



RENT BOARD

February 9, 2022

5:00 PM

ZOOM INFORMATION:

This meeting will take place remotely using Zoom.

This meeting will be held remotely pursuant to the Remote Meeting Policy adopted by the Rent Board and as authorized under 1 M.R.S. 403-B because of the existence of an emergency or urgent issue that requires the committee to meet by remote methods. 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 available following the meeting.

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.

Please click the link below to join the webinar:

<https://us06web.zoom.us/j/89477644114?pwd=UGNVUmc2b3ZFVC93a0tSNkdodmhnQT09>

Passcode: 091622

Or One tap mobile :

**US: +19292056099,,89477644114#,,, *091622# or
+13017158592,,89477644114#,,, *091622#**

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

**US: +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 or +1 669 900 6833 or +1
253 215 8782 or +1 346 248 7799**

Webinar ID: 894 7764 4114

Passcode: 091622

International numbers available: <https://us06web.zoom.us/j/89477644114?pwd=UGNVUmc2b3ZFVC93a0tSNkdodmhnQT09>

ROLL CALL:

APPROVAL OF MINUTES

January 26, 2022 Minutes

COMMUNICATIONS:

Written Public Comment

Please note: Written Public Comment must be received two business days prior to the next scheduled Rent Board meeting. These can be emailed to: rentboard@portlandmaine.gov

UNFINISHED BUSINESS:

Rent Increase Appeal - 655 Congress Street

Rent Increase Application - Public Comment

Landlord: Anita S Dore

Property Address: 69 Woodmont Street, Unit 1 & 2

CBL: 080-H-010-001

Type of Increase: Capital improvement costs

Rent Increase Application - Public Comment

Landlord: Aaron Svedlow, North Light Energy Land Holdings LLC

Property Address: 68 Walton Street, Units 2-5

CBL: 138-D-006-001

Type of Increase: Fair rate of return

Rent Increase Application - Public Comment

Landlord: Andrew Burns

Property Address: 179 Capisic Street, Unit 1

CBL: 192-K-051-001

Type of Request: 1. Renovation of a unit or Reconfiguration of one or more units & 2. Fair rate of return

Rough Draft Outline for Annual Report

- VI. New Business
- VII. Adjourn

Minutes

Remote Rent Board Meeting - Held Via Zoom
Wednesday, January 26, 2022

Start time: 5:02pm

II. Roll Call - 00:00:32

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

Two Board members were absent for this meeting: Josef Kijewski and Ian McCracken.

Staff present:

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

III. Minutes - 00:01:04

The Vice Chair moves to accept the minutes as written, seconded by Buddy Moore. Vote: 5-0 (two Board members absent for meeting).

IV. Communications - 00:03:18

A. Memo Re: Remote Meetings After Repeal of Emergency Declaration

The Chair advised the Rent Board will continue meeting remotely for the time being.

B. Written Public Comment - 00:04:02

The Chair mentioned that there were two separate written comments, one of whom was from one of the drafters of the Rent Control ordinance. Both spoke in support of the first case that the Board will be discussing in New Business.

V. Unfinished Business - 00:05:56

There are no items for this agenda item.

Minutes

VI. Executive Session - 00:06:00

The Board will go into executive session pursuant to 1. M.R.S. 405(6)(E) to consult with its attorney regarding its legal rights and duties with respect to the Board's review of the 655 Rent Increase Appeal

The Vice Chair moves that the Board goes into Executive Session per the language listed above, seconded by Elias Kann. Vote: 5-0 (two members are absent).

The Board entered Executive Session at 5:08pm (00:08:22)

The Board returned from Executive Session at 6:15pm (01:15:45)

VII. New Business - 01:16:00

A. Rent Increase Appeal - 655 Congress Street

The Board needs to determine if they have the jurisdiction to hear the case, as they did not have consent from the Landlord prior to this meeting. The Housing Safety Office staff received a letter from Attorney Paul Bulger, on behalf of Trelawny 657 LLC, just as the meeting had started.

Anne Torregrossa advised that it appears Attorney Bulger consents to jurisdiction, which would mean that the Board would not need to discuss this part.

The Vice Chair made a motion that the Chair asks Attorney Bulger whether he is waiving his client's lack of consent to having a hearing before the Rent Board on this issue, seconded by Elias Kann. Vote: 5-0

Attorney Bulger confirmed that he is consenting to the jurisdiction of the Board with respect to the issues in the position paper of the Trelawny Tenants Union (TTU)

01:33:00 The Chair has promoted Ethan Strempling as a panelist to present the case to the Board on behalf of Trelawny Tenants Union. TTU presented the Board with a 41-page slideshow with 4 speakers, all of whom are current tenants.

The slideshow pertained to contesting the tax rate rent adjustment (TRRA) allocation and requesting that the Board issues fines to the Landlord for repeated violations within the Rent Control ordinance.

Tenants are being charged for the Landlord's penthouse, commercial units, and spaces they don't have access to. Violations date back to June 2021 varying from rent increases during a rent freeze, evictions during an eviction moratorium, not registering units, not providing tenants with the Rental Rights documents, and many more.

Minutes

TTU suggested that the tax rate rent adjustment (TRRA) should be allocated based on the actual square footage of each unit in comparison to the square footage of the building. The TRRA is equal to the actual increase in property taxes attributable to the individual covered unit (Sec 6-232).

02:16:40 One of the speakers from the slideshow presentation, Tom Hamill, called on other tenants to speak as testimony on behalf of this case. There were a total of 8 speakers.

02:37:33 Attorney Bulger responded to the applicant's concerns as it pertains to the case

03:14:31-03:23:48 Public comment session

Eamonn Dundon requested that Board member, Buddy Moore, recuses himself from this application as he weighed in on social media with likes on Twitter on articles that support the application, the tenants union, and expressing solidarity with the tenants union. There is concern that he has a bias in this application and is unable to be impartial.

Additional comments were taken.

03:24:32 Rebuttal from the applicant was taken

03:33:42 Rebuttal from Attorney Paul Bulger was taken

03:37:37 The Chair addressed the public comment concern regarding Buddy Moore needing to recuse himself

Buddy Moore felt confident to make impartial decisions based upon the evidence in front of him but wanted to confer with Anne Torregrossa on what might be appropriate

Automatic disqualifiers in the statute in the City's ordinances are typically financial benefits. As a Board member, one is required to avoid actual bias but also the appearance of bias. This would be for the Board to discuss and for Buddy to decide.

The Vice Chair made a motion to move into Executive Session to get advice from the attorney as to what's involved in this decision and who has the burden of making the decision; seconded by Elliott Simpson. Vote: 5-0

The Board entered Executive Session at 8:41pm (03:41:38).

The Board returned from Executive Session at 9:08pm (04:08:45)

The Board wants to understand the matter more fully so that they can determine next steps, so Buddy will be reading the tweets into the record to help if any further information is needed past that.

Minutes

The Chair did advise members of the public that the Board does not pick up additional agenda items after 9:30pm. There may be a special session scheduled to hear the numerous other items not heard on the agenda tonight.

04:11:41 Buddy Moore reads the tweets into the record

Members of the Board gave their opinion on the matter. It was requested that the tweets could be entered in writing for the record.

04:22:35 Members of the Board may address questions to either the applicant or objector
The Vice Chair sought clarification from the Housing Safety Office (HSO) on the issues at hand that were presented to the Board from Trelawny Tenants Union.

Zack Lenhert addressed her questions.

Elliott Simpson asked Attorney Bulger if he would be submitting documents or does he feel that he has provided everything verbally that he would want to provide

The same question was asked of the applicant (TTU).

04:51:11 The Board moves into deliberations

05:10:57 The Chair made a motion to table this hearing until the 9th of February; that both parties will submit evidence by the end of day Monday, January 31 and submit rebuttal to evidence by the end of day on February 4th. Seconded by the Vice Chair, vote: 5-0.

05:11:50 The entire remainder of the agenda will be entered into Unfinished Business for the next meeting but any additional applications will go to the regular February meeting on the 4th Wednesday.

B. Rent Increase Application - Public Comment

Landlord: Anita S Dore

Property Address: 69 Woodmont Street, Unit 1 & 2

CBL: 080-H-010-001

Type of Increase: Capital improvement costs

This item is tabled to the Rent Board Special Meeting on Wednesday, February 9, 2022 under Unfinished Business

Minutes

C. Rent Increase Application - Public Comment

Landlord: Aaron Scedlow, North Light Energy Land Holdings LLC

Property Address: 68 Walton Street, Units 2-5

CBL: 138-D-006-001

Type of Increase: Fair rate of return

This item is tabled to the Rent Board Special Meeting on Wednesday, February 9, 2022 under Unfinished Business

D. Rent Increase Application - Public Comment

Landlord: Andrew Burns

Property Address: 179 Capisic Street, Unit 1

CBL: 192-K-051-001

**Type of Increase: 1. Renovation of a unit or Reconfiguration of one or more units
& 2. Fair rate of return**

This item is tabled to the Rent Board Special Meeting on Wednesday, February 9, 2022 under Unfinished Business

E. Rough Draft Outline for Annual Report

This item is tabled to the Rent Board Special Meeting on Wednesday, February 9, 2022 under Unfinished Business

VIII. Adjourn - 05:12:15

Meeting end time: 10:12pm

Board Member Moore Recusal re: 655 Congress Street

Eamonn T. Dundon <etdundon@gmail.com>

Wed, Jan 26, 2022 at 10:15 PM

To: rentboard@portlandmaine.gov

Cc: atorregrassa@portlandmaine.gov

Chair Sims, Vice Chair Vestal, and Members of the Portland Rent Board,

I write to you to provide clarifying information and additional evidence for my public comments at your meeting on January 26th, 2021 regarding the rental increase appeal for 655 Congress Street.

First, I want to make clear, I have no "skin in the game" regarding this appeal. I am a Portland renter, but I am not, nor have I ever been, a tenant of Mr. Rice. Additionally, I am not, nor have I ever been, compensated by either side of this appeal. I am simply a citizen concerned about the reputation of your board and the reputation of impartiality enjoyed by all quasi-judicial boards in our city up until this point.

As you will recall, I raised serious objections to the participation of Board Member Buddy Moore in this matter. I did that for one simple reason: Mr. Moore has weighed in repeatedly on social media in advance of your hearing in favor of the applicants on this appeal. This violates a fundamental expectation of a board of your nature: you must remain impartial on all applications before you and you must not express any bias, or appearance of bias, regarding applications in advance of the full public adjudication of claims before you per the ordinance and the rules your board adopted.

As I mentioned in my public comments, Mr. Moore "liked" at least seven tweets on January 25th, 2021 expressing support and solidarity with the applicants. I observed these "likes" both real-time during the course of the day on the 25th, and in further review in the time frame of 4pm-5pm on January 26th directly in advance of your meeting. Alas, I was remiss in not immediately screenshotting these violations of the appearance of bias in the moment, but nevertheless you will recall I raised them in public comment at approximately 8:30PM when I was first given the opportunity to comment.

Unfortunately, sometime between my comments at 8:30PM on the 26th and the return from your executive session at approximately 9:20PM, Mr. Moore locked his Twitter account from public view. In his comments immediately following the executive session Mr. Moore was called upon to read the tweets I mentioned. He read several tweets and included a comment that he "may have unliked some tweets", but, either because he had unliked some of the tweets following my public objections, or he intentionally mislead the Board, he failed to read into the record all seven offending tweets I mentioned in my public comment, and included several tweets that I did not consider to be germane to this appeal.

Attached you will find the seven tweets I can recall being liked by Mr. Moore in advance of the locking of his account and/or his destruction of evidence regarding his liked tweets. As you may conclude, given Mr. Moore's evasive actions, there is no way to definitively determine if he did indeed like these tweets, but I trust that you will understand that as an uninterested party in this matter I have no obligation, beyond securing the public trust, to attempt to deceive you or fabricate the evidence attached and the narrative I've submitted.

I raise all of this not in defense of Mr. Rice or in opposition to the tenants union. My motivation rests squarely with a fair application of the law which can only be secured if all members of a quasi-judicial board such as yours are forthright when it comes to bias, whether it be real or perceived. I would hope you take these concerns into consideration and that you revisit Mr. Moore's participation in this case before any additional proceedings are held.

Finally, I request that you include this email and all attachments in the packet for your next meeting on this matter.

Regards, Eamonn Dundon

--

Eamonn T. Dundon

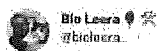
207-756-0510

4 attachments

Screen Shot 2022-01-26 at 9.27.05 PM.png
82K

#1
(Pg 2 of 5)

Thread

Bio Leera
@biolera

Portland approved rent control and to "protect tenants" in Nov 2020. That law was suppose to stop rent increases from what they were in June 2020. There has been 1000's of illegal rent increases since then. The city will not lift a finger till a tenant sticks their neck out.

Callie Ferguson @callie Ferguson · Jan 25

Scoop: the former mayor of Maine's largest city says he's being evicted for forming a tenants union and fighting illegal rent hikes. bangordailynews.com/2022/01/26/new...

9:26 AM · Jan 26, 2022 · Twitter Web App

19 Retweets · 4 Quote Tweets · 80 Likes



Tweet your reply

Reply



Bio Leera · Jan 25

Replying to @biolera

People are smart. They formed unions, tried to dilute the risk. They got landlords to back down! But landlords hate facing any consequences so they have been systematically breaking these unions with 30 day no-cause evictions.



Bio Leera · Jan 25

Our city has the ability to issue fines, they can protect tenants but they have refused to do so. About as useful as a federal unfair labor practice they just tell landlords to post notice of wrong doing. If the landlord refuses to post notice, then the city sits on its hands.



Bio Leera · Jan 25

There is a rent board meeting tomorrow. Where the the tenant unions are demanding the city to use its ability to fine landlords. Tenants can be evicted for smoking or having a window cracked open, but landlords break the law and nothing happens. Something has to change.



#1
(Pg 3 of 5)

wes @wespelletier · Jan 25

Solidarity with my fellow Trelawny Tenant Union member @mayorstrim . Tomorrow TTU is presenting a case to the Portland Rent Board that, among other things, we shouldn't be paying taxes for the landlord's penthouse in our building.

Public comment is open!



bangordailynews.com

Portland's former mayor says he's being evicted for fighting illegal rent... As mayor of Portland, Ethan Strimling pushed for greater protections for renters squeezed by the city's red-hot housing market ...



4



3



31



#1
(Pg 4 of 5)

wes @wespelletier · 13h

proud of a couple things here but mostly that we were able to get the turnout for that pic with like 2 hours notice

Portland Press Herald @PressHerald · 14h

Today's Press Herald front page, Wednesday, January 26, 2022
pressherald.com pressherald.com/ePaper



FORMER MAYOR FACES EVICTION FROM CONGRESS ST. APARTMENT

A longtime housing advocate, Bruce Grayson, led his attorney along the path to a resolution for forming a tenants' union at Portland's Congress St. apartment.

Grayson, who has lived at the Congress St. apartment for over 20 years, has been a vocal advocate for tenants' rights. He has led efforts to organize a tenants' union and has been instrumental in the formation of the Portland Housing Bureau. He has also been a member of the Oregon Tenant Union and has been a vocal advocate for tenants' rights. He has been a vocal advocate for tenants' rights and has been instrumental in the formation of the Portland Housing Bureau. He has also been a member of the Oregon Tenant Union and has been a vocal advocate for tenants' rights.

Oppressive caseloads, long hours still plague state's staff

A new study by a group of researchers, published by the Oregon Department of Social Services, shows that caseworkers are still facing oppressive caseloads and long hours.

The study, which was conducted by a group of researchers from the University of Oregon, found that caseworkers are still facing oppressive caseloads and long hours. The study found that caseworkers are still facing oppressive caseloads and long hours. The study found that caseworkers are still facing oppressive caseloads and long hours. The study found that caseworkers are still facing oppressive caseloads and long hours.

Review of police shootings cites need for mental health training

A review of police shootings in Oregon, conducted by the Oregon Department of Justice, found that there is a need for mental health training for police officers. The review found that there is a need for mental health training for police officers. The review found that there is a need for mental health training for police officers. The review found that there is a need for mental health training for police officers.

INDEX



Maine hospitals see decline in number of COVID patients

The state's hospitals are seeing a decline in the number of COVID-19 patients, according to a report from the Maine Department of Health and Human Services.

#1
(Pg 5 of 5)



Ethan Strimling @mayorstrim · Jan 25



pressherald.com

Former Portland mayor facing eviction from Congress Street apartment
Ethan Strimling and his attorney allege the eviction is retaliation for
forming a tenants union at the Trelawny Building.

4

4

7



Portland
Maine

Yes, Google's good here.

(1/26)

Katlyn Sawyer <ksawyer@portlandmaine.gov>

IMPORTANT - 2/26 Rent Board Meeting Public Comment

Amanda <a.scrivani@gmail.com>
To: rentboard@portlandmaine.gov

Wed, Jan 26, 2022 at 9:04 PM

Good Evening,

I had my hand raised during public comment at tonight's meeting and was not called to speak prior to public comment ending, and kept my hand up but was not acknowledged.

I would like my public comment to be heard in consideration of the complaint being deliberated this evening.

It is unreasonable to allocate a portion of the tax increase to the square footage of the basement as this space is not weighted in the same manner as living area for tax assessment purposes. Only "living area" (as determined by Portland ME property search/assessor database) should be utilized for this calculation. I do believe it is fair to use the living area for this calculation but there was no violation by the landlord for calculating per unit as there was no guidance provided by the city and it is not addressed in the ordinance.

Additionally, if it is (inappropriately) determined that the basement square footage should be included in the rent increase calculation, it is unreasonable to require the landlord to bear the cost of the entire basement square footage based on the fact that there is tenant storage, as well as appliances and systems necessary for functioning utilities within the buildings units.

Thank you,
Amanda Scrivani



Written Public Comment
#3
Katlyn Sawyer <ksawyer@portlandmaine.gov>
(Pg 1 of 2)

Re: Concerns of Harassment Through Public Comment

1 message

Austin Sims <caustinsims@gmail.com>

Wed, Feb 9, 2022 at 9:20 AM

To: Rent Board <rentboard@portlandmaine.gov>

Cc: Austin Sims <caustinsims+rent@gmail.com>, Aaron Berger <bioleera@gmail.com>

On Sun, Feb 6, 2022, 20:29 Aaron Berger <bioleera@gmail.com> wrote:

Chair Sims,

My name is Aaron Berger. I am a tenant at 11 Grant Street and am a member of Maine DSA. Our group submitted the memo you received regarding jurisdiction, and organized the campaign to pass the Portland rent control ordinance through a ballot question in 2020.

I am writing with deep concern about Eamonn Dundon and his continued attempts to undermine the Board's fair deliberations by stalking and harassing one of your members.

Just to make sure you are aware of who he is, something he failed to do in his email on Jan. 26th or his public testimony, here is a quick rundown.

Mr. Dundon is a paid lobbyist for the Greater Portland Chamber of Commerce. Based on the volume of his social media activity, it seems one of his primary duties is to spend all day on Twitter. The Regional Chamber spent thousands of dollars in 2020 campaigning against the rent control provisions you are currently debating. Since that time, he has used his social media presence to continuously attack the rent control ordinance as stifling development and as bad for our city (despite all the evidence to the contrary), and to personally attack its supporters.

On January 25th, Mr. Dundon went so far as to tweet personal attacks aimed at one of the members of TTU, enthusiastically siding with Geoffrey Rice's attempts to evict that member. Finally, the organization he works for likely has received money from Mr. Rice over the past 40 years in the form of membership dues or donations.

All of this should have been disclosed in his testimony, but, of course, it wasn't.

So, for him to claim he has "no skin in this game," as he did in his email to you is an outright lie, as was his saying "I am merely a citizen concerned about the reputation of your board..." His allegiance is clear. His purpose is clearer. And now, hopefully, his attempt to hide who he was working for is transparent.

I have great respect for the work volunteer citizen boards, like yourself, do, and find it galling that a paid lobbyist is policing a rent board member's personal social media "likes." Not even his tweets. His likes. If you applaud a speech given in a public forum, should that be brought up as a conflict of interest?

To that end, I ask you to disregard any attempt by him to neutralize one of the tenant representatives on the Rent Board. Every one of you has a right to comment on public policy, especially in regard to the rent control ordinance.

Just as Mr. Dundon's father, a member of the Portland Planning Board, has a right to like social media posts critical of the Green New Deal initiative (as he regularly does), even though his board is responsible for implementing the ordinance.

Mr. Dundon's testimony is nothing more than his attempt to fight for the landlords continuing to skirt this law, as he is paid to do, and as he has made clear he believes is their right for the past year and a half.

Sincerely,
Aaron Berger

Written Public
Comment #3
(Pg 2 of 2)



Trelawny Tenants Union

TrelawnyTenantsUnion@gmail.com

Dec. 22, 2021

Mr. Austin Sims

Chair of the Portland Rent Board

Via email: caustinsims+rent@gmail.com; cc: zlenhert@portlandmaine.gov,
rentboard@portlandmaine.gov

To Chairman Sims,

As the Steering Committee of the Trelawny Tenants Union [TTU], representing hundreds of tenants residing in buildings owned by Geoffrey Rice, we submit this letter, with the attached signatures of 22 tenants on the official tenant complaint form,¹ to formally request that the rent board schedule a hearing within 21 days.

