



RENT BOARD

June 26, 2024

5:00 PM

ZOOM INFORMATION:

- a. Please click the link below to join the webinar:
<https://portlandmaine-gov.zoom.us/j/86347535152?pwd=RjZOVTlGUzZhZG9JQmJkV0ZvS2FWQT09>
Passcode: 233330
Or One tap mobile :
+13092053325,,86347535152#,,, *233330# US
+13126266799,,86347535152#,,, *233330# US (Chicago)
Or Telephone:
Dial(for higher quality, dial a number based on your current location):
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 646 931 3860 US
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 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
+1 564 217 2000 US
+1 669 444 9171 US
+1 669 900 6833 US (San Jose)
+1 689 278 1000 US
+1 719 359 4580 US
+1 253 205 0468 US
Webinar ID: 863 4753 5152
Passcode: 233330
International numbers available: <https://portlandmaine-gov.zoom.us/j/kd3GhVyUOe>

II. ROLL CALL:

III. APPROVAL OF MINUTES

- a. May 2, 2024 Minutes
- b. May 13, 2024 Minutes
- c. May 22, 2024 Minutes
- d. May 29, 2024 Minutes
- e. June 4, 2024 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. Communication from City Staff - Recusal Rule

V. UNFINISHED BUSINESS:

- a. Rent Increase Application - Public Comment
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
- b. 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
- c. 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

- d. 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
- e. Discussion of Proposed Rent Board Rules & Procedures Changes

VI. New Business

- a. Voting and Election of Chair and Vice Chair
- b. Rent Board Annual Report Update

VII. Adjourn

Remote Rent Board Meeting Minutes - Held Via Zoom

Thursday, May 2, 2024

II. Roll Call

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

Staff present:

Dylan Orr, Rental Registration Coordinator
Benjamin Plante, Esq., Counsel for the Rent Board

III. Communications

No communications received.

No written public comment received.

IV. Unfinished Business

a. Tenant Rights Appeal - Public Comment

Appellant: Bradley Davis, 36 Sawyer St, Unit 1, Portland, ME 04101
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

0:06:00 - The Appellant, Bradley Davis, presents the submitted complaint alleging that the Landlord, Elizabeth Kane, is in violation of the Rent Stabilization Ordinance due to raising the rent in 2023 and 2024, claiming the previous tenant left voluntarily and applying a 5% new tenancy increase, failing to register the rental unit, providing false information while registering and failing to provide the Rental Housing Rights document.

0:33:40 - Ethan Strimling, a member of the Maine Democratic Socialists of America, comments as a representative of the appellant and goes into further detail regarding the complaint.

0:42:58 - Bradley Davis comments further on the alleged violations and provides a final statement.

0:51:11 - The Landlord, Elizabeth Kane, provides a response to the complaint and presents their submitted documents.

1:06:00 through 1:43:47 - Public comment received.

1:44:30 - Bradley Davis responds to Elizabeth Kane's comments and public comments.

1:50:35 - Elizabeth Kane responds to public comments.

2:01:58 through 2:08:25 - The Board takes a recess.

2:08:25 - The Chair summarizes the written public comments received.

2:25:23 - Matthew Lax moves that the Board has jurisdiction to hear the complaint pursuant to Section 6-263(c). Seconded by Matthew Walker. (5-0, Razat and Roebuck absent) The motion passes.

3:29:24 - Matthew Lax moves to find that allegations #5 (Leaving rent controlled units unregistered for sixteen months from the time the units entered the rent control market, in violation of sec 6-151(a)) and #7 (Failing to provide the Rental Housing Rights Document or post it in the building, in violation of 6-238(b)&(d)) are true. Seconded by Kristen Carreras.

3:36:25 - The Chair restates the motion to "find violations of 6-233(a) and 6-238(b), (c), and (d)." (5-0, Razat and Roebuck absent) The motion passes.

