



RENT BOARD
December 18, 2024
5:00 PM

ZOOM INFORMATION:

- a. Join from PC, Mac, iPad, or Android:
<https://portlandmaine-gov.zoom.us/j/86347535152?pwd=RjZOVtIGUzZhZG9JQmJkV0ZvS2FWQT09>
Passcode:233330

Phone one-tap:

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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. November 6, 2024 Minutes
- b. November 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. Request for Reconsideration - 40 West St

V. UNFINISHED BUSINESS:

- a. 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
- b. 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
- c. 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, all 31 units
CBL: 046-A-010-001
- d. 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, all 9 units
CBL: 130-E-001-001

- e. 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, all 8 units
CBL: 062-C-009-001
- f. Findings of Fact & Conclusions of Law From November 18, 2024 Meeting Decisions
- g. Completeness Check Procedure Rule - Public Comment

VI. New Business

- a. Rent Increase Application - Completeness Check
Owner: Calvin F. Bickford Jr. & Exelia J. Bickford, 830 Ocean Ave, Apt 125, Portland, ME 04103
Address: 175 Pine St, Unit 1I
CBL: 063-F-008-01I
- b. Rent Increase Application - Completeness Check
Owner: Fredric Shotz, 33 Deering St #1, Portland, ME 04101
Address: 33 Deering St, Units 2F, 2C, 2R, and 3
CBL: 047-B-023-001
- c. Rent Increase Application - Completeness Check
Owner: Anna Kuperman and Marina Kuperman-Beade, 17 12th St, Providence, RI 02906
Address: 305 Deering Ave, all 2 units
CBL: 117-B-001-001
- d. Rent Increase Application - Completeness Check
Owner: Saunders Street Apartments LLC, 51 Belfield Rd, Cape Elizabeth, ME 04107
Representative: Willard Bollenbach and Randi Bollenbach, 51 Belfield Rd, Cape Elizabeth, ME 04107
Address: 23 Saunders St, Unit 5
CBL: 130-G-014-001

- e. Rent Increase Application - Completeness Check
Owner: Park Street Property LLC, 51 Belfield Rd, Cape Elizabeth, ME 04107
Representative: Willard Bollenbach & Randi Bollenbach, 51 Belfield Rd, Cape Elizabeth, ME 04107
Address: 104 Oak St, Units 21 & 43
CBL: 037-A-009-001

VII. Adjourn

Remote Rent Board Meeting Minutes - Held Via Zoom

Wednesday, November 6, 2024

II. Roll Call

Anne-Laure Razat, Tenant, At-Large (absent)
Kristen Carreras, Landlord, At-Large
Matthew Lax, Tenant, District 1
Matthew Walker, Tenant, District 2
Christopher "Buddy" Moore, Tenant, District 3 - Chair (absent)
Vacant, District 4
Austin Sims, Homeowner, District 5 - Vice Chair (absent)

Staff present:

Dylan Orr, Rental Registration Coordinator
Agnieszka Dixon, Esq., Counsel for the Rent Board

0:01:30 - Matthew Lax serves as Chair pro-tem due to the absence of the Chair and Vice Chair.

0:02:06 - Kristen Carreras moves to table all agenda items to the meeting scheduled November 18, 2024. Seconded by Matthew Walker. (3-0; Moore, Sims and Razat absent) The motion passes.

III. Communications

No written public comment or communications were received.

IV. Unfinished Business - See 0:02:06

a. Rent Increase Application

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

See 0:02:06

b. 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, all 31 units
CBL: 046-A-010-001

See 0:02:06

c. 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, all 9 units
CBL: 130-E-001-001

See 0:02:06

d. 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, all 8 units
CBL: 062-C-009-001

See 0:02:06

e. Rent Increase Application

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

See 0:02:06

f. Rent Increase Application

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

See 0:02:06

g. Rent Increase Application

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

See 0:02:06

V. New Business

a. Completeness Check Procedure Update

0:03:15 - Matthew Lax and Kristen Carreras provide updates on completeness check procedure rule. No motions or votes are made on this item.

VI. Adjourn

0:04:19 - Matthew Lax moves to adjourn. Seconded by Kristen Carreras. (3-0; Moore, Sims and Razat absent) The motion passes.

Remote Rent Board Meeting Minutes - Held Via Zoom

Wednesday, November 18, 2024

II. ROLL CALL - 0:00:56

Christopher "Buddy" Moore, Tenant, District 3 - Chair
Austin Sims, Homeowner, District 5 - Vice Chair - Absent
Anne-Laure Razat, Tenant, At-Large
Matthew Walker, Tenant, District 2
Matthew Lax, Tenant, District 1
Kristen Carreras, Landlord, At-Large
District 4 - Vacant

Staff present:

Dylan Orr, Rental Registration Coordinator
Aga Dixon, Counsel for the Rent Board

III. APPROVAL OF MINUTES - 0:01:19

a. October 23, 2024 Minutes

0:01:30 - Anne-Laure Razat moves to accept the October 23, 2024 minutes. Seconded by Chair Moore. (5-0; Sims absent) The motion passes.

IV. COMMUNICATIONS - 0:02:00

a. Tenants Rights Appeal Consent Agreement - 44 Dirigo St

0:02:16 - City Staff explains the consent agreement finalized for the 44 Dirigo St tenant rights complaint.

b. Reschedule December Meeting - 0:02:30

0:03:11 - Chair Moore moves to reschedule December meeting to December 18th, 2024. Seconded by Anne-Laure Razat. (5-0; Sims absent) The motion passes.

V. UNFINISHED BUSINESS - 0:04:00

a. 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

0:04:56 - Chair Moore moves to table 655 Congress and 59 State to December 18th regular meeting. Seconded by Mathew Lax. (4-0; Sims absent, Walker recused) The motion passes.

b. 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

See 0:04:56

c. Rent Increase Application - 0:05:53

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

0:11:00 - Matthew Lax moves to approve the rent increase application for 40 West Street for all 12 units in an amount to be decided during discussion. Seconded by Kristen Carreras.

0:24:22 - Matthew Lax withdraws the previous motion.

0:24:49 - Kristen Carreras moves to reject the application based on incomplete information to make a decision. Seconded by Chair Moore. (5-0; Sims absent) The motion passes.

d. Rent Increase Application - Public Comment - 0:41:20

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, all 31 units

CBL: 046-A-010-001

0:42:00 - Brad Marin presents application.

1:47:00 - Chair Moore moves to table the application to the regular scheduled December meeting. Seconded by Anne-Laure Razat. (5-0; Sims absent) The motion passes.

1:47:35 through 2:00:18 - The Board takes a recess.

e. Rent Increase Application - Public Comment - 2:02:45

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, all 9 units

CBL: 130-E-001-001

2:09:44 - Chair Moore moves to table the application to the regular scheduled December meeting. Seconded by Matthew Lax. (5-0; Sims absent) The motion passes.

f. Rent Increase Application - Public Comment - 2:11:00

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, all 8 units

CBL: 062-C-009-001

2:14:50 - Chair Moore moves to table the application to the regularly scheduled December meeting. Seconded by Matthew Lax. (5-0; Sims absent) The motion passes.

g. Rent Increase Application - 2:18:52

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

3:20:50 - Matthew Lax moves to approve the application for an amount to be determined during discussion. Seconded by Anne-Laure Razat. (4-0; Walker recused, Sims absent) The motion passes.

h. Rent Increase Application - 3:25:20

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

3:25:35 - Anne-Laure Razat moves to approve the application with an increase of \$112.30 per unit per month. Seconded by Kristen Carreras. (4-0; Walker recused, Sims absent) The motion passes.

i. Rent Increase Application - 3:27:50

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

3:28:10 - Anne-Laure Razat moves to approve the application with an increase of \$41.30 per unit per month. Seconded by Kristen Carreras. (4-0; Walker recused, Sims absent) The motion passes.

VI. New Business - 3:28:49

a. Completeness Check Procedure Discussion - 3:29:26

3:56:0 - Matthew Walker moves to approve the proposed rule and to hold a public hearing at the next regularly scheduled meeting. Seconded by Chair Moore. (5-0; Sims absent) The motion passes.

VI. Adjourn - 3:31:48

3:31:59 - Kristen Carreras moves to adjourn. Seconded by Anne-Laure Razat. (5-0; Sims absent) The motion passes.

Rent Board Meeting 11/18/2024

David Bergeron <dbergeron@reveler.com>

Wed, Nov 20, 2024 at 10:00 AM

To: Dylan Orr <dorr@portlandmaine.gov>, Caleb Normandeau <cnormandeau@reveler.com>

Hello Mr. Orr,

Thank you for this summary. I do not believe we were appropriately informed of the timing of this meeting, and I think that the new approach, hearing presentations and the deliberating a month later, is clearly not working. The deliberations that I listened to were full of misunderstandings and oversights that I would love an opportunity to address. However, even if we had been present, it does not seem like there would have been an opportunity for me to speak. I would like the opportunity to modify our application and come before the board again. If not, we will need to use the appeals procedure.

