

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
BENJAMIN GRANT (A/L)



SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

SPECIAL CITY COUNCIL MEETING - SEPTEMBER 3, 2025 (HYBRID)

The Portland City Council will hold a City Council Meeting in Council Chambers. The Honorable Mark Dion, Mayor, will preside.

To submit written public comment on an agenda item, email publiccomment@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Council meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the order number (see below).

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall and via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. A recording will be available in the [Agenda Center](#) following the meeting.

For public comment via Zoom, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

To join this meeting remotely, please visit: <https://portlandmaine.gov.zoom.us/j/81114228884?pwd=bjHvOixYFFy9JjdZq5FbpqabKd8pDa.1>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ANNOUNCEMENTS:

RECOGNITIONS:

PRESENTATIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING:

City Council Meeting Minutes-August 25, 2025

PROCLAMATIONS:

Proclamation 2-25/26 Recognizing September 12 to September 21, 2025 as Welcoming Week - Sponsored by Mark Dion, Mayor

Proclamation 3-25/26 Recognizing September 15 to September 21, 2025 National Rehabilitation Awareness Week - Sponsored by Mark Dion, Mayor

**Proclamation 4-25/26 Recognizing September 2025 as African Heritage Month -
Sponsored by Mark Dion, Mayor**

APPOINTMENTS:

**Order 39-25/26 Confirming the Appointment of Mary Christie as Associate
Corporation Counsel - Sponsored by Michael Goldman, Corporation Counsel**

Attorney Mary Christie will serve the Office of Corporation Counsel as an Associate Corporation Counsel. This order would confirm her appointment and set her salary at \$121,225.

To make this item effective immediately, staff is requesting that this item be passed as an emergency. Seven affirmative votes are required for passage as an emergency after public comment.

CONSENT ITEMS:

**Order 40-25/26 Declaring October 5, 2025 the 34th Annual Maine Marathon, Half
Marathon & Relay Festival - Sponsored by Danielle P West, City Manager**

This will be the 34th running of the Maine Marathon. There will be approximately 3,500 registered runners, with approximately 800 anticipated spectators lining much of the race route.

Baxter Boulevard and Payson Park as well as Preble Street from Hannaford to Baxter Boulevard will be closed to vehicular traffic from 5 am to 3 pm.

Baxter Boulevard between Pedro Field and Hannaford entrance is the START/FINISH line area and where several tents will be set up.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

**Order 41-25/26 Granting Municipal Officers' Approval of Watami Old Port Corp.,
dba Watami. Application for Class I FSE with Outdoor Dining on Private Property
at 230 Commercial Street - Sponsored by Danielle P. West, City Manager**

Application was filed on 8/11/25. Location was previously Sapporo.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

**Order 42-25/26 Granting Municipal Officers' Approval of Duoro LLC, dba Duoro
LLC. Application for Class I FSE at 110 Thames Street, Suite A - Sponsored by
Danielle P. West, City Manager**

Application was filed on 8/7/25. This establishment is occupying a new premises.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

Order 43-25/26 Granting Municipal Officers' Approval of Tripp Lake Hospitality Inc, dba Abbiocco. Application for Class I FSE with Outdoor Dining on Private Property at 634 Forest Avenue - Sponsored by Danielle P. West, City Manager

Application was filed on 7/21/25. Location was previously Sissle and Daughters.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

Order 44-25/26 Granting Municipal Officers' Approval of Sandstorm LLC, dba Rising Tide Brewing Company. Application for Class I FSE at 103 Fox Street - Sponsored by Danielle P. West, City Manager

Application was filed on 8/4/25. This is an existing establishment with Combined Entertainment and Outdoor Dining on Private Property upgrading their liquor license classification.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

Order 45-25/26 Granting Municipal Officers' Approval of TPBB Inc, dba Tomaso's Pizza & Burger Bar. Application for Indoor Entertainment at 51 Wharf Street - Sponsored by Danielle P. West, City Manager

Application was filed on 7/31/25. This is an existing establishment with a Class I FSE and Outdoor Dining on Public Property.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

COMMUNICATIONS:

Communication 3-25/26 Staff Update re: Revitalization of Congress Street Corridor - Greg Jordan, Assistant City Manager

As a communication this item requires no public comment or formal Council action.

RESOLUTIONS:

Resolve 1-25/26 Approving Ecomaine Revenue Bond Financing - Sponsored by Danielle P. West, City Manager

This resolution is to comply with the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). Ecomaine is a quasi-municipal organization that plans to borrow money to purchase new recycling equipment to replace a 30-year-old system that is past the end of its useful life. The recycling facility is in Portland and TEFRA states that a municipal officer, in this case the City Council, needs to sign off that Portland agrees with this project.

Five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 161-24/25 Accepting and Appropriating a \$96,400 State of Maine Community Paramedicine Grant for the Portland Fire Department - Sponsored by Danielle P. West, City Manager

Subject to approval, this \$96,400 federal grant distributed by the Maine Department of Public Safety will be used by the Portland Fire Department for the purpose of enhancing Portland's Community Paramedicine services. Specifically, this funding will support the training and certification of eight (8) Mobile Medical Outreach team members as Community Paramedicine Technicians. Grant funding will cover employee compensation costs related to taking off-duty classes (\$86,400) and the cost of program tuition (\$10,000).

This item must be read on two separate days. It received its first reading on April 14. It was postponed on April 28 and again on May 19. Five affirmative votes are required for passage after public comment.

Order 32-25/26 Accepting and Appropriating a \$25,000 Resilient Communities Grant from the Casco Bay Estuary Partnership and Approving the Subaward Between the University of Maine System and the City of Portland - Sponsored by Danielle P. West, City Manager

If approved, this \$25,000 grant would be used to collect vital data on how immigrant and under-represented communities interact with climate resiliency efforts. This funding from the Casco Bay Estuary Partnership Resilience and Monitoring Grants as part of its *Bridging Cultures for Climate Resilience Project: A Community Needs Assessment* will provide insights that will directly support the City of Portland's efforts to build a comprehensive community resilience plan which reflects and accounts for the needs and experiences of under-represented communities. The process will also bring together groups that typically do not work together, fostering new partnerships, collaboration, and a resilient Portland for everyone.

This item must be read on two separate days. It received its first reading on August 25. Five affirmative votes are required for passage after public comment.

Order 33-25/26 Accepting and Appropriating a \$156,378 Parks Lighting Pilot Grant from the United States Tennis Association - Sponsored by Danielle P. West, City Manager

This agenda item seeks the City Council's approval to formally accept and appropriate a grant totaling \$156,378 from the United States Tennis Association (USTA). This significant funding is specifically designated for the installation of new, state-of-the-art lighting at the tennis courts located in Payson Park. This grant, part of the USTA Parks Lighting Pilot Program, will enhance the park's recreational facilities, extending playability into the evening hours and significantly improving the overall experience for our community's tennis enthusiasts.

Acceptance of this grant comes with several collaborative commitments designed to maximize the impact of the improved facilities. These include a commitment to display USTA promotional materials, allow USTA to survey participants, and maintain the new lighting infrastructure for a minimum of five years. Furthermore, the grant includes the provision of USTA's SmartAccess gate system hardware, which will enable online court booking, usage tracking, and potential revenue generation, with the USTA covering the

first year of the associated subscription service. This partnership aims to not only upgrade our facilities but also foster increased tennis participation and programming within the community.

This item must be read on two separate days. It received its first reading on August 25. Five affirmative votes are required for passage after public comment.

Order 34-25/26 Appropriating \$2,448,173 in HOME American Rescue Plan Funding - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

The American Rescue Plan (ARP) appropriated funds for the U.S. Department of Housing and Urban Development (HUD) to distribute under the HOME Investment Partnership Program (HOME). The Cumberland County HOME Consortium (CCHC), a partnership between the City of Portland and Cumberland County, received a \$3,599,560.00 allocation from the HOME-ARP program. The HOME-ARP program is intended to provide affordable rental housing, tenant based rental assistance, supportive housing services, and non-congregate shelter development, and other resources to HOME-ARP Qualifying Populations (QPs) which includes folks experiencing homelessness and other vulnerable populations. The City of Portland and Cumberland County's HOME-ARP Allocation Plan was approved by Order 154-22/23 and by HUD on May 1, 2023, and the Substantial Amendment to this Allocation Plan was approved by Order 179-23/24 and by HUD on September 4, 2024.

The Housing & Economic Development Committee met on July 15, 2025 and voted (3-1 Sykes), to make the following funding recommendations for approval by the City Council (see Background section of staff memo for more information on each application):

- Development of Affordable Rental Housing (\$1,429,000): Youth and Family Outreach \$950,000 and Greater Portland Family Promise \$479,000
- Supportive Services (\$1,019,173): Commonsplace \$471,454.45, Milestone \$197,000 and Preble Street \$350,718.55

This item must be read on two separate days. It received its first reading on August 25. Five affirmative votes are required for passage after public comment.

Order 35-25/26 Amendment to Portland City Code Chapter 30 RE: Taxi Fares - Sponsored Sustainability & Transportation Committee, Councilor Regina Phillips, Chair

Chapter 30 regulates the fares taxi operators are allowed to charge their passengers. The ordinance establishes a base fare and sets a rate for each additional one-tenth of a mile and provides for a charge for time spent waiting at the request of the passenger. The ordinance also establishes a minimum fare for rides that begin at the Portland Jetport. Taxi fares have not been amended for more than ten years and have not kept up with the increased costs of operating a taxi service. After reviewing rates in comparable cities, including Manchester, NH and Burlington, VT, the Sustainability and Transportation Committee unanimously recommended the proposed rates during their meeting on July 9.

This item must be read on two separate days. It received its first reading on August 25. Five affirmative votes are required for passage after public comment.

Order 36-25/26 Amendment to Portland City Code Chapter 6 RE: Vacant Commercial Properties - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

At the Housing and Economic Development Committee meeting held on June 17, 2025, the Committee reviewed proposed amendments to Chapter 6 of the City Code to add a section "Vacant Commercial Properties" to promote public welfare, economic development, and vibrancy in the city by incentivizing occupancy in its street-level commercial spaces. The HEDC voted 4-0 to forward the amendments to the Portland Planning Board and City Council for approval. The Planning Board met on July 22, 2025, and voted 6-0 to send the proposed amendments to City Council for approval.

This is a companion order to the order below.

This item must be read on two separate days. It received its first reading on August 25. Five affirmative votes are required for passage after public comment.

Order 37-25/26 Amendment to Portland City Code Chapter 14 RE: Pedestrian Activities District (PAD) Overlay Zone - Sponsored by the Planning Board, Brandon Mazer, Chair

On July 22, 2025 the Planning Board voted unanimously (6-0, Silk absent) to recommend that the City Council adopt a text amendment to Section 8.5 of the land use code pertaining to the Pedestrian Activities District (PAD) Overlay zone. The proposed text amendment would add a provision that requires buildings located within the areas identified on the PAD Overlay Zone map to comply with the Vacant Commercial Properties Ordinance, as would be outlined in Chapter 6 of the City Code. This change is necessary to define the boundary as outlined in the proposed Vacant Commercial Properties Ordinance. If the proposed Vacant Commercial Properties Ordinance is not adopted by the City Council, this text amendment would no longer be pursued.

This is a companion order to the order above.

This item must be read on two separate days. It received its first reading on August 25. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 46-25/26 Approving Agreement Between the State of Maine Department of Transportation and the City of Portland RE: Pedestrian Crossing Improvements on West Commercial Street - Sponsored by Danielle P. West, City Manager

This project is part of MaineDOT's Locally Administered Project (LAP) Program. The City of Portland DPW will administer the project and pays 10 percent of the estimated cost. By signing the partnership agreement, it enables MaineDOT and DPW to proceed with the project and obligates the City to pay for 10% of the original estimated project cost; the City share for this initial phase of design work is estimated to be \$17,078.30. The MaineDOT, using state and federal funding, will be paying \$153,704.70.

This item must be read on two separate days. This is its first reading.

EXECUTIVE SESSION:

ADJOURNMENT:

ZOOM INFORMATION:

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall.

<https://portlandme.portal.civicclerk.com/event/8078/media>

PLEDGE OF ALLEGIANCE:

Mayor Dion led all present in the Pledge of Allegiance.

ROLL CALL:

Mayor Dion called the meeting to order at 4:00pm.

Councilors Present: Councilor Fournier, Councilor Sykes, Councilor Ali, Councilor Pelletier, Councilor Michniewicz, Councilor Phillips, Mayor Dion

Councilors Absent: Councilor Grant, Councilor Bullett

Councilor Grant joined at 4:15pm

Councilor Bullett joined at 4:20pm

4:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

Motion was made by Councilor Ali and seconded by Councilor Fournier to suspend rules of procedure to accept public comment at 4:00pm instead of 5:00pm. Passage: 7-0 (Councilor Grant & Bullett absent)

Mayor Dion opened the floor for public comment. The following individuals spoke: Lisa Gloss (Washburn Avenue), Bill Webber (District 5), George Rheault (Hanover Street), Gibson Shield (Portland Resident)

Motion was made by Councilor Sykes and seconded by Councilor Ali to suspend council rules and allow public comment on an item that is on the agenda: Communication 2-25/26 Federal Aviation Administration Grant Agreements. Passage 6-3 (Councilor Grant, Michniewicz and Mayor Dion opposed)

The following individuals spoke: Joey Burnelle (Pine Street), Stephen Scharff (Brackett Street)

ANNOUNCEMENTS:

Mayor Dion opened the floor for Council Announcements. The following made an announcement: Mayor Dion - Orders 239-24/25 and Order 26-25/26 will be taken out of order and moved to the end of the meeting.

RECOGNITIONS:

PRESENTATIONS:

APPROVAL OF MINUTES OF PREVIOUS MEETING

City Council Meeting-August 11, 2025

Motion was made by Councilor Ali and seconded by Councilor Sykes for passage.

Passage: 9-0

COMMUNICATIONS:

**Communication 2-25/26 Federal Aviation Administration Grant Agreements -
Mark Dion, Mayor**

Mayor Dion provided Communication 2-25/26 Federal Aviation Administration Grant Agreements

UNFINISHED BUSINESS:

Order 239-24/25 Setting Election Date on an Amendment to Chapter 33 of the Portland City Code RE: an Act to Increase Portland's Minimum Wage - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

Motion was made by Councilor Phillips and seconded by Councilor Ali for passage, as amended. Passage: 5-4 (Councilor Grant, Ali, Michniewicz, Mayor Dion-Opposed)

Mayor Dion opened the floor for public comment on the item. The following individuals spoke:

Steve Dimillo (Dimillos on the Water) , Buddy Moore (District 3), Nancy Walker (Quebec Street), Paul Anato (Brunos Restaurant), Steve Lecara (Cera), George Rheault (Hanover Street), Em (Maine DSA), George Rheault (Hanover Street), Charlotte Reedy (Leeland Street), Quincy Hentzel (Portland Regional Chamber), Wade (Leeland Street), Ed Sabone (University of New England), Lyla (University Street), Brian Batson (Maine Health), Gibson Shields (West End), Tamara Gallagher (Child Care Owner), Nate Cloutier (Hospitality Maine), Jennifer Dearborn (Port Resources), Mary Allen Lindemann (Coffee by Design), Todd Chretien (Portland Resident), Tony Irish (Portland Business Owner), Todd Morse (Ken Street), O'Rien (Portland Resident), Richard Pfeffer (Grittys), Nicole (Italian Heritage Center), Mike Cleary (Planet Fitness), Eammond Dundon (Portland Regional Chamber), Grayson Lookner (Portland Resident/State Representative), David Turner (Davids Restaurant), Stephen Scharff (Brackett Street)

The following amendments were voted on:

Motion was made by Councilor Ali and seconded by Councilor Phillips to amend.

Amendment titled: Ali Amendment #1 RE: Business with Fewer than 50 Employees.

Amendment in backup materials. Failed 1-7 (Councilor Fournier, Grant, Sykes, Pelletier, Michniewicz, Bullett, Phillips, Mayor Dion-Opposed)

Mayor Dion opened the floor for Council comment on this amendment. The following individuals spoke: Councilor Pelletier, Councilor Sykes, Mayor Dion, Councilor Ali

**Amendment Failed.*

Motion was made by Councilor Ali and seconded by Councilor Phillips to amend.

Amendment titled: Sykes/Phillips Amendment #2 RE: Wage Schedule. Amendment in backup materials.

Motion to amend: Sykes/Phillips Amendment #2 RE: Wage Schedule. Passage 6-3 (Councilor Ali, Pelletier, Mayor Dion-Opposed).

Mayor Dion opened the floor for Council comment on this item. The following individuals spoke: Councilor Phillips, Councilor Sykes, Councilor Fournier, Councilor Ali, Mayor Dion

**Amendment Passed.*

Order 26-25/26 Setting Election Date on a Citizen Initiative Amendment to the Portland City Code Chapter 17 RE: An Act to End Fugitive Coal Dust - Sponsored by Ashley Rand, City Clerk

Motion was made by Councilor Phillips and seconded by Councilor Ali to postpone indefinitely. Passage: 9-0

**Item postponed indefinitely. See order 38-25/26*

ORDERS:

Order 27-25/26 Approving Amendments to the Complete Streets Policy - Sponsored by the Sustainability & Transportation Committee, Councilor Regina Phillips, Chair

Motion was made by Councilor Phillips and seconded by Councilor Ali for passage.

Passage: 9-0

Regina Phillips (Sustainability and Transportation Committee Chair) and Danielle West (City Manager) gave an overview of this item.

Mayor Dion opened the floor for public comment. The following individuals spoke: Councilor Bullett, Mayor Dion, Greg Jordan (Assistant City Manager), Andrew Zarro (Executive Director Bicycle Coalition of Maine), Steve (Portland Resident)

Order 28-25/26 Approving the Vision Zero Quick Action Plan - Sponsored by Sustainability & Transportation Committee, Councilor Regina Phillips, Chair

Motion was made by Councilor Ali and seconded by Councilor Sykes for passage.

Passage: 9-0

Regina Phillips (Sustainability and Transportation Committee Chair) gave an overview of this item.

Mayor Dion opened the floor for public comment. The following individuals spoke: Kip DeSerres (West End Neighborhood Association), Andrew Zarro (Executive Director Bicycle Coalition of Maine), Liz Trice (Portland Resident), Councilor Bullett

Order 29-25/26 Approving Third Amendment to the Purchase and Sale Agreement with Maine Cooperative Development Partners LLC RE: 165 Lambert Street - Sponsored by Housing & Economic Development Committee, Councilor Pious Ali, Chair

Motion was made by Councilor Ali and seconded by Councilor Sykes for passage.

Passage: 9-0

Pious Ali (Housing & Economic Development Committee Chair) and Mary Davis (Housing & Community Development Division Director) gave an overview of this item.

Mayor Dion opened the floor for public comment. The following individuals spoke: Liz Trice (Portland Resident) George Rheault (Hanover Street), Councilor Fournier, Mary Davis (Housing & Community Development Division Director), Mayor Dion

Order 30-25/26 Accepting and Appropriating a \$179,300 Community Action Grant from the Governor's Office of Policy Innovation and the Future - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Phillips and seconded by Councilor Michniewicz for passage, as an emergency. Passage: 9-0

Motion was made by Councilor Phillips and seconded by Ali to waive the second read. Passage 9-0

Troy Moon (Director of Sustainability) gave an overview of this item.

Mayor Dion opened the floor for public comment. The following individuals spoke:

Councilor Bullett

**Item passed as an emergency, takes effect immediately.*

Order 31-25/26 Accepting and Appropriating a \$80,000 Paramedicine Grant from the Maine Recovery Council - Sponsored by Danielle P. West, City Manager

Motion was made by Councilor Bullett and seconded by Councilor Ali for passage, as an emergency. Passage: 9-0

Motion was made by Councilor Michniewicz and seconded by Sykes to waive the second read. Passage 9-0

Danielle West (City Manager) gave an overview of this item.

Mayor Dion opened the floor for public comment. The following individuals spoke: Stephen Scharff (Brackett Street), Max (West End), Councilor Bullett, Councilor Sykes

**Item passed as an emergency, takes effect immediately.*

Order 32-25/26 Accepting and Appropriating a \$25,000 Resilient Communities Grant from the Casco Bay Estuary Partnership and Approving the Subaward Between the University of Maine System and the City of Portland - Sponsored by Danielle P. West, City Manager

This is first reading.

Order 33-25/26 Accepting and Appropriating a \$156,378 Parks Lighting Pilot Grant from the United States Tennis Association - Sponsored by Danielle P. West, City Manager

This is first reading.

Order 34-25/26 Appropriating \$2,448,173 in HOME American Rescue Plan Funding - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

This is first reading.

AMENDMENTS:

Order 35-25/26 Amendment to Portland City Code Chapter 30 RE: Taxi Fares - Sponsored Sustainability & Transportation Committee, Councilor Regina Phillips, Chair

This is first reading.

Order 36-25/26 Amendment to Portland City Code Chapter 6 RE: Vacant Commercial Properties - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

This is first reading.

Order 37-25/26 Amendment to Portland City Code Chapter 14 RE: Pedestrian Activities District (PAD) Overlay Zone - Sponsored by the Planning Board, Brandon Mazer, Chair

This is first reading.

Order 38-25/26 Amendment to Portland City Code Chapter 17 RE: Fugitive Coal Dust - Sponsored by Councilor Regina Phillips and Councilor Pious Ali

Motion was made by Councilor Ali and seconded by Councilor Pelletier for passage, as an emergency, as amended. Passage: 9-0

Motion was made by Councilor Phillips and seconded by Ali to waive the second read. Passage 9-0

Councilor Phillips & Councilor Ali gave an overview of this item.

Mayor Dion opened the floor for public comment. The following individuals spoke: Sarah Southard (Portland Resident) John (West End), George Rheault (Hanover Street), Todd Dana (Cassidy Drive), Phelps Turner (Owls Nest Road), Kip DeSerres (West End Neighborhood Association), Collin Phillips (Doctor), Andrew Zarro (Executive Director Bicycle Coalition of Maine), Sarah Woodbury (Defend our Health), Bill Webber (Portland Climate Action Team), Andrew Butcher (West End), Matt Cannon (Munjoy Hill), Sean Mahoney (Conservation Law Foundation), Councilor Pelletier, Councilor Sykes, Mayor Dion, Michael Goldman (Corporation Counsel), Councilor Bullett, Councilor Pelletier, Councilor Fournier, Councilor Ali, Councilor Grant, Councilor Michniewicz, Councilor Phillips

The following amendment was voted on:

Motion was made by Mayor Dion and seconded by Councilor Phillips to amend. Passage: 9-0

Amendment titled: Mayor Amendment #1 RE: Effective Date. Amendment in backup material. Mayor

**Amendment passed.*

Motion was made by Councilor Phillips and seconded by Councilor Ali to refer Order 38-25/26 to the Sustainability & Transportation Committee to consider potential amendments to the ordinance. Passed 9-0

**Item referred to the Sustainability & Transportation Committee*

EXECUTIVE SESSION:

ADJOURNMENT:

Motion was made by Councilor Pelletier and seconded by Councilor Ali to adjourn. Passage 9-0 at 8:29pm

A TRUE RECORD

Ashley Rand, City Clerk

P R O C L A M A T I O N
RECOGNIZING
SEPTEMBER 12 TO SEPTEMBER 21, 2025
AS WELCOMING WEEK

WHEREAS, The week of September 12th through September 21st, 2025 is recognized by organizations and communities across the United States as Welcoming Week; and

WHEREAS, During Welcoming Week and throughout the year, the City of Portland encourages neighbors of all backgrounds to join together, building strong relationships and affirming the importance of welcoming and inclusive places in achieving collective prosperity; and

WHEREAS, For hundreds of years, migrants have added to our community's economic strength and cultural richness; and

WHEREAS, New residents are a vital part of our community, sharing their energy and ideas, starting businesses, providing civic leadership, working in critical industries, and contributing to the vibrant diversity of our city; and

WHEREAS, Hate for and fear of those perceived as different threatens our collective well-being, health, and prosperity. As a welcoming city, we are committed to addressing disparities, countering hate, understanding history, and helping neighbors come together; and

WHEREAS, By fostering a welcoming environment for all we enhance Portland's health, economic prosperity, and well-being for current and future generations; and

NOW, THEREFORE, BE IT RESOLVED, THAT I, Mark Dion, Mayor of the City of Portland, Maine, and members of the Portland City Council, do hereby recognize the week of September 12th through September 21st, 2025 as Welcoming Week.

Signed and sealed this 3rd day of September, 2025



Mark Dion, Mayor
City of Portland

P R O C L A M A T I O N
RECOGNIZING
SEPTEMBER 15 TO SEPTEMBER 21, 2025
AS NATIONAL REHABILITATION AWARENESS WEEK

WHEREAS, Rehabilitation services help minimize physical or cognitive disabilities and serves to restore people affected by a potentially disabling disease or traumatic injury to good health and empowering them achieve independent, productive and fulfilling lives;

WHEREAS, those patients requiring rehabilitative and therapeutic services rely on the dedicated professionals in the areas of physical and occupational therapy, speech and language pathology, rehabilitation nursing, and other specialties and doctors, including Physical Medicine and Rehabilitation Physicians (PM&R), to assist individuals achieve a healthy quality of life;

WHEREAS, through the contributions of rehabilitation medicine and through the efforts of the professionals that are committed to providing compassionate care, many people from all walks of life have found hope, spirit, dignity, and renewed health through the rehabilitative services they have received;

WHEREAS, established in 1976, National Rehabilitation Awareness Week is celebrated annually the third week in September across the United States of America, and it celebrates the power of rehabilitation, promotes its value, and helps to educate about its impact on an individual, the family and the community;

WHEREAS, New England Rehabilitation Hospital of Portland is dedicated to serving individuals with functional limitations and their caregivers by promoting optimal independence and quality of life through an interdisciplinary team approach across a continuum of care,

NOW, THEREFORE, BE IT RESOLVED, THAT I, Mark Dion, Mayor of the City of Portland, Maine, and members of the Portland City Council, do hereby recognize the week of September 15th through September 21st, 2025 as National Rehabilitation Awareness Week.

Signed and sealed this 3rd day of September, 2025



Mark Dion, Mayor
City of Portland

P R O C L A M A T I O N

RECOGNIZING

SEPTEMBER 2025 AS AFRICAN HERITAGE MONTH

WHEREAS, it has been more than 400 years since the first Africans were involuntarily brought to the shores of the Americas; and

WHEREAS, the descendants of enslaved Africans in the United States of America are known as Black Americans, or African Americans, and have for generations called Portland home; and

WHEREAS, over the past several decades many people have migrated from the African continent to settle in Portland and throughout the United States, and the two communities together are known as Africans in Diaspora; and

WHEREAS, immigrant Americans of African heritage in the United States come from all regions in Africa and do not constitute a homogeneous group, including people from different national, linguistic, ethnic, racial, cultural, and social backgrounds; and

WHEREAS, the month of September is recognized as African Heritage Month in many parts of the United States; and

WHEREAS, members of the African Diaspora in Portland enrich the social fabric of our community and contribute significantly to the education, economy, and social vitality of this city; and

WHEREAS, African Heritage Month is an opportunity to support and celebrate the culture and heritage of the African Diaspora by increasing the visibility of this vibrant community in Portland; and

NOW, THEREFORE, BE IT RESOLVED, THAT I, Mark Dion, Mayor of the City of Portland, Maine, and members of the Portland City Council, do hereby recognize September 2025 as African Heritage Month and encourage the residents of Portland to appreciate and engage with our neighbors in the African Diaspora this month and every month.

Signed and sealed this 3rd day of September, 2025



Mark Dion, Mayor
City of Portland

MEMORANDUM
City Council Agenda Item

FROM:

DATE: August 14, 2025

SUBJECT: Order 39-25/26 Confirming the Appointment of Mary Christie as Associate Corporation Counsel - Sponsored by Michael Goldman, Corporation Counsel

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: Yes

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Attorney Mary Christie will serve the Office of Corporation Counsel as an Associate Corporation Counsel. This order would confirm her appointment and set her salary at \$121,225.

To make this item effective immediately, staff is requesting that this item be passed as an emergency. Seven affirmative votes are required for passage as an emergency after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Appointment - Mary Christie to Corp Counsel
2. M Christie Resume 2025_Redacted

Prepared by:

Date: 08/14/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER CONFIRMING THE APPOINTMENT OF MARY CHRISTIE AS ASSOCIATE
CORPORATION COUNSEL**

ORDERED, that Mary Christie is hereby appointed as Associate Corporation Counsel at a salary of \$121,225; and

BE IT FURTHER ORDERED, that this order is enacted as an Emergency, pursuant to Article II, Section 11 of the Portland City Charter, in order to make it effective immediately so that Attorney Christie may begin work on September 8, 2025.

MARY C. CHRISTIE, ESQ.

BAR ADMISSION

Admitted to practice in Maine (2021)

LEGAL EXPERIENCE

MAINEHEALTH, Portland, ME

Supply Chain Counsel, Corporate Supply Chain, March 2022 – present

- Provide legal guidance to supply chain team, serving all MaineHealth facilities.
- Review, draft, and negotiate supply, software and equipment contracts and leases.
- Manage disputes and performance issues with vendors and MaineHealth stakeholders.
- Participate in department leadership, including reviewing and drafting relevant policies, developing and implementing contracting processes and templates, and providing legal and general advice on department and regulatory matters.

Contracts Paralegal, Legal Affairs, October 2019 – March 2022

- Reviewed, drafted, and negotiated contracts, leases, business associate agreements and other agreements between MaineHealth entities and outside organizations.
- Participated in and provided legal guidance to MaineHealth's regulatory workgroup to address regulatory and legislative guidance and changes in response to the COVID-19 pandemic.
- Performed legal research and drafted and prepared memos and presentations on legal topics relevant to healthcare and corporate matters.
- Managed system-wide contracts database and trained new database users.

INDIANA UNIVERSITY MAURER SCHOOL OF LAW, Bloomington, IN

Research Assistant, Jerome Hall Law Library, May 2018 - May 2019

- Conducted legal research and prepared research memos for law school professors in various areas, including intellectual property, international business, and constitutional law.

CENTER FOR CONSTITUTIONAL DEMOCRACY, Bloomington, IN

J.D. Fellow, August 2017 - May 2019

- Researched and applied constitutional design techniques for foreign political bodies.
- Conducted research and presented on gender quotas and women in constitutional reform after the Arab Spring.

COMMONWEALTH HUMAN RIGHTS INITIATIVE, Delhi, India

Milton Stewart Fellow, Prison Reform Team, May 2017 - July 2017

- Researched, analyzed and reported on constitutional mandates for and legislation on legal aid in Asian and African Commonwealth countries.
- Compiled and summarized for various Indian government agencies and governmental bodies directives resulting from *Supreme Court Order re Inhuman Conditions in 1382 Prisons* and subsequent orders.

FRANCISCAN PHYSICIAN NETWORK, Greenwood, IN

Assistant, Legal and Compliance, September 2012 - August 2015

- Drafted physician contracts for candidates on guaranteed salary and physicians on production-based salary.
- Analyzed and determined appropriate legal responses to requests for medical records, both non-party requests for production and releases of information.
- Reviewed and assembled documents and information and drafted required responsive forms to respond to major HIPAA violations and breaches.

ADDITIONAL EXPERIENCE

HAUGO GEOTECHNICAL SERVICES, Minneapolis, MN

Office Assistant, September 2015 - January 2016

ALLINA HEALTH, Minneapolis, MN

Administrative Assistant, Hospital Programs and Hospital Patient Experience, November 2015 - January 2016

INDIANA HEART PHYSICIANS, Indianapolis, IN

Transcriptionist, August 2011 - September 2012

MERIDIAN STREET UNITED METHODIST CHURCH, Indianapolis, IN

Youth Director, May 2011 - July 2012

EDUCATION

INDIANA UNIVERSITY MAURER SCHOOL OF LAW, Bloomington, IN

Juris Doctor, May 2019

- Honors: CALI Award for Highest Grade in Human Rights Law (Spring 2019)
- Journal: *Indiana Journal of Constitutional Design*, Managing Editor
- Activities: Women's Law Caucus, Public Interest Law Foundation, Campus Action for Democracy

UNIVERSITY OF EDINBURGH, Edinburgh, Scotland

Master of Science in Global Health and Public Policy, November 2009

- Dissertation Title: Incentive mechanisms to stimulate research and development for neglected diseases: Advance market commitments, product development partnerships, and orphan drug legislation and the case of human African trypanosomiasis

INDIANA UNIVERSITY, Bloomington, IN

Bachelor of Arts with Highest Distinction, May 2008

- Major: History of Art
- Minors: French and African Studies
- Honors: Dean's List; Phi Beta Kappa
- Study Abroad: University of Edinburgh, Edinburgh, Scotland, September 2006 - May 2007

MEMORANDUM
City Council Agenda Item

FROM: Andrew Ransom Keyek
DATE: August 18, 2025
SUBJECT: Order 40-25/26 Declaring October 5, 2025 the 34th Annual Maine Marathon, Half Marathon & Relay Festival - Sponsored by Danielle P West, City Manager
SPONSOR: Danielle West; City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 9/3/2025

Final Action 9/3/2025

Can action be taken at a later date: No The organizer needs approval for planning purposes.

Does this item involve a new contract with the City: No

PRESENTATION: Event Organizers and a member of Public Assembly Facilities will be available to answer any questions.

I. SUMMARY

Order Declaring Sunday October 5th 2025 the 34th Annual Maine Marathon, Half Marathon and Relay Festival.

II. AGENDA DESCRIPTION

This will be the 34th running of the Maine Marathon. There will be approximately 3,500 registered runners, with approximately 800 anticipated spectators lining much of the race route.

Baxter Boulevard and Payson Park as well as Preble Street from Hannaford to Baxter Boulevard will be closed to vehicular traffic from 5 am to 3 pm.

Baxter Boulevard between Pedro Field and Hannaford entrance is the START/FINISH line area and where several tents will be set up.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

III. BACKGROUND

This is the 34th year that the Maine Marathon Committee has organized and held this event.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The City Council to declare the 34th Annual Maine Marathon on Sunday October 5th 2025.

V. FINANCIAL IMPACT

All City fees, permit fees and equipment usage fees will be paid by the organizer.

VI. STAFF ANALYSIS AND BACKGROUND

The Public Assembly Facilities Division has worked with the organizers on this event in the past and we are confident in their ability to host this festival.

VII. RECOMMENDATION

It is recommended that the order be declared.

VIII. LIST ATTACHMENTS

1. Consent Item - Maine Marathon
2. 2025 Maine Marathon Area Impact Study page 3
3. 2025 Maine Marathon Area Impact Study
4. 2025 Maine Marathon finish line site plan draft
5. 2025 Maine Marathon Portland application for permit
6. 2025 MM course in Portland
7. Maine Marathon Barricade Locations 2025
8. Map of Route 2025

Prepared by:

Andrew Ransom Keyek

Date: 08/18/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER DECLARING OCTOBER 5, 2025 THE 34TH ANNUAL MAINE MARATHON,
HALF MARATHON & RELAY FESTIVAL**

ORDERED, that October 5, 2025 from 5:00 a.m. to 5:00 p.m. is hereby declared to be the 34th Annual Maine Marathon, Half Marathon & Relay Festival, sponsored by the Maine Track Club; and

BE IT FURTHER ORDERED, that the 34th Annual Maine Marathon, Half Marathon & Relay Festival area shall be Baxter Boulevard Extension from Forest Avenue to Preble Street, Baxter Boulevard, the Back Cove Trail, and Payson Park; and

BE IT FURTHER ORDERED, that during the 34th Annual Maine Marathon, Half Marathon & Relay Festival the following streets shall be closed to traffic at the following times:

Preble Street Extension from Forest Avenue to Hannaford driveway: 5:00 a.m. to 4:00 p.m.;

Baxter Boulevard Extension from Forest Avenue to Preble Street: 5:00 a.m. to 4:00 p.m.;

Baxter Boulevard (from Preble Street Extension to Bates Street/Washington Avenue 5:00 a.m. to 3:00 p.m.;

Preble Street from Forest Avenue to Baxter Boulevard: 5:00 a.m. to 3:00 p.m.; and

Payson Park Roads including the West Kidder Street and Fernald Street entrances from Washington Avenue: 5:00 a.m. to 3:00 p.m.; and

BE IT FURTHER ORDERED, that vehicles in violation of the “no parking” signs in the Festival Area (interior roadways) shall be towed at owner’s expense; and

BE IT FURTHER ORDERED, that the 34th Annual Maine Marathon, Half Marathon & Relay Festival area shall be closed to licensed street vendors as provided in §19-17 of the City Code; and

BE IT FURTHER ORDERED, that admission to run in the races of the 34th Annual Maine Marathon, Half Marathon & Relay Festival inside the Festival Area shall be charged by Maine Track Club; and

BE IT FURTHER ORDERED, that the City Manager is authorized to issue a revocable permit to Maine Track Club under §25-27 of the City Code to conduct said Festival, subject to the direction and control of the City Manager and to the following specific conditions:

1. Maine Track Club shall defend, indemnify and hold harmless the City of Portland, its officers and employees, from and against all claims arising out of or resulting from the Festival and/or use of City streets and property for said Festival, and shall procure and maintain public liability insurance in the minimum amount of \$400,000 per occurrence for personal or bodily injury, death or property damage and covering the obligation of indemnification hereunder. Maine Track Club shall provide the City with a certificate showing evidence of such insurance and showing the City as an additional insured on said insurance;
2. Maine Track Club will operate a Beer Garden in the grassy area on the corner of Preble Street and Baxter Boulevard, vending wine and beer, from 9 a.m. to 12:00 p.m. on the day of the Festival, with Portland Public Assembly staff monitoring the entrance and exit; Maine Track Club is applying for the Off-Premises Liquor Catering License;
3. Maine Track Club shall be responsible for all fees for a permit issued from the Public Assembly Facilities Division, as well as for fees for city licenses and the cost of assistance from city staff. Conditions for use of grounds, and requirements for food service, vending sales, tent and stage installations and other items specified in that permit shall be adhered to;
4. Maine Track Club shall have sole authority over participating vendors at the Festival and may charge a fee to vendors for the opportunity to vend at the Maine Marathon, Half Marathon & Relay Festival;
5. In addition, the Business Licensing Office shall charge the usual fees for licensing food vendors, street goods vendors, and concert licenses for the Festival to those vendors Maine Track Club has agreed shall participate;
6. The route of the course is subject to change, depending on construction projects along the course and police recommendations leading up to the race; and

BE IT FURTHER ORDERED, that the City Manager is authorized to waive fees and to issue such other temporary licenses, including licenses for food service establishments, as may be required by the City Code, provided that all other applicable Code requirements for the operation of the Festival have been met.

2. Permits. Include all applicable permits from all pertinent city departments.(Fire,Police,City clerk...)

License Type	Date of application/Request	Approval - YES/NO/IN REVIEW
Street Goods Vendor License(s) To sell non-food items (like T-shirts, crafts, cd's, etc.)?	Not needed	
Liquor License	Will apply	
Temporary Tent/Stage Permit	Will apply	
Temporary Food Service License	Food trucks	
Police Assistance	Will develop plan	
Emergency/Fire Assistance	Will develop plan	
Entertainment License(amplified sound)	Will apply	
Parking/Street Closure Assistance	Will apply	

3. Detailed site plans. Include maps of venue, parade and course routes, parking/shuttle plans, evacuation plans... (Downloadable format)



TIER III / SPECIAL EVENT
**parks,
recreation
& facilities**

PUBLIC PARK AND SPACE



AREA IMPACT STUDY
City Council Review

TODAY'S DATE		8/13/2025		ORGANIZATION NAME		Maine Marathon	
ADDRESS (Street/City/State/Zip)		PO Box 10836, Portland, ME 04104					
CONTACT NAME(S)						TITLE(S)	
PHONE	Bob Dunfey 207-475-5656 Bob Aube 207-650-2939 Peter King 207-415-4132 Greg Lull 207-653-3474			PHONE			PHONE
EMAIL	mainemarathon@gmail.com bobaube@mainetrackclub.com m_pcking207@gmail.com glull@maine.rr.com			EMAIL			EMAIL

PARK AREA / PUBLIC SPACE REQUESTED	Baxter Blvd, Payson Park and Portland streets		
EVENT DAY(S) & DATE(S)	Sunday, October 5, 2025	RAIN DAY(S) & DATE(S) (50% added fee)	N/A
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	6 AM (with some setup on Fri and Sat) until 5 PM	EVENT START & END TIME	6 AM – 3 PM, Races all start at 7:45 AM

EVENT NAME	EVENT CLASSIFICATION Road Race, Parade, Public Assembly, Music Festival	EXPECTED ATTENDANCE
Maine Community Bank Maine Marathon, Half Marathon and Relay	Road Race	4,300 runners, 900 volunteers and hundreds of spectators
AREA IMPACT STUDY: Please be as specific as possible regarding the area of public space/park that you would like to permit		

1. Description of event. Description of event and event history so that all departments may better understand your event request.

The 3 races have the same start time: 7:45am. There is an early start time of 6:30am for about 50 slower runners and walkers.

Baxter Blvd and Payson Park closed to vehicles: 5am – 3pm.

Preble Street (from Hannaford to Baxter) closed.

The section of street (Baxter Blvd) between Pedro Field and Hannaford Entrance is the Start Finish Line area and where several tents, refreshments, music will be.

2025 Route: start line: Baxter Blvd + Preble St. intersection, runners head north on Blvd., turn left onto Inlet St., left on Catafalque Drive, right onto West Kidder St continue across Washington Ave. right onto Sherwood St and left onto Veranda Street, continuing on down across Martin's Point Bridge and into Falmouth/Yarmouth. Runners then return via Rt. One, Martin's Point Bridge, and Veranda Street, but then turn right onto Sherwood Street, then cross over Presumpscot St., then take a left onto East Kidder St., then cross over Washington Ave., continue on West Kidder St., and then left on Catafalque Drive, take left onto Inlet St, then when reaching Baxter Blvd., take a right back onto Baxter Blvd., continuing around the cove, finishing on Baxter Blvd. beside Pedro Field.

More Detailed list: During the Maine Marathon / Relay and Half Marathon, streets listed below will be closed to vehicular traffic, Sunday, October 5, 2025:

Preble Street Ext (From Forest Ave. to Hannaford driveway.) – 5am – 4pm,

Baxter Blvd. Ext. (From Forest Avenue to Preble Street) – 5am to 4pm,

Baxter Blvd. (From Preble Street Ext. to Bates Street/Washington Avenue) – 5am to 3pm,

Payson Park roads (including West Kidder Street, Fernald Street entrances into Payson Park, from Washington Avenue) – 5am to 3pm.

Facebook:

https://www.facebook.com/mainemarathon/?eid=ARCP9R0uyiHE1EVd2KxmdNfgwakH7oqA_KkvbSmq-L5QYSkiUZUu_1LiWpmhS5hUNU8widXCVUvTYz_9

Instagram: <https://www.instagram.com/stories/mainemarathon/>

2. Permits. Include all applicable permits from all pertinent city departments.(Fire,Police,City clerk...)

License Type	Date of application/Request	Approval - YES/NO/IN REVIEW
Street Goods Vendor License(s) To sell non-food items (like T-shirts, crafts, cd's, etc.)?		
Liquor License		
Temporary Tent/Stage Permit		
Temporary Food Service License		
Police Assistance		
Emergency/Fire Assistance		
Entertainment License(amplified sound)		
Parking/Street Closure Assistance		

3. Detailed site plans. Include maps of venue, parade and course routes, parking/shuttle plans, evacuation plans... (Downloadable format)

4. Event components. Event time frame, sound levels, neighborhood impacts, road closures, security/police, EMS services.
(Downloadable format)

Sunday, October 5, 2025 6 AM – 3 PM, Races all start at 7:45 AM

Most sound at the start/finish venue will have minimal or no impact on neighbors

More Detailed list: During the Maine Marathon / Relay and Half Marathon, streets listed below will be closed to vehicular traffic, Sunday, October 5, 2025:

Preble Street Ext (From Forest Ave. to Hannaford driveway.) – 5am – 4pm,

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Baxter Blvd. (From Preble Street Ext. to Bates Street/Washington Avenue) – 5am to 3pm,

Payson Park roads (including West Kidder Street, Fernald Street entrances into Payson Park, from Washington Avenue) – 5am to 3pm.

Race officials work with police and EMS developing a very extensive detailed pla

Finish Line

FESTIVAL MAP





**TIER III / SPECIAL EVENT
PUBLIC PARK AND SPACE**
City of Portland, Public Assembly Facilities Division
221 Canco Road Suite A
Portland, Maine 04103
207-808-5434
Rusty Groh - rgroh@portlandmaine.gov



TIER III APPLICATION FEE \$50.00
EXPECTED ATTENDANCE 2000+

PAYMENT MUST BE MADE WHEN SUBMITTING COMPLETED APPLICATION

(This is a transferable/non-refundable fee. If your event is permitted, the \$50.00 will be credited toward your permit fee.)

For uses of city property, there are typically: 1) fees charged for use of the area, 2) a security deposit required, 3) insurance required and 4) Area Impact Study. There may be fees due and applications required from other City Departments.

[PLEASE REVIEW THE SPECIAL EVENTS GUIDE FOR ADDITIONAL QUESTIONS](#)

TODAY'S DATE	8/11/2025	ORGANIZATION NAME	Maine Marathon
ADDRESS (Street/City/State/Zip)	PO Box 10836, Portland, ME 04104		
CONTACT NAME(S)		TITLE(S)	
PHONE	Bob Dunfey 207-475-5656 Bob Aube 207-650-2939 Peter King 207-415-4132 Greg Lull 207-653-3474	PHONE	PHONE
EMAIL	mainemarathon@gmail.com bobaube@mainetrackclub.com pcking207@gmail.com glull@maine.rr.com	EMAIL	EMAIL

PARK AREA / PUBLIC SPACE REQUESTED	Baxter Blvd, Payson Park and Portland streets		
EVENT DAY(S) & DATE(S)	Sunday, October 5, 2025	RAIN DAY(S) & DATE(S) (50% added fee)	N/A
OVERALL EVENT START & END TIME (When setup will begin until cleanup is expected to be complete.)	6 AM (with some setup on Fri and Sat) until 5 PM	EVENT START & END TIME	6 AM – 3 PM, Races all start at 7:45 AM

EVENT NAME	EVENT CLASSIFICATION Road Race, Parade, Public Assembly, Music Festival	EXPECTED ATTENDANCE
Maine Community Bank Maine Marathon, Half Marathon and Relay	Road Race	4,300 runners, 900 volunteers and hundreds of spectators

AREA IMPACT STUDY: Please be as specific as possible regarding the area of public space/park that you would like to permit and please describe the event in detail using the **AREA IMPACT STUDY(AIS) CHECKLIST**

The 3 races have the same start time: 7:45am. There is an early start time of 6:30am for about 50 slower runners and walkers.

Baxter Blvd and Payson Park closed to vehicles: 5am – 3pm.

Preble Street (from Hannaford to Baxter) closed.

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Payson Park roads (including West Kidder Street, Fernald Street entrances into Payson Park, from Washington Avenue) – 5am to 3pm.