In specific, we ask for a hearing in order to:

- 1) Contest the recent tax rate rent adjustment [TRRA] being billed to tenants. In specific, the total amount being distributed and the distribution method being used.
- 2) Request the Rent Board levy substantial fines against Mr. Rice for hundreds of certified violations of the rent control ordinance.

This request comes per Sec. 6-263 of the Rent Control Ordinance which states:

"...the Rent Board shall have the following jurisdiction and authority:

- (a) To hear, review, and approve or deny Landlord applications for rent increases greater than those allowed by the Rent Stabilization Ordinance;...*
- (f) To impose such fines as are necessary and allowed for violations of the provisions of the Rent Stabilization Ordinance;..."*

We have outlined details of our concerns below, but look forward to presenting our grievance and evidence at a formal hearing. Should you grant this request, we ask that you schedule the hearing for after the New Year, as a number of our members who wish to attend will be traveling.

¹ [Ex. A: Tenant complaint forms](#)

Tax rate rent adjustment appeal:

During the weeks of November 15th-Dec. 1, 2021, Apartment Mart tenants began receiving rent increase notices² mostly around 10% which included a tax rate rent adjustment that was too high and a distribution method that is unreasonable:

- 1) The notice to tenants claims the taxes on 655 Congress street increased by \$89,293.77, when records show the property tax bill increased by \$85,676.15³. Our landlord appears to have included the increase he received from "Portland Downtown," a private, non-profit 501(c)4 corporation as per guidance from HSO.⁴ However, the ordinance states explicitly that the TRRA will be based on the "actual increase in property taxes"⁵ and nowhere does it state that anything other than this property tax increase can be included. A similarly adjusted rent increase was imposed on tenants at 59 State and is likely being used for all buildings in the downtown district.

We ask that the Rent Board reduce Mr. Rice's total possible TRRA for 655 Congress, to \$85,676.15, the actual amount his property taxes went up, and provide guidance that only the property tax increase may be included in the TRRA for all of his buildings and all landlords in the city.

- 2) Mr Rice is allocating 100% of the 655 Congress Street TRRA to residential tenants, despite approximately 25% of the building being commercial tenants, his personal residence, and/or otherwise inaccessible to tenants. Here is the breakdown, as best as we can determine based on drawings submitted to the planning department for a new sprinkler system:

- Total Building: 120,515 sq. ft.⁶
- Geoffrey Rice Apt: -3,253 sq. ft.⁷
- 1st Floor Commercial: -11,063 sq. ft.⁸
- Basement: -14,833 sq. ft.⁹

Total Billable Space: 91,366 (76%)

Based on this analysis, and his chosen method for distribution (equally among all tenants) Mr Rice should be distributing only 76% of the overall tax increase to tenants (76% of \$85,676.15 = \$64,954).

² [Ex. B: Rent increase notices](#)

³ [Ex. C: FY21 Real Estate Tax Bill for 655 Congress](#)

⁴ [Ex. D: FY22 Downtown BID Bill for 655 Congress](#)

⁵ [Ex. E: Portland Rent Control And Tenant Protection Ordinance](#)

⁶ [Ex. F: Floor map of 655 Congress, whole building](#)

⁷ [Ex. G: Floor map of 655 Congress, GR Apt](#)

⁸ [Ex. H: Floor map of 655 Congress, Floor 1](#)

⁹ [Ex. I: Floor map of 655 Congress, Basement](#)

We ask that the rent board reduce the amount Mr. Rice can charge residential tenants as part of the TRRA to \$64,954 (should he be allowed to use a flat distribution model), and that guidance be provided to all landlords that personal residences, commercial spaces, and space inaccessible to tenants not be included in the TRRA distribution.

- 3) The distribution method Mr. Rice is using charges every tenant the same dollar amount, despite units being unequal in size, relative value, and rent amount. Sec 6-232 of the rent control ordinance states, "...the TRRA is equal to the *actual increase in property taxes attributable to the individual covered unit*."¹⁰[emphasis added]. The FAQ further explains, "If not all units are equal in a building, the landlord should attribute the tax increase in a reasonable manner... This could be apportioned based on relative value, square footage, rent amount, etc."¹¹

Based on this methodology, each unit should absorb .71 per square foot (\$85,676.15 tax increase/120,515 sq. ft) of the TRRA. Mr. Rice is currently charging some tenants more than 3x that rate (Unit 410 is 350 sq. ft. on a square footage basis. This unit should only pay \$20.70 more per month for TRRA. Mr. Rice is charging him \$72 per month.).

We ask that the rent board require Mr. Rice to use a square foot methodology (total tax increase/total square footage of building*sq. ft of individual unit/12 months) for the TRRA, and that this methodology be required for all landlords to meet the TRAA ordinance language.

Request for the levying of fines:

1) First Round of Violations:

- A. In May of 2021, TTU, in the form of a letter signed by almost 50 tenants, reached out to Geoffrey Rice to discuss concerns regarding our status as residents in his building.¹² After receiving no formal response, and after hearing of new concerns from tenants, on June 4 and 14, we followed up with emails requesting that Mr. Rice cease his violations of the ordinance (illegal rent increases and threats of eviction).¹³ We received no answer.
- B. On June 22, we emailed the Housing Safety Office with our concerns.¹⁴ Specifically, we notified the city that Mr. Rice was violating the Rent Control ordinance by raising rents illegally, not notifying tenants of their rights and responsibilities, and not registering the base rent for hundreds of his units.

¹⁰ [Ex. E: Portland Rent Control And Tenant Protection Ordinance](#)

¹¹ [Ex. J: Rent Control And Tenant Protection Ordinance City of Portland FAQ](#)

¹² [Ex. K: Email correspondence between TTU, HSO, and Apartment Mart pg. 1](#)

¹³ [Ex. K: Email correspondence between TTU, HSO, and Apartment Mart pg. 2](#)

¹⁴ [Ex. K: Email correspondence between TTU, HSO, and Apartment Mart pg. 3](#)

- C. On July 19, 2021, HSO held a conference call with Mr. Rice outlining that Mr. Rice was in violation of the ordinance in three specific ways:¹⁵
- a. “That the rent increases that you were proposing violated Sec. 6-233 and 6-234 of the City Code.” [Mr. Rice had collected rent increases from some tenants and had sent additional rent increase notices to all his tenants.]
 - b. “That you had not yet provided your tenants with a copy of the Rental Housing Rights Document in violation of City Code Sec. 6-224 and 6-238.”
 - c. “That you had not yet completed the registration of your units at this property by completing the supplemental information form for each and every unit, in violation of City Code Sec. 6-151(f).”

During that call Mr. Rice was ordered to:

- a) “communicate via a letter to your tenants rescinding any planned rent increases from this year and that the planned rent increases for November 1, 2021 were withdrawn and that any monies received from rent increases would be refunded to tenants.” A copy of this letter was to be provided to the City of Portland by August 9, 2021.
- b) Ensure “each tenant would receive a copy of the Rental Housing Rights document.” A copy of this correspondence was to be provided to the City of Portland by Aug. 9, 2021.
- c) “complete the supplemental registration form for each and every unit at your property.” by Aug. 9, 2021.

On Aug. 10, 2020, the HSO sent Mr. Rice a letter stating they had not received any of the information requested.¹⁶ (Mr. Rice finally began responding).

All told, the above violations amount to at least *300 illegal increase notices to tenants* (the number of tenants he has in his buildings), approximately *8 illegal rent increases which had to be refunded* (As we have not been able to confirm this number or how many months tenants were overcharged, we would ask the Rent Board to determine the exact number), approximately *300 violations for not sending tenants the rights and responsibilities document*, and approximately *300 violations for not registering the base rent of apartments*.

In total, that equals 910 violations. According to the city code Secs. 1-15 and 6-1 a landlord can be fined from \$100 to \$2,500 for each violation. We request total minimum fines of:

- a) \$30,000 for the 300 illegal rent increase notices;**

¹⁵ [Ex. L: Letter to Apartment Mart from HSO](#)

¹⁶ [Ex. L: Letter to Apartment Mart from HSO](#)

- b) \$800 x the number of occurrences for 8 illegal rent increases that had to be refunded (TBD);
- c) \$30,000 for 300 instances of not sending the Tenant Rights & Responsibility document;
- d) \$30,000 for 300 instances of not registering the base rent of apartments

2. Second Round of Violations:

- A. After reviewing the June, 2020-January, 2021 rent rolls finally provided by Mr. Rice to the city, we sent a letter to the city outlining numerous additional illegal rent increases.¹⁷ The city later confirmed that Mr. Rice had violated Sec. 6-234 at least 110 times (8 tenants being overbilled 12-16 times) and required that he refund over \$4,000.¹⁸ Again, these violations remained in place long after Mr. Rice had been told rents could not be increased on any continuing tenants before Jan. 1, 2022, and only by 5% or less on turnovers. Additionally, just this past week, HSO had to send Mr. Rice another notice requesting that he fully comply and show proof of that compliance.

In total, there are 110 violations in this area (8 tenants overcharged 12-16 times over the course of a year and a half). According to the city code Secs. 1-15 and 6-1 a landlord can be fined from \$100 to \$2,500 for each violation. We request a total minimum fine of \$11,000 for these violations.

3. Third Round of Violations:

- A. In mid November, we were notified by tenants that Mr. Rice was again attempting to impose rent increases on tenants with inadequate notice and inadequate explanation, again in violation of Sec. 6-234. We sent the city notice of these violations and they required him to rescind all the notices previously sent.¹⁹ We believe at least a dozen of these notices were sent out.

In total, there are twelve violations in this area. According to the city code Secs. 1-15 and 6-1 a landlord can be fined from \$100 to \$2,500 for each violation. We request a total minimum fine of \$1,200 for these twelve violations.

We would like to reiterate that Mr. Rice was notified of all the above violations multiple times, by both TTU and then by the City of Portland, before he ultimately complied. Furthermore, even after finally complying with the immediate rules he was caught violating, he violated the City Code again and allowed other violations to continue. One can reasonably expect a continued

¹⁷ [Ex. M: Email correspondence from TTU to HSO](#)

¹⁸ [Ex. M: Email correspondence from TTU to HSO](#)

¹⁹ [Ex. N: Letter From TTU to HSO](#)

pattern of brazen violations, regardless of notification, from Apartment Mart and Geoffrey Rice, especially if the City of Portland does not levy significant fines for the ongoing violations summarized above.

That said, imposing fines on Mr. Rice for these documented violations is not simply about this individual case, but a necessary action by the governing board responsible for protecting the public and enforcing the Rent Control law equitably. Certainly, Portland landlords are responsible for understanding the rent control ordinance. Additionally, Portland landlords need to fully understand that the rent control ordinance is the law of our city and that any violations of it—whether once or repeated, intentional or not—will not be tolerated and consequences will be severe.

Every tenant needs to know that if they bring a violation to your attention, it will be taken seriously and addressed in accordance with the existing City Code and Rent Control Ordinance.

In conclusion, thank you for your attention to these matters. We hope you will grant us an appeal and hearing on these violations. Please reach out if you have any questions at the email above. And if you need any additional information or backup documentation prior to the hearing, please don't hesitate to ask.

TTU Steering Committee

655 Congress

Wes, #425

Matt, #605

Ethan, #618

Tom, #624

Chase #627

Mary #702

59 State Street

Sharon, 4th Floor

EXHIBIT A



CITY OF PORTLAND

Permitting and Inspections Department

Tenant Complaint and 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): Amanda Bizarro #202
Phone: (603) 229-7575 Email: albizarro@gmail.com
Tenant Name(s): Henry Batman #311
Phone: (978) 505-8776 Email: henry.batman@gmail.com
Tenant Name(s): Gillian Morrison #309
Phone: (207) 669-0090 Email: gillian14@hotmail.com
Tenant Name(s): ISABEL ROSS #303
Phone: (207) 891-3028 Email: sallyunicorn1@gmail.com
Tenant Name(s): Michael Christman #209
Phone: (207) 409-9952 Email: ikeonhigh@gmail.com
Mailing Address: 655 Congress St.
Landlord Name: Geoffrey Rice
Phone: (207) 773-1814 Email: apartmentman1952@gmail.com
Mailing Address: 657 Congress Street
Rental Property Address: 655 Congress St. Unit: _____

Accommodations (please select any that apply):

- ☐ 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



CITY OF PORTLAND

Permitting and Inspections Department

Tenant Complaint and 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): Jacob Pauley #414
Phone: (440) 862-5253 Email: jacobpauley@gmail.com
Tenant Name(s): Kacey Lopez #410
Phone: (505) 552-2391 Email: lopez.kacey@gmail.com
Tenant Name(s): Chance ~~Dexter~~ Syme #627 655 Congress
Phone: (207) 951-8599 Email: chancecloud@gmail.com
Tenant Name(s): Dexter Syme #627
Phone: (207) 951-8599 Email: dextersyme@gmail.com
Tenant Name(s): Madeleine Paradis #808, 655 Congress
Phone: (207) 409-2550 Email: maddy.paradis@gmail.com
Mailing Address: 655 Congress St.
Landlord Name: Geoffrey Rice
Phone: (207) 773-1814 Email: apartmentrent1952@gmail.com
Mailing Address: 657 Congress Street 04107
Rental Property Address: 655 Congress St. 04107 Unit: _____

Accommodations (please select any that apply):

- ☐ 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



CITY OF PORTLAND

Permitting and Inspections Department

Tenant Complaint and 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): Max Scardino #325-326
Phone: (207) 329-4446 Email: scardino_sps@gmail.com
Tenant Name(s): Izzy (Isabella) Ostrowski #403
Phone: (840) 946-5352 Email: isabellaostrowski2@gmail.com
Tenant Name(s): Mary Donlan #702
Phone: (207) 632-0610 Email: Skiercain@yahoo.com
Tenant Name(s): Wesley Pelletier #2425
Phone: (207) 251-1748 Email: wes.pelletier@gmail.com
Tenant Name(s): Thomas Hamill Apt. 624
Phone: (207) 838-2260 Email: thomas.abbott.hamill@gmail.com
Mailing Address: 655 Congress St.
Landlord Name: Geoffrey Rice
Phone: (207) 773-1814 Email: apartmentmanager1952@gmail.com
Mailing Address: 655 Congress St ~~Portland~~ Portland ME 04101
Rental Property Address: 655 Congress St ~~Portland~~ Portland ME Unit: 250315

Accommodations (please select any that apply):

- ☐ 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



CITY OF PORTLAND

Permitting and Inspections Department

Tenant Complaint and 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): Connor Hardiman, #808
Phone: (215) 901-3177 Email: connor.hardiman@gmail.com
Tenant Name(s): Michael Rogers, #609
Phone: (207) 660-1347 Email: MWRogers88@gmail.com
Tenant Name(s): Thomas Baldwin #406
Phone: (240) 447-4784 Email: genseibaldwin@gmail.com
Tenant Name(s): Tiffany McCollett 404
Phone: (207) 747-9396 Email: tiffany.mccollett@gmail.com
Tenant Name(s): Tyler Rollins #812
Phone: (207) 441-9526 Email: trollins95@gmail.com
Mailing Address: 655 Congress St. #200
Landlord Name: Geoffrey Rice
Phone: (207) 773-1814 Email: apartmentrent1952@gmail.com
Mailing Address: 657 Congress Street
Rental Property Address: 655 Congress St. Unit:

Accommodations (please select any that apply):

- ☐ 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



CITY OF PORTLAND

Permitting and Inspections Department

Tenant Complaint and 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): James Cousens (Apt 202)

Phone: (401) 368 - 4576 Email: jcousens3@gmail.com

Tenant Name(s): Amy Oller 425

Phone: (207) 751 - 0054 Email: aldiller@gmail.com

Tenant Name(s): _____

Phone: (____) _____ - _____ Email: _____

Tenant Name(s): _____

Phone: (____) _____ - _____ Email: _____

Tenant Name(s): _____

Phone: (____) _____ - _____ Email: _____

Mailing Address: 655 Congress Street

Landlord Name: Geoffrey Rice

Phone: (207) 773 - 1814 Email: apartmentrent1952@gmail.com

Mailing Address: 657 Congress Street

Rental Property Address: 655 Congress St Unit: _____

Accommodations (please select any that apply):

- ☐ 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

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

Tenant Signature: [Signature] Date: 12/13/21
Tenant Signature: [Signature] Date: 12/13/21
Tenant Signature: [Signature] Date: 12/15/21
Tenant Signature: [Signature] Date: 12/15/21
Tenant Signature: [Signature] Date: 12/16/21

Printed Name of person assisting tenant (s): Ethan Strimling

Relationship to Tenant (s): Neighbor / ITU Union Member

Signature of person assisting tenant (s): [Signature] Date: 12/21/21

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.**

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.

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

Tenant Signature: [Signature] Date: 11/18/2021

Tenant Signature: [Signature] Date: 11/18/2021

Tenant Signature: [Signature] Date: 11/18/21

Tenant Signature: [Signature] Date: 11/19/21

Tenant Signature: [Signature] Date: 11/22/21

Printed Name of person assisting tenant (s): ETHEA STRIMLING

Relationship to Tenant (s): Neighbor / TTC Union Member

Signature of person assisting tenant (s): [Signature] Date: 12/21/21

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.

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.

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

Tenant Signature: Courtlan Date: 12/16/21

Tenant Signature: Michael W. Payer Date: 12/16/21

Tenant Signature: Thomas Walsh Date: 12-16-21

Tenant Signature: Jeff McEllett Date: 12/16/21

Tenant Signature: Eve Mallin Date: 12/17/21

Printed Name of person assisting tenant (s): Matthew Walker

Relationship to Tenant (s): Neighbor - TUO union member

Signature of person assisting tenant (s): [Signature] Date: 12/21/2021

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.

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.

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

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

Tenant Signature: MAS Gordon Date: 11/23/2021

Tenant Signature: Babellu Ostromski Date: 12/01/2021

Tenant Signature: Mary J. Donla Date: 12/3/2021

Tenant Signature: Wesley A. Mc Date: 02/11/19¹² 1/3/21

Tenant Signature: Kevin Hamill Date: 12/3/2021

Printed Name of person assisting tenant (s): Matthew Walker

Relationship to Tenant (s): Neighbor - TTU Union Member

Signature of person assisting tenant (s): [Signature] Date: 12/21/2021

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.

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.

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

Tenant Signature: [Signature] Date: 12/17/21

Tenant Signature: [Signature] Date: 12/17/21

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Printed Name of person assisting tenant (s): Ethan Strimling

Relationship to Tenant (s): Neighbor / RVU Union

Signature of person assisting tenant (s): [Signature] Date: 12/21/21

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.

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.

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

Number of Rental Units 103

BL Supplemental Information

Unit Number	Base Rent	Previous Rent	Current Rent	Banked Rent	Current Security Deposit	Other Payments Collected	Number of Bedrooms	Number of Bathrooms	Kitchen

*Notes Previous Rent = Amount of rent as of January 2021 Base Rent = Amount of rent as of June 2020 Current Rent = Amount of rent as of November 2021 Banked Rent = Any increase in rent to which the Landlord was entitled under Sections 6-233 and 6-234, but that was not charged to a Tenant during a particular Rental Year

Assessor's Units 124

UPCS Units 0

HQS Units 11

No Smoking Lease 103

Fully Sprinkled Building Units 0

Centrally Monitored Fire Alarm Units 103

From: Anne Torregrossa
To: apartmentmart1952@gmail.com
Cc: Chuck Fagone; Zachary Lenhart
Subject: Rent Control Compliance
Date: Monday, July 19, 2021 2:45:39 PM

Good afternoon Mr. Rice.

Thanks for talking with us today. Here are some of the items we discussed:

1. Instructions on how to submit the rental registration information can be found here: <https://www.portlandmaine.gov/1680/Rental-Registration>
Under the section that says NEW FOR 2021 REGISTRATIONS, you will see links to a Google form, PDF, or excel sheet where you can fill out that information.
2. Here is a link to the tenant information form: <https://www.portlandmaine.gov/DocumentCenter/View/15192/Rental-Housing-Rights-Document>
This must be provided to each tenant and they must acknowledge receiving it.
3. As we discussed, you will send a notice to your tenants letting them know that you are rescinding any rental increases from this year and that the letter regarding the November 1, 2021 increases are withdrawn.
4. Once the Rent Board finalizes their applications forms, you can apply for a rental increase from the Board. Those forms will be posted here once they are complete: <https://www.portlandmaine.gov/2682/Rent-Board>

Please let Chuck know if you have any questions.

Anne

--

Anne M. Torregrossa
Associate Corporation Counsel
City of Portland
389 Congress Street, Room 211
Portland, Maine 04101
(207)874-8426

From: [Zachary Lenhart](#)
To: [Chuck Fagone](#)
Cc: [Anne Torregrossa](#)
Subject: Re: Letters to Tenants with refund
Date: Monday, August 30, 2021 11:22:38 AM

We need that information for ALL of his apartment units, not just 655 Congress St. They need to fill out the supplemental sheet or submit all that info for each unit on a spreadsheet.