A few key items I would like to address;

1. The application going straight to deliberation. - Buddy states that I agreed to have all applications move straight to deliberations. I don't believe that I agreed to that. I did for the other three applications, but not for this one. I did not believe we had concluded the questions portion yet. This is why we had not provided any updated information.
2. Base rent year - The board discussed our use of 2021 as the base year as if this were new information, which it is not. In fact, it even seemed like they were suggesting that we were intentionally manipulating the system by using that year. In fact, as we discussed with the board in detail before, we had no other information that we could use. We purchased the property in 2020, and we have NO WAY of getting the detailed records that the board insists on for the years prior. The previous owner had no obligation to maintain those records and we would not have known to request them because the current rent control ordinance was not in place at the time. We explained that and the board expressed satisfaction with that rationale. There were points made about it being our burden to support that position. I agree, and I believe that we made a strong argument and received no push back or objection. The fact that the board has taken nearly a year on this application, leading them to forget prior deliberations, should not be held against us.
3. Vacancy in the base year - There were objections based on the fact that we didn't adjust base year rent to eliminate vacancy. This had come up in the prior meeting and while we accepted that the point was valid, we were not asked to remedy the situation. We can provide an updated calc with the vacancy adjusted, but we were not asked to do so.
4. Use of excel - We have received nothing but positive feedback about providing our data in excel thus far. Then, in this session, it was determined that this was somehow inadequate. That is arbitrary and unreasonable.
5. Non-compliant rent increases - There were objections raised in regard to what appears to be a non-compliant rent increase during the period. Failure to address the reasons for this was cited as a reason for denial. Frankly, that doesn't make any sense. The oversight and monitoring of rent increases is a separate and distinct function from the rent increase application process. There is absolutely nothing in the ordinance to suggest that rationalization of all interim rent increases is necessary to support this application.

6. Management fees - We continue to see objections, particularly from Mr. Walker, for increases in management fees. We have gone to great lengths to explain our management fee structure and to the best of my knowledge, no one has provided a reason, supported by the ordinance, that we should not be allowed to treat these like any other expense. We would like the board to point us to the part of the ordinance that provides guidance on this so we can ensure that we remain in compliance.
7. Explanation of cost increases - There were numerous detailed questions on why costs changed, and failure to address all of these was cited as a reason for denial. I see nothing in the ordinance that requires us to explain why our costs changed, only the requirement that we document the fact that they did change. Asking that we drill down to every line item and explain why it changed is not a reasonable burden. To demonstrate how unreasonable this is, consider the fact that this ordinance will compare back to the base year in perpetuity. Will the board be asking us to explain changes in expense between 2019 and 2030? What about 2040? The answer is clearly, no. In this instance, since we have a short window (2021-2023) the board is applying a standard that is unsustainable.

Given the questionable notification, process problems, and our inability to answer the board's questions on this application, we request a re-hearing. Please let us know if this can be done.

Regards,

David Bergeron

From: Dylan Orr <dorr@portlandmaine.gov>
Sent: Tuesday, November 19, 2024 1:06 PM
To: Caleb Normandeau <cnormandeau@reveler.com>
Cc: David Bergeron <dbergeron@reveler.com>
Subject: Re: Rent Board Meeting 11/18/2024

[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
RENTAL INCREASE APPEAL

Date of Hearing:

August 19, 2024 – Tabled to September 18, 2024 – Tabled to September 25, 2024 –
Tabled to October 23, 2024 – Tabled to November 18, 2024 – Tabled to December
18, 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



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 Lenhart, 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 Lenhart](#)
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](#)

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 Lenhart](#)
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



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



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.**

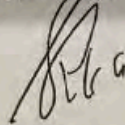
Trelawny 657, LLC
657 Congress Street
First Floor
Portland, Maine 04101
(207) 773-1814

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**



City of Portland | Permitting and Inspections
Zachary Lenhart, 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:

A handwritten signature in black ink, consisting of a large, stylized letter 'R' with a horizontal line extending from the bottom.

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 Lenhart, Licensing and Housing Safety Manager



Oct 30, 2023

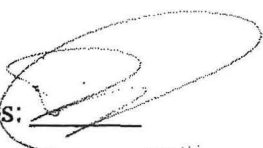
Inspection 116122-2023 has been closed.

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 Lenhart, 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:

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

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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 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: 60 GRANT ST
PORTLAND, ME

048 D009001

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.

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,

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.

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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.

Unit #2. 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: 45 STATE ST
PORTLAND, ME

044 B030001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Geoffrey Rice,

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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 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: 684 CONGRESS ST
PORTLAND, ME

055 E035001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Geoffrey Rice,

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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. 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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Sincerely,

Chuck Fagone
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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 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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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 #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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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 #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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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 #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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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 #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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Sincerely,

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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.

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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Sincerely,

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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.

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

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(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
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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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(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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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

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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

NOTICE OF VIOLATION AND ORDER TO CORRECT

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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 **6/24/2022**. 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

NAME	CODE DESCRIPTION	COMMENTS	Deadline
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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 #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
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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: 169 STATE ST
PORTLAND, ME

045 A029001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Geoffrey Rice,

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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 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
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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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more than base rent plus any
allowable increases under Sec.
6-234.

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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
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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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Permitting and Inspections Department

6/3/2022

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CITY OF PORTLAND
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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

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Permitting and Inspections Department

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City of Portland | Permitting and Inspections
Zachary Lenhart, 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:

Handwritten initials, possibly "ZL", written in black ink.

City of Portland | Permitting and Inspections
Zachary Lenhart, 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 Lenhart, 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:

A handwritten signature, likely of Zachary Lenhart, is written over the "Initials:" label. The signature is stylized and appears to be "ZL".

City of Portland | Permitting and Inspections
Zachary Lenhart, 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 Lenhart, 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: _____

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



Jan 12, 2024

Inspection RCI-116917-2023 has been closed.

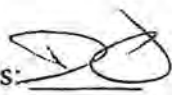
The Licensing & Housing Safety Office has reached a decision for unit 212 at 655 Congress St.

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: 



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

██████████
██████████
655 Congress Street
Apartment ██████████
Portland Maine, 04101

Dear ██████████ and ██████████:

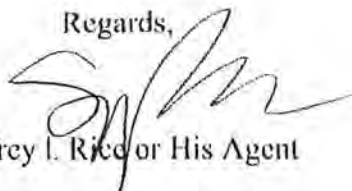
Beginning January 2023 all Tenants were asked to pay \$12.00 monthly for the usage of cooking gas. Per the Rent Board's determination made November 16, 2023, you are no longer required to pay this gas fee. We are reimbursing you for your previous payments. See below for your reimbursement amount,

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 L. Rice or His Agent

655 Congress St

11/22/23

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 Lenhart, 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: 



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 Lenhart, 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 Lenhart, 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:



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 Lenhart <zlenhart@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 statute." (emphasis added)



WHY WE ARE HERE

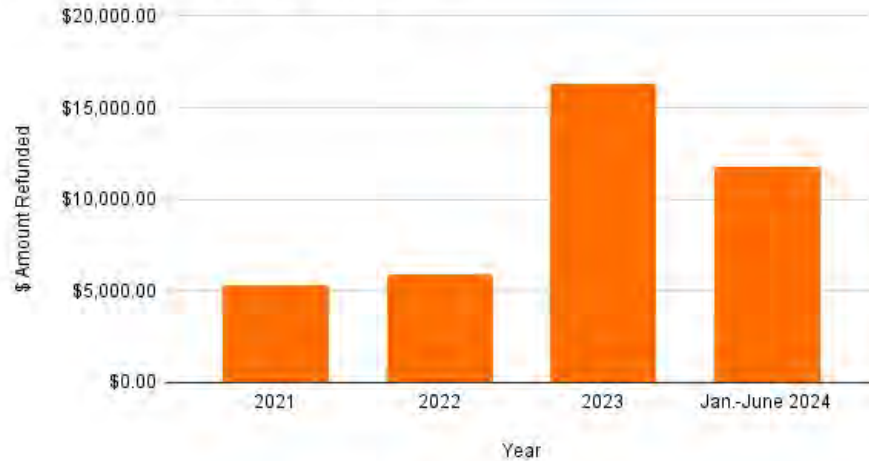
Our landlord has never been in compliance with the RSO.

- ⇒ 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.

