

HOUSING & COMMITTEE

DATE: June 14, 2017

TIME: 5:30 pm – 7:30 pm

LOCATION: Room 209, 2nd Floor, City Hall

1. Agenda For June 14, 2017 Housing Committee Meeting

Documents:

[01 HC AGENDA - 06.14.2017.PDF](#)

2. Review And Acceptance Of Minutes Of Previous Meeting Held On May 10, 2017

Documents:

[02 DRAFT - MINUTES HOUSING COMMITTEE 05.10.2017.PDF](#)

3. Review And Recommendation Of Proposed Amendment To Chapter 6 Re: Short Term Rental Registration Ordinance As It Pertains To A Disorderly House Designation

Documents:

[03 SHORT TERM RENTALS AND DISORDERLY HOUSE ORDINANCE - 6-2017.PDF](#)

4. Review Of Short Term Rental Registration Implementation Guidelines

Documents:

[04 SHORT TERM RENTAL IMPLEMENTATION GUIDELINES - 6-2017.PDF](#)

5. Update On The Implementation Of The 2016 Landlord/Tenant Policies Including A Review Of The Tenant Housing Rights Brochure

Documents:

[05 LANDLORD TENANT RIGHTS MEMO.PDF](#)

6. Update On Supplemental HOME Funds

Documents:

[06 SUPPLEMENTAL HOME FUNDS UPDATE MEMO.PDF](#)

7. Committee Discussion Re: 2017 Work Plan

Documents:

[07 DRAFT 2017 HC WORKPLAN 06.14.2017.PDF](#)

Councilor Jill Duson, Chair

Next Meeting Date: July 12, 2016



HOUSING COMMITTEE

DATE: Wednesday, June 14, 2017
TIME: 5:30 p.m. – 7:30 p.m.
LOCATION: City Hall, Room 209

A G E N D A

1. Review and accept Minutes of previous meeting held on May 10, 2017
2. Review and recommendation of proposed amendment to Chapter 6 re: Short Term Rental Registration Ordinance as it pertains to a disorderly house designation – Richard Bianculli Jr., Esq. Neighborhood Prosecutor, Police Department.
3. Review of the Short Term Rental Registration Implementation Guidelines. – Michael Russell, Permitting and Inspections Department.
4. Update on the implementation of the 2016 Landlord/Tenant policies including a review of Tenant Housing Rights brochure. – See enclosed memorandum from Mary Davis, Division Director, Housing and Community Development.
5. Update on Supplemental HOME Funds – See enclosed memorandum from Mary Davis, Division Director, Housing and Community Development.
6. Committee Discussion re: 2017 Work Plan

Councilor Jill Duson, Chair

Next Meeting Date: July 12, 2017 at 5:30 PM in Room 209

Housing Committee

Minutes of May 10, 2017 Meeting

A meeting of the Portland City Council's Housing Committee (HC) was held on Wednesday, May 10, 2017 at 5:30 P.M. in Room 209 of Portland's City Hall. Councilors present at the meeting included Committee members Councilor Brian Batson and Chair Councilor Jill Dusen. Councilor David Brennerman joined the meeting at 6:45. City staff present included Mary Davis, Division Director Housing and Community Development; Michael Russell, Director of Permitting and Inspections; Jonathan Rioux, Division Director of Inspections; Richard Bianculli, Jr., Esq. Neighborhood Prosecutor; Victoria Morales, Associate Corporation Counsel; Vern Malloch, Assistant Police Chief; Anne Torregrossa, Associate Corporation Counsel; and Keith Gautreau, Assistant Fire Chief.

Item 1: Review and accept Minutes of previous meeting held on March 30, 2017.

Councilor Batson motioned and Councilor Dusen seconded to accept the minutes from the March 30, 2017 Housing Committee meeting. Minutes were unanimously approved 2-0.

Item 2: Portland Police Department Overview of the Disorderly House Ordinance

Richard Bianculli introduced the item. He explained that the Disorderly House Ordinance (DHO) is intended for landlords with problem properties, too many calls for service in a 30 day period; 3 or more calls would result in a notice sent to the landlord requesting a meeting with Mr. Bianculli and the neighborhood coordinator. Domestic violence calls do not count as DHO. Most landlords respond quickly to issues.

Regarding the short-term rental (STR) issue. The Bradley Street property, which the committee and the council has heard a lot about, had four calls for service in a 30 day period. Three calls were determined to be unfounded. They did reach out to landlord who was cooperative. The staff memo described suggested ordinance language revisions to address the issue of STRs under the DHO.

Councilor Batson asks what happens if repeated calls are determined to be unfounded. Mr. Bianculli explains that they consider nature of the calls. With noise complaints they have to determine if there is a noise issue; this is determined by use of a noise meter. Complaints would need to be founded in order for a property to be designated as a disorderly house.

Councilor Dusen wants to be supportive of the Police Department's enforcement discretion and indicates that the proposed language seems perfectly on point. Councilor Dusen asks where the proposed changes would be incorporated into the current ordinance. Mr. Bianculli indicates that he

intended it to be included with the STR portion of the ordinance. Councilor Duson asks that a marked up section of the code be brought back to the Committee for consideration and asks if the proposed language would be sited in Sec. 6-200 and Sec. 6-201. Councilor Duson asks that staff address any conflict or issue with the 12 month/3 year requirements in the DHO and the STR ordinance. Councilor Duson also indicates that she would like to see the end of section 200 highlighted to emphasize that the documentation of noise complaint may include a sworn affidavit by the citizen that called in the complaint. Councilor Duson asked if it is standard operating procedure for officers to let the complainant know that they can submit an affidavit. Mr. Bianculli indicates that officers typically use that approach for other quality of life complaints; they like to use the meter to get decibel reading; an affidavit cannot be used in lieu of a decibel reading.

Councilor Batson inquires about the noise level that would indicate a violation. Mr. Bianculli indicates that it is contextual; there is no limit in the residential zones; business and industrial zones have specific noise limits. Councilor Batson asks if one sworn affidavit is considered a founded complaint. Mr. Bianculli indicates that this can be reviewed on case by case basis. Councilor Batson asks for confirmation that 3 founded calls or incidences in a 30 day period results triggers the DHO; what happens if there is a founded call once a month for year. Mr. Bianculli indicates that technically it does not meet the DHO but the Council may want to consider the implications for STRs.

Councilor Duson indicates that this is not set for public comment; the next step will be for the City to see final marked-up language at next meeting in June.

Item 3: Update and Overview of Housing Safety Office

Mike Russell introduces the item. Mr. Russell explains that he has been department head for 10 months; during this time there has been a lot of restructuring within the Permitting and Inspections Department, not just within the Housing Safety Office. The new department is a compilation of different divisions and/or services from several departments; one of his first tasks has been to bring everything together into a unifying structure that is efficient and effective.

The Housing Safety Office was previously in the Executive Office and had close to a 1:1 ratio between administrative staff and field inspectors. The field inspectors have been moved into the Inspections Division under the leadership of Jonathan Rioux and two administrative positions have been discontinued. This created a reduction in the cost of the housing safety office which enabled the department to hire a fourth Housing Safety Inspector and realize an additional savings of approximately \$50,000, annually. Councilor Duson asks if the aggregate of fees collected matches the aggregate of the

costs of housing safety enforcement; specifically with regards to STR registration fees where the ordinance allows for a portion of the funds not needed to implement STR registration and enforcement be designated to the Housing Trust Fund. The registration of STRs has not started and the enforcement of the new STR ordinance does not become effective until January 2018. Mr. Russell agrees that if there is an excess of STR beyond the cost of administration, inspection and monitoring fees, then it would go to the Housing Trust Fund. Councilor Duson would like to make sure this is incorporated in the Permitting & Inspections (P&I) Department budget and reported in the annual budget process. Councilor Duson would like to see information about how many STRs are registered and inspected and indicates that the collection of this data is important for the Committee to review and address compliance concerns. Mr. Russell says education will be an important piece; educating landlords about why compliance issues are important. Councilor Duson indicates that the Committee would like to have regular department operational updates, trends, issues, etc. Mr. Russell suggests a department report to the Committee at least once a year.

