



REMOTE RENT BOARD COMMITTEE

June 7, 2021

5:00 PM

Virtual meetings are allowed using emergency legislation approved by LD 2167; 1 M.R.S. §403A, that authorizes cities and towns to conduct meetings online. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be uploaded to portlandmaine.gov/livestream the next day. For public comment, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

ZOOM INFORMATION:

Please click the link below to join the webinar:

<https://zoom.us/j/91939287214?pwd=RXl5OFc4Vkl2djVXSE5NTmk5dmlhZz09>

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Webinar ID: 919 3928 7214

International numbers available: <https://zoom.us/u/abOFOiAhs0>

- II. ROLL CALL
- III. MINUTES FROM PREVIOUS MEETING
 - a. Minutes for May 26, 2021 Meeting
- IV. TENANT INTAKE FORM

- a. Draft Tenant Complaint Form
- V. LANDLORD INTAKE FORM
 - a. Draft Landlord Application Rent Increase
 - b. Draft Landlord Application Other Relief
- VI. HIGHER-LEVEL BOARD ORGANIZING RULES & PROCEDURES
 - a. Draft Rules of Rent Board

RULES & EVIDENTIARY REQUIREMENTS SPECIFICALLY PERTAINING TO RENT BOARD

Draft Public Hearing Rules of Procedure

Draft Capital Improvement Costs Allowance Form

Draft Increased Housing Service Cost Allowance Form

Draft Uninsured Repair Cost Allowance Form

EXECUTIVE SESSION

ADJOURN

Minutes

Remote Rent Board Meeting - Held Via Zoom
Wednesday, May 26, 2021

Start time: 5:00pm

II. ROLL CALL (7)

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

Staff present (4)

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

III. MINUTES

Austin Sims moved to accept Minutes from previous meeting with no amendments
2nd by Elliott Simpson
Vote: 7-0

IV. PROPOSAL FROM CHAIR PRO TEM

Austin Sims presents his proposal to the Board.

After Board discussion, Austin Sims chose to table the adoption of Rule 23 to come back to at a later time.

However, he would like the Board to follow these guidelines going forward:

- The Board members who drafted the document to go through its entirety prior to comment
- During commenting, Board members try not to repeat points already mentioned

No vote was taken.

V. REVIEW MEMO FROM STAFF

A memo that was provided to the Board from Anne Torregrossa was not published to the agenda. It was discussed that this document be posted on the website. No vote was taken.

In regards to the memo that was posted about Housing Safety -

- Zachary Lenhert explained the See Click Fix online program that people can use to make complaints about trash, junk vehicles, etc.
- It was also noted that complaints that might have the potential to go before the Board, would not be made online but rather via phone or email
- No other questions were asked by the Board

VI. REVISED LANDLORD INTAKE FORM

A. DRAFT LANDLORD RENT INCREASE APPLICATION

Barbara Vestal addressed the Board in regards to this document.

Several changes have been made to this form

- Wording has been changed from "Property Owner" to "Landlord" as referenced in the ordinance
- The CBL (Chart, Block, and Lot) has been added
- The section below Accommodations where it speaks of exemptions - all exemptions have been added
- This form was separated from Other Relief - so it is only speaking in terms of Rent Increases
- Consolidation relief has been taken out of the equation
- Added a Note under "If seeking a rent increase, please identify the basis..."

Anne Torregrossa expressed her concerns

- The definition of housing service costs
- That market rate is not the same as a fair rate of return
- To use the language of the ordinance for the form

Barbara Vestal made a motion to amend and strike the words "fair market" before rent and "as indicative of a fair rate of return" after similar building in the text below Additional Rent Board Approved Increase.

-The sentence would then read:

"...and/or a unique relationship between Landlord and a current and/or a prior Tenant such that the Base Rent charged as of June 1, 2020 was unusually low and not an accurate reflection of the rent which would be charged for a unit...or charged by others for comparable units in a similar building.

-2nd by Michelle Dunham

Other Board members had points to discuss before a roll call vote was taken.

Austin Sims proposed that the Board retain the bolded words with mention to its place in the ordinance "Additional Rent Board Approved Increase: Any additional increase...(6-234 (b)(5)(d))" and strike all text thereafter. That this form can be amended as cases are presented before the Board.

-2nd by Elliott Simpson

-Vote: 7-0

Elias Kann made a motion to finalize the document until after the Executive Session

-2nd by Austin Sims

-Vote: 7-0

B. DRAFT LANDLORD OTHER RELIEF APPLICATION

Barbara Vestal addressed the Board.

Similar changes were made to this form as the previous agenda item

-Property Owner was changed to Landlord

-CBL was added

-Clarifies this form is to request relief other than a rent increase. If a rent increase is desired, a Landlord would have to use the other form

Signatures required of both tenant and owner

Austin Sims made a motion to table this document, not the discussion, until after the Executive Session.

-2nd by Elias Kann

-Vote: 7-0

VII. HIGHER-LEVEL BOARD ORGANIZING RULES AND PROCEDURES

Elliott Simpson addressed the Board.

Austin Sims made a suggestion for Article III, Section 2 to state "at least three (3) full business days' notice is given to each member". This is having to add "full" between three (3) and business.

-Barbara and Elliott accepted this to be revised.

