



RENT BOARD

May 25, 2022

5:00 PM

ZOOM INFORMATION:

Please click the link below to join the webinar:

<https://portlandmaine-gov.zoom.us/j/82339838139?pwd=OHdNWGZmRmJIREQ4VIJKMUh0MjVtUT09>

Passcode: 767680

Or One tap mobile :

US: +13017158592,,82339838139#,,,,*767680# or
+13126266799,,82339838139#,,,,*767680#

Or Telephone:

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

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

Webinar ID: 823 3983 8139

Passcode: 767680

International numbers available: <https://portlandmaine-gov.zoom.us/j/82339838139?pwd=OHdNWGZmRmJIREQ4VIJKMUh0MjVtUT09>

ROLL CALL:

APPROVAL OF MINUTES

April 27, 2022 Minutes

COMMUNICATIONS:

Public Comment Memo for Committees and Commissions 5/16/22

Please note: Written public comments must be received via email (rentboard@portlandmaine.gov) by 12pm the day before the scheduled meeting to be included in the revised agenda packet. Please make sure that the subject line reads "Written Public Comment".

UNFINISHED BUSINESS:

NEW BUSINESS

Discussion of the Rental Registration Data received from the Housing Safety Office

Planning for Annual Report as Required by the Ordinance

Fair Rate of Return Further Discussion

Updates to Application Forms

Methodology for the Decision Forms

ADJOURN

Minutes

Remote Rent Board Meeting - Held Via Zoom
Wednesday, April 27, 2022

Start time: 5:00pm

II. Roll Call - 00:01:32

Austin Sims, Homeowner, District 5 - Chair
Barbara Vestal, Landlord, At-Large - Vice Chair
Amir Familmohammadi, 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:

Kari Twaite, Corporation Counsel
Zachary Lenhert Licensing & Housing Safety Manager

III. Minutes - 00:01:54

The Chair suggested one minor correction to the last sentence under New Business; to add:
"Austin Sims is removing his name from consideration"

The Chair makes a motion to adopt the minutes with the one addition, seconded by Elliott Simpson. Vote: 7-0

IV. Communications - 00:03:23

The Chair reminded attendees that there has been a rotation of Board members drafting decision forms, and that it is Elias Kann's turn for this meeting.

A. Written Public Comment

There were a total of 5 written public comments submitted for this meeting. The Chair gives a brief summary of each

1. From Brian Ahern who is attesting to the character and professionalism of Lou Christen, a Landlord who is requesting a rent increase for 164 Pearl St, Condo C. He supports the application in good faith

2. From a former Rent Board member, Buddy Moore, who urges the Board to adopt a fair return on investment standard in defining a Fair Rate of Return as required by the ordinance. He references prior guidance on these matters and supports why a fair return on investment is a fair approach to take. The Chair wishes to thank Buddy for his work on the Board and evidence in support of this approach
3. From Matt Walker for a request that the Board make public exhibits that are submitted for application considerations. The Chair advised new Board members and the public that the Board had previously decided to keep this information privileged for a number of reasons:
 - Board does not have dedicated staff
 - Board receives a significant amount of documentation in support of applications
 - Board cannot ensure that they would sufficiently redact those documents to secure the privacy of the individual presenting that informationA compromise would be to present a summary which is presented in the public agenda packet. This decision can be revisited at any time.
4. From Matt Walker which pertains to the rent increase application from 123 Sherman Street which includes purported claims from current unit tenants.
5. From Matt Walk in reference to the application on 9 Briggs Street about which he raises a question about rent registration and current rent on record.

V. Unfinished Business - 00:07:33

A. Rent Increase Application - Public Comment

Landlord: Victoria Poole

Property Address: 90 Westminster Ave

CBL: 181-B-007-001

Type of Increase: Fair Rate of Return

This application was tabled from the last regularly scheduled Rent Board meeting on March 23rd.

The Vice Chair suggested that the Landlord presents the additional submissions in support of the rent increase application. The Board will then resume with questions from members of the Board.

Board members addressed finding a better solution for information based on comparable units in relation to an application. The general consensus was to work with the Housing Safety Office to see what information could be provided to the Board to provide better details in correlation to geographical area, number of bedrooms and bath, rent amounts and average of.

01:10:56 - Elias Kann makes a motion that the Board accepts the application, capped at ten percent based on the fact that the Landlord is not receiving a fair rate of return on investment and a minimal non-arms length transaction. Seconded by Ian McCracken.

