

HOUSING COMMITTEE

DATE: July 12, 2017

TIME: 5:30 pm – 7:30 pm

LOCATION: Council Chambers, 2nd Floor, City Hall

1. REVISED - Agenda For July 12, 2017 Housing Committee Meeting

Documents:

[00.1 REVISED HC AGENDA - 07.12.17.PDF](#)

2. Review And Acceptance Of Minutes Of Previous Meeting Held On June 14, 2017

Documents:

[01 DRAFT - MINUTES HOUSING COMMITTEE 06.14.17.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:

[02 MEMO RE SHORT TERM RENTALS AND DISORDERLY HOUSE ORDINANCE - 7-2017.PDF](#)

4. Update On Fire Department Inspection Program

Documents:

[03 UPDATE ON FIRE DEPARTMENT INSPECTION PROGRAM.PDF](#)

5. Update On HUD 2017 Formula Allocations For CDBG, HOME And ESG Programs

Documents:

[04 HUD FUNDING UPDATE MEMO.PDF](#)

6. Committee 2017 Work Plan Discussion

Documents:

[05 2017 HC WORKPLAN 07.07.2017.PDF](#)

Councilor Jill Duson, Chair

Next Meeting Date: September 13, 2017



HOUSING COMMITTEE

DATE: Wednesday, July 12, 2017
TIME: 5:30 p.m. – 7:30 p.m.
LOCATION: City Hall – 2nd Floor – COUNCIL CHAMBERS

**** MEETING WILL BE HELD IN COUNCIL CHAMBERS**

REVISED A G E N D A

1. Review and accept Minutes of previous meeting held on June 14, 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.

NOTE Pursuant to 1 M.R.S. § 405(E), the Committee may go into executive session to receive legal advice and provide direction to staff.

This is an action item; public comment will be taken.

3. Update on Fire Department Inspection Program – See enclosed memorandum from Assistant Fire Chief Keith Gautreau and Associate Corporation Counsel Anne Torregrossa.
4. Update on HUD 2017 Formula Allocations for CDBG, HOME and ESG – See enclosed memorandum from Mary Davis, HCD Division Director.
5. Committee Discussion re: 2017 Work Plan

Councilor Jill Duson, Chair

Next Meeting Date: September 13, 2017 at 5:30 PM in Room 209

Housing Committee

Minutes of June 14, 2017 Meeting

A meeting of the Portland City Council's Housing Committee (HC) was held on Wednesday, June 14, 2017 at 5:30 P.M. in Room 209 of Portland's City Hall. Councilors present at the meeting included Committee members Councilor David Brenerman, Councilor Brian Batson and Chair Councilor Jill Dusen. City staff present included Mary Davis, Division Director Housing and Community Development Division; Michael Russell, Director of Permitting and Inspections Department.

Item 1: Review and accept Minutes of previous meeting held on May 10, 2017.

Councilor Brenerman motioned and Councilor Batson seconded to accept the minutes from the May 10, 2017 Housing Committee meeting. Minutes were unanimously approved 3-0.

Item 2: Review and recommendation of proposed amendment to Chapter 6 re: Short Term Rental Registration Ordinance as it pertains to a disorderly house designation

Committee briefly discussed the item before Councilor Dusen moved to postpone item to July agenda for action; Councilor Batson seconds the motion and the Committee approves 3-0.

Item 3: Review of Short Term Rental Registration Implementation Guidelines

Mike Russell introduces the item. Infographic intended as a quick reference guide for the average consumer; it is not intended to be an all-inclusive resource. FAQ's were created to help consumers answer questions ahead of time. An updated version of the information was sent out to the Committee after the meeting that included comments made by the Committee and revisions made after the packet first went out. The revised documents are included as part of these minutes.

Councilor Brenerman and Councilor Dusen ask several clarifying questions which Mr. Russell responded to and noted in some cases that edits would be made to the documents.

Public Comment:

Karen Snyder, Waterville Street, recommends adding version control to the documents; asks for clarification on determining ownership status particularly with LLCs and other corporate structures; she feels like there is too much wiggle room for tenant occupied units; she inquires when the ordinance will

be reviewed to determine if it is really working; inquires about type of database that will be used for tracking the registrations and compliance.

Mr. Russell explains that the application is asking for names of partners/owners of LLC/business and indicates that penalties for false information can be imposed. The process will be re-evaluated and he will report data at a minimum of six months, including a review of the cap. Mr. Russell explains that the city is adopting a new computer system and that the Permitting & Inspections Department is one of first departments going on-line in February. They will also continue to use an access database and excel spreadsheets. Mr. Russell indicates that they will partner with a third party to monitor the different STR websites to ensure compliance.