Councilor Duson asks how the Fire and P&I Departments coordinate inspections. Mr. Russell explains that historically the Fire Department inspected 3+ units and addressed advanced life safety issues and public educational efforts. Keith Gautreau, Assistant Fire Chief, confirms that the Fire Department continues to do inspections of 3+ unit buildings. Mr. Gautreau indicates that he would be happy to update the Committee in the future meeting about the Fire Department inspection process. The cornerstone of the housing safety methodology is the risk based prioritization process that cuts across all property types and identifies those at greatest risk. Mr. Russell indicates that the initial focus of the new Housing Safety Office has been on two unit properties because of no inspection history. They pose the greatest risk. As two unit properties come further into compliance, the Housing Safety Inspectors will transition to inspecting 3+ unit buildings in collaboration with the Fire Department. The Housing Safety Inspectors use a broad lens of enforcement that includes the building code, land use and life safety. Mr. Russell said this collaboration has an additive value.

Councilor Batson asks about the number of one and two family properties in the City. Mr. Russell provides the committee with a memo that indicates the department reached 972 two family properties (may have to go back more than once) and 238 for 1 family. Councilor Duson asks if staff expects the number of inspections to increase as the process matures. Mr. Russell indicates that the number of inspections will increase with experience and training. Setting up the ground work of the office took a significant amount of time during the first year. Mr. Rioux notes that 350 inspections of

two family properties occurred in the most recent month. Councilor Duson asks if there is a general performance goal for each inspector. Mr. Rioux states s five or six inspections per inspector per day. Councilor Batson asks about the length of notice that is given for inspections. Mr. Russell indicates that the office makes contact and tries to schedule out within a week or two.

Councilor Duson requests that the representatives from the landlord association that are in attendance go back to their membership and ask them to review the materials provided and let the Committee know if any of their questions have not been answered.

This is not an action item so no public comment was taken.

Item 4: Proposed Changes to the Housing Code re: Habitation of Recreational Shelters

Mike Russell introduces the memo and indicates that this item was part of a proposed packet of ordinance changes that went to Economic Development Committee. The Economic Development Committee suggested that this piece be sent to the Housing Committee for review. Councilor Duson asks for a definition of a recreational shelter. Anne Torregrossa explains that this would refer to RVs, campers and other ad hoc shelters. The term was created by staff. The purpose of the proposed language is to make it clear that these types of shelters are not intended for long term occupation.

Councilor Batson asks about the meaning of the term “rented or let” Section 7. Ms. Torregrossa explains that the term tends to refer to a way to charge money. Ms. Torregrossa indicates that tiny homes would be encompassed in this definition; if a tiny home meets building code it would not be applicable under this section.

Councilor Duson believes the 21 day limit may be too short but does not want to encourage this situation on a long term basis. Councilor Brenerman suggests 30 days.

Councilor Duson opens the discussion for public comment. No public comment.

Councilor Duson moves an amendment to increase the 21 day limit to 30 days. Councilor Brenerman seconds. Councilor Batson asks if staff is aware of recreational vehicles being used as STRs. Staff indicate that they are not currently aware of any. The amendment passes 3-0; Councilor Duson moves the main motion to approve which passes 3-0.

Item 5: Review and Recommendation of request received through the Supplemental HOME Funds Application

Mary Davis introduces the item. Avesta Housing submitted an application for rehabilitation funding for an existing 13 unit rental housing project at 61 Deering Street.

Councilor Duson asks if they units are currently occupied. Matt Peters of Avesta Housing indicates

that one unit will soon be vacant and they will relocate tenants within the building using the vacant unit. Mr. Peters indicates that the accessibility improvements will take about a month and the bathroom renovations should take about a month.

Councilor Brenerman asks if the project is on Deering Street or Cumberland Avenue. Mr. Peters states that apartment entrances are through Deering Street but the apartments are above the commercial/office space which has an entrance on Cumberland Avenue. Councilor Brenerman asks if Avesta is investing any of their own money for this work. Mr. Peters indicates that Avesta recently purchased the property and made an initial investment at the time of purchase.

Councilor Duson opens the item for public comment.

George Rheault of West Bayside notes that there is not a lot of time to take advantage of this money. He indicates that the information does not include the purchase price of the property and does not indicate if there a price adjustment for deferred maintenance. He states that it would be great if the purchase price was disclosed and wonders what exterior site work is factored into the \$290,000 request.

Councilor Duson closes public comment and asks Mr. Peters if he could answer the questions raised during public comment. Mr. Peters indicates that the site work referenced in the application will focus on 504 improvements; the Deering Avenue entrance has a slope that needs to be addressed for better accessibility. Mr. Peters believes the price of property was adjusted for condition of property; the value purchased by Avesta is the future ability to create additional affordable units on the site. The complete rehab of the building will require additional funds as the long term capital needs of building are great. Avesta will be seeking additional financing from MaineHousing, historic tax credits and private funding from Federal Home Loan Bank of Boston. Councilor Duson asks if Avesta did their due diligence regarding the building and if they feel those findings were factored into the price of building. Mr. Peters states that Avesta has an appraisal that indicates a value higher than what they purchased the property for.

Councilor Batson asks about the 504 upgrades. Mr. Peters explains that two apartments will be renovated. The improvements will include gutting the bathrooms, adding roll in floors, drains, handrails; one bathroom will need to be enlarged; kitchen cabinets will be lowered or replaced as needed; open cabinets will be installed under the sinks to provide wheel chair access.

Councilor Brenerman asks if Avesta has a plan if the project ends up costing more than the City is providing. Mr. Peters indicates that the work will be prioritized, they will start with the worse bathrooms first and they will include contingency funding for unforeseen issues, which, if they arise would mean reducing the scope of work.

Ms. Davis indicates that if the committee approves the recommendation, the request will not be brought forward to the City Council until the underwriting process has been successfully completed.

Councilor Batson moves approval of the recommendation, Councilor Brenerman seconds. Motion approved 3-0.

Councilor Batson asks that the committee be updated if the project cost estimate changes.

Item 6: Review and Recommendation of Renewal of the City's Participation in the Cumberland County HOME Consortium

Mary Davis introduces the item. Councilor Brenerman asks about the funding of HOME in 2018. Ms. Davis indicates that the program was zeroed out in the President's proposed budget but it is unlikely that the City will know the outcome until late fall or winter. Councilor Brenerman asks about the county communities and Ms. Davis explains that all Cumberland County communities except for Brunswick are part of the Cumberland County Entitlement Jurisdiction. The Town of Brunswick is a separate member of the Consortium.

George Rheault asks if the consortium meets as a group to evaluate whether the program is functioning at the highest and best use.

Councilor Batson makes a motion to recommend renewal of the City's participation in the Cumberland County HOME Consortium. Councilor Brenerman seconds. Committee votes 3-0 to approve recommendation to the City Council

Item 7: COMMUNICATION ITEM – Informational Packet regarding the Lead Safe Housing Program

Mary Davis introduces the item and explains that the program manager will be on a future agenda to give the committee a more detailed program overview.

Item 8: Committee discussion re: 2017 Work Plan

Committee decides not to meet in August. On a motion made and seconded the meeting was adjourned at 8:00.

Respectfully submitted,
Mary Davis



Permitting and Inspections Department
Michael A. Russell, MS, Director

Housing Committee Update May 10, 2017

FY18

	\$	Comments
Revenue	\$480,000	\$60,000 projected for short term rentals.
Staff Expenditures	\$332,000	92% = staffing
Tyler Technology	\$148,000	Contribution towards the City's \$2 million investment.

