

Minutes

Remote Rent Board Meeting - Held Via Zoom
Wednesday, December 1, 2021

Start time: 5:02pm

II. Roll Call - 00:00:20

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

There is one vacancy within the Board, so there are only 6 Board members until filled.

Staff present:

Anne Torregrossa, Corporation Counsel
Katlyn Sawyer, Licensing & Registration Coordinator
Zachary Lenhert Licensing & Housing Safety Manager

III. Minutes - 00:00:44

The Vice Chair moves to accept the minutes as written. Seconded by the Chair. Vote 6-0.

IV. Communications - 00:01:35

A. Written Public Comment (Received late for Prior Meeting)

One of the comments came from Matt Walker. It pertains to an application from Mr Watson that is in tonight's agenda meeting under Unfinished Business.

No further discussion occurred on this item.

B. General Written Public Comment for 12.1.21 Rent Board Meeting - 00:02:10

Matt Walker submitted two comments. Reading the ordinance in such a way that increases of 5% would index against base rent rather than current. The other that urges that the Board use the definition of renovation Sec 6-166 of City Code. The Chair suggests that anyone who is unfamiliar with that, to look up the Code.

No further discussion occurred on this item.

C. Case Update: SMLA et al. Vs The City of Portland - 00:03:55

Anne Torregrossa stated that both parties have agreed to dismiss the appeal, so the lower court's decision is the final word on it. The litigation is over at this point.

SMLA initially challenged this ordinance before any decisions had been issued, before the Rent Board could have been appointed.

SMLA or others can and may challenge the ordinance as applied or in various other ways arising out of some of the decisions that the Rent Board makes.

D. Memo from Corporation Counsel on Renovations - 00:06:00

The Rent Board may consider these factors and any other factor determined relevant in the opinion of the Rent Board.

The two examples given in Sec 6-263 should be considered when determining what is a renovation.

The definition with respect to the Green Building Code is probably too restrictive because a unit that is increased in floor area or addition of upgrade in amenities wouldn't necessarily fall in the definition of renovation.

What falls into a renovation and what falls under a Capital Improvement, are not mutually exclusive.

Anne Torregrossa recommends that the Board look at renovation and reconfiguration as a subset of capital improvement. A higher level of capital improvement, substantial enough to reset the base rent as opposed to a bump in the monthly rate.

V. Unfinished Business - 00:20:28

A. Amended Increased Housing Service Costs Final

The Vice Chair advised that a note should be added at the top of the form where it says "prior year" that says "2020 or after."

Buddy Moore moved to adopt the form with the change listed above. Seconded by the Chair. Vote 6-0.

B. Rent Increase Application - Public Comment - 00:27:20

Landlord: Shepley LLC

Property Address: 18 Casco Street, See attached units

CBL: 037-C-006-001

Type of Increase: Renovation of a unit or Reconfiguration of one or more units

The decision was tabled for this application. The Board has gone through the hearing aspect already and will continue with deliberations at this time.

01:05:28 - The Chair reintroduced his proposal to vote on the application as it stands and in the event it passes we would consider the level of appropriate base rent. Seconded by the Vice Chair.

Vote: 5-1 with the following Board members voting against the motion (Buddy Moore, Elliott Simpson, Elias Kann, Vice Chair, and Chair)

The application is not accepted.

Ian McCracken will provide a written response for his vote.

VI. New Business - 01:10:50

A. Rent Increase Application - Public Comment

Landlord: MAS Assets LLC

Property Address: 1060 Forest Ave, 1st & 2nd Floor units

CBL: 146-B-012-001

Type of Increase:

Renovation of a unit or Reconfiguration of one or more units

Capital improvement costs, including financing costs

The Landlord was not present at the time of the agenda item. The Board will move onto the next agenda item.

02:34:35 - The Board returned to this agenda item towards the end of the meeting. There was no success in

02:46:54 - The Board tried on multiple occasions to connect with the applicant. It seems the applicant was having issues connecting into the meeting.

B. Rent Increase Application - Public Comment - 01:11:50

Landlord: Anadilya Properties LLC

Property Address: 21 Pleasant Street, Unit 2

CBL: 038-E-024-001

Type of Increase:

Renovation of a unit or Reconfiguration of one or more units

Capital improvement costs, including financing costs

There are no objectors and no tenants have spoken as the unit is vacant.

Public comment was taken and then addressed by Zachary Lenhert, Licensing and Housing Safety Manager.

The Chair asked the applicant if in the event the Board were locked on Renovation, would she be interested in considering the same under Capital Improvement. The applicant said yes.

01:59:03 - Motion was made by the Vice Chair that the Board approves this as a renovation and agree to set new base rent at \$1,400.00.

02:02:15 - Ian McCracken moves that the Board approves the application as a renovation to allow for an adjustment in base rent. The way in which the Board sets the base rent is based on a 5 year amortization schedule of \$16,250, which comes to \$270.83 a month. This would be a one time base rent reset.

- The Vice Chair redrew her motion earlier, and seconds Ian's motion.

- This would mean that the new base rent would be set at \$1,170.83 a month (rounded up to \$1,171.00), which can be taken all at once

- Vote: 6-0

C. Rent Increase Application - Public Comment - 02:05:33

Landlord: Paul Taylor

Property Address: 44 Sawyer Street, Unit 1

CBL: 138-A-010-001

Type of Increase:

Renovation of a unit or Reconfiguration of one or more units

Increased housing service costs

There are no objectors and no tenants have spoken as the unit is vacant.

Public comment was taken.

02:29:50 - A proposal was made by the Chair that the Board could make a judgement based on what is in front of them with the invitation to reapply with the other information detailed knowing rent can only be increased once per year or offer that that the applicant reapplies and the Board considers the entire case with the additional information requested.

The applicant would prefer to reapply and come back before the Board.

The applicant can provide documentation noting labor, costs, etc 2 years back that was done on the property. And that he should reapply as a capital improvement cost, not renovation.

02:37:33 - The Board returns to the Decision Forms presented by Anne Torregrossa for any suggested edits and a vote.

The first Decision Form was for 18 Casco Street, with no edits necessary. Vote: 6-0.

Ian McCracken will be submitting his additional language which will be added as a communication agenda item for the next Rent Board meeting

The second Decision Form was for 21 Pleasant Street, with one edit. Vote: 6-0.

VII. Adjourn - 02:51:20

Meeting end time: 7:51pm