

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