RENT BOARD
January 22, 2025
5:00 PM

ZOOM INFORMATION:

a. Join from PC, Mac, iPad, or Android:
https://portlandmaine-gov.zoom.us/j/89573671630?pwd=PEAlG9Nv2eu0bN8scaeWmfut2YOn1C.1
Passcode:515179

Phone one-tap:
+13092053325,,89573671630#,,,,*515179# US
+13126266799,,89573671630#,,,,*515179# US (Chicago)

Join via audio:
+1 309 205 3325 US
+1 312 626 6799 US (Chicago)
+1 646 931 3860 US
+1 929 205 6099 US (New York)
+1 301 715 8592 US (Washington DC)
+1 305 224 1968 US
+1 669 900 6833 US (San Jose)
+1 689 278 1000 US
+1 719 359 4580 US
+1 253 205 0468 US
+1 253 215 8782 US (Tacoma)
+1 346 248 7799 US (Houston)
+1 360 209 5623 US
+1 386 347 5053 US
+1 507 473 4847 US
+1 564 217 2000 US
+1 669 444 9171 US
Webinar ID: 895 7367 1630
Passcode: 515179
International numbers available: https://portlandmaine-gov.zoom.us/u/kwnoAr1ft

II. ROLL CALL:

III. APPROVAL OF MINUTES

a. December 18, 2024 Minutes

IV. COMMUNICATIONS:

a. Rent Control Report Q4 2024

V. UNFINISHED BUSINESS:

a. Findings of Fact & Conclusions of Law for 40 West St and 305 Deering Ave Rent Increase Application Decisions

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

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

d. 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

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: 221 Woodford St, all 9 units
CBL: 130-E-001-001

f. 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

g. Rent Increase Application - Public Comment
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

h. 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

VI. New Business

a. Discussion of Rent Increase Application Backlog

b. 2025 Maintenance of Net Operating Income Application Update

c. Discussion of Rent Board Annual Report

VII. Adjourn

Remote Rent Board Meeting Minutes - Held Via Zoom

December 18, 2024

II. ROLL CALL - 0:00:20

Christopher "Buddy" Moore, Tenant, District 3 - Chair
Austin Sims, Homeowner, District 5 - Vice Chair
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 - 0:00:58

a. **November 6, 2024 Minutes**

b. **November 18, 2024 Minutes**

0:01:18 - The Chair moves to approve the November minutes. Seconded by Austin Sims. (6-0; Sims absent) The motion passes.

IV. COMMUNICATIONS:

a. **Request for Reconsideration - 40 West St** - 0:05:33

0:12:11 - The Chair moves not to entertain the request for reconsideration. Seconded by Austin Sims. (4-2; Carreras and Lax vote no). The motion passes.

V. UNFINISHED BUSINESS

a. **Rent Increase Appeal - Public Comment** - 0:25:04
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

See 0:25:20

b. **Rent Increase Appeal - Public Comment** - 0:25:04
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

0:25:20 - Chair moves to table items V.a. and V.b. of unfinished business until January 22nd rent board meeting. Seconded by Austin Sims. (5-0; Walker recused). The motion passes.

c. **Rent Increase Application - Public Comment** - 0:26:09
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 0:27:30

d. **Rent Increase Application - Public Comment** - 0:26:46
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 0:27:30

e. **Rent Increase Application - Public Comment** - 0:26:46
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

0:27:30 - The Chair moves to table items V.c., V.d. and V.e. of unfinished business until the January 22nd rent board meeting. Seconded by Anne-Laure Razat. (6-0). The motion passes.

f. **Findings of Fact & Conclusions of Law From November 18, 2024 Meeting Decisions** - 0:28:05

0:38:50 - Matthew Lax moves to approve Findings of Fact for 13 Montreal Street. Seconded by Anne-Laure Razat. (5-0; Walker recused). The motion passes.

0:41:50 - Anne-Laure Razat moves to approve Findings of Fact for 19 Montreal Street. Seconded by Matthew Lax. (5-0; Walker recused). The motion passes.

0:43:19 - Chair moves to approve Findings of Fact for 304 Eastern Promenade. Seconded by Matthew Lax. (5-0; Walker recused). The motion passes.

g. Completeness Check Procedure Rule - Public Comment - 0:44:14

0:48:35 - Public Comment received.
0:59:15 - Chair moves to accept the new rule as written. Seconded by Anne-Laure Razat. (6-0). The motion passes.

1:03:06 - Chair moves to amend the previous motion to include an added comma and the word "must." Seconded by Austin Sims. (6-0). The motion passes.

VI. New Business

a. Rent Increase Application - Completeness Check - 1:07:00
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

1:12:55 - The Chair reschedules this item to the end of the agenda.

b. Rent Increase Application - Completeness Check - 1:14:00
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

1:14:44 - The Chair reschedules this item to the end of the agenda.

c. Rent Increase Application - Completeness Check - 1:15:00
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

1:16:20 - Anna Kuperman presents the application.

No tenants spoke as objectors.

No public comment received.

1:51:40 - Matthew Lax moves to approve the application with an amount to be determined. Seconded by Matthew Walker.

2:26:55 - Matthew Lax moves to approve the application with a rent increase amount of $510. Seconded by Anne-Laure Razat. (4-2; Walker and Moore vote no) The motion passes.

2:30:50 - Anne-Laure Razat moves to reconsider the previously passed motion. Seconded by Matthew Lax. (6-0) The motion passes.

2:31:00 - Matthew Walker moves to approve the application with a rent increase amount of $505. Seconded by Austin Sims. (6-0) The motion passes.

d. **Rent Increase Application - Completeness Check** - 2:36:50
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

2:39:00 - Willard Bollenbach presents the application

No tenants spoke as objectors.

No public comment received.

2:55:08 - The Chair moves to table the application to the January 22nd Rent Board meeting. Seconded by Austin Sims. (6-0) The motion passes.

e. **Rent Increase Application - Completeness Check** - 2:58:33
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

2:59:00 - Willard Bollenbach presents application

No tenants spoke as objectors

No public comment.

2:23:16 - The Chair moves to table the application to the January 22nd Rent Board meeting. Seconded by Anne-Laure Razat. (6-0) The motion passes.

3:24:02 - The Board resumes item IV.a.

3:28:38 - Austin Sims moves to table the application to the January 22nd Rent Board meeting. Seconded by Anne-Laure Razat. (6-0) The motion passes.

3:29:58 - The Board resumes item IV.b.

3:33:40 - Rob S., a tenant of the property, speaks as an objector.

No public comment received.

3:52:50 - Anne-Laure Razat moves to table the application to the January 22nd Rent Board meeting. Seconded by Kristen Carreras. (6-0) The motion passes.

VII. Adjourn

4:04:37- Austin Sims moves to adjourn. Seconded by Anne-Laure Razat. (6-0) The motion passes.

City of Portland | Permitting and Inspections
Jessica Hanscombe, *Director*

TO: Housing & Economic Development Committee
CC: Rent Board
FROM: Jessica B. Hanscombe, Director of Permitting and Inspections
DATE: January 7, 2025
RE: Quarterly Rent Control Report- Q4-2024

Rent Control Report
Quarter 4 (10/1/2024-12/31/2024)

Rent Board

	Total # of Applications	Total # of Applications approved	Total # of Applications Denied	Total # of Applications Tabled
Rent Increases	16	7	1	8
Complaints	2	0	0	2
Other	0	0	0	0
Quarter 4 Total:	**18**	**7**	**1**	**10**
Year to date Total	***43***	***14***	***1***	***28***

Rent Control Inspections

Type of Inspections	Total # Properties	Total # of units
Complaints (Potential violations reported to our office)	11	301
Audits (Proactive enforcement based on percentage that rent was increased)	27	545
Quality Control (proactive verification of data supplied to our office)	155	390
Quarter 4 Total:	**193**	**1236**
Year to date Total	***544***	***3,911***

Breakdown of Complaints by property:

	Founded Complaints *violation exists	Unfounded Complaints *no violation	In Progress *actively investigating
Quarter 4 Total	8	2	1

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 - Tabled to January 22, 2025

Appellant:

Trelawny Tenants Union

TrelawnyTenantsUnion@gmail.com

Owner Name and Address:

59 State Street LLC

657 Congress St, First Floor

Portland, ME 04101

Property Address:

59 State Street
Portland, ME 04101

CBL:

044-B-047-001

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

September 9, 2024

Re: Notice of Public Hearing

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

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

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

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

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

Thank you,

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

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

July 26, 2024

Re: Notice of Public Hearing

To: Interested Parties of 59 State St

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

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

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

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

Thank you,

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

Trelawny Tenants Union

TrelawnyTenantsUnion@gmail.com

July 3, 2024

Portland Rent Board

Mr. Buddy Moore

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

Dear Chair Moore,

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

As you know, Sec 6-234 (f) provides, "[a] landlord who is *not in substantial compliance with any provision of this chapter*, including but not limited to the Rent Stabilization Ordinance, may not demand, accept or retain *any* rent increase otherwise permitted by this section or any other provision of this code or Maine statute." (emphasis added)

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

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

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

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

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

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

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

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

655 Congress

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TTU Steering Committee & tenants of Geoffrey Rice

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

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

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

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

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

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

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

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

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

If the new rental statutes came into effect in November of 2020, and the units in question at 59 State Street and 655 Congress Street were rented before the new rental statutes were voted into effect, does that make them exempt from the 5% rule? The majority if not all were rented before November 2020.
Thank you,
Meghan

--

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

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

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

Thank you for providing the info. After reviewing:

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

59 State Street

#43 $1548.75 per month

655 Congress Street

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

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

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

If you have questions, please advise. thanks, Chuck

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

TRELAWNY 657, LLC

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

December 14, 2021

[redacted]

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

[redacted]

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

Yours Truly,

Geoffrey I. Rice

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

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

March 9, 2022

[redacted]

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

[redacted]

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

Yours Truly,

Geoffrey I. Rice

Geoffrey Rice Confirmed Violations/Refunds 2021-2024

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

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

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

DEFENDANT'S EXHIBIT
70

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

Oct 25, 2023

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

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

59 State St Portland, ME

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

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

Comments:

Initials:

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

Sep 20, 2023

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

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

59 State St Portland, ME

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

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

Comments:

Initials: _____

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

Oct 30, 2023

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

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

59 State St Portland, ME

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

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

Comments:

Initials: _____

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

Jan 12, 2024

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

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

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

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

Comments:

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

Initials:

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

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

RE: 52 SHERMAN ST
PORTLAND, ME

048 F010001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Geoffrey Rice,

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

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

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

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

Sincerely,

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

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

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

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

RE: 52 SHERMAN ST
PORTLAND, ME

048 F010001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Geoffrey Rice,

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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

To Geoffrey Rice,

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

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

Sincerely,

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

NAME	CODE DESCRIPTION	COMMENTS	Deadline
City Code 6-233, 6-234	Landlords may not charge	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.

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. Unit #2. Rent increases retro to1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

RE: 45 STATE ST
PORTLAND, ME

044 B030001

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. Unit #2. Rent increases retro to1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.

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,

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

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

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

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

Sincerely,

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

NAME	CODE DESCRIPTION	COMMENTS	Deadline
City Code 6-233, 6-234	Landlords may not charge more than base rent plus any allowable increases under Sec. 6-234.	Landlords must reduce the rent to within the required amount and refund any excess rent collected to any tenants who were overcharged. Units #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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The City of Portland Permitting and Inspections Department inspected the above-referenced property on 6/3/2022 and found violations of the City of Portland Code of Ordinances, which are listed on the attached page(s). You are hereby ordered to correct these violations by **06/24/2022.** Please be advised that penalties will be applied if the violations are not corrected by that date.

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

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

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

Sincerely,

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

NAME	CODE DESCRIPTION	COMMENTS	Deadline
City Code 6-233, 6-234	Landlords may not charge more than base rent plus any allowable increases under Sec. 6-234.	Landlords must reduce the rent to within the required amount and refund any excess rent collected to any tenants who were overcharged. Units #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

To Geoffrey Rice,

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

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

NAME	CODE DESCRIPTION	COMMENTS	Deadline
City Code 6-233, 6-234	Landlords may not charge more than base rent plus any 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

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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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,

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

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

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

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

RE: 235 BRACKETT ST
PORTLAND, ME

055 C014001

NOTICE OF VIOLATION AND ORDER TO CORRECT

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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

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

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

RE: 235 BRACKETT ST
PORTLAND, ME

055 C014001

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psf@portlandmaine.gov
(207) 756-8131

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

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

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

RE: 235 BRACKETT ST
PORTLAND, ME

055 C014001

NOTICE OF VIOLATION AND ORDER TO CORRECT

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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: 291 BRACKETT ST
PORTLAND, ME

054 F038001

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 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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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

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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psf@portlandmaine.gov
(207) 756-8131

NAME	CODE DESCRIPTION	COMMENTS	Deadline

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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,

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,

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 #201, #204, #207, #301, #304 and #403. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

RE: 656 CONGRESS ST
PORTLAND, ME

045 A002001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To 657 Congress Llc,

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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Chuck Fagone
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psf@portlandmaine.gov
(207) 756-8131

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

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

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

RE: 656 CONGRESS ST
PORTLAND, ME

045 A002001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To 657 Congress Llc,

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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 #201, #204, #207, #301, #304 and #403. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

RE: 656 CONGRESS ST
PORTLAND, ME

045 A002001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To 657 Congress Llc,

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	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 #201, #204, #207, #301, #304 and #403. Rent increases retro to 1/1/2021 need to be reviewed for excessive increases and any overages refunded to the tenants.

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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RE: 656 CONGRESS ST
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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

RE: 51 STATE ST
PORTLAND, ME

044 B041001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Geoffrey Rice,

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

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psf@portlandmaine.gov
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6/3/2022

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apartmentmart1952@gmail.com

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PORTLAND, ME

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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6/3/2022

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psf@portlandmaine.gov
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DEFENDANT'S EXHIBIT
71

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

Oct 11, 2023

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

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

59 State St Portland, ME

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

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

Comments:

Initials: _____

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

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

Oct 20, 2023

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

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

59 State St Portland, ME

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

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

Comments:

Initials:

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

Oct 25, 2023

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

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

59 State St Portland, ME

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

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

Comments:

Initials:

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

Oct 25, 2023

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

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

59 State St Portland, ME

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

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

Comments:

Initials: _____

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

Oct 11, 2023

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

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

59 State St Portland, ME

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

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

Comments:

Initials: _____

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

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

Jan 12, 2024

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

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

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

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

Comments:

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

Initials:

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

December 7, 2023

Code Case number BLDG2305814 has been closed.

