

MINUTES

Remote Rent Board Meeting - Held Via Zoom
Wednesday, April 28, 2021

Start Time: 5pm

II. ROLL CALL (7)

Christopher "Buddy" Moore, Tenant, District 1
Michelle Dunham, Landlord, District 2
Elliott Simpson, Tenant, District 3
Ian McCracken, Landlord, District 4
Austin Sims, Homeowner, District 5
Elias Kann, Tenant, At-Large
Barbara Vestal, Landlord, At-Large

Staff present (4)

Anne Torregrossa, Corporate Counsel
Jessica Hanscombe, Director of Permitting & Inspections
Zachary Lenhart, Licensing & Housing Safety Manager
Katlyn Sawyer, Licensing & Registration Coordinator

III. VOTE TO ELECT CHAIR & VICE CHAIR

Zachary Lenhart gave a brief overview of the process of electing a chair and vice chair and procedure for the meeting.

Christopher "Buddy" Moore made a motion to elect Austin Sims as chair.
-2nd by Michelle Dunham

Barbara Vestal made a suggestion to elect a pro tem chair and pro tem vice chair to start as it's a new board with new members. At the June meeting, the Board could have another vote to vote for a full term chair and vice chair for the remainder of the Board's first year.

Seeing consensus among the Board to elect a pro tem chair and vice chair, Anne Torregrossa respectfully asked for Christopher "Buddy" Moore and Michelle Dunham to withdraw their motion and 2nd to allow the Board to discuss if they want to do the pro tem chair and pro tem vice chair.

After Board discussion, Barbara Vestal made a motion that selection for chair would be Chair Pro Tem and vice chair as Vice Chair Pro Tem that would serve until the June meeting. In June, the Board would elect a chair and vice chair that would serve the remainder of the term until the meeting in April 2022.

- 2nd by Elias Kann
- Vote: 7-0

Barbara Vestal made a motion to elect Austin Sims as Chair Pro Tem.
-2nd by Elliott Simpson

-Vote: 7-0

Austin Sims made a motion to elect Barbara Vestal as Vice Chair Pro Tem

-2nd by Ian McCracken

-Vote: 7-0

Chair handed over to Pro Tem Chair Austin Sims from Zachary Lenhert.

IV. OVERVIEW OF RENT BOARD ORDINANCE, DUTIES, AND FREEDOM OF ACCESS ACT BY CORPORATION COUNSEL

Anne Torregrossa addressed the Board regarding the Freedom of Access Act (FOAA)

1. Open meetings

This Board can only make decisions in an open public setting that the public can attend. No more than 2 Board members can get together to discuss business without requiring the public's presence. No members of the Board should be discussing business over email.

Exceptions - Executive Session

- Public cannot access

- Consult with legal counsel regarding legal rights and responsibilities, such as what does the ordinance mean

- Cannot take action in Executive Session

- Discuss findings in public session and vote

- Tenant/Landlord disputes that come before the Board for mediation would only be considered as an Executive Session if there were such things like:

 - Medical Information: If a tenant has a disability and the Landlord won't accommodate it; this is a violation of the ADA law.

 - A Landlord wants rental information to be private - a person's rental information is not confidential under State Statute.

- Most mediations will have to happen in public setting

- A mediation cannot be forced into an Executive Session unless they otherwise were but the Board could recommend an outside mediator which could be completely private (if the Board decides to do that).

2. Records

- No working documents, only drafts. Can assign to no more than 2 members to bring it back to the Board at a later date

- Almost all of what will be done/created is public record. If someone asks for it, we will turn it over

- No members can represent the Board. It's an entity and only serves when full.

The Housing Safety Office is the Board's point of contact with the public. Housing Safety will field all requests, applications, and inquiries.

Housing Safety staff will look into creating a separate email for the Rent Board. Email access will be given to the Chair and Housing Safety staff. The proposed email would be rentboard@portlandmaine.gov

Anne Torregrossa addressed the board in regards to Sec 6-263 Jurisdiction and Authority

- (A) The rental ordinance caps increases at 10% and there is a provision for Banked Rent
Example: A Landlord is given the "OK" to increase rent 20% - you can take 10% this year and bank 10% for next year. Anne does not see a provision that all 20% can be taken in one year, even if the Board gives it to them.
This might be a discussion for Executive Session
- (B) A Landlord invests a bunch of money in their unit, they think they should be allowed to raise their rent and are coming to the Board to do that
- (C) There is a provision in State Statute that provides a dwelling unit must meet certain standards of habitability and tenants have some remedies available to them if the standards are not met
- (D) There are no other provisions within the ordinance. There is also no set time to reinstate tenants - Anne is not sure how Landlords would come for an extension of time.
- (F) Fines - the Board has no real way of collecting this but the Housing Safety Office does if they find other violations. Civil penalties go through Court.
- (G) This cannot be changed for 5 years. The Board can take notes about potential changes to the ordinance when this time is up.
- (H) The Housing Safety Office will be the Board's staff. They will provide data to the Board out of their database, minutes, or agenda. The Board will handle everything else.

The Board will need to come up with the process and forms for a Landlord to increase rent.

Christopher "Buddy" Moore suggested that maybe the complaint forms could be printed in other languages for tenants and Landlords who do not speak English as their first language.

V. DISCUSSION OF SCHEDULING EXECUTIVE SESSION AND/OR FUTURE TRAININGS

Barbara Vestal would like to learn about the litigation that is challenging the ordinance and to have an Executive Session to discuss issues on how they're being interpreted.

Austin Sims would like to hold 1 Executive Session before the May 26, 2021 meeting.

VI. INTRODUCTION OF COMPLAINT FORMS BY HOUSING SAFETY OFFICE STAFF

Both the Landlord and tenant signatures are required to go before the Board for mediation.

Each unit must have their own form with documentation but can bring them together as one packet for 1 meeting date.

Example: Same units within one building or similar landlords

Anne Torregrossa suggested that Board members go over documents to bring up at the next meeting.

Christopher "Buddy" Moore and Ian McCracken will work on the tenant complaint form.

Michelle Dunham and Barbara Vestal will work on the Landlord form.

Austin Sims made a motion to create two separate forms - one for tenants and one for landlords.

-2nd by Michelle Dunham

-Vote: 7-0

VII. INTRODUCTION OF RULES OF PROCEDURES FOR OTHER BODIES; DISCUSSION OF PROCESS FOR DRAFTING RENT BOARD RULES

Anne Torregrossa discussed what rules and procedures the Board will need to come up with, such as:

-What needs to be submitted before something comes to the Board

-What does the mediation process look like

-What does the decision look like

-Are you going to keep your meetings on the fourth Wednesday of every month at 5pm.

Christopher "Buddy" Moore and Ian McCracken will be drafting rules and evidentiary requirements specifically pertaining to the remit of the Rent Board.

Barbara Vestal and Elliott Simpson will be drafting rules and procedures for higher-level Board organization.

Austin Sims made a motion for the next public Remote Rent Board Meeting to be held on Tuesday, May 11, 2021 at 5pm

-2nd by Elias Kann

-Vote: 7-0

VIII. ADJOURN

Austin Sims motioned to Adjourn

-2nd by Barbara Vestal

Meeting end time: 6:47pm