May 2016-2017

	Properties Inspected*	Assessed
2 Family	972	1,747
1 Family	238	11,234
Condominium	87	3,476
Other	86	16,457
Total	1,383	23,958

*2.852 inspections of 1,383 properties.

Registration of Units

	2016	2017	Assessed
2 Family	2,189	1,695	1,747
1 Family	782	656	11,234
Condominium	682	546	3,476
Other	14,737	12,778	16,457
Total	18,390*	15,675**	23,958

*There were a number of unnecessary registrations that we refunded later.

**Follow-up efforts continue with those who have not renewed their registration.

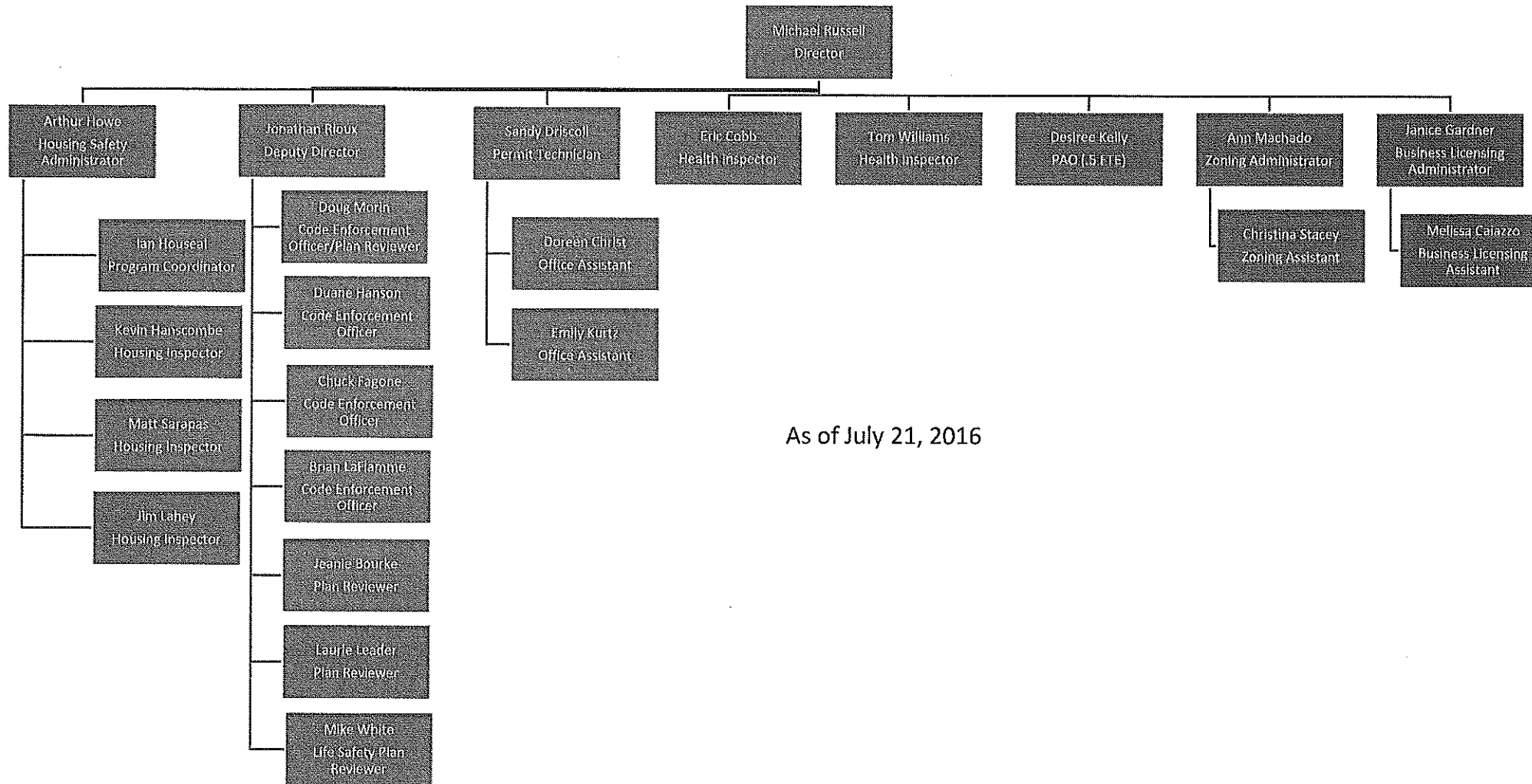
Current Challenges

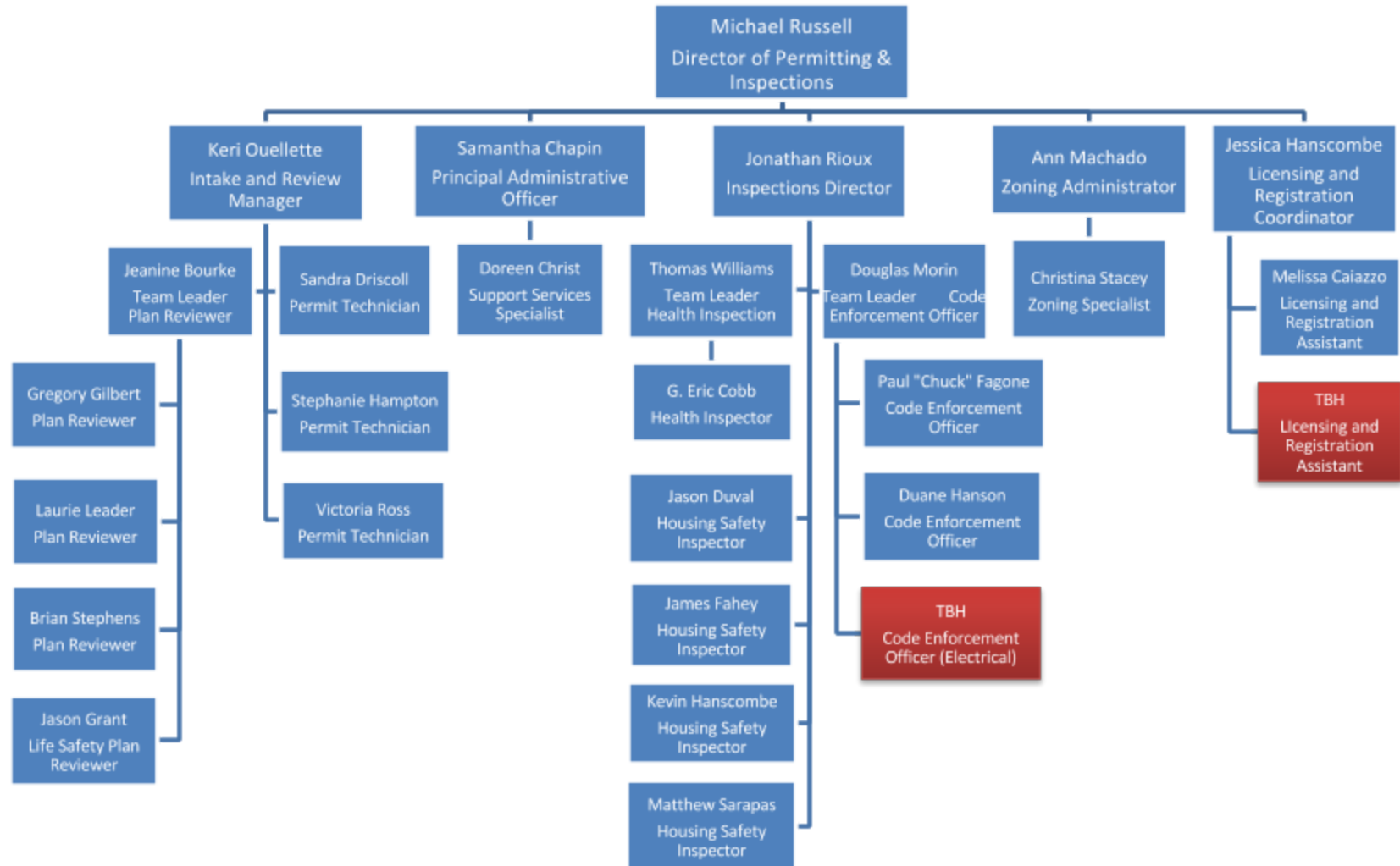
- Unresponsive landlords to registration and inspection requests.
- Claims of family members using rental space (and not paying rent) to avoid registration fee.