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

655 Congress St

Portland, ME

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

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

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

Initials: _____

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

November 22, 2023

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

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

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

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

Regards,

Geoffrey I. Rice or His Agent

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

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

Jan 12, 2024

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

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

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

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

Comments:

Initials:

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

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

Jan 12, 2024

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

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

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

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

Comments:

Initials: _____

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

Nov 6, 2023

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

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

655 Congress St Portland, ME

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

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

Comments:

Initials:

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

Jan 12, 2024

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

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

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

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

Comments:

Initials:

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

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

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

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Whom it May Concern,

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

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

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

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

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

Thank you,

Adam O'Connor
Rental Registration Inspector

NON-COMPLIANCE VIOLATION LIST

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

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

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

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

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

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

To Chair Moore,

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

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

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

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

TTU Steering Committee & tenants of Geoffrey Rice/Apartment Mart

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

Trelawny Tenants' Union

RENT BOARD HEARING

MONDAY, AUGUST 19, 2024

WHO WE ARE

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

WHY WE ARE HERE

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

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

WHY WE ARE HERE

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

"**A LANDLORD who is not in substantial compliance with ANY PROVISION** of this chapter, including but not limited to the Rent Stabilization Ordinance, **may not demand, accept or retain ANY rent increase** otherwise permitted by this section or any other provision of this Code or Maine statue." (emphasis added)

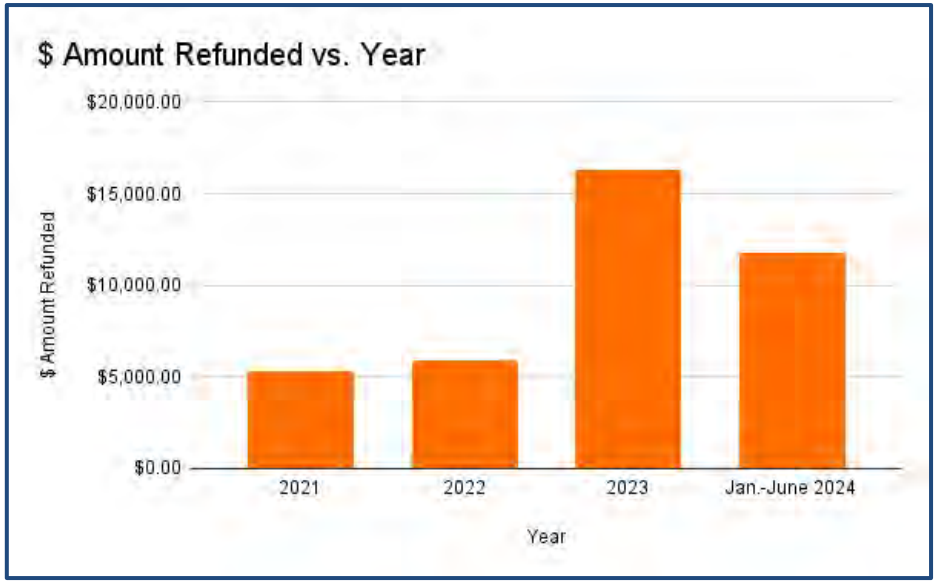
WHY WE ARE HERE

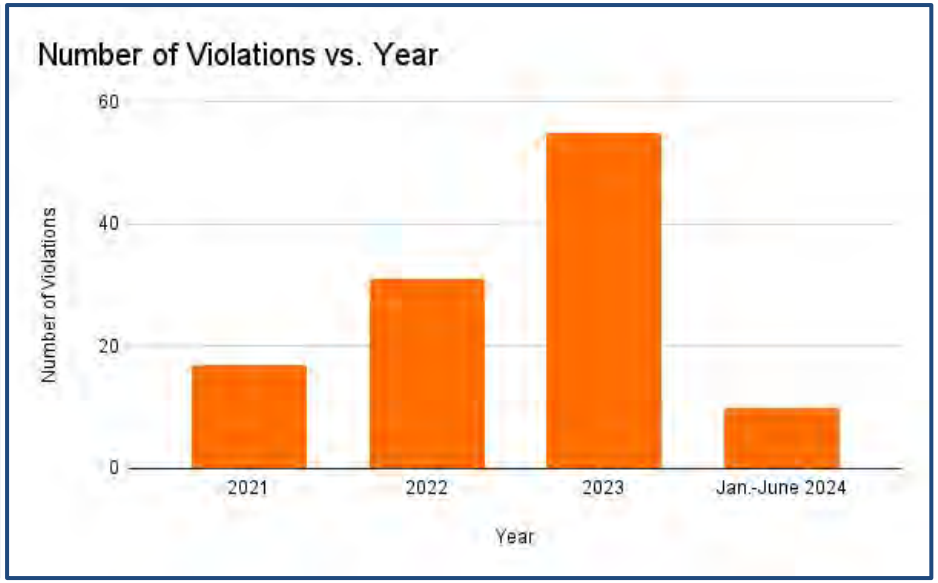
Our landlord has <u>never been in compliance</u> with the RSO.

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

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

HISTORY OF NON-COMPLIANCE





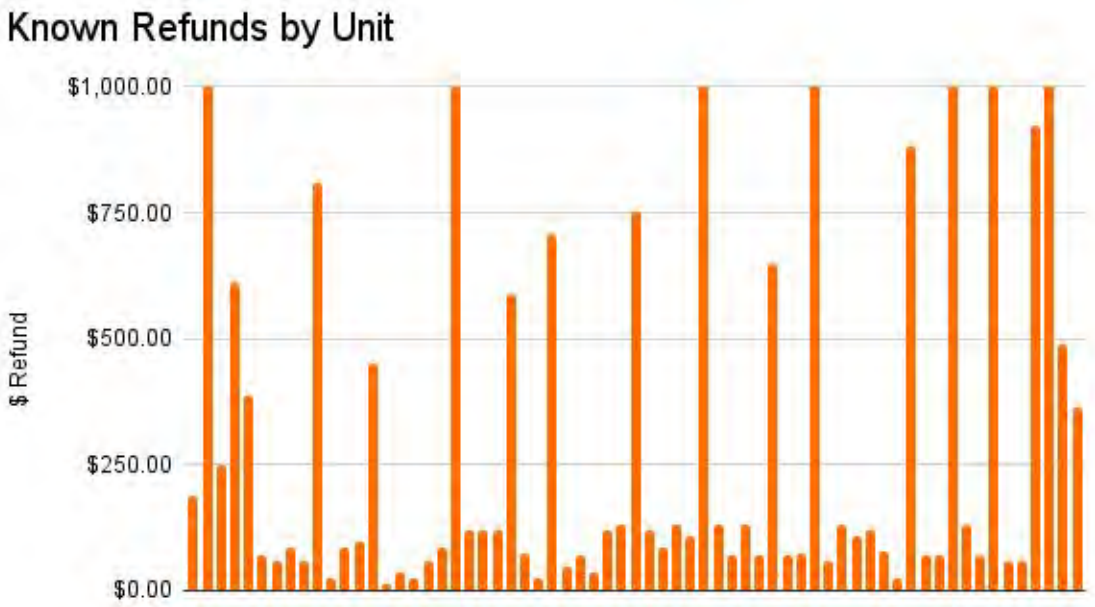
2023-2024

VIOLATIONS

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

KNOWN OVERCHARGES BY UNIT

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



VIOLATION EXAMPLES

59 State Unit 23

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

March 30, 2023

[redacted]

59 State Street
Apartment No. 23
Portland, Maine 04101

Dear [redacted]

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

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

Rent Owed:

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

VIOLATION EXAMPLES

59 State Unit 23

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

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

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

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

VIOLATION EXAMPLES

655 Congress Unit 620

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

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

December 14, 2021

[redacted]

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

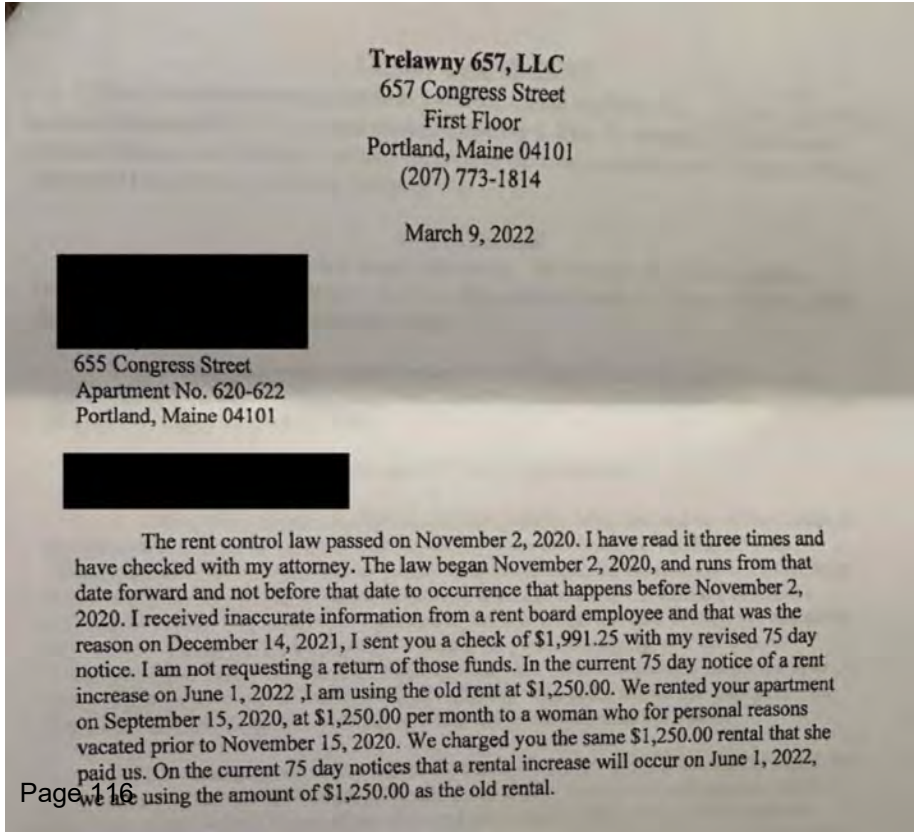
[redacted]

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

VIOLATION EXAMPLES

655 Congress Unit 620

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



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

March 9, 2022

[redacted]

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

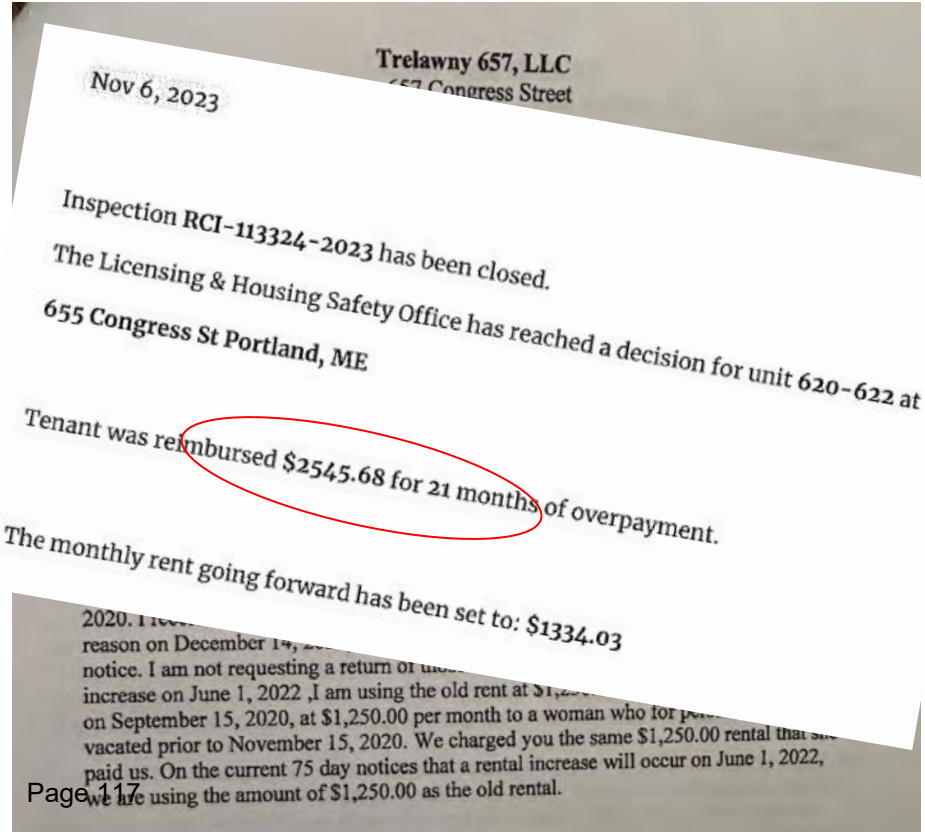
[redacted]

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

VIOLATION EXAMPLES

655 Congress Unit 620

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



Trelawny 657, LLC
657 Congress Street

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

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

VIOLATION EXAMPLES

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

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

IT'S NOT JUST 655 AND 59

These violations extend to almost every other property Rice owns.

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

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

WHAT WE ARE ASKING FOR

"**A LANDLORD who is not in substantial compliance with ANY PROVISION** of this chapter, including but not limited to the Rent Stabilization Ordinance, **may not demand, accept or retain ANY rent increase** otherwise permitted by this section or any other provision of this Code or Maine statue." (emphasis added)

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

WHAT WE ARE ASKING FOR

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

ALL Rice properties and tenants are affected

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

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WHAT WE ARE ASKING

FOR
Fines

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

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

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

IN CONCLUSION

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

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

We hope you will help us.

Trelawny Tenants' Union

Thank you!

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

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

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

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

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

Hello,

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

Thank you

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

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

Thanks.

