

Remote Rent Board Meeting Minutes - Held Via Zoom

Monday, August 5, 2024

I. Roll Call - 0:00:20

Christopher "Buddy" Moore, Tenant, District 3 - Chair

Philip Mathieu, Tenant, District 5 - Vice Chair

Anne-Laure Razat, Tenant, At-Large

Matthew Walker, Tenant, District 2

Matthew Lax, Tenant, District 1

Caleb Roebuck, Tenant, District 4

Kristen Carreras, Landlord, At-Large (Absent)

Staff present:

Dylan Orr, Rental Registration Coordinator

Adam O'Connor, Rental Registration Inspector

Benjamin Plante, Esq., Counsel for the Rent Board

II. Unfinished Business

a. Tenant Rights Appeal - 0:00:56

Appellant: Jamie Devins & Evan Long, 44 Dirigo St, Unit #2, Portland, ME 04102

Property Owners: James Lannon, 1530 Congress St, Portland, ME 04102

Julie Contreras-Lannon, 172 Bradley St, Portland, ME 04102

CBL: 188-A-009-001

0:01:04 - Matthew Lax states on the record the preparations they have made for the meeting due to absence at the previous meeting.

0:02:37 - Matthew Walker moves to reopen public comment. Seconded by Philip Mathieu. (6-0; Carreras absent) The motion passes.

0:04:10 - The appellant, Evan Long, presents new information submitted.

0:29:30 - Property owners James Lannon and Julie Contreras-Lannon present new information submitted.

0:53:53 - Philip Mathieu shares screen with email from James Lannon to Evan Long and Jamie Devins for the public and board members to review.

0:56:53 - Public comment received from Bradley Davis.

1:00:10 - Evan Long responds to public comment.

1:04:56 - James Lannon and Julie Contreras-Lannon respond to public comment.

1:44:28 - Philip Mathieu moves to close public comment and move into deliberations. Seconded by Matthew Lax. (6-0; Carreras absent) The motion passes.

1:45:30 - Philip Mathieu reads the list of alleged violations.

2:03:00 - Philip Mathieu moves to find the board does not have jurisdiction of Chapter 6 Article 6 and to find that the board has jurisdiction of Chapter 6 Article 12 including Section 6-233. Seconded by Caleb Roebuck. (5-1; Walker votes no, Carreras absent) The motion passes.

2:21:53 - Anne-Laure Razat moves to find the board does not possess the jurisdiction to adjudicate or impose penalties with respect to violations in Section 6-224. Seconded by Philip Mathieu. (4-2; Walker and Moore vote no, Carreras absent) The motion passes.

2:26:30 - Anne-Laure Razat moves the activities in the complaint that cites Section 6-224 is in fact a violation of 6-238(b) through 6-238(d) and the board finds that the landlords violated sections 6-238(b) through 6-238(d) by failing to comply with the notice and acknowledgement part of that section. Seconded by Mathew Lax. (5-1; Lax votes no, Carreras absent) The motion passes.

2:28:45 - Philip Mathieu moves the landlords violated Section 6-233 by failing to register in compliance with Section 6-151. Seconded by Matthew Lax. (6-0; Carreras absent) The motion passes.

2:32:16 - Philip Mathieu moves on the basis of the previous finding on jurisdiction, the Board finds that it has no further jurisdiction over complaints 2, 3, and 4. Seconded by Matthew Lax. (4-2; Walker and Chair votes no, Carreras absent) The motion passes.

2:43:57 - Benjamin Plante discusses changes within the Rent Stabilization Ordinance from 2020 to 2022.

3:03:00 - Mathew Lax moves the Rent Board finds that in relation to allegation number 5, the rental increase given in August 2022 that was noticed on May 25th 2022 was incorrectly noticed in violation of Section 6-234(d). Seconded by Philp Mathieu. (6-0; Carreras absent) The motion passes.

3:38:00 through 3:49:20 - The Board takes a brief recess.

4:01:20 - Mathew Walker moves the May 25th, 2022 rent increase notice set for August 2022 had a rent increase that was not allowable. Seconded by Matthew Lax. (4-2; Mathieu and Moore vote no, Carreras absent) The motion passes.

4:22:39 - Philip Mathieu moves to find that based on the facts of this case the previous violations in Section 6-238 and Section 6-233 each independently constitute substantial non-compliance with provisions of the Rent Stabilization Ordinance. Seconded by Matthew Lax. (6-0; Carreras absent) The motion passes.

4:45:12 - Philip Mathieu moves given the previous finding that substantial non-compliance from January 2023 to present, the landlord is not entitled to collect \$100 per month above the previously legal rent from January 2023 to present. Seconded by Matthew Lax. (6-0; Carreras absent) The motion passes.

4:50:35 - Matthew Lax moves in regards to allegation 6, the Board finds the rent increase for December 2023, noticed on October 1, 2023 was in violation of 6-234(d) for lack of proper paperwork. Seconded by Philip Mathieu. (6-0; Carreras absent) The motion passes.

5:23:14 - Philip Mathieu moves to find the continuation of conversation at least through December 5 constitutes an ongoing complaint within the 6 month period. Seconded by Matthew Walker. (3-3; Roebuck, Lax and Razat vote no, Carreras absent) The motion fails.

5:54:10 - Matthew Lax moves that based on the evidence presented and the facts of this complaint that the Board does not find that the May notice to vacate was retaliatory action. Seconded by Caleb Roebuck. (5-1; Moore votes no, Carreras absent) The motion passes.

5:57:41 - Anne-Laure Razat moves that the board finds that this is a non-voluntary turnover of the unit. Seconded by Caleb Roebuck (6-0; Carreras absent) The motion passes.

6:03:37 - Philip Mathieu moves to table the consideration of this item to the August 19 special meeting. Seconded by Anne-Laure Razat. (6-0; Carreras absent) The motion passes.

III. Adjourn

6:04:27 - Caleb Roebuck moves to Adjourn. Seconded by Matthew Lax. (6-0; Carreras absent) The motion passes.