On Mon, Aug 30, 2021 at 11:17 AM Chuck Fagone <psf@portlandmaine.gov> wrote:
No, this is the only information we received. I will request it again. Chuck

On Mon, Aug 30, 2021 at 11:14 AM Zachary Lenhart <zlenhart@portlandmaine.gov> wrote:
Did he provide the supplemental forms or submit the required info (June 2020 Base rents) for each unit in the building?

On Mon, Aug 30, 2021 at 11:11 AM Chuck Fagone <psf@portlandmaine.gov> wrote:
Here are the letters that were sent to individual rents. Chuck

----- Forwarded message -----

From: **Apartment Mart** <apartmentmart1952@gmail.com>
Date: Mon, Aug 23, 2021 at 2:01 PM
Subject: Letters to Tenants with refund
To: <psf@portlandmaine.gov>

Dear Chuck:

Enclosed herein are copies of the letters for the eight tenants of 655 Congress Street who received rent increases prior to January 1, 2022 above the 5% new tenant increase. The smallest refund was \$17.75 and the largest was \$300.00.

Yours truly,

Geoffrey I. Rice

--

Apartment Mart
Residential Rentals
Portland & Biddeford
P: 207-773-1814
F: 207-773-5528

--

From: Chuck Fagone
To: Apartment Mart
Subject: Fwd: July 8, 2021 notice
Date: Thursday, November 18, 2021 9:27:12 AM

fyi...

----- Forwarded message -----

From: **Zachary Lenhert** <zlenhert@portlandmaine.gov>
Date: Thu, Nov 18, 2021 at 9:21 AM
Subject: Re: July 8, 2021 notice
To: Chuck Fagone <psf@portlandmaine.gov>

Here's the Ordinance section:

Section 6-234 (d): Before increasing the rent of a Covered Unit, a Landlord must send a signed document to the Tenant(s) no fewer than seventy-five (75) days before the effective date of the rent increase. This document must include the date on which the Tenancy began, the date on which the rent will be increased, and the appropriate justifications for such a rent increase as defined in Section 6- 234(b) above. Failure to provide such documentation shall be considered a violation of this Article.

I'm going to say this doesn't qualify as that required notice because:

1. It is not signed
2. It doesn't include the date tenancy began
3. It doesn't include the specific date on which the rent will be increased. (it can't be open ended)
4. The appropriate justifications for rent increase are not met. They need to provide the breakdown of the amounts. They did this on the recent Notice the tenant sent to us, but all of this information needs to be on one notice, it cannot be sent in two separate notices months apart.

On Thu, Nov 18, 2021 at 9:10 AM Chuck Fagone <psf@portlandmaine.gov> wrote:
see attached

On Thu, Nov 18, 2021 at 9:07 AM Zachary Lenhert
<zlenhert@portlandmaine.gov> wrote:
I didn't get the attachment

On Thu, Nov 18, 2021 at 8:05 AM Chuck Fagone <psf@portlandmaine.gov>
wrote:
Does this suffice as the 75 day notification? Chuck

----- Forwarded message -----

From: **Apartment Mart** <apartmentmart1952@gmail.com>
Date: Wed, Nov 17, 2021 at 3:17 PM
Subject: July 8, 2021 notice
To: <psf@portlandmaine.gov>

MEMORANDUM

TO: Chairman Austin Sims and Members of the Portland Rent Board
FROM: Benjamin Gaines, on behalf of Maine Democratic Socialists of America
DATE: January 19, 2022
RE: Rent Board Jurisdiction over Excessive Rent Increases

As you know, in November of 2020, the voters of the City of Portland passed a series of measures sponsored by the People First Portland campaign, a project of the Maine Democratic Socialists of America. One of those measures was Portland's historic rent control ordinance, which created this Board. It has come to our attention that there is a question now before the Board regarding its jurisdiction to hear appeals from tenants alleging that their landlords have imposed impermissible rent increases. The plain language and legislative intent of the ordinance is clear: the Rent Board is required to hear such appeals whether or not a landlord has consented to mediation in the matter.

Chapter 6, Article XII, Section 6-234(e) of Portland's City Code plainly states that "[a] Tenant who receives notice of a rent increase that they believe does not conform with this Section may file an appeal of said rent increase with the Rent Board." Further, the ordinance requires that upon receipt of such an appeal, "the Rent Board *shall* schedule a public hearing to be held no more than twenty-one (21) days after the filing of the completed appeal application." This section is not qualified by any language requiring consent of the landlord before the Rent Board may proceed with its hearing. Indeed, requiring such consent would render this

entire subsection superfluous. Where possible, ordinances should be construed to avoid rendering any language superfluous.

In Chapter 6, Article XIII, Section 6-263(e), the Rent Board is separately granted jurisdiction to “hear, review, and decide the appropriate outcome of *all* disputes arising between Landlords and Tenants on matters falling within the scope of Article XII of this Chapter, if both parties consent to such mediation and resolution” As 6-234(e) applies specifically to impermissible rent increases and Section 6-263(e) applies generally to any dispute arising out of Article XII, to the extent the sections might be read to conflict—which they should not—Section 6-234(e) must govern. For several additional reasons, this separate authority does not limit the Rent Board’s jurisdiction to hear appeals brought under Section 6-234(e).

First, the jurisdiction conferred by Section 6-263 is explicitly not exclusive, but rather granted, “[i]n addition to the jurisdiction conferred on it by the other ordinances of the City and in accordance therewith” Section 6-234(e) is the only other express source of jurisdiction for the Rent Board to hear matters outside of the list contained in Article XIII. Nothing in section 6-263(e) should be construed to limit any authority granted by the plain language of Section 6-234(e).

Second, Sections 6-234(e) and Section 6-263(e) use different verbiage to describe the nature of the jurisdiction conferred. In Section 6-234(e), the Rent Board is required to hear an “appeal,” while in Section 6-263(e) the hearing is referred to as a “mediation.” Generally, when legislation uses different words, those words should be construed to have different meanings. Simply put, the Rent Board’s

jurisdiction over an “appeal” granted under Section 6-234(e) is not the same as its jurisdiction over a “mediation” granted by 6-263(e).

Third, Section 6-263(f) grants the Rent Board broad authority to, “impose such fines as are necessary and allowed for violations of the provisions of the Rent Stabilization Ordinance” Additionally, in Section 6-234(e), the Rent Board is *specifically* authorized to impose a fine in the event of an excessive rent increase. It would be absurd to construe the ordinance to provide the Rent Board the authority to order fines only in the event that a landlord consents to allowing the Rent Board to hear the matter. Even if the plain language of these ordinances supported a construction that required the landlord’s consent—which they certainly do not—such an absurd interpretation would obviously be contrary to the legislative intent of a measure passed under the title, “An Act to Protect Tenants,” whose stated purposes include “protect[ing] the City’s tenant population”

For each of these reasons, the Rent Board should conclude that it has the authority and jurisdiction to hear an appeal where a tenant alleges an excessive rent increase—and indeed is required to hear the appeal—regardless of whether the landlord consents to a mediation in the matter. Please do not hesitate to contact me with any questions you might have on this topic.

JEWELL & BULGER, P.A.

Attorneys at Law

511 Congress Street, Suite 502

Portland, ME 04101

T: (207) 774-6665

F: (207) 774-1626

Thomas F. Jewell, Esq.

tjewell@jewellandbulger.com

Paul S. Bulger, Esq.

pbulger@jewellandbulger.com

January 31, 2022

rentboard@portlandmaine.gov

Mr. Austin Sims, Chair

Rent Board

City of Portland

389 Congress Street

Portland, ME 04101

RE: AMENDED AND RESTATED:Landlord Position in Response/Reply to the
Trelawny Tenants Union

Dear Mr. Sims:

In reference to the letter and complaints of the Trelawny Tenants Union (a/k/a "TTU"), the Landlord replies as follows:

Geoffrey I. Rice is the Manager of Trelawny 657, LLC, owner of the Trelawny building at 657 Congress Street, Portland. The law firm of Jewell & Bulger, P.A. and Attorney Paul S. Bulger represent the Landlord.

The TTU opposes the Tenant rate rent adjustment (TRRA), accounting for a portion of the increase in rent at 657 Congress Street.

The Landlord does not oppose a recalculation of the TTRA for 2021 based upon the elimination of commercial tenants from the calculation. For reasons set forth hereinbelow rent increases at 657 will not be less than the amount described in the notices to Tenants. Mr. Rice will apply the formula set forth in the ordinance and will limit rent increases to increase in property taxes, and the annual increase in CPI-all in accordance government statistics, but not greater than 10% in any one year.

Jurisdiction and Standing

The Respondent agrees that the Board has jurisdiction over applications for rent increases greater than those allowed under the Rent Stabilization Ordinance and the discretion to impose penalties for excessive rent increases pursuant to Section 2-263. The Respondent disagrees that members of the public who are not affected by the rent increase at 657 Congress Street have standing. The Respondent further submits that the rent increases for 2022 are not in excess of increases allowed for by the Ordinance. Under the Ordinance, the Rent Board does not have jurisdiction over rent increases that do not exceed the increases allowed under the Ordinance.

The jurisdiction and authority of the Rental Board set forth in the Ordinance in relevant part is as follows:

Portland Ordinance Sec. 6-263. Jurisdiction and authority.

In addition to the jurisdiction conferred on it by other ordinances of the City and in accordance therewith, the Rent Board shall have the following jurisdiction and authority:

(a) To hear, review and approve or deny Landlord applications for rent increases greater than those allowed by the Rent Stabilization Ordinance;

....

(f) To impose such fines as are necessary and allowed for violations of the provisions of the Rent Stabilization Ordinance;

In this matter, 2-263(a) are triggered by a plain reading of the complaint. The Landlord disagrees that the proposed rent increase exceed rent increases permissible under the Ordinance.

The Democratic Socialists of America (“DSA”) have submitted a position paper in connection with the Petition of the Trelawny Tenants Union (“TTU”). The commentator clearly has no standing for the following reasons:

1. They do not identify themselves individually or corporately;
2. The DSA is not a Tenant at 657 Congress Street; and
3. The DSA does not state how they have suffered a particularized injury.

Furthermore, the Board is a creation of statute with limited purview set forth in the ordinance. The Board has no authority to address matters falling outside of rent increases and rent disputes related to changes in rent. The DSA’s position must be stricken from the record.

Facts/Background

The 657 building (hereinafter “657”) is owned by a Maine limited liability company, Trelawny 657, LLC, the manger is Geoffrey I. Rice (hereinafter “657”). Mr. Rice and his family reside on the 8th floor of the 657.

The 657 building contains 103 rental units on eight floors, all of which are two bedrooms, one bedroom or efficiency apartments. The breakdown of the size and type of units in the Trelawny building is as follows:

<u>Type</u>	<u>No. of Units</u>
2 Bedrooms	5
1 Bedroom	14
Studios	80
Efficiencies	<u>4</u>
Total	103

The Landlord heats the entire building and heat is included in rent. Tenants are billed for utilities by Central Maine Power Company or Until, the gas company, and for cable, if they subscribe. The building also contains the rental office for Trelawny 657 and 3 commercial tenants.

On April 27, 2020, Mr. Rice agreed to meet with 3 tenants, Kennedy Johnson, Wes Pelletier and Ethan Strimling, to discuss lease renewals and 2020 rent increases. At the meeting, Mr. Rice agreed to suspend rent increases for 2020, and to work with tenants on payment plans if the Tenant proved unable to pay rent. All evictions were suspended. (See the attached Exhibit A notice of meeting and A-1 Tenant Summary).

During the last half of calendar year 2020, beginning 7/1/20, 8 units turned over at 657 and rents were increased as each of the units were re-rented. All of these rent increases predated the adoption of the Ordinance.

In November of 2020, citizens of the City of Portland adopted a Rent Stabilization Ordinance which is informally referred to as Rent Control. In accordance with the new law, Mr. Rice submitted base rent information for all units effective July 1, 2020 to the City, and he reduced all rents to base rent effective July 1, 2020. Rent increases for 8 new Tenants (for 8 units turnover over in 2020) that exceeded base rent for the period from July 1, 2020 through 2021 were refunded to the new tenants.

On July 1, 2021, Mr. Rice notified Tenants that a rent increase of 10% would be adopted as leases were renewed, anticipated as a result of a pending property tax increase and substantial changes in the rate of inflation and a \$1.5 million fire safety project at 657, effective after November 1, 2021. No dates were given in the Notice because Mr. Rice did not have information necessary for the rent increase at the time.

The City objected to the notice and the notice was withdrawn by Mr. Rice in writing to Trelawny Tenants.

Tenants expressed concern to the City that they did not have documentation.

The Housing Safety Officer, Chuck Fagone, received copies of all documents necessary for administration of the law.

Throughout calendar year 2020 and 2021, the Landlord, Mr. Rice, was attempting to decipher the Ordinance which did not include the calculation of such basic terms as the following:

1. Measurement of the tax year;
2. Years (or quarters) for the measurement of CPI-U Boston;
3. Limitations on when a rent increase may be adopted; and
4. A clear and concise definition for capital improvements.

In this context, Mr. Rice waited until the Fall of 2021, in order to calculate CPI, the increase in CPI (1 year from June 30, 2020) and until September of 2021 for increases in change of assessment of the building.

On July 19, Mr. Rice met with Chuck Fagone and Anne Torregrossa, corporation counsel, and he agreed to withdraw the July 1st notice for November and to notify Tenants of Tenant's rights and complete the Supplemental Registration Form.

Mr. Rice completed the notices to Tenants immediately thereafter rescinding the January 1, 2020 notice and withdrew the increase.

The City has notified Mr. Rice that the CPI index (Boston) represents an increase of 4.3% for the prior calendar year. Property taxes for the calendar year ending June 30, 2021 for 657 based upon the 2021 assessment is \$127,220.10. Property taxes for 657 based upon the 2021 assessment is \$216,513.88. Therefore, the tax increase for the 657 building for the current fiscal year ending June 30, 2022, is \$89,293.78.

Issues

The TTU petition raises various issues as follows:

1. Whether the Landlord's notice of rent increase is greater than those permitted by the Rent Stabilization Ordinance;
2. Whether a property tax increase includes the Downtown Improvement tax ("DID") for purposes of calculating rent increases under the Ordinance;
3. Whether the Rent Board has purview under the Ordinance to allocate rent increases within multi-unit buildings other than per unit or per building;

Or, on the other hand whether a Landlord retains the right to allocate cost increases (taxes, inflation and increased capital costs) on a per unit basis; and

4. Whether the Landlord can be penalized for notice violations under circumstances where in the law is vague and the Housing Safety Office has declined to penalize the Landlord.

Issue I

The Landlord's proposed rent increase is not greater than those permitted by the Ordinance.

The Landlord's notice increases rents based upon two factors:

1. 4.3% rate of inflation (CPI-U Boston year over year); and
2. Property tax increase of \$89,293.78 for the building, an increase of 70.19%. This figure includes all property taxes assessed based upon assessed value of the building year over year and the MIL rate, including the DID.

The inflation rate was applied to each unit's base rent. The base rent, the tax increase and the inflation rate index change to base rent was then totaled for each unit. (See the attached Exhibit ____, examples for each of 4-unit styles: 2-bedroom; studio; 1-bedroom; and efficiency).

Any increase that would have increased rent in excess of 10% were added to the "rental bank" for each unit for the following year in accordance with the Ordinance.

Mr. Rice stipulates that his private apartment and the first floor commercial tenancies should be excluded from the calculation of the TRRA. The Trelawny office and basement are part of tenant services and should not be excluded. The basement space is used to store appliances; HVAC equipment and electrical equipment, and for sprinkler pump and maintenance for the building. The tax assessor does not allocate value to the basement and does not assess per unit or by floor. The basement is unimproved space and should not be included in building square footage for rental purposes.

The Trelawny office and common area is 50% of 11,063 square feet or 5,531.50 square feet, the other half of the first floor is 5,530 square feet. Hence the total building square footage, 20,365 square feet must be excluded from the tax allocation. The total billable square footage factor is $100,150.5 / 120,515$ or 83.10%. TRRA is therefore 83.10% of the total tax increase for the current year

In order to calculate the increase, however, the taxable square footage for residential tenants must be reduced for the prior tax year to 83.10% of that figure. The 2020 tax year is \$127,220.10 and therefore 83.10% is \$105,722.05.

The TRRA must compare the increase of taxes associated with Tenant occupancy in 2021 to the tax associated with Tenant occupancy in 2022 as follows:

2021 Total Tax \$127,220.10 at 83.10% = \$105,720

vs.

2022 Total Tax \$216,514 at 83.10% = \$179,923.13

TRRA Increase - \$74,203.13 or

\$60.03/unit per month

Issue II

Whether the Downtown Improvement District Tax (DID) is a property tax.

The DID tax is assessed based on property value. The DID tax increased this year over last year by 70.1%, approximately \$3,700. The Landlord included the increase in his property tax increase on the basis that the tax is assessed and collected by the City on the same basis that the City collects property taxes, and the tax is used for municipal services. Further, the DID assessment is mandatory and is enforced by the City by lien if not paid. The DID is not voluntary if you live in the zone. The DID is mandatory.

There are several reasons to treat this increase as a property tax as follows:

1. The law is a creature of statute and as such should be strictly construed;
2. The spirit of the law is plain: to allow rent increases to cover ordinary and necessary fixed costs of building ownership including taxes or as stated in Ordinance Section 6-230, to ensure that Landlords receive a fair return on investment.

The tax rate rent adjustment (TRRA) does not define the term “tax”. The Ordinance states: that “tax rate rent adjustment is allowed only if the City changes the MIL rate as compared to the previous rental year”. Since the DID tax is based upon the MIL rate for the property and referenced in the assessment and collected and enforced by the City, the tax must be included in the TRRA for the year.

To a Tenant the name “DID Tax” is not a property tax. To a property owner, it is assessed based on the MIL rate. In other words, if it looks, quacks and walks like a duck, it’s a duck. The law and its construction are that simple.

Issue III

Whether the Rent Board has authority under its rules to allocate rent increases within multi-unit buildings.

The jurisdiction and authority of the Rent Board to deny rent increases greater than those allowed by the Rent Stabilization Ordinance is clear. It follows that the Board has no authority to hear or deny rent increases that do not exceed a rent increase that are allowed by the Ordinance.

There is no rule or other information that requires a particular method for allocation of tax increases or inflation increases under the Ordinance. For example, if the rent increase for the building associated with an increase in property taxes was \$103, each unit in the Trelawny building would receive a \$1 increase in rent associated with the increase, year over year. This is the method employed by the Landlord for this year.

The inflation increase for this calendar year is 4.3%. The Landlord applied the rent increase to each Tenant based upon their base rent. Therefore, smaller units with lower rents are subject to an equal rent increase stated as a percentage (ergo, 4.3%), but larger units pay a larger absolute increase.

As framed hereinabove, the increase is a simple mathematical exercise, and the rent increases are not in excess of those allowed by the Ordinance. The calculation of the rent increase is set forth in Issue I above.

Issue IV

Whether the Landlord should be penalized for notice violations.

Counsel has reviewed 200 pages of correspondence between the office of Geoffrey Rice and Chuck Fagone and Zachary Lenhert, the Housing Safety Officers, between June 2021 and December 2021. The communications between the 2 offices relate almost exclusively to rent increases and interpretation of the Ordinance. Attached are examples of some of these communications.

The communications are respectful and civilized. The overall impression is that Mr. Rice and his staff were struggling to manage the turnover of tenancies and related rent increases for 2020, and turnover and cost increases for 2021 in the context of an Ordinance adopted but without rules, regulations or precedent.

In short, the record shows when Mr. Rice was notified of a perceived deficiency or violation in one of his notices, the notice was immediately rescinded.

Currently, 9 Tenants are under leases pending (no notice) 6-PHA leases; 88 Tenants were notified of rent increases and renewal, for a total of 103 units. Of those tenants informed of rent increases, 68 have renewed and 20 are pending.

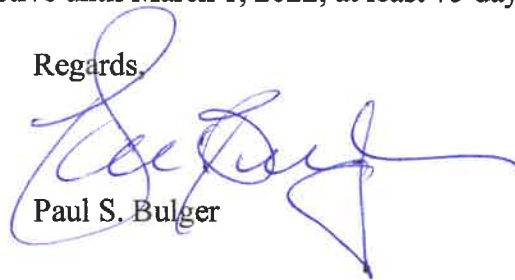
Mr. Lenhert testified that the Housing Safety Office does not assess a penalty for notices issued in good faith for which Tenants have not paid an unlawful increase in rent. For their part, members of the TTU have testified that notices of any kind from Mr. Rice or Apartment Mart trigger an unwelcome feeling of “depression” or “anxiety”. The feelings of the members of TTU alone do not form a legal basis for the penalty claimed by the Tenants. Moreover, the City has considerable experience imposing penalties through the corporation counsel’s office. The process by which penalties are justified is well established by statute and precedent.

The current set of facts fall well outside of the rules and precedents used by the City to penalize Landlords.