TTU

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

Hello,

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

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

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

Thank you

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

Hello,

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

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

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

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

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

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

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

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389 Congress Street
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rentcontrol@portlandmaine.gov
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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 **<u>any</u>** tenants whose rights have been violated under the rent stabilization ordinance. (Attachment A)

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

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

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

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

Thank you.

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

TTU Steering Committee & tenants of Geoffrey Rice

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

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

Good afternoon,

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

Best,

Sean Power

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

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

Sean,

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

TTU Steering Committee

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

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

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

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

Sean,

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

TTU Steering

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

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

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

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

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

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

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

MEMORANDUM

TO: Members of the Portland Rent Board

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

DATE: September 13, 2024

RE: Tenants Union Standing

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

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

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

I. Third-Party Standing in Maine

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

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

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

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

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

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

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

II. Standing at the Municipal Level

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

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

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

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

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

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

[10] *Id.* ¶ 24.

III. Examples in Similar Contexts

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

V. Conclusion

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

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

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

Trelawny Tenants Union <trelawnytenantsunion@gmail.com> Wed, Dec 18, 2024 at 4:50 PM
To: Rent Board <rentboard@portlandmaine.gov>
Cc: Buddy Moore <buddymoore.rentboard@gmail.com>, Ben Gaines <ben@gaines-law.com>, Rent Control- City of Portland <rentcontrol@portlandmaine.gov>, Jeremy Dean <jwdean2017@jwdlegal.com>

Chair Moore and members of the Rent Board,

We are writing, we hope for the final time, to ask that you postpone adjudication on our July 3rd, 2024, complaint asserting the rights of all tenants at 655 Congress Street and 59 State Street. We had hoped to have the matter fully resolved at this point, but it appears we need a few more weeks. We ask that you postpone this matter until your regularly scheduled meeting on January 22, 2025, at which time, one way or the other, we hope to resolve the issues.

Thank you for your patience as we try to resolve this matter satisfactorily for the tenants. One of us will be in attendance to answer any questions.

TTU Steering Committee
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, Roy de Klerk, Tom Baldwin, Max Scardino, Morgan Schmitt, and Jordan Holmes.

[Quoted text hidden]

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

Trelawny Tenants Union <trelawnytenantsunion@gmail.com> Mon, Nov 18, 2024 at 8:47 AM
To: Rent Board <rentboard@portlandmaine.gov>
Cc: Buddy Moore <buddymoore.rentboard@gmail.com>, Ben Gaines <ben@gaines-law.com>, Rent Control- City of Portland <rentcontrol@portlandmaine.gov>, Jeremy Dean <jwdean2017@jwdlegal.com>

Chair Moore,

In following up on the negotiations with Mr. Rice regarding our substantial non-compliance complaint, we are pleased to report that significant progress has been made toward a viable resolution. To that end, we are writing to ask that the hearing scheduled for this evening be postponed to your next regularly scheduled meeting. Our hope is that the aforementioned resolution will be formalized and executed sufficiently by your December meeting, in which case we would formally withdraw our complaint. If not, we will ask that our complaint be heard and adjudicated at that meeting.

Thank you and please let us know if you need any more details from us. A TTU member will be present at tonight's meeting to answer any questions.

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, Tiffiny McCollett, Hadrienne Hatfield, Abigail Jakub, Kshama Ananthapura, Emily Sanborn, Jacob Pauley, Roy de Clerk, and Tom Baldwin.
[Quoted text hidden]

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 - Tabled to January 22, 2025

Appellant:

Trelawny Tenants Union

TrelawnyTenantsUnion@gmail.com

Owner Name and Address:

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

Property Address:
655 Congress Street
Portland, ME 04101

CBL:

046-D-021-001

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

September 9, 2024

Re: Notice of Public Hearing

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

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

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

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

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

Thank you,

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

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

July 26, 2024

Re: Notice of Public Hearing

To: Interested Parties of 655 Congress St

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

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

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

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

Thank you,

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

Trelawny Tenants Union

TrelawnyTenantsUnion@gmail.com

July 3, 2024

Portland Rent Board

Mr. Buddy Moore

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

Dear Chair Moore,

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

As you know, Sec 6-234 (f) provides, "[a] landlord who is *not in substantial compliance with any provision of this chapter*, including but not limited to the Rent Stabilization Ordinance, may not demand, accept or retain *any* rent increase otherwise permitted by this section or any other provision of this code or Maine statute." (emphasis added)

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

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

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

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

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

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

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

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

655 Congress

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TTU Steering Committee & tenants of Geoffrey Rice

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

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

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

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

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

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

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

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

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

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

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

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

Thank you for providing the info. After reviewing:

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

59 State Street

#43 $1548.75 per month

655 Congress Street

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

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

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

If you have questions, please advise. thanks, Chuck

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

TRELAWNY 657, LLC

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

December 14, 2021

[redacted]

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

[redacted]

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

Yours Truly,

Geoffrey I. Rice

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

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

March 9, 2022

[redacted]

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

[redacted]

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

Yours Truly,

Geoffrey I. Rice

Geoffrey Rice Confirmed Violations/Refunds 2021-2024

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

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

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

DEFENDANT'S EXHIBIT
70

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

Oct 25, 2023

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

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

59 State St Portland, ME

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

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

Comments:

Initials: _____

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

Sep 20, 2023

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

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

59 State St Portland, ME

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

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

Comments:

Initials: _____

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

Oct 30, 2023

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

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

59 State St Portland, ME

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

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

Comments:

Initials: _____

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

Jan 12, 2024

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

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

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

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

Comments:

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

Initials: ZL

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

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

RE: 52 SHERMAN ST
PORTLAND, ME

048 F010001

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Geoffrey Rice,

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

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

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

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

Sincerely,

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

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

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

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

RE: 52 SHERMAN ST
PORTLAND, ME

048 F010001

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

Sincerely,

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

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

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

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

RE: 60 GRANT ST
PORTLAND, ME

048 D009001

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,

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.

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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	Landlords must reduce the rent to within the required amount and	6/24/2022

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

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

RE: 45 STATE ST
PORTLAND, ME

044 B030001

NOTICE OF VIOLATION AND ORDER TO CORRECT

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

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

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

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

RE: 684 CONGRESS ST
PORTLAND, ME

055 E035001

NOTICE OF VIOLATION AND ORDER TO CORRECT

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

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

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

RE: 684 CONGRESS ST
PORTLAND, ME

055 E035001

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

RE: 684 CONGRESS ST
PORTLAND, ME

055 E035001

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(207) 756-8131

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

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

RE: 684 CONGRESS ST
PORTLAND, ME

055 E035001

NOTICE OF VIOLATION AND ORDER TO CORRECT

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

NAME	CODE DESCRIPTION	COMMENTS	Deadline
City Code 6-233, 6-234	Landlords may not charge 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

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	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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(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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(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

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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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

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PORTLAND, ME

055 C014001

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

RE: 291 BRACKETT ST
PORTLAND, ME

054 F038001

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: 169 STATE ST
PORTLAND, ME

045 A029001

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 **6/24/2022**. Please be advised that penalties will be applied if the violations are not corrected by that date.

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

Sincerely,

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

NAME	CODE DESCRIPTION	COMMENTS	Deadline

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

CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

RE: 169 STATE ST
PORTLAND, ME

045 A029001

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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,

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

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psf@portlandmaine.gov
(207) 756-8131

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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
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PORTLAND, ME 04101

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PORTLAND, ME

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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CITY OF PORTLAND
Permitting and Inspections Department

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CITY OF PORTLAND
Permitting and Inspections Department

6/3/2022

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

Oct 11, 2023

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

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

59 State St Portland, ME

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

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

Comments:

Initials: _____

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

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

Oct 20, 2023

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

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

59 State St Portland, ME

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

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

Comments:

Initials:

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

Oct 25, 2023

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

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

59 State St Portland, ME

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

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

Comments:

Initials:

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

Oct 25, 2023

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

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

59 State St Portland, ME

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

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

Comments:

Initials: _____

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

Oct 11, 2023

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

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

59 State St Portland, ME

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

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

Comments:

Initials: _____

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

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

Jan 12, 2024

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

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

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

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

Comments:

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

Initials:

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

December 7, 2023

Code Case number BLDG2305814 has been closed.

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

655 Congress St

Portland, ME

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

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

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

Initials: _____

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

November 22, 2023

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

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

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

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

Regards,

Geoffrey I. Rice or His Agent

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

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

Jan 12, 2024

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

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

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

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

Comments:

Initials: _____

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

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

Jan 12, 2024

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

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

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

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

Comments:

Initials: _____

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

Nov 6, 2023

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

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

655 Congress St Portland, ME

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

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

Comments:

Initials:

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

Jan 12, 2024

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

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

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

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

Comments:

Initials:

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

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

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

NOTICE OF VIOLATION AND ORDER TO CORRECT

To Whom it May Concern,

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

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

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

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

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

Thank you,

Adam O'Connor
Rental Registration Inspector

NON-COMPLIANCE VIOLATION LIST

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

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

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

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

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

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

To Chair Moore,

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

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

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

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

TTU Steering Committee & tenants of Geoffrey Rice/Apartment Mart

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

Trelawny Tenants' Union

RENT BOARD HEARING

MONDAY, AUGUST 19, 2024

WHO WE ARE

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

WHY WE ARE HERE

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

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

WHY WE ARE HERE

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

"**A LANDLORD who is not in substantial compliance with ANY PROVISION** of this chapter, including but not limited to the Rent Stabilization Ordinance, **may not demand, accept or retain ANY rent increase** otherwise permitted by this section or any other provision of this Code or Maine statue." (emphasis added)

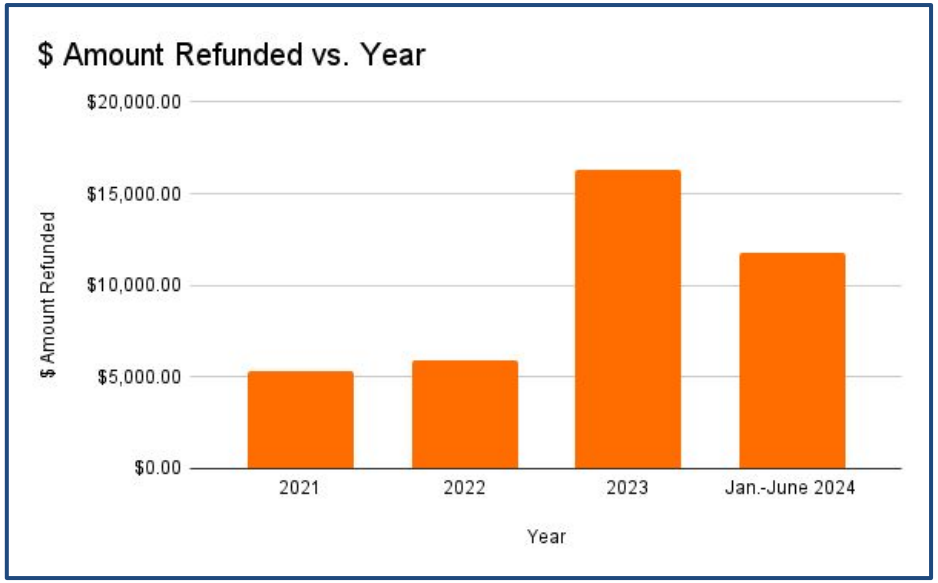
WHY WE ARE HERE

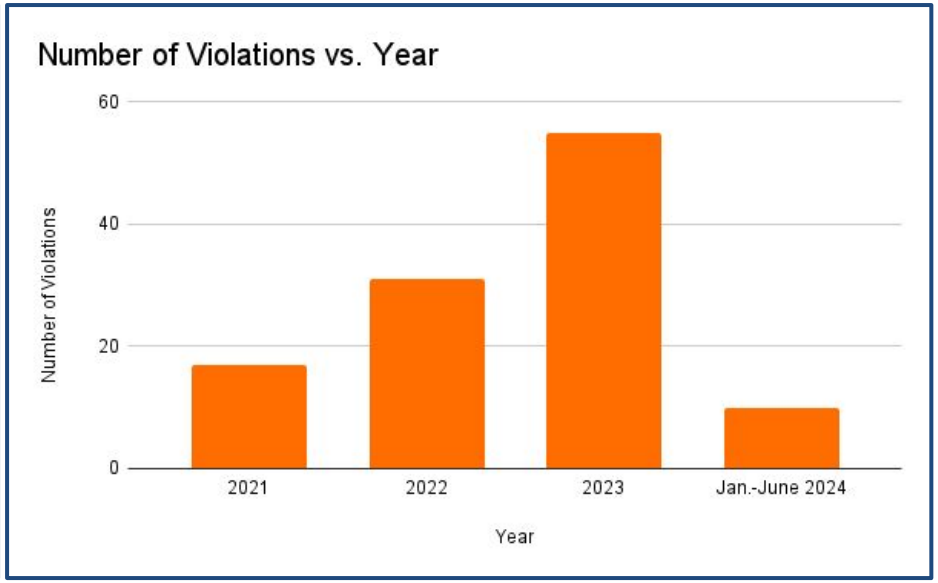
Our landlord has <u>never been in compliance</u> with the RSO.

