RENT BOARD
September 25, 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
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+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
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+1 669 444 9171 US
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Webinar ID: 863 4753 5152
Passcode: 233330
International numbers available: https://portlandmaine-gov.zoom.us/u/kd3GhVyUOe

II. ROLL CALL:

III. APPROVAL OF MINUTES

a. August 19, 2024 Minutes

b. August 28, 2024 Minutes

c. September 18, 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. Sec. 6-234(a) - 2025 Allowable Increase Percentage (AIP) - Public Comment

V. UNFINISHED BUSINESS:

a. Election of Vice Chair

b. Rent Increase Appeal - Public Comment
Appellant: Trelawny Tenants Union
Address: 59 State St
Owner: 59 State Street LLC, 657 Congress St, First Floor, Portland, ME 04101
CBL: 044-B-047-001

c. Rent Increase Appeal - Public Comment
Appellant: Trelawny Tenants Union
Address: 655 Congress St
Owner: Trelawny 657 LLC, 657 Congress St, First Floor, Portland, ME 04101
CBL: 046-D-021-001

d. Changes to Rent Board Rules & Procedures

e. Findings of Fact and Conclusions of Law for Decisions from August 19, 2024 and August 28, 2024 Meetings

f. Rent Increase Application - Public Comment
Owner: West Street Partners LLC, 82 Hanover St Ste 5, Portland, ME 04101
Representative: Caleb Normandeau with Port Property, 188 State St Unit 309, Portland, ME 04101

Address: 40 West St, all 12 units
CBL: 063-H-004-001

g. Rent Increase Application - Public Comment
Owner: BJB Realty LLC, 175 Lancaster St Ste 209, Portland, ME 04101
Representative: BJB Realty LLC, 175 Lancaster St Ste 209, Portland, ME 04101
Address: 231 State St
CBL: 046-A-010-001

h. Rent Increase Application - Public Comment
Owner: BJB Realty LLC, 175 Lancaster St Ste 209, Portland, ME 04101
Representative: BJB Realty LLC, 175 Lancaster St Ste 209, Portland, ME 04101
Address: 221 Woodford St
CBL: 130-E-001-001

i. Rent Increase Application - Public Comment
Owner: BJB Realty LLC, 175 Lancaster St Ste 209, Portland, ME 04101
Representative: BJB Realty LLC, 175 Lancaster St Ste 209, Portland, ME 04101
Address: 124 Emery St
CBL: 062-C-009-001

j. Rent Increase Application - Public Comment
Owner: Eastern Residential Inc., 82 Hanover St, Portland, ME 04101
Representative: David Bergeron with Port Property, 82 Hanover St, Portland, ME 04101
Address: 13 Montreal St, Units 1-8 (Legal address is 304 Eastern Promenade)
CBL: 015-B-001-002

k. Rent Increase Application - Public Comment
Owner: Eastern Residential Inc., 82 Hanover St, Portland, ME 04101
Representative: David Bergeron with Port Property, 82 Hanover St, Portland, ME 04101
Address: 19 Montreal St, Units 1-8 & B (Legal Address is 304 Eastern Promenade)
CBL: 015-B-001-002

l. Rent Increase Application - Public Comment
Owner: Eastern Residential Inc., 82 Hanover St, Portland, ME 04101
Representative: David Bergeron with Port Property, 82 Hanover St, Portland,

ME 04101
Address: 304 Eastern Promenade, Units 1-8
CBL: 015-B-001-002

VI. New Business

a. Schedule October Special Meeting

VII. Adjourn

Remote Rent Board Meeting Minutes - Held Via Zoom

August 19, 2024

II. Roll Call - 0:00:20

Christopher "Buddy" Moore, Tenant, District 3 - Chair
Philip Mathieu, Tenant, District 5 - Vice Chair (leaves meeting at 1:29:40)
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

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

III. Unfinished Business - 0:02:12

0:03:25 - Kristen Carreras and Matthew Lax state on the record the preparations they have made for the meeting due to absence at the previous meeting.

a. **Rent Increase Application** - 0:05:21
   Owner: Forty Nine LLC, 82 Hanover St. Portland, ME 04101
   Agent: David Bergeron with Port Property, 82 Hanover St, Portland, ME 04101
   Property Address: 19 Parris St, Units 1-9
   CBL: 033-I-005-001

0:07:38 - David Bergeron's email is presented to the Rent Board.

0:12:32 - Matthew Lax moves to deny the application and request the applicant submit a new application under the current ordinance.

0:15:15 - Matthew Lax withdraws their previous motion.

0:15:38 - Philip Mathieu moves to approve the application for 19 Parris St in the amount of $94.22 per month. Seconded by Kristen Carreras. (4-2; Moore and Roebuck vote no, Walker recused) The motion passes.

b. **Rent Increase Application -** 0:16:45
Owner: Spar Inc, 82 Hanover St, Portland, ME 04101
Agent: David Bergeron with Port Property, 82 Hanover St, Portland, ME 04101
Property Address: 20 Melbourne St, all 7 units
CBL: 014-G-014-001

0:18:43 - Philip Mathieu moves to approve for 20 Melbourne St in the amount of $93.37 per month. Seconded by Kristen Carreras. (4-2; Moore and Roebuck vote no, Walker recused) The motion passes.

c. **Rent Increase Application** - 0:19:38
Owner: West Company, 82 Hanover St, Portland, ME 04101
Agent: David Bergeron with Port Property, 82 Hanover St, Portland, ME 04101
Property Address: 55 William St, all 12 units
CBL: 116-A-025-001

0:20:00 - Philip Mathieu moves to approve the application for 55 William St in the amount of $86.09 per month. Seconded by Kristen Carreras. (4-2; Moore and Roebuck vote no, Walker recused) The motion passes.

d. **Rent Increase Application -** 0:20:43
Owner: West Company, 82 Hanover St, Portland, ME 04101
Agent: David Bergeron with Port Property, 82 Hanover St, Portland, ME 04101
Property Address: 60 Carleton St, all 4 units
CBL: 063-D-013-001

0:21:12 - Philip Mathieu moves to approve the application for 60 Carleton St in the amount of $194.98 per month. Seconded by Kristen Carreras. (4-2; Moore and Roebuck vote no, Walker recused) The motion passes.

e. **Tenant Rights Appeal -** 0:22:40
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
Property Address: 44 Dirigo St, Portland, ME 04102
CBL: 188-A-009-001

0:27:22 - Caleb Roebuck moves to accept the new email into public record. Seconded by Matthew Lax. (5-2; Lax and Carreras vote no) The motion passes.

1:12:15 - Philip Mathieu moves to rescind previous finding of non-retaliation and continue discussion of this item at the next scheduled meeting. Seconded by Caleb Roebuck. (5-2; Lax and Carreras vote no) The motion passes.

1:16:15 - Philip Mathieu requests a vote to bring the Landlord for comment. (1-6; Moore votes yes) The motion fails.

1:21:31 - Philip Mathieu moves to find an advisory finding emails from August 5th and August 7th could constitute violations of section 6-239 and advise the applicant to file a complaint with Housing Safety or amend their complaint to include those violations. Seconded by Matthew Lax. (7-0) Motion passes.

1:28:24 - Philip Mathieu moves to table further consideration until the next regular scheduled meeting on August 28, 2024. Seconded by Matthew Lax. (7-0) Motion passes.

IV. New Business

1:29:33 - Philip Mathieu leaves the meeting.

1:30:12 - Matthew Walker voluntarily recuses himself from the next two agenda items.

1:30:42 through 1:36:33 - The Board takes a recess.

1:38:38 - The Chair moves to enter into executive session pursuant to I MRS § 405(6)(e) for consultation between the Rent Board and its attorney concerning the Board's legal rights and duties in respect to the Trelawny Tenants' Union complaint currently before the board. Seconded by Caleb Roebuck. (5-0; Mathieu absent, Walker recused) The motion passes.

1:40:21 - 2:41:06 - Executive Session takes place.

a. **Tenants Rights Hearing -** 2:41:20
   Appellant: Trelawny Tenants' Union, Ethan, Matt, Jordan, Han
   Property Owners: 59 State Street LLC, 657 Congress St, First Floor Portland, ME 04101
   Property Address: 59 State Street, Portland, ME 04101
   CBL: 044-B-047-001

b. **Tenants Rights Hearing -** 2:41:20
   Appellant: Trelawny Tenants' Union, Ethan, Matt, Jordan, Han
   Property Owners: Trelawny 657 LLC, 657 Congress St, First Floor, Portland, ME 04101
   Property Address: 655 Congress Street, Portland, ME 04101
   CBL: 046-D-021-001

2:45:20 - Trelawny Tenants' Union presents the complaint.

3:05:32 - Jeremy Dean responds on behalf of 59 State Street LLC and Trelawny 657 LLC.

3:18:53 - Trelawny Tenants' Union provides rebuttal by Ethan Strimling.

3:26:03 - Jeremy Dean provides rebuttal on behalf of 59 State Street LLC and Trelawny 657 LLC.

3:31:25 - Trelawny Tenants' Union member, Jordan, provides a response.

3:34:54 - Trelawny Tenants' Union member, Han, provides a response.

3:36:40 - Jeremy Dean responds on behalf of 59 State Street LLC and Trelawny 657 LLC.

No public comment received.

5:16:27 - Matthew Lax moves to table the item for and to discuss rescheduling at the next regular meeting and request from both parties the information items that had been discussed in regards to other issues of non-compliance and internal auditing or other procedures to prevent further overcharges. Seconded by Anne-Laure Razat. (5-0; Mathieu absent, Walker recused) The motion passes.

V. Adjourn

5:19:21 - Caleb Roebuck moves to adjourn. Seconded by Kristen Carreras. (6-0; Mathieu absent) The motion passes.

Remote Rent Board Meeting Minutes - Held Via Zoom

August 28, 2024

II. Roll Call - 0:00:06

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

Staff present:
Dylan Orr, Rental Registration Coordinator
Adam O'Connor, Rental Registration Inspector
Benjamin Plante, Esq., Counsel for the Rent Board
Amy McNally, Associate Corporation Counsel

III. Approval of Minutes - 0:02:44

a. **July 24, 2024 Minutes -** See 0:03:18

b. **August 5, 2024 (Special Meeting) Minutes -** See 0:03:18

0:03:18 - Matt Walker moves to approve both sets of minutes as written. Seconded by Kristen Carreras. (5-0; Roebuck and Mathieu absent) The motion passes.

IV. Communication

a. **Memo regarding 36 Sawyer St** - See 1:48:57

b. **Written Public Comment** - See 1:52:50

V. Unfinished Business - 0:04:25

a. **Tenant Rights Appeal** - 0:04:30

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
Property Address: 44 Dirigo St, Portland, ME 04102
CBL: 188-A-009-001

0:07:01 - The landlord, James Lannon, provides a statement regarding an email that was entered into the public record during the previous meeting.

No public comment received.

0:30:32 - Anne-Laure Razat moves based on evidence presented and the facts of the complaint, the Board finds that the May 2024 notice to vacate and the subsequent documents, email correspondence from the landlord to the tenant in July and August 2024 were not retaliatory actions. Seconded by Kristen Carreras. (5-0; Roebuck and Mathieu absent) The motion passes.

0:40:58 - Matthew Walker moves to assign a $300 fine for violations of sections 6-238(b) and 6-238(c) and a $500 fine for violation of section 6-238(d). Seconded by Matthew Lax. (5-0; Roebuck and Mathieu absent) The motion passes.

0:54:30 - Matthew Lax moves the board to assess a fine of $350 for failure to register in 2022 and a fine of $450 for failure to register for the subsequent year of 2023 as they were both full years and at the point of 2023 the landlord should have been fully aware this was a requirement. Seconded by Matthew Walker. (4-1; Carreras votes no, Roebuck and Mathieu absent). The motion passes.

0:57:12 - Anne-Laure Razat moves to assess a $200 fine to the landlords for providing a rent increase notice that did not comply with section 6-243(b) requirements. Seconded by Kristen Carreras. (5-0; Roebuck and Mathieu absent). The motion passes.

1:05:40 - Christopher "Buddy" Moore moves to not apply any fines for the violation of section 6-234(f).

1:11:45 - Christopher "Buddy" Moore withdraws their previous motion.

1:13:18 - Anne-Laure Razat moves to assess a $200 fine to the landlords for providing a rent increase notice from October 2023 to the tenants that did not comply with section 6-243(d) requirements. Seconded by Matthew Lax. (5-0; Roebuck and Mathieu absent). The motion passes.

b. **Schedule Rent Increase Appeal Hearing for 59 State St & 655 Congress St** - 1:17:43

1:18:16 - Matthew Walker is recused.

1:22:57 - Christopher "Buddy" Moore moves to schedule a special meeting for September 18, 2024. Seconded by Matthew Lax. (4-0; Walker recused, Roebuck and Mathieu absent). The motion passes.

c. **Changes to Rent Board Rules & Procedures** - 1:24:47

1:24:47 through 1:47:54 - Board members discuss proposed changes to rules and procedures. No motions are made during this item.

1:47:56 - Amy McNally presents 36 Sawyer St memo from agenda item IV.a.

1:52:08 - Christopher "Buddy" Moore acknowledges written public comment from agenda item IV.b.

1:54:00 through 2:05:27 - The Board takes a recess.

VI. New Business - 2:05:32

2:10:38 - Christopher "Buddy" Moore moves to table items VI.a., VI.b., and VI.c. to the September 25, 2024 meeting and directs the applicant to fill out the provided PDF file and spreadsheet supplied by the Rent Board. Seconded by Kristen Carreras.

2:29:10 - Christopher "Buddy" Moore withdraws the previous motion.

a. **Rent Increase Application** - 2:39:12
   Owner: BJB Realty LLC, 175 Lancaster St Ste 209, Portland ME 04101
   Representative: BJB Realty LLC, 175 Lancaster St Ste 209, Portland ME 04101
   Address: 231 State St
   CBL: 046-A-010-001

2:54:09 - Anne-Laure Razat moves to table the application to the September 25, 2024 meeting with the expectation that the application resubmit with the requested changes. Seconded by Matthew Walker. (5-0; Roebuck and Mathieu absent). The motion passes.

b. **Rent Increase Application** - 2:55:32
   Owner: BJB Realty LLC, 175 Lancaster St Ste 209, Portland ME 04101
   Representative: BJB Realty LLC, 175 Lancaster St Ste 209, Portland ME 04101
   Address: 221 Woodford St
   CBL: 130-E-001-001

3:05:40 - Anne-Laure Razat moves to table the application to the September 25, 2024 meeting with the expectation that the application resubmit with the requested changes. Seconded by Matthew Lax. (5-0; Roebuck and Mathieu absent). The motion passes.

c. **Rent Increase Application** - 3:06:35
   Owner: BJB Realty LLC, 175 Lancaster St Ste 209, Portland ME 04101
   Representative: BJB Realty LLC, 175 Lancaster St Ste 209, Portland ME 04101
   Address: 124 Emery St
   CBL: 062-C-009-001

3:12:12 - Anne-Laure Razat moves to table the application to the September 25, 2024 meeting with the expectation that the application resubmit with the requested changes. Seconded by Kristen Carreras. (5-0; Roebuck and Mathieu absent). The motion passes.

d. **Rent Increase Application** - 3:16:00
   Owner: Evan Kumagae and Emily Kumagae, 175 Soper Rd, Durham, ME 04222
   Address: 23 Pembroke St
   CBL: 428-B-006-001

3:27:02 - The landlords, Evan Kumagae and Emily Kumagae, present the application.

3:35:16 - Emily Rose provides public comment.

4:05:50 - Christopher "Buddy" Moore moves due to the costs laid out in the application, the Board finds the application qualifies as a major renovation or major reconfiguration. Seconded by Matthew Lax. (5-0; Roebuck and Mathieu absent). The motion passes.

4:37:21 - Anne-Laure Razat moves to set the base rent for all three units to $3,293.89 per month dependent on aforementioned conditions of approval relating to renovation completion and supported documentation being provided. Seconded by Kristen Carerras.

4:38:50 - Anne-Laure Razat amends the previous motion to add the conditions of approval to
1. The landlord cannot charge tenants the base rent increases authorized above until
   a. The landlord has completed renovations and
   b. The landlord presents further documentation to the rent board such as receipts, invoices, and payments etc. verifying the landlord's actual cost to renovate units 1, 2, and 3. The landlord must come back to the board once renovations are complete with documentation verifying the construction costs to improve all three units.
2. The board reserves the right to adjust the base rent increase to all three units if the landlord's construction costs are less than or exceed the anticipated $477,371 to renovate all three units.
3. The landlord must be required to submit a new application for base rent increase if the construction costs exceed 20% of the estimated cost to renovate the three units.
Seconded by Christopher "Buddy" Moore. (5-0; Roebuck and Mathieu absent). The motion passes.

VII. Adjourn

4:41:11 - Anne-Laure Razat moves to adjourn. Seconded by Kristen Carreras. (5-0; Roebuck and Mathieu absent). The motion passes.

Remote Rent Board Meeting Minutes - Held Via Zoom

September 18, 2024

II. Roll Call - 0:07:40

Christopher "Buddy" Moore, Tenant, District 3 - Chair
Austin Sims, Homeowner, District 5 (Absent)
Anne-Laure Razat, Tenant, At-Large
Matthew Walker, Tenant, District 2
Matthew Lax, Tenant, District 1
Caleb Roebuck, Tenant, District 4 (Absent)
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

III. Unfinished Business

a. **Rent Increase Appeal** - See 0:54:50
   Appellant: Trelawny Tenants Union
   Address: 59 State Street
   Property Owner: 59 State Street LLC, 657 Congress St, First Floor, Portland, ME 04101
   CBL: 044-B-047-001

b. **Rent Increase Appeal** - See 0:54:50
   Appellant: Trelawny Tenants Union
   Address: 655 Congress St
   Property Owner: Trelawny 657 LLC, 657 Congress St, First Floor, Portland, ME 04101
   CBL: 046-D-021-001

c. **Rent Increase Application** - See 0:54:50
   Owner: Eastern Residential Inc., 82 Hanover St, Portland, ME 04101
   Representative: David Bergeron with Port Property, 82 Hanover St, Portland, ME 04101
   Address: 13 Montreal St, Units 1-8 (Legal Address is 304 Eastern Promenade)
   CBL: 015-B-001-002

d. **Rent Increase Application** - See 0:54:50
Owner: Eastern Residential Inc., 82 Hanover St, Portland, ME 04101
Representative: David Bergeron with Port Property, 82 Hanover St, Portland, ME 04101
Address: 19 Montreal St, Units 1-8 (Legal Address is 304 Eastern Promenade)
CBL: 015-B-001-002

e. **Rent Increase Application** - See 0:54:50
Owner: Eastern Residential Inc., 82 Hanover St, Portland, ME 04101
Representative: David Bergeron with Port Property, 82 Hanover St, Portland, ME 04101
Address: 304 Eastern Promenade, Units 1-8
CBL: 015-B-001-002

f. **Findings of Fact and Conclusions of Law for Applications from August 19,2024 and August 28, 2024 Meetings**

0:24:28 - Matthew Walker moves to approve 23 Pembroke St decision form. Seconded by Matthew Lax. (4-0; Carrerras, Roebuck, and Sims absent). The motion passes.

0:54:00 - Anne-Laure Razat moves to table the 44 Dirigo St Finding of Fact Decision sheet to September 25, 2024. Seconded by Matthew Lax. (4-0; Carrerras, Roebuck, and Sims absent). The motion passes.

0:54:50 - Matthew Lax moves to table all remaining items to September 25, 2024. Seconded by Anne-Laure Razat. (3-0; Carrerras, Roebuck, and Sims absent, Walker recused). The motion passes.

IV. New Business

a. **Election of Vice Chair -** See 0:54:50

V. Adjourn

0:56:30 - Anne-Laure Razat moves to adjourn. Seconded by Matthew Lax. (4-0; Carrerras, Roebuck, and Sims absent). 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: 2025 Allowable Increase Percentage Published

In accordance with Portland City Code, Chapter 6, Sec. 6-234(a), the allowable increase percentage shall be determined on September 1 of each year, and shall be equal to 70 percent of the change in the Consumer Price Index (CPI-U) for Greater Boston Metro Area for the preceding twelve (12) months, as published in August by the United States Bureau of Labor Statistics.

Based on the most recent available data from the Bureau of Labor Standards, from July 2023 to July 2024, the CPI-U for the greater Boston metro area advanced 3.5%. Therefore, **the Allowable Increase Percentage for calendar year 2025 is 2.5%**.

Thank you,

City of Portland
Business Licensing & Housing Safety Office

City of Portland – Housing Safety Division
RENTAL INCREASE APPEAL

Date of Hearing:

August 19, 2024 - Tabled to September 18, 2024 - Tabled to September 25, 2024

Appellant:

Trelawny Tenants Union

TrelawnyTenantsUnion@gmail.com

Owner Name and Address:

59 State Street LLC
657 Congress St, First Floor
Portland, ME 04101

Property Address:

59 State Street
Portland, ME 04101

CBL:

044-B-047-001

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

September 9, 2024

Re: Notice of Public Hearing

To: Interested Parties of 59 State Street Portland, ME 04101

A request for a hearing regarding the rental property at 59 State St (CBL: 044-B-047-001) has been submitted to the Rent Board. The request submitted by the Trelawny Tenants' Union is in regards to a potential violation of the City of Portland's Rent Stabilization Ordinance by the property owner, 59 State Street LLC. This appeal was previously heard at the August 19, 2024 meeting.

The Rent Board meeting is scheduled for **September 18, 2024** at 5pm. This meeting will be remotely held via Zoom.

The agenda and Zoom link will be accessible by **September 13, 2024** at the link below: http://portlandmaine.gov/129/Agendas-Minutes

***Please note:** Written public comment must be received via email (rentboard@portlandmaine.gov) by 12pm the day before the scheduled meeting. Please make sure that the subject line reads "Written Public Comment".

Thank you,

Dylan Orr
Rental Registration Coordinator
City of Portland
389 Congress St
Portland, ME 04101

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

July 26, 2024

Re: Notice of Public Hearing

To: Interested Parties of 59 State St

At the July 24, 2024 Rent Board meeting the Board voted to schedule a public hearing for the tenants rights complaint submitted by Trelawny Tenants Union in regards to the rental property located at 59 State St owned by 59 State Street LLC. This special meeting has been scheduled for **August 19, 2024 at 5:00 PM**.

Please submit any documentation to be reviewed by Board members by **August 7, 2024**. Be advised, this is a public meeting and all documentation submitted can be subject to any Freedom of Access Act requests.

Rent Board meetings are held remotely via Zoom. The agenda with the Zoom link will be posted by Wednesday, August 14, 2024.

The agenda packet and Zoom link can be found on this page: Agendas & Minutes - City of Portland, Maine

Thank you,

Dylan Orr
Rental Registration Coordinator
City of Portland
389 Congress St
Portland, ME 04101

Trelawny Tenants Union

TrelawnyTenantsUnion@gmail.com

July 3, 2024

Portland Rent Board

Mr. Buddy Moore

Via email: rentboard@portlandmaine.gov rentcontrol@portlandmaine.gov

Dear Chair Moore,

Pursuant to the standing granted to tenant unions under section 6-243(b) of the city code, we submit this complaint on behalf of all tenants at 655 Congress and 59 State to the Rent Board regarding Mr. Geoffrey Rice and his substantial non-compliance with the Rent Stabilization Ordinance (RSO) as per Sec 6-234 (f).

As you know, Sec 6-234 (f) provides, "[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." (emphasis added)

This provision, adopted in 2022 by the voters of Portland, requires that any landlord substantially out of compliance with *any* provision of the City's building and housing regulations may not impose or collect *any* rent increases on *any* unit until they are back in compliance.

While this complaint will outline multiple separate violations impacting over 50 tenants, as the Rent Board ruled in its 36 Sawyer Street ruling on June 3, 2024, any one of these violations can constitute "substantial non-compliance:"

> "... the Board concludes that more than one violation of the RSO is not necessary to constitute substantial noncompliance pursuant to section 6-234(f). In other words, a single violation of the RSO may constitute substantial noncompliance with the RSO for the purposes of section 6-234(f)."[1]

Based on individual complaints we have filed, and ultimately confirmed by Portland's Housing Safety Office (HSO), Mr. Rice has been ruled out of compliance at least 15 times in the past six months, having over-charged tenants almost $11,000. These violations cover the entire period of 2023 and continue into 2024.

Building	Apt #	Code Case #	Status	Dates Overcharged	Amt. Overcharged
59 State	1	BLDG2306278	Violation	6/2021-11/2023 (29 months)	$587.13
59 State	2	BLDG2306281	Violation	6/2021-11/2023 (29 months)	$752.16

[1] Rent Board final decision on 36 Sawyer Street, footnote #4.

59 State	22	BLDG2306283	Violation	11/2022-11/2023 (12 months)	$188.04
59 State	31	BLDG2306278	Violation	6/2020-11/2023 (41 months)	$807.56
59 State	45	BLDG2306282	Violation	8/2022-11/2023 (15 months)	$452.41
59 State	62	BLDG2306283	Violation	9/2020-11/2023 (38 months)	$1,394.36
59 State	63	BLDG2306283	Violation	1/2023-11/2023 (10 months)	$250.00
59 State	67	BLDG2306278	Violation	11/2021-11/2023 (24 months)	$612.96
655 Congress	212	BLDG2306553	Violation	8/2022-2/2024 (18 months)	$490.08
655 Congress	404	BLDG2306359	Violation	1/2023-2/2024 (13 months)	$649.20
655 Congress	415-416	BLDG2306359	Violation	1/2023-2/2024 (13 months)	$363.25
655 Congress	602	BLDG2306360	Violation	10/2021-2/2024 (28 months)	$707.32
655 Congress	620-622	BLDG2306360	Violation	3/2022-12/2023 (21 months)	$2,545.68
655 Congress	723-726	BLDG2306362	Violation	2/2022-2/2024 (24 months)	$1,124.90
655 Congress	819	RCC2400010	Violation	10/2022-6/2024 (21 months)	$1,238.28
			Total		**$12,163.33**

Additionally, the HSO ruled last May, and the Rent Board confirmed last November, that Mr. Rice had illegally passed on a gas fee to almost every tenant in 655 Congress Street, amounting to over $3,500 in overcharges to 44 tenants from January 1, 2023 to December, 1, 2023.

655 Congress

Unit #	Code Case #	Status	Months Overcharged (2023)	Amt Overcharged
203	BLDG2305814	Violation	6 months	$72.00
204	BLDG2305814	Violation	5 months	$60.00
208	BLDG2305814	Violation	7 months	$84.00
209	BLDG2305814	Violation	5 months	$60.00
211	BLDG2305814	Violation	2 months	$24.00
214	BLDG2305814	Violation	7 months	$84.00
222	BLDG2305814	Violation	8 months	$96.00
303	BLDG2305814	Violation	1 months	$12.00
306	BLDG2305814	Violation	3 months	$36.00
309	BLDG2305814	Violation	2 months	$24.00
311	BLDG2305814	Violation	5 months	$60.00
312	BLDG2305814	Violation	7 months	$84.00
315	BLDG2305814	Violation	10 months	$120.00
320	BLDG2305814	Violation	10 months	$120.00
322	BLDG2305814	Violation	10 months	$120.00
324	BLDG2305814	Violation	6 months	$73.00

326	BLDG2305814	Violation	2 months	$24.00
327	BLDG2305814	Violation	4 months	$48.00
405	BLDG2305814	Violation	6 months	$72.00
410	BLDG2305814	Violation	3 months	$36.00
411	BLDG2305814	Violation	10 months	$120.00
418	BLDG2305814	Violation	11 months	$132.00
501	BLDG2305814	Violation	10 months	$120.00
503	BLDG2305814	Violation	7 months	$84.00
510	BLDG2305814	Violation	11 months	$132.00
601	BLDG2305814	Violation	9 months	$108.00
604	BLDG2305814	Violation	11 months	$132.00
610	BLDG2305814	Violation	6 months	$72.00
620	BLDG2305814	Violation	11 months	$132.00
627	BLDG2305814	Violation	6 months	$72.00
701	BLDG2305814	Violation	6 months	$72.00
707	BLDG2305814	Violation	6 months	$73.00
709	BLDG2305814	Violation	5 months	$60.00
710	BLDG2305814	Violation	11 months	$132.00
718	BLDG2305814	Violation	9 months	$108.00
720	BLDG2305814	Violation	10 months	$120.00
723	BLDG2305814	Violation	6.5 months	$78.00
727	BLDG2305814	Violation	2 months	$24.00
728	BLDG2305814	Violation	6 months	$72.00
810	BLDG2305814	Violation	6 months	$72.00
817	BLDG2305814	Violation	11 months	$132.00
821	BLDG2305814	Violation	6 months	$72.00
826	BLDG2305814	Violation	5 months	$60.00
827	BLDG2305814	Violation	5 months	$60.00
		Total	**295.5 Months**	**$3,548.00**

The above totals (not including those yet to be uncovered) amount to over $15,000 in refunds Mr. Rice has had to issue in the past six months for violations covering from June 2020, through the period of January 1, 2023, to June 2024 (another letter of violation was delivered just last week), the period covered since section 6-234(f) went into effect.

We would also like to point out, as your records show, this pattern of non-compliance with Mr. Rice has been non-stop since the ordinance went into effect. This Rent Board recommended that the City fine him $15,350 back in 2022 for a series of violations including overcharges, repeated illegal rent increase notices, and attempting to charge tenants for personal expenses related to his 3,000 sq. ft. penthouse. At the time, Mr. Rice told the City he would comply, the City believed him, and the fine was not collected.

Additionally, at least five of the rent hike violations above are repeat offenses on the same unit, and sometimes the same tenant. In the complaint we filed with the HSO regarding units 212, 404, 415, 620, & 723 (attached), you will note that Mr. Rice had been ordered to correct problems with these units in 2022. After he corrected them (which he initially did), he actually went back and again imposed illegal rent hikes on those same units.

In particular, please review unit 620. In this instance, three months after he presented the City with evidence that he had refunded the tenant and lowered the rent to the allowable amount, he wrote to the tenant and reinstated the previous illegal rent level. We have enclosed the letter he sent the tenant on March 9, 2022, in which he said, "I received inaccurate information from a rent board employee [Mr. Chuck Fagone] and that was the reason on December 14, 2021, I sent you a check of $1,991.25…" He then reinstated the previous rent level of $1,250, almost $150 above what he had been ordered to charge. Once uncovered by this union over a year later, the city investigated and ordered him to pay back another $2,545 and drop the rent back to what was allowable by law.

The above violations meet any plausible understanding of what constitutes being "substantially out of compliance" during the period these violations occurred. Additionally, note that these violations are part of a pattern by Mr. Rice. Indeed, as reported by the Portland Press Herald, Mr. Rice has more violations of the RSO than any other landlord in Portland.

Finally, the rule contained in Sec. 6-234(f) applies broadly to "[a] *landlord*" (emphasis added) who is out of compliance, and bars that *landlord* from raising rents. Nothing in this provision limits the extent of its prohibition merely to the units for which he is presently charging noncompliant rents. The Board should not infer such a limitation where it is entirely absent from the plain language of the ordinance. Rather, the plain language provides that the *landlord* may not impose or collect upon *any* rent increase.

In light of this overwhelming evidence showing clearly habitual substantial non-compliance, we ask that you:

1) **Require Mr. Rice to rescind all rent increases imposed on all tenants in 655 Congress Street and 59 State Street since January 1, 2023. As you did with 36 Sawyer Street, we ask that at both properties you require him to refund what was collected, forbid him from banking any annual increases which he was never entitled to impose, and insist that he provide 90 days notice for any future increases once he is confirmed to be in full compliance.**

2) **Recommend a fully public and transparent audit of Mr. Rice's properties to determine where other violations have occurred. Indeed, almost every time we review an issue, it turns out to be a violation. There is simply no reason to believe this trend doesn't exist throughout all of his properties.**

3) **Impose fines on Mr. Rice to the fullest extent the law allows for this willful non-compliance. Simply requiring him to refund what was not his in the first place, is clearly not a deterrent. Without the prospect of fines, he has already demonstrated that he will continue to brazenly and unlawfully gouge his tenants.**

In regard to point three, we request a fine schedule, at a minimum, similar to what was imposed on the landlord for Sawyer Street:

> "The Board finds that it is appropriate to assess a $100 fine to the Landlords for each instance the Landlords charged the Tenants rent that exceeded the limits established by section 6-234(c)."

In this instance, that fine schedule would look like this:

Building	Apt #	Months Overcharged	FINE
59 State	1	29	**$2,900**
	2	29	**$2,900**
	22	12	**$1,200**
	31	41	**$4,100**
	45	15	**$1,500**
	62	38	**$3,800**
	63	10	**$1,000**
	67	24	**$2,400**
655 Congress	212	18	**$1,800**
	404	13	**$1,300**
	415-416	28	**$2,800**
	602	28	**$2,800**
	620-622	21	**$2,100**
	723-726	24	**$2,400**
	819	21	**$2,100**
Gas Fee		278*	**$27,800**
		TOTAL	**$62,900**

*This number is below the 296 charges seen in the gas fee chart above because we eliminated those charges from the two units that overlapped between an illegal rent increase and the illegal gas fee (units 620 and 723). We believe Mr. Rice should be fined only once per month when he overcharged a tenant, even if there were two separate illegal charges.

Please note, as you consider these fines, our landlord collects $2,181,293 annually from the tenants of 59 State Street and 655 Congress (based on CSS published Nov. 2023 rent levels). If the Board fines him the full amount above, it would amount to less than 3% of his gross income from just these two properties. In comparison, the fines the Board issued against the landlord of Sawyer Street, not including your decision to rescind all rent increases on the unit, amounted to almost 15% of their gross revenue.

Less than 3% of gross revenue is not too steep a price to pay for his ongoing negligence, repeat offenses, and blatant reversal of previous directives. In fact, we consider $100 per instance for a repeat offender to be the minimum. A penalty of $200 per instance would be more in line.

Thank you for your immediate attention to this matter. We request that all documents and communications pertaining to this investigation be made public upon completion.

Izzy Ostrowski, Matt Walker, Brittany Herland, Brandon Pariseau, Valen Doe, James Dillon, Bligh Godin, Ethan Strimling, Ashley Cordio, Clifford Tremblay, Ian Jacob, David Klosen, Hannah Ferguson, Victoria Van Berlo, Tiffiny McCollett, Hadrienne Hatfield, Abigail Jakub, Kshama Ananthapura, Emily Sanborn, Jacob Pauley, and Tom Baldwin.