Facebook:

https://www.facebook.com/mainemarathon/?eid=ARCp9R0uyiHE1EVd2KxmdNfgwakH7oqA_KkvbSmq-L5QYSkiUZUu_1LiWpmhS5hUNU8widXCVUvTYz_9

Instagram: <https://www.instagram.com/stories/mainemarathon/>

AIS CHECKLIST

COMPLETED

1. Description of event. Brief description of event and event history so that all departments may better understand your event request. (Downloadable format)	
2. Permits. Include all applicable permits from all pertinent city departments.(Fire,Police,City clerk...)	
3. Detailed site plans. Include maps of venue, parade and course routes, parking/shuttle plans, evacuation plans... (Downloadable format)	
4. Event components. Event time frame, sound levels, neighborhood impacts, road closures, security/police, EMS services. (Downloadable format)	

IS THERE A REGISTRATION FEE/PLEDGES COLLECTED FOR THIS EVENT?	Please check: ____ Yes ____ FEE ____ Optional ____ PLEDGES	
IF YES FOR FEES, HOW MUCH?	FEE	\$50 - 200
	STUDENT FEE	\$ N/A

PLEASE CHECK OFF AND ANSWER:

Fees for Police, Fire/EMS or Parking Control Staff will be invoiced by those individual departments & should be paid to them directly.				
		X-YES	X-NO	AIS
*	Are you setting up a canopy(s) ? (10'x10' size or smaller) How many?	X - several		
*	Do you wish to set up a tent(s) and/or stage(s) ? A canopy/tent or stage larger than 10'x10' needs a Temporary Tent or Stage Permit issued by Building Inspections. For permit application, please go to: https://content.civicplus.com/api/assets/376697a8-b6ac-4a4c-babc-9dbcf1e61eb8 or contact the Permitting and Inspections Department at buildinginspections@portlandmaine.gov or 207-874-8703 for more information. PLEASE apply at least 2-weeks before your event. Tent/Stage Size(s):	(2) 20X40, (1) 20X20, (1) 10x20 on		Permit Required Include on Site Plan

	Exact Location(s) of Tent/Stage Placement Requested: *** In order to drive tent stakes into the ground, DIG SAFE must be contacted: 888-344-7233. ***	Pedro Field, (1) 20X40 on Winslow Park and (1) 20x50 on Portland Housing parking lot		
*	Will you be setting up tables and/or chairs ? How many tables: chairs:	132 chairs, 95 tables		Include on Site Plan
*	Are other items or equipment being placed on City property? (i.e. Moon Bounce, Dunk Tank, Radio Station Van, Helium Tank, etc.) Please List:	X INFLATABLE ARCH AT START/ FINISH LINE ON BAXTER BLVD		Include on Site Plan
*	Will there be refreshments at the event? Do you wish to sell food ? If so, you will need approval from PAFD and possibly a Temporary Food Service License from the Business Licensing Office. PLEASE provide them at least 2 weeks advance notice (207-874-8557). List food and drink / Food Trucks, etc.: PLEASE NOTE: A Temporary Food Service License is NOT needed when: 1. Food Vendors have a current City of Portland Food License 2. Just pre-packaged refreshments, or food & drink items are purchased or donated from a licensed establishment 3. Bottled water / water is served A TFSL is needed when food vendors are not licensed or when food is being prepared and cooked at the event.	X FOOD TRUCKS Totally Awesome Vegan PB&ME Vagabond Coffee, Sook Thai and Lukes Lobster		License Required Include on Site Plan
*	Do you wish to sell non-food items (like T-shirts, crafts, cd's, etc.)? If so, please apply for a Street Goods Vendor License(s) at the Business Licensing Office (207-874-8557) – 2 week notice. List items you wish to sell:		X	License Required Include on Site Plan
*	Do you wish to sell or provide Alcohol ? If yes , you must complete the application for a Liquor License specific to your event through the State of Maine and submit the application to the City of Portland Business office first. Application will need City of Portland's approval prior to going to the State. Questions? please contact the Division of Liquor Licensing and Enforcement at (207) 624-7220/email- MaineLiquor@maine.gov .	X		License Required
*	Are you setting up a PA (sound) system ? Are you planning on having Amplified Music? Band? DJ? Boom Box? If so, your event may require a concert license. PAFD will advise upon review of your application. Amplified speech (i.e. Press Conference) does not require the license, however, a Sound Security Deposit may be required. There are time restrictions for amplified music/speech in Downtown Parks & Squares: limited to 11:45am – 1:15pm and 1 hour between 5pm - 8pm.	X PA System on site at		License Required Include on Site Plan & Event Components

		Start/Finish Line (and other areas along the race course) Organizer will keep volume levels down so that neighbors are not disturbed. AND ACUSTIC GUITAR PLAYER IN WINSLOW PARK		
*	Will your event require electricity ? Electricity is available at Deering Oaks Park, Monument Square, Congress Square, Tommy's Park, Post Office Park, Payson Park, Preble Street Grass Area, Eastern Prom, Fort Allen Park, and Lincoln Park. A \$40 activation fee is required.	X BAXTER BLVD. (PEDRO FIELD) PAYSON PARK (BASKETBALL COURT + BLVD)		
*	Are you planning on bringing a Grill for a Barbecue ? Grilling is subject to weather conditions and possibly Fire Dept. review.		X	
*	Will the event require reserved parking spaces / parking meters ? How many? 30 "No Parking" signs may be purchased at the PAFD Office, 212 Canco Rd.	X		
*	Will your event need safety vests, signs, barricades and/or cones ? Please list what you would like to borrow/rent: Limited safety vests, cones & barricades may be borrowed/rented from PAFD Office. Traffic signs may be borrowed/rented from Public Works if needed (207-874-8493).	80+ BARRICADES, Detour Signs, Road Closed	No vests; we provide our own	

		Signs used, 10 Cones used at Ocean Ave. Turnin g Lane 10 Cones used at Forest Ave. Turnin g Lane		
*	Will your event require street closures ? Will your event affect METRO BUS ROUTES ? (Please be specific under "Description of Event")	X WILL CONTA CT METRO BUS		Include on Event Components
*	Will your event require Police assistance? An event such as a road race, march or parade in the street, would typically require police assistance. To reserve & hire an Officer(s) to be on site at your event, please visit: https://portlandmaine-portal.app.transform.civicplus.com/forms/26740	X		Required
*	Will your event require Fire/EMS assistance? (For a large walk/race, it may be required.) To hire or inquire about hiring city Fire/EMS staff to be on site, please email fireprevention@portlandmaine.gov well in advance of the event. For general questions, you may also call 207-874-8400.	X		Required
*	Will your event require Parking Control assistance? To hire a Parking Control Officer(s) to be on site at your event, please call 207-874-8910 well in advance to arrange.		X	
*	Will your event require portable-restroom rental(s) or need existing porta-restrooms cleaned? (Some of the parks already have porta-restrooms. Event participants may use these, but a \$25 fee is assessed for events where attendance is 150 or more.) Porta-restrooms may be rented from any of the local companies. Units currently on site are through Associated Septic. 1 unit/50 people when serving alcohol 1 unit/75 people with no alcohol	X		Include on Site Plan
*	Will your event require waste management and recycling? What is the waste management plan?	Trash and recycled items will be separate d in separate dumpste rs		Include on Site Plan & Event Components
	For events where more than two thousand (2,000) individuals anticipated to gather or participate in the event or activity in the park, the permittee shall provide a bond in the form of cash, certified check or surety bond from a surety company qualified to do business in the State of Maine in an amount of not less than two thousand dollars (\$2,000.00). Such a bond shall be utilized to guarantee cleanup of the area and shall be applied against claims by the city for excessive damage to real or personal property in the park.			Required

INSURANCE CERTIFICATE INFORMATION

*	Will your event require liability Insurance? (Commercial liability insurance is required for a walkathon, race, festival, press conference, concert, etc. Product liability insurance is also required if the event has been approved for serving food.)	X		Required
♦ If you answered YES, you shall procure and maintain occurrence-based Commercial General Liability and Product Liability Insurance, when required, in an amount not less than Four Hundred Thousand Dollars (\$400,000.00) per occurrence for bodily injury, death and property damage. You shall name the City of Portland as an additional insured or shall obtain a general liability extension endorsement, for coverage only in those areas where government immunity has been expressly waived by 14 M.R.S. A. § 8104-A, as limited by § 8104-B, and § 8111. The terms of this permit and the insurance coverage shall not be deemed a waiver of any defenses, immunities or limitations of liability or damages available to the CITY under the Maine Tort Claims Act, other Maine statutory law, judicial precedent, common law, or any				

other defenses, immunities or limitations of liability available to the City. You shall also be responsible for any and all deductibles and/or self-insured retentions.

♦ Both the **Certificate of Insurance** and **Additional Insured Endorsement** shall be sent to rqroh@portlandmaine.gov and must state that the policy is endorsed to name the City of Portland as an additional insured pursuant to the date of the event (and rain date).

PUBLIC ASSEMBLY FACILITIES DIVISION POLICIES

EVENT REVIEW

The PAFD Office holds a monthly meeting where proposed events are discussed and reviewed by City Departments. For some events, organizers will be asked to present before the committee. Some potential factors may necessitate your event receive City Council approval.

ELECTRICITY

All cords in the public way must be covered by rugs, mats or orange cones to avoid public hazard. If weather is inclement (drizzle, rain, snow, etc.) we require that you **not use** electricity, unless all connections and equipment are covered and protected from the elements. If a generator is used, please take all necessary measures to ensure safe operation. Bring a fire extinguisher, set generator up away from activities (and combustibles), store fuel source away from the generator and keep children away from the generator.

BARBECUES - GAS GRILLS ONLY

Only GAS GRILLS are allowed in parks/public spaces – i.e. No Charcoal Grills or open burning. Barbecuing must first be approved by PAFD Office and is subject to weather conditions, and possible further review by the Fire Dept. Grills must be set up away from children's activities. You are required to have a fire extinguisher with in the grilling area.

PORTA-RESTROOMS / BATHROOM FACILITIES

Porta-Restrooms are required for large events and events where refreshments are being served. Some of Portland's parks already have portable restrooms from Associate Septic on site (*Preble Street Grass Area at the Preble Street Parking Lot – across from Hannaford's, *Entrance to Dyer's Flat – beside Payson Park, *Deering Oaks Park – Playground + Ravine, *East End Beach - Winter & Early Spring: Just EEB.) If over 150 people are expected to attend the event, a \$25 user fee is required (paid to PAFD). If extra units are rented by the organizer, then no additional user fee is assessed. Porta-restrooms are cleaned M, W, & F. If you would like to guarantee that they are cleaned just prior to your event, then you need to call the porta-restroom company (Associated Septic / Royal Flush, 207-799-1980, M-F) to request and pay for a cleaning. If renting units, the organizer has the option of renting from Associated Septic / Royal Flush, or from other local companies.

TRASH

All groups must abide by our Carry In/ Carry Out Policy. Please bring extra trash bags and/or trash receptacles and remove all trash. Do not use existing trash barrels or the metal liners inside. You will need to haul all of your trash out of the park/public space or forfeit the security deposit(s). Please recycle whenever possible, (please do not use Styrofoam - it is NOT recyclable). The area will be checked following your event; if the park is clean and conditions for use adhered to, your security deposit will be returned to you. Thank you in advance!

MARKING OF GROUNDS

Please DO NOT mark city property in any permanent way. DO NOT use SPRAY PAINT or SPRAY CHALK. DO NOT STAPLE or NAIL anything to trees. Children's Art Chalk can be used on hardscape areas with permission from PAFD Office. Tape may also be used. If markings remain for more than a few rain storms, event organizers are responsible for removing them. If city staff or contractors need to remove the markings, event organizers are responsible for the cost of staff time and materials. You may also place signs on stakes in the grass areas bordering trails/race routes (when applicable). Please remove all signage immediately following the event.

USE OF CANDLES

It is preferred that LED lighted candles or glow sticks are used. If flammable candles are used this may need to be approved by the Portland Fire Department. Please make sure all candles have drip protectors to prevent wax from dripping on hardscape surfaces, which may cause permanent stains/damage. Please make sure all candles are extinguished before being thrown away. Please collect all spent candles so there is no trash left behind. Please take safety precautions: bring a fire extinguisher, gallon of water, etc. in case of fire. **Any damage** (dripped wax absorbed into hardscape causing stains, etc.) **will result in a forfeiture of your security deposit.**

ADA COMPLIANCE

Event organizer must comply with the Americans with Disabilities Act (ADA) and the Maine Human Rights Act (MHRA), including maintaining the permitted use area and all public rights-of-way accessible during the entirety of the permitted event. In the event the permitted area is rendered inaccessible to disabled persons, and/or by request of PAFD staff, the organizer shall act immediately to provide accessibility. All requests to provide interpretive services shall be the responsibility of the organizer to provide and pay for such services. The organizer shall defend, indemnify, and hold the City harmless from any and all liability and damages resulting from alleged violations of the ADA and/or MHRA.

PARKING ON GRASS AREAS / SIDEWALKS / ILLEGALLY PARKED VEHICLES

Vehicles are prohibited from parking on grass areas/sidewalks/park streets (unless specifically approved by city staff). \$20 will be deducted from your security deposit for each vehicle parked on grass/sidewalk areas or vehicles parked illegally. **Any tire ruts/damage to the grass areas will result in a forfeiture of your security deposit.**

RESERVED PARKING

To reserve parking for your event, please contact the PAFD Office (808-5400 x0). Staff will review your request and can issue you "No Parking" signs (\$25 each*). You will need to label signs and tape them to meters or signposts AT LEAST 24 HOURS PRIOR TO YOUR EVENT. (NOTE: If event is on a Sunday or Monday, NP Signs may need to be posted on the preceding Friday by Noon.) Please do not cover up coin slots on meters. If the reserved parking area has no actual parking meters, you may need to tape signs to sign posts, utility poles, trees, or orange cones (placed on the sidewalk beside the street). Please make sure signs are removed once the event is complete.

FIREWORKS

Organizers wishing to have fireworks as part of their event must contact the Portland Fire Department directly. Permits will need to be obtained through the Portland Fire Department, the State of Maine and possibly through the US Coast Guard.

ALCOHOL / SMOKE-FREE ZONES

By city ordinance, smoking a cigar, cigarette, pipe, marijuana, electronic cigarette, electronic cigar, electronic pipe, or other similar product that relies on vaporization or aerosolization, is prohibited at and within 20 feet of the following outdoor recreation and event areas: downtown squares and plazas, trails, parks, playgrounds, beaches, and athletic facilities. Consumption of alcohol is prohibited in public spaces unless specifically approved by City Council. Please inform all participants / attendees.

AMPLIFIED SOUND POLICY

Outdoor events with amplified sound may require an Entertainment License from the PAFD Office.
If the Police Dept./City Staff receive noise complaints, they will respond accordingly.
Please set the PA System up with speakers facing away from businesses/residences to lessen impact.
Please keep volume levels low out of consideration for nearby residents and businesses.
The Permittee (organizer) shall not allow the sound emanating from the event to exceed an A-weighted 85 decibels / C-weighted 95 decibels. One verbal warning shall be issued if the sound has been found to have exceeded those limits. The warning may be given to the sound board operator or the organizer/organizer's designee. If the decibel limit is found to have been exceeded a second time during the same event, the entertainment license (or permission to use a bullhorn/PA system) shall be immediately suspended, the PA system / amplification / bullhorn turned off, and the sound security deposit forfeited.

CANCELANON POLICY

Events must be canceled with PAFD prior to the event date in order to be eligible for a refund.
If canceled within 2 weeks of the scheduled event date, a \$75 cancellation fee may be charged.

NOTIFICATION

Please keep a copy of your event permit on site at all times. City staff may require proof of permit.
If there are members of the public in the reserved space upon arrival, please present the permit as proof of reservation & approved usage. If you need assistance, please contact the Police Department at (207) 874-8574..
You may put up temporary A-frame signs to alert the public to your event or place signage on orange cones, etc. Signs are to be up DAY OF EVENT ONLY. Please remove all signage immediately following the event.
Please call Portland Police Dept. (874-8574) on the day of your event to remind them it is taking place.
Please notify any nearby neighborhoods, businesses, including restaurants that may have tables out for dining, to alert them to your event.

STREET CLOSURE NOTIFICATION

Should an event involve a Street Closure, lasting longer than an hour, PAFD Office requires organizers to give advanced notification to area businesses, residents and bus companies (in the form of a "Street Closure Sign Off Sheet"). If an event impacts METRO Buses, the organizer (in advance) must discuss detour plans with Parks Rec and Facilities..

REVOCABLE PERMIT

- ◆ The City reserves the unconditional right to control or cancel events to protect and/or prohibit damage to public property.
- ◆ The City reserves the unconditional right to revoke or revise an issued permit.
- ◆ Police or City Staff on site may use their discretion to revise conditions of use.

I HAVE READ AND UNDERSTAND ALL OF THE ABOVE POLICIES	TYPE INITIALS	BD	DATE	8/11/25
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ASSUMPTION OF RISK & LIABILITY

Users of the area agree to accept the grounds in an "as is" condition and shall be responsible for all risk and liability in using the park/public space area for the said event. By returning this form (should permission be granted to use city property), the above parties agree to indemnify, defend, and hold harmless the City of Portland, its employees and agents, from and against all claims arising out of activities during said event.

I have read the Assumption of Risk & Liability Agreement	TYPE INITIALS	BD	DATE	8/11/25
---	----------------------	-----------	-------------	----------------

PLEASE INITIAL & DATE HIGH-LIGHTED YELLOW BOXES ABOVE.

PLEASE RETURN FORM AT LEAST 60 DAYS IN ADVANCE TO:

- ◆ Public Assembly Facilities Div. ~ 212 Canco Rd. ~ Portland ~ ME ~ 04103 EMAIL PREFERRED: rgroh@portlandmaine.gov

FEE SCHEDULE – UPDATED JULY 1, 2019

Fees are tiered and assigned based on the level of demand placed on City resources and impact on City infrastructure.	
Simple Event (no registration fee): \$75/hour Event with registration or pledges & attendance 25 - 300: \$125/hr Event with registration or pledges & attendance 301+: \$225/hr Film/Photo Shoot: \$150/day Public Space/Park Security Deposit: \$100 - \$1000 Sound Security Deposit: \$100 - \$1,000 Impact/Street Closure Fee (variable based on impact): \$100-\$500 Staff Fee (on site event support): \$37/hour Administrative Fee (event coordination support): \$40/hour or more Reserved Parking: \$25 each space Cancellation Fee: \$75	Electricity (activation/deactivation) Fee: \$40/flat Porta Restroom User Fee (if attendance is 150+): \$25 Entertainment License: \$50 Barricades: \$5/ea. Rental Fee + \$25/ea. Security Deposit Bike Racks: \$10/ea. Rental Fee + \$25/ea. Security Deposit Flashing Lights: \$10/ea. Rental Fee + \$40/ea. Security Deposit Cones: \$2/ea. Rental Fee + \$15/ea. Security Deposit Safety Vests: \$15/ea. Security Deposit Keys: \$50/ea. Security Deposit Equipment Delivery Fee: \$100 or more Fortification Fee: TBD

TOTAL AMOUNT(S) DUE TO PUBLIC ASSEMBLY FACILITIES DIVISION (Please make all security deposit checks out separately)			
Permit Fee for use of area:	\$	Entertainment License Fee:	\$
Number of Hours of Use: Approx.		Equipment Rental Fee:	\$
Staff Fee (on site event support):	\$	Public Space / Park / Sound Security Deposit:	\$
Admin. Fee (event coordination support):	\$	Borrowed / Rented Equipment Deposit:	\$
Electricity Fee (activation/deactivation):	\$	Additional Fees:	\$
Impact/Street Closure Fee (variable based on impact):	\$	(Porta-Restroom User Fee, "No Parking" Signs, etc.)	

CITY OF PORTLAND ACCEPTS CASH, CHECK, MONEY ORDER AND CREDIT / DEBIT CARDS FOR PAYMENT	
Checks should be made payable to City of Portland There will be a 2.65% processing fee added to all Debit / Credit Card transactions.	

FOR OFFICE USE ONLY							
APPLICATION FEE:	\$ 25.00	PERMIT FEE:	\$	SECURITY DEPOSIT:	\$	INSURANCE NEEDED?	Y / N
DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:		DATE RECEIVED:	

Merchandise -Do you wish to sell **non-food items** (like T-shirts, crafts, cd's, etc.)? If so, please apply for a **Street Goods Vendor License(s)** at the Business Licensing Office (207-874-8557)
<https://content.civicplus.com/api/assets/9ef5d795-ac26-4794-9e38-c2f0bb9c9f04?cache=1800>

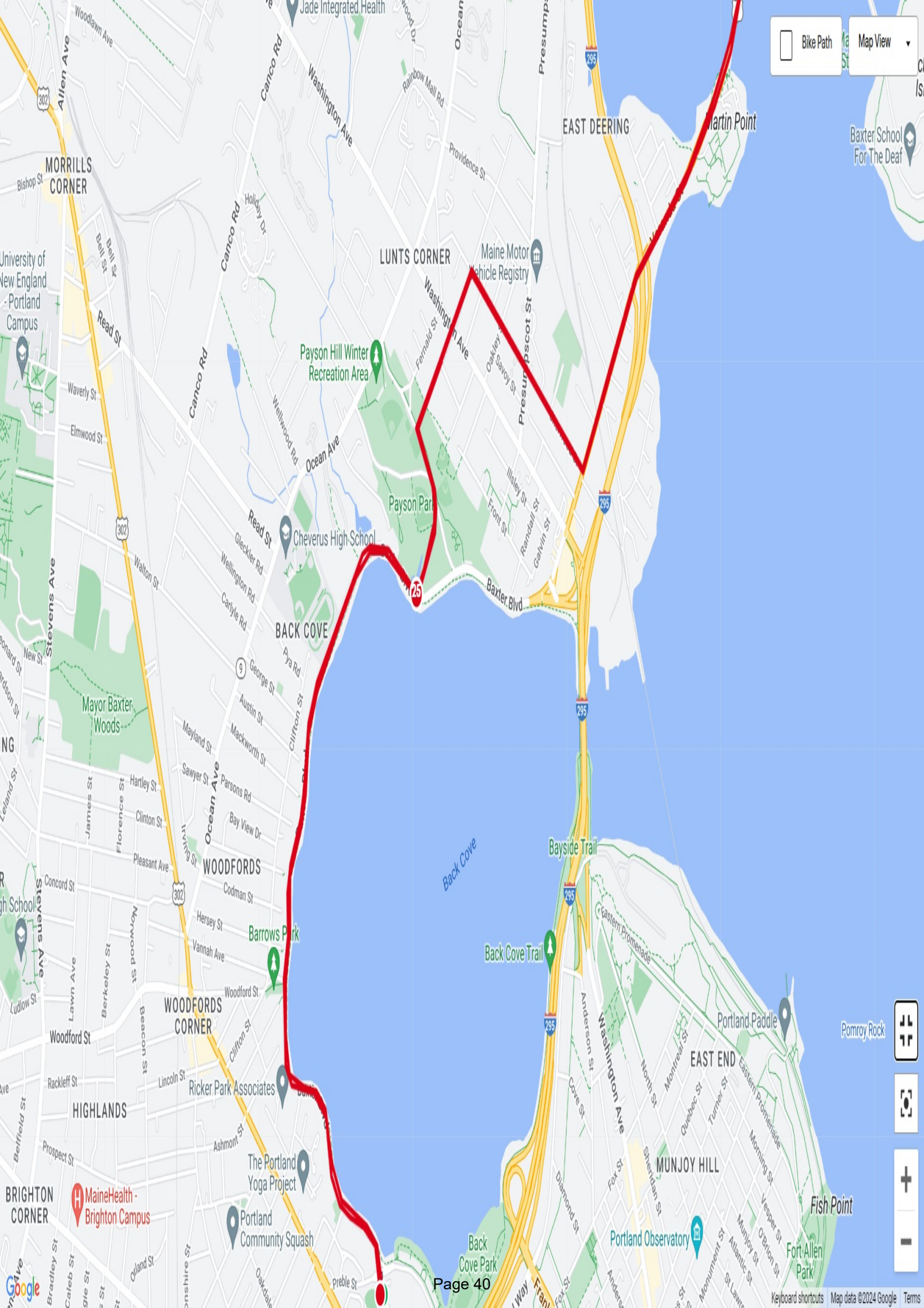
Tents/Stages -Do you wish to set up a **tent(s)** and/or **stage(s)**? A canopy/tent or stage larger than 10'x10' needs a **Temporary Tent or Stage Permit** issued by Building Inspections
<https://content.civicplus.com/api/assets/376697a8-b6ac-4a4c-babc-9dbcf1e61eb8>

Alcohol sales -Do you wish to sell **alcohol**? You must complete the application for a **Liquor License** specific to your event through the State of Maine and submit the application to the City of Portland Business Licensing office first. Application will need City of Portland's approval prior to going to the State. Questions?please contact the Division of Liquor Licensing and Enforcement at (207) 624-7220/email-MaineLiquor@maine.gov. <https://www.maine.gov/dafs/bablo/liquor-licensing/license-and-permit-applications>

Food Sales - Will there be food vendors? If so, you must apply for a **Temporary Food Service License** from the Business Licensing Office. <https://content.civicplus.com/api/assets/12f35a2a-e2a4-4d87-bf05-9ec89545e996?cache=1800>

Police - Will your event require **Police** assistance? <https://portlandmaine-portal.app.transform.civicplus.com/forms/26740>

Fire/EMS - Will your event require **Fire/EMS** assistance? Email Fire Department - fireprevention@portlandmaine.gov



 Bike Path

Map View 

Barricade Locations - Maine Marathon 2025

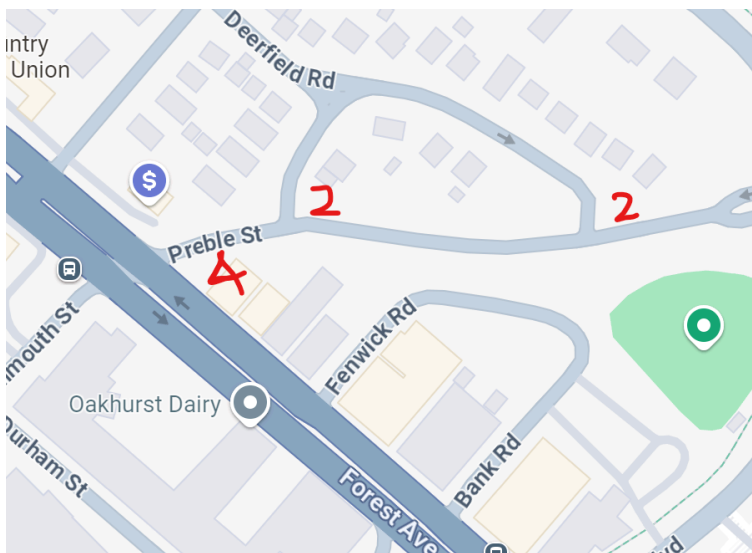
Start / Finish Area

4 – Bedford St – East side near garage to direct runners to other side of road before Forest Ave

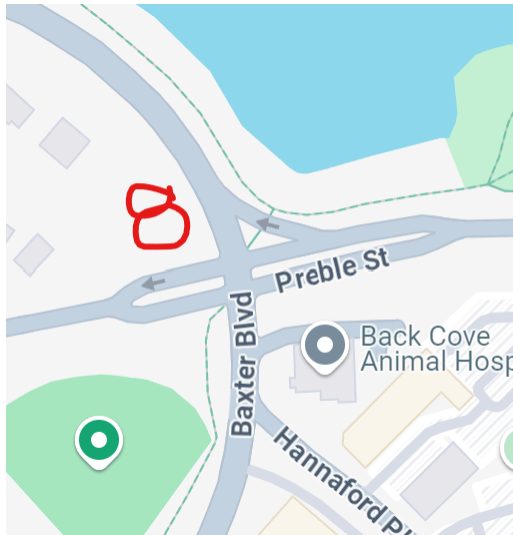
4 – Forest Ave / Baxter (+ Shaw Brothers' truck w/ trailer)



8 – Forest Ave / Preble St Ext (need to block at Forest as well as UCU lot onto Preble, Deerfield and Grasmere Rd)

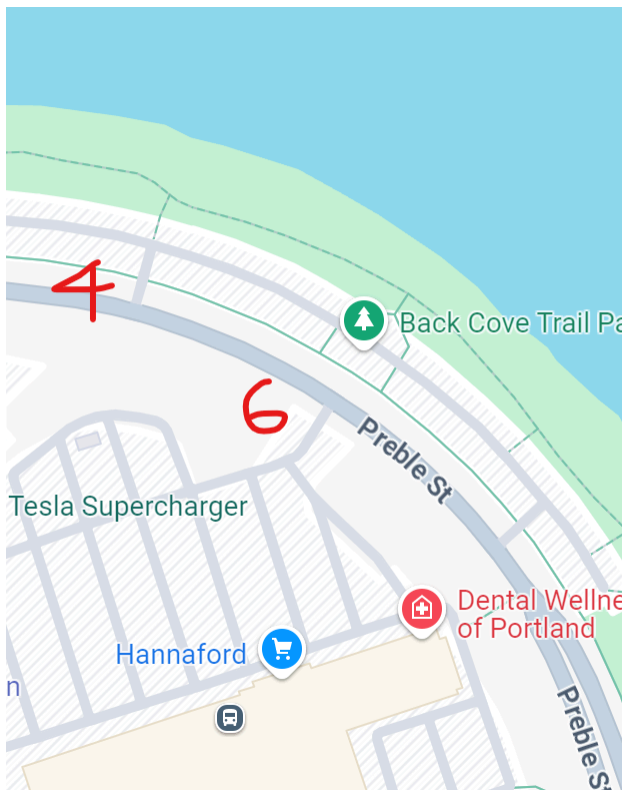


8 – Preble St Ext / Baxter Blvd Intersection



4 – Preble St Parking lot – blocks cars leaving Back Cove parking lot near start / finish

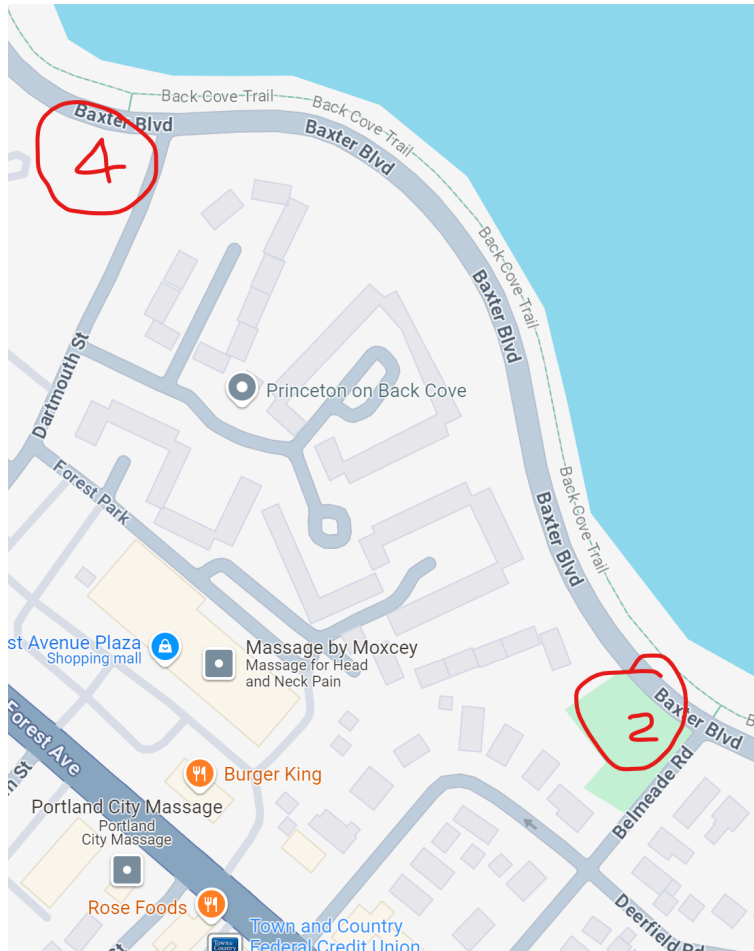
6 – Preble St entrance to Hannaford lot next to Coldwell Banker brokerage.



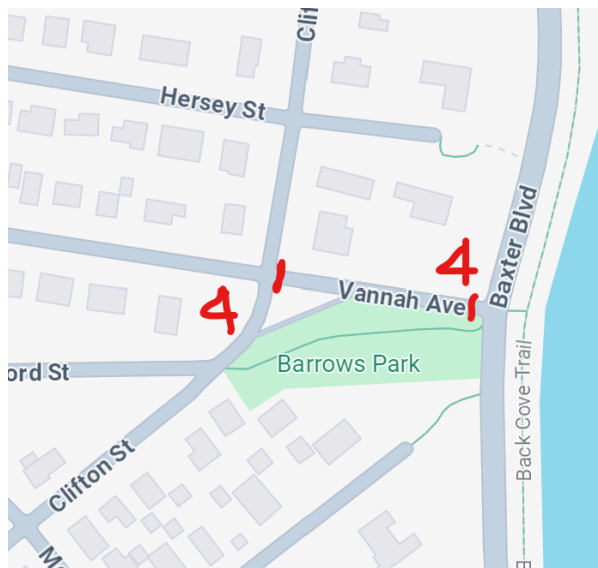
Other Locations along Baxter Blvd

2 – Belmeade / Baxter

4 – Dartmouth / Baxter (2 at the Baxter/Dartmouth intersection, 2 for closer to the turn into Forest Park)



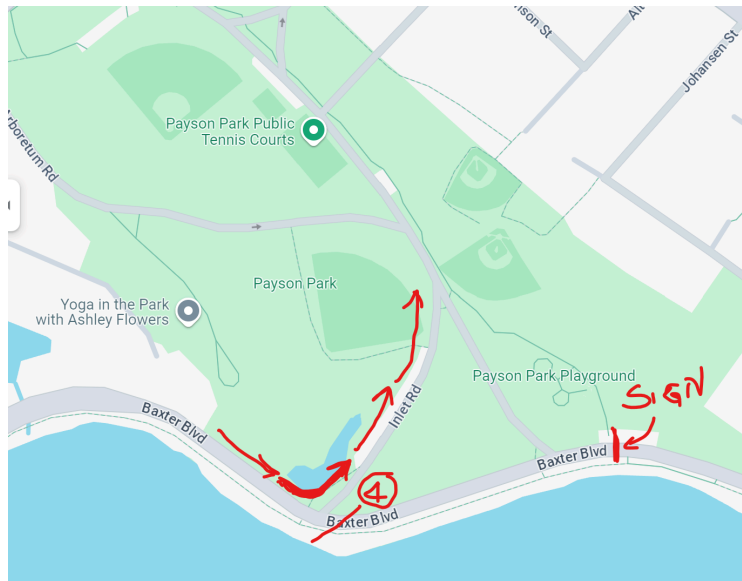
8 – Vannah Street



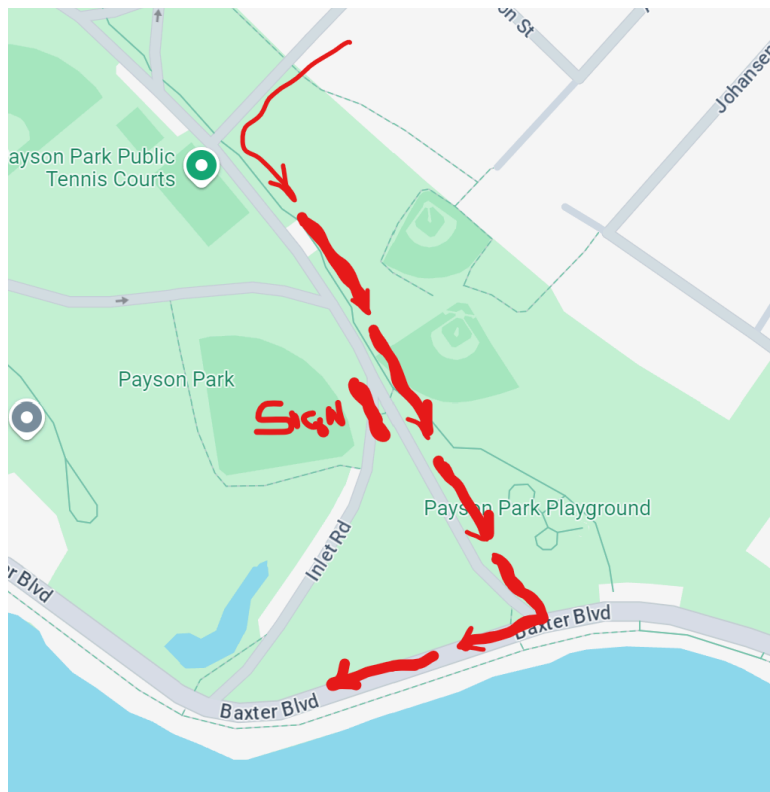
Payson Park

4 – at Left Hand turn into park on Inlet Rd. (outbound runners - new course). (these get removed after all runners go thru)

Use existing Baxter Blvd Closed barricade sign at other entrance.



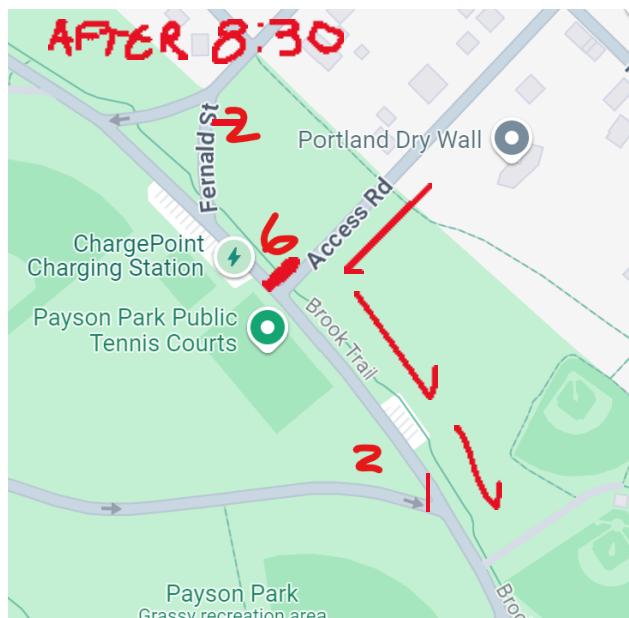
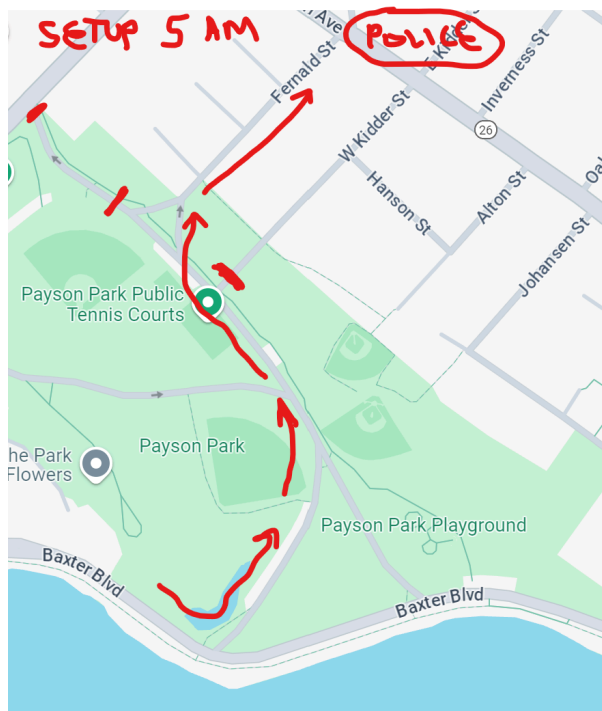
Inbound runners - Use existing barricade signs – Top of grass triangle near softball fields (this is placed AFTER all runners go thru at start, and is designed to keep runners to left on return!)



2 – Arboretum Rd (road in from Ocean Ave entrance) at stop sign near tennis courts and softball field

8 – Payson Park at West Kidder Street (4 on West Kidder and 4 on Catafalque Drive, west Kidder barricades can be moved over to Catafalque Drive to reinforce stopping traffic onto course)

There are two setups here now. For the start of the race, the path needs to be clear through Fernald street for outbound runners to get out to route 9 (Ocean Ave). Then, once all runners are through (around 8:30 AM), the barricades need to be moved to open Kidder and move the barricades closer to Kidder.



2 – Payson Park / Ocean Ave Entrance (top of the hill) + 2 barrels w/ Road Closed signs (this is a problem area!!)

2 – Payson Park / Ocean Ave Exit (top of the hill across from church) (Reopen top right After 9 AM)

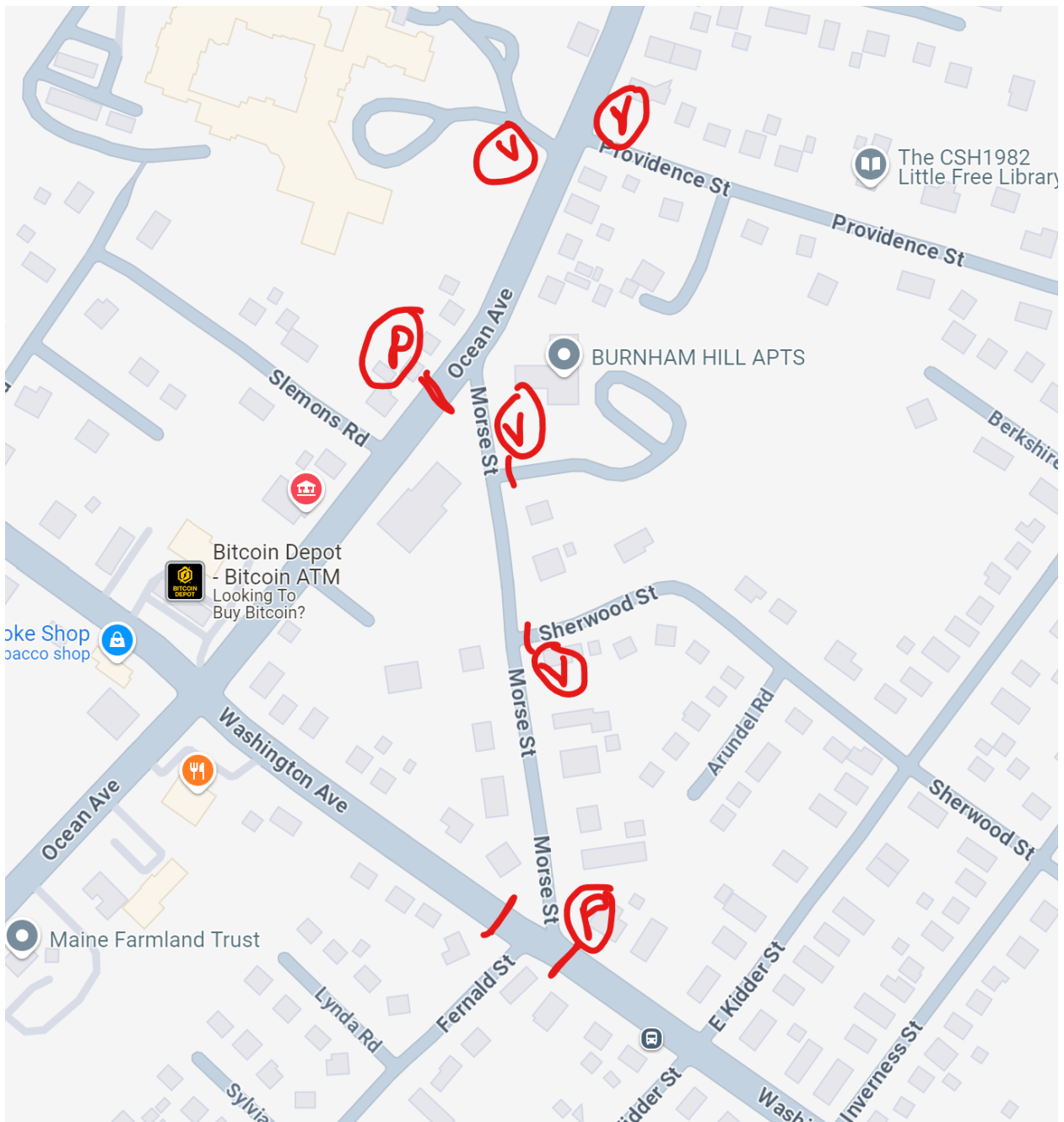


2 – Seaside Nursing Home entrance onto Baxter



Washington Street Crossing/Morse Street/Ocean Avenue pickup

This is speculative, but we probably want Portland Police here for the 8 AM – 9 AM timeframe as runners pass, with volunteers at the side street entrances.



Baxter Blvd/Bates/295 off ramp area (not part of 2024 running course, but still needs to be closed since no access to Payson for traffic)

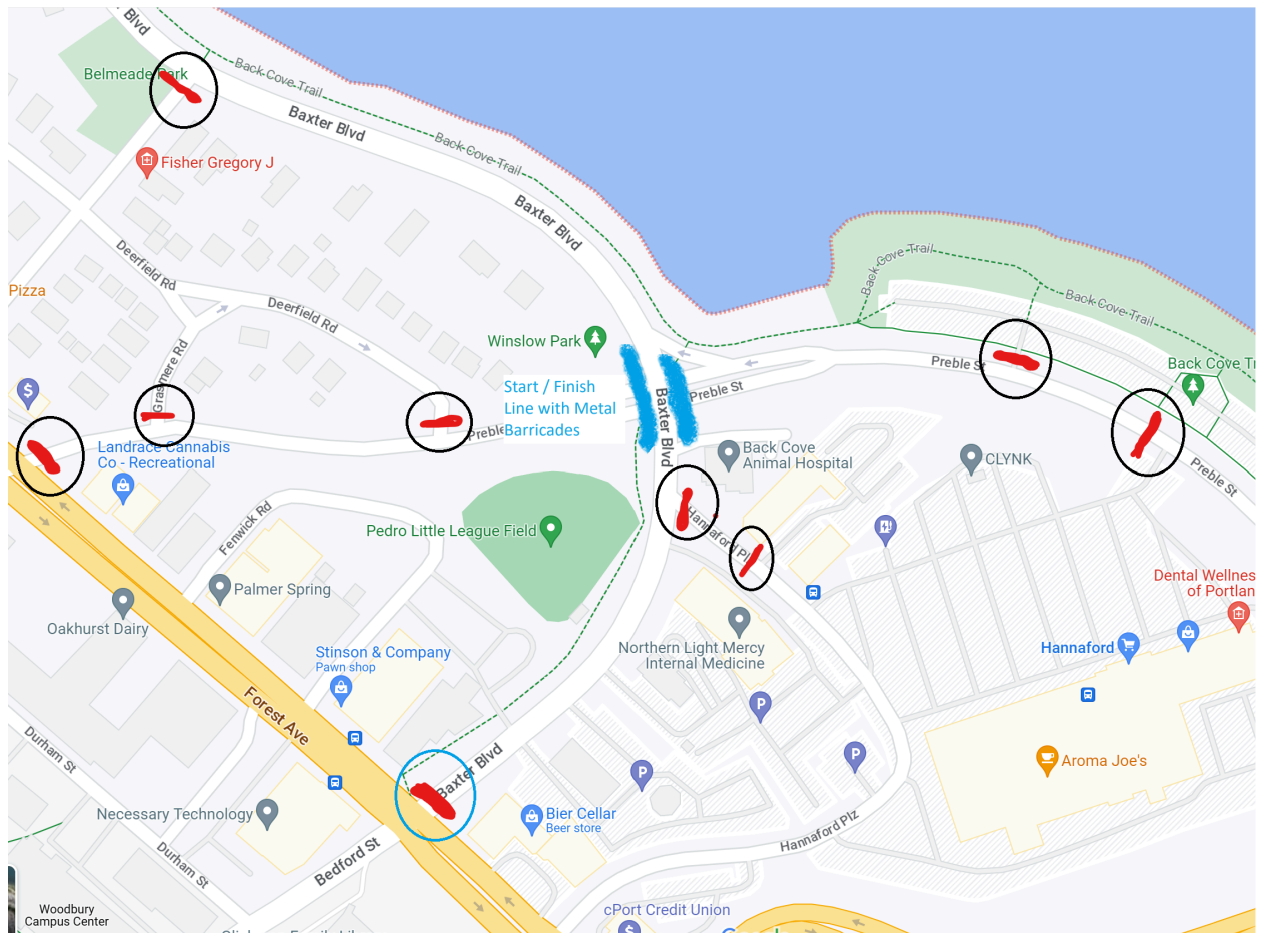
8 – Baxter / Bates

Portland Police stationed here from 6 AM to direct traffic coming off of 295 ramp onto Bates.