There is clearly no intention to mislead Tenants or increase rents above the amount allowed under the law. Not a single Tenant in the Trelawny has yet paid a rent increase over "base rent" since June 2020. Rent increases for 2022, begin March 1, 2022, and all rent increases commence at least 75 days following notice to the Tenant(s) in December. In the case of notices mailed after December 15, 2021, rent increases commence April 1.

The only matter properly before the Board is a perceived violation in the notice of increase in rents. (The actual rent increase is not effective until March 1, 2022, at least 75 days following notice).

Regards,

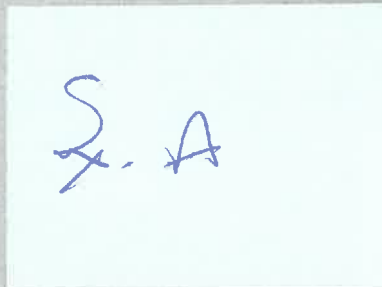


Paul S. Bulger

PSB/cmk

Attachments

cc: Zachary Lenhert (via email zlenhert@portlandmaine.gov)
Geoffrey I. Rice



April 27th, 2020

Dear Mr. Rice,

We hope that you and your family are safe and healthy.

We are writing in hopes of meeting with you next week to discuss some concerns we are hearing from tenants about the economic crisis. We have a few ideas on ways you may be able to help ensure that you don't lose tenants and residents don't lose housing. Our goal is to make this economic crisis as painless as possible for all involved.

Please email us at board@RAMSportland.com to let us know of your availability next week, and we will be happy to set up a call.

Thank you, and be well.

Sincerely,

Kennedy Johnson

Wes Pelletier

Ethan Strimling

4 A-1

HEY NEIGHBOR... DID YOU KNOW?

A few of us tenants have met with Geoffrey Rice and Kay. Our meetings went well, and we are meeting with them again soon. So far, Apartment Mart has committed to:

1. Working with all tenants that are struggling financially (reducing or delaying a portion of your rent for the summer, depending on your situation)
2. Not evicting anyone for financial hardship during the pandemic
3. No rent increases in 2020
4. Renewing leases for anyone that wants one, regardless of financial hardship

If anyone is told anything contrary to what Apt. Mart has committed to above, let us know (if you/someone was asked to leave or was evicted, or if your rent went up)!

Email us at info@ramsportland.com

DURING A CRISIS, RENTERS ARE STRONGER TOGETHER

Let's keep in touch to support each other, share information, and make sure no one has to choose between getting into financial trouble and getting left outside.

WhatsApp: [tinyurl.com/TrelawneyWhatsApp](https://www.tinyurl.com/TrelawneyWhatsApp)

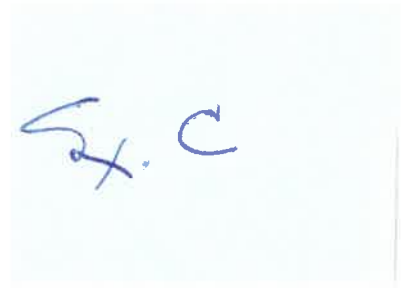
Discord: [tinyurl.com/655congress](https://www.tinyurl.com/655congress)

To: Residential Tenants at 655 Congress, Portland

From: Geoffrey I. Rice, Manager

Date: July 9, 2021

RE: Notice of Rent Increase



Dear Tenants:

I apologize for this formal letter. The Portland Ordinance was revised effective January 1, 2021, and now includes rent control. The purpose of this letter is to inform you of a rent increase scheduled beginning November 1, 2021, effective 75 days or more from the date of this notice.

Your next rent increase will be a maximum of 10% above your current rent to take effect on November 1, 2021.

Under the new Portland Rent Control Ordinances, increases in rent are limited to three kinds of adjustments as follows:

1. An inflation adjustment equivalent to the Consumer Price Index;
2. A property tax increase factor; and
3. A capital improvement adjustment.

The data for each of these adjustments is not yet available. We believe the Consumer Price Index will not be published until October 25, 2021. However, preliminary calculations indicate that the maximum adjustment will be appropriate for this calendar year.

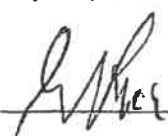
As you know, 655 Congress Street has been undergoing fire safety improvements to be completed by the end of the year. The new sprinkler and pump system costs have been substantial but are necessary to comply with the fire safety code.

Your actual rent increase will be confirmed following the publication of tax and inflation adjustment figures later this year. Unfortunately, there is some uncertainty about the timing of the approval.

Thank you for your understanding.

Regards,

Trelawny 657, LLC

By: 

Geoffrey I. Rice, Manager

From: Chuck Fagone
To: Apartment Mart
Cc: Fagone, Chuck
Subject: Re: Letters to Tenants with refund
Date: Monday, August 30, 2021 9:00:11 AM



Can you advise if there are additional letters that need to be sent? Specifically unit #605. thanks, Chuck

On Mon, Aug 23, 2021 at 2:01 PM Apartment Mart
<apartmentmart1952@gmail.com> wrote:

Dear Chuck:

Enclosed herein are copies of the letters for the eight tenants of 655 Congress Street who received rent increases prior to January 1, 2022 above the 5% new tenant increase. The smallest refund was \$17.75 and the largest was \$300.00.

Yours truly,

Geoffrey I. Rice

--

Apartment Mart
Residential Rentals
Portland & Biddeford
P: 207-773-1814
F: 207-773-5528

--

Chuck Fagone
Team Leader, Code Enforcement Officer, CFI I (Housing Safety)
Department of Permitting & Inspections
City of Portland
389 Congress Street
Portland, Maine 04101
Office: 874-8789

CITY000163

From: [Zachary Lenhart](#)
To: [Chuck Fagone](#)
Subject: Re: Rent Control Compliance
Date: Thursday, August 05, 2021 2:34:50 PM

Thanks Chuck.

On Thu, Aug 5, 2021 at 2:27 PM Chuck Fagone <psf@portlandmaine.gov> wrote:
Mr. Rice,
If you could provide the documentation we have asked for by close of business (5:00pm) on Monday August 9th it would be appreciated. thanks you, Chuck

On Thu, Aug 5, 2021 at 12:59 PM Chuck Fagone <psf@portlandmaine.gov> wrote:

Mr. Rice,
Thank you for meeting with me this afternoon. As we discussed, I do need to have copies of the tenants notice informing them that you are rescinding any rental increases from this year and that the increase for November 1, 2021 is withdrawn.

I also need documentation that you have provided your tenants with the Housing Rights Document.

Please provide via this email. thanks again, Chuck

On Mon, Jul 19, 2021 at 2:45 PM Anne Torregrossa <atorregrossa@portlandmaine.gov> wrote:
Good afternoon Mr. Rice.

Thanks for talking with us today. Here are some of the items we discussed:

1. Instructions on how to submit the rental registration information can be found here: <https://www.portlandmaine.gov/1680/Rental-Registration> Under the section that says NEW FOR 2021 REGISTRATIONS, you will see links to a Google form, PDF, or excel sheet where you can fill out that information.
2. Here is a link to the tenant information form:
<https://www.portlandmaine.gov/DocumentCenter/View/15192/Rental-Housing-Rights-Document>
This must be provided to each tenant and they must acknowledge receiving it.
3. As we discussed, you will send a notice to your tenants letting them know that you are rescinding any rental increases from this year and that the letter regarding the November 1, 2021 increases are withdrawn.
4. Once the Rent Board finalizes their applications forms, you can apply for a rental increase from the Board. Those forms will be posted here once they are complete: <https://www.portlandmaine.gov/2682/Rent-Board>

Please let Chuck know if you have any questions.

Anne

CITY000174

--

Anne M. Torregrossa
Associate Corporation Counsel
City of Portland
389 Congress Street, Room 211
Portland, Maine 04101
(207)874-8426

--

Chuck Fagone
Team Leader, Code Enforcement Officer, CFI I (Housing Safety)
Department of Permitting & Inspections
City of Portland
389 Congress Street
Portland, Maine 04101
Office: 874-8789

--

Chuck Fagone
Team Leader, Code Enforcement Officer, CFI I (Housing Safety)
Department of Permitting & Inspections
City of Portland
389 Congress Street
Portland, Maine 04101
Office: 874-8789

--

Zachary J. Lenhert
Licensing and Housing Safety Manager
City of Portland, Maine
389 Congress Street Room 307
Portland, Maine 04101
207-756-8008

Trelawny 657, LLC
657 Congress Street
First Floor
Portland, Maine 04101
(207) 773-1814

Ex. E

11/19, 2021

655 Congress Street
Apartment No. 204
Portland, Maine 04101

Dear: ASHISH SHRESTHA

On 5-29-2019 we signed a lease to your Apartment No. 204
at a rental of \$ \$ 920.00. No rental increase has been
made since that date. Under our lease your rental and other terms have been continued
month to month since the end of your fixed term. On or about July 8th, 2021, we
delivered a notice to you that your rental will increase on January 1, 2022. A
representative from the Rental and Housing Board informed us the aforementioned notice
was not sufficient as a 75 day notice. The new date of rental increase is March 1, 2022.
On that date your rent will increase due to your share of the increase of City of Portland
real estate tax for the city fiscal year of 2022, which began July 1, 2021, and the increase
in the Consumer Price Index (CPI) as of September 1, 2021, which is 4.3%. Your
monthly rental beginning March 1, 2022, is \$ \$ 1,012.00. We hope you will
remain our tenant, however, if you decide to terminate and move, please give us your
thirty day notice on or before February 1, 2022 as stated in paragraph number 7 of our
lease agreement. The fiscal year of 2022 real estate tax increase as of July 1, 2021, by
\$89,293.78 from FY21 of \$127,220.10 to FY22 of \$216,513.88. Your share of this is
\$875.43 per year or \$72.95 per month. The CPI increase is 4.3% per month which totals
\$ 39.56

1. Old rental	\$ <u>920.00</u>
2. Real estate Tax increase	\$ <u>72.95</u>
3. CPI Increase 4.3%	\$ <u>39.56</u>
4. Subtotal of above	\$ <u>1,032.51</u>
5. Maximum new rental at %10	\$ <u>1,012.00</u>
6. Actual rental <u>March</u> 1, 2022	\$ <u>1,012.00</u>
7. Rental bank to following year	\$ <u>20.51</u>

Yours Truly

Geoffrey I Rice
11/19/21

GIR/mp

Trelawny 657, LLC
657 Congress Street
First Floor
Portland, Maine 04101
(207) 773-1814

December, 2021

(Two Bed Room)
4 Rooms

Revised 12/14/21

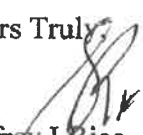
657 Congress Street
Apartment No. 723-726
Portland, Maine 04101

Dear: BENJAMIN EAMES

On 8-01-2020 we signed a lease to your Apartment No. 723-726 at a rental of \$ 1,501.50. No rental increase has been made since that date. Under our lease your rental and other terms have been continued month to month since the end of your fixed term. The new date of rental increase is March 1, 2022. On that date your rent will increase due to your share of the increase of City of Portland real estate tax for the city fiscal year of 2022, which began July 1, 2021, and the increase in the Consumer Price Index (CPI) as of September 1, 2021, which is 4.3%. Your monthly rental beginning March 1, 2022, is \$ _____. We hope you will remain our tenant, however, if you decide to terminate and move, please give us your thirty day notice on or before February 1, 2022 as stated in paragraph number 7 of our lease agreement. The fiscal year of 2022 real estate tax increase as of July 1, 2021, by \$ 89,293.78 from FY21 of \$ 127,220.10 to FY22 of \$ 216,513.88. Your share of this is \$ 875.43 per year or \$ 72.95 per month. The CPI increase is 4.3% per month which totals \$ _____.

1. Old rental	\$ <u>1,501.50</u>
2. Real estate Tax increase	\$ <u>72.95</u>
3. CPI Increase 4.3%	\$ <u>64.56</u>
4. Subtotal of above	\$ <u>1,639.01</u>
5. Maximum new rental at %10	\$ <u>1,651.65</u>
6. Actual rental March 1, 2022	\$ <u>1,639.01</u>
7. Rental bank to following year	\$ <u>-0-</u>

Yours Truly


Geoffrey I Rice

GIR/mp

Trelawny 657, LLC
657 Congress Street
First Floor
Portland, Maine 04101
(207) 773-1814

One Room
Studio

November 23 2021

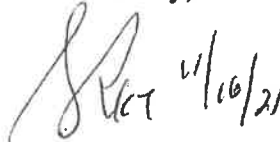
655 Congress Street
Apartment No. 411
Portland, Maine 04101

Dear: OLIVIA. GODBURN*

On 4-15-2020 we signed a lease to your Apartment No. _____ at a rental of \$690.00. No rental increase has been made since that date. Under our lease your rental and other terms have been continued month to month since the end of your fixed term. On or about July 8th, 2021 we delivered a notice to you that your rental will increase on January 1, 2022. On that date your rent will increase due to your share of the increase of City of Portland real estate tax for the city fiscal year of 2022, which began July 1, 2021 and the increase in the Consumer Price Index (CPI) as of September 1, 2021 which is 4.3%. Your monthly rental beginning January 1, 2022 is \$759.00. We hope you will remain our tenant, however, if you decide to terminate and move please give us your thirty day notice on or before December 1, 2021 as stated in paragraph number 7 of our lease agreement. The fiscal year of 2022 real estate tax increase as of July 1, 2021 by \$89,293.78. Your share of this is \$875.43 per year or \$72.95 per month. The CPI increase is 4.3% per month which totals \$29.67.

1. Old rental	\$ 690.00
2. Real estate Tax increase	\$72.95
3. CPI Increase 4.3%	\$ 29.67
4. Subtotal of above	\$ 792.62
5. Maximum new rental at %10	\$ 759.00
6. Actual rental March 1, 2022	\$ 759.62
7. Rental bank to following year	\$ 33.62

Yours Truly,

 11/16/21

Geoffrey I Rice

GIR/mp

Efficiency

Trelawny 657, LLC
657 Congress Street
First Floor
Portland, Maine 04101
(207) 773-1814

November 23 2021

655 Congress Street
Apartment No. 420
Portland, Maine 04101

Dear: BLIGHT GOODIN

On 10-01-2020 we signed a lease to your Apartment No. _____ at a rental of 635.00. No rental increase has been made since that date. Under our lease your rental and other terms have been continued month to month since the end of your fixed term. On or about July 8th, 2021 we delivered a notice to you that your rental will increase on January 1, 2022. On that date your rent will increase due to your share of the increase of City of Portland real estate tax for the city fiscal year of 2022, which began July 1, 2021 and the increase in the Consumer Price Index (CPI) as of September 1, 2021 which is 4.3%. Your monthly rental beginning January 1, 2022 is \$ 698.50. We hope you will remain our tenant, however, if you decide to terminate and move please give us your thirty day notice on or before December 1, 2021 as stated in paragraph number 7 of our lease agreement. The fiscal year of 2022 real estate tax increase as of July 1, 2021 by \$89,293.78. Your share of this is \$875.43 per year or \$72.95 per month. The CPI increase is 4.3% per month which totals \$ 27.31.

1. Old rental	\$ 635.00
2. Real estate Tax increase	\$72.95
3. CPI Increase 4.3%	\$ 27.31
4. Subtotal of above	\$ 735.26
5. Maximum new rental at %10	\$ 698.50
6. Actual rental March 1, 2022	\$ 698.50
7. Rental bank to following year	\$ 36.76

Yours Truly,

Geoffrey I Rice

GIR/mp

Geoffrey Rice
655 Congress

Σx. F
Tex Bills

	Bill Year 2020	Bill Year 2021	Bill Year 2022
Property Taxes	\$ 121,736.48	\$ 121,736.47	\$ 207,412.63
Downtown Improvement	\$ 5,692.53	\$ 5,483.63	\$ 9,101.25
Total	\$ 127,429.01	\$ 127,220.10	\$ 216,513.88
Change from 2021 to 2022	\$ 89,293.78		



Real Estate

Newer unpaid bill(s) exist for this parcel.

View Bill [View bill image](#)

As of	1/26/2022
Bill Year	2020
Bill	4555
Owner	TRELAWNY 657 LLC
Parcel ID	046-D-021-001

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	10/18/2019	\$60,868.24	\$60,868.24	\$0.00	\$0.00	\$0.00
2	6/1/2020	\$60,868.24	\$60,868.24	\$0.00	\$0.00	\$0.00
TOTAL		\$121,736.48	\$121,736.48	\$0.00	\$0.00	\$0.00

**CITY OF PORTLAND**389 CONGRESS ST
PORTLAND, ME 04101

For the fiscal year July 01, 2019 to June 30, 2020

BILL #: 4555
ACCOUNT #: 5491
CBL: 046-D-021-001
LOCATION: 655 CONGRESS STRICE GEOFFREY
657 CONGRESS ST FIRST FLOOR
PORTLAND, ME 04101Owner of Record as of: April 1, 2019
TRELAWNY 657 LLC**CURRENT BILL RATE DISTRIBUTION**

SCHOOL	11.690	\$61,051.02
COUNTY	0.830	\$4,334.68
MUNICIPAL	10.790	\$56,350.78
TOTAL	23.310	\$121,736.48

**THIS IS THE ONLY BILL
YOU WILL RECEIVE****Assessed Property Description:**46-D-21
CONGRESS ST 655
AVON ST
14635 SF
Acres: 0.336**FY20 REAL ESTATE TAX BILL****BILLING INFORMATION**

LAND VALUE	\$320,600.00
BUILDING VALUE	\$4,901,900.00
TOTAL VALUE	\$5,222,500.00
EXEMPTIONS	\$0.00
TAXABLE VALUE	\$5,222,500.00
TAX RATE	23.31
TOTAL TAX	\$121,736.48
PAYMENTS/CREDITS	\$0.00
TAX DUE	\$121,736.48

DATE DUE	AMOUNT DUE
10/18/2019	\$60,868.24
03/20/2020	\$60,868.24

INTEREST AT 9% PER ANNUM CHARGED BEGINNING 10/19/2019 AND 03/21/2020.**TAXPAYER'S NOTICE**Per State law, the ownership and valuation of all real estate and personal property subject to taxation shall be fixed as of April 1st.
For this tax bill, that date is April 1, 2019.**IF THIS PROPERTY HAS BEEN TRANSFERRED, PLEASE FORWARD A COPY OF THIS BILL TO THE NEW OWNER.
THIS IS ONLY FOR THE CURRENT FISCAL YEAR****INFORMATION****Without State Aid for Education, Homestead and BETE Exemption Reimbursement and State Revenue Sharing, your taxes would be 15.12% higher. The current City and School bonded indebtedness is \$319,660,011.**
For information regarding changes or valuations, please contact the Assessor's Office at (207) 874-8486. Information regarding payments, interest, lien cost charges, and/or refunds, please contact the Treasury Office at (207) 874-8490.**REMITTANCE INSTRUCTIONS****THIS IS THE ONLY BILL YOU WILL RECEIVE. THIS BILL INCLUDES TWO (2) PAYMENT VOUCHERS.**Please make check or money order payable to City of Portland and mail to:**City of Portland Treasury
PO Box 16050
Lewiston, ME 04243-9533**For payments in person, please go to the Treasury Office located in Room 102 of City Hall.
If your bank or mortgage company pays your taxes, please review and forward a copy of this bill to them.**FY20 REAL ESTATE TAX BILL** THIS STUB MUST BE RETURNED WITH YOUR **SECOND** PAYMENTBILL #: 4555
ACCOUNT #: 87661
CBL: 046-D-021-001INTEREST AT 9% CHARGED
BEGINNING 03/21/2020**CITY OF PORTLAND TREASURY
PO Box 16050
LEWISTON, ME 04243**

DATE DUE	AMOUNT DUE
03/20/2020	\$60,868.24

RICE GEOFFREY

AMOUNT PAID \$ _____

208202060000455592600060868247

☐ OWNER / ADDRESS CHANGE?
CHECK HERE AND NOTE CHANGES ON BACK.



CITY OF PORTLAND
389 CONGRESS ST
PORTLAND, ME 04101

For the fiscal year July 01, 2019 to June 30, 2020

BILL #: 25242
ACCOUNT #: 5491
CBL: 046-D-021-001
LOCATION: 655 CONGRESS ST

RICE GEOFFREY
657 CONGRESS ST FIRST FLOOR
PORTLAND, ME 04101

Owner of Record as of: April 1, 2019
TRELAWNY 657 LLC

**THIS IS THE ONLY BILL
YOU WILL RECEIVE**

Assessed Property Description:
46-D-21
CONGRESS ST 655
AVON ST
14635 SF

FY20 DOWNTOWN IMPROVEMENT DISTRICT BI

BILLING INFORMATION

Land Value	\$320,60
Building Value	\$4,901,90
Total Value	\$5,222,50
Exemptions	\$
Taxable Value	\$5,222,50
Tax Rate	1.09
TOTAL TAX	\$5,692.5
Payments/Credits	\$0.0
TAX DUE	\$5,692.5

DATE DUE	AMOUNT DUE
10/18/2019	\$2,846.2
03/20/2020	\$2,846.2

INTEREST AT 9% PER ANNUM CHARGED BEGINNING 10/19/2019 AND 03/21/2020.