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

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

HISTORY OF NON-COMPLIANCE





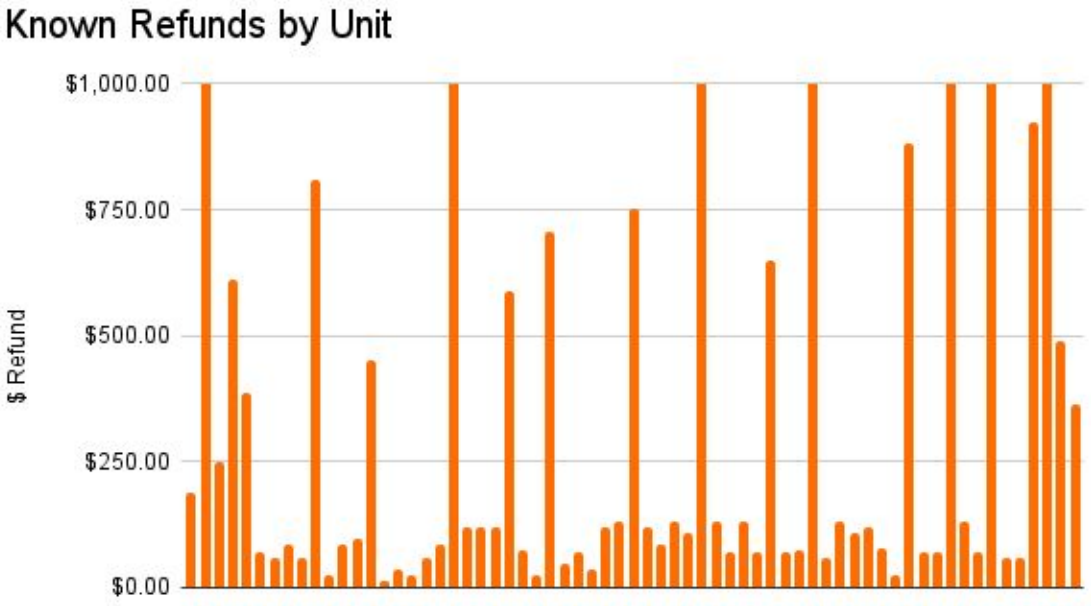
2023-2024

VIOLATIONS

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

KNOWN OVERCHARGES BY UNIT

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



VIOLATION EXAMPLES

59 State Unit 23

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

March 30, 2023

[redacted]

59 State Street
Apartment No. 23
Portland, Maine 04101

Dear [redacted]

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

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

Rent Owed:

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

VIOLATION EXAMPLES

59 State Unit 23

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

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

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

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

VIOLATION EXAMPLES

655 Congress Unit 620

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

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

December 14, 2021

[redacted]

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

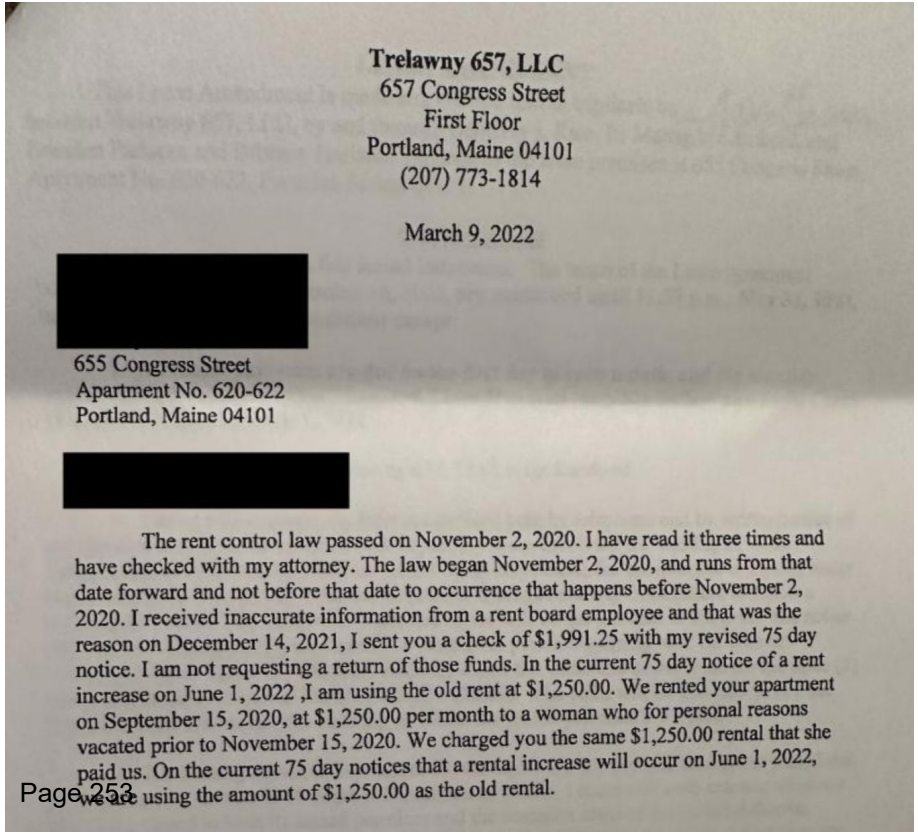
[redacted]

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

VIOLATION EXAMPLES

655 Congress Unit 620

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



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

March 9, 2022

[redacted]

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

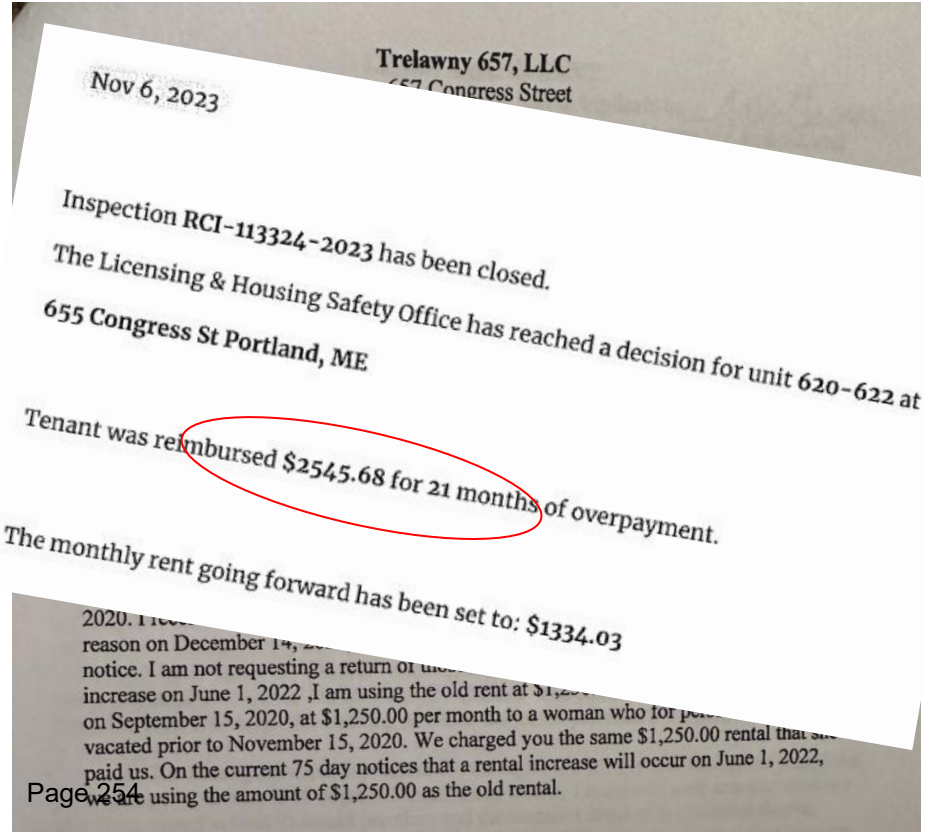
[redacted]

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

VIOLATION EXAMPLES

655 Congress Unit 620

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



Nov 6, 2023

Trelawny 657, LLC
657 Congress Street

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

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

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

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

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

VIOLATION EXAMPLES

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

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

IT'S NOT JUST 655 AND 59

These violations extend to almost every other property Rice owns.

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

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

WHAT WE ARE ASKING FOR

"**A LANDLORD who is not in substantial compliance with ANY PROVISION** of this chapter, including but not limited to the Rent Stabilization Ordinance, **may not demand, accept or retain ANY rent increase** otherwise permitted by this section or any other provision of this Code or Maine statue." (emphasis added)

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

WHAT WE ARE ASKING FOR

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

ALL Rice properties and tenants are affected

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

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WHAT WE ARE ASKING

FOR
Fines

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

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

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

IN CONCLUSION

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

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

We hope you will help us.

Trelawny Tenants' Union

Thank you!

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

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

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

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

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

Hello,

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

Thank you

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

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

Thanks.

TTU

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

Hello,

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

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

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

Thank you

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

Hello,

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

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

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

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

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

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

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

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Licensing and Registration
389 Congress Street
Portland, Maine 04101
rentcontrol@portlandmaine.gov
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Trelawny Tenants Union

TrelawnyTenantsUnion@gmail.com

Sept 13, 2024

Portland Rent Board

Mr. Buddy Moore

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

Dear Chair Moore,

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

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

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

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

Documents attached are as follows:

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

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

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

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

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

Thank you.

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

TTU Steering Committee & tenants of Geoffrey Rice

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

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

Good afternoon,

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

Best,

Sean Power

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

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

Sean,

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

TTU Steering Committee

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

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

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

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

Sean,

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

TTU Steering

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

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

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

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

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

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

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

MEMORANDUM

TO: Members of the Portland Rent Board

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

DATE: September 13, 2024

RE: Tenants Union Standing

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

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

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

I. Third-Party Standing in Maine

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

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

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

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

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

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

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

II. Standing at the Municipal Level

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

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

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

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

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

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

[10] *Id.* ¶ 24.

III. Examples in Similar Contexts

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

V. Conclusion

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

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

08/28/2024
Case Number: RCC2400009
Business License Number: 20182954

657 Congress LLC
657 Congress St 1st Flr
Portland, ME 04101

NOTICE OF VIOLATION AND ORDER TO CORRECT

The City of Portland Permitting and Inspections Department inspected the rental data for the property located at **655 Congress St** and found violations of the City of Portland Code of Ordinances, which are listed on the attached page(s). You are hereby ordered to correct these violations by **September 28, 2024**. Please be advised that penalties will be applied if the violations are not corrected by that date.

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

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

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

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

Thank you,

Adam O'Connor
Rental Registration Inspector

NON-COMPLIANCE VIOLATION LIST

APPLICABLE CODE SECTION(S)	City Code 6-234 (b)
CODE DESCRIPTION	6-234(b) A Landlord may not increase the rent charged for a Covered Unit within twelve (12) months following a previous Rent increase.
COMMENTS	A review of the rental documents submitted shows the following sixteen (16) units had rental increases in less than 12 months following a previous rent increase: Units 318, 321-322, 325-329, 327, 404, 408-409, 410, 421-422, 509, 511, 602, 704, 707-708, 715, 810-811, 823-825
REMEDY	The rent for the above-referenced units must be reduced to the amount of the last code-compliant rent charged and any overcharge must be refunded to the tenant. Unit specific information found on the Summary page of this document.
APPLICABLE CODE SECTION(S)	City Code 6-234 (b)(2)
CODE DESCRIPTION	6-234(b)(2) *New Tenancy*. A landlord may increase the rent on a Covered Unit by five percent (5%) of the base rent in addition to any other allowable increases when a new tenant occupies a unit, but only if the previous Tenancy was terminated voluntarily by the previous Tenant, without coercion or unreasonable influence from the Landlord
COMMENTS	In 2021 the only rent adjustment available to landlords was 5% New Tenancy increase. A review of the rental documents submitted shows the following nine (9) units had increases of more than 5% in 2021: Units 303, 310, 404, 505-506, 602, 608, 705, 712-714, 715
REMEDY	The rent for the above-referenced units must be reduced to the amount of the last code-compliant rent charged and any overcharge must be refunded to the tenant. Unit specific information found on the Summary page of this document.
APPLICABLE CODE SECTION(S)	City Code 6-234 (c)
CODE DESCRIPTION	6-234(c) At no time may a Landlord raise the rent of a Covered Unit by more than ten (10) percent. Any rent increases available to a Landlord in excess of ten (10) percent must be banked for later use.
COMMENTS	A review of the rental documents submitted shows the following seventeen (17) units had increases of more than 10% since the implementation of the Rent Stabilization Ordinance: Units 203, 206-208, 211, 214, 306, 307, 309, 404, 408-409, 423-426, 601, 704, 707-708, 717, 718, 728, 808-809

REMEDY	The rent for the above-referenced units must be reduced to the amount of the last code-compliant rent charged and any overcharge must be refunded to the tenant. Unit specific information found on the Summary page of this document.

SUMMARY

UNIT #	VIOLATION SUMMARY
203	• Increase over 10% - 5/4/2022 -Rent increased from $905 - $1,000 – 10.5% • **Last code-compliant rent charged** - $905
206-208	• Increase over 10% - 5/1/2022 – Rent increased from $1,190 - $1,369 – 15% • **Last code-compliant rent charged** - $1,190
211	• Increase over 10% - 9/1/2022 - Rent increased from $760 - $895 – 17.8% • **Last code-compliant rent charged** - $760
214	• Increase over 10% - 2/10/2022 – Rent increased from $710 - $848 – 19.4% • **Last code-compliant rent charged** - $710
303	• Increase over 5% in 2021 – 2/1/2021 – Rent increased from $920 - $975 – 6% • **Last code-compliant rent charged** - $920
306	• Increase over 10% - 5/18/2022 – Rent increased from $1,010 - $1,163 – 15.2% • **Last code-compliant rent charged** - $1,010
307	• Increase over 10% - 4/18/2022 – Rent increased from $875 - $980 – 12% • **Last code-compliant rent charged** - $875
309	• Increase over 10% - 6/1/2022 – Rent increased from $1,020 – 1,182.50 – 15.9% • **Last code-compliant rent charged** - $1,020
310	• Increase over 5% in 2021 - 5/1/2021 – Rent increased from $710 - $800 – 12.7% • **Last code-compliant rent charged** - $800
318	• Increase in less than 12 months – Rent increased on 1/1/2022 to $1,155, next increase on 10/1/2022 to $1,270 – Increase in 9 months • **Last code-compliant rent charged** - $1,155
321-322	• Increase in less than 12 months - Rent increased on 11/1/2021 to $1,128.75, next increase on 1/1/2022 to $1,182.50 – Increase in 2 months • **Last code-compliant rent charged** - $1,128.75
325-326	• Increase in less than 12 months - Rent increased on 7/1/2021 to $995, next increase on 6/1/2022 to $1,092.72 – Increase in 11 months • Increase in less than 12 months - Rent increased on 6/1/2022 to $1092.72 next increase on 4/1/2023 to $1,146.27 – Increase in 10 months • **Last code-compliant rent charged** - $995