Elias made a motion to withdraw his motion pending discussion of what Barbara had asked when seeking clarification about the motion made. Seconded by Amir Familmohammadi.
Vote: 7-0

01:34:33 - Vice Chair makes a motion to approve a \$200 per month increase for fair rate of return, in addition to CPI, Tax Rate Rent Adjustment, and New Tenancy, all capped at ten percent per year. Seconded by Elias Kann. Vote: 7-0

B. Rent Increase Application - Public Comment - 01:40:21

Landlord: Sherman Street Properties LLC

Property Address: 123 Sherman St, Units 01 through 13

CBL: 048-C-020-001

Type of Increase: Increased Housing Service Costs

This application was denied at the last regularly scheduled Rent Board meeting on March 23rd, however, because three Board members were absent, the applicant asked if this could go for a re-vote for the following month's meeting. Upon an approved vote, this was tabled.

The applicant was also asked to resubmit a revised application.

01:51:55 - Public comment was reopened only for discussion on the new materials submitted. Comment was only received from Matt Walker.

01:54:18 - Ian McCracken made a motion, which was seconded and amended by the Vice Chair, and then reaccepted by Ian. The Chair (Austin) put this on hold to allow for other Board members to talk.

02:03:45 - The Vice Chair reworded the proposed motion made from Ian McCracken. The motion was to grant an increase of \$25.96 per month per unit for increased housing service costs above otherwise allowable increases subject to leases, notice requirements, and a ten percent per year cap on increases. Vote: 4-3 (The Chair, Amir, and Josef voted against).

C. Board to propose and vote on methodology for a Fair Rate of Return - Public Comment - 02:04:48

The Chair started off with opening public comment before discussion amongst Board members. Public comment was received from Matt Walker and David Bergeron.

Zachary Lenhart, from the Housing Safety Office, provided context as far as what the Board may deliberate on when it comes to Fair Rate of Return from questions asked by Landlords when submitting an application.

Situation one - someone was renting to a family member or someone at very below market rates or given a reduction rate due to the pandemic and were locked into the June 2020 rate

Situation two - potential buyers asking about the previous owner who didn't raise the rent in a long time and how to make the numbers work, if they proceeded with a purchase

The Chair wanted to keep in mind Corporation Counsel's advice and legal guidance received over the last year, in addition to the SMLA's case; it was suggested that "a landlord must properly demonstrate that his or her current rate of return is unreasonably low when compared to those who rent out same or similarly properties".

The court's decision does not indicate that this is how the Rent Board would consider these cases made by Landlords; because it does not specify that the above statement that the Board should be using to determine if they are getting a fair rate of return.

This leads him to believe that is the sole reason and justification how the Board would determine a fair rate of return.

02:17:06 - Amir Familmohammadi makes a motion to adopt MNOI for a fair rate of return in cases not impacted by historically low rent. Seconded by the Chair.

Amir makes a motion to amend the motion to adopt the MNOI for a fair rate of return without stipulation. Seconded by the Chair. The Board is voting on the amendment to the original motion. Vote: 4-3 (Elliott, Ian, and the Vice Chair voted against).

The Board will now vote on the amended motion on whether or not to adopt MNOI for addressing cases of fair rate of return, both in the case of historically low rent and not. Vote: 3-4 (Elliott, Elias, Ian, and the Vice Chair voted against). This did not pass.

A couple of Board members addressed why they had voted "no" on the amended motion; mainly that they do not wish for MNOI to be the sole method on determining a fair rate of return and to have flexibility when needed

03:11:28 - Elliott Simpson makes a motion to formally request access to the data that HSO has that can be utilized to compare registered rental units within the City and that it be provided to the Board in accordance with the data protection policies that the City wants to apply to that. Seconded by Amir Familmohammadi

Elliott recends his motion per Zachary's discussion about the excel spreadsheet with required rent control information included.

03:31:14 - The Vice Chair makes a motion that between now and the next meeting that two volunteers from the Board work with the HSO data to see what is available to help inform the calculation of disproportionately low base rent (Part 1). Part 2 is that the Board would accept MNOI as the default methodology for fair rate of returns calculations except in the event of disproportionately low base rent and that the Board would work toward a methodology that

would look at comparables that may be developed by the Board or submitted by the applicant, while asking for submission of their NOI (net operating income). MNOI would be the framework, which will be refined as the Board goes along. Seconded by Josef Kojewski.

The Chair would like to make one small amendment to the motion, asking that the two volunteers be Elliott and Amir with the reason being that they represent very well differences of opinion on the Board and that there is a lot of merit in the two of them addressing the data together. Seconded by Elias Kann. Vote for the amendment: 7-0

Vote to accept Barbara's amended motion. Vote: 7-0

The Chair mentioned that any materials that result from this discovery should be submitted to HSO by the 18th of May, if at all possible. If not, please reach out to HSO and advise them that you need a little more time.

