



CITY OF PORTLAND
Permitting and Inspections Department

RULES OF THE PORTLAND RENT BOARD

ARTICLE I. GENERAL PROVISIONS

Section 1. These rules are supplementary to the provisions of Chapter 6 of the Municipal Code as it relates to the procedures of the Rent Board and are adopted pursuant to the authority granted in Section 6-258(b) of said Code.

Section 2. Roberts Rules of Order shall supplement these rules and shall control procedures not covered by these rules.

ARTICLE II. OFFICERS AND DUTIES

Section 1. The officers of the Committee shall be the Chair and the Vice Chair.

Section 2. The Chair and Vice Chair shall be elected annually by the regular members at the last regular meeting in April, or in the case of the first year, in June following the expiration of the term of the initial Chair *pro tempore*.

ARTICLE III. MEETINGS

Section 1. Regular meetings shall be held on the fourth Wednesday of each month at 5:00 p.m. in City Hall or at such other location of which notice is given, or by virtual meeting as allowed by law. If a regular meeting day falls on a recognized holiday, the regular meeting shall be held on the following Wednesday.

Section 2. Special meetings may be called by the Chair upon the request of the City Council or any three or more members of the Board, provided that at least three (3) full business days' notice is given to each member.

Section 3. Meetings of any committee of the Rent Board shall be held at the call of the committee or the committee Chair or by agreement of at least two committee members.

Section 4. The Chair, in consultation with the Licensing and Housing Safety Manager, shall set the agenda for public hearings and other meetings.

Section 5. The Board may, by a majority vote, specify a date for an agenda item.

ARTICLE IV. ORDER OF BUSINESS

Section 1. All regular meetings of the Board shall proceed as follows:

- a. Roll call and declaration of a quorum;
- b. Approval of the minutes of the previous meeting.
- c. Communications from the Housing Safety Office or written public comment received prior to meeting;
- d. Unfinished business;
- e. New business:
 - i. Consent agenda
 - (a) Consent items
 - (b) Public hearings for items removed from the consent agenda
 - ii. Other items;
- f. Adjournment.

Provided, however, that the order of business may be adjusted by the Chair if necessary to give scheduling priority to any tenant complaint of improper rent increase pursuant to 6-234(e) which is properly before the Rent Board in order to meet the time limits stated in 6-234(e) and 6-263(c), to the extent practicable.

ARTICLE V. NOTICE

Section 1. The Housing Safety Office shall give notice of public hearings in the form and manner and to the persons herein specified. The notice shall include the time and place of such hearing, a description of the contents of the matter to be heard and the address or location of the property involved. Where notice is required, it shall be given by electronic mail at least seven (7) days in advance of the hearing date. Applicants (both landlord and tenant) must provide a valid email address of all parties for noticing purposes. In the event that an applicant is not able to provide a valid email address or otherwise requires noticing by alternative means, the applicant may request a reasonable alternative method of noticing from the Housing Safety Office. Absent alternative methods, notices shall be given to each of the following as specified:

- a. In all cases, to the applicant at the email address furnished by the applicant on the application;

b. In all cases, to all residents of the city by posting the agenda and certain materials for scheduled meetings on the City of Portland Agenda Center. The agenda and certain materials for a regular Wednesday meeting shall be posted by the close of business on the previous Friday.

c. In the case of a hearing relating to alleged impermissible action by a landlord or proposed landlord, (i) by email to the alleged landlord as listed on the complaint form, and, if different: (ii) by email to the owner of the real property containing the dwelling unit involved in the alleged impermissible action as listed by the Assessor's Department as those against whom taxes are assessed, and (iii) by email to the owner of said real property as listed in the Housing Safety Office rental registration for that property address, and (iv) by email to any property manager listed in the Housing Safety Office rental registration for that property address.

d. In the case of a hearing relating to a landlord application for a rent increase, (i) by email to the applicant as listed on the application form, and, if different: (ii) by email to the owner of the real property at the email address listed on the application form, and (iii) by email to the owner of the real property as listed in the Housing Safety Office rental registration for the property address, and (iv) by email to any property manager listed in the Housing Safety Office rental registration for the property address. In addition, notice shall be given by email to the tenant(s) of any dwelling unit(s) that is/are the subject of the proposed rent increase. If there is more than one tenant in a dwelling unit, it is preferable for email notice to be given to each adult tenant of the dwelling unit, but notice shall be deemed sufficient hereunder for that dwelling unit if it is emailed to at least one tenant who is then residing in the dwelling unit and is of suitable age and discretion.

ARTICLE VI. CONDUCT OF PUBLIC HEARINGS

Section 1. General Expectations and Method of Participation

a. The Board and members of the public are expected to act with civility and to treat each other with mutual respect.

b. All meetings will be conducted in accordance with the Remote Participation Policy of the Rent Board. Recordings and minutes of past meetings are available in the Agenda and Minutes page of the City's website.

Section 2. Order of Proceedings. The following order of proceedings shall govern all public hearings conducted by the Rent Board:

a) The Chair shall begin each hearing with the following statement:

Good evening, folks.

I am Chairperson _____. My preferred pronouns (if comfortable stating) are _____. Today's date is (**month, date, year**). This public hearing will be conducted under the scope and purview of the Rent Board Committee of the City of Portland, pursuant to Chapter 6, Articles XII and XIII of the City of Portland Code of Ordinances.

The Rent Board has convened today to hear, review, and rule on the matters as listed on today's agenda.

