



REMOTE RENT BOARD COMMITTEE

June 23, 2021

5:00 PM

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I. ZOOM INFORMATION:

Please click the link below to join the webinar:

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II. ROLL CALL

III. REVIEW AND ACCEPT MINUTES FROM JUNE 7, 2021

- a. Minutes from June 7, 2021 Remote Rent Board Meeting

IV. VOTE FOR CHAIR AND VICE CHAIR

V. RATE OF CALCULATION AND CAPITAL IMPROVEMENT COSTS

- a. Notes on Fair Return and Capital Improvement Costs

VI. TENANT INTAKE FORM

Tenant Complaint Form Clean Draft

Proposed Combined Tenant Complaint & Rent Increase Appeal Application

VII. MERGING OF HIGHER LEVEL RULES WITH RULES & EVIDENTIARY REQUIREMENTS FOR HEARINGS

Draft Rent Board Rules of Procedure - Substantive Redline

Note: The file "substantive redline" highlights text changes from the partial drafts that were last seen by the Board. Please note that the redline does not capture every single change in placement, font, formatting, etc. which were made to merge the two documents into one. For ease of review, the redlining is intended to identify the substantive text changes from the prior drafts once the sections of text were merged into one document.

Draft Rent Board Rules of Procedure - Clean

Note: This is a clean version, accepting all of the redlined changes.

VIII. PRESENTATION BY OPENMAINE

IX. ADJOURN

Minutes

Remote Rent Board Meeting - Held Via Zoom
Monday, June 7, 2021

Start time: 5:02pm

II. ROLL CALL

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 (arrived late)
Elliott Simpson, Tenant, District 3
Ian McCracken, Landlord, District 4
*Elias Kann, Tenant, At-Large (arrived late)

Staff Present:

Anne Torregrossa, Corporation Counsel
Katlyn Sawyer, Licensing & Registration Coordinator
*Zachary Lenhert, Licensing & Housing Safety Manager (arrived late)

III. MINUTES

*Michelle Dunham joined the meeting

Austin Sims moved to accept the minutes from the prior meeting with no amendments except for a comment that some items had no vote due to waiting for the Executive Session first

Second by Michelle Dunham

Vote: 6-0 (Elias Kann is absent at this time)

IV. TENANT INTAKE FORM

Christopher "Buddy" Moore presented his changes to the form

Changed to the Accommodations section

Interpretation Services - for Rent Board hearing or staff interaction

Added to the Accommodations section

"I need the renter protections provided in the new rent control ordinance explained...by Office of Housing Safety"

Added the Disclosure of Additional/Alternative Protections

Austin Sims suggested the first paragraph on the Disclosure page be bulleted for easier reading

Barbara Vestal addressed her concerns/comments towards the document

- Questioned the Rent Increase Appeal Application mentioned in the first complaint check box on page 1 of the tenant complaint form

- “Buddy” Moore noted that he has yet to draft the form

- Suggested to add the Tenancy-At-Will to the disclosure page and that the District Court has jurisdiction over it

- Suggested that the “Note:” at the bottom of page 3 is changed to say - “Note: Signature of Landlord is only required if seeking a Rent Board hearing unless warranty of habitability allegation is involved”

- The line of “Signature of person assisting tenant” - either need more information or less. Either need to know who the person is and what their capacity is or just leave it out

- Need a printed name with capacity (could be included at the top in the Accommodation section

Austin Sims mentioned that we can reduce the extent of page 3 by only leaving 3 tenant signature lines and making a note that in excess of the 3 signatures that they attach another page

- In regards to the Rent Increase Appeal Application, the Board will need to decide if this will be a separate form or a subsection of the same form

Michelle Dunham suggested that the checkbox at the top of page 3 “I wish to seek a Rent Board hearing, review, and decision regarding my complaint or dispute” that it be moved below the signatures so that it doesn’t get missed

- Also that it be changed from a checkbox or a line where they would initial so they both the Rent Board & tenant(s) are aware that’s what they are asking for

Elliott Simpson suggested replacing the multiple tenant signature lines with contact information for other tenants in the unit, knowing that there may be a primary contact.

The Board will return to this document after the Executive Session.