VI. New Business - 03:38:19

A. Nomination and Appointment for the Chair and Vice Chair positions

Barbara Vestal stated that she would be willing to continue as Vice Chair, but is not seeking to be Chair.

Elliott Simpson nominated himself for the Chair position, seconded by Elias Kann. With no other nominees for Chair, the Board voted: 7-0. Elliott Simpson will be the new Rent Board Chair.

Since there are no other nominees for Vice Chair, the Board voted: 7-0. Barbara Vestal will remain as Vice Chair.

B. Rent Increase Application - Public Comment - 03:43:11

Landlord: Carol L Kelly

Property Address: 9 Briggs St, Unit 1

CBL: 057-J-019-001

Type of Increase: Fair Rate of Return

There are no tenants as objectors since the unit is vacant.

No public comment was received.

03:58:47 - Elias Kann makes a motion to accept the application as written and reset the base rent due to extenuating circumstances on a non-arm's length transaction.

-Elliott Simpson asked for reference in the ordinance to where this is mentioned. Barbara referred Elliott to Sec 6-263(a).

-Seconded by Ian McCracken. Vote: 7-0

C. Rent Increase Application - Public Comment - 04:01:31

Landlord: Louis A Christen

Property Address: 164 Pearl St, Condo C

CBL: 026-L-004-00C

Type of Increase: Capital Improvement Costs, Increased Housing Service Costs, and Fair Rate of Return

No tenants spoke as objectors.

No public comment was received.

04:17:29 - The Chair makes a motion to accept the capital improvement costs amortized seven years, but limited to the ten percent. The increased housing service costs would be added in, which will be discussed shortly after. Seconded by Elias Kann.

The Chair is going to pull his motion entirely, seconded by Elliott Simpson.

The Board returned to the Landlord to seek further clarification on numbers presented.

04:31:27 - The Vice Chair makes a motion that the Board approves an increase of \$95.58 per month, which was calculated based on \$11,469.60, amortized over ten years and then divided by twelve as capital improvement costs. In addition to other allowable statutory increases subject to leases, notices, and the ten percent cap on increases per year. Seconded by Amir Familmohammadi. Vote: 7-0

04:36:06 - The Board returns to the decision forms for each rent increase application passed during tonight's meeting, in order.

90 Westminster Ave

A minor adjustment on wording was made to the form. Vote: 7-0

123 Sherman Street

No adjustments were made to the form. Vote: 7-0

9 Briggs Street

Some adjustments were made to the form. Vote: 7-0

164 Pearl Street, Condo C

Some adjustments were made to the form. Vote: 7-0

The Vice Chair made a motion to adjourn, seconded by Elias Kann. Vote: 7-0

VII. Adjourn -

Meeting end time: 9:53pm

City of Portland | Executive Department
Danielle West, *Interim City Manager*



To: Mayor and City Councilors

From: Danielle West, Interim City Manager

Date: May 16, 2022

Re: New Administrative Policy on the Collection and Publication of
Written Public Comment for Public Committees and Commissions

Administrative Policy
Collection and Publication of Written Public Comment for
Public Committees and Commissions

This policy is intended to provide transparency to how staff will collect and publish written public comment for public meetings held by City of Portland committees. We hope that standardizing and communicating this process will make it easier for members of the public to meaningfully participate in local government.

This policy applies to public committees and commissions to which a staff liaison has been assigned (listed below), as well as ad hoc committees established by the Council. It does not apply to Council-established task forces.

Board of Assessment Review	CDBG Annual Allocation Committee	City Council
Employment Subcommittee	Finance Committee	Health & Human Services and Public Safety Committee
Historic Preservation Board	Housing & Economic Development Committee	Land Bank Commission
Legislative & Nominating Committee	Parks Commission	Pesticide Management Advisory Committee
Planning Board	Portland Development Corporation	Portland Fish Pier Authority
Police Citizen Review Subcommittee	Public Art Committee	Rent Board
Sustainability & Transportation Committee	Zoning Board of Appeals	

Staff liaisons will collect and publish written comment according to the following guidelines:

Deadlines

- Staff's goal is to publish agendas at least two business days prior to the meeting date.¹
- Written comments received by email by 12:00pm the day before the scheduled meeting date will be included in the agenda backup materials ("agenda packet").
- Written comments received by the aforementioned deadline will be published in the agenda packet no later than 12:00pm the day of the meeting.