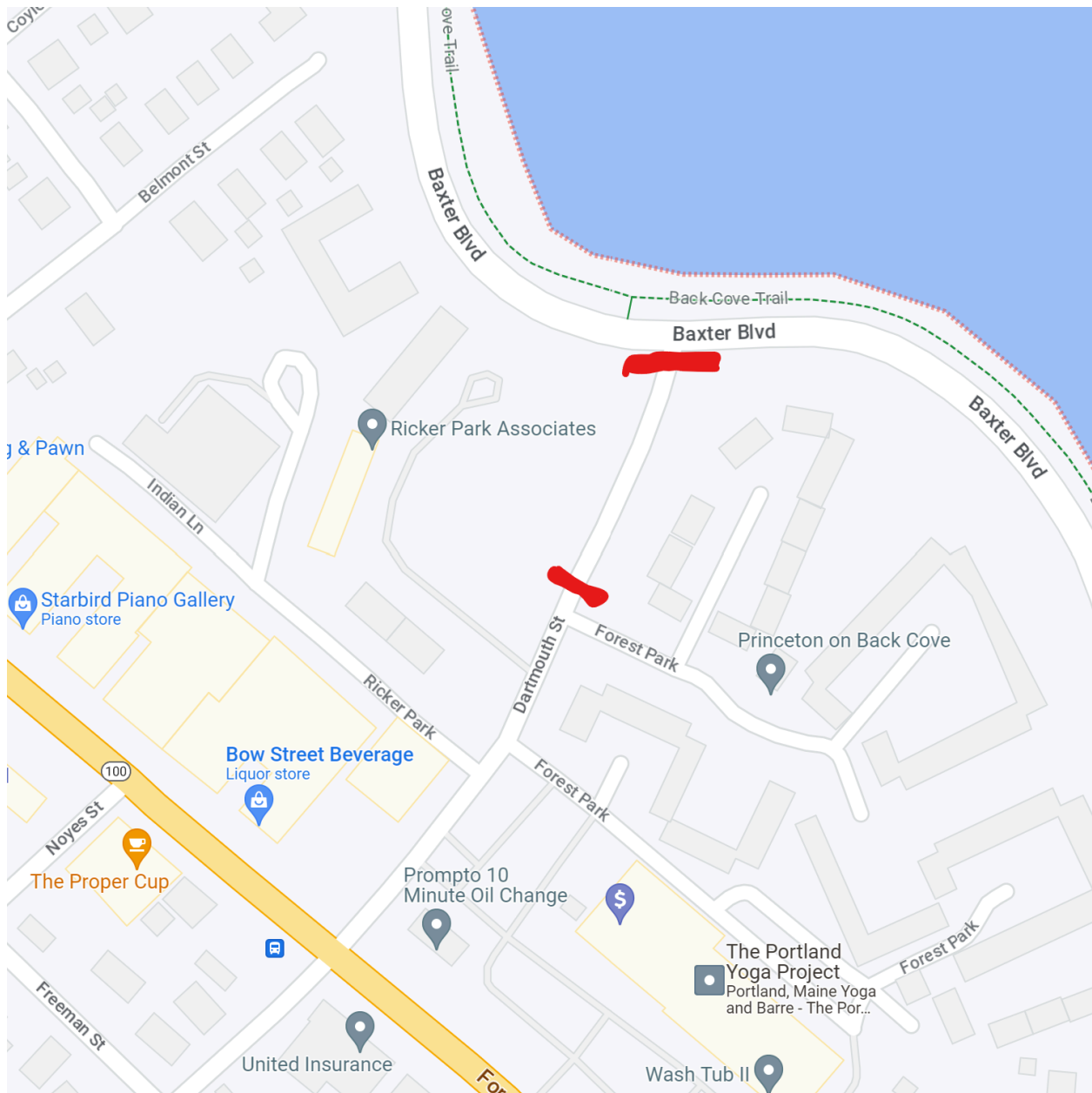
Total needed = 76 Standard (sawhorse) Barricades (4 delivered by Rangers = 76 PAF)

6 Large (plastic) Barricades & 2 Barrels (all delivered by Rangers)

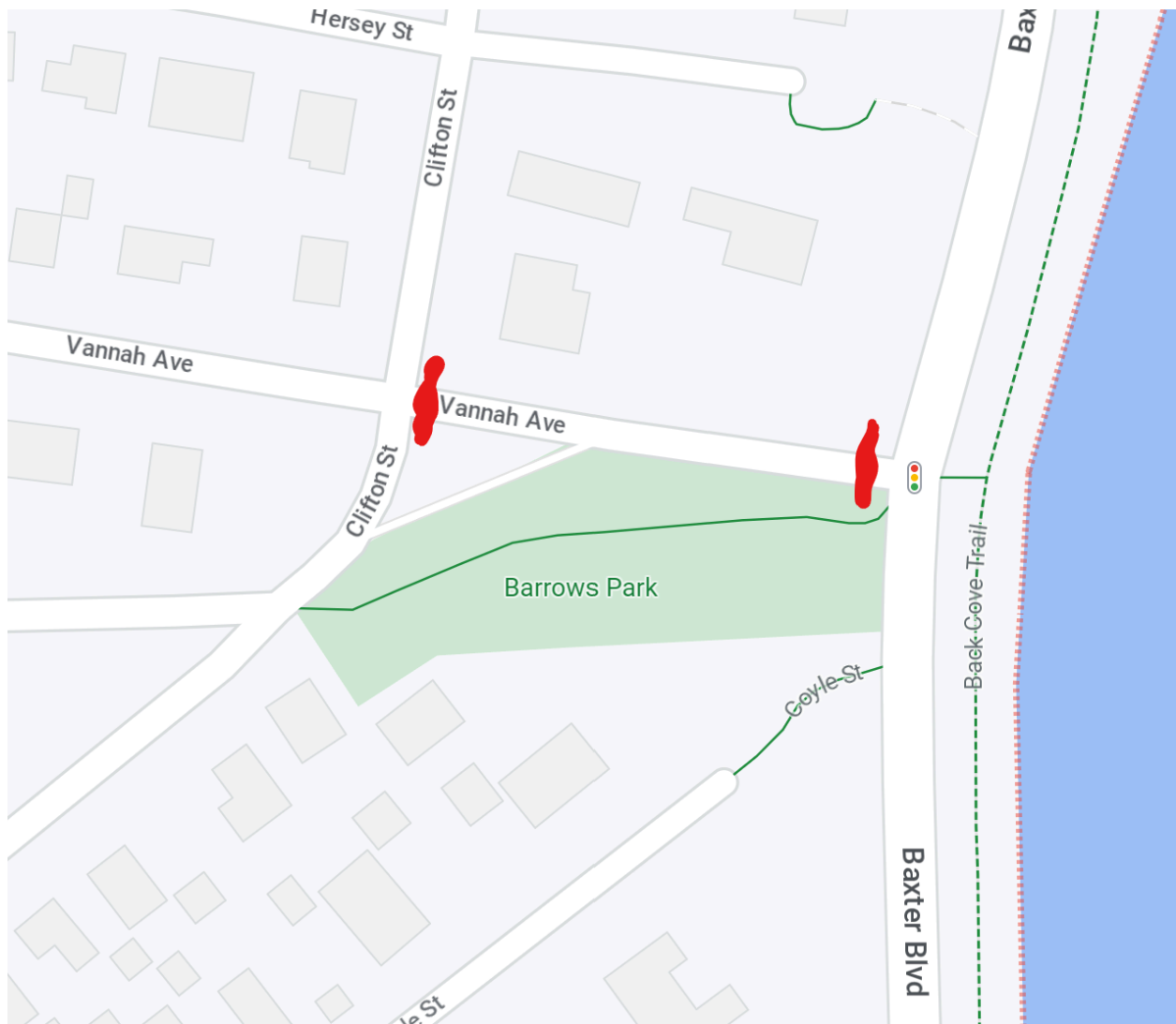
Start/Finish Area Setup



Dartmouth Street

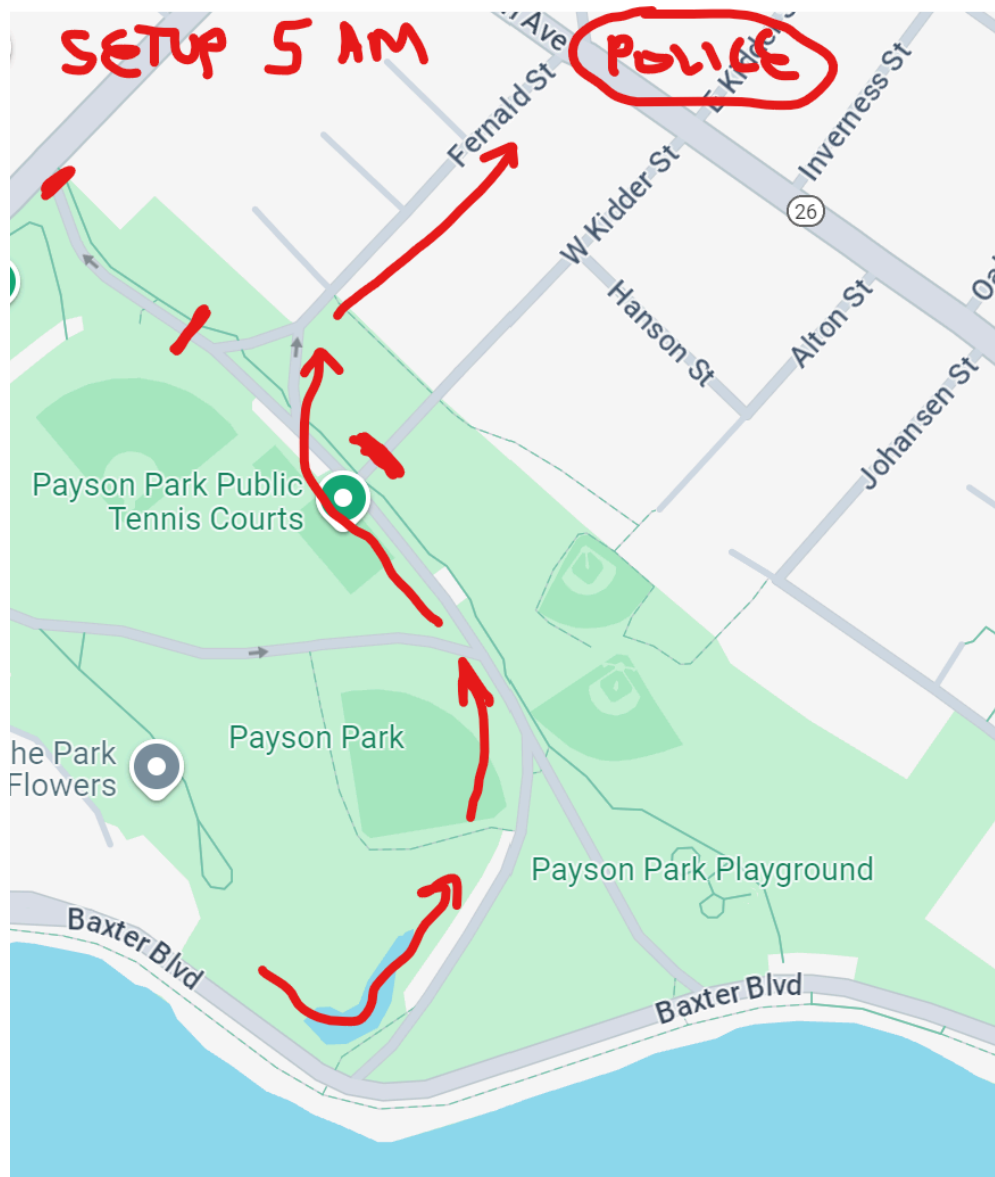


Vannah Street / Baxter Blvd



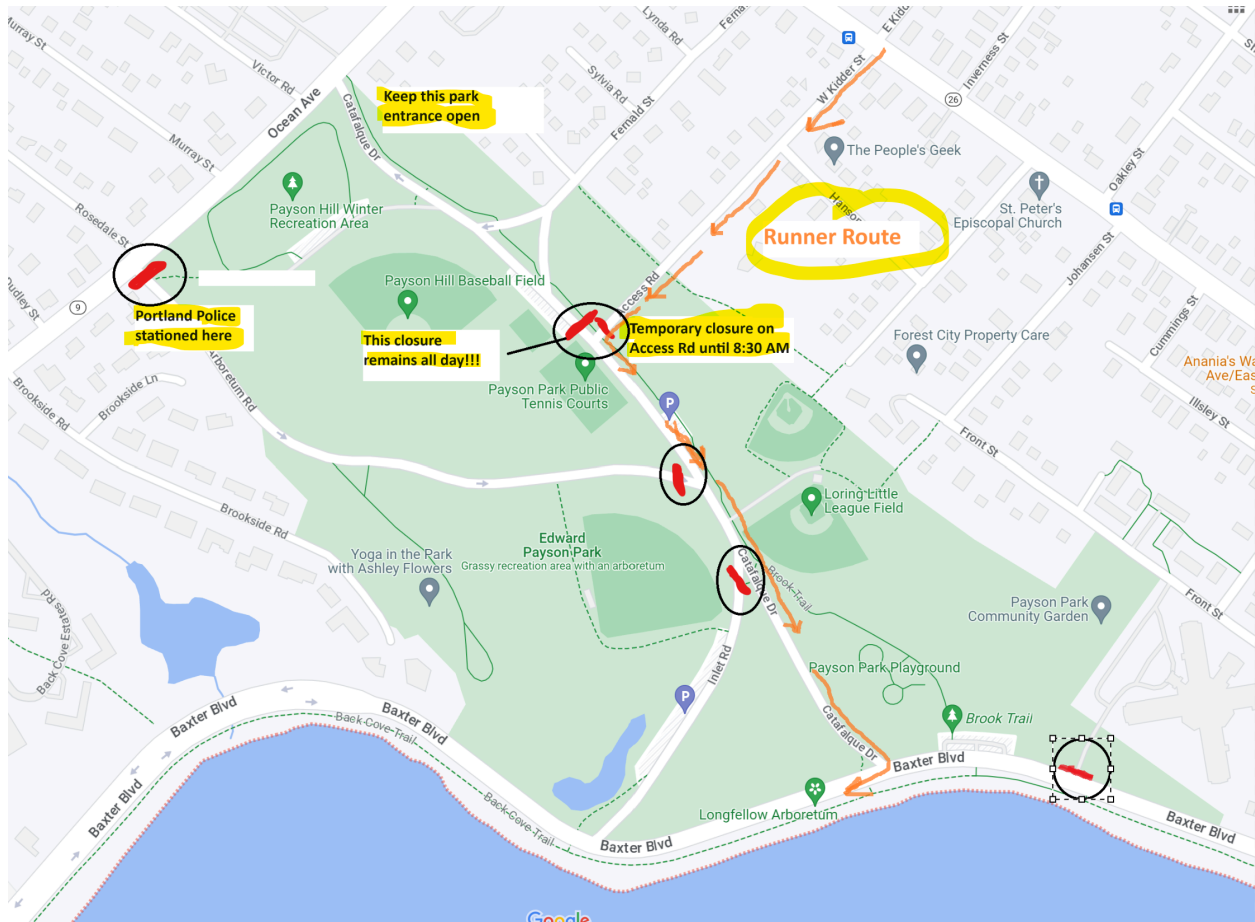
Payson Park (Outbound until 8:30 AM)

Close top of hill off Ocean Ave. Close Catafalque above triangle. Close Kidder.



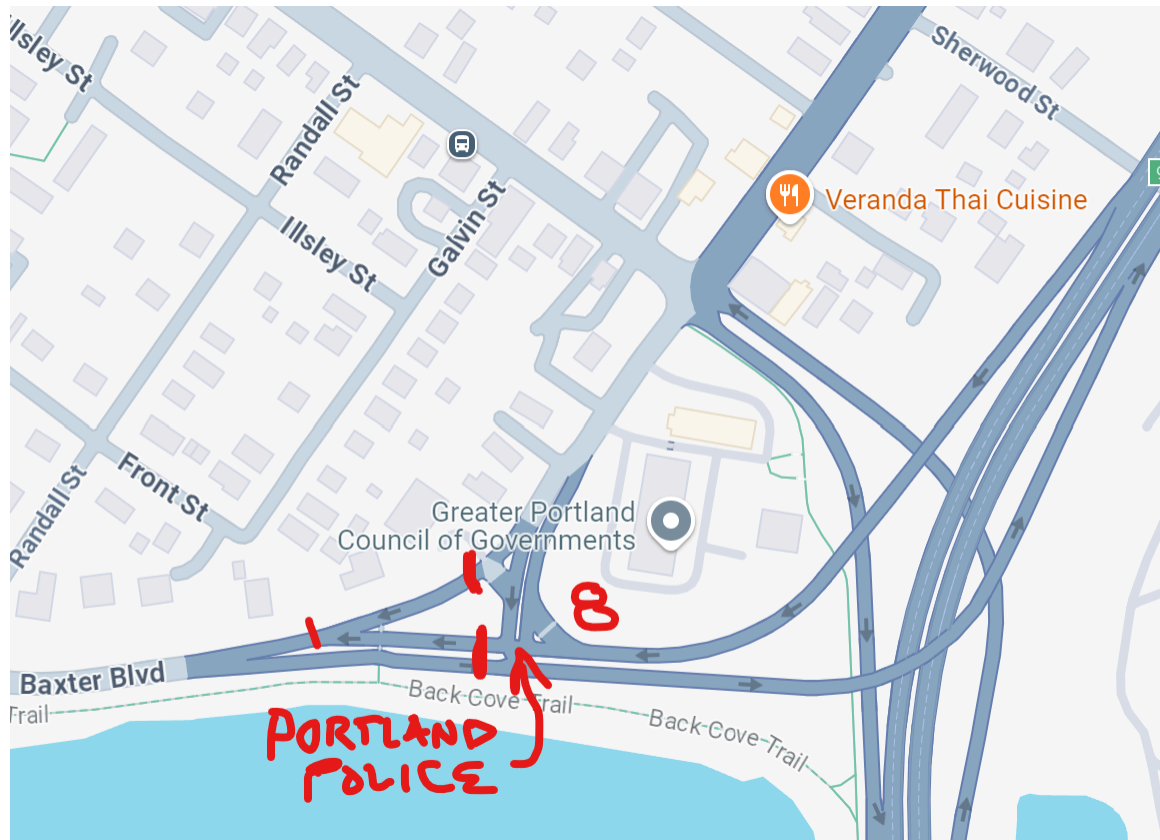
Payson Park (Return) Use this setup near tennis courts after 8:30 AM.

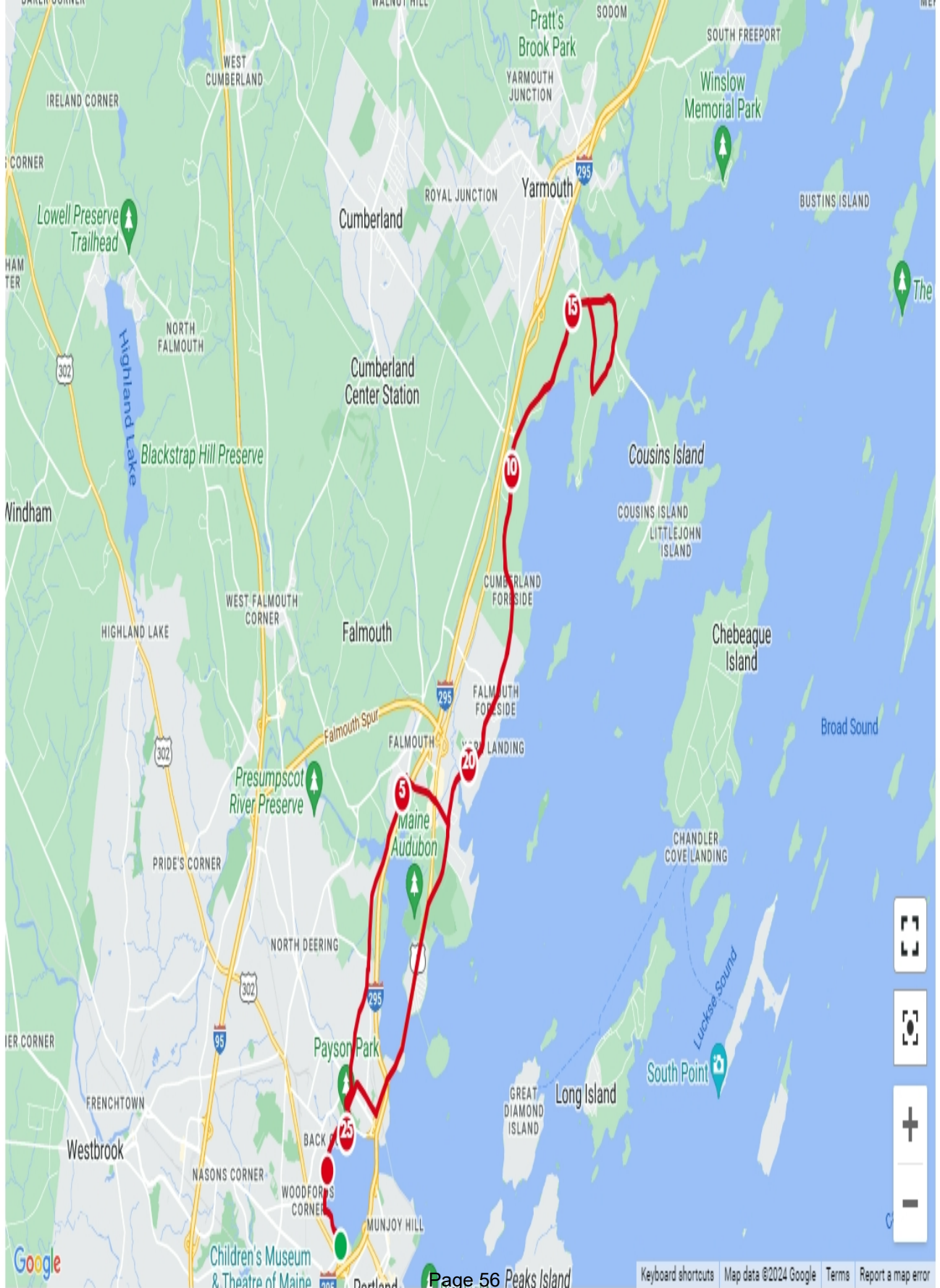
Close Fernald Street and move barricade closer to tennis courts. See circled info below.



Baxter / Bates Intersection

Portland Police stationed here starting at 6 AM to direct traffic away from Baxter Blvd and onto Bates.





MEMORANDUM
City Council Agenda Item

FROM:

DATE: August 18, 2025

SUBJECT: Order 41-25/26 Granting Municipal Officers' Approval of Watami Old Port Corp., dba Watami. Application for Class I FSE with Outdoor Dining on Private Property at 230 Commercial Street - Sponsored by Danielle P. West, City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 8/11/25. Location was previously Sapporo.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Watami_Council Packet_2025.09.03
2. 2025.09.03_Watami_Council Order

Prepared by:

Date: 08/18/2025

Letter of Intent

Dear Mayor Dion and Honorable Members of the City Council,

I am writing to formally express my intent to open a new Japanese restaurant within the City of Portland, and to respectfully request approval to obtain the necessary permits to serve alcoholic beverages on the premises.

Our restaurant will specialize in authentic Japanese cuisine, including sushi, ramen, poke and bubble tea, with the goal of offering a welcoming and high-quality dining experience to the community. As part of our vision to deliver a full-service experience, we intend to include a carefully curated selection of sake, beer, and wine as part of our beverage menu.

The restaurant will be located at 230 Commercial Street, and we believe it will contribute positively to the local economy by creating jobs, activating vacant commercial space, and attracting both local residents and visitors. We also plan to participate in community events and collaborate with nearby businesses to support neighborhood vitality.

We respectfully request the City Council's consideration of our intent to serve alcohol as part of this new restaurant. I am happy to provide additional information, attend public hearings, or answer any questions you may have.

Thank you very much for your time and consideration. I look forward to the opportunity to serve the residents of Portland and to contribute meaningfully to the community.

Sincerely,
Kevin Chen
Watami



CITY OF PORTLAND, MAINE
Permitting and Inspections Department
Business Licensing and Housing Safety

Application for Food Service Establishment with Alcoholic Beverages License

Maine B.E.L.L.S. Application Information	
File or Tracking Number from BELLS application:	Date of Submission of BELLS application:

Business Information		
Legal Business Entity Applicant Name (corporation, LLC): Watami Old Port Corp.	Business Name (D/B/A): Watami	
Individual or Sole Proprietor Applicant Name(s): Kevin Chen	Physical Location: 230 Commercial St. Portland, ME 04101	
If applicable, what was formerly at this location: Sapporo	Business Email Address: watamiinmaine@gmail.com	
Mailing Address: 9 Rowe Ct Unit 1, Freeport ME 04032	Contact Person: Kevin Chen	
Contact Person Phone: 617-888-1236	Contact Person Email: Kevin_c_86@hotmail.com	
Manager of Establishment: Kevin Chen	Date of Birth: 11/23/1986	Manager Phone: 617-888-1236
Owner of Premises (Landlord): 5 Widgery Wharf LLC	Address of Premises Owner (Landlord): 251 US Route 1, Suite W-1, Falmouth ME 04105	

Sole Proprietor/Partnership Information (If Corporation, leave blank)		
Name of Owner(s):	Date of Birth:	Residence Address:
Name of Owner(s):	Date of Birth:	Residence Address:

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)			
Corporate Name: Watami Old Port		Corporate Mailing Address: 9 Rowe Ct Unit 1, Freeport ME 04032	
Contact Person: Kevin Chen		Contact Phone: 617-888-1236	
Principal Officers	Title	Date of Birth	Residence Address
Kevin Chen	Owner	11/23/1986	9 Rowe Ct Unit 1, Freeport ME
Xiaolong Lin	Owner	1/13/1988	Same
Yelan Deng	Owner	6/16/1970	9 Rowe Ct Unit 2, Freeport, ME



CITY OF PORTLAND, MAINE
Permitting and Inspections Department
Business Licensing and Housing Safety

v.2024.12.05

Class of Liquor License (see fee schedule): <u>Class A Restaurant</u>		
Type of food served:	<u>Japanese</u>	
Please select all that will be served:	☒ Beer ☒ Wine ☒ Liquor	
Projected percentage of sales:	Generated from Food: <u>90%</u>	Generated from Alcohol: <u>10%</u>
Hours & days of operation:	<u>Monday - Sunday 11:30 AM - 9:00 PM</u>	
QUESTIONS	YES	NO
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	☒	☐
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☐	☒
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)	☐	☒
Will you permit dancing after 1:00 a.m.?	☐	☒
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	☒	☐
If yes, will the outside dining be on: ☐ PUBLIC property or ☒ PRIVATE property		
Will you have any amusement devices (pinball, video games, juke box)?	☐	☒
If yes, please list: # of amusements: and # of pool tables:		
What is your targeted opening date?: <u>8/15/2025</u>		
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	☐	☒
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	☒	☐
If Yes, please list business name(s) and location(s): <u>Zen Chinese Bistro, 45 Danforth St, Portland ME</u>		
Is any principal officer under the age of 21?	☐	☒
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	☐	☒
If Yes, please explain:		

I, Kevin Chen do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature Kevin Chen Title Owner Date 8/5/2025



CITY OF PORTLAND
Permitting and Inspections Department

**Outdoor Dining Permit on Private Property
Supplemental Application**

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License

☒ Outdoor Dining on Private Property \$125.00	☐ Legal Advertisement Deposit \$100.00
---	---

Business Information	
Business Name (d/b/a):	Watami @ Old Port Corp Phone: 6178881236
Location Address:	230 Commercial St, Portland ME Zip: 04101
Mailing Address:	Same Zip:
Contact Person:	Kevin Chen Phone: 6178881236
Contact Person Email:	Kevin_c86@hotmail.com
Manager of Establishment:	Kevin Chen Date of Birth: 11/23/1986 Phone: above
Owner of Premises (Landlord):	5 Widgery Wharf LLC
Address of Premises Owner:	251 US Route 1 Suite W-1, Falmouth, ME Zip: 04105

Owner Information

Corporate Name		Corporate Mailing Address	
Watami Old Port Corp		9 Rowe Ct Unit 1, Freeport ME Zip: 04032	
Contact Person:	Kevin Chen	Phone:	617-888-1236
Principal Officers	Title	Date of Birth	Residence Address
Kevin Chen	Owner	11/23/1986	9 Rowe Ct Unit 1, Freeport ME 04032
Xianlong Lin	Owner	1/13/1988	Same
Yuan Deng	Owner	6/16/1970	9 Rowe Ct Unit 2, Freeport ME 04032



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Outdoor Dining - Private
Type of food served:	Japanese
Please circle all that will be served:	☒ Beer ☒ Wine ☒ Liquor
Hours & days of operation:	All week: 11:30 AM - 9:00 P.M.
Number of Tables	8
Number of Chairs	16

Design and Construction

- If you are building a structure or adding impervious surface for the outdoor dining area please contact the Permitting and Inspections Department for permitting requirements at permitting@portlandmaine.gov or 874-8703.

Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- No food shall be prepared in the designated outdoor dining area.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.

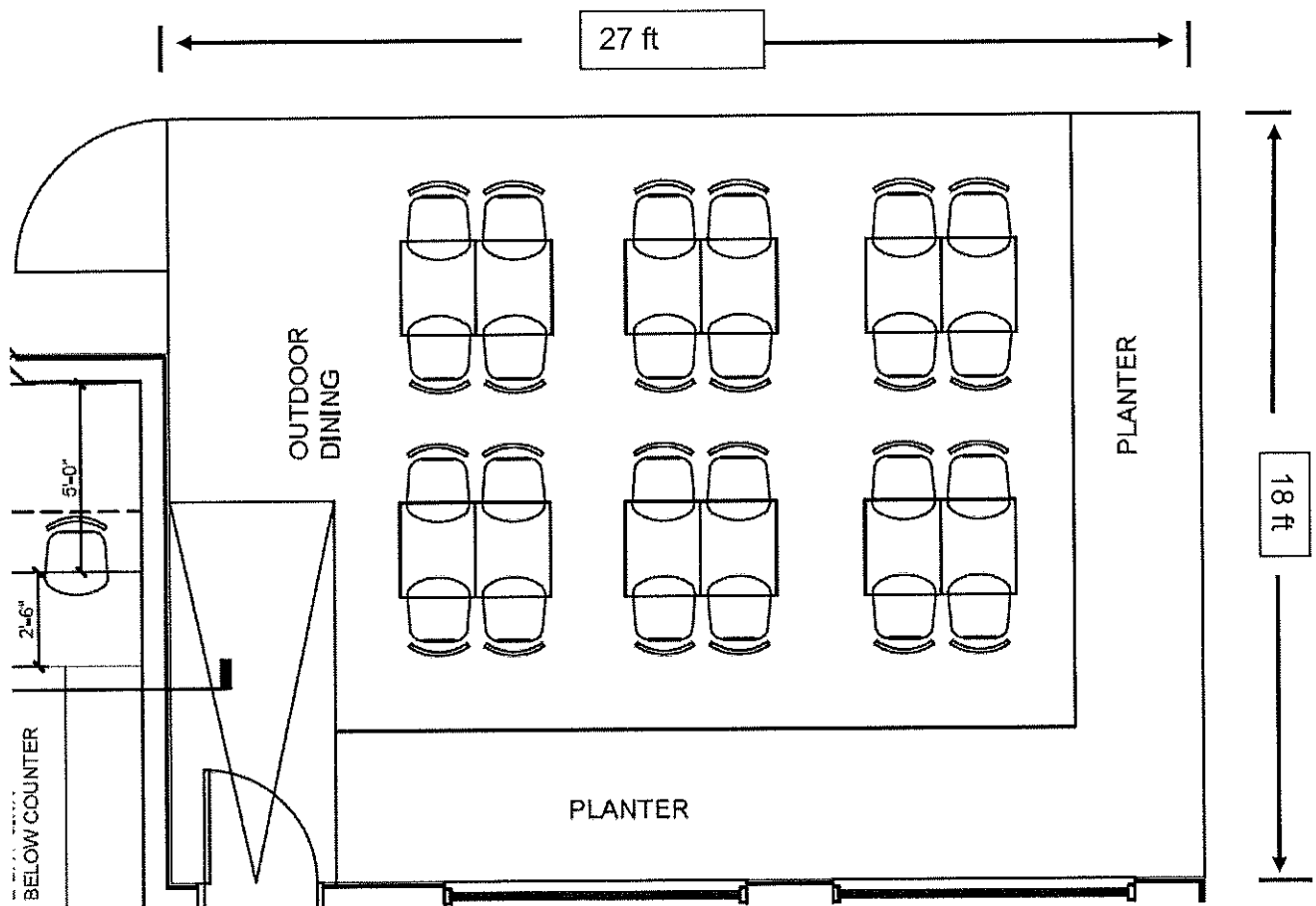
I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

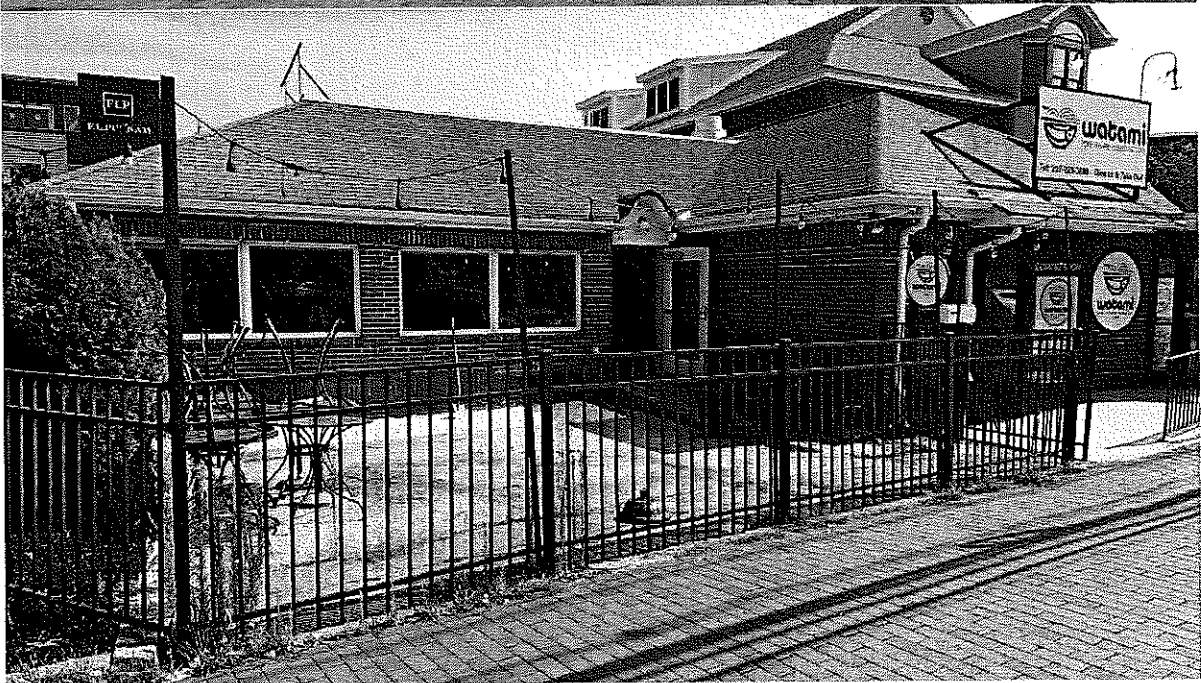
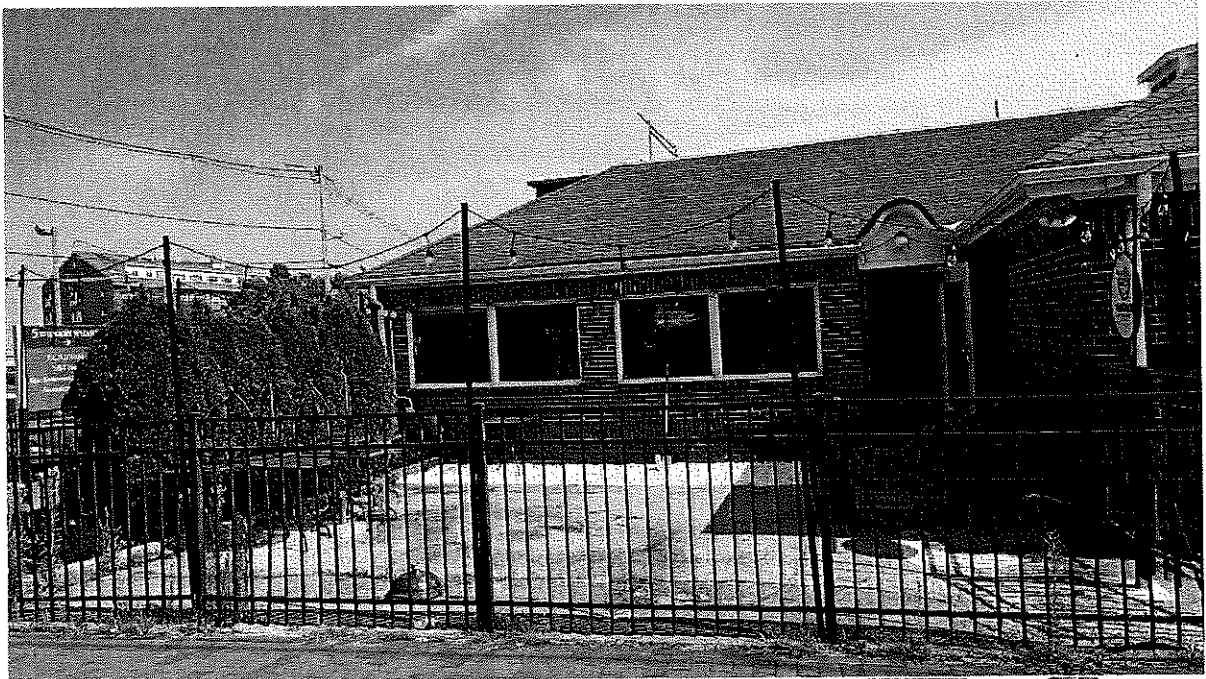
Signature [Signature] Title Owner Date 8/5/2025

For Administrative Use Only

Amount: _____	Request Date / Approval	Notes: _____
Date Paid: _____	FD: _____	
CC _____ CA _____ CK _____	Health: _____	
	PD: _____	
Amount: _____	PR: _____	
Date Paid: _____	Treasury: _____	
CC _____ CA _____ CK _____	Zoning: _____	

Total Area: 486 square feet







Zachary Lenhart <zlenhart@portlandmaine.gov>

Wantami_230 Commercial_Class I FSE

Zoning <zoning@portlandmaine.gov>

Mon, Aug 18, 2025 at 4:42 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Katlyn Sawyer <ksawyer@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>, Zachary Lenhart <zlenhart@portlandmaine.gov>

Hello,

The legal use of 230 Commercial St is *restaurant*. Restaurant is a permitted use within the Commercial St subdistrict of the WCZ zone.

Zoning approves.

I'm not seeing a plan made for this FSE... is there one to sign off on yet?

Will Valentine

[Quoted text hidden]

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on September 3, 2025 at 5:00 P.M., in City Council Chambers, 389 Congress St. for approval of Watami Old Port Corp., dba Watami. Application for Class I FSE with Outdoor Dining on Private Property at 230 Commercial Street - Sponsored by Danielle P. West, City Manager

City of Portland | Permitting and Inspections
Zachary Lenhart, Licensing and Housing Safety Manager



August 27, 2025

Watami Old Port Corp.
9 Rowe Ct, Unit 1
Freeport, ME 04032

Re: Approval of Watami Old Port Corp., dba Watami. Application for Class I FSE with Outdoor Dining on Private Property at 230 Commercial Street

Dear Watami Old Port Corp. :

This letter shall serve as a reminder of the public hearing before the Portland City Council on Wednesday September 3, 2025 at 5:00 p.m., for the review of application for Class I FSE with Outdoor Dining on Private Property at 230 Commercial Street. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

Zachary J. Lenhart
Licensing and Housing Safety Manager



State of Maine

Bureau of Alcoholic
Beverages & Lottery
Operations

Application Copy

File Number: 93231

Job Type: New Application

LICENSE TYPE

On-Premises: Beer, Wine & Spirits

APPLICATION DATE RECEIVED

2025-08-06

SECONDARY LICENSE(S)

None selected

LICENSEE LEGAL NAME

Watami Old Port Corp

LICENSEE TYPE

Corporation

DOING BUSINESS AS

Watami

CORPORATE NUMBER

202500198D

INCORPORATION DATE

2024-10-04

CORRESPONDENCE ADDRESS

9 Rowe Ct Unit 1 Freeport ME 04032

MAILING ADDRESS

PHYSICAL ADDRESS

CONTACT NAME

Kevin Chen

PREFERRED CONTACT METHOD

Email

CONTACT PHONE

(617) 888-1236

ALTERNATE PHONE

FAX

EMAIL

kevinc_86@hotmail.com

CORPORATE STRUCTURE

NAME	POSITION/TITLE	PARENT COMPANY	% INTEREST
Kevin Chen	Owner		40
Xiaolong Lin	Owner		40
Yuan Deng	Owner		20

ADDITIONAL INFORMATION

MANAGED BY AGENT

No

PREMISES TYPE

Class A Restaurant

PREMISES NAME

Watami

OPERATOR

Kevin Chen

PHYSICAL ADDRESS

230 Commercial St Portland ME 04101

MAILING ADDRESS

230 Commercial St Portland ME 04101

CONTACT NAME

Kevin Chen

PREFERRED CONTACT METHOD

Email

CONTACT PHONE

(617) 888-1236

ALTERNATE PHONE

FAX

EMAIL

kevinc_86@hotmail.com

QUESTIONS

On-Premises: Beer, Wine & Spirit

1. Is your business (including any DBA) registered and in good standing with the Maine Secretary of State?

Answer "No" if you are a Sole Proprietor.

Yes

202500198 D

2. What is your expected start date?

9/4

3. Has/have applicant(s) formerly held a Maine liquor license?

Yes

CAR-21-105015

4. Does the licensee or applicant(s) have any interest in any other Maine Liquor License?

No

5. Is the applicant/licensee an individual, partnership, or association?

Yes

Yes

6. Are all licensees/applicants residents of the State of Maine?

Yes

7. Is your license for a club with a membership?

No

8. Is your license application for Vessel Corporation?

No

9. Do you have a valid and current health license issued by Maine Department of Health and Human Services OR the Department of Agriculture?"

No

- 10 Do you allow dancing or entertainment on the licensed premises?
If so, You need to have a a license from the Maine State Fire Marshal.
See <https://www.maine.gov/dps/fmo/plans-review/applications> for
more information.
No
- 11 Will any law enforcement officer directly benefit financially from this
license, if issued?
No
- 12 Is the licensee or applicant for a license receiving, directly or indirectly,
any money, credit, thing of value, endorsement of commercial paper,
guarantee of credit or financial assistance of any sort from any person
or entity within or without the State, if the person or entity is engaged,
directly or indirectly, in the manufacture, distribution, wholesale sale,
storage or transportation of liquor.
No
- 13 Is the licensee/applicant(s) directly or indirectly giving aid or assistance
in the form of money, property, credit, or financial assistance of any
sort, to any person or business entity holding a liquor license granted
by the State of Maine?
No
- 14 Do you have a manager employed?
Yes
Amanda Chen, 5/21/1984
- 15 Has any of the listed applicants, an immediate family member of an
applicant, or an employed manager been denied a liquor license or
had a liquor license revoked within the last 5 years?
No
- 16 Is any of the listed applicants the spouse, father, mother, child or other
immediate family member of a person whose liquor license has been
revoked or denied in the last 6 months?
No

17 Has any licensee/applicant or employed manager ever been convicted of any violation of the liquor laws in Maine or any State of the United States within the last 5 years?

No

18 Has the licensee/applicant(s) or manager ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States?

No

19 Does the licensee/applicant(s) own the premises?

No

(document uploaded)

20 At which address are your business records located?

230 Commercial St, Portland ME 04101

21 What will be your business hours? Please indicate each day's open and close times.

Sunday - Thursday 11:30 AM - 9:00 PM

Friday, Saturday 11:30 AM - 9:30 PM

22 Please provide the name and distance from the premises to the nearest school, school dormitory and place of place of worship, measured from the main entrance of the premises to the main entrance of the school, school dormitory and place of worship by the ordinary course of travel.

Maine College of Art & Design, 0.5 Mile

23 Is your application for a Hotel or Bed & Breakfast?

No

24 Do you have a food menu?

Yes

(document uploaded)

DOCUMENTS

TYPE	FILE NAME	DESCRIPTION
Premises Floor Plan	floor plan.pdf	

Corporate Supplemental Form	Supplemental Ownership Form.pdf
Lease/Rental Agreement	Watami Old Port Corp Lease Final Copy 10.22.24.doc.pdf
Food Menu	menu 1.jpg
Food Menu	menu 2.jpg

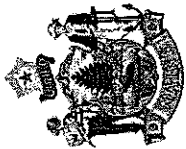
APPLICANT

Kevin Chen

DECLARATION

- ☒ I certify that I am the applicant as described in this application, or that I am duly authorized to submit this application on the applicant's behalf.

All information provided in this application is accurate and correct. I understand that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Supplemental Ownership Form

28-A M.R.S. §651

All Questions Must Be Answered Completely.

1. Company or sole proprietor legal name: Watami Old Port	2. Date of incorporation/registration: 10/04/2024	3. State of incorporation: ME
---	---	---

List the following information for officers, directors, owners equal to or over 10%, and persons with indirect financial interest in the applicant.

Name	Date of Birth	Phone or E-mail	Address	Title	Ownership Stake (%)
Kevin Chen	11/23/1986	kevinc_86@hotmail.com	9 Rowe Ct Unit 1, Freeport ME 04032	Owner	40
Xiaolong Lin	01/13/1988	617-820-2317	9 Rowe Ct Unit 1, Freeport ME 0403	Owner	40
Yuan Deng	06/16/1970	207-841-2394	9 Rowe Ct Unit 2, Freeport ME 0403	Owner	20

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

ORDER
GRANTING MUNICIPAL OFFICERS’
APPROVAL OF:

**Watami Old Port Corp., dba Watami. Application for Class I FSE with Outdoor Dining
on Private Property at 230 Commercial Street.**

MEMORANDUM
City Council Agenda Item

FROM:

DATE: August 18, 2025

SUBJECT: Order 42-25/26 Granting Municipal Officers' Approval of Duoro LLC, dba Duoro LLC. Application for Class I FSE at 110 Thames Street, Suite A - Sponsored by Danielle P. West, City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 8/7/25. This establishment is occupying a new premises.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Douro_Council Packet_2025.09.03
2. 2025.09.03_Duoro_Council Order

Prepared by:

Date: 08/18/2025

Douro LLC
110 Thames Street Suite A
Portland, Maine 04101

August 7, 2025

Dear Mayor Mark Dion and City Council:

On behalf of Douro LLC, I am writing to request your approval to open a Portuguese Seafood restaurant at **110 Thames Street Suite A**, with an anticipated launch in **September 2025**.

Douro will bring a vibrant and authentic Portuguese culinary experience to Portland. Douro prides itself on offering additional diversity to Portland's robust restaurant offerings. We are proud to contribute to the city's rich and diverse restaurant landscape by offering something unique.

Our commitment to Portland goes beyond cuisine. We plan to source local Maine seafood to support the fishing industry and use fresh, locally grown produce to uplift the farming community.

We have secured an experienced management team to facilitate operations with expertise. Douro's hope is to enhance the Portland food scene with our specialty approach.

We are thrilled at the prospect of calling Portland home and becoming part of its dynamic food scene. Thank you for your time and consideration. We look forward to the opportunity to serve the community and contribute meaningfully to its cultural and economic vitality.

Warm regards,

Robyn Hopkins

Controller



CITY OF PORTLAND, MAINE
Permitting and Inspections Department
Business Licensing and Housing Safety

Application for Food Service Establishment with Alcoholic Beverages License

Maine B.E.L.L.S. Application Information

File or Tracking Number from BELLS application: 84619	Date of Submission of BELLS application: 8/6/25
--	--

Business Information

Legal Business Entity Applicant Name (corporation, LLC): Douro LLC	Business Name (D/B/A):	
Individual or Sole Proprietor Applicant Name(s): Casey Prentice	Physical Location: 110 Thames St Suite A	
If applicable, what was formerly at this location: N/A	Business Email Address: robyn.hopkins@prenticehospitality.com	
Mailing Address: 110 Thames Street Suite A	Contact Person: Robyn Hopkins	
Contact Person Phone: 207-710-6788	Contact Person Email: robyn.hopkins@prenticehospitality.com	
Manager of Establishment: Aaron Wood	Date of Birth: 12/10/75	Manager Phone: 207-805-8255
Owner of Premises (Landlord): Forside Development	Address of Premises Owner (Landlord): 110 Thames Street Suite 200	

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s): Casey Prentice	Date of Birth: 1/11/87	Residence Address: 110 Exchange Street
Name of Owner(s):	Date of Birth:	Residence Address:

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name: Douro LLC	Corporate Mailing Address: 110 Thames Street Suite 200		
Contact Person: Robyn Hopkins	Contact Phone: 207-710-6788		
Principal Officers	Title	Date of Birth	Residence Address
Casey Prentice	owner	1/11/87	110 Exchange Street



CITY OF PORTLAND, MAINE
Permitting and Inspections Department
Business Licensing and Housing Safety

Class of Liquor License (see fee schedule): Class I (Class A Restaurant)		
Type of food served:	Portuguese	
Please select all that will be served:	☒ Beer ☒ Wine ☒ Liquor	
Projected percentage of sales:	Generated from Food: _____ Generated from Alcohol: _____	
Hours & days of operation:	11am through 10 pm Sunday through Saturday	
QUESTIONS	YES	NO
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	☒	☐
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☐	☒
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)	☐	☒
Will you permit dancing after 1:00 a.m.?	☐	☒
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	☐	☒
If yes, will the outside dining be on: ☐ PUBLIC property or ☐ PRIVATE property		
Will you have any amusement devices (pinball, video games, juke box)?	☐	☒
If yes, please list: # of amusements: _____ and # of pool tables: _____		
What is your targeted opening date? :		
Does the issuance of this license directly or indirectly benefit any City employee(s)?	☐	☒
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	☒	☐
If Yes, please list business name(s) and location(s): EVO, Twelve		
Is any principal officer under the age of 21?	☐	☒
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	☐	☒
If Yes, please explain:		

I, John Thompson do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

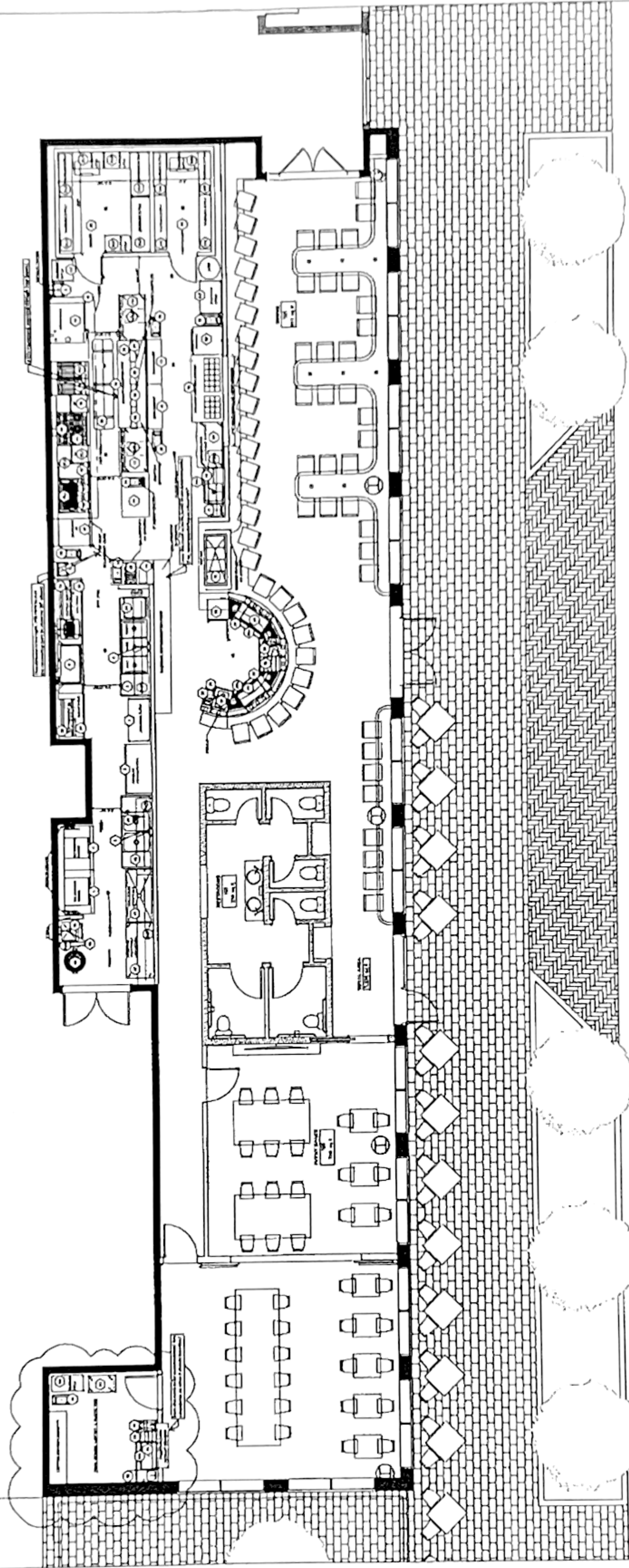
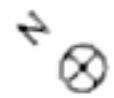
It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature [Signature] Title CFO Date 8/10/25

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

BL@portlandmaine.gov • www.portlandmaine.gov

SECONDARY REVIEW PLANS - NOT FOR CONSTRUCTION



KITTREDGE

100 Bowdoin Road, Acworth, GA 30101 | 413.394.4100
 444 Avenue D, Millis, MA 01946 | 617.885.1708
 418 Route 2A, Dover, NH 03834 | 603.223.2400
 118 Railroad Ave, Casco, ME 04215 | 207.651.1833
 17 Phoenix Ave, Torrington, CT 06801 | 203.785.7822

Designed By:
 Drawn By:
 Checked By:

DOURO, LLC
 100 THAMES STREET
 PORTLAND, MAINE 04101

Revisions	Date	By
Revised Rev. 3	2024.03.28	

KITCHEN EQUIPMENT PLAN
 SCALE: 1/4" = 1'-0"
 ISSUED FOR REVIEW: 03.28.2024

FS-101

Douro menu

Frutos do Mar

- Oysters – 3/18/30
- Shrimp Cocktail – 12
- Chilled Lobster – 18
- Marinated Mussels – 10
- Crudit  – 6

Snacks

- “Green Eggs and Ham” – 8
- Marinated Olives – 5
- Roasted Almonds – 5
- Serra de Estrela – 10
- Lady Edison Ham – 18

Preserved

All preserved selections are served with your choice of lardo-whipped butter or white bean spread, house bread or gluten-free crisps — with our compliments.

-From Away-

Gildas – Boquerones and Piparra Skewers – 12

Tinned Sardines – Mustard and Pickles – 12

Smoked Salmon – Ravigote and Dill – 12

Mussel Escabeche – Chive and Aioli - 12

-From Us-

Pork Pica Pau – Pork Belly and Giardiniera – 15

Mushroom Conserva – Sherry Vinegar and Shallot – 14

Confit Cod – Orange and Piquillo – 16

Soft Shell Clams – Preserved Lemons and XO Sauce – 14

Sopa

Caldo Verde – Greens and Potato – 16

Bean Stew – Pork and Croutons 16

Small Plates

Crab Salad – Zucchini and Lime – 18

Anchovy – Toast with Tomato – 16

Gem Lettuce – Bottarga and Sheep's Milk Cheese – 14

Confit Octopus - Potato and Pimentón – 18

Fried Calamari – Piparras and Tomato – 18

Salt Cod Croquetas – Potato and Tartar Sauce – 14

Chicken Croquetas – Roasted Red Pepper Ketchup – 14

Shrimp Chourico – Sofrito Aioli – 16

Omelet – Potato Chips and Herbs – 14

Broad Beans – Tempura and Horseradish – 14

Cataplana

The cataplana is a traditional Portuguese copper vessel that locks in steam and flavor, used to prepare aromatic seafood stews.