Barbara and Elliott reviewed Anne's suggestions with the Board in regards to Article IV.

-b would be approval of minutes. "Report of decisions of the previous meeting" will be struck.

-c needs to detail what is meant by communications

communications from the Housing Safety office or written comments received prior to the meeting, including from the public

-consent agenda will remain as a placeholder temporarily

Barbara and Elliott will be revising Article V

- Require notice given by electronic mail at least seven (7) days in advance of a hearing
- The forms need to be revised to ask for an email address
- 5. will be deleted

Anne Torregrossa made some suggestions to the Board

- Most other Boards hear issues that have wide interest beyond the property in which they are sitting
 - For example: A conditional use request will define how the property is used and will have an impact on the neighbors. Or the outside appearance will have an impact on neighbors and historic preservation
- The Rent Board's jurisdiction is either a dispute between two parties or a request by one party to raise their rent
 - In the case of a dispute between two parties, the Board should decide if they want public comment (not required to take it) and if so, how will the Board limit or control that (public commenting multiple times).
 - For example, if a tenant has a witness, that person would not fall under public comment
 - In the case of a Landlord requesting a rent increase, the public may not have any interest in it, however, the tenant it would be affecting might and noticing them
- The Board needs to determine how decisions will be made and drafted
 - Having good decision forms
 - For example: the ZBA's decision forms lay out all the various pieces of the ordinance that they need to find in order to grant or deny conditional use or variance. The Secretary records the findings as people are making motions.
 - The Board has a discussion about their findings and discusses which way the Board is going to go.
 - For example: the Board agrees on a rent increase, the Board agrees to deny a tenant's application. Somebody is charged with writing the decision as the Board has articulated it. At the next meeting, the Board makes any changes to that proposed decision and votes on it. The dissenting report can happen as well.

Elias Kann made a motion to reschedule the Executive Session to the next meeting or a special meeting

Elliott Simpson made a motion to finish the current item, table the Tenant Intake Form for the next meeting, go over Agenda item IX for comment, and to schedule a meeting for June 7 2021 at 5pm.

- 2nd by Ian McCracken
- Vote: 7-0

Ian McCracken left the meeting at 7:59pm

Elliott Simpson proposes to end the discussion of this agenda item. Him and Barbara will make the edits as discussed throughout the meeting. This will be on the agenda for the next meeting.

VIII. REVISED TENANT INTAKE FORM

Tabled for next meeting on 6/7/21

IX. RULES & EVIDENTIARY REQUIREMENTS SPECIFICALLY PERTAINING TO REMIT OF RENT BOARD

Christopher "Buddy" Moore presented the form to the Board.

Feedback was given from Board members to be revised for the next meeting in regards to public comment and interested parties.

X. EXECUTIVE SESSION

Tabled for next meeting on 6/7/21

XI. ADJOURN

*Agenda for next meeting on Monday, June 7. 2021

Roll Call

Minutes

Tenant Intake Form

Landlord Intake Form

Higher-level Board Organizing Rules and Procedures

Rules & Evidentiary Requirements Specifically Pertaining to Remit of Rent Board

Executive Session

Adjourn

Deadline for agenda items to be submitted to Housing Safety office is Wednesday, June 2 at end of business day (4:30pm)

Austin Sims moved to adjourn

-Vote: 6-0

Ian McCracken absent

Meeting end time: 8:34pm



CITY OF PORTLAND
Permitting and Inspections Department

Tenant Complaint Form

Complete this form (or file online) to file a complaint with the Housing Safety Office. Before signing, please read the disclosure of additional/alternative protections, and indicate at the bottom of the form whether you would like to seek a Rent Board hearing.

Tenant Name(s): _____

Phone: (____) _____ - _____ **Email:** _____

Mailing Address: _____

Landlord Name: _____

Phone: (____) _____ - _____ **Email:** _____

Mailing Address: _____

Rental Property Address: _____ **Unit:** _____

Accommodations:

- ☐ Interpretation Services required for Rent Board hearing or staff interaction.
- ☐ Staff assistance needed.

- ☐ I need the renter protections provided in the new rent control ordinance explained to me in greater detail by the Office of Housing Safety.

Type of complaint:

- ☐ Amount of rent the landlord may charge the tenant. (If you wish to appeal a rent increase to the Rent Board, please fill out the Rent Increase Appeal Application.)
- ☐ A tenancy-at-will was terminated without giving 90-days notice or without providing an inconvenience fee, in violation of Sec. 6-236.
- ☐ After January 1, 2021, landlord failed to provide tenant's rights document and/or failed to post a copy of tenant's rights document in a conspicuous common area. (Sec. 6-238 (d))

Type of Complaint, continued...

- ☐ Landlord attempted to require, encourage, or induce tenant to waive the privileges provided in the Rent Control ordinance (Sec. 6-239.)

- ☐ Individual believes landlord discriminated against them by refusing to rent to them in violation of Sec. 6-237, based on the following (mark all that apply):
 - ☐ Race, color, sex, sexual orientation, physical or mental disability, ancestry, national origin, or family status.
 - ☐ Source of income.
 - ☐ If they receive federal, state, or local rental assistance program.
 - ☐ Landlord refused to comply with federal, state, or local requirements of rental assistance program as described in Sec. 6-237 (d).