Eligibility

- For any agenda-ed item on which the Committee, Board, or Council ("body") intends to accept verbal public comment, written public comment will be accepted.

Communication

- Written comments must be submitted to a designated email address. Email addresses designated for this purpose can be created at the request of staff liaisons.
- Information on this process will be included on 1) the body's web page and 2) the body's meeting agenda.
- It is recommended that this information also be included in an auto-reply generated from the designated email address.

Recommendation to Committees

We recommend that, where a body is not required to accept public comment, chairs clearly identify the items on which they would like to accept public comment.

This will help staff be consistent in their inclusion of written comments and more clearly communicate to the public the items on which written comment can be submitted.

Effective Date

This policy is effective immediately. Members of the public are encouraged to contact citymanager@portlandmaine.gov with questions and feedback.

¹ This deadline does not apply to backup materials. While we strive to publish these at the same time as the agenda, it's possible that delays may result in the publication of the agenda packet being published closer to the scheduled meeting time.

Landlord's Representative ___ No representative ___ Attorney ___ Non-attorney

Name: _____ Firm/Organization _____

Mailing Address: _____

Phone Number: _____ Email: _____

Tenant(s) Information: (If there are more than 3 affected tenants, attach additional sheet.)

Tenant's Name: _____,
First Name Last Name Unit #

Mailing address if different _____ Email address: _____

Tenant's Name: _____,
First Name Last Name Unit #

Mailing address if different _____ Email address: _____

Tenant's Name: _____,
First Name Last Name Unit #

Mailing address if different _____ Email address: _____

Accommodations:

☐ Interpretation Services required for Rent Board hearing or staff interaction.

☐ Staff assistance needed.

☐ I need the provisions in the new Rent control ordinance explained to me in greater detail by the Housing Safety Office.

Jurisdiction: Please make sure that your property is controlled by the Rent Stabilization Ordinance prior to submitting this form. The following types of housing are generally exempt: units owned by Portland Housing Authority; accommodations provided in a hospital, convent, church, religious facility, or extended care facility; dormitories owned and operated by an institution of higher education or by Portland Public Schools; subsidized housing; accessory dwelling units (ADUs) as defined in Portland's Land Use Code; and units in buildings with 2, 3 or 4 dwelling units, one of which is the principal residence of the landlord. (If there is only one dwelling unit and it is rented to a tenant, it is subject to the Rent Stabilization ordinance.) If you have questions about the exemptions, please consult with the staff of the Housing Safety Office prior to submission.

Are there 2, 3 or 4 dwelling units in the building at that Street Address: ____ yes ____ no
If no, skip next section.

If 2, 3 or 4 dwelling units, is at least one dwelling unit in the building occupied by a "LANDLORD" as his or her principal residence? ____ yes ____ no. For this purpose, "Landlord" is defined as "an owner, manager, managing agent, sublessor or other person having the right to rent or sell or manage any housing unit or rental property, or any agent of these individuals or entities."

If yes, which unit is occupied by a Landlord? _____

Name of Landlord occupying that unit: _____

Phone: (____) _____ Email: _____

Mailing address: _____

Duties of Landlord: _____

If 2, 3 or 4 dwelling units AND one of those dwelling units is the principal residence of a landlord, this building should be exempt from the Rent Stabilization Ordinance.

Relief Requested:

____ I am seeking **approval to charge more rent** than appears to be automatically allowed in accordance with the Rent Stabilization Ordinance. (Only increases for annual allowable CPI, real estate tax increase, new tenancy, and banking are allowed without a hearing. In addition, increases for consolidation of two or more units may be made without a hearing if established in accordance with the formula contained in the Ordinance (6-233(d)).

If seeking a rent increase, please identify the basis for your request and attach the specified information and such other information as you believe supports your request: (Check all that apply.)

Note: It is possible to apply in advance for approval of a rent increase on the grounds of renovation, reconfiguration and/or capital improvement costs should specified proposed work be completed, but the approval of any rent increase, if granted, will be conditioned upon the increase not going into effect until the Landlord Applicant proves to the satisfaction of the Housing Safety Office that all of the work which was the justification for the rent increase has been completed as proposed. Furthermore, regardless of Rent Board approval of a rent increase, any such increase may not go into effect until Landlord has also provided any Tenant(s) then residing in the unit with notice of a rent increase which complies with all legal and contractual requirements for a tenant-at-will or a tenant under lease, as applicable.