Whole Lobster, Clams, Mussels, Shrimp, Lobster broth, Chorizo

-served with grilled bread and accouterments

Main Courses

Catch of the Day – Grilled with Molho Cru – MP

Halibut – Roasted with Butter, Capers and Lemon - 36

Little Neck Clams – Steamed with White wine, Pancetta and Cilantro - 28

Beef Ribeye – Seared with Cured Ham and Peppercorn Sauce – 38

Piri-Piri Chicken – Half Chicken with Spicy Marinade and Honey – 32

Pork Collar – Grilled with Almond and Ham Crisp – 36

Sides

Batatas – 6

Brocollini – 8

Fries – 6

Gold Rice – 5

Douro_110 Thames_Class I FSE

Zoning <zoning@portlandmaine.gov>

Mon, Aug 18, 2025 at 4:46 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Katlyn Sawyer <ksawyer@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>, Zachary Lenhart <zlenhart@portlandmaine.gov>

Hello,

The legal use of 110 Thames St is *restaurant*. Restaurant is a permitted use in the B-6 zone.

Zoning approves.

Thank you,
Will Valentine

[Quoted text hidden]

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on September 3, 2025 at 5:00 P.M., in City Council Chambers, 389 Congress St. for approval of Duoro LLC, dba Duoro LLC. Application for Class I FSE at 110 Thames Street, Suite A - Sponsored by Danielle P. West, City Manager

City of Portland | Permitting and Inspections
Zachary Lenhert, Licensing and Housing Safety Manager



August 27, 2025

Duoro LLC
110 Thames, Suite 200
Portland, ME 04101

Re: Approval of Duoro LLC, dba Duoro LLC. Application for Class I FSE at 110 Thames Street, Suite A

Dear Duoro LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Wednesday September 3, 2025 at 5:00 p.m., for the review of application for Class I FSE at 110 Thames Street, Suite A. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

Zachary J. Lenhert
Licensing and Housing Safety Manager



Application Copy

File Number: 84619 Job Type: New Application

LICENSE TYPE	APPLICATION DATE RECEIVED
On-Premises: Beer, Wine & Spirits	2025-08-06
SECONDARY LICENSE(S)	
None selected	
LICENSEE LEGAL NAME	LICENSEE TYPE
Douro LLC	Limited Liability Company
DOING BUSINESS AS	CORPORATE NUMBER
Douro LLC	202401720DC
INCORPORATION DATE	
2024-02-22	
CORRESPONDENCE ADDRESS	
110 Thames Street Portland ME 04101	
MAILING ADDRESS	
PHYSICAL ADDRESS	
CONTACT NAME	PREFERRED CONTACT METHOD
Robyn Hopkins	Email
CONTACT PHONE	ALTERNATE PHONE
(207) 710-6788	
FAX	EMAIL
	robyn.hopkins@prenticehospitality.com

CORPORATE STRUCTURE

None selected

ADDITIONAL INFORMATION

MANAGED BY AGENT

No

PREMISES TYPE

Class A Restaurant

PREMISES NAME

Douro

OPERATOR

Casey Prentice

PHYSICAL ADDRESS

110 Thames Street Portland ME 04101

MAILING ADDRESS

110 Thames Street Portland ME 04101

CONTACT NAME

Robyn Hopkins

PREFERRED CONTACT METHOD

Email

CONTACT PHONE

(207) 710-6788

ALTERNATE PHONE

FAX

EMAIL

robyn.hopkins@prenticehospitality.com

QUESTIONS

On-Premises: Beer, Wine & Spirit

1. Is your business (including any DBA) registered and in good standing with the Maine Secretary of State?

Answer "No" if you are a Sole Proprietor.

Yes

202401720DC

2. What is your expected start date?

9/01/2025

3. Has/have applicant(s) formerly held a Maine liquor license?

Yes

Chebeague Island Inn
61 South Road
Chebeague Island,
Maine 04017

4. Does the licensee or applicant(s) have any interest in any other Maine Liquor License?

Yes

Chebeague Island Inn
61 South Road
Chebeague Island,
Maine 04017

5. Is the applicant/licensee an individual, partnership, or association?

Yes

Casey Prentice

Yes

6. Are all licensees/applicants residents of the State of Maine?

Yes

7. Is your license for a club with a membership?

No

8. Is your license application for Vessel Corporation?

No

9. Do you have a valid and current health license issued by Maine Department of Health and Human Services OR the Department of Agriculture?"

Yes

In process

- 10 Do you allow dancing or entertainment on the licensed premises?
If so, You need to have a a license from the Maine State Fire Marshal.
See <https://www.maine.gov/dps/fmo/plans-review/applications> for
more information.
No
- 11 Will any law enforcement officer directly benefit financially from this
license, if issued?
No
- 12 Is the licensee or applicant for a license receiving, directly or indirectly,
any money, credit, thing of value, endorsement of commercial paper,
guarantee of credit or financial assistance of any sort from any person
or entity within or without the State, if the person or entity is engaged,
directly or indirectly, in the manufacture, distribution, wholesale sale,
storage or transportation of liquor.
No
- 13 Is the licensee/applicant(s) directly or indirectly giving aid or assistance
in the form of money, property, credit, or financial assistance of any
sort, to any person or business entity holding a liquor license granted
by the State of Maine?
No
- 14 Do you have a manager employed?
Yes
Arron Wood
12/10/1975
- 15 Has any of the listed applicants, an immediate family member of an
applicant, or an employed manager been denied a liquor license or
had a liquor license revoked within the last 5 years?
No
- 16 Is any of the listed applicants the spouse, father, mother, child or other
immediate family member of a person whose liquor license has been
revoked or denied in the last 6 months?
No

17 Has any licensee/applicant or employed manager ever been convicted of any violation of the liquor laws in Maine or any State of the United States within the last 5 years?

No

18 Has the licensee/applicant(s) or manager ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States?

No

19 Does the licensee/applicant(s) own the premises?

Yes

20 At which address are your business records located?

110 Thames Street
Portland, Maine 04101

21 What will be your business hours? Please indicate each day's open and close times.

11 am through 10pm Sunday through Saturday

22 Please provide the name and distance from the premises to the nearest school, school dormitory and place of place of worship, measured from the main entrance of the premises to the main entrance of the school, school dormitory and place of worship by the ordinary course of travel.

1.4 miles

23 Is your application for a Hotel or Bed & Breakfast?

No

24 Do you have a food menu?

Yes

(document uploaded)

DOCUMENTS

TYPE	FILE NAME	DESCRIPTION
Premises Floor Plan	Prentice Douro 24.03.26- Arch D New drawing_WH	

Comments.pdf

Corporate Supplemental Form 20250806091057966.pdf

Food Menu DOURO_ALC 11x8.5
v6.pdf

APPLICANT

Robyn Hopkins

DECLARATION

- ☒ I certify that I am the applicant as described in this application, or that I am duly authorized to submit this application on the applicant's behalf.

All information provided in this application is accurate and correct. I understand that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Supplemental Ownership Form



STATE OF MAINE

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Supplemental Ownership Form

28-A M.R.S. §651

All Questions Must Be Answered Completely.

1. Legal name of applicant:	
2. Date of incorporation or registration: <u>1/2024</u>	3. State of incorporation: (if outside Maine) <u>Maine</u>

4. List the name, address, birth date, and title of officers, directors, owners over 10%, and persons with indirect financial interest in the applicant. (use additional pages, if needed)

Name	Address	Date of Birth	Title	Ownership Stake (%)
Casey Prentice	110 Exchange St Portland	1/11/87	owner	100%

NOTE: If no person holds an ownership interest equal to or greater than 10% complete the affidavit on the next page.

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

ORDER
GRANTING MUNICIPAL OFFICERS’
APPROVAL OF:

Duoro LLC, dba Duoro LLC. Application for Class I FSE at 110 Thames Street, Suite A

MEMORANDUM
City Council Agenda Item

FROM:

DATE: August 18, 2025

SUBJECT: Order 43-25/26 Granting Municipal Officers' Approval of Tripp Lake Hospitality Inc, dba Abbiocco. Application for Class I FSE with Outdoor Dining on Private Property at 634 Forest Avenue - Sponsored by Danielle P. West, City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 7/21/25. Location was previously Sissle and Daughters.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Abbiocco_Council Packet_2025.09.03
2. 2025.09.03_Abbiocco_Council Order

Prepared by:

Date: 08/18/2025

Cole Curcio

Owner, Abbiocco

634 Forest Ave

Portland, ME 04101

cole@abbioccoportland.com

(603) 372-7505

July 17, 2025

Mayor Mark Dion

Portland City Council Members

City Hall

389 Congress Street

Portland, ME 04101

Subject: Letter of Intent for Liquor License Application – Abbiocco

Dear Mayor Dion and Members of the Portland City Council,

I am writing to formally express my intent to apply for a Class I Liquor License (restaurant; beer, wine, and spirits) for Abbiocco, a new Italian restaurant located at 634 Forest Ave in Portland, Maine.

Abbiocco is a community-centered restaurant that blends fine-dining-quality Italian cuisine with the warmth and approachability of a family-friendly setting. We emphasize seasonality and sustainability by sourcing fresh local ingredients, offering handmade pasta, house-cured meats, and regionally inspired fare. An exclusive and thoughtfully curated wine program is central to our concept, designed to complement our menu and elevate the overall guest experience.

We believe that providing a full-service beverage program, including beer, wine, and carefully crafted cocktails, is essential to delivering the level of hospitality and culinary excellence we aim to offer. All staff responsible for alcohol service will be properly certified in safe alcohol handling practices, and we are committed to meeting or exceeding all licensing and operational standards set by the city and state.

We respectfully request your consideration and support of our liquor license application and welcome the opportunity to positively contribute to Portland's vibrant dining scene and local economy.

Thank you for your time and attention. I would be happy to answer any questions or provide additional information at your convenience.

Warm regards,

Cole Curcio

Owner, Abbiocco

(603) 372-7505

cole@abbioccoportland.com



CITY OF PORTLAND, MAINE
Permitting and Inspections Department
Business Licensing and Housing Safety

Application for Food Service Establishment with Alcoholic Beverages License

Maine B.E.L.L.S. Application Information

File or Tracking Number from BELLS application: 43461	Date of Submission of BELLS application: 7/19/25
---	--

Business Information

Legal Business Entity Applicant Name (corporation, LLC): Tripp Lake Hospitality Inc.	Business Name (D/B/A): Abbiocco	
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 634 Forest Ave Portland, ME 04101	
If applicable, what was formerly at this location:	Business Email Address: Cole@abbioccoportland.com	
Mailing Address: 634 Forest Ave Portland, ME 04101	Contact Person: Cole Curcio	
Contact Person Phone:	Contact Person Email: Cole@abbioccoportland.com	
Manager of Establishment: Cole Curcio	Date of Birth: 2/1/1997	Manager Phone: (603) 372-7505
Owner of Premises (Landlord): Merlin 634 LLC.	Address of Premises Owner (Landlord): 75 Washington Ave Suite 2H Portland, ME 04101	

Sole Proprietor/Partnership Information (If Corporation, leave blank)

Name of Owner(s):	Date of Birth:	Residence Address:
Name of Owner(s):	Date of Birth:	Residence Address:

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)

Corporate Name: Tripp Lake Hospitality Inc.	Corporate Mailing Address: 77 Rock Ridge Run Cumberland, ME 04021		
Contact Person: Cole Curcio	Contact Phone: (603) 372-7505		
Principal Officers	Title	Date of Birth	Residence Address
Cole Curcio	President	2/1/1997	77 Rock Ridge Run Cumberland, ME 04021



CITY OF PORTLAND, MAINE
Permitting and Inspections Department
Business Licensing and Housing Safety

Class of Liquor License (see fee schedule): <u>Class 1</u>		
Type of food served:	<u>Italian</u>	
Please select all that will be served:	☒ Beer ☒ Wine ☒ Liquor	
Projected percentage of sales:	Generated from Food: <u>75%</u> Generated from Alcohol: <u>25%</u>	
Hours & days of operation:	<u>Wed, Thurs, Sun. - 5pm - 9pm Fri, Sat - 5pm - 10pm</u>	
QUESTIONS	YES	NO
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	☒	☐
If No, please explain:		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☐	☒
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)	☐	☒
Will you permit dancing after 1:00 a.m.?	☐	☒
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	☒	☐
If yes, will the outside dining be on: ☐ PUBLIC property or ☒ PRIVATE property		
Will you have any amusement devices (pinball, video games, juke box)?	☐	☒
If yes, please list: # of amusements: and # of pool tables:		
What is your targeted opening date? : <u>9/1/25</u>		
Does the issuance of this license directly or indirectly benefit any City employee(s)?	☐	☒
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	☐	☒
If Yes, please list business name(s) and location(s):		
Is any principal officer under the age of 21?	☐	☒
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	☒	☐
If Yes, please explain: <u>Possession of Marijuana</u>		

I Cole Curcio do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature Cole Curcio Title President Date 7/6/25



CITY OF PORTLAND
Permitting and Inspections Department

Outdoor Dining Permit on Private Property
Supplemental Application

License accompanies a City of Portland Food Service Establishment or Food Service Establishment with Liquor License

☐ Outdoor Dining on Private Property \$125.00 ☐ Legal Advertisement Deposit \$100.00

Business Information					
Business Name (d/b/a):	Abbiocco	Phone:	(603) 372-7505		
Location Address:	634 Forest Ave Portland, ME	Zip:	04101		
Mailing Address:	77 Rock Ridge Run Cumberland, ME	Zip:	04021		
Contact Person:	Cole Curoio	Phone:	(603) 372-7505		
Contact Person Email:	Cole@abbioccoportland.com				
Manager of Establishment:	Cole Curoio	Date of Birth:	02/01/1997	Phone:	(603) 372-7505
Owner of Premises (Landlord):	Dayton Group				
Address of Premises Owner:	75 Washington Ave Suite 2H Portland, ME 04101				

Owner Information

Corporate Name		Corporate Mailing Address		Zip:
Tripp Lake Hospitality Inc.		77 Rock Ridge Run Cumberland, ME		04021
Contact Person:	Cole Curoio	Phone:	(603) 372-7505	
Principal Officers	Title	Date of Birth	Residence Address	
Cole Curoio	President	02/01/1997	77 Rock Ridge Run Cumberland, ME 04021	



CITY OF PORTLAND
Permitting and Inspections Department

Class of License:	Class 1 (Class A Restaurant)
Type of food served:	Italian / Fresh pasta
Please circle all that will be served:	☒ Beer ☒ Wine ☒ Liquor
Hours & days of operation:	Wed, Thurs, and Sun; 5pm-9pm Fri and Sat; 5-10pm
Number of Tables	14 4
Number of Chairs	38 8

Design and Construction

- If you are building a structure or adding impervious surface for the outdoor dining area please contact the Permitting and Inspections Department for permitting requirements at permitting@portlandmaine.gov or 874-8703.

Maintenance and Operations

- Outdoor dining components must be within the permitted area and allow safe passage of pedestrian traffic. Failure to comply may result in a revocation of the permit.
- No food shall be prepared in the designated outdoor dining area.
- Outdoor dining areas must meet ADA regulations and accessible seating is required.

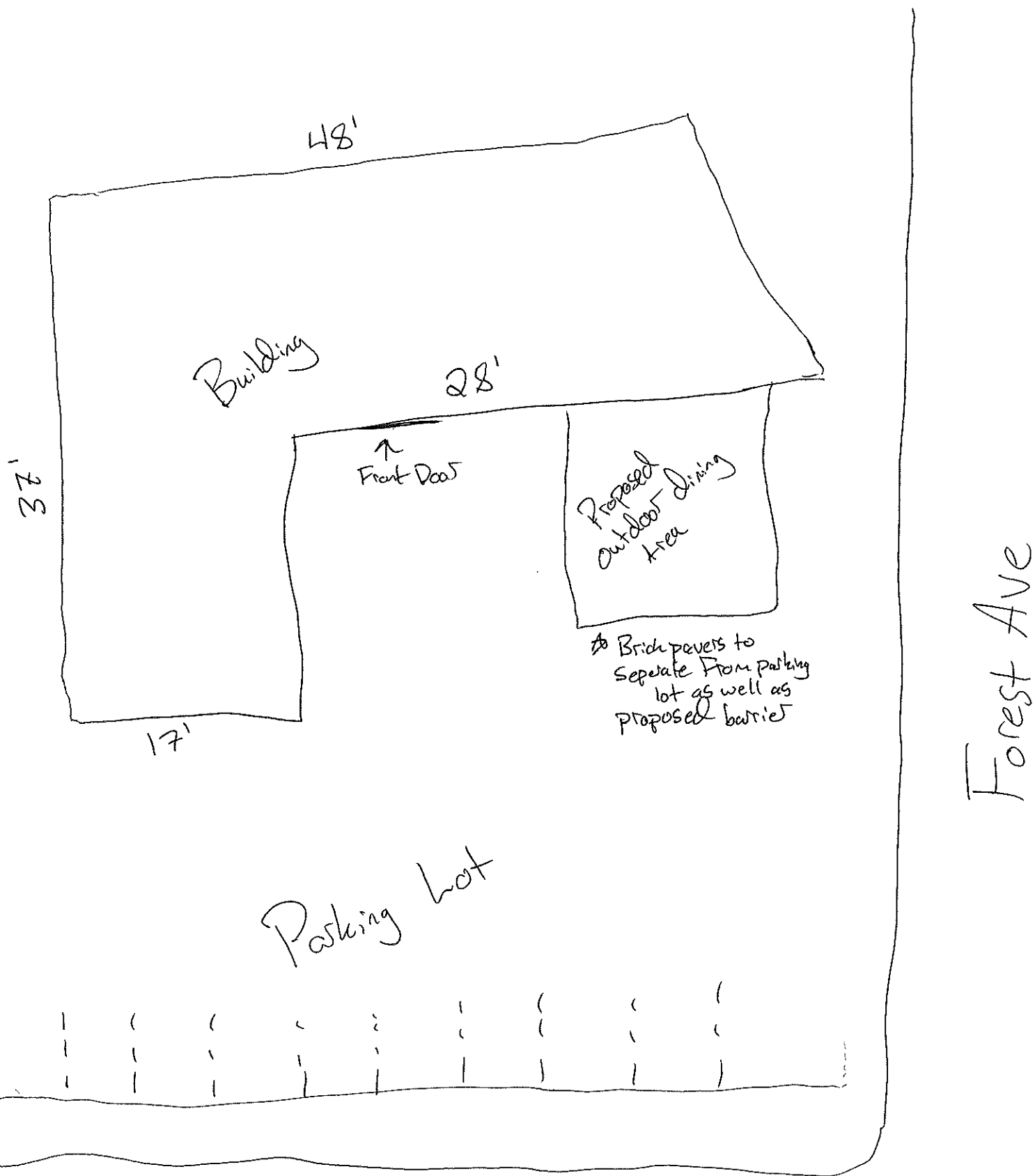
I/We fully understand that the City of Portland, its agents, officers and employees accept no responsibility and will not be liable for any injury, harm or damage to my/our person or property arising out of the establishment's occupancy of the sidewalk or park space. To the fullest extent permitted by law, I/We do hereby agree to assume all risk of injury, harm or damage to my/our person or property (including but not limited to all risk of injury, harm or damage to my/our property cause by the negligence of the City of Portland, its agents, officers or employees) arising out of the establishment's occupancy of the sidewalk or park space. I/We hereby agree, to the fullest extent permitted by law, to defend, indemnify and hold harmless the City of Portland, its agents, officers and employees, from and against all claims, damages, losses and expenses, just or unjust, including, but not limited to costs of defense and attorney's fees, arising out of the establishment's occupancy of the sidewalk or park space, provided that any such claims, damage, loss or expense (1) is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property including the loss of use there from, and (2) is caused in whole or in part by any negligent act or omission of the establishment, anyone directly or indirectly employed by it, or anyone for whose act it may be liable.

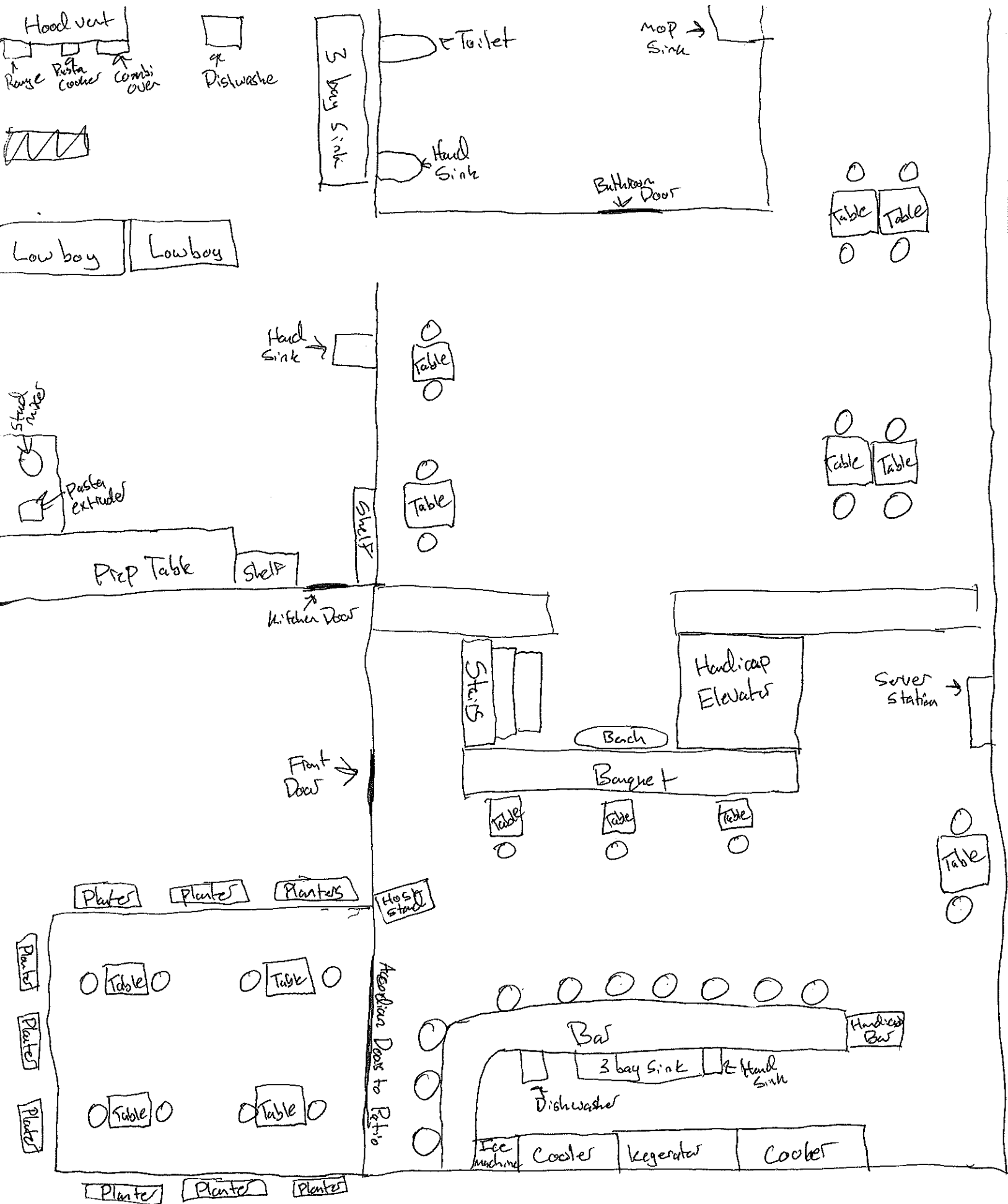
Signature *Corrin* Title President Date 8/26/25

For Administrative Use Only

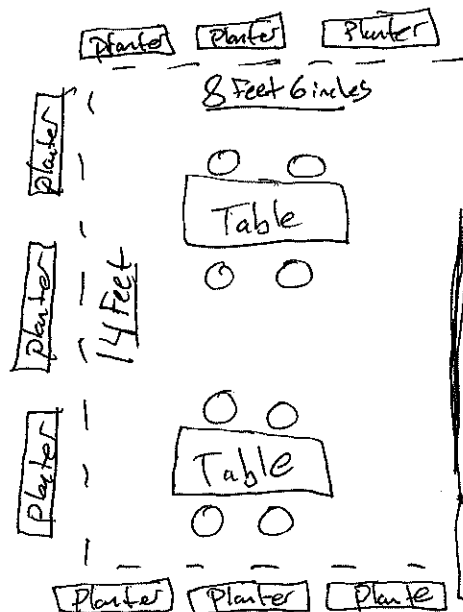
Amount: _____	Request Date /	Approval	Notes: _____
Date Paid: _____	FD: _____	/	_____
CC _____ CA _____ CK _____	Health: _____	/	_____
	PD: _____	/	_____
Amount: _____	PR: _____	/	_____
Date Paid: _____	Treasury: _____	/	_____
CC _____ CA _____ CK _____	Zoning: _____	/	_____







Building



Egress, Accordion doors
9 Feet, height
8 Feet 8 inches, width

Sidewalk
Page 108
Front Ave ↓



Olive and Nuts- 8

Focaccia - 10

House Cultured butter, Balsamic Fig Spread

Fresh Mozzarella - 12

Tomato, Colatura, Nori

Polpette - 14

Marinara, Caponata, Oregano

Caesar Salad - 15

Anchovy, Grana Padano, Focaccia Breadcrumb

Chicory Salad - 16

Cashew Yogurt, Valencia Orange, Turnip, Spiced Cashew

Bucatini Cacio e Pepe - 21

Pecorino, Black Pepper

Fusili - 25

Fennel Sausage, Demi Glacé, Mustard Greens

Spaghetti - 23

Zucchini Miso, Caciocavello, Squash Blossoms

Triangoli - 26

Jonah Crab, Sherry Passata, Champagne Foam, Pinenut

Linguine - MKT

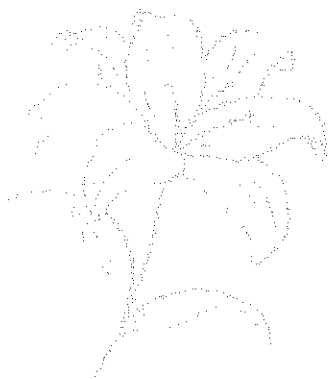
Maine Lobster, Meyer Lemon Mascarpone, Green Garlic

Halibut- 30

Fagioli Bianchi, Dandelion Green Schug

Bracirole - 27

Pineland Farms Ribeye, Arrabbiata, Basil



Wine

Lambrusco

Frizzante

Orange

White

Bold White

Light Red

Red

Bold Red

Cocktails

Negroni- 12

Gin, Coffee-infused campari, Sweet vermouth

Fennel Mojito - 14

Goldie's gin, Fennel syrup, Basil

Paper Plane - 14

Bourbon, Amaro Nonino, Aperol, Lemon

Fresno Margarita - 12

Fresno oil-washed tequila, Basil, Lemon

Fig Sour - 12

Fig infused vodka, Lemon





Zachary Lenhart <zlenhart@portlandmaine.gov>

Abbiocco_634 Forest_Class I FSE

Fri, Aug 22, 2025 at 4:09 PM

Zoning <zoning@portlandmaine.gov>

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, Zachary Finley <zackf@portlandmaine.gov>, Ron Kelton <rkelton@portlandmaine.gov>, Fire Prevention <fireprevention@portlandmaine.gov>, Laurie Carlson <lac@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Eric Cobb <ecobb@portlandmaine.gov>, "Lynch, Kim" <kim.lynch@maine.gov>, Benjamin Pearson <bnp@portlandmaine.gov>, Tom Williams <tw@portlandmaine.gov>, Jason Grant <jgrant@portlandmaine.gov>, Treasury Division <treasury@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>, cstacey <cstacey@portlandmaine.gov>

The legal use for the property is restaurant. Zoning approves.

Thank you,

Mac

--

Mac Coldwell

City of Portland
Zoning Specialist
Permitting & Inspections Department
389 Congress ST, Room #315
Email: mcoldwell@portlandmaine.gov
he/him

[Quoted text hidden]

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on September 3, 2025 at 5:00 P.M., in City Council Chambers, 389 Congress St. for approval of Tripp Lake Hospitality Inc, dba Abbiocco. Application for Class I FSE with Outdoor Dining on Private Property at 634 Forest Avenue - Sponsored by Danielle P. West, City Manager

City of Portland | Permitting and Inspections
Zachary Lenhert, Licensing and Housing Safety Manager



August 27, 2025

Tripp Lake Hospitality Inc
634 Forest Avenue
Portland, ME 04101

Re: Approval of Tripp Lake Hospitality Inc, dba Abbiocco. Application for Class I FSE with Outdoor Dining on Private Property at 634 Forest Avenue

Dear Tripp Lake Hospitality Inc:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Wednesday September 3, 2025 at 5:00 p.m., for the review of application for Class I FSE with Outdoor Dining on Private Property at 634 Forest Avenue. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

Zachary J. Lenhert
Licensing and Housing Safety Manager



State of Maine

Bureau of Alcoholic
Beverages & Lottery
Operations

Application Copy

File Number: 43461

Job Type: New Application

LICENSE TYPE

On-Premises: Beer, Wine & Spirits

APPLICATION DATE RECEIVED

2025-07-19

SECONDARY LICENSE(S)

None selected

LICENSEE LEGAL NAME

Tripp Lake Hospitality Inc.

LICENSEE TYPE

Corporation

DOING BUSINESS AS

Abbiocco

CORPORATE NUMBER

202500197 D

INCORPORATION DATE

2024-09-23

CORRESPONDENCE ADDRESS

77 Rock Ridge Run Cumberland ME 04021

MAILING ADDRESS

PHYSICAL ADDRESS

CONTACT NAME

Cole Curcio

PREFERRED CONTACT METHOD

Email

CONTACT PHONE

(603) 372-7505

ALTERNATE PHONE

FAX

EMAIL

curciocole@gmail.com

CORPORATE STRUCTURE

NAME	POSITION/TITLE	PARENT COMPANY	% INTEREST
Cole Curcio	President		100

ADDITIONAL INFORMATION

MANAGED BY AGENT

No

PREMISES TYPE

Class A Restaurant

PREMISES NAME

Abbiocco

OPERATOR

Cole Curcio

PHYSICAL ADDRESS

634 Forest Ave Portland ME 04101

MAILING ADDRESS

634 Forest Ave Portland ME 04101

CONTACT NAME

Cole Curcio

PREFERRED CONTACT METHOD

Email

CONTACT PHONE

(603) 372-7505

ALTERNATE PHONE

FAX

EMAIL

cole@abbioccoportland.com

QUESTIONS

On-Premises: Beer, Wine & Spirit

1. Is your business and "Doing Business As" (DBA) name registered and in good standing with the Maine Secretary of State? If not, please address this with the Secretary of State before proceeding with this application.

Answer "No" if you are a Sole Proprietor.

Yes

202500197 D

2. What is your expected start date?
September 22nd
3. Has/have applicant(s) formerly held a Maine liquor license?
No
4. Do licensee or applicant(s) have any interest in any other Maine Liquor License?
No
5. Are all licensees/applicants citizens of the United States?
Yes
6. Are all licensees/applicants residents of the State of Maine?
Yes
7. Is your license for a club with a membership?
No
8. Is your license application for Vessel Corporation?
No
9. Do you have a valid and current health license issued by Maine Department of Health and Human Services OR the Department of Agriculture?"
No

- 10 Do you allow dancing or entertainment on the licensed premises?
If so, You need to have a a license from the Maine State Fire Marshal.
See <https://www.maine.gov/dps/fmo/plans-review/applications> for
more information.
No
- 11 Will any law enforcement officer directly benefit financially from this
license, if issued?
No
- 12 Is the licensee or applicant for a license receiving, directly or indirectly,
any money, credit, thing of value, endorsement of commercial paper,
guarantee of credit or financial assistance of any sort from any person
or entity within or without the State, if the person or entity is engaged,
directly or indirectly, in the manufacture, distribution, wholesale sale,
storage or transportation of liquor.
No
- 13 Is the licensee/applicant(s) directly or indirectly giving aid or assistance
in the form of money, property, credit, or financial assistance of any
sort, to any person or business entity holding a liquor license granted
by the State of Maine?
No
- 14 Do you have a manager employed?
Yes
Cole Curcio 02/01/1997
- 15 Has any of the listed applicants or an employed manager been denied
a liquor license within the last 5 years?
No
- 16 Is any of the listed applicants the spouse, father, mother, child or other
immediate family member of a person whose liquor license has been
revoked or denied in the last 6 months?
No

17 Has any licensee/applicant or employed manager ever been convicted of any violation of the liquor laws in Maine or any State of the United States within the last 5 years?

No

18 Has the licensee/applicant(s) or manager ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States?

Yes

Cole Curcio
January, 2018
Possession of marijuana under 2oz
Williamson County, Texas
Convicted

19 Does the licensee/applicant(s) own the premises?

No

(document uploaded)

20 At which address are your business records located?

634 Forest Ave

21 What will be your business hours? Please indicate each day's open and close times.

Wednesday, Thursday and Sunday from 5pm-9pm. Friday and Saturday from 5pm-10pm

22 Please provide the name and distance from the premises to the nearest school, school dormitory and place of place of worship, measured from the main entrance of the premises to the main entrance of the school, school dormitory and place of worship by the ordinary course of travel.

JCA Preschool, .3 miles away
Universal Church, 700ft away

23 Is your application for a Hotel or Bed & Breakfast?

No

24 Do you have a food menu?

Yes

(document uploaded)

DOCUMENTS

TYPE	FILE NAME	DESCRIPTION
Corporate Supplemental Form	102 Supplemental Ownership Form and Affidavit-2.pdf	
Food Menu	Abbiocco Menu #2.pdf	
Premises Floor Plan	634 Forest Ave Sketch.pdf	
Lease/Rental Agreement	Sublease Agreement.pdf	

APPLICANT

Cole Curcio

DECLARATION

- ☒ I certify that I am the applicant as described in this application, or that I am duly authorized to submit this application on the applicant's behalf.

All information provided in this application is accurate and correct. I understand that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.



STATE OF MAINE
DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Supplemental Ownership Form

28-A M.R.S. §651
All Questions Must Be Answered Completely.

1. Company or sole proprietor legal name: Tripp Lake Hospitality Inc.	2. Date of incorporation/registration: 9/22/2024	3. State of incorporation: Maine
--	---	-------------------------------------

List the following information for officers, directors, owners equal to or over 10%, and persons with indirect financial interest in the applicant.

Name	Date of Birth	Phone or E-mail	Address	Title	Ownership Stake (%)
Cole Curcio	02/01/1997	cole@abbioccoportland.com	77 Rock Ridge Run Cumberland, ME	Owner, President	100

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

ORDER
GRANTING MUNICIPAL OFFICERS’
APPROVAL OF:

Tripp Lake Hospitality Inc, dba Abbiocco. Application for Class I FSE with Outdoor Dining on Private Property at 634 Forest Avenue

MEMORANDUM
City Council Agenda Item

FROM:

DATE: August 18, 2025

SUBJECT: Order 44-25/26 Granting Municipal Officers' Approval of Sandstorm LLC, dba Rising Tide Brewing Company. Application for Class I FSE at 103 Fox Street - Sponsored by Danielle P. West, City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 8/4/25. This is an existing establishment with Combined Entertainment and Outdoor Dining on Private Property upgrading their liquor license classification.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Rising Tide_Council Packet_2025.09.03
2. 2025.09.03_Rising Tide_Council Order

Prepared by:

Date: 08/18/2025

Portland City Council

389 Congress Street
Portland, ME 04101

8/31/2025

To the Members of the Portland City Council,

On behalf of Rising Tide Brewing Company, I am writing to respectfully request an amendment to our current restaurant license to include the sale of spirits in addition to beer and wine.

This request stems from our desire to better support our business, particularly in the context of hosting private events and parties, where the ability to serve a full range of alcoholic beverages is increasingly expected and requested. We believe that offering a limited selection of spirits will help bolster our sales while enhancing the guest experience for these private functions.

We understand that this change requires us to apply for an entirely new license, and this letter serves as part of that process. We want to emphasize that there are no other changes being made to our operations. Rising Tide remains fully committed to the responsible service of alcohol and to complying with all rules and regulations set forth by the Bureau of Alcoholic Beverages and Lottery Operations (BABLO).

We appreciate your time and consideration and look forward to continuing to serve our community as a responsible and engaged business.



Greg Jasgur

Rising Tide Brewing Co.



CITY OF PORTLAND, MAINE
Permitting and Inspections Department
Business Licensing and Housing Safety

Application for Food Service Establishment with Alcoholic Beverages License

Maine B.E.L.L.S. Application Information	
File or Tracking Number from BELLS application: 90092	Date of Submission of BELLS application: 07/29/2025

Business Information		
Legal Business Entity Applicant Name (corporation, LLC): Sandstorm LLC	Business Name (D/B/A): Rising Tide Brewing Copany	
Individual or Sole Proprietor Applicant Name(s):	Physical Location: 103 Fox Street	
If applicable, what was formerly at this location: Rising Tide Brewing Company	Business Email Address: nathan@risingtidebrewing.com	
Mailing Address: 103 Fox Street	Contact Person: Greg Jasgur	
Contact Person Phone: 202-321-7570	Contact Person Email: greg@oxbowbeer.com	
Manager of Establishment: Greg Jasgur	Date of Birth: 05/17/1982	Manager Phone: 202-321-7570
Owner of Premises (Landlord): Fox Street Realty LLC	Address of Premises Owner (Landlord): PO Box 1080, Yarmouth ME 04096	

Sole Proprietor/Partnership Information (If Corporation, leave blank)		
Name of Owner(s):	Date of Birth:	Residence Address:
Name of Owner(s):	Date of Birth:	Residence Address:

Corporate/LLC/Non-Profit Organization Applicants (If Sole Proprietor or Partnership, leave blank)			
Corporate Name: Sandstorm LLC	Corporate Mailing Address: 49 Washington Ave, Portland, Me 04101		
Contact Person: greg@oxbowbeer.com	Contact Phone: 202-321-7570		
Principal Officers	Title	Date of Birth	Residence Address



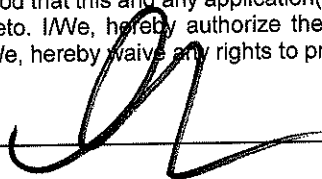
CITY OF PORTLAND, MAINE
Permitting and Inspections Department
Business Licensing and Housing Safety

Class of Liquor License (see fee schedule): Class I (Class A Restaurant)		
Type of food served:	Sandwiches and Soups	
Please select all that will be served:	☒ Beer ☒ Wine ☐ Liquor	
Projected percentage of sales:	Generated from Food: 40% Generated from Alcohol: 60%	
Hours & days of operation:	7 days a week, noon to 10pm (with early closing hours in winter)	
QUESTIONS	YES	NO
Will full-course meals, only capable of consumption with the use of tableware, be served the entire time the establishment is open?	☒	☐
If No, please explain: most of our menu items are sandwiches and soups. Our kitchen is open during all open hours.		
Is the establishment less than 300 feet from a school, dormitory, church or parish house, or similar establishment?	☐	☒
If yes, give the distance:		
Will you have entertainment on the premises? (If yes, a Supplemental Application for Entertainment is required.)	☒	☐
Will you permit dancing after 1:00 a.m.?	☐	☒
Will you have outside dining? (If yes, an Outdoor Dining Application is required)	☒	☐
If yes, will the outside dining be on: ☐ PUBLIC property or ☒ PRIVATE property		
Will you have any amusement devices (pinball, video games, juke box)?	☐	☒
If yes, please list: # of amusements: and # of pool tables:		
What is your targeted opening date? : Continuous looking to amend and serve liquor		
Does the Issuance of this license directly or indirectly benefit any City employee(s)?	☐	☒
If Yes, list name(s) of employee(s) and department(s):		
Have any of the applicants, including the corporation (if applicable), ever held a business license with the City of Portland?	☒	☐
If Yes, please list business name(s) and location(s): Oxbow Brewing Company		
Is any principal officer under the age of 21?	☐	☒
Have applicant, partners, associates, or corporate officers ever been arrested, indicted, or convicted for any violation of law?	☐	☒
If Yes, please explain:		

I, Greg Jasgur do hereby swear and affirm that every employee in my establishment that serves alcohol to the public has attended server training, or will attend server training within 90 days of their hire. I also understand that at any time the City license administrator can, upon request, require me to produce Server Training certificates for each employee that serves alcohol to the public in my establishment. Failure to meet the training requirement imposed by section 15-41 may result in the denial of a liquor license pursuant to 28-A M.R.S.A. § 653 (2) (G).

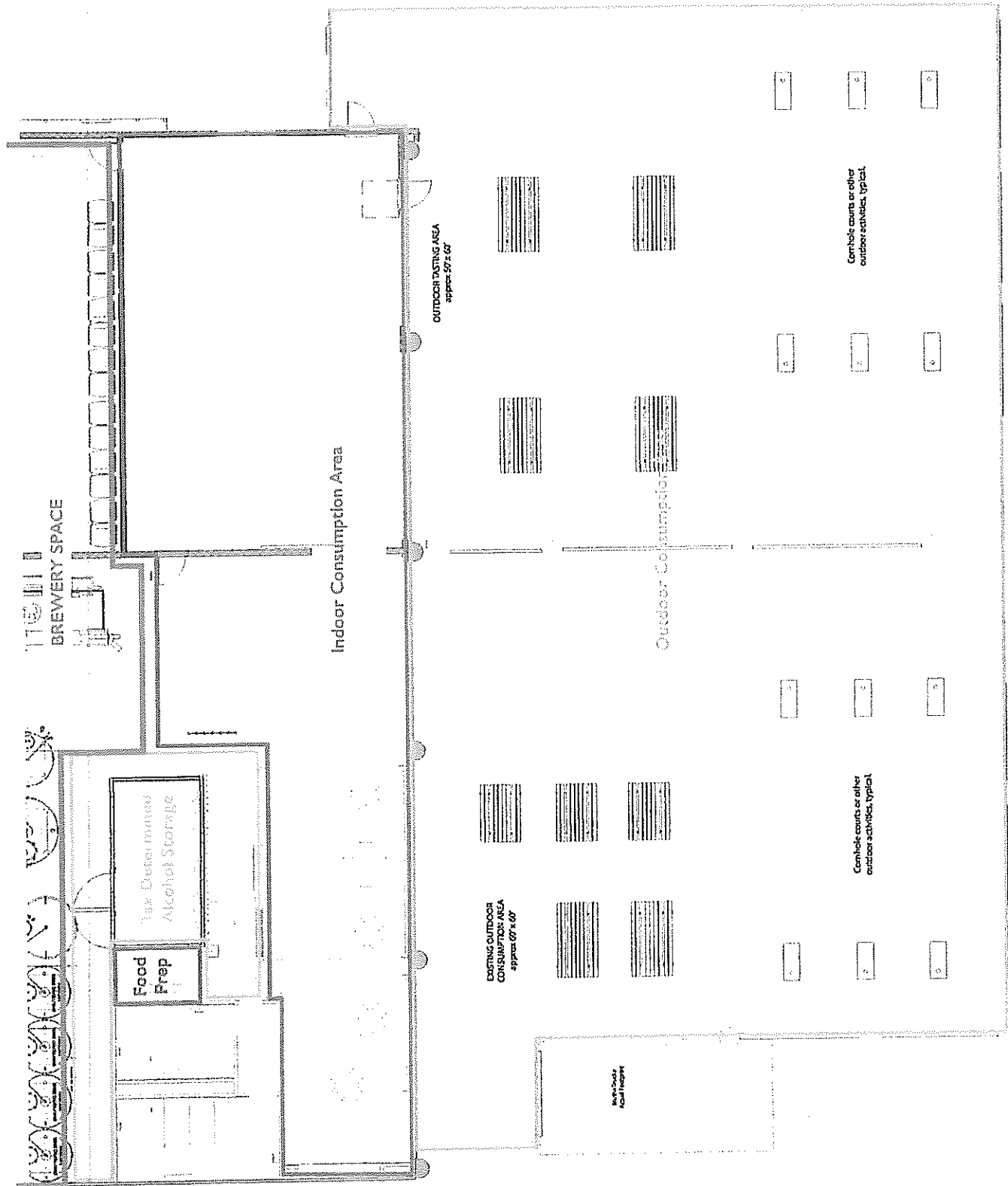
Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above licensee and further agrees that any misstatement of material fact may result in refusal of license or revocation if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

It is understood that this and any application(s) shall become public record and the applicant(s) hereby waive(s) any rights to privacy with respect thereto. I/We, hereby authorize the release of any criminal history record information to the City Clerk's Office or licensing authority. I/We, hereby waive any rights to privacy with respect thereto.

Signature  Title C.O.O. Date 07/29/25

389 Congress Street, Room 307 • Portland, Maine 04101 • 207-874-8557

BL@portlandmaine.gov • www.portlandmaine.gov





Zachary Lenhart <zlenhart@portlandmaine.gov>

Rising Tide_103 Fox_Class I FSE

Zoning <zoning@portlandmaine.gov>

Tue, Aug 19, 2025 at 9:12 AM

To: Zoning <zoning@portlandmaine.gov>

Cc: Zachary Lenhart <zlenhart@portlandmaine.gov>, Katlyn Sawyer <ksawyer@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>

Hello,

The legal use of 103 Fox St is *brewery with ancillary tasting room*. Breweries and tasting rooms are allowed in the B-5 zone - spirits are allowed in tasting rooms.

Zoning approves.

Will Valentine

[Quoted text hidden]

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on September 3, 2025 at 5:00 P.M., in City Council Chambers, 389 Congress St. for approval of Sandstorm LLC, dba Rising Tide Brewing Company.
Application for Class I FSE at 103 Fox Street - Sponsored by Danielle P. West, City Manager

City of Portland | Permitting and Inspections
Zachary Lenhart, Licensing and Housing Safety Manager



August 27, 2025

Sandstorm LLC
110 Thames, Suite 200
Portland, ME 04101

Re: Sandstorm LLC, dba Rising Tide Brewing Company. Application for Class I FSE at 103 Fox Street

Dear Sandstorm LLC:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Wednesday September 3, 2025 at 5:00 p.m., for the review of an application for Class I FSE at 103 Fox Street. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

Zachary J. Lenhart
Licensing and Housing Safety Manager



Application Copy

File Number: 90092

Job Type: Amendment Application

AMENDMENT TYPE

Upgrade License

APPLICATION DATE RECEIVED

2025-07-31

LICENSE TYPE

On-Premises: Beer, Wine & Spirits

PREMISES TYPE

Class A Restaurant

PREMISES NAME

Rising Tide

OPERATOR

Sandstorm LLC

PHYSICAL ADDRESS

103 Fox St Portland ME 04101

MAILING ADDRESS

103 Fox St Portland ME 04101

CONTACT NAME

Greg Jasgur

PREFERRED CONTACT METHOD

Phone

CONTACT PHONE

(202) 321-7570

ALTERNATE PHONE

FAX

EMAIL

Greg@oxbowbeer.com

DOCUMENTS

TYPE	FILE NAME	DESCRIPTION
Premises Floor Plan	tasting room diagram.pdf	Floor plan

APPLICANT

Gregory Jasgur

DECLARATION

- ☒ I certify that I am the applicant as described in this application, or that I am duly authorized to submit this application on the applicant's behalf.

All information provided in this application is accurate and correct. I understand that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

ORDER
GRANTING MUNICIPAL OFFICERS'
APPROVAL OF:

**Sandstorm LLC, dba Rising Tide Brewing Company. Application for Class I FSE at 103
Fox Street**

MEMORANDUM
City Council Agenda Item

FROM:

DATE: August 18, 2025

SUBJECT: Order 45-25/26 Granting Municipal Officers' Approval of TPBB Inc, dba Tomaso's Pizza & Burger Bar. Application for Indoor Entertainment at 51 Wharf Street - Sponsored by Danielle P. West, City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: N/A

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

Application was filed on 7/31/25. This is an existing establishment with a Class I FSE and Outdoor Dining on Public Property.

Five affirmative votes are required for passage of items on the consent calendar after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Tomasos_Council Packet_2025.09.03
2. 2025.09.03_Tomasos_Council Order

Prepared by:

Date: 08/18/2025



Rachel Henry <henryr@portlandmaine.gov>

Regarding Tomaso's Pizza & Burger Bar/Entertainment License

1 message

samuel minervino <sminerv1@hotmail.com>

Fri, Aug 1, 2025 at 7:06 AM

To: Business Licensing <bl@portlandmaine.gov>

Regarding Tomaso's Pizza & Burger Bar/Entertainment License

08-01-2025

Dear Portland City Council Members,

Please consider us eligible for an entertainment license. We propose having an occasional DJ, karaoke, and local acoustic talent. We will make all necessary arrangements to make our location hospitable, safe and compliant to all city rules and regulations.