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

608	• Increase over 5% in 2021 – 7/1/2021 – Rent increased from $695 to $764.50 – 10% • **Last code-compliant rent charged** - $695
704	• Increase over 5% in 2021 – 9/15/2021 – Rent increased from $975 to $1,023.75, 12/1/2021 – Rent increased from $1,023.75 to $1,025 – total increase $975 to $1,025 - 5.1% • Increase in less than 12 months – Rent increased on 9/15/2021 to $1,023.75, next increase on 12/1/2021 to $1,025 – Increase in 3 months • Increase over 10% - 9/1/2022 – Rent increased from $1,025 to $1,175.03 – 14.6% • **Last code-compliant rent charged** - $1,023.75
705	• Increase over 5% in 2021 – 6/1/2021 – Rent increased from $1,150 to $1,265 – 10% • **Last code-compliant rent charged** - $1,150
707-708	• Increase in less than 12 months – Rent increased on 8/16/2021 to $1,092, next increase on 1/1/2022 to $1,125 – Increase in 5 months • Increase over 10% - 5/15/2023 – Rent increased from $1,125 to $1,300 – 15.5% • **Last code-compliant rent charged** - $1,092
712-714	• Increase over 5% in 2021 – 5/1/2021 – Rent increased from $1,100 to $1,230 – 11.8% • **Last code-compliant rent charged** - $1,100
715	• Increase over 5% in 2021 – 9/1/2021 – Rent increased from $900 to $945, 12/1/2021 – Rent increased from $945 to $950 – total increase $900 to $950 – 5.5% • Increase in less than 12 months – Rent increased on 9/1/2021 to $945, next increase on 12/1/2021 to $950 – Increase in 3 months • **Last code-compliant rent charged** - $945
717	• Increase over 10% - 6/1/2022 – Rent increased from $793 to $873 – 10.1% • **Last code-compliant rent charged** - $793
718	• Increase over 10% - 2/15/2023 – Rent increased from $1,265 to $1,450 – 14.6% • **Last code-compliant rent charged** - $1,265
728	• Increase over 10% - 6/1/2022 – Rent increased from $815 to $930 – 14.1% • **Last code-compliant rent charged** - $815
808-809	• Increase over 10% - 10/1/2022 – Rent increased from $1,200 to $1,400 – 16.6% • **Last code-compliant rent charged** - $1,200
810-811	• Increase in less than 12 months – Rent increased on 6/18/2021 to $1,295, next increase on 10/1/2021 to $1,312.50 – Increase in 4 months • **Last code-compliant rent charged** - $1,295
823-825	• Increase in less than 12 months – Rent increased on 7/1/2021 to $1,200, next increase on 6/1/2022 to $1,300 – Increase in 11 months • **Last code-compliant rent charged** - $1,200
DEADLINE	09/28/2024

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

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

Trelawny Tenants Union <trelawnytenantsunion@gmail.com> Wed, Dec 18, 2024 at 4:50 PM
To: Rent Board <rentboard@portlandmaine.gov>
Cc: Buddy Moore <buddymoore.rentboard@gmail.com>, Ben Gaines <ben@gaines-law.com>, Rent Control- City of Portland <rentcontrol@portlandmaine.gov>, Jeremy Dean <jwdean2017@jwdlegal.com>

Chair Moore and members of the Rent Board,

We are writing, we hope for the final time, to ask that you postpone adjudication on our July 3rd, 2024, complaint asserting the rights of all tenants at 655 Congress Street and 59 State Street. We had hoped to have the matter fully resolved at this point, but it appears we need a few more weeks. We ask that you postpone this matter until your regularly scheduled meeting on January 22, 2025, at which time, one way or the other, we hope to resolve the issues.

Thank you for your patience as we try to resolve this matter satisfactorily for the tenants. One of us will be in attendance to answer any questions.

TTU Steering Committee
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, Roy de Klerk, Tom Baldwin, Max Scardino, Morgan Schmitt, and Jordan Holmes.

[Quoted text hidden]

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

Trelawny Tenants Union <trelawnytenantsunion@gmail.com> Mon, Nov 18, 2024 at 8:47 AM
To: Rent Board <rentboard@portlandmaine.gov>
Cc: Buddy Moore <buddymoore.rentboard@gmail.com>, Ben Gaines <ben@gaines-law.com>, Rent Control- City of Portland <rentcontrol@portlandmaine.gov>, Jeremy Dean <jwdean2017@jwdlegal.com>

Chair Moore,

In following up on the negotiations with Mr. Rice regarding our substantial non-compliance complaint, we are pleased to report that significant progress has been made toward a viable resolution. To that end, we are writing to ask that the hearing scheduled for this evening be postponed to your next regularly scheduled meeting. Our hope is that the aforementioned resolution will be formalized and executed sufficiently by your December meeting, in which case we would formally withdraw our complaint. If not, we will ask that our complaint be heard and adjudicated at that meeting.

Thank you and please let us know if you need any more details from us. A TTU member will be present at tonight's meeting to answer any questions.

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, Tiffiny McCollett, Hadrienne Hatfield, Abigail Jakub, Kshama Ananthapura, Emily Sanborn, Jacob Pauley, Roy de Clerk, and Tom Baldwin.
[Quoted text hidden]

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 - Tabled to January 22, 2025

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

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 - Tabled to January 22, 2025

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

link to old one	24_09_25
	3_221 w...

9 units

https://www.bls.gov/regions/northeast/data/consumerpriceindex_boston_table.htm

	reciept	2019	2023	reciept
expenses				
non cap exp		$44,904.22	$74,564.43	
cap		$2,491.96	$6,619.06	
tot exp		$47,396.18	$81,183.49	
income		$109,596.08	$151,586.53	
NOI		$62,199.90	$70,403.04	
CPI		281.082	326.016	
cpi %		0.159808235		
Fair NOI		$72,143.23		
diff		$1,740.19		
diff/12/9 units		$16.11	increase per unit per month	

income		2019	2023		$ increase	% increase
Rent income		$108,706.00	$148,161.02		$39,455.02	36.30%
pet fee			$1,825.00		$1,825.00	#DIV/0!
park fee			$1,600.00		$1,600.00	#DIV/0!
laundry		$640.06			-$640.06	-100.00%
app fee		$250.00			-$250.00	-100.00%
interest			$0.51		$0.51	#DIV/0!
Total		$109,596.08	$151,586.53		$41,990.45	38.31%
					$ increase	% increase

	Expense statement	2019	2023		$ increase	% increase
2	prop tax	8508.36	11820.93	☑	$3,312.57	38.93%
4	reg fee	315	427.5	☑	$112.50	35.71%
5	insurance	3285.27	5394.02		$2,088.75	63.69%
6	accounting		4050	☑	$4,050.00	#DIV/0!
7	legal		682.8	☑	$682.80	#DIV/0!
8	manager	361.3	1542.36		$1,181.06	326.89%
10	office supply	1575.32	1414.16	☑	-$161.16	-10.23%
12	repair	4189.73	2202.25		-$1,987.48	-47.44%
14	plumbing	758	3074		$2,316.00	305.54%
16	land/snow	1825	3109.24	☑	$1,284.24	70.37%
17	other maint	490.17	18336.56		$17,846.39	3640.86%
19	gas	5021.06	5813.85	☑	$792.79	15.79%
20	elec	2401.02	1252.61	☑	-$1,148.41	-47.83%
21	water	800.9	678.4	☑	-$122.50	-15.30%
22	sewer	3335.98	2826.02	☑	-$509.96	-15.29%
26	cleaning/maint	1800	2540		$740.00	41.11%
27	other prof		88.16		#REF!	#REF!
28	garbage	195	292.4	☑	$97.40	49.95%
29	payroll	9502.57	13528.97	☑	$4,026.40	42.37%
30	auto	565.01	986.72		$421.71	74.64%
	contributions	-35.47	-247.52		-$212.05	597.83%
	to capx		-55,250.00		-55,250.00	#DIV/0!
Total		44904.22	74564.43		$29,660.21	66.05%
					$ increase	% increase

https://www.forbes.com/advisor/personal-loans/home-improvement-loan-calculator/

cap imp https://www.freddiemac.com/pmms/archive

	base	cost		int rate	interest amort	total	amort yrs	costimo	costiunitimo
1	fence	$2,445.00		0.0835	$554.18	$2,999.18	5	$49.99	$5.55
2	basemein ehat	$3,600.00		0.0835	$1,817.23	$5,617.23	10	$46.81	$5.20
3	roof	$9,000.00		0.0835	$4,303.97	$13,303.97	10	$110.87	$12.32
								$2,491.96	

	current	cost		int rate	interest amort	total	amort yrs	costimo	costiunitimo
		$1,850.00		0.0835	$419.32	$2,269.32	5	$37.82	$4.20
		$1,750.00		0.0835	$396.65	$2,146.65	5	$35.78	$3.98
		$1,650.00		0.0835	$373.99	$2,023.99	5	$33.73	$3.75
1	new panels	$6,985.75		0.0835	$3,339.76	$10,325.51	10	$86.03	$9.56
2	rewire 8	$16,690.94		0.0835	-$16,690.94	$0.00	10		$0.00
3	rewire 6	$12,601.57		0.0835	-$12,601.57	$0.00	10		$0.00
4	drywall	$5,719.64		0.0835	$1,296.41	$7,016.05	5	$116.93	$58.47
5	rinnai	$2,730.00		0.0835	$1,305.54	$4,035.54	10	$33.63	$33.63
6	2019 fence	$2,445.00		0.0835	$554.18	$2,999.18	5	$49.99	$5.55
7	2019 heater	$3,600.00		0.0835	$1,817.23	$5,617.23	10	$46.81	$5.20
8	2019 roof	$9,000.00		0.0835	$4,303.97	$13,303.97	10	$110.87	$12.32
								$6,619.06	

	planned	cost		int rate	interest amort	total	amort yrs	costimo	costiunitimo
				0.0835	$0.00	$0.00	10	$0.00	$0.00
				0.0835	$0.00	$0.00	10	$0.00	$0.00
				0.0835	$0.00	$0.00	10	$0.00	$0.00
								$0.00	

category 17 has a lot of drywall and floor repair costs?

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 - Tabled to January 22, 2025

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

City of Portland – Housing Safety Division
Rental Increase Application

Date of Hearing:

December 18, 2024 - Tabled to January 22, 2025

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
Rental Increase Application

Date of Hearing:

December 18, 2024 - Tabled to January 22, 2025

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

Background

Dear Members of the Portland City Council:

The Rent Board submits to the Portland City Council its annual report as required by **City of Portland Code of Ordinance Chapter 6, Article XII, Sec. 6-263 (h)**, which states:

Sec. 6-263. *In addition to the jurisdiction conferred on it by other ordinances of the City and in accordance therewith, the Rent Board shall have the following jurisdiction and authority:*

(h) *To prepare an annual report on the state of the City's rental unit availability, which shall be presented to the City Council as part of a regularly-scheduled public hearing. This report shall include a summary of rents within each of the five (5) council wards. Such reporting may or may not be done in conjunction with similar reporting required of the City's Rental Housing Advisory Committee, as established by this Chapter;*

In the following pages the Board provides a summary of the following:

- Activities and significant events of the Board.
- Legal considerations that have impacted Board operations.
- Data regarding rental units within the city summarized in charts, tables, and graphs.

This report is intended to meet the ordinance requirement above, and to provide a factual summary of the Board's work since the Board was formed.

Respectfully submitted,

City of Portland Rent Board

Significant Board Activities and Events

City of Portland | Permitting and Inspections
Jessica Hanscombe, *Director*

TO: Housing & Economic Development Committee
CC: Rent Board
FROM: Jessica B. Hanscombe, Director of Permitting and Inspections
DATE: January 7, 2025
RE: Quarterly Rent Control Report- Q4-2024

Rent Control Report
Quarter 4 (10/1/2024-12/31/2024)

Rent Board

	Total # of Applications	Total # of Applications approved	Total # of Applications Denied	Total # of Applications Tabled
Rent Increases	16	7	1	8
Complaints	2	0	0	2
Other	0	0	0	0
Quarter 4 Total:	**18**	**7**	**1**	**10**
Year to date Total	***43***	***14***	***1***	***28***

During the 2024 Year the Board received 43 applications

- **X** number of Landlord requests for rent increases
- **Y** number of Tenant rights appeals

Of the 43 applications to the Board

- 14 were approved (**breakdown of landlord/tenant apps?**)
- 1 was denied
- 28 more remain tabled for various reasons (**or have yet to be heard?**)

Significant Board Activities and Events

In 2024, the city began the process of proactive enforcement and auditing of rental properties through the new Licensing and Housing Safety Division (LHSD)

- They have investigated 3911 units among 544 properties
  - This is roughly 22% of all the rental units in the city, and about 14% of rental properties
  - (**How many investigated units/properties deemed compliant vs in violation?**)

Rent Control Inspections

Type of Inspections	Total # Properties	Total # of units
Complaints (Potential violations reported to our office)	11	301
Audits (Proactive enforcement based on percentage that rent was increased)	27	545
Quality Control (proactive verification of data supplied to our office)	155	390
Quarter 4 Total:	**193**	**1236**
Year to date Total	***544***	***3,911***

Significant Board Activities and Events

The Board also proposed and implemented a few rules of procedure

- A formalization of the recusal process (**was this 2024 or 2023?**)
- A procedure for ensuring public access and participation in application proceedings
- A “completeness check” methodology to ensure applicants are submitting complete materials before any application makes it to the public hearing phase (to reduce applications needing tabling)
    - This action carries on into 2025 as the Board adapts their application process to ensure applicants understand and anticipate Board expectations such that they can conduct more efficient review

Litigation and Legislation Relevant to the Rent Control Ordinance

I’m not sure about this one

Any help from council would be appreciated

Summarized Rental Unit Data - General Methodology

The Rent Board created the following summary and graphs based on an analysis of data obtained from the Licensing and Housing Safety Division (LHSD). The LHSD is tasked with maintaining the rental unit registration data for the City of Portland. This data is then entered into a database which is utilized for the Board's analysis. This report primary relies on two timestamps for rental reportings; 1) The Current Rent (November 2023) and 2) The Previous Rent (November 2022). For that reason, the data analysis in this report should be considered a representation of rental conditions through fall 2023, even though the report is dated 2024.

