME 04101
Agent: David Bergeron with Port Property, 82 Hanover St, Portland, ME 04101
Address: 19 Parris St, Units 1-9
CBL: 033-I-005-001

1:38:48 - The Chair explains that the Board previously voted to recuse member Matthew Walker from items V.c. through V.f.

1:39:49 - New Board members Matthew Lax, Anne-Laure Razat, Christopher “Buddy” Moore, Caleb Roebuck, and Kristen Carreras state on the record the preparations they have taken to familiarize themselves with tabled items V.c through V.f.

1:44:23 - David Bergeron speaks as a representative of Port Property Management and presents the application.

1:54:52 - Sabryna, a tenant 19 Parris St, comments on the application.

1:59:41 - Matthew Walker comments as a member of the public.

2:55:13 - Kristen Carreras moves to approve the application as written for a rental increase of $94.22 per month. Seconded by Philip Matheiu. (3-3, Moore, Roebuck, and Lax vote no. Walker recused) The motion fails.

2:57:42 - Christopher “Buddy” Moore moves to approve a rent increase of $59.42, excluding management fees from the calculation on the basis of lack of evidence to include them within the cost analysis of housing service costs. Seconded by Matthew Lax. (4-2, Carreras and Mathieu vote no. Walker recused.) The motion passes.

d. **Rent Increase Application - Public Comment**
Owner: Spar Inc, 82 Hanover St, Portland, ME 04101
Agent: David Bergeron with Port Property, 82 Hanover St, Portland, ME 04101
Address: 20 Melbourne St, all 7 units
CBL: 014-G-014-001

3:00:28 - David Bergeron explains that they do not want to accept the Rent Board’s decision from item V.c. and requests to submit additional documentation to clarify the management fees excluded from the previous decision.

No tenants spoke as objectors.

3:06:25 - Matthew Walker comments as a member of the public.

3:16:44 - Christopher “Buddy” Moore moves to rescind the previous decision for item V.c. pending additional information around management fees from the applicant. Seconded by Anne-Laure Razat. (4-2, Roebuck and Lax vote no. Walker recused) The motion passes.

3:20:31 - Kristen Carreras moves to table items V.c. through V.f. and request that the applicant provide detailed information specifically related to the management fees. Seconded by Philip Mathieu. (5-1, Lax votes no. Walker recused) The motion passes.

e. **Rent Increase Application - Public Comment**
   Owner: West Company, 82 Hanover St, Portland, ME 04101
   Agent: David Bergeron with Port Property, 82 Hanover St, Portland, ME 04101
   Address: 55 William St, all 12 units
   CBL: 116-A-025-001

See timestamp **3:20:31**

f. **Rent Increase Application - Public Comment**
   Owner: West Company, 82 Hanover St, Portland, ME 04101
   Agent: David Bergeron with Port Property, 82 Hanover St, Portland, ME 04101
   Address: 60 Carleton St, all 4 units
   CBL: 063-D-013-001

See timestamp **3:20:31**

VI. New Business

a. **Schedule Tenant Rights Complaint**
   Complainant: Bradley Davis, 36 Sawyer St, Unit 1, Portland, ME 04103
   Property Owner: Elizabeth Kane, 16252 Bush Rd, Nevada City, CA 95959
   Address: 36 Sawyer St, Unit 1, Portland, ME 04103
   CBL: 138-A-012-001

See timestamp **0:08:49**

b. **Rent Increase Application - Public Comment** - 3:21:51
   Owner: 36 Alder LLC
   Representative: Daniel Hayes
   Address: 36 Alder St, units 1-2 (Legal address is 34 Alder St)
   CBL: 033-C-020-001

3:22:40 - Daniel Hayes speaks as a representative of 36 Alder LLC and presents the application.

No tenants speak as objectors.

No public comment received.

4:14:51 - Matthew Lax moves to table the decision to allow counsel to draft a decision form that approves a rent increase based on proposed capital improvements amortized and divided between the two rental units contingent upon the improvements being completed and proof of the final expenses are within twenty percent of the original estimate.

4:20:11 - The Chair clarifies that Lax's motion is pursuant to section 6-233(c) and is approving a base rent adjustment. Seconded by Philip Mathieu. The Chair takes a straw vote in order to finalize the Findings of Fact and Conclusions of Law at the next meeting. (7-0) The motion passes.

c. Updates on Rent Board Annual Report

4:22:53 through 4:26:11 - The Board discusses updates on the annual report. No votes are taken on this item.

VII. Adjourn

4:28:22 - Matthew Lax moves to adjourn. Seconded by Matthew Walker. (7-0) The motion passes.