Thank you,

Samuel Minervino

Owner of Tomaso's Pizza & Burger Bar

51 Wharf street

Portland Maine

Get Outlook for iOS



CITY OF PORTLAND
Permitting and Inspections Department

Application for an Entertainment License

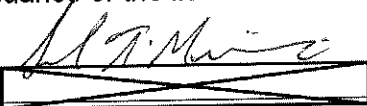
☒ Indoor Entertainment \$500.00	☐ Outdoor Entertainment \$700.00	☐ Combined Entertainment \$800.00
☒ Sound Mitigation Fee \$150.00	<i>Legal ad. \$100.00</i>	

Business Information			
Establishment Name (d/b/a):	Tomaso's Pizza & Burger Bar	Phone:	2077474263
Location Address:	51 Wharf street Portland ME		Zip: 04101
Owner Name:	Samuel T Minervino	Phone:	2077761015
Owner Email:	sminerv1@hotmail.com		
Contact Person responsible for Entertainment:	Dana Bernard	Phone:	2075726457
Contact Person Email:	dana@tomasos.bar		
Manager of Establishment:	Dana Bernard	Phone:	2075726457
Manager Email:	dana@tomasos.bar		

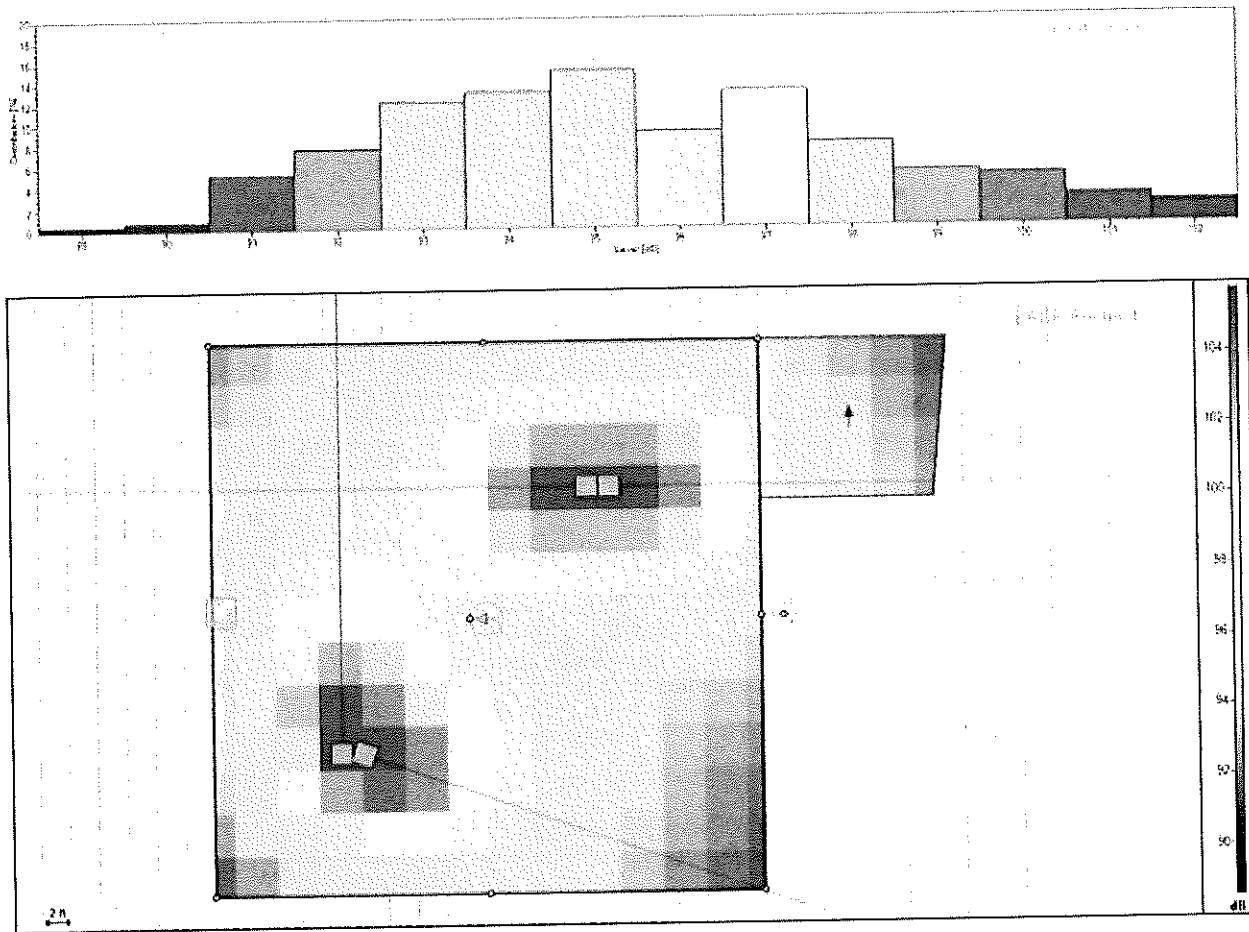
About Your Establishment

Describe in detail the type and nature of the business and proposed entertainment:
Class A restaurant with DJ and Karaoke

Applicant, by signature below, agrees to abide by all laws, orders, ordinances, rules and regulations governing the above license and further agrees that any misstatement of material fact may result in refusal of license or revocation, if one has been granted. Applicant agrees that all taxes and accounts pertaining to the premises will be paid prior to issuance of the license.

Signature  Title *owner* Date *7-30-25*

For more information, refer to the City Code of Ordinance: Chapter 4 Amusements, at www.portlandmaine.gov



Tomaso's Pizza & Burger Bar Sound Mitigation Plan

Prepared By Neil Griggs

Audio Engineer-Headlight A.V.

ngriggs@headlightav.com (207)838-6818

Methods used to minimize the impact on surrounding uses.

Tomaso's Pizza & Burger Bar is in a basement below a marijuana dispensary that closes at 8:00PM. They will be starting entertainment at 9:00 PM (Sports on TV/Jukebox/Karaoke/DJ's). Took some readings at the max level their existing system will hit and could hear nothing at street level.

Speaker location and direction/sound system details and controls.

2 EV 8D speakers mounted on a post by the bar (North side). One facing towards front door the other away from the front door. 2 more EV 8D behind the bar (South side). One facing towards the bar and the other towards the Karaoke area.

1-Yamaha RS 202 Amplifier (140 Watts per channel x 2)

4-EV 8D speakers (2 per channel)

Stage and site layout and direction.

Karaoke "Stage" is on the south side of the building in the center facing the bar. Front door is on the northeast corner of the building at street level.

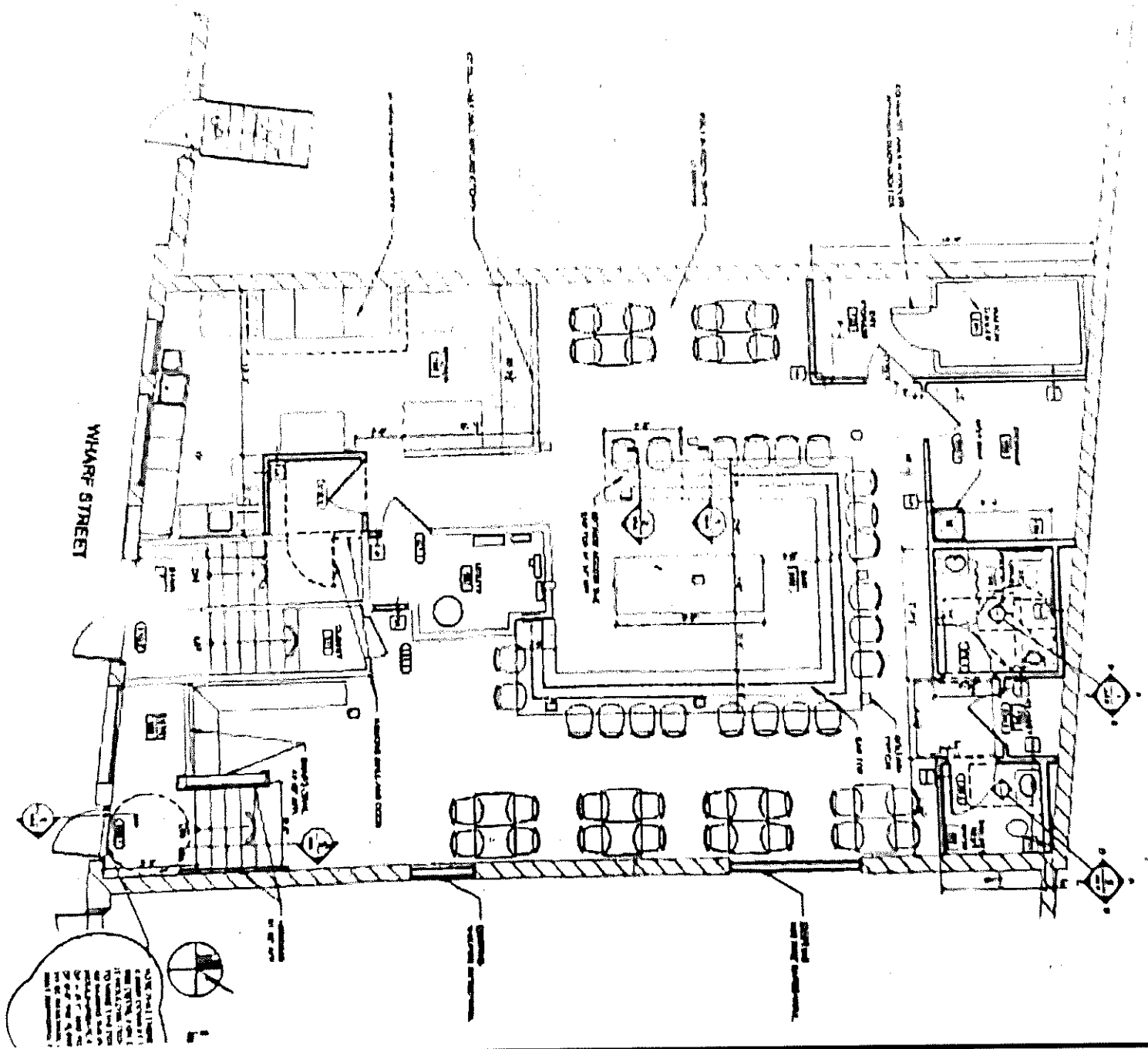
Noise canceling or mitigation measures proposed.

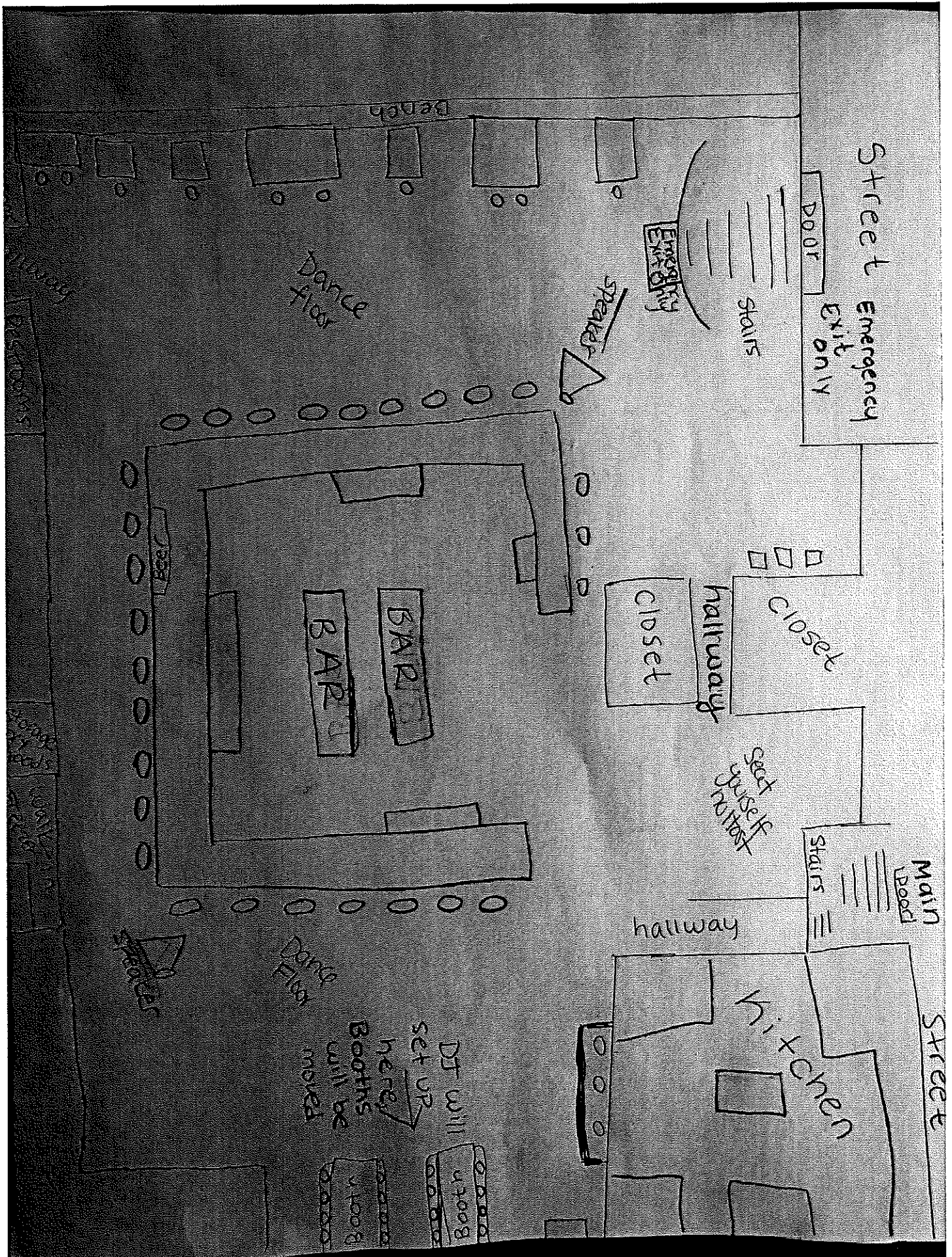
None. Performances will be after the close of regular business hours.

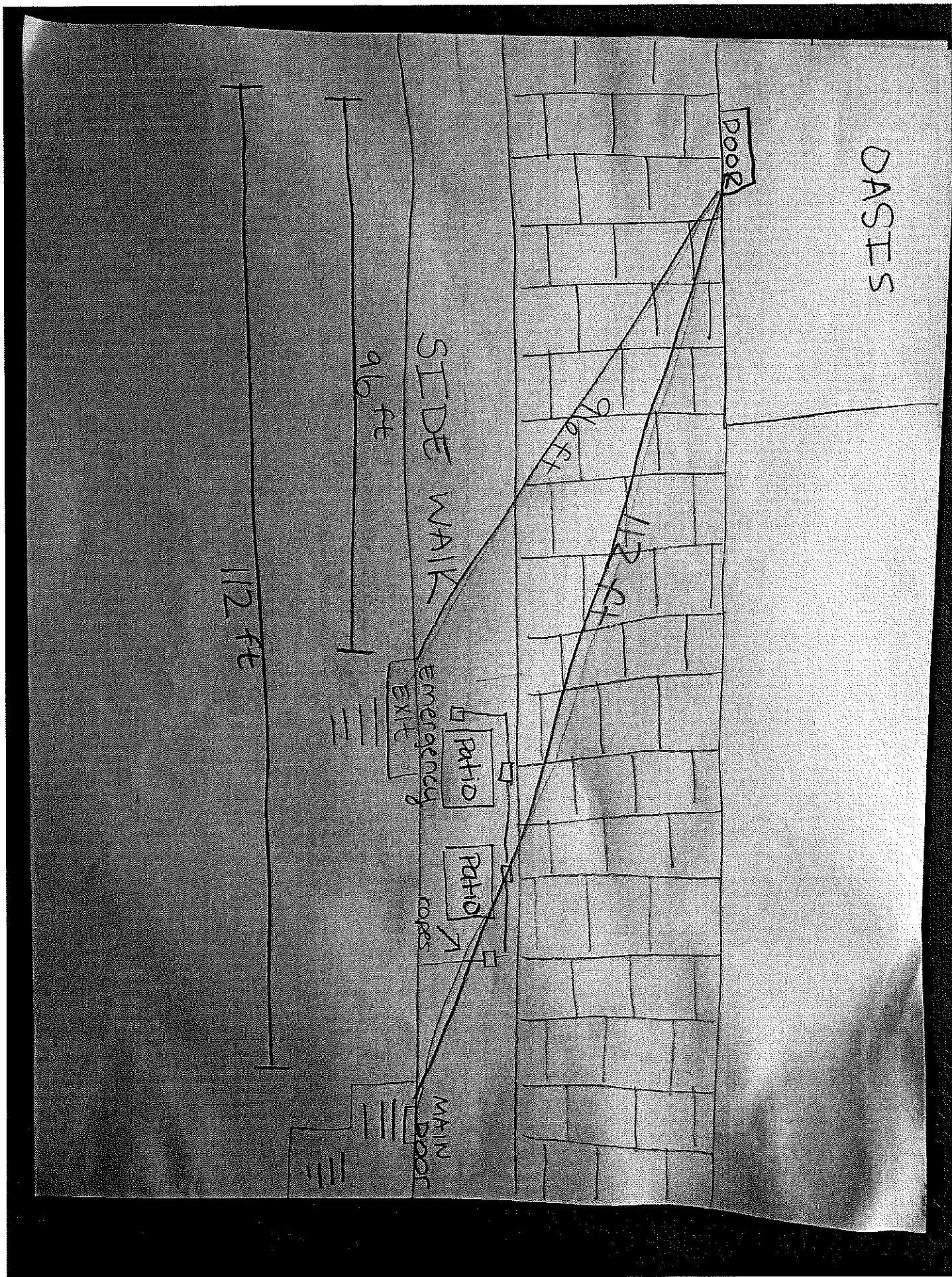
Anticipated sound readings.

We turned up the system to their average Friday night volume and I measured 85 db at the speaker and 75 db at the front door vestibule. Outside the front door I couldn't hear anything over the ambient street noise. They don't have enough of a system to be a nuisance to any other uses on that street.

Neil Griggs









Katlyn Sawyer <ksawyer@portlandmaine.gov>

Re: Tomasos Pizza & Burger Bar

Dana Bernard <dana@tomasos.bar>
To: bl@portlandmaine.gov

Thu, Jul 31, 2025 at 11:44 AM

----- Forwarded message -----

From: Zachary Lenhart <zlenhart@portlandmaine.gov>
Date: Tue, Jul 29, 2025 at 12:48 PM
Subject: Re: Tomasos Pizza & Burger Bar
To: Dana Bernard <dana@tomasos.bar>, Scott Olsen <chef124s@gmail.com>
CC: Business Licensing <bl@portlandmaine.gov>, Jessica Hanscombe <jhanscombe@portlandmaine.gov>

Hi Dana and Scott,

I have reviewed this plan within our department and we have determined it to be sufficient. We do want to verify the distances, but I have no reason to doubt the measurements you've provided.

If you would like to pursue an entertainment license please resubmit the Entertainment application that includes the sound mitigation plan. An entertainment license would need to be approved by the City Council. The deadline to make it on the agenda for the September 3rd meeting is August 11th.

Please let me know if you have any questions.

Thank you,

On Fri, Jul 25, 2025 at 12:32 PM Dana Bernard <dana@tomasos.bar> wrote:
Hi Zach,

I have attached the floor plans for the inside and outside of Tomaso's Pizza & Burger Bar. Also below you will find our plan of action below. This is to get the one day permit going and then we will submit our new application for our entertainment license.

Tomaso's Pizza & Burger Bar – Entertainment License Plan of Action

Please find below our plan of action regarding our entertainment license for Tomaso's Pizza & Burger Bar:

- We have removed all signage from the door closest to Oasis and relocated it to the new main entrance, which is 112 feet away from Oasis.
- A chalkboard sign will be placed outside, directing patrons to the new entrance with an arrow and the words "Enter Here."
- The door closest to Oasis will now serve strictly as an emergency exit. It will:
 - Remain locked from the outside to prevent entry.
 - Be clearly marked on the inside with signage stating "Emergency Exit Only."
 - Have a removable rope barrier to prevent non-emergency use.
- Our "Open" sign has been moved to the new main entrance.
- All staff will be trained to direct customers to use the main entrance and to discourage use of the emergency exit unless necessary.
- On nights with events:
 - A staff member door guy will be stationed at the main entrance.
 - An additional staff member will be stationed inside near the emergency exit to monitor and ensure it is not used inappropriately.
- Events will conclude by 12:30 a.m. to help minimize disruption and avoid large gatherings in the street.
- For events where a line is anticipated, we will:
 - Rope off an area from our main entrance down Wharf Street toward Union Street.
 - Place clear signage and a staff member at the main entrance to direct patrons appropriately.
 - Add visible signage to both the inside and outside of the emergency exit door indicating that it is for emergencies only.

We are planning a few nights per month for local art and artist showcases, as well as weekly karaoke events.

Please let us know if you require any additional information or clarification. We appreciate your attention and look forward to working with the city on this matter.

Sincerely,
Dana Bernard
Bar Manager
Tomaso's Pizza & Burger Bar



Zachary Lenhert <zlenhert@portlandmaine.gov>

Tomasos_51 Wharf_Indoor Entertainment

Zoning <zoning@portlandmaine.gov>

Mon, Aug 18, 2025 at 4:54 PM

To: Zoning <zoning@portlandmaine.gov>

Cc: Katlyn Sawyer <ksawyer@portlandmaine.gov>, Zoning <zoning@portlandmaine.gov>, Business Licensing <bl@portlandmaine.gov>, Zachary Lenhert <zlenhert@portlandmaine.gov>

Hello,

The legal use of 51 Wharf St is *restaurant/bar*. Restaurants and bars are legal uses in the B-3 zone.

Zoning approves.

Thank you,
Will Valentine

[Quoted text hidden]

Legal Advertisement

Notice of Public Hearing City of Portland

A Public Hearing will be held on September 3, 2025 at 5:00 P.M., in City Council Chambers, 389 Congress St. for approval of TPBB Inc, dba Tomaso's Pizza & Burger Bar. Application for Class I FSE at 103 Fox Street - Sponsored by Danielle P. West, City Manager

City of Portland | Permitting and Inspections
Zachary Lenhert, Licensing and Housing Safety Manager



August 27, 2025

TPBB Inc
31 Oakley Street
Portland, ME 04103

Re: Approval of TPBB Inc, dba Tomaso's Pizza & Burger Bar. Application for Indoor Entertainment at 51 Wharf Street

Dear TPBB Inc:

This letter shall serve as a reminder of the public hearing before the Portland City Council on Wednesday September 3, 2025 at 5:00 p.m., for the review of an application for Indoor Entertainment at 51 Wharf Street. The meeting will take place in person at Portland City Hall, in City Council Chambers on the 2nd Floor of 389 Congress Street.

You or a representative of the business must be present at this meeting in the event that the city council has questions regarding the license application. If there is no representation and questions arise, the item may be postponed.

Please contact our office directly with questions at (207) 874-8557 or at bl@portlandmaine.gov.

Sincerely,

Zachary J. Lenhert
Licensing and Housing Safety Manager

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

ORDER
GRANTING MUNICIPAL OFFICERS’
APPROVAL OF:

TPBB Inc, dba Tomaso’s Pizza & Burger Bar. Application for Indoor Entertainment at 51 Wharf Street



To: Mayor Mark Dion; Members of the City Council

From: Danielle P. West, City Manager

Date: September 3, 2025

Re: Revitalizing Downtown Portland

Like cities across the country, Portland faces complex challenges - many of which are especially apparent in the downtown district. These challenges include a high storefront vacancy rate, a decline in pedestrian and commercial activity, and a rise in visible homelessness.

Alongside partners from the business, nonprofit, and creative communities, we are working to revitalize Portland's commercial center so that it reflects the best of who we are: welcoming, dynamic, and full of possibility.

The issues that result in these challenges are complex, and solutions will require sustained effort and innovation at the federal, state, and local levels. City of Portland staff and policy makers are working to improve these areas with various ongoing as well as upcoming initiatives, which are described below.

Support for Local Businesses

Portland is proud of its historic streets, charming storefronts, arts and culture community, and many small, independently-owned businesses. These new programs were developed to help businesses keep their storefronts attractive and secure:

- **Investing in Storefront Design and Safety**
This program, developed by Housing & Economic Development staff and approved by the Council on June 2, 2025 offers interest-free loans of up to \$20,000 to businesses and property owners for storefront improvements such as lighting, entryway upgrades, and signage.
- **Beautifying Vacant Storefronts**
Pending Council consideration, this staff-developed initiative would help property owners activate vacant street-level spaces with local art, helping to cultivate a more welcoming, engaging streetscape.

Maintaining Clean, Safe Public Spaces

Safety and sanitation are essential pillars of a functioning city. With support from Portland Downtown, we are increasing services that make neighborhoods more attractive to residents, visitors, and businesses, including:

- **Increased Patrols:** The Police Department has enhanced patrols and enforcement Downtown, while continuing to balance the needs of individuals facing mental health and substance use challenges.
- **Temporary Community Policing Office:** A temporary community policing office at Congress and Elm streets is expected to open in September. This location will be a resource for community members and support an increased presence along the Congress Street corridor.
- **Urban Rangers:** A new team of non-sworn employees will focus on downtown safety and provide crisis support, allowing sworn police officers to prioritize other duties.
- **Downtown Ambassadors:** Portland Downtown's recently-launched program introduces ambassadors to the downtown landscape. These individuals will focus on light cleaning, graffiti removal, and community engagement.
- **Expanded Cleaning and Maintenance:** Public Works has increased staffing and hours dedicated to cleaning, trash removal, and maintenance in the downtown area.

Enjoyment of Public Space

Pedestrian activity animates public spaces and supports a vibrant, connected city. We are encouraging residents and visitors to explore and be a part of the downtown community with new programs and activities.

- **Bike Share Program:** In partnership with Tandem Mobility, bikes have been placed at 18 stations throughout the city. The newest station, established in June 2025, can be found at Monument Square.
- **Planters in Monument Square:** Expanded placement of planters to beautify the area, and discourage unauthorized vehicle use. Planters are watered and weeded multiple times per week throughout the growing season.
- **New Furniture:** Portland Downtown has increased the number of benches and café tables in central areas, including Monument Square and Lobsterman Park, encouraging the public to linger and connect in public spaces.
- **Recreation Equipment:** Parks, Recreation & Facilities staff are supporting the active use of public spaces by installing recreation equipment in Monument Square. Members of the public can expect to find a ping pong table, cornhole boards, chess tables, and a giant Connect 4 board.
- **Downtown Events:** Ongoing events include the summer arts market, First Friday Art Walk, PRIDE parade, concerts, movies, and other events at Congress Square Park and Monument Square.

Caring for People

A city is built for its people, which is why caring for one another is an important part of our revitalization plan.

- **Shelter and Services:** The City of Portland continues its significant investment in providing shelter and services to individuals in need. Three of Maine's largest homeless shelters are operated by the City, providing shelter to over 2,000 unique individuals each year. The City also provides clinical and social services through the Department of Health & Human Services, providing thousands of people with vital services annually.
- **Connection:** The City's dedicated outreach, harm prevention, and HOPE staff connect with unsheltered residents who are reluctant to access services in City buildings. By building relationships and trust, their goal is to connect residents to shelter, housing, and medical resources. Between May 2024 and May 2025, staff members have secured housing for more than 45 unsheltered individuals, helped 12 unsheltered individuals transition to emergency shelter, and referred more than 80 unsheltered individuals to supportive services.
- **Coordinated Food Access:** The City recently partnered with several social services organizations to launch a new program to address food security for unsheltered residents while supporting neighborhood wellbeing. Through the program, Preble Street, Milestone Recovery, and Hope Squad partner with City staff to distribute food each day at a fixed location. Other services, such as shelter access and medical services, are offered as well. City staff are working with partners to determine appropriate measures of effectiveness for this program.

Down the Road

Substantive capital improvements to Portland's squares and urban parks are in the works. Over the next few years, the Portland public can expect to see changes that inspire pride in our community.

- **Congress Square Park Redesign:** Planning and design phases are complete. Negotiations are underway with a construction firm to advance the long-planned transformation of Congress Square Park.
- **Monument Square Renovation:** City staff is developing a plan to perform a minor restoration of Monument Square including brick rehabilitation and accessibility improvements, and minor enhancements to landscaping and lighting.

Conclusion

These efforts reflect the City's commitment to ensuring that downtown Portland remains a safe, welcoming, and vibrant center for all. Staff will continue to coordinate across departments and with community partners, and welcome the Council's feedback as these initiatives move forward.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: August 25, 2025

SUBJECT: Resolve 1-25/26 Approving Ecomaine Revenue Bond Financing - Sponsored by Danielle P. West, City Manager

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading

**Final
Action**

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. Do NOT write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: No

PRESENTATION: Please list the presenter(s), type, and length of presentation

I. SUMMARY

II. AGENDA DESCRIPTION

This resolution is to comply with the Tax Equity and Fiscal Responsibility Act of 1982 (TEFRA). Ecomaine is a quasi-municipal organization that plans to borrow money to purchase new recycling equipment to replace a 30-year-old system that is past the end of its useful life. The recycling facility is in Portland and TEFRA states that a municipal officer, in this case the City Council, needs to sign off that Portland agrees with this project.

Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Background information that will not appear in the Agenda Description

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

V. FINANCIAL IMPACT

Please indicate whether or not there is a financial impact. Please note that per Council Rule 12, this form must have "a separate fiscal impact statement memo attached if the impact of the item is \$50,000 or more in a given fiscal year. This memo shall include details and information describing the fiscal impact including, but not limited to, projected costs, revenues or savings over a three (3) year period and/or any potential impacts on the City tax levy."

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

VIII. LIST ATTACHMENTS

1. Resolution - EcoMaine Revenue Bond Financing

2. EcoMaine 2025 Portland TEFRA Approval Certificate (5382048.2)
3. TEFRA Hearing Minutes & Certificate Executed
4. Memo to Portland re TEFRA Requirements 2025 Bonds

Prepared by:

Date: 08/25/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

RESOLUTION APPROVING ECO MAINE REVENUE BOND FINANCING

WHEREAS, ECO Maine operates a waste to energy facility located at 64 Blueberry Road, Portland, Maine (the “Waste to Energy Facility”) and a recycling materials recovery facility located at 62 Blueberry Road, Portland, Maine (the “Existing MRF”), as well as other facilities in Scarborough and South Portland (the Waste to Energy Facility, the Existing MRF and the other facilities collectively referred to as the “Facilities”); and

WHEREAS, ECO Maine intends to finance and refinance the costs of acquiring, developing, constructing, reconstructing, installing, equipping, and operating certain “solid waste disposal facilities” as defined in Section 142(a)(6) of the Internal Revenue Code of 1986, as amended (the “Code”), and ancillary facilities necessary or convenient in connection therewith, (and to reimburse costs of the Projects, as hereafter defined, previously paid), through the issuance of tax-exempt bonds (the “Bonds”) in the aggregate principal amount not to exceed \$41,900,000, under and pursuant to the provisions of Title 38, §1304-B(5) and Title 10, chapter 110, subchapter 4 of the Maine Revised Statutes, as amended, including, without limitation, funding the costs of:

1. Approximately \$26,364,000 for the planning, design and construction of modifications, repairs and improvements to Eco Maine’s facility located at 90 Blueberry Road (Map 238, Lot A018), Portland, Maine (the “New MRF”) to replace the Existing MRF located at 62 Blueberry Road, Portland, Maine, including the installation of a new sortation system in the New MRF to increase the capacity and improve the sortation system process of Eco Maine, and equipment acquisition at the New MRF;
2. Approximately \$700,000 for the connection of electrical services from the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine to the New MRF at 90 Blueberry Road, Portland, Maine, to provide electrical supply for the New MRF (which involves Map 239 Lots A002 & A008 and Map 238, Lot A018);
3. Approximately \$5,210,000 for the planning, design and construction of improvements to the Phase 2 East B landfill cell located at 00 Running Hill Road (Lot R036-001A), Scarborough, Maine to provide approximately seven years of additional space to landfill waste, and the planning, design and construction of

- improvements to the Landfill 10B pump station located at 4 Green Road (Lot R017-008), Scarborough, Maine, to provide greater capacity to service the existing Landfill and the new flows coming from the Phase 2 East B landfill cell;
4. Approximately \$2,040,000 for the planning, design and construction related to the replacement of the landfill remote (West) pump station servicing the Eco Maine's Landfill located at 85 Scott Drive (Lot 86-3A), South Portland, Maine, and the Kimberly Clark Landfill;
 5. Approximately \$1,136,000 for resurfacing the tipping hall floor located at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine with a high strength durable material; and
 6. Approximately \$2,000,000 for two boiler economizer replacements at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine;
 7. Approximately \$600,000 for the planning, design, installation and construction of ventilation and dust control improvements at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine;
 8. Approximately \$550,000 for costs related to the replacement of transformer at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine;
 9. Approximately \$800,000 for costs related to the replacement of the boiler tile refractory at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine;
 10. Approximately \$400,000 for costs related to the replacement of a boiler ram feeder at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine;
 11. Approximately \$300,000 for costs related to the replacement of an ash extractor at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine;
 12. Approximately \$1,300,000 for the purchase of various rolling stock including, but not limited to a loader, sweeper roll-off truck to be used at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine and a bulldozer to be used at 00 Running Hill Road (Lot R036-001A), Scarborough, Maine and 85 Scott Drive (Lot 86-3A), South Portland, Maine; and
 13. Approximately \$500,000 for fire suppression system at the New MRF located at 90 Blueberry Road (Map 238, Lot A018), Portland, Maine;

(The items enumerated in (1) through (13) above shall be referred to herein as the "Projects".)

WHEREAS, in addition to the costs of the Projects as outlined above, the Bonds to be issued will used to pay costs of issuance, similar fees and costs and credit enhancement fees, if any, capitalized interest, if any, with respect to the Bonds, and to refund and redeem all of the outstanding amount of the ECO Maine Solid Waste Resource Recovery System Bond Anticipation Notes, Series 2025, dated April 30, 2025 in an aggregate principal amount not exceeding \$20,000,000 (the "Series 2025 Notes"), which were used to refund and redeem all of the outstanding amount of the ECO Maine Solid Waste Resource Recovery System Bond Anticipation Notes, Series 2024, dated October 31, 2024 in the aggregate principal amount not exceeding \$20,000,000 (the "Series 2024 Notes"), which were used to fund a portion of the initial costs of the Projects;

WHEREAS, the Bonds will be obligations of ECO Maine payable solely from payments to be made by ECO Maine to or for the benefit of the holders of the Bonds;

WHEREAS, other than with respect to the rights or obligations of a municipality arising under Title 38, section 1304-B and as provided in that certain Interlocal Solid Waste Agreement dated December 1, 2005 between ECO Maine and the Participating Municipalities identified therein, including the City, as well as the Waste Handling Agreement between ECO Maine and the City dated July 1, 2006, the Bonds do not constitute any debt or liability of the City; shall not constitute a pledge of the faith and credit of the City; shall be payable solely from the revenues of the Projects for which they are issued; and shall not directly or indirectly or contingently obligate the City to levy or to pledge any form of taxation whatever or to make any appropriation for their payment;

WHEREAS, the Projects are expected to constitute “solid waste disposal facilities” as defined in Section 142(a)(6) of the Code, and ancillary facilities necessary or convenient in connection therewith;

WHEREAS, Section 147(f) of the Code requires that ECO Maine obtain a local “host” approval of the Projects and of the Bonds to be issued for the Projects;

WHEREAS, ECO Maine has requested that the Portland City Council approve the financing of the Projects and the issuance of the Bonds and Notes in order to satisfy the requirements of Section 147(f) of the Code;

WHEREAS, ECO Maine has published notice of a public hearing on August 8, 2025, and held a public hearing on August 18, 2025, pursuant to Section 147(f) of the Code, as evidenced by the Certificate Concerning Public Notice and Approval of ECO Maine Solid Waste Recovery System Revenue Bonds Series 2025 (AMT), an executed copy of which has been delivered to the City;

NOW THEREFORE, IT IS HEREBY RESOLVED THAT the City Council, as the legislative body of the City of Portland, which is the governmental unit having jurisdiction over the area in which a portion of the Projects is located, hereby approves the financing of the Projects and the issuance of the Bonds by ECO Maine therefore, all in accordance with Section 147(f) of the Code.

APPROVAL OF APPLICABLE ELECTED REPRESENTATIVE

**Regarding the
ECO MAINE SOLID WASTE RESOURCE RECOVERY SYSTEM
REVENUE BONDS, SERIES 2025 (AMT)**

The undersigned, as of this 3rd day of September, 2025, **HEREBY CERTIFIES** that:

(A) I am the City Manager of the City of Portland, Maine (the “City”); and

(B) The Portland City Council is the elected legislative body of the City; and

(C) Pursuant to Section 147(f)(2) of the Internal Revenue Code of 1986, as amended (the “Code”), on September 3, 2025, the City Council adopted Resolution No. [] (the “Resolution”, an attested copy of which is attached hereto as Exhibit A), pursuant to which the City Council approved the issuance of ECO Maine’s (the “Issuer”) Solid Waste Resource Recovery System Revenue Bonds, Series 2025 (AMT), (the “Bonds”), in an aggregate principal amount not to exceed \$41,900,000, the proceeds of which Bonds will be used by the Issuer for the purpose of the financing and refinancing of the costs of the Projects as described and defined in the Resolution.

(D) The Chief Executive Officer of the Issuer has delivered a certificate to the City (the “Certificate”) certifying that the Issuer has determined that the Issuer has authorized issuance of the Bonds, in compliance with Section 147(f)(2) of the Code. The Issuer has also represented to the City that the Projects constitute “solid waste disposal facilities” as defined in Section 142(a)(6) of the Code.

(E) Such approval is based solely upon the representations and certifications of the Issuer, including but not limited to as set forth in the Certificate, and is only for the purposes of complying with the Code. It is not intended nor should it be construed to be any review or approval by the undersigned or the City of the credit of the Issuer or any participating municipality, or any type of guaranty by the undersigned, the City, or any department, agency or instrumentality thereof, of the payment or principal of, or interest, on the Bonds.

[Signature Page Follows]

IN WITNESS WHEREOF, I have caused this instrument to be executed and delivered as of the date first written above.

City Manager
City of Portland, Maine

**CITY OF PORTLAND
CITY COUNCIL
ORDER # _____**

**RESOLUTION APPROVING ECO MAINE
REVENUE BOND FINANCING**

WHEREAS, ECO Maine operates a waste to energy facility located at 64 Blueberry Road, Portland, Maine (the “Waste to Energy Facility”) and a recycling materials recovery facility located at 62 Blueberry Road, Portland, Maine (the “Existing MRF”), as well as other facilities in Scarborough and South Portland (the Waste to Energy Facility, the Existing MRF and the other facilities collectively referred to as the “Facilities”); and

WHEREAS, ECO Maine intends to finance and refinance the costs of acquiring, developing, constructing, reconstructing, installing, equipping, financing, refinancing and operating certain “solid waste disposal facilities” as defined in Section 142(a)(6) of the Internal Revenue Code of 1986, as amended, and ancillary facilities necessary or convenient in connection therewith, (and to reimburse costs of the Projects, as hereafter defined, previously paid), through the issuance of tax-exempt bonds (the “Bonds”) in the aggregate principal amount not to exceed \$41,900,000, under and pursuant to the provisions of Title 38, §1304-B(5) and Title 10, chapter 110, subchapter 4 of the Maine Revised Statutes, as amended, including, without limitation, funding the costs of:

1. Approximately \$26,364,000 for the planning, design and construction of modifications, repairs and improvements to the facility located at 90 Blueberry Road (Lot 238 A018), Portland, Maine (the “New MRF”) to replace Eco Maine’s existing recycling materials recovery facility located at 62 Blueberry Road, Portland, Maine (the “Existing MRF”), including the installation of a new sortation system in the New MRF to increase the capacity and improve the sortation system process of Eco Maine, and equipment acquisition at the New MRF;
2. Approximately \$700,000 for the connection of electrical services from Eco Maine’s waste to energy facility located at 64 Blueberry Road, Portland, Maine (the “Waste to Energy Facility”) to the New MRF at 90 Blueberry Road, Portland, Maine to provide electrical supply for the New MRF (which involves lots 239 A002, 239 A008 and 238 A018);
3. Approximately \$5,210,000 for the planning, design and construction of improvements to the Phase 2 East B landfill cell located at 00 Running Hill Road (Lot R036-001A), Scarborough, Maine to provide approximately seven years of additional space to landfill waste, and the planning, design and construction of improvements to the Landfill 10B pump station located at 4 Green Road (Lot R017-008), Scarborough, Maine, to provide greater capacity to service the existing Landfill and the new flows coming from the Phase 2 East B landfill cell;
4. Approximately \$2,040,000 for the planning, design and construction related to the replacement of the Landfill remote (West) pump station servicing the Issuer’s Landfill located at 85 Scott Drive (Lot 86-3A), South Portland, Maine, and the Kimberly Clark Landfill;
5. Approximately \$1,136,000 for resurfacing the tipping hall floor located at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine with a high strength durable material; and

6. Approximately \$2,000,000 for two boiler economizer replacements at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine;
7. Approximately \$600,000 for the planning, design, installation and construction of ventilation and dust control improvements at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine;
8. Approximately \$550,000 for costs related to the replacement of transformer at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine;
9. Approximately \$800,000 for costs related to the replacement of the boiler tile refractory at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine;
10. Approximately \$400,000 for costs related to the replacement of a boiler ram feeder at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine;
11. Approximately \$300,000 for costs related to the replacement of an ash extractor at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine;
12. Approximately \$1,300,000 for the purchase of various rolling stock including, but not limited to a loader, sweeper roll-off truck to be used at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine and a bulldozer to be used at 00 Running Hill Road (Lot R036-001A), Scarborough, Maine and 85 Scott Drive (Lot 86-3A), South Portland, Maine; and
13. Approximately \$500,000 for fire suppression system at the New MRF located at 90 Blueberry Road (Lot 238 A018), Portland, Maine;

(The items enumerated in (1) through (13) above shall be referred to herein as the “Projects”).

WHEREAS, in addition to the costs of the Projects as outlined above, the Bonds to be issued will be used to pay costs of issuance, similar fees and costs and credit enhancement fees, if any, capitalized interest, if any, with respect to the Bonds, and to refund and redeem all of the outstanding amount of the ECO Maine Solid Waste Resource Recovery System Bond Anticipation Notes, Series 2025, dated April 30, 2025 in an aggregate principal amount not exceeding \$20,000,000 (the “Series 2025 Notes”), which were used to refund and redeem all of the outstanding amount of the ECO Maine Solid Waste Resource Recovery System Bond Anticipation Notes, Series 2024, dated October 31, 2024 in the aggregate principal amount not exceeding \$20,000,000 (the “Series 2024 Notes”), which were used to fund a portion of the initial costs of the Projects;

WHEREAS, the Bonds will be obligations of ECO Maine payable solely from payments to be made by ECO Maine to or for the benefit of the holders of the Bonds;

WHEREAS, other than with respect to the rights or obligations of a municipality arising under Title 38, section 1304-B and as provided in that certain interlocal solid waste agreement dated December 1, 2005 between ECO Maine and the Participating Municipalities identified therein, including the City, as well as the Waste Handling Agreement between ECO Maine and the City dated July 1, 2006, the Bonds do not constitute any debt or liability of the City; shall not constitute a pledge of the faith and credit of the City; shall be payable solely from the revenues of the Projects for which they are issued; and shall not directly or indirectly or contingently obligate the City to levy or to pledge any form of taxation whatever or to make any appropriation for their payment;

WHEREAS, the Projects are expected to constitute “solid waste disposal facilities” as defined in Section 142(a)(6) of the Internal Revenue Code of 1986, as amended (the “Code”), and ancillary facilities necessary or convenient in connection therewith;

WHEREAS, Section 147(f) of the Code requires that ECO Maine obtain a local “host” approval of the Projects and of the Bonds to be issued for the Projects;

WHEREAS, ECO Maine has requested that the Portland City Council approve the financing of the Projects and the issuance of the Bonds and Notes in order to satisfy the requirements of Section 147(f) of the Code;

WHEREAS, ECO Maine has published notice of a public hearing on August 8, 2025, and held a public hearing on August 18, 2025, pursuant to Section 147(f) of the Code, as evidenced by the Certificate Concerning Public Notice and Approval of ECO Maine Solid Waste Recovery System Revenue Bonds Series 2025 (AMT), an executed copy of which has been delivered to the City;

NOW THEREFORE, IT IS HEREBY RESOLVED THAT the City Council, as the legislative body of the City of Portland, which is the governmental unit having jurisdiction over the area in which a portion of the Projects is located, hereby approves the financing of the Projects and the issuance of the Bonds by ECO Maine therefore, all in accordance with Section 147(f) of the Code.

ECO MAINE
64 Blueberry Road
Portland, Maine 04102

MINUTES
Public Hearing
August 18, 2025

ECO Maine (“Eco Maine”) held a public hearing on August 18, 2025 to consider the plan of finance regarding the issuance of revenue bonds (“Bonds”) in an aggregate principal amount not exceeding \$41,900,000 for the purposes of (A) the refunding and redeeming all of the outstanding amount of the ECO Maine Solid Waste Resource Recovery System Bond Anticipation Notes, Series 2025, dated April 30, 2025 in an aggregate principal amount not exceeding \$20,000,000 (the “Series 2025 Notes”), which were used to refund and redeem all of the outstanding amount of the ECO Maine Solid Waste Resource Recovery System Bond Anticipation Notes, Series 2024, dated October 31, 2024 in the aggregate principal amount not exceeding \$20,000,000 (the “Series 2024 Notes”); (B) the proceeds of the Series 2024 Notes and a portion of new money of the Bonds were and are to be used for the financing and refinancing of the costs of acquiring, developing, constructing, reconstructing, installing, equipping, financing, refinancing and operating certain “solid waste disposal facilities” as defined in Section 142(a)(6) of the Internal Revenue Code of 1986, as amended, and ancillary facilities necessary or convenient in connection therewith, including, without limitation, funding the costs of: (1) approximately \$26,364,000 for the planning, design and construction of modifications, repairs and improvements to the facility located at 90 Blueberry Road (Lot 238 A018), Portland, Maine (the “New MRF”) to replace Eco Maine’s existing recycling materials recovery facility located at 62 Blueberry Road, Portland, Maine (the “Existing MRF”), including the installation of a new sortation system in the New MRF to increase the capacity and improve the sortation system process of Eco Maine, and equipment acquisition at the New MRF; (2) approximately \$700,000 for the connection of electrical services from Eco Maine’s waste to energy facility located at 64 Blueberry Road, Portland, Maine (the “Waste to Energy Facility”) to the New MRF at 90 Blueberry Road, Portland, Maine to provide electrical supply for the New MRF (which involves lots 239 A002, 239 A008 and 238 A018); (3) approximately \$5,210,000 for the planning, design and construction of improvements to the Phase 2 East B landfill cell located at 00 Running Hill Road (Lot R036-001A), Scarborough, Maine to provide approximately seven years of additional space to landfill waste, and the planning, design and construction of improvements to the Landfill 10B pump station located at 4 Green Road (Lot R017-008), Scarborough, Maine, to provide greater capacity to service the existing Landfill and the new flows coming from the Phase 2 East B landfill cell; (4) approximately \$2,40,000 for the planning, design and construction related to the replacement of the Landfill remote (West) pump station servicing the Issuer’s Landfill located at 85 Scott Drive (Lot 86-3A), South Portland, Maine, and the Kimberly Clark Landfill; (5) approximately \$1,136,000 for resurfacing the tipping hall floor located at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine with a high strength durable material; and (6) approximately \$50,000 for the planning, design, installation and construction of ventilation and dust control improvements at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine; (C) a portion of new money of the Bonds will also be used for the financing and refinancing of the costs of acquiring, developing, constructing, reconstructing, installing,

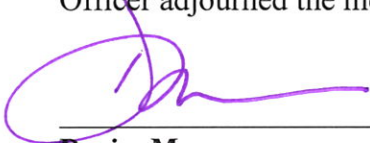
equipping, financing, refinancing and operating certain “solid waste disposal facilities” as defined in Section 142(a)(6) of the Internal Revenue Code of 1986, as amended, and ancillary facilities necessary or convenient in connection therewith, including, without limitation, funding the costs of: (1) approximately \$2,000,000 for two boiler economizer replacements at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine; (2) approximately \$550,000 for the planning, design, installation and construction of ventilation and dust control improvements at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine; (3) approximately \$550,000 for costs related to the replacement of transformer at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine; (4) approximately \$800,000 for costs related to the replacement of the boiler tile refractory at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine; (5) approximately \$400,000 for costs related to the replacement of a boiler ram feeder at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine; (6) approximately \$300,000 for costs related to the replacement of an ash extractor at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine; (7) approximately \$1,300,000 for the purchase of various rolling stock including, but not limited to a loader, sweeper roll-off truck to be used at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine and a bulldozer to be used at 00 Running Hill Road (Lot R036-001A), Scarborough, Maine and 85 Scott Drive (Lot 86-3A), South Portland, Maine; and (8) approximately \$500,000 for fire suppression system at the New MRF located at 90 Blueberry Road (Lot 238 A018), Portland, Maine; and (D) paying costs of issuance, similar fees and costs and credit enhancement fees, if any, capitalized interest, if any, with respect to the Bonds (the items enumerated in B(1) through B(6) and C(1) through (C)(8) above shall be referred to herein as the “Project”).

The hearing was called to order by Kevin Roche, Chief Executive Officer of Eco Maine at 9:00 a.m. at the place and date indicated above pursuant to the notice published on August 8, 2025, on the Eco Maine’s website. Members present from Eco Maine included Kevin Roche, Hearing Officer, and Denise Mungen, Recording Secretary.

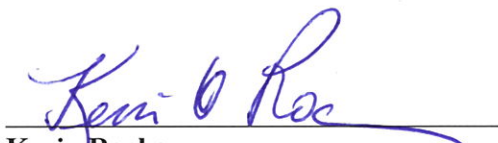
The Hearing Officer ordered the notice of public hearings spread upon the minutes of this hearing and filed for record.

The Hearing Officer determined that no members of the general public not related to Eco Maine had appeared and stated that neither the Hearing Officer nor Eco Maine had received any communication from interested parties requesting any change in time or postponement of the hearing or time to speak. The Hearing Officer determined to allow additional time for the public to appear and held the meeting open.

No members of the public having appeared, nor comments or corrections having been made or presented, and there being no other business to be presented at the hearing, the Hearing Officer adjourned the meeting at 9:30 a.m.



Denise Mungen
Recording Secretary



Kevin Roche
Hearing Officer

**CERTIFICATE CONCERNING
PUBLIC NOTICE AND APPROVAL OF
ECO MAINE SOLID WASTE RESOURCE RECOVERY SYSTEM**

REVENUE BONDS, SERIES 2025 (AMT)

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the “Code”), requires issues of “Exempt Facility Bonds” of ECO Maine (the “Issuer”) to be approved by the applicable elected representatives of the Maine municipalities of Portland, South Portland, and Scarborough (the “Municipalities”); and

WHEREAS, the chief elected executive officers or the elected legislative body officials of the Municipalities, as applicable, pursuant to Title 30-A of the Maine Revised Statutes are as set forth below:

Portland City Council	City of Portland
South Portland City Council	City of South Portland
Scarborough Town Council	Town of Scarborough

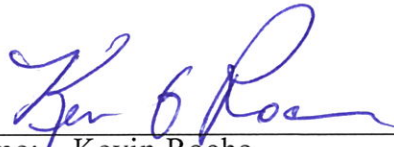
WHEREAS, I am the Chief Executive Officer of the Issuer, authorized to make this certification pursuant to resolutions of the Board of Directors of the Issuer adopted on January 18, 2024, December 19, 2024 and April 17, 2025 and am one of the officers of the Issuer who is responsible for the Project described in the Notice of Public Hearing attached hereto and made a part hereof.

NOW, THEREFORE, the Undersigned hereby certifies to the Municipalities as follows:

1. That the Issuer published the attached Notice of Public Hearing on August 11, 2025 in the Notice of Public Hearings section of the Issuer’s website;
2. That the Notice of Public Hearing was published at least seven (7) days prior to the Public Hearing;
3. That the Public Hearing was held by the Issuer on August 18, 2025; and
4. That the foregoing complies with the provisions of said Section 147(f) of the Code.