This sheet, containing the abridged and relevant data as well as the analysis done for this report, can be found at https://docs.google.com/spreadsheets/d/1EiZKbLy4D6jVBeErWWwnLSM379vK7C0yeaPDtfhcNRc/

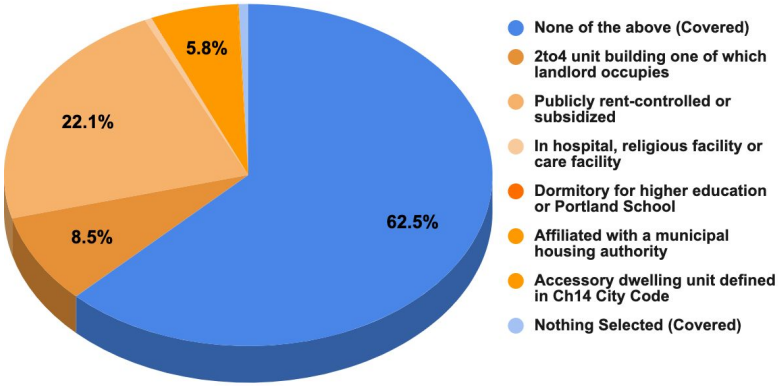
In the previous year, former Chair Mathieu produced a catalog which links each Parcel ID to a specific Ward (District) in the city. This list was used in combination with the LHSD data to identify the ward for each registered rental unit. There were 239 entries in the LHSD data which were not identifiable in the ward catalog. Fortunately, the vast majority of these (207) were at three properties. These and the rest all had easily an identifiable ward based on address. These 239 units with hand corrected ward information are indicated by **Blue** text in the ward column in the above referenced data sheet.

In previous years the Board has filtered the data sheet further, by omitting what were described as "outliers". This author finds that a significant number of what were considered outliers in those years may in fact be useful information, and so has declined to completely repeat that outlier process for this report. Furthermore, because median statistics are being reported, the few number of covered outliers has very little to no effect on those statistics.

The single circumstance of outliers which are removed from any analysis in this work are for non-reported or for $0 reported rent levels, in either the current or the previous year, especially in exempt units. Because of the large number of $0 rents reported, this does affect median statistics for exempt units, so statistics are reported with and without $0 rents factored in.

Summarized Rental Unit Data - Count Statistics

Registration Type	Count	Percent
None of the above	10937	62.45%
2to4 unit building one of which landlord occupies	1483	8.47%
Publicly rent-controlled or subsidized	3873	22.12%
In hospital, religious facility or care facility	84	0.48%
Dormitory for higher education or Portland School	2	0.01%
Affiliated with a municipal housing authority	1008	5.76%
Accessory dwelling unit defined in Ch14 City Code	15	0.09%
(Nothing Selected) **Considered Covered*	111	0.63%
Total	**17513**	**100.00%**
Exempt	**6465**	**36.92%**
Covered	**11048**	**63.08%**



A total of **17,513 units were registered** with the city for the 2024 registration year within the 3,924 unique licenses issued, for roughly 4.46 units/licence

11,048 (63.08%) units were covered

6,465 (36.92%) units were exempt

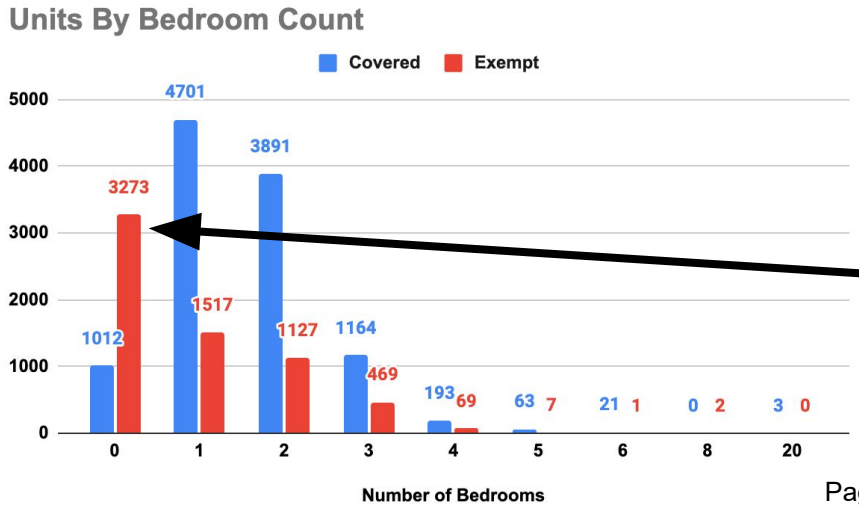
Summarized Rental Unit Data - Count Statistics

As expected, there tend to be more smaller apartments (0-2 bedroom) than larger (3+ bedrooms).

0-2 Bedroom units appear to represent almost 89% of all units in town.

Studios (0 bed) may be over represented here because most exempt units report 0, as they are not required to.

# of Bdrms	Covered		Exempt		Total	
0	1012	9.16%	3273	50.63%	4285	24.47%
1	4701	42.55%	1517	23.46%	6218	35.51%
2	3891	35.22%	1127	17.43%	5018	28.65%
3	1164	10.54%	469	7.25%	1633	9.32%
4	193	1.75%	69	1.07%	262	1.50%
5	63	0.57%	7	0.11%	70	0.40%
6	21	0.19%	1	0.02%	22	0.13%
8	0	0.00%	2	0.03%	2	0.01%
20	3	0.03%	0	0.00%	3	0.02%
Total	11048	100.00%	6465	100.00%	17513	100.00%



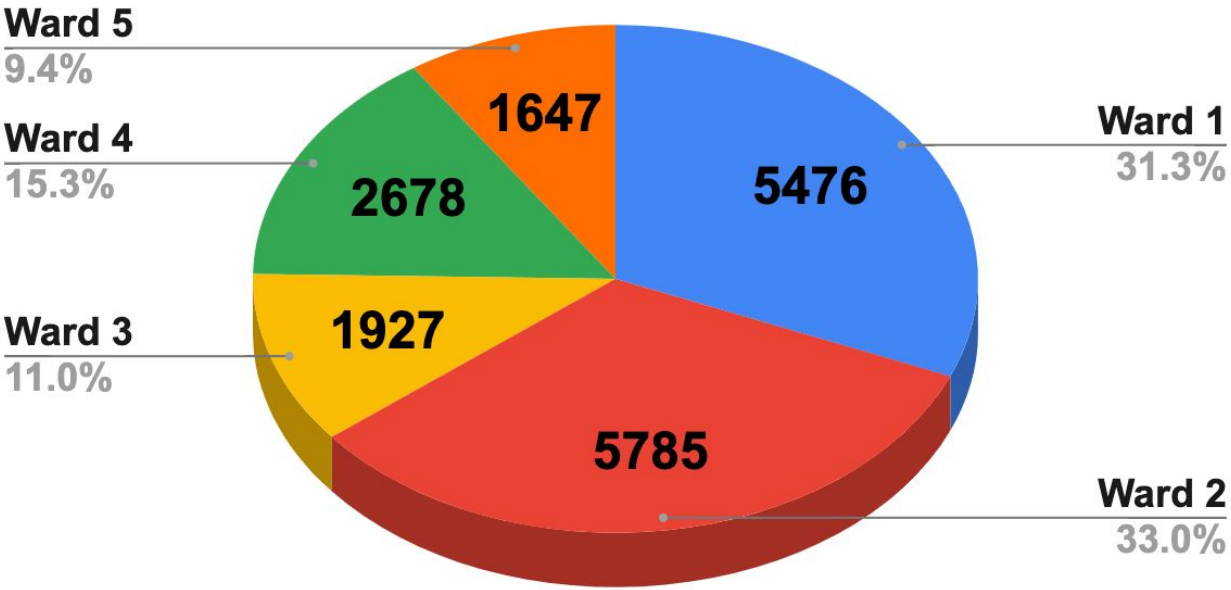
Note: The vast majority of exempt units reported 0 for both rent price and bedroom count, as they are not required to accurately report these.

This means that it is unlikely that the count of 3273 zero bedroom exempt units is accurate, and many of those are probably spread out among the other categories.

Summarized Rental Unit Data - Count Statistics

Around 64.3% of the units in town are in Wards 1 and 2

The Remaining 35.7% are off peninsula in Wards 3, 4, and 5

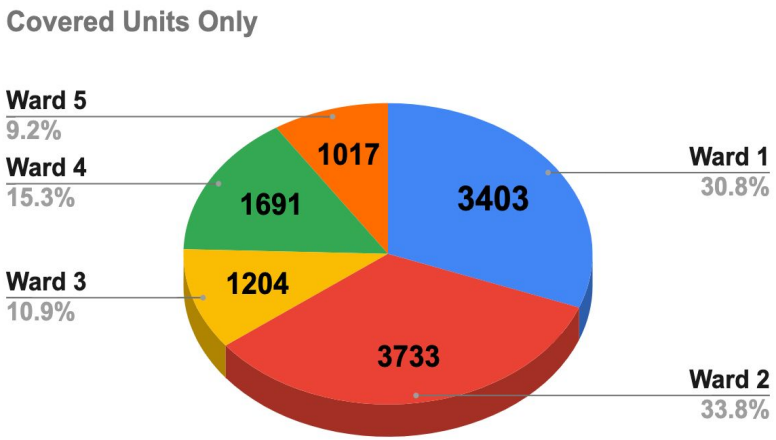


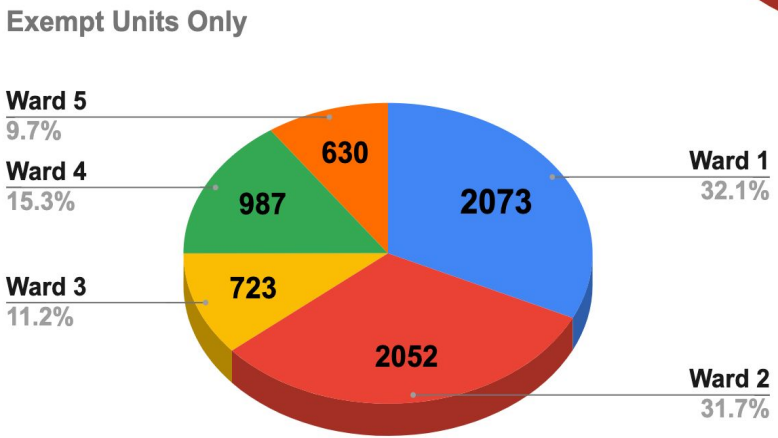
Summarized Rental Unit Data - Count Statistics

Around 64.3% of the units in town are in Wards 1 and 2

The Remaining 35.7% are off peninsula in Wards 3, 4, and 5

The ratios of covered versus exempt units appears to be the same across all wards

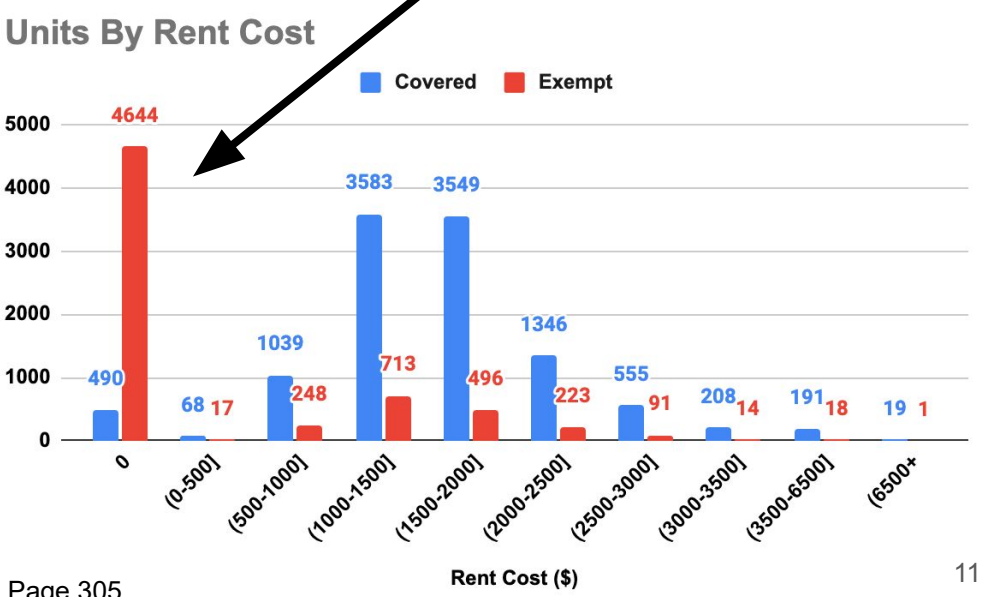




Summarized Rental Unit Data - Count Statistics

	Covered		Exempt	
Rent Cost $	**Count**	**Percent**	**Count**	**Percent**
0	490	4.44%	4644	71.83%
(0-500]	68	0.62%	17	0.26%
(500-1000]	1039	9.40%	248	3.84%
(1000-1500]	3583	32.43%	713	11.03%
(1500-2000]	3549	32.12%	496	7.67%
(2000-2500]	1346	12.18%	223	3.45%
(2500-3000]	555	5.02%	91	1.41%
(3000-3500]	208	1.88%	14	0.22%
(3500-6500]	191	1.73%	18	0.28%
(6500+	19	0.17%	1	0.02%
Totals	11048	100.00%	6465	100.00%

Again - it should be noted that, since exempt units are not required to report, rents that cost $0 are significantly over-reported. This does affect median statistics considerably.