4:18:27 - Matthew Lax moves to find that the Board's previous findings constitute substantial noncompliance with Chapter 6, find the current base rent is \$1600 and any rent charged above that is due back to the tenant. Seconded by Philip Mathieu. (5-0, Razat and Roebuck absent) The motion passes.

5:13:09 - Philip Mathieu moves to find that based on the evidence presented, the tenant turnover in 2023 was not voluntary. Seconded by Christopher "Buddy" Moore. (5-0, Razat and Roebuck absent) The motion passes.

5:29:53 - Philip Mathieu moves to continue deliberations of item IV.a. to May 13, 2024 at 5:30 PM. Seconded by Christopher "Buddy" Moore. (5-0, Razat and Roebuck absent) The motion passes.

V. Adjourn

5:31:54 - Kristen Carreras moves to adjourn. Seconded by Christopher "Buddy" Moore. (5-0, Razat and Roebuck absent) The motion passes.

Remote Rent Board Meeting Minutes - Held Via Zoom

May 13, 2024

II. Roll Call - 0:00:54

Anne-Laure Razat, Tenant, At-Large
Kristen Carreras, Landlord, At-Large
Matthew Lax, Tenant, District 1
Matthew Walker, Tenant, District 2
Christopher "Buddy" Moore, Tenant, District 3 - Vice Chair
Caleb Roebuck, Tenant, District 4
Philip Mathieu, Tenant, District 5 - Chair

Staff present:

Dylan Orr, Rental Registration Coordinator
Adam O'Connor, Rent Control Inspector
Benjamin Plante, Esq., Counsel for the Rent Board

III. Communications

No communications received.

No written public comment received.

IV. Unfinished Business - 01:27

a. Tenant Rights Appeal

Appellant: Bradley Davis

Property Address: 36 Sawyer Street

Property Owner: Elizabeth Kane

CBL: 138-A-012-001

0:07:24 - Anne-Laure Razat states on the record the preparations they have taken to familiarize themselves with the complaint due to absence at the previous meeting.

0:10:20 - Caleb Roebuck states on the record the preparations they have taken to familiarize themselves with the complaint due to absence at the previous meeting.

0:16:34 - Kristen Carreras moves to reopen the record to accept new information, allow for the landlord to provide response, and open public comment. Seconded by Philip Mathieu. (7-0) The motion passes.

0:22:50 - Philip Mathieu moves to set a deadline of noon May 16, 2024 for parties to submit new evidence and postpone further deliberation of item IV.a. to May 22, 2024. Seconded by Kristen Carreras. (7-0) The motion passes.

V. New Business

a. Findings of Fact & Conclusions of Law for April 24, 2024 Meeting Decisions -

0:24:18

0:42:35 - Matthew Walker moves to approve the decision form for 78 Mellen Street, unit 6 as written. Seconded by Matthew Lax. (7-0) The motion passes.

0:56:51 - Matthew Walker moves to approve the application for renovation for 36 Alder Street, units 1-2 and approve the decision form as written. Seconded by Caleb Roebuck. (7-0) The motion passes.

b. Consideration and Vote on changes to Rent Board Rules and Procedures - 0:57:57

1:03:11 - Matthew Lax moves to accept the rule change and amendment into the Rent Board rules. Seconded by Anne-Laure Razat. (7-0) the motion passes.

VII. Adjourn

1:08:33 - Christopher "Buddy" Moore moves to adjourn. Seconded by Matthew Walker. (7-0) The motion passes.

Remote Rent Board Meeting Minutes - Held Via Zoom

Wednesday, May 22, 2024

II. Roll Call - 0:00:20

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

Staff present:

Zachary Lenhart Licensing & Housing Safety Manager
Adam O'Connor, Rental Registration Inspector
Benjamin Plante, Esq., Counsel for the Rent Board

III. Approval of Minutes - 0:00:52

a. April 22, 2024 Minutes

b. April 24, 2024 Minutes

0:01:15 - Kristen Carreras moves to approve both the April 22, 2024 and April 24, 2024 minutes. Seconded by Caleb Roebuck. (6-0, Mathieu absent) The motion passes.