[Signature Page Follows]

IN WITNESS WHEREOF, I have hereunto set my hand as the Chief Executive Officer of ECO Maine as of this 18th of August, 2025.



Name: Kevin Roche
Title: Chief Executive Officer

NOTICE OF PUBLIC HEARING
ECO MAINE SOLID WASTE RESOURCE RECOVERY SYSTEM

Revenue Bonds, Series 2025 (AMT)

Notice is hereby given that a public hearing will be held by ECO Maine ("Eco Maine"), on August 18, 2025, commencing at 9:00 a.m., located at the address provided below, for the purpose of providing a reasonable opportunity for interested individuals to express their views, either orally or in writing, on the plan of finance for the issuance of the above-captioned revenue bonds (the "Bonds") and the nature of the improvements and projects described below. Eco Maine plans to issue one or more series of Bonds in an aggregate principal amount not exceeding \$41,900,000 pursuant to Title 13-B, Chapter 2 of the Maine Revised Statutes, as amended, Title 30-A, Chapter 115 of the Maine Revised Statutes, as amended, Title 10, Chapter 110, Subchapter IV of the Maine Revised Statutes, as amended, Title 38, Section 1304-B of the Maine Revised Statutes, as amended and the ECO Maine Interlocal Solid Waste Agreement dated December 1, 2005, by and among the Maine municipalities of Portland, South Portland, Cape Elizabeth, Scarborough, Limington, Lyman, Waterboro, Hollis, Bridgton, Casco, Cumberland, Falmouth, Freeport, Gray, Harrison, North Yarmouth, Pownal, Windham, Gorham and Yarmouth (the "Participating Municipalities", and each a "Participating Municipality"), as approved by the Maine Department of Environmental Protection and filed with the Clerk of each Participating Municipality and the Maine Secretary of State (as amended and supplemented, the "Interlocal Agreement").

The proceeds of the Bonds will provide moneys for any or all of the following purposes: (A) the refunding and redeeming all of the outstanding amount of the ECO Maine Solid Waste Resource Recovery System Bond Anticipation Notes, Series 2025, dated April 30, 2025 in an aggregate principal amount not exceeding \$20,000,000 (the "Series 2025 Notes"), which were used to refund and redeem all of the outstanding amount of the ECO Maine Solid Waste Resource Recovery System Bond Anticipation Notes, Series 2024, dated October 31, 2024 in the aggregate principal amount not exceeding \$20,000,000 (the "Series 2024 Notes"); (B) the proceeds of the Series 2024 Notes and a portion of new money of the Bonds were and are to be used for the financing and refinancing of the costs of acquiring, developing, constructing, reconstructing, installing, equipping, financing, refinancing and operating certain "solid waste disposal facilities" as defined in Section 142(a)(6) of the Internal Revenue Code of 1986, as amended, and ancillary facilities necessary or convenient in connection therewith, including, without limitation, funding the costs of: (1) approximately \$26,364,000 for the planning, design and construction of modifications, repairs and improvements to the facility located at 90 Blueberry Road (Lot 238 A018), Portland, Maine (the "New MRF") to replace Eco Maine's existing recycling materials recovery facility located at 62 Blueberry Road, Portland, Maine (the "Existing MRF"), including the installation of a new sortation system in the New MRF to increase the capacity and improve the sortation system process of Eco Maine, and equipment acquisition at the New MRF; (2) approximately \$700,000 for the connection of electrical services from Eco Maine's waste to energy facility located at 64 Blueberry Road, Portland, Maine (the "Waste to Energy Facility") to the New MRF at 90 Blueberry Road, Portland, Maine to provide electrical supply for the New MRF (which involves lots 239 A002, 239 A008 and 238 A018); (3) approximately \$5,210,000 for the planning, design and construction of improvements to the Phase 2 East B landfill cell located at 00 Running Hill Road (Lot R036-001A), Scarborough, Maine to provide approximately seven years of additional space to landfill waste, and the planning, design and construction of improvements to the Landfill 10B pump station located at 4 Green Road (Lot R017-008), Scarborough, Maine, to provide greater capacity to service the existing Landfill and the new flows coming from the Phase 2 East B landfill cell; (4) approximately \$2,40,000 for the planning, design and construction related to the replacement of the Landfill remote (West) pump station servicing the Issuer's Landfill located at 85 Scott Drive (Lot 86-3A), South Portland, Maine, and the Kimberly Clark Landfill; (5) approximately \$1,136,000 for resurfacing the tipping hall floor located at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine with a high strength durable material; and (6) approximately \$50,000 for the planning, design, installation and construction of ventilation and dust control improvements at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine; (C) a portion of new money of the Bonds will also be used for the financing and refinancing of the costs of acquiring, developing, constructing, reconstructing, installing, equipping, financing, refinancing and operating certain "solid waste disposal facilities" as defined in Section 142(a)(6) of the Internal Revenue Code of 1986, as amended, and ancillary facilities necessary or convenient in connection therewith, including, without limitation, funding the costs of: (1) approximately \$2,000,000 for two boiler economizer replacements at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine; (2) approximately \$550,000 for the

planning, design, installation and construction of ventilation and dust control improvements at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine; (3) approximately \$550,000 for costs related to the replacement of transformer at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine; (4) approximately \$800,000 for costs related to the replacement of the boiler tile refractory at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine; (5) approximately \$400,000 for costs related to the replacement of a boiler ram feeder at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine; (6) approximately \$300,000 for costs related to the replacement of an ash extractor at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine; (7) approximately \$1,300,000 for the purchase of various rolling stock including, but not limited to a loader, sweeper roll-off truck to be used at the Waste to Energy Facility located at 64 Blueberry Road, Portland, Maine and a bulldozer to be used at 00 Running Hill Road (Lot R036-001A), Scarborough, Maine and 85 Scott Drive (Lot 86-3A), South Portland, Maine; and (8) approximately \$500,000 for fire suppression system at the New MRF located at 90 Blueberry Road (Lot 238 A018), Portland, Maine; and (D) paying costs of issuance, similar fees and costs and credit enhancement fees, if any, capitalized interest, if any, with respect to the Bonds (the items enumerated in B(1) through B(6) and C(1) through (C)(8) above shall be referred to herein as the "Project").

Interested members of the public are invited to participate in the public hearing by attending at the following location:

**Eco Maine
Conference Room
64 Blueberry Road
Portland, Maine 04102**

Individuals desiring to make a brief statement regarding the Project should give prior notice in writing to Eco Maine at least 24 hours prior to the hearing to: Kevin Roche, Chief Executive Officer at roche@ecomaine.org. Written comments may be submitted to Eco Maine at the address shown below. If additional information is required with respect to the above-referenced proposed issue of the Bonds and the Project to be financed with the proceeds thereof in advance of the hearing, please contact Eco Maine at the address shown below.

This public hearing described herein is to be held solely for the purpose of complying with the requirements of Section 147(f) of the Internal Revenue Code.

Eco Maine
64 Blueberry Road
Portland, Maine 04102

By: Kevin Roche
Chief Executive Officer

August 11, 2025

MEMORANDUM

TO: City of Portland City Council
FROM: Updike, Kelly & Spellacy, P.C., Bond Counsel to ECO Maine
Tibbetts Law, Local Counsel to ECO Maine
RE: ECO Maine Bond Anticipation Notes and Bonds - TEFRA Requirements
DATE: August 19, 2025

This memorandum provides a general outline with respect to the TEFRA approval required by the Internal Revenue Code of 1986 (the “Code”) in regard to the ECO Maine Bonds anticipated to be issued in October of 2025.

ECO Maine is recognized under Maine law as a public waste disposal corporation, which is a quasi-municipal entity that has the authority to issue revenue obligation securities pursuant to Title 10, chapter 110, subchapter 4 of Maine law (the MSAP of FAME). See, 38 M.R.S.A. § 1304-B(5). The Bonds are exempt from taxation under Maine law and are qualified private activity bonds exempt for purposes of federal tax law (i.e., an exempt facility bond; solid waste disposal facility). In order to be a qualified private activity bond, ECO Maine must satisfy various provisions of Section 147 of the Code, among other things. In particular, ECO Maine must receive “public approval” under Section 147(f), which includes two requirements. The first requirement is that the Bonds are approved by the governmental unit that issues the Bonds or on behalf of which the Bonds were issued. In this instance, ECO Maine is the issuer and its Board has approved the issuance of the Bonds through a resolution adopted in January 2024. The second requirement is that the Bonds must be approved by each governmental unit having jurisdiction over the area in which the proceeds of the Bonds will be used to finance facilities, following public notice and hearing. ECO Maine already issued public notice and held a public hearing related to this requirement, and a certificate of ECO Maine is hereby provided, on which you may rely. The proceeds of the Bonds are being used to finance facilities in Portland, Scarborough and South Portland. As a result, ECO Maine is required to seek the approval of the “applicable elected representative” of each of those municipalities before issuing the Bonds. Under the Code, the “applicable elected representative” would be the elected legislative body of each of the City of Portland, the City of South Portland and the Town of Scarborough.

The approval of the ECO Maine Bonds is not a debt obligation of any of the municipalities. The municipalities’ respective obligations under the Interlocal Agreement or any Waste Handling Agreements with ECO Maine are not changing.

ECO Maine issued Bond Anticipation Notes in October of 2024. At that time, each community approved the issuance through a similar process as what is currently requested. A copy of the prior approval is enclosed for your reference.

The Bonds include additional projects beyond those funded through the Bond Anticipation Notes, which additional projects were approved by the ECO Maine Board in April 2025, so ECO

Maine is now requesting approval from your respective Councils to adopt a proposed resolution to authorize the appropriate official to execute the public approval certificate.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: June 5, 2025

SUBJECT: Order 161-24/25 Accepting and Appropriating a \$96,400 State of Maine Community Paramedicine Grant for the Portland Fire Department - Sponsored by Danielle P. West, City Manager

SPONSOR: Danielle P. West, City Manager

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 4/14/2025

Final Action 9/3/2025

Can action be taken at a later date: Yes

Does this item involve a new contract with the City: No

PRESENTATION: Chad Johnston, Fire Chief will be available for questions.

I. SUMMARY

Subject to approval, this \$96,400 grant from the Maine Department of Public Safety will be used by the Portland Fire Department for the purpose of enhancing Portland's Community Paramedicine services.

II. AGENDA DESCRIPTION

Subject to approval, this \$96,400 federal grant distributed by the Maine Department of Public Safety will be used by the Portland Fire Department for the purpose of enhancing Portland's Community Paramedicine services. Specifically, this funding will support the training and certification of eight (8) Mobile Medical Outreach team members as Community Paramedicine Technicians. Grant funding will cover employee compensation costs related to taking off-duty classes (\$86,400) and the cost of program tuition (\$10,000).

This item must be read on two separate days. It received its first reading on April 14. It was postponed on April 28 and again on May 19. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

This \$96,400 grant will be used by the Portland Fire Department for the purpose of enhancing Portland's Community Paramedicine services. The goal of the program is to enhance access to healthcare among underserved populations and people living in rural communities, and ultimately reduce health disparities. Community Paramedics travel to patients as directed by physicians to check on conditions, follow up with care, and help diagnose new issues.

The Fire Department is already certified as a Community Paramedicine Program, so this grant funding will support staff training and individual certifications. Specifically, this funding will support the training and certification of eight (8) Mobile Medical Outreach team members as Community Paramedicine Technicians. Grant funding will cover employee compensation costs related to taking off-duty classes (\$86,400) and the cost of program tuition (\$10,000). Additionally, grant recipients are required to expand COVID-19 testing capacity and operationalize a referral program with local healthcare programs.

Health insurance companies have provisions to pay for Community Paramedicine visits. The department's plan is to build a referral program with public health providers in order to better connect with and care for hard-to-

reach patients, particularly those living without shelter. Insurance (e.g., Medicare) reimbursements will help make the Mobile Medical Outreach team more self-sufficient and less dependent on grant and city resources.

The grant funding was awarded by the US Centers for Disease Control and Prevention (CDC) to the Maine Department of Public Safety. In March 2025, this funding was included in broad grant funding cuts by the US Health and Human Services Department, causing a delay in further consideration by the City Council. Following a multi-state lawsuit (to which the State of Maine is a party), access to funding was restored due to a preliminary injunction. As a result, the Maine Department of Public Safety has resumed executing grant contracts.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

Improve access to healthcare among Portland's hard to reach populations and reduce health disparities.

V. FINANCIAL IMPACT

Grant funding will cover the cost of personnel to attend off-duty training and program tuition. There is no anticipated impact on the department's operating budget.

VI. STAFF ANALYSIS AND BACKGROUND

Staff Analysis that will not appear in the Agenda Description.

VII. RECOMMENDATION

Accept and appropriate the grant funding as requested.

VIII. LIST ATTACHMENTS

1. Order - Accepting and Appropriating a \$96,400 Grant to PFD
2. Service Contract_RFA 202412213_Portland

Prepared by:

Date: 06/05/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER ACCEPTING AND APPROPRIATING A \$96,400 STATE OF MAINE
COMMUNITY PARAMEDICINE GRANT FOR THE PORTLAND FIRE
DEPARTMENT**

ORDERED, that a \$96,400 State of Maine Community Paramedicine Grant is hereby accepted and that amount appropriated to the Portland Fire Department; and

BE IT FURTHER ORDERED, that the City Council hereby approves the attached Grant Agreement in substantially the form attached hereto and authorizes the City Manager or designee to execute said Agreement and any other related documents necessary or convenient to carry out the intent of said Agreement and this order.



SERVICE CONTRACT

DATE: 3/31/2025	CONTRACT AMOUNT: \$ 96,400
ADVANTAGE CONTRACT #: 16A 20250326000000002227	
DEPARTMENT AGREEMENT #:	
START DATE: 4/1/2025	END DATE: 5/30/2026

This Contract is between the following State of Maine Department and Provider:

STATE OF MAINE DEPARTMENT		
DEPARTMENT NAME: Department of Public Safety		
ADDRESS: 45 Commerce Dr.		
CITY: Augusta	STATE: ME	ZIP CODE: 04330
PROVIDER		
PROVIDER NAME: City of Portland dba Fire Department		
ADDRESS: 380 Congress St		
CITY: Portland	STATE: ME	ZIP CODE: 04101
PROVIDER'S VENDOR CUSTOMER #:VC1000073493		

Each signatory below represents that the person has the requisite authority to enter into this Contract.

Department Representative:

Provider Representative:

BY: Signature **Michael Sauschuck,**
Commissioner **Date**

BY: Signature **Danielle West, City Manager**
Date

The contract is fully executed when all parties sign and funds have been encumbered. Upon final approval by the Office of State Procurement Services, a case details page will be made part of this contract.

DEPARTMENT AND PROVIDER POINT OF CONTACT

CONTRACT ADMINISTRATOR: The following person is designated as the Contract Administrator on behalf of the Department for this Contract. All financial reports, invoices, correspondence and related submissions from the Provider as outlined in Rider A, Reports, shall be submitted to:

NAME: Soliana Goldrich		
EMAIL: Soliana.o.goldrich@maine.gov	TELEPHONE: 207-248-1190	
ADDRESS: 45 Commerce Dr		
CITY: Augusta	STATE: ME	ZIP CODE: 04330

PROGRAM ADMINISTRATOR: (Program Administrator section is optional.)

The following person is designated as the Program Administrator. This person will be able to respond to routine questions pertaining to the Contract; they will not be able to alter the scope of the Contract.

NAME:		
EMAIL:	TELEPHONE:	
ADDRESS:		
CITY:	STATE:	ZIP CODE:

PROVIDER CONTACT: The following person is designated as the Contact Person on behalf of the Provider for this Contract. All contractual correspondence from the Department shall be submitted to:

NAME: Sean Donaghue		
EMAIL: donaghues@portlandmaine.gov	TELEPHONE: 978-590-5254	
ADDRESS: 380 Congress St		
CITY: Portland	STATE: ME	ZIP CODE: 04101

TABLE OF RIDERS

The following riders are hereby incorporated into this Contract and made part of it by reference. *(Riders A, B, and G are required. Check all others that apply.)*

☐	Funding Rider
☒	Rider A – Scope of Work
☒	Rider B – Terms and Conditions
☐	Rider C - Exceptions
☐	Rider D – Included at Department’s Discretion
☐	Rider E – Included at Department’s Discretion
☐	Rider F – Included at Department’s Discretion
☒	Rider G – Identification of Country in Which Contracted Work will be Performed
☐	Business Associate Agreement – Included at Department’s Discretion
☒	Other – Included at Department’s Discretion

FUNDING RIDER

Internal Purposes Only

CODING: (Departments - Attach separate sheet as needed for additional coding.)

LINE TOTAL	FUND	DEPT	UNIT	SUB UNIT	OBJ	PROGRAM	PROGRAM PERIOD	APPR FUNDING	FISCAL YEAR
\$ 96,400	013	16A	1994	02	6401	HDAP	F2022		

LINE TOTAL	FUND	DEPT	UNIT	SUB UNIT	OBJ	PROGRAM	PROGRAM PERIOD	APPR FUNDING	FISCAL YEAR
\$									

LINE TOTAL	FUND	DEPT	UNIT	SUB UNIT	OBJ	PROGRAM	PROGRAM PERIOD	APPR FUNDING	FISCAL YEAR
\$									

FUNDING TOTAL: \$ 96,400

The sources of funds and compliance requirements for this Contract follow:

State General Fund \$
Dedicated/Special Revenue \$
Federal Funds \$ 96,400

RIDER A: SCOPE OF WORK

TABLE OF CONTENTS

- I. Acronyms
- II. Introduction/Overview
- III. Deliverables
- IV. Performance Measures
- V. Reports

I. ACRONYMS/DEFINITIONS:

The following terms and acronyms shall have the meaning indicated below as referenced in this Contract:

COMMONLY KNOWN ACRONYMS AND DEPARTMENT ABBREVIATIONS	
BAA	Business Associate Agreement
Contract	Formal and legal binding agreement
Department	State of Maine Department Entering into this Contract
Provider	City of Portland dba Fire Dept
State	State of Maine

II. INTRODUCTION/OVERVIEW:

The purpose of this Contract is to support EMS agencies in initiating and/or expanding community paramedicine services, with a focus on rural areas. The provider will be required to expand capacity to be able to provide COVID-19 testing. The contract focuses on a reduction in health disparities, improving and increasing healthcare resources offered by EMS to underserved populations and people living in rural communities.

The Provider shall train 20 CP providers as Community Paramedicine Technicians and operationalize a referral program.

Payment will be made upon receipt of an approved invoice. Invoices will come from the Provider on the Provider's usual billing form or letterhead identifying such document as an invoice, providing an invoice number, the amount due, the date of the invoice, the time frame covered, the name of the vendor and the remit to address. All invoices are to be submitted, preferably via email, to Soliana.O.Goldrich@maine.gov.

Payments are subject to the Provider's compliance with all items set forth in this Agreement and subject to the availability of funds. The Department will process approved payments within 30 days

III. DELIVERABLES:

The Provider shall perform all services and maintain all standards and requirements for services provided under this Contract in accordance with the below:

Provider will send 20 providers to a CP training course and operationalize a referral program for CP with local entities.

This shall include use of funds as follows:

1. Up to \$86,400 for personnel
2. Up to \$10,000 for CP education

See attached scope of work under "other".

IV. REPORTS: remove this section if not applicable to this Contract.

A. Required Reports

The Provider shall track and record all data/information necessary to complete the reports listed in the table below:

	Name of Report	Description or Appendix #:
1.	Quarterly Report	Quarterly report outlining implementation, successes and barriers
2.		

B. Reporting Schedule for Above Listed Required Reports

The Provider shall submit all of the reports listed in the table below to the Department in accordance with the deadlines established within the table:

	Name of Report:	Period Captured by Report: ("Each year/quarter/month/week")	Due Date and/or Frequency: (# days after each year/quarter/month/week")
1.	Quarterly Report	Quarterly	30 days after end of quarter
2.			

The Provider understands that the reports are due within the timeframes established and that the Department will not make subsequent payment installments under this Contract until such reports are received, reviewed and accepted.

The Provider further agrees to submit such other data and reports as may be requested by the Contract Administrator. The Provider shall submit all data and reports to the Contract Administrator listed in section “DEPARTMENT AND PROVIDER POINTS OF CONTACT” of this Contract.

RIDER B: TERMS AND CONDITIONS

1. **INVOICES AND PAYMENT.** Department will pay the Provider as follows: Payment terms are net 30 days from the date the State receives an error-free invoice with all necessary and complete supporting documents.

All invoices must include the following:
 - A. Advantage Contract numbers for this contract.
 - B. Vendor Code number assigned when registering as a vendor with the State of Maine. This number appears on all Contracts and Purchase Orders and can be acquired from the agency contact.
 - C. Itemizing all work performed during the invoice period, including the dates of service, rates of pay, hours of work performed, and any other information and/or documentation appropriate and sufficient to substantiate the amount invoiced for payment by the State.
 - D. In cases where hourly rates of contracted resources are concerned, invoices must contain a copy or copies of time sheets associated with that invoice. Time sheets will need to be reviewed and approved by the State's contract administrator.

2. **BENEFITS AND DEDUCTIONS.** If the Provider is an individual, the Provider understands and agrees that they are an independent contractor for whom no Federal or State Income Tax will be deducted by the Department, and for whom no retirement benefits, survivor benefit insurance, group life insurance, vacation and sick leave, and similar benefits available to State employees will accrue. The Provider further understands that annual information returns, as required by the Internal Revenue Code or State of Maine Income Tax Law, will be filed by the State Controller with the Internal Revenue Service and the State of Maine Bureau of Revenue Services, copies of which will be furnished to the Provider for their Income Tax records.

3. **INDEPENDENT CAPACITY.** In the performance of this Contract, the parties hereto agree that the Provider, and any agents and employees of the Provider, shall act in the capacity of an independent contractor and not as officers or employees or agents of the State.

4. **DEPARTMENT'S REPRESENTATIVE.** The Contract Administrator shall be the Department's representative during the period of this Contract. The Contract Administrator has authority to curtail services if necessary to ensure proper execution. They shall certify to the Department when payments under the Contract are due and the amounts to be paid. They shall make decisions on all claims of the Provider, subject to the approval of the Commissioner of the Department.

5. **CHANGES IN THE WORK.** The Department may order changes in the work, the Contract Amount being adjusted accordingly. Any monetary adjustment or any substantive change in the work shall be in the form of an amendment, signed by both parties and approved by the State Procurement Review Committee. Said amendment must be effective prior to the execution of the changed work.

6. **SUB-CONTRACTORS**. The Provider may not enter into any subcontract for the work to be performed under this Contract without the express written consent of the Department. This provision shall not apply to contracts of employment between the Provider and its employees.

The Provider is solely responsible for the performance of work under this Contract. The approval of the Department for the Provider to subcontract for work under this Contract shall not relieve the Provider in any way of its responsibility for performance of the work.

All Subcontractors shall be bound by the terms and conditions set forth in this Contract. The Provider shall give the State immediate notice in writing of any legal action or suit filed, and prompt notice of any claim made against the Provider by any Subcontractor, which may result in litigation related in any way to this Contract, or which may affect the performance of duties under this Contract.

7. **SUBLETTING, ASSIGNMENT OR TRANSFER**. The Provider shall not sublet, sell, transfer, assign or otherwise dispose of this Contract or any portion thereof, or of its right, title or interest therein, without the written request and written approval from the Department. Such approval shall not in any case relieve the Provider of its responsibility for performance of work or liability under this Contract.

8. **EQUAL EMPLOYMENT OPPORTUNITY**. During the performance of this Contract, the Provider certifies as follows:

- A. The Provider shall not discriminate against any employee or applicant for employment relating to this Contract because of race, color, religious creed, sex, national origin, familial status, ancestry, age, physical or mental disability, sexual orientation, or gender identity, unless related to a bona fide occupational qualification.

Such action shall include but not be limited to the following: employment, upgrading, demotions, or transfers; recruitment or recruitment advertising; layoffs or terminations; rates of pay or other forms of compensation; and selection for training including apprenticeship. The Provider agrees to post in conspicuous places available to employees and applicants for employment notices setting forth the provisions of this nondiscrimination clause.

- B. The Provider shall, in all solicitations or advertising for employees placed by or on behalf of the Provider relating to this Contract, state that all qualified applicants shall receive consideration for employment without regard to race, color, religious creed, sex, national origin, familial status, ancestry, age, physical or mental disability, sexual orientation, or gender identity.

- C. The Provider shall send to each labor union or representative of the workers with which it has a collective bargaining Contract, or other Contract or understanding, whereby it is furnished with labor for the performance of this Contract a notice to be provided by the contracting agency, advising the said labor union or workers' representative of the Provider's commitment under this section and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

- D. The Provider shall inform the contracting Department's Equal Employment Opportunity Coordinator of any discrimination complaints brought to an external regulatory body (Maine

Human Rights Commission, EEOC, Office of Civil Rights, etc.) against their agency by any individual as well as any lawsuit regarding alleged discriminatory practice.

- E. The Provider shall comply with all aspects of the Americans with Disabilities Act (ADA) in employment and in the provision of service to include accessibility and reasonable accommodations for employees and clients.
- F. The Provider shall cause the foregoing provisions to be inserted in any subcontract for any work covered by this Contract so that such provisions shall be binding upon each Subcontractor, provided that the foregoing provisions shall not apply to contracts or subcontracts for standard commercial supplies or raw materials.

9. CONFLICT OF INTEREST. The Provider warrants that no State employee has or will receive any direct or indirect pecuniary interest in or receive or be eligible to receive, directly or indirectly, any benefit that may arise from this Contract, for any employee who participated in any way in the solicitation, award or administration of this Contract according to [Title 5 MRS §18-A, \(2\)](#) and in harmony with [Title 17 MRS §3104](#). Any contract made in violation of these sections is void.

The Provider certifies that it presently has no interest and shall not acquire any interest which would conflict in any manner or degree with the performance of its services hereunder. The Provider further certifies that in the performance of this Contract, no person having any such known interests shall be employed.

10. EMPLOYMENT AND PERSONNEL. The Provider shall not engage on a full-time, part-time or other basis during the period of this Contract, any executive employee who participated in any way in the solicitation, award or administration of this Contract according to [Title 5 MRS §18-A, \(2\)](#) and in harmony with [Title 17 MRS §3104](#). Any contract made in violation of these sections is void.

11. NON-COLLUSION. The Provider warrants that it has not employed or contracted with any company or person, other than for assistance with the normal study and preparation of a proposal, to solicit or secure this Contract and that it has not paid, or agreed to pay, any company or person, other than a bona fide employee working solely for the Provider, any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon, or resulting from the award of this Contract.

And, the Provider has not entered into a prior understanding, agreement, or connection with any corporation, firm, or person submitting a response for the same materials, supplies, equipment, or services, and this proposal is in all respects fair and without collusion or fraud. The above-mentioned entities understand and agree that collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.

For breach or violation of this provision, the Department shall have the right to terminate this Contract without liability or, at its discretion to otherwise recover the full amount of such fee, commission, percentage, brokerage fee, gift, or contingent fee.

12. ACCESS TO RECORDS. As a condition of accepting a Contract for services under this section, a Provider must agree to treat all records, other than proprietary information, relating to personal

services work performed under the Contract as public records under the freedom of access laws to the same extent as if the work were performed directly by the Department or agency. For the purposes of this subsection, "proprietary information" means information that is a trade secret or commercial or financial information, the disclosure of which would impair the competitive position of the Provider and would make available information not otherwise publicly available. Information relating to wages and benefits of the employees performing the personal services work under the Contract and information concerning employee and Contract oversight and accountability procedures and systems are not proprietary information. The Provider shall maintain all books, documents, payrolls, papers, accounting records and other evidence pertaining to this Contract and make such materials available at its offices at all reasonable times during the period of this Contract and for such subsequent period as specified under Maine Uniform Accounting and Auditing Practices for Community Agencies (MAAP) rules. The Provider shall allow inspection of pertinent documents by the Department or any authorized representative of the State of Maine or Federal Government, and shall furnish copies thereof, if requested. This subsection applies to contracts, contract extensions and contract amendments executed on or after October 1, 2009.

- 13. TERMINATION.** The performance of work under this Contract may be terminated by the Department whenever for any reason the Contract Administrator shall determine that such termination is in the best interest of the Department. Any such termination shall be affected by the delivery to the Provider of a Notice of Termination specifying the date on which such termination becomes effective.

Either party may terminate this Contract for cause by providing a written notice of termination stating the reason for the termination a minimum of thirty (30) calendar day ahead of the effective date of the termination. As part of the thirty (30) calendar days written notice of termination, the defaulting party shall have fifteen (15) calendar days to cure the default. If the default is of such a nature that it cannot be cured within fifteen (15) calendar days, the defaulting party shall have such additional time, as the parties may agree to, to cure the default, provided the defaulting party has taken steps to cure the default within the initial fifteen (15) calendar days.

Upon termination, the Department shall pay the Provider for work performed by the Provider prior to the date of Notice of Termination.

- 14. GOVERNMENTAL REQUIREMENTS.** The Provider warrants and represents that it will comply with all applicable governmental ordinances, laws and regulations.

- 15. GOVERNING LAW.** This Contract shall be governed in all respects by the laws, statutes, and regulations of the United States of America and of the State of Maine. Any legal proceeding against the State regarding this Contract shall be brought in the State of Maine administrative or judicial forums. The Provider consents to personal jurisdiction in the State of Maine.

- 16. STATE HELD HARMLESS.** The Provider shall indemnify and hold harmless the Department and its officers, agents, and employees from and against any and all third party claims, liabilities, and costs, including reasonable attorney fees, for any or all injuries to persons or property or claims for money damages, including claims for violation of intellectual property rights, arising from the negligent acts or omissions of the Provider, its employees or agents, officers or Subcontractors in the performance of work under this Agreement; provided, however, the Provider shall not be liable for claims arising out of the negligent acts or omissions of the Department, or for actions taken in reasonable reliance on written instructions of the Department.

17. NOTICE OF CLAIMS. The Provider shall give the Contract Administrator immediate notice in writing of any legal action or suit filed related in any way to this Contract or which may affect the performance of duties under this Contract, and prompt notice of any claim made against the Provider by any Subcontractor which may result in litigation related in any way to this Contract or which may affect the performance of duties under this Contract.

18. APPROVAL. This Contract must be approved by the State Controller and the State Purchases Review Committee before it can be considered a valid, enforceable document.

19. INSURANCE REQUIREMENT. The Provider shall keep in force a liability policy issued by a company fully licensed or designated as an eligible surplus line insurer to do business in this State by the Maine Department of Professional & Financial Regulation, Bureau of Insurance, which policy includes the activity to be covered by this Contract with adequate liability coverage to protect itself and the Department from suits. Providers insured through a “risk retention group” insurer prior to July 1, 1991, may continue under that arrangement. Prior to or upon execution of this Contract, the Provider shall furnish the Department with written or photocopied verification of the existence of such liability insurance policy.

A. Other Provisions - Unless explicitly waived by the Department, the insurance policies shall contain, or be endorsed to contain, the following provisions:

- i. The Provider’s insurance coverage shall be the primary and contributory. Any insurance or self-insurance maintained by the Department for its officers, agents, and employees shall be in excess of the Provider's insurance and shall not contribute to it.
- ii. The Provider's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability.
- iii. The Provider shall furnish the Department with certificates of insurance, and with those endorsements, if any, affecting coverage, required by these Insurance Requirements. The certificates and endorsements for each insurance policy are to be signed by a person authorized by the insurer to bind coverage on its behalf. All certificates and endorsements are to be received and approved by the Department before this Contract commences. The Department reserves the right to require complete, certified copies of all required insurance policies at any time.
- iv. All policies should contain a revised cancellation clause allowing thirty (30) days notice to the Department in the event of cancellation for any reason, including nonpayment.
- v. The Department will not grant the Provider, or any sub-contractor of the Provider, “Additional Insured” status and the Department will not grant any Provider a “Waiver of Subrogation”.

20. NON-APPROPRIATION. Notwithstanding any other provision of this Contract, if the State does not receive sufficient funds to fund this Contract and other obligations of the State, if funds are de-appropriated, or if the State does not receive legal authority to expend funds from the Maine State Legislature or Maine courts, then the State is not obligated to make payment under this Contract.

21. SEVERABILITY. The invalidity or unenforceability of any particular provision, or part thereof, of this Contract shall not affect the remainder of said provision or any other provisions, and this Contract shall be construed in all respects as if such invalid or unenforceable provision or part

thereof had been omitted.

22. ORDER OF PRECEDENCE. In the event of a conflict between the documents comprising this Contract, the Order of Precedence shall be:

- Rider C Exceptions
- Rider B Terms and Conditions
- Rider A Scope of Work
- Funding Rider
- Rider D Included at Department's Discretion
- Rider E Included at Department's Discretion
- Rider F Included at Department's Discretion
- Rider G Identification of Country in which contracted work will be performed
- Business Associate Agreement included at Department's Discretion
- Other Included at Department's Discretion

23. FORCE MAJEURE. The performance of an obligation by either party shall be excused in the event that performance of that obligation is prevented by an act of God, act of war, riot, fire, explosion, flood, pandemic or other catastrophe, sabotage, severe shortage of fuel, power or raw materials, change in law, court order, national defense requirement, or strike or labor dispute, provided that any such event and the delay caused thereby is beyond the control of, and could not reasonably be avoided by, that party.

24. SET-OFF RIGHTS. The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for the purposes of set-off any monies due to the Provider under this Contract up to any amounts due and owing to the State with regard to this Contract, any other Contract with any State department or agency, including any Contract for a term commencing prior to the term of this Contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Controller.

25. ENTIRE CONTRACT. This document contains the entire Contract of the parties, and neither party shall be bound by any statement or representation not contained herein. No waiver shall be deemed to have been made by any of the parties unless expressed in writing and signed by the waiving party. The parties expressly agree that they shall not assert in any action relating to the Contract that any implied waiver occurred between the parties, which is not expressed in writing. The failure of any party to insist in any one or more instances upon strict performance of any of the terms or provisions of the Contract, or to exercise an option or election under the Contract, shall not be construed as a waiver or relinquishment for the future of such terms, provisions, option or election, but the same shall continue in full force and effect, and no waiver by any party of any one or more of its rights or remedies under the Contract shall be deemed to be a waiver of any prior or subsequent rights or remedy under the Contract or at law.

26. AMENDMENT. No changes, modifications, or amendments in the terms and conditions of this Contract shall be effective unless reduced to writing, numbered and signed by the duly authorized representative of the State and Provider.

27. DEBARMENT AND PERFORMANCE CERTIFICATION. By signing this Contract, the Provider certifies to the best of Provider's knowledge and belief that the aforementioned organization, its principals and any subcontractors named in this Contract:

- A. Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from bidding or working on contracts issued by any governmental agency.
- B. Have not within three years of submitting the proposal for this contract been convicted of or had a civil judgment rendered against them for:
 - i. Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state or local government transaction or contract.
 - ii. Violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - iii. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (b) of this certification; and
 - iv. Have not within a three (3) year period preceding this proposal had one or more federal, state or local government transactions terminated for cause or default.

28. STATE PROPERTY. The Provider shall be responsible for the proper custody, care and return of any Department or State-owned property furnished or state-funded for the Provider's use in connection with the performance of this Contract, and the Provider will reimburse the Department for its loss or damage, normal wear and tear excepted.

29. CYBERSECURITY AND PROHIBITED TECHNOLOGIES. Through the execution of this contract, the Provider certifies that the aforementioned organization, its principals and any subcontractors named in this Contract:

- A. is not a foreign adversary business entity, <https://www.maine.gov/oit/prohibited-technologies>, [Title 5 M.R.S. §2021 \(3\)](#); and
- B. is not on the list of prohibited companies or does not obtain or purchase any information or communications technology or services included on the list of prohibited information and communications technology and services <https://www.maine.gov/oit/prohibited-technologies>, [Title 5 M.R.S. §2030-B](#).

Contracts entered into by a state agency in violation of Title 5 M.R.S. §2030-B are void. A person who executes this contract in violation of this section commits a civil violation for which a fine may be adjudged in an amount that is twice the amount of this contract or \$250,000, whichever is greater, (Title 5 M.R.S., §2030-A).

30. CONFIDENTIALITY.

- A. Subject to the Maine Freedom of Access Act (FOAA), [Title 1 M.R.S. §400](#) et seq., "confidential information" means non-public information designated as protected from disclosure under state or federal law. Confidential information given to the Provider by the Department, or acquired by the Provider on behalf of the Department, whether in verbal,

written, electronic, or any other format, shall be subject to the requirements herein. The term “confidential information” does not include any information or documentation that is subject to disclosure under FOAA.

- B. In conformance with applicable Federal and State statutes, regulations, and ethical standards, the Provider and the Department shall take all necessary steps to protect confidential information regarding all persons served by the Department, including the proper care, custody, use, and preservation of records, papers, files, communications, and any such items that may reveal confidential information about persons served by the Department, or whose information is utilized in order to accomplish the purposes of this Contract.
- C. In the event of a breach of this confidentiality provision, the Provider shall notify the Contract Administrator immediately.
- D. The Provider shall comply with the [Maine Public Law, Title 10, Chapter 210-B \(Notice of Risk to Personal Data Act\)](#).

RIDER C: EXCEPTIONS

N/A

RIDER D: [TITLE]

(Included at Department’s Discretion)

N/A

RIDER E: [TITLE]

(Included at Department’s Discretion)

N/A

RIDER F: [TITLE]

(Included at Department’s Discretion)

N/A

RIDER G: IDENTIFICATION OF COUNTRY IN WHICH CONTRACTED WORK WILL BE PERFORMED

Please identify the country in which the services purchased through this contract will be performed:

☒ **United States. Please identify state: Maine**

☐ **Other. Please identify country: Enter Country**

Notification of Changes to the Information:

The Provider agrees to notify the Office of State Procurement Services of any changes to the information provided above.

BUSINESS ASSOCIATE AGREEMENT

(Included at Department’s Discretion)

N/A

Other

Title: Scope of Work

MEMORANDUM
City Council Agenda Item

FROM: Greg Watson, Director

DATE: August 26, 2025

SUBJECT: Order 32-25/26 Accepting and Appropriating a \$25,000 Resilient Communities Grant from the Casco Bay Estuary Partnership and Approving the Subaward Between the University of Maine System and the City of Portland - Sponsored by Danielle P. West, City Manager

SPONSOR: Danielle West, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 8/25/2025

Final Action 9/3/2025

Can action be taken at a later date: Yes

Does this item involve a new contract with the City: Yes, Corporation Counsel has reviewed and approved the Agreement.

PRESENTATION: Greg Watson will be present to answer questions.

I. SUMMARY

The Housing and Economic Development Department's Office of Economic Opportunity has been offered a grant from the Casco Bay Estuary Partnership as part of its "*Bridging Cultures for Climate Resilience Project: A Community Needs Assessment*" in the amount of \$25,000, with the primary goal to collect vital data on how immigrant and under-represented communities interact with climate resiliency efforts.

II. AGENDA DESCRIPTION

If approved, this \$25,000 grant would be used to collect vital data on how immigrant and under-represented communities interact with climate resiliency efforts. This funding from the Casco Bay Estuary Partnership Resilience and Monitoring Grants as part of its *Bridging Cultures for Climate Resilience Project: A Community Needs Assessment* will provide insights that will directly support the City of Portland's efforts to build a comprehensive community resilience plan which reflects and accounts for the needs and experiences of under-represented communities. The process will also bring together groups that typically do not work together, fostering new partnerships, collaboration, and a resilient Portland for everyone.

This item must be read on two separate days. It received its first reading on August 25. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

See above.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result is to accept and appropriate a \$25,000 grant from the Casco Bay Estuary Partnership for this project.

V. FINANCIAL IMPACT

There will be no financial impact because this funding is a grant to the City of Portland from the Casco Bay Estuary Partnership for this project.

VI. STAFF ANALYSIS AND BACKGROUND

See above.

VII. RECOMMENDATION

Staff recommends that the City Council accept and appropriate the \$25,000 grant from the Casco Bay Estuary Partnership in support of the project.

VIII. LIST ATTACHMENTS

1. Order - Casco Bay Estuary Subaward
2. 4-11-2025 CBEP Ltr of Award of \$25K
3. 8-7-2025 Cost Reimb Subaward Agreement & Addenda from AD for CC

Prepared by:

Greg Watson, Director

Date: 08/26/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER ACCEPTING AND APPROPRIATING A \$25,000 RESILIENT COMMUNITIES
GRANT FROM THE CASCO BAY ESTUARY PARTNERSHIP AND APPROVING THE
SUBAWARD BETWEEN THE UNIVERSITY OF MAINE SYSTEM AND THE CITY OF
PORTLAND**

ORDERED, that a \$25,000 Resilient Communities Grant from the Casco Bay Estuary Partnership through the University of Maine System is hereby accepted and that amount appropriated to the Office of Economic Opportunity for the Bridging Cultures for Climate Resilience project; and

BE IT FURTHER ORDERED, that the attached Cost Reimbursement Subaward between the University of Maine System and the City of Portland for said grant for the Bridging Cultures for Climate Resilience project is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Manager or designee is hereby authorized to execute the Subaward and whatever documents are necessary or convenient to effect the intent and purpose of this order.



April 11, 2025

Melissa Hue
City of Portland, Office of Economic Opportunity
Via email: mhue@portlandmaine.gov

Dear Melissa:

Congratulations! Casco Bay Estuary Partnership is pleased to award the City of Portland Office of Economic Opportunity a \$25,000 grant from the Resilient Communities Program for *Bridging Cultures for Climate Resilience: A Community Needs Assessment*. This grant is made in support of the City's plan to conduct community-led engagement to learn how immigrant and underrepresented communities interact with climate resilience efforts.

CBEP is working with our host institution, the University of Southern Maine, to initiate a contract with the City of Portland to administer the funds. I will reach out to you as I am developing the scope of services.

We request that you acknowledge the *CBEP Resilience and Monitoring Grants* and *Casco Bay Estuary Partnership* in any press releases, newsletters, multimedia products, signs, or other outreach where descriptions of the project may appear. We would be happy to provide you with a digital version of our new logo (still being approved) for outreach purposes.

As a federally funded program, CBEP relies on our partners to help us find the necessary match and leverage for our EPA Clean Water Act funding. A requirement of the funding we will provide to GCSM is that you submit a Match and Leverage reporting letter showing how funds have been used to generate a broader impact. In early August, we will send you a request for this information along with a format for responding.

Congratulations, and thank you for your commitment to the long-term health and vitality of Casco Bay.

Sincerely,

A handwritten signature in black ink, appearing to read "Victoria Boundy".

Victoria Boundy
Community Engagement Coordinator

FDP Cost Reimbursement Subaward

Federal Awarding Agency: Environmental Protection Agency (EPA)

Pass-Through Entity (PTE):

Subrecipient:

University of Maine System, acting through the University of Southern Maine

City of Portland - Office of Economic Opportunity

PTE PI: Dr. Curtis Bohlen

Sub PI: Melissa Hue

PTE Federal Award No: 4T-00A01151

Subaward No: USM-2397

Project Title: Bridging Cultures for Climate Resilience: A Community Needs Assessment

Subaward Budget Period:

Start: 10/01/2025 End: 12/31/2026

Amount Funded This Action (USD): \$ 25,000.00

Estimated Period of Performance:

Start: End:

Incrementally Estimated Total (USD): \$

Terms and Conditions

- PTE hereby awards a cost reimbursable subaward, (as determined by 2 CFR 200.331), to Subrecipient. The Statement of Work and budget for this Subaward are as shown in Attachment 5. In its performance of Subaward work, Subrecipient shall be an independent entity and not an employee or agent of PTE.
- Subrecipient shall submit invoices not more often than monthly and not less frequently than quarterly for allowable costs incurred. Upon the receipt of proper invoices, the PTE agrees to process payments in accordance with this Subaward and 2 CFR 200.305. All invoices shall be submitted using Subrecipient's standard invoice, but at a minimum shall include current and cumulative costs (including cost sharing), breakdown by major cost category, Subaward number, and certification, as required in 2 CFR 200.415(a). Invoices that do not reference PTE Subaward number shall be returned to Subrecipient. Invoices and questions concerning invoice receipt or payments shall be directed to the party's Financial Contact, shown in Attachment 3A.
- A final statement of cumulative costs incurred, including cost sharing, marked "FINAL" must be submitted to PTE's Financial Contact, as shown in Attachment 3A, not later than 60 days after the final Budget Period end date. The final statement of costs shall constitute Subrecipient's final financial report.
- All payments shall be considered provisional and are subject to adjustment within the total estimated cost in the event such adjustment is necessary as a result of an adverse audit finding against the Subrecipient.
- Matters concerning the technical performance of this Subaward shall be directed to the appropriate party's Principal Investigator as shown in Attachments 3A and 3B. Technical reports are required as shown in Attachment 4.
- Matters concerning the request or negotiation of any changes in the terms, conditions, or amounts cited in this Subaward, and any changes requiring prior approval, shall be directed to the PTE's Authorized Official Contact and the Subrecipient's Authorized Official Contact shown in Attachments 3A and 3B. Any such change made to this Subaward requires the written approval of each party's Authorized Official as shown in Attachments 3A and 3B.
- The PTE may issue non-substantive changes to the Budget Period(s) and Budget Unilaterally. Unilateral modification shall be considered valid 14 days after receipt unless otherwise indicated by Subrecipient when sent to Subrecipient's Authorized Official Contact, as shown in Attachment 3B.
- Each party shall be responsible for its negligent acts or omissions and the negligent acts or omissions of its employees, officers, or directors, to the extent allowed by law.
- Either party may terminate this Subaward with 30 days written notice. Notwithstanding, if the Awarding Agency terminates the Federal Award, PTE will terminate in accordance with Awarding Agency requirements. PTE notice shall be directed to the Authorized Official Contact, and Subrecipient notice shall be directed to the Authorized Official Contact as shown in Attachments 3A and 3B. PTE shall pay Subrecipient for termination costs as allowable under Uniform Guidance, 2 CFR 200, or 45 CFR Part 75 Appendix IX, as applicable.
- By signing this Subaward, including the attachments hereto which are hereby incorporated by reference, Subrecipient certifies that it will perform the Statement of Work in accordance with the terms and conditions of this Subaward and the applicable terms of the Federal Award, including the appropriate Research Terms and Conditions ("RTCs") of the Federal Awarding Agency, as referenced in Attachment 2. The parties further agree that they intend this subaward to comply with all applicable laws, regulations, and requirements.

By an Authorized Official of the PTE:

Name: Tamara Blair Kirk Date:
Title: Director, Research Service Center

By an Authorized Official of the Subrecipient:

Name: Date:
Title:

Attachment 1

Certifications and Assurances

Subaward Number:

USM-2397

Certification Regarding Lobbying (2 CFR 200.450)

By signing this Subaward, the Subrecipient Authorized Official certifies, to the best of his/her knowledge and belief, that no Federal appropriated funds have been paid or will be paid, by or on behalf of the Subrecipient, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement in accordance with 2 CFR 200.450.

If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or intending to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the Subrecipient shall complete and submit Standard Form -LLL, "Disclosure Form to Report Lobbying," to the PTE.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by 31 U.S.C. 1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Debarment, Suspension, and Other Responsibility Matters (2 CFR 200.214 and 2 CFR 180)

By signing this Subaward, the Subrecipient Authorized Official certifies, to the best of his/her knowledge and belief that neither the Subrecipient nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible or voluntarily excluded from participation in this transaction by any federal department or agency, in accordance with 2 CFR 200.214 and 2 CFR 180.

Audit and Access to Records

Subrecipient certifies that it will provide PTE with notice of any adverse findings which impact this Subaward. Subrecipient certifies compliance with applicable provisions of 2 CFR 200.501-200.521. If Subrecipient is not required to have a Single Audit as defined by 200.501, Awarding Agency requirements, or the Single Audit Act, then Subrecipient will provide notice of the completion of any required audits and will provide access to such audits upon request. Subrecipient will provide access to records as required by parts 2 CFR 200.332 (a)(5), 200.337, and 200.338 as applicable.

Program for Enhancement of Contractor Employee Protections (41 U.S.C 4712)

Subrecipient is hereby notified that they are required to: inform their employees working on any federal award that they are subject to the whistleblower rights and remedies of the program; inform their employees in writing of employee whistleblower protections under 41 U.S.C §4712 in the predominant native language of the workforce; and include such requirements in any agreement made with a subcontractor or subgrantee.

The Subrecipient shall require that the language of the certifications above in this Attachment 1 be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Use of Name

Neither party shall use the other party's name, trademarks, or other logos in any publicity, advertising, or news release without the prior written approval of an authorized representative of that party. The parties agree that each party may use factual information regarding the existence and purpose of the relationship that is the subject of this Subaward for legitimate business purposes, to satisfy any reporting and funding obligations, or as required by applicable law or regulation without written permission from the other party. In any such statement, the relationship of the parties shall be accurately and appropriately described.

Prohibition on Certain Telecommunication and Video Surveillance Services or Equipment

Pursuant to 2 CFR 200.216, Subrecipient will not obligate or expend funds received under this Subaward to: (1) procure or obtain; (2) extend or renew a contract to procure or obtain; or (3) enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that uses covered telecommunications equipment or services (as described in Public Law 115-232, section 889) as a substantial or essential component of any system, or as a critical technology as part of any system.

Attachment 2
Federal Award Terms and Conditions

Subaward Number

USM-2397

Required Data Elements

The data elements required by Uniform
Guidance are incorporated in the attached Federal Award.

Awarding Agency Institute (If Applicable)

Federal Award Issue Date FAIN Assistance Listing No.

Assistance Listing Program Title (ALPT)

Key Personnel Per NOA

This Subaward Is:

☒ Research & Development ☐ Subject to FFATA

General Terms and Conditions

By signing this Subaward, Subrecipient agrees to the following:

1. To abide by the conditions on activities and restrictions on expenditure of federal funds in appropriations acts that are applicable to this Subaward to the extent those restrictions are pertinent. This includes any recent legislation noted on the Federal Awarding Agency's website:

40 CFR Chapter I, Subchapter B – Grants & Other Federal Assistance

2. 2 CFR 200 and 2 CFR 1500

3. The Federal Awarding Agency's grants policy guidance, including addenda in effect as of the beginning date of the period of performance or as amended found at:

<https://www.epa.gov/grants>

4. Applicable Research Terms and Conditions, including any Federal Awarding Agency's Specific Requirements found at:

<https://www.nsf.gov/awards/managing/rtc.jsp>

except for the following :

- a. No-cost extensions require the written approval of the PTE. Any requests for a no-cost extension shall be directed to the Administrative Contact shown in Attachment 3A, not less than 30 days prior to the desired effective date of the requested change.
- b. Any payment mechanisms and financial reporting requirements described in the applicable Federal Awarding Agency Terms and Conditions and Agency-Specific Requirements are replaced with Terms and Conditions (1) through (4) of this Subaward; and
- c. Any prior approvals are to be sought from the PTE and not the Federal Awarding Agency.
- d. Title to equipment as defined in 2 CFR 200.1 that is purchased or fabricated with research funds or Subrecipient cost sharing funds, as direct costs of the project or program, shall vest in the Subrecipient subject to the conditions specified in 2 CFR 200.313.
- e. Prior approval must be sought for a change in Subrecipient PI or change in Key Personnel (defined as listed on the NOA).

