

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.