- b) Following this introduction, the Chair shall provide an overview of the Hearing Procedure, which may summarize these hearing rules.
- c) Following the Article IV Order of Business, at the appropriate time, the Chair will begin any scheduled hearing.
- d) Applicants will then state their case before the Board, and may present witnesses and offer documentary evidence.
- e) Following the conclusion of the Applicant's case, any Objector may present witnesses and offer documentary evidence. Objectors are defined as follows: in the case of a Landlord Applicant, each tenant of the dwelling unit(s) which is/are the subject of matter of the application shall be deemed to be an Objector if present and participating in the hearing. In the case of a Tenant Applicant, each individual who is defined to be a Landlord of the dwelling unit shall be deemed to be an Objector if present and participating in the hearing. In addition, pursuant to Section 6-255, the Chair has the authority, at the Chair's discretion, upon request, to designate any person or organization who is present and wants to participate in the hearing as a "specially interested party" with the rights of an Objector for purposes of offering evidence and conducting cross examination at the hearing. Any "specially interested party" designation made by the Chair may be overridden by a majority vote of Rent Board members present. Any person or organization whose request to be designated as a "specially interested party" is not granted may, nevertheless, participate in the hearing as a member of the public. The Chair may ask each purported Objector to identify his/her interest in the matter for purposes of determining standing, and to provide an email address for purposes of notice. The Chair's determination of Objector status may only be overridden by a majority vote of Rent Board members present.
- f) Following the conclusion of the Applicant's case and any Objector's case, members of the public who are neither Applicant nor Objector may offer evidence or statements relevant to the matter under consideration. Each speaker shall be limited to three (3) minutes. The Chair may, at its discretion, extend this period for up to an additional three (3) minutes and may limit irrelevant, immaterial, or unduly repetitious evidence.

g) Applicants may then offer rebuttal evidence, and Objectors may then offer evidence in response to any evidence first presented by Applicant during rebuttal.

h) Acting through the Chair, the Applicant and any Objector may cross-examine witnesses. Any cross-examination shall be conducted as directed by the Chair. The Chair may limit irrelevant, immaterial, or unduly repetitious evidence.

i) Acting through the Chair, members of the Board may ask questions of any interested parties, including but not limited to the Applicant and/or any Objector, and may ask questions of City staff at any time.

j) Members of the public may be given the opportunity to respond to new issues raised by answers or information provided by the Applicant, Objector, or City staff. It shall be within the discretion of the Chair to determine whether a response is appropriate. In making this determination, the Chair shall decide whether the response is likely to consist of facts or information which could not have been presented during the public comment period. The Committee may override such a determination by the Chair by a majority vote.

k) At the conclusion of this process, the public portion of the proceeding will be closed and the Rent Board will deliberate and rule on the application, pursuant to the applicable provisions of Articles XII and XIII of the City of Portland Code of Ordinances, (i.e., Rent Control and Rent Board, respectively).

i) At any point during a meeting, with the consent of the applicant, the Rent Board may, by a majority vote, postpone further deliberations to a future date to allow the applicant further time to provide supplemental information in support of their application. Upon continuing deliberations, if in the opinion of the Chair significant information has been provided which is different than that provided at a prior meeting, the Rent Board will begin by (re)opening the public hearing following the procedure in paragraphs d) through j) above.

Section 3. No new agenda items will be taken up after 9:30 p.m. unless at least four members of the Rent Board vote to suspend this rule. Any agenda items which have not begun before 9:30 p.m. and for which the Rent Board has not suspended this rule shall be automatically tabled to the next regularly scheduled meeting or to a date determined by the Rent Board. Any item tabled under the provisions of this rule shall be considered as unfinished business at the next regularly scheduled meeting or at the meeting date specified by the Rent Board.

ARTICLE VII. DELIBERATIONS, VOTING, DECISIONS

Section 1. As to any matters not requiring a hearing, the Rent Board may meet and deliberate at any properly called meeting, regardless of the presence of a quorum, or may continue

consideration of such matter to any later meeting. However, no final action shall be taken on such a matter without a quorum being present.

Section 2. As to any matter requiring a hearing, no business may be transacted by the Board without a quorum, consisting of four (4) members. The concurring vote of at least four members of the Board is necessary to constitute an action of the Rent Board.

Section 3. Any one or more members of the Rent Board may file minority or dissenting reports in support of any position concerning any matter brought before the Board.

Section 4. Notice of any decision made by the Rent Board will be sent by electronic mail to the Applicant and to any Objector who was present and participated in the hearing (including but not limited to a “specially interested party”) within 5 days of a ruling being made.

Section 5. Appeals from decisions of the Rent Board may be filed in the Superior Court, pursuant to Sec. 6-262 of the City of Portland Code of Ordinances and M.R. Civ. P. 80B.

ARTICLE VIII. MEDIATION

Section 1. While Sec. 6-263 (e) of the City of Portland Code of Ordinances, Jurisdiction and Authority, gives the Board the authority to mediate any disputes arising between Landlords and Tenants where both parties request such mediation, no such mediation shall be conducted by the Board unless and until it adopts specific rules pertaining to the scope of the subject matter jurisdiction, the procedures for conducting mediation, procedures for subsequent Board hearings if mediation fails, mediator training, and such other procedural matters as it deems appropriate, and such rules are approved by the City Council.

ARTICLE XI. AMENDMENT OF RULES

Section 1. These rules may be amended by an affirmative majority vote of the members of the Rent Board.

Section 2. The proposed amendment must be presented in writing at a regular or special Rent Board meeting preceding the meeting at which the vote is taken.

Section 3. Amended rules are subject to approval of the City Council if required pursuant to Section 6-263(i), and shall be kept on file in the Housing Safety Office.