V. LANDLORD INTAKE FORM

A. DRAFT LANDLORD APPLICATION RENT INCREASE

Barbara Vestal addresses the changes to the form

- Added

- 1st page - email addresses

- 2nd page - tenant information and to collect email addresses for each tenant
- Needs to put "Buddy" Moore's accommodation section to add within the form

- On page 4 on the bottom "Additional Rent Board Approved Increase...receive a fair rate of return (6-234(b)(5)(c))"

- Examples were taken out

- Added a section for them to explain the basis for the requested rent increase and need to attach all relevant documents

Austin Sims suggested that it is noted somewhere what can and cannot be considered for increases for this year and next

Barbara noted that she included it at the top of the form

CIP needs to be changed to CPI

The Board will return to this document after the Executive Session.

B. DRAFT LANDLORD APPLICATION OTHER RELIEF

Barbara addressed the changes to the form

Added email addresses in a few places

The Board will return to this document after the Executive Session

VI. HIGHER-LEVEL BOARD ORGANIZING RULES & PROCEDURES

Elliott Simpson addressed the changes

- Several adjustment to terminology within the document

- Making the "Communications" more clear

- Added a note into the Order of Business that allows the Chair to prioritize things during the meeting to make sure a tenant complaint or improper rent increase is addressed first thing and new business

- Article V: regarding the availability of email addresses, updated that to 7 days instead of 10 given that it is email versus snail mail. Also added that applicants provide valid email addresses.

- Item #5 was removed

- Item #4: If more than one tenant in dwelling unit, it is preferable for email notice to be given to each adult tenant but notice shall be deemed sufficient if email to at least one tenant

Barbara suggested that the below item needs to be discussed in the Executive Session

- Item #2 states that "on the Agenda Center the agenda and certain materials will be posted"

Elliott addressed the rest of the document

- Article VI: inserted language about public response
- Article VII: changing Committee to Rent Board

The Board will return to this document after the Executive Session

VII. RULES & EVIDENTIARY REQUIREMENTS SPECIFICALLY PERTAINING TO RENT BOARD

A. DRAFT PUBLIC HEARING RULES OF PROCEDURE

*Elias Kann joined the meeting

"Buddy" Moore addressed the changes

- Removed the "interested parties" language and replaced with party/parties
- Discussed more of public commenting

Upon further discussion it was determined that the most up to date version was not submitted

"Buddy" Moore then suggested:

- changing party & parties to applicant and objector
- taking out the language about the Appeal form
- changing the language about the property owner application form
- include the part about public comment around any new issues that may arise

The last sentence on item #4 "The Rent Board may designate, by a motion, second, and approval...so long as the motion or second does not come from the Chair" and section (I) was discussed amongst Board members

- Elias Kann suggested that having a motion and second for every single party might be burdensome and make things slow. He also suggested there might be a provision for an override if a certain number of people think that party should be designated
- Austin Sims provided an example for more clarification of Elias' comment
 - If there was a reason for evidence from public comment was given and the Chair denied or approved that any Board member could then raise and look for a second to reverse the Chair's decision

The Board will return to this document after the Executive Session

B. DRAFT CAPITAL IMPROVEMENT COSTS ALLOWANCE FORM

*Zachary Lenhert joined the meeting

Christopher "Buddy" Moore presented the form - first time presentation to Board members

This form is to provide a framework for Landlords to be able to apply and provide the Board evidence in a more recognizable way for Housing Safety & the Board.

Will have to add Accommodations to the form

A noted was added about the 10% maximum rent increase and anything over would be banked for the following year

- The language will be worked on to make it more understandable

The top section of the form defines capital improvements and items that would make up those costs from the IRS

There was discussion about the self-labor rate on the allowance form that "Buddy" Moore found on the Maine Department of Labor website (however was not included for the agenda)

- Skilled Labor Rates

- Unskilled Labor Rates

- Specific Industries

Anne Torregrossa mentioned that building permits costs' are based on the value of the work and should include the self labor. That this may be an easier way to determine the self labor rate.

There was further discussion about the 1% Rate of Calculation

- Anne Torregrossa recommended that the Board should treat each application as its unique own rather than capping the rate of calculation as 1% where it could be less or significantly more

- Barbara Vestal suggested that the form would be more useful for collecting information. That the last two columns to the far left be removed completely (Rate of Calculation & Allowable Increase Amount Per Unit).