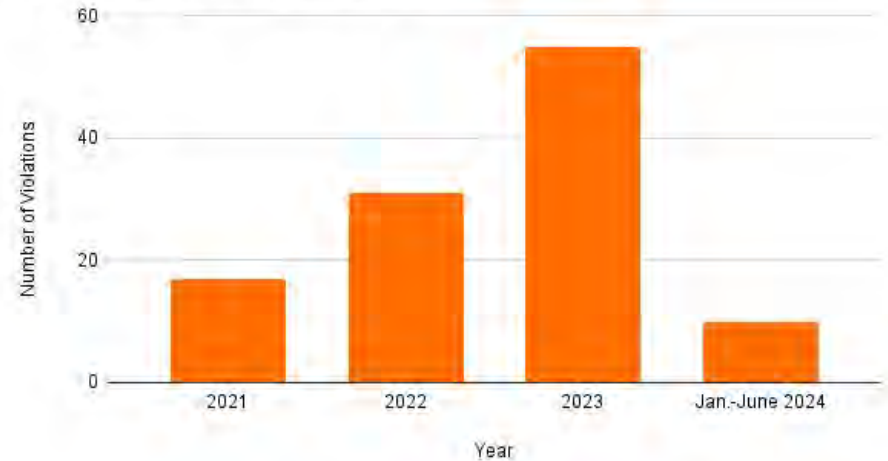


HISTORY OF NON-COMPLIANCE

\$ Amount Refunded vs. Year



Number of Violations vs. Year





2023-2024

VIC - VIOLATIONS

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

Total Known Tenants Affected by Violations

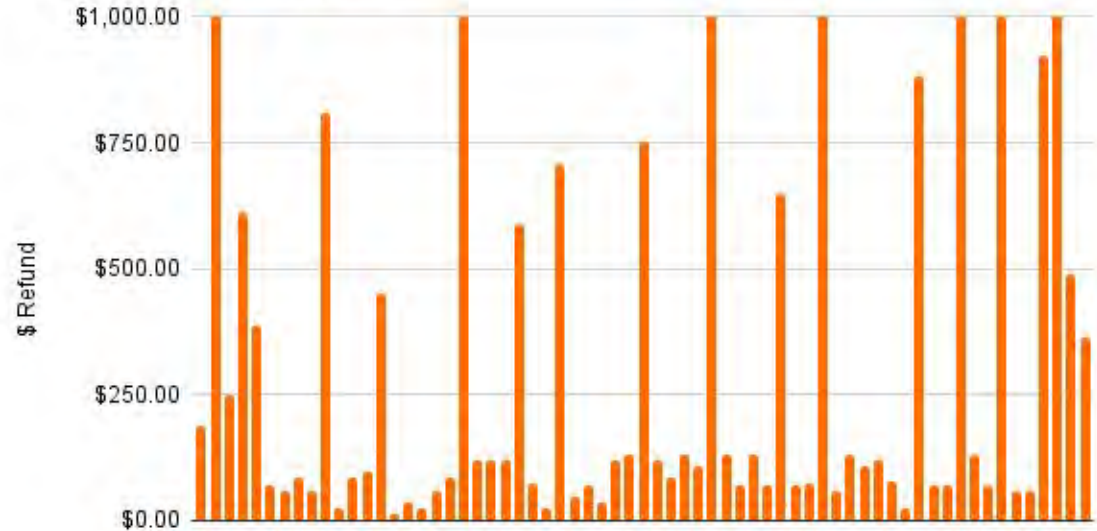


(117 of approx. 149 total units)

KNOWN OVERCHARGES BY UNIT



Known Refunds 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.”

(b) (7) (F) (D) (C) (A)
March 30, 2023

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
	\$3,425.84

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



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



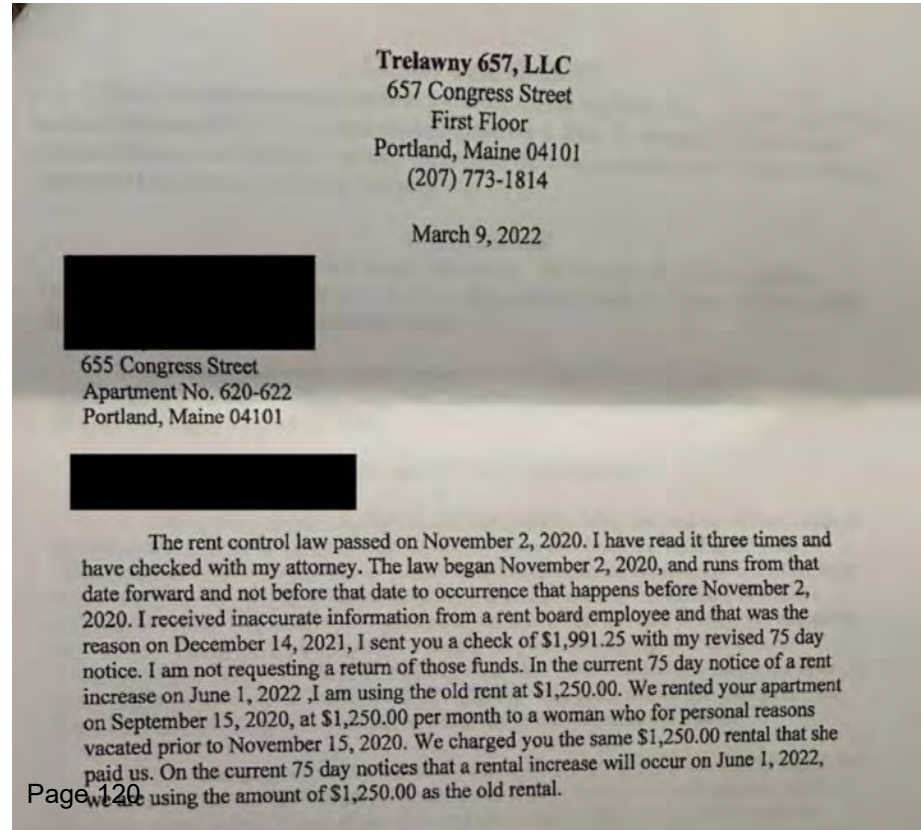
Your apartment rental payments beginning November 16, 2020, were One Thousand Two Hundred Fifty Dollars (\$1,250.00) per month. The amount under rent control regulation is One Thousand One Hundred Two Dollars and Fifty Cents (\$1,102.50). The overpayment is One Hundred Forty Seven Dollars and Fifty Cents (\$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**.

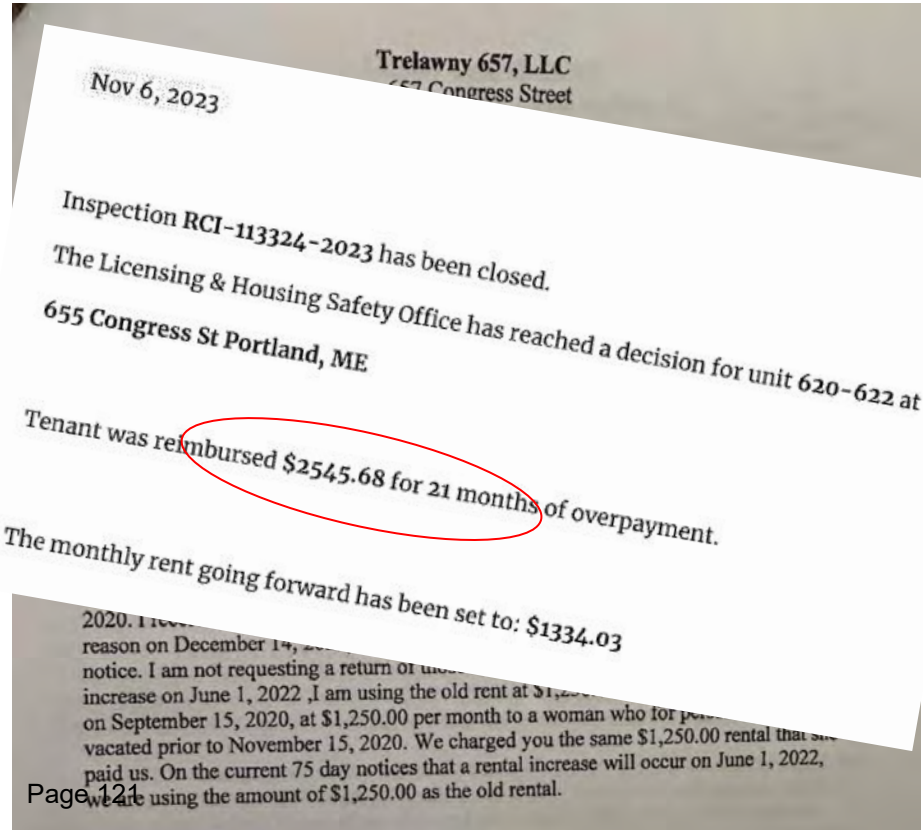


VIOLATION EXAMPLES



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**



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
	9	\$995.00	\$1,015.00	2.01%	BLDG2204019	Yes
	12	\$1,015.00	\$1,025.00	0.99%	BLDG2204019	Yes
655 Congress	9	\$655.00	\$660.00	0.76%	BLDG2204019	Yes
	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
189 State	301	\$1,100.00	\$1,125.00	2.27%	BLDG2204020	Yes
	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	\$660.00	\$675.00	1.74%	BLDG2204023	Yes
646 Forest	3	\$960.00	\$975.00	1.56%	BLDG2204023	Yes
	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 statute.” (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. 2022

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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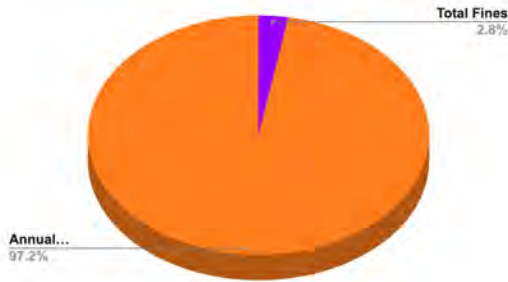


WHAT WE ARE ASKING

FOR Fines

Fine vs. Annual Landlord Rent

(Fees collected from 59 State Street and 655 Congress Street Tenants)



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
655 Congress	67	24	\$2,400
	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
Gas Fee	819	21	\$2,100
		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>
To: Rent Control- City of Portland <rentcontrol@portlandmaine.gov>
Cc: Buddy Moore <buddymoore.rentboard@gmail.com>

Sat, Aug 31, 2024 at 3:03 PM

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

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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.

