

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.

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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.

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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.

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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

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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