IV. Communications

a. Discuss Schedule and Logistics - 0:02:34

The Rent Board discusses the possibility to schedule extra meetings for backlogged issues.

0:07:00 - Philip Mathieu joins the meeting.

0:08:25 - The acting Chair (Christopher "Buddy" Moore) decides to move this discussion to the end of the meeting.

b. Rent Control Q1 Report - 0:09:23

The report requested by the Housing & Economic Development Committee (HEDC) is provided to the Rent Board.

0:13:25 - Chairing duties are transferred to Philip Mathieu.

V. Unfinished Business

a. Tenant Rights Appeal - Public Comment - 0:14:03

Appellant: Bradley Davis, 36 Sawyer St, Unit 1, Portland, ME 04101

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

0:16:04 - The tenant speaks to the new information submitted by themselves and the Landlord.

0:36:56 through 0:52:41 - Public comment received.

0:53:03 - The tenant responds to public comments.

1:02:55 - Matthew Lax moves to close the record and proceed with deliberations. Seconded by Caleb Roebuck. (7-0) The motion passes.

1:41:49 - Matthew Walker moves to find that the rent increase for 2024 is in violation of section 6-234 (d). Seconded by Matthew Lax. (7-0) The motion passes.

1:44:34 - Matthew Lax moves to find that a Landlord is not capable of banking rent due to being unregistered pursuant to Section 6-235. The motion is not seconded.

1:55:35 - Christopher "Buddy" Moore moves to find that the current Landlord is not entitled for bank rent for the year 2022-2023, as they were found to be in substantial noncompliance and therefore not entitled to any rent increase. Seconded by Anne-Laure Razat.

2:10:45 - Christopher "Buddy" Moore rescinds his previous motion.

2:11:50 - Matthew Walker moves to find that due to substantial noncompliance in 2022-2023, the landlord may not have demanded, accepted, or retained a rent increase in 2022 and 2023 pursuant to Section 6-234(f). As a result, the Landlord is not entitled to retain the banked rent related those increases pursuant to Section 6-235. Seconded by Caleb Roebuck. (4-3, Carreras, Lax, and Mathieu vote no) The motion passes.

2:19:54 through 2:25:44 - The Board takes a recess.

2:36:49 - Matthew Lax moves to find that the Rent Board does not have jurisdiction to rule that the Landlord falsified information on the property's registration. Seconded by Kristen Carreras.

2:49:51 - Matthew Lax amends the motion on the table to find The board does not have the jurisdiction to take action or impose penalties in regards to the allegation that information was falsified on the property's registration. Seconded by Caleb Roebuck. (5-2, Moore and Walker vote no) The motion passes.

2:55:16 - Caleb Roebuck moves to make an advisory finding that the information on the property's rental registration form is false pursuant 6-151(f). Seconded by Matthew Lax.

2:57:03 - The motion is amended to find that the rental registration form for 2024 is false and incomplete due to missing information and rental units remain unregistered pursuant to 6-151(f). (5-1-1, Carreras votes no, Razat abstains) The motion passes.

3:25:05 - Matthew Walker moves to find that pulling the offer of a lease renewal was a retaliatory action. Seconded by Caleb Roebuck. Amendments are made to include "refusing to negotiate a new offer" and "in response to questions regarding the legality of the rent increase."

3:30:08 - Christopher "Buddy" Moore restates the motion to find that the Landlord has failed to substantially rebut the presumption that their actions were retaliatory pursuant to section 6-237(e). Seconded by Philip Mathieu. (7-0) The motion passes.

3:32:08 - Anne-Laure Razat moves to find that the withdrawal of the offer of lease renewal and refusal to negotiate the renewal was a retaliatory action by the Landlord pursuant to section 6-237(e). Seconded by Matthew Walker. (7-0) The motion passes.

4:18:33 - Christopher "Buddy" Moore moves to implement a fine of \$100 a day beginning on May 2, 2024 on the condition that this schedule does not dictate around future fine schedules that are implemented. There is no second.