An updated version of the information was sent out to the Committee after the meeting that included comments made by the Committee and revisions made after the packet first went out. The revised documents are included as part of these minutes.

Item 4: Update on Implementation of the 2016 Landlord/Tenant policies including a review of Tenant Housing Rights brochure.

Mary Davis introduces the memo. Committee would prefer that the members of the advisory committee be volunteers appointed by the Nominating Committee. The members of the Housing Committee suggest that the landlord association be invited to nominate one of three positions and a tenant organization (maybe Pine Tree Legal) be invited to nominate one position. Other committee members would be determined through the standard nominating committee process. The Nominating Committee would then make recommendations to the City Council. All appointments should be screened through the Nominating Committee. Councilor Brenerman suggests that landlord and tenant organizations provide 2 or 3 names for the Nominating Committee to select from.

Ms. Davis notes that staff is unclear on its role with the Rental Housing Advisory Committee and the implication of providing data and policy recommendations through the Advisory Committee and not directly to the Housing Committee.

Councilor Brenerman doesn't want to set expectations about the influence of the committee and amount of power of the advisory committee and believes the original intent was for landlords and tenants to work on issues of mutual concern, identify priority areas of contention that they can work on and present recommendations to the council. Councilor Brenerman suggests that the Housing Committee might want to make recommendation to the City Council to eliminate 6-225 (d) 1. and 2.

Councilor Duson asks staff to come back to the committee with suggestions to address concerns raised regarding Section 6-225 and notes that the Housing Committee should review housing data at regular intervals (annually for example).

Ms. Davis reviews the Tenant Housing Rights Form and Brochure. Councilor Duson suggests that Rights and Responsibilities in Rental Housing is perhaps a better reference than Tenant Housing Rights. The members of the Housing Committee suggest changes to the form and brochure. Ms. Davis indicates that the changes will be made by staff, the form and brochure will then be available on the website and printed copies of the brochure would be provided to Councilors.

Item 5: Update on Supplemental HOME Funds

Mary Davis introduces the item. This item will be added to a July City Council Agenda as a Communication Item from the Housing Committee.

Item 6: Committee discussion re: 2017 Work Plan

The Committee had a brief discussion on the proposed workplan. On a motion made and seconded the meeting was adjourned at 7:35 pm.

Respectfully submitted,
Mary Davis



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.
- Tenant must have notarized landlord permission.



Non-owner occupied single family/condo 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

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.
3. Calculate the fee owed with the table below.
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	\$ 200.00
	Second Unit	\$ 500.00
	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.



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)
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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
Mailing Address		Email Address

SECTION 4: PROPERTY MANAGER (if different than owner)

Property Manager Name	Telephone Number
Mailing Address	Email Address



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

Emergency Contact Name	Telephone Number
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SECTION 6: RENTAL UNIT REGISTRATION

Please describe the rental units by listing unit numbers or room numbers being registered:	Is the property: Owner occupied? (Yes/No) Tenant Occupied? (Yes/No) Non-Owner Occupied? (Yes/No)	Number of rental units registering
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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 Inspection Report from Preceding Year	\$10.00/unit	
No Smoking Lease	Copy of Signed Lease Language or Smoking Disclosure Form	\$2.50/unit	



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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 307
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

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 unless tenant has notarized landlord permission. • Cap of 300 units	• 2 guests per bedroom + 2 additional guests	• 2 guests per bedroom + 2 additional guests

Note: STR = Short Term Rental



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 to: housingsafety@portlandmaine.gov

Mail or submit in person to:

Permitting and Inspections Department
Rm 307
City Hall
Portland ME 04101

How do I register?

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

Mail or submit in person to:

Permitting and Inspections Department
Rm 307
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.



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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.

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 for more than 6 months of the year.

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

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



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

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

A maximum of \$20. Valid supporting documentation must be provided for each discount.

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

The fee is twice as much for each non-owner occupied unit registered (\$250, \$500, \$1,000, \$2,000, \$4,000) compared to owner occupied (\$100, \$250, \$500, \$1,000, \$2,000).

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.



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Michael A. Russell, MS, Director

Key Terms and Definitions (cont.)

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.

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.



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 _____. 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.
- The Housing Committee will evaluate the cap of 300 after June 30, 2018.

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 within 1 week, 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.

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: July 7, 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.



John Brennan
Fire Captain

FIRE PREVENTION BUREAU

Keith N. Gautreau
Assistant Fire Chief

David Petrucci
Fire Captain

MEMORANDUM

To: Housing Committee, Chair Councilor Dusen
From: Asst. Fire Chief Keith Gautreau, Anne Torregrossa
Date: July 7, 2017
Re: Update on Fire Department Inspection Program

I am pleased to present to you an overall update on the Fire Department's Inspection Program as it relates to the existing rental housing stock in the City.