TTU Steering Committee & tenants of Geoffrey Rice

Attachment A - City email to Geoffrey Rice demanding proof that he had reimbursed multiple tenants at 655 Congress, including units 212, 404, 415, 620, & 723 (725).

From:	Zachary Lenhert
To:	apartmentmart1952@gmail.com; Gillian Morrison
Cc:	Chuck Fagone
Subject:	Re: Housing Issues regarding Apartment Mart, LLC
Date:	Tuesday, December 14, 2021 1:18:41 PM
Attachments:	Trewlany Complaint 655 Congress&59 State (1).xlsx

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Below is the information we still need in order for these properties to be in compliance with the Rent Control ordinance. This information was requested weeks ago. Reinspection fees will start to be assessed if we need to request this information again.

59 State St:
- Unit 22: proof/back-up rent was $1360 in June 2020
- Unit 37: proof/receipt of reimbursement

655 Congress St:
- Unit 404: proof/back-up rent was $975 in June/August 2020
- Unit 312: proof/receipt of reimbursement
- Unit 221: proof/receipt of reimbursement
- Unit 415-416: proof/receipt of reimbursement
- Unit 725: proof/receipt of reimbursement
- Unit 212: proof/receipt of reimbursement
- Unit 509: proof/receipt of reimbursement
- Unit 620-622: proof/receipt of reimbursement

Attachment B - Email to Mr. Rice from HSO explicitly explaining that the effective date of the base rent was June 1, 2020, not November, 2020.

From: Chuck Fagone
To: Apartment Mart
Subject: Re: Questions
Date: Friday, November 26, 2021 9:17:28 AM

When implemented or voted on and passed by the public, the baseline rent was established as of 6/1/2020. Therefore, you need to use what
the rent was on 6/1/2020 regardless of who the tenant was at the time. Any new tenants after that time you are limited to 5% increase of that base rent. thanks, Chuck

On Tue, Nov 23, 2021 at 3:48 PM Apartment Mart <apartmentmart1952@gmail.com> wrote:

> If the new rental statutes came into effect in November of 2020, and the units in question at 59 State Street and 655 Congress Street were rented before the new rental statutes were voted into effect, does that make them exempt from the 5% rule? The majority if not all were rented before November 2020.
> Thank you,
> Meghan
>
> --
>
> -----
> Apartment Mart
> Residential Rentals
> Portland & Biddeford
> P: 207-773-1814
> F: 207-773-5528

Attachment C - Email to Mr. Rice explaining what the rent levels needed to be for the units audited in 2021.

From:	Chuck Fagone
To:	Apartment Mart
Cc:	Fagone, Chuck; Zachary Lenhert
Subject:	Re: Rental increase complaint addressed
Date:	Friday, November 19, 2021 12:15:45 PM

Thank you for providing the info. After reviewing:

Please keep in mind that for new tenants, you are limited to a 5% increase over the 6/1/20 rent amount. Based on this, the following units
would be capped at 5% and the difference to include the number of months paid over the 5% will need to be refunded to the tenants on the following units.
Please provide me with copies of checks and letters to the tenants as you did with 59 State #37

59 State Street

#43 $1548.75 per month

655 Congress Street

#404 $971.25
#312 $771.35
#221 $1044.75
#415-416 $934.50
#725-726 $1501.50
#212 $745.25
#509 $740.25
620-622 $1102.50

In addition, for those where you believe that there was an error in what the Tenants Union provided us for a base amount, please provide documentation for what the lease amount was in June of 2020. Example, 59 State #22.

Finally, please factor in the 75 day notice on any future rent increases. Given the date of 11/19/20, if a rent increase notice was provided to
a tenant today, the rent increase would have to be effective 3/1/22.

If you have questions, please advise. thanks, Chuck

Attachment D - Letter Mr. Rice sent to the city and to the tenant in unit 620 as evidence he was in compliance with HSO's requirement to lower the rent and reimburse the tenant for a rent increase violation (similar letters were sent for all tenants under this order).

TRELAWNY 657, LLC

657 Congress Street
First Floor
Portland, Maine 04101
(207) 773-1814

December 14, 2021

[redacted]

655 Congress Street
Apartment No. 620-622
Portland, Maine 04101

[redacted]

Your apartment rental payments beginning November 16, 2020, were One Thousand Two Hundred Fifty Dollars ($1,250.00) per month. The amount under rent control regulation is One Thousand One Hundred Two Dollars and Fifty Cents ($1,102.50). The overpayment is One Hundred Forty Seven Dollars and Fifty Cents ($147.50) per month ($1,250.00 - $1,102.50). Enclosed is a check for One Thousand Nine Hundred Ninety One Dollars and Twenty Five Cents ($1,991.25) for the overpayment of 13.5 months (November 16, 2020 through December 31, 2021). January 2022, and February 2022, rental will be One Thousand One Hundred Two Dollars and Fifty Cents ($1,102.50). Your rental beginning March 1, 2022, will be based on old rental being One Thousand One Hundred Two Dollars and Fifty Cents ($1,102.50). Enclosed is your 75 day Notice that your rental beginning March 1, 2022 is One Thousand Two Hundred Twelve Dollars and Seventy Five Cents ($1,212.75). This is based on increase in CPI and Real Estate Tax increase.

Yours Truly,

Geoffrey I. Rice

Attachment E - Letter Mr. Rice sent to the tenants of unit 620 rescinding the rent decrease HSO had ordered him to implement 10 weeks prior.

Trelawny 657, LLC
657 Congress Street
First Floor
Portland, Maine 04101
(207) 773-1814

March 9, 2022

[redacted]

655 Congress Street
Apartment No. 620-622
Portland, Maine 04101

[redacted]

The rent control law passed on November 2, 2020. I have read it three times and have checked with my attorney. The law began November 2, 2020, and runs from that date forward and not before that date to occurrence that happens before November 2, 2020. I received inaccurate information from a rent board employee and that was the reason on December 14, 2021, I sent you a check of $1,991.25 with my revised 75 day notice. I am not requesting a return of those funds. In the current 75 day notice of a rent increase on June 1, 2022 ,I am using the old rent at $1,250.00. We rented your apartment on September 15, 2020, at $1,250.00 per month to a woman who for personal reasons vacated prior to November 15, 2020. We charged you the same $1,250.00 rental that she paid us. On the current 75 day notices that a rental increase will occur on June 1, 2022, we are using the amount of $1,250.00 as the old rental.

Yours Truly,

Geoffrey I. Rice

Geoffrey Rice Confirmed Violations/Refunds 2021-2024

	Building	Apt #	Year	Reason	Refund
1	655 Congress	211	2021	Illegal overcharge	$17.75
2	655 Congress	212	2021	Illegal overcharge	$442.50
3	655 Congress	220	2021	Illegal overcharge	$76.13
4	655 Congress	303	2021	Illegal overcharge	$63.00
5	655 Congress	310	2021	Illegal overcharge	$218.00
6	655 Congress	312	2021	Illegal overcharge	$52.54
7	655 Congress	404	2021	Illegal overcharge	$22.00
8	655 Congress	404	2021	Illegal overcharge	$15.76
9	655 Congress	404	2021	Illegal overcharge	$35.63
10	655 Congress	415	2021	Illegal overcharge	$341.25
11	655 Congress	505	2021	Illegal overcharge	$253.75
12	655 Congress	509	2021	Illegal overcharge	$486.50
13	655 Congress	602	2021	Illegal overcharge	$25.00
14	655 Congress	620	2021	Illegal overcharge	$1,991.25
15	655 Congress	705	2021	Illegal overcharge	$172.50
16	655 Congress	712	2021	Illegal overcharge	$300.00
17	655 Congress	723	2021	Illegal overcharge	$824.50
18	169 State	3	2022	Illegal overcharge	$139.38
19	169 State	4	2022	Illegal overcharge	Undisclosed
20	235 Brackett	9	2022	Illegal overcharge	Undisclosed
21	235 Brackett	1	2022	Illegal overcharge	Undisclosed
22	235 Brackett	3	2022	Illegal overcharge	Undisclosed
23	235 Brackett	3	2022	Illegal overcharge	Undisclosed
24	291 Brackett	2	2022	Illegal overcharge	Undisclosed
25	45 State	2	2022	Illegal overcharge	Undisclosed
26	45 State	2	2022	Illegal overcharge	Undisclosed
27	51 State	11	2022	Illegal overcharge	Undisclosed
28	51 State	8	2022	Illegal overcharge	Undisclosed
29	51 State	12	2022	Illegal overcharge	Undisclosed
30	51 State	9	2022	Illegal overcharge	Undisclosed
31	52 Sherman	2	2022	Illegal overcharge	Undisclosed
32	52 Sherman	4	2022	Illegal overcharge	Undisclosed
33	546 Cumberland	6	2022	Illegal overcharge	Undisclosed
34	60 Grant	1	2022	Illegal overcharge	$916.88
35	648 Forest	3R	2022	Illegal overcharge	$355.44
36	655 Congress	403	2022	Illegal overcharge	$22.05
37	658 Congress	304	2022	Illegal overcharge	$2,197.13
38	658 Congress	201	2022	Illegal overcharge	Undisclosed
39	658 Congress	204	2022	Illegal overcharge	$1,509.00
40	658 Congress	207	2022	Illegal overcharge	$466.68

41	658 Congress	207	2022	Illegal overcharge	$334.25
42	658 Congress	403	2022	Illegal overcharge	Undisclosed
43	658 Congress	301	2022	Illegal overcharge	Undisclosed
44	684 Congress	6	2022	Illegal overcharge	Undisclosed
45	684 Congress	9	2022	Illegal overcharge	Undisclosed
46	684 Congress	1	2022	Illegal overcharge	Undisclosed
47	684 Congress	3	2022	Illegal overcharge	Undisclosed
48	684 Congress	2	2022	Illegal overcharge	Undisclosed
49	59 State	1	2023	Illegal overcharge	$587.13
50	59 State	2	2023	Illegal overcharge	$752.16
51	59 State	22	2023	Illegal overcharge	$188.04
52	59 State	23	2023	Illegal overcharge	$3,354.86
53	59 State	24	2023	Illegal overcharge	$4,000.00
54	59 State	31	2023	Illegal overcharge	$807.56
55	59 State	45	2023	Illegal overcharge	$452.41
56	59 State	62	2023	Illegal overcharge	$1,394.36
57	59 State	63	2023	Illegal overcharge	$250.00
58	59 State	67	2023	Illegal overcharge	$612.96
59	59 State	69B	2023	Illegal overcharge	$384.83
59	655 Congress	203	2023	Illegal Gas Fee	$72.00
60	655 Congress	204	2023	Illegal Gas Fee	$60.00
61	655 Congress	208	2023	Illegal Gas Fee	$84.00
62	655 Congress	209	2023	Illegal Gas Fee	$60.00
63	655 Congress	211	2023	Illegal Gas Fee	$24.00
64	655 Congress	214	2023	Illegal Gas Fee	$84.00
65	655 Congress	222	2023	Illegal Gas Fee	$96.00
66	655 Congress	303	2023	Illegal Gas Fee	$12.00
67	655 Congress	306	2023	Illegal Gas Fee	$36.00
68	655 Congress	309	2023	Illegal Gas Fee	$24.00
69	655 Congress	311	2023	Illegal Gas Fee	$60.00
70	655 Congress	312	2023	Illegal Gas Fee	$84.00
71	655 Congress	315	2023	Illegal Gas Fee	$120.00
72	655 Congress	320	2023	Illegal Gas Fee	$120.00
73	655 Congress	322	2023	Illegal Gas Fee	$120.00
74	655 Congress	324	2023	Illegal Gas Fee	$73.00
75	655 Congress	326	2023	Illegal Gas Fee	$24.00
76	655 Congress	327	2023	Illegal Gas Fee	$48.00
77	655 Congress	405	2023	Illegal Gas Fee	$72.00
78	655 Congress	410	2023	Illegal Gas Fee	$36.00
79	655 Congress	411	2023	Illegal Gas Fee	$120.00
80	655 Congress	418	2023	Illegal Gas Fee	$132.00
81	655 Congress	501	2023	Illegal Gas Fee	$120.00
82	655 Congress	503	2023	Illegal Gas Fee	$84.00

83	655 Congress	510	2023	Illegal Gas Fee	$132.00
84	655 Congress	601	2023	Illegal Gas Fee	$108.00
85	655 Congress	604	2023	Illegal Gas Fee	$132.00
86	655 Congress	610	2023	Illegal Gas Fee	$72.00
87	655 Congress	620	2023	Illegal Gas Fee	$132.00
88	655 Congress	627	2023	Illegal Gas Fee	$72.00
89	655 Congress	701	2023	Illegal Gas Fee	$72.00
90	655 Congress	707	2023	Illegal Gas Fee	$73.00
91	655 Congress	709	2023	Illegal Gas Fee	$60.00
92	655 Congress	710	2023	Illegal Gas Fee	$132.00
93	655 Congress	718	2023	Illegal Gas Fee	$108.00
94	655 Congress	720	2023	Illegal Gas Fee	$120.00
95	655 Congress	723	2023	Illegal Gas Fee	$78.00
96	655 Congress	727	2023	Illegal Gas Fee	$24.00
97	655 Congress	728	2023	Illegal Gas Fee	$72.00
98	655 Congress	810	2023	Illegal Gas Fee	$72.00
99	655 Congress	817	2023	Illegal Gas Fee	$132.00
100	655 Congress	821	2023	Illegal Gas Fee	$72.00
101	655 Congress	826	2023	Illegal Gas Fee	$60.00
102	655 Congress	827	2023	Illegal Gas Fee	$60.00
103	59 State	33	2024	Illegal overcharge	$922.60
104	59 State	43	2024	Illegal overcharge	$2,812.41
105	59 State	46	2024	Illegal overcharge	$882.60
106	655 Congress	212	2024	Illegal overcharge	$490.08
107	655 Congress	404	2024	Illegal overcharge	$649.20
108	655 Congress	415	2024	Illegal overcharge	$363.25
109	655 Congress	602	2024	Illegal overcharge	$707.32
110	655 Congress	620	2024	Illegal overcharge	$2,545.68
111	655 Congress	723	2024	Illegal overcharge	$1,124.90
112	655 Congress	819	2024	Illegal overcharge	$1,238.28
				Total disclosed to date	**$39,347.50**

DEFENDANT'S EXHIBIT
70

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

Oct 25, 2023

Inspection **RCI-111763-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **1** at

59 State St Portland, ME

Tenant was reimbursed **$587.13** for **29** months of overpayment.

The monthly rent going forward has been set to: **$1144.59**

Comments:

Initials: _____

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

Sep 20, 2023

Inspection **RCI-111764-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **31** at

59 State St Portland, ME

Tenant was reimbursed **$807.46** for **37** months of overpayment.

The monthly rent going forward has been set to: **$1228.29**

Comments:

Initials: _____

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

Oct 30, 2023

Inspection **116122-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **62** at

59 State St Portland, ME

Tenant was reimbursed **$1394.36** for **34** months of overpayment.

The monthly rent going forward has been set to: **$1646.80**

Comments:

Initials: _____

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

Jan 12, 2024

Inspection **RCI-118314-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **602** at **655 Congress St.**

Tenant(s) was reimbursed **$707.32** for **29** months of overpayment.

The monthly rent going forward has been set to: **$1,230.98**

Comments:

New tenant moved in April 2023. Previous and current tenants were refunded for overpayments and rent was corrected for unit 602.

Initials:

389 Congress Street, Portland, Maine 04101 | rentcentral@portlandmaine.gov

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 52 SHERMAN ST
PORTLAND, ME

048 F010001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Geoffrey Rice,

The City of Portland Permitting and Inspections Department inspected the above-referenced property on 6/3/2022 and found violations of the City of Portland Code of Ordinances, which are listed on the attached page(s). You are hereby ordered to correct these violations by **06/24/2022.** Please be advised that penalties will be applied if the violations are not corrected by that date.

If you do not correct the attached violations by the dates given, then this matter will be referred to the City of Portland Corporation Counsel for legal action, and may include civil penalties in the minimum of $100 per day, and other legal remedies.

This constitutes an appealable decision under Sec. 6-96 of the City of Portland Code of Ordinances. You may appeal this decision by filing an appeal within 10 days of the date on this notice. Please contact the Zoning Division at zoning@portlandmaine.gov for appeal forms. If you choose to not appeal this notice, then you may be barred from challenging the City's determinations in the future.

Please contact me at the email and phone number listed below if you have questions about the violations, corrections or timeline.

Sincerely,

Chuck Fagone
Certified Code Enforcement Officer
psf@portlandmaine.gov
(207) 756-8131

NAME	CODE DESCRIPTION	COMMENTS	Deadline
City Code 6-233, 6-234	Landlords may not charge more than base rent plus any	Landlords must reduce the rent to within the required amount and	6/24/2022

allowable increases under Sec. 6-234.	refund any excess rent collected to any tenants who were overcharged. Units #2 and #4. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 52 SHERMAN ST
PORTLAND, ME

048 F010001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Geoffrey Rice,

The City of Portland Permitting and Inspections Department inspected the above-referenced property on 6/3/2022 and found violations of the City of Portland Code of Ordinances, which are listed on the attached page(s). You are hereby ordered to correct these violations by **06/24/2022.** Please be advised that penalties will be applied if the violations are not corrected by that date.

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Certified Code Enforcement Officer
psf@portlandmaine.gov
(207) 756-8131

NAME	CODE DESCRIPTION	COMMENTS	Deadline
City Code 6-233, 6-234	Landlords may not charge more than base rent plus any	Landlords must reduce the rent to within the required amount and	6/24/2022

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 60 GRANT ST
PORTLAND, ME

048 D009001

NOTICE OF VIOLATION AND ORDER TO CORRECT

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Sincerely,

Chuck Fagone
Certified Code Enforcement Officer
psf@portlandmaine.gov
(207) 756-8131

NAME	CODE DESCRIPTION	COMMENTS	Deadline
City Code 6-233, 6-234	Landlords may not charge	Landlords must reduce the rent to	6/24/2022

more than base rent plus any allowable increases under Sec. 6-234.	within the required amount and refund any excess rent collected to any tenants who were overcharged. Unit #1. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overage refunded to the tenant.

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 45 STATE ST
PORTLAND, ME

044 B030001

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psf@portlandmaine.gov
(207) 756-8131

NAME	CODE DESCRIPTION	COMMENTS	Deadline
City Code 6-233, 6-234	Landlords may not charge more than base rent plus any	Landlords must reduce the rent to within the required amount and	6/24/2022

allowable increases under Sec. 6-234.	refund any excess rent collected to any tenants who were overcharged. Unit #2. Rent increases retro to1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 45 STATE ST
PORTLAND, ME

044 B030001

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 684 CONGRESS ST
PORTLAND, ME

055 E035001

NOTICE OF VIOLATION AND ORDER TO CORRECT

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(207) 756-8131

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 684 CONGRESS ST
PORTLAND, ME

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

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PORTLAND, ME

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6/3/2022

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PORTLAND, ME 04101
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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

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PORTLAND, ME

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 546 CUMBERLAND AVE
PORTLAND, ME

047 A007001

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psf@portlandmaine.gov
(207) 756-8131

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more than base rent plus any allowable increases under Sec. 6-234.	within the required amount and refund any excess rent collected to any tenants who were overcharged. Unit #6. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 648 FOREST AVE
PORTLAND, ME

125 M004001

NOTICE OF VIOLATION AND ORDER TO CORRECT

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Certified Code Enforcement Officer
psf@portlandmaine.gov
(207) 756-8131

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City Code 6-233, 6-234	Landlords may not charge more than base rent plus any allowable increases under Sec. 6-234.	Landlords must reduce the rent to within the required amount and refund any excess rent collected to any tenants who were overcharged. Unit #3R. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages must be refunded to the tenant	6/24/2022

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 235 BRACKETT ST
PORTLAND, ME

055 C014001

NOTICE OF VIOLATION AND ORDER TO CORRECT

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

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PORTLAND, ME

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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PORTLAND, ME 04101
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PORTLAND, ME

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

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PORTLAND, ME

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City Code 6-233, 6-234	Landlords may not charge	Landlords must reduce the rent to	6/24/2022

more than base rent plus any allowable increases under Sec. 6-234.	within the required amount and refund any excess rent collected to any tenants who were overcharged. Units #1, #3 and #9. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 291 BRACKETT ST
PORTLAND, ME

054 F038001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Geoffrey Rice,

The City of Portland Permitting and Inspections Department inspected the above-referenced property on 6/3/2022 and found violations of the City of Portland Code of Ordinances, which are listed on the attached page(s). You are hereby ordered to correct these violations by **06/24/2022.** Please be advised that penalties will be applied if the violations are not corrected by that date.

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Please contact me at the email and phone number listed below if you have questions about the violations, corrections or timeline.

Sincerely,

Chuck Fagone
Certified Code Enforcement Officer
psf@portlandmaine.gov
(207) 756-8131

NAME	CODE DESCRIPTION	COMMENTS	Deadline
City Code 6-233, 6-234	Landlords may not charge more than base rent plus any allowable increases under Sec. 6-234.	Landlords must reduce the rent to within the required amount and refund any excess rent collected to any tenants who were overcharged. Unit #2 Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenant.	6/24/2022

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 169 STATE ST
PORTLAND, ME

045 A029001

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

657 CONGRESS LLC
ATTN: SHAWN SMITH 657 CONGRESS ST 1 SUITE FLOOR
PORTLAND, ME 04101

RE: 656 CONGRESS ST
PORTLAND, ME

045 A002001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To 657 Congress Llc,

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psf@portlandmaine.gov
(207) 756-8131

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

657 CONGRESS LLC
ATTN: SHAWN SMITH 657 CONGRESS ST 1 SUITE FLOOR
PORTLAND, ME 04101

RE: 656 CONGRESS ST
PORTLAND, ME

045 A002001

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

657 CONGRESS LLC
ATTN: SHAWN SMITH 657 CONGRESS ST 1 SUITE FLOOR
PORTLAND, ME 04101

RE: 656 CONGRESS ST
PORTLAND, ME

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 51 STATE ST
PORTLAND, ME

044 B041001

NOTICE OF VIOLATION AND ORDER TO CORRECT

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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CITY OF PORTLAND
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DEFENDANT'S EXHIBIT
71

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

Oct 11, 2023

Inspection **RCI-111770-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **2** at

59 State St Portland, ME

Tenant was reimbursed **$752.16** for **24** months of overpayment.

The monthly rent going forward has been set to: **$1477.71**

Comments:

Initials: _____

389 Congress Street, Portland, Maine 04101 | rentcontrol@portlandmaine.gov

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

Oct 20, 2023

Inspection **RCI-111781-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit 22 at

59 State St Portland, ME

Tenant was reimbursed **$188.04** for 12 months of overpayment.

The monthly rent going forward has been set to: **$1600.00**

Comments:

Initials:

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

Oct 25, 2023

Inspection **RCI-111776-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **44-45** at

59 State St Portland, ME

Tenant was reimbursed **$452.41** for **15.5** months of overpayment.

The monthly rent going forward has been set to: **$1241.55**

Comments:

Initials:

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

Oct 25, 2023

Inspection **113925-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **63** at

59 State St Portland, ME

Tenant was reimbursed **$250.00** for **10** months of overpayment.

The monthly rent going forward has been set to: **$1669.18**

Comments:

Initials: _____

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

Oct 11, 2023

Inspection **RCI-111768-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **67** at

59 State St Portland, ME

Tenant was reimbursed **$612.96** for **24** months of overpayment.

The monthly rent going forward has been set to: **$1669.18**

Comments:

Initials: _____

389 Congress Street, Portland, Maine 04101 | rentcontrol@portlandmaine.gov

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

Jan 12, 2024

Inspection **RCI-116917-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **212** at **655 Congress St.**

Tenant(s) was reimbursed **$490.08** for **18** months of overpayment.

The monthly rent going forward has been set to: **$902.06**

Comments:

New tenant in August 2023. Notices of reimbursement provided for previous and current tenants. Current rent amount corrected for unit 212.

Initials:

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

December 7, 2023

Code Case number BLDG2305814 has been closed.

The Licensing & Housing Safety Office has reached a decision for multiple units at

655 Congress St

Portland, ME

The monthly rent going forward has been set to: **N/A**

Comments:
Tenants received notices of reimbursement similar to the attached form. Notices were received for units:

203	321/322	627/628
204	323/324	701/702
206/208	325/326	707/708
209	327	709
211	405	710
214	410	718
222	411	720
303	501/502	723/726
306	503	727
308/309	510	728
311	601	810/811
312	603/604	817
315/317	610	821/822
320	620/622	826
		827

Initials: _____

Trelawny 657, LLC
657 Congress Street
1st floor
Portland, Maine 04101
(207) 773-1814

November 22, 2023

[redacted]
[redacted] [redacted]
655 Congress Street
Apartment [redacted]
Portland Maine, 04101

Dear [redacted] and [redacted]:
Beginning January 2023 all Tenants were asked to pay $12.00 monthly for the usage of cooking gas. Per the Rent Board's determination made November 16, 2023, you are no longer required to pay this gas fee.We are reimbursing you for your previous payments. See below for your reimbursement amount,

January 2023	**$12.00**
February 2023	**$12.00**
March 2023	**$12.00**
April 2023	**$12.00**
May 2023	**$12.00**
June 2023	**$12.00**
July 2023	**$12.00**
August 2023	**$12.00**
September 2023	**$12.00**
October 2023	**$12.00**
November 2023	**$12.00**
Total of	**$132.00**

Per our letter dated November 3, 2023, your December 2023 rent and majority of January 2024 rent have been credited to you. You can either use this credit of $132.00 towards the remainder of your January 2024 rent or you can come to the office and we will issue a check for this amount.

Regards,

Geoffrey I. Rice or His Agent

	203	$72.00
	204	$60.00
	208	$84.00
	209	$60.00
	211	$24.00
	214	$84.00
	222	$96.00
	303	$12.00
	306	$36.00
	309	$24.00
	311	$60.00
	312	$84.00
	315	$120.00
	320	$120.00
	322	$120.00
	324	$73.00
	326	$24.00
	327	$48.00
	405	$72.00
	410	$36.00
	411	$120.00
	418	$132.00
	501	$120.00
	503	$84.00
	510	$132.00
	601	$108.00
	604	$132.00
	610	$72.00
	620	$132.00
	627	$72.00
	701	$72.00
	707	$73.00
	709	$60.00
	710	$132.00
	718	$108.00
	720	$120.00
	723	$78.00
	727	$24.00
	728	$72.00
	810	$72.00
	817	$132.00
	821	$72.00
	826	$60.00
	827	$60.00
Total		**3,548.00**

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

Jan 12, 2024

Inspection **RCI-118308-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **404** at **655 Congress St.**

Tenant(s) was reimbursed **$649.20** for **12** months of overpayment.

The monthly rent going forward has been set to: **$1,232.60**

Comments:

Initials: _____

389 Congress Street, Portland, Maine 04101 | rentcontrol@portlandmaine.gov

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

Jan 12, 2024

Inspection **RCI-118313-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **415-416** at **655 Congress St.**

Tenant(s) was reimbursed **$363.25** for **5** months of overpayment.

The monthly rent going forward has been set to: **$1,130.75**

Comments:

Initials: _____

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

Nov 6, 2023

Inspection **RCI-113324-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **620-622** at

655 Congress St Portland, ME

Tenant was reimbursed **$2545.68** for **21** months of overpayment.

The monthly rent going forward has been set to: **$1334.03**

Comments:

Initials:

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

Jan 12, 2024

Inspection **RCI-118315-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **723-726** at **655 Congress St.**

Tenant(s) was reimbursed **$1,124.90** for **23** months of overpayment.

The monthly rent going forward has been set to: **$1,802.91**

Comments:

Initials:

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

06/06/2024
Case Number: RCC2400010
Business License Number: 20182954

657 Congress LLC
ATTN: Sean Power
657 Congress St
Portland ME 04101

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Whom it May Concern,

The City of Portland Permitting and Inspections Department inspected the rental data for the located at 655 Congress St Unit 819 from **May 15, 2024 through June 6, 2024** and found violations of the City of Portland Code of Ordinances, which are listed on the attached page(s). You are hereby ordered to correct these violations by **July 8, 2024**. Please be advised that penalties will be applied if the violations are not corrected by that date.

If you do not correct the attached violations by the date given, then this matter will be referred to the City of Portland Corporation Counsel for legal action, and you will be charged $150 for re-inspection per the City's fee schedule. In the event of court action, the City may be entitled to an order to correct the violations, civil penalties in the minimum of $100 per violation per day, costs and fees, and other relief under §1-15 of the City Code and 30-A M.R.S. §4452.

Please respond in writing via email to rentcontrol@portlandmaine.gov or send response by USPS to 389 Congress St, Portland, Maine 04101.

You have a right to appeal this decision to Superior Court within 30 days of the date of this notice pursuant to Rule 80B of the Maine Rules of Civil Procedure.

I appreciate your anticipated cooperation, and please contact our office by calling 207-874-8900 if you have any questions.

Thank you,

Adam O'Connor
Rental Registration Inspector

NON-COMPLIANCE VIOLATION LIST

APPLICABLE CODE SECTION(S)	City Code 6-234
CODE DESCRIPTION	Landlords may not charge more than base rent plus any allowable increases under Sec. 6-234
COMMENTS	Landlords must reduce the rent to within the required amount and reimburse any excess rent collected to any tenants who were overcharged.
RENTAL REIMBURSEMENT	In June of 2021 the rent for this unit was **$1,000/month**. In June of 2022 the rent for this unit was increased by **$97.93** to **$1,097.93/month**. The Rent Stabilization Ordinance states that rent cannot be raised within 12 months. The rent shall be reduced to **$1,097.93** and remain the charged rent until May 31, 2023. The maximum rent allowable by ordinance starting June 1, 2023 was **$1,207.72.** The rent shall be reduced to **$1,207.72** until at least May 31, 2024 An overcharge in rent was calculated as **$1,238.28.** Calculation contained on following page. The tenant must be made whole by reimbursing the amount overcharged Reimbursement may be issued directly to the tenant via check or as a credit for future rent payments. You must notify the City by the deadline date below when the matter has been resolved. Notification must be made in writing. Send any pertinent documents via USPS or by email to rentcontrol@portlandmaine.gov.
DEADLINE	07/08/2024

Unit 819 Rent Control Adjustment Calculation							
Month - Year	Paid		Correction		Overpay		Notes
Oct-22	$	1,275.00	$	1,097.93	$	177.07	
Nov-22	$	700.00	$	602.79	$	97.21	
Dec-22	$	1,275.00	$	1,097.93	$	177.07	
Jan-23	$	1,275.00	$	1,097.93	$	177.07	
Feb-23	$	1,275.00	$	1,097.93	$	177.07	
Mar-23	$	1,046.91	$	1,097.93	$	(51.02)	
Apr-23	$	1,233.53	$	1,097.93	$	135.60	
May-23	$	1,233.53	$	1,097.93	$	135.60	
Jun-23	$	1,233.53	$	1,207.72	$	25.81	
Jul-23	$	1,233.53	$	1,207.72	$	25.81	
Aug-23	$	1,233.53	$	1,207.72	$	25.81	
Sep-23	$	1,200.47	$	1,207.72	$	-	Exempt - Rental Assistance
Oct-23	$	1,200.47	$	1,207.72	$	-	Exempt - Rental Assistance
Nov-23	$	1,233.53	$	1,207.72	$	25.81	
Dec-23	$	1,233.53	$	1,207.72	$	25.81	
Jan-24	$	1,224.48	$	1,207.72	$	16.76	
Feb-24	$	1,224.48	$	1,207.72	$	16.76	Removed late fee of 96.99
Mar-24	$	1,241.00	$	1,207.72	$	33.28	Removed late fee of 32.45
Apr-24	$	1,224.48	$	1,207.72	$	-	Exempt - Rental Assistance
May-24	$	1,224.48	$	1,207.72	$	16.76	
Total	$	24,021.48	$	22,780.94	$	1,238.28	

Rent Control- City of Portland <rentcontrol@portlandmaine.gov>

Re: Formal Complaint re: Apartment Mart's Substantial Non-compliance

Trelawny Tenants Union <trelawnytenantsunion@gmail.com> Wed, Aug 7, 2024 at 1:04 PM

To: Rent Board <rentboard+noreply@portlandmaine.gov>
Cc: Zachary Lenhert <zlenhert@portlandmaine.gov>, Dylan Orr <dorr@portlandmaine.gov>, aoconnor@portlandmaine.gov, Rent Control- City of Portland <rentcontrol@portlandmaine.gov>, Jessica Hanscombe <jhanscombe@portlandmaine.gov>

To Chair Moore,

Please see additional attached documents pertaining to our complaint to be heard on August 19. These documents pertain to both 655 Congress and 59 State Street. One is a list of all the documented cases of violations our landlord has committed in regard to rent control from 2021-2024. The second are most of the actual notices of violation he has received and/or the agreements he has made to fix said violations.

Also, we wish to amend a small portion of our original complaint to request that, should Mr. Rice be found in violation of the "substantial non-compliance" section of the ordinance, that rents be set back to December 9, 2022, the date this provision went into effect. We listed January 1, 2023 in our complaint, but this provision actually went into effect 30 days after the November 8, 2022 election.

Finally, as we are sure you are aware, our landlord was recently found, by a jury in Superior Court, to have retaliated against one of our members for their participation in this union. To that end, you can imagine that there are some members who are concerned about speaking up too forcefully. We are not sure if there is any way to protect the identities of those who testify during the public hearing on August 19, but we ask that you consider any possible means. While 22 of us signed the complaint submitted to the rent board, many, many more, as the documentation shows, have suffered from our landlord's skirting of the law.

Thank you for your attention to this matter. Please let us know if you have any questions and what you decide in regard to protecting our members from future retaliation.

TTU Steering Committee & tenants of Geoffrey Rice/Apartment Mart

Izzy Ostrowski, Matt Walker, Brittany Herland, Brandon Pariseau, Valen Doe, James Dillon, Bligh Godin, Ethan Strimling, Ashley Cordio, Clifford Tremblay, Ian Jacob, David Klosen, Hannah Ferguson, Victoria Van Berlo, Tiffiny McCollett, Hadrienne Hatfield, Abigail Jakub, Kshama Ananthapura, Emily Sanborn, Jacob Pauley, and Tom Baldwin.

Trelawny Tenants' Union

RENT BOARD HEARING

MONDAY, AUGUST 19, 2024

WHO WE ARE

Trelawny Tenants' Union was founded to provide mutual aid and to protect our rights as tenants. We represent all tenants in buildings owned by Geoffrey Rice and/or managed by Apartment Mart – 300 units at 23 properties.

