



# HOUSE OF REPRESENTATIVES

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## TESTIMONY BEFORE THE JUDICIARY COMMITTEE

**"An Act to Reduce Rental Housing Costs by Eliminating Additional Fees at or Prior to the Commencement of Tenancy"**

**LD 1490**

May 18, 2023

Senator Carney, Representative Moonen, and Members of the Joint Standing Committee on Judiciary:

I am Representative Chris Kessler, and I represent District 121, part of South Portland and part of Cape Elizabeth. Thank you for considering LD 1490: An Act to Reduce Rental Housing Costs by Eliminating Additional Fees at or Prior to the Commencement of Tenancy.

This bill as presented to you today should be seen as a continuation of the conversation we are having about the financial burden imposed on tenants in order to find and retain housing. As drafted, it specifies what is allowed to be charged prior to and at the beginning of a tenancy. However, on behalf of residents of Redbank Village in South Portland and people like them throughout the state, I believe that we need to go much further in reigning in the amount that can be charged in fees. These fees should be the cost of doing business, up-front and transparent; not an obstacle to being housed or a reason for eviction.

It is important to understand the story of Redbank Village in the context of this discussion. Redbank Village has long been known as a working class neighborhood. Built for shipyard workers who were building Liberty Ships during World War II, it was eventually sold to the private sector, but continued to be a place where the average person could afford rent in South Portland. Over the past decade, out-of-state investors have bought and sold the property, maximizing rents without improving services or quality of life. Once the profit is gained for their investment funds, the cycle repeats. The current owners, JRK Property Holdings, have recently been in the news for the exorbitant rent increases they have been demanding, which has led to the mass displacement of residents and the South Portland City Council passing a 10% rent increase cap in response. There is still a mass displacement of tenants underway; it was reported to me yesterday that a quarter of the approximately 100 eviction cases in court this



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past week were from Redbank alone. In an effort to get away from their new-found fame, they now call themselves "Two Coast Living".

Rent has been increased by as much as \$700/mo in some cases, and JRK is offloading the responsibility of property repairs and maintenance completely onto the tenants with these new fees. These fees are often presented to the tenant at the signing of the lease, buried in the fine print of a 60-page document. This allows these companies to list their apartments at a price that is not truly reflective of the real cost.

Below is an example of the charges a Redbank resident with a dog would be required to pay at the start of a tenancy:

First Month Rent (3 BR, 825 SF)	\$2,359
Security Deposit (2 months rent)	\$4,718
Pet Deposit	\$500
Pet Rent (dog)	\$60/mo
"Certified Amenities Maintenance" Fee	\$65
Pest Management	\$16
New Utility Account Fee	\$40
Monthly Utility Admin Fee	\$7
"Environmental Administrative Charge" for equipment that lowers utility bills	TBD!
Apartment Insurance	\$16/mo
Trash & Sewer	\$4

The additional fees that are required from the tenant in just the first month of rent totals over \$700/mo, and \$200/mo throughout the tenancy.



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The tenant is required to hold renters insurance, and conveniently there is an arm of JRK called Assurant, which offers renters insurance. If you don't get it and don't show proof of your own policy, you are billed \$75/mo until the policy is attached. The tenant is also required to cut their own grass to 4" length and shovel their own driveways and walkways despite paying for "certified amenities". If the tenant is unable to pay, they are levied a \$150 fee. If any of these fees are not paid, they are categorized as "late rent", of which penalty interest is applied. These fees then become a justification for eviction because of non-payment of rent.

What "certified amenities" are Redbank tenants now getting access to with this new fee? A new multi-million dollar renovation to the central building now includes a "state-of-the-art" fitness center with a boxing ring. Why should the elderly and disabled have to pay for an amenity they will never use?

JRK has also offloaded all replacement and move-out expenses to the tenant, including things like permanent fixtures in the apartment that have experienced wear-and-tear from multiple tenants over the years. The fee schedule is attached. Tenants are now letting their units fall into worse condition because they can't afford to pay these fees and fear being charged. This has been verified by folks at South Portland Housing Authority who have been working with Redbank residents who have housing vouchers.