--

Licensing and Registration
[389 Congress Street](#)
Portland, Maine 04101
rentcontrol@portlandmaine.gov
207-874-8900

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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, Tiffany 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**

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.

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

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.”

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 every tenant 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 every rent increase 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.

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.**

Request for 30-day tabling of Trelawny Tenants Union complaint re Rice Substantial Non-compliance

Trelawny Tenants Union <trelawnytenantsunion@gmail.com>

Wed, Oct 23, 2024 at 11:35 AM

To: Rent Board <rentboard@portlandmaine.gov>

Cc: Buddy Moore <buddymoore.rentboard@gmail.com>, Rent Control- City of Portland <rentcontrol@portlandmaine.gov>, Jeremy Dean <jwdean2017@jwdlegal.com>

Chair Moore,

As you are aware, on this evening's agenda is our complaint against Mr. Geoffrey Rice regarding his substantial non-compliance with rent control at two properties: 655 Congress Street and 59 State Street.

After the last meeting, we reached out to Mr. Rice's attorney, Jeremy Dean, to determine if he was interested in working with us to resolve the complaint. **While we have not reached a conclusion to those conversations, we feel adequate assurances have been made by Mr. Dean to formally ask that you table the item this evening until your next regularly scheduled meeting in November.** Should we reach an agreement prior to that meeting, we will let you know as much in advance as possible. Should these conversations not produce a clear and enforceable agreement by then, we will ask that the matter be taken up at that meeting.

Thanks for your attention to this matter. Please let us know if you have any questions. A representative from TTU will be present.

TTU Steering Committee & tenants of Geoffrey Rice

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, Tiffany McCollett, Hadrienne Hatfield, Abigail Jakub, Kshama Ananthapura, Emily Sanborn, Jacob Pauley, Roy de Clerk, and Tom Baldwin.

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 –
Tabled to October 23, 2024 – Tabled to November 18, 2024 – Tabled to December
18, 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



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 Lenhart, 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 Lenhart](#)
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](#)

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 Lenhart](#)
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



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



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

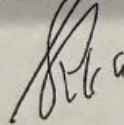
March 9, 2022

[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

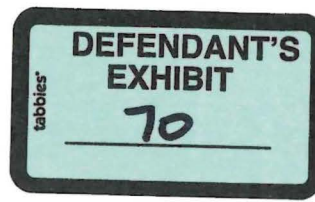
Geoffrey Rice Confirmed Violations/Refunds 2021-2024

	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**



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

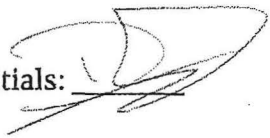
Inspection RCI-111764-2023 has been closed.

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 Lenhart, Licensing and Housing Safety Manager



Oct 30, 2023

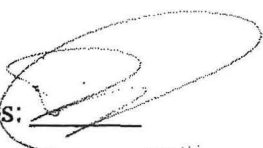
Inspection 116122-2023 has been closed.

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 Lenhart, 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:

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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Sincerely,

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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.

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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: 60 GRANT ST
PORTLAND, ME

048 D009001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Geoffrey Rice,

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Sincerely,

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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 #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

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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 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: 45 STATE ST
PORTLAND, ME

044 B030001

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psf@portlandmaine.gov
(207) 756-8131

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Unit #2. 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: 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 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

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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

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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

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PORTLAND, ME

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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: 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: 546 CUMBERLAND AVE
PORTLAND, ME

047 A007001

NOTICE OF VIOLATION AND ORDER TO CORRECT

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

more than base rent plus any
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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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more than base rent plus any allowable increases under Sec. 6-234.

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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

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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: 235 BRACKETT ST
PORTLAND, ME

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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.

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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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

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
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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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
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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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6/3/2022

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6/3/2022

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CITY OF PORTLAND
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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

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To Geoffrey Rice,

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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
Zachary Lenhart, 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:

City of Portland | Permitting and Inspections
Zachary Lenhart, 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: DL

City of Portland | Permitting and Inspections
Zachary Lenhart, 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:

A large, stylized handwritten signature or set of initials, possibly "ZL", written in dark ink.

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



Oct 25, 2023

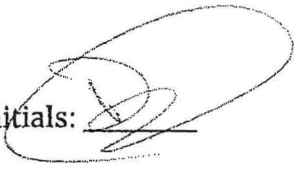
Inspection 113925-2023 has been closed.

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 Lenhart, 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: _____

City of Portland | Permitting and Inspections
Zachary Lenhart, 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 Lenhart, 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

██████████
██████████
655 Congress Street
Apartment ██████████
Portland Maine, 04101

Dear ██████████ and ██████████:

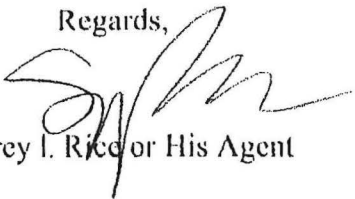
Beginning January 2023 all Tenants were asked to pay \$12.00 monthly for the usage of cooking gas. Per the Rent Board's determination made November 16, 2023, you are no longer required to pay this gas fee. We are reimbursing you for your previous payments. See below for your reimbursement amount,

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

655 Congress St

11/22/23

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 Lenhart, Licensing and Housing Safety Manager



Jan 12, 2024

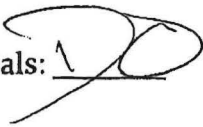
Inspection RCI-118308-2023 has been closed.

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: 

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 Lenhart, 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:



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	\$ 24,021.43	\$ 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, Tiffany 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 statute." (emphasis added)



WHY WE ARE HERE

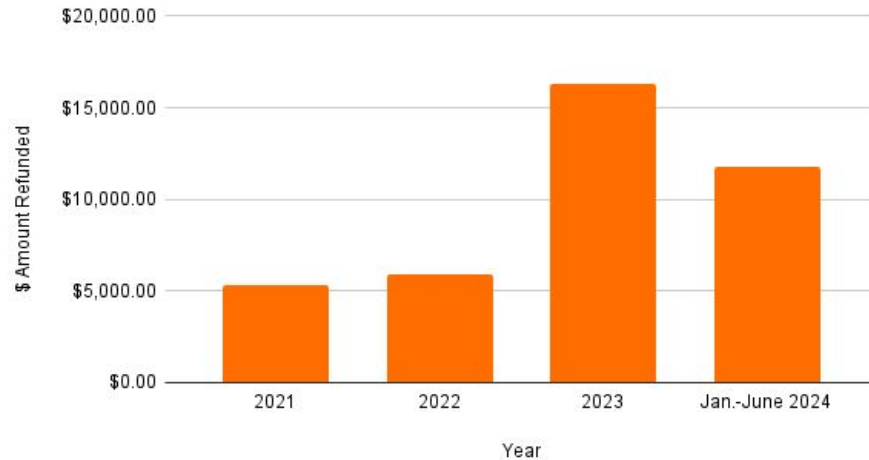
Our landlord has never been in compliance with the RSO.

- ⇒ 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.