WHY WE ARE HERE

We are submitting a complaint on behalf of all tenants at 655 Congress and 59 State, pursuant to the standing granted to tenant unions under section 6-243(a) of the city code:

"Any Tenants Union shall have standing as a party to assert the rights or interests of *ANY* Tenants, individually or collectively, under this Chapter in any complaint, appeal, or other proceeding ..." (emphasis added)

WHY WE ARE HERE

Our complaint centers on Mr. Geoffrey Rice's substantial non-compliance with RSO Sec 6-234(f):

"**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 statue." (emphasis added)

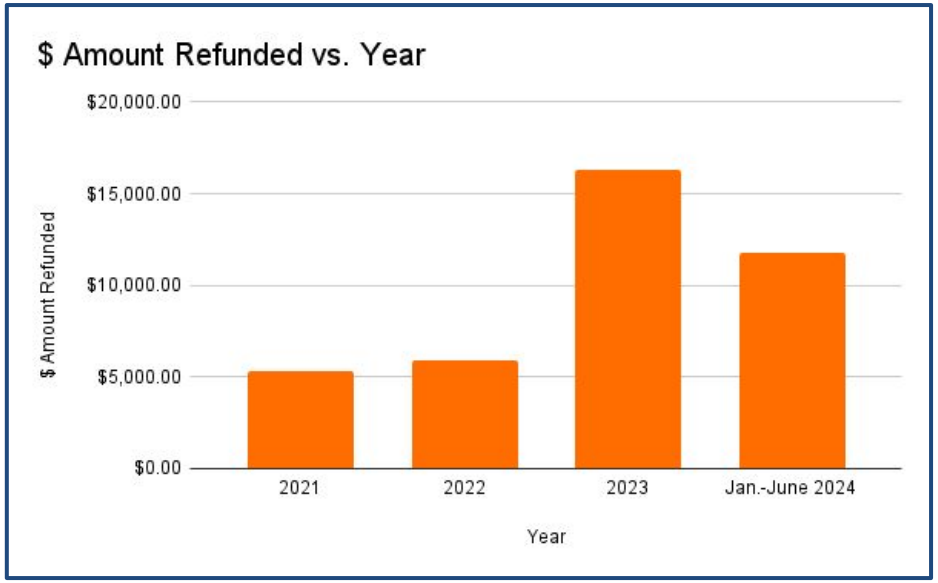
WHY WE ARE HERE

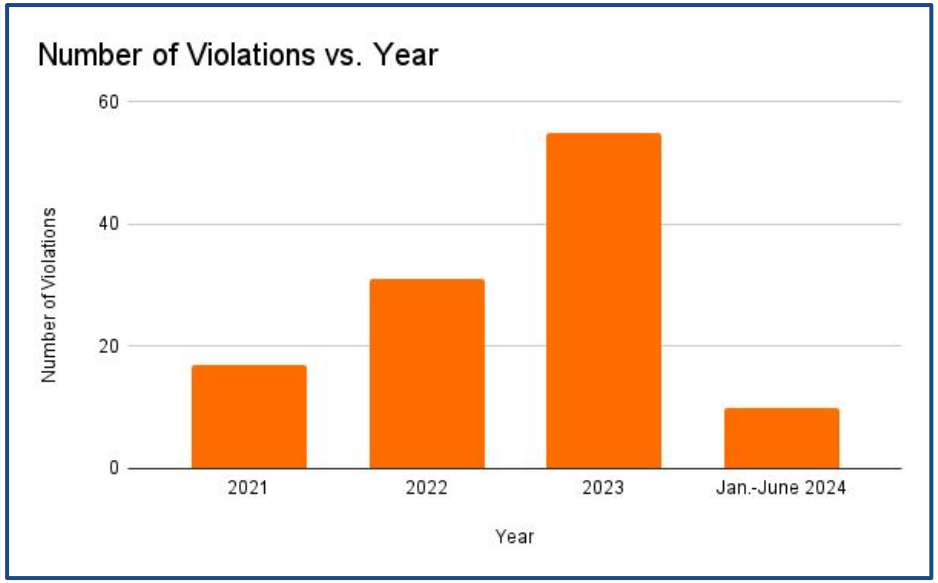
Our landlord has <u>never been in compliance</u> with the RSO.

- Since 2021, Rice has been ordered to **return more than $39,000** in overcharged rent (in just the documented cases) and has had **over 165 violations**. This does not include those that were stopped before the violation went into effect.

- Since 2023, we've identified **about 117 violations of the RSO** which have incurred **over $15,000 in overcharges** at 59 State and 655 Congress.

HISTORY OF NON-COMPLIANCE





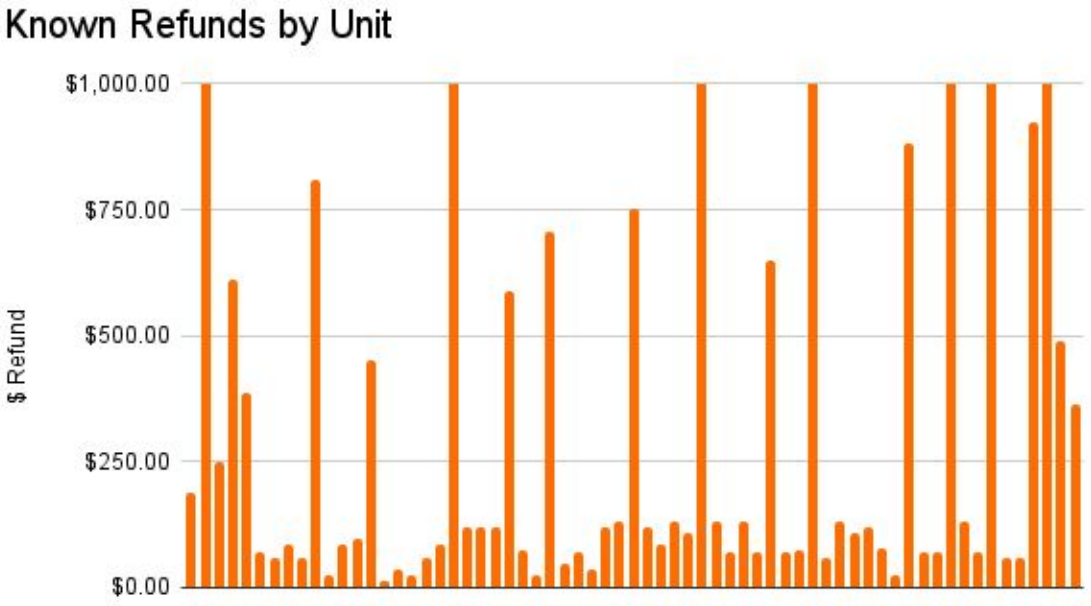
2023-2024

VIOLATIONS

From Dec. 2022 - June 2024 78% of units in 59 State/655 Congress have a known violation.

KNOWN OVERCHARGES BY UNIT

- **117 units overcharged.**
- **$15,700 returned.**
- **656 overpayments made by tenants**



VIOLATION EXAMPLES

59 State Unit 23

- Our landlord **THREATENED TO EVICT** this tenant & charged him **LATE FEES** for “non-payment.”

March 30, 2023

[redacted]

59 State Street
Apartment No. 23
Portland, Maine 04101

Dear [redacted]

Because of nonpayment of your rental according to the terms of your Lease dated April 16, 2018, your tenancy is terminated as of 7:30 AM on April 13, 2023. Please vacate your apartment at this time. After you have vacated your apartment, please return your keys to my office at the above address within twenty-four (24) hours from the time you vacate your apartment.

You are delinquent in your share of your rental in the amount of $3,425.84 This consists of:

Rent Owed:

June 2022 balance	$ 19.43
March 2023	$1,669.43
April 2023	$1,669.43
Total	$3,358.29
4% Late Fee	$ 67.55

VIOLATION EXAMPLES

59 State Unit 23

- Our landlord **THREATENED TO EVICT** this tenant & charged him **LATE FEES** for "non-payment."

- Turns out **Rice owed tenant $3354.86 due to an illegal increase** in 2021, and the rent reset back to 1652.76

Rent	Change	Time
$1,425.00	N/A	6/1/18
$1,450.00	1.75%	5/1/19
$1,460.00	0.69%	4/7/20
$1,550.00	6.16%	5/1/21
$1,669.43	7.71%	6/1/22
$1,751.24	4.90%	4/1/23

We got this one corrected without having to go through HSO.

VIOLATION EXAMPLES

655 Congress Unit 620

- Rice is **ordered to fix** the rent on this unit based on one of our complaints and he did.

TRELAWNY 657, LLC
657 Congress Street
First Floor
Portland, Maine 04101
(207) 773-1814

December 14, 2021

[redacted]

655 Congress Street
Apartment No. 620-622
Portland, Maine 04101

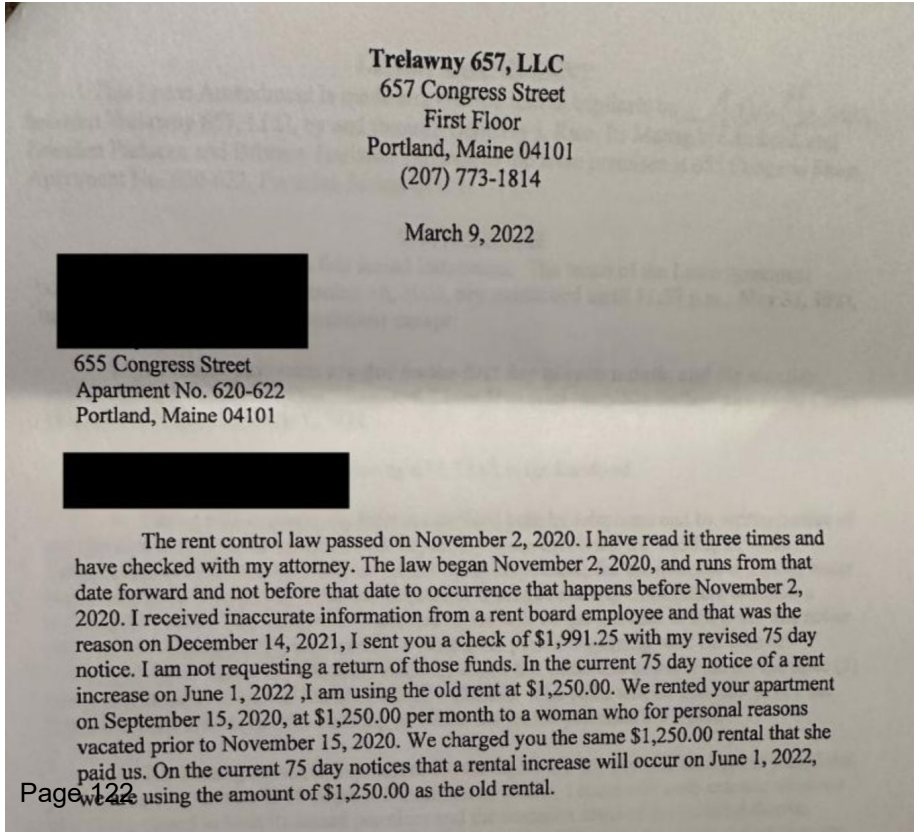
[redacted]

Your apartment rental payments beginning November 16, 2020, were One Thousand Two Hundred Fifty Dollars ($1,250.00) per month. The amount under rent control regulation is One Thousand One Hundred Two Dollars and Fifty Cents ($1,102.50). The overpayment is One Hundred Forty Seven Dollars and Fifty Cents ($147.50) per month ($1,250.00 - $1,102.50). Enclosed is a check for One Thousand Nine Hundred Ninety One Dollars and Twenty Five Cents ($1,991.25) for the overpayment of 13.5 months (November 16, 2020 through December 31, 2021). January 2022, and February 2022, rental will be One Thousand One Hundred Two Dollars and Fifty Cents ($1,102.50). Your rental beginning March 1, 2022, will be based on old rental being One Thousand One Hundred Two Dollars and Fifty Cents ($1,102.50). Enclosed is your 75 day Notice that your rental beginning March 1, 2022 is One Thousand Two Hundred Twelve Dollars and Seventy Five Cents ($1,212.75). This is based on increase in CPI and Real Estate Tax increase.

VIOLATION EXAMPLES

655 Congress Unit 620

- Rice is **ordered to fix** the rent on this unit based on one of our complaints and he did.
- 3 months later, he **un-complies**.



Trelawny 657, LLC
657 Congress Street
First Floor
Portland, Maine 04101
(207) 773-1814

March 9, 2022

[redacted]

655 Congress Street
Apartment No. 620-622
Portland, Maine 04101

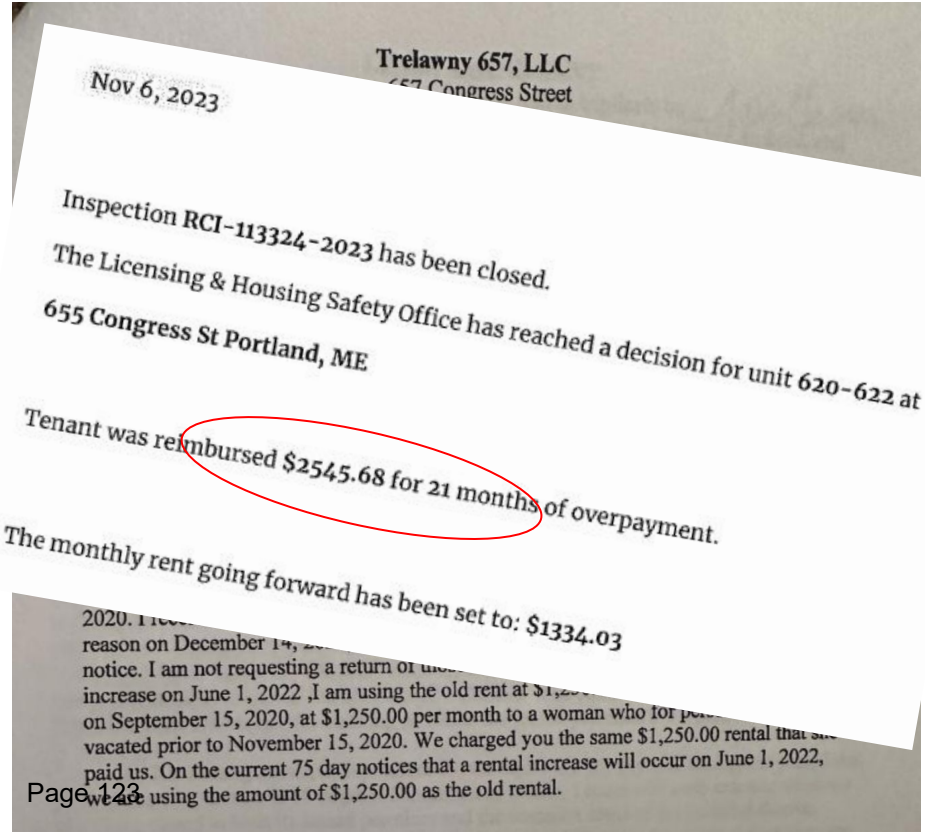
[redacted]

The rent control law passed on November 2, 2020. I have read it three times and have checked with my attorney. The law began November 2, 2020, and runs from that date forward and not before that date to occurrence that happens before November 2, 2020. I received inaccurate information from a rent board employee and that was the reason on December 14, 2021, I sent you a check of $1,991.25 with my revised 75 day notice. I am not requesting a return of those funds. In the current 75 day notice of a rent increase on June 1, 2022 ,I am using the old rent at $1,250.00. We rented your apartment on September 15, 2020, at $1,250.00 per month to a woman who for personal reasons vacated prior to November 15, 2020. We charged you the same $1,250.00 rental that she paid us. On the current 75 day notices that a rental increase will occur on June 1, 2022, we are using the amount of $1,250.00 as the old rental.

VIOLATION EXAMPLES

655 Congress Unit 620

- Rice is **ordered to fix** the rent on this unit based on one of our complaints and he did.
- 3 months later, he **un-complies**.
- TTU finds out, files another complaint, HSO sent a **new NOV**



Nov 6, 2023

Trelawny 657, LLC
657 Congress Street

Inspection **RCI-113324-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **620-622** at **655 Congress St Portland, ME**

Tenant was reimbursed **$2545.68 for 21 months** of overpayment.

The monthly rent going forward has been set to: **$1334.03**

2020. I rec
reason on December 14,
notice. I am not requesting a return of th
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paid us. On the current 75 day notices that a rental increase will occur on June 1, 2022,
we are using the amount of $1,250.00 as the old rental.

VIOLATION EXAMPLES

Between Jan. & March, 2024, we looked at 5 leases for 59 State. Four had issues (80%) and three tenants were refunded almost $5,000.

1. Unit 8 - **Wrong base rent**
2. Unit 33 - **$922.60 refund**
3. Unit 43 - **$2812.41 refund**
4. Unit 46 - **$997.62 refund (2 tenants)**
5. Unit 48 - No issues :)

IT'S NOT JUST 655 AND 59

These violations extend to almost every other property Rice owns.

In 2022, we submitted a complaint flagging 14 other buildings (not 59 State or 655 Congress). 11 of those buildings had illegal rent increases covering 27 units.

Building	Unit #	Jun 2020	Jan 2021	% Increase	Code Case #	Violation?
51 State	11	$1,100.00	$1,148.00	4.36%	BLDG2204019	Yes
	8	$995.00	$1,015.00	2.01%	BLDG2204019	Yes
	12	$1,015.00	$1,025.00	0.99%	BLDG2204019	Yes
	9	$655.00	$660.00	0.76%	BLDG2204019	Yes
656 Congress	304	$865.00	$1,050.00	21.39%	BLDG2204020	Yes
	201	$1,121.00	$1,308.00	16.68%	BLDG2204020	Yes
	204	$995.00	$1,125.00	13.07%	BLDG2204020	Yes
	207	$645.00	$725.00	12.40%	BLDG2204020	Yes
	403	$650.00	$675.00	3.85%	BLDG2204020	Yes
	301	$1,100.00	$1,125.00	2.27%	BLDG2204020	Yes
169 State	3	$925.00	$975.00	5.41%	BLDG2204021	Yes
	4	$750.00	$775.00	3.33%	BLDG2204021	Yes
291 Brackett	2	$1,500.00	$1,675.00	11.67%	BLDG2204022	Yes
235 Brackett	9	$1,000.00	$1,050.00	5.00%	BLDG2204023	Yes
	1	$1,150.00	$1,200.00	4.35%	BLDG2204023	Yes
	3	$860.00	$875.00	1.74%	BLDG2204023	Yes
	3	$960.00	$975.00	1.56%	BLDG2204023	Yes
648 Forest	3R	$1,450.00	$1,550.00	6.90%	BLDG2204024	Yes
546 Cumberland	6	$1,250.00	$1,275.00	2.00%	BLDG2204025	Yes
197 Pleasant	1	$1,125.00	$1,150.00	2.22%	BLDG2204026	No - based on beginning of tenancy
	4	$1,125.00	$1,150.00	2.22%	BLDG2204026	No - based on beginning of tenancy
684 Congress	6	$975.00	$1,175.00	20.51%	BLDG2204027	Yes
	9	$1,000.00	$1,125.00	12.50%	BLDG2204027	Yes
	1	$1,070.00	$1,175.00	9.81%	BLDG2204027	Yes
	3	$1,000.00	$1,095.00	9.50%	BLDG2204027	Yes
	2	$1,175.00	$1,195.00	1.70%	BLDG2204027	Yes
40 High	1	$1,425.00	$1,450.00	1.75%	BLDG2204028	No - based on beginning of tenancy
	3	$1,250.00	$1,270.00	1.60%	BLDG2204028	No - based on beginning of tenancy
45 State	2	$1,120.00	$1,200.00	7.14%	BLDG2204029	Yes
	2	$1,350.00	$1,375.00	1.85%	BLDG2204029	Yes
103 Highland	1	$1,010.00	$1,050.00	3.96%	BLDG2204030	No - based on beginning of tenancy
	5	$1,195.00	$1,200.00	0.42%	BLDG2204030	No - based on beginning of tenancy
60 Grant	1	$565.00	$595.00	5.31%	BLDG2204031	Yes
52 Sherman	2	$985.00	$1,125.00	14.21%	BLDG2204032	Yes
	4	$1,100.00	$1,125.00	2.27%	BLDG2204032	Yes

WHAT WE ARE ASKING FOR

"**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 statue." (emphasis added)

Our landlord was clearly "not in substantial compliance" at either 59 State or 655 Congress from Dec. 2022 through June, 2024. All rents at these properties should be rolled back to Dec. 2022 levels until Mr. Rice proves full compliance at both properties through a thorough and transparent audit.

WHAT WE ARE ASKING FOR

- **Roll back the rents to the Dec. 202**

ALL Rice properties and tenants are affected

Due to the significant number of errors uncovered at these two properties, and the number of errors uncovered at a dozen other properties, we also ask the board to consider rolling back rents at all of Mr. Rice's properties to Dec. 2022 levels until Mr. Rice can prove to HSO that all units are compliant.

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WHAT WE ARE ASKING

FOR
Fines

Similar to previous Board rulings, we believe $100 every time an illegal rent was collected is merited. At a minimum.

Building	Apt #	Months Overcharged	FINE
59 State	1	29	$2,900
	2	29	$2,900
	22	12	$1,200
	31	41	$4,100
	45	15	$1,500
	62	38	$3,800
	63	10	$1,000
	67	24	$2,400
655 Congress	212	18	$1,800
	404	13	$1,300
	415-416	28	$2,800
	602	28	$2,800
	620-622	21	$2,100
	723-726	24	$2,400
	819	21	$2,100
Gas Fee		278*	$27,800
		TOTAL	$62,900

This fine structure comes out to $62,900, less than 3% of what Mr. Rice takes in annually in rent from these two properties. In total, Mr. Rice collects almost $5 million from tenants every year.

IN CONCLUSION

At first, we believed these were just mistakes. Despite our offers of help being mostly rejected, we continued to believe it was simply his incompetence at learning a new law.

But after almost four years of our landlord using lawyers and legalese to scare tenants and evictions to intimidate, it is clear that his attempts to overcharge tenants is both malicious and predatory.

We hope you will help us.

Trelawny Tenants' Union

Thank you!

We request that all documents and communications pertaining to this investigation be made public upon completion.

Re: Additional Information Requested for 59 State St and 655 Congress St Tenant's Rights Appeals

Trelawny Tenants Union <trelawnytenantsunion@gmail.com> Sat, Aug 31, 2024 at 3:03 PM
To: Rent Control- City of Portland <rentcontrol@portlandmaine.gov>
Cc: Buddy Moore <buddymoore.rentboard@gmail.com>

Understood. Sorry to do this, but with that timeline in mind, we would like to request that our hearing be placed on the agenda of the Sept. 25th meeting if possible. We just want to make sure we have everything the board needs for final deliberation. Please let us know if that is possible and by what day material would need to be submitted for the meeting on the 25th.

On Fri, Aug 30, 2024 at 2:27 PM Rent Control- City of Portland <rentcontrol@portlandmaine.gov> wrote:

Hello,

Our office is required to provide a Notice of Public Meeting to all interested parties at least 7 days in advance of the hearing, which would fall on September 11th. The notices contain the information and materials being presented at the hearing. In order to meet the deadline, these notices must be sent via USPS by Monday, September 9th *at the latest.*

Thank you

On Fri, Aug 30, 2024 at 12:37 PM Trelawny Tenants Union <trelawnytenantsunion@gmail.com> wrote:

Thank you for letting us know. Sept 6 is a little faster than we expected for having to submit additional information for a Sept 18 meeting. Is there any way we could have until Sept. 13?

Thanks.

TTU

On Thu, Aug 29, 2024 at 10:13 AM Rent Control- City of Portland <rentcontrol@portlandmaine.gov> wrote:

Hello,

The tabled rent increase appeal submitted by Trelawny Tenants Union for the properties located at 59 State St and 655 Congress St has been scheduled to resume at a special Rent Board meeting on Wednesday, September 18, 2024 at 5:00 pm. The meeting will be remote and held via Zoom.

Please submit any previously requested documents or materials by **8:00 am Friday, September 6, 2024** so that any new information can be provided in the public notices being sent to interested parties.

The agenda with the Zoom link will be posted by Friday, September 13, 2024.
The agenda packet and Zoom link can be found on this page: Agendas & Minutes - City of Portland, Maine

Thank you

On Mon, Aug 26, 2024 at 3:31 PM Rent Control- City of Portland <rentcontrol@portlandmaine.gov> wrote:

Hello,

Please see below for the information requested by the Rent Board for the next hearing for the appeals for 59 State St and 655 Congress St. The Board will be scheduling the next hearing at the upcoming meeting on August 28th.

1) From the appellant: Any additional information regarding potential violations not included in their initial appeal submission document.

2) From the defendant: Any evidence or information regarding internal audits or any system that has been put in place to prevent overcharges in rent and/or violations of City ordinances.

3) From both the appellant and defendant: any evidence, information, or arguments they would like to provide to the Board regarding the issue of "standing."

Thank you
--
Licensing and Registration
389 Congress Street
Portland, Maine 04101
rentcontrol@portlandmaine.gov
207-874-8900

--
Licensing and Registration
389 Congress Street
Portland, Maine 04101
rentcontrol@portlandmaine.gov
207-874-8900

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

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Trelawny Tenants Union

TrelawnyTenantsUnion@gmail.com

Sept 13, 2024

Portland Rent Board

Mr. Buddy Moore

Via email: rentboard@portlandmaine.gov rentcontrol@portlandmaine.gov

Dear Chair Moore,

Attached to this letter please find documents responsive to Rent Board requests made on Aug. 18 during the initial hearing of our July 3 complaint asserting the rights of all tenants at 655 Congress and 59 State regarding Mr. Geoffrey Rice and his substantial non-compliance with the Rent Stabilization Ordinance (RSO) as per Sec 6-234 (f). We will walk through these documents in detail and be available to answer questions at the Sept. 25 hearing.

First, a quick note on our asserting the rights of all tenants in these buildings. While we have attached a detailed memo outlining why our standing to assert these rights is irrefutable (see point one below and Attachment A), a question was raised at the last meeting, "What if a tenant came forward and did not want TTU asserting their rights?" In such an instance, we would, of course, accommodate said tenant (although we would still expect the city to protect that tenant from any uncovered violations as per the law).

However, we note for the board that no tenants have made such a request that we are aware of. Not directly to us nor directly to the rent board or HSO through written or verbal public comment. This remains true despite every tenant having been made aware of this complaint in writing at least four times (twice by us and twice by the city who has mailed notices to all tenants of our full complaint and hearing opportunities), multiple times through our online tenant union portal, and through direct conversations when knocking on doors.

In short, not a single tenant has asked that we not assert their rights, despite having multiple opportunities to do so. Therefore, we remain steadfast in demanding that the rent board rule on behalf of all tenants in these buildings, including those uncomfortable exposing themselves to the retaliation our landlord has already engaged in.

Documents attached are as follows:

1) In response to the rent board's request, we include a letter from attorney Ben Gaines on behalf of DSA for a Livable Portland and the Portland Tenants Union outlining why tenant unions have standing to assert the rights of **any** tenants whose rights have been violated under the rent stabilization ordinance. (Attachment A)

2) In response to the rent board's request for additional violations that may be ongoing, we include a Notice of Violation from the Housing Safety Office dated August 28, 2024 detailing an additional 46 violations at 35 units in 655 Congress Street. (Attachment B)

3) In response to the rent board request for evidence that our landlord is not allowing us to determine if additional violations are occurring, we include an email we sent August 27th asking to review certain leases we were told we could review. As of the date of this letter, we have received no response. (Attachment C, pasted below)

4) We also include a list of all units that received rent increases during the period when Mr. Rice was out of substantial compliance. These increases were “demand[ed], accept[ed] or retain[ed]” while he was substantially non-compliant in other respects, but might have been “otherwise permitted.” In many cases, the increases may have exceeded allowable levels (because Mr. Rice was grossly non-compliant), but were partially “otherwise permitted” and therefore partially governed by the Sec 6-234(f) prohibition. This is the list of tenants for whom we are asserting their rights and for whom we request you set their rents back to the verified Dec, 2022 level, with no “bank” accumulation from either year being permitted, assuming the rent on said unit has not been lowered further by HSO action due to previous violations. (Attachment D, pasted below).

5) Attachment E is the slide show we presented on July 18, which we officially submit for the record.

Thank you.

Izzy Ostrowski, Matt Walker, Brittany Herland, Brandon Pariseau, Valen Doe, James Dillon, Bligh Godin, Ethan Strimling, Ashley Cordio, Clifford Tremblay, Ian Jacob, David Klosen, Hannah Ferguson, Victoria Van Berlo, Tiffiny McCollett, Hadrienne Hatfield, Abigail Jakub, Kshama Ananthapura, Emily Sanborn, Jacob Pauley, and Tom Baldwin.

TTU Steering Committee & tenants of Geoffrey Rice

Attachment C - Communication with Mr. Rice that ended with Mr. Rice failing to allow us to review leases to determine if there were additional violations.

On Wed, Jul 3, 2024 at 1:09 PM Apartment Mart <apartmentmart1952@gmail.com> wrote:

Good afternoon,

Attached is the audit we performed for the 2 bedroom apartments at 59 State Street. The only apartment where a refund was needed was with apartment 66. This is when we were following the Cities recommendation of making a new lease when an additional tenant resided in the unit.

Best,

Sean Power

Apartment Mart
Residential Rentals
Portland & Biddeford
P: 207-773-1814
F: 207-773-5528

On Mon, Jul 8, 2024 at 12:50 PM Trelawny Tenants Union <trelawnytenantsunion@gmail.com> wrote:

Sean,

Thanks for your work on this and for sending. Not sure how to proceed, but if we have questions about any of these, will we be allowed to see the actual leases? Thanks.

TTU Steering Committee

On Mon, Jul 8, 2024 at 3:02 PM Apartment Mart <apartmentmart1952@gmail.com> wrote:

Yes! If you have any questions and want to review the leases, we can arrange a time for you to come in and do so.

Apartment Mart
Residential Rentals
Portland & Biddeford
P: 207-773-1814
F: 207-773-5528

On Tue, Aug 27, 2024 at 7:32AM Trelawny Tenants Union <trelawnytenantsunion@gmail.com> wrote:

Sean,

We've looked over the list and would like to review four of the apartments: units 6, 36, 63, and 66. We would also like to review unit 24/25 which was the start of this complaint. Let us know when it would be good to come down. Thanks!

TTU Steering

Attachment D - List of all units in 59 State Street and 655 Congress that received rent increases during the period when Mr. Rice was out of substantial compliance. These increases were "demand[ed], accept[ed] or retain[ed]" while he was substantially non-compliant in other respects, but *might* have been "otherwise permitted."

59 State Street (47 units)		
Unit	**Nov. 2022 Rent**	**Rent Increased**
1	$1,069.74	Yes
2	$1,386	Yes
3	$1,525	Yes
6	$1,455.62	Yes
7	$1,226.16	Yes
8	$1,284	Unknown
21	$1,200	Yes
22	$1,528.33	Yes
23	$1,575.56	Yes
24	$990	Yes
25	$990	Yes
26	$1,565.13	Yes
27	$1,650	Yes
28	$1,106.21	Yes
31	$1,147.93	Yes
32	$1,319.81	Yes
33	$1,775	Yes
34	$885.50	Yes
35	$885.50	Yes
36	$1,726.80	Yes
37	$1,421.72	Yes
38	$1,137.50	Yes
41	$1,194.97	Yes
42	$1,512.98	Yes
43	$1,668.13	Yes
44	$1,194.18	Yes
45	$1,050	Yes
46	$1,571.39	Yes
47	$1,512.98	Yes
48	$1,226.16	Unknown
51	$1,220.94	Yes

52	$1,408.68	Yes
53	$1,617.28	Yes
54	$1,199.18	Unknown
55	$1,199.18	Unknown
56	$1,643.36	Yes
57	$1,507.77	Yes
58	$1,252	Yes
61	$1,304.38	Yes
62	$1,539.06	Yes
63	$1,550	Yes
64	$1,121.86	Yes
65	$1,121.86	Yes
66	$1,575	Yes
67	$1,565.13	Yes
68	$1,064	Yes
69B	$1,324.36	Yes

655 Congress Street (102 units)		
Unit	**Nov. 2022 Rent**	**Rent Increased**
202	$1,366.98	Yes
203	$1,000	Yes
204	$1,010.86	Yes
205	$0	EXEMPT
206-208	$1,363	Yes
209	$1,176	Yes
211	$884.51	Yes
212	$849.42	Yes
214	$812.40	Yes
215-217	$1,050	EXEMPT
218	$1,121	EXEMPT
220-221	$1,144.60	Yes
222	$787.73	Yes
223-226	$1,475	Unknown
227-228	$1,025	Yes
302	$1,340.01	EXEMPT
303	$1,100	Yes

304	$1,016.08	Yes
305-306	$1,158.86	Yes
307	$980	Yes
308-309	$1,241.63	Unknown
310	$813.93	Yes
311	$818.62	Yes
312	$844.70	Yes
314	$844.70	Yes
315-317	$1,320	Yes
318	$1,264.74	Yes
320	$673	Yes
321-322	$1,182.50	Yes
323-324	$1,039.50	Yes
325-326	$1,092.72	Yes
327	$984.50	Yes
401-402	$1,121	EXEMPT
403	$1,042.15	Yes
404	$1,175.02	Yes
405	$973	Yes
406-407	$863.50	Yes
408-409	$1,371.85	Yes
410	$882.20	Unknown
411	$756.04	Yes
412-414	$1,097.93	Yes
415-416	$1,094	Yes
417	$786.50	Yes
418	$1,209.63	Yes
420	$688.65	Yes
421-422	$1,150.08	Yes
423-426	$1,644.89	Yes
427-428	$1,050	Yes
501-502	$1,313.92	Yes
503	$1,016.08	Yes
504	$995.22	Yes
505-506	$1,204.84	Yes
507-508	$1,121	EXEMPT
509	$848.66	Yes
510	$813.41	Yes

511	$852.26	Yes
512-514	$1,320	Yes
515-517	$1,386	Yes
518	$1,287.02	Yes
520-522	$1,121	EXEMPT
523-526	$1,850	Yes
527-528	$1,200	Yes
601	$992.92	Yes
602	$1,050	Yes
603-604	$825	Yes
605-606	$1,341.73	Yes
607-608	$764.50	Yes
609	$844.70	Yes
610	$750.80	Yes
611-614	$1,308.72	Yes
615-617	$1,056	Yes
618	$980	Unknown
620-622	$1,212.75	Yes
623-626	$1,512.50	Yes
627-628	$1,235.71	Yes
701-702	$1,392.16	Yes
703	$1,068.23	Yes
704	$1,119.67	Yes
705-706	$1,371.85	Yes
707-708	$1,092	Yes
709	$787.33	Yes
710	$745.61	Yes
711	$984.50	Yes
712-714	$1,209.93	Yes
715	$1,075	Yes
717	$921.45	Unknown
718	$1,321.75	Yes
720	$683.43	Yes
721-722	$1,050	Yes
723-726	$1,550	Yes
727	$950	Yes
728	$927.17	Yes
808-809	$1,400	Yes

810-811	$1,312.50	Yes
812	$844.70	Yes
815-816	$1,375	Yes
817	$1,125	Yes
819-820	$1,146.16	Yes
821-823	$1,228	Yes
823-825	$1,300	Yes
826	$935	Yes
827	$860.34	Yes

MEMORANDUM

TO: Members of the Portland Rent Board

FROM: Benjamin Gaines, on behalf of the Maine DSA Livable Portland Committee and the Portland Tenants Union

DATE: September 13, 2024

RE: Tenants Union Standing

As you know, at elections held in 2020, 2022, and 2023, the voters of Portland adopted, strengthened, and then protected the City's rent control ordinance, codified in Titles XII and XIII of Chapter 6 of the City Code of Ordinances. The Maine Democratic Socialists of America ("DSA") led the campaigns in support of rent control at each of those elections. The Livable Portland Committee ("LPC") was formed by Maine DSA to run the 2022 and 2023 campaigns and, among other purposes, serves to protect and monitor the enforcement of Portland's rent control ordinance. The Portland Tenants Union ("PTU") is another Maine DSA formation, begun this year, consistent with Portland City Code Sec. 6-232, as a "committee . . . of any kind, whatsoever, in which tenants participate, and which exists for the purpose, in whole or in part, of dealing with Landlords concerning rental conditions or any matter related to the Landlord-tenant relationship, including but not limited to the rights and interests of tenants under [Chapter 6 of the Portland City Code]."