- Michelle Dunham raised concerns about trying not to disincentivize Landlords to make capital improvements to ensure that the very aged housing stock gets the attention it needs with the wide variety of base rents throughout Portland

- If the Landlord can't afford to do improvements that it could lead to serious problems to the tenants that live within the building especially if the Landlord does not live there

- Disparities between a smaller landlord versus a larger landlord

- A few other Board members stated that the form was good but that the Rate of Calculation should be removed as each situation is different

-Barbara suggested that some more research is done on how the Rate of Calculation can be calculated with some examples.

-Elias thought that it should be assigned to a couple of Board members

-A few Board members offered to do research on this to bring information back to the Board

C. DRAFT INCREASED HOUSING SERVICE COST ALLOWANCE FORM

"Buddy" Moore presents the form

-Form is similar to the other allowance form with similar changes needed

-Included examples of costs that might be an increased service cost

Ian McCracken suggested that "insurance" be more defined

-Change it to insurance premiums

-For example, if one's insurance premiums go up, that is a service cost versus if you have a major accident and are uninsured, that is a different form.

Barbara asked for more clarification

-line 2 on the allowance form: "gas, propane, oil, etc costs and repairs"

-should explicitly be for heating costs

-utilities are not included

-water or sewer

-management fees are not included

The Board will return to this document after the Executive Session

D. DRAFT UNINSURED REPAIR COST ALLOWANCE FORM

"Buddy" Moore presents the form

-Form is similar as the others

-Created areas for description of the issue and how the costs might be allocated

-The worksheet is for the type of expenses or financing rates that might be involved

The Board will return to the document after the Executive Session

VIII. EXECUTIVE SESSION

Austin Sims made a motion to enter Executive Session pursuant to the statutory section 1 MRSA 405(6)(E) to consult with legal counsel about the Board's rights and duties

Second by Elliott Simpson

Vote: 7-0

The Board entered Executive Session at 7:08pm

Back to public session at 8:33pm

The Board has revisited each agenda item and has voted as follows:

IV. Tenant Intake Form

Austin Sims noted all items that are to be considered for edits

- Rent Increase Appeal application (on page 1 - resolved either by incorporating within the form or creating a second form)
- Contact information
- Disclosure of limits of the Rent Board to deal with the tenancy-at-will
- Applicants not relying on the Rent Board as a defense to an eviction action
- First paragraph of the Disclosure having bullets to make procedures clearer
- Moving the checkbox "wish to seek the Rent Board hearing" to a more prominent location on the last page, to maybe the end of the form
- Signature lines be set up so that tenant(s) signatures are required
- Having the Housing Safety office seeking consent agreement from the Landlord if the tenant cannot provide it at time of the form being filed
- Signature lines of person assisting the tenant be changed to include printed name, their role, email, and address
- Can reduce the number of signature lines and use the same language as on the Landlord Intake Form saying that in excess of three signatures can be given on an additional sheet
- Removing some of the tenant signature lines and using that as contact information for other tenants

Barbara made a motion to table this for consideration at the next meeting

2nd by Michelle Dunham

Vote: 7-0

V. Landlord Intake Form

A. Draft Landlord Application Rent Increase

Barbara moves to adopt this version subject to:

- correcting the typo in the 2nd line from CIP to CPI
- introducing the language on accommodations on the second page parallel to the accommodations on the tenant complaint form

2nd by Elliott Simpson

Vote: 7-0

V. Landlord Intake Form

B. Draft Landlord Application Other Relief

Barbara moves to adopt as presented on 6/7/21

2nd by Elias Kann

Vote: 7-0

VI. Higher-Level Board Organizing Rules & Procedures

VII. Rules & Evidentiary Requirements Specifically Pertaining to Rent Board

A. Draft Public Hearing Rules of Procedure

Barbara made a motion to table this for the next meeting to allow edits and merge both agenda items VI & VIII together as one document which will be considered wholly for adoption

2nd by Ian McCracken

Vote: 7-0

Merging of Higher Level Rules with Rules & Evidentiary Requirements for Hearings which Buddy and Barbara will bring this back to the next meeting

Austin clarified a potential motion on the table is to visually adopt the draft form of these two documents pending proper final approval at the next regularly scheduled Board meeting

-“Buddy” formally motioned that he would move to provisionally adopt these as

Austin previously stated

2nd by Elliott Simpson

Vote: 7-0

VII. Rules & Evidentiary Requirements Specifically Pertaining to Rent Board

B. Draft Capital Improvement Costs Allowance Form

Barbara moves to adopt the form as presented except for deleting the last two columns of the worksheet (Rate of Calculation & Allowable Increase Amount Per Unit).