Recommendations from Fire/Code Inspections Task Force - 2015

- Increase the number of cross-trained inspectors.
- A minimum of 3 cross-trained inspectors for Two Family properties.
- Inspect all rental properties.
- Risk-based prioritization system for inspections. Avoids selective enforcement.
- Two family properties are the top priority because of no inspection history.
- Housing Administrator is responsible for coordinating inspections activities related to risk prioritization with other departments so all rental properties are inspected.
- Fire Department is responsible for advanced life safety systems and public education.

Permitting and Inspections Department





Portland, Maine



Yes. Life's good here.

Mary Davis

Division Director, Housing & Community Development Division

TO: Councilor Jill Duson, Chair
Members of the Housing and Community Development Committee

FROM: Mary Davis, Division Director
Housing and Community Development Division

DATE: June 9, 2017

SUBJECT: Amendments to Chapter 6 re: Short Term Rental Registration Ordinance
as it pertains to a Disorderly House Designation

As a follow-up to the discussion held at the Housing Committee's May 10, 2017 meeting, a draft of the proposed amendment to Chapter 6 of the City Code is attached for your review and action. The suggested language would address the handling of short term rentals that are designated as a disorderly house.

Richard M. Bianculli, Jr., Esq. Neighborhood Prosecutor, will be at the meeting to discuss the proposed amendment.

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 6 AND CHAPTER 14
Re: Short Term Rentals**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Chapter 6, Article VI., Sections 6-156 of the
Portland City Code is hereby amended as follows:*

**ARTICLE VI. RESIDENTIAL RENTAL UNIT REGISTRATION
REQUIREMENTS**

Sec. 6-156. Enforcement.

(a) The building authority as defined in section 6-1 or his/her designee is authorized to institute, or cause to be instituted by and through the office of the corporation counsel, in the name of the city, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this article.

(b) No certificate of occupancy shall be issued for property that is subject to the registration requirements of this article, but is not registered in accordance with this article.

(c) Any short term rental at a property that is designated by the City as a disorderly house ~~and fails to meet the requirements of section 6-202~~, shall, at the discretion of the City Manager or this/her designee, have its registration revoked and be ineligible for registration for a period of twelve (12) months. Any registration after revocation shall be considered a new registration and not a renewal. *Upon the second designation of the short term rental property as a disorderly house, the City shall, at the discretion of the City Manager or their designee, prohibit the registered owner from operating the property as a short term rental or the City may elect to post the property against occupancy pursuant to section 6-201.*

(d) Fines may be attributed to Property Management firms found operating short term rental units in violation of this article. These fines may be in addition to fines levied against owners of property.

Portland, Maine



Yes. Life's good here.

Mary Davis

Division Director, Housing & Community Development Division

TO: Councilor Jill Duson, Chair
Members of the Housing and Community Development Committee

FROM: Mary Davis, Division Director
Housing and Community Development Division

DATE: June 9, 2017

SUBJECT: Review of Short Term Rental Registration Implementation Guidelines

The Implementation Guidelines for Short Term Rental Registration are attached for your review. The information is accessible on the city website at:

<http://www.portlandmaine.gov/2029/Short-Term-Rental-Registration>.

Michael Russell, Director of the Permitting and Inspections Department, will be at the meeting to discuss this information.



Permitting and Inspections Department
Michael A. Russell, MS, Director

Short Term Rentals

Frequently Asked Questions

When do I register?

By January 1st of each year.

For the inaugural year, we'll issue a press release before October 1, 2017 with a specific date of when you can start registering and where. If we receive more than 300 applicants for the non-owner occupied units on the mainland then we'll announce a lottery date too.

Where do I register?

Complete and submit the rental registration application via email to: housingsafety@portlandmaine.gov

Mail or submit in person to:

Permitting and Inspections Department
Rm 315
City Hall
Portland ME 04101

How do I register?

Complete and submit the rental registration application via email to: housingsafety@portlandmaine.gov

Mail or submit in person to:

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Rm 315
City Hall
Portland ME 04101

Why register?

As of April 2017, the requirement to register short term rental units became a requirement through the City Code of Ordinances. This new requirement goes into effect on January 1, 2018. There are penalties that may be assessed for operating an unregistered rental unit. Registering will also help us partner with you to ensure a safe place for renters to stay.



Permitting and Inspections Department
Michael A. Russell, MS, Director

How many rental units can I register?

Five.

How much is the registration fee?

Please see the annual registration fee schedule for specific amounts. It varies by the number of units and whether it is owner occupied. There is also a flow chart that shows how to calculate the amount owed.

Is there a non-owner occupied registration cap on island rental units?

No. Only on the mainland. The cap is 300 rental units on the mainland.

How are the 300 rental units selected for the cap on the mainland?

A lottery with a random selection of applicants will determine those for the 300 rental unit cap on the mainland. A random selection of applicants on the wait list will fill vacancies within the cap. Those selected will be provided 1 week to correct any deficiencies in their application including payment information. If the applicant is no longer interested or cannot correct application deficiencies within the designated timeframe then another applicant will be randomly selected from the wait list until there is no vacancy.

Is the registration for a rental unit transferable between owners when a unit is sold?

No. The new owner must register. If it is one of 300 non-owner occupied rental units on the mainland then the new owner must add their name to the waitlist within 30 days of ownership if they wish to rent it short term. Otherwise, it will be considered a vacancy and filled through random selection of applicants from the wait list.

Can I register my mainland non-owner occupied single family house or condo?

No. Only on the islands.

Which islands do these regulations pertain to?

Peaks Island, Little Diamond, Great Diamond, House, Cushing and Cliff.

Is there a registration cap for how many owner occupied rental units that I can register?

Yes. One. To qualify as owner occupied, you must live there more than 6 months of the year.

How much of a discount can I get for each rental unit?

A maximum of \$20. The minimum fee paid per rental unit is \$15. Valid supporting documentation must be provided for each discount.

What's the fee difference between owner occupied and non-owner occupied?

There is no difference for the first and second unit registered (\$100 and \$250). The fee is twice as much for the third, fourth and fifth non-owner occupied units registered (\$1,000, \$2,000, \$4,000) as compared to owner occupied (\$500, \$1,000, \$2,000).



Permitting and Inspections Department
Michael A. Russell, MS, Director

Why is completing a pre-inspection checklist important?

It provides a snapshot of life safety compliance for a rental unit at the time of registration.

What if I use my property for short and long term rental? For example, rent it for the summer and then rent it weekly the rest of the year.

You will fill out one application and pay once.

How can I get my rental unit inspected?

Please contact housingsafety@portlandmaine.gov or call (207) 756-8131 to schedule an inspection.

Can I get my Certificate of Occupancy before I register my rental unit?

No. Your rental unit must be registered first.

What are key terms and definitions that will help me better understand short term rentals in Portland?

Island Short Term Rental shall mean a short term rental located on one of the following islands in the City of Portland: Peaks Island, Great Diamond Island, Cushing Island, Little Diamond Island, House Island, and/or Cliff Island.

Long Term Rental shall mean the letting of a rental unit in whole or in part for thirty (30) days or more.