At the Rent Board's August 21 hearing regarding the complaints brought before it by the Trelawny Tenants Union ("TTU"), the Board was advised by counsel that it is "a fundamental principle of administrative law, of constitutional law that an organization's standing is limited to its membership." **This is false**. There is no

support for the advice this Board received to be found anywhere in Maine caselaw. **This memorandum will show that when it comes to standing of the parties coming before it, the Board is bound by the plain text of its governing ordinance, and that this ordinance intentionally uses crystal clear language to grant exceptionally broad standing to tenants unions bringing cases before the Board to assert the rights and interests of any or every tenant whose rights and interests have been violated.**

I. Third-Party Standing in Maine

"In Maine, standing is prudential, **not constitutional**."[1] This is because "[u]nlike the language of article III, section 2 of the United States Constitution, the Maine Constitution contains no 'case or controversy' requirement."[2] This is black-letter law. When courts refer to standing as "prudential," they simply mean that it is a judge-made rule, "involving the principle of judicial self-restraint by which the courts avoid interference with other branches of government."[3]

One prudential rule of standing is the "*general rule* . . . that a litigant may not assert the constitutional rights of third parties."[4] But it is just that: **a general**

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[1] *Black v. Bureau of Parks & Lands*, 2022 ME 58, ¶ 27, 288 A.3d 346 (emphasis added); see also *Collins v. State*, 2000 ME 85, ¶ 11, 750 A.2d 1257, 1261 (Calkins and Dana, JJ., concurring) (Maine standing jurisprudence is prudential, not constitutional).

[2] *Roop v. City of Belfast*, 2007 ME 32, ¶ 7, 915 A.2d 966.

[3] *Seven Islands Land Co. v. Maine Land Use Reg. Comm'n*, 450 A.2d 475, 484 (Me. 1982) (Nichols and Wathen, JJ., concurring).

[4] *Common Cause v. State*, 455 A.2d 1, 6 (Me. 1983) (emphasis added).

rule, not a fundamental rule, and there are "**a number of exceptions**."[5] At the federal level, the "the most prominent" of these exceptions recognized by the United States Supreme Court is that "Congress **may remove it by statute.**"[6]

II. Standing at the Municipal Level

Similarly, in Maine "[j]ust what particular interest or injury is required for standing purposes and the source of that requirement—whether statutory-or common law-based—varies based on the type of claims being alleged."[7] For instance, in the state administrative context, "[w]hether a party has standing depends on the wording of the specific statute involved."[8] Accordingly, at the municipal level, because standing "**depends on the language of the governing ordinance**, we must interpret and apply the relevant sections of the Ordinance."[9] And to be sure, "**a municipality can set its own more liberal rules**. . . ."[10] **Portland's Rent Board is entirely the creation of ordinance, and it has no authority to depart from the more liberal rules of standing contained in that ordinance.**

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[5] *Id.* at 7 (emphasis added).

[6] *Warth v. Seldin*, 422 U.S. 490, 509 (1975).

[7] *Black*, 2022 ME 58, ¶ 27 (quoting *Bank of Am., N.A. v. Greenleaf*, 2014 ME 89, ¶ 7, 96 A.3d 700, 704).

[8] *Lindemann v. Comm'n on Governmental Ethics & Election Pracs.*, 2008 ME 187, ¶ 9, 961 A.2d 538, 542.

[9] *Upstream Watch v. City of Belfast*, 2023 ME 43, ¶ 12, 299 A.3d 25, 30.

[10] *Id.* ¶ 24.

III. Examples in Similar Contexts

There are myriad examples of parties given standing by statute or ordinance who otherwise might not satisfy prudential rules of court, but here are a few that the Board should find relevant:

- Disability Rights Maine is conferred "standing to sue on behalf of individuals with mental illness and developmental disabilities."[11] This standing is rooted in statute, 5 M.R.S. § 19505(3), which grants it authority to "pursue administrative, legal and other appropriate remedies on behalf of persons with disabilities."
- The False Claims Act, 31 U.S.C. §§ 3729-3733, like other *qui tam* statutes dating back to the founding of the republic, authorizes a private party to bring suit on behalf of the public.[12]
- The Fair Housing Act, 42 U. S. C. § 3601 *et seq.*, allows "tenants of the same [apartment complex]" to sue for monetary, injunctive and declaratory relief, even when they themselves are not the direct victims of housing discrimination.[13]
- The Town of Belfast allows any "person whose land is directly or indirectly affected by the granting or denial of a permit or variance . . . or a person

[11] *See Risinger v. Concannon*, 117 F. Supp. 2d 61, 69 (D. Me. 2000); *see also Doe v. Rowe*, 156 F. Supp. 2d 35, 58 (D. Me. 2001) (similarly finding standing conferred on DRM to pursue claims under Title II of the Americans with Disabilities Act).

[12] *See Vt. Agency of Nat. Res. v. United States ex rel. Stevens*, 529 U.S. 765, 768-69 & n.1 (2000)

[13] *Trafficante v. Metro. Life Ins. Co.*, 409 U.S. 205, 209 (1972).

whose land abuts land for which a permit or variance has been granted." to bring a case before its Zoning Board of Appeals, dispensing with the normal prudential particularized injury requirement entirely.[14]

Note especially, that in some cases Disability Rights Maine might be called upon to represent individuals who legally lack the mental capacity to contract for or consent to representation. And in constitutional or class action cases, it is altogether commonplace for plaintiffs to invoke the interests of and seek relief for broad groups of entire strangers.[15] **None of these examples, nor any others in Maine caselaw, state that third-party standing cannot be conferred without an express request or consent from the third parties themselves.**[16]

One thing that the Board should be clear of is that this is **NOT** an issue of "associational standing." Associational standing is another prudential rule that generally allows, "*in the absence of contradictory language in an ordinance*, that a group may show standing if at least one member has standing."[17] This is why, *prior to the adoption of section 6-243*, the Board recognized TTU's power to bring a complaint on behalf of its members.[18] As a prudential rule, just like the broader rule

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[14] *Upstream Watch*, 2023 ME 43, ¶ 16, 299 A.3d 25, 30.

[15] *See e.g. Eisenstadt v. Baird*, 405 U.S. 438 (1972).

[16] A hypothetical issue has been raised of a tenant who expressly opposes having TTU assert their interests, but 1) that is a policy concern for the voters who approved this ordinance, not the Board, and it has been unambiguously resolved in favor of the tenants union nonetheless being empowered to assert those interests; and 2) it is a red herring, as there is no such tenant before the Board.

[17] *Upstream Watch*, 2023 ME 43, ¶ 18, 299 A.3d 25, 30-31 (emphasis added).
[18] Rent Board Decision in re: 655 Congress Street, ¶ 10 (Feb. 23, 2022).

against third-party standing, **it can be overridden by statute or ordinance.** Moreover, no one disputes whether "at least one member" of TTU has standing here.[19] Rules of associational standing cannot support the advice given by the Board's counsel.

IV. The Plain Language of the Tenants Union Standing Ordinance.

In 2022, the voters of Portland set their "own more liberal rules" for standing when they voted to amend the rent control ordinance. As you are aware, voters then approved provisions that defined the term "Tenants Union" and then created a special rule in section 6-243(a) providing that "*[a]ny* Tenants Union shall have standing as a party to assert the rights or interests of *any* Tenants, individually or collectively, under this Chapter in any complaint, appeal, or other proceeding brought before . . . the Rent Board . . . ." This provision is exactly as broad as it appears, and intentionally so.

"Read naturally, the word 'any' has an expansive meaning, that is, '**one or some indiscriminately of whatever kind**.'"[20] "Its ordinary meaning is '**all or every**.'"[21] As an example, "the ordinary and common meaning of 'any profit factor' is 'all or every profit factor' whether it be positive, zero or negative in value."

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[19] Given the nature of the ordinance actually at issue in this complaint—providing that the "landlord who is not in substantial compliance with any provision of this chapter . . . may not demand, accept, or retain any rent increase otherwise permitted . . . ."—the same findings of fact and conclusions of law pertaining to a single tenant will apply equally to <u>every tenant</u> in this landlord's properties: If he has been continuously and substantially noncompliant (and the evidence before you shows that he has been) for the entirety of the period since December 8, 2022, he must refund <u>every rent increase</u> that he's collected over that period.

[20] *United States v. Gonzales*, 520 U.S. 1.

[21] *Nat'l Council on Comp. Ins. v. Superintendent of Ins.*, 481 A.2d 775, 779 (Me. 1984)

The ordinary meaning of this provision, resoundingly approved by Portland's voters, is that *all or every* Tenants Union—including both TTU and PTU—have standing as a party to assert the rights of *all or every* tenant of Geoffrey Rice, not only those who sign themselves up as members or affirmatively consent to participate in this action. There is absolutely nothing in the plain language of the ordinance to suggest a more constrained reading.

The public legislative history behind this provision's drafting and adoption both confirm its meaning and demonstrate that its purpose was threefold. *First*, in early 2022, this exact tenants union came before the Rent Board with a complaint regarding a tax rate rent adjustment that had been applied to every tenant in a building. Then, TTU was told that it lacked standing to assert the rights of other tenants who were not before the board, but the individual tenants who had signed the complaint were nonetheless permitted to present their case against the landlord together.[22] The LPC then worked with TTU to pass an amendment to the ordinance to ensure that in the future they *could* bring a complaint asserting the rights of every tenant in the building.

Second, it should come as no surprise to you that for at least the first two years that this ordinance was in place, city staff in the Housing Safety Office was apparently unable or unwilling to enforce this ordinance, leaving landlords across

[22] Rent Board Decision in re: 655 Congress Street, ¶ 10 (Feb. 23, 2022). Advice given by the Board's counsel would effectively render section 6-243(a) superfluous and entirely meaningless. But the ordinance may not be read "in a manner that would render some of the language superfluous and meaningless." *Friends of Cong. Square Park v. City of Portland*, 2014 ME 63, ¶ 10, 91 A.3d 601, 605.

the city free to ignore it and tenants to fend for themselves.[23] Tenants union standing was devised as a mechanism, using public records, to ensure accountability and enforcement of rent control, whether or not city staff wanted to sweep landlord noncompliance under the rug.[24] The coalition that supported rent control campaigned on this, and Portland's voters approved.

Third, during the first two years following initial passage of the ordinance, several renters were retaliated against by their landlords.[25] The organizers who pursued the initial rent control measure and sought to help educate tenants about their rights observed a chilling effect on tenants' willingness to stick their necks out and put their names on complaints. One member of the Board suggested at its previous meeting that fear of retaliation could not justify the broad tenant union standing that LPC deliberately and explicitly wrote into the 2022 rent control amendments, because the Board has shown that it would enforce the anti-retaliation provision contained in section 6-237(e). Respectfully, the rent control amendments adopted in 2022 contained multiple provisions designed to deter and prevent retaliation against tenants, including this one. The Board's duty is to apply the plain language of each of them.

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[23] *See* Kay Neufeld, *182 complaints, 37 violations, 0 fines: Portland hasn't penalized a single landlord since rent control took effect*, Portland Press Herald (Jan 21, 2024), https://www.pressherald.com/2024/01/21/182-complaints-37-violations-0-fines-portland-hasnt-penalized-a-single-landlord-since-rent-control-took-effect/.

[24] In this sense, tenant union standing is not dissimilar from the standing conferred on relators under the False Claims Act, discussed above.

[25] *See e.g.* Callie Ferguson, *Portland's former mayor says he's being evicted for fighting illegal rent hikes*, Bangor Daily News (Jan. 25, 2022), https://www.bangordailynews.com/2022/01/25/portland/portlands-former-mayor-says-hes-being-evicted-for-fighting-illegal-rent-hikes-joam40zk0w/.

V. Conclusion

Portland tenants and tenants unions have financial interests as renters in seeing the rent control ordinance uniformly applied and the rental housing market adequately regulated, and an interest in preventing their neighbors' exploitation. Those interests are on par with—if not stronger than—the interests of abutting landowners in zoning cases or indirectly affected neighbors in fair housing cases. **There is no serious argument that the plain language of Portland's rent control ordinance does not grant broad third party standing to tenant organizations. And there is no rule, whether "fundamental" or "constitutional," that justifies discarding that plain language to deny TTU standing.**

Written Public Comment - Sept 25 meeting re: TTU complaint

1 message

Trelawny Tenants Union <trelawnytenantsunion@gmail.com> Tue, Sep 24, 2024 at 11:18 AM
To: Rent Control- City of Portland <rentcontrol@portlandmaine.gov>, Rent Board <rentboard@portlandmaine.gov>
Cc: Buddy Moore <buddymoore.rentboard@gmail.com>

Chair Moore and distinguished members of the rent board,

At your Sept 18 meeting, the lawyer for Mr. Rice announced that he will be seeking further delay in the adjudication of our complaint dated July 3, 2024, and first heard on August 19, 2024.

While we have not yet seen anything in writing requesting the reasons for this possible delay, we want to inform the board that we remain ready to present the additional information requested by the board and included in your packets. If you do choose to delay further based on our landlord's request, we simply ask that the delay be short and the reasons for it be laid out explicitly.

As you know, this matter was first submitted to the Housing Safety Office and shared with our landlord on June 18. He has had three months to provide any and all necessary material for the rent board to consider. In fact, he chose not to even respond to the Board's request for more information after the hearing on August 19.

Please understand that our request that you adjudicate this matter in as timely a matter as possible is not without reason. Despite this complaint being in front of you, last week our landlord started sending out dozens and dozens of new rent increase notices, as if you are going to rule in his favor before you have decided. Tenants are contacting us daily asking what to do about this.

Thank you for your attention to this matter.

TTU Steering Committee

City of Portland – Housing Safety Division
RENTAL INCREASE APPEAL

Date of Hearing:

August 19, 2024 - Tabled to September 18, 2024 - Tabled to September 25, 2024

Appellant:

Trelawny Tenants Union

TrelawnyTenantsUnion@gmail.com

Owner Name and Address:

Trelawny 657 LLC
657 Congress St, First Floor
Portland, ME 04101

Property Address:

655 Congress Street
Portland, ME 04101

CBL:

046-D-021-001

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

September 9, 2024

Re: Notice of Public Hearing

To: Interested Parties of 655 Congress Street Portland, ME 04101

A request for a hearing regarding the rental property at 655 Congress St (CBL: 046-D-021-001) has been submitted to the Rent Board. The request submitted by the Trelawny Tenants' Union is in regards to a potential violation of the City of Portland's Rent Stabilization Ordinance by the property owner, Trelawny 657 LLC. This appeal was previously heard at the August 19, 2024 meeting.

The Rent Board meeting is scheduled for **September 18, 2024** at 5pm. This meeting will be remotely held via Zoom.

The agenda and Zoom link will be accessible by **September 13, 2024** at the link below: http://portlandmaine.gov/129/Agendas-Minutes

***Please note:** Written public comment must be received via email (rentboard@portlandmaine.gov) by 12pm the day before the scheduled meeting. Please make sure that the subject line reads "Written Public Comment".

Thank you,

Dylan Orr
Rental Registration Coordinator
City of Portland
389 Congress St
Portland, ME 04101

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

July 26, 2024

Re: Notice of Public Hearing

To: Interested Parties of 655 Congress St

At the July 24, 2024 Rent Board meeting the Board voted to schedule a public hearing for the tenants rights complaint submitted by Trelawny Tenants Union in regards to the rental property located at 655 Congress St owned by Trelawny 657 LLC. This special meeting has been scheduled for **August 19, 2024 at 5:00 PM**.

Please submit any documentation to be reviewed by Board members by **August 7, 2024**. Be advised, this is a public meeting and all documentation submitted can be subject to any Freedom of Access Act requests.

Rent Board meetings are held remotely via Zoom. The agenda with the Zoom link will be posted by Wednesday, August 14, 2024.

The agenda packet and Zoom link can be found on this page: Agendas & Minutes - City of Portland, Maine

Thank you,

Dylan Orr
Rental Registration Coordinator
City of Portland
389 Congress St
Portland, ME 04101

Trelawny Tenants Union

TrelawnyTenantsUnion@gmail.com

July 3, 2024

Portland Rent Board

Mr. Buddy Moore

Via email: rentboard@portlandmaine.gov rentcontrol@portlandmaine.gov

Dear Chair Moore,

Pursuant to the standing granted to tenant unions under section 6-243(b) of the city code, we submit this complaint on behalf of all tenants at 655 Congress and 59 State to the Rent Board regarding Mr. Geoffrey Rice and his substantial non-compliance with the Rent Stabilization Ordinance (RSO) as per Sec 6-234 (f).

As you know, Sec 6-234 (f) provides, "[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." (emphasis added)

This provision, adopted in 2022 by the voters of Portland, requires that any landlord substantially out of compliance with *any* provision of the City's building and housing regulations may not impose or collect *any* rent increases on *any* unit until they are back in compliance.

While this complaint will outline multiple separate violations impacting over 50 tenants, as the Rent Board ruled in its 36 Sawyer Street ruling on June 3, 2024, any one of these violations can constitute "substantial non-compliance:"

> "... the Board concludes that more than one violation of the RSO is not necessary to constitute substantial noncompliance pursuant to section 6-234(f). In other words, a single violation of the RSO may constitute substantial noncompliance with the RSO for the purposes of section 6-234(f)."[1]

Based on individual complaints we have filed, and ultimately confirmed by Portland's Housing Safety Office (HSO), Mr. Rice has been ruled out of compliance at least 15 times in the past six months, having over-charged tenants almost $11,000. These violations cover the entire period of 2023 and continue into 2024.

Building	Apt #	Code Case #	Status	Dates Overcharged	Amt. Overcharged
59 State	1	BLDG2306278	Violation	6/2021-11/2023 (29 months)	$587.13
59 State	2	BLDG2306281	Violation	6/2021-11/2023 (29 months)	$752.16

[1] Rent Board final decision on 36 Sawyer Street, footnote #4.

59 State	22	BLDG2306283	Violation	11/2022-11/2023 (12 months)	$188.04
59 State	31	BLDG2306278	Violation	6/2020-11/2023 (41 months)	$807.56
59 State	45	BLDG2306282	Violation	8/2022-11/2023 (15 months)	$452.41
59 State	62	BLDG2306283	Violation	9/2020-11/2023 (38 months)	$1,394.36
59 State	63	BLDG2306283	Violation	1/2023-11/2023 (10 months)	$250.00
59 State	67	BLDG2306278	Violation	11/2021-11/2023 (24 months)	$612.96
655 Congress	212	BLDG2306553	Violation	8/2022-2/2024 (18 months)	$490.08
655 Congress	404	BLDG2306359	Violation	1/2023-2/2024 (13 months)	$649.20
655 Congress	415-416	BLDG2306359	Violation	1/2023-2/2024 (13 months)	$363.25
655 Congress	602	BLDG2306360	Violation	10/2021-2/2024 (28 months)	$707.32
655 Congress	620-622	BLDG2306360	Violation	3/2022-12/2023 (21 months)	$2,545.68
655 Congress	723-726	BLDG2306362	Violation	2/2022-2/2024 (24 months)	$1,124.90
655 Congress	819	RCC2400010	Violation	10/2022-6/2024 (21 months)	$1,238.28
			Total		**$12,163.33**

Additionally, the HSO ruled last May, and the Rent Board confirmed last November, that Mr. Rice had illegally passed on a gas fee to almost every tenant in 655 Congress Street, amounting to over $3,500 in overcharges to 44 tenants from January 1, 2023 to December, 1, 2023.

655 Congress

Unit #	Code Case #	Status	Months Overcharged (2023)	Amt Overcharged
203	BLDG2305814	Violation	6 months	$72.00
204	BLDG2305814	Violation	5 months	$60.00
208	BLDG2305814	Violation	7 months	$84.00
209	BLDG2305814	Violation	5 months	$60.00
211	BLDG2305814	Violation	2 months	$24.00
214	BLDG2305814	Violation	7 months	$84.00
222	BLDG2305814	Violation	8 months	$96.00
303	BLDG2305814	Violation	1 months	$12.00
306	BLDG2305814	Violation	3 months	$36.00
309	BLDG2305814	Violation	2 months	$24.00
311	BLDG2305814	Violation	5 months	$60.00
312	BLDG2305814	Violation	7 months	$84.00
315	BLDG2305814	Violation	10 months	$120.00
320	BLDG2305814	Violation	10 months	$120.00
322	BLDG2305814	Violation	10 months	$120.00
324	BLDG2305814	Violation	6 months	$73.00

326	BLDG2305814	Violation	2 months	$24.00
327	BLDG2305814	Violation	4 months	$48.00
405	BLDG2305814	Violation	6 months	$72.00
410	BLDG2305814	Violation	3 months	$36.00
411	BLDG2305814	Violation	10 months	$120.00
418	BLDG2305814	Violation	11 months	$132.00
501	BLDG2305814	Violation	10 months	$120.00
503	BLDG2305814	Violation	7 months	$84.00
510	BLDG2305814	Violation	11 months	$132.00
601	BLDG2305814	Violation	9 months	$108.00
604	BLDG2305814	Violation	11 months	$132.00
610	BLDG2305814	Violation	6 months	$72.00
620	BLDG2305814	Violation	11 months	$132.00
627	BLDG2305814	Violation	6 months	$72.00
701	BLDG2305814	Violation	6 months	$72.00
707	BLDG2305814	Violation	6 months	$73.00
709	BLDG2305814	Violation	5 months	$60.00
710	BLDG2305814	Violation	11 months	$132.00
718	BLDG2305814	Violation	9 months	$108.00
720	BLDG2305814	Violation	10 months	$120.00
723	BLDG2305814	Violation	6.5 months	$78.00
727	BLDG2305814	Violation	2 months	$24.00
728	BLDG2305814	Violation	6 months	$72.00
810	BLDG2305814	Violation	6 months	$72.00
817	BLDG2305814	Violation	11 months	$132.00
821	BLDG2305814	Violation	6 months	$72.00
826	BLDG2305814	Violation	5 months	$60.00
827	BLDG2305814	Violation	5 months	$60.00
		Total	**295.5 Months**	**$3,548.00**

The above totals (not including those yet to be uncovered) amount to over $15,000 in refunds Mr. Rice has had to issue in the past six months for violations covering from June 2020, through the period of January 1, 2023, to June 2024 (another letter of violation was delivered just last week), the period covered since section 6-234(f) went into effect.

We would also like to point out, as your records show, this pattern of non-compliance with Mr. Rice has been non-stop since the ordinance went into effect. This Rent Board recommended that the City fine him $15,350 back in 2022 for a series of violations including overcharges, repeated illegal rent increase notices, and attempting to charge tenants for personal expenses related to his 3,000 sq. ft. penthouse. At the time, Mr. Rice told the City he would comply, the City believed him, and the fine was not collected.

Additionally, at least five of the rent hike violations above are repeat offenses on the same unit, and sometimes the same tenant. In the complaint we filed with the HSO regarding units 212, 404, 415, 620, & 723 (attached), you will note that Mr. Rice had been ordered to correct problems with these units in 2022. After he corrected them (which he initially did), he actually went back and again imposed illegal rent hikes on those same units.

In particular, please review unit 620. In this instance, three months after he presented the City with evidence that he had refunded the tenant and lowered the rent to the allowable amount, he wrote to the tenant and reinstated the previous illegal rent level. We have enclosed the letter he sent the tenant on March 9, 2022, in which he said, "I received inaccurate information from a rent board employee [Mr. Chuck Fagone] and that was the reason on December 14, 2021, I sent you a check of $1,991.25…" He then reinstated the previous rent level of $1,250, almost $150 above what he had been ordered to charge. Once uncovered by this union over a year later, the city investigated and ordered him to pay back another $2,545 and drop the rent back to what was allowable by law.

The above violations meet any plausible understanding of what constitutes being "substantially out of compliance" during the period these violations occurred. Additionally, note that these violations are part of a pattern by Mr. Rice. Indeed, as reported by the Portland Press Herald, Mr. Rice has more violations of the RSO than any other landlord in Portland.

Finally, the rule contained in Sec. 6-234(f) applies broadly to "[a] *landlord*" (emphasis added) who is out of compliance, and bars that *landlord* from raising rents. Nothing in this provision limits the extent of its prohibition merely to the units for which he is presently charging noncompliant rents. The Board should not infer such a limitation where it is entirely absent from the plain language of the ordinance. Rather, the plain language provides that the *landlord* may not impose or collect upon *any* rent increase.

In light of this overwhelming evidence showing clearly habitual substantial non-compliance, we ask that you:

1) **Require Mr. Rice to rescind all rent increases imposed on all tenants in 655 Congress Street and 59 State Street since January 1, 2023. As you did with 36 Sawyer Street, we ask that at both properties you require him to refund what was collected, forbid him from banking any annual increases which he was never entitled to impose, and insist that he provide 90 days notice for any future increases once he is confirmed to be in full compliance.**

2) **Recommend a fully public and transparent audit of Mr. Rice's properties to determine where other violations have occurred. Indeed, almost every time we review an issue, it turns out to be a violation. There is simply no reason to believe this trend doesn't exist throughout all of his properties.**

3) **Impose fines on Mr. Rice to the fullest extent the law allows for this willful non-compliance. Simply requiring him to refund what was not his in the first place, is clearly not a deterrent. Without the prospect of fines, he has already demonstrated that he will continue to brazenly and unlawfully gouge his tenants.**

In regard to point three, we request a fine schedule, at a minimum, similar to what was imposed on the landlord for Sawyer Street:

> "The Board finds that it is appropriate to assess a $100 fine to the Landlords for each instance the Landlords charged the Tenants rent that exceeded the limits established by section 6-234(c)."

In this instance, that fine schedule would look like this:

Building	Apt #	Months Overcharged	FINE
59 State	1	29	**$2,900**
	2	29	**$2,900**
	22	12	**$1,200**
	31	41	**$4,100**
	45	15	**$1,500**
	62	38	**$3,800**
	63	10	**$1,000**
	67	24	**$2,400**
655 Congress	212	18	**$1,800**
	404	13	**$1,300**
	415-416	28	**$2,800**
	602	28	**$2,800**
	620-622	21	**$2,100**
	723-726	24	**$2,400**
	819	21	**$2,100**
Gas Fee		278*	**$27,800**
		TOTAL	**$62,900**

*This number is below the 296 charges seen in the gas fee chart above because we eliminated those charges from the two units that overlapped between an illegal rent increase and the illegal gas fee (units 620 and 723). We believe Mr. Rice should be fined only once per month when he overcharged a tenant, even if there were two separate illegal charges.

Please note, as you consider these fines, our landlord collects $2,181,293 annually from the tenants of 59 State Street and 655 Congress (based on CSS published Nov. 2023 rent levels). If the Board fines him the full amount above, it would amount to less than 3% of his gross income from just these two properties. In comparison, the fines the Board issued against the landlord of Sawyer Street, not including your decision to rescind all rent increases on the unit, amounted to almost 15% of their gross revenue.

Less than 3% of gross revenue is not too steep a price to pay for his ongoing negligence, repeat offenses, and blatant reversal of previous directives. In fact, we consider $100 per instance for a repeat offender to be the minimum. A penalty of $200 per instance would be more in line.

Thank you for your immediate attention to this matter. We request that all documents and communications pertaining to this investigation be made public upon completion.

Izzy Ostrowski, Matt Walker, Brittany Herland, Brandon Pariseau, Valen Doe, James Dillon, Bligh Godin, Ethan Strimling, Ashley Cordio, Clifford Tremblay, Ian Jacob, David Klosen, Hannah Ferguson, Victoria Van Berlo, Tiffiny McCollett, Hadrienne Hatfield, Abigail Jakub, Kshama Ananthapura, Emily Sanborn, Jacob Pauley, and Tom Baldwin.

TTU Steering Committee & tenants of Geoffrey Rice

Attachment A - City email to Geoffrey Rice demanding proof that he had reimbursed multiple tenants at 655 Congress, including units 212, 404, 415, 620, & 723 (725).

From:	Zachary Lenhert
To:	apartmentmart1952@gmail.com; Gillian Morrison
Cc:	Chuck Fagone
Subject:	Re: Housing Issues regarding Apartment Mart, LLC
Date:	Tuesday, December 14, 2021 1:18:41 PM
Attachments:	Trewlany Complaint 655 Congress&59 State (1).xlsx

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Below is the information we still need in order for these properties to be in compliance with the Rent Control ordinance. This information was requested weeks ago. Reinspection fees will start to be assessed if we need to request this information again.

59 State St:
- Unit 22: proof/back-up rent was $1360 in June 2020
- Unit 37: proof/receipt of reimbursement

655 Congress St:
- Unit 404: proof/back-up rent was $975 in June/August 2020
- Unit 312: proof/receipt of reimbursement
- Unit 221: proof/receipt of reimbursement
- Unit 415-416: proof/receipt of reimbursement
- Unit 725: proof/receipt of reimbursement
- Unit 212: proof/receipt of reimbursement
- Unit 509: proof/receipt of reimbursement
- Unit 620-622: proof/receipt of reimbursement

Attachment B - Email to Mr. Rice from HSO explicitly explaining that the effective date of the base rent was June 1, 2020, not November, 2020.

From: Chuck Fagone
To: Apartment Mart
Subject: Re: Questions
Date: Friday, November 26, 2021 9:17:28 AM

When implemented or voted on and passed by the public, the baseline rent was established as of 6/1/2020. Therefore, you need to use what
the rent was on 6/1/2020 regardless of who the tenant was at the time. Any new tenants after that time you are limited to 5% increase of that base rent. thanks, Chuck

On Tue, Nov 23, 2021 at 3:48 PM Apartment Mart <apartmentmart1952@gmail.com> wrote:

> If the new rental statutes came into effect in November of 2020, and the units in question at 59 State Street and 655 Congress Street were rented before the new rental statutes were voted into effect, does that make them exempt from the 5% rule? The majority if not all were rented before November 2020.
> Thank you,
> Meghan
>
> --
>
> -----
> Apartment Mart
> Residential Rentals
> Portland & Biddeford
> P: 207-773-1814
> F: 207-773-5528

Attachment C - Email to Mr. Rice explaining what the rent levels needed to be for the units audited in 2021.

From:	Chuck Fagone
To:	Apartment Mart
Cc:	Fagone, Chuck; Zachary Lenhert
Subject:	Re: Rental increase complaint addressed
Date:	Friday, November 19, 2021 12:15:45 PM

Thank you for providing the info. After reviewing:

Please keep in mind that for new tenants, you are limited to a 5% increase over the 6/1/20 rent amount. Based on this, the following units
would be capped at 5% and the difference to include the number of months paid over the 5% will need to be refunded to the tenants on the following units.
Please provide me with copies of checks and letters to the tenants as you did with 59 State #37

59 State Street

#43 $1548.75 per month

655 Congress Street

#404 $971.25
#312 $771.35
#221 $1044.75
#415-416 $934.50
#725-726 $1501.50
#212 $745.25
#509 $740.25
620-622 $1102.50

In addition, for those where you believe that there was an error in what the Tenants Union provided us for a base amount, please provide documentation for what the lease amount was in June of 2020. Example, 59 State #22.

Finally, please factor in the 75 day notice on any future rent increases. Given the date of 11/19/20, if a rent increase notice was provided to
a tenant today, the rent increase would have to be effective 3/1/22.

If you have questions, please advise. thanks, Chuck

Attachment D - Letter Mr. Rice sent to the city and to the tenant in unit 620 as evidence he was in compliance with HSO's requirement to lower the rent and reimburse the tenant for a rent increase violation (similar letters were sent for all tenants under this order).

TRELAWNY 657, LLC

657 Congress Street
First Floor
Portland, Maine 04101
(207) 773-1814

December 14, 2021

[redacted]

655 Congress Street
Apartment No. 620-622
Portland, Maine 04101

[redacted]

Your apartment rental payments beginning November 16, 2020, were One Thousand Two Hundred Fifty Dollars ($1,250.00) per month. The amount under rent control regulation is One Thousand One Hundred Two Dollars and Fifty Cents ($1,102.50). The overpayment is One Hundred Forty Seven Dollars and Fifty Cents ($147.50) per month ($1,250.00 - $1,102.50). Enclosed is a check for One Thousand Nine Hundred Ninety One Dollars and Twenty Five Cents ($1,991.25) for the overpayment of 13.5 months (November 16, 2020 through December 31, 2021). January 2022, and February 2022, rental will be One Thousand One Hundred Two Dollars and Fifty Cents ($1,102.50). Your rental beginning March 1, 2022, will be based on old rental being One Thousand One Hundred Two Dollars and Fifty Cents ($1,102.50). Enclosed is your 75 day Notice that your rental beginning March 1, 2022 is One Thousand Two Hundred Twelve Dollars and Seventy Five Cents ($1,212.75). This is based on increase in CPI and Real Estate Tax increase.