Austin Sims stated that the motion is amended that we will remove the final two columns of the worksheet (Rate of Calculation & Allowable Increase Amount Per Unit), add an addendum that a building permit could be added as documentation of the costs along with the worksheet, and a citation to a specific definition

2nd by Elias

Vote: 7-0

VII. Rules & Evidentiary Requirements Specifically Pertaining to Rent Board
C. Draft Increased Housing Service Cost Allowance Form

Barbara moves to adopt the form subject to changing line 2 on the worksheet to heating costs, and adding utilities and management fees

2nd by Michelle Dunham

Vote: 7-0

VII. Rules & Evidentiary Requirements Specifically Pertaining to Rent Board
D. Draft Uninsured Repair Cost Allowance Form

Barbara moves to accept the form as presented on June 7th

2nd by "Buddy" Moore

Vote: 7-0

IX. ADJOURN

Austin Sims moves to adjourn the meeting

2nd by Elliott Simpson

Vote: 7-0

Meeting end time: 9:04pm

On the agenda for the next meeting on June 23, 2021

- Research on Rate of Calculation in regards to Capital Improvement Costs
- Tenant Intake Form
- Merging of the Rules

Notes on Fair Return and Capital Improvement Costs

City of Portland Maine, Rent Board Committee June 16 2021
Austin Sims, Chair Pro Tempore, Barbara Vestal Vice Chair Pro Tempore
Authored by committee members Elias Kann and Buddy Moore,

The following are notes taken as a preliminary survey of rent regulation case law, fair rate of return calculation methods, and capital improvement cost allowances. While we recommend prudence in comparing Portland's rent control law to ordinances and municipalities in other states, we believe that these examples should be used as guideposts to inform our work.

Language in Portland's ordinance: "The purpose of this Article is to address increasing rental costs within the City of Portland; to promote neighborhood and community stability; to protect the City's tenant population; to limit arbitrary evictions; and to stabilize and make more predictable future rent increases, all while remaining in conformance with Maine law, and ensuring that Landlords within the City receive a **fair return on investment.**" (6-230)

[T]he Rent Board may approve [. . .] 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))

We treat fair return on investment and fair rate of return as having the same meaning under the ordinance.

Supreme Court Definition of Fair Rate of Return: "Rates which enable the company to operate successfully, to maintain its financial integrity, to attract capital, and to compensate its investors for the risks assumed certainly cannot be condemned as invalid" Power Comm'n v. Hope Gas Co., 320 U.S. 591, 605 (1944)

According to our preliminary survey of pertinent case law, Supreme Court precedent defining a fair return on investment necessary to avoid confiscatory policy (regulatory taking) remains consistent with the 1944 definition cited above. Because this operational definition tracks the language of Portland's Rent Control ordinance, we believe it is the most germane and analogous guidepost by which the Rent Board ought to review and hear landlord requests for rent increases that are "required for a landlord to receive a fair rate of return."

From the same case: The rate-making process under the Act, i.e., the fixing of "just and reasonable" rates, involves a balancing of the investor and the consumer interests. Thus we stated in the Natural Gas Pipeline Co. case that "regulation does not insure that the business shall produce net revenues." 315 U.S. p. 590, 62 S.Ct. 736, 86 L.Ed. 1037. But such considerations aside, the investor interest has a legitimate concern with the financial integrity of the company whose rates are being regulated. Id. at 603, 64 S.Ct. at 288.