TAXPAYER'S NOTICE

Per State law, the ownership and valuation of all real estate and personal property subject to taxation shall be fixed as of April 1st.
For this tax bill, that date is April 1, 2019.

**IF THIS PROPERTY HAS BEEN TRANSFERRED, PLEASE FORWARD A COPY OF THIS BILL TO THE NEW OWNER.
THIS IS ONLY FOR THE CURRENT FISCAL YEAR**

INFORMATION

If you have any questions or wish to submit comments concerning the Portland Downtown District, you may contact either:

City of Portland Economic Development Office
389 Congress St, Room 308
Portland, ME 04101
207-874-8683

Portland Downtown District
549 Congress St.
Portland, ME 04101
207-772-6828

REMITTANCE INSTRUCTIONS

THIS IS THE ONLY BILL YOU WILL RECEIVE. THIS BILL INCLUDES TWO (2) PAYMENT VOUCHERS.
Please make check or money order payable to City of Portland and mail to:

City of Portland Treasury
PO Box 16050
Lewiston, ME 04243-9533

For payments in person, please go to the Treasury Office located in Room 102 of City Hall.

FY20 DOWNTOWN IMPROVEMENT DISTRICT BILL

THIS STUB MUST BE RETURNED WITH YOUR SECOND PAYMENT

BILL #: 25242
ACCOUNT #: 5491
CBL: 046-D-021-001

INTEREST AT 9% CHARGED
BEGINNING 03/21/2020

CITY OF PORTLAND TREASURY
PO Box 16050
LEWISTON, ME 04243

DATE DUE	AMOUNT DUE
03/20/2020	\$2,846.26

RICE GEOFFREY

AMOUNT PAID \$ _____

208202060002524292600002846269

☐ OWNER / ADDRESS CHANGE?
CHECK HERE AND NOTE ON BACK.



Real Estate

Newer unpaid bill(s) exist for this parcel.

[View Bill](#)
[View bill image](#)

As of	1/26/2022
Bill Year	2021
Bill	29297
Owner	TRELAWNY 657 LLC
Parcel ID	046-D-021-001

[View payments/adjustments](#)

Installment	Pay By	Amount	Payments/Credits	Balance	Interest	Due
1	10/30/2020	\$60,868.24	\$60,868.24	\$0.00	\$0.00	\$0.00
2	3/19/2021	\$60,868.24	\$60,868.24	\$0.00	\$0.00	\$0.00
TOTAL		\$121,736.48	\$121,736.48	\$0.00	\$0.00	\$0.00

©2022 Tyler Technologies, Inc.

**CITY OF PORTLAND**389 CONGRESS ST
PORTLAND, ME 04101

For the fiscal year July 01, 2020 to June 30, 2021

BILL #: 29297
ACCOUNT #: 5491
PARCEL ID: 046-D-021-001
LOCATION: 655 CONGRESS STRICE GEOFFREY
657 CONGRESS ST FIRST FLOOR
PORTLAND, ME 04101Owner of Record as of: April 1, 2020
TRELAWNY 657 LLC**CURRENT BILL RATE DISTRIBUTION**

SCHOOL	11.690	\$61,051.02
COUNTY	0.870	\$4,543.58
MUNICIPAL	10.750	\$56,141.88
TOTAL	23.310	\$121,736.48

**THIS IS THE ONLY BILL
YOU WILL RECEIVE****Assessed Property Description:**46-D-21
CONGRESS ST 655
AVON ST
14635 SF
Acres: 0.336**FY21 REAL ESTATE TAX BILL****BILLING INFORMATION**

LAND VALUE	\$320,60
BUILDING VALUE	\$4,901,90
TOTAL VALUE	\$5,222,50
EXEMPTIONS	\$
TAXABLE VALUE	\$5,222,50
TAX RATE	23.31
TOTAL TAX	\$121,736.4
PAYMENTS/CREDITS	\$0.0
ABATEMENT/ADJUST	\$0.0
TAX DUE	\$121,736.4

DATE DUE	AMOUNT DUE
10/30/2020	\$60,868.2
03/19/2021	\$60,868.2

INTEREST AT 8% PER ANNUM CHARGED BEGINNING 10/31/2020 AND 03/20/2021.**TAXPAYER'S NOTICE**Per State law, the ownership and valuation of all real estate and personal property subject to taxation shall be fixed as of April 1st.
For this tax bill, that date is April 1, 2020.**IF THIS PROPERTY HAS BEEN TRANSFERRED, PLEASE FORWARD A COPY OF THIS BILL TO THE NEW OWNER.
THIS IS ONLY FOR THE CURRENT FISCAL YEAR****INFORMATION****Without State Aid for Education, Homestead and BETE Exemption Reimbursement and State Revenue Sharing, your taxes would be 13.5% higher. The current City and School bonded indebtedness is \$335,854,717.**
For information regarding changes or valuations, please contact the Assessor's Office at (207) 874-8486. Information regarding payments, interest, lien cost charges, and/or refunds, please contact the Treasury Office at (207) 874-8490.**REMITTANCE INSTRUCTIONS****THIS IS THE ONLY BILL YOU WILL RECEIVE. THIS BILL INCLUDES TWO (2) PAYMENT VOUCHERS.**
Please make check or money order payable to City of Portland and mail to:**City of Portland Treasury
PO Box 16050
Lewiston, ME 04243-9533**For payments in person, please go to the Treasury Office located in Room 102 of City Hall.
If your bank or mortgage company pays your taxes, please review and forward a copy of this bill to them.**FY21 REAL ESTATE TAX BILL**THIS STUB MUST BE RETURNED WITH YOUR SECOND PAYMENT**CITY OF PORTLAND TREASURY
PO Box 16050
LEWISTON, ME 04243**BILL #: 29297
ACCOUNT #: 87661
PARCEL ID: 046-D-021-001INTEREST AT 8% CHARGED
BEGINNING 03/20/2021

DATE DUE	AMOUNT DUE
03/19/2021	\$60,868.24

RICE GEOFFREY

AMOUNT PAID \$ _____

208202140002929792600060868247

☐ OWNER / ADDRESS CHANGE?
CHECK HERE AND NOTE CHANGES ON BACK.

**CITY OF PORTLAND**389 CONGRESS ST
PORTLAND, ME 04101

For the fiscal year July 01, 2020 to June 30, 2021

BILL #: 50012
ACCOUNT #: 5491
PARCEL ID: 046-D-021-001
LOCATION: 655 CONGRESS ST**THIS IS THE ONLY BILL
YOU WILL RECEIVE**RICE GEOFFREY
657 CONGRESS ST FIRST FLOOR
PORTLAND, ME 04101Owner of Record as of: April 1, 2020
TRELAWNY 657 LLCAssessed Property Description:
46-D-21
CONGRESS ST 655
AVON ST
14635 SF**FY21 DOWNTOWN IMPROVEMENT DISTRICT BILL****BILLING INFORMATION**

Land Value	\$320,600
Building Value	\$4,901,900
Total Value	\$5,222,500
Exemptions	\$0
Taxable Value	\$5,222,500
Tax Rate	1.050
TOTAL TAX	\$5,483.63
Payments/Credits	\$0.00
Abatement/Adjust	\$0.00
TAX DUE	\$5,483.63

DATE DUE	AMOUNT DUE
10/30/2020	\$2,741.81
03/19/2021	\$2,741.81

INTEREST AT 8% PER ANNUM CHARGED BEGINNING 10/31/2020 AND 03/20/2021.**TAXPAYER'S NOTICE**Per State law, the ownership and valuation of all real estate and personal property subject to taxation shall be fixed as of April 1st.
For this tax bill, that date is April 1, 2020.**IF THIS PROPERTY HAS BEEN TRANSFERRED, PLEASE FORWARD A COPY OF THIS BILL TO THE NEW OWNER.
THIS IS ONLY FOR THE CURRENT FISCAL YEAR****INFORMATION**

If you have any questions or wish to submit comments concerning the Portland Downtown District, you may contact either:

City of Portland Economic Development Office
389 Congress St, Room 308
Portland, ME 04101
207-874-8683Portland Downtown District
549 Congress St.
Portland, ME 04101
207-772-6828**REMITTANCE INSTRUCTIONS****THIS IS THE ONLY BILL YOU WILL RECEIVE. THIS BILL INCLUDES TWO (2) PAYMENT VOUCHERS.**
Please make check or money order payable to City of Portland and mail to:**City of Portland Treasury
PO Box 16050
Lewiston, ME 04243-9533**

For payments in person, please go to the Treasury Office located in Room 102 of City Hall.

FY21 DOWNTOWN IMPROVEMENT DISTRICT BILL

THIS STUB MUST BE RETURNED WITH YOUR SECOND PAYMENT**CITY OF PORTLAND TREASURY
PO Box 16050
LEWISTON, ME 04243**BILL #: 50012
ACCOUNT #: 5491
PARCEL ID: 046-D-021-001INTEREST AT 8% CHARGED
BEGINNING 03/20/2021

DATE DUE	AMOUNT DUE
03/19/2021	\$2,741.81

RICE GEOFFREY

AMOUNT PAID \$ _____

208202140005001242600002741817

☐ OWNER / ADDRESS CHANGE?
CHECK HERE AND NOTE ON BACK.

From: Apartment Mart
To: Chuck Fagone
Subject: Re: Rental increase complaint addressed
Date: Monday, November 22, 2021 9:19:08 AM

Good Morning,
I was just curious what steps to take next.
Thank you,
Meghan

On Fri, Nov 19, 2021 at 12:20 PM Apartment Mart
<apartmentmart1952@gmail.com> wrote:

Is this information due by the end of today?

On Fri, Nov 19, 2021 at 12:16 PM Chuck Fagone <psf@portlandmaine.gov>
wrote:

Thank you for providing the info. After reviewing:

Please keep in mind that for new tenants, you are limited to a 5% increase over the 6/1/20 rent amount. Based on this, the following units would be capped at 5% and the difference to include the number of months paid over the 5% will need to be refunded to the tenants on the following units. Please provide me with copies of checks and letters to the tenants as you did with 59 State #37

59 State Street

#43 \$1548.75 per month

655 Congress Street

#404 \$971.25
#312 \$771.35
#221 \$1044.75
#415-416 \$934.50
#725-726 \$1501.50
#212 \$745.25
#509 \$740.25
620-622 \$1102.50

In addition, for those where you believe that there was an error in what the Tenants Union provided us for a base amount, please provide documentation for what the lease amount was in June of 2020. Example, 59 State #22.

Finally, please factor in the 75 day notice on any future rent increases. Given the date of 11/19/20, if a rent increase notice was provided to a tenant today, the rent increase would have to be effective 3/1/22.

If you have questions, please advise. thanks, Chuck

On Thu, Nov 18, 2021 at 5:13 PM Apartment Mart

CITY000056

<apartmentmart1952@gmail.com> wrote:

Dear Mr. Fagone

After reviewing all units in the complaint from the Trelawny Tenants Union we have compiled the following:

59 State:

No. 22: Error in reporting, both dates are \$1,360.00 per month

No. 48: Rented to a new tenant on August 1, 2020 at \$1,125.00 per month

No. 31: Rented to a new tenant on July 1, 2020 at \$1,075.00 per month

No. 36: Rented to a new tenant on August 1, 2020 at \$1,605.00 per month

No. 43: Rented to a new tenant on June 1, 2020 at \$1,550.00 per month

No. 37: Rent refund of \$450.00 (\$37.50 x 12 months)

I have attached a copy of the letter and the check we sent to Molly Frantzen at 59 State Street Apartment No. 37 for the Rent Refund.

655 Congress:

No. 304: Both dates figures listed at \$925.00 per month

No. 203: Both dates figures listed at \$905.00 per month

No. 420: Rented to a new tenant on October 1, 2020 at \$635.00 per month

No. 711: Rented to a new tenant on December 15, 2020 at \$895.00

No. 320-321: Rented to a new tenant on December 15, 2020 at \$1,075.00 per month

No. 307: Rented to a new tenant on November 15, 2020 at \$875.00 per month

No. 314: Rented to a new tenant on December 1, 2020 at \$775.00 per month

No. 410: Rented to a new tenant on December 1, 2020 at \$775.00 per month

No. 609: Rented to a new tenant on December 20, 2020 at \$775.00 per month

No. 810-811: Rented to a new tenant on September 1, 2020 at \$1,250.00 per month

No. 815-816: Rented to a new tenant on November 1, 2020 at \$1,250.00 per month

No. 701-702: Rented to a new tenant on December 1, 2020 at \$1,275.00 per month

No. 404: The prior tenant vacated on May 31, 2020 with rental rate \$925.00 per month, beginning June 1, 2020 the unit was listed as \$975.00 per month and rented at this rate on August 15, 2020

No. 312: Prior tenant vacated on June 30, 2020 and a new tenant moved into the unit on August 27, 2020 at a rate of \$775.00 per month

No. 221: Prior tenant vacated on July 31, 2020 and a new tenant moved in October 15, 2020 at a rate of \$1,050.00 per month

No. 415-416: Prior tenant vacated on July 31, 2020 and a new tenant moved in October 15, 2020 at a rate of \$950.00 per month

No. 723-726: Prior tenant vacated on July 31, 2020 and a new tenant moved in on August 1, 2020 at a rate of \$1,550.00 per month

No. 212: Prior tenant vacated on September 30, 2020 and a new tenant moved in on October 1, 2020 at a rate of \$775.00 per month

No. 509: Prior tenant vacated on August 31, 2020 and a new tenant moved in on November 1, 2020 at a rate of \$775.00 per month

No. 520-522: Apartment is exempt as it is a Portland Housing Authority rental

No. 620-622: Prior tenant vacated on July 31, 2020 and a new tenant moved in on November 16, 2020 at a rate of \$1,250.00 per month

CITY000057

--

Apartment Mart
Residential Rentals
Portland & Biddeford
P: 207-773-1814
F: 207-773-5528

--

Chuck Fagone
Team Leader, Code Enforcement Officer, CFI I (Housing Safety)
Department of Permitting & Inspections
City of Portland
389 Congress Street
Portland, Maine 04101
Office: 874-8789

Notice: Under Maine law, documents - including e-mails - in the possession of public officials or city employees about government business may be classified as public records. There are very few exceptions. As a result, please be advised that what is written in an e-mail could be released to the public and/or the media if requested.

--

Apartment Mart
Residential Rentals
Portland & Biddeford
P: 207-773-1814
F: 207-773-5528

--

Apartment Mart
Residential Rentals
Portland & Biddeford
P: 207-773-1814
F: 207-773-5528

Trelawny Tenants Union



Rent Board Hearing
January 26, 2022
Portland, ME

Trelawny Tenants Union



- Who we are (Wes Pelletier)
- Our appeal
 - Contest tax rate rent adjustment (TRRA) (Ethan Strimling)
 - Request fines as penalty/enforcement (Matt Walker)
- Summary / Closing (Tom Hamill)

Who we are



TTU represents over 300 tenants of
Geoffrey Rice and Apartment Mart

- 655 Congress (Trelawny)
- 59 State
- 553 Cumberland
- 656 Congress
- many more

Who we are



Born at the start of COVID as a way to check in with neighbors and make sure they had what they needed

- Neighborly action (feed my cat, cup of sugar)
- Building info (which laundry machine is best)
- City info (rental ordinance, city code)
- State/Fed. Resources (rent assistance/eviction hold)

Who we are



As time went on, however, members reported eviction attempts and rental increases.

So TTU also engages in

- Defending against eviction of our neighbors
- Ensuring adequate living conditions
- Ensuring enforcement of Portland rent stabilization

Which is why we are here with you today

Our appeal



We come to the Rent Board to appeal for two things

- **To contest the tax rate rent adjustment (TRRA) being applied to all new leases**
- **To request the board issue fines against Geoffrey Rice for repeated violations of Portland's Rent Control Ordinance.**
- We are here because we were told to come to you:
 - "A dispute regarding the allocation of the tax rate rent adjustment would be the jurisdiction of the Rentboard." Dec 6, Zachery Lehnert
 - "An application for tenant complaint would need to be submitted if you wanted a Rentboard hearing [regarding fines]." Aug 23, Zachery Lehnert



We are grateful the Rent Board was set up for the purpose of hearing tenant appeals

“[a] Tenant who receives notice of a rent increase that they believe does not conform with this Section may file an appeal of said rent increase with the Rent Board.”

Section 6-234(e)

Our appeal



To contest the tax rate rent adjustment (TRRA)

Tenants are receiving TRRA rent increases that are outside what is reasonable in three ways:

- 1) Tenants are being charged for the landlord's Penthouse, his commercial tenants, and space we can't access**
- 2) Total TRRA being charged is too high**
- 3) Landlord's allocation methodology is not reasonable**



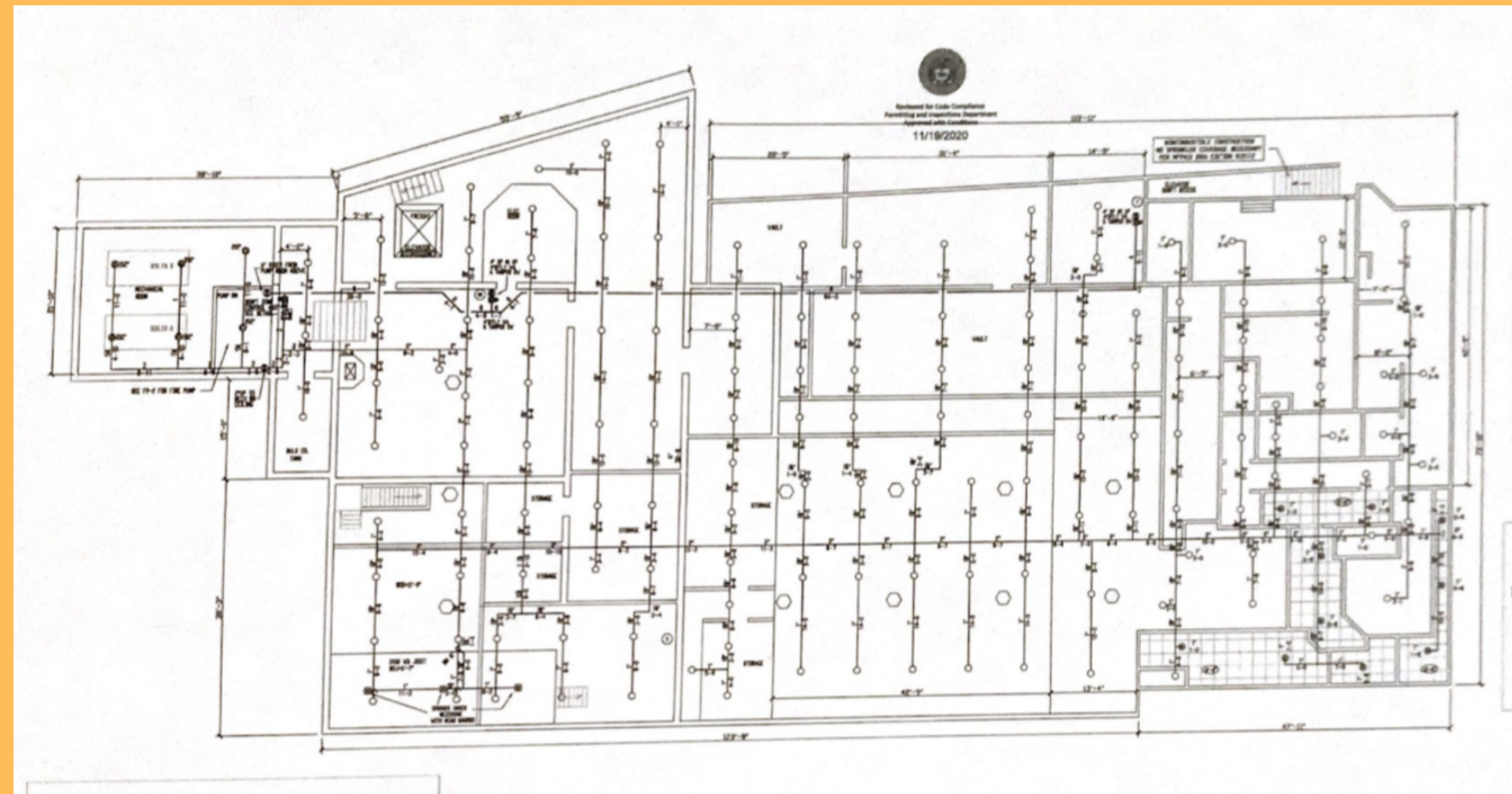
1) Tenants are being charged for the landlord's Penthouse, his commercial tenants, and space we can't access

Rice's method of allocation for the TRRA charges the portion of his tax bill to tenants that covers commercial units, areas of the building which are not tenant accessible, and for his own penthouse apartment (3,200 sq. ft. of the top floor)!

