**Minutes**

Remote Rent Board Meeting - Held Via Zoom
Wednesday, May 25, 2022

Start time: 5pm

**II. Roll Call - 00:00:21**

Elliott Simpson, Tenant, District 3 - Chair
Barbara Vestal, Landlord, At-Large - Vice Chair
Amir Familmohammadi, Tenant, District 1
Josef Kijewski, Homeowner, District 2
Ian McCracken, Landlord, District 4 (absent)
Austin Sims, Homeowner, District 5
Elias Kann, Tenant, At-Large

Staff present:

Kari Twaite, Corporation Counsel
Katlyn Sawyer, Licensing & Registration Coordinator
Zachary Lenhert Licensing & Housing Safety Manager

Before moving into the next agenda item, Elliott Simpson made the public aware that he is now the new Chair for the Rent Board based on a vote by members.

**III. Minutes - 00:01:25**

The Vice Chair had one amendment on Agenda Item V, Section B (123 Sherman Street) - to replace the first two sentences with "The Board failed to have a consensus of four votes on that item, so it was tabled to the next meeting by agreement with the applicant."

> The Vice Chair makes a motion to approve the minutes with the above mentioned amendment. Seconded by Austin Sims. Vote: 6-0 (Ian McCracken is absent).

**IV. Communications - 00:03:35**

**A. Public Comment Memo for Committees and Commissions 5/16/22**

This was approved by the Council to act as a universal rule amongst all Boards and Committees regarding Public Comment and when it can be submitted to be added to the agenda.

**B. Written Public Comment**

No public comment was submitted for this meeting.

**V. Unfinished Business - 00:05:02**

There are no items to be discussed.

**VI. New Business - 00:05:06**

**A. Discussion of the Rental Registration Data received from the Housing Safety Office**

Elliott and Amir were tasked with this item from a prior meeting.

Amir stated that their goal was to determine if the data has enough data integrity and is representative of the population of renters and landlords in Portland, Maine; to be able to use it for conversations on fair rate of return and return on value standards for similarly situated housing.

> Two checks were done - 1. Data integrity check and 2. Once any errors are omitted, is there enough meaningful data?

Elliott suggested maybe doing a memo based on their findings, outlining certain issues and how to fix them. Some members of the Board expressed their opinions regarding this.

> Zachary Lenhert stated that some of the information was inputted by the Landlord or some was filled out on a form and then staff entered it into the system.

Associate Counsel, Kari Twaite, reminded Board members that they need to be mindful of personally identifiable information about individuals if they choose to submit certain data to the public and that it might be a FOIA request.

Austin Sims made a motion to have a memo prepared by either Amir and Elliott jointly, or separately, whichever they feel is appropriate with illustrative data examples to make the point of some of the constraints that the data has for the purposes of what the Board is discussing. Seconded by the Vice Chair. Vote: 6-0 (Ian is absent).

**B. Planning for Annual Report as Required by the Ordinance - 00:24:35**

The Chair stated that it’s been over a year since the Board first formed, and while there is no set deadline for this, he believes that this report should be done in the near future.

Former Rent Board Member, Buddy Moore, had drafted an outline for the annual report back in January 2022. This document was shared on screen for the Board to review.

> Amir volunteered to provide statistical data for the annual report, and Josef offered to assist Amir in that process.

Board members also addressed that lawsuit discussion should be limited to how they have affected the decisions of the Board. Associate Counsel, Kari Twaite, addressed that ongoing lawsuits should be noted generally but would need to be reviewed by her, before publishing into the annual report.

There were some concerns about how to divide the registration data by districts, as required by the ordinance.

Austin Sims made a motion to make a version of the report based on the information, provided the Board can make the alignment through the data. The five items that are included in the current outline are:

1. Summary of applications and cases the Board has heard
2. Timeline of the past year
3. Appointments to the Board
4. Rental unit availability
5. Lawsuits that have been settled and how they affected future decision making process

Seconded by the Vice Chair. Vote: 6-0 (Ian is absent)

The Chair asked for volunteers to work on the above mentioned parts of the report.

The Vice Chair will take on the lawsuit piece.

Amir volunteered to take on the rental unit availability.

The Chair volunteered to do the timeline of the past year. He will also take on the summary of applications and the appointments to the Board.

### C. Fair Rate of Return Further Discussion - 01:01:40

Amir Familmohammadi asked if the Board could get year built, square footage, amongst other factors for each rental property.

While the information is not maintained by the Housing Safety Office, it may be available from the Assessor's office.

Austin Sims makes a motion to table the current agenda item in appreciation that the subsequent agenda item is required to make additional progress. Seconded by Amir. Vote: 6-0 (Ian is absent).

### D. Updates to Application Forms - 01:20:38

Elliott has asked if guidance can be given from the Housing Safety Office for struggles that applicants have with the current forms.

Zachary Lenhert, from the Housing Safety Office, suggested that criteria be provided for what an applicant can submit depending on which rent increase they apply for. Similar to the Capital Improvement worksheet, but as it may apply for Fair Rate of Return, as staff has minimal guidance to provide to the public.

He also provided form recommendations such as whether a property is exempt or not, as the form would not be required. While there are many more adjustments that can be suggested, it would be best that whoever takes on the role of editing the forms, reaches out to Housing Safety for that information.

Landlord Application for Rent Increase

The Vice Chair had suggestions for this document.

Zachary Lenhert suggested creating a separate application for Fair Rate of Return, as a whole. This application would be used for the general gathering of Landlord and building information. For each type of rent increase one would be applying for, one would fill out the subsequent form that is needed. This suggestion is to lessen the amount of words and length of documentation.

The Vice Chair had suggestions for each of the following documents, while additional comments from others were also received on some forms.

Capital Improvement Costs Worksheet

01:53:25 - Austin Sims left the meeting.

Increased Housing Service Costs Worksheet

Landlord Application Form - Other Relief

Tenant Complaint and Rent Increase Appeal Application

The Vice Chair has volunteered to make the adjustments to the forms and bring them back before the Board at the next meeting.

The Board returned to further discussion regarding Fair Rate of Return.

02:41:22 - Josef Kijewsi left the meeting.

02:51:03 - The Chair made a motion that Board member Barbara Vestal will work with the Housing Safety Office (HSO) to consider revisions to the existing forms as well as create separate forms for Fair Rate of Return, which would be a new form. These will be discussed in detail at the next meeting. Seconded by Elias Kann. Vote: 4-0 (Ian, Austin, and Josef were absent).

### E. Methodology for the Decision Forms - 02:52:35

The Vice Chair suggested that the decision forms are reviewed during the agenda item rather than following back at the end of the meeting, so that any edits can be made while in the midst of discussion.

03:02:27 - The Chair made a motion to adjourn. Seconded by the Vice Chair. Vote: 4-0 (Ian, Josef, and Austin are absent).

## VII. Adjourn -

Meeting end time: 8:03pm