The above case was also cited by the Maine Supreme Court in New England Tel. Tel. Co. v. Public Utilities, 390 A.2d 8, 14 (Me. 1978). In the majority opinion for New England Tel. Tel. Co. v. Public Utilities, the Maine Supreme Court went on to say that:

“Ratemaking in theory is a relatively simple process. To the cost of producing the service furnished is added a reasonable return to the investor. The making of public utility rates requires four basic determinations:

1. what are the enterprise's gross utility revenues under the rate structure examined;
2. what are its operating expenses, including maintenance, depreciation and all taxes, appropriately incurred to produce those gross revenues;
3. what utility property provides the service for which rates are charged and thus represents the base (rate base) on which a return should be earned; and
4. What percentage figure (rate of return) should be applied to the rate base in order to establish the return (wages of capital) to which investors in the utility enterprise are reasonably entitled. *Missouri ex rel. Southwestern Bell Telephone Co. v. Public Service Commission*, 262 U.S. 276, 291, 43 S.Ct. 544, 67 L.Ed. 981 (1923) (Brandeis, J., dissenting)¹

This is, of course, a decision made in the context of public utility regulation but we think it is useful to examine precedent made in the context of rate regulation. The balancing of consumer/investor interest so that the regulations do not result in less than a fair rate of return is certainly relevant to our mandate.

In the context of Rent Regulation:

One approach to calculating fair rate of return in regard to rent regulation is the **Maintenance of Net Operating income (MNOI)** method, used by 60% of US Rent control units (as of 1983). This formula is an accepted method to balance landlord and tenant interests and ensure a fair rate of return.²

MNOI Formula: $GROSS\ RENT = BASE\ DATE\ RENT + (CURRENT\ OPERATING\ EXPENSES - BASE\ DATE\ OPERATING\ EXPENSES)$

- Under the maintenance of net operating income standard, owners may obtain rent increases which are adequate to cover increases in operating expenses, furthermore “[i]t is the only standard that assures that a landlord’s net operating income will not be reduced by rent control.”³

¹ *New England Tel. Tel. Co. v. Public Utilities*, 390 A.2d 8, 14 (Me. 1978)

² *Kavanau v. Santa Monica Rent Control Bd* (1997) 16 Cal. 4th at p. 768, 66 Cal. Rptr. 2d 672, 941 P.2d 851.

Vega v. City of West Hollywood (1990) 223 Cal. App. 3d 1342, 1351-1352, 273 Cal. Rptr. 243

Baar, “Guidelines for Drafting Rent Control Laws: Lessons of a Decade” (1983) 35 Rutgers L.Rev. 723, 781-817.

³ Baar 810

- Provides a dollar for dollar “passthrough” for increased operating maintenance expenditures (meaning that cost can be negated through increased rents) to which all owners are entitled.⁴
- MNOI standards are objective and the analysis required to administer them is relatively simple. Subjective evaluation of the reasonableness of operating expenses is required.⁵
- An intermediate choice would be to adjust base date net operating income by a fraction of the inflation rate.
- The MNOI formula can be combined with other formulas in order to avoid penalizing landlords who have an unusually low base rate rent due to exceptional circumstances (special relationship with tenant and others). For example, if a landlord can prove special circumstances, a separate formula could be used to bring their base rent to a value commensurate with other properties of similar class.
- As of 1983 MNOI has done well in court.⁶
- The principal issue with this formula is whether to adjust base date rent and expenditures based on inflation. The result of maintaining the net operating income to gross income ratio or allowing net operating income to grow at the inflation rate would be to allow landlords a growth in income that would be higher than the US average in the unregulated market. Rents increased at about two thirds the inflation rate on average during the seventy year period from 1913-1983. On the other hand, maintaining dollar net operating income at base year value does nothing to adjust for inflation.

Capital Improvement Costs

Capital improvements regulations may be viewed as a tool which can be used to encourage all or certain types of maintenance or improvements. Policy considerations include, encouraging housing maintenance, protection of tenants from rent increases they cannot afford, distinguishing true improvements from ordinary replacements, and determining what type of improvements should be allowed as Capital Improvements.⁷

Some jurisdictions have separate amortization schedules for capital improvements. Currently Portland only has the 10% cap on yearly total rent increases to govern the amortization of capital improvements.