Mainland Short Term Rental shall mean a short term rental located within the limits of the City of Portland, but not on Peaks Island, Long Island, Great Diamond Island, Cushing Island, Little Diamond Island, House Island and/or Cliff Island.

Multi-Unit shall mean a single, detached building in common ownership interest containing more than one (1) residential or commercial unit, as determined by the Director of the Permitting and Inspections Department.

Owner-Occupied shall mean a rental unit owned and occupied by the registrant as his or her primary residence.

Owner shall mean each individual person or entity including, without limitation, all partners, officers, or trustees of any real estate trust; all members or managers of a limited liability company; and all officers and directors of a corporation; that is the record owner of a building or property.

Primary Residence shall mean the dwelling in which a person resides as his or her legal residence for more than one half of a year and registers as his or her address for tax and government identification purposes.

Registrant shall mean the owner of a rental unit, or a tenant, with permission from the owner, seeking to register a rental unit.



Permitting and Inspections Department
Michael A. Russell, MS, Director

Rental unit is a portion of any residential structure that is rented or available for rent to any individual or individuals for any length of time. Any portion of a Single-Family Home, Condominium, or Apartment that is rented or available to be rented to an individual or individuals who are not the owner or owners shall be considered a *rental unit*. *Dwelling units* and *rooming units* as defined in §6-106 are, without limitation, *rental units*. A Single-Family Home, Condominium, or Apartment that is occupied by the owner or owners, and of which no portion is rented or available for rent, is not a *rental unit*.

Short Term Rental is the letting of a rental unit, in whole or in part, for less than thirty (30) days.

Single Family Home shall mean a detached residential dwelling or a single condominium unit containing one dwelling unit.

Tenant-Occupied shall mean a rental unit in which the registrant is not the record owner of the rental unit, but lawfully occupies the rental unit as his or her primary residence.

Who do I call with questions?

Please contact housingsafety@portlandmaine.gov or call (207) 756-8131.

City of Portland
Rental Registration Requirements

	Long-Term Rentals	Short Term Rentals			
		Owner Occupied	Non-Owner Occupied (Mainland)	Island Rentals	Tenant Occupied
Length of Rental	30+ days	< 30 days	< 30 days	< 30 days	< 30 days
Documentation Required	• Application • Pre-inspection checklist • Documents supporting discounts	• Application • Pre-inspection checklist • Documents supporting discounts • Notarized primary residence affidavit	• Application • Pre-inspection checklist • Documents supporting discounts	• Application • Pre-inspection checklist • Documents supporting discounts	• Application • Pre-inspection checklist • Documents supporting discounts • Notarized primary residence affidavit • Notarized landlord permission
Maximum Number of Rental Units per Registrant	• Unlimited	• 1 single family home, condo unit, or multifamily building. • 5 units total	• 5 units total	• 5 units total	• 1 tenant occupied unit • 5 units total
Maximum Number of Rental Units per Building by Total Number of Units	• Unlimited	• 2 total units = 2 STR max • 3 total units = 3 STR max • 4 total units = 4 STR max • 5+ total units = 5 STR max	• 2 total units = 1 STR max • 3 total units = 2 STR max • 4 total units = 2 STR max • 5 total units = 2 STR max • 6-9 total units = 4 STR max • 10+ total units = 5 STR max	• 2 total units = 2 STR max • 3 total units = 3 STR max • 4 total units = 4 STR max • 5 total units = 5 STR max • 6-9 total units = 5 STR max • 10+ total units = 5 STR max	• Unlimited
Other Restrictions	• None	• 2 guests per bedroom + 2 additional guests	• 2 guests per bedroom + 2 additional guests • No single-family homes or condo units • Cap of 300 units	• 2 guests per bedroom + 2 additional guests	• 2 guests per bedroom + 2 additional guests

Note: STR = Short Term Rental



How to Calculate Short-Term Rental Fees

The City Council approved an ordinance in April 2017 that requires short-term rental units to be registered with the City of Portland. The requirement goes into effect on January 1, 2018. Registering helps us partner with you to ensure a safe place for renters to stay. There are penalties that may be assessed for operating an unregistered rental unit.

WHAT TYPE OF UNIT DO YOU HAVE?

Owner occupied
single family
home/condo;
or tenant
occupied unit?



- Register unit
- Pay fee of \$100, less any applicable discounts.



Non-owner
occupied or
tenant-occupied
single family
home?



- If this property is not located on an Island, then this type of short-term rental is not permitted.
- If located on an Island, this property must be registered. \$100 fee. Fee increases for additional units.



Owner
occupied
multi-family
unit?



- If you have not registered another property, then your fee is \$100 for the first unit. Fee increases for additional units.
- If you have registered another property already, then your fee is \$250 for the second unit. Fee increases for additional units.



Non-owner
occupied
multi-family
unit?



- If you have not registered another property, then your fee is \$200 for the first unit. Fee increases for additional units.
- If you have registered another property already, then your fee is \$500 for the second unit. Fee increases for additional units.

**TO REGISTER UNITS AND READ THE FULL SET
OF REGULATIONS, VISIT:
PORTLANDMAINE.GOV/HOUSINGSAFETY**



Permitting and Inspections Department
Michael A. Russell, MS, Director

Short Term Rental Lottery for Non-Owner Occupied Units on the Mainland

Purpose:

To ensure a fair and consistent process when selecting applicants to fill the short term rental cap of 300 non-owner occupied units on the mainland.

Procedure:

Inaugural Year

- Notify the public that applications for non-owner occupied short term rentals on the mainland must be received by May 30th. Applications are sent to housingsafety@portlandmaine.gov
- Randomly order the applicant numbers with a random list generator and select the top 300 to meet the cap. The remainder will be on the wait list.
- Review applications for completeness. Contact applicants with incomplete applications and provide 1 week to correct. If not corrected, then exclude applications from selection and the wait list. They will need to reapply in the future.
- Process payments. Provide 1 week for applicants to correct payment information if it can't be processed. If not corrected, then exclude applicant and randomly select another from the wait list with a random list generator until the cap is met.
- Notify all applicants of lottery results.

Subsequent Years

- When there is vacancy within the 300 cap, an applicant from the wait list will be randomly selected with a random list generator and notified. If the applicant can't be reached or pay, then applicants will continue to be randomly selected from the wait list until the cap is filled.
- A change of ownership will put the new owner on the wait list. It is not transferable.



Permitting and Inspections Department
Michael A. Russell, MS, Director

RENTAL UNIT REGISTRATION APPLICATION

Please use this application to register a rental unit. A rental unit is any portion of a residential structure that is available to rent for any length of time to an individual. The Code of Ordinances (Chapters 6 & 14, Article VI) requires an owner, manager, and a person/entity to register a rental unit. Registration is due annually by January 1 or within thirty (30) days of renting a new property. A registration application is not complete until payment is received.

Please follow these steps to register a rental unit:

1. Fill out this application.
2. Complete the Pre-Inspection Checklist (Page **x**) for each rental property.
3. Calculate the fee owed with the table below or the flow chart on Page **x** to assist you.
4. Estimate applicable discounts.
5. Submit valid supporting documentation for discounts. Please see Page 3 for examples.
6. Invoice provided to the party certifying registration
7. Pay fee owed after staff verifies fee discount documentation.
8. Repeat Steps 1-7 on an annual basis.

Short Term Rentals (STR)

A short-term rental is less than 30 days. The annual registration fee for a short-term rental is listed below minus any discounts of no more than \$20 per unit.