These junk fees and offloading of costs are an increasing trend in the multifamily housing world. These fees, along with exorbitant rent increases, are the exploitation of a class of people who are the most housing insecure and least able to pay by a class of people who are amongst the wealthiest in our society, maximizing profit at the expense of the communities they buy and sell. If we do nothing to address this problem, we will be complicit in the continued extortion of the most vulnerable and erosion of our communities.

Thank you for your consideration of my testimony.

Sincerely,

Rep. Christopher Kessler

## **“Designing an end to a toxic American obsession: the Lawn”**

Matthew Ponsford

CNN, 4/17/20

Lawns are an American obsession. Since the mass proliferation of suburbs in the 1950s and '60s, these pristine carpets of green turf have been meticulously maintained by suburbanites, with grass length and other aesthetic considerations enforced with bylaws and by homeowner associations.

But for nature, lawns offer little. Their maintenance produces more greenhouse gases than they absorb, and they are biodiversity deserts that have contributed to vanishing insect populations. Residential lawns cover 2% of US land and require more irrigation than any agricultural crop grown in the country. Across California, more than half of household water is used outside of the house.

If attitudes toward lawn care are shifted, however, these grassy green patches represent a gigantic opportunity. In 2005, a NASA satellite study found that American residential lawns take up 49,000 square miles (128,000 square km) – nearly equal in size to the entire country of Greece.

According to environmental scientists, transforming lawns into miniature modular bio-reserves could not only boost biodiversity, but could cut water and petrol consumption and reduce the use of dangerous lawn chemicals.

Yet the question for many homeowners remains: how?

In Western states such as California, Colorado and Arizona, droughts have led to restrictions on water usage, forcing many to reconsider their thirsty lawns. Some inventive families and landscape architects have transformed yards, producing oases of life for hummingbirds, bees and butterflies, by employing scientific insight, design and imagination.

While many residents across the US may want a traditional patch of green carpet, Jodie Cook, a landscape designer from San Clemente, California, explained over email that West Coast homeowners are growing increasingly aware of how innovative models for lawns can benefit natural ecosystems, while providing a new dimension to the family home.

“This new garden model is giving people permission to play,” said Cook, who has redesigned home lawns across Orange County, with an emphasis on

“ecosystem-centric” design. Ripping up a generic lawn can reveal a canvas for personal creativity – to plant with food, flowering plants and herbs, or to shape into wildlife habitats that invite in local fauna.

“It seems to me that they are yearning for an authentic experience of nature close to home,” said Cook. There is increasing evidence that close contact with natural environments can reduce stress and anxiety, and even help maintain memory as we age.

According to Cook, the families she’s worked with have been delighted to reconnect with eclectic natural processes, such as watching rain cascade down water-drainage swales. “They don’t want to travel to a wilderness park to see ecosystem interactions.”

### **Nationwide Trend**

What Cook sees in California reflects an emerging trend across the country. In Minnesota, homeowners have been offered rebates to replace lawns with flowering plants beloved by bees. Cities and municipalities, such as Montgomery County in Maryland, have also offered to pay families and homeowner associations to design gardens that collect storm water in water features and underground rain barrels.

Such policies can lead to big changes. Images of intensely irrigated lawns in Phoenix, ringed by the red sand of the Arizona Desert, were once a disturbing case study of America’s lawn addiction. But in recent decades, the state has taken action, charging more for water in the summer and banning lawns on new developments. At the turn of the millennium, 80% of Phoenix had green lawns, now only 14% does.

Landscape architects are seeing families change their preferences, according to a recent poll by the National Wildlife Federation’s (NWF) Garden for Wildlife initiative, which encourages Americans to design gardens with food, water and shelter for wild animals.

In a 2018 poll by the American Society of Landscape Architects (ASLA), 83% of landscape architects said they were increasingly being asked about native plants, which provide better support for local ecosystems and are more drought-resistant. Last year, NWF surpassed its goal to register a million gardens nationwide to support pollinators.