Laws often require that capital improvement rent increases expire once they are fully amortized but in practice this is extremely hard to enforce. In addition, expiring capital improvement costs may create fluctuating rents. The alternative to this is to allow permanent increases for capital improvement costs but not allow interest to be calculated as part of the capital improvement

⁴ Baar (810)

⁵ Baar (816)

⁶ Baar (1983)

⁷ Baar (817)

expense. The result of this method may be approximately the same as if interest expenses were allowed but capital improvement costs expired once fully amortized.⁸

Defining Capital Improvement:

One option is to define capital improvements under IRS guidelines: “Improvements add to the value of your home, prolong its useful life, or adapt it to new uses.”⁹

“Example. You repair a small section on one corner of the roof of a rental house. You deduct the cost of the repair as a rental expense [(not a capital improvement)]. However, if you completely replace the roof, the new roof is an improvement because it is a restoration of the building. You depreciate the cost of the new roof.”¹⁰

Relationship between capital improvement costs and Fair Return Standards

For rent control purposes all expenses must be classified as either capital improvements or operating expenses. In some circumstances characterization of an expense as an operating cost may be preferable for a landlord while, in others, capital improvement treatment may be more desirable. Must differentiate between Capital improvement costs and operating expenses and make this clear to property owners.¹¹

Examples of Capital Improvement Costs, according to the Internal Revenue Service:¹²

Additions	Systems
Bedroom	Heating system
Bathroom	Central air conditioning
Deck	Furnace
Garage	Duct work
Porch	Central humidifier
Patio	Central vacuum
	Air/water filtration systems
Lawn & Grounds	Wiring
Landscaping	Security system
Driveway	Lawn sprinkler system
Walkway	
Fence	
Retaining wall	
Swimming pool	
Exterior	Plumbing
Storm windows/doors	Septic system
New roof	Water heater
New siding	Soft water system
Satellite dish	Filtration system
Insulation	Interior
Attic	Built-in appliances
Walls	Kitchen modernization
Floors	Flooring
Pipes and duct work	Wall-to-wall carpeting
	Fireplace

⁸(See table 8.1) Baar 820

⁹ IRS. Publication 946, How To Depreciate Property. (2020)

¹⁰ IRS 2020

¹¹ Baar (825)

¹² IRS. Publication 946, How To Depreciate Property. (2020)



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:** _____

Tenant Name(s): _____

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

Tenant Name(s): _____

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

Tenant Name(s): _____

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

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))
- ☐ 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.

Termination of Tenancies-at-Will: If you are a tenant-at-will, and your landlord attempts to improperly terminate your tenancy in violation of the City of Portland's Rent Control ordinance (i.e., not providing 90 days notice, or paying the tenant to reduce the required notice) you may wish to request a Rent Board hearing regarding the dispute. HOWEVER, the State of Maine also has a statute that provides tenants with certain rights concerning evictions. Other than "for-cause" evictions, a landlord must generally give 30-day notice when terminating a tenancy. A tenant could use this State statute as a defense to any eviction proceeding, as well as the City ordinance.

Please provide signatures below and indicate if you would like to seek a Rent Board hearing.

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Printed Name of person assisting tenant (s): _____

Relationship to Tenant (s): _____

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

Landlord Signature: _____ Date: _____

Printed Name of person assisting landlord: _____

Relationship to landlord: _____

Signature of person assisting landlord: _____ Date: _____

☐ **PLEASE CHECK THIS BOX IF YOU WISH TO SEEK A RENT BOARD HEARING, REVIEW, AND
DECISION REGARDING YOUR COMPLAINT OR DISPUTE.**

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

**NOTE: Landlord signatures only required if seeking a Rent Board Hearing. Landlord signature is *not required* for a Rent
Board Hearing if tenant is making an allegation regarding the Warranty of Habitability. If you are unable or
uncomfortable obtaining a signature from your landlord, The Office of Housing Safety will reach out to them and
request a signature using the information provided above.**

**Please read the above disclosure form for more information about seeking a remedy in District Court for allegations of
a breach of the Warranty of Habitability.**



CITY OF PORTLAND

Permitting and Inspections Department

Tenant Complaint Form/Rent Increase Appeal Application

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:** _____

Tenant Name(s): _____

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

Tenant Name(s): _____

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

Tenant Name(s): _____

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

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.

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

www.portlandmaine.gov

Type of complaint:

- ☐ Amount of rent the landlord may charge the tenant.

Rent charged as of June 2020 (if known): _____

Rent charged of previous tenant (if known): _____

Current rent, with date: _____ as of _____

Proposed amount after rent increase: _____

Reason for increase, if applicable: _____

(If you wish to appeal a rent increase to the Rent Board, please check the box at the bottom of this document, below the signature page, which allows you to request hearing with the Rent Board.)

- ☐ 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))
- ☐ 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.