- ☐ Tenant wishes to report a violation of Maine statute regarding the habitability of residential units. NOTE: Statute of Habitability Concerns (6-263 (c) (please select any that apply):

☐ Inadequate Heat/Faulty Heat System	☐ Leaking Ceilings
☐ Inadequate Hot Water	☐ Unfit Drinking Water
☐ Poor Air Quality	☐ Unsafe Electrical Wiring
☐ Malfunctioning Sewer System	☐ Other: _____

Comments (please describe any more details of your complaint):

(NOTE: Please see disclosure form below for more information.)

Disclosure of Additional/Alternative Protections

Any complaint made to the Housing Safety Office (HSO) via this form will be investigated by the appropriate members of City Staff. If HSO found a violation, the landlord would be asked to correct it. If the landlord did not do so willingly, the HSO would issue a notice of violation (NOV). If the NOV was not successful, HSO has the option of issuing a summons or filing a complaint in court to enforce the ordinance.

NOTE: THIS DOES NOT PREVENT A TENANT FROM SEEKING A RENT BOARD HEARING FOR ANY OF THE ABOVE ALLEGED VIOLATIONS.

Any action taken by HSO will be separate from any decisions made by the Rent Board, but evidence from an HSO investigation may be used by a party seeking a Rent Board hearing.

Warrant of Habitability: if a tenant requests that a landlord correct a breach of the warranty of habitability, and the landlord refuses, the tenant may appeal this refusal to the Rent Board. This type of Rent Board Hearing DOES NOT require the signature of the landlord. The Rent Board is also limited in their jurisdiction in enforcing allegations of the breach of warranty of habitability.

Allegations of warranty of habitability violations are typically handled and enforced in District Court. To do this a tenant must first give written notice of the alleged violation to the landlord. If the landlord fails to address the issue, the tenant may file a complaint in District Court. If the court finds that the warranty of habitability is breached, the court can order that the condition be fixed, that the landlord rebate a certain amount of rent paid while that condition existed, require the landlord to pay temporary relocation costs for the tenant while the condition is being fixed, and similar remedies.

Discrimination: The Maine Human Rights Act (MHRA) also prohibits housing discrimination based on protected class, with some added protections that are not in the rent control ordinance. In order to use the protections in the MHRA, a tenant must file a claim in the Maine Human Rights Commission, and then eventually in court. A court could order the landlord to put the tenant in housing and/or award monetary damages to the tenant.

In cases of discrimination based on source of income, the protections provided under the City of Portland's rent control ordinance may be greater than those provided by the Maine Human Rights Act. To learn more about the Maine Human Rights Act, contact the Maine Human Rights Commission at 51 State House Station, Augusta, Maine 04333-0051, by phone at (207) 624-6290 ; or by fax at (207) 624-8729

☐ I WISH TO SEEK A RENT BOARD HEARING, REVIEW, AND DECISION REGARDING MY COMPLAINT OR DISPUTE.

(NOTE: Signatures only required if seeking a Rent Board Hearing)

* Please include any relevant documentation for the Housing Safety Office and/or Rent Board's consideration. *

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Signature of person assisting tenant (s): _____ Date: _____

Landlord signature : _____ Date: _____

Signature of person assisting tenant: _____ Date: _____

(NOTE: Landlord signature **not required** if tenant is seeking a Rent Board Hearing regarding an alleged breach of the warranty of habitability. Please read the above disclosure form for more information about seeking a remedy in District Court for allegations of the breach warranty of habitability.)

Complete this form to ask for a rent increase above that automatically allowed by ordinance (e.g. other than annual CIP, real estate tax increase, new tenancy, and/or banking). To request "other relief" from the Rent Board (other than a rent increase), complete a Landlord Application – Other Relief form.

_____ Portland, ME _____
 Street number & name Unit number(s) Zip code

Type of unit: _____ Rented single family home or rented condominium unit
 _____ Apartment or live-work space
 _____ Room
 _____ Other (describe) _____

Any relevant prior Rent Stabilization case(s): _____

Landlord Applicant's Name: _____

First Name	Middle Initial	Last Name

Mailing Address: _____

Landlord's Representative ___ No representative ___ Attorney ___ Non-attorney

Name: _____ Firm/Organization _____

Mailing Address: _____

Phone Number: _____ Email: _____

Tenant(s) Information: (If there are more than 3 affected tenants, attach additional sheet.)

Tenant's Name: _____

First Name Last Name Unit #

Mailing address if different _____ Email address: _____

Tenant's Name: _____

First Name Last Name Unit #

Mailing address if different _____ Email address: _____

Tenant's Name: _____

First Name Last Name Unit #

Mailing address if different _____ Email address: _____

[Accommodations:

Section about accommodations to be inserted here, parallel to the section on accommodations created for the Tenant intake document.]

~~[This following section on exemptions may be moved to a different document which will also contain cautions about overlapping jurisdiction.]~~

Jurisdiction:

Please make sure that your property is controlled by the Rent Stabilization Ordinance prior to submitting this form. The following types of housing are generally exempt: units owned by Portland Housing Authority; accommodations provided in a hospital, convent, church, religious facility, or extended care facility; dormitories owned and operated by an institution of higher education or by Portland Public Schools; subsidized housing; accessory dwelling units (ADUs) as

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defined in Portland's Land Use Code; and units in buildings with 2, 3 or 4 dwelling units, one of which is the principal residence of the landlord. (If there is only one dwelling unit and it is rented to a tenant, it is subject to the Rent Stabilization ordinance.) If you have questions about the exemptions, please consult with the [staff of the](#) Housing Safety Office [prior to submission](#).