- Tenants should not pay for commercial space
- Tenants should not pay for Rice's personal living space
- Tenants should not pay for parts of the building that are inaccessible (or used as office/workshop space for the landlord)

1) Tenants are being charged for the landlord's

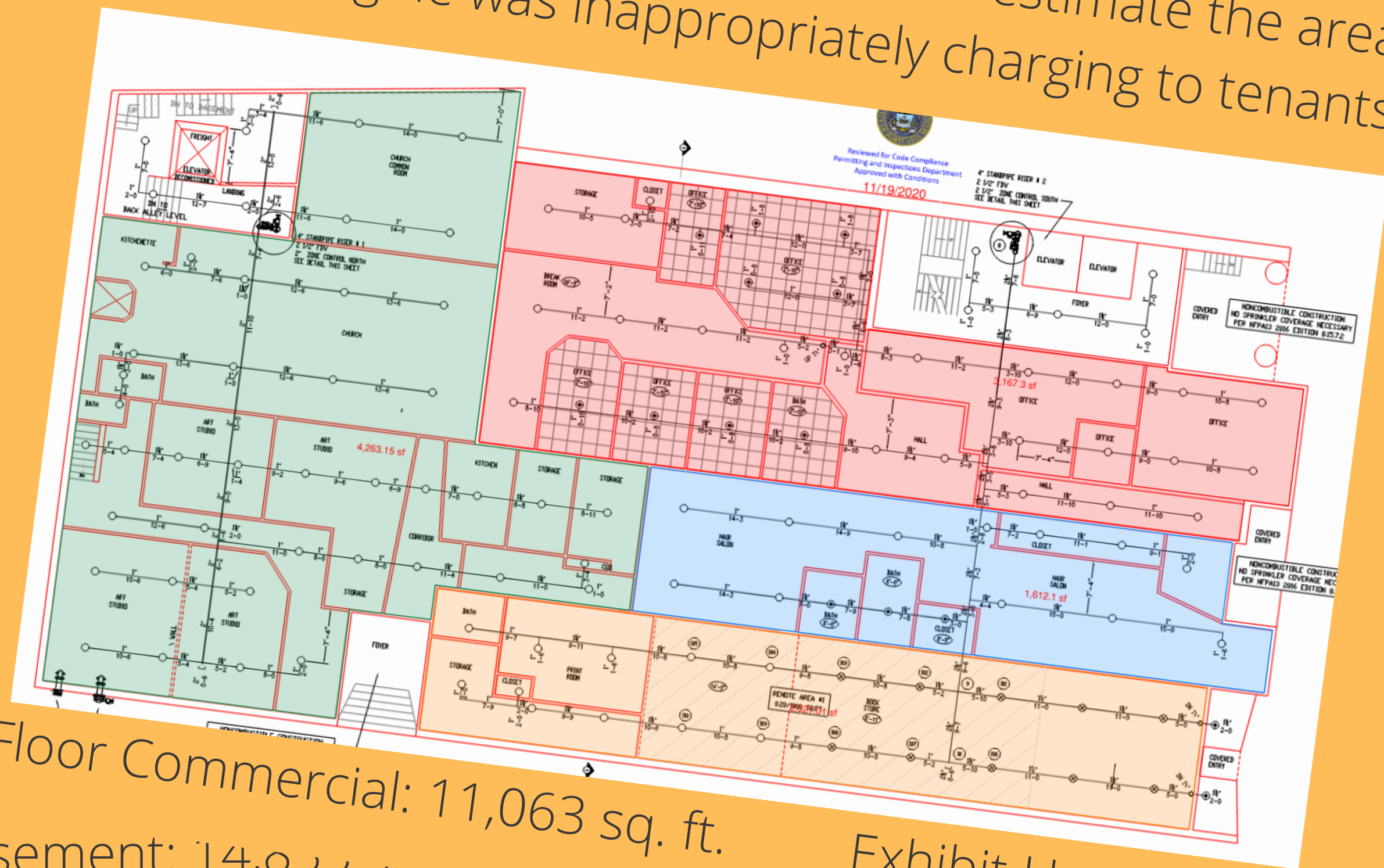
Using building permits, we were able to estimate the area of the building he was inappropriately charging to tenants



Basement: 14,833 sq. ft. Exhibit I

1) T

Using building permits, we were able to estimate the area of the building he was inappropriately charging to tenants



1st Floor Commercial: 11,063 sq. ft.

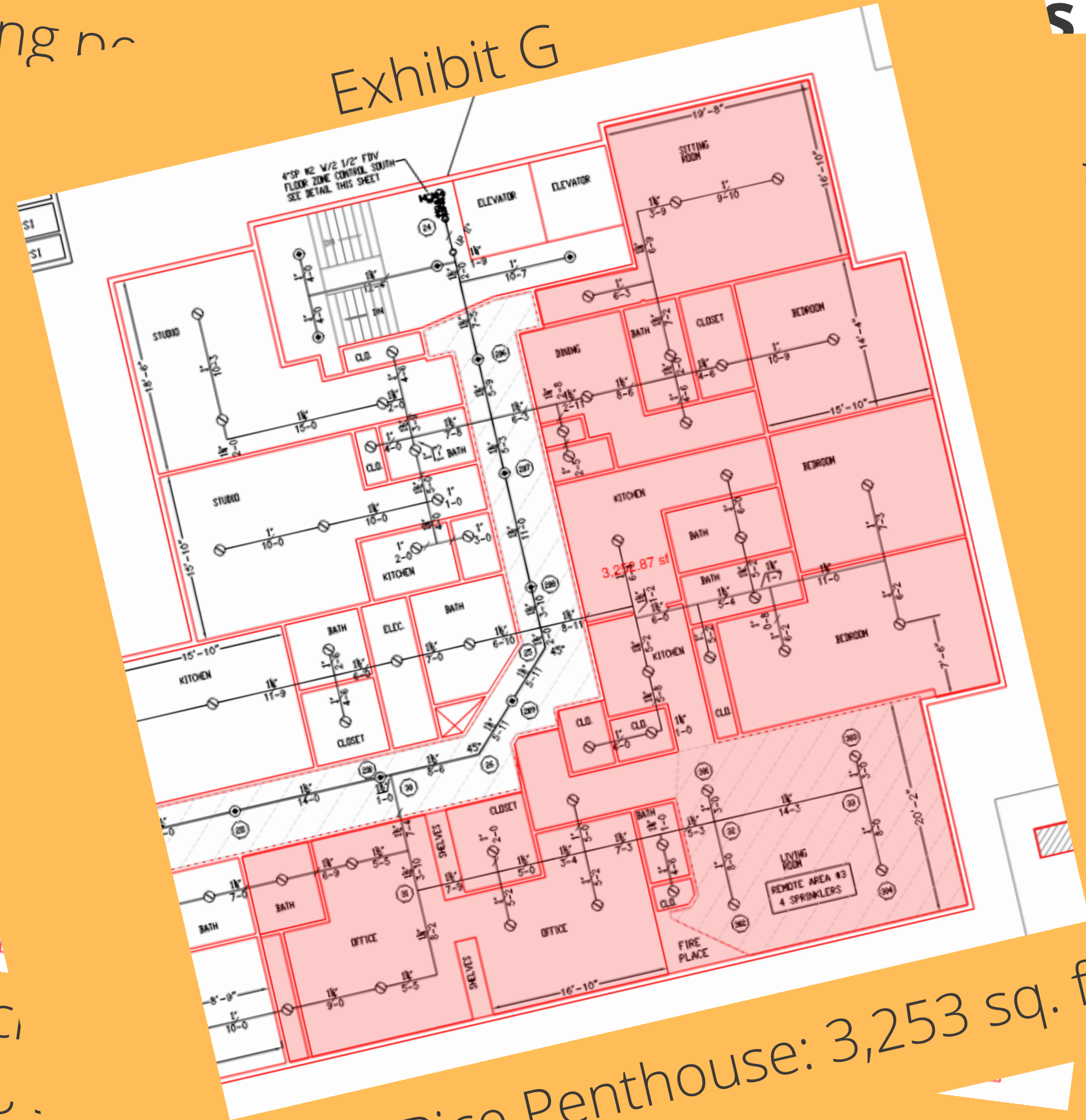
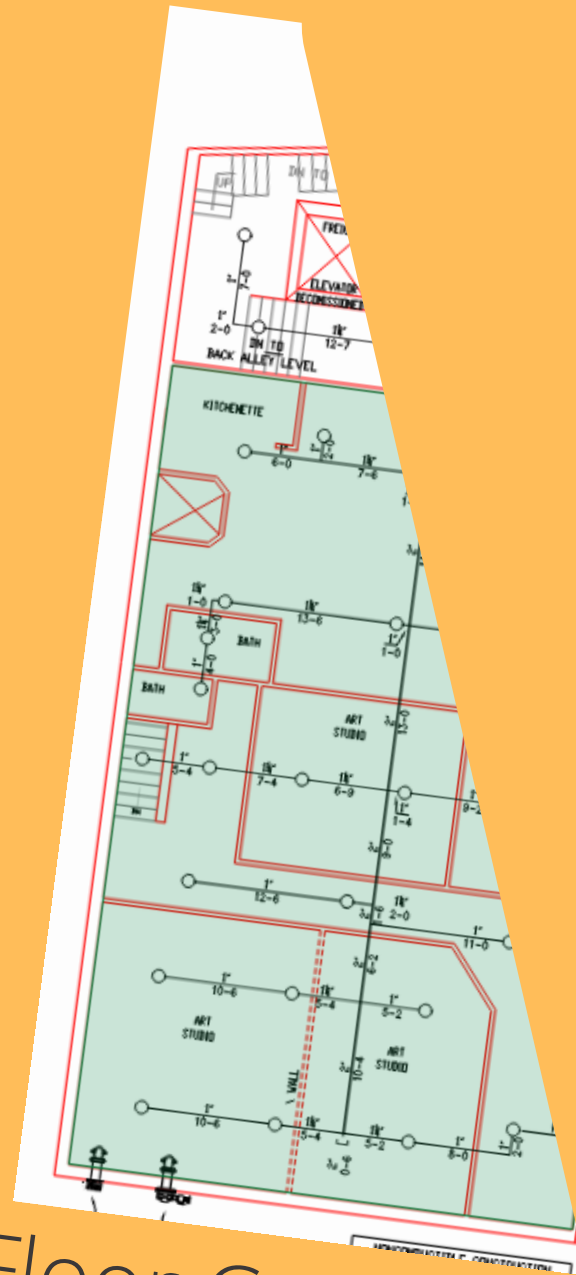
Basement: 14,000 sq. ft.

Exhibit H

1) T

Using building no
the b...

Exhibit G



area of
nts

1st Floor Commercial
Basement: 14,000 sq. ft.

Geoffrey Rice Penthouse: 3,253 sq. ft.





1) Tenants are being charged for the landlord's Penthouse, his commercial tenants, and space we can't access

Rice's method of the building penthouse

He is over charging for nearly 25% of the entire building space

portions his own

- Tenants
- Tenants
- Tenants inaccess

Total Building:	120,515 sq. ft.
• Geoffrey Rice Penthouse	-3,253 sq. ft.
• 1st Floor Commercial:	-11,063 sq. ft.
• Basement:	-14,833 sq. ft.
Total Billable Space:	91,366 (76%)

the landlord)



1) Tenants are being charged for the landlord's Penthouse, his commercial tenants, and space we can't access

The ordinance is clear. The TRRA passed on to tenants must be "***equal to the actual increase in property taxes attributable to the individual covered unit.***" Sec 6-232 Definitions

Therefore, Rice, and all landlords in Portland, should be required to exclude any area which is not "***attributable to the individual covered unit.***"

2) Total TRRA being charged is too high



Rice's method to arrive at this number incorrectly includes the Downtown Improvement (DI) fee

- The ordinance makes clear "the TRRA is equal to the actual increase in ***property taxes***..." Nowhere does it allow fees.
- The City of Portland bill does not call it a property tax nor does it include any of the info required by law for a property tax (exhibits C&D "distribution/reduction/indebtedness").
- This is a fee charged by a private non-profit that serves landlords in terms of promotions, free tickets, staffing tourist booths, graffiti removal, property protection, etc. It should not be passed on to tenants through the TRRA (however, a landlord could obviously apply to this rent board for a fairer rate of return, with this fee as part of the analysis).

2)

Exhibit C

CITY OF PORTLAND
389 CONGRESS ST
PORTLAND, ME 04101
For the fiscal year July 01, 2021 to June 30, 2022

BILL #: 54826
ACCOUNT #: 5491
CBL: 046-D-021-001
LOCATION: 655 CONGRESS ST

RICE GEOFFREY
657 CONGRESS ST FIRST FLOOR
PORTLAND, ME 04101

Owner of Record as of: April 1, 2021
TRELAWNY 657 LLC

Assessed Property Description:
46-D-21
CONGRESS ST 655
AVON ST
14635 SF
Acres: 0.336

INTEREST AT 6% PER ANNUM CHARGED BEGINNING 10/23/2021 AND 03/19/2022.

TAXPAYER'S NOTICE
Per State law, the ownership and valuation of all real estate and personal property subject to taxation shall be fixed as of April 1st.
For this tax bill, that date is April 1, 2021.
**IF THIS PROPERTY HAS BEEN TRANSFERRED, PLEASE FORWARD A COPY OF THIS BILL TO THE NEW OWNER.
THIS IS ONLY FOR THE CURRENT FISCAL YEAR**

INFORMATION
Without State Aid for Education, Homestead and BETE Exemption Reimbursement and State Revenue Sharing, your taxes would be 18.2% higher. The current City and School bonded indebtedness is \$369,164,246.
For information regarding changes or valuations, please contact the Assessor's Office at (207) 874-8486. Information regarding payments, interest, lien cost charges, and/or refunds, please contact the Treasury Office at (207) 874-8490.

CURRENT BILL RATE DISTRIBUTION

SCHOOL	6.450	\$102,987.80
COUNTY	0.470	\$7,604.54
MUNICIPAL	6.070	\$96,920.30
TOTAL	12.990	\$207,412.63

THIS IS THE ONLY BILL YOU WILL RECEIVE

FY22 REAL ESTATE TAX BILL

BILLING INFORMATION

LAND VALUE	\$577,100
BUILDING VALUE	\$15,390,000
TOTAL VALUE	\$15,967,100
EXEMPTIONS	\$0
TAXABLE VALUE	\$15,967,100
TAX RATE	12.990
TOTAL TAX	\$207,412.63
PAYMENTS/CREDITS	\$0.00
ABATEMENT/ADJUST	\$0.00
TAX DUE	\$207,412.63

DATE DUE	AMOUNT DUE
10/22/2021	\$103,706.32
03/18/2022	\$103,706.31

What a property tax bill looks like



Versus what it does **not** look like



CITY OF PORTLAND
389 CONGRESS ST
PORTLAND, ME 04101
For the fiscal year July 01, 2021 to June 30, 2022

BILL #: 54826
ACCOUNT #: 5491
CBL: 046-D-021-001
LOCATION: 655 CONGRESS ST

RICE GEOFFREY
657 CONGRESS ST FIRST FLOOR
PORTLAND, ME 04101

Owner of Record as of: April 1, 2021
TRELAWNY 657 LLC

Assessed Property Description:
46-D-21
CONGRESS ST 655
AVON ST
14635 SF

INTEREST AT 6% PER ANNUM CHARGED BEGINNING 10/23/2021 AND 03/19/2022.

TAXPAYER'S NOTICE
Per State law, the ownership and valuation of all real estate and personal property subject to taxation shall be fixed as of April 1st.
For this tax bill, that date is April 1, 2021.
**IF THIS PROPERTY HAS BEEN TRANSFERRED, PLEASE FORWARD A COPY OF THIS BILL TO THE NEW OWNER.
THIS IS ONLY FOR THE CURRENT FISCAL YEAR**

INFORMATION
If you have any questions or wish to submit comments concerning the Portland Downtown District, you may contact either:

City of Portland Economic Development Office 389 Congress St, Room 308 Portland, ME 04101 207-874-8683	Portland Downtown District 549 Congress St. Portland, ME 04101 207-772-6828
---	--

FY22 DOWNTOWN IMPROVEMENT DISTRICT BILL

BILLING INFORMATION

Land Value	\$577,100
Building Value	\$15,390,000
Total Value	\$15,967,100
Exemptions	\$0
Taxable Value	\$15,967,100
Tax Rate	0.570
TOTAL TAX	\$9,101.25
Payments/Credits	\$0.00
Abatement/Adjust	\$0.00
TAX DUE	\$9,101.25

DATE DUE	AMOUNT DUE
10/22/2021	\$4,550.63
03/18/2022	\$4,550.62

Exhibit D



3) Landlord's allocation methodology is not distributed accurately or fairly



**Landord is charging all tenants, regardless of unit size, \$72.95.
Here is how we believe he came up with that number:**

"Total increase" - \$89,293.77

"# of units" - $\div$ 102

Equals: \$875.43 per year

Equals: \$72.95 per month



3) Landlord's allocation methodology is not distributed accurately or fairly

Landord is charging all tenants, regardless of unit size, \$72.95. Here is how we believe he came up with that number:

"Total increase" -
"# of units" -

Equals:
Equals:

$$\begin{array}{r} \$89,293.77 \\ \div 102 \\ \hline \$875.43 \text{ per year} \\ \$72.95 \text{ per month} \end{array}$$

As we've shown,
both of his figures
for "total increase"
and "# of units" are
wrong



3) Landlord's allocation methodology is not distributed accurately or fairly

The TRRA should simply be allocated based on the actual square footage of each unit in comparison the square footage of the building.

The ordinance is clear: The TRRA "***is equal to to the actual increase in property taxes attributable to the individual covered unit.***"
(Sec 6-232)

EXAMPLE: The unreasonable method Rice is currently using means the tenant in unit 410 (which is 350 sq ft) is being charged an additional \$864 per year, when they should only be charged an additional \$250).

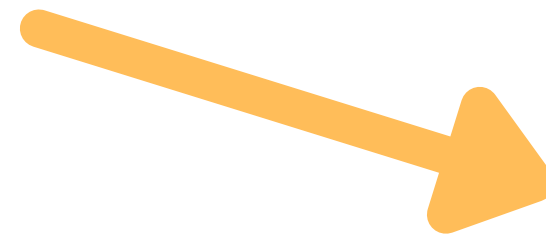
Our suggestion



The TRRA should simply be allocated based on the actual square footage of each unit in comparison the square footage of the building.

Total increase = \$85,676.15 (w/o DI)

Total building sqft = 120,515



\$0.71/sqft per year
\$0.06/sqft per month



Our appeal



In Summary

- 1) Tenants should not be charged for the landlord's Penthouse, his commercial tenants, or space we can't access**
- 2) Total TRRA includes an unallowable fee, and should be reduced by \$3,617.62, the amount of the DI Fee.**
- 3) Landlord's allocation methodology is not reasonable and should be replaced with a sq ft model.**

Our appeal



- To request the board issue fines for repeated and flagrant violation of the Rent Stabilization Ordinance

We have had to fight tooth and nail to defend ourselves from being the victims of Rice's illegal rent increase attempts

We've probably not even caught them all, but we will describe our efforts

He will continue to try to sneak in increases, if the board does not hold him accountable.

Action is needed to dis-incentivize other landlords similar behavior



**We are grateful the Rent Board was set up with
the authority to**

“impose such fines as are necessary and allowed for
violations of the provisions of the Rent Stabilization
Ordinance”

Section 6-263(f)

Our appeal



- To request the board issue fines for violations

May/June 2021

- Rice begins issuing rental increases (during a rent freeze!)
- Rice attempts to evict at least 10 tenants (during an eviction moratorium!)
- Rice does not register units
- Rice does not provide the Rental Rights documents



June 2021

Our appeal



- To request the board issue fines for violations

July 19 2021

- Upon our request, HSO contacts Rice to tell him he is in violation
- HSO demands specific remedies, to be completed by Aug 9, 2021
 - Rescind all rental increases
 - Refund tenants who paid the illegal increases
 - Register his apartments
 - Provide the Rental Rights Document to tenants

July 2021

Our appeal



- To request the board issue fines for violations

August 10 2021

- With no reply, HSO again contacts Rice stating they received no information on the actions they ordered.



A portion of Exhibit L

- To rec
- August 10 2

- With
- inform

ons

ey received no

8/10/2021

657 CONGRESS LLC
ATTN: GEOFFREY RICE
657 CONGRESS ST 1 SUITE FLOOR
PORTLAND, ME 04101

KAY
657 CONGRESS ST
PORTLAND, ME 04101

RE: 655 CONGRESS ST
PORTLAND, ME
046 D021001

NOTICE OF VIOLATION AND ORDER TO CORRECT

Dear Mr. Rice,

The City of Portland Permitting and Inspections Department was notified of potential violations of the City of Portland's rent control ordinances. On Monday July 19, 2021, a conference call was held with myself and Anne Torregrossa to explain the rent control ordinance and to inform you that you could not proceed with planned rent increases and that you needed to provide the City with additional information. Specifically, you were notified of the following:

1. That the rent increases that you were proposing violated Sec. 6-233 and 6-234 of the City Code.
2. That you had not yet provided your tenants with a copy of the Rental Housing Rights Document in violation of City Code Sec. 6-224 and 6-238.
3. That you had not yet completed the registration of your units at this property by completing the supplemental information form for each and every unit, in violation of City Code Sec. 6-151(f).