_____ **Renovation** of a unit or **Reconfiguration** of one or more units (6-233 (c)), any increase or decrease in floor area, the addition or upgrade of apartment or amenities, the cost of the work, and such other information as may be relevant, including a before and after floor plan of each affected unit.

_____ **Additional Rent Board Approved Increase: Capital improvement costs, including financing costs** (6-234 (b)(5)(a)), any capital improvement costs for changes to the unit and/or the common areas of the property or the structure containing the Covered Unit, specifically including a description of all work done, the cost of the work, when it was performed (with an emphasis on improvements made within 24 months prior to the application), why it was performed, any financing costs, whether it affected one or more than one dwelling unit, how you proposed to allocate the costs to rent increases if more than one unit was affected, such other information as may be relevant;

_____ **Additional Rent Board Approved Increase: Uninsured repair costs** (6-234 (b)(5)(b)), a description of the nature and amount of any casualty loss, e.g. loss due to fire, wind, flood, earthquake or other casualty or natural disaster to the extent that repair of the resulting damage was not reimbursed by insurance proceeds, including the actual repair costs incurred to restore one or more dwelling units and/or common areas of the property or the structure containing a Covered Unit, whether it affected one or more than one dwelling unit, how you propose to allocate the costs to rent increases if more than one unit was affected, such other information as may be relevant;

_____ **Additional Rent Board Approved Increase: Increased housing service costs** (6-234 (b)(5)(c)), all services provided by the Owner related to the use or occupancy of a Covered Unit, e.g. "operating expenses", including but not limited to insurance, repairs, maintenance, painting, utilities, heat, hot water, real estate taxes, personal property taxes, elevator services, laundry facilities, legal fees, accounting fees, management fees, janitorial services, refuse removal, furnishings, appliances, smoke and carbon monoxide detectors, fire alarm and sprinkler system maintenance, parking, security services, employee services, emergency response services, snow plowing, and similar costs, and such other relevant information;.

_____ **Additional Rent Board Approved Increase: Any additional increase, within the opinion of the Rent Board, required to allow the Landlord to receive a fair rate of return** (6-234 (b)(5)(d)). Please include a brief explanation of the basis for the requested rent increase here and also attach all relevant documentation for Housing Safety Office and/or Rent Board review and consideration:

For all requests for additional rent, please provide the following information for each unit affected:

<u>Unit designation</u>	<u>Rent charged June, 2020</u>	<u>Current rent</u>	<u>Proposed rent</u>
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_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Attach additional sheet(s) if more than 6 units are involved. Please include any relevant documentation for the Housing Safety Office and/or Rent Board review and consideration.

Signature of Landlord Applicant:

Printed name

Signature

Date

Capacity (if any): _____

You may contact the Housing Safety Office for additional information prior to submitting this Landlord Application Form.

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rentboard@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department
Capital Improvement Costs Allowance Form

Capital Improvements are generally considered to be improvement that add material value to a home or property, prolongs its useful life, or adapts it to new uses. According to the Internal Revenue Service, costs of repairs and maintenance **NOT** considered capital improvement costs are those which:

1. are necessary to keep a property in good condition but don't add to its value or prolong its life (e.g., painting, fixing leaks, fixing holes, routine maintenance and repairs, etc.);
2. are no longer part of a property; or
3. have a life expectancy, once installed, of less than a year.

If you are seeking a rent stabilization allowance for increased housing service costs like those described above, please fill out the form titled Rental Allowances for Increased Housing Service Costs from the Housing Safety Office instead. If you are unsure which form to use, please contact the Office of Housing Safety for guidance.

Rental Property Address: _____ Portland, Maine _____

Street number and Name

Zip Code

Unit Numbers: _____ **Chart Block and Lot Number (CBL) for parcel:** _____

Type of unit: _____ Rented single family home or rented condominium unit

_____ Apartment or live-work space

_____ Room

_____ Other (describe): _____

Landlord Applicant Name: _____

Company/LLC/Inc./ Partnership (if applicable): _____

Phone: (____) _____ - _____ **Email:** _____

Mailing Address: _____

Property Owner's Name and address if different than landlord applicant:

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housingafety@portlandmaine.gov • www.portlandmaine.gov



CITY OF PORTLAND
Permitting and Inspections Department
Request for Rent Stabilization Allowance for Capital Improvement Costs (Cont.)

Landlord Representative: ___ No Representative ___ Attorney ___ Non-attorney

Name: _____ **Firm/Organization:** _____

Phone: (_____) _____ - _____ **Email:** _____

Mailing Address: _____

Instructions: Please use the attached worksheet to calculate total allowable rent increases for capital improvement costs.