Are there 2, 3 or 4 dwelling units in the building at that Street Address: ____ yes ____ no
If no, skip next section.

If 2, 3 or 4 dwelling units, is at least one dwelling unit in the building occupied by a "LANDLORD" as his or her principal residence? ____ yes ____ no. For this purpose, "Landlord" is defined as "an owner, manager, managing agent, sublessor or other person having the right to rent or sell or manage any housing unit or rental property, or any agent of these individuals or entities."

If yes, which unit is occupied by a Landlord? _____

Name of Landlord occupying that unit: _____

Phone: (____) _____ Email: _____

Mailing address: _____

Duties of Landlord: _____

If 2, 3 or 4 dwelling units AND one of those dwelling units is the principal residence of a landlord, this building should be exempt from the Rent Stabilization Ordinance.

Relief Requested:

____ I am seeking **approval to charge more rent** than appears to be automatically allowed in accordance with the Rent Stabilization Ordinance. (Only increases for annual allowable CPI, real estate tax increase, new tenancy, and banking are allowed without a hearing. In addition, increases for consolidation of two or more units may be made without a hearing if established in accordance with the formula contained in the Ordinance (6-233(d)).

If seeking a rent increase, please identify the basis for your request and attach the specified information and such other information as you believe supports your request: (Check all that apply.) Note: It is possible to apply in advance for approval of a rent increase on the grounds of renovation, reconfiguration and/or capital improvement costs should specified proposed work be completed, but the approval of any rent increase, if granted, will be conditioned upon the increase not going into effect until the Landlord Applicant proves to the satisfaction of the Housing Safety Office that all of the work which was the justification for the rent increase has been completed as proposed. Furthermore, regardless of Rent Board approval of a rent increase, any such increase may not go into effect until Landlord has also provided any Tenant(s) then residing in the unit with notice of a rent increase which complies with all legal and contractual requirements for a tenant-at-will or a tenant under lease, as applicable.

____ **Renovation** of a unit or **Reconfiguration** of one or more units (6-233 (c)), any increase or decrease in floor area, the addition or upgrade of apartment or amenities, the cost of the work, and such other information as may be relevant, including a before and after floor plan of each affected unit.

____ **Additional Rent Board Approved Increase: Capital improvement costs, including financing costs** (6-234 (b)(5)(a)), any capital improvement costs for changes to the unit and/or the common areas of the property or the structure containing the Covered Unit, specifically including a description of all work done, the cost of the work, when it was performed (with an emphasis on improvements made within 24 months prior to the application), why it was performed, any financing costs, whether it affected one or more than one dwelling unit, how you proposed to allocate the costs to rent increases if more than one unit was affected, such other information as may be relevant;

____ **Additional Rent Board Approved Increase: Uninsured repair costs** (6-234 (b)(5)(b)), a description of the nature and amount of any casualty loss, e.g. loss due to fire, wind, flood, earthquake or other casualty or natural disaster to the extent that repair of the resulting damage was not reimbursed by insurance proceeds, including the actual repair costs incurred to restore one or more dwelling units and/or common areas of the property or the structure containing a Covered Unit, whether it affected one or more than one dwelling unit, how you propose to allocate the costs to rent increases if more than one unit was affected, such other information as may be relevant;

____ **Additional Rent Board Approved Increase: Increased housing service costs** (6-234 (b)(5)(c)), all services provided by the Owner related to the use or occupancy of a Covered Unit, e.g. "operating expenses", including but not limited to insurance, repairs, maintenance, painting, utilities, heat, hot water, real estate taxes, personal property taxes, elevator services, laundry facilities, legal fees, accounting fees, management fees, janitorial services, refuse removal, furnishings, appliances, smoke and carbon monoxide detectors, fire alarm and sprinkler system maintenance, parking, security services, employee services, emergency response services, snow plowing, and similar costs, and such other relevant information;

____ **Additional Rent Board Approved Increase: Any additional increase, within the opinion of the Rent Board, required to allow the Landlord to receive a fair rate of return** (6-234 (b)(5)(d)), ~~including but not limited to special circumstances, Tenant services in consideration of reduced rent, and/or a unique relationship between Landlord and a current and/or a prior Tenant such that the Base Rent charged as of June 1, 2020 was unusually low and not an accurate reflection of the fair market rent which would be charged for a unit comparable to the Covered Unit in the local market, including proof of the rent charged by Landlord for a comparable unit in the same building, or charged by others for comparable units in a similar building as indicative of a fair rate of return. Other circumstances that might justify an additional increase include, but are not limited to, additional occupants, or any other factor which, in the opinion of the Rent Board, justifies an additional increase to produce a fair rate of return. Please include a brief explanation of the basis for the requested rent increase here and~~

also attach all relevant documentation for Housing Safety Office and/or Rent Board review and consideration:

For all requests for additional rent, please provide the following information for each unit affected:

<u>Unit designation</u>	<u>Rent charged June, 2020</u>	<u>Current rent</u>	<u>Proposed rent</u>

Attach additional sheet(s) if more than 6 units are involved. Please include any relevant documentation for the Housing Safety Office and/or Rent Board review and consideration.