NOTABLE CHANGES & IMPROVEMENTS SINCE NOYES STREET FIRE:

- **History of Fire Dept. Inspections**
 - Prior to Noyes Street Fire
 - 3 units and above, Schools, Fire Permits, Commercial
 - Realized that we needed an overhaul to our inspection program
 - We needed better record keeping, follow through, enforcement
- **Task Force Created**
 - Several Recommendations were put forth: Housing Safety Office
 - Public Education was needed for Fire Dept.
 - Life Safety Plan Reviewer in place now w/ Inspections & Permitting
 - June 2015 New Ordinance changes in place for one & two family dwellings
- **New Inspection Program / Process May 2015**
 - March 2015 NFPA (National Fire Protection Assoc.) Training
 - Training on our software and how to maximize its potential
 - New Enforcement Procedures in place (Summons)
 - Focus was on Residential Housing
 - Focus was on Quality not Quantity (take time and follow through)
 - This new program was rolled out on May 1, 2015
 - Recurring Department wide training twice in 2016 & 2017

After having the 1st year of the new Inspection Program behind us, newly hired attorney Anne Torregrossa worked with us to evaluate the entire program and its effectiveness. We also took feedback from our Company Officers and Landlords to make some changes to improve effectiveness and customer service. Below is a detailed description of the newly improved Proactive Inspection process for Residential Apartments:



FIRE PREVENTION BUREAU

The Current Process:

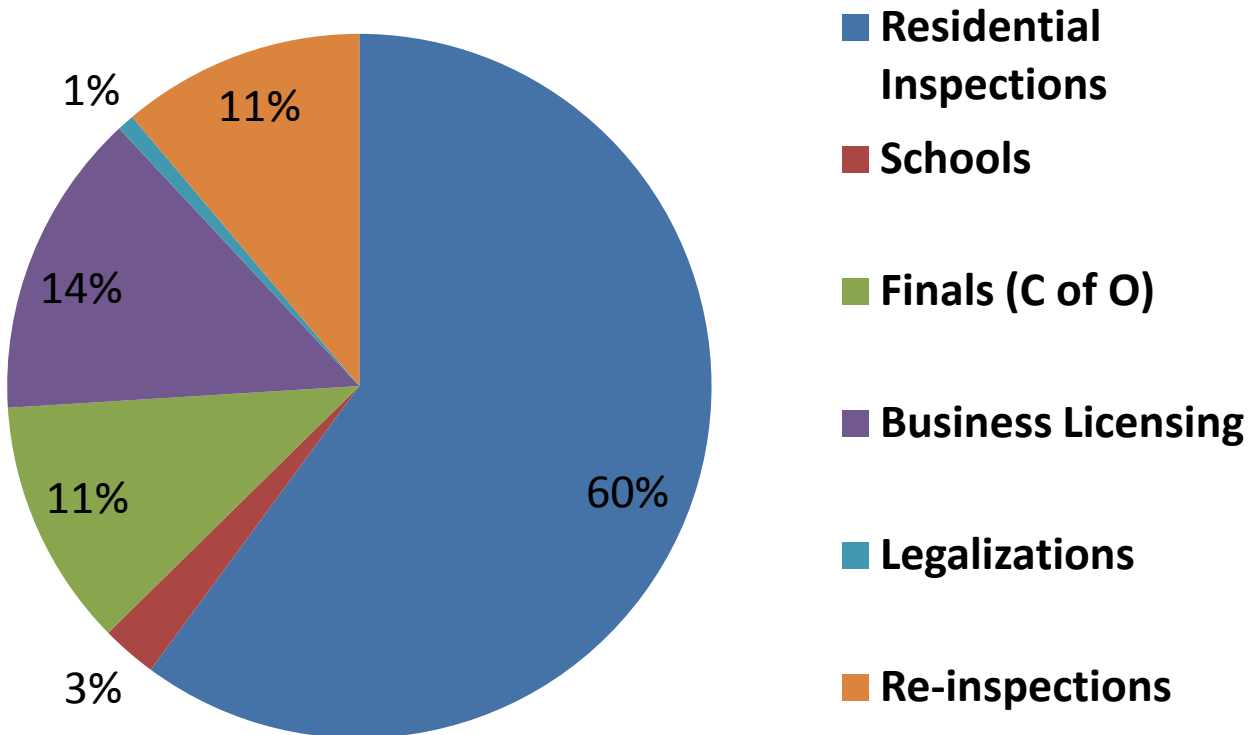
- The residential properties to be inspected are identified based on risk as per the recommendations of the Fire Task Force in 2015.
- **REQUEST TO INSPECT:** A letter is sent to the property owner, requesting an inspection. A sample letter is attached to this memo. If the property owner does not comply, the Department follows up with a phone call, email, or another letter. If the owner still does not comply, the Department seeks an administrative inspection warrant through the court system. Between the letters, follow up, and inspection warrants, we have been very successful in getting necessary inspections scheduled.
- **THE INSPECTION:** The Engine Company or a Fire Prevention Captain then conducts the scheduled inspection. Because owners have been notified of the inspection ahead of time, they are able to be present during the inspection and get feedback from the inspectors. Also, the inspectors are able to have full access to the buildings, including individual apartment units. Finally, because of the advanced notice, our inspectors are able to do the research on the property so that they can be more effective in their inspections.
- **NOV (Notice of Violation):** Where violations are found, a notice of violation and request for a plan of action is generated and mailed to the owner and property manager. A copy of that notice is also included with this memo. We recognize that not every repair can be completed in a set timeframe, so rather than imposing a deadline for compliance, we offer the owner the opportunity to give us a reasonable schedule for repair. The exception to that is where there are more imminent threats, such as missing smoke detectors or blocked exits, and we require those to be corrected immediately. If the owner's plan of action is acceptable, we sign off on the plan. If the plan is not acceptable, we work with the owners to craft a more reasonable plan.
- **POA (Plan of Action):** Once a plan of action is complete, we reinspect the building to ensure that all violations have been corrected. As long as an owner is making good progress towards completion and is communicative, we have also been willing to grant extensions of time on a case-by-case basis. We have attached a copy of a completed POA document.
- If at any point along the way the owner is uncommunicative, uncooperative, or is otherwise not meeting his or her obligations, we work with Corporation Counsel to obtain a consent agreement, or to issue a summons for the owner and/or property manager to appear in Court. In a few instances, we have issued civil penalties for uncooperative individuals.