Yours Truly,

Geoffrey I. Rice

Attachment E - Letter Mr. Rice sent to the tenants of unit 620 rescinding the rent decrease HSO had ordered him to implement 10 weeks prior.

Trelawny 657, LLC
657 Congress Street
First Floor
Portland, Maine 04101
(207) 773-1814

March 9, 2022

[redacted]

655 Congress Street
Apartment No. 620-622
Portland, Maine 04101

[redacted]

The rent control law passed on November 2, 2020. I have read it three times and have checked with my attorney. The law began November 2, 2020, and runs from that date forward and not before that date to occurrence that happens before November 2, 2020. I received inaccurate information from a rent board employee and that was the reason on December 14, 2021, I sent you a check of $1,991.25 with my revised 75 day notice. I am not requesting a return of those funds. In the current 75 day notice of a rent increase on June 1, 2022 ,I am using the old rent at $1,250.00. We rented your apartment on September 15, 2020, at $1,250.00 per month to a woman who for personal reasons vacated prior to November 15, 2020. We charged you the same $1,250.00 rental that she paid us. On the current 75 day notices that a rental increase will occur on June 1, 2022, we are using the amount of $1,250.00 as the old rental.

Yours Truly,

Geoffrey I. Rice

Geoffrey Rice Confirmed Violations/Refunds 2021-2024

	Building	Apt #	Year	Reason	Refund
1	655 Congress	211	2021	Illegal overcharge	$17.75
2	655 Congress	212	2021	Illegal overcharge	$442.50
3	655 Congress	220	2021	Illegal overcharge	$76.13
4	655 Congress	303	2021	Illegal overcharge	$63.00
5	655 Congress	310	2021	Illegal overcharge	$218.00
6	655 Congress	312	2021	Illegal overcharge	$52.54
7	655 Congress	404	2021	Illegal overcharge	$22.00
8	655 Congress	404	2021	Illegal overcharge	$15.76
9	655 Congress	404	2021	Illegal overcharge	$35.63
10	655 Congress	415	2021	Illegal overcharge	$341.25
11	655 Congress	505	2021	Illegal overcharge	$253.75
12	655 Congress	509	2021	Illegal overcharge	$486.50
13	655 Congress	602	2021	Illegal overcharge	$25.00
14	655 Congress	620	2021	Illegal overcharge	$1,991.25
15	655 Congress	705	2021	Illegal overcharge	$172.50
16	655 Congress	712	2021	Illegal overcharge	$300.00
17	655 Congress	723	2021	Illegal overcharge	$824.50
18	169 State	3	2022	Illegal overcharge	$139.38
19	169 State	4	2022	Illegal overcharge	Undisclosed
20	235 Brackett	9	2022	Illegal overcharge	Undisclosed
21	235 Brackett	1	2022	Illegal overcharge	Undisclosed
22	235 Brackett	3	2022	Illegal overcharge	Undisclosed
23	235 Brackett	3	2022	Illegal overcharge	Undisclosed
24	291 Brackett	2	2022	Illegal overcharge	Undisclosed
25	45 State	2	2022	Illegal overcharge	Undisclosed
26	45 State	2	2022	Illegal overcharge	Undisclosed
27	51 State	11	2022	Illegal overcharge	Undisclosed
28	51 State	8	2022	Illegal overcharge	Undisclosed
29	51 State	12	2022	Illegal overcharge	Undisclosed
30	51 State	9	2022	Illegal overcharge	Undisclosed
31	52 Sherman	2	2022	Illegal overcharge	Undisclosed
32	52 Sherman	4	2022	Illegal overcharge	Undisclosed
33	546 Cumberland	6	2022	Illegal overcharge	Undisclosed
34	60 Grant	1	2022	Illegal overcharge	$916.88
35	648 Forest	3R	2022	Illegal overcharge	$355.44
36	655 Congress	403	2022	Illegal overcharge	$22.05
37	658 Congress	304	2022	Illegal overcharge	$2,197.13
38	658 Congress	201	2022	Illegal overcharge	Undisclosed
39	658 Congress	204	2022	Illegal overcharge	$1,509.00
40	658 Congress	207	2022	Illegal overcharge	$466.68

41	658 Congress	207	2022	Illegal overcharge	$334.25
42	658 Congress	403	2022	Illegal overcharge	Undisclosed
43	658 Congress	301	2022	Illegal overcharge	Undisclosed
44	684 Congress	6	2022	Illegal overcharge	Undisclosed
45	684 Congress	9	2022	Illegal overcharge	Undisclosed
46	684 Congress	1	2022	Illegal overcharge	Undisclosed
47	684 Congress	3	2022	Illegal overcharge	Undisclosed
48	684 Congress	2	2022	Illegal overcharge	Undisclosed
49	59 State	1	2023	Illegal overcharge	$587.13
50	59 State	2	2023	Illegal overcharge	$752.16
51	59 State	22	2023	Illegal overcharge	$188.04
52	59 State	23	2023	Illegal overcharge	$3,354.86
53	59 State	24	2023	Illegal overcharge	$4,000.00
54	59 State	31	2023	Illegal overcharge	$807.56
55	59 State	45	2023	Illegal overcharge	$452.41
56	59 State	62	2023	Illegal overcharge	$1,394.36
57	59 State	63	2023	Illegal overcharge	$250.00
58	59 State	67	2023	Illegal overcharge	$612.96
59	59 State	69B	2023	Illegal overcharge	$384.83
59	655 Congress	203	2023	Illegal Gas Fee	$72.00
60	655 Congress	204	2023	Illegal Gas Fee	$60.00
61	655 Congress	208	2023	Illegal Gas Fee	$84.00
62	655 Congress	209	2023	Illegal Gas Fee	$60.00
63	655 Congress	211	2023	Illegal Gas Fee	$24.00
64	655 Congress	214	2023	Illegal Gas Fee	$84.00
65	655 Congress	222	2023	Illegal Gas Fee	$96.00
66	655 Congress	303	2023	Illegal Gas Fee	$12.00
67	655 Congress	306	2023	Illegal Gas Fee	$36.00
68	655 Congress	309	2023	Illegal Gas Fee	$24.00
69	655 Congress	311	2023	Illegal Gas Fee	$60.00
70	655 Congress	312	2023	Illegal Gas Fee	$84.00
71	655 Congress	315	2023	Illegal Gas Fee	$120.00
72	655 Congress	320	2023	Illegal Gas Fee	$120.00
73	655 Congress	322	2023	Illegal Gas Fee	$120.00
74	655 Congress	324	2023	Illegal Gas Fee	$73.00
75	655 Congress	326	2023	Illegal Gas Fee	$24.00
76	655 Congress	327	2023	Illegal Gas Fee	$48.00
77	655 Congress	405	2023	Illegal Gas Fee	$72.00
78	655 Congress	410	2023	Illegal Gas Fee	$36.00
79	655 Congress	411	2023	Illegal Gas Fee	$120.00
80	655 Congress	418	2023	Illegal Gas Fee	$132.00
81	655 Congress	501	2023	Illegal Gas Fee	$120.00
82	655 Congress	503	2023	Illegal Gas Fee	$84.00

83	655 Congress	510	2023	Illegal Gas Fee	$132.00
84	655 Congress	601	2023	Illegal Gas Fee	$108.00
85	655 Congress	604	2023	Illegal Gas Fee	$132.00
86	655 Congress	610	2023	Illegal Gas Fee	$72.00
87	655 Congress	620	2023	Illegal Gas Fee	$132.00
88	655 Congress	627	2023	Illegal Gas Fee	$72.00
89	655 Congress	701	2023	Illegal Gas Fee	$72.00
90	655 Congress	707	2023	Illegal Gas Fee	$73.00
91	655 Congress	709	2023	Illegal Gas Fee	$60.00
92	655 Congress	710	2023	Illegal Gas Fee	$132.00
93	655 Congress	718	2023	Illegal Gas Fee	$108.00
94	655 Congress	720	2023	Illegal Gas Fee	$120.00
95	655 Congress	723	2023	Illegal Gas Fee	$78.00
96	655 Congress	727	2023	Illegal Gas Fee	$24.00
97	655 Congress	728	2023	Illegal Gas Fee	$72.00
98	655 Congress	810	2023	Illegal Gas Fee	$72.00
99	655 Congress	817	2023	Illegal Gas Fee	$132.00
100	655 Congress	821	2023	Illegal Gas Fee	$72.00
101	655 Congress	826	2023	Illegal Gas Fee	$60.00
102	655 Congress	827	2023	Illegal Gas Fee	$60.00
103	59 State	33	2024	Illegal overcharge	$922.60
104	59 State	43	2024	Illegal overcharge	$2,812.41
105	59 State	46	2024	Illegal overcharge	$882.60
106	655 Congress	212	2024	Illegal overcharge	$490.08
107	655 Congress	404	2024	Illegal overcharge	$649.20
108	655 Congress	415	2024	Illegal overcharge	$363.25
109	655 Congress	602	2024	Illegal overcharge	$707.32
110	655 Congress	620	2024	Illegal overcharge	$2,545.68
111	655 Congress	723	2024	Illegal overcharge	$1,124.90
112	655 Congress	819	2024	Illegal overcharge	$1,238.28
				Total disclosed to date	**$39,347.50**

DEFENDANT'S EXHIBIT
70

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

Oct 25, 2023

Inspection **RCI-111763-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **1** at

59 State St Portland, ME

Tenant was reimbursed **$587.13** for **29** months of overpayment.

The monthly rent going forward has been set to: **$1144.59**

Comments:

Initials: _____

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

Sep 20, 2023

Inspection **RCI-111764-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **31** at

59 State St Portland, ME

Tenant was reimbursed **$807.46** for **37** months of overpayment.

The monthly rent going forward has been set to: **$1228.29**

Comments:

Initials: _____

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

Oct 30, 2023

Inspection **116122-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **62** at

59 State St Portland, ME

Tenant was reimbursed **$1394.36** for **34** months of overpayment.

The monthly rent going forward has been set to: **$1646.80**

Comments:

Initials: _____

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

Jan 12, 2024

Inspection **RCI-118314-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **602** at **655 Congress St.**

Tenant(s) was reimbursed **$707.32** for **29** months of overpayment.

The monthly rent going forward has been set to: **$1,230.98**

Comments:

New tenant moved in April 2023. Previous and current tenants were refunded for overpayments and rent was corrected for unit 602.

Initials:

389 Congress Street, Portland, Maine 04101 | rentcentral@portlandmaine.gov

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 52 SHERMAN ST
PORTLAND, ME

048 F010001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Geoffrey Rice,

The City of Portland Permitting and Inspections Department inspected the above-referenced property on 6/3/2022 and found violations of the City of Portland Code of Ordinances, which are listed on the attached page(s). You are hereby ordered to correct these violations by **06/24/2022.** Please be advised that penalties will be applied if the violations are not corrected by that date.

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Please contact me at the email and phone number listed below if you have questions about the violations, corrections or timeline.

Sincerely,

Chuck Fagone
Certified Code Enforcement Officer
psf@portlandmaine.gov
(207) 756-8131

NAME	CODE DESCRIPTION	COMMENTS	Deadline
City Code 6-233, 6-234	Landlords may not charge more than base rent plus any	Landlords must reduce the rent to within the required amount and	6/24/2022

allowable increases under Sec. 6-234.	refund any excess rent collected to any tenants who were overcharged. Units #2 and #4. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 52 SHERMAN ST
PORTLAND, ME

048 F010001

NOTICE OF VIOLATION AND ORDER TO CORRECT

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 60 GRANT ST
PORTLAND, ME

048 D009001

NOTICE OF VIOLATION AND ORDER TO CORRECT

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psf@portlandmaine.gov
(207) 756-8131

NAME	CODE DESCRIPTION	COMMENTS	Deadline
City Code 6-233, 6-234	Landlords may not charge	Landlords must reduce the rent to	6/24/2022

more than base rent plus any allowable increases under Sec. 6-234.	within the required amount and refund any excess rent collected to any tenants who were overcharged. Unit #1. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overage refunded to the tenant.

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 45 STATE ST
PORTLAND, ME

044 B030001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Geoffrey Rice,

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Certified Code Enforcement Officer
psf@portlandmaine.gov
(207) 756-8131

NAME	CODE DESCRIPTION	COMMENTS	Deadline
City Code 6-233, 6-234	Landlords may not charge more than base rent plus any	Landlords must reduce the rent to within the required amount and	6/24/2022

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 45 STATE ST
PORTLAND, ME

044 B030001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Geoffrey Rice,

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City Code 6-233, 6-234	Landlords may not charge more than base rent plus any	Landlords must reduce the rent to within the required amount and	6/24/2022

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 684 CONGRESS ST
PORTLAND, ME

055 E035001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Geoffrey Rice,

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psf@portlandmaine.gov
(207) 756-8131

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City Code 6-233, 6-234	Landlords may not charge more than base rent plus any allowable increases under Sec. 6-234.	Landlords must reduce the rent to within the required amount and refund any excess rent collected to any tenants who were overcharged. Units #1, #2, #3, #6 and #9. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.	6/24/2022

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 684 CONGRESS ST
PORTLAND, ME

055 E035001

NOTICE OF VIOLATION AND ORDER TO CORRECT

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psf@portlandmaine.gov
(207) 756-8131

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City Code 6-233, 6-234	Landlords may not charge more than base rent plus any allowable increases under Sec. 6-234.	Landlords must reduce the rent to within the required amount and refund any excess rent collected to any tenants who were overcharged. Units #1, #2, #3, #6 and #9. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.	6/24/2022

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 684 CONGRESS ST
PORTLAND, ME

055 E035001

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City Code 6-233, 6-234	Landlords may not charge more than base rent plus any allowable increases under Sec. 6-234.	Landlords must reduce the rent to within the required amount and refund any excess rent collected to any tenants who were overcharged. Units #1, #2, #3, #6 and #9. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.	6/24/2022

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 684 CONGRESS ST
PORTLAND, ME

055 E035001

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psf@portlandmaine.gov
(207) 756-8131

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City Code 6-233, 6-234	Landlords may not charge more than base rent plus any allowable increases under Sec. 6-234.	Landlords must reduce the rent to within the required amount and refund any excess rent collected to any tenants who were overcharged. Units #1, #2, #3, #6 and #9. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.	6/24/2022

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 684 CONGRESS ST
PORTLAND, ME

055 E035001

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(207) 756-8131

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City Code 6-233, 6-234	Landlords may not charge more than base rent plus any allowable increases under Sec. 6-234.	Landlords must reduce the rent to within the required amount and refund any excess rent collected to any tenants who were overcharged. Units #1, #2, #3, #6 and #9. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.	6/24/2022

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 546 CUMBERLAND AVE
PORTLAND, ME

047 A007001

NOTICE OF VIOLATION AND ORDER TO CORRECT

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Certified Code Enforcement Officer
psf@portlandmaine.gov
(207) 756-8131

NAME	CODE DESCRIPTION	COMMENTS	Deadline
City Code 6-233, 6-234	Landlords may not charge	Landlords must reduce the rent to	6/24/2022

more than base rent plus any allowable increases under Sec. 6-234.	within the required amount and refund any excess rent collected to any tenants who were overcharged. Unit #6. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 648 FOREST AVE
PORTLAND, ME

125 M004001

NOTICE OF VIOLATION AND ORDER TO CORRECT

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Chuck Fagone
Certified Code Enforcement Officer
psf@portlandmaine.gov
(207) 756-8131

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City Code 6-233, 6-234	Landlords may not charge more than base rent plus any allowable increases under Sec. 6-234.	Landlords must reduce the rent to within the required amount and refund any excess rent collected to any tenants who were overcharged. Unit #3R. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages must be refunded to the tenant	6/24/2022

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 235 BRACKETT ST
PORTLAND, ME

055 C014001

NOTICE OF VIOLATION AND ORDER TO CORRECT

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Please contact me at the email and phone number listed below if you have questions about the violations, corrections or timeline.

Sincerely,

Chuck Fagone
Certified Code Enforcement Officer
psf@portlandmaine.gov
(207) 756-8131

NAME	CODE DESCRIPTION	COMMENTS	Deadline
City Code 6-233, 6-234	Landlords may not charge	Landlords must reduce the rent to	6/24/2022

more than base rent plus any allowable increases under Sec. 6-234.	within the required amount and refund any excess rent collected to any tenants who were overcharged. Units #1, #3 and #9. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 235 BRACKETT ST
PORTLAND, ME

055 C014001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Geoffrey Rice,

The City of Portland Permitting and Inspections Department inspected the above-referenced property on 6/3/2022 and found violations of the City of Portland Code of Ordinances, which are listed on the attached page(s). You are hereby ordered to correct these violations by **06/24/2022.** Please be advised that penalties will be applied if the violations are not corrected by that date.

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psf@portlandmaine.gov
(207) 756-8131

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 235 BRACKETT ST
PORTLAND, ME

055 C014001

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psf@portlandmaine.gov
(207) 756-8131

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more than base rent plus any allowable increases under Sec. 6-234.	within the required amount and refund any excess rent collected to any tenants who were overcharged. Units #1, #3 and #9. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 235 BRACKETT ST
PORTLAND, ME

055 C014001

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psf@portlandmaine.gov
(207) 756-8131

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City Code 6-233, 6-234	Landlords may not charge	Landlords must reduce the rent to	6/24/2022

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 291 BRACKETT ST
PORTLAND, ME

054 F038001

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(207) 756-8131

NAME	CODE DESCRIPTION	COMMENTS	Deadline
City Code 6-233, 6-234	Landlords may not charge more than base rent plus any allowable increases under Sec. 6-234.	Landlords must reduce the rent to within the required amount and refund any excess rent collected to any tenants who were overcharged. Unit #2 Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenant.	6/24/2022

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 169 STATE ST
PORTLAND, ME

045 A029001

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NAME	CODE DESCRIPTION	COMMENTS	Deadline

City Code 6-233, 6-234	Landlords may not charge more than base rent plus any allowable increases under Sec. 6-234.	Landlords must reduce the rent to within the required amount and refund any excess rent collected to any tenants who were overcharged. Unit #3 and #4. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.	6/24/2022

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

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PORTLAND, ME

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

657 CONGRESS LLC
ATTN: SHAWN SMITH 657 CONGRESS ST 1 SUITE FLOOR
PORTLAND, ME 04101

RE: 656 CONGRESS ST
PORTLAND, ME

045 A002001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To 657 Congress Llc,

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(207) 756-8131

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more than base rent plus any allowable increases under Sec. 6-234.	within the required amount and refund any excess rent collected to any tenants who were overcharged. Units #201, #204, #207, #301, #304 and #403. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

657 CONGRESS LLC
ATTN: SHAWN SMITH 657 CONGRESS ST 1 SUITE FLOOR
PORTLAND, ME 04101

RE: 656 CONGRESS ST
PORTLAND, ME

045 A002001

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

657 CONGRESS LLC
ATTN: SHAWN SMITH 657 CONGRESS ST 1 SUITE FLOOR
PORTLAND, ME 04101

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PORTLAND, ME

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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CITY OF PORTLAND
Permitting and Inspections Department

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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PORTLAND, ME 04101

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PORTLAND, ME

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 51 STATE ST
PORTLAND, ME

044 B041001

NOTICE OF VIOLATION AND ORDER TO CORRECT

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(207) 756-8131

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 51 STATE ST
PORTLAND, ME

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

RICE GEOFFREY & HAROLD ELLIOTT STERNBURG
ATTN: SHAWN SMITH 657 CONGRESS ST, 1ST FLOOR
PORTLAND, ME 04101
apartmentmart1952@gmail.com

RE: 51 STATE ST
PORTLAND, ME

044 B041001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Geoffrey Rice,

The City of Portland Permitting and Inspections Department inspected the above-referenced property on 6/3/2022 and found violations of the City of Portland Code of Ordinances, which are listed on the attached page(s). You are hereby ordered to correct these violations by **06/24/2022.** Please be advised that penalties will be applied if the violations are not corrected by that date.

If you do not correct the attached violations by the dates given, then this matter will be referred to the City of Portland Corporation Counsel for legal action, and may include civil penalties in the minimum of $100 per day, and other legal remedies.

This constitutes an appealable decision under Sec. 14-472 of the City of Portland Code of Ordinances. You may appeal this decision by filing an appeal within 30 days of the date on this notice. Please contact the Zoning Division at zoning@portlandmaine.gov for appeal forms. If you choose to not appeal this notice, then you may be barred from challenging the City's determinations in the future.

Please contact me at the email and phone number listed below if you have questions about the violations, corrections or timeline.

Sincerely,

Chuck Fagone
Certified Code Enforcement Officer
psf@portlandmaine.gov
(207) 756-8131

NAME	CODE DESCRIPTION	COMMENTS	Deadline
City Code 6-233, 6-234	Landlords may not charge more than base rent plus any allowable increases under Sec. 6-234.	Landlords must reduce the rent to within the required amount and refund any excess rent collected to any tenants who were overcharged. Units #8, #9, #11 and #12. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.	6/24/2022

DEFENDANT'S
EXHIBIT
71

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

Oct 11, 2023

Inspection **RCI-111770-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **2** at

59 State St Portland, ME

Tenant was reimbursed **$752.16** for **24** months of overpayment.

The monthly rent going forward has been set to: **$1477.71**

Comments:

Initials: _____

389 Congress Street, Portland, Maine 04101 | rentcontrol@portlandmaine.gov

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

Oct 20, 2023

Inspection **RCI-111781-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit 22 at

59 State St Portland, ME

Tenant was reimbursed **$188.04** for 12 months of overpayment.

The monthly rent going forward has been set to: **$1600.00**

Comments:

Initials: _____

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

Oct 25, 2023

Inspection **RCI-111776-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **44-45** at

59 State St Portland, ME

Tenant was reimbursed **$452.41** for **15.5** months of overpayment.

The monthly rent going forward has been set to: **$1241.55**

Comments:

Initials:

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

Oct 25, 2023

Inspection **113925-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **63** at

59 State St Portland, ME

Tenant was reimbursed **$250.00** for **10** months of overpayment.

The monthly rent going forward has been set to: **$1669.18**

Comments:

Initials: _____

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

Oct 11, 2023

Inspection **RCI-111768-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **67** at

59 State St Portland, ME

Tenant was reimbursed **$612.96** for **24** months of overpayment.

The monthly rent going forward has been set to: **$1669.18**

Comments:

Initials: _____

389 Congress Street, Portland, Maine 04101 | rentcontrol@portlandmaine.gov

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

Jan 12, 2024

Inspection **RCI-116917-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **212** at **655 Congress St.**

Tenant(s) was reimbursed **$490.08** for **18** months of overpayment.

The monthly rent going forward has been set to: **$902.06**

Comments:

New tenant in August 2023. Notices of reimbursement provided for previous and current tenants. Current rent amount corrected for unit 212.

Initials:

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

December 7, 2023

Code Case number BLDG2305814 has been closed.

The Licensing & Housing Safety Office has reached a decision for multiple units at

655 Congress St

Portland, ME

The monthly rent going forward has been set to: **N/A**

Comments:
Tenants received notices of reimbursement similar to the attached form. Notices were received for units:

203	321/322	627/628
204	323/324	701/702
206/208	325/326	707/708
209	327	709
211	405	710
214	410	718
222	411	720
303	501/502	723/726
306	503	727
308/309	510	728
311	601	810/811
312	603/604	817
315/317	610	821/822
320	620/622	826
		827

Initials: _____

Trelawny 657, LLC
657 Congress Street
1st floor
Portland, Maine 04101
(207) 773-1814

November 22, 2023

[redacted]
[redacted] [redacted]
655 Congress Street
Apartment [redacted]
Portland Maine, 04101

Dear [redacted] and [redacted]:
Beginning January 2023 all Tenants were asked to pay $12.00 monthly for the usage of cooking gas. Per the Rent Board's determination made November 16, 2023, you are no longer required to pay this gas fee.We are reimbursing you for your previous payments. See below for your reimbursement amount,

January 2023	**$12.00**
February 2023	**$12.00**
March 2023	**$12.00**
April 2023	**$12.00**
May 2023	**$12.00**
June 2023	**$12.00**
July 2023	**$12.00**
August 2023	**$12.00**
September 2023	**$12.00**
October 2023	**$12.00**
November 2023	**$12.00**
Total of	**$132.00**

Per our letter dated November 3, 2023, your December 2023 rent and majority of January 2024 rent have been credited to you. You can either use this credit of $132.00 towards the remainder of your January 2024 rent or you can come to the office and we will issue a check for this amount.

Regards,

Geoffrey I. Rice or His Agent

	203	$72.00
	204	$60.00
	208	$84.00
	209	$60.00
	211	$24.00
	214	$84.00
	222	$96.00
	303	$12.00
	306	$36.00
	309	$24.00
	311	$60.00
	312	$84.00
	315	$120.00
	320	$120.00
	322	$120.00
	324	$73.00
	326	$24.00
	327	$48.00
	405	$72.00
	410	$36.00
	411	$120.00
	418	$132.00
	501	$120.00
	503	$84.00
	510	$132.00
	601	$108.00
	604	$132.00
	610	$72.00
	620	$132.00
	627	$72.00
	701	$72.00
	707	$73.00
	709	$60.00
	710	$132.00
	718	$108.00
	720	$120.00
	723	$78.00
	727	$24.00
	728	$72.00
	810	$72.00
	817	$132.00
	821	$72.00
	826	$60.00
	827	$60.00
Total		**3,548.00**

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

Jan 12, 2024

Inspection **RCI-118308-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **404** at **655 Congress St.**

Tenant(s) was reimbursed **$649.20** for **12** months of overpayment.

The monthly rent going forward has been set to: **$1,232.60**

Comments:

Initials: ____

389 Congress Street, Portland, Maine 04101 | rentcontrol@portlandmaine.gov

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

Jan 12, 2024

Inspection **RCI-118313-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **415-416** at **655 Congress St.**

Tenant(s) was reimbursed **$363.25** for **5** months of overpayment.

The monthly rent going forward has been set to: **$1,130.75**

Comments:

Initials: _____

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

Nov 6, 2023

Inspection **RCI-113324-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **620-622** at

655 Congress St Portland, ME

Tenant was reimbursed **$2545.68** for **21** months of overpayment.

The monthly rent going forward has been set to: **$1334.03**

Comments:

Initials:

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

Jan 12, 2024

Inspection **RCI-118315-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **723-726** at **655 Congress St.**

Tenant(s) was reimbursed **$1,124.90** for **23** months of overpayment.

The monthly rent going forward has been set to: **$1,802.91**

Comments:

Initials:

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

06/06/2024
Case Number: RCC2400010
Business License Number: 20182954

657 Congress LLC
ATTN: Sean Power
657 Congress St
Portland ME 04101

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Whom it May Concern,

The City of Portland Permitting and Inspections Department inspected the rental data for the located at 655 Congress St Unit 819 from **May 15, 2024 through June 6, 2024** and found violations of the City of Portland Code of Ordinances, which are listed on the attached page(s). You are hereby ordered to correct these violations by **July 8, 2024**. Please be advised that penalties will be applied if the violations are not corrected by that date.

If you do not correct the attached violations by the date given, then this matter will be referred to the City of Portland Corporation Counsel for legal action, and you will be charged $150 for re-inspection per the City's fee schedule. In the event of court action, the City may be entitled to an order to correct the violations, civil penalties in the minimum of $100 per violation per day, costs and fees, and other relief under §1-15 of the City Code and 30-A M.R.S. §4452.

Please respond in writing via email to rentcontrol@portlandmaine.gov or send response by USPS to 389 Congress St, Portland, Maine 04101.

You have a right to appeal this decision to Superior Court within 30 days of the date of this notice pursuant to Rule 80B of the Maine Rules of Civil Procedure.

I appreciate your anticipated cooperation, and please contact our office by calling 207-874-8900 if you have any questions.

Thank you,

Adam O'Connor
Rental Registration Inspector

NON-COMPLIANCE VIOLATION LIST

APPLICABLE CODE SECTION(S)	City Code 6-234
CODE DESCRIPTION	Landlords may not charge more than base rent plus any allowable increases under Sec. 6-234
COMMENTS	Landlords must reduce the rent to within the required amount and reimburse any excess rent collected to any tenants who were overcharged.
RENTAL REIMBURSEMENT	In June of 2021 the rent for this unit was **$1,000/month**. In June of 2022 the rent for this unit was increased by **$97.93** to **$1,097.93/month**. The Rent Stabilization Ordinance states that rent cannot be raised within 12 months. The rent shall be reduced to **$1,097.93** and remain the charged rent until May 31, 2023. The maximum rent allowable by ordinance starting June 1, 2023 was **$1,207.72.** The rent shall be reduced to **$1,207.72** until at least May 31, 2024 An overcharge in rent was calculated as **$1,238.28.** Calculation contained on following page. The tenant must be made whole by reimbursing the amount overcharged Reimbursement may be issued directly to the tenant via check or as a credit for future rent payments. You must notify the City by the deadline date below when the matter has been resolved. Notification must be made in writing. Send any pertinent documents via USPS or by email to rentcontrol@portlandmaine.gov.
DEADLINE	07/08/2024

Unit 819 Rent Control Adjustment Calculation							
Month - Year	Paid		Correction		Overpay		Notes
Oct-22	$	1,275.00	$	1,097.93	$	177.07	
Nov-22	$	700.00	$	602.79	$	97.21	
Dec-22	$	1,275.00	$	1,097.93	$	177.07	
Jan-23	$	1,275.00	$	1,097.93	$	177.07	
Feb-23	$	1,275.00	$	1,097.93	$	177.07	
Mar-23	$	1,046.91	$	1,097.93	$	(51.02)	
Apr-23	$	1,233.53	$	1,097.93	$	135.60	
May-23	$	1,233.53	$	1,097.93	$	135.60	
Jun-23	$	1,233.53	$	1,207.72	$	25.81	
Jul-23	$	1,233.53	$	1,207.72	$	25.81	
Aug-23	$	1,233.53	$	1,207.72	$	25.81	
Sep-23	$	1,200.47	$	1,207.72	$	-	Exempt - Rental Assistance
Oct-23	$	1,200.47	$	1,207.72	$	-	Exempt - Rental Assistance
Nov-23	$	1,233.53	$	1,207.72	$	25.81	
Dec-23	$	1,233.53	$	1,207.72	$	25.81	
Jan-24	$	1,224.48	$	1,207.72	$	16.76	
Feb-24	$	1,224.48	$	1,207.72	$	16.76	Removed late fee of 96.99
Mar-24	$	1,241.00	$	1,207.72	$	33.28	Removed late fee of 32.45
Apr-24	$	1,224.48	$	1,207.72	$	-	Exempt - Rental Assistance
May-24	$	1,224.48	$	1,207.72	$	16.76	
Total	$	24,021.48	$	22,780.94	$	1,238.28	

Rent Control- City of Portland <rentcontrol@portlandmaine.gov>

Re: Formal Complaint re: Apartment Mart's Substantial Non-compliance

Trelawny Tenants Union <trelawnytenantsunion@gmail.com> Wed, Aug 7, 2024 at 1:04 PM

To: Rent Board <rentboard+noreply@portlandmaine.gov>
Cc: Zachary Lenhert <zlenhert@portlandmaine.gov>, Dylan Orr <dorr@portlandmaine.gov>, aoconnor@portlandmaine.gov, Rent Control- City of Portland <rentcontrol@portlandmaine.gov>, Jessica Hanscombe <jhanscombe@portlandmaine.gov>

To Chair Moore,

Please see additional attached documents pertaining to our complaint to be heard on August 19. These documents pertain to both 655 Congress and 59 State Street. One is a list of all the documented cases of violations our landlord has committed in regard to rent control from 2021-2024. The second are most of the actual notices of violation he has received and/or the agreements he has made to fix said violations.

Also, we wish to amend a small portion of our original complaint to request that, should Mr. Rice be found in violation of the "substantial non-compliance" section of the ordinance, that rents be set back to December 9, 2022, the date this provision went into effect. We listed January 1, 2023 in our complaint, but this provision actually went into effect 30 days after the November 8, 2022 election.

Finally, as we are sure you are aware, our landlord was recently found, by a jury in Superior Court, to have retaliated against one of our members for their participation in this union. To that end, you can imagine that there are some members who are concerned about speaking up too forcefully. We are not sure if there is any way to protect the identities of those who testify during the public hearing on August 19, but we ask that you consider any possible means. While 22 of us signed the complaint submitted to the rent board, many, many more, as the documentation shows, have suffered from our landlord's skirting of the law.

Thank you for your attention to this matter. Please let us know if you have any questions and what you decide in regard to protecting our members from future retaliation.

TTU Steering Committee & tenants of Geoffrey Rice/Apartment Mart

Izzy Ostrowski, Matt Walker, Brittany Herland, Brandon Pariseau, Valen Doe, James Dillon, Bligh Godin, Ethan Strimling, Ashley Cordio, Clifford Tremblay, Ian Jacob, David Klosen, Hannah Ferguson, Victoria Van Berlo, Tiffiny McCollett, Hadrienne Hatfield, Abigail Jakub, Kshama Ananthapura, Emily Sanborn, Jacob Pauley, and Tom Baldwin.

Trelawny Tenants' Union

RENT BOARD HEARING

MONDAY, AUGUST 19, 2024

WHO WE ARE

Trelawny Tenants' Union was founded to provide mutual aid and to protect our rights as tenants. We represent all tenants in buildings owned by Geoffrey Rice and/or managed by Apartment Mart – 300 units at 23 properties.