5. Treatment of program income: Additive

Special Terms and Conditions:

Data Sharing and Access:

Subrecipient agrees to comply with the Federal Awarding Agency's data sharing and/or access requirements as reflected in the NOA or the Federal Awarding Agency's standard terms and conditions as referenced in General Terms and Conditions 1-4 above.

No additional requirements

Data Rights:

Subrecipient grants to PTE the right to use data created in the performance of this Subaward solely for the purpose of and only to the extent required to meet PTE's obligations to the Federal Government under its PTE Federal Award.

Copyrights:

Subrecipient Shall Grant to PTE an irrevocable, royalty-free, non-transferable, non-exclusive right and license to use, reproduce, make derivative works, display, and perform publicly any copyrights or copyrighted material (including any computer software and its documentation and/or databases) first developed and delivered under this Subaward solely for the purpose of and only to the extent required to meet PTE's obligations to the Federal Government under its PTE Federal Award.

Subrecipient grants to PTE the right to use any written progress reports and deliverables created under this Subaward solely for the purpose of and only to the extent required to meet PTE's obligations to the Federal Government under its Federal Award.

Promoting Objectivity in Research (COI):

Subrecipient must designate herein which entity's Financial Conflicts of Interest policy (COI) will apply: Subrecipient

If applying its own COI policy, by execution of this Subaward, Subrecipient certifies that its policy complies with the requirements of the relevant Federal Awarding Agency as identified herein: 2 CFR 200.112

Subrecipient shall report any financial conflict of interest to PTE's Administrative Representative or COI contact, as designated on Attachment 3A. Any financial conflicts of interest identified shall, when applicable, subsequently be reported to Federal Awarding Agency. Such report shall be made before expenditure of funds authorized in this Subaward and within 45 days of any subsequently identified COI.

Work Involving Human or Vertebrate Animals (Select Applicable Options)

☒ No Human or Vertebrate Animals

This section left intentionally blank.

Human Subjects Data (Select One) Not Applicable

This section left intentionally blank

This section left intentionally blank

Additional Terms

Insurance Requirement: Subrecipient shall maintain the following insurance during the term of this Subaward. Insurance Type and Coverage Limit

1. Commercial General Liability, including Products's and Completed Operations; Written on an Occurrence-based form (Bodily Injury and Property Damage); \$1,000,000 per occurrence
2. Commercial Automobile Liability - Including Hired and Non-Owned (Bodily Injury and Property Damage); \$1,000,000 per occurrence
3. Workers Compensation or self-insurance (in accordance with statutory requirements) Required for all personnel

Coverage limit requirements can be met with a single underlying insurance policy or through the combination of an underlying insurance policy plus an Umbrella insurance policy. The University of Maine Systems shall be named as an Additional Insured on the Commercial General Liability Insurance Certificates of Insurance for all of the above insurance shall be filed with the University's Research Service Center prior to the performance under this Agreement.

Every insurance policy shall contain a provision stating that the insurance company shall notify the additional insured of a policy cancellation or nonrenewal, or material change or reduction in coverage by written notice of, at least ten (10) days prior to termination for nonpayment of premium, and at least thirty (30)days prior to termination or change for any other cause. As additional insured and certificate holder, the University should be included as follows: University of Maine System Risk Management, 46 University Drive-Robinson Hall, Augusta ME 04330

The University reserves the right to change the insurance requirement or to approve alternative insurances or limits, at the University's discretion.

Attachment 3A
Pass-Through Entity (PTE) Contacts

Subaward Number:

USM-2397

PTE Information

Entity Name: University of Maine System, acting through the University of Southern Maine

Legal Address: PO Box 9300, 96 Falmouth Street
Portland ME 04104-9300

Website:

PTE Contacts

Central Email: muskiesubcontracts@maine.edu

Principal Investigator Name: Dr. Curtis Bohlen

Email: curtis.bohlen@maine.edu

Telephone Number:

Administrative Contact Name: Victoria Boundy

Email: victoria.boundy@maine.edu

Telephone Number: 207-522-5402

COI Contact email (if different to above):

Financial Contact Name: Melissa McLellan

Email: muskiesubcontracts@maine.edu

Telephone Number: 207-626-5233

Email invoices? ☒ Yes ☐ No Invoice email (if different):

Authorized Official Name: Tamara Blair Kirk

Email: tammy.blair@maine.edu

Telephone Number:

PI Address:

Casco Bay Estuary Partnership USM
PO Box 9300, 96 Falmouth St
Portland ME 04104-9300

Administrative Address:

University of Southern Maine
PO Box 9300, 96 Falmouth St
Portland ME 04104-9300

Invoice Address:

muskiesubcontracts@maine.edu

Attachment 3B**Subrecipient Contacts**

Subaward Number:

USM-2397

Subrecipient Information for [FFATA](#) reporting

Entity's UEI Name: City of Portland

EIN No.: 016-000032 Institution Type: City/Township Gov't

UEI: LZKCFAJXBAC8 Currently registered in SAM.gov: ☒ Yes ☐ NoExempt from reporting executive compensation: ☒ Yes ☐ No (if no, complete 3Bpg2)Parent UEI: This section for U.S. Entities: Zip Code [Look-up](#)

Place of Performance Address Congressional District: 01 Zip Code+4: 04101-3566

389 Congress St
Portland ME 04101**Subrecipient Contacts**

Central Email:

Website:

Principal Investigator Name: Melissa Hue

Email: mhue@portlandmaine.gov Telephone Number: 207-874-8988

Administrative Contact Name: Melissa Hue

Email: mhue@portlandmaine.gov Telephone Number: 207-874-8988

Financial Contact Name: Lori Paulette

Email: ljn@portlandmaine.gov Telephone Number: 207-874-8683

Invoice Email:

Authorized Official Name: Danielle West

Email: dwest@portlandmaine.gov Telephone Number: 207-874-8685

Legal Address:389 Congress St
Portland ME 04101**Administrative Address:**389 Congress St
Portland ME 04101**Payment Address:**389 Congress St
Portland ME 04101

Attachment 3B-2
Highest Compensated Officers

Subaward Number:

USM-2397

Subrecipient:

Institution Name: City of Portland - Office of Economic Opportunity

PI Name: Melissa Hue

Highest Compensated Officers

The names and total compensation of the five most highly compensated officers of the entity(ies) must be listed if the entity in the preceding fiscal year received 80 percent or more of its annual gross revenues in Federal awards; and \$25,000,000 or more in annual gross revenues from Federal awards; and the public does not have access to this information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. §§ 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. See FFATA § 2(b)(1) Internal Revenue Code of 1986.

Officer 1 Name:

Officer 1 Compensation:

Officer 2 Name:

Officer 2 Compensation:

Officer 3 Name:

Officer 3 Compensation:

Officer 4 Name:

Officer 4 Compensation:

Officer 5 Name:

Officer 5 Compensation:

Attachment 4
Reporting and Prior Approval Terms

Subaward Number:

USM-2397

Subrecipient agrees to submit the following reports (PTE contacts are identified in Attachment 3A):

Technical Reports:

- ☐ Monthly technical/progress reports will be submitted to the PTE's Administrative Contact within 15 days of the end of the month.
- ☐ Quarterly technical/progress reports will be submitted within 30 days after the end of each project quarter to the PTE's Administrative Contact.
- ☒ Annual technical / progress reports will be submitted within 60 days prior to the end of each budget period to the PTE's Administrative Contact. Such report shall also include a detailed budget for the next Budget Period, updated other support for key personnel, certification of appropriate education in the conduct of human subject research of any new key personnel, and annual IRB or IACUC approval, if applicable.
- ☐ A Final technical/progress report will be submitted to the PTE's Administrative Contact within 60 days of the end of the Project Period or after termination of this award, whichever comes first.
- ☒ Technical/progress reports on the project as may be required by PTE's Administrative Contact in order for the PTE to satisfy its reporting obligations to the Federal Awarding Agency.

Prior Approvals:

Carryover:

Carryover is restricted for this subaward by the: Pass-Through Entity

Carryover instructions and requirements are as stated by the Federal Awarding Agency guidance or as shown below.

Submit carryover requests to the Administrative Contact.

Other Reports:

- ☐ In accordance with 37 CFR 401.14, Subrecipient agrees to notify both the Federal Awarding Agency via iEdison and PTE's Administrative Contact within 60 days after Subrecipient's inventor discloses invention(s) in writing to Subrecipient's personnel responsible for patent matters. The Subrecipient will submit a final invention report using Federal Awarding Agency specific forms to the PTE's Administrative Contact within 60 days of the end of the Project Period to be included as part of the PTE's final invention report to the Federal Awarding Agency.

A negative report is required:

- ☐ Property Inventory Report (only when required by Federal Awarding Agency), specific requirements below.

Additional Technical and Reporting Requirements:

Subrecipient agrees to provide CBEP with information needed to comply with federal reporting obligations, including, but not limited to:

- Financial "match" and "leveraging" reporting

A condition of the award is that Casco Bay Estuary Partnership and EPA award information be acknowledged in any reports, articles, press releases, newsletters, or other materials where descriptions or promotion of the project may appear. An electronic copy of CBEP's logo will be provided for this purpose.

Subrecipient will permit the University and its auditors to have access to the subrecipients records and financial statements as necessary for the University to meet the requirements of this policy and OMB Uniform Guidance § 200.331.

Attachment 5
Statement of Work, Cost Sharing, Indirects & Budget

Subaward Number:

USM-2397

Statement of Work

☒ Below ☐ Attached, pages

If award is FFATA eligible and SOW exceeds 4000 characters, include a *Subrecipient Federal Award Project Description*

The project, "Bridging Cultures for Climate Resilience: A Community Needs Assessment" seeks to address the gap in documented climate resilience needs of underrepresented and New Mainer households in the Greater Portland area by conducting a comprehensive and culturally relevant community needs assessment. The primary goal of the project is to gather vital data on how these communities interact with climate resilience efforts.

The scope of work will include:

- The development of a community needs assessment (months 1-2): In partnership with the City of Portland's Office of Sustainability, the Red Cross, and the Maine Immigrant Rights Coalition (MIRC), the City OEO will seek to understand how Portland's New Mainer communities interact with climate resilience topics such as weatherization, disaster preparedness, access to resources, and community-specific vulnerabilities. OEO and MIRC will work directly in those communities to identify key barriers to engagement and the areas where these communities need more support.
 - Key milestone: Assessment goals and engagement strategy finalized and translated into target languages
- The formation of a Community Task Force (months 3-4): This task force, made up of members of the immigrant and underrepresented communities, local organizations, and city officials, will help guide the project, ensuring cultural relevance, effective outreach, and alignment with city goals.
 - Key milestone: Task force comes together for first meeting to outline goals of the project
- Assessment Promotion and Distribution (months 5-8): The Team will engage the target population in assessment through identified platforms, forums, and organizations. The Team will look for key patterns and insights regarding the needs and vulnerabilities of these communities as well as the climate messaging and communication that is most resonant.
 - Key milestone: Engage 100 people in the community assessment process
- Data Collection & Analysis (months 9-10): The Team will close data collection and begin organizing the findings, and will conduct an initial analysis to identify emerging trends and needs and data gaps.
 - Key milestone: Share preliminary findings with Task Force
- Findings Report Development and Distribution (months 11-12): The findings will be compiled into a report that identifies priority areas for intervention and specific barriers to engagement and will recommend strategies for improving climate literacy and resource navigation for these communities.
 - Key milestone: Report is finalized and shared with key stakeholders
- Reflect on Project and Next Steps (month 13): Conduct a task force meeting to evaluate project's successes, challenges, and lessons learned. Identify next steps for city's climate resilience planning and how to integrate project findings.
 - Key milestone: The Task Force identifies key recommendations for next steps and continued community engagement

Budget Information

Indirect Information Indirect Cost Rate (IDC) Applied

%

Cost Sharing

Rate Type:

If Yes, include Amount: \$

Budget Details

☐ Below ☒ Attached, pages

- First payment of \$12,500.00 shall be paid at issuance of Purchase Order
- Second payment of \$10,000.00 shall be paid once the work has started (with receipt of invoice and project report)
- Last payment will be for remaining amount and shall be paid once the work has been completed (with receipt of invoice and brief final report).

Budget Totals

Direct Costs \$

Indirect Costs \$

Total Costs \$

All amounts are in United States Dollars

Attachment 6**Notice of Award (NOA) and any additional documents**

The following pages include the NOA and if applicable any additional documentation referenced throughout this Subaward.



Not incorporating the NOA or any additional documentation to this Subaward.

CBEP Resilience and Monitoring Grant Program Budget

CBEP Resilience and Monitoring Grant Program		
Budget Estimates by Cost Category		
Cost Category	Description - include cost per unit (e.g., \$/hr \$/mile) and number of units	Total Cost
Personnel		\$0.00
		\$0.00
		\$0.00
Fringe Benefits		\$0.00
		\$0.00
Travel		\$1,500.00
Transportation fund for staff + participants to travel to forums and events	\$.70/ 1 mile reimbursements or single use bus passes (1 ride=\$2, round trip =\$4) available for participants who need support attending events	\$1,500.00
		\$0.00
		\$0.00
Equipment (materials > \$5000)		\$0.00
		\$0.00
		\$0.00
Supplies (materials <\$5000)		\$500.00
Admin supplies	Presentation Materials, Miscellaneous Supplies for community forums and engagement events	\$500.00
		\$0.00
		\$0.00
Community Engagement		\$5,500.00
Communication Supplies	Printed Materials- Flyers and Brochures: Used to promote events, workshops, and outreach efforts. Booklets: Informational booklets or guides for participants, summarizing project goals, benefits, or next steps. Reports: Printed reports to share progress, findings, and outcomes with stakeholders and participants. Digital Communication Tools, Multimedia Supplies, Translation and Interpretation Materials	\$500.00
Gift Cards	Gift Cards or Incentives for Participation-Visa Gift Cards: As incentives or thank-you gifts for community members who participate	\$5,000.00
		\$0.00
		\$0.00
Contractual		\$15,500.00
Facilitator	Contracted facilitator to assist with facilitating discussions, leading and moderating community forums or meetings and ensuring that cultural differences and language barriers are respected and addressed in the facilitation process.	\$5,000.00
Data Analyzer	Contracted data analyzer to assist with processing and interpreting the data collected from community engagement efforts, forums, and other sources	\$3,000.00
Maine Immigrants Rights Coalition	Contracted to be responsible for creating task force and guiding outreach, including organizing translation and interpretation services	\$7,500.00
		\$0.00
Other (specify)		\$0.00
		\$0.00

CBEP Resilience and Monitoring Grant Program Budget

		\$0.00
Overtime + Stipends		\$2,000.00
Overtime + Stipends	Overtime for personnel and stipends to engage additional support staff as needed	\$2,000.00
Total Project Cost		\$25,000.00
Amount Requested from CBEP		\$0.00
Match/Outside Funding Source	Description	Match Amount
Total Match		\$0.00
		\$0.00
		\$0.00
		\$0.00

Notes:

1. Add additional lines under budget categories as needed

2. If Indirect expenses are a component of the proposed match, an explanation of how that rate is calculated and applied must be

3. Matching funds are not required. If matching funds are needed to complete the project, please identify other funding sources in

	U.S. ENVIRONMENTAL PROTECTION AGENCY Cooperative Agreement	GRANT NUMBER (FAIN): 00A01151 MODIFICATION NUMBER: 0 PROGRAM CODE: 4T		DATE OF AWARD 08/28/2023
		TYPE OF ACTION New		MAILING DATE 08/31/2023
		PAYMENT METHOD: ASAP		ACH# 10151
		RECIPIENT TYPE: State Institution of Higher Learning		
RECIPIENT: University of Maine System 96 Falmouth Road Portland, ME 04104-4864 EIN: 01-6000769		PAYEE: University of Southern Maine 96 Falmouth Road Portland, ME 04104-4864		
PROJECT MANAGER Curtis Bohlen PO Box 9300 34 Bedford Street Portland, ME 04104-9300 Email: Curtis.Bohlen@maine.edu Phone: 207-780-4820		EPA PROJECT OFFICER Ivy Mlsna 5 Post Office Square Boston, MA 02109 Email: Mlsna.Ivy@epa.gov Phone: 617-918-1311		EPA GRANT SPECIALIST Julie Ross Grants Management Branch Email: Ross.Julie@epa.gov Phone: 617-918-1317
PROJECT TITLE AND DESCRIPTION Casco Bay Estuary Partnership BIL Supplementary Funds Year 2 See Attachment 1 for project description.				
BUDGET PERIOD 07/01/2023 - 06/30/2024	PROJECT PERIOD 07/01/2023 - 06/30/2024	TOTAL BUDGET PERIOD COST \$909,800.00	TOTAL PROJECT PERIOD COST \$909,800.00	
NOTICE OF AWARD Based on your Application dated 06/06/2023 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$909,800.00. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$909,800.00. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.				
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE		
ORGANIZATION / ADDRESS U.S. EPA, Region 1, EPA New England 5 Post Office Square, Suite 100 Boston, MA 02109-3912		ORGANIZATION / ADDRESS U.S. EPA, Region 1, EPA New England R1 - Region 1 5 Post Office Square, Suite 100 Boston, MA 02109-3912		
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY				
Digital signature applied by EPA Award Official Arthur Johnson - Director of MSD				DATE 08/28/2023

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$0	\$909,800	\$909,800
EPA In-Kind Amount	\$0	\$0	\$0
Unexpended Prior Year Balance	\$0	\$0	\$0
Other Federal Funds	\$0	\$0	\$0
Recipient Contribution	\$0	\$0	\$0
State Contribution	\$0	\$0	\$0
Local Contribution	\$0	\$0	\$0
Other Contribution	\$0	\$0	\$0
Allowable Project Cost	\$0	\$909,800	\$909,800

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.456 - National Estuary Program	Clean Water Act: Sec. 320 & Infrastructure Investment and Jobs Act (IIJA) (PL 117-58)	2 CFR 200, 2 CFR 1500, 40 CFR 33 and 40 CFR 35 Subpart P

Fiscal									
Site Name	Req No	FY	Approp. Code	Budget Organization	PRC	Object Class	Site/Project	Cost Organization	Obligation / Deobligation
-	2301LZC046	23	BSD	01L	000B89X76	4154	-	-	\$909,800
									\$909,800

Budget Summary Page

Table A - Object Class Category (Non-Construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$181,050
2. Fringe Benefits	\$90,163
3. Travel	\$2,500
4. Equipment	\$0
5. Supplies	\$0
6. Contractual	\$414,117
7. Construction	\$0
8. Other	\$106,825
9. Total Direct Charges	\$794,655
10. Indirect Costs: 0.00 % Base	\$115,145
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %)	\$909,800
12. Total Approved Assistance Amount	\$909,800
13. Program Income	\$0
14. Total EPA Amount Awarded This Action	\$909,800
15. Total EPA Amount Awarded To Date	\$909,800

Attachment 1 - Project Description

This cooperative agreement is provided to University of Southern Maine through the University of Maine System to support implementation of the Bipartisan Infrastructure Law

(BIL) through the Casco Bay Estuary Partnership (CBEP) Casco Bay Plan, i.e., their Comprehensive Conservation and Management Plan (CCMP). The goal is to restore and maintain the chemical, physical, and biological integrity of the estuary and support its sustainable human uses through tasks outlined in this Bipartisan Infrastructure Law (BIL) workplan of the CBEP and its partners. CBEP has designed eight programs that provide structure for the five-to-seven-year spending plan for BIL funding. The eight programs address long-standing and emerging needs for management of Casco Bay as identified by CBEP, with the advice of Partners and members of the Management Committee. These programs support habitat restoration, resilience and conservation; enhance monitoring and science to guide future management; and assist communities addressing climate resilience and water needs.

Update and expand the Habitat Protection Fund; Initiate community resilience grants program and increase CBEP capacity to assist with on-the-ground projects that integrate infrastructure protection, community resilience, habitat restoration and ecosystem resilience goals; Replace a failing culvert under Route 216 to reduce vulnerability to sea level rise and ensure project restores tidal flow to adjacent wetlands to enhance habitat quality and potential for marsh migration in response to sea level rise; Study methods for enhancement of eelgrass populations using seed with New England NEP and EPA R1 partners; Continue to develop, upgrade and extend the Casco Bay Regional Ocean Model to meet local needs and identify next steps for developing a robust suite of interconnected Casco Bay models; Gather region-wide data that can guide future programs and address persistent water quality challenges caused by poor onsite wastewater treatment infrastructure; Develop regional mechanisms and tools to speed development of watershed plans; Support efforts by local governments to address resilience, water quality, and habitat issues by supporting local planning initiatives; Initiate multi-year effort to simplify data sharing among members of the Monitoring

Network and increase availability of Casco Bay-related data to academics and the public; Anticipated deliverables/outcomes include: Five grants issued through the Habitat Protection Fund for permanent protection of habitat; Fifty or more acres of habitat protected with partial CBEP support; Two habitat or community resilience project concepts in development by spring

2024; Replacement of vulnerable culvert under Route 216, in Phippsburg; Report documenting flowering and seed production in eelgrass beds in southern Casco Bay; Strengthen CBEP relationships with eelgrass restoration community in New England and surrounding states; Fully validated Casco Bay hydrodynamic model that serves community needs, with long-term community support and a stable funding source; Report on location and condition of onsite wastewater treatment systems in the towns of the lower Casco Bay watershed; Increased monitoring capabilities in the Casco Bay region; Improved availability

and quality of data about the Bay or the Watershed

Direct beneficiaries of this program include residents of the Casco Bay watershed study area in Maine and the ecosystems and users of ecosystem services. Subaward to Cumberland County Soil and Water Conservation District to 1) assess and report on the location and condition of onsite wastewater treatment systems in the towns of the lower Casco Bay watershed, and 2) to develop regional mechanisms and tools to speed development of watershed plans, including a report defining standard practices for watershed plan development in the region and identification of information gaps that slow Plan development.

Administrative Conditions

National Administrative Terms and Conditions

General Terms and Conditions

The recipient agrees to comply with the current EPA general terms and conditions available at: <https://www.epa.gov/grants/epa-general-terms-and-conditions-effective-october-1-2022-or-later>.

These terms and conditions are in addition to the assurances and certifications made as a part of the award and the terms, conditions, or restrictions cited throughout the award.

The EPA repository for the general terms and conditions by year can be found at: <https://www.epa.gov/grants/grant-terms-and-conditions#general>.

A. Correspondence Condition

The terms and conditions of this agreement require the submittal of reports, specific requests for approval, or notifications to EPA. Unless otherwise noted, all such correspondence should be sent to the following email addresses:

- Federal Financial Reports (SF-425): rtpfc-grants@epa.gov
- MBE/WBE reports (EPA Form 5700-52A): Grants Specialist on Page 1 of Award Document AND Larry Wells, Disadvantaged Business Utilization Program Manager: r1_mbewbereport@epa.gov
- All other forms/certifications/assurances, Indirect Cost Rate Agreements, Requests for Extensions of the Budget and Project Period, Amendment Requests, Requests for other Prior Approvals, updates to recipient information (including email addresses, changes in contact information or changes in authorized representatives) and other notifications: Grants Specialist and Project Officer on Page 1 of Award Document
- Payment requests (if applicable): Grants Specialist and Project Officer on Page 1 of Award Document
- Quality Assurance documents, workplan revisions, equipment lists, programmatic reports and deliverables: Project Officer on Page 1 of Award Document AND R1QAPPs@epa.gov

B. Pre-Award Costs

In accordance with 2 CFR 1500.9, the recipient may charge otherwise allowable pre-award costs (both Federal and non-Federal matching shares) incurred from 07/01/2023 to the actual award date provided that such costs were contained in the approved application and all costs are incurred within the approved budget period.

Programmatic Conditions

NEP Programmatic Terms & Conditions (FY23 BIL – 4T00A01151)

PROGRAM MANAGEMENT

- A. All recipients of grants or cooperative agreements awarded under Section 320 of the Clean Water Act and the Bipartisan Infrastructure Law (BIL) are required to comply with both EPA's National Estuary Program Funding Guidance and National Estuary Program Bipartisan Infrastructure Law Funding Implementation Memorandum for Fiscal Years 2022-2026 during the performance period of this award. Any exemptions from the NEP Funding Guidance and/or the NEP BIL Funding

Implementation Memo requirements must be requested in writing and approved by the EPA Project Officer.

- B. All primary and subrecipient work products shall carry attribution to the U.S. EPA National Estuary Program and/or the Bipartisan Infrastructure Law for funding assistance and should also acknowledge significant contributions by others.
- C. In accordance with 2 CFR § 200.328, the Casco Bay Estuary Partnership (CBEP) of the National Estuary Program (NEP) agrees to submit annual performance reports to the U.S. Environmental Protection Agency (EPA) that include the following for all projects using BIL funding:
 - a. Project/Activity name and location (lat/long);
 - b. Brief project description;
 - c. Lead implementer, partners, and their roles;
 - d. Deliverables and completed activities;
 - e. BIL funds spent on project implementation;
 - f. Definition of disadvantaged communities used in the NEP;
 - g. How BIL workplan tasks support BIL priorities and implement CCMP priorities;
 - h. If applicable, any external constraints related to any/all workplan elements and how the NEP addressed those constraints; and
 - i. Important key environmental and programmatic accomplishments, completed workplan activities, and noteworthy lessons learned, presented in enough detail to fully describe what was accomplished along with whatever substantiating data are available.
 - j. a comparison of actual accomplishments to the outputs/outcomes established in the assistance agreement workplan for the period;
 - k. the reasons for slippage if established outputs/outcomes were not met;
 - l. additional pertinent information, including, when appropriate, analysis and information of cost overruns or high unit costs;
 - m. the methods to be used to effectively disseminate project information and/or continue the benefits of this project (although the project itself may not be continuing); and
 - n. materials generated in connection with project activities (e.g., workshop announcements, newspaper/newsletter announcements, articles or releases, press packets, pamphlets, etc.).

The discussion of accomplishments and challenges specified as part of the annual workplan in the national program funding guidance may serve as this performance report.

In accordance with 200 CFR § 200.328(2)(d)(1), the recipient agrees to inform EPA as soon as problems, delays or adverse conditions become known which will materially impair the ability to meet the outputs/outcomes specified in the assistance agreement work plan.

- D. The recipient must report on its subaward monitoring activities under 2 CFR 200.332(d).

Examples of items that must be reported if the pass-through entity has the information available are:

1. Summaries of results of reviews of financial and programmatic reports.
2. Summaries of findings from site visits and/or desk reviews to ensure effective subrecipient performance.
3. Environmental results the subrecipient achieved.

4. Summaries of audit findings and related pass-through entity management decisions.

Actions the pass-through entity has taken to correct deficiencies such as those specified at 2 CFR 200.332(e), 2 CFR 200.208 and 2 CFR 200.339.

- E. This is an interim term and condition for the management of funding provided under the Infrastructure Investment and Jobs Act (IIJA)/Bipartisan Infrastructure Law (BIL). EPA's Award Official or Grants Management Officer may amend this agreement to specify additional requirements applicable to IIJA funding as information becomes available. In the interim, the recipient agrees to have financial management and programmatic management systems in place to:
- a. Track and report on expenditures of IIJA funds
 - b. Track and report outputs and outcomes achieved with IIJA funds
- F. The recipient shall provide a final report that includes:
- a. Total BIL awards received;
 - b. All actions taken with BIL funding, specifically highlighting actions aimed at advancing equity and climate priorities;
 - c. Outcomes (including anticipated outcomes) of such activities for achieving specific CCMP goals;
 - d. Discussion of how activities funded with BIL funds improved (or are expected to improve) disadvantaged communities' access to infrastructure funding, ability to influence decision making, and participation in CCMP implementation projects impacting public health and the environment; and
 - e. Discussion of how activities improved (or are expected to improve) the ability to adapt and mitigate climate change impacts through implementation of CCMPs.
 - f. Subaward project highlights and results that include a brief abstract describing the project, its results, and its measurable impacts over the project period, including development of tools and resources, data collected and how to access it, and any communication materials developed for the project for use in public communication materials; and
 - g. any database(s) or model files including input-output data, model code, model output, and peripheral and post-processing utilities.
- G. During the term of the award, the recipient will employ Casco Bay Estuary Partnership staff. Such staff will be subject to the recipient's policies and procedures, and the recipient will have sole control and discretion over personnel decisions related to the Casco Bay Estuary Partnership staff.
- H. The recipient shall have representatives serving on core committees of the Management Conference
- I. All tangible products resulting from the project (curriculum, DVD, training materials, posters, etc.) shall be submitted electronically and in paper or hard format (if applicable) in duplicate to the EPA Project Officer, or as a link to a site from which the products can be easily viewed and downloaded.
- J. EPA may terminate the assistance agreement for failure to make sufficient progress so as to reasonably ensure completion of the project within the project period, including any extensions. EPA will measure sufficient progress by examining the performance required under the work plan in conjunction with the milestone schedule, the time remaining for performance within the project period, and/or the availability of funds necessary to complete the project. See Policy 11-01 at: http://www.ogd/policy/final_grants_policy_issuance_11_03_state_grant_workplans.pdf
- K. The recipient will submit annual Government Performance and Results Act (GPRA) reporting information to EPA as specified in the annual program funding guidance by the date stipulated in the annual funding guidance.
- L. EPA will provide programmatic oversight and guidance regarding the annual workplan and recipient products, including review and comment on QAPPs, reports related to environmental results, habitat, environmental indicators, and leveraged funds, and

revision and/or implementation of the recipient's Comprehensive Conservation and Management Plan (CCMP). EPA participates in the recipient's Management Conference, which oversees the tasks in the annual workplan, and assists with program efforts when appropriate.

- M. All Casco Bay Estuary Partnership grant-related activities, including subawards, shall follow both U.S. EPA and recipient policies and procedures in the Office of Research and Sponsored Programs, Office of Institutional Advancement, and Finance Office. In the event of a conflict between U.S. EPA and recipient policies and procedures, the recipient shall follow U.S. EPA policies and procedures.
- N. In accordance with Agency Policy Directive Number FEM-2012-02, Policy to Assure the Competency of Organizations Generating Environmental Measurement Data under Agency-Funded Assistance Agreements, Recipient agrees, by entering into this agreement, that it has demonstrated competency prior to award, or alternatively, where a pre-award demonstration of competency is not practicable, Recipient agrees to demonstrate competency prior to carrying out any activities under the award involving the generation or use of environmental data. Recipient shall maintain competency for the duration of the project period of this agreement and this will be documented during the annual reporting process. A copy of the Policy is available online at <https://www.epa.gov/sites/production/files/2015-03/documents/competency-policy-aaia-new.pdf> or a copy may also be requested by contacting the EPA Project Officer for this award.

- **Cybersecurity Condition**

(a) The recipient agrees that when collecting and managing environmental data under this assistance agreement, it will protect the data by following all applicable State or Tribal law cybersecurity requirements.

(b) (1) EPA must ensure that any connections between the recipient's network or information system and EPA networks used by the recipient to transfer data under this agreement, are secure. For purposes of this Section, a connection is defined as a dedicated persistent interface between an Agency IT system and an external IT system for the purpose of transferring information. Transitory, user-controlled connections such as website browsing are excluded from this definition.

If the recipient's connections as defined above do not go through the Environmental Information Exchange Network or EPA's Central Data Exchange, the recipient agrees to contact the EPA Project Officer (PO) no later than 90 days after the date of this award and work with the designated Regional/Headquarters Information Security Officer to ensure that the connections meet EPA security requirements, including entering into Interconnection Service Agreements as appropriate. This condition does not apply to manual entry of data by the recipient into systems operated and used by EPA's regulatory programs for the submission of reporting and/or compliance data.

(2) The recipient agrees that any subawards it makes under this agreement will require the subrecipient to comply with the requirements in (b)(1) if the subrecipient's network or information system is connected to EPA networks to transfer data to the Agency using systems other than the Environmental Information Exchange Network or EPA's Central Data Exchange. The recipient will be in compliance with this condition: by including this requirement in subaward agreements; and during subrecipient monitoring deemed necessary by the recipient under 2 CFR 200.332(d), by inquiring whether the subrecipient has contacted the EPA Project Officer. Nothing in this condition requires the recipient to contact the EPA Project Officer on behalf of a subrecipient or to be involved in the negotiation of an Interconnection Service Agreement between the subrecipient and EPA.

- P. EPA and the recipient agree to comply with the requirements of the Paperwork Reduction Act in completing the project. If the work described in this workplan results in a survey, a questionnaire or similar information-gathering activity, the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.), requires EPA to obtain Office of Management and Budget (OMB) clearance prior to the recipient's collection of information by means of identical questions posed to 10 or more persons. When a

cooperative agreement's scope of work includes the survey or collection of identical information from 10 or more persons, then ICR requirements apply. Similarly, when a grant's scope of work includes the survey or collection of identical information from 10 or more persons and EPA wants to influence, design or develop the activities of the survey then the requirements of the ICR pertain.

NOTE: EPA has concluded that National Estuary Programs may use the Information Collection Request approval received by the Headquarters office for their information collection activities related to annual workplans, program evaluation, or Government Performance Results Act reporting. When collecting information under this ICR, the ICR Reference # should be included: 201705-2040-001. The actual ICR justification is available upon request to the Project Officer.

DELIVERABLES

Q. The recipient is required to develop a BIL Long-Term Plan, due no later than June 1, 2023. This plan will describe key activities the NEP will pursue with BIL funds through all years of BIL funding (FY 2022 – FY 2026). The BIL long-term plan may be amended, modified, or revised at any time. Changes can be submitted each year along with the annual BIL workplan. Since BIL projects are not expected to be completed within a year of funding, the long-term plan should include:

- Proposed types of projects and/or short project descriptions;
- Estimated timelines for projects and program activities;
- Potential additional sources of funding;
- Program capacity building needs to deliver BIL supported activities;
- Opportunities for potential coordination with other key stakeholder groups, including current or future Urban Waters Federal Partnership locations, where applicable; and
- Equity Strategy

R. The NEP must create a strategy detailing their contribution to the national program-wide goal of ensuring that at least 40% of the benefits and investments from BIL funding flow to disadvantaged communities. This equity strategy should be submitted as part of the recipient's BIL long-term plan no later than June 1, 2023. The strategy will be reviewed prior to awarding FY 2024 – FY 2026 BIL funds and approved by EPA's Assistant Administrator for Water.

The equity strategy should outline how BIL funds will be utilized to increase investments in disadvantaged communities and the benefits that flow to them. The strategy should include:

- Definition of disadvantaged communities. For most NEPs, this will be the definition EPA described in the following section of this memorandum, "Defining Disadvantaged Communities." If an NEP needs to use a different definition of disadvantaged communities, (e.g., a partner state agency already has an established definition, or the definition and screening tool do not reflect any disadvantaged communities in the study area), NEPs should work with EPA to develop an approved alternative prior to finalizing the equity strategy.
- Baseline. The baseline is a number that reflects the recent (pre-BIL) percentage of NEP funds flowing to projects that benefit disadvantaged communities.

- Analysis of disadvantaged communities that may benefit from NEP projects to identify where additional investments can be made that benefit such communities while implementing CCMPs.
- Numeric target for activities supporting disadvantaged communities that contribute to achieving a target at or above 40% of benefits to such communities for the national program over the lifespan of total NEP BIL funds;
- Key activities. An outline of the path to achieve the new goal may include projects, locations of activity, milestones, training and outreach needs, capacity building, and interim goals.
- Tracking benefits. Further guidance will be provided in consultation with EPA's Office of Environmental Justice (OEJ) for tracking benefits to disadvantaged communities. This may include:
 - Expanded adaptive capacity of disadvantaged communities to be resilient to climate change;
 - Improved wildlife habitat, addressed water quality challenges or prevented or reduced nonpoint source pollution affecting disadvantaged communities;
 - Increased disadvantaged communities' access to recreation; and
 - Expanded education and/or deepened engagement or representation of disadvantaged communities (for example expanding management or other committees to include greater representation from disadvantaged communities).

S. In accordance with 40 CFR 30.36, EPA has the right to reproduce, publish, use and authorize others to use copyrighted works developed under this assistance agreement for Federal purposes.

T. Access to any deliverables, guidance documents, web site development, copyrighted materials, or other work product materials produced over the course of the project is provided to EPA. In accordance with 2 CFR 200.315, EPA has the right to reproduce, publish, use and authorize others to reproduce, publish and use copyrighted works or other data developed under this assistance agreement for Federal purposes. Those applicants who collect data as part of their project, especially those who are required to develop a Quality Assurance Project Plan (QAPP), will be required to make data and results publicly available and readily transferable.

BUDGET AND ACCOUNTING

U. Per the NEP BIL Implementation Memo, NEP non-federal match/cost-share requirements, for all NEPs are waived for BIL funds in FY 2022-2023.

V. NEPs must ensure that all BIL funds are clearly tracked to the underlying appropriation in the law and must be prepared to report on the purpose of all obligations. NEPs must track BIL funds separately from other funds received.

W. Pursuant to 2 CFR 200.308(e), the recipient must notify and seek approval from the EPA Project Officer in advance of any transfer of funds among direct cost categories, functions and activities if the cumulative amount of such transfer exceeds or is expected to exceed 10 percent of the total budget as last approved by the U.S. EPA. In addition and in accordance with 2 CFR 200.308(c), the recipient must request prior approval from the U.S. EPA if there is a change to the scope or objective of a project or program, or to the amount budgeted for participant support costs. Accordingly, any change in the recipient's Indirect Cost Rate that results in a change to the scope, objective, or participant support cost budget or exceeds 10 percent of the total budget must be approved in advance by the U.S. EPA. To request this approval, the recipient must submit a

proposed re-budget and describe any changes in deliverables, scope, and objectives affected by the proposed transfer.

- X. Funds in the agreement may be used for outreach support. These funds are to: (1) cover travel for the NEP Program Office, Management Conference members, or other associated stakeholders to appropriate national and regional conferences, workshops, or meetings, (2) provide peer-to-peer technical assistance to other NEPs or neighboring communities, and (3) bring in staff or stakeholders from other NEPs or watershed programs to assist a NEP. The recipient is required to attend all NEP national and regional meetings convened by EPA unless unforeseen circumstances prevent the recipient from meeting this requirement.
- Y. Unless the event(s) are specified in the approved workplan, the recipient agrees to obtain prior approval from EPA for the use of grant funds for light refreshments and/or meals served at meetings, conferences, training workshops, and outreach activities (events). The recipient must send requests for approval to the EPA Project Officer and include:
- An estimated budget and description for the light refreshments, meals, and/or beverages to be served at the event(s);
 - A description of the purpose, agenda, location, length and timing for the event.
 - An estimated number of participants in the event and a description of their roles.

Recipients may address questions about whether costs for light refreshments, and meals for events are allowable to the recipient's EPA Project Officer. However, the Agency Award Official or Grant Management Officer will make final determinations on allowability.

Note: U.S. General Services Administration regulations define light refreshments for morning, afternoon or evening breaks to include, but not be limited to, coffee, tea, milk, juice, soft drinks, donuts, bagels, fruit, pretzels, cookies, chips, or muffins. (41 CFR 301-74.11)

Z. National Terms and Condition for Subawards

- a. See Section 6, Establishing and Managing Subawards under Selected Items of Cost in the Administrative Terms and Conditions included in this award document.
- b. Any questions about subrecipient eligibility or other issues pertaining to subawards should be addressed to the recipient's EPA Project Officer. Additional information regarding subawards may be found at <https://www.epa.gov/grants/grants-policy-issuance-gpi-16-01-epa-subaward-policy-epa-assistance-agreement-recipients>, and https://www.epa.gov/sites/production/files/2016-02/documents/gmc_subaward_policy_appendix_a_subrecipient_v_contractor_distinction_0.pdf, and <https://www.epa.gov/grants/best-practice-guide-procuring-services-supplies-and-equipment-under-epa-assistance-agreements>.
- c. The recipient is responsible for selecting its subrecipients and, if applicable, for conducting subaward competitions.

DATA QUALITY AND MANAGEMENT

- A. The recipient will develop Quality Assurance Project Plans (QAPP) for all applicable projects and tasks involving environmental information operations in accordance with the most current version of EPA

Quality Assurance Project Plan Standard. Regional guidance documents and national guidance documents may be helpful in meeting the requirements.

"Environmental information operations" is a collective term for work performed to collect, produce, evaluate, or use environmental information or the design, construction, operation, or application of environmental technology. For EPA, environmental information includes direct measurements of environmental parameters or processes, analytical testing of environmental conditions, information provided by models, information compiled from other sources such as databases, software applications, or existing literature, the development of environmental software, tools, or models, or the design, construction, operation, or application of environmental technology.

The QAPP must be approved by EPA prior to environmental information operations, except under circumstances requiring immediate action to protect human health and the environment or operations conducted under police powers. Unless an alternate schedule has been agreed upon, QAPPs are to be submitted at least 60 days before project activities begin. QAPPs are submitted electronically to the following:

EPA Project Officer/Tribal Coordinator (see page 1 of assistance agreement for contact information) and Regional Quality Assurance Branch via R1QAPPs@epa.gov

***If electronic submission is unavailable, please contact the Project Officer/Tribal Coordinator for submittal instructions.**

For organizations with an EPA-approved Quality Management Plan (QMP), the recipient will submit an annual update letter to EPA documenting progress over the year and any changes to the QMP. Annual update letters will be sent every year for four years until the expiration of the QMP (five years from initial EPA approval). Annual QA update letters will be sent to the EPA Project Officer/Tribal Coordinator and the RQAM on the anniversary of the approval of the QMP by the RQAM; or on another mutually agreeable schedule. In addition, for multi-year projects, the grantee shall confirm that the QAPP is current and accurate.

- Data produced under this project will adhere to the requirements of EPA's National Geospatial Data Policy (NGDP) (see

http://www.epa.gov/esd/ggc/pdf/epa_natl_geo_data_policy.pdf). This Policy applies to all EPA organizations, grantees, agents working on behalf of EPA, and partner states of EPA who design, develop directly or indirectly, compile, operate, or maintain EPA information collections developed for environmental program support. Refer to this policy for details on requirements for quality assurance project plans (QAPPs), geospatial data accuracy and geospatial metadata. Specifically, the grantee must provide documentation for all produced data, including source information for each digital data layer (i.e., scale and accuracy, map projection, coordinate system, etc.), and specific information about the data layer itself (i.e., method used, geographic extent of data layer, file format, date of creation, staff contact, description and definition of data fields and their contents, related files, if any, and description of data quality and quality assurance methods used). The EPA Metadata Editor (EME) was developed to simplify and standardize metadata development and is a recommended tool for streamlining production of the required metadata. The EME and related training materials can be downloaded from <http://www.epa.gov/geospatial/eme.html>. Specific technical guidance on geospatial deliverables and acceptable formats can be found at <http://www.epa.gov/region02/gis/r2gisdeliverables.html>.

Data produced under this project will be submitted to the EPA Project Officer no later than 30 days after completion of the project. Delivery can be in the form of physical media or as downloadable data.

COMMUNICATION

W. Signage

- a. The recipient will ensure that a visible project identification sign is erected as appropriate at each public event or training location. The sign should summarize the purpose of the event and credit EPA and the National Estuary Program/Bipartisan Infrastructure Law for funding. The recipient will determine the design, placement and materials for each sign. The signage will contain logos of EPA and the recipient NEP. To obtain the appropriate EPA logo or seal graphic file, the recipient should send a request directly to OPA and include the EPA Project Officer in the communication. Instructions for contacting OPA is available at: <http://www2.epa.gov/stylebook/using-epa-seal-and-logo>. The EPA Logo will be displayed meeting the following specifications: http://www.epa.gov/ogd/tc/epa_logo_seal_specifications_for_infrastructure_grants.pdf.
- b. If the award includes an outreach component, the recipient will provide signage that informs the public that the project is funded by EPA through its National Estuary Program and includes the following text: "This project has been funded, in whole or in part, by the U.S. Environmental Protection Agency's National Estuary Program."
- c. If the EPA logo is displayed along with the logos of other participating entities, the EPA logo must not be displayed in a manner that implies that EPA itself is conducting the project. Instead, the EPA logo must be accompanied with, and immediately next to, a statement indicating that the recipient received financial assistance from EPA for the project. As provided in the sign specifications from OPA, the EPA logo is the preferred identifier for assistance agreement projects.
- d. Recipients are encouraged to use recycled or recovered materials when procuring signs. Signage costs are considered an allowable cost under this assistance agreement provided that the costs associated with signage are reasonable. Additionally, to increase public awareness of projects serving communities where English is not the predominant language, recipients are encouraged to translate the language on signs (excluding the EPA logo) into the appropriate non-English language(s). The costs of such translation are allowable, provided the costs are reasonable
 - Announcements

The Recipient agrees to notify the EPA Project Officer of public or media events publicizing the accomplishment of significant

events as a result of this agreement and provide the opportunity for attendance and participation by federal representatives.

- Report Acknowledgments

The recipient agrees that any reports, documents, publications or other materials developed for public distribution supported by this assistance agreement will contain the following statement: "This product has been funded wholly or in part by the United States Environmental Protection Agency under Assistance Agreement 4T00A00926 to the recipient. The contents of this document do not necessarily reflect the views and policies of the U.S. Environmental Protection Agency, nor does the U.S. EPA endorse trade names or recommend the use of any products, services or enterprises mentioned in this document."

OTHER

- Federal Funding Accountability and Transparency Act (FFATA) Reporting Requirements for Sub-award and Executive Compensation.

Purpose: To describe new Federal reporting requirements for EPA assistance agreement recipients. If, during the preceding fiscal year, a prime recipient or sub-recipient (a "prime" recipient is the recipient of record, the entity to which the Federal government makes an award; a "sub-recipient" is a sub-awardee at any other level down from the prime recipient) meets all three criteria listed below, then for each sub-award of \$25,000 or more that the recipient provides, the recipient must enter into the FFATA Subaward Reporting System (FSRS) the total compensation of its five most highly-paid executives:

- the recipient received 80% or more of its annual gross revenue in Federal procurement contracts and financial assistance, and
- the recipient received \$25,000,000 or more in annual gross revenues from Federal procurement contracts and financial assistance, and
- there are no regularly-filed, publicly-available reports depicting the total compensation of the recipient's five most highly-paid executives.
- The policy is available at: www.epa.gov/ogd/ and at: <http://usaspending.gov/news>

	U.S. ENVIRONMENTAL PROTECTION AGENCY Assistance Amendment	GRANT NUMBER (FAIN): 00A01151 MODIFICATION NUMBER: 1 PROGRAM CODE: 4T	DATE OF AWARD 07/17/2024
		TYPE OF ACTION No Cost Amendment	MAILING DATE 07/17/2024
		PAYMENT METHOD: ASAP	ACH# 10151
		RECIPIENT TYPE: State Institution of Higher Learning	
RECIPIENT: UNIVERSITY OF MAINE SYSTEM PO Box 9300 PORTLAND, ME 04104-9300 EIN: 01-6000769		Send Payment Request to: Contact EPA RTPFC at: rtpfc-grants@epa.gov PAYEE: UNIVERSITY OF MAINE SYSTEM 96 Falmouth Road Portland, ME 04104-4864	
PROJECT MANAGER Curtis Bohlen University of Southern Maine P O Box 9300 PORTLAND, ME 04104-9300 Email: Curtis.Bohlen@maine.edu Phone: 207-780-4820	EPA PROJECT OFFICER Lauren Tisdale 5 Post Office Square Boston, MA 02109 Email: Tisdale.Lauren@epa.gov Phone: 617-918-1132	EPA GRANT SPECIALIST Julie Ross Grants Management Branch Email: Ross.Julie@epa.gov Phone: 617-918-1317	
PROJECT TITLE AND EXPLANATION OF CHANGES Casco Bay Estuary Partnership BIL Supplementary Funds Year 2 Amendment #1 approves an Object Class Rebudgeting and Time Extension through 6/30/2029 for the University of Maine System. All Terms and Conditions remain unchanged, and in full force and effect.			
BUDGET PERIOD 07/01/2023 - 06/30/2029	PROJECT PERIOD 07/01/2023 - 06/30/2029	TOTAL BUDGET PERIOD COST \$ 909,800.00	TOTAL PROJECT PERIOD COST \$ 909,800.00
NOTICE OF AWARD Based on your Application dated 06/06/2023 including all modifications and amendments, the United States acting by and through the US Environmental Protection Agency (EPA) hereby awards \$ 0.00. EPA agrees to cost-share 100.00% of all approved budget period costs incurred, up to and not exceeding total federal funding of \$ 909,800.00. Recipient's signature is not required on this agreement. The recipient demonstrates its commitment to carry out this award by either: 1) drawing down funds within 21 days after the EPA award or amendment mailing date; or 2) not filing a notice of disagreement with the award terms and conditions within 21 days after the EPA award or amendment mailing date. If the recipient disagrees with the terms and conditions specified in this award, the authorized representative of the recipient must furnish a notice of disagreement to the EPA Award Official within 21 days after the EPA award or amendment mailing date. In case of disagreement, and until the disagreement is resolved, the recipient should not draw down on the funds provided by this award/amendment, and any costs incurred by the recipient are at its own risk. This agreement is subject to applicable EPA regulatory and statutory provisions, all terms and conditions of this agreement and any attachments.			
ISSUING OFFICE (GRANTS MANAGEMENT OFFICE)		AWARD APPROVAL OFFICE	
ORGANIZATION / ADDRESS U.S. EPA, Region 1, EPA New England 5 Post Office Square, Suite 100 Boston, MA 02109-3912		ORGANIZATION / ADDRESS U.S. EPA, Region 1, EPA New England R1 - Region 1 5 Post Office Square, Suite 100 Boston, MA 02109-3912	
THE UNITED STATES OF AMERICA BY THE U.S. ENVIRONMENTAL PROTECTION AGENCY			
Digital signature applied by EPA Award Official Julie Ross - Grants Management Specialist			DATE 07/17/2024

EPA Funding Information

FUNDS	FORMER AWARD	THIS ACTION	AMENDED TOTAL
EPA Amount This Action	\$ 909,800	\$ 0	\$ 909,800
EPA In-Kind Amount	\$ 0	\$ 0	\$ 0
Unexpended Prior Year Balance	\$ 0	\$ 0	\$ 0
Other Federal Funds	\$ 0	\$ 0	\$ 0
Recipient Contribution	\$ 0	\$ 0	\$ 0
State Contribution	\$ 0	\$ 0	\$ 0
Local Contribution	\$ 0	\$ 0	\$ 0
Other Contribution	\$ 0	\$ 0	\$ 0
Allowable Project Cost	\$ 909,800	\$ 0	\$ 909,800

Assistance Program (CFDA)	Statutory Authority	Regulatory Authority
66.456 - National Estuary Program	Clean Water Act: Sec. 320 & Infrastructure Investment and Jobs Act (IIJA) (PL 117-58)	2 CFR 200, 2 CFR 1500, 40 CFR 33 and 40 CFR 35 Subpart P

Budget Summary Page

Table A - Object Class Category (Non-Construction)	Total Approved Allowable Budget Period Cost
1. Personnel	\$ 69,171
2. Fringe Benefits	\$ 31,127
3. Travel	\$ 0
4. Equipment	\$ 0
5. Supplies	\$ 4,144
6. Contractual	\$ 50,000
7. Construction	\$ 0
8. Other	\$ 656,075
9. Total Direct Charges	\$ 810,517
10. Indirect Costs: 0.00 % Base	\$ 99,283
11. Total (Share: Recipient <u>0.00</u> % Federal <u>100.00</u> %)	\$ 909,800
12. Total Approved Assistance Amount	\$ 909,800
13. Program Income	\$ 0
14. Total EPA Amount Awarded This Action	\$ 0
15. Total EPA Amount Awarded To Date	\$ 909,800

Administrative Conditions

All Administrative Terms and Conditions remain unchanged, and in full force and effect.