We have worked hard to design a system that is fair to landlords and still effective in protecting occupants. We have incorporated feedback from all areas to improve the process, including the advance scheduling of inspections to ensure landlords can be present, giving owners the opportunity to propose their own plans of corrections, and revising our communications to be more clear and effective.



FIRE PREVENTION BUREAU

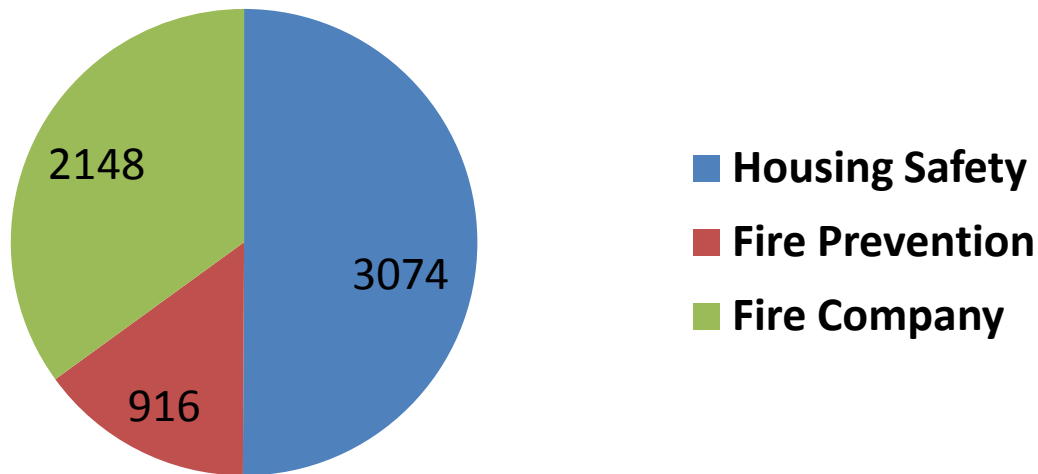
Inspections since May 1, 2015





FIRE PREVENTION BUREAU

Residential Inspection Volume since May 1, 2015



TOTAL INSPECTIONS: Includes Residential Apartments, Schools, Fire Permits, Complaints, Hazmat & Public Education

Year	Fire Prevention Total Inspections	Fire Companies Total Inspections	Fire Dept. Totals
2015	1,179	692	1,871*
2016	1,281	1,779	3,060
2017 YTD	526	896	1,422

Year	Request for Inspection Letters	NOVs (Notice of Violations)	POAs (Plan of Action)
2016	No letters mailed	160 NOVs sent out	120 POA's on file**
2017	225 Requests	220 NOVs sent out	150 POA's on file

* Started Inspection Program in May

** Some of these POA's were from the old inspection process in 2015.

**Fire Prevention Bureau & Community Outreach Branch**

John Brennan
Fire Captain

Keith N. Gautreau
Assistant Fire Chief

David Petrucci
Fire Captain

REQUEST FOR INSPECTION

May10, 2017

RALPH GILES
1400 LOWELL RD
CONCORD MA 01742

RE: **37 MORNING ST**
CBL: **003 C013001**

Dear Owner or Manager,

The City of Portland Fire Department requires routine inspections of multi-unit residential and commercial properties to ensure compliance with the fire and life safety codes. The above-referenced property is due for a routine fire inspection within the next two months.