### **Changing Tastes**

Similarly, the nonprofit Green America has launched the Climate Victory Gardens initiative, which encourages people to plant “regenerative” food gardens. Inspired by the Home Victory Gardens that grew millions of tons of fresh fruits and vegetables during World War I and II. More than 2,300 families have started farming patches of garden to sequester carbon and increase soil fertility.

These gardens today represent around 3,600 acres. According to Green America, they have the potential over the next 10 years to capture the carbon equivalent to taking 70,000 cars off the road for an entire year.

San Diego-based landscape architect Katie Seidenwurm has documented a number of reasons behind the spike in interest in different types of gardens, including rising water costs and environmental responsibility.

“A lot of homeowners are more environmentally aware,” said Seidenwurm over the phone, and she co-presented an ASLA talk last fall on recent residential garden trends with landscape architect Courtney Skybak, whose home city of Portland, Oregon, is another West Coast centre for experiments in environmental garden design. “There’s certificates that homeowners can get that certify that a front yard is wildlife friendly, or attracts butterflies, or is certified by master gardeners.”

“I think homeowners are trying to seek a higher sense of community, and so they want to be in their front yard, interacting with their neighbors,” she added.

Faced with the choice between a wildlife garden or astroturf – the latter has also become increasingly popular in drought-hit areas – Mary Phillips, senior director of NWW, urges people to consider nature. She refers to recent research that shows wildlife gardens can support bee biodiversity comparable to natural parklands and, as a result, a greater number and diversity of birds, especially songbirds.

“When we share those kinds of stories, that is what’s motivating people,” said Phillips. “Because they’re actually seeing on the ground, visually, these bees and these butterflies and the birds visiting the property, and they see that they can make a significant difference.”

## **A Few Simple Rules**

Even small changes can make a difference to the environmental impact of lawns. The “entry-level option,” according to Philips, for families that still want room for their kids to play, is to inject more wildflowers into the turf. That includes plants that are typically viewed as nuisances.

“The stuff that people are usually trying to get out of their lawn, we’re saying ‘No, that’s good to have in your lawn!’” said Philips. “So reintroduce native violets – and even dandelions – certain clovers, low-growing thyme and things that flower, which provide pollinator benefits and are better for the soil.”

The more advanced option means “taller meadow or prairie-like native plants,” Phillips said. These types of plants have root systems that better manage storm water runoff, in addition to absorbing more carbon, she explained.

When one home commits to a wildlife-friendly lawn, others often follow. “(It’s) an unspoken message to their neighbors, it is evidence that they care about the environment,” Cook said. “In many areas, the first house on the block has set off a domino effect, as others take permission to experiment.”<sup>c</sup>

“Each small garden acts as a stepping stone for birds, pollinators and other wildlife, becoming something much larger, impacting whole watersheds,” she added.

There are lessons to be learned from landscaping projects both grand and small. “There are no rules for what a garden should be,” said LA landscape designer Naomi Sanders. In addition to being a beautiful space, gardens and lawns present opportunities for peaceful refuge, hosting and observing wildlife, learning and exploring, and connecting with neighbors and one’s self. “Perhaps more now than ever, most of us understand the importance of plants and nature and that we function within a larger natural environment.”