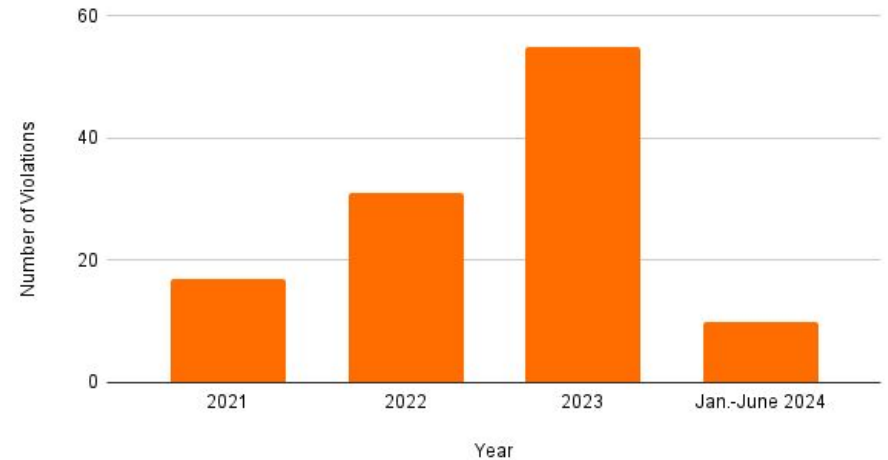


HISTORY OF NON-COMPLIANCE

\$ Amount Refunded vs. Year



Number of Violations vs. Year





2023-2024

VIC - VIOLATIONS

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

Total Known Tenants Affected by Violations

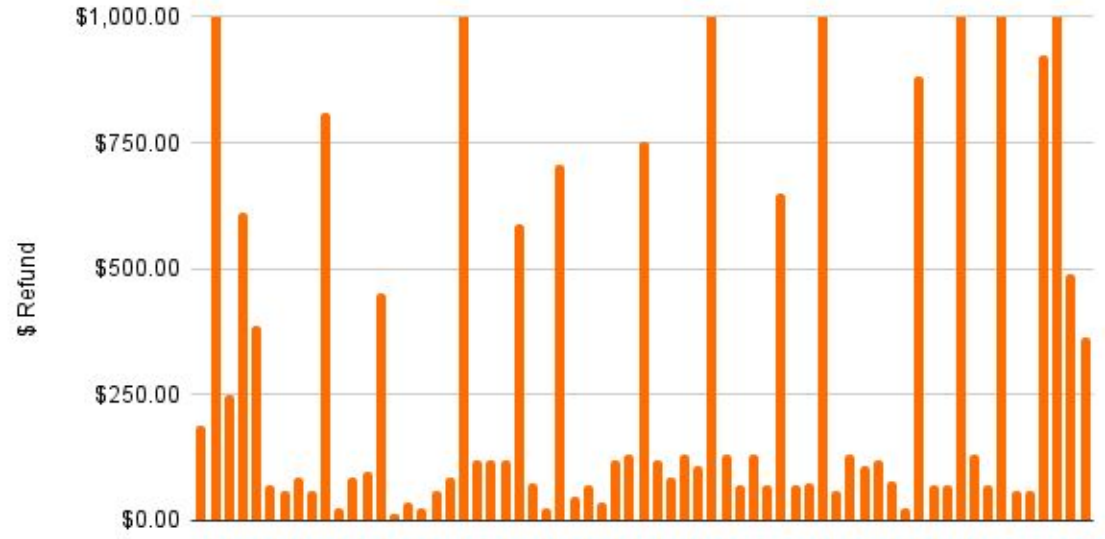


(117 of approx. 149 total units)

KNOWN OVERCHARGES BY UNIT



Known Refunds 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.”

(2017) 110-1014
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
	\$3,425.84

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]

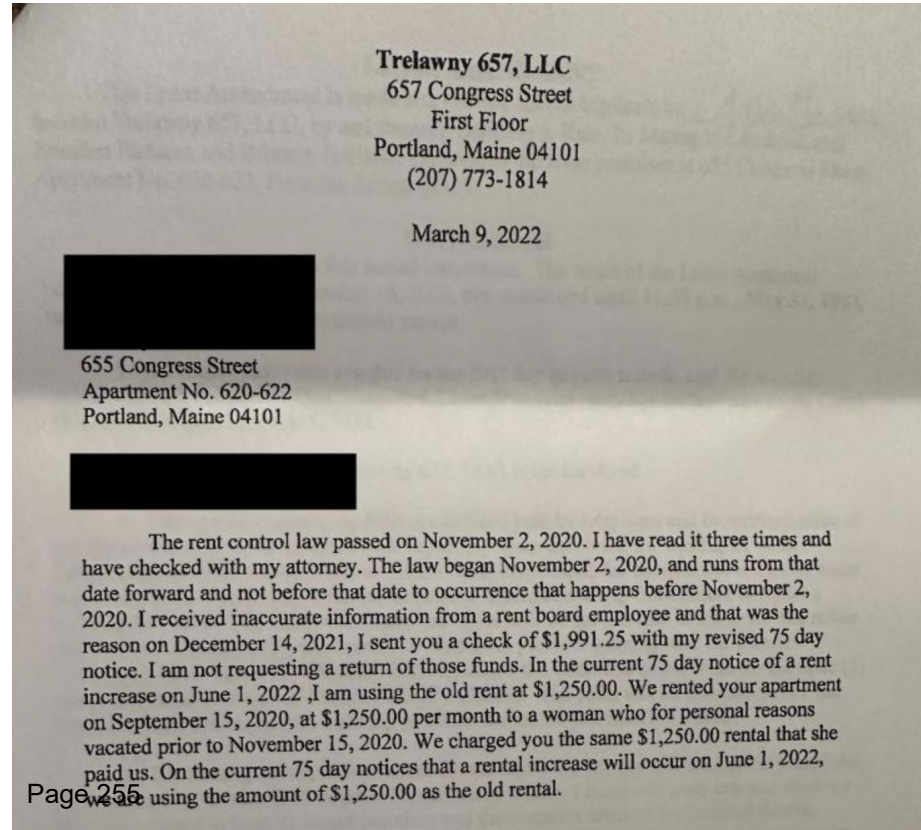
Your apartment rental payments beginning November 16, 2020, were One Thousand Two Hundred Fifty Dollars (\$1,250.00) per month. The amount under rent control regulation is One Thousand One Hundred Two Dollars and Fifty Cents (\$1,102.50). The overpayment is One Hundred Forty Seven Dollars and Fifty Cents (\$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

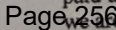


655 Congress Unit 620

- ⇒ 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**.



- ⇒ 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**



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
169 State	403	\$650.00	\$675.00	3.85%	BLDG2204020	Yes
	301	\$1,100.00	\$1,125.00	2.27%	BLDG2204020	Yes
	3	\$925.00	\$975.00	5.41%	BLDG2204021	Yes
	4	\$750.00	\$775.00	3.33%	BLDG2204021	Yes
291 Brackett 235 Brackett	2	\$1,500.00	\$1,675.00	11.67%	BLDG2204022	Yes
	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
648 Forest 546 Cumberland	3	\$960.00	\$975.00	1.56%	BLDG2204023	Yes
	3R	\$1,450.00	\$1,550.00	6.90%	BLDG2204024	Yes
	6	\$1,250.00	\$1,275.00	2.00%	BLDG2204025	Yes
	1	\$1,125.00	\$1,150.00	2.22%	BLDG2204026	No - based on beginning of tenancy
197 Pleasant	4	\$1,125.00	\$1,150.00	2.22%	BLDG2204026	No - based on beginning of tenancy
	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
684 Congress	3	\$1,000.00	\$1,095.00	9.50%	BLDG2204027	Yes
	2	\$1,175.00	\$1,195.00	1.70%	BLDG2204027	Yes
	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
	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
103 Highland	1	\$565.00	\$595.00	5.31%	BLDG2204031	Yes
	60 Grant	\$985.00	\$1,125.00	14.21%	BLDG2204032	Yes
	52 Sherman	\$1,100.00	\$1,125.00	2.27%	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 statute." (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. 2022

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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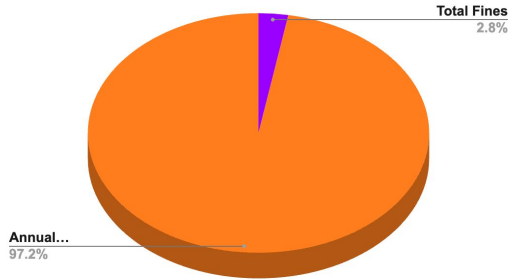


WHAT WE ARE ASKING

FOR Fines

Fine vs. Annual Landlord Rent

(Fees collected from 59 State Street and 655 Congress Street Tenants)



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
655 Congress	67	24	\$2,400
	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
Gas Fee	819	21	\$2,100
		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>
To: Rent Control- City of Portland <rentcontrol@portlandmaine.gov>
Cc: Buddy Moore <buddymoore.rentboard@gmail.com>

Sat, Aug 31, 2024 at 3:03 PM

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

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[389 Congress Street](#)
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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, Tiffany 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**

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.

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

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.”

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 every tenant 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 every rent increase 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.