Owner Occupied Single Family Home/Condo or Tenant Occupied		\$ 100.00
Multi-Unit Owner Occupied Building and Island Short Term Rental	First Unit	\$ 100.00
	Second Unit	\$ 250.00
	Third Unit	\$ 500.00
	Fourth Unit	\$1,000.00
	Fifth Unit	\$2,000.00
Multi-Unit Non-Owner Occupied Building	First Unit	\$ 100.00
	Second Unit	\$ 250.00
	Third Unit	\$ 1,000.00
	Fourth Unit	\$2,000.00
	Fifth Unit	\$4,000.00

Long Term Rentals (LTR)

A long-term rental is more than 30 days. The annual registration fee for a long-term rental is \$35 per rental unit minus any discounts of no more than \$20 per unit.

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

RENTAL UNIT REGISTRATION APPLICATION

SECTION 1: PROPERTY INFORMATION

Street Number	Street Name – Unit #	CBL- Chart, Block, Lot Number (e.g. 001A__A001)
---------------	----------------------	--

SECTION 2: OWNER INFORMATION

Owner First Name	Owner Last Name	Primary Telephone Numbers
Mailing Address		Email Address
Owner is a/an: Individual(s) Partnership Corporation LLC Other, please explain:		

SECTION 3: AUTHORIZED AGENT (if different than owner)

All properties must have an authorized agent for purposes of service. If property owner is a partnership, corporation, LLC or any other form of business entity, the authorized agent must be an individual who resides in the State of Maine.

Registered Agent First Name	Registered Agent Last Name	Telephone Number (207)
Mailing Address		Email Address

SECTION 4: PROPERTY MANAGER (if different than owner)

Property Manager Name	Telephone Number
Mailing Address	Email Address

Portland, Maine



Yes. Life's good here.

Permitting and Inspections Department
Michael A. Russell, MS, Director

SECTION 5: EMERGENCY CONTACT FOR PROPERTY (if different than owner)

Emergency Contact Name	Telephone Number
------------------------	------------------

SECTION 6: RENTAL UNIT REGISTRATION

Please describe the rental units by listing unit numbers or room numbers being registered:	Is the property:	Number of rental units registering
	Owner occupied? (Yes/No)	
	Tenant Occupied? (Yes/No)	
	Non-Owner Occupied? (Yes/No)	

SECTION 7: FEE DISCOUNTS (no more than a maximum of \$20 discount per rental unit)

Type of Discount	Valid Verification Documents	Discount	Number of rental units
Fully Sprinklered Building	Testing or Maintenance Report or Maintenance Contract from Preceding Year	\$10.00/unit	
Off-site Monitored Fire Alarm System	Fire Alarm System Monitoring Annual Contract	\$7.50/unit	
Subsidized Housing Housing Quality Standard (HQS)	HQS Inspection Report from Preceding Year	\$5.00/unit	
Public Housing Uniform Physical Condition Standard (UPCS)	UPCS Inspection Report from Preceding Year	\$10.00/unit	
No Smoking Lease	Copy of Signed Lease Language or Smoking Disclosure Form	\$2.50/unit	



Permitting and Inspections Department
Michael A. Russell, MS, Director

SECTION 8: TOTAL ANNUAL CHARGES

	<u>Short Term</u>	<u>Long Term</u>
Number of Rental Units Registering =		
Rental Unit Fees =		
Fee Discounts =		
Total Annual Rental Registration Fee =		

Did you complete?

- Rental Housing Registration Form
- Pre-Inspection Checklist
- Provide all fee discount verification documents

Short-Term Rentals Only:

- Provide a notarized primary residence affidavit (unless a non-owner occupied unit).
- Provide a notarized statement of permission from landlord for tenant occupied unit.

Payment Information:

Pay the registration fee:

- in person by cash, check, or credit card;
- online by credit card through MunicIPAY at www.portlandmaine.gov/housingsafety
- mail a check - Make checks payable to "City of Portland" and note the CHART, BLOCK, AND LOT (CBL) on the check.

Please return completed application, documents and fees to:

Permitting and Inspections Department
Room 315
389 Congress St
Portland ME 04101

For More Information:

See www.portlandmaine.gov/housingsafety

To the best of my knowledge, I certify that the information being registered is true and correct.

Name (print only)		Telephone Number
Relationship to Property	Date	Email Address



Mary Davis

Division Director, Housing & Community Development Division

TO: Councilor Jill Duson, Chair
Members of the Housing and Community Development Committee

FROM: Mary Davis, Division Director
Housing and Community Development Division

DATE: June 9, 2017

SUBJECT: Update on the Implementation of the 2016 Landlord/Tenant Policies
including a Tenant Housing Rights Brochure

In November, 2016, the City Council adopted a Tenant Housing Rights Ordinance (Chapter 6 Article XI Tenant Housing Rights), a copy of which is attached.

Section 6-224

The ordinance sets out protections for tenants including Section 6-224 which states:

6-224. Protection of Tenants.

(a) *The Planning Department or its designee shall create and make available on the City's publically accessible web site a plain language document that explains Tenancy at Will and the rights and responsibilities of Tenants and Landlords of rental housing units. That document shall also include a checklist of required notices concerning environmental lead hazards, energy efficiency or radon testing, pursuant to 14 M.R.S. Sections 6030-B, 6030-C, and 6030-D, respectively, as amended from time to time.*

(b) *The document referenced above shall be provided by Landlords to all Tenants in the City of Portland at the commencement of the rental of a housing unit and shall be provided again upon any update to the document made by the Planning Department.*

(c) *An acknowledgement of receipt of the documents described above must be signed by all Tenants, and a copy of the acknowledgement kept on file by the Landlord for at least three (3) years and made available for inspection at the request of the City of Portland.*

(d) *At the time of the annual registration required by Chapter 6, Article VI of the City of Portland Code of Ordinances, all Landlords must certify to the City that they have provide the above-referenced documents to each of their respective Tenants.*



Mary Davis

Division Director, Housing & Community Development Division

The attached Tenant Housing Rights form and Tenant Housing Rights brochure were created to meet the requirements of Section 6-224 and are presented for review and approval of the Committee.

Section 6-225

Section 6-225 of the ordinance creates a Rental Housing Advisory Committee. The Committee is to have seven members with representation from landlords, tenants and one at-large member who is neither a landlord nor a tenant.

Section 6-225. Rental Housing Advisory Committee

(a) *There is hereby created a Rental Housing Advisory Committee (the "Committee").*

(b) *The Committee shall be comprised of seven (7) members, including three (3) Landlord representatives, three (3) Tenant representatives and one (1) at-large resident representative who is neither a Tenant nor a Landlord of rental property, all of whom shall be appointed by the City Council. All members of the Committee shall be residents of the City of Portland and shall serve staggered terms set by City Council order.*

(c) *The Committee shall be co-chaired by one (1) Landlord representative and one (1) Tenant representative as agreed to by the members of the Committee.*

(d) *The Committee shall meet not less than quarterly and shall undertake the following duties:*

- 1. Compile and provide the Housing Committee with City of Portland housing market data;*
- 2. Report annually to the Housing Committee on the state of the housing market in the City of Portland; and*
- 3. Provide the Housing Committee with recommendations or proposals for improvements, modifications, or changes to the City's housing ordinances or policies.*

At this point, Planning Department staff are working to create a list of recommendations of possible committee members to be submitted to the City Council for approval in July or August.

Attachments

Tenant Housing Rights Ordinance

Tenant Housing Rights Form

Tenant Housing Rights Brochure

ARTICLE XI. TENANT HOUSING RIGHTS

6-219. Purpose.

The purpose of this Article is to address housing insecurity in the City of Portland; to minimize the potential adverse impacts of un-noticed or short-notice rent increases; to educate at-will Tenants of their rights; and to help bring about through fair, orderly and lawful procedures, the opportunity of each person within the City of Portland without regard to, among other things, receipt of public benefits, to rent, enjoy and retain secure housing.

(Ord. No. 76-16/17, 11-21-2016)

6-220. Applicability.

This article shall apply to any and all rental housing units in the City limits of Portland.

(Ord. No. 76-16/17, 11-21-2016)

6-221. Definitions.