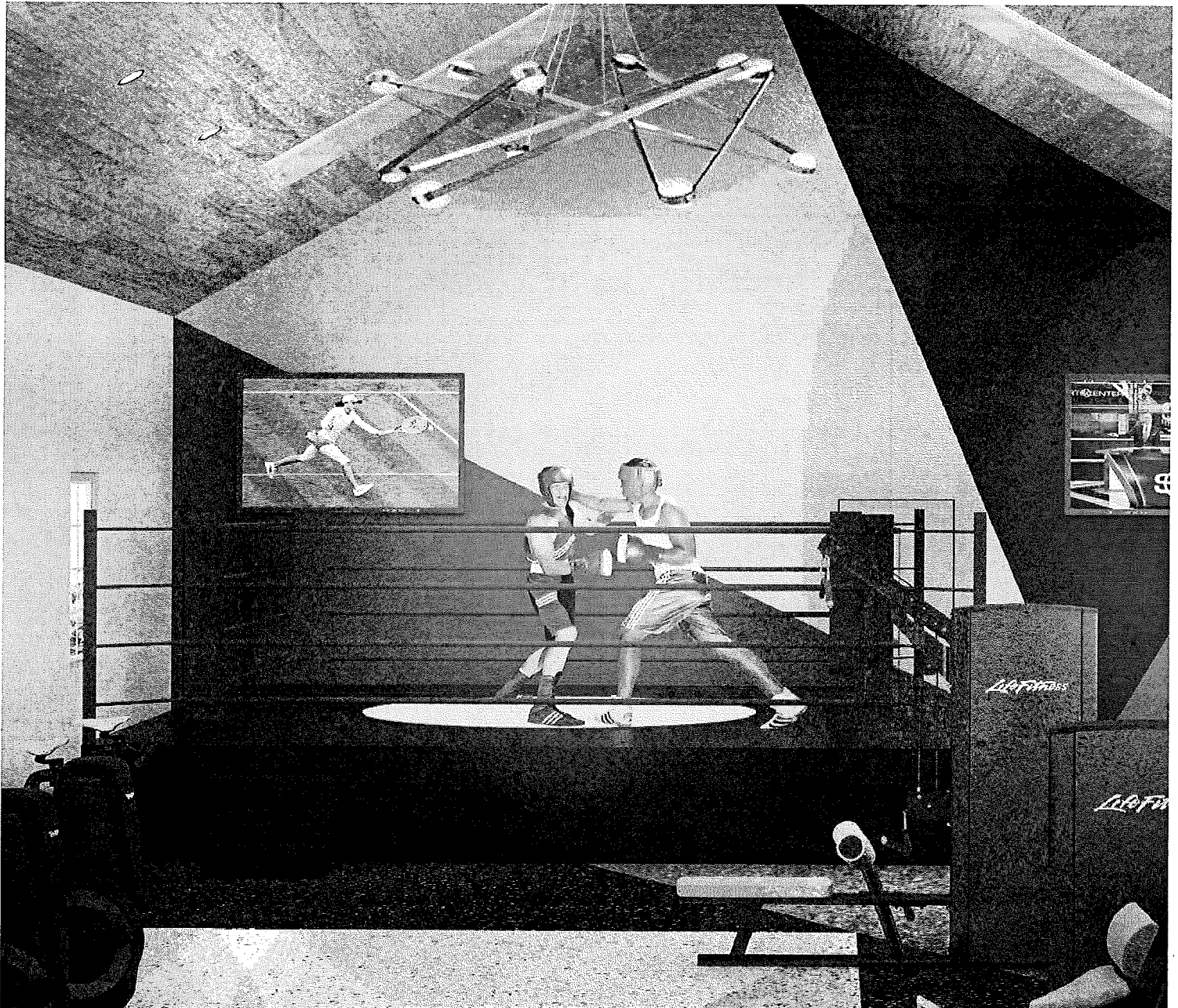
<https://www.cnn.com/style/article/lawns-american-yard-us/index.html>

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Resident must ensure the apartment is clean before move out, this may require the resident to have the apartment professionally cleaned. The following charges apply to apartments with damage or cleanliness issues beyond normal wear and tear.

	ONE BEDROOM	TWO BEDROOM	THREE BEDROOM	THREE BEDROOM TOWNHOME
PAINTING (PER COAT)	\$300.00	\$400.00	\$475.00	\$600.00
CARPET CLEANING	\$80.00	\$90.00	\$110.00	\$175.00
TOUCH-UP PAINT	\$150.00	\$200.00	\$237.50	\$300.00
APARTMENT CLEAN	\$80.00	\$90.00	\$110.00	\$175.00

The following charges will be assessed regardless of how long resident occupies the apartment.