Signature of Landlord Applicant:

Printed name Signature Date

Capacity (if any): _____

You may contact the Housing Safety Office for additional information prior to submitting this Landlord Application Form.

389 Congress Street • Portland, Maine 04101 • 207-756-8131
housingsafety@portlandmaine.gov • [www. Portlandmaine.gov](http://www.Portlandmaine.gov)

Complete this form to ask for other relief from the Rent Board, other than a rent increase above that automatically allowed by ordinance. To request a rent increase, complete a Landlord Application Form for Rent Increase.

Any relevant prior Rent Stabilization case(s): _____

Property Owner's Name ~~and~~ Address and Email address if different than Landlord Applicant:

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Name: _____ Firm/Organization _____

Mailing Address: _____

Phone Number: _____ Email: _____

Tenant(s) Information: (If there are more than 3 affected tenants, attach additional sheet.)

Tenant's Name: _____
First Name Last Name Unit #

Mailing address if different Email address:

Tenant's Name: _____
First Name Last Name Unit #

Mailing address if different Email address:

Tenant's Name: _____
First Name Last Name Unit #

Mailing address if different Email address:

Accommodations:

Section about accommodations to be inserted here, parallel to the section on accommodations created for the Tenant Intake document.]

~~**[This following section may be moved to a different document, with a variety of cautions about overlapping jurisdiction of different laws, etc. This particular section is designed to clarify what types of units are covered by the Rent Stabilization Ordinance so that landlords that are exempt do not apply.]**~~

Jurisdiction:

Please make sure that your property is controlled by the Rent Stabilization Ordinance prior to submitting this form. The following types of housing are generally exempt: units owned by Portland Housing Authority; accommodations provided in a hospital, convent, church, religious facility, or extended care facility; dormitories owned and operated by an institution of higher education or by Portland Public Schools; subsidized housing; accessory dwelling units (ADUs) as defined in Portland's Land Use Code; and units in buildings with 2, 3 or 4 dwelling units, one of which is the principal residence of the landlord. (If there is only one unit and that one unit is

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rented to a tenant, the building is subject to the Rent Stabilization Ordinance.) If you have questions, consult with staff of the Housing Safety Office prior to submission.

Are there 2, 3 or 4 dwelling units in the building at that Street Address: ____ yes ____ no
If no, skip next section.

If 2, 3 or 4 units, is at least one dwelling unit in the building occupied by a "LANDLORD" as his or her principal residence? ____ yes ____ no. For this purpose, "Landlord" is defined as "an owner, manager, managing agent, sublessor or other person having the right to rent or sell or manage any housing unit or rental property, or any agent of these individuals or entities."

If yes, which unit is occupied by a Landlord? _____

Name of Landlord occupying that unit: _____

Phone: (____) _____ Email: _____

Mailing address: _____

Duties of Landlord: _____

If there are 2, 3 or 4 dwelling units AND one of the units is the principal residence of a landlord, this building should be exempt from the Rent Stabilization Ordinance.

____ I am seeking some **other relief** that I believe is within the jurisdiction of the Rent Board,
specifically: _____

Note: For a hearing on "other relief", both Property Owner and Tenant signatures are required. If both sign below, the nature of the request will be evaluated to determine whether it would be appropriate for the Rent Board to hear. The Rent Board will hear, review, and decide the appropriate outcome of a dispute arising between Landlords and Tenants on matters falling within the scope of Article XII of Chapter 6 of the Portland Code, "Rent Control and Tenant Protections Ordinance", also known as the City's "Rent Stabilization Ordinance," if both parties consent to such hearing and resolution. **Both parties must sign this form prior to it being submitted to the Housing Safety Office for processing.**

If the requested relief is not deemed to be appropriate for the Rent Board to hear because it is not within its jurisdiction or authority, staff of the Housing Safety Office may evaluate the requested relief to see whether there is anything else they may do to assist.

We, the undersigned, hereby consent to the scheduling of a Rent Board hearing on the **other relief** specified immediately above. We understand no hearing will be scheduled for at least 14 days after receipt of this form:

Owner: _____
Signature _____ Date _____
Printed name: _____

Tenant: _____
Signature _____ Date _____
Printed name: _____

Tenant: _____
Signature _____ Date _____
Printed name: _____

Tenant: _____
Signature _____ Date _____
Printed name: _____

DRAFT

This is the second draft of a portion of the proposed Rules of the Portland Rent Board, prepared for consideration of the Board by Elliott Simpson and Barbara Vestal. This draft intentionally excludes the sections on “Conduct of Public Hearings” and on “Deliberations, Voting and Decisions”, which are being drafted by Buddy Moore and Ian McCracken. The intent is for these Rules to be consistent with the provisions in Chapter 6, Article XII. Rent Control and Tenant Protections and Article XIII. Rent Board, but to provide additional guidance for its operation.