Note: No total rent stabilization allowances for a given year may exceed 10%. If the total of capital improvement cost increases results in a total rent stabilization allowance over 10%, the difference may be banked for subsequent yearly increases.

CITY OF PORTLAND
Permitting and Inspections Department
Capital Improvement Costs Worksheet

Improvement	Relevant Units	Number of Units	Date Completed	Out of Pocket Costs	Self-Labor Hours	Self-Labor Rate	Self-Labor Cost	Total Cost:
1. Additions:								
Bedroom								
Bathroom								
Deck								
Garage								
Porch								
Patio								
2. New Systems								
Heating System								
Central Air Conditioning								
Furnace								
Duct Work								
Central Humidifier								

Air/Water Filtration systems								
Wiring								
Security System								
Lawn Sprinkler System								
3. Exterior								
Storm Windows/Doors								
New Roof								
New Siding								
Satellite dish								
4. Interior								
Built-in appliance								
Kitchen Modernization								
Flooring								
Wall-to-wall carpeting								
Fireplace								
5. Plumbing								
Septic System								

Water Heater								
Soft water system								
Filtration system								
6. Insulation								
Attic								
Walls								
Floors								
Pipes and Duct Work								
7. Other								
Totals								

Please attach copies of invoices, receipts, canceled checks, time cards, and/or other documents to verify the cost of capital improvements. Additionally, you may attach, at the end, a copy of a building work permit as supplemental evidence of costs. Please arrange these in the order they appear on this worksheet, and number each page beginning with this Form and Worksheet as pages 1-5.



CITY OF PORTLAND
Permitting and Inspections Department
Increased Housing Service Costs Worksheet

Please use this worksheet to calculate any changes in Housing Services costs from one year to another. This is only for changes to existing service costs or for new housing services that were not previously provided. If you have any questions, please consult the Housing Safety Office at the number and email address at the bottom of the page.

Instructions:

- In the table below, enter the two rental years you are comparing by filling in the blank spaces at the top of the middle two columns. In the left middle column, enter the most recent year, in the right middle column enter the year you are comparing to.
- PLEASE COMPLETE EACH LINE by subtracting the Prior Year Cost Column from the Most Recent Year Cost Column to find the Change in Cost. If the cost decreased from the prior year to the most recent year, enter the difference in the Change in Cost column as a negative number. The worksheet will not be considered complete unless EVERY line is completed. If you do not, or previously did not, offer a particular listed service, you may enter "\$0.00" for that item.
- Once you have found the difference in cost for each housing service, add up all the numbers in the "Change in Cost" column and enter the sum in the bottom right-hand box labelled "Total."
- Use the equation under the table to find your proposed monthly increase per unit.

Type of Service Cost	Most Recent Year _____ Cost	Prior Year _____ Cost	Change in Cost
Real Estate Taxes (excluding taxes justifying an automatic tax rate rent adjustment)			
Heating (e.g., Gas, Propane, Oil, etc.) Costs and Repairs			
Utility Costs			
Management Fees			
Insurance (Fire/Liability)			
Legal Fees			
Accounting Fees			
Furnishings			
Laundry Facilities			
Trash Removal			
New Appliances			

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Smoke and Carbon Monoxide Detectors			
Maintenance and General Repair Expenses			
Fire Alarm and Sprinkler System Maintenance			
Parking			
Security Services			
Employee Services			
Emergency Response Services			
Snow Plowing			
Labor Costs			
Supplies			
HVAC/Ventilation/Air Conditioning Repairs			
Elevator Services Costs and Repairs			
Cleaning			
Other (specify):			
Other (specify):			
Other (specify):			
Total:			

Use the equation below to find your proposed monthly increase per unit:

$$\frac{(\text{Total Change in Housing Service Costs} / \text{Number of Units})}{12 \text{ Months}} = \text{Proposed Monthly Rent Increase}$$

Notes:

- Please attach copies of invoices, receipts, canceled checks and other documents to verify the cost of housing service increases. Please arrange these in the order they appear on this worksheet, and number each page.
- Without Rent Board approval, no total Rent Increase (considering CPI, Tax Rate Rent Adjustment, New Tenant increase, Banked Rent, and Board-approved increases for capital improvement costs, uninsured repair costs, increased housing service costs, and fair rate of return) for a given year may exceed 10% of the prior year's rent. Any cost of housing service increases which would cause the total rent increase to exceed 10% may be banked for an increase in a subsequent year.
- Any proposed increased housing service cost rent increase must be approved by the Rent Board.