WHY WE ARE HERE

We are submitting a complaint on behalf of all tenants at 655 Congress and 59 State, pursuant to the standing granted to tenant unions under section 6-243(a) of the city code:

"Any Tenants Union shall have standing as a party to assert the rights or interests of *ANY* Tenants, individually or collectively, under this Chapter in any complaint, appeal, or other proceeding ..." (emphasis added)

WHY WE ARE HERE

Our complaint centers on Mr. Geoffrey Rice's substantial non-compliance with RSO Sec 6-234(f):

"**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 statue." (emphasis added)

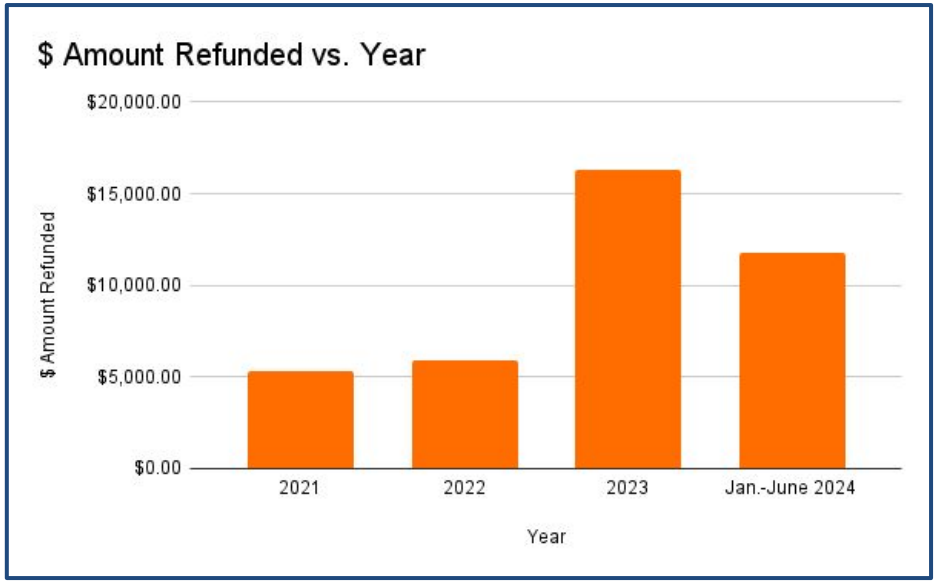
WHY WE ARE HERE

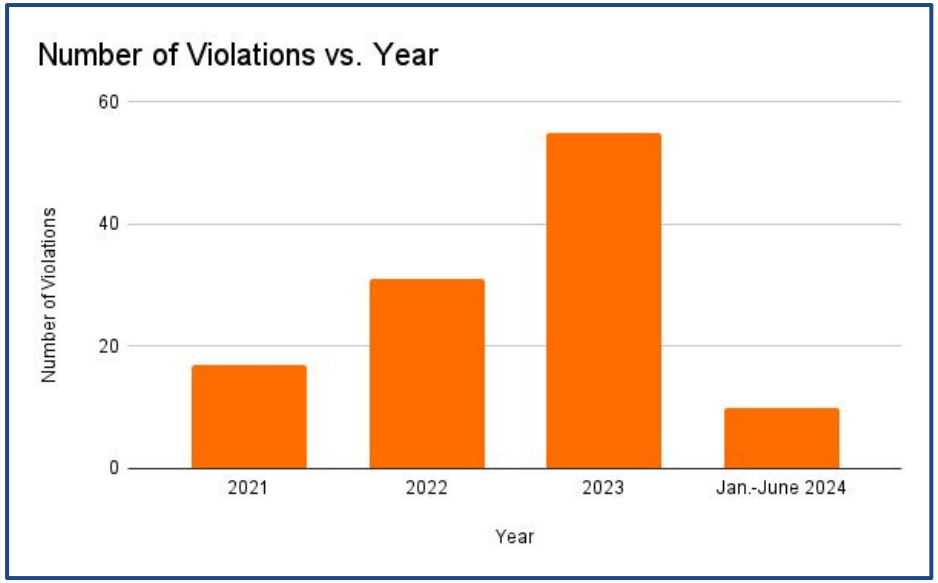
Our landlord has <u>never been in compliance</u> with the RSO.

- Since 2021, Rice has been ordered to **return more than $39,000** in overcharged rent (in just the documented cases) and has had **over 165 violations**. This does not include those that were stopped before the violation went into effect.

- Since 2023, we've identified **about 117 violations of the RSO** which have incurred **over $15,000 in overcharges** at 59 State and 655 Congress.

HISTORY OF NON-COMPLIANCE





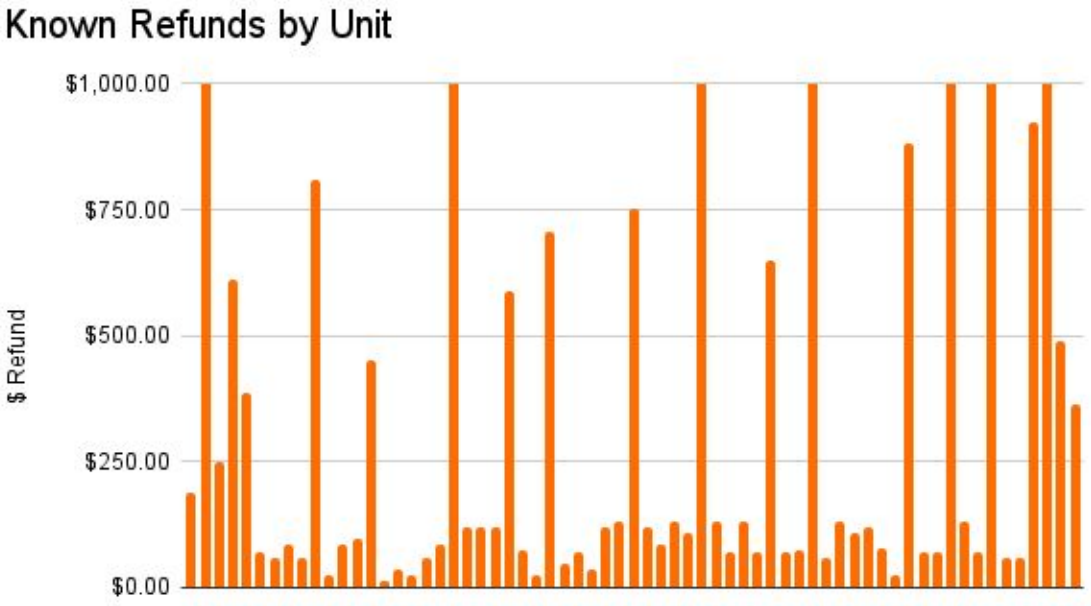
2023-2024

VIOLATIONS

From Dec. 2022 - June 2024 78% of units in 59 State/655 Congress have a known violation.

KNOWN OVERCHARGES BY UNIT

- **117 units overcharged.**
- **$15,700 returned.**
- **656 overpayments made by tenants**



VIOLATION EXAMPLES

59 State Unit 23

- Our landlord **THREATENED TO EVICT** this tenant & charged him **LATE FEES** for “non-payment.”

March 30, 2023

[redacted]

59 State Street
Apartment No. 23
Portland, Maine 04101

Dear [redacted]

Because of nonpayment of your rental according to the terms of your Lease dated April 16, 2018, your tenancy is terminated as of 7:30 AM on April 13, 2023. Please vacate your apartment at this time. After you have vacated your apartment, please return your keys to my office at the above address within twenty-four (24) hours from the time you vacate your apartment.

You are delinquent in your share of your rental in the amount of $3,425.84 This consists of:

Rent Owed:

June 2022 balance	$ 19.43
March 2023	$1,669.43
April 2023	$1,669.43
Total	$3,358.29
4% Late Fee	$ 67.55

VIOLATION EXAMPLES

59 State Unit 23

- Our landlord **THREATENED TO EVICT** this tenant & charged him **LATE FEES** for "non-payment."

- Turns out **Rice owed tenant $3354.86 due to an illegal increase** in 2021, and the rent reset back to 1652.76

Rent	Change	Time
$1,425.00	N/A	6/1/18
$1,450.00	1.75%	5/1/19
$1,460.00	0.69%	4/7/20
$1,550.00	6.16%	5/1/21
$1,669.43	7.71%	6/1/22
$1,751.24	4.90%	4/1/23

We got this one corrected without having to go through HSO.

VIOLATION EXAMPLES

655 Congress Unit 620

- Rice is **ordered to fix** the rent on this unit based on one of our complaints and he did.

TRELAWNY 657, LLC
657 Congress Street
First Floor
Portland, Maine 04101
(207) 773-1814

December 14, 2021

[redacted]

655 Congress Street
Apartment No. 620-622
Portland, Maine 04101

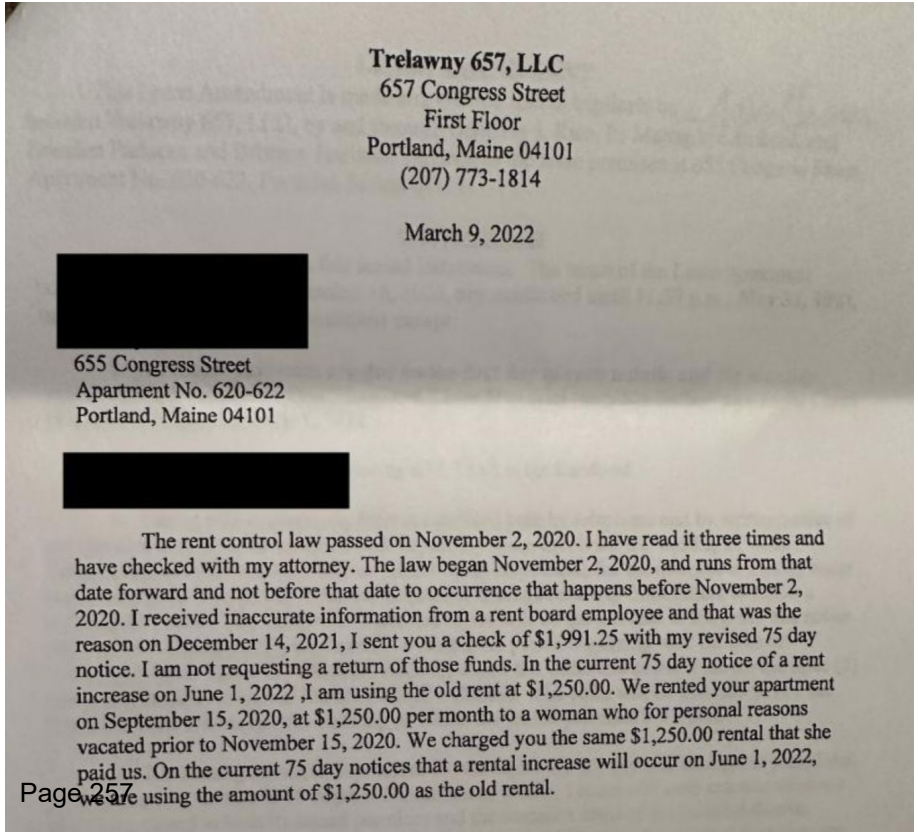
[redacted]

Your apartment rental payments beginning November 16, 2020, were One Thousand Two Hundred Fifty Dollars ($1,250.00) per month. The amount under rent control regulation is One Thousand One Hundred Two Dollars and Fifty Cents ($1,102.50). The overpayment is One Hundred Forty Seven Dollars and Fifty Cents ($147.50) per month ($1,250.00 - $1,102.50). Enclosed is a check for One Thousand Nine Hundred Ninety One Dollars and Twenty Five Cents ($1,991.25) for the overpayment of 13.5 months (November 16, 2020 through December 31, 2021). January 2022, and February 2022, rental will be One Thousand One Hundred Two Dollars and Fifty Cents ($1,102.50). Your rental beginning March 1, 2022, will be based on old rental being One Thousand One Hundred Two Dollars and Fifty Cents ($1,102.50). Enclosed is your 75 day Notice that your rental beginning March 1, 2022 is One Thousand Two Hundred Twelve Dollars and Seventy Five Cents ($1,212.75). This is based on increase in CPI and Real Estate Tax increase.

VIOLATION EXAMPLES

655 Congress Unit 620

- Rice is **ordered to fix** the rent on this unit based on one of our complaints and he did.
- 3 months later, he **un-complies**.



Trelawny 657, LLC
657 Congress Street
First Floor
Portland, Maine 04101
(207) 773-1814

March 9, 2022

[redacted]

655 Congress Street
Apartment No. 620-622
Portland, Maine 04101

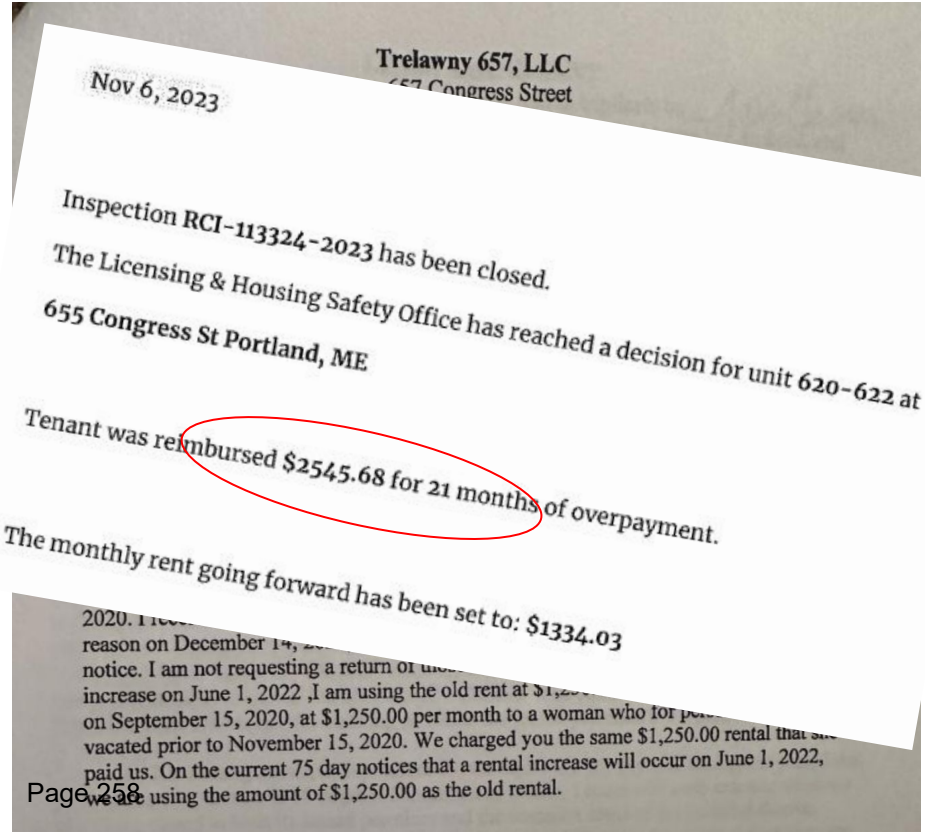
[redacted]

The rent control law passed on November 2, 2020. I have read it three times and have checked with my attorney. The law began November 2, 2020, and runs from that date forward and not before that date to occurrence that happens before November 2, 2020. I received inaccurate information from a rent board employee and that was the reason on December 14, 2021, I sent you a check of $1,991.25 with my revised 75 day notice. I am not requesting a return of those funds. In the current 75 day notice of a rent increase on June 1, 2022 ,I am using the old rent at $1,250.00. We rented your apartment on September 15, 2020, at $1,250.00 per month to a woman who for personal reasons vacated prior to November 15, 2020. We charged you the same $1,250.00 rental that she paid us. On the current 75 day notices that a rental increase will occur on June 1, 2022, we are using the amount of $1,250.00 as the old rental.

VIOLATION EXAMPLES

655 Congress Unit 620

- Rice is **ordered to fix** the rent on this unit based on one of our complaints and he did.
- 3 months later, he **un-complies**.
- TTU finds out, files another complaint, HSO sent a **new NOV**



Nov 6, 2023

Trelawny 657, LLC
657 Congress Street

Inspection **RCI-113324-2023** has been closed.

The Licensing & Housing Safety Office has reached a decision for unit **620-622** at **655 Congress St Portland, ME**

Tenant was reimbursed **$2545.68 for 21 months** of overpayment.

The monthly rent going forward has been set to: **$1334.03**

2020. I rec
reason on December 14,
notice. I am not requesting a return of
increase on June 1, 2022 ,I am using the old rent at $1,
on September 15, 2020, at $1,250.00 per month to a woman who for
vacated prior to November 15, 2020. We charged you the same $1,250.00 rental that
paid us. On the current 75 day notices that a rental increase will occur on June 1, 2022,
we are using the amount of $1,250.00 as the old rental.

VIOLATION EXAMPLES

Between Jan. & March, 2024, we looked at 5 leases for 59 State. Four had issues (80%) and three tenants were refunded almost $5,000.

1. Unit 8 - **Wrong base rent**
2. Unit 33 - **$922.60 refund**
3. Unit 43 - **$2812.41 refund**
4. Unit 46 - **$997.62 refund (2 tenants)**
5. Unit 48 - No issues :)

IT'S NOT JUST 655 AND 59

These violations extend to almost every other property Rice owns.

In 2022, we submitted a complaint flagging 14 other buildings (not 59 State or 655 Congress). 11 of those buildings had illegal rent increases covering 27 units.

Building	Unit #	Jun 2020	Jan 2021	% Increase	Code Case #	Violation?
51 State	11	$1,100.00	$1,148.00	4.36%	BLDG2204019	Yes
	8	$995.00	$1,015.00	2.01%	BLDG2204019	Yes
	12	$1,015.00	$1,025.00	0.99%	BLDG2204019	Yes
	9	$655.00	$660.00	0.76%	BLDG2204019	Yes
656 Congress	304	$865.00	$1,050.00	21.39%	BLDG2204020	Yes
	201	$1,121.00	$1,308.00	16.68%	BLDG2204020	Yes
	204	$995.00	$1,125.00	13.07%	BLDG2204020	Yes
	207	$645.00	$725.00	12.40%	BLDG2204020	Yes
	403	$650.00	$675.00	3.85%	BLDG2204020	Yes
	301	$1,100.00	$1,125.00	2.27%	BLDG2204020	Yes
169 State	3	$925.00	$975.00	5.41%	BLDG2204021	Yes
	4	$750.00	$775.00	3.33%	BLDG2204021	Yes
291 Brackett	2	$1,500.00	$1,675.00	11.67%	BLDG2204022	Yes
235 Brackett	9	$1,000.00	$1,050.00	5.00%	BLDG2204023	Yes
	1	$1,150.00	$1,200.00	4.35%	BLDG2204023	Yes
	3	$860.00	$875.00	1.74%	BLDG2204023	Yes
	3	$960.00	$975.00	1.56%	BLDG2204023	Yes
648 Forest	3R	$1,450.00	$1,550.00	6.90%	BLDG2204024	Yes
546 Cumberland	6	$1,250.00	$1,275.00	2.00%	BLDG2204025	Yes
197 Pleasant	1	$1,125.00	$1,150.00	2.22%	BLDG2204026	No - based on beginning of tenancy
	4	$1,125.00	$1,150.00	2.22%	BLDG2204026	No - based on beginning of tenancy
684 Congress	6	$975.00	$1,175.00	20.51%	BLDG2204027	Yes
	9	$1,000.00	$1,125.00	12.50%	BLDG2204027	Yes
	1	$1,070.00	$1,175.00	9.81%	BLDG2204027	Yes
	3	$1,000.00	$1,095.00	9.50%	BLDG2204027	Yes
	2	$1,175.00	$1,195.00	1.70%	BLDG2204027	Yes
40 High	1	$1,425.00	$1,450.00	1.75%	BLDG2204028	No - based on beginning of tenancy
	3	$1,250.00	$1,270.00	1.60%	BLDG2204028	No - based on beginning of tenancy
45 State	2	$1,120.00	$1,200.00	7.14%	BLDG2204029	Yes
	2	$1,350.00	$1,375.00	1.85%	BLDG2204029	Yes
103 Highland	1	$1,010.00	$1,050.00	3.96%	BLDG2204030	No - based on beginning of tenancy
	5	$1,195.00	$1,200.00	0.42%	BLDG2204030	No - based on beginning of tenancy
60 Grant	1	$565.00	$595.00	5.31%	BLDG2204031	Yes
52 Sherman	2	$985.00	$1,125.00	14.21%	BLDG2204032	Yes
	4	$1,100.00	$1,125.00	2.27%	BLDG2204032	Yes

WHAT WE ARE ASKING FOR

"**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 statue." (emphasis added)

Our landlord was clearly "not in substantial compliance" at either 59 State or 655 Congress from Dec. 2022 through June, 2024. All rents at these properties should be rolled back to Dec. 2022 levels until Mr. Rice proves full compliance at both properties through a thorough and transparent audit.

WHAT WE ARE ASKING FOR

- **Roll back the rents to the Dec. 202**

ALL Rice properties and tenants are affected

Due to the significant number of errors uncovered at these two properties, and the number of errors uncovered at a dozen other properties, we also ask the board to consider rolling back rents at all of Mr. Rice's properties to Dec. 2022 levels until Mr. Rice can prove to HSO that all units are compliant.

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WHAT WE ARE ASKING

FOR
Fines

Similar to previous Board rulings, we believe $100 every time an illegal rent was collected is merited. At a minimum.

Building	Apt #	Months Overcharged	FINE
59 State	1	29	$2,900
	2	29	$2,900
	22	12	$1,200
	31	41	$4,100
	45	15	$1,500
	62	38	$3,800
	63	10	$1,000
	67	24	$2,400
655 Congress	212	18	$1,800
	404	13	$1,300
	415-416	28	$2,800
	602	28	$2,800
	620-622	21	$2,100
	723-726	24	$2,400
	819	21	$2,100
Gas Fee		278*	$27,800
		TOTAL	$62,900

This fine structure comes out to $62,900, less than 3% of what Mr. Rice takes in annually in rent from these two properties. In total, Mr. Rice collects almost $5 million from tenants every year.

IN CONCLUSION

At first, we believed these were just mistakes. Despite our offers of help being mostly rejected, we continued to believe it was simply his incompetence at learning a new law.

But after almost four years of our landlord using lawyers and legalese to scare tenants and evictions to intimidate, it is clear that his attempts to overcharge tenants is both malicious and predatory.

We hope you will help us.

Trelawny Tenants' Union

Thank you!

We request that all documents and communications pertaining to this investigation be made public upon completion.

Re: Additional Information Requested for 59 State St and 655 Congress St Tenant's Rights Appeals

Trelawny Tenants Union <trelawnytenantsunion@gmail.com> Sat, Aug 31, 2024 at 3:03 PM
To: Rent Control- City of Portland <rentcontrol@portlandmaine.gov>
Cc: Buddy Moore <buddymoore.rentboard@gmail.com>

Understood. Sorry to do this, but with that timeline in mind, we would like to request that our hearing be placed on the agenda of the Sept. 25th meeting if possible. We just want to make sure we have everything the board needs for final deliberation. Please let us know if that is possible and by what day material would need to be submitted for the meeting on the 25th.

On Fri, Aug 30, 2024 at 2:27 PM Rent Control- City of Portland <rentcontrol@portlandmaine.gov> wrote:

Hello,

Our office is required to provide a Notice of Public Meeting to all interested parties at least 7 days in advance of the hearing, which would fall on September 11th. The notices contain the information and materials being presented at the hearing. In order to meet the deadline, these notices must be sent via USPS by Monday, September 9th *at the latest.*

Thank you

On Fri, Aug 30, 2024 at 12:37 PM Trelawny Tenants Union <trelawnytenantsunion@gmail.com> wrote:

Thank you for letting us know. Sept 6 is a little faster than we expected for having to submit additional information for a Sept 18 meeting. Is there any way we could have until Sept. 13?

Thanks.

TTU

On Thu, Aug 29, 2024 at 10:13 AM Rent Control- City of Portland <rentcontrol@portlandmaine.gov> wrote:

Hello,

The tabled rent increase appeal submitted by Trelawny Tenants Union for the properties located at 59 State St and 655 Congress St has been scheduled to resume at a special Rent Board meeting on Wednesday, September 18, 2024 at 5:00 pm. The meeting will be remote and held via Zoom.

Please submit any previously requested documents or materials by **8:00 am Friday, September 6, 2024** so that any new information can be provided in the public notices being sent to interested parties.

The agenda with the Zoom link will be posted by Friday, September 13, 2024.
The agenda packet and Zoom link can be found on this page: Agendas & Minutes - City of Portland, Maine

Thank you

On Mon, Aug 26, 2024 at 3:31 PM Rent Control- City of Portland <rentcontrol@portlandmaine.gov> wrote:

Hello,

Please see below for the information requested by the Rent Board for the next hearing for the appeals for 59 State St and 655 Congress St. The Board will be scheduling the next hearing at the upcoming meeting on August 28th.

1) From the appellant: Any additional information regarding potential violations not included in their initial appeal submission document.

2) From the defendant: Any evidence or information regarding internal audits or any system that has been put in place to prevent overcharges in rent and/or violations of City ordinances.

3) From both the appellant and defendant: any evidence, information, or arguments they would like to provide to the Board regarding the issue of "standing."

Thank you
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Licensing and Registration
389 Congress Street
Portland, Maine 04101
rentcontrol@portlandmaine.gov
207-874-8900

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Licensing and Registration
389 Congress Street
Portland, Maine 04101
rentcontrol@portlandmaine.gov
207-874-8900

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

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Trelawny Tenants Union

TrelawnyTenantsUnion@gmail.com

Sept 13, 2024

Portland Rent Board

Mr. Buddy Moore

Via email: rentboard@portlandmaine.gov rentcontrol@portlandmaine.gov

Dear Chair Moore,

Attached to this letter please find documents responsive to Rent Board requests made on Aug. 18 during the initial hearing of our July 3 complaint asserting the rights of all tenants at 655 Congress and 59 State regarding Mr. Geoffrey Rice and his substantial non-compliance with the Rent Stabilization Ordinance (RSO) as per Sec 6-234 (f). We will walk through these documents in detail and be available to answer questions at the Sept. 25 hearing.

First, a quick note on our asserting the rights of all tenants in these buildings. While we have attached a detailed memo outlining why our standing to assert these rights is irrefutable (see point one below and Attachment A), a question was raised at the last meeting, "What if a tenant came forward and did not want TTU asserting their rights?" In such an instance, we would, of course, accommodate said tenant (although we would still expect the city to protect that tenant from any uncovered violations as per the law).

However, we note for the board that no tenants have made such a request that we are aware of. Not directly to us nor directly to the rent board or HSO through written or verbal public comment. This remains true despite every tenant having been made aware of this complaint in writing at least four times (twice by us and twice by the city who has mailed notices to all tenants of our full complaint and hearing opportunities), multiple times through our online tenant union portal, and through direct conversations when knocking on doors.

In short, not a single tenant has asked that we not assert their rights, despite having multiple opportunities to do so. Therefore, we remain steadfast in demanding that the rent board rule on behalf of all tenants in these buildings, including those uncomfortable exposing themselves to the retaliation our landlord has already engaged in.

Documents attached are as follows:

1) In response to the rent board's request, we include a letter from attorney Ben Gaines on behalf of DSA for a Livable Portland and the Portland Tenants Union outlining why tenant unions have standing to assert the rights of **any** tenants whose rights have been violated under the rent stabilization ordinance. (Attachment A)

2) In response to the rent board's request for additional violations that may be ongoing, we include a Notice of Violation from the Housing Safety Office dated August 28, 2024 detailing an additional 46 violations at 35 units in 655 Congress Street. (Attachment B)

3) In response to the rent board request for evidence that our landlord is not allowing us to determine if additional violations are occurring, we include an email we sent August 27th asking to review certain leases we were told we could review. As of the date of this letter, we have received no response. (Attachment C, pasted below)

4) We also include a list of all units that received rent increases during the period when Mr. Rice was out of substantial compliance. These increases were “demand[ed], accept[ed] or retain[ed]” while he was substantially non-compliant in other respects, but might have been “otherwise permitted.” In many cases, the increases may have exceeded allowable levels (because Mr. Rice was grossly non-compliant), but were partially “otherwise permitted” and therefore partially governed by the Sec 6-234(f) prohibition. This is the list of tenants for whom we are asserting their rights and for whom we request you set their rents back to the verified Dec, 2022 level, with no “bank” accumulation from either year being permitted, assuming the rent on said unit has not been lowered further by HSO action due to previous violations. (Attachment D, pasted below).

5) Attachment E is the slide show we presented on July 18, which we officially submit for the record.

Thank you.

Izzy Ostrowski, Matt Walker, Brittany Herland, Brandon Pariseau, Valen Doe, James Dillon, Bligh Godin, Ethan Strimling, Ashley Cordio, Clifford Tremblay, Ian Jacob, David Klosen, Hannah Ferguson, Victoria Van Berlo, Tiffiny McCollett, Hadrienne Hatfield, Abigail Jakub, Kshama Ananthapura, Emily Sanborn, Jacob Pauley, and Tom Baldwin.

TTU Steering Committee & tenants of Geoffrey Rice

Attachment C - Communication with Mr. Rice that ended with Mr. Rice failing to allow us to review leases to determine if there were additional violations.

On Wed, Jul 3, 2024 at 1:09 PM Apartment Mart <apartmentmart1952@gmail.com> wrote:

Good afternoon,

Attached is the audit we performed for the 2 bedroom apartments at 59 State Street. The only apartment where a refund was needed was with apartment 66. This is when we were following the Cities recommendation of making a new lease when an additional tenant resided in the unit.

Best,

Sean Power

Apartment Mart
Residential Rentals
Portland & Biddeford
P: 207-773-1814
F: 207-773-5528

On Mon, Jul 8, 2024 at 12:50 PM Trelawny Tenants Union <trelawnytenantsunion@gmail.com> wrote:

Sean,

Thanks for your work on this and for sending. Not sure how to proceed, but if we have questions about any of these, will we be allowed to see the actual leases? Thanks.

TTU Steering Committee

On Mon, Jul 8, 2024 at 3:02 PM Apartment Mart <apartmentmart1952@gmail.com> wrote:

Yes! If you have any questions and want to review the leases, we can arrange a time for you to come in and do so.

Apartment Mart
Residential Rentals
Portland & Biddeford
P: 207-773-1814
F: 207-773-5528

On Tue, Aug 27, 2024 at 7:32AM Trelawny Tenants Union <trelawnytenantsunion@gmail.com> wrote:

Sean,

We've looked over the list and would like to review four of the apartments: units 6, 36, 63, and 66. We would also like to review unit 24/25 which was the start of this complaint. Let us know when it would be good to come down. Thanks!

TTU Steering

Attachment D - List of all units in 59 State Street and 655 Congress that received rent increases during the period when Mr. Rice was out of substantial compliance. These increases were "demand[ed], accept[ed] or retain[ed]" while he was substantially non-compliant in other respects, but *might* have been "otherwise permitted."

59 State Street (47 units)		
Unit	**Nov. 2022 Rent**	**Rent Increased**
1	$1,069.74	Yes
2	$1,386	Yes
3	$1,525	Yes
6	$1,455.62	Yes
7	$1,226.16	Yes
8	$1,284	Unknown
21	$1,200	Yes
22	$1,528.33	Yes
23	$1,575.56	Yes
24	$990	Yes
25	$990	Yes
26	$1,565.13	Yes
27	$1,650	Yes
28	$1,106.21	Yes
31	$1,147.93	Yes
32	$1,319.81	Yes
33	$1,775	Yes
34	$885.50	Yes
35	$885.50	Yes
36	$1,726.80	Yes
37	$1,421.72	Yes
38	$1,137.50	Yes
41	$1,194.97	Yes
42	$1,512.98	Yes
43	$1,668.13	Yes
44	$1,194.18	Yes
45	$1,050	Yes
46	$1,571.39	Yes
47	$1,512.98	Yes
48	$1,226.16	Unknown
51	$1,220.94	Yes

52	$1,408.68	Yes
53	$1,617.28	Yes
54	$1,199.18	Unknown
55	$1,199.18	Unknown
56	$1,643.36	Yes
57	$1,507.77	Yes
58	$1,252	Yes
61	$1,304.38	Yes
62	$1,539.06	Yes
63	$1,550	Yes
64	$1,121.86	Yes
65	$1,121.86	Yes
66	$1,575	Yes
67	$1,565.13	Yes
68	$1,064	Yes
69B	$1,324.36	Yes

655 Congress Street (102 units)		
Unit	**Nov. 2022 Rent**	**Rent Increased**
202	$1,366.98	Yes
203	$1,000	Yes
204	$1,010.86	Yes
205	$0	EXEMPT
206-208	$1,363	Yes
209	$1,176	Yes
211	$884.51	Yes
212	$849.42	Yes
214	$812.40	Yes
215-217	$1,050	EXEMPT
218	$1,121	EXEMPT
220-221	$1,144.60	Yes
222	$787.73	Yes
223-226	$1,475	Unknown
227-228	$1,025	Yes
302	$1,340.01	EXEMPT
303	$1,100	Yes

304	$1,016.08	Yes
305-306	$1,158.86	Yes
307	$980	Yes
308-309	$1,241.63	Unknown
310	$813.93	Yes
311	$818.62	Yes
312	$844.70	Yes
314	$844.70	Yes
315-317	$1,320	Yes
318	$1,264.74	Yes
320	$673	Yes
321-322	$1,182.50	Yes
323-324	$1,039.50	Yes
325-326	$1,092.72	Yes
327	$984.50	Yes
401-402	$1,121	EXEMPT
403	$1,042.15	Yes
404	$1,175.02	Yes
405	$973	Yes
406-407	$863.50	Yes
408-409	$1,371.85	Yes
410	$882.20	Unknown
411	$756.04	Yes
412-414	$1,097.93	Yes
415-416	$1,094	Yes
417	$786.50	Yes
418	$1,209.63	Yes
420	$688.65	Yes
421-422	$1,150.08	Yes
423-426	$1,644.89	Yes
427-428	$1,050	Yes
501-502	$1,313.92	Yes
503	$1,016.08	Yes
504	$995.22	Yes
505-506	$1,204.84	Yes
507-508	$1,121	EXEMPT
509	$848.66	Yes
510	$813.41	Yes

511	$852.26	Yes
512-514	$1,320	Yes
515-517	$1,386	Yes
518	$1,287.02	Yes
520-522	$1,121	EXEMPT
523-526	$1,850	Yes
527-528	$1,200	Yes
601	$992.92	Yes
602	$1,050	Yes
603-604	$825	Yes
605-606	$1,341.73	Yes
607-608	$764.50	Yes
609	$844.70	Yes
610	$750.80	Yes
611-614	$1,308.72	Yes
615-617	$1,056	Yes
618	$980	Unknown
620-622	$1,212.75	Yes
623-626	$1,512.50	Yes
627-628	$1,235.71	Yes
701-702	$1,392.16	Yes
703	$1,068.23	Yes
704	$1,119.67	Yes
705-706	$1,371.85	Yes
707-708	$1,092	Yes
709	$787.33	Yes
710	$745.61	Yes
711	$984.50	Yes
712-714	$1,209.93	Yes
715	$1,075	Yes
717	$921.45	Unknown
718	$1,321.75	Yes
720	$683.43	Yes
721-722	$1,050	Yes
723-726	$1,550	Yes
727	$950	Yes
728	$927.17	Yes
808-809	$1,400	Yes

810-811	$1,312.50	Yes
812	$844.70	Yes
815-816	$1,375	Yes
817	$1,125	Yes
819-820	$1,146.16	Yes
821-823	$1,228	Yes
823-825	$1,300	Yes
826	$935	Yes
827	$860.34	Yes

MEMORANDUM

TO: Members of the Portland Rent Board

FROM: Benjamin Gaines, on behalf of the Maine DSA Livable Portland Committee and the Portland Tenants Union

DATE: September 13, 2024

RE: Tenants Union Standing

As you know, at elections held in 2020, 2022, and 2023, the voters of Portland adopted, strengthened, and then protected the City's rent control ordinance, codified in Titles XII and XIII of Chapter 6 of the City Code of Ordinances. The Maine Democratic Socialists of America ("DSA") led the campaigns in support of rent control at each of those elections. The Livable Portland Committee ("LPC") was formed by Maine DSA to run the 2022 and 2023 campaigns and, among other purposes, serves to protect and monitor the enforcement of Portland's rent control ordinance. The Portland Tenants Union ("PTU") is another Maine DSA formation, begun this year, consistent with Portland City Code Sec. 6-232, as a "committee . . . of any kind, whatsoever, in which tenants participate, and which exists for the purpose, in whole or in part, of dealing with Landlords concerning rental conditions or any matter related to the Landlord-tenant relationship, including but not limited to the rights and interests of tenants under [Chapter 6 of the Portland City Code]."