4:40:00 - Rent Board decided to move to #1 before concluding the motion on #7.

5:21:15 - Christopher "Buddy" Moore moves to issue a fine of \$2,500 as a lump sum to the landlord and as of the date of finding issue a \$250 fine per day for every day that the landlord is in violation of section 6-237(e).

5:23:31 - Christopher "Buddy" Moore amends the previous motion to add the language "so long as the Landlord and Tenant engage in good faith negotiation." There is no second.

5:49:35 - Matthew Walker moves to set the penalty for retaliation, pursuant to section 6-237(e), to \$200 per day fine be assessed from the date the lease renewal was withdrawn (April 2, 2024) until the first Rent Board hearing of this complaint (May 2, 2024) totalling \$6000. Any fines to be paused during Rent Board proceedings and resume at \$200 per day after a decision is finalized, until a lease is substantially similar to the original is offered and rent is collected for a year or 90 days following the lawful termination of the lease. Seconded by Matthew Lax.

6:07:33 - Matthew Walker amends the previous motion to set penalty for retaliation, pursuant to section 6-237(e), to \$200 per day fine be assessed from date lease renewal was withdrawn (April 2, 2024) until the first Rent Board hearing of this complaint (May 2, 2024) totalling \$6,000, fines be paused during rent board proceedings and unpaue at \$200 per day after decision (May 22, 2024) until original lease is offered for the complete term with corrected rent or until a written and signed mutual agreement between the two parties or upon the legal

termination of the tenancy. Seconded by Philip Mathieu. (6-1, Carreras votes no) The motion passes.

6:32:31 - Philip Mathieu moves to table remaining deliberations of the 36 Sawyer St tenant rights complaint to May 29, 2024 at 6:00 PM. Seconded by Matthew Walker. (7-0) The motion passes.

VI. Adjourn

6:34:45 - Caleb Roebuck moves to adjourn the meeting. Seconded by Christopher "Buddy" Moore. (7-0) The motion passes.

Remote Rent Board Meeting Minutes - Held Via Zoom

May 29, 2024

II. Roll Call - 0:01:05

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

Staff present:

Dylan Orr, Rental Registration Coordinator
Adam O'Connor, Rental Registration Inspector
Mercedes Bohaty, Licensing & Registration Assistant
Benjamin Plante, Esq., Counsel for the Rent Board

III. Communications

No communications received.

No written public comment received.

IV. Unfinished Business

a. Tenant Rights Appeal - 0:01:30

Appellant: Bradley Davis, 36 Sawyer St, Unit 1, Portland, ME 04103
Property Owner: Elizabeth Kane, 16252 Bush Rd, Nevada City, CA 95959
CBL: 138-A-012-001

0:17:46 - Caleb Roebuck joins the meeting.

0:21:30 - Christopher "Buddy" Moore moves to penalize the landlord for a violation of Section 6-234(c) at an amount of \$100 for every month an illegal rent amount was collected, 11 months, totaling \$1,100. (June 2023 - April 2024) Seconded by Philip Mathieu. (5-1, Carreras votes no, Roebuck abstains) The motion passes.

0:35:55 - Kristen Carreras moves to impose a one time penalty of \$200 for a single instance in violation of 6-234(d), attempting to raise the rent without appropriate explanation. Seconded by Christopher "Buddy" Moore. (7-0) The motion passes.

0:46:39 - Anne-Laure Razat moves to penalize the landlord for violation of section 6-234(b)(2) for the one time fine for the amount of \$300 for claiming that the termination of the previous unit was voluntary. Seconded by Christopher "Buddy" Moore.

1:05:03 - Anne-Laure Razat moves to amend the previous motion to penalize landlord in violation of 6-234(b)(2) for a one time fine of \$300 to attempt to bank rent increase due to the departure of the previous tenant being found to be involuntary by the Board. Seconded by Christopher "Buddy" Moore. (5-2, Carreras and Mathieu vote no) The motion passes.