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.**



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) <i>New Tenancy</i> . 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.
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SUMMARY

UNIT #	VIOLATION SUMMARY
203	• <u>Increase over 10%</u> - 5/4/2022 - Rent increased from \$905 - \$1,000 - 10.5% • <u>Last code-compliant rent charged</u> - \$905
206-208	• <u>Increase over 10%</u> - 5/1/2022 - Rent increased from \$1,190 - \$1,369 - 15% • <u>Last code-compliant rent charged</u> - \$1,190
211	• <u>Increase over 10%</u> - 9/1/2022 - Rent increased from \$760 - \$895 - 17.8% • <u>Last code-compliant rent charged</u> - \$760
214	• <u>Increase over 10%</u> - 2/10/2022 - Rent increased from \$710 - \$848 - 19.4% • <u>Last code-compliant rent charged</u> - \$710
303	• <u>Increase over 5% in 2021</u> - 2/1/2021 - Rent increased from \$920 - \$975 - 6% • <u>Last code-compliant rent charged</u> - \$920
306	• <u>Increase over 10%</u> - 5/18/2022 - Rent increased from \$1,010 - \$1,163 - 15.2% • <u>Last code-compliant rent charged</u> - \$1,010
307	• <u>Increase over 10%</u> - 4/18/2022 - Rent increased from \$875 - \$980 - 12% • <u>Last code-compliant rent charged</u> - \$875
309	• <u>Increase over 10%</u> - 6/1/2022 - Rent increased from \$1,020 - \$1,182.50 - 15.9% • <u>Last code-compliant rent charged</u> - \$1,020
310	• <u>Increase over 5% in 2021</u> - 5/1/2021 - Rent increased from \$710 - \$800 - 12.7% • <u>Last code-compliant rent charged</u> - \$800
318	• <u>Increase in less than 12 months</u> - Rent increased on 1/1/2022 to \$1,155, next increase on 10/1/2022 to \$1,270 - Increase in 9 months • <u>Last code-compliant rent charged</u> - \$1,155
321-322	• <u>Increase in less than 12 months</u> - Rent increased on 11/1/2021 to \$1,128.75, next increase on 1/1/2022 to \$1,182.50 - Increase in 2 months • <u>Last code-compliant rent charged</u> - \$1,128.75
325-326	• <u>Increase in less than 12 months</u> - Rent increased on 7/1/2021 to \$995, next increase on 6/1/2022 to \$1,092.72 - Increase in 11 months • <u>Increase in less than 12 months</u> - Rent increased on 6/1/2022 to \$1,092.72 next increase on 4/1/2023 to \$1,146.27 - Increase in 10 months • <u>Last code-compliant rent charged</u> - \$995



327	• <u>Increase in less than 12 months</u> - Rent increased on 6/1/2022 to \$984.50 next increase on 4/1/2023 to \$1,032.74 - Increase in 10 months • <u>Last code-compliant rent charged</u> - \$995
404	• <u>Increase over 5% in 2021</u> - 8/1/2021 - Rent increased from \$975 - \$1,045.75 - 7.2% • <u>Increase in less than 12 months</u> - Rent increased on 8/1/2021 to \$1,045.75, next increase on 12/1/2021 to \$1,050 - Increase in 4 months • <u>Increase over 10%</u> - 7/1/2022 - Rent increased from \$1,050 - \$1,175.02 - 11.9% • <u>Last code-compliant rent charged</u> - \$975
408-409	• <u>Increase in less than 12 months</u> - Rent increased on 11/1/2021 to \$1,207.50, next increase on 1/1/2022 to \$1,265 - Increase in 2 months • <u>Increase in less than 12 months</u> - Rent increased on 1/1/2022 to \$1,265, next increase on 11/15/2022 to \$1,425 - Increase in 10 months • <u>Increase over 10%</u> - 11/15/2022 - Rent increased from \$1,265 - \$1,425 - 12.6% • <u>Last code-compliant rent charged</u> - \$1,207.70
410	• <u>Increase in less than 12 months</u> - Rent increased on 6/1/2022 to \$844.70, next increase on 8/1/2022 to \$886.94 - Increase in 2 months • <u>Last code-compliant rent charged</u> - \$844.70
421-422	• <u>Increase in less than 12 months</u> - Rent increased on 9/1/2021 to \$1,105.50, next increase on 3/1/2022 to \$1,150 - Increase in 6 months • <u>Last code-compliant rent charged</u> - \$1,105.50
423-426	• <u>Increase over 10%</u> - 6/1/2022 - Rent increased from \$1,395 to \$1,653 - 18.5% • <u>Last code-compliant rent charged</u> - \$1,395
505-506	• <u>Increase over 5% in 2021</u> - 5/15/2021 - Rent increased from \$1,050 to \$1,175 - 11.9% • <u>Last code-compliant rent charged</u> - \$1,050
509	• <u>Increase in less than 12 months</u> - Rent increased on 6/1/2022 to \$813.41, next increase on 8/10/2022 to \$848.87 - Increase in 2 months • <u>Last code-compliant rent charged</u> - \$813.41
511	• <u>Increase in less than 12 months</u> - Rent increased on 6/1/2020 to \$745, next increase on 8/1/2021 to \$782.25 - Increase in 10 months • <u>Last code-compliant rent charged</u> - \$745
601	• <u>Increase over 10%</u> - 6/1/2023 - Rent increased from \$922.92 to \$1,041.58 - 12.9% • <u>Last code-compliant rent charged</u> - \$922.92
602	• <u>Increase over 5% in 2021</u> - 8/1/2021 - Rent increased from \$975 to \$1,084.75 - 7.6% • <u>Increase in less than 12 months</u> - Rent increased on 8/1/2021 to \$1,048.75, next increase on 12/1/2021 to \$1,050 - Increase in 4 months • <u>Increase in less than 12 months</u> - Rent increased on 12/1/2021 to \$1,050, next increase on 8/1/2022 to \$1,146.45 - Increase in 8 months • <u>Increase in less than 12 months</u> - Rent increased on 8/1/2022 to \$1,146.45, next increase on 6/1/2023 - Increase in 10 months • <u>Last code-compliant rent charged</u> - \$975



608	• <u>Increase over 5% in 2021</u> - 7/1/2021 - Rent increased from \$695 to \$764.50 - 10% • <u>Last code-compliant rent charged</u> - \$695
704	• <u>Increase over 5% in 2021</u> - 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% • <u>Increase in less than 12 months</u> - Rent increased on 9/15/2021 to \$1,023.75, next increase on 12/1/2021 to \$1,025 - Increase in 3 months • <u>Increase over 10%</u> - 9/1/2022 - Rent increased from \$1,025 to \$1,175.03 - 14.6% • <u>Last code-compliant rent charged</u> - \$1,023.75
705	• <u>Increase over 5% in 2021</u> - 6/1/2021 - Rent increased from \$1,150 to \$1,265 - 10% • <u>Last code-compliant rent charged</u> - \$1,150
707-708	• <u>Increase in less than 12 months</u> - Rent increased on 8/16/2021 to \$1,092, next increase on 1/1/2022 to \$1,125 - Increase in 5 months • <u>Increase over 10%</u> - 5/15/2023 - Rent increased from \$1,125 to \$1,300 - 15.5% • <u>Last code-compliant rent charged</u> - \$1,092
712-714	• <u>Increase over 5% in 2021</u> - 5/1/2021 - Rent increased from \$1,100 to \$1,230 - 11.8% • <u>Last code-compliant rent charged</u> - \$1,100
715	• <u>Increase over 5% in 2021</u> - 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% • <u>Increase in less than 12 months</u> - Rent increased on 9/1/2021 to \$945, next increase on 12/1/2021 to \$950 - Increase in 3 months • <u>Last code-compliant rent charged</u> - \$945
717	• <u>Increase over 10%</u> - 6/1/2022 - Rent increased from \$793 to \$873 - 10.1% • <u>Last code-compliant rent charged</u> - \$793
718	• <u>Increase over 10%</u> - 2/15/2023 - Rent increased from \$1,265 to \$1,450 - 14.6% • <u>Last code-compliant rent charged</u> - \$1,265
728	• <u>Increase over 10%</u> - 6/1/2022 - Rent increased from \$815 to \$930 - 14.1% • <u>Last code-compliant rent charged</u> - \$815
808-809	• <u>Increase over 10%</u> - 10/1/2022 - Rent increased from \$1,200 to \$1,400 - 16.6% • <u>Last code-compliant rent charged</u> - \$1,200
810-811	• <u>Increase in less than 12 months</u> - Rent increased on 6/18/2021 to \$1,295, next increase on 10/1/2021 to \$1,312.50 - Increase in 4 months • <u>Last code-compliant rent charged</u> - \$1,295
823-825	• <u>Increase in less than 12 months</u> - Rent increased on 7/1/2021 to \$1,200, next increase on 6/1/2022 to \$1,300 - Increase in 11 months • <u>Last code-compliant rent charged</u> - \$1,200
DEADLINE	09/28/2024

Request for 30-day tabling of Trelawny Tenants Union complaint re Rice Substantial Non-compliance

Trelawny Tenants Union <trelawnytenantsunion@gmail.com>

Wed, Oct 23, 2024 at 11:35 AM

To: Rent Board <rentboard@portlandmaine.gov>

Cc: Buddy Moore <buddymoore.rentboard@gmail.com>, Rent Control- City of Portland <rentcontrol@portlandmaine.gov>, Jeremy Dean <jwdean2017@jwdlegal.com>

Chair Moore,

As you are aware, on this evening's agenda is our complaint against Mr. Geoffrey Rice regarding his substantial non-compliance with rent control at two properties: 655 Congress Street and 59 State Street.

After the last meeting, we reached out to Mr. Rice's attorney, Jeremy Dean, to determine if he was interested in working with us to resolve the complaint. **While we have not reached a conclusion to those conversations, we feel adequate assurances have been made by Mr. Dean to formally ask that you table the item this evening until your next regularly scheduled meeting in November.** Should we reach an agreement prior to that meeting, we will let you know as much in advance as possible. Should these conversations not produce a clear and enforceable agreement by then, we will ask that the matter be taken up at that meeting.