At the Rent Board's August 21 hearing regarding the complaints brought before it by the Trelawny Tenants Union ("TTU"), the Board was advised by counsel that it is "a fundamental principle of administrative law, of constitutional law that an organization's standing is limited to its membership." **This is false**. There is no

support for the advice this Board received to be found anywhere in Maine caselaw. **This memorandum will show that when it comes to standing of the parties coming before it, the Board is bound by the plain text of its governing ordinance, and that this ordinance intentionally uses crystal clear language to grant exceptionally broad standing to tenants unions bringing cases before the Board to assert the rights and interests of any or every tenant whose rights and interests have been violated.**

I. Third-Party Standing in Maine

"In Maine, standing is prudential, **not constitutional**."[1] This is because "[u]nlike the language of article III, section 2 of the United States Constitution, the Maine Constitution contains no 'case or controversy' requirement."[2] This is black-letter law. When courts refer to standing as "prudential," they simply mean that it is a judge-made rule, "involving the principle of judicial self-restraint by which the courts avoid interference with other branches of government."[3]

One prudential rule of standing is the "*general rule* . . . that a litigant may not assert the constitutional rights of third parties."[4] But it is just that: **a general**

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[1] *Black v. Bureau of Parks & Lands*, 2022 ME 58, ¶ 27, 288 A.3d 346 (emphasis added); see also *Collins v. State*, 2000 ME 85, ¶ 11, 750 A.2d 1257, 1261 (Calkins and Dana, JJ., concurring) (Maine standing jurisprudence is prudential, not constitutional).

[2] *Roop v. City of Belfast*, 2007 ME 32, ¶ 7, 915 A.2d 966.

[3] *Seven Islands Land Co. v. Maine Land Use Reg. Comm'n*, 450 A.2d 475, 484 (Me. 1982) (Nichols and Wathen, JJ., concurring).

[4] *Common Cause v. State*, 455 A.2d 1, 6 (Me. 1983) (emphasis added).

rule, not a fundamental rule, and there are "**a number of exceptions**."[5] At the federal level, the "the most prominent" of these exceptions recognized by the United States Supreme Court is that "Congress **may remove it by statute.**"[6]

II. Standing at the Municipal Level

Similarly, in Maine "[j]ust what particular interest or injury is required for standing purposes and the source of that requirement—whether statutory-or common law-based—varies based on the type of claims being alleged."[7] For instance, in the state administrative context, "[w]hether a party has standing depends on the wording of the specific statute involved."[8] Accordingly, at the municipal level, because standing "**depends on the language of the governing ordinance**, we must interpret and apply the relevant sections of the Ordinance."[9] And to be sure, "**a municipality can set its own more liberal rules**. . . ."[10] **Portland's Rent Board is entirely the creation of ordinance, and it has no authority to depart from the more liberal rules of standing contained in that ordinance.**

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[5] *Id.* at 7 (emphasis added).

[6] *Warth v. Seldin*, 422 U.S. 490, 509 (1975).

[7] *Black*, 2022 ME 58, ¶ 27 (quoting *Bank of Am., N.A. v. Greenleaf*, 2014 ME 89, ¶ 7, 96 A.3d 700, 704).

[8] *Lindemann v. Comm'n on Governmental Ethics & Election Pracs.*, 2008 ME 187, ¶ 9, 961 A.2d 538, 542.

[9] *Upstream Watch v. City of Belfast*, 2023 ME 43, ¶ 12, 299 A.3d 25, 30.

[10] *Id.* ¶ 24.

III. Examples in Similar Contexts

There are myriad examples of parties given standing by statute or ordinance who otherwise might not satisfy prudential rules of court, but here are a few that the Board should find relevant:

- Disability Rights Maine is conferred "standing to sue on behalf of individuals with mental illness and developmental disabilities."[11] This standing is rooted in statute, 5 M.R.S. § 19505(3), which grants it authority to "pursue administrative, legal and other appropriate remedies on behalf of persons with disabilities."
- The False Claims Act, 31 U.S.C. §§ 3729-3733, like other *qui tam* statutes dating back to the founding of the republic, authorizes a private party to bring suit on behalf of the public.[12]
- The Fair Housing Act, 42 U. S. C. § 3601 *et seq.*, allows "tenants of the same [apartment complex]" to sue for monetary, injunctive and declaratory relief, even when they themselves are not the direct victims of housing discrimination.[13]
- The Town of Belfast allows any "person whose land is directly or indirectly affected by the granting or denial of a permit or variance . . . or a person

[11] *See Risinger v. Concannon*, 117 F. Supp. 2d 61, 69 (D. Me. 2000); *see also Doe v. Rowe*, 156 F. Supp. 2d 35, 58 (D. Me. 2001) (similarly finding standing conferred on DRM to pursue claims under Title II of the Americans with Disabilities Act).

[12] *See Vt. Agency of Nat. Res. v. United States ex rel. Stevens*, 529 U.S. 765, 768-69 & n.1 (2000)

[13] *Trafficante v. Metro. Life Ins. Co.*, 409 U.S. 205, 209 (1972).

whose land abuts land for which a permit or variance has been granted." to bring a case before its Zoning Board of Appeals, dispensing with the normal prudential particularized injury requirement entirely.[14]

Note especially, that in some cases Disability Rights Maine might be called upon to represent individuals who legally lack the mental capacity to contract for or consent to representation. And in constitutional or class action cases, it is altogether commonplace for plaintiffs to invoke the interests of and seek relief for broad groups of entire strangers.[15] **None of these examples, nor any others in Maine caselaw, state that third-party standing cannot be conferred without an express request or consent from the third parties themselves.**[16]

One thing that the Board should be clear of is that this is **NOT** an issue of "associational standing." Associational standing is another prudential rule that generally allows, "*in the absence of contradictory language in an ordinance*, that a group may show standing if at least one member has standing."[17] This is why, *prior to the adoption of section 6-243*, the Board recognized TTU's power to bring a complaint on behalf of its members.[18] As a prudential rule, just like the broader rule

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[14] *Upstream Watch*, 2023 ME 43, ¶ 16, 299 A.3d 25, 30.

[15] *See e.g. Eisenstadt v. Baird*, 405 U.S. 438 (1972).

[16] A hypothetical issue has been raised of a tenant who expressly opposes having TTU assert their interests, but 1) that is a policy concern for the voters who approved this ordinance, not the Board, and it has been unambiguously resolved in favor of the tenants union nonetheless being empowered to assert those interests; and 2) it is a red herring, as there is no such tenant before the Board.

[17] *Upstream Watch*, 2023 ME 43, ¶ 18, 299 A.3d 25, 30-31 (emphasis added).
[18] Rent Board Decision in re: 655 Congress Street, ¶ 10 (Feb. 23, 2022).

against third-party standing, **it can be overridden by statute or ordinance.** Moreover, no one disputes whether "at least one member" of TTU has standing here.[19] Rules of associational standing cannot support the advice given by the Board's counsel.

IV. The Plain Language of the Tenants Union Standing Ordinance.

In 2022, the voters of Portland set their "own more liberal rules" for standing when they voted to amend the rent control ordinance. As you are aware, voters then approved provisions that defined the term "Tenants Union" and then created a special rule in section 6-243(a) providing that "*[a]ny* Tenants Union shall have standing as a party to assert the rights or interests of *any* Tenants, individually or collectively, under this Chapter in any complaint, appeal, or other proceeding brought before . . . the Rent Board . . . ." This provision is exactly as broad as it appears, and intentionally so.

"Read naturally, the word 'any' has an expansive meaning, that is, '**one or some indiscriminately of whatever kind**.'"[20] "Its ordinary meaning is '**all or every**.'"[21] As an example, "the ordinary and common meaning of 'any profit factor' is 'all or every profit factor' whether it be positive, zero or negative in value."

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[19] Given the nature of the ordinance actually at issue in this complaint—providing that the "landlord who is not in substantial compliance with any provision of this chapter . . . may not demand, accept, or retain any rent increase otherwise permitted . . . ."—the same findings of fact and conclusions of law pertaining to a single tenant will apply equally to <u>every tenant</u> in this landlord's properties: If he has been continuously and substantially noncompliant (and the evidence before you shows that he has been) for the entirety of the period since December 8, 2022, he must refund <u>every rent increase</u> that he's collected over that period.

[20] *United States v. Gonzales*, 520 U.S. 1.

[21] *Nat'l Council on Comp. Ins. v. Superintendent of Ins.*, 481 A.2d 775, 779 (Me. 1984)

The ordinary meaning of this provision, resoundingly approved by Portland's voters, is that *all or every* Tenants Union—including both TTU and PTU—have standing as a party to assert the rights of *all or every* tenant of Geoffrey Rice, not only those who sign themselves up as members or affirmatively consent to participate in this action. There is absolutely nothing in the plain language of the ordinance to suggest a more constrained reading.

The public legislative history behind this provision's drafting and adoption both confirm its meaning and demonstrate that its purpose was threefold. *First*, in early 2022, this exact tenants union came before the Rent Board with a complaint regarding a tax rate rent adjustment that had been applied to every tenant in a building. Then, TTU was told that it lacked standing to assert the rights of other tenants who were not before the board, but the individual tenants who had signed the complaint were nonetheless permitted to present their case against the landlord together.[22] The LPC then worked with TTU to pass an amendment to the ordinance to ensure that in the future they *could* bring a complaint asserting the rights of every tenant in the building.

Second, it should come as no surprise to you that for at least the first two years that this ordinance was in place, city staff in the Housing Safety Office was apparently unable or unwilling to enforce this ordinance, leaving landlords across

[22] Rent Board Decision in re: 655 Congress Street, ¶ 10 (Feb. 23, 2022). Advice given by the Board's counsel would effectively render section 6-243(a) superfluous and entirely meaningless. But the ordinance may not be read "in a manner that would render some of the language superfluous and meaningless." *Friends of Cong. Square Park v. City of Portland*, 2014 ME 63, ¶ 10, 91 A.3d 601, 605.

the city free to ignore it and tenants to fend for themselves.[23] Tenants union standing was devised as a mechanism, using public records, to ensure accountability and enforcement of rent control, whether or not city staff wanted to sweep landlord noncompliance under the rug.[24] The coalition that supported rent control campaigned on this, and Portland's voters approved.

Third, during the first two years following initial passage of the ordinance, several renters were retaliated against by their landlords.[25] The organizers who pursued the initial rent control measure and sought to help educate tenants about their rights observed a chilling effect on tenants' willingness to stick their necks out and put their names on complaints. One member of the Board suggested at its previous meeting that fear of retaliation could not justify the broad tenant union standing that LPC deliberately and explicitly wrote into the 2022 rent control amendments, because the Board has shown that it would enforce the anti-retaliation provision contained in section 6-237(e). Respectfully, the rent control amendments adopted in 2022 contained multiple provisions designed to deter and prevent retaliation against tenants, including this one. The Board's duty is to apply the plain language of each of them.

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[23] *See* Kay Neufeld, *182 complaints, 37 violations, 0 fines: Portland hasn't penalized a single landlord since rent control took effect*, Portland Press Herald (Jan 21, 2024), https://www.pressherald.com/2024/01/21/182-complaints-37-violations-0-fines-portland-hasnt-penalized-a-single-landlord-since-rent-control-took-effect/.

[24] In this sense, tenant union standing is not dissimilar from the standing conferred on relators under the False Claims Act, discussed above.

[25] *See e.g.* Callie Ferguson, *Portland's former mayor says he's being evicted for fighting illegal rent hikes*, Bangor Daily News (Jan. 25, 2022), https://www.bangordailynews.com/2022/01/25/portland/portlands-former-mayor-says-hes-being-evicted-for-fighting-illegal-rent-hikes-joam40zk0w/.

V. Conclusion

Portland tenants and tenants unions have financial interests as renters in seeing the rent control ordinance uniformly applied and the rental housing market adequately regulated, and an interest in preventing their neighbors' exploitation. Those interests are on par with—if not stronger than—the interests of abutting landowners in zoning cases or indirectly affected neighbors in fair housing cases. **There is no serious argument that the plain language of Portland's rent control ordinance does not grant broad third party standing to tenant organizations. And there is no rule, whether "fundamental" or "constitutional," that justifies discarding that plain language to deny TTU standing.**

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

08/28/2024
Case Number: RCC2400009
Business License Number: 20182954

657 Congress LLC
657 Congress St 1st Flr
Portland, ME 04101

NOTICE OF VIOLATION AND ORDER TO CORRECT

The City of Portland Permitting and Inspections Department inspected the rental data for the property located at **655 Congress St** and found violations of the City of Portland Code of Ordinances, which are listed on the attached page(s). You are hereby ordered to correct these violations by **September 28, 2024**. Please be advised that penalties will be applied if the violations are not corrected by that date.

If you do not correct the attached violations by the date given, then this matter will be referred to the City of Portland Corporation Counsel for legal action, and you will be charged $150 for re-inspection per the City's fee schedule. In the event of court action, the City may be entitled to an order to correct the violations, civil penalties in the minimum of $100 per violation per day, costs and fees, and other relief under §1-15 of the City Code and 30-A M.R.S. §4452.

Please respond in writing via email to rentcontrol@portlandmaine.gov or send response by USPS to 389 Congress St, Portland, Maine 04101.

You have a right to appeal this decision to Superior Court within 30 days of the date of this notice pursuant to Rule 80B of the Maine Rules of Civil Procedure.

I appreciate your anticipated cooperation, and please contact our office by calling 207-874-8900 if you have any questions.

Thank you,

Adam O'Connor
Rental Registration Inspector

NON-COMPLIANCE VIOLATION LIST

APPLICABLE CODE SECTION(S)	City Code 6-234 (b)
CODE DESCRIPTION	6-234(b) A Landlord may not increase the rent charged for a Covered Unit within twelve (12) months following a previous Rent increase.
COMMENTS	A review of the rental documents submitted shows the following sixteen (16) units had rental increases in less than 12 months following a previous rent increase: Units 318, 321-322, 325-329, 327, 404, 408-409, 410, 421-422, 509, 511, 602, 704, 707-708, 715, 810-811, 823-825
REMEDY	The rent for the above-referenced units must be reduced to the amount of the last code-compliant rent charged and any overcharge must be refunded to the tenant. Unit specific information found on the Summary page of this document.
APPLICABLE CODE SECTION(S)	City Code 6-234 (b)(2)
CODE DESCRIPTION	6-234(b)(2) *New Tenancy*. A landlord may increase the rent on a Covered Unit by five percent (5%) of the base rent in addition to any other allowable increases when a new tenant occupies a unit, but only if the previous Tenancy was terminated voluntarily by the previous Tenant, without coercion or unreasonable influence from the Landlord
COMMENTS	In 2021 the only rent adjustment available to landlords was 5% New Tenancy increase. A review of the rental documents submitted shows the following nine (9) units had increases of more than 5% in 2021: Units 303, 310, 404, 505-506, 602, 608, 705, 712-714, 715
REMEDY	The rent for the above-referenced units must be reduced to the amount of the last code-compliant rent charged and any overcharge must be refunded to the tenant. Unit specific information found on the Summary page of this document.
APPLICABLE CODE SECTION(S)	City Code 6-234 (c)
CODE DESCRIPTION	6-234(c) At no time may a Landlord raise the rent of a Covered Unit by more than ten (10) percent. Any rent increases available to a Landlord in excess of ten (10) percent must be banked for later use.
COMMENTS	A review of the rental documents submitted shows the following seventeen (17) units had increases of more than 10% since the implementation of the Rent Stabilization Ordinance: Units 203, 206-208, 211, 214, 306, 307, 309, 404, 408-409, 423-426, 601, 704, 707-708, 717, 718, 728, 808-809

REMEDY	The rent for the above-referenced units must be reduced to the amount of the last code-compliant rent charged and any overcharge must be refunded to the tenant. Unit specific information found on the Summary page of this document.

SUMMARY

UNIT #	VIOLATION SUMMARY
203	• Increase over 10% - 5/4/2022 -Rent increased from $905 - $1,000 – 10.5% • **Last code-compliant rent charged** - $905
206-208	• Increase over 10% - 5/1/2022 – Rent increased from $1,190 - $1,369 – 15% • **Last code-compliant rent charged** - $1,190
211	• Increase over 10% - 9/1/2022 - Rent increased from $760 - $895 – 17.8% • **Last code-compliant rent charged** - $760
214	• Increase over 10% - 2/10/2022 – Rent increased from $710 - $848 – 19.4% • **Last code-compliant rent charged** - $710
303	• Increase over 5% in 2021 – 2/1/2021 – Rent increased from $920 - $975 – 6% • **Last code-compliant rent charged** - $920
306	• Increase over 10% - 5/18/2022 – Rent increased from $1,010 - $1,163 – 15.2% • **Last code-compliant rent charged** - $1,010
307	• Increase over 10% - 4/18/2022 – Rent increased from $875 - $980 – 12% • **Last code-compliant rent charged** - $875
309	• Increase over 10% - 6/1/2022 – Rent increased from $1,020 – 1,182.50 – 15.9% • **Last code-compliant rent charged** - $1,020
310	• Increase over 5% in 2021 - 5/1/2021 – Rent increased from $710 - $800 – 12.7% • **Last code-compliant rent charged** - $800
318	• Increase in less than 12 months – Rent increased on 1/1/2022 to $1,155, next increase on 10/1/2022 to $1,270 – Increase in 9 months • **Last code-compliant rent charged** - $1,155
321-322	• Increase in less than 12 months - Rent increased on 11/1/2021 to $1,128.75, next increase on 1/1/2022 to $1,182.50 – Increase in 2 months • **Last code-compliant rent charged** - $1,128.75
325-326	• Increase in less than 12 months - Rent increased on 7/1/2021 to $995, next increase on 6/1/2022 to $1,092.72 – Increase in 11 months • Increase in less than 12 months - Rent increased on 6/1/2022 to $1092.72 next increase on 4/1/2023 to $1,146.27 – Increase in 10 months • **Last code-compliant rent charged** - $995

327	• Increase in less than 12 months - Rent increased on 6/1/2022 to $984.50 next increase on 4/1/2023 to $1,032.74 – Increase in 10 months • **Last code-compliant rent charged** - $995
404	• Increase over 5% in 2021 – 8/1/2021 - Rent increased from $975 - $1,045.75 – 7.2% • Increase in less than 12 months – Rent increased on 8/1/2021 to $1,045.75, next increase on 12/1/2021 to $1,050 – Increase in 4 months • Increase over 10% - 7/1/2022 – Rent increased from $1,050 - $1,175.02 – 11.9% • **Last code-compliant rent charged** - $975
408-409	• Increase in less than 12 months – Rent increased on 11/1/2021 to $1,207.50, next increase on 1/1/2022 to $1,265 – Increase in 2 months • Increase in less than 12 months – Rent increased on 1/1/2022 to $1,265, next increase on 11/15/2022 to $1,425 – Increase in 10 months • Increase over 10% - 11/15/2022 – Rent increased from $1,265 - $1,425 – 12.6% • **Last code-compliant rent charged** - $1,207.70
410	• Increase in less than 12 months – Rent increased on 6/1/2022 to $844.70, next increase on 8/1/2022 to $886.94 – Increase in 2 months • **Last code-compliant rent charged** - $844.70
421-422	• Increase in less than 12 months – Rent increased on 9/1/2021 to $1,105.50, next increase on 3/1/2022 to $1,150 – Increase in 6 months • **Last code-compliant rent charged** - $1,105.50
423-426	• Increase over 10% - 6/1/2022 – Rent increased from $1,395 to $1,653 – 18.5% • **Last code-compliant rent charged** - $1,395
505-506	• Increase over 5% in 2021 – 5/15/2021 – Rent increased from $1,050 to $1,175 – 11.9% • **Last code-compliant rent charged** - $1,050
509	• Increase in less than 12 months – Rent increased on 6/1/2022 to $813.41, next increase on 8/10/2022 to $848.87 – Increase in 2 months • **Last code-compliant rent charged** - $813.41
511	• Increase in less than 12 months – Rent increased on 6/1/2020 to $745, next increase on 8/1/2021 to $782.25 – Increase in 10 months • **Last code-compliant rent charged** - $745
601	• Increase over 10% - 6/1/2023 – Rent increased from $922.92 to $1,041.58 – 12.9% • **Last code-compliant rent charged** - $922.92
602	• Increase over 5% in 2021 – 8/1/2021 – Rent increased from $975 to $1,084.75 – 7.6% • Increase in less than 12 months – Rent increased on 8/1/2021 to $1,048.75, next increase on 12/1/2021 to $1,050 – Increase in 4 months • Increase in less than 12 months – Rent increased on 12/1/2021 to $1,050, next increase on 8/1/2022 to $1,146.45 – Increase in 8 months • Increase in less than 12 months – Rent increased on 8/1/2022 to $1,146.45, next increase on 6/1/2023 – Increase in 10 months • **Last code-compliant rent charged** - $975

608	• Increase over 5% in 2021 – 7/1/2021 – Rent increased from $695 to $764.50 – 10% • **Last code-compliant rent charged** - $695
704	• Increase over 5% in 2021 – 9/15/2021 – Rent increased from $975 to $1,023.75, 12/1/2021 – Rent increased from $1,023.75 to $1,025 – total increase $975 to $1,025 - 5.1% • Increase in less than 12 months – Rent increased on 9/15/2021 to $1,023.75, next increase on 12/1/2021 to $1,025 – Increase in 3 months • Increase over 10% - 9/1/2022 – Rent increased from $1,025 to $1,175.03 – 14.6% • **Last code-compliant rent charged** - $1,023.75
705	• Increase over 5% in 2021 – 6/1/2021 – Rent increased from $1,150 to $1,265 – 10% • **Last code-compliant rent charged** - $1,150
707-708	• Increase in less than 12 months – Rent increased on 8/16/2021 to $1,092, next increase on 1/1/2022 to $1,125 – Increase in 5 months • Increase over 10% - 5/15/2023 – Rent increased from $1,125 to $1,300 – 15.5% • **Last code-compliant rent charged** - $1,092
712-714	• Increase over 5% in 2021 – 5/1/2021 – Rent increased from $1,100 to $1,230 – 11.8% • **Last code-compliant rent charged** - $1,100
715	• Increase over 5% in 2021 – 9/1/2021 – Rent increased from $900 to $945, 12/1/2021 – Rent increased from $945 to $950 – total increase $900 to $950 – 5.5% • Increase in less than 12 months – Rent increased on 9/1/2021 to $945, next increase on 12/1/2021 to $950 – Increase in 3 months • **Last code-compliant rent charged** - $945
717	• Increase over 10% - 6/1/2022 – Rent increased from $793 to $873 – 10.1% • **Last code-compliant rent charged** - $793
718	• Increase over 10% - 2/15/2023 – Rent increased from $1,265 to $1,450 – 14.6% • **Last code-compliant rent charged** - $1,265
728	• Increase over 10% - 6/1/2022 – Rent increased from $815 to $930 – 14.1% • **Last code-compliant rent charged** - $815
808-809	• Increase over 10% - 10/1/2022 – Rent increased from $1,200 to $1,400 – 16.6% • **Last code-compliant rent charged** - $1,200
810-811	• Increase in less than 12 months – Rent increased on 6/18/2021 to $1,295, next increase on 10/1/2021 to $1,312.50 – Increase in 4 months • **Last code-compliant rent charged** - $1,295
823-825	• Increase in less than 12 months – Rent increased on 7/1/2021 to $1,200, next increase on 6/1/2022 to $1,300 – Increase in 11 months • **Last code-compliant rent charged** - $1,200
DEADLINE	09/28/2024

Written Public Comment - Sept 25 meeting re: TTU complaint

1 message

Trelawny Tenants Union <trelawnytenantsunion@gmail.com> Tue, Sep 24, 2024 at 11:18 AM
To: Rent Control- City of Portland <rentcontrol@portlandmaine.gov>, Rent Board <rentboard@portlandmaine.gov>
Cc: Buddy Moore <buddymoore.rentboard@gmail.com>

Chair Moore and distinguished members of the rent board,

At your Sept 18 meeting, the lawyer for Mr. Rice announced that he will be seeking further delay in the adjudication of our complaint dated July 3, 2024, and first heard on August 19, 2024.

While we have not yet seen anything in writing requesting the reasons for this possible delay, we want to inform the board that we remain ready to present the additional information requested by the board and included in your packets. If you do choose to delay further based on our landlord's request, we simply ask that the delay be short and the reasons for it be laid out explicitly.

As you know, this matter was first submitted to the Housing Safety Office and shared with our landlord on June 18. He has had three months to provide any and all necessary material for the rent board to consider. In fact, he chose not to even respond to the Board's request for more information after the hearing on August 19.

Please understand that our request that you adjudicate this matter in as timely a matter as possible is not without reason. Despite this complaint being in front of you, last week our landlord started sending out dozens and dozens of new rent increase notices, as if you are going to rule in his favor before you have decided. Tenants are contacting us daily asking what to do about this.

Thank you for your attention to this matter.

TTU Steering Committee

City of Portland Permitting and Inspections Department Landlord Worksheet/Petition for Rent Board Approved Increase Rent Increase using Fair Return Standard: Maintenance of Net Operating Income (MNOI)

Note to Applicants

All information and documentation provided in this application will be made available to the public, pursuant to applicable public access laws in the State of Maine. An Applicant may choose to redact sensitive information contained herein, including, but not limited to bank account information, debit card or credit card information, government-issued identification information, personal contact information such as phone numbers, email addresses, tenant or employee names, or other personally identifying information. The Rent Board may act within its authority to request any additional information it deems pertinent to the application at hand.

Commented [CM1]: This is the only section that has been amended on this application aside from minor formatting changes.

Introductory Information

A landlord is entitled to a fair return on investment, which means an amount sufficient to allow a just and reasonable rate of return, to encourage the investment of capital in the rental housing market, to fairly compensate investors for the risks they have assumed, and to achieve minimum constitutionally protected standards.

Pursuant to the Rent Control Ordinance, the fair return on investment must be calculated using Maintenance of Net Operating Income (MNOI). This methodology presumes the net operating income the landlord earned from a Covered unit during the calendar year 2019 yielded a fair return on investment unless the landlord proves that special or peculiar circumstances prevented the landlord from receiving a fair return on investment during that period. To qualify for an MNOI increase, the landlord has to file this application for a hearing by the Rent Board.

1. Presumption of Base Year Net Operating Income
   It shall be presumed that the net operating income received by the landlord during the calendar year 2019 (the Base Year) yielded a Fair Return on investment. This presumption may be rebutted, in which case an adjusted Base Year Net Operating Income shall be used.
2. Fair Return
   A landlord has the right to obtain a net operating income equal to the Base Year (2019) net operating income adjusted by 100% of the percentage increase in the Consumer Price Index (CPI), since the Base Year. It shall be presumed this standard provides a Fair Return.
3. Base Year:
   a. Calendar year 2019 is the Base Year.
   b. In the event that a prior determination of the allowable Rent is made pursuant to a Fair Return petition, if a subsequent petition is filed, the Base Year shall be the year that was considered as the "current year" in the prior petition.
   c. Unless otherwise exempted from the limitation on rent increases by local, state or federal laws or regulations, if a Rental Unit enters the marketplace for the first time after 2019, the Base Year shall be the year the Unit entered the marketplace.
4. Current Year
   The "current year" shall be the calendar year preceding the petition.
5. CPI (Consumer Price Index)
   The annual CPI for the current year for All Urban Consumers for the Greater Boston Metro area (All Urban Consumers, All Items) provided by the U.S. Bureau of Labor Statistics [Bureau of Labor Statistics Data (bls.gov)].
6. Limits of Allowable Rent Increases in Any One Year
   If the amount of any rent increase granted pursuant to a fair return petition exceeds 10%, the portion in excess of 10% shall be deferred to the next year or years following the procedure for Banked Rent.

City of Portland – Housing Safety Division
Maintenance of Net Operating Income

Date of Hearing:
July 24, 2024 - Tabled to September 25, 2024

Landlord Name and Address:

West Street Partners LLC
82 Hanover Street, Suite 5
Portland, ME 04101

Agent Name and Address:

Caleb Normandeau
188 State Street, Unit 309
Portland, ME 04101

Property Address:

40-42 West Street, all 12 units
Portland, ME 04102

CBL:

063-H-004-001

Dylan Orr <dorr@portlandmaine.gov>

Written Public Comment - 40 West St

1 message

Kellie Walsh <kwalshie08@gmail.com> Thu, Jul 18, 2024 at 2:54 PM
To: rentboard@portlandmaine.gov

Written Public Comment - 40 West St.

Hello Portland Housing Committee,

I recently returned to Portland to live and work in fundraising in the PK - 12 education sector. I am a single female with a dog and feel very fortunate to have landed at 40 West St. Although expensive, I valued living in a safe neighborhood and being close to work. When I saw the email about a rent increase, only a month after moving in, I instantly felt anxiety. While I make a solid income and have a full-time job with benefits, I am single and the additional fees charged by the building for the dog and then paying for some utilities add up. The housing market in Portland is squeezing out people like me. People who live, work, and give back to the community they live in. I understand that this property is an investment, but I ask that they consider the benefits of having tenants like myself who take care of the space and help make this community what it is.

City of Portland – Housing Safety Division
MNOI

Date of Hearing:
August 28, 2024; Tabled to September 25, 2024

Landlord Name and Address:

BJB Realty LLC
175 Lancaster Street, Ste. 209
Portland, ME 04101

Agent Name and Address:

BJB Realty LLC
175 Lancaster Street, Ste. 209
Portland, ME 04101

Property Address:

231 State Street
Portland, ME 04101

CBL:

046-A-010-001

Written Public Comment for BJB Realty LLC's application for an Additional Rent Board Approved Increase on August 28, 2024

1 message

Vivienda Apoyo <portlandmainerentersrights@gmail.com> Tue, Aug 27, 2024 at 10:53 AM
To: Rent Board <rentboard@portlandmaine.gov>
Cc: emmalee.tracy@maine.edu, Janet Denison <janetgdenison@gmail.com>, grace.dbonarrigo@gmail.com, Elizabeth Smith <flyingcurls@gmail.com>, angekaz@gmail.com, tonygioia34@yahoo.com, sethspelletier@gmail.com, juliaroseplante@gmail.com, bergquist.julia@gmail.com, zacharycole.me@gmail.com, Pamela Overlock <pam.overlock@yahoo.com>, sabrodeur97@gmail.com, bmonti56@hotmail.com, jpleary13@gmail.com, keiran.lorentzen@gmail.com, stephanie doyle <msladydoyle@yahoo.com>, Kathryn Masters <k8masters@gmail.com>, Maiacarlson3@outlook.com, mereymadden@gmail.com, adamthib@gmail.com, Nicholas Marold <MaroldNicholas@gmail.com>, Gillian Cook <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 <abby.quintal@gmail.com>

Greetings to the Chair and Members of the Rent Board,

We are writing today on behalf of the Tenant Union at 231 State St. to address the upcoming Rent Board review of our Landlords' (BJB Realty LLC) application for an Additional Rent Board Approved Increase (ARBAI). We would like to start by expressing gratitude for your time; as always, you have our respect and appreciation.

Introduction

We will begin by reviewing some relevant background information for context. Then we will move on to our four main points of objection to the application:

1. The applicability of the application process for "regular increases in operating costs" and "routine maintenance expenses" involved with conforming to the applicable Fire Code.
2. The use of 2022 as the base year for the MNOI calculation and the change in reported operating costs for 2022 between the 2023 application and the current application.
3. The flagrant violations of the guidelines around the operating costs provided.
4. The availability of an ARBAI to a Landlord in violation of the Rent Stabilization Ordinance (RSO), using the application itself as prima facie evidence of BJB Realty's nonconformance.

Relevant Background Information from the Ordinance

According to the Rent Stabilization Ordinance (RSO), the purpose of an ARBAI is to provide a Rent Increase that is "necessary to ensure a fair return on investment." The ordinance "presumes the net operating income the landlord earned from a Covered unit during calendar year 2019 yielded a fair return on investment" and provides a provision for adjustment of that amount if "the landlord proves that special or peculiar circumstances prevented the landlord from receiving a fair return on investment during that period."

Sec. 6-234(b).4 includes the following distinction:

> Rent board approval under this provision is intended to ensure a fair rate of return under abnormal, unexpected, or irregular circumstances, including, but not limited to, capital improvements and minor renovations, uninsured repairs, the provision of new housing services, revaluation for property tax assessment, or other unusual expenses. The Rent Board shall presume that the Allowable Increase Percentage will be sufficient to satisfy all regular increases in operating costs, routine maintenance expenses, and other normal or regular costs or expenses, allowing the Landlord to maintain a fair return on investment.

All of this makes complete sense, including the selection of 2019 as the year to calculate the Fair Return on Investment (FRI). It seems clear to us that the year prior to the ordinance coming before the voters was chosen so that Landlords were not tempted to inflate their expenses.

It also seems clear to us that no one wants Rent Stabilization to drive property owners out of business and that an FRI is inherently reasonable. That being said, investments necessarily have a risk/reward ratio; even with real estate, we can overvalue at purchase and mismanage afterwards. These things shouldn't fall on the tenants. The MNOI form explicitly mentions excluding repairs that were "attributable to unreasonable delays in performing necessary maintenance or repair work or the failure to complete necessary replacements", so it's not a guarantee of an FRI in some cases. Fairness is at issue, as is due diligence.