You, as owner or agent for the above property, must contact the Fire Prevention Bureau at **207-874-8400** no later than **May 31, 2017** to schedule an inspection.

Inspection appointments are available Monday through Friday between **9:00 a.m.** and **4:30 p.m.** and will be conducted by a fire inspector.

- You or your agent must be present for the inspection and must allow the inspector access to all living or business units, as well as any common areas, basements, and/or attic space.
- Please ensure that all of your tenants receive appropriate advance notice.
- If fail to keep your requested appointment, cancel your appointment with less than 24-hours notice, or do not allow the inspector access to all areas of the building, you may be charged a civil penalty of \$150.00.

If I do not hear from you by **May 31, 2017**, I will consider it a refusal to allow an inspection, which is a violation of the City of Portland Code of Ordinances and state law, and is subject to civil penalties, potential legal action, and other remedies.

I appreciate your cooperation and your efforts to keep Portland residents and businesses safe.

Sincerely,

Captain David Petrucci

**Fire Prevention Bureau & Community Outreach Branch****Items Commonly Examined During Inspections**

The fire inspector will conduct a thorough inspection to ensure satisfactory life safety conditions on your property. The conditions to be reviewed include, but are not limited to:

- Condition of exits including stairwells and fire escapes
- Interior finish – type and condition of walls and ceilings
- Condition of basement
- Operation of exit doors
- Rating and operation of fire doors - self closing and latching
- Emergency lighting
- Exit signs
- Smoke alarms and CO alarms
- Components of fire-resistive construction
- Grills on balconies
- Proper addressing of the building
- Proper addressing of the units
- Building exit discharge areas
- Fire alarm inspection sticker
- Smoke detectors/heat detectors
- Records for fire alarm and fire protection systems

CITY OF PORTLAND
FIRE PREVENTION BUREAU
380 Congress Street, Portland, Maine 04101
fireprevention@portlandmaine.gov
(207) 874-8400

NOTICE OF VIOLATION AND ORDER TO CORRECT

June 7, 2017

Responsible Party 1: Giles II Ralph W E 1400 Lowell Rd Concord, MA 01742		
Location 37 MORNING ST	CBL 003 C013001	Inspection Date 6/1/2017
Inspector Mark Stewart	Inspection Type FP Routine Inspection	Status Failed

The City of Portland Fire Department inspected this property, and found the fire and life safety code violations listed below, which you are hereby ordered to correct. You must propose a date of completion to remedy each violation, a final date of completion, and a date of re-inspection.

You must send this form to the Fire Prevention Bureau no later than 6/30/2017.

Your failure to submit a plan of action by the date provided, or to correct any violation within the applicable time frame, may result in legal action against you, the imposition of civil penalties, and the pursuit of other legal remedies.

Violation	Proposed Date of Completion
NFPA 101- 31.3.4.5.1 SMOKE ALARMS REQUIRED; In buildings other than those equipped through out with an existing, complete automatic smoke detection system, smoke alarms shall be installed in accordance with 9.6.2.10, as modified by 31.3.4.5.2, outside every sleeping area in the immediate vicinity of the bedrooms and on all levels of the dwelling unit, including basements. First floor apartment needs detector outside bedroom.	IMMEDIATELY install temporary alarms where required. Your signature below indicates that temporary alarms have already been installed.
NFPA 1 EXCESSIVE/DISORDERLY STORAGE; Reference NFPA 1 for excessive fuel-load. Storage not allowed in stairwells.	___/___/___
NFPA 101- 8.3.4.2 60 MINUTE FIRE DOOR REQUIRED; Refer to NFPA 101- Table 8.3.4.2 that states fire door assemblies for vertical shafts (including stairways, exits, and refuse chutes) are rated and required for 1 hour. Fire door required from basement into rear stairwell.	___/___/___
FINAL DATE OF COMPLETED VIOLATION(S)	___/___/___
FIRE PREVENTION BUREAU RE-INSPECTION OF COMPLETED VIOLATION(S)	___/___/___

The Bureau reserves the right to reject or modify any proposed plan of action, and may require evidence of sufficient financial and technical capacity to complete the proposed plan. Please contact the Bureau with any questions.