1:23:25 - Matthew Lax moves to find one violation for failing to register for 2023, to fine in the amount of \$300, recognizing a \$200 late fee was already paid in regards to the registration. Seconded by Philip Mathieu. (7-0) The motion passes.

1:39:08 - Kristen Carreras moves to find the Landlord in violation of section 6-238(b) and 6-238(c), the penalty for not providing the document to tenants in covered units is a one time fine of \$300. Seconded by Matthew Lax. (7-0) The motion passes.

1:58:28 - Matthew Lax moves to impose a one time penalty of \$500 based on the time the document was not posted and that there was a violation of 6-238(d). Seconded by Kristen Carreras. (7-0) The motion passes.

2:09:09 - Philip Mathieu schedules a special meeting for Monday, June 3, 2024 at 6:30 PM to finalize the Findings of Fact and Conclusions of Law for this item.

V. New Business

a. Discussion of Schedule and Logistics - 2:13:22

The Board discusses the backlog of rent increase applications and the possibility of scheduling additional special meetings. No motions are made during this item.

b. Consideration and Vote on Changes to Rent Board Rules and Procedures - 2:21:50

2:39:41 - Matthew Walker moves to table consideration of the proposed rule regarding public access. Seconded by Caleb Roebuck. (7-0) The motion passes.

VI. Adjourn

2:40:44 - Caleb Roebuck moves to adjourn. Seconded by Matthew Lax. (7-0) The motion passes.

Remote Rent Board Meeting Minutes - Held Via Zoom

Monday, June 3, 2024

II. Roll Call - 0:01:12

Anne-Laure Razat, Tenant, At-Large
Kristen Carreras, Landlord, At-Large
Matthew Lax, Tenant, District 1
Matthew Walker, Tenant, District 2
Christopher "Buddy" Moore, Tenant, District 3 - Vice Chair
Caleb Roebuck, Tenant, District 4
Philip Mathieu, Tenant, District 5 - Chair

Staff present:

Dylan Orr, Rental Registration Coordinator
Adam O'Connor, Rental Registration Inspector
Benjamin Plante, Esq., Counsel for the Rent Board

III. Communications

a. Written Public Comment

0:02:45 - The Chair, Philip Mathieu, summarizes the written public comment submitted regarding the public access rule proposed at the previous meeting.

IV. Unfinished Business

a. Findings of Fact and Conclusions of Law - 36 Sawyer St Tenant Rights Complaint

- 0:04:36

0:04:36 through 2:41:49 - The draft decision form is shared on the screen while the document is finalized.

0:57:05 through 1:03:02 - The Board takes a recess.

2:11:57 - Matthew Walker moves to include the language "the prior lease's termination is not considered to be lawful termination for the purposes of this finding." Seconded by Matthew Lax. (7-0) The motion passes.

2:40:28 - Matthew Walker moves to approve the document as written. Seconded by Kristen Carreras. (7-0) The motion passes.

V. Adjourn

2:42:08 - Kristen Carreras moves to adjourn the meeting. Seconded by Matthew Walker. (7-0) The motion passes.

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: City Council Meeting - Recusal Rule Approval

The proposed procedure regarding recusals approved by the Rent Board on April 24, 2024 will be considered by City Council during their meeting scheduled for July 15, 2024 at 4:00 PM. The Chair and/or Vice Chair are required to attend the meeting for the hearing of this item.

Thank you,

City of Portland
Business Licensing & Housing Safety Office

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

Date of Hearing

August 23, 2023 - Tabled to December 27, 2023 - Tabled to April 24, 2024 - Tabled to May 22, 2024 - Tabled to June 26, 2024

Owner Name and Address

Forty Nine 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

19 Parris St, Units 1-9

CBL

033-I-005-001

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 December 27, 2023 - Tabled to April 24, 2024 - Tabled to May 22, 2024 - Tabled to June 26, 2024

Owner Name and Address

Spar Inc, 82 Hanover St. Portland, ME 04101

Landlord's Representative and Address

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

Property Address

20 Melbourne St, all 7 units

CBL

014-G-014-001

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 December 27, 2023 - Tabled to April 24, 2024 - Tabled to May 22, 2024 - Tabled to June 26, 2024