Discrimination means the unjust or prejudicial treatment of different categories of people, when those categories are protected from discrimination by municipal, state and federal law, including, but not limited to, categories based on race, color, religious creed, sex, sexual preference, national origin, age, physical handicap or mental handicap, and based on receipt of public assistance, as provided in 5 M.R.S. §4581-A and as amended from time to time.

Housing unit means one (1) or more rooms forming a single unit including food preparation, living, sanitary and sleeping facilities used or intended to be used by two (2) or more persons living in common or by a person living alone.

Landlord means an owner, manager, lessee, sublessee, managing agent 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.

Tenant means an individual, individuals, an entity, entities, a lessee or sub-lessee, or other person having the right to rent any housing unit or rental property or any agent of these individuals or entities. This definition includes a Tenant

at will as described in 14 M.R.S. §6002, as amended from time to time.

(Ord. No. 76-16/17, 11-21-2016)

6-222. Discrimination prohibited in sale or rental of housing units.

(a) A Tenant shall have the right to secure a rental housing unit without being refused that right on the basis of discrimination because of race, color, sex, sexual orientation, physical or mental disability, ancestry, national origin, or family status, pursuant to 5 M.R.S. Section 4581-A, et. seq., as amended from time to time.

(b) A Landlord shall not refuse to rent or impose terms of tenancy on any Tenant who is a recipient of federal, state or local public assistance, including medical assistance and housing subsidies primarily because of the individual's status as a recipient as described in 5 M.R.S. §4581-A(4), as amended from time to time.

(Ord. No. 76-16/17, 11-21-2016)

6-223. Notification of rent increases.

Notwithstanding 14 M.R.S. Section 6015, a Landlord shall give seventy-five (75) days' written notice of any rent increase to a Tenant.

(Ord. No. 76-16/17, 11-21-2016)

6-224. Protection of Tenants.

(a) The Planning Department or its designee shall create and make available on the City's publically accessible web site a plain language document that explains Tenancy at Will and the rights and responsibilities of Tenants and Landlords of rental housing units. That document shall also include a checklist of required notices concerning environmental lead hazards, energy efficiency or radon testing, pursuant to 14 M.R.S. Sections 6030-B, 6030-C, and 6030-D, respectively, as amended from time to time.

(b) The document referenced above shall be provided by Landlords to all Tenants in the City of Portland at the commencement of the rental of a housing unit and shall be provided again upon any update to the document made by the Planning Department.

(c) An acknowledgement of receipt of the documents described above must be signed by all Tenants, and a copy of the acknowledgement kept on file by the Landlord for at least three (3) years and made available for inspection at the request of the City of Portland.

(d) At the time of the annual registration required by Chapter 6, Article VI of the City of Portland Code of Ordinances, all Landlords must certify to the City that they have provided the above-referenced documents to each of their respective Tenants.

(Ord. No. 76-16/17, 11-21-2016)

6-225. Rental Housing Advisory Committee

(a) There is hereby created a Rental Housing Advisory Committee (the "Committee").

(b) The Committee shall be comprised of seven (7) members, including three (3) Landlord representatives, three (3) Tenant representatives and one (1) at-large resident representative who is neither a Tenant nor a Landlord of rental property, all of whom shall be appointed by the City Council. All members of the Committee shall be residents of the City of Portland and shall serve staggered terms set by City Council order.

(c) The Committee shall be co-chaired by one (1) Landlord representative and one (1) Tenant representative as agreed to by the members of the Committee.

(d) The Committee shall meet not less than quarterly and shall undertake the following duties:

1. Compile and provide the Housing Committee with City of Portland housing market data;
2. Report annually to the Housing Committee on the state of the housing market in the City of Portland; and
3. Provide the Housing Committee with recommendations or proposals for improvements, modifications, or changes to the City's housing ordinances or policies.

(Ord. No. 76-16/17, 11-21-2016)

6-226. Variation by agreement.

No provision of, or right conferred by, this Article may be waived by a Tenant, by agreement or otherwise, and any such waiver shall be void. Any attempt to require, encourage or

induce a Tenant to waive any provision hereof or right hereby shall be a violation of this Article. Nothing herein shall be construed to void any term of a lease that offers greater rights than those conferred hereby.
(Ord. No. 76-16/17, 11-21-2016)

6-227. Limitation of liabilities.

(a) Nothing in this Article shall be interpreted to contravene the general laws of the State of Maine; and

(b) Nothing in this Article shall be construed to create additional liabilities greater than those already existing under law or to create new private causes of action.
(Ord. No. 76-16/17, 11-21-2016)

6-228. Enforcement and remedies.

(a) Any violation of sections 6-223, 6-224 and 6-225 of this Article may be considered a civil infraction and may be enforced pursuant to the Portland City Code Chapter 1, §1-15.

(b) Any violation of §6-222 of this Article shall be enforced as required by the Maine Human Rights Act, 5 M.R.S. §§4551, et seq.
(Ord. No. 76-16/17, 11-21-2016)

6-229. Severability.

The provisions of this Article are severable. If any of its provisions are held invalid by act of competent jurisdiction, all other provisions of this Article shall continue in full force and effect.
(Ord. No. 76-16/17, 11-21-2016)

Tenant Housing Rights

Tenant/Landlord Rights and Responsibilities

The relationships between tenants and landlords in Portland are governed, in part, by the City of Portland Code of Ordinances and the State of Maine statutes, and cover a wide variety of topics. There are various resources for additional information, including the State of Maine's publication "Consumer Rights When You Rent an Apartment," Pine Tree Legal's "The Rights of Tenants in Maine," and others. It is recommended that concerned individuals obtain professional legal advice, as necessary.

Tenants at Will

When a tenant rents a dwelling unit without a written lease OR a tenant continues to live in a dwelling unit after the term of a lease has expired, that tenant is a "tenant at will". For tenants at will, landlords must typically provide at least 30 days written notice to tenants that they must move out. The notice cannot, however, require a tenant to move out until after the last date for which rent has been paid. For example, if a tenant has paid rent to the landlord through the end of September, then a landlord's notice cannot end before September 30th. Landlords do not have to provide a reason for asking the tenant to leave.

A landlord may evict a tenant at will with a minimum 7-day written notice if the tenant: (1) has caused serious damage to the apartment and has not repaired the damage; (2) has been a nuisance to other tenants or neighbors; (3) has made the unit unlivable or unfit to live in; (4) has changed the door locks and refused to give the landlord a key; and (5) is 7 days or more behind in rent. Tenants at will must also provide landlords with at least 30 days written notice if the tenant chooses to move. A landlord and tenant may agree, in writing, upon a shorter notice period.

In the City of Portland, landlords are required to give tenants a 75 day written notice of any rent increase.

If the building the tenant lives in has been sold, the new landlord must give either a 30-day written notice or 7-day written notice of eviction, as described above, unless the old landlord already gave the tenant written notice. If a tenant is a victim of domestic violence, sexual assault, or stalking, then the tenant must give the landlord a 7-day written notice before he or she intends to move out.

If you are a tenant at will, then your landlord must return your security deposit within 21 days after you moved out and returned the keys, or send you a letter explaining why they are not returning some or all of the deposit.

Tenants have the right to contest the landlord's decision in court and it is recommended that tenants seek legal advice prior to making any decision to pursue legal proceedings.