#### REPLACEMENTS (flat charge):

Bathubi/Shower Resurface	\$ 315.00	Oven Rack - each	\$ 20.00
Blinds (Mini-blind) - each	\$ 40.00	Peep Holes, partial	\$ 10.00
Blinds (Vertical) - each	\$ 100.00	Peep Holes, complete	\$ 20.00
Broller Pan	\$ 25.00	Refrigerator Crisper Tray - each	\$ 40.00
Carpet Repairs - each	\$ 20.00	Refrigerator Ice Trays (set of 2)	\$ 2.00
Carpet Replacement	Actual Cost	Screens (Patio Door)	\$ 50.00
Closet Rod - each	\$ 25.00	Screen (Window) - each	\$ 35.00
Counter (Bathroom)	Actual Cost	Shower Doors	Actual Cost
Counter (Kitchen)	Actual Cost	Shower Head	\$ 10.00
Counter Resurface (Bathroom) - each	\$ 50.00	Smoke Detector/Alarm - each	\$ 15.00
Counter Resurface (Kitchen) - each	\$ 90.00	Smoke Detector/Battery - each	\$ 4.00
Door (Blind) - each	\$ 90.00	Stove Burner - each	\$ 25.00
Door (Exterior)	\$ 175.00	Stove Burner Rings - each	\$ 5.00
Door (Interior) - each	\$ 85.00	Stove Drip Pan 8" - each	\$ 10.00
Draperies - each	\$ 30.00	Stove Drip Pan 6" - each	\$ 8.00
Drywall Repairs - per hour	\$ 35.00	Switch Plates/Sockets - each	\$ 2.00
Extermination (Special) - per visit	\$ 40.00	Toilet	\$ 125.00
Faucets (Bath/Kitchen) - each	\$ 30.00	Toilet Seat - each	\$ 25.00
Garage Door - panel	\$ 100.00	Towel Bars - each	\$ 10.00
Garage Door Opener (Remote)	\$ 75.00	Vinyl Repairs - each	\$ 15.00
Garbage Disposal	\$ 85.00	Vinyl Replacement	Actual Cost
Keys (Door) - each	\$ 10.00	Wallpaper Removal - per hour	\$ 25.00
Keys (Mailbox) - each	\$ 15.00	Window (Broken)	Actual Cost
Light bulbs - each	\$ 1.00	OTHER	
Light Fixture/Ceiling Fan - each	\$ 45.00	OTHER	
Light Globes - each	\$ 10.00	OTHER	
Lock & Deadbolt (Door)	\$ 55.00	OTHER	
Lock (Mailbox)	\$ 20.00	OTHER	
Medicine Cabinet	Actual Cost	OTHER	
Mirror (Bathroom)	Actual Cost	OTHER	

#### CLEANING CHARGES:

Air Vents/Exhaust Fans - each	\$ 5.00	Range Top	\$ 15.00
Balcony/Patio	\$ 10.00	Refrigerator	\$ 25.00
Bathtub - each	\$ 10.00	Shower Wall Tile	\$ 15.00
Cabinets (Kitchen)	\$ 10.00	Sink (Kitchen/Bath) - each	\$ 5.00
Cabinets (Bathroom)	\$ 5.00	Switch Plates - each	\$ 1.00
Closet Shelves - each	\$ 3.00	Toilet - each	\$ 20.00
Counters	\$ 5.00	Trash Removal - per bag	\$ 10.00
Dishwasher	\$ 10.00	Vacuum Carpet - per room	\$ 5.00
Doors/Frames - each	\$ 5.00	Vent Hood	\$ 10.00
Faucets (Kitchen/Bath) - each	\$ 2.00	Walls (Wash) - each	\$ 5.00
Fireplace	\$ 20.00	Washer/Dryer	\$ 10.00
Floors (Kitchen/Bath) - each	\$ 15.00	Windows - each	\$ 5.00
Heat Registers - each	\$ 5.00	OTHER	
Light Fixtures - each	\$ 2.00	OTHER	
Medicine Cabinets - each	\$ 2.00	OTHER	
Mirrors - each	\$ 2.00	OTHER	
Oven	\$ 25.00	OTHER	
Patio Sliding Door	\$ 5.00		

Nothing herein shall be construed as a limitation on Agent's right to pursue Resident for damages and/or additional cleaning not specifically listed hereon. This document will be attached to the Inventory and Condition Form, and become part of that document upon vacating.

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