This shows the general distribution of rents in town

Summarized Rental Unit Data - Count Statistics

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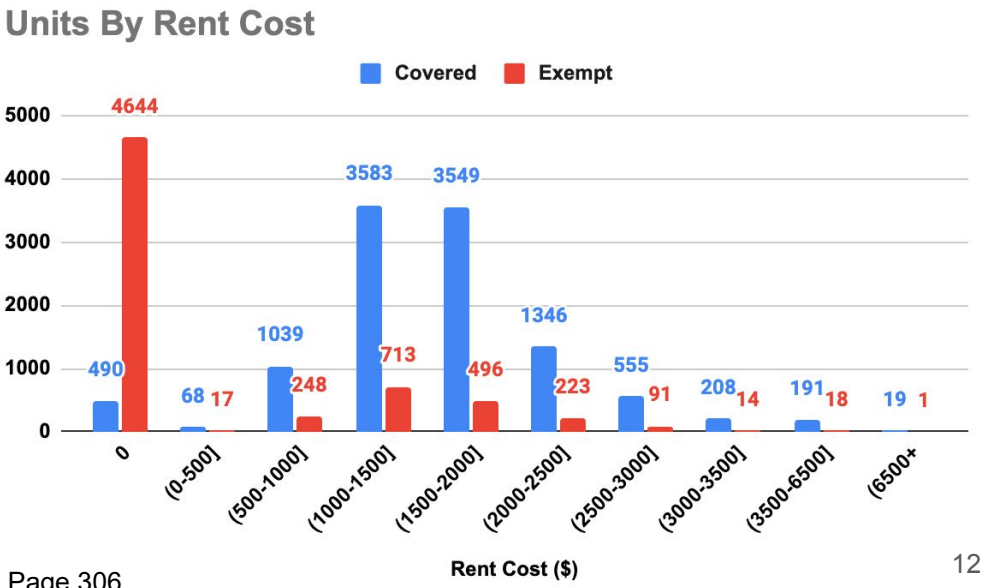
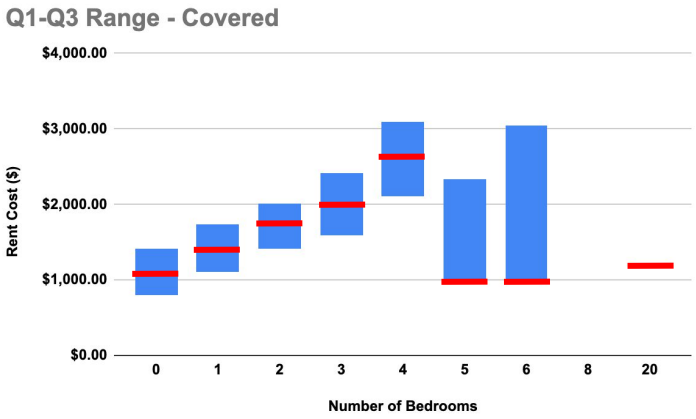
Totals	11048	100.00%	6465	100.00%

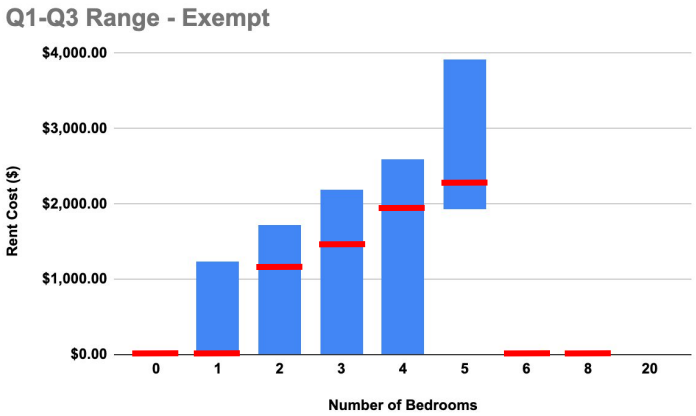
It may be concerning that almost 5% of covered units in town still report a $0 rent



This shows the general distribution of rents in town

Summarized Rental Unit Data - Median Rent Statistics - Full Set

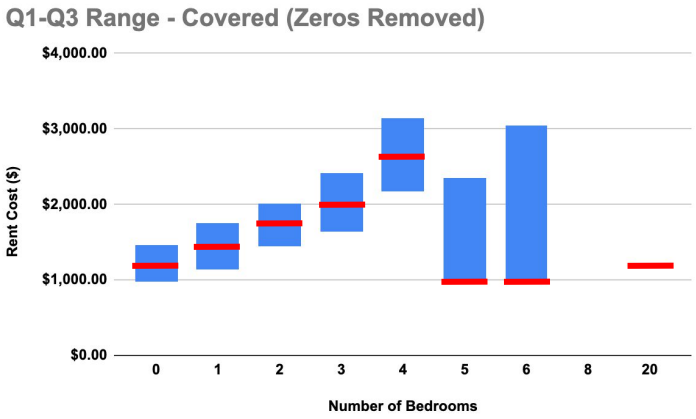


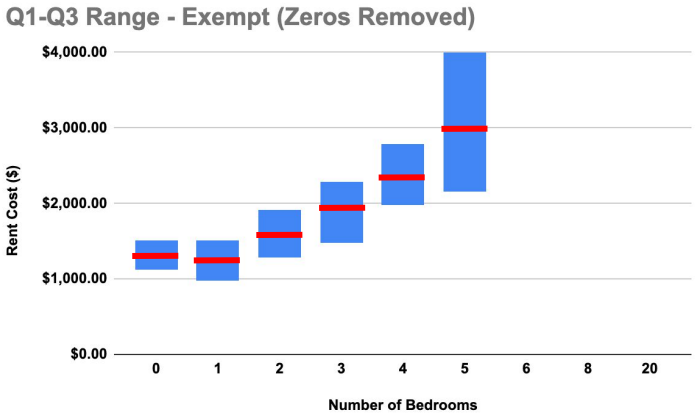


Median (Covered)	N	# of Bdrms	N	Median (Exempt)
$1,118.00	1012	0	3273	$0.00
$1,400.00	4701	1	1517	$0.00
$1,695.00	3891	2	1127	$1,150.00
$2,000.00	1164	3	469	$1,500.00
$2,640.00	193	4	69	$1,936.00
$1,000.00	63	5	7	$2,250.00
$1,000.00	21	6	1	$0.00
#N/A	0	8	2	$0.00
$1,200.00	3	20	0	#N/A
$1,550.00	11048	All	6465	$0.00

While covered unit stats seem reasonable (except 5+ bdrm), the exempt stats tend to show a median rent of $0. This is unreasonable and a result of no reporting requirements for these exempt units. The $0 rents are probably not real.

Summarized Rental Unit Data - Median Rent Statistics - $0 Rents Removed





Median (Covered)	N	# of Bdrms	N	Median (Exempt)
$1,200.00	831	0	105	$1,325.00
$1,425.00	4548	1	696	$1,250.00
$1,700.00	3773	2	658	$1,600.00
$2,010.00	1135	3	312	$1,986.00
$2,687.00	185	4	44	$2,400.00
$1,000.00	62	5	6	$3,000.00
$1,000.00	21	6	0	#N/A
#N/A	0	8	0	#N/A
$1,200.00	3	20	0	#N/A
$1,588.00	10558	All	1821	$1,485.00

Covered stats are unmoved when $0 rents are removed, leading to confidence the full covered set is representative.

Exempt stats dramatically change by removing $0 rents.

Summarized Rental Unit Data - Median Rent Statistics - By District

Covered Units

# of Bdrms	All Wards	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5
0	$1,200.00	$1,289.00	$1,094.50	$1,358.50	$1,161.00	$1,490.00
1	$1,425.00	$1,567.00	$1,372.93	$1,350.00	$1,425.00	$1,175.00
2	$1,700.00	$1,875.00	$1,710.00	$1,620.00	$1,757.00	$1,540.00
3	$2,010.00	$2,190.00	$2,016.50	$2,000.00	$1,954.00	$1,900.00
4	$2,687.00	$3,000.00	$2,500.00	$2,519.00	$3,000.00	$2,595.50
5	$1,000.00	$4,700.00	$4,892.90	$2,346.50	$1,000.00	$1,000.00
6	$1,000.00	$1,575.00	$4,995.74	$3,300.00	#N/A	$1,000.00
8	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
20	$1,200.00	#N/A	#N/A	$1,200.00	#N/A	#N/A
All	**$1,588.00**	$1,654.00	$1,495.00	$1,600.00	$1,710.00	$1,502.00

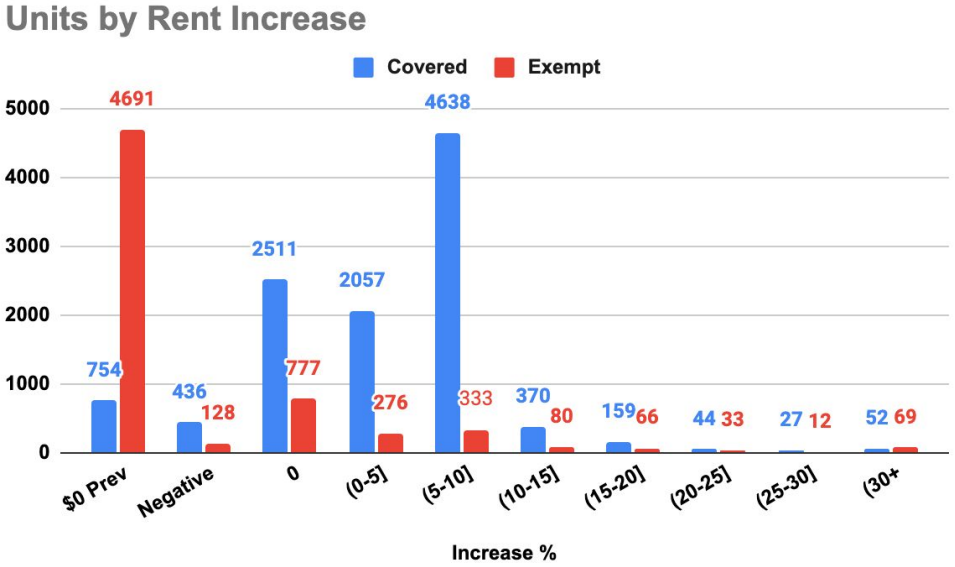
Summarized Rental Unit Data - Median Rent Statistics - By District

Exempt Units

# of Bdrms	All Wards	Ward 1	Ward 2	Ward 3	Ward 4	Ward 5
0	$1,325.00	$1,367.00	$1,255.00	$950.00	$1,488.37	$1,879.00
1	$1,250.00	$1,062.50	$1,250.00	$1,300.00	$1,553.50	$1,215.00
2	$1,600.00	$1,758.00	$1,700.00	$1,600.00	$1,505.00	$1,550.00
3	$1,986.00	$2,183.00	$1,955.00	$1,987.50	$1,675.00	$2,061.00
4	$2,400.00	$2,061.00	$2,330.00	$2,425.00	$2,200.00	$3,236.00
5	$3,000.00	$3,750.00	$2,250.00	$3,175.00	#N/A	#N/A
6	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
8	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
20	#N/A	#N/A	#N/A	#N/A	#N/A	#N/A
All	$1,485.00	$1,470.00	$1,318.00	$1,600.00	$1,581.00	$1,583.50

Summarized Rental Unit Data - Rent Increase Statistics

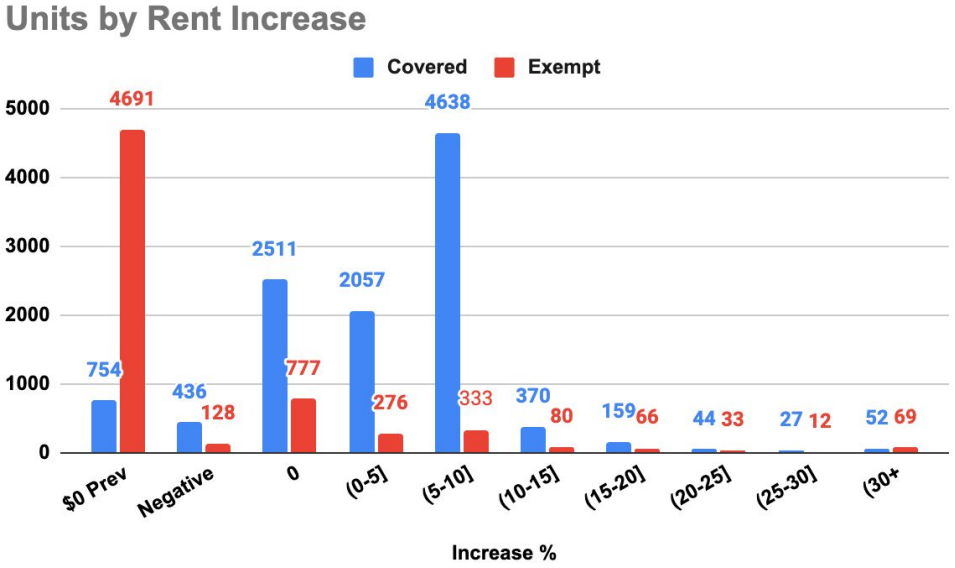
The majority of rent increases fall under the 10% cap, however almost **6% of covered units report increases above this cap**. These are either registration errors or violations



	Covered		Exempt	
Increase %	**Count**	**Percent**	**Count**	**Percent**
$0 Prev	754	6.82%	4691	72.56%
Negative	436	3.95%	128	1.98%
0	2511	22.73%	777	12.02%
(0-5]	2057	18.62%	276	4.27%
(5-10]	4638	41.98%	333	5.15%
(10-15]	370	3.35%	80	1.24%
(15-20]	159	1.44%	66	1.02%
(20-25]	44	0.40%	33	0.51%
(25-30]	27	0.24%	12	0.19%
(30+	52	0.47%	69	1.07%
Totals	11048	100.00%	6465	100.00%

Summarized Rental Unit Data - Rent Increase Statistics

Additionally, **about 11% of covered units report either a $0 previous rent or a negative rent increase**. Some may be brand new units, however the majority appear to be registration errors.