Property Owner Representative ___ No representative ___ Attorney ___ Non-attorney

Name: _____ Firm/Organization _____

Mailing Address: _____

Phone Number: _____ Email: _____

Tenant(s) Information: (If there are more than 3 affected tenants, attach additional sheet.)

Tenant's Name: _____,
First Name Last Name Unit #

Mailing address if different _____ Email address: _____

Tenant's Name: _____,
First Name Last Name Unit #

Mailing address if different _____ Email address: _____

Tenant's Name: _____,
First Name Last Name Unit #

Mailing address if different _____ Email address: _____

Accommodations:

☐ Interpretation Services required for Rent Board hearing or staff interaction.

☐ Staff assistance needed.

☐ I need the provisions in the new Rent control ordinance explained to me in greater detail by the Housing Safety Office.

Jurisdiction:

Please make sure that your property is controlled by the Rent Stabilization Ordinance prior to submitting this form. The following types of housing are generally exempt: units owned by Portland Housing Authority; accommodations provided in a hospital, convent, church, religious facility, or extended care facility; dormitories owned and operated by an institution of higher education or by Portland Public Schools; subsidized housing; accessory dwelling units (ADUs) as defined in Portland's

Land Use Code; and units in buildings with 2, 3 or 4 dwelling units, one of which is the principal residence of the landlord. (If there is only one unit and that one unit is rented to a tenant, the building is subject to the Rent Stabilization Ordinance.) If you have questions, consult with staff of the Housing Safety Office prior to submission.

Are there 2, 3 or 4 dwelling units in the building at that Street Address: ____ yes ____ no
If no, skip next section.

If 2, 3 or 4 units, is at least one dwelling unit in the building occupied by a "LANDLORD" as his or her principal residence? ____ yes ____ no. For this purpose, "Landlord" is defined as "an owner, manager, managing agent, sublessor or other person having the right to rent or sell or manage any housing unit or rental property, or any agent of these individuals or entities."

If yes, which unit is occupied by a Landlord? _____

Name of Landlord occupying that unit: _____

Phone: (____) _____ Email: _____

Mailing address: _____

Duties of Landlord: _____

If there are 2, 3 or 4 dwelling units AND one of the units is the principal residence of a landlord, this building should be exempt from the Rent Stabilization Ordinance.

____ I am seeking some **other relief** that I believe is within the jurisdiction of the Rent Board,

specifically: _____

Note: For a hearing on "**other relief**", both Property Owner and Tenant signatures are required. If both sign below, the nature of the request will be evaluated to determine whether it would be appropriate for the Rent Board to hear. The Rent Board will hear, review, and decide the appropriate outcome of a dispute arising between Landlords and Tenants on matters falling within the scope of Article XII of Chapter 6 of the Portland Code, "Rent Control and Tenant Protections Ordinance", also known as the

City's "Rent Stabilization Ordinance," if both parties consent to such hearing and resolution. **Both parties must sign this form prior to it being submitted to the Housing Safety Office for processing.**

If the requested relief is not deemed to be appropriate for the Rent Board to hear because it is not within its jurisdiction or authority, staff of the Housing Safety Office may evaluate the requested relief to see whether there is anything else they may do to assist.

We, the undersigned, hereby consent to the scheduling of a Rent Board hearing on the **other relief** specified immediately above. We understand no hearing will be scheduled for at least 14 days after receipt of this form:

Owner: _____
Signature _____ Date _____

Printed name: _____

Tenant: _____
Signature _____ Date _____

Printed name: _____

Tenant: _____
Signature _____ Date _____

Printed name: _____

Tenant: _____
Signature _____ Date _____

Printed name: _____



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): _____

Phone: (____) _____ - _____ **Email:** _____

Tenant Name(s): _____

Phone: (____) _____ - _____ **Email:** _____

Tenant Name(s): _____

Phone: (____) _____ - _____ **Email:** _____

Tenant Name(s): _____

Phone: (____) _____ - _____ **Email:** _____

Tenant Name(s): _____

Phone: (____) _____ - _____ **Email:** _____

Mailing Address: _____

Landlord Name: _____

Phone: (____) _____ - _____ **Email:** _____

Mailing Address: _____

Rental Property Address: _____ **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

Type of complaint (please select any that apply):

- ☐ Amount of rent the landlord may charge the tenant.

Rent charged as of June 2020 (if known): _____

Rent charged of previous tenant (if known): _____

Current rent, with date: _____ as of _____

Proposed amount after rent increase: _____

Reason for increase, if applicable: _____

(If you wish to appeal a rent increase to the Rent Board, please check the box at the bottom of this document, below the signature page, which allows you to request hearing with the Rent Board.)