VIOLATOR CERTIFICATION

I agree to remedy the violations listed within the timeframes provided. If I require additional time to comply, I understand that I must contact the Fire Prevention Bureau prior to the deadline to request an extension, which is entirely within the Bureau's discretion to grant or deny.

I further understand that it is my responsibility to schedule a reinspection of my property once the violations have been remedied to do so. My failure to schedule a reinspection shall be deemed an admission that the violations have not been remedied.

If I fail to comply with this agreement, I understand that I am liable for penalties pursuant to the City of Portland Code of Ordinances §§ 1-15 and 10-25, and 30-A M.R.S. § 4452 and may be subject to further legal action.

Date

Responsible Party

Date

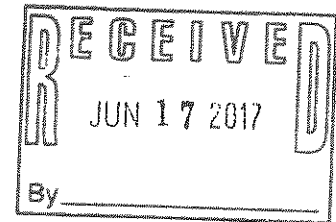
Responsible Party

SEEN AND AGREED

Date

Fire Prevention Bureau

CITY OF PORTLAND
FIRE PREVENTION BUREAU
380 Congress Street, Portland, Maine 04101
fireprevention@portlandmaine.gov
(207) 874-8400



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NFPA 1 EXCESSIVE/DISORDERLY STORAGE; Reference NFPA 1 for excessive fuel-load. Storage not allowed in stairwells.	6/14/17
NFPA 101- 8.3.4.2 60 MINUTE FIRE DOOR REQUIRED; Refer to NFPA 101- Table 8.3.4.2 that states fire door assemblies for vertical shafts (including stairways, exits, and refuse chutes) are rated and required for 1 hour. Fire door required from basement into rear stairwell.	6/14/17
FINAL DATE OF COMPLETED VIOLATION(S)	6/14/17
FIRE PREVENTION BUREAU RE-INSPECTION OF COMPLETED VIOLATION(S)	— / — / —

Scheduled for
7/7 @ 330P

The Bureau reserves the right to reject or modify any proposed plan of action, and may require evidence of sufficient financial and technical capacity to complete the proposed plan. Please contact the Bureau with any questions.

VIOLATOR CERTIFICATION

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Date

6/14/17

Responsible Party



Date

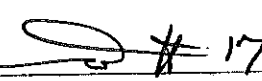
Responsible Party

SEEN AND AGREED

Date

6/20/17

Fire Prevention Bureau

Cap. JBB  # 17



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: July 7, 2017

SUBJECT: Update on HUD 2017 Formula Allocations for CDBG, HOME and ESG Programs

When the City Council approved the HCD Budget on April 5, 2017, it was with the understanding that HUD had not released the 2017 formula allocations for the CDBG, HOME and ESG programs. The City Council approved budgets were developed assuming level program funding. We received the 2017 formula allocations from HUD on June 14.

	Estimated Allocation	Actual Allocation	Funding Difference
CDBG	\$1,791,448	\$1,745,465	-\$45,983
HOME	\$832,642	\$824,856	-\$7,786
ESG	\$161,232	\$161,280	\$48

Council Resolve 5-16/17 adopting and appropriating the CDBG, HOME and ESG funds gave the City Manager the authority to make proportional adjustments to the HCD budgets to match the actual allocation amounts.

CDBG

The final HUD allocation for the CDBG program was \$1,745,465, which was \$45,983 less than budget estimate. Program Income and Reprogrammed amounts have not changed. As a result, the budget categories were decreased and the program allocations were proportionally adjusted. A copy of the CDBG Recommendations 2017-2018 spreadsheet is attached.

	Council Approved	Actual Amount	Difference
Admin and Planning	\$405,290	\$396,093	-\$9,197
Social Services	\$626,625	\$611,451	-\$15,174
Development Activities	\$976,533	\$954,921	-\$21,612



Mary Davis

Division Director, Housing & Community Development Division

HOME

The final HUD allocation for the HOME program was \$824,856, which was \$7,786 less than the budget estimate. As a result, the budget categories were decreased and the program allocations were proportionally adjusted. Additional adjustments were made to more accurately reflect the distribution of program income:

- (1) \$11,196 of the \$200,000 in HOME program income should have been allocated to the county program;
- (2) only \$15,665 of the \$200,000 in program income can be used for HOME Admin; the Council approved budget included \$20,000 in program income for HOME Admin.

	Council Approved	Actual Amount	Difference
City Program Funding	\$710,409	\$694,441	-\$15,968
Admin	\$103,264	\$98,151	-\$5,113
Housing Rehab	\$150,000	\$141,639	-\$8,361
TBRA	\$130,000	\$130,000	\$-0-
Affordable Housing Development	\$255,954	\$254,125	-\$1,829
CHDO	\$71,191	\$70,525	- \$666
County Program Funding *	\$322,233	\$330,415	\$8,182

*County Program Funding is not approved by the City Council; allocation of County Funds is done by the County's Municipal Oversight Committee.