August 2021

Our appeal



At this point, it is clear he is non-compliant

Per Section 1-15 in City Code (a minimum of a \$100 fine per violation)

- a) \$30,000 for the 300 illegal rent increase notices;
- b) \$800+ for 8 illegal rent increases that had to be refunded, multiple times
- c) \$30,000 for 300 instances of not sending the Rights & Responsibility doc
- d) \$30,000 for 300 instances of not registering the base rent of apartments

\$90,800+ *minimum* in total through August 2021

\$90,800+

August 2021

Our appeal



- To request the board issue fines for violations

November 11 2021

- We are supplied, by the city, the reported rents throughout Portland
- In that, we found even more rent increases! Which HSO confirmed
 - At least 110 more violations
 - \$4253.25 in overcharges identified (see exhibit M)
- This is after the city told him in July he could not do this! It's flagrant. He simply didn't get caught then, so he didn't comply.

\$90,800+

November 2021

A portion of Exhibit M



N

Unit	Jun-20	Jan-21	% Increase	Landlord Explanation	Max allowable	City Corrective action	Per Month Overcharge	Total Times Overcharged	Total Overcharge
59 State									
22	\$1,350.00	\$1,360.00	0.74%	Error in reporting, both dates are \$1,360.00 per month		Provide back-up docs			
37	\$1,250.00	\$1,350.00	8.00%		\$1,312.50		\$37.50	12	\$450.00
655 Congress									
404	\$925.00	\$975.00	5.40%	The prior tenant vacated on May 31, 2020 with rental rate \$925.00 per month, beginning June 1, 2020 the unit was listed as \$975.00 per month and rented at this rate on August 15, 2020		Provide back-up docs			
312	\$735.00	\$775.00	5.40%	Prior tenant vacated on June 30, 2020 and a new tenant moved into the unit on August 27, 2020 at a rate of \$775.00 per month	\$771.35	refund	\$3.65	15	\$54.75
221	\$995.00	\$1,050.00	5.50%	Prior tenant vacated on July 31, 2020 and a new tenant moved in October 15, 2020 at a rate of \$1,050.00 per month	\$1,044.75	refund	\$5.25	13	\$68.25
415-416	\$890.00	\$950.00	6.70%	Prior tenant vacated on July 31, 2020 and a new tenant moved in October 15, 2020 at a rate of \$950.00 per month	\$934.50	refund	\$15.50	13	\$201.50
725-725	\$1,430.00	\$1,550.00	8.40%	Prior tenant vacated on July 31, 2020 and a new tenant moved in on August 1, 2020 at a rate of \$1,550.00 per month	\$1,501.50	refund	\$48.50	16	\$776.00
212	\$710.00	\$775.00	9.20%	Prior tenant vacated on September 30, 2020 and a new tenant moved in on October 1, 2020 at a rate of \$775.00 per month	\$745.25	refund	\$29.75	15	\$446.25
509	\$705.00	\$775.00	9.90%	Prior tenant vacated on August 31, 2020 and a new tenant moved in on November 1, 2020 at a rate of \$775.00 per month	\$740.25	refund	\$34.75	14	\$486.50
620-622	\$1,050.00	\$1,250.00	19.00%	Prior tenant vacated on July 31, 2020 and a new tenant moved in on November 16, 2020 at a rate of \$1,250.00 per month	\$1,102.50	refund	\$147.50	12	\$1,770.00
							\$322.40	110	\$4,253.25

land
ed
)
ant.

\$90,800+

November 2021

Our appeal



He still refuses to comply

Per Section 1-15 in City Code (a minimum of a \$100 fine per violation)

We request additional fines in the amount of

\$11,000 for 110 violations of illegal rent collection

\$101,800+ *minimum* in total through November 2021

\$90,800+

\$11,000
Page 99

November 2021

Our appeal



- To request the board issue fines for violations

November 18 2021

- Immediately following, Rice begins issuing lease renewals
 - But they lack a 75 day notice
 - An explanation of the increases the tenant would face

\$90,800+

\$11,000

Page 100

November 2021

Our appeal



- To request the board issue fines for violations

November 30 2021

- Immediately following, Rice begins issuing lease renewals
 - But they lack a 75 day notice
 - An explanation of the increases the tenant would face
- HSO confirms these notices are inadequate, and directs us to the Rent Board for full resolution of all these issues.

\$90,800+

\$11,000

Page 101

November 2021

Our appeal



A portion of Exhibit N

Nov



Trelawny Tenants Union
<trelawnytenantsunion@gmail.com>

Housing Issues regarding Apartment Mart, LLC

Zachary Lenhart <zlenhart@portlandmaine.gov> Tue, Nov 30, 2021 at 11:28 AM
To: Trelawny Tenants Union <trelawnytenantsunion@gmail.com>
Cc: Austin Sims <caustinsims@gmail.com>, Chuck Fagone <psf@portlandmaine.gov>, Anne Torregrossa <atorregrossa@portlandmaine.gov>

Hello,

In regards to the letter dated November 18,

HSO agrees that the original notices were less than 75 days. We've made the landlord aware that those Notices are void and he must send valid 75 day notices in order to increase the rent on covered units in accordance with the ordinance.

the Rent

\$90,800+

\$11,000
Page 102

November 2021

Our appeal



He is still purposely violating the Rent Control Ordinance

Per Section 1-15 in City Code (a minimum of a \$100 fine per violation)

We request additional fines in the amount of

\$1,200 for at least 12 more attempts to increase rent illegally

\$103,000+ *minimum* in total through November 2021



\$90,800+ \$11,000 \$1,200 November 2021 **\$103,000+**

Our appeal



\$103,000 might sound like a lot, but...

- This is the *minimum* fine structure for Portland
- Mr. Rice collects \$3.85 million per year in rent from his properties
- His violations were deliberate and repeated. It's entirely likely there are more occurrences we do not have the resources to detect
- If there is no penalty for such behavior, it will continue
 - This also applies broadly over the whole city, where the same thing is happening large swaths of renters in Portland.
 - There must be a consequence for violating the ordinance

\$90,800+

\$11,000
Page 104

\$1,200

November 2021

\$103,000+

Trelawny Tenants Union



- Summary

1. G. Rice's recent lease renewals inappropriately distribute the tax rate rent adjustment (TRRA)
 - He applies a Portland Downtown Improvement Fee, which is not a property tax
 - He charges tenants for his own personal space, and space for other businesses
 - He divides the burden equally among the residential units, yet they are all of much different size and quality

We thank the City of Portland Rent Board and city staff for hearing us today, for representing the citizens, and enforcing their laws

Trelawny Tenants Union



- Summary

1. G. Rice's recent lease renewals inappropriately distribute the tax rate rent adjustment (TRRA)

- He applied the TRRA to a property that is not a residential property
- He charged the TRRA to other businesses
- He divided the TRRA among the properties they are in

**We ask the Rent Board to require Mr. Rice
distribute the TRRA more equitably like**

\$0.71/sqft per year
\$0.06/sqft per month



We thank the City of Portland Rent Board and city staff for hearing us today, for representing the citizens, and enforcing their laws

Trelawny Tenants Union



- Summary

2. G. Rice has attempted, repeatedly, to issue illegal rent increases
 - During a rent freeze
 - On turnover's in excess of 5%
 - Continued to actively violate even after repeated notifications from TTU and directions from HSO

We thank the City of Portland Rent Board and city staff for hearing us today, for representing the citizens, and enforcing their laws

Trelawny Tenants Union



- Summary

2. G. Rice has attempted, repeatedly, to issue illegal rent increases

- During a
- On turno
- Continue
- from TTU

We ask the Rent Board issue fines to Mr. Rice in the amount of at least \$103,000 for over 1030 different violations of the rent control ordinance



We thank the City of Portland Rent Board and city staff for hearing us today, for representing the citizens, and enforcing their laws

Trelawny Tenants Union



*Thank
You*





Trelawny Tenants Union

TrelawnyTenantsUnion@gmail.com

Feb 4, 2022

Mr. Austin Sims

Chair of the Portland Rent Board

Via email: caustinsims+rent@gmail.com; cc: zlenhert@portlandmaine.gov,
rentboard@portlandmaine.gov

To Chairman Sims,

Mr. Bulger's written response to our appeal does not change any of the evidence we've already provided or presented regarding a need for the Rent Board's authoritative review and adjudication of the TRRA amount/allocation for the 655 Congress Street property.

Although our appeal remains fundamentally unchanged, the following items are included to provide additional clarity to ambiguities and inaccuracies introduced by Mr. Bulger's response, as well as a line by line refutation of Mr. Bulger's letter.

- 1) We ask that the Downtown Improvement District (DID) fee be excluded, as it is not a "property tax." "Property taxes" are governed by Title 36, Part 2 (Chapters 101 through 115) of the Maine Revised Statutes, and are collected to provide for the administration of public schools and general government services. The DID fee is a special assessment for specific business services including marketing and promotion, and no portion of the fee is allocated to the public schools or general government services. As we have shown in our slide show, the City of Portland does not treat the assessed fee as a property tax, because it is not a property tax.
- 2) We ask that the remaining TRRA be distributed to Mr. Rice's tenants with a per-square-foot allocation methodology (i.e., property tax rent increase, divided by the square footage of the building, multiplied by the number of square feet in each unit), which we believe to be the most reasonable calculation method.
- 3) Even if the board does not mandate the use of a per-square-foot method, we ask that you exclude personal, commercial, and Apartment Mart office spaces from the TRRA distribution. The first -floor office spaces and basement serve as operational overhead for all Apartment Mart

businesses. The value attributable to this space for tax purposes does not depend on whether Mr. Rice makes a business decision to use this space for administrative purposes rather than to rent space to commercial tenants. It is unfair to charge Trelawny Tenants for this. Furthermore, we ask that Mr. Rice be required to use a reasonable methodology to distribute the remainder of the TRRA based on “the actual increase in property taxes attributable to the *individual* covered unit,” whether by size or value, not one that treats efficiencies and two-bedroom apartments as the same. This is a clear violation of the City’s policy as articulated in its FAQ, which states, “If not all units are equal in a building, the landlord should attribute the tax increase in a reasonable manner... This could be apportioned based on relative value, square footage, rent amount, etc.”

- 4) We ask, based on whatever changes you adopt regarding the TRRA amount/formula, that you require Mr. Rice to reissue accurate 75-day increase notices to all tenants. Every other time Mr. Rice has been required to change notices, HSO did not simply allow him to adjust what was wrong without providing a new 75-day notice. The notice had to be rescinded and new notice provided, even when the new amount was less. We ask for the same here. Every tenant in this appeal has to weigh affordability of increases from one year to the next. Changing the formula equals hundreds of dollars difference annually for many, depending on the methodology finally agreed upon (see attached chart showing, on average, \$729 in overcharges for tenants over the next two years).

While we believe the Board has jurisdiction to levy fines upon Apartment Mart for violations of the RCO which impacted tenants who did not sign this appeal (in order to protect those tenants who were reluctant to sign this appeal for fear of retaliation), we do believe a compromise could resolve any jurisdiction issues. We propose a fine structure that centers the grievances of tenants in front of you, while still providing adequate accountability for the landlords’ repeated violations of the Rent Control Ordinance.

To that end,

- 1) We ask that Mr. Rice be fined \$2,200 for 22 illegal rent increases notices sent to appellants (\$100 for each appellant harmed) in violation of multiple provisions of the ordinance. Violation documentation in Exhibit L.
- 2) We ask that Mr. Rice be fined \$2,200 for failure to provide appellants with the “Tenant’s Rights and Responsibilities” document in a timely manner (\$100 for each appellant harmed), as required by the ordinance. Mr. Rice did not provide the document until August 20, 2021, almost 9 months after the law was passed by voters and a month after he was ordered to do so by the HSO (July 19, 2021). Violation documentation in Exhibit L.

- 3) We ask that Mr. Rice be fined \$2,200 for failure to register the base June 1, 2020 rents in a timely manner for the units occupied by the appellants (\$100 for each appellant harmed), as required by the ordinance. Mr. Rice did not register these units until Oct 22, 2021, almost a year after the ordinance was passed by voters and over three months after he was ordered to do so by HSO (July 19, 2021) Violation documentation in Exhibit L.
- 4) We ask that Mr. Rice be fined \$3,250 for illegal rent increase notices sent to 13 tenants between Nov. 15 and Nov. 23, 2021 (\$250 for each appellant harmed, as this was a second offense), in violation of the notice requirements of the ordinance. These notices all provided less than 75 day notice and HSO ordered that they be rescinded. Tenants harmed were in units 202, 311, 308/309, 303, 412/414, 209, 404, 410, 406/407, 403, & 423/426. Violations documented in Exhibit B.
- 5) We ask that Mr. Rice be fined \$5,500 for 22 illegal rent increase notices sent to tenants between Nov. 30 & Dec. 13, 2021 (\$250 for each appellant harmed, as this was a second offense), in violation of the increased amount allowed to be charged to tenants. All these notices included a TRAA charge that included Mr. Rice's private penthouse and commercial properties, both of which Mr. Bulger has admitted were not permitted. Violations documented in Exhibit B and in Mr. Bulger's letter dated Jan. 31 to the Rent Board.

As a reminder, by city ordinance, the minimum fine is supposed to be \$100 per day that a violation goes uncorrected (up to \$2,500 per day). However, despite many of the violations going on for months, we are simply requesting that each violation of each appellant's rights be issued a one time fine for that offense.

Thank you for your time and attention to this matter. As you know, tenants in Portland are watching this case closely in hopes that the Rent Board will act judiciously and forcefully against landlords who flaunt the law at their expense.

This rent board is literally the last hope of some of Portland's most vulnerable and we encourage you to let them know they will be heard and protected.

TTU

JEWELL & BULGER, P.A.

Attorneys at Law
511 Congress Street, Suite 502
Portland, ME 04101

Thomas F. Jewell, Esq.
tjewell@jewellandbulger.com

T: (207) 774-6665
F: (207) 774-1626

Paul S. Bulger, Esq.
pbulger@jewellandbulger.com

January 31, 2022

rentboard@portlandmaine.gov

Mr. Austin Sims, Chair
Rent Board
City of Portland
389 Congress Street
Portland, ME 04101

RE: AMENDED AND RESTATED:Landlord Position in Response/Reply to the Trelawny Tenants Union
Dear Mr. Sims:

In reference to the letter and complaints of the Trelawny Tenants Union (a/k/a "TTU"), the Landlord replies as follows:

Geoffrey I. Rice is the Manager of Trelawny 657, LLC, owner of the Trelawny building at 657 Congress Street, Portland. The law firm of Jewell & Bulger, P.A. and Attorney Paul S. Bulger represent the Landlord.

The TTU opposes the Tenant rate rent adjustment (TRRA), accounting for a portion of the increase in rent at 657 Congress Street.

TTU Comment: We concur. However, we also contend that the Rent Board has the authority to issue fines for violations of the ordinance outside of rent increase violations. Indeed, the HSO specifically sent us to the Rent Board for you to make just such a determination (emails from Zachery Lehnert dated Aug. 23, Nov. 30, and Dec 6, 2021).

2021 based upon the elimination below rent increases at 657 will will apply the formula set forth s, and the annual increase in any one year.

Jurisdiction and Standing

The Respondent agrees that the Board has jurisdiction over applications for rent increases greater than those allowed under the Rent Stabilization Ordinance and the discretion to impose penalties for excessive rent increases pursuant to Section 2-263. The Respondent disagrees that members of the public who are not affected by the rent increase at 657 Congress Street have standing. The Respondent further submits that the rent increases for 2022 are not in excess of increases allowed for by the Ordinance. Under the Ordinance, the Rent Board does not have jurisdiction over rent increases that do not exceed the increases allowed under the Ordinance.

TTU Comment: This is incorrect. The Rent Board has jurisdiction, "to hear, review, and decide the appropriate outcome of all disputes arising between Landlords and Tenants on matters falling within the scope of Article XII of this chapter..." Sec 6-263 (e)

The jurisdiction and authority of the Rental Board set forth in the Ordinance in relevant part is as follows:

Portland Ordinance Sec. 6-263. Jurisdiction and authority.

In addition to the jurisdiction conferred on it by other ordinances of the City and in accordance therewith, the Rent Board shall have the following jurisdiction and authority:

(a) To hear, review and approve or deny Landlord applications for rent increases greater than those allowed by the Rent Stabilization Ordinance;

...

(f) To impose such fines as are necessary and allowed for violations of the provisions of the Rent Stabilization Ordinance;

In this matter, 2-263(a) are triggered by a plain reading of the complaint. The Landlord disagrees that the proposed rent increase exceed rent increases permissible under the Ordinance.

The Democratic Socialists of America ("DSA") have submitted a position paper in connection with the Petition of the Trelawny Tenants Union ("TTU"). The commentator clearly has no standing for the following reasons:

1. They do not identify themselves individually or corporately;
2. The DSA is not a Tenant at 657 Congress Street; and
3. The DSA does not state how they have suffered a particularized injury.

Furthermore, the Board is a creation of statute with limited purview set forth in the ordinance. The Board has no authority to address matters falling outside of rent increases and rent disputes related to changes in rent. The DSA's position must be stricken from the record.

Facts/Background

The 657 building (hereinafter "657") is owned by a Maine limited liability company, Trelawny 657, LLC, the manger is Geoffrey I. Rice (hereinafter "657"). Mr. Rice and his family reside on the 8th floor of the 657.

The 657 building contains 103 rental units on eight floors, all of which are two bedrooms, one bedroom or efficiency apartments. The breakdown of the size and type of units in the Trelawny building is as follows:

We disagree. Anyone in the public may submit testimony in this hearing.

TypeNo. of Units**2 Bedrooms****5****1 Bedroom****14****80****4****103**

This is incorrect. The rental office serves all 39 of Mr. Rice's properties, residential, commercial, and vacant. It is as unreasonable to charge the tenants of one building for an office serving all his business, as it would be to charge them if the office were rented elsewhere.

The Landlord heats the entire building and heat is included in rent. Tenants are billed for utilities by Central Maine Power Company or Until, the gas company, and for cable, if they subscribe. The building also contains the rental office for Trelawny 657 and 3 commercial tenants.

On April 27- 2020, Mr. Rice agreed to meet with 3 tenants, Kennedy Johnson, Wes Pelletier and

This is misleading. Mr. Rice did not submit this information until almost a year after the rent control ordinance was enacted (October 22 and 25, 2021, to be exact), and only after TTU complained to the city and HSO issued a notice of violation.

increases. At the meeting, Mr. Rice agreed to s on payment plans if the Tenant proved unable ed Exhibit A notice of meeting and A-1 Tenant

Base rent is supposed to be from June 1, 2020, not July 1, 2020. If Mr. Rice submitted base rent for July 1, he needs to resubmit all his data.

ing 7/1/20, 8 units turned over at 657 and rents these rent increases predated the adoption of

In November of 2020, citizens of the City of Portland adopted a Rent Stabilization Ordinance which is informally referred to as Rent Control. In accordance with the new law, Mr. Rice submitted base rent information for all units effective July 1, 2020 to the City, and he reduced all rents to base rent effective July 1, 2020. Rent increases for 8 new Tenants (for 8 units turnover over in 2020) that exceeded base rent for

This is incorrect. He reduced the rent of the eight tenants who had illegal rent increases in 2021. He left in place all illegal rent increases from 2020. These were refunded and retracted only after TTU filed a second complaint in Nov, 2021, upon seeing the newly registered rent rolls.

On Ju were renewed rate of inflation and a \$1.5 million fire safety project at 657, effective after November 1, 2021. No dates were given in the Notice because Mr. Rice did not have information necessary for the rent increase at the time

Including this in the notice was one of the reasons it was a violation. The project is not close to being completed, nor has it been even submitted to the Rent Board for consideration as a capital improvement.

As a side note, this project was ordered to be completed in 2019, and TTU filed a complaint with HSO that the partial work had created a new fire hazard, which Mr. Rice then had to fix.

withdraw

This is incorrect. The letter specifically says "beginning" Nov. 1, 2021.

not have

ed copies

There was no information possible to allow a rent increase at that time, nor would the notice have complied with the law, as it lacked the detail specifically required in the ordinance.

Throughout calendar year 2020 and 2021, the Landlord, Mr. Ordinance which did not include the calculation of such basic terms as the following:

1. Measurement of the tax year;
2. Years (or quarters) for the measurement of CPI-U Boston;
3. Limitations on when a rent increase may be adopted; and
4. A clear and concise definition for capital improvements.

All of these are clearly outlined in the ordinance, and TTU actually explained a number of them to Mr. Rice early in the process. Additionally, the City has published very helpful FAQs and City Staff have been available and immediately responsive to questions.

In this context, Mr. Rice waited until the Fall of 2021, in order to calculate CPI, the increase in CPI (1 year from June 30, 2020) and until September of 2021 for increases in change of assessment of the building.

On July 19, Mr. Rice met with Chuck Fagone and Anne Torregrossa, corporation counsel, and he agreed to withdraw the July 1st notice for November and to notify Tenants of Tenant's rights and complete the Supplemental Registration Form.

Mr. Rice completed the notices to Tenants immediately thereafter rescinding the January 1, 2020 notice and withdrew the increase.