Required Forms & Informational Material

Landlords must provide the following informational material and forms to tenants:

- ☐ Energy Efficiency Disclosure
<http://www.maine.gov/mpuc/online/forms/RentalEffDisclosureForm-Master.pdf>
- ☐ Lead Paint Pamphlet - "Protect Your Family From Lead in Your Home"
<https://www.epa.gov/lead/protect-your-family-lead-your-home>
- ☐ Lead Paint Disclosure
<http://www.maine.gov/dep/waste/lead/documents/lease.pdf>
- ☐ Smoking Policy Disclosure (To be drafted by the landlord)
- ☐ Radon in Rental Housing Pamphlet
<http://www.maine.gov/dhhs/mecdc/environmental-health/rad/radon/documents/2013%20tipsheet%2011.pdf>
- ☐ Radon Disclosure
<https://www1.maine.gov/dhhs/mecdc/environmental-health/rad/radon/documents/Maine%20radon%20gas%20disclosure-final.pdf>

By signing below, landlords and tenants acknowledge that they have read and understand the information contained within this document and landlords have provided tenants with copies of the informational material and forms noted above.

Landlord _____ Date _____

Tenant _____ Date _____

Tenant _____ Date _____

Tenant _____ Date _____

KNOW YOUR RIGHTS

The relationship between tenants and landlords in Portland are governed, in part, by the City of Portland Code of Ordinances and State of Maine statutes, and cover a wide variety of topics. There are various resources for additional information, including the State of Maine's publication "Consumer Rights When You Rent an Apartment," Pine Tree Legal's "The Rights of Tenants in Maine," and others. It is recommended that concerned individuals obtain professional legal advice, as necessary.

REQUIRED FORMS

Landlords must provide the following informational material and forms to tenants:

- ☐ Energy Efficiency Disclosure
- ☐ Lead Paint Pamphlet - "Protect Your Family From Lead in Your Home"
- ☐ Lead Paint Disclosure
- ☐ Smoking Policy Disclosure (To be drafted by the landlord)
- ☐ Radon in Rental Housing Pamphlet
- ☐ Radon Disclosure

To obtain these forms, visit:
www.PortlandMaine.Gov/TenantRights



CITY OF PORTLAND

TENANT HOUSING RIGHTS

Portland City Hall
389 Congress Street, Room 312
Portland, Maine 04101

www.PortlandMaine.Gov/TenantRights

 207-756-8246

TENANTS AT WILL

According to state law, when a tenant rents a dwelling unit without a written lease OR a tenant continues to live in a dwelling unit after the term of the lease has expired, that tenant is a "tenant at will." For tenants at will, landlords must typically provide at least 30 days written notice to tenants that they must move out.

The notice cannot, however, require a tenant to move out until after the last date for which rent has been paid. For example, if a tenant has paid rent to the landlord through the end of September, then a landlord's notice cannot end before September 30. Landlords do not have to provide a reason for asking the tenant to leave.

IN PORTLAND

75-DAY NOTICE FOR RENT INCREASES

In the City of Portland, landlords are required to give tenants a 75-day written notice of any rent increase.

BUILDING SOLD?

If the building the tenant lives in has been sold, the new landlord must give either a 30-day written notice or 7-day written notice of eviction, as previously described, unless the old landlord already gave the tenant written notice.

SECURITY DEPOSIT

If you are a tenant at will, then your landlord must return your security deposit within 21 or 30 days after you've moved out and returned the keys, or send you a letter explaining why they are not returning some or all of the deposit.

LANDLORDS CAN...

According to state law, a landlord may evict a tenant at will with a minimum 7-day written notice if the tenant:

- (1) has caused serious damage to the apartment and has not repaired the damage;
- (2) has been a nuisance to other tenants or neighbors;
- (3) has made the unit unlivable or unfit to live in;
- (4) has changed the door locks and refused to give the landlord a key; and
- (5) is 7 days or more behind in rent.

Tenants at will must also provide landlords with at least 30 days written notice if the tenant chooses to move. A landlord and tenant may agree, in writing, upon a shorter notice period.

TENANTS HAVE THE RIGHT TO CONTEST THE LANDLORD'S DECISION IN COURT, AND IT IS RECOMMENDED THAT TENANTS SEEK LEGAL ADVICE PRIOR TO MAKING ANY DECISION TO PURSUE LEGAL PROCEEDINGS.

For more information on your rights and responsibilities, visit:
maine.gov/ag/consumer/consumer_law_guide.shtml



Mary Davis

Division Director, Housing & Community Development Division

TO: Councilor Jill Duson, Chair
Members of the Housing and Community Development Committee

FROM: Mary Davis, Division Director
Housing and Community Development Division

DATE: June 9, 2017

SUBJECT: Update on Supplemental HOME Funds

As you may recall from previous committee meetings, HUD changed its grant accounting method which led the HCD Office to complete a comprehensive review of HOME program funding which identified \$320,000 in previously budgeted entitlement and program income funding that had not been allocated to a specific project. At the Committee's suggestion, \$30,000 was added to the Tenant Based Rental Assistance Program and \$290,000 was included in a Supplemental HOME Funds Application for rehabilitation of rental housing. It was important for the funds to be committed to a project prior to July 31, 2017 to meet HOME Program commitment regulations or the funds would be deobligated and returned to HUD.

On May 18th we received a notice from HUD that the Fiscal Year 2017 Consolidated Appropriations Act (Public Law No. 115-31) included a suspension of the 24-month HOME commitment requirement for deadlines occurring in 2016, 2017, 2018 and 2019. This means that we no longer have a July 31, 2017 commitment deadline and we will not have a commitment deadline in 2018 and 2019.

At the May 10th meeting, the Committee gave a conditional approval to an Avesta Housing request for assistance to complete repairs and upgrades to their newly acquired property at 61 Deering Street. Subsequent to the May 10th meeting Avesta approached the City to request that their application be placed on hold so that they could pursue a revised proposal which would include their long-term development plans for the site. A new application will be submitted to the City in the fall as part of an application with MaineHousing for Low Income Housing Tax Credits.

Without the pressure of a July 31st deadline, staff is proposing that \$200,000 of the supplemental HOME funding be held in reserve for the anticipated future application by Avesta. Of the remaining supplemental HOME funds, \$33,000 was added to the TBRA budget to fund that program through June 30. In the near future, staff will provide the Committee with recommendations for the balance of \$57,000.

2017 Housing Committee Work Plan

June 14, 2017

May 10, 2017

- 1) Overview of the Disorderly House Ordinance
- 2) Update and Overview of Housing Safety Office
- 3) Review of Proposed Changes to the Housing Code re: Habitation of Recreational Shelters
- 4) Review request(s) received through the Supplemental HOME Funds Application
- 5) Renewal of the City's participation in the Cumberland County HOME Consortium
- 6) 2017 Work Plan Discussion

June 14, 2017

1. Proposed revisions to the Disorderly House Ordinance/Short Term Rental Registration Ordinances
2. Review of Short Term Rental Implementation Guidelines
3. Update on the implementation of the 2016 Landlord/Tenants policies including review of Tenant Housing Rights brochure
4. Supplemental HOME Funds Update
5. 2017 Work Plan Discussion

July 12, 2017

- 1) Presentation from Portland Fire Department regarding Housing Safety
- 2) 2017 Work Plan Discussion

August 9, 2017 – Committee will not meet in August.

September 13, 2017

1. Review of FY17 HUD Consolidated Annual Performance Report
2. Begin discussion on Policies to Capitalize the Housing Fund.
3. Begin discussion to identify an unique opportunity to demonstrate engagement of the city in partnership (policy, expertise, funding, zoning, public land, etc) to leverage development of a unique mixed use project that includes work force and low income housing.
4. 2017 Work Plan Discussion

October 11, 2017

1. Pull together a Current Situation Report on Housing Policy, Availability and Affordability. This would include, an update on the implementation of policies e.g. inclusionary zoning. Establish a dashboard for annual or semi-annual evaluation.
2. Housing Update on Recent Revisions to the R-6 Zone;
3. Housing First Incentives;
4. Accessory Dwelling Unit (ADU) Analysis
5. 2017 Work Plan Discussion

November 8, 2017

1. Review of 2017 Annual Committee Report
2. 2017 and 2018 Work Plan Discussion

December 13, 2017 (First day of Hanukkah)