ESG

The final HUD allocation for the ESG program was \$161,280 which was \$48 more than the budget estimate. As a result, the funding category budgets were increased as noted below.

	Council Approved	Actual Amount	Difference
Operations Homeless Health	\$0	\$0	\$0
Essential Services: Family Shelter	\$28,327	\$28,327	\$0
Homeless Prevention: Family Shelter	\$52,369	\$52,395	\$26
Homeless Prevention: Oxford Street	\$13,244	\$13,262	\$18
Rapid Rehousing: Oxford Street	\$55,200	\$55,200	\$0
Administrative and HMIS	\$12,092	\$12,096	\$4

CDBG Recommendations 2017-2018

Administration and Planning

Administration and Planning

Type	Priority	Organization	Program/ Project	Request	Priority Impact/ Goal 33 pts	Guiding Principles 30 pts	Capacity to Deliver 25 pts	Partner/ Collaborator 12 pts	Total	Committee Recommendation	City Manager Recommendation	Adjusted Council Allocation	
1	AP	All	Planning & Urban Dev Dept.	CDBG Admin and Planning	\$444,571					\$405,290	\$405,290	\$396,093	
Total Admin & Planning Available					\$405,290					Subtotal:	\$405,290	\$405,290	\$396,093

Development, Economic Development and Construction

Type	Priority	Organization	Program/ Project	Request	33 pts	30 pts	25 pts	12 pts					
4	SET	NI	COP Public Works	Oxford St/ Bayside Sidewalk Improvements	\$210,000	29.75	25.88	18.13	7.25	81.00	\$210,000	\$210,000	\$205,352
3	SET	NI	COP Public Works	Marginal Way Master Plan Streetscape Phase 2	\$330,000	27.50	21.75	20.50	4.25	74.00	\$201,332		\$0
2	SET	NI	COP Public Works	High Street Sidewalk Improvements	\$250,000	23.00	20.13	17.63	3.38	64.13			\$0
18	ED	EO	Coastal Enterprises Inc. (CEI)	Portland Microenterprises Assistance Program	\$45,000	30.13	26.75	22.00	10.38	89.25	\$45,000	\$45,000	\$44,004
17	ED	EO	COP Economic Dev. Dept.	Business Assistance Program for Job Creation	\$111,000	29.25	26.25	22.25	10.38	88.13	\$111,000	\$111,000	\$108,543
15	CON	NI	YMCA of Southern Maine	Boiler Replacement for the Men's Dormitory	\$74,991	26.50	27.13	22.88	10.75	87.25	\$74,991	\$74,991	\$73,331
16	CON	NI	Youth and Family Outreach	Life and Safety Upgrades	\$204,182	26.25	26.00	19.63	10.88	82.75	\$164,210	\$204,182	\$199,663
7	CON	NI	Catholic Charities	Energy Efficiency Upgrades - Support and Recovery Services	\$47,145	24.71	24.29	21.29	10.14	80.43		\$47,145	\$46,102
6	CON	EO	Catherine Morrill Day Nursery	Toddler Classroom Expansion Project	\$235,156	25.63	25.00	19.00	10.38	80.00		\$200,000	\$195,575
14	CON	NI	Preble Street	Resource Center Rehabilitation Project	\$125,103	24.25	26.13	18.63	10.50	79.50			\$0
8	CON	NI	The Iris Network	Dormitory Accessibility for the Blind	\$157,500	23.38	21.63	22.00	10.88	77.88			\$0
5	CON	NI	Bayside Neighborhood Assoc.	Bayside: A Livable Neighborhood Community Garden	\$12,800	25.25	23.75	20.00	8.00	77.00		\$12,800	\$12,517
9	CON	EO	Learning Works	Renovation of Historic 181 Bracket Phase 2	\$73,759	23.63	23.00	19.38	10.50	76.50			\$0
12	CON	NI	COP Parks, Rec, and Facilities	East Bayside Soccer Field Fencing and Futsal Court	\$152,700	26.75	25.13	17.38	5.13	74.38		\$71,415	\$69,834
13	CON	NI	Port Resources	70/72 Emery Street Bathrooms and Roof Renovations	\$79,350	23.13	21.88	18.13	7.38	70.50			\$0
10	CON	NI	Mayo Street Arts	ADA Accessibility for Mayo Street Arts	\$113,075	21.63	22.75	18.13	3.63	66.13			\$0
11	CON	NI	COP Parks, Rec, and Facilities	Cliff Island School Playground	\$57,200	19.50	15.75	16.63	6.50	58.38			\$0