Programmatic Conditions

All Programmatic Terms and Conditions remain unchanged, and in full force and effect.

ADDENDUM
FDP Cost Reimbursement Subaward

1. Terms and Conditions add Section 11 as follows:

“The Subrecipient’s obligations under this Cost Reimbursement Subaward Agreement are subject to and limited by the defenses, immunities, and limitations of liability available to the Subrecipient under the Maine Tort Claims Act, 14 M.R.S.A. §8101 et seq. and other applicable law.”

2. Attachment 2, Additional Terms section is hereby deleted in its entirety and replaced with the following:

“Subrecipient is insured for general liability pursuant to the Maine Tort Claims Act through MMA’s risk pool, and upon request will provide the PTE with a Certificate of Membership demonstrating proof of coverage, which shall satisfy the requirements of this section.”

3. If any disagreement is found between the Agreement and this document, then this document shall govern; provided, however, that this document shall be construed to be supplemental to the Agreement to the extent possible.

MEMORANDUM
City Council Agenda Item

FROM:

DATE: August 26, 2025

SUBJECT: Order 33-25/26 Accepting and Appropriating a \$156,378 Parks Lighting Pilot Grant from the United States Tennis Association - Sponsored by Danielle P. West, City Manager

SPONSOR: City Manager, Danielle West

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 8/11/2025

Final

Action 9/3/2025

Can action be taken at a later date: No If action cannot be taken at a later date, please explain why. **Do NOT** write yes or no; that will be automatically generated by the checkbox.

Does this item involve a new contract with the City: No

PRESENTATION: Ethan Hipple will be present to answer questions.

I. SUMMARY

Parks, Recreation, and Facilities has received grant funding from the United States Tennis Association for Payson Park tennis court lighting.

II. AGENDA DESCRIPTION

This agenda item seeks the City Council's approval to formally accept and appropriate a grant totaling \$156,378 from the United States Tennis Association (USTA). This significant funding is specifically designated for the installation of new, state-of-the-art lighting at the tennis courts located in Payson Park. This grant, part of the USTA Parks Lighting Pilot Program, will enhance the park's recreational facilities, extending playability into the evening hours and significantly improving the overall experience for our community's tennis enthusiasts.

Acceptance of this grant comes with several collaborative commitments designed to maximize the impact of the improved facilities. These include a commitment to display USTA promotional materials, allow USTA to survey participants, and maintain the new lighting infrastructure for a minimum of five years. Furthermore, the grant includes the provision of USTA's SmartAccess gate system hardware, which will enable online court booking, usage tracking, and potential revenue generation, with the USTA covering the first year of the associated subscription service. This partnership aims to not only upgrade our facilities but also foster increased tennis participation and programming within the community.

This item must be read on two separate days. It received its first reading on August 25. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

The United States Tennis Association (USTA) is actively involved in promoting and developing the growth of tennis across the country. A key part of this mission involves supporting the development and enhancement of tennis facilities, particularly in public parks. This is where the USTA Parks Lighting Pilot Grant Program comes in.

This specific grant awarded to Portland for Payson Park is part of a pilot program designed to illuminate park tennis facilities in areas with high tennis demand but low court supply. The USTA recognizes that extending playable hours through lighting upgrades can significantly increase participation and access to the sport. The program aims to create safe, high-quality, and accessible tennis environments. Beyond providing financial assistance for lighting, the grant often includes technological enhancements like the SmartAccess gate system to help manage court usage and potentially generate revenue, fostering long-term sustainability for the facilities. The USTA often seeks collaboration with grant recipients on programming and promotional efforts to further grow the sport within the community.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result is to accept and appropriate a \$156,378 grant from USTA

V. FINANCIAL IMPACT

Immediate Positive Fiscal Impact:

- **Direct Revenue/Cost Savings:** The most direct impact is the \$156,378 in grant funding. This represents a significant capital injection that will cover the cost of the tennis court lighting project. Without this grant, the City of Portland would likely need to allocate these funds from its own capital improvement budget or seek other funding sources, which would have a direct impact on the city's general fund or other departmental budgets. Therefore, it effectively saves the city \$156,378 in direct project costs.
- **Maintenance Costs:** The grant requires the city to "agree to maintain the infrastructure, hardware and/or devices installed at your Facility (e.g. lighting, SmartAccess gates, etc.) in serviceable operating condition for a period of at least five (5) years from the date of completion." This means there will be ongoing maintenance costs associated with the new lighting and the SmartAccess system. These costs will need to be absorbed into the Parks, Recreation, and Facilities department's operational budget.

VI. STAFF ANALYSIS AND BACKGROUND

See above

VII. RECOMMENDATION

Staff recommends that the City Council accept and appropriate the \$156,378 grant from The United States Tennis Association in support of the lighting project at Payson Park.

VIII. LIST ATTACHMENTS

1. Order - Accepting 156k Parks Lighting USTA Grant
2. USTA Grant Agreement

Prepared by:

Date: 08/26/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER ACCEPTING AND APPROPRIATING A \$156,378 PARKS LIGHTING PILOT
GRANT FROM THE UNITED STATES TENNIS ASSOCIATION**

ORDERED, that a \$156,378 Parks Lighting Pilot Grant from the United States Tennis Association is hereby accepted and that amount appropriated to the Parks and Recreation Department to support the installation of new lighting at the tennis courts located in Payson Park; and

BE IT FURTHER ORDERED, that the City Council hereby approves the Grant Agreement in substantially the form attached hereto and authorizes the City Manager or designee to execute said Agreement and any other related documents necessary or convenient to carry out the intent of said Agreement and this order.



2024 Parks Lighting Pilot Grant Application

Grant Summary and Eligibility

The United States Tennis Association Incorporated (“USTA”) is pleased to offer the USTA Parks Lighting Pilot Grant Application for further consideration by USTA of financial grant in support of your Facility (“Grant”). The Grant Application is for publicly owned tennis facilities open to the public.

The USTA’s receipt or acceptance of any completed Grant Application (“Application”) shall not be considered any agreement, commitment or acknowledgement by USTA to fund or issue a Grant or provide any other financial support or services to your Facility. All such decisions are exclusively reserved by USTA in its absolute sole discretion upon review and consideration of your Grant Application.

Grant Eligibility Description and Requirements:

Through the USTA Parks Lighting Pilot Program, the USTA is offer select park agencies the opportunity to receive a grant of funds to be applied towards USTA-approved tennis court lighting projects to light up park tennis facilities across the country. Your agency has been selected by USTA to apply for funding consideration through this exciting pilot opportunity.

To be eligible for consideration for a USTA Parks Lighting Pilot Program grant, your Facility:

- Must consist of three to six tennis courts;
- Be located in a High Tennis Demand / Low Court Supply area, as determined by USTA via census mapping data;
- Must present a project proposal through this Application that generally complies with and conforms to the American Sport Builders Association’s (ABSA) Tennis Court Construction Guidelines and industry standards, as determined by USTA in its absolute sole discretion.

By agreeing to participate in the USTA’s Park Lighting Pilot Program, participating Park agencies must be receptive to consider providing the following support upon completion of your lighting project:

- Collaborate with local USTA section staff liaison on potential organized tennis programming and play opportunities at your Facility;
- Utilize the grant funds toward the implementation of your proposed lighting package as defined in this Application and make reasonable good faith efforts to expedite completion of the construction process without delay;

- Commit to display USTA-provided promotional materials (e.g. banners/signage) promoting the health benefits of tennis and tennis programming opportunities, as may be requested by USTA from time to time.
- Be willing to consider working with USTA to provide your Facility as a testing grounds for other tennis related projects, as may be requested by USTA from time to time, including but not limited to equipment and technology offerings (e.g. SmartLocker equipment lockers)
- Allow USTA the ability to survey program and play participants at your Facility in order to better inform the pilot and its impact on sustained play at your Facility and in your community.
- Agree to maintain the infrastructure, hardware and/or devices installed at your Facility (e.g. lighting, SmartAccess gates, etc.) in serviceable operating condition for a period of at least five (5) years from the date of completion.

Grant Funding Awards

Facility improvement projects selected by USTA through this Application for the USTA Parks Lighting Pilot Program will be eligible to receive:

- A disbursement of grant funding to be applied toward your proposed court lighting installation project, in an amount to be determined by USTA based upon the project specifications and cost estimates provided through this Application process.
- USTA will provide all hardware required for installation of a SmartAccess gate system customized to the specifications of your project for a mutually agreed number of court access points. The SmartAccess gate system will include a keypad lock mechanism for each approved access point to your Facility's tennis courts to manage court usage and authorized access, track court utilization and create potential revenue opportunities for your Facility courts.
 - o The SmartAccess gate system will require online booking of court reservations through a designated booking software, web platform and/or mobile device that can be access through a player's creation or usage of a USTA account. For more information, please see <https://playtennis.usta.com/smartaccess>
- The SmartAccess gate system requires a subscription service to the SmartAccess online management system for operational functionality.
 - o USTA will cover the costs for at least one (1) year of subscription access to the SmartAccess gate system. The duration of your USTA-funded access to the SmartAccess software will determined and acknowledged by USTA in your grant award letter. Agency will be required to purchase the necessary software subscription for all future years of usage.
 - o Facility is expected to ensure that all other access points to the Facility's courts are properly restricted (subject to compliance with any applicable laws or regulations and safety considerations for emergency ingress/egress, ADA compliance, etc.) to ensure proper controls over court access through the SmartAccess system.

- USTA will provide a Marketing toolkit to generate awareness and demand for tennis play opportunities at your Facility.
- USTA may provide additional funding support for other mutually agreeable elements or features requested for your construction project under the Parks Lighting Pilot Program . Such features may include funding for court number signage to support SmartAccess use by your players, additional push bar “panic exit” hardware and installation as needed for safety or code compliance at your Facility, or other features as may be discussed and agreed to by USTA in its sole discretion. Any additional USTA-funded components for your project will be outlined in your grant award letter issued by USTA (if applicable).

Use this page as a Resource and Guide when completing the Application

A. Facility Information.

1. Facility Name – please give the entire name (i.e., City of Smashville: John Racquet Memorial Park Tennis Complex).
2. Facility Address - please give the physical location of the courts.
3. Facility E-mail/website – The webpage can be facility specific or a city/gov. web page that gives information on tennis court hours/times, costs and program information.
4. Number of Courts at Facility – please indicate the total # 78’, 60’ & 36’ currently at the facility.
5. Type of Surface – please give the number of courts with each type of surface specified. Information is easily determined by court surface contractors.
6. Please confirm which level of funding you are seeking.

B. Agency / Applicant information.

1. Organization Name – agency that owns the existing tennis facility.
2. Applicant Name – if different than the Owner of the tennis facility. Applicant shall have authority from the Owner to bind the Organization to the terms and conditions of this Application. Collectively referred to in this Application as “Applicant”.
3. Contact person – person who may be contacted during the Grant application review process to answer questions on the request.
4. Address - complete mailing address of Applicant.
5. E-mail address of contact person.
6. Phone numbers for contact person, with descriptor (i.e. cell, work, recreation center) and extension(s).

C. Information about Improvements.

1. A. Describe improvements – This must be a written description and should identify improvements completed to date and those improvements for which the applicant wishes funding assistance.

	1. B. Detailed timeline from conception to completion. Include information on any other pending outside funding or award notifications or grants. 2. Detailed sketch or construction drawings of Facility.
Use this page as a resource when completing the application	
D. Funding Information. 1. Grant amount requesting – the amount should be based on any existing pricing quotes or contracted rates for the proposed project. 2. Total estimated cost: This total should reflect only facility upgrades authorized. The cost of the project cannot include construction work already completed. 3. Total amount of committed funds available – please indicate the amount of money that is currently committed to the project. The FUNDS column must include committed funds currently available – attach proof of committed funds (i.e. award letters of other grants, letter of committed funds from Park and Recreation Director, or minutes of a budget meeting). The EXPENSES column should give the costs of professional fees, material costs, and administrative fees specifically. Do not include costs for construction already completed. 4. A W9 will be required if awarded funds. Applicants may upload a W9 at the time of application submission.	E. Facility's Potential. 1. Facility media or marketing plan to attract players/publicize success. 2. Provide details on current and planned programming for the tennis facility to include lessons, tournaments, league play and cooperative efforts with schools and other tennis organizations, including USTA Sections. Please include participant numbers, dates, times, and age groups within each current program that you offer. Provide copies of newsletters, brochures and other literature demonstrating programs and how tennis is promoted in the community. The Program Plan should outline existing tennis programming and the anticipated tennis programming post renovation. 3. As part of Application, Facility shall affirm its 5 Year Maintenance Commitment and ongoing commitment to work with its USTA Section liaison on potential programming and organized play opportunities at the Facility, which demonstrate the ability of the Owner to maintain the facility and to actively promote programs for a minimum 5-year period. F. Terms & Conditions. 1. If the Facility Owner and Applicant are two separate organizations, both must sign and date the certification.

5. Attach proof of committed funds (i.e. award letters of other grants, letter of committed funds from Park and Recreation Director, or minutes of a budget meeting, bank account statements, etc.). 6. Bids and prices should be dated within 3 months of application submission date.	
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APPLICATION

A. Facility Information:

1. Facility Name (include TPA #):
Payson Park

2. Facility Address (street, city, state, and zip):
Baxter Blvd, Portland, ME 04103

3. Facility Email Address and/or Website*:
parks@portlandmaine.gov; https://www.portlandmaine.gov/1255/5654/Payson-Park

4. Number of Courts: Existing #: 78' 4 60' 36'
Completion #: 78' 4 60' 36'

5. Surface Type: Hard: X Clay:
If hard courts, please indicate: Asphalt: X Concrete:
Other:

6. USTA Organizational Membership # : 201006225

*By providing your email address, you authorize the USTA and any Official Sponsors to contact you via electronic mail.

B. Agency / Applicant Information:

1 Organization Name: City of Portland Parks, Recreation & Facilities

2 Applicant Name: Alex Marshall

3 Contact Person: Alex Marshall

4 Address: 212 Canco Rd, Suite A, Portland, ME 04103

5 Email Address: amarshall@portlandmaine.gov

6 Phone Numbers*: Primary: 207-808-5400 Alternate:

*By providing your email address and phone number, you authorize the USTA and any Official Sponsors to contact you via electronic mail and/or phone.

C. Information About Improvements: (Label all attachments with facility name and TPA #)

- 1. All Applicants must submit the following:
 - a. Description of planned improvements; and
 - b. A detailed timeline
- 2. In addition to the above, Applicants must also submit:
 - a. a detailed sketch or construction drawings of the proposed project. The sketch must include dimensions from the playing lines to fixed obstructions (i.e. fencing, light poles, walls, columns, back drops, curtains, etc.). Access for wheel chair tennis players should be clearly marked on the detailed sketch.
 - b. the contractor’s latest proposal for the project; and
 - c. construction drawings and specifications of the proposed project.
- 3. Plans must provide sufficient dimensional information to ascertain adequacy of court(s) size and placement on the property. Please refer to the “Typical Construction Document Contents” information distributed with the application.

D. Funding Information:

	By checking this box, I verify that completion of this Application does not guarantee funding	☒
1.	Grant amount requesting:	\$174,687 or full cost of project
2.	Total estimated cost of project:	\$ 174,687
3.	Total amount of committed funds available now:	\$
4.	Please complete the below (a) Funds and (b) expenses breakdowns, noting back-up documents must be provided to support the identified Funds and Expenses breakdown:	

• Funds Breakdown

Funds	Amount
USTA Section office	
USTA District office	
Park and Recreation	
Government Grants	
Foundations	
Corporations	
Fundraising Efforts	
Local Sponsors	
Others (specify)	
USTA National	\$174,687 or full cost of project

Total Funds	\$ 174,687 or full cost of project

Note: Letters of commitment from all funding sources identified above must be submitted with this Application.

• Expenses Breakdown

Expenses	Amount
Professional Fees	
Construction Costs	\$151,478
Other Costs (specify)	
Smart Access gate	\$20,000
Smart Access subscription	\$3,000
Court numbers	\$200
Total Expenses	\$ 174,687

Note: Please submit with this Application all professional estimates, bids, and/or actual costs. Estimates, bids and/or actual costs must match Expense amounts presented above and reflect the improvements identified in the description of planned improvements provided in item C1 above.

Bids and prices should be dated within 3 months of application submission date.

Please Note: If your project needs to go out to bid you must go out to bid and submit your bid tabulation. The USTA will not make a funding decision until the bid tabulation is submitted. Should you need clarification as to the documentation required and/or this process, please contact your Project Consultant.

If the Total Expenses exceeds the Total Funds, please explain in detail and with back-up documentation (if available) how the difference will be covered:

Facility’s Potential:

1. Media/Marketing Plan: Briefly describe how a USTA grant would grow and/or enhance the game of tennis in the community (i.e. increased number of players and programs). Describe how the community/tennis facility will commit to publicizing the Grant, the participants, the local donors, and post renovation programs.
2. Provide a detailed tennis programming plan identifying the current tennis programs provided at the facility, and plans for future tennis programming after proposed improvements are completed.

- a. Please include participant numbers, dates, times, and age groups within each current program that you offer.
- b. A USTA employee or volunteer may be following up in the future with a progress check on your programs.

Priority for funding may be given to facilities that can and will use 36' & 60' courts and/or blended lines.

E. Terms and Conditions:

1. By signing this Application, Applicant affirms that the information provided and submitted in connection with this Application is true and correct. If Applicant discovers any ambiguity, conflict, discrepancy, omission, or other error in this Application after submission, Applicant shall immediately notify the USTA Industry & Sales Department (via Cy Dofitas, cy.dofitas@usta.com) in writing of such error and request clarification or modification to the document. Verbal notification will not be permitted.
2. No relationship is formed between the Applicant and USTA, express or implied, by virtue of Applicant's submission or the USTA's receipt or acceptance of this Application, nor is any relationship formed between the parties, express or implied, by virtue of USTA's reply to this Application. This Application is not an offer or commitment by USTA and is not capable of being accepted to form a binding agreement.
3. By submitting this Application, Applicant affirms and understands that the review and approval of any Grant offered by USTA in response thereto represents an award of funding to be used by Applicant for the purposes designated thereby. Applicant acknowledges and agrees that the issuance of any Grant and the guidance it may receive from the USTA are provided as part of this Application, and that the USTA is making recommendations only as to facility design, construction, and improvements. Applicant shall have the ultimate responsibility to apply such Grant funding toward the approved facility design, construction and or improvements, including all implementation decisions, design, construction, oversight, and completion of any improvements to its Facility. Applicant agrees to hold the USTA and all of its assignees, directors, officers, agents, employees, volunteers, and assigns harmless for any damages arising therefrom and agree to defend the USTA from any and all claims or suits arising therefrom.
4. By signing this Application, Applicant affirms, verifies, and agrees to the following:
 - The Facility shall disclose or provide information regarding all usage fees prior to Grant assistance;
 - The Facility shall utilize its best efforts to comply with all applicable American with Disabilities Act (A.D.A.) requirements and remain open to the public;
 - The Facility shall provide a safe, properly constructed and functional facility, including other amenities (i.e. shade areas, water fountains, backboards, lighting, etc.) to make the game of tennis more enjoyable and to encourage the growth of tennis;

- The Facility will provide photos and documentation of publicity of opening after renovations, and are subject to the terms herein;
 - The Facility will be constructed as documented in the Application and approved by the USTA's Industry & Sales Team;
 - The Facility agrees to develop new tennis players by providing clinics, beginner or retention programs and agrees to work with its applicable USTA Section liaison in good faith to discuss new programming and play opportunities at the Facility. These current and proposed programs and efforts should be identified in detail within the Application;
 - Incomplete Applications will result in the Application being returned without consideration for funding;
 - Applicant understands that if this Application is successfully funded the amount awarded will be distributed exclusively on a draw basis as accountability forms are submitted to and approved by the USTA, unless alternative payment plans are agreed to in writing by USTA in its sole discretion.
 - Changes to the project scope of work after a funding award is announced must be reviewed by and approved by the USTA. Any changes can affect the total amount of the funding award, at the USTA's sole discretion.
5. By signing this Application, Applicant affirms, verifies, and commits its Facility and other entity or agent CTA (when appropriate), to maintain the Facility, including its court lighting infrastructure and SmartAccess lock mechanisms, and to actively promote programs at this Facility for a period of five (5) years from the completion date of the funded project.
6. Applicant for the Facility understands that the Grant funding through the USTA Parks Lighting Pilot Grant Application is intended to promote growth of the game of tennis, and that painting other sport lines on Facility's tennis courts impedes the intended purpose of this Program and may make this Facility ineligible to hold sanctioned USTA events, leagues and/or tournaments. Accordingly, Applicant for the Facility pledges it will not line its tennis court/s with playing lines for pickleball, volleyball, basketball or any sport other than tennis during this five (5) year commitment unless you receive USTA approval.
- In the event that Facility courts are already incorporate playing lines for sports other than tennis at the time of submission of this Application, Facility pledges to ensure the usage rate of Facility's courts are reserved exclusively for tennis play for no less than fifty percent (50%) of Facility's normal operating hours. This may be accomplished through actions such as (i) offering some courts that are not lined for any sport other than tennis and/or (ii) utilizing the SmartAccess reservation system or taking other actions to ensure that courts can only be reserved for tennis at certain times during normal operating hours.
7. The USTA make no representation or warranty, express or implied, as to the accuracy or completeness of any information provided to Applicant in response to this Application, USTA's decision to award any Grant to Applicant or any other information otherwise provided to Applicant by or on behalf of the USTA. The USTA shall have no liability relating to or arising from any such information or the use thereof. Applicants

are encouraged to conduct their own investigation and analysis of any and all information in response to any information or award of any Grant provided by or on behalf of USTA.

8. If any statements made or information provided by the Applicant in this Application or otherwise are found to be inaccurate or untrue, the USTA reserves the right to terminate any and all further discussions, engagements or consideration of any award of a Grant to Applicant and/or nullify any prior contract or agreement, if any, and further reserves to right to enforce all representations and guarantees promised by the Application herein without further USTA obligations.
9. The USTA is not bound by any obligation of confidentiality or non-disclosure with respect to proposals and/or other materials and information submitted by Applicant in connection with the Application (regardless of whether any such proposals, materials and information are marked as confidential, proprietary, trade secret, or otherwise). By signing this Application, Applicant agrees that any photographs, brochures, or materials submitted in connection with this Application are considered the property of the USTA and will not be returned. Further, by submitting this Application, Applicant grants to the USTA and its assignees the right to use Facility's name, history, description, photographs, rendering, or any other materials submitted in connection with this Application for any and all promotional purposes. In addition, Applicant and Facility hereby grants to the USTA (and grants to the USTA the right to grant to others), as well as their successors and assigns, in perpetuity, the right (but not the obligation) to film, tape, photograph, record, exhibit, edit, alter, copy, reproduce, license, sell, rent, disclose, display, publish, distribute, broadcast, webcast, prepare derivative works from or otherwise preserve, use and/or exploit in any format and/or manner now known or hereafter developed, whether commercial or non-commercial in nature. Applicant and Facility shall not be entitled to receive any compensation whatsoever in connection with the USTA's exercise of its use and materials rights.
10. By signing this Application, and in consideration for being provided the Grant, the Owner, Applicant, and Facility hereby releases, waives, discharges and covenants not to sue the USTA and all of its assigns, directors, officers, agents, volunteers and employees, from any and all liability to the undersigned, his/her personal representatives, assigns, heirs and next of kin for any and all loss or damage, and any claim or demands therefore on account of injury to the person or property or resulting in death of the undersigned arising out of or related to the event as connected with this Application. Further, Owner, Applicant, and Facility hereby agrees to indemnify, defend, save, and hold harmless the USTA from any loss, liability, damage, or cost they may incur arising out of the related events in connection with this Application and any funding provided, whether caused by the negligence of the USTA or otherwise. **This provision shall not be deemed a waiver of the defenses, immunities and limitation of liability available to the Owner under the Maine Tort Claims Act, 14 M.R.S.A. Sec. 8101 et seq. or other applicable law.**
11. Applicant shall not publish or use any advertising, sales or promotional materials or issue any press releases, or publicity materials, wherein the names or trademarks including logos of the USTA are used without prior written approval of USTA. In addition, Applicant shall not publish or use any advertising, sales or promotional materials or issue any press releases, or publicity materials, or employee solicitations

Updated 07.16.2024
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that employ language from which someone could make, infer or imply a connection between Applicant and USTA, without the prior written approval of USTA.

12. Applicant understands and confirms that, to the extent Applicant will offer programming through its employees and/or third-persons contracted for services and volunteer opportunities who will have regular contact or authority over minor athletes are in, Applicant shall maintain, compliance with the requirements of the USTA Safe Play Program, as provided for at www.usta.com/safeplay. Applicant further acknowledges and understands that it is also subject to the USTA Safe Play Policy and that any violation will be handled to the fullest extent of the law and pursuant to the U.S. Center for SafeSport Code.

Please remember that any violations (or a suspicion of a violation) of the USTA Safe Play Policy or the Proactive Policies must be reported to the USTA immediately. These reports and any other suspicions you believe the USTA should be made aware of can be made by visiting www.usta.com/safeplay/report or emailing safeplay@usta.com. Any suspicions of child abuse or child sexual abuse must be reported immediately to the local authorities and to the U.S. Center for SafeSport by visiting www.uscenterforsafesport.org.

[] I, as an authorized representative of the Applicant, declare and confirm affirm that the organization is currently in or will be, and will remain in, compliance with the USTA Safe Play Program and Policy(s)

APPLICANT HAS COMPLETED THIS APPLICATION, CONFIRMS, AND VERIFIES THAT APPLICANT HAS READ, UNDERSTANDS, AND AGREES TO ALL THE TERMS AND CONDITIONS HEREIN.

APPLICANT:

FACILITY OWNER or AUTHORIZED
FACILITY REPRESENTATIVE

Signature:

DocuSigned by:

Danielle West

A4546612E752416...

Signature:

DocuSigned by:

Danielle West

A4546612E752416...

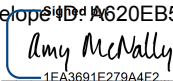
Applicant Name: Danielle west

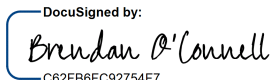
Name: Danielle west

I affirm I have the authority to agree and bind the Owner and Facility to the Terms and Conditions herein ☐

Date: 10/25/2024

Date: 10/25/2024


1EA3691E279A4F2
Approved by Corporation Counsel

DocuSigned by:

C62FB6EC92754E7
Approved by the Finance Director

MEMORANDUM
City Council Agenda Item

FROM: Mary Davis, Division Director

DATE: August 26, 2025

SUBJECT: Order 34-25/26 Appropriating \$2,448,173 in HOME American Rescue Plan Funding
- Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

SPONSOR: Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair. The HEDC met on July 15, 2025, and voted 3-1 (Sykes) to recommend this item for approval by the City Council.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 8/11/2025

Final

Action 9/3/2025

Can action be taken at a later date: Yes Action is needed no later than September 15th. The Cumberland County Commissioners will be taking a final vote on these recommendations at their meeting on September 15th.

Does this item involve a new contract with the City: Program funding agreements will be signed with each applicant; all funding agreements are approved by Corporation Counsel prior to signing.

PRESENTATION: Mary Davis will be available for questions.

I. SUMMARY

Review and Recommendation of approval of the appropriation of HOME-ARP funding.

II. AGENDA DESCRIPTION

The American Rescue Plan (ARP) appropriated funds for the U.S. Department of Housing and Urban Development (HUD) to distribute under the HOME Investment Partnership Program (HOME). The Cumberland County HOME Consortium (CCHC), a partnership between the City of Portland and Cumberland County, received a \$3,599,560.00 allocation from the HOME-ARP program. The HOME-ARP program is intended to provide affordable rental housing, tenant based rental assistance, supportive housing services, and non-congregate shelter development, and other resources to HOME-ARP Qualifying Populations (QPs) which includes folks experiencing homelessness and other vulnerable populations. The City of Portland and Cumberland County's HOME-ARP Allocation Plan was approved by Order 154-22/23 and by HUD on May 1, 2023, and the Substantial Amendment to this Allocation Plan was approved by Order 179-23/24 and by HUD on September 4, 2024.

The Housing & Economic Development Committee met on July 15, 2025 and voted (3-1 Sykes), to make the following funding recommendations for approval by the City Council (see Background section of staff memo for more information on each application):

- Development of Affordable Rental Housing (\$1,429,000): Youth and Family Outreach \$950,000 and Greater Portland Family Promise \$479,000
- Supportive Services (\$1,019,173): Commonsplace \$471,454.45, Milestone \$197,000 and Preble Street \$350,718.55

This item must be read on two separate days. It received its first reading on August 25. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Development of Affordable Housing

1. **Youth and Family Outreach (YFO)**– Recommendation to award \$950,000.00 to construct an expanded childcare facility and 60 new affordable rental units in Portland, including 10 units designated for HOME-ARP Qualifying Populations.

"YFO currently serves families with housing instability and is proposing a development that addresses both the high demand for quality childcare services and affordable housing. YFO currently operates a childcare facility which serves approximately 50 children. The site is located in downtown Portland with access to a variety of services and amenities. As an existing childcare facility, YFO has over 300 children on its waiting list with 95% of their families living in Portland and, at any given time, roughly 18% experiencing homelessness. The expansion of the childcare facility would allow YFO to serve approximately 50 additional children."

There will be 4 efficiency units, 24 one-bedroom units, 22 two-bedroom units, and 10 three-bedroom units. MaineHousing will provide 10 project-based vouchers for 10 units that will be pledged for use by QPs. There will be a community room, office, indoor bike storage, trash room, laundry room, fitness room, and broadband infrastructure with the capacity to support the provision of Telemonitoring and/or Telehealth services. On the second floor of the building there will be a separate condominium unit where YFO intends to expand its childcare space to be able to serve 50 additional children for a total of about 110 children."

New construction is anticipated to begin in fall 2025 and is expected to take 17 months, with completion in early 2027. Lease-up is intended to begin in early 2027.

This project was awarded \$1,080,000 in funding from the Jill C. Duson Housing Trust Fund during the 2024 application cycle. The request for HOME-ARP funding is the result of the loss of anticipated AHP funding from the Federal Home Loan Bank that was not awarded and construction price increases.

2. **Greater Portland Family Promise (GFPF)**– Recommendation to award \$479,000.00 to rehabilitate a two-family dwelling in Portland to serve as transitional housing for 4 families meeting HOME-ARP eligibility. This initiative is designed to provide temporary, stable housing for families experiencing homelessness or at risk of homelessness, offering them a safe, supportive environment while they work toward securing permanent housing.

"This new Family Promise Transitional Housing Program will provide families experiencing homelessness or at risk of homelessness with temporary residence for up to 18 months while they receive assistance in securing long-term housing. Each family will have a private, locked room, while kitchen, bathroom, laundry, and community spaces will be shared. Family Promise will also offer on-site supportive services, including housing navigation and case management, to help families transition into permanent housing successfully. As part of this initiative, GFPF will provide supportive services in the form of housing navigation services to help families secure permanent housing, housing stabilization case management to ensure long-term housing success, and basic needs assistance, including food, diapers and toiletries. Services will also include referrals for education, childcare, and employment."

Total HOME-ARP Development of Affordable Housing Allocation: \$2,041,266.00

Total Requested: \$1,429,000 .00

Remaining in Allocation: \$612,266.00

Supportive Services

1. **Commonspace** – Recommendation to award \$471,454.45 for its Torchlight program, providing peer support, recovery coaching, and residential services across 4 Portland and Cumberland County properties consisting of: a 38-unit permanent supportive housing program for women, a 6-unit housing program for women, a 6-bed housing program for men, and a 6-unit program for women.

“Torchlight aims to support individuals through their first experience of housing and their early challenges related to substance use and older patterns of behavior that jeopardize their housing status. Unhoused individuals are provided an apartment with a flexible lease, which allows them to exit to any identified housing option when they have stabilized to the point of readiness for an environment of relatively higher behavioral accountability.”

2. **Milestone** – Recommendation to award \$197,000.00 to sustain 3 key programs serving all HOME-ARP Qualifying Populations: the HOME Team, HOPE Program, and Housing Navigator Program.

“The HOME Team makes nearly 14,000 outreach contacts a year, providing harm-reduction supplies, crisis de-escalation, and more than 1,600 medical or treatment transports.

The HOPE Program extends to encampments, completing Coordinated-Entry assessments, securing documentation, and moving high-barrier campers—40 in FY 2024—into permanent units; 52 lease-ups were achieved in 2024. For clients who need immediate shelter, our 36-bed emergency facility stabilized 689 people (average stay 18 days), while our medical detox admitted 720 individuals, initiating MAT and clearing a major health barrier for those at greatest risk of housing instability.

Once people are ready to exit crisis settings, a statewide Housing Navigator recruits landlords, negotiates leases, and provides tenancy coaching—ninety-six lease-ups last year with 90% still housed at 12 months—coordinating closely with HUD-VASH and SSVF teams for veteran households. Residential treatment and after-care services then offer relapse-prevention groups, peer support, and job readiness to sustain recovery.”

3. **Preble Street** – Recommendation to award \$350,718.55 for case management, client assistance, and other support services for QPs through Site-based Housing First and Rapid Rehousing programs.

“Through caseworkers at our Logan Place and Huston Commons Housing First communities, both located in Portland, we estimate serving 14 unduplicated tenants/households annually – all chronically homeless adults. The primary outcome is sustaining stable tenancy in permanent housing of 80 percent of clients served. Through our Rapid Re-Housing Program, we estimate serving 40 unduplicated households per year throughout Cumberland County. Anticipated outcomes for clients include obtaining and/or retaining permanent housing within 90 days; increased or maintained household income for 80 percent of clients; and prevention of return to homelessness for 80 percent of clients. Additionally, the program aims to divert a minimum of 50 percent of households engaged in Housing Problem-solving services.

For both programs, clients may also achieve other positive outcomes, including connections to community resources including medical care, mental health treatment, and substance-use treatment, medical insurance such as Medicaid, benefits such as SSI or SSDI and SNAP.”

Total HOME-ARP Supportive Services Allocation: \$1,019,173.00

Total Requested: \$1,019,173.00

Total Remaining: \$0.00

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

City Council Goal 2: Housing Affordability; Work to implement solutions to the housing crisis, including building more working-class housing, improved support for the unhoused community.

V. FINANCIAL IMPACT

N/A

VI. STAFF ANALYSIS AND BACKGROUND

The HOME-ARP funding was awarded by the US Department of Housing and Urban Development to the Cumberland County HOME Consortium. The City of Portland is the lead entity for the consortium and is responsible for the administration of the programs and funding. Approval of the use of these funds is required by the City Council and the Cumberland County Commissioners. Cumberland County Community Development staff indicate that the Commissioners will review and act on the recommendations at their meetings scheduled for August 18th and September 15th.

VII. RECOMMENDATION

Staff recommends City Council approval of the HOME- ARP funding allocations.

VIII. LIST ATTACHMENTS

1. Order - Approving the Appropriation of \$2,448,173 in HOME-ARP Funding
2. YFO Application Information
3. GPFPP Application Information
4. Commonsplace Application Information
5. Milestone Application Information
6. Preble Street-Application Information
7. Order 154-22-23 (PDF)
8. Order 179-23-24 (PDF)
9. R01 M21DP230200-HOME-ARP-Portland signed
10. 2025.09.03 Public Comment - Order 34

Prepared by:

Mary Davis, Division Director

Date: 08/26/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER APPROPRIATING \$2,448,173 IN HOME
AMERICAN RESCUE PLAN FUNDING**

ORDERED, that the sum of \$2,448,173 of HOME American Rescue Plan (HOME-ARP) funding is hereby appropriated to fund the following projects:

- \$1,429,000 to support the development of affordable rental housing by Youth and Family Outreach (\$950,000) and Greater Portland Family Promise (\$479,000)
- \$1,019,173 to fund supportive services provided by Commonspace (\$471,454.45), Milestone (\$197,000) and Preble Street (\$350,178.55; and

BE IT FURTHER ORDERED, that the City Manager or designee is hereby authorized to execute whatever documents are necessary or convenient to effect the intent and purpose of this order and the allocation of the funds.

YOUTH AND FAMILY OUTREACH

a. Project Description

i. Location: 331-337 Cumberland Avenue, Portland, Maine
CBL: 033-K-005, 006, 007, 009, & 010

ii. Development strategy and how it fits into the neighborhood: YFO Resource Hub is critically important to Portland and Maine, addressing both a high demand for quality childcare and the state's severe affordable housing crisis. This initiative not only meets an urgent housing need but also strengthens the broader community by fostering stability and well-being among all ages. YFO Resource Hub is a proposed new construction of an expanded childcare facility and sixty new units of affordable rental housing located on approximately 19,592 SF at 331-337 Cumberland Avenue in Portland. Youth and Family Outreach (YFO) current operates a childcare facility on site which serves approximately 50 children. The site is well located in downtown Portland with access to a variety of services and amenities. YFO currently serves some families with housing instability and is proposing a development that addresses both the high demand for quality childcare services and affordable housing. As an existing childcare facility, YFO currently has over 300 children on its waiting list. 95% of their families live in Portland and, at any given time, roughly 18% are unhoused. The expansion of the childcare facility would allow YFO to serve approximately 50 additional children.

iii. Number and types of units included in the project, including income eligibility, anticipated monthly rent for each type/size of unit based on current market conditions and HOME rent limits. Include rates for both subsidized and non-subsidized units, if applicable. Indicate if rents include utilities and indicate expected monthly utility expenses if not included in the rent.

There will be four efficiency units that are approximately 378 SF, twenty-four one-bedroom units that range from approximately 534 to 700 SF, twenty-two two-bedroom units that range from 670 to 931 SF, and ten three-bedroom units that range from approximately 893 to 980 SF. Forty-eight units will be rented to households earning 60% AMI or less ("LIHTC Units") and twelve units will be rented to households earning 100% AMI or less ("Market Units"). Market units will include four one-bedroom units and eight two-bedroom units. LIHTC Units will include four efficiency units, twenty one-bedroom units, fourteen two-bedroom units, and ten three-bedroom units. At least 60% of the LIHTC Units will be rented to households earning 50% AMI or less and the remaining LIHTC Units will be rented to households earning 60% AMI or less. MaineHousing will be providing ten project-based vouchers (20% of LIHTC units) for ten units that will be pledged for use by populations with special needs (homeless or domestic violence survivors). Thirteen units will be accessible (seven are required and we are pledging an additional six units) as shown on the floor plans and the other forty-seven units will be adaptable. Please see Attachment E for rents and utility allowances by unit type. Utility allowances are paid by tenant and include electricity for cooking and lighting.

iv. Details regarding building types (number of bedrooms/units, square footage, any special amenities, ownership structure): There will be a community room, office, indoor bike storage, trash room, laundry room, fitness room, and broadband infrastructure with capacity to

support the provision of Telemonitoring and/or Telehealth services. The cost of solar panels is currently included in the soft cost budget and at the very least there will be conduits from the electrical panel to terminal units at the roof for future installation of PV solar panels, with an electrical panel that is adequately sized. No parking will be provided on site.

On the second floor of the building there will be a separate condominium unit where Youth and Family Outreach intends to expand its childcare space to be able to serve 50 additional children for a total of about 110 children. A playspace is included on site and would be accessible to residents of the building when the childcare space is not in operation.

v. Details regarding the use of building materials, utility types: This development is required to comply with the Build America Buy America Act and will be sourcing materials made in the United States, to the extent they are available. Siding materials include painted brick on the lower level and Nichiha fiber cement on the upper levels. Utilities will be electric with the exception of natural gas for hot water as this is the most cost-efficient system for both capital and operating costs.

vi. This project does not include rehabilitation of an existing structure.

b. Target Market

i. Describe the Qualified Population that will occupy the units after development work is complete. Please include information on the Qualified Population by income levels, household sizes, and any special needs (elderly, physically or mentally disabled, homeless etc.). Points will be awarded based on the extent to which the proposal meets CCHC's HOME-ARP targeting priorities and preferences noted above.

Of the 48 LIHTC Units, fourteen (14) will be designated as HOME-ARP assisted units. Of these fourteen HOME-ARP units, ten (10) will be reserved for households who meet the "QP1: Homeless" definition of individual or family who lacks a fixed regular and adequate nighttime residence, or the "QP2: At Risk of Homelessness" as defined at 24 CFR 91.5, or the "QP3: Fleeing/Attempting to Flee Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking" as defined by threat of imminent or potential harm, past harm or safety concerns connected to a domicile.

For these ten units, rent will not exceed 30% of the household's adjusted income, ensuring affordability for extremely low-income QP residents. The remaining four HOME-ARP assisted units will be restricted for occupancy by low-income households at or below the LIHTC maximum of 60% AMI.

Overlapping the HOME-ARP commitments, YFO has also set aside 20% of LIHTC Units (10 units total) for households experiencing homelessness or domestic violence survivors. A separate waiting list will be maintained for these QP populations and all of the set-aside units will be open to QP populations, ensuring access to stable housing for those most at risk. Additionally, qualified service providers will offer voluntary supportive services to residents in these units, helping to ensure long-term housing stability.

c. List Justification for Subsidy Request

i. Justify the level of funding requested by describing the relationship between the cost of the project and the required revenue needed to support project feasibility. Include requirements of other funding sources and all costs to be charged to the project (i.e. relocation, infrastructure costs, etc.). The Development Pro Forma and Operating Pro Forma should support the size of the request and funding requests from other sources. Any project contingencies should also be included.

YFO is requesting \$950,000 in HOME-ARP funding in the form of 30-year 0% debt to close a critical funding gap and ensure financial feasibility. In 2024, YFO applied for \$850,000 from the Federal Home Loan Bank of Boston Affordable Housing Program but because YFO already owns the property it cannot receive the five points for donated land as it is not an arm's length transaction. These five points are critical to the success of this highly competitive application where winning developments received scores that were at least 1.16 points higher.

The total project cost is estimated at \$31,022,958, including \$27,211,165 for the housing portion of the building. YFO selected Penobscot General Contractors (PGC) as the Construction Manager and PGC provided a construction cost estimate based on the 50% set of drawings of \$20,209,207 for the housing portion of the building, including a 2.75% construction management fee. An additional 5% construction contingency of \$1,010,460 brings the total construction cost to \$21,219,667 for the housing portion. Additional housing development costs will include \$1,774,985 in soft costs (including a \$60,000 soft cost contingency), \$1,353,000 in financing fees, \$2,000,000 in developer fees, and \$863,513 in project reserves. The project's total development cost remains within MaineHousing's Total Development Cost (TDC) cap for new construction under the 2025-2026 Qualified Allocation Plan, demonstrating that the estimated costs are reasonable.

The project is leveraging multiple funding sources, including an anticipated \$1,080,000 in City of Portland Housing Trust Funds, \$300,000 in 45L credits, \$104,500 in solar tax credits, \$9,027,429 in 4% LIHTC equity, \$2,712,598 in State Affordable Housing Credit equity, \$1,000,000 in MaineHousing 30-year 0% deferred debt, and \$10,786,553 in MaineHousing 30-year 5.5% interest-only debt. Despite fully utilizing these resources, the project still faces a \$950,000 funding gap, requiring HOME-ARP assistance to move forward. This request equates to \$67,857 per HOME-ARP assisted unit.

The operating pro forma projects \$1,188,316 in annual effective gross income and \$514,433 in annual expenses plus reserves. Debt service payments are estimated at \$593,260 per year, with a debt service coverage ratio (DSCR) of 1.15 in the first full year of operations, maintaining financial stability. The project benefits from a 75% affordable housing TIF from the City of Portland and 10 project-based vouchers from MaineHousing, further ensuring long-term operational sustainability. Additionally, rooftop solar panels will help offset electricity costs, reducing utility burdens.

ii. Describe what other assistance is needed or would be beneficial in order to meet project financing costs and minimize total development costs.

HOME-ARP funding is necessary to close the funding gap as all of the project's other funding sources have been maximized. Furthermore, because rents are capped to serve low-income households, the ability to support additional debt is limited. The combination of TIF revenue, City Housing Trust Funds, 45L credits, solar tax credits, State and Federal affordable housing tax credits, project-based vouchers, and solar energy savings has already optimized the project's net operating income (NOI) to support existing debt obligations.

d. Development Plan/Integration of Support Services to HOME ARP funded development/units

i. Describe the plan for property management, including a maintenance plan and measures that will be taken to ensure renters will have long-term housing stability.

The property management team will implement a comprehensive plan to ensure the long-term quality of the HOME-ARP units, including regular property inspections and adherence to HUD's NSPIRE standards. Preventative and emergency maintenance procedures will be in place to maintain safe and habitable conditions for all tenants. The development will be subject to an Extended Use Agreement with MaineHousing, which will be executed at construction loan closing and a copy recorded at the registry of deeds. The Extended Use Agreement will restrict occupancy of the LIHTC units to households with income not exceeding 60% of AMI and the length of the affordability period will be 45 years.

ii. Describe the plan for property management, including a maintenance plan and measures that will be taken to ensure renters will have long-term housing stability.

HOME-ARP units will be marketed to the general public, as well as agencies that serve Qualifying Populations (QPs), ensuring broad outreach and equitable access. The project will accept referrals from multiple sources, including Coordinated Entry and Through These Doors (Cumberland County's domestic violence resource center), and will maintain a referral list open to all QPs.

A waiting list will be maintained, including applicant information such as name, address, email, phone number, family composition, and preference claims. QP1, QP2, and QP3 applicants will receive priority placement before any other applicants who do not qualify for that preference, based on the date and time of application submission. Applicants not claiming a preference will be selected for tenancy based solely on the order of completed applications received. When an applicant nears the top of the waiting list, eligibility will be verified, including QP status for designated units or household income for low-income units.

The project will maintain a Tenant Selection Plan, outlining policies for soliciting applications from all QPs and ensuring a fair and transparent selection process. Potential tenants' QP status and annual household income will be verified at initial occupancy and recertified annually.

iii. Describe how support services for the tenants will be provided. Describe the type of services, relationship with partners providing services. If applying for funding under the Supportive Services category, please review and respond to the questions in the HOME-ARP Application: Supportive Services section.

To support the long-term housing stability of HOME-ARP renters, services will be provided by Catholic Charities, a provider of support services for individuals entering housing out of homelessness, and Through These Doors, Cumberland County's only regional domestic violence resource center. Letters of support from Catholic Charities and Through These Doors, which include descriptions of the support services they can offer, are included in Attachment F. By integrating these services, the project will foster long-term housing stability for tenants while maintaining compliance with HOME-ARP regulations.

iv. Describe previous experience or involvement in the development of other housing occupied or owned by the same target market to be assisted through this housing project. Include resumes of key development team members or other supporting documents to demonstrate capacity.

YFO has hired Developers Collaborative (DC) as its development consultant. DC is a recognized leader in affordable housing development in Maine, with extensive experience creating housing for all ages, low-income households, and individuals experiencing homelessness. DC's successful projects, such as 155 Danforth in Portland, demonstrate its ability to develop high-quality, community-oriented housing with supportive services. DC has a proven track record of successfully financing, constructing, and managing LIHTC developments. Resumes and a full project list are included in the Project Team Capacity section of this application to further illustrate our expertise in serving the target populations for this project.

e. Current Status/Project Readiness

i. Describe where in the development process the project stands at the time of the proposal submission. Include a projection of future significant dates, any and all anticipated barriers to overcome and expected completion date. If other funding sources are already secured for this project, please provide proof of funding.

YFO Resource Hub is well advanced in the development process, having secured local approvals and an allocation of financing from MaineHousing. Prior to the new construction development, YFO will be demolishing the existing buildings, including abatement of hazardous materials and removal of contaminated soil to prepare the site for development. St. Germain is currently preparing the documents required for environmental remediation, which will also be used as part of HUD's Environmental Review process. YFO has received an allocation of \$250,000 in CDBG funds for demolition, \$50,000 from the DEP for abatement, and \$250,000 from the Maine Department of Economic and Community Development, and has applied for \$400,000 from Greater Portland Council of Governments (GPCOG) as a Brownfields Grant, and \$300,000 from GPCOG as a Brownfields Loan. Once the HUD Environmental Review process is complete, demolition and remediation will commence.

New construction is anticipated to begin in fall 2025 and is expected to take 17 months, with completion in early 2027. Lease-up will begin in early 2027. Despite the strong progress, the most significant remaining barrier is the unresolved \$950,000 funding gap. Securing this funding is critical to keeping the project on schedule and ensuring the successful delivery of much-needed affordable housing and quality childcare in Portland.

ii. Project Readiness

1. Site Control

The project site is owned by YFO and a copy of the deeds are attached. YFO will contribute the site to YFO Resource Hub LP, the entity that will own the project. The LP is initially composed of a 99.00% member, Youth and Family Outreach, Inc., to be replaced by a 99.99% investor entity to be determined. The remaining membership interest will be owned and controlled by YFO GP Inc. YFO will own all shares of the GP.

2. Local