

## Rent Control Ordinance FAQs

### **Does the Rent Control Ordinance apply to all rental units in Portland?**

The ordinance applies to all rental units *except for the following*:

- Units in an owner-occupied building containing less than five (5) dwelling units;
- Units where rent is publicly controlled or subsidized (such as Section 8, GA, etc.);
- Accessory dwelling units.
- Units owned, operated, or managed by municipal housing authorities (such as Portland Housing Authority);
- Accommodations 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.

### **If my landlord increased my rent between June 2020 and January 2021, do they have to decrease my rent back to my June rent?**

Yes. According to the ordinance, the rent charged for all eligible rental units on January 1, 2021, should be equal to the amount charged in June 2020.

### **How often can a landlord increase rent?**

A landlord can only increase a unit's rent once every 12 months, beginning January 1 or the date the unit came on the market (whichever is earlier).

### **By how much can a landlord increase rent?**

No rent increase may exceed 10%. Allowable rent increases include:

- **An annual increase percentage**, equal to the change in the Consumer Price Index for the Greater Boston Metro Area and published by the City of Portland's Housing Safety Office by September 1 of each year.
- **Tax rate rent adjustment**: if Portland's property tax rate increases, a landlord may increase rent by the same amount that their taxes for your unit increase.
- **New tenancy**: A landlord may increase the rent by 5% of their base rent when a new tenant occupies a unit.
- **Banked rent**: If a landlord could have increased rent in previous years but did not, they may increase rent by this amount at a later date.

- **Additional Increases:** A landlord may seek approval from the Rent Board to increase rent to receive a fair rate of return.

### **Does my landlord have to give me notice of any rent increase?**

Yes. Your landlord must give you notice of any rent increase at least 75 days in advance. The notice must be in writing and must include the date you started renting the unit, the date of the increase, and the reasons for the increase in rent.

### **Can my landlord discriminate against me because of my race, religion, gender, etc.?**

No. The State's Maine Human Rights Act already prohibits a landlord from discriminating against you based on your race, color, sex, sexual orientation, and several other characteristics. The new City ordinance does not change that.

### **Can my landlord refuse to rent to me because I have a housing subsidy (Section 8, GA, etc.)?**

No, your landlord cannot refuse to rent to you because you have a housing subsidy, such as Section 8 or General Assistance. In addition, landlords in Portland must agree to cooperate with all reasonable aspects of those programs, including filling out paperwork, participating in inspection programs, and making reasonable repairs to their units in order to qualify for those subsidies.

### **How much notice does my landlord have to give me before evicting me?**

Regardless of your arrangement, your landlord can evict you with 7 days' notice "for cause", such as if you destroy property or violate certain terms of your agreement. Otherwise, the amount of notice required depends on the type of arrangement that you have with your landlord:

- If you have a lease, then your landlord can evict you in accordance with the terms of your lease.
- If you have a holdover tenancy (meaning that you had a lease that has ended, but your landlord has allowed you to stay month-to-month), then your landlord can evict you with 30 days' notice in accordance with state law.
- If you are a tenant-at-will (you never had a lease), then your landlord can only evict you with 90 days' notice unless they pay you a fee for the inconvenience of terminating your tenancy on 60 days' notice (\$500) or 30 days' notice (\$1,000).

## **How can a tenant file a complaint?**

If a tenant believes their landlord has violated any of the requirements of the Rent Control Ordinance, they may file a complaint with the City of Portland's Housing Safety Office by emailing [housingsafety@portlandmaine.gov](mailto:housingsafety@portlandmaine.gov) or calling 207-756-8131.

City officials will investigate the complaint and take enforcement action, if appropriate, or refer to the Rent Board for a hearing.

## **Can complaints be filed with any organizations, groups, or boards besides the City of Portland?**

Only departments and committees granted the authority in City Code may enforce the Rent Control Ordinance and issue legal determinations or violations. Determinations issued by other bodies are not legally binding.

## **What types of tenant complaints does the Rent Board hear?**

The Rent Board will hear tenant complaints that the rental unit violates the [Maine statute regarding habitability](#). *This does not replace a tenant's rights under the state statute regarding the warranty and covenant of habitability.*

The Rent Board will also mediate and resolve the following types of complaints, but only if both the landlord and tenant make the request in writing:

- Tenant claims that a landlord discriminated against them based on a protected class (religion, race, etc.).
- Tenant claims that a landlord refused to cooperate with a reasonable requirement of a subsidized housing program.
- Tenant claims that a landlord evicted (or attempted to evict) a tenant without the required notice or payment.
- Tenant claims that a landlord raised the tenant's rent without the required written notice.
- Tenant claims that a landlord raised the tenant's rent more than they were allowed to.

If a landlord and tenant would like to request mediation and resolution by the Rent Board on the above topics, they must submit a [landlord/tenant dispute form](#) to [housingsafety@portlandmaine.gov](mailto:housingsafety@portlandmaine.gov) or [by mail](#). Additional information about the Rent Board be found [here](#).

## **What types of landlord requests does the Rent Board hear?**

The Rent Board hears landlord requests to:

- Increase rent in addition to any annual percentage increase, property tax increase, or banked rent.
- Increase base rent due to a renovation or reconfiguration of existing units.

## **What new fees are landlords required to pay?**

The Rent Control Ordinance increases the long term rental registration fee from \$35 to \$50. This fee must be paid each year as part of landlords' annual registration of long-term rental units.

## **What new requirements must landlords meet?**

Under the new Ordinance, landlords for most rental units must:

- Register rental units with the City each year;
- Not raise rent on a rental unit, except in accordance with the Rent Control ordinance;
- Notify tenants of an increase in rent at least 75 days prior to it taking effect, using a signed document including the date on which tenancy began, when rent will increase, and the appropriate justifications for the increase;
- Provide 90 days' notice of eviction to tenants at will (other than for-cause evictions and holdover tenancies), unless tenants are compensated (\$500 for 60 days' notification or \$1,000 for 30 days' notification);
- Provide tenants with the City's [Rental Housing Rights document](#) at the start of a unit's rental and any time the document is updated;
- Keep a signed acknowledgement of the receipt of the City's Rental Housing Rights document on file for three years;
- Participate in the requirements for various types of subsidized housing programs, such as Section 8, General Assistance, and others.