RULES OF THE PORTLAND RENT BOARD

ARTICLE I. GENERAL PROVISIONS

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

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

ARTICLE II. OFFICERS AND DUTIES

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

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

ARTICLE III. MEETINGS

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

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

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

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

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

ARTICLE IV. ORDER OF BUSINESS

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

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

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

ARTICLE V. NOTICE

The Housing Safety Office shall give notice of public hearings in the form and manner and to the persons herein specified. The notice shall include the time and place of such hearing, a description of the contents of the matter to be heard and the address or location of the property involved. Where notice ~~by mail~~ is required, it shall be given by electronic mail at least seven (7) mailed at least ten (10) days in advance of the hearing date, by regular United States mail. Applicants (both landlord and tenant) must provide a valid email address of all parties for noticing purposes. In the event that an applicant is not able to provide a valid email address or otherwise requires noticing by alternative means, the applicant may request a reasonable

alternative method of noticing from the Housing Safety Office. Absent alternative methods,
Notices shall be given to each of the following as specified:

1. In all cases, to the applicant at the email address furnished by the applicant on the application;
2. In all cases, to all residents of the city by posting the agenda and certain materials for scheduled meetings on the City of Portland Agenda Center. The agenda and certain materials for a regular Wednesday meeting shall be posted by the close of business on the previous Friday. publication in a newspaper of general circulation in the city at least once, not more than 30 nor less than five days before the hearing, and by mail to the applicant.
3. In the case of a hearing relating to alleged impermissible action by a landlord or proposed landlord, by email mail to the alleged landlord as listed on the complaint form which was signed by landlord, and, if different, by email mail to the owner of the real property at which the impermissible action is alleged to have occurred as listed by the Assessor's Department as those against whom taxes are assessed, and by email to the owner of said real property as listedshown in the Housing Safety Office rental registration for that property address, and by email to any property manager listed in the Housing Safety Office rental registration for that property address.
4. In the case of a hearing relating to a landlord application for a rent increase, by mailemail to the applicant as listed on the application form, and, if different, by mailemail to the owner of the real property at the email address as listed on the application form, -shown in Tax Assessor records, and by email to the owner of the real property as shownlisted in the Housing Safety Office rental registration records for the property address, and by email to any property manager listed in the Housing Safety Office rental registration records for the property address, and by email to the tenant(s) of any dwelling unit(s) that is/are the subject of the proposed rent increase. If there is more than one tenant in a dwelling unit, it is preferable for email notice to be given to each adult tenant of the dwelling unit, but notice shall be deemed sufficient hereunder for that dwelling unit if it is emailed to at least one tenant who is then residing in the dwelling unit and is of suitable age and discretion.
5. In the case of mediation, to the landlord and to the tenant who have consented to mediation at the address listed on the mediation application form, but notice of mediation need not be given to all residents of the city by publication as detailed in 2, above. [This mediation notice provision is a placeholder, pending resolution of larger questions about how the Rent Board is going to handle mediation, whether it is going to try to provide mediation itself in some form, or whether it might refer to a private agency such as Family and Community Mediation, possibly with a contract with the City.]

ARTICLE VI. CONDUCT OF PUBLIC HEARINGS [OMITTED] *This section is being drafted by Ian McCracken and Buddy Moore. However, we want to flag a couple of easily overlooked provisions in the ordinance that may need to be further fleshed out, or at least acknowledged. 6-255 states the Chair can designate "any person or organization as a specially*

interested party for purposes of offering evidence and conducting cross-examination at hearings” and 6-260 (c) directs that notice of any decision shall be mailed to the applicant and to “any designated interested parties” within 5 days. We aren’t sure of the way this will be implemented, but our initial reaction is that if the Chair does so designate, to maintain order, Rules should specify that cross-examination will be done through the Chair, not directly.

Below are three provisions from the Historic Preservation Committee Rules that we think are worth considering for inclusion in the Rent Board Rules:

This would allow a limited opportunity for response after an applicant offers rebuttal evidence:

Response: ~~It is within the discretion of the chair to allow m~~Members of the public to ~~may~~ respond to new issues raised by answers or information provided by the applicant or by staff. ~~It shall be within the discretion of the Chair to determine whether a response is appropriate.~~ In making this determination, the Chair shall decide whether the response constitutes facts or information which could not have been presented during the public comment period. The Committee may override such a determination by the Chair by a majority vote.

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This establishes a process for wrapping up a meeting even if we have not made it all the way through the printed agenda, subject to suspension of rules by majority vote. The City Council and Planning Board have similar rules.

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

ARTICLE VII. DELIBERATIONS, VOTING, DECISIONS [OMITTED] *This section is being drafted by Ian McCracken and Buddy Moore. However, we believe the following, also from the Historic Preservation Committee, is worth considering for inclusion.*

As we work as a Board to interpret the ordinance, this would be a good way to document it if there are differing opinions. It might also be relevant to future recommendations to the City Council on changes and amendments to the Rent Stabilization Ordinance.