This is incorrect. Mr. Rice was told to withdraw them immediately. He did not. A formal "notice of violation" had to be sent to Mr. Rice three weeks later, with threats of fines, in order to get him to comply.

CPI in January 1, 2020. We believe this date is incorrect and should read July 1, 2021. However, if there was a January 1, 2020 notice, we would like to see a copy.

Issues

The TTU petition raises various issues as follows:

1. Whether the Landlord's notice of rent increase is greater than those permitted by the Rent Stabilization Ordinance;
2. Whether a property tax increase includes the Downtown Improvement tax ("DID") for purposes of calculating rent increases under the Ordinance;
3. Whether the Rent Board has purview under the Ordinance to allocate rent increases within multi-unit buildings other than per unit or per building;

Or, on the other hand whether a Landlord retains the right to allocate cost increases (taxes) inflation and increased capital costs) on a per unit basis; and

4. Whether the Landlord can be penalized for notice violations under circumstances where in the law is vague and the Housing Safety Office has declined to penalize the Landlord.

Issue I

The Landlord's proposed rent increase is not greater than those permitted by the Ordinance. The Landlord's notice increases rents based upon two factors:

1. 4.3% rate of inflation (CPI-U Boston year over year); and
2. Property tax increase of \$89,293.78 for the building, an increase of 70.19%. This figure includes all property taxes assessed based upon assessed value of the building year over year and the MIL rate, including the DID.

The inflation rate was applied to each unit's base rent. The base rent, the tax increase and the inflation rate index change to base rent was then totaled for each unit. (See the attached Exhibit , examples for each of 4-unit styles: 2-bedroom; studio; 1-bedroom; and efficiency).

Any As stated above, these spaces leased rent in excess of 10% were added to the "rental bank" for each unit for are used to service all 39 of units in excess of 10% in accordance with the Ordinance.

As stated above, these spaces are used to service all 39 of Mr. Rice's properties.

Mr. Rice stipulates that his private apartment and the first floor commercial tenancies should be excluded from the calculation of the TRRA. The Trelawny office and basement are part of tenant services and should not be excluded. The basement space is used to store appliances; HVAC equipment and electrical equipment, and for sprinkler pump and maintenance for the building. The tax assessor does not allocate value to the basement and does not assess per unit or by floor. The basement is unimproved space and should not be included in building square footage for rental purposes.

The Trelawny office and common area is 50% of 11,063 square feet or 5,531.50 square feet, the other half of the first floor is 5,530 square feet. Hence the total building square footage, 20,365 square feet must be excluded from the tax allocation. The total billable square footage factor is $100,150.5 / 120,515$ or 83.10%. TRRA is therefore 83.10% of the total tax increase for the current year

We are unable to decipher the math in this paragraph, however, we continue to contend that the fairest way to allocate the TRRA is simply a ft of building divided by the tax increase, multiplied by

We are unable to decipher the math in this paragraph, however, we continue to contend that the fairest way to allocate the TRRA is simply sq ft of building, divided by the tax increase, multiplied by the number of square feet in each unit. No inclusions or exclusions would then be necessary.

The tax associate [redacted] the number of square feet in each unit. No inclusions or exclusions would then be necessary. [redacted] nt occupancy in 2021 to the

2021 Total Tax \$127,220.10 at 83.10%= \$105,720

vs.

2022 Total Tax \$216,514 at 83.10%

TRRA Increase - \$74,203.13 or

\$60.03/unit per month

We appreciate that Mr. Rice acknowledges that he overcharged tenants by over \$100 a year, but this is still a far cry from the reasonable method we have proposed (see table).

Parking tickets must also be paid, and liens may be placed on the car (in the form of a boot), and the money goes to municipal services. However, parking tickets are not allowed to be added to the TRRA. Neither should the DID.

Whether the Downtown Improvement District (DID) tax is assessed based on property value. The DID tax is assessed based on property value. The Landlord includes the increase in his property tax increase on the basis that the tax is assessed and collected by the City on the same basis that the City collects property taxes, and the tax is used for municipal services. Further, the DID assessment is mandatory and is enforced by the City by lien if not paid. The DID is not voluntary if you live in the zone. The DID is mandatory.

This is incorrect. The ordinance uses the term "property tax," not "tax." "Property taxes" are governed by specific chapters under Maine law. As we show in our slide show, the City of Portland does not bill for the DID fee as if it were a "property tax" as governed by these chapters, nor does it allocate the revenue to public schools or general government services as it does property taxes.

is a property tax as follows:

ould be strictly construed;

reases to cover ordinary and necessary fixed costs
Finance Section 6 230, to ensure that Landlords

The tax rate rent adjustment (TRRA) does not define the term "tax". The Ordinance states: that "tax rate rent adjustment is allowed only if the City changes the MIL rate as compared to the previous rental year". Since the DID tax is based upon the MIL rate for the property and referenced in the assessment and collected and enforced by the City, the tax must be included in the TRRA for the year.

This is incorrect. The DID fee is not based on the mil rate for the property. The mil rate for Portland is 12.99 per thousand. The DID fee is a separate special assessment at a different rate above and beyond the mil, that goes to specific business services.

ty tax. To a property owner, it is assessed based on
lks like a duck, it's a duck. The law and its

Whether the Rent Board has authority under its rules to allocate rent increases within multi-unit buildings.

The jurisdiction and authority of the Rent Board to deny rent increases greater than those allowed by the Rent Stabilization Ordinance is clear. It follows that the Board has no authority to hear or deny rent increases that do not exceed a rent increase that are allowed by the Ordinance.

There is no rule or other information that requires a particular method for allocation of tax increases or inflation increases under the Ordinance. For example, if the rent increase for the building associated with an increase in property taxes was \$103, each unit in the Trelawny building would receive a \$1 increase in rent associated with the increase. Landlord for this year.

This is incorrect. The ordinance is clear: Sec 6-232 states, "...the TRRA is equal to the actual increase in property taxes attributable to the individual covered unit." The allocation to a unit may only be the amount that the individual unit contributed to the increase.

The inflation increase for the building is equal to the inflation increase for each Tenant based upon their base rent and the rent increase stated as a percentage of the base rent.

As framed hereinabove, the rent increase is not in excess of those allowed by the Ordinance above.

Additionally, the FAQ from the city further explains, "If not all units are equal in a building [as is the case here], the landlord should attribute the tax increase in a reasonable manner... This could be apportioned based on relative value, square footage, rent amount, etc."

Issue IV

Whether the Landlord should be penalized for notice violations.

Counsel has reviewed 200 pages of correspondence between the office of Geoffrey Rice and Chuck Fagone and Zachary Lenhart, the Housing Safety Officers, between June 2021 and December 2021. The communications between the 2 offices relate almost exclusively to rent increases and interpretation of the Ordinance. Attached are examples of some of these communications.

The communications are respectful and civilized. The overall impression is that Mr. Rice and his staff were struggling to manage the turnover of tenancies and related rent increases for 2020, and turnover and cost increases for 2021 in the context of an Ordinance adopted but without rules, regulations or precedent.

In short, the record shows when Mr. Rice violated the Ordinance, the notice was immediately rescinded.

This is incorrect, as stated above.

Currently, 9 Tenants are under leases pending renewal, for a total of 103 units. 68 have renewed and 20 are pending.

This appeal is not to the HSO. It is to the Rent Board, as HSO sent us to the rent board for a determination on assessing penalties.

Mr. Lenhart testified that the Housing Safety Office does not assess a penalty for notices issued in good faith for which Tenants have not paid an unlawful increase in rent. For their part, members of the TTU have testified that notices of any kind from Mr. Rice or Apartment Mart trigger an unwelcome feeling of "depression" or "anxiety". The feelings of the members of TTU alone do not form a legal basis for the penalty claimed by the Tenants. Moreover, the City has considerable experience imposing penalties through the corporation counsel's office. The process by which penalties are justified is well established by statute and precedent.

This is incorrect. Tenants testified to the "depression" and "anxiety" created by receiving three incorrect rent increase notices over a five month period.

This is incorrect. Sec. 6-263 of the Rent Control Ordinance states: "...the Rent Board shall have the following jurisdiction and authority: (f) To impose such fines as are necessary and allowed for violations of the provisions of the Rent Stabilization Ordinance;..."

This is false. The board has no established precedent in a complaint brought before the board by a tenant appeal and requesting a fine.

The current set of facts fall well outside of the rules and precedents used by the City to penalize Landlords.

There is clearly no intention to mislead Tenants or increase rents above the amount allowed under the law. Not a single Tenant in the Trelawny has yet paid a rent increase over "base rent" since June 2020. Rent increases for 2022, begin March 1, 2022, and all rent increases commence at least 75 days following notice to the Tenant. Rent increases commenced after December 15, 2021, rent increases commence

This is incorrect. At least 16 tenants have had their rents refunded, including at least one who was a current tenant that had their rent increased mid-lease.

perceived violation in the notice of increase in rents.

(The actual rent increase is not effective until March 1, 2022, at least 75 days following notice).

Regards,

Paul S. Bulger

PSB/cmk

Attachments

Cc: Zachary Lenhert (via email zlenhert@portlandmaine.gov)
Geoffrey I. Rice

Overcharge of Rice allocation vs sq. ft.

RICES CURRENT

<u>Unit</u>	<u>Current rent</u>	<u>sqft</u>	<u>CPI</u>	<u>TRRA - Rice</u>	<u>New rent - Rice</u>	<u>Max Rent</u>	<u>Bank - Rice</u>
202	\$1,275.00	840	\$54.83	\$72.95	\$1,402.78	\$1,402.50	\$0.28
311	\$750.00	215	\$32.25	\$72.95	\$855.20	\$825.00	\$30.20
308	\$1,020.00	696	\$43.86	\$72.95	\$1,136.81	\$1,122.00	\$14.81
303	\$975.00	475	\$41.93	\$72.95	\$1,089.88	\$1,072.50	\$17.38
209	\$1,075.00	515	\$46.23	\$72.95	\$1,194.18	\$1,182.50	\$11.68
412-414	\$1,000.00	850	\$43.00	\$72.95	\$1,115.95	\$1,100.00	\$15.95
410	\$775.00	350	\$33.33	\$72.95	\$881.28	\$852.50	\$28.77
627	\$1,125.00	840	\$48.38	\$72.95	\$1,246.33	\$1,237.50	\$8.83
808-809	\$1,175.00	696	\$50.53	\$72.95	\$1,298.48	\$1,292.50	\$5.97
325-326	\$995.00	437	\$42.79	\$72.95	\$1,110.74	\$1,094.50	\$16.23
403	\$950.00	475	\$40.85	\$72.95	\$1,063.80	\$1,045.00	\$18.80
423-426	\$1,395.00	930	\$59.99	\$72.95	\$1,527.94	\$1,534.50	\$0.00
623-626	\$1,375.00	930	\$59.13	\$72.95	\$1,507.08	\$1,512.50	\$0.00
701-702	\$1,275.00	840	\$54.83	\$72.95	\$1,402.78	\$1,402.50	\$0.28
406-407	\$785.00	433	\$33.76	\$72.95	\$891.71	\$863.50	\$28.20
* 609	\$775.00	347	\$33.33	\$72.95	\$881.28	\$852.50	\$28.77
* 404	\$1,019.81	486	\$43.85	\$72.95	\$1,136.61	\$1,121.79	\$14.82
812	\$775.00	298	\$33.33	\$72.95	\$881.28	\$852.50	\$28.77

tax inc	\$85,676.15
grs sqft	120,515
peryr	\$0.71
permo	\$0.06

TTU PROPOSED

Unit	Current rent	sqft	CPI	TRRA - sqft	New rent - sqft	Max Rent	Bank	overcharge /mo	Yr 1 Overcharge	Yr 2 Overcharge	Total 2 Year Overcharge
202	\$1,275.00	840	\$54.83	\$49.76	\$1,379.59	\$1,402.50	\$0.00	\$22.91	\$274.93	\$278.23	\$553.16
311	\$750.00	215	\$32.25	\$12.74	\$794.99	\$825.00	\$0.00	\$30.01	\$360.15	\$722.55	\$1,082.71
308	\$1,020.00	696	\$43.86	\$41.23	\$1,105.09	\$1,122.00	\$0.00	\$16.91	\$202.88	\$380.60	\$583.48
303	\$975.00	475	\$41.93	\$28.14	\$1,045.07	\$1,072.50	\$0.00	\$27.43	\$329.21	\$537.71	\$866.93
209	\$1,075.00	515	\$46.23	\$30.51	\$1,151.74	\$1,182.50	\$0.00	\$30.76	\$369.18	\$509.28	\$878.46
412-414	\$1,000.00	850	\$43.00	\$50.36	\$1,093.36	\$1,100.00	\$0.00	\$6.64	\$79.72	\$271.12	\$350.84
410	\$775.00	350	\$33.33	\$20.74	\$829.06	\$852.50	\$0.00	\$23.44	\$281.28	\$626.58	\$907.86
627	\$1,125.00	840	\$48.38	\$49.76	\$1,223.14	\$1,237.50	\$0.00	\$14.36	\$172.33	\$278.23	\$450.56
808-809	\$1,175.00	696	\$50.53	\$41.23	\$1,266.76	\$1,292.50	\$0.00	\$25.74	\$308.90	\$380.60	\$689.50
325-326	\$995.00	437	\$42.79	\$25.89	\$1,063.67	\$1,094.50	\$0.00	\$30.83	\$369.91	\$564.73	\$934.64
403	\$950.00	475	\$40.85	\$28.14	\$1,018.99	\$1,045.00	\$0.00	\$26.01	\$312.11	\$537.71	\$849.83
423-426	\$1,395.00	930	\$59.99	\$55.10	\$1,510.08	\$1,534.50	\$0.00	\$17.85	\$214.25	\$214.25	\$428.49
623-626	\$1,375.00	930	\$59.13	\$55.10	\$1,489.22	\$1,512.50	\$0.00	\$17.85	\$214.25	\$214.25	\$428.49
701-702	\$1,275.00	840	\$54.83	\$49.76	\$1,379.59	\$1,402.50	\$0.00	\$22.91	\$274.93	\$278.23	\$553.16
406-407	\$785.00	433	\$33.76	\$25.65	\$844.41	\$863.50	\$0.00	\$19.09	\$229.11	\$567.57	\$796.69
609	\$775.00	347	\$33.33	\$20.56	\$828.88	\$852.50	\$0.00	\$23.62	\$283.41	\$628.71	\$912.12
404	\$1,019.81	486	\$43.85	\$28.79	\$1,092.45	\$1,121.79	\$0.00	\$29.34	\$352.04	\$529.89	\$881.94
812	\$775.00	298	\$33.33	\$17.65	\$825.98	\$852.50	\$0.00	\$26.52	\$318.25	\$663.55	\$981.79
Avg overcharge								\$22.90	\$274.83	\$454.66	\$729.48
Total overcharge								\$412.24	\$4,946.85	\$8,183.80	\$13,130.65

CITY OF PORTLAND
LANDLORD APPLICATION FOR RENT INCREASE SUMMARY

Date of Hearing:

Wednesday, January 26, 2022

Landlord Name and Address:

Anita S Dore

25 Rue Wurth-Paquet

Luxembourg City, Luxembourg L-2737

Owner Name and Address:

Same as above

Property Address, Unit, and CBL:

69 Woodmont Street, Unit 1 & 2

CBL: 080-H-010-001

Tenants/Interested Parties:

Both units listed

Type of Request:

Capital improvement costs, including financing costs (6-234(b)(5)(a))

Base Rent:

See attached

Current Rent:

See attached

Proposed Rent:

See attached

Number of bedroom/bathroom:

See attached

Summary of request:

A proposal has been submitted in the amount of \$30,362.24 that covers the repair of shingles, soffits, and painting for the exterior of the house and garage

69 Woodmont Street					
Unit #	Base Rent	Current Rent	Proposed Rent	Number of Bedrooms	Number of Bathrooms
1	\$1,800.00	\$1,800.00	\$1,980.00	2	1
2	\$1,700.00	\$1,700.00	\$1,870.00	2	1

CITY OF PORTLAND
LANDLORD APPLICATION FOR RENT INCREASE SUMMARY

Date of Hearing:

Wednesday, January 26, 2022

Landlord Name and Address:

Aaron Svedlow

North Light Energy Land Holdings LLC

7 Pine Grove Way

Falmouth, ME 04105

Owner Name and Address:

Same as above

Property Address, Unit, and CBL:

68 Walton Street, Units 2-5

CBL: 138-D-006-001

Tenants/Interested Parties:

All units listed above

Type of Request:

Fair rate of return (6-234(b)(5)(d))

Base Rent:

See attached spreadsheet

Current Rent:

See attached spreadsheet

Proposed Rent:

See attached spreadsheet

Number of bedroom/bathroom:

See attached spreadsheet

Summary of request:

At the time of application submission, the Landlord had not yet taken over ownership of the property but did provide the Housing Safety office with proof of a Purchase and Sale agreement, with an addendum of extended closing date.

The Landlord is requesting a rent increase for a fair rate of return and has provided a Cash Flow Analysis spreadsheet along with comparable units within the vicinity that also reflect similar square footage to each of the units listed above.

The Landlord has since closed on the property from the original submission date and is still within the 30 day requirement to register as a new rental property with our office.

68 WALTON STREET					
Unit #	Base Rent	Current Rent	Proposed Rent	Number of Bedrooms	Number of Bathrooms
2	\$1,300.00	\$1,300.00	\$1,475.00	1	1
3	\$1,000.00	\$900.00	\$1,075.00	1	1
4	\$900.00	\$800.00	\$950.00	1	1
5	\$1,800.00	\$1,800.00	\$1,950.00	3	1

CITY OF PORTLAND
LANDLORD APPLICATION FOR RENT INCREASE SUMMARY

Date of Hearing:

Wednesday, January 26, 2022

Landlord Name and Address:

Andrew Burns

Po Box 11160

Portland, ME 04104

Owner Name and Address:

Same as above

Property Address, Unit, and CBL:

179 Capisic Street, Unit 1

CBL: 192-K-051-001

Tenants/Interested Parties:

Vacant

Type of Request:

Renovation of a unit or Reconfiguration of one or more units (6-233(c))

Fair rate of return (6-234(b)(5)(d))

Base Rent:

\$1,225

Current Rent:

Vacant

Proposed Rent:

\$2,200

Number of bedroom/bathroom:

2 bed/1 bath

Summary of request:

The applicant has submitted documentation for the above two rent increase requests, in addition to also providing the Capital Improvement worksheet to notate the self-labor spent.

For the renovation and/or Capital Improvement, the applicant has submitted copies of receipts and an itemized list of what each receipt was for, dating back to September 2021. These receipts reflect purchases of:

Drywall, cabinets, lights, mud/sanding, glass windows, electrical, shower door, shower base, dishwasher, and fridge. The total amount of the receipts is \$6,670.45.

There is an additional receipt for \$3,000 as a boiler deposit.

The applicant also laid out an itemized list of estimated future expenses within the bathroom (vanity, toilet, lights, shower tiles, drywall, mudding, counters, etc) which totalled approximately \$4,880.38.

The applicant noted about 120 hours of self-labor so far.

For the fair rate of return request, the applicant has submitted some comparable units research online within the vicinity of the unit requesting a rent increase. A floor plan has also been submitted with the square footage of each space within the unit.

Rough Draft Outline for Annual Report
Buddy Moore, Portland, Maine Rent Board, District 1
Prepared for 1/26/2022 Rent Board Meeting

Overview and Background

- Summary of ordinance
- Summary of Rent Board duties, responsibilities, jurisdiction
 - Timeline of past year
 - Board appointments
 - Lawsuits
 - Establishment of procedures and evidentiary requirements
 - Creation of intake forms
 - Jurisdictional Overlap
- Cases Heard
 - How many?
 - What were applications for?
 - Outcomes:
 - How many were granted?
 - For the amount requested.
 - For a different amount.
 - Number of rejections.
- Areas for improvement/Lessons Learned
 - Enforcement issues
 - Number of known violations
 - Voluntary Compliance vs. Proactive Enforcement
 - Significant Cases
 - Fair rate of return discussion
 - Renovation Definition
- **Effects of Rent Stabilization on Rents in Portland**
 - Overview of Rent Stabilization
 - Summary of purpose of ordinance and allowable rent increases
 - Method and Data for Determining Rent Data
 - Overview of the data on rents in Portland
 - Increases in the last 5 years
 - Number of registered units 2020 vs. 2021 vs. 2022

	2020	2021	2022
Number of Registered Units			

- Mean, median, mode rent prices
- Mean, median, and mode of rent Increases
 - As a subset of this:

- Covered properties/units
- Number of exempt properties/units
- Will need to do more statistical analysis on excel within each of these blank boxes, but as a *very rough* general outline:

	2021 Rent Prices	2022 Rent Prices	Rent Increases (2021-2022)
Registered Units			
Covered Units			
Exempt Units			

- Capturing variance and variability
 - Visualizations for all the above
 - In depth statistical analysis for all the above
- Effect of revaluation and inflation on rent increases
- Geographic trends in rent prices
- Results and Discussion

Conclusions

- ...