Termination of Tenancies-at-Will: If you are a tenant-at-will, and your landlord attempts to improperly terminate your tenancy in violation of the City of Portland's Rent Control ordinance (i.e., not providing 90 days notice, or paying the tenant to reduce the required notice) you may wish to request a Rent Board hearing regarding the dispute. HOWEVER, the State of Maine also has a statute that provides tenants with certain rights concerning evictions. Other than "for-cause" evictions, a landlord must generally give 30-day notice when terminating a tenancy. A tenant could use this State statute as a defense to any eviction proceeding, as well as the City ordinance.

Please provide signatures below and indicate if you would like to seek a Rent Board hearing.

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Printed Name of person assisting tenant (s): _____

Relationship to Tenant (s): _____

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

Landlord Signature: _____ Date: _____

Printed Name of person assisting landlord: _____

Relationship to landlord: _____

Signature of person assisting landlord: _____ Date: _____

☐ **PLEASE CHECK THIS BOX IF YOU WISH TO SEEK A RENT BOARD HEARING, REVIEW, AND
DECISION REGARDING YOUR COMPLAINT OR DISPUTE.**

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

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Board Hearing if tenant is making an allegation regarding the Warranty of Habitability. If you are unable or
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request a signature using the information provided above.**

**Please read the above disclosure form for more information about seeking a remedy in District Court for allegations of
a breach of the Warranty of Habitability.**



CITY OF PORTLAND
Permitting and Inspections Department

RULES OF THE PORTLAND RENT BOARD

ARTICLE I. GENERAL PROVISIONS

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

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

ARTICLE II. OFFICERS AND DUTIES

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

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

ARTICLE III. MEETINGS

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

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

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

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

Section 5. The ~~Board~~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 ~~Board~~Committee shall proceed as follows:

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

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

ARTICLE V. NOTICE

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

- ~~1a.~~ In all cases, to the applicant at the email address furnished by the applicant on the application;

b2. 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.

c3. In the case of a hearing relating to alleged impermissible action by a landlord or proposed landlord, (i) by email to the alleged landlord as listed on the complaint form which was signed by landlord, and, if different: (ii) by email to the owner of the real property containing the dwelling unit involved in the alleged impermissible action 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 (iii) by email to the owner of said real property as listed in the Housing Safety Office rental registration for that property address, and (iv) by email to any property manager listed in the Housing Safety Office rental registration for that property address.

d4. In the case of a hearing relating to a landlord application for a rent increase, (i) by email to the applicant as listed on the application form, and, if different: (ii) by email to the owner of the real property at the email address listed on the application form, and (iii) by email to the owner of the real property as listed in the Housing Safety Office rental registration for the property address, and (iv) by email to any property manager listed in the Housing Safety Office rental registration for the property address. In addition, notice shall be given, 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.

ARTICLE VI. CONDUCT OF PUBLIC HEARINGS

Section 1. General Expectations and Method of Participation

- a. The Board and members of the public are expected to act with civility and to treat each other with mutual respect.
- b. All 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.

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

- 1) In cases where a party or parties have a scheduled hearing with Rent Board, applicant is defined as any 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. Objector is defined as either the tenant and/or landlord disputing the claims or requests made by the applicant in the aforementioned forms. The Rent Board may designate, by approval from the Chair, any other person, municipal department, or organization to provide testimony. Any designation made by the chair may be overridden by a majority vote of present Board members.~~

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

Good evening, folks.

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

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

- b) Following this introduction, the Chair shall provide an overview of the Hearing Procedure, which may summarize these hearing rules. ~~as described below in items e) through o).~~
- c) Following the Article IV Order of Business, at the appropriate time~~review of hearing procedure~~, the Chair will begin any scheduled~~the~~ hearing.
- d) Applicants will then state their case before the Board, and may present witnesses and offer documentary evidence.
- e) Following the conclusion of the ~~A~~applicant's case, ~~any~~the ~~O~~objector may present witnesses and offer documentary evidence. Objectors are defined as follows: in the case of a Landlord Applicant, each tenant of the dwelling unit(s) which is/are the subject of matter of the application shall be deemed to be an Objector if present and participating in the hearing. In the case of a Tenant Applicant, each individual who is defined to be a Landlord of the dwelling unit shall be deemed to be an Objector if present and participating in the hearing. In addition, pursuant to Section 6-255, the Chair has the authority, at the Chair's discretion, upon request, to designate any person or organization who is present and wants to participate in the hearing as a "specially interested party" with the rights of an Objector for purposes of offering evidence and conducting cross examination at the hearing. Any "specially interested party" designation made by the Chair may be overridden by a majority vote of Rent Board members present. Any person or organization whose request to be designated as a

“specially interested party” is not granted may, nevertheless, participate in the hearing as a member of the public. The Chair may ask each purported Objector to identify his/her interest in the matter for purposes of determining standing, and to provide an email address for purposes of notice. The Chair’s determination of Objector status may only be overridden by a majority vote of Rent Board members present.