Thanks for your attention to this matter. Please let us know if you have any questions. A representative from TTU will be present.

TTU Steering Committee & tenants of Geoffrey Rice

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, Tiffany McCollett, Hadrienne Hatfield, Abigail Jakub, Kshama Ananthapura, Emily Sanborn, Jacob Pauley, Roy de Clerk, and Tom Baldwin.

City of Portland – Housing Safety Division
MNOI

Date of Hearing:

August 28, 2024 - Tabled to September 25, 2024 - Tabled to October 23, 2024 - Tabled to November 6, 2024 - Tabled to November 18, 2024 - Tabled to December 18, 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, all 31 units

CBL:

046-A-010-001

BJB Application Request

Bradley Marin <bmarin@bjbrealtymaine.com>
To: Dylan Orr <dorr@portlandmaine.gov>
Cc: accounting <accounting@bjbrealtymaine.com>

Tue, Dec 3, 2024 at 1:49 PM

Hello Dylan,

Please pass along to the rent board that we request all three applications (231 State, 221 Woodford, 124 Emery) be tabled to the regular January meeting to allow us time to submit additional information. We do plan on attending the December meeting to add feedback in the public discussion about the application process in general.

Best,

Brad Marin
Property Manager / Broker
BJB Realty LLC.
O: 207-956-5176
E: bmarin@bjbrealtymaine.com
W: www.bjbrealtymaine.com

City of Portland – Housing Safety Division
Maintenance of Net Operating Income

Date of Hearing:

August 28, 2024 - Tabled to September 25, 2024 - Tabled to October 23, 2024 - Tabled to November 6, 2024 - Tabled to November 18, 2024 - Tabled to December 18, 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 Woodford Street, all 9 units

CBL:

130-E-001-001

BJB Application Request

Bradley Marin <bmarin@bjbrealtymaine.com>
To: Dylan Orr <dorr@portlandmaine.gov>
Cc: accounting <accounting@bjbrealtymaine.com>

Tue, Dec 3, 2024 at 1:49 PM

Hello Dylan,

Please pass along to the rent board that we request all three applications (231 State, 221 Woodford, 124 Emery) be tabled to the regular January meeting to allow us time to submit additional information. We do plan on attending the December meeting to add feedback in the public discussion about the application process in general.

Best,

Brad Marin
Property Manager / Broker
BJB Realty LLC.
O: 207-956-5176
E: bmarin@bjbrealtymaine.com
W: www.bjbrealtymaine.com

City of Portland – Housing Safety Division
Maintenance of Net Operating Income

Date of Hearing:

August 28, 2024 - Tabled to September 25, 2024 - Tabled to October 23, 2024 - Tabled to November 6, 2024 - Tabled to November 18, 2024 - Tabled to December 18, 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, all 8 units

CBL:

062-C-009-001

BJB Application Request

Bradley Marin <bmarin@bjbrealtymaine.com>
To: Dylan Orr <dorr@portlandmaine.gov>
Cc: accounting <accounting@bjbrealtymaine.com>

Tue, Dec 3, 2024 at 1:49 PM

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CITY OF PORTLAND
Permitting and Inspections Department

RULES OF THE PORTLAND RENT BOARD

ARTICLE I. GENERAL PROVISIONS

Section 1. These rules are supplementary to the provisions of Chapter 6 of the Municipal Code as it relates to the procedures of the Rent Board and are adopted pursuant to the authority granted in Section 6-258(b) of said Code.

Section 2. Roberts Rules of Order shall supplement these rules and shall control procedures not covered by these rules.

ARTICLE II. OFFICERS AND DUTIES

Section 1. The officers of the Committee shall be the Chair and the Vice Chair.

Section 2. The Chair and Vice Chair shall be elected annually by the regular members at the last regular meeting in April, or in the case of the first year, in June following the expiration of the term of the initial Chair *pro tempore*.

ARTICLE III. MEETINGS

Section 1. Regular meetings shall be held on the fourth Wednesday of each month at 5:00 p.m. in City Hall or at such other location of which notice is given, or by virtual meeting as allowed by law. If a regular meeting day falls on a recognized holiday, the regular meeting shall be held on the following Wednesday.

Section 2. Special meetings may be called by the Chair upon the request of the City Council or any three or more members of the Board, provided that at least three (3) full business days' notice is given to each member.

Section 3. Meetings of any committee of the Rent Board shall be held at the call of the committee or the committee Chair or by agreement of at least two committee members.

Section 4. The Chair, in consultation with the Licensing and Housing Safety Manager, shall set the agenda for public hearings and other meetings.

Section 5. The Board may, by a majority vote, specify a date for an agenda item.

ARTICLE IV. ORDER OF BUSINESS

Section 1. All regular meetings of the Board shall proceed as follows:

- a. Roll call and declaration of a quorum;
- b. Approval of the minutes of the previous meeting.
- c. Communications from the Housing Safety Office or written public comment received prior to meeting;
- d. Unfinished business;
- e. New business:
- i. Consent agenda
 - (a) Consent items
 - (b) Public hearings for items removed from the consent agenda
- ii. Other items;
- f. Adjournment.

Provided, however, that the order of business may be adjusted by the Chair if necessary to give scheduling priority to any tenant complaint of improper rent increase pursuant to 6-234(e) which is properly before the Rent Board in order to meet the time limits stated in 6-234(e) and 6-263(c), to the extent practicable.

ARTICLE V. NOTICE

Section 1. The Housing Safety Office shall give notice of public hearings in the form and manner and to the persons herein specified. The notice shall include the time and place of such hearing, a description of the contents of the matter to be heard and the address or location of the property involved. Where notice is required, it shall be given by electronic mail at least seven (7) days in advance of the hearing date. Applicants (both landlord and tenant) must provide a valid email address of all parties for noticing purposes. In the event that an applicant is not able to provide a valid email address or otherwise requires noticing by alternative means, the applicant may request a reasonable alternative method of noticing from the Housing Safety Office. Absent alternative methods, notices shall be given to each of the following as specified:

- a. In all cases, to the applicant at the email address furnished by the applicant on the application;
- b. In all cases, to all residents of the city by posting the agenda and certain materials for scheduled meetings on the City of Portland Agenda Center. The agenda and certain materials for a regular Wednesday meeting shall be posted by the close of business on the previous Friday.
- c. In the case of a hearing relating to alleged impermissible action by a landlord or proposed landlord, (i) by email to the alleged landlord as listed on the complaint form, and, if different: (ii) by email to the owner of the real property containing the dwelling unit involved in the alleged impermissible action as listed by the Assessor's Department as those against whom taxes are assessed, and (iii) by email to the owner of said real property as listed in the Housing Safety Office rental registration for that property address, and (iv) by email to any property manager listed in the Housing Safety Office rental registration for that property address.
- d. In the case of a hearing relating to a landlord application for a rent increase, (i) by email to the applicant as listed on the application form, and, if different: (ii) by email to the owner of the real property at the email address listed on the application form, and (iii) by email to the owner of the real property as listed in the Housing Safety Office rental registration for the property address, and (iv) by email to any property manager listed in the Housing Safety Office rental registration for the property address. In addition, notice shall be given by email to the tenant(s) of any dwelling unit(s) that is/are the subject of the proposed rent increase. If there is more than one tenant in a dwelling unit, it is preferable for email notice to be given to each adult tenant of the dwelling unit, but notice shall be deemed sufficient hereunder for that dwelling unit if it is emailed to at least one tenant who is then residing in the dwelling unit and is of suitable age and discretion.

ARTICLE VI. CONDUCT OF PUBLIC HEARINGS

Section 1. General Expectations and Method of Participation

- a. The Board and members of the public are expected to act with civility and to treat each other with mutual respect.
- b. All meetings will be conducted in accordance with the Remote Participation Policy of the Rent Board. Recordings and minutes of past meetings are available in the Agenda and Minutes page of the City's website.

Section 2. Order of Proceedings. The following order of proceedings shall govern all public hearings conducted by the Rent Board:

- a) The Chair shall begin each hearing with the following statement:

Good evening, folks.

I am Chairperson _____. My preferred pronouns (if comfortable stating) are _____. Today's date is (**month, date, year**). This public hearing will be conducted under the scope and purview of the Rent Board Committee of the City of Portland, pursuant to Chapter 6, Articles XII and XIII of the City of Portland Code of Ordinances.

The Rent Board has convened today to hear, review, and rule on the matters as listed on today's agenda.