Owner Name and Address

West Company, 82 Hanover St. Portland, ME 04101

Landlord's Representative and Address

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

Property Address

55 William St, all 12 units

CBL

116-A-025-001

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 December 27, 2023 - Tabled to April 24, 2024 - Tabled to May 22, 2024 - Tabled to June 26, 2024

Owner Name and Address

West Company, 82 Hanover St. Portland, ME 04101

Landlord's Representative and Address

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

Property Address

60 Carleton St, all 4 units

CBL

063-D-013-001

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))

Article XX.

Section X. All agenda items to the Rent Board's proceedings are subject to the Maine Freedom of Access Act's public records, public meeting, and public notice requirements. As such, the public is entitled to access the Rent Board's records, except to the extent such records are privileged or confidential pursuant to Maine law, and to attend the Rent Board's meetings, and to participate in the Rent Board's public proceedings and documentation. To ensure this access, it shall be the practice of the Rent Board to provide public notice for any item before the board no less than 7 days before the meeting. Such notice shall include, but is not limited to:

- i. A summary sheet indicating the relevant parties to the item, the type of application being considered, as well as the date, time, and location of the meeting;
- ii. The full application materials submitted for the item, redacted when required by law;
- iii. Any supplemental documentation provided with the application for the Board's consideration, including but not limited to:
 - Accounting Ledgers;
 - Cost Receipts;
 - Communications between the parties (mails/emails/etc);
- iv. Any other meeting materials provided to members of the Rent Board not specifically listed above.

Section X. When the materials made available to the public pursuant to [insert citation to the rule directly above] contain information that is privileged and/or confidential pursuant to Maine law, the City's Public Access Officer/Corporation Counsel, or her/his/their designee, shall be responsible for reviewing the materials

Commented [BP1]: It is not clear to me whether these rules will be inserted into an existing Article within the Board's rules, or will be included as a standalone Article.

Commented [BP2]: Please revise to identify the correct City official if this is incorrect.

~~and redacting from the materials any information that is privileged and/or confidential pursuant to Maine law before making it available to the public, such privileged and/or confidential from the materials made available to the public.~~

~~Rent Board understands that some items in a submission may be considered sensitive information which parties may not wish to be available to the public. At the discretion of the Rent Board Chair, the publicly-posted materials may be redacted to remove sensitive information such as:~~

- ~~●—Personal information other than that of the applicant, such as tenants' or landlords' personal phone numbers or home addresses~~

- Bank statements or cashed checks which include account numbers or other banking information

~~In these instances, the full documentation will still be included in publicly accessible meeting agendas, however the contact information and/or account numbers will be blocked out.~~

~~Notwithstanding the above provision, HSO will make available to members of the public complete, unredacted copies of application materials on request and in accordance with all relevant provisions of law.~~



To: Rent Board
From: Licensing and Housing Safety Division
Re: Public Access Procedure Change

Licensing & Housing Safety staff is aware that the Rent Board is considering adopting a rule which would require the City to post on its website all of the application materials at least 7 days before the meeting. It is important for the Board to know that all of the City's Freedom of Access Act requests are reviewed and, if necessary, redacted, by the City's Office of Corporation Counsel. That responsibility cannot be outsourced to Board members or other City staff. If the Rent Board adopts this rule, all Rent Board applications or complaints requiring review and redaction would be added to the current backlog of FOAA requests. Any new requests would be placed in the FOAA queue in the order received. As a result, if implemented, the proposed procedure change regarding public access to applications for the Rent Board will affect the timeliness in which applications are placed on the meeting agendas. Currently, the deadline for new applications is three weeks prior to a regular Rent Board meeting. The implementation of this new rule would require additional time for the Corporation Counsel's Office to review and redact application materials and therefore, the deadline to submit materials will need to be adjusted significantly to account for the extra time required.

Thank you,

City of Portland
Business Licensing & Housing Safety Division