(f) Following the conclusion of the Applicant’s case and any Objector’s case, members of the public who are neither Applicant nor Objector may offer evidence or statements relevant to the matter under consideration. Each speaker shall be limited to three (3) minutes. The Chair may, at its discretion, extend this period for up to an additional three (3) minutes and may limit irrelevant, immaterial, or unduly repetitious evidence.

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

~~f) Following rebuttal evidence, members of the public may be designated as speakers at the discretion of the Chair. The Board may override this designation with a majority votes of present Board members. At the discretion of the Chair, any other designated parties may present additional evidence to the Board.~~

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

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

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

(k) At the conclusion of ~~the this process, 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

Section 3. No new agenda items will be ~~taken up begun~~ after 9:30 p.m. unless at least four members of the ~~Rent Board~~Committee vote to suspend this rule. Any agenda items which have not begun before 9:30 p.m. and for which the ~~committee~~ Rent Board has not

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suspended this rule shall be automatically tabled to the next regularly scheduled meeting or to a date determined by the ~~Rent Board. 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~~Rent Board.

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ARTICLE VII. DELIBERATIONS, VOTING, DECISIONS

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

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

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

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

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

ARTICLE VIII. AMENDMENT OF RULES

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

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



CITY OF PORTLAND
Permitting and Inspections Department

RULES OF THE PORTLAND RENT BOARD

ARTICLE I. GENERAL PROVISIONS

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

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

ARTICLE II. OFFICERS AND DUTIES

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

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

ARTICLE III. MEETINGS

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

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

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

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

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

ARTICLE IV. ORDER OF BUSINESS

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

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

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

ARTICLE V. NOTICE

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

- a. In all cases, to the applicant at the email address furnished by the applicant on the application;

b. In all cases, to all residents of the city by posting the agenda and certain materials for scheduled meetings on the City of Portland Agenda Center. The agenda and certain materials for a regular Wednesday meeting shall be posted by the close of business on the previous Friday.

c. In the case of a hearing relating to alleged impermissible action by a landlord or proposed landlord, (i) by email to the alleged landlord as listed on the complaint form which was signed by landlord, and, if different: (ii) by email to the owner of the real property containing the dwelling unit involved in the alleged impermissible action as listed by the Assessor's Department as those against whom taxes are assessed, and (iii) by email to the owner of said real property as listed in the Housing Safety Office rental registration for that property address, and (iv) by email to any property manager listed in the Housing Safety Office rental registration for that property address.

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

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

Good evening, folks.

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

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

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

- h) Acting through the Chair, the Applicant and any Objector may cross-examine witnesses. Any cross-examination shall be conducted as directed by the Chair. The Chair may limit irrelevant, immaterial, or unduly repetitious evidence.
- i) Acting through the Chair, members of the Board may ask questions of any interested parties, including but not limited to the Applicant and/or any Objector, and may ask questions of City staff at any time.
- j) Members of the public may be given the opportunity to respond to new issues raised by answers or information provided by the Applicant, Objector, or City staff. It shall be within the discretion of the Chair to determine whether a response is appropriate. In making this determination, the Chair shall decide whether the response is likely to consist of facts or information which could not have been presented during the public comment period. The Committee may override such a determination by the Chair by a majority vote.
- k) At the conclusion of this process, the public portion of the proceeding will be closed and the Rent Board will deliberate and rule on the application, pursuant to the applicable provisions of Articles XII and XIII of the City of Portland Code of Ordinances, (i.e., Rent Control and Rent Board, respectively).

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

ARTICLE VII. DELIBERATIONS, VOTING, DECISIONS

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

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

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

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

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

ARTICLE VIII. AMENDMENT OF RULES

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

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