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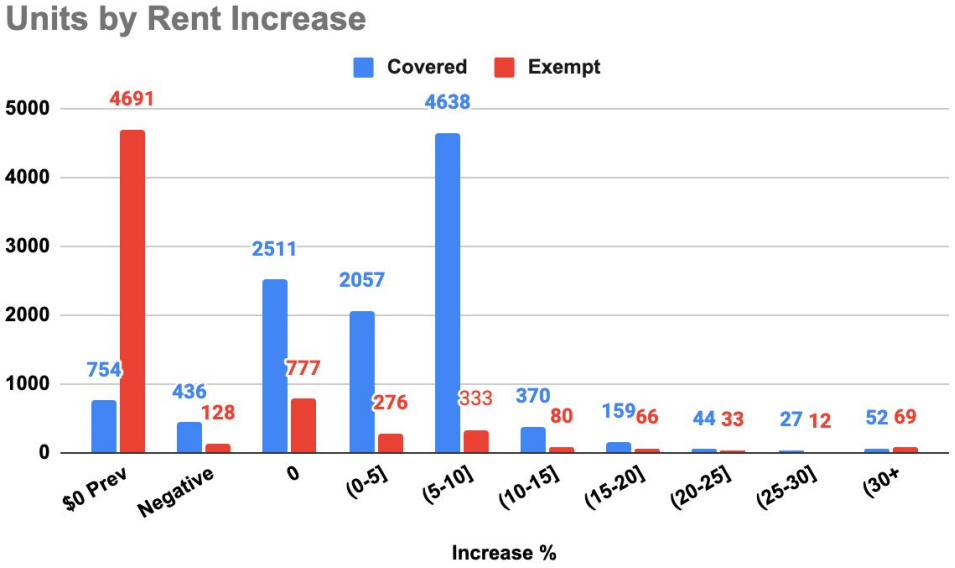
Totals	11048	100.00%	6465	100.00%

Summarized Rental Unit Data - Rent Increase Statistics

Finally, **almost one quarter of the units in town report no rent increase**. While this would be great, it should be considered with skepticism as it may also represent registration error.



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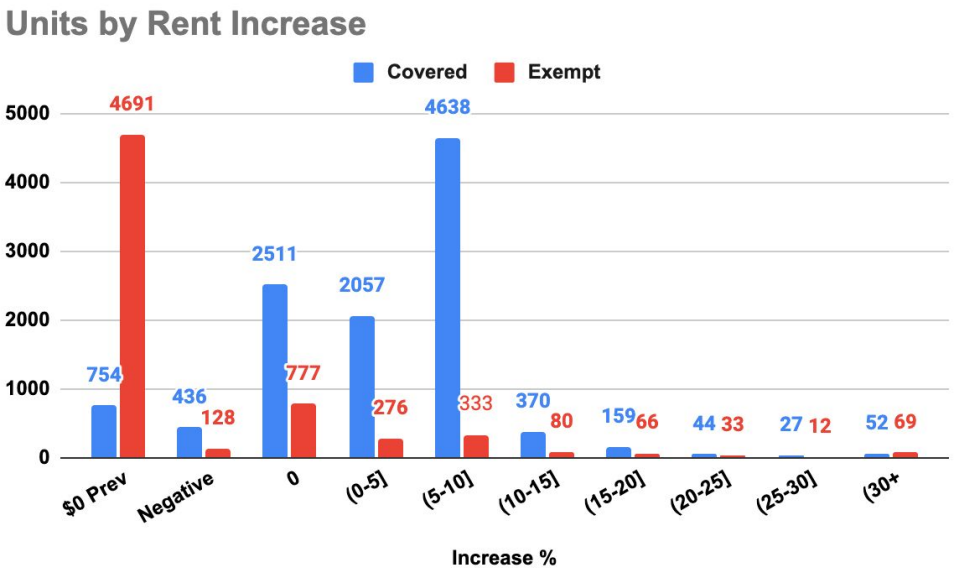
Totals	11048	100.00%	6465	100.00%

Summarized Rental Unit Data - Rent Increase Statistics

We can't get the median rent increases without first removing the units that had $0 previous rents (we'd divide by zero)



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Increase %	**Count**	**Percent**	**Count**	**Percent**
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0	2511	22.73%	777	12.02%
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(10-15]	370	3.35%	80	1.24%
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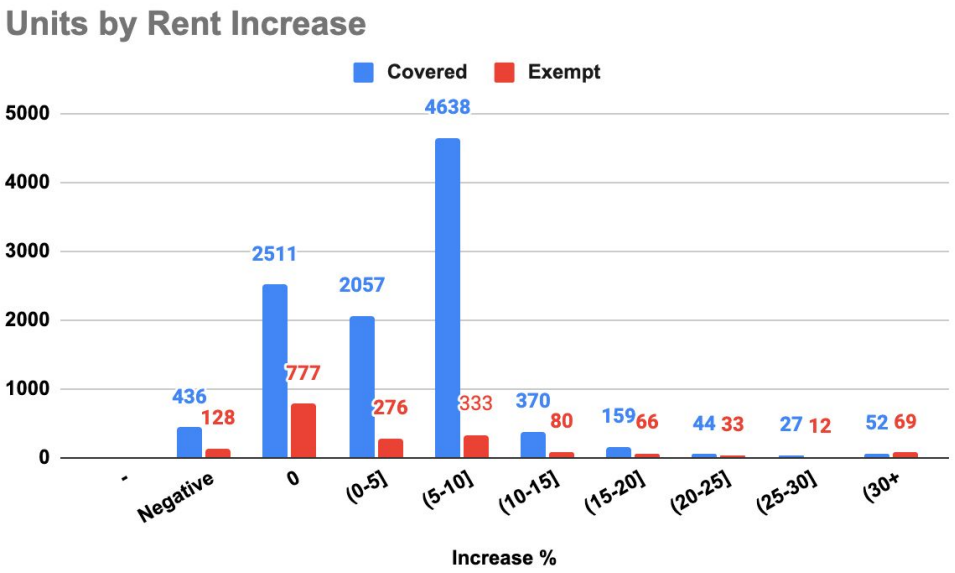
(30+	52	0.47%	69	1.07%
Totals	11048	100.00%	6465	100.00%

Summarized Rental Unit Data - Rent Increase Statistics

When we take out those $0 previous rents we find…

Covered Median Rent Increase - **5.26%**

Exempt Median Rent Increase - **0.00%**



	Covered		Exempt	
Increase %	**Count**	**Percent**	**Count**	**Percent**
-				
Negative	436	4.24%	128	7.22%
0	2511	24.39%	777	43.80%
(0-5]	2057	19.98%	276	15.56%
(5-10]	4638	45.06%	333	18.77%
(10-15]	370	3.59%	80	4.51%
(15-20]	159	1.54%	66	3.72%
(20-25]	44	0.43%	33	1.86%
(25-30]	27	0.26%	12	0.68%
(30+	52	0.51%	69	3.89%
Totals	10294	100.00%	1774	100.00%

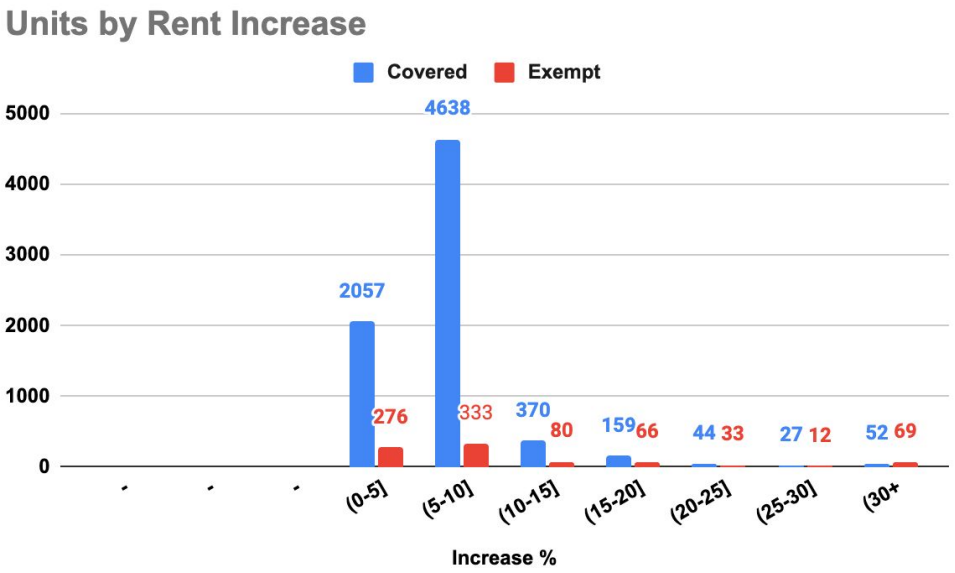
Because the majority of Exempt units report either a negative or $0 increase, we have to remove those too

Summarized Rental Unit Data - Rent Increase Statistics

When we look at onyt units with a rent increase…

Covered Median Rent Increase - **6.99%**

Exempt Median Rent Increase - **7.00%**



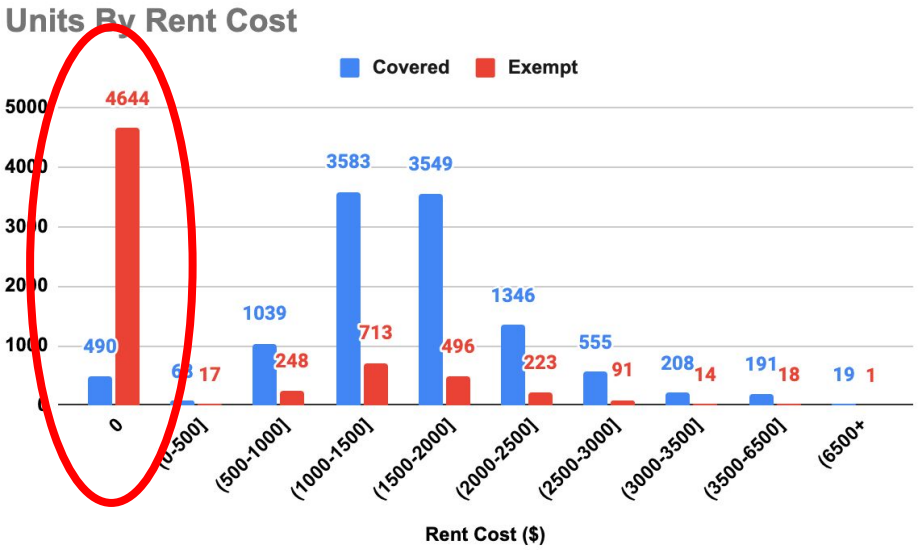
	Covered		Exempt	
Increase %	**Count**	**Percent**	**Count**	**Percent**
-				
-				
-				
(0-5]	2057	28.00%	276	31.76%
(5-10]	4638	63.13%	333	38.32%
(10-15]	370	5.04%	80	9.21%
(15-20]	159	2.16%	66	7.59%
(20-25]	44	0.60%	33	3.80%
(25-30]	27	0.37%	12	1.38%
(30+	52	0.71%	69	7.94%
Totals	7347	100.00%	869	100.00%

This is a pretty remarkable result -

2023 AIP was 7%, this is either an amazing coincidence or evidence of compliance

Recommendations

- Statistics on Exempt units are not useful, due to the majority of units being reported as $0 rent.
  - **Require Exempt units to report the same as Covered units** (or the Board should stop trying to compare to Exempts completely)



Recommendations

- An unreasonable number of units self report non compliance
  - **All registrations reporting non compliance should not be considered registered.** And should be subject to the same deadlines and penalties until compliance is achieved or the reporting is accurate

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At a minimum, more than ⅛ of all covered units in town have non compliant rents, or are improperly registered

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Totals	11048	100.00%	6465	100.00%

At a minimum, more than ⅛ of all covered units in town have non compliant rents, or are improperly registered

Another ¼ of those units report no rent increase, and suspect. LHSD should assume that true and hold the registrants to that for subsequent years, until audited to verify

Recommendations

- **The city should prepare Rental History Cards for every unit**
  - After registration, all registered units should have that postcard send to the tenant so that they are aware of what is reported and can contest that information if it is inaccurate

389 Congress #404					
	Rent	Bank	Total	Increases	
June2020	$1,000.00	$0.00	$1,000.00		
					2020 turnover
					2021 turnover
Nov 2021	$1,000.00	$0.00	$1,000.00		
				$50.00	2022 turnover
				$43.00	2022 CPI @ 4.3%
				$51.30	2022 TRRA
Nov 2022	$1,100.00	$44.30	$1,144.30		
					2023 turnover
				$77.00	2023 CPI @ 7%
Nov 2023	$1,210.00	$11.30	$1,221.30		
					2024 turnover
				$24.20	2024 CPI @ 2%
Nov 2024	$1,245.50	$0.00	$1,245.50		
				$50.00	2025 turnover
				$31.14	2025 CPI @ 2.5%
Nov 2025	TBD	TBD	$1,326.64		

Similar to the cards sent out near election time

Will also help landlords understand how and why they can increase rent, as well as how much banked rent they still have remaining

After units are audited and information is verified would be a great time to prepare these (I would not use previous years' registration info to do so)

Recommendations - Repeated from 2023 Report

In the 2023 report similar things were suggested. That is repeated here for context

Recommendations

The Rent Board does not have a direct role in rental registration or ordinance enforcement. However, the Rent Board does rely on data produced by HSO in order to understand the conditions of the rental market and produce a report for the City Council. In the spirit of open collaboration, the Rent Board suggests the following strategies that could help to address some of the uncertainty in rental registration data moving forward:

1. Offer a public-facing "rental history card" that includes the rent history, reasons for increases, and banked rent amounts. This could facilitate both better tracking of compliance and easier recordkeeping for the registrant.
2. Collect reasons for rent increases applied. For example, provide a checkbox for 5% turnover increase, or an open field for AIP amounts. If possible, programmatically suggest allowed amounts and provide input validation that checks for compliance. This would help the Rent Board better understand what types of rental increases are occurring, assist registrants in confirming their own compliance, and assist staff in identifying registrations that may require follow-up.
3. Configure the registration system to disallow or require an explanation for $0 rents or rents below a certain threshold. This would help to identify which units genuinely have $0 rents and which units may be reporting $0 erroneously or because they are exempt and do not wish to report another amount.
4. Configure the registration system to disallow or require an explanation for increases in excess of 10%. This would help eliminate typos (such as the unit that reported $16001600 rent this year) and flag issues of genuine non-compliance.
5. Configure the registration system to prepopulate or otherwise assist the registrant in confirming previously-registered base rent amounts. This could eliminate human error resulting in recorded changes to base rent, and assist in recordkeeping for the registrant, particularly in the case of changes in ownership.
6. Provide a digital calculator, preferably as part of the registration system, that automatically calculates allowed increases based on prior registration information and/or manual entry. This could reduce the burden on staff to deal with "how much can I increase rent?" questions.