- b) Following this introduction, the Chair shall provide an overview of the Hearing Procedure, which may summarize these hearing rules.
- c) Following the Article IV Order of Business, at the appropriate time, the Chair will begin any scheduled hearing.
- d) Applicants will then state their case before the Board, and may present witnesses and offer documentary evidence.
- e) Following the conclusion of the Applicant's case, any Objector may present witnesses and offer documentary evidence. Objectors are defined as follows: in the case of a Landlord Applicant, each tenant of the dwelling unit(s) which is/are the subject of matter of the application shall be deemed to be an Objector if present and participating in the hearing. In the case of a Tenant Applicant, each individual who is defined to be a Landlord of the dwelling unit shall be deemed to be an Objector if present and participating in the hearing. In addition, pursuant to Section 6-255, the Chair has the authority, at the Chair's discretion, upon request, to designate any person or organization who is present and wants to participate in the hearing as a "specially interested party" with the rights of an Objector for purposes of offering evidence and conducting cross examination at the hearing. Any "specially interested party" designation made by the Chair may be overridden by a majority vote of Rent Board members present. Any person or organization whose request to be designated as a "specially interested party" is not granted may, nevertheless, participate in the hearing as a member of the public. The Chair may ask each purported Objector to identify his/her interest in the matter for purposes of determining standing, and to provide an email address for purposes of notice. The Chair's determination of Objector status may only be overridden by a majority vote of Rent Board members present.
- f) Following the conclusion of the Applicant's case and any Objector's case, members of the public who are neither Applicant nor Objector may offer evidence or statements relevant to the matter under consideration. Each speaker shall be limited to three (3) minutes. The Chair may, at its discretion, extend this period for up to an additional three (3) minutes and may limit irrelevant, immaterial, or unduly repetitious evidence.

g) Applicants may then offer rebuttal evidence, and Objectors may then offer evidence in response to any evidence first presented by Applicant during rebuttal.

h) Acting through the Chair, the Applicant and any Objector may cross-examine witnesses. Any cross-examination shall be conducted as directed by the Chair. The Chair may limit irrelevant, immaterial, or unduly repetitious evidence.

i) Acting through the Chair, members of the Board may ask questions of any interested parties, including but not limited to the Applicant and/or any Objector, and may ask questions of City staff at any time.

j) Members of the public may be given the opportunity to respond to new issues raised by answers or information provided by the Applicant, Objector, or City staff. It shall be within the discretion of the Chair to determine whether a response is appropriate. In making this determination, the Chair shall decide whether the response is likely to consist of facts or information which could not have been presented during the public comment period. The Committee may override such a determination by the Chair by a majority vote.

k) At the conclusion of this process, the public portion of the proceeding will be closed and the Rent Board will deliberate and rule on the application, pursuant to the applicable provisions of Articles XII and XIII of the City of Portland Code of Ordinances, (i.e., Rent Control and Rent Board, respectively).

i) At any point during a meeting, with the consent of the applicant, the Rent Board may, by a majority vote, postpone further deliberations to a future date to allow the applicant further time to provide supplemental information in support of their application. Upon continuing deliberations, if in the opinion of the Chair significant information has been provided which is different than that provided at a prior meeting, the Rent Board will begin by (re)opening the public hearing following the procedure in paragraphs d) through j) above.

Section 3. No new agenda items will be taken up after 9:30 p.m. unless at least four members of the Rent Board vote to suspend this rule. Any agenda items which have not begun before 9:30 p.m. and for which the Rent Board has not suspended this rule shall be automatically tabled to the next regularly scheduled meeting or to a date determined by the Rent Board. Any item tabled under the provisions of this rule shall be considered as unfinished business at the next regularly scheduled meeting or at the meeting date specified by the Rent Board.

ARTICLE VII. DELIBERATIONS, VOTING, DECISIONS

Section 1. As to any matters not requiring a hearing, the Rent Board may meet and deliberate at any properly called meeting, regardless of the presence of a quorum, or may continue consideration of such matter to any later meeting. However, no final action shall be taken on such a matter without a quorum being present.

Section 2. As to any matter requiring a hearing, no business may be transacted by the Board without a quorum, consisting of four (4) members. The concurring vote of at least four members of the Board is necessary to constitute an action of the Rent Board.

Section 3. Any one or more members of the Rent Board may file minority or dissenting reports in support of any position concerning any matter brought before the Board.

Section 4. Notice of any decision made by the Rent Board will be sent by electronic mail to the Applicant and to any Objector who was present and participated in the hearing (including but not limited to a "specially interested party") within 5 days of a ruling being made.

Section 5. Appeals from decisions of the Rent Board may be filed in the Superior Court, pursuant to Sec. 6-262 of the City of Portland Code of Ordinances and M.R. Civ. P. 80B.

ARTICLE VIII. PROCESS FOR RECUSAL

Section 1. Any member of the Rent Board that is recused from consideration of an item of business or mater before the Board will refrain from participating in the Board's consideration of that item of business or mater. The recused member may participate in that item solely as a member of the public or as an Applicant, Objector, or "specially interested party," if applicable.

Section 2. A recusal remains in effect for all further consideration of the item of business from which the Rent Board member is recused, including any subsequent meetings or decisions.

Section 3. Any member may voluntarily recuse themselves from consideration of an item of business by offering their recusal prior to the Rent Board's consideration of the item. Such a recusal shall take effect immediately and does not require a vote.

Section 4. Any member may make a motion to recuse another member from consideration of an item of business or mater before the board prior to the Rent Board's consideration of the item or mater. The Rent Board may recuse one or more of its members for any of the following reasons:

1. The existence of a conflict of interest pursuant to 30-A M.R.S.A. § 2605, as amended;
2. The existence of actual or perceived bias that would prevent the member from making a fair and impartial decision on an item of business before the Rent Board to preserve the integrity of the Board's proceedings and decisions; or
3. Any other reason the Rent Board deems necessary to comply with applicable law.

The Rent Board member making a motion to recuse another member from consideration of an item of business must specify the reason for the recusal in the motion. If such a motion is

moved and seconded, the Rent Board will proceed with discussion of the recusal motion, with the member to be recused having the opportunity to speak first and respond to any questions or comments raised by other members. Following discussion, a vote will be taken among all present members except the member to be recused. If a simple majority of the Rent Board members votes in favor of recusal, the member shall be recused following the rules in Section 1 and 2.

ARTICLE IX. MEDIATION

Section 1. While Sec. 6-263 (e) of the City of Portland Code of Ordinances, Jurisdiction and Authority, gives the Board the authority to mediate any disputes arising between Landlords and Tenants where both parties request such mediation, no such mediation shall be conducted by the Board unless and until it adopts specific rules pertaining to the scope of the subject matter jurisdiction, the procedures for conducting mediation, procedures for subsequent Board hearings if mediation fails, mediator training, and such other procedural matters as it deems appropriate, and such rules are approved by the City Council.

ARTICLE X. PUBLIC ACCESS

Section 1. The Rent Board's proceedings are subject to the Maine Freedom of Access Act's public records, public meeting, and public notice requirements. As such, the public is entitled to access the Rent Board's records, except to the extent such records are privileged or confidential pursuant to Maine law, to attend the Rent Board's meetings, and to participate in the Rent Board's public proceedings. To ensure this access, it shall be the practice of the Rent Board to provide public notice for any item before the board no less than 7 days before the meeting. Such notice shall include, but is not limited to:

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

ARTICLE XI. AMENDMENT OF RULES

Section 1. These rules may be amended by an affirmative majority vote of the members of the Rent Board.

Section 2. The proposed amendment must be presented in writing at a regular or special Rent Board meeting preceding the meeting at which the vote is taken.

Section 3. Amended rules are subject to approval of the City Council if required pursuant to Section 6-263(i), and shall be kept on file in the Housing Safety Office.

City of Portland – Housing Safety Division
RENT INCREASE APPLICATION – MAINTENANCE OF NET
OPERATING INCOME

Date of Hearing:

December 18, 2024

Owner Name and Address:

Calvin F. Bickford Jr. & Exelia J. Bickford
830 Ocean Ave, Apt 125
Portland, ME 04103

Property Address:

175 Pine St, Unit 1I

CBL:

063-F-008-01I

Tenants/Interested Parties:

No

City of Portland – Housing Safety Division
Rental Increase Application

Date of Hearing:

December 18, 2024

Landlord Name and Address:

Fredric Shotz
33 Deering St. #1
Portland, ME 04101

Property Address:

33 Deering Street, Units 2F, 2C, 2R, and 3
Portland, ME 04101

CBL:

047-B-023-001

City of Portland – Housing Safety Division
Maintenance of Net Operating Income Application

Date of Hearing:

December 18, 2024

Landlord Name and Address:

Anna Kuperman and Marina Kuperman-Beade
17 12th St
Providence, RI 02906

Property Address:

305 Deering Ave, all 2 units
Portland, ME 04103

CBL:

117-B-001-001

City of Portland – Housing Safety Division
MNOI Application

Date of Hearing:

December 18, 2024

Landlord Name and Address:

Willard and Randi Bollenbach
51 Belfield Road
Cape Elizabeth, ME 04107

Property Address:

23 Saunders Street, Unit 5
Portland, ME 04103

CBL:

130-G-014-001

City of Portland – Housing Safety Division
MNOI Application

Date of Hearing:

December 18, 2024

Owner Name and Address:

Park Street Property LLC
51 Belfield Road
Cape Elizabeth, ME 04107

Property Address:

104 Oak Street, Units 21 & 43
Portland, ME 04101

CBL:

037-A-009-001