BJB Realty submitted a prior ARBAI application that was reviewed on November 29, 2023. In this application (which incorrectly used 2020 for the MNOI base year), they made a math error. The correct calculation resulted in an $11,927.11 surplus return over the FRI, not the $94,323.49 deficit their application sought to remedy. It was for both of these reasons that the Rent Board tabled the application. We feel this is highly relevant to the question of their FRI and this new application.

Fire Codes are not Abnormal, Unexpected, or Irregular Circumstances

We think the first thing that should be considered is that conforming to the fire code is not "abnormal, unexpected, or irregular circumstances"; this is an anticipated part of being a Landlord. The application makes the claim that the "inspection completed in 2017 does not mention the fire alarm system, sprinkler system, or unit doors as being deficient", and indicates the inspection that was done when they purchased the building requested to update those items.

This aligns with the fact that the related city code, Sec. 10-1 NFPA 101: Life Safety Code, was updated in 2019.

BJB Realty is a professional real estate company. When we last checked, they have double digits of properties in Portland regulated under the RSO. As multifamily properties, all of these units require this update to conform to the fire code. A reasonable person would assume that as professionals in this field, they should have known that the Fire Safety equipment would need updating. Our prior Landlord was also a firefighter; it seems reasonable he was aware of these changes.

Again, we feel that conforming to the fire code is not the "abnormal, unexpected, or irregular circumstances" an ARBAI is meant to address. However, even if the board disagrees with that assessment, we feel it is relevant to consider that BJB Realty purchased the building following the implementation of the RSO and also (likely) purchased it at a discount because of the needed maintenance to the Fire Safety systems.

To include these required changes to conform to fire code in an ARBAI is double-dipping at the Tenants' expense. The RSO states in its definition of FRI that "the Rent Board may adopt rules or regulations to ensure the fair and consistent application of such methodology [MNOI]." We feel that in light of the availability of the city code, BJB Realty's professional status in real estate ownership and management, and the timing of their purchase (following the implementation of the RSO), the Rent Board should reject passing these upfront costs, that are obviously associated with the purchase of the property, onto the tenants.

MNOI Base Year is 2019 and 2022 Operating Costs are Inconsistent

The second thing we would consider relevant to this application is the expansion of scope that occurred when 2022 was used as the base year for the MNOI calculation. The application submitted in 2023 resulted in a total operating expense of $146,772.83, but this application using 2022 as the base year has a total operating expense of $174,449.04; this is an expansion of scope of $27,676.21. The only way this happened, assuming no artificial inflation, is if more categories were somehow added and the MNOI form was not followed. This reflects exactly the type of motivated games that we referred to above when the 2019 base year for the MNOI was introduced.

Why would either the use of 2022 as a base year for MNOI or the expansion of scope be acceptable? The Rent Board tabled this application and asked BJB Realty to provide the 2019 figures. The ordinance does not allow for a willy-nilly approach to this MNOI calculation. Again, these are real estate professionals, with multiple properties under the RSO, who purchased the building following the implementation of the RSO.

To be clear, the prior owner of the building is alive and well. He provided extensive records to BJB Realty as evidenced by the 2020 figures produced for the prior application and the 2017 inspection report. It seems likely, as the consistent and responsible person he always was, he still has access to these records in case of a tax audit and would produce them if the appropriate inquiries were made. Either way, this seems to us to be a matter of due diligence that fell on BJB Realty when they purchased the property. We don't feel it is fair to make the tenants bear the brunt of the lack of that due diligence.

If the board feels accommodations must be made, we note that the 2020 numbers were closer to the base year and were only subject to the motivations of a property owner trying to sell. We note that because of the lack of inflationary motivations this record is obviously more in line with the intention of the RSO than these operating costs, produced for 2022, that fluctuate between applications.

Flagrant Violations of MNOI Operating Costs Guidelines

The third thing that should be addressed in relation to the expenses listed are the numerous violations of the guidelines provided around operating expenses in section VII of the MNOI form. It states that the operating expenses shall not include (a) unreasonable increases in expenses since the Base Year, and (b) Unreasonable Expenses. When we take a look at the provided Profit & Loss Comparison found in the supporting documentation pages i-iii, we find a multitude of these even between 2022 and 2023.

Why did advertising go up by ~$500? Why are contributions listed? They are expressly ruled out in section VII. Why are we paying for meals, travel, and entertainment? Why have they gone up by so much? Why is snow removal ~$7,000 more expensive? What explains the jump in insurance costs and how are these costs, particularly the car, workman's comp and medical, divided among the properties managed? Why is accounting ~$10,000 more expensive? What are these ~$3,800 architect and engineer fees? Why are there ~$4,500 extra worth of plumbing repairs? Why is the elevator repair not amortized? Was it standard

maintenance, if so why wasn't it done in 2022? Why did the supply expense go up by ~$6,000? The alarm is $5,638.50, but the contract provided comes out to $4,680 annually; that's a ~$1,000 difference, where did it go? Why have office expenses ballooned by 50%? What kind of construction was underway either year and why would the cost of materials increase so radically, 400%? Why did wages go up by ~$20,000? This is almost a 100% increase! Why are we paying automobile expenses like parking and tolls? There is parking behind the building and BJB Realty's office is in Portland.

If the Rent Board chooses to allow this application to move forward under these conditions, we ask for additional time to further review the details of the application and present a more comprehensive response. We note that the RSO provides no timeframe for the review of these ARBAI applications and that these applications should require supporting proof in the form of receipts and can be a complicated affair to understand. As tenants interested in accessing our rights under the RSO, this short time frame is onerous; we assume the board can relate as they have a larger scope of applications to consider.

No ARBAI is Available while in Violation of the RSO

The fourth thing that is relevant to BJB Realty's application is that, under Sec. 6-234(f), BJB Realty "may not demand, accept or retain any rent increase otherwise permitted by this section" provided they are "not in substantial compliance with any provision of this chapter." They have provided direct evidence of this noncompliance with the RSO within the application itself for the Rent Board to review.

If we look at the application, in the supporting documentation, on page (i), under the Income subheading, we see the category Storage Fees for which they collected $8,000 in 2023 and $300 in 2022. This is a fresh charge that was started in 2023. We don't know where the $300 figure came from, but we received an email notifying us of this change to our storage in March of 2023 (we have appended that email to this one for convenience).

There are two relevant definitions from the RSO we would like to call attention to; we have added the emphasis:

> *Rent* means the consideration, including any deposit, bonus, benefit, or gratuity demanded or received for, or in consideration with, the **use or occupancy of rental units** and **housing services**. Such consideration includes, but is not limited to, monies and fair value of goods and services rendered to or for the benefit of the Landlord under the Rental Agreement, or in exchange for a Rental Unit, or **housing services of any kind**.
>
> *Rental unit* means any dwelling unit that is rented or otherwise made available for rent for residential use or occupancy, together with all additional rights, privileges, or services connected with use or occupancy of such a unit, including but not limited to vehicle parking spaces, **storage**, and commons areas and/or recreational facilities held out for use by the Tenant.

Clearly, the $100 monthly fee (expressly subject to late rent payment fees) for the housing service of basement storage is Rent under the RSO. Not only that, but that storage is, by the definitions of the RSO, part of the Rental Unit. They have subdivided our units and are charging us extra for them!

These units are numbered by apartment units and have always been associated with an apartment. https://www.youtube.com/watch?v=_nMUi3endW8 This is a brief YouTube video walkthrough of the basement taken in the early summer of 2023 showing our storage units as described.

As we can see from their prior application in section XVII the Monthly Rent Worksheet, they began charging this fee in addition to the Allowable Increase Percentage of 7% in 2023. This is in direct violation of Sec. 6-234. Under Sec. 6-234(f) they "may not demand, accept or retain any rent increase otherwise permitted"; their application should be rejected under these grounds as well.

Conclusion

In conclusion, we respectfully urge the Rent Board to reject BJB Realty's ARBAI application based on the following key points:

1. Due Diligence: The ARBAI process inherently assumes that landlords exercise proper due diligence in managing their properties. For instance, repairs resulting from negligence are explicitly excluded from consideration, as are costs associated with violations of the RSO.

2. Fair Return on Investment: The previous ARBAI application, when correctly calculated, demonstrated that BJB Realty is already receiving a fair return on investment for this property.

3. Fire Code Compliance: Conforming to the City's Fire Code, which was updated prior to BJB Realty's purchase of the property, does not constitute "abnormal, unexpected, or irregular circumstances" as defined by the RSO.

4. MNOI Calculation: The use of 2022 as the base year for the MNOI calculation contradicts the RSO, which specifies 2019. Furthermore, the 2022 operating costs are inconsistent between applications.

5. Operating Cost Violations: The application contains numerous flagrant violations of MNOI operating costs guidelines, raising serious concerns about its validity.

6. RSO Violation: BJB Realty's implementation of additional storage fees violates the RSO, which explicitly prohibits any rental increase, including an ARBAI, while a landlord is in violation of the ordinance.

We ask the board to consider these points both individually and collectively. Given the evidence presented, including the fair return on investment demonstrated in the previous application, we strongly believe that BJB Realty's ARBAI application should be rejected.

We appreciate the Rent Board's time and careful consideration of this matter, which significantly impacts the lives of the tenants at 231 State St.

Vivienda Apoyo
---------- Forwarded message ---------
From: Timothy Zimmerman <tzimmerman@bjbrealtymaine.com>
Date: Tue, Mar 21, 2023, 1:02 PM
Subject: 231 State St. Storage lease addendum.
To: Bradley Marin <bmarin@bjbrealtymaine.com>

Good Afternoon, Tenants of State St. as we organize the in-house management it came to our attention that tenant storage is only partially used by some tenants so we wanted add a addendum to all current

leases(that are subject to change) that tenants will now be given the option to pay $100/Per storage unit or move items out of storage this will allow us to only have storage for tenants who would use the units. This extra charge will go back into maintenance and building upgrades.

Tenants already using said storage will be charged for it after 5/1/23 or encouraged to move items away if the extra charge is not in there best interest. Unpaid charges to the account to those whom still have items in storage is subject to late rent payment fees.

Thank you,

-Management

Written Public Comment: Tenant Union at 231 State St. - Objection to BJB Realty LLC's ARBAI Application: Executive Summary to be added along with the prior written comment. Thanks much!

Vivienda Apoyo <portlandmainerentersrights@gmail.com> Tue, Aug 27, 2024 at 11:24 AM
To: Rent Board <rentboard@portlandmaine.gov>
Cc: emmalee.tracy@maine.edu, Janet Denison <janetgdenison@gmail.com>, grace.dbonarrigo@gmail.com, Elizabeth Smith <flyingcurls@gmail.com>, angekaz@gmail.com, tonygioia34@yahoo.com, sethspelletier@gmail.com, juliaroseplante@gmail.com, bergquist.julia@gmail.com, zacharycole.me@gmail.com, Pamela Overlock <pam.overlock@yahoo.com>, sabrodeur97@gmail.com, bmonti56@hotmail.com, jpleary13@gmail.com, keiran.lorentzen@gmail.com, stephanie doyle <msladydoyle@yahoo.com>, Kathryn Masters <k8masters@gmail.com>, Maiacarlson3@outlook.com, mereymadden@gmail.com, adamthib@gmail.com, Nicholas Marold <MaroldNicholas@gmail.com>, Gillian Cook <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 <abby.quintal@gmail.com>

Tenant Union at 231 State St. - Objection to BJB Realty LLC's ARBAI Application

Executive Summary

The Tenant Union at 231 State St. objects to BJB Realty LLC's application for an Additional Rent Board Approved Increase (ARBAI) on four main grounds:

1. Fire code compliance is not an "abnormal, unexpected, or irregular circumstance"
2. Inappropriate use of 2022 as the base year for MNOI calculation
3. Violations of MNOI operating costs guidelines
4. BJB Realty's non-compliance with the Rent Stabilization Ordinance (RSO)

Background

- The Rent Stabilization Ordinance (RSO) allows for an ARBAI to ensure a "fair return on investment" under specific circumstances.
- The ordinance presumes that 2019 net operating income yielded a fair return.
- Adjustments are allowed if the landlord proves special circumstances prevented a fair return.
- Regular increases in operating costs and routine maintenance are presumed to be covered by the Allowable Increase Percentage.
- BJB Realty submitted a prior ARBAI application (reviewed on November 29, 2023) which contained errors and actually showed a surplus return of $11,927.11 over the fair return on investment (FRI).

Main Points of Objection

1. Fire Code Compliance is Not an Extraordinary Circumstance

- Conforming to fire codes is an anticipated part of being a landlord.
- The relevant city code (Sec. 10-1 NFPA 101: Life Safety Code) was updated in 2019.
- BJB Realty, as a professional real estate company, should have been aware of these requirements.
- BJB Realty purchased the building after the RSO implementation and likely at a discount due to needed Fire Safety system maintenance.
- Including these costs in an ARBAI application could be seen as double-dipping at the tenants' expense.

2. Inappropriate Use of 2022 as MNOI Base Year

- The ordinance specifies 2019 as the base year for MNOI calculations.
- Using 2022 has led to an expansion of scope in reported operating expenses:
    - 2023 application: $146,772.83
    - Current application: $174,449.04
    - Difference: $27,676.21
- This change reflects the type of motivated reporting the 2019 base year was meant to prevent.
- The Rent Board previously tabled the application and requested 2019 figures.
- The prior owner provided extensive records, including 2020 figures and a 2017 inspection report.

3. Violations of MNOI Operating Costs Guidelines

The application includes numerous expenses that violate the guidelines provided in section VII of the MNOI form:

- Unreasonable increases in expenses since the Base Year
- Inclusion of expenses not allowed under the guidelines

Examples of questionable expenses:

- Increased advertising costs
- Inclusion of contributions
- Meals, travel, and entertainment expenses
- Significant increases in snow removal, insurance, and accounting costs
- Unexplained architect and engineer fees
- Large increases in supply expenses and wages
- Discrepancies in alarm system costs
- Unexplained increases in office expenses and construction material costs
- Addition of automobile expenses

The Tenant Union requests additional time to review these expenses in detail if the application moves forward.

4. Non-compliance with the Rent Stabilization Ordinance

BJB Realty's application provides evidence of their non-compliance with the RSO:

- They have been charging $100 monthly storage fees since 2023.
- Under the RSO, these fees constitute "Rent" and are part of the "Rental Unit."
- Charging these fees in addition to the Allowable Increase Percentage violates Sec. 6-234 of the RSO.
- According to Sec. 6-234(f), a landlord in violation of the RSO may not demand or accept any rent increase.
- Evidence of this violation is provided in the application itself and through an email notification to tenants.

Conclusion

The Tenant Union urges the Rent Board to reject BJB Realty's ARBAI application based on:

1. Fire code compliance not being an extraordinary circumstance justifying an ARBAI.
2. The inappropriate use of 2022 as the MNOI base year, leading to inflated operating costs.
3. Numerous violations of the MNOI operating costs guidelines.
4. BJB Realty's violation of the RSO, which precludes them from receiving any rent increase.

Additionally, the Tenant Union believes the previous ARBAI application demonstrated that BJB Realty is already receiving a fair return on investment for the property. They ask the board to consider these points both individually and collectively in their decision-making process.

Additional Documentation for BJB Realty Applications

Buddy Moore <buddymoore.rentboard@gmail.com> Fri, Aug 30, 2024 at 3:00 PM
To: Dylan Orr <dorr@portlandmaine.gov>

Hey, Dylan. Apologies to the applicant, I had to work an unforeseen double shift yesterday so was unable to get to synthesizing the Boards list into writing until today.

First, I don't want this list to necessarily be construed as comprehensive. I would encourage the applicant to review the video recording of the meeting as well for any specifics the following list may have missed.

Second, in terms of the applicant filling out the provided MNOI form: based on the substance of the Board's discussion around this, I would ask that the applicant either fill out the pdf form or excel file provided by the City OR if they provide that information as an addendum, to organize the items in the same format as the City's MNOI form.

With those top line points out of the way, here is what I have in my notes for each property:

231 State Street

- A detailed explanation as to why they were unable to use 2019 as the base year, and a rationale for why they felt the provided base year was most appropriate.
    - For example: where they given information on profits and losses or rents charged when they purchased the property? This is usually standard practice when purchasing a rental property.
- An explanation and the rectification of major inconsistencies/discrepancies between the ledger and the profits and loss statements.
    - Receipts for as many items as possible, specifically receipts for items that are incongruent between the ledger and profit and loss statements.
- An explanation or rationale for including certain charges that appear to be company-wide costs but which are attributed to specific properties (e.g., office supplies.)
    - What is the rationale for attributing these costs to certain properties and what was the distribution of specific costs to specific properties.
- Rationale for including non-tenant facing items in the MNOI calculation.
- Which planned expenses have been completed and what is still planned (e.g., fire doors.) Explanation and evidence for the nearly doubling of wages and salaries from year to year.
- Explanation and evidence of why snow removal costs significantly increased and why snow removal costs were missing from the previous year.

221 Woodford Street

- An explanation and the rectification of major inconsistencies/discrepancies between the ledger and the profits and loss statements. The Board is getting significantly different outputs when they run the ledger number through MNOI as opposed to when they run the profits and losses statement.
    - Receipts for as many items as possible, specifically receipts for items that are incongruent between the ledger and profit and loss statements.
    - Receipts and additional documentation for the whole set of items listed as “construction expenses” in the profits and losses statement.

        - Additional information about the nature of construction expenses. What work was done?
    - Receipts for $40,000 dollar non-labor, non-materials construction expense.
    - Explanation and receipts for parking income that didn't exist before
        - How was this handled with tenants?
            - Was it an agreement? In the lease or an addendum to the lease? How was it factored into the rent?
    - Explantation and additional documentation about the pipe bursting issue, based on comments from tenants.
        - Where those expenses were allocated and what exactly happened.
        - Were any of these costs also included int he construction or repair expenses?
        - Were the costs fully covered by the landlord or their agent or were any of the costs covered by insurance?
    - Additional information regarding the electrical work. It appears some of it is charged in profits and losses, but then some it is charged in the capital improvement section.

124 Emery Street

- An explanation and the rectification of major inconsistencies/discrepancies between the ledger and the profits and loss statements. The Board is getting significantly different outputs when they run the ledger numbers through MNOI as opposed to when they run the profits and losses statement.
    - Receipts for as many items as possible, specifically receipts for items that are an incongruent between the ledger and profit and loss statements.
- An explanation or rationale for including certain charges that appear to be company-wide costs but which are attributed to specific properties.
    - What is the rationale for attributing these costs to certain properties and what was the distribution of specific costs to specific properties?
    - Are these charges considered tenant-facing?
- Rationale for including non-tenant facing items in the MNOI calculation.
- Additional information about parking income. Where did that come from and how?
- Explanation and receipts for the construction line item.
    - What was the nature of these construction costs?
- Explanation and receipts for the accounting expense increase and why accounting was not needed at the property before.
    - Was it being lumped into another cost category?

This is the extent of the information contained in my notes from the meeting. Perhaps the most crucial aspect of these that the Board noted was, as stated above, the inconsistencies between the ledger and the profits and losses statements as well as the lack of receipts for many items. Although it is stated above several times, I would, for the sake of clarity, ask that the applicant include as many receipts as possible. I'll also reiterate that this list is not intended to be comprehensive and I would encourage the applicant to review the meeting recording to ensure consistency between the above list and the requests of Board members during the course of our meeting on 8/28. Please let them know they are free to reach out for any clarification, and I'd be happy to work with you and them if any questions arise as a result of these requests from the Board.

Thank you,

Buddy Moore

[Quoted text hidden]

> [Quoted text hidden]
> Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

City of Portland – Housing Safety Division
MNOI

Date of Hearing:
August 28, 2024; Tabled to September 25, 2024

Landlord Name and Address:

BJB Realty LLC
175 Lancaster Street, Ste. 209
Portland, ME 04101

Agent Name and Address:

BJB Realty LLC
175 Lancaster Street, Ste. 209
Portland, ME 04101

Property Address:

221/223 Woodford Street

Portland, ME 04103

CBL:

130-E-001-001

Dylan Orr <dorr@portlandmaine.gov>

Written Public Comment

1 message

Emily Rose <emilyrose344@gmail.com> Mon, Aug 26, 2024 at 8:55 PM
To: rentboard@portlandmaine.gov

Dear Rent Board members,

Thank you for taking the time to read my concerns regarding BJB Realty's application for rent increase. As a tenant of 221 Woodford Street, I do not believe the stated upgrades have had any positive effect on me or my individual unit, and therefore request that you do not approve the application request.

I would be curious to know if these upgrades mentioned were a result of the February 2023 flooding that damaged three units, as a result of the landlord's agent's negligence (a painter left a window open the weekend that Maine experienced a sever cold snap, causing the pipes to burst in apartment 9 on the third floor, flooding into apartment 8 on the second floor, as well as apartment 6 on the first floor). Would these upgrades have happened if BJB Realty did not receive a Notice of Violation from the city, prompting an inspection? (Please see Notice of Violation attached)

I'd like to bring your attention to the itemized Payables by Account worksheet, sections **6102 Labor** and **6104 Materials**. Most of these items are repairs for units 6, 8, and 9, the units damaged by the burst pipes. Why is damage caused by the landlord or landlord's agent being passed on to the tenants? Additionally, section **5110 Electrical**, all but $896.00 of the $21,786.93 charges were for two of the damaged units (8 and 6).

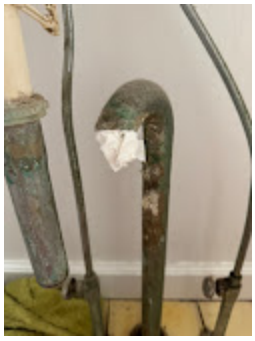
I believe BJB Realty has done the bare minimum to maintain this building. It's a shame because it could be a nice building with some regular maintenance and upkeep, and they would save money on their gas bill if they insulated the building better. Instead we are living in apartments with windows that don't shut properly (they have no plans to replace unit windows at this time. Email stating so is attached). On August 13, the pipes in my bathroom sink literally corroded and snapped off. They were replaced quickly, however, it is my belief this should have been replaced years before I even moved in. (Please see photos attached)

Thank you for taking the time to consider my opinions and for the service you provide to the city of Portland.

Sincerely,

Emily Rose (she/her)
221 Woodford St. Apt 3

4 attachments



IMG_1646.jpg
3587K

IMG_1647.jpg
4586K

221 Woodford Street.rtf
758K

Brad Marin email 8.19.24.pdf
3974K

Certificato di Garanzia
Warning!
Hydrous
Liquid

CITY OF PORTLAND
Permitting and Inspections Department

2/7/2023

BJB REALTY LLC
PO BOX 6842
PORTLAND, ME 04103
bmarin@bjbrealtymaine.com

RE: 221 WOODFORD ST
PORTLAND, ME

130 E001001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Brad Marin,

The City of Portland Permitting and Inspections Department inspected the above-referenced property on 2/4/2023 and found violations of the City of Portland Code of Ordinances, which are listed on the attached page(s). You are hereby ordered to correct these violations and a reinspection is scheduled for **03/03/2023 09:00 AM**. If you need to reschedule, you must contact us no less than 72 hours before your inspection date, at (207)756-8131 or (207)874-8557. Please be aware that reinspections will only be rescheduled once. If you do not show for the scheduled reinspection you will be charged a $150 re-inspection fee.

If you do not correct the attached violations by the dates given, then this matter will be referred to the City of Portland Corporation Counsel for legal action, and may include civil penalties in the minimum of $100 per day, and other legal remedies.

This constitutes an appealable decision under Sec. 6-96 of the City of Portland Code of Ordinances. You may appeal this decision by filing an appeal within 10 days of the date on this notice. Please contact the Zoning Division at zoning@portlandmaine.gov for appeal forms. If you choose to not appeal this notice, then you may be barred from challenging the City's determinations in the future.

Please contact me at the email and phone number listed below if you have questions about the violations, corrections or timeline.

Sincerely,

Chuck Fagone
Certified Code Enforcement Officer
psf@portlandmaine.gov
(207) 756-8131

NAME	CODE DESCRIPTION	COMMENTS	Deadline
City Code 6-120(c)		Properties are unfit for human Due to events on 2/4/23, the	
3/3/2023	habitation if they, because of their general condition, state of the premises, number of occupants, or location, are so unsanitary, unsafe, overcrowded or otherwise dangerous or detrimental that they create a serious menace to the occupants or the public.	following units (#6, #8 and #9) are posted against occupancy until the following conditions are met: A thorough cleaning has been conducted by a professional company to remove water and mitigate mold issues. A licensed electrician has inspected and replaced all electrical wires, lights and other fixtures that were damaged by water. A letter will be required from the electrician outlining the work that has been completed. An electrical permit will be needed for the work. Drywall and other interior walls and floors that were damaged by water will need to be replaced. A City inspector has inspected each unit.	

389 Congress Street / Portland, Maine 04101 / www.portlandmaine.gov / tel: 207-756-8131 / fax: 207-874-8716

From: **Bradley Marin** bmarin@bjbrealtymaine.com
Subject: Re: 221 Woodford
Date: August 19, 2024 at 3:33 PM
To: Emily Rose emilyrose344@gmail.com
Cc: Timothy Zimmerman tzimmerman@bjbrealtymaine.com

BM

I'll get the guys to take that stuff away outside tomorrow if the Dump Guys can't make it. We do not have plans at this time to replace unit windows. Our regular hallway cleaner will be there tomorrow.

Brad Marin
Property Manager / Broker
BJB Realty LLC.
O: 207-956-5176
E: bmarin@bjbrealtymaine.com
W: www.bjbrealtymaine.com

From: Emily Rose <emilyrose344@gmail.com>
Sent: Monday, August 19, 2024 3:16 PM
To: Bradley Marin <bmarin@bjbrealtymaine.com>
Subject: 221 Woodford

Hello Brad,

When will the mess be cleaned up from the hallway window replacement that was done last week? There is debris from sawdust and paint chips all over the stairs and hallway.

Will you be installing new windows in the units as well? None of mine shut properly and one is painted shut.

Also, the pile of garbage that you stated on 7/1/24 would be cleaned up has not been cleaned up and has grown significantly. I have had to pick up broken glass off the driveway. This is a safety hazard.

Thank you,

Emily Rose (she/her)
603-455-6014
Emilyrose344@gmail.com

Written Public Comment

1 message

Ruskieguy 96 <jgreenlee734@gmail.com> Tue, Aug 27, 2024 at 9:14 AM
To: rentboard@portlandmaine.gov

Hello,

I have been a tenant with BJP reality since 2020. I don't believe that they have been sufficiently maintaining our building.

I am the longest standing tenant at 221 Woodford St.

In the five years that I've lived here, they have neglected to maintain our facility.

I have fallen down the stairs, multiple times in the winter because of neglect to plow and clean the stairs

The building has roaches that they are not fumigating for

They refuse to settle disagreements between tenants in the parking lot as far as far as parking is concerned

The maintenance staff leave a mess behind and refused to clean it unless we put a work order in

Basically, they keep raising the rent without making sufficient upgrades to our units and making sure that we are satisfied

Thank you

Jeremy Greenlee

Written Public Comment

john doe <jdoewoodford@gmail.com> Tue, Aug 27, 2024 at 12:47 PM
To: rentboard@portlandmaine.gov

Hello,

I am a current tenant under BJB Realty and am writing in response to the proposed rent increase for the 221-223 woodford units in Portland ME.

While I respect the right of landlords to earn profits on the properties that they own, I believe the proposed rent increase to be excessive in this case.

If we look at the worksheet in section "XVI. Net Operating Income (NOI)" the applicant claims that they are justified in a $202.75 / month adjustment to rent at this address, based on a net operating income of $46,176.17 versus the fair net operating income of $65,460.21. However, I take issue with the net annual operating income value of $46,176.17, as this is based upon one year of extraordinarily high expenses that will not re-appear on an annual basis.

If we take a look at the Profit & Loss Comparison from the application, which compares profits and expenses between the years 2023 and 2019 (the base year), I will point out a few very key expense differences between these two years.

First under "5100 Repairs & Maintenance Expense (non-posting)" subsection "5110 Electrical", we can see that in 2023 substantial work was done on the building here: $21,786.93 versus $760.73 in 2019. This is not an expense that one can reasonably expect to have on an annual basis, and I see no indication of the contrary anywhere in this application.

Next under "6100 Construction Expense (non-posting)" we see a similar story. It looks like no construction expenses were recorded for the year of 2019, whereas in 2023 there is now a total expense of $42,085.26. Without any data to compare this 2023 number to I have to assume that either no construction costs were present in 2019 or that they were negligible to report. In either case, this again demonstrates an inflated cost based on a single year where expenses were higher than normal.

Continuing in this same vein, breaking down the supplied invoices for someone who isn't an electrician is difficult. But I did take a close look at these costs, and it seems that the vast majority of the expenses mentioned above had to do with re-wiring parts of the building. Once again, in my view this is something that will not be a recurring cost, and thus calling these expenses "annual" is simply not correct.

With all of this being said, these are investments that have been made to improve the quality of the building. I believe there is an amount that can be justified to help amortize these investments over time, but $202.75 / month is very excessive if we look at the situation through the lense I've offered here. At the proposed rate across 8 units, the $21,786.93 in electrical expenses and $42,085.26 in construction expenses would be paid for in just 3.3 years, and then this extra fee would become nothing more than profit.

I implore this board to take a close look at the numbers I've presented, and the numbers that have been supplied with the application for this rent increase. It is my belief that if you do so, you will find that this proposed increase is not at all justifiable.

Thank you,
Anonymous

Additional Documentation for BJB Realty Applications

Buddy Moore <buddymoore.rentboard@gmail.com> Fri, Aug 30, 2024 at 3:00 PM
To: Dylan Orr <dorr@portlandmaine.gov>

Hey, Dylan. Apologies to the applicant, I had to work an unforeseen double shift yesterday so was unable to get to synthesizing the Boards list into writing until today.

First, I don't want this list to necessarily be construed as comprehensive. I would encourage the applicant to review the video recording of the meeting as well for any specifics the following list may have missed.

Second, in terms of the applicant filling out the provided MNOI form: based on the substance of the Board's discussion around this, I would ask that the applicant either fill out the pdf form or excel file provided by the City OR if they provide that information as an addendum, to organize the items in the same format as the City's MNOI form.

With those top line points out of the way, here is what I have in my notes for each property:

231 State Street

- A detailed explanation as to why they were unable to use 2019 as the base year, and a rationale for why they felt the provided base year was most appropriate.
    - For example: where they given information on profits and losses or rents charged when they purchased the property? This is usually standard practice when purchasing a rental property.
- An explanation and the rectification of major inconsistencies/discrepancies between the ledger and the profits and loss statements.
    - Receipts for as many items as possible, specifically receipts for items that are incongruent between the ledger and profit and loss statements.
- An explanation or rationale for including certain charges that appear to be company-wide costs but which are attributed to specific properties (e.g., office supplies.)
    - What is the rationale for attributing these costs to certain properties and what was the distribution of specific costs to specific properties.
- Rationale for including non-tenant facing items in the MNOI calculation.
- Which planned expenses have been completed and what is still planned (e.g., fire doors.) Explanation and evidence for the nearly doubling of wages and salaries from year to year.
- Explanation and evidence of why snow removal costs significantly increased and why snow removal costs were missing from the previous year.

221 Woodford Street

- An explanation and the rectification of major inconsistencies/discrepancies between the ledger and the profits and loss statements. The Board is getting significantly different outputs when they run the ledger number through MNOI as opposed to when they run the profits and losses statement.
    - Receipts for as many items as possible, specifically receipts for items that are incongruent between the ledger and profit and loss statements.
    - Receipts and additional documentation for the whole set of items listed as “construction expenses” in the profits and losses statement.

        - Additional information about the nature of construction expenses. What work was done?
    - Receipts for $40,000 dollar non-labor, non-materials construction expense.
    - Explanation and receipts for parking income that didn't exist before
        - How was this handled with tenants?
            - Was it an agreement? In the lease or an addendum to the lease? How was it factored into the rent?
    - Explantation and additional documentation about the pipe bursting issue, based on comments from tenants.
        - Where those expenses were allocated and what exactly happened.
        - Were any of these costs also included int he construction or repair expenses?
        - Were the costs fully covered by the landlord or their agent or were any of the costs covered by insurance?
    - Additional information regarding the electrical work. It appears some of it is charged in profits and losses, but then some it is charged in the capital improvement section.

124 Emery Street

- An explanation and the rectification of major inconsistencies/discrepancies between the ledger and the profits and loss statements. The Board is getting significantly different outputs when they run the ledger numbers through MNOI as opposed to when they run the profits and losses statement.
    - Receipts for as many items as possible, specifically receipts for items that are an incongruent between the ledger and profit and loss statements.
- An explanation or rationale for including certain charges that appear to be company-wide costs but which are attributed to specific properties.
    - What is the rationale for attributing these costs to certain properties and what was the distribution of specific costs to specific properties?
    - Are these charges considered tenant-facing?
- Rationale for including non-tenant facing items in the MNOI calculation.
- Additional information about parking income. Where did that come from and how?
- Explanation and receipts for the construction line item.
    - What was the nature of these construction costs?
- Explanation and receipts for the accounting expense increase and why accounting was not needed at the property before.
    - Was it being lumped into another cost category?

This is the extent of the information contained in my notes from the meeting. Perhaps the most crucial aspect of these that the Board noted was, as stated above, the inconsistencies between the ledger and the profits and losses statements as well as the lack of receipts for many items. Although it is stated above several times, I would, for the sake of clarity, ask that the applicant include as many receipts as possible. I'll also reiterate that this list is not intended to be comprehensive and I would encourage the applicant to review the meeting recording to ensure consistency between the above list and the requests of Board members during the course of our meeting on 8/28. Please let them know they are free to reach out for any clarification, and I'd be happy to work with you and them if any questions arise as a result of these requests from the Board.

Thank you,

Buddy Moore

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City of Portland – Housing Safety Division
MNOI

Date of Hearing:
August 28, 2024; Tabled to September 25, 2024

Landlord Name and Address:

BJB Realty LLC
175 Lancaster Street, Ste. 209
Portland, ME 04101

Agent Name and Address:

BJB Realty LLC
175 Lancaster Street, Ste. 209
Portland, ME 04101

Property Address:

124-126 Emery Street
Portland, ME 04102

CBL:

062-C-009-001

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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 - Tabled to September 18, 2024 - Tabled to September 25, 2024

Owner Name and Address:

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

Agent Name and Address:

David Bergeron with Port Property, 82 Hanover St, Portland, ME 04101

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))

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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, 82 Hanover St, Portland, ME 04101

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

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