Total Development, Econ Dev. & Construction Requests	\$2,278,961			
Total HUD Allocated Development Funds Available	\$806,533			
Total Funds Available to City Manager and Council (HUD Funds + Program Income + Contingency)	\$976,533	Subtotal:	\$806,533	
		Subtotal:		\$976,533
				\$954,921

Social Service

					\$621,866	Priority Impact/ Goal	Guiding Principles	Capacity to Deliver	Partner/ Collaborat ion	Total	Committee Recommendation	City Manager Recommendation	Adjusted Council Allocation
Type	Priority	Organization	Program/ Project	Request	33pts	30 pts	25 pts	12pts					
19	SET	NI	Police Department	Community Policing	\$150,000						\$150,000	\$150,000	\$150,000
38	SS	ANGHP	Wayside Foods Program	Direct Services Programs	\$30,000	31.75	28.88	23.25	11.00	94.88	\$30,000	\$27,000	\$26,140
34	SS	ANGHP	Preble Street	Florence House Women's Shelter	\$30,000	31.75	27.88	23.38	11.13	94.13	\$30,000	\$27,000	\$26,140
35	SS	ANGHP	Preble Street	Food Programs	\$50,000	31.50	28.25	23.25	10.63	93.63	\$50,000	\$45,000	\$43,568
37	SS	ANGHP	Preble Street	Resource Center	\$45,000	30.75	28.50	23.25	10.75	93.25	\$45,000	\$40,500	\$39,211
36	SS	ANGHP	Preble Street	Joe Kreisler Teen Shelter	\$30,000	31.25	26.75	22.88	10.88	91.75	\$30,000	\$27,000	\$26,140
24	SS	EO	Catherine Morrill Day Nursery	Portland CDBG Childcare Voucher Collaborative	\$88,711	30.75	26.63	22.13	10.75	90.25	\$88,711	\$79,840	\$77,298
27	SS	ANGHP	COP- Social Services Dept.	Family Shelter- After Hours Program	\$49,224	30.50	27.13	21.38	11.25	90.25	\$49,224	\$44,302	\$42,891
31	SS	ANGHP	Milestone	HOME Team & Medical Outreach	\$130,000	30.75	26.75	21.88	10.88	90.25	\$130,000	\$117,000	\$113,275
29	SS	EO	COP- Social Services Dept.	Portland Opportunity Crew	\$18,931	32.63	27.50	20.75	5.50	86.38	\$18,931	\$17,038	\$16,496
21	SS	ANGHP	Amistad Inc.	Peer Coaching Initiative	\$60,000	29.13	24.38	22.00	10.75	86.25	-\$10,415	\$51,946	\$50,292
22	SS	ANGHP	Amistad Inc.	Peer Support and Recovery Center	\$35,000	28.88	25.50	22.63	8.00	85.00			\$0
30	SS	EO	LearningWorks	English Language Program	\$60,000	27.88	25.38	21.13	10.50	84.88			\$0
28	SS	ANGHP	COP- Social Services Dept.	Oxford Shelter- Housing Assistance- Long Term Stayers	\$51,541	26.00	25.50	20.63	11.25	83.38			\$0
32	SS	ANGHP	The Opportunity Alliance	Homeless Prevention Program (HPP)	\$54,000	29.88	24.88	20.38	8.25	83.38			\$0
33	SS	EO	Portland Adult Education	New American Skilled Professional Enhanced Services	\$75,379	27.88	23.50	20.13	11.25	82.75			\$0
25	SS	NI	Catholic Charities	Immigrant Legal Services	\$52,151	24.86	23.14	20.71	7.86	76.57			\$0
26	SS	NI	Catholic Charities	Independent Living Support Services	\$78,463	24.14	23.86	18.29	7.71	74.00			\$0
23	SS	NI	Bayside Neighborhood Assoc.	Programming to accompany Community Garden	\$10,400	21.38	21.75	19.75	8.00	70.88			\$0
20	SS	EO	Alpha One	Indep. Living for Portland New Americans w/ Disabilities	\$75,000	21.13	21.25	17.88	4.25	64.50			\$0
Total Social Services					\$1,173,800								
Total Social Services Available					\$611,451	Subtotal:					\$611,451	\$626,625	\$611,451
ALL CDBG REQUESTS TOTAL					\$3,897,332	Allocation Total:					\$1,823,274	\$2,008,448	\$1,962,465

2017 Housing Committee Work Plan

July 7, 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) Proposed revisions to the Disorderly House Ordinance/Short Term Rental Registration Ordinances
- 2) Update on Fire Department Inspection Program
- 3) Update on HUD 2017 HUD Funding Allocations for CDBG, HOME and ESG
- 4) 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)