- ☐ A tenancy-at-will was terminated without giving 90-days' notice or without providing an inconvenience fee, in violation of Sec. 6-236.
- ☐ After January 1, 2021, landlord failed to provide tenant's rights document and/or failed to post a copy of tenant's rights document in a conspicuous common area. (Sec. 6-238 (d))
- ☐ Landlord attempted to require, encourage, or induce tenant to waive the privileges provided in the Rent Control ordinance (Sec. 6-239.)
- ☐ Individual believes landlord discriminated against them by refusing to rent to them in violation of Sec. 6-237, based on the following (mark all that apply):
- ☐ Race, color, sex, sexual orientation, physical or mental disability, ancestry, national origin, or family status.
 - ☐ Source of income.
 - ☐ If they receive federal, state, or local rental assistance program.
 - ☐ Landlord refused to comply with federal, state, or local requirements of rental assistance program as described in Sec. 6-237 (d).
- ☐ Tenant wishes to report a violation of Maine statute regarding the habitability of residential units. NOTE: Statute of Habitability Concerns (6-263 (c)) (please select any that apply):

☐ Inadequate Heat/Faulty Heat System

☐ Leaking Ceilings

☐ Inadequate Hot Water

☐ Unfit Drinking Water

☐ Poor Air Quality

☐ Unsafe Electrical Wiring

☐ Malfunctioning Sewer System

☐ Other: _____

Comments (please describe any more details of your complaint):

(NOTE: Please see disclosure form below for more information.)

Disclosure of Additional/Alternative Protections

How this form is used:

- Any complaint made to the Housing Safety Office (HSO) via this form will be investigated by the appropriate members of City Staff. If HSO found a violation, the landlord would be asked to correct it. If the landlord did not do so willingly, HSO would issue a notice of violation (NOV). If the NOV was not successful, HSO has the option of issuing a summons or filing a complaint in court to enforce the ordinance.'
- Any action taken by HSO will be separate from any decisions made by the Rent Board, but evidence from an HSO investigation may be used by a party seeking a Rent Board hearing.
- THIS DOES NOT PREVENT A TENANT FROM SEEKING A RENT BOARD HEARING FOR ALLEGED VIOLATIONS.

Warranty of Habitability:

- If a tenant requests that a landlord correct a breach of the warranty of habitability, and the landlord refuses, the tenant may appeal this refusal to the Rent Board. This type of Rent Board Hearing DOES NOT require the signature of the landlord. The Rent Board is also limited in their jurisdiction in enforcing allegations of the breach of warranty of habitability.
- Allegations of warranty of habitability violations are typically handled and enforced in District Court. To do this a tenant must:
 - First give written notice of the alleged violation to the landlord.
 - If the landlord fails to address the issue, the tenant may file a complaint in District Court. If the court finds that the warranty of habitability is breached, the court can order that the condition be fixed, that the landlord rebate a certain amount of rent paid while that condition existed, require the landlord to pay temporary relocation costs for the tenant while the condition is being fixed, and similar remedies.

Discrimination:

- The Maine Human Rights Act (MHRA) also prohibits housing discrimination based on protected class, with some added protections that are not in the rent control ordinance. In order to use the protections in the MHRA, a tenant must file a claim in the Maine Human Rights Commission, and then eventually in court. A court could order the landlord to put the tenant in housing and/or award monetary damages to the tenant.
- **In cases of discrimination based on source of income**, the protections provided under the City of Portland's rent control ordinance may be greater than those provided by the Maine Human Rights Act. To learn more about the Maine Human Rights Act, contact the Maine Human Rights Commission at 51 State House Station, Augusta, Maine 04333-0051, by phone at (207) 624-6290; or by fax at (207) 624-8729.

Termination of Tenancies-at-Will:

- If you are a tenant-at-will, and your landlord attempts to improperly terminate your tenancy in violation of the City of Portland's Rent Control ordinance (i.e., not providing 90 days' notice, or paying the tenant to reduce the required notice) you may wish to request a Rent Board hearing regarding the dispute.
- HOWEVER, the State of Maine also has a statute that governs evictions. Other than "for-cause" evictions, by statute a landlord must generally give a tenant-at-will a 30-day notice when terminating a tenancy. District Court will have jurisdiction over whether you will be evicted and if you are opposed, you should appear in District Court in accordance with any Summons.

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

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Tenant Signature: _____ Date: _____

Printed Name of person assisting tenant (s): _____

Relationship to Tenant (s): _____

Signature of person assisting tenant (s): _____ Date: _____

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.