Minutes

Remote Rent Board Meeting - Held Via Zoom
Wednesday, February 9, 2022

Start time: 5:05pm

II. Roll Call - 00:00:55

Austin Sims, Homeowner, District 5 - Chair
Barbara Vestal, Landlord, At-Large - Vice Chair
Christopher “Buddy” Moore, Tenant, District 1
Josef Kijewski, Homeowner, District 2
Elliott Simpson, Tenant, District 3
Ian McCracken, Landlord, District 4
Elias Kann, Tenant, At-Large

Staff present:

Anne Torregrossa
Katlyn Sawyer, Licensing & Registration Coordinator
Zachary Lenhert Licensing & Housing Safety Manager
Jessica Hanscombe, Permitting & Inspections Director

III. Minutes - 00:01:54

The Vice Chair moves to accept the minutes as written, seconded by Buddy Moore. Vote: 7-0.

IV. Communications - 00:02:50

A. Written Public Comment

There were 3 separate public comments submitted -

1. A follow-up to a comment that was already addressed at the last meeting
2. A member of the public who did not get to speak during public comment at the last meeting who is in support of TTU and reallocation of TRRA
3. A concern regarding harassment towards a Board member

V. Unfinished Business - 00:03:48

A. Rent Increase Appeal - 655 Congress St

The Vice Chair brought up that two members of the Board were absent at the last meeting, and it was to her understanding that if they listened to the recording that they could participate in tonight’s meeting. It was requested that they state this on the record.

Both Ian and Josef confirmed that they had watched the recording.

Minutes

The Chair had advised the public that the Trelawny Tenants Union had presented a revised “ask” that largely aligns only to the 22 undersigned rather than as a collective bargaining unit.

00:14:11 - The Chair motions to approve the TRRA be distributed to Mr. Rice’s tenants using the square foot methodology proposed by TTU; namely that total rent increase divided by square footage of the building and multiplied by square footage of each unit divided across the twelve months

> 00:16:52 Seconded by Buddy Moore. Vote: 6-1 (Vice Chair voted no)

The Chair had advised that the attorney for Trelawny 657 had pulled back the penthouse and the commercial space.

00:42:16 Ian McCracken makes a motion to take the total square footage of the building and subtract the owner’s apartment space and the commercial space, then use the methodology from the previous topic and allocate it across the apartments in only this building. Seconded by the Vice Chair.

> 00:44:08 Buddy Moore moves to amend the motion to exclude the basement entirely as well. Seconded by Josef Kijewski. Vote to amend the motion: 5-2 (Ian and Barbara said no)
>
> 00:49:55 Vote on the amended motion:
>
> > 00:51:06 Elliott Simpson would like to table the vote to resume deliberations, seconded by Ian.
>
> 01:05:28 Josef Kijewski makes a motion to vote on what they have at hand, seconded by Buddy Moore to call the question. Vote: 4-3 (Elliott, Ian, and Barbara voted no).
>
> > The Board is excluding the basement and first floor. The representation for Trelawny 657 has excluded the penthouse.

01:17:18 The Vice Chair makes a motion that the Board determines that the Downtown Improvement District (DID) tax amount that the change in that amount may be included by the Landlord in the tax rate rent adjustment calculation. Seconded by Elliott Simpson. Vote: 4-3 (Buddy, Josef, and the Chair voted no).

> The DID is included in the TRRA allocation

01:19:21 The Chair makes a motion to require that Trelawny 657 reissue accurate increase notices to all tenants residing in the building who are impacted by this ruling of the tax ruling the Board just made and that those increases obtain the full 75-day notice requirement as required by the Rent Stabilization ordinance. The basis of this is that in all prior dealings between HSO and either Trelawny 657 or specifically Geoffrey Rice, all corrections require a reset of the clock. Seconded by Josef Kijewski

> 01:20:47 The Vice Chair makes a motion to table the vote to allow for further discussion, seconded by Elias Kann. Vote: 7-0
>
> 01:38:44 The Vice Chair makes a motion to amend the motion on the floor to substitute the 22 named complainants so that notices would be reissued to those people and take out the language about all of the apartments in the building. Seconded by Ian McCracken. Vote to amend the motion: 4-3 (Buddy, Josef, and the Chair voted no).

Minutes

01:41:11 Josef Kijewski makes a motion that the Landlord should also review all of the written rent increase notices and reissue any found to not be in compliance. Seconded by Elias Kann. Vote: 5-2 (Elliott & the Vice Chair voted no).

01:43:54 The Chair calls the question, seconded by Elias Kann. Vote: 7-0

The Chair advised that TTU (Trelawny Tenants Union) has an updated “ask” that has been refined down to the 22 undersigned union rather than the whole building. The Board is specifically assessing fines for the undersigned on the case. The total amount would be $15,350.00.

01:55:34 - The Chair reads a section of the ordinance into the record (Sec 6-263 Jurisdiction and Authority) and subsection (f) regarding fines

02:03:01 - The Chair makes a motion to accept the fines requested by the Trelawny Tenants Union, seconded by Josef Kijewski

02:03:16 Elias Kann makes a motion to amend with language that provides an advisory opinion to HSO. The Board accepts the proposed fines and requests that HSO re-examine the violations and issue such fines as deemed necessary. Seconded by the Chair. Vote on the amendment: 7-0

02:15:16 Elias Kann moves to call the question, seconded by the Vice Chair. Vote: 5-2 (Josef and Ian voted no).

02:16:51 The Vice Chair makes a motion to take a 3 minute break, seconded by Josef Kijewski. Vote: 7-0. The Board will resume at 7:26pm

Anne Torregrossa advised the Board that she will work on the Decision Form based on what was said this evening. The Board will need to vote on it at the next meeting. Other edits will be made at the next meeting.

A. Rent Increase Application - Public Comment - 02:25:12
Landlord: Anita S Dore
Property Address: 69 Woodmont St, Unit 1 & 2
CBL: 080-H-010-001
Type of Increase: Capital improvement costs

There were no witnesses and no tenants spoke as objectors.

No public comment was taken.

02:35:00 Elias Kann makes a motion to accept the proposed increase amortized over a period of 7 years with everything over 10% banked for future increases. Seconded by Ian McCracken. Vote: 7-0

Minutes

B. Rent Increase Application - Public Comment - 02:35:58
Landlord: Aaron Svedlow, North Light Energy Land Holdings LLC
Property Address: 68 Walton St, Units 2-5
CBL: 138-D-0006-001
Type of Increase: Fair rate of return

The Landlord was not present at the time of their item.

03:47:47 - The Chair still does not see the Landlord present for this item. This application will be tabled for the next meeting under Unfinished Business

C. Rent Increase Application - Public Comment - 02:36:56
Landlord: Andrew Burns
Property Address: 179 Capisic St, 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

There were no witnesses and no objectors as the unit is vacant.

No public comment was taken.

02:51:58 Elliott Simpson makes a motion to return to question to confirm the number of units column in the form the Landlord filled out. Seconded by Josef Kijewski. Vote: 7-0

The application lists $22,616.77 of the work - if amortized across 7 years, it would be $269.24 or if amortized over 5 years, it would be $376.98. The resulting increase in rents after all banks have been taken would be $1,494.24 or $1,601.98, respectively those constitute a 21.96% increase or 30.77% increase - as stated by the Chair.

03:15:24 - The Chair makes a motion to ask Mr Burns if he would like the Board to entertain this as a Capital Improvement, seconded by the Vice Chair. Vote: 7-0.

> The Landlord would prefer the Board to hear this under a Renovation and Fair Rate of Return rather than a Capital Improvement

Ian McCracken suggested that he would amortize the entire $22,616.77 over 7 years, which would be $269.24 and add that to $1,225 which would be $1,494.25, as the new base rent.

> Elias Kann makes a motion to accept Ian’s suggestion and treat it as a Renovation not as a Fair Rate of Return.

> The Vice Chair would propose to amend the motion to clarify the Board is not taking action on the Fair Rate of Return, but that the applicant would be free to come back with a request for Fair Rate of

Return. He would need to provide more information about his costs and rate of return for comparable units. Seconded by Elias Kann. Vote on the amended motion: 7-0

The Chair states that this is Renovation that is pegged to a 7-year amortization of the amount and that the Board is not making any change on Fair Rate of return but that the applicant can submit another request for that.

Vote on the actual motion: 7-0

D. Rough Draft Outline for Annual Report - 03:30:47

Josef Kijewski had suggested getting feedback from Landlords and tenants who have experiences with the Board on processes.

Buddy Moore and Josef will work together to get more substantive information.

03:47:13 - Board returns to the decision forms

The Rent Increase Appeal form will be discussed at the next meeting

Buddy Moore requested that he present the decision forms for 69 Woodmont Street and 179 Capisic Street at the next meeting due to the new system.

The Chair makes a motion to table official sign off on these forms. He then amends his motion to say that any applicants concerned about the delay in the Board's official decision in the next two weeks confer with HSO.

03:59:36 The Chair makes a motion to table this and any guidance that the applicants need, they seek from HSO until the Board reconvenes and confirms the decision forms at the next meeting. Seconded by the Vice Chair. Vote: 7-0

VI. New Business

There are no agenda items for this section

VII. Adjourn - 04:00:10

Meeting end time: 9:01pm