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

ARTICLE VIII. AMENDMENT OF RULES

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

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

DRAFT



CITY OF PORTLAND
Permitting and Inspections Department

Rent Board Committee – PUBLIC HEARING RULES OF PROCEDURE

- 1) No business may be transacted by the Board without a quorum, consisting of four (4) members. The concurring vote of at least four members of the Board is necessary to sustain a ruling.
- 2) The Board and members of the public are expected to act with civility and to treat each other with mutual respect.
- 3) All remote meetings will be live-streamed online. In-person meetings may be live streamed pending availability of City resources. Recordings and minutes of past meetings are available in the Agenda and Minutes page of the City's website.
- 4) In cases where a party or parties have a scheduled hearing with Rent Board, interested parties are defined as tenants and/or landlords who have filled out and submitted one of the following from the City of Portland's Department of Permitting and Inspections: Property Owner Application Form, Tenant Complaint Form, and/or the Rent Increase Appeal Application. The Rent Board may designate, by a motion, second, and approval from chair, any other person, municipal department organization to speak during the public comment section, so long as the motion or second does not come from the Chair.
 - a) Applicant is defined as the interested party who first initiated contact with the Housing Safety Office via any of the aforementioned forms.
 - b) Objector is defined as any interested party disputing the claims made by the applicant in the aforementioned forms.
 - c) The Chair shall begin each hearing with the following statement:

Good evening, folks.

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

The Rent Board Committee has convened today to hear, review, and rule on the totality of the evidence presented by applicant _____, as well as objector _____. (If no objector is present, as in an undisputed landlord request for rent increase, please write N/A.)

- d) Following this introduction, the Chair shall provide an overview of the Hearing Procedure, as described below in items e) through o).
- e) Following review of hearing procedure, the Chair will begin the hearing.
- f) Applicants will then state their case before the Board, and may present witnesses and offer documentary evidence.
- g) Following the conclusion of the applicant's case, the objector may present witnesses and offer documentary evidence.
- h) Applicants may then offer rebuttal evidence.
- i) At the discretion of the Chair, any other designated interested parties may present additional evidence to the Board.
- j) Acting through the Chair, interested parties may cross-examine witnesses. The Chair may limit irrelevant, immaterial, or unduly repetitious evidence.
- k) Acting through the Chair, members of the Board may ask questions of any interested parties, including but not limited to the Applicant and/or the Objector.
- l) Members of the public may respond to new issues raised by answers or information provided by the applicant, objector, or by staff. Members of the public may only contribute to the hearing if a motion, second, and Chair Approval gives them the floor. It shall be within the discretion of the Chair to determine whether a response is appropriate. In making this determination, the Chair shall decide whether the response constitutes facts or information germane to the hearing. The Committee may override such a determination by the Chair by a majority vote.
- m) At the conclusion of the public response, the public portion of the proceeding will be closed and the Rent Board will deliberate and rule on the application, pursuant to the applicable provisions of Articles XII and XIII of the City of Portland Code of Ordinances, (i.e. Rent Control and Rent Board, respectively.)
- n) Notice of any decision made by the Rent Board will be mailed to the applicant and to any designated interested parties (including but not limited to an Objector) within 5 days of a ruling being made.
- o) Appeals from decisions of the Rent Board may be filed in the Superior Court, pursuant to Sec. 6-262 of the City of Portland Code of Ordinances and M.R. Civ. P. 80



CITY OF PORTLAND
Permitting and Inspections Department
Capital Improvement Costs Allowance Form

Capital Improvements are generally considered to be improvement that add material value to a home or property, prolongs its useful life, or adapts it to new uses. Generally, costs of repairs and maintenance NOT considered capital improvement costs are those which:

1. are necessary to keep a property in good condition but don't add to its value or prolong its life (e.g., painting, fixing leaks, fixing holes, routine maintenance and repairs, etc.);
2. are no longer part of a property; or
3. have a life expectancy, once installed, of less than a year.

If you are seeking a rent stabilization allowance for increased housing service costs like those described above, please fill out the form titled Rental Allowances for Increased Housing Service Costs from the Housing Safety Office instead. If you are unsure which form to use, please contact the Office of Housing Safety for guidance.

Rental Property Address: _____ Portland, Maine _____
Street number and Name Zip Code

Unit Numbers: _____ **Chart Block and Lot Number (CBL) for parcel:** _____

Type of unit: _____ Rented single family home or rented condominium unit
_____ Apartment or live-work space
_____ Room
_____ Other (describe): _____

Landlord Applicant Name: _____

Company/LLC/Inc./ Partnership (if applicable): _____

Phone: (____) _____ - _____ **Email:** _____

Mailing Address: _____

Property Owner's Name and address if different than landlord applicant:



CITY OF PORTLAND
Permitting and Inspections Department
Request for Rent Stabilization Allowance for Capital Improvement Costs (Cont.)

Landlord Representative: ___ No Representative ___ Attorney ___ Non-attorney

Name: _____ **Firm/Organization:** _____

Phone: (_____) _____ - _____ **Email:** _____

Mailing Address: _____

Instructions: Please use the attached worksheet to calculate total allowable rent increases for capital improvement costs.

Note: No total rent stabilization allowances for a given year may exceed 10%. If the total of capital improvement cost increases results in a total rent stabilization allowance over 10%, the difference may be banked for subsequent yearly increases.

CITY OF PORTLAND
Permitting and Inspections Department
Capital Improvement Costs Worksheet

Improvement	Relevant Units	Number of Units	Date Completed	Out of Pocket Costs	Self- Labor Hours	Self-Labor Rate	Self- Labor Cost	Total Cost:	Rate of Calculation	Allowable Increase Amount Per Unit
1. Additions:										
Bedroom									.010	
Bathroom									.010	
Deck									.010	
Garage									.010	
Porch									.010	
Patio									.010	
2. New Systems										
Heating System									.010	
Central Air Conditioning									.010	
Furnace									.010	

Duct Work									.010	
Central Humidifier									.010	
Air/Water Filtration systems									.010	
Wiring									.010	
Security System									.010	
Lawn Sprinkler System									.010	
3. Exterior										
Storm Windows/Doors									.010	
New Roof									.010	
New Siding									.010	
Satellite dish									.010	
4. Interior										
Built-in appliance									.010	
Kitchen Modernization									.010	
Flooring									.010	
Wall-to-wall carpeting									.010	

Fireplace									.010	
5. Plumbing										
Septic System									.010	
Water Heater									.010	
Soft water system									.010	
Filtration system									.010	
6. Insulation										
Attic									.010	
Walls									.010	
Floors									.010	
Pipes and Duct Work									.010	
7. Other									0.10	

Please attach copies of invoices, receipts, canceled checks, time cards, and/or other documents to verify the cost of capital improvements.
Please arrange these in the order they appear on this worksheet, and number each page beginning with this Form and Worksheet as pages 1-5.



CITY OF PORTLAND
Permitting and Inspections Department
Increased Housing Service Cost Allowance Form

Rental Property Address: _____ Portland, Maine _____
Street number and Name Zip Code

Unit Numbers: _____ **Chart Block and Lot Number (CBL) for parcel:** _____

Type of unit: _____ Rented single family home or rented condominium unit
_____ Apartment or live-work space
_____ Room
_____ Other (describe): _____

Landlord Applicant Name: _____

Company/LLC/Inc./ Partnership (if applicable): _____

Phone: (____) _____ - _____ **Email:** _____

Mailing Address: _____

Property Owner's Name and address if different than landlord applicant:

Landlord Representative: _____ No Representative _____ Attorney _____ Non-attorney

Name: _____ **Firm/Organization:** _____

Phone: (____) _____ - _____ **Email:** _____

Mailing Address: _____

Instructions: Please use the attached worksheet to calculate total increases in Housing Services costs.

Note: No total Rent Stabilization Allowance for a given year may exceed 10%. Any cost of housing service increases over 10% may be banked for subsequent yearly increases.

389 Congress Street • Portland, Maine 04101 • 207-756-8131
housingafety@portlandmaine.gov • www.portlandmaine.gov

CITY OF PORTLAND
Permitting and Inspections Department
Increased Housing Service Costs Worksheet

Type of Service Cost	Base Year	Comparison Year
Property Tax		
Gas, Propane, Oil, etc. Costs and Repairs		
Insurance (Fire/Liability)		
Legal Fees		
Accounting Fees		
Furnishings		
Laundry Facilities		
Trash Removal		
Appliances		
Smoke and Carbon Monoxide Detectors		
Maintenance and General Repair Expenses		
Fire Alarm and Sprinkler System Maintenance		
Parking		
Security Services		
Employee Services		
Emergency Response Services		
Snow Plowing		
Labor Costs		
Supplies		
HVAC/Ventilation/Air Conditioning Repairs		
Elevator Services Costs and Repairs		
Cleaning		
Other (specify):		
Total:		

Please attach copies of invoices, receipts, canceled checks and other documents to verify the cost of housing service increases. Please arrange these in the order they appear on this worksheet, and number each page beginning with this Form and Worksheet as pages 1 and 2.

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housingafety@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department
Uninsured Repair Cost Allowance Form

Rental Property Address: _____ Portland, Maine _____
Street number and Name Zip Code

Unit Numbers: _____ **Chart Block and Lot Number (CBL) for parcel:** _____

Type of unit: _____ Rented single family home or rented condominium unit

_____ Apartment or live-work space

_____ Room

_____ Other (describe): _____

Landlord Applicant Name: _____

Company/LLC/Inc./ Partnership (if applicable): _____

Phone: (____) _____ - _____ **Email:** _____

Mailing Address: _____

Property Owner's Name and address if different than landlord applicant:

Landlord Representative: _____ No Representative _____ Attorney _____ Non-attorney

Name: _____ **Firm/Organization:** _____

Phone: (____) _____ - _____ **Email:** _____

Mailing Address: _____



CITY OF PORTLAND
Permitting and Inspections Department
Uninsured Repair Cost Allowance Form
(Continued...)

Please provide a description of the nature and amount of any casualty loss (e.g., loss due to fire, wind, flood, earthquake or other natural disaster:

Please provide additional information on how costs will be allocated if multiple units are affected:

Provide any other information you feel may be relevant:

Permitting and Inspections Department Uninsured Repair Cost Worksheet

Use this worksheet to determine the total costs of uninsured repairs you are requesting as an additional rent stabilization allowance, pending Rent Board approval, which can equal a total of no more than a 10% increase per year.

[illegible]

Please attach copies of invoices, canceled checks and other documents to verify the cost, completion date, bank financing, self-labor hours and proof from your insurance company that each casualty loss was not reimbursed by insurance proceeds. Please arrange these items in the order they appear on this worksheet, and number each page beginning with this Form and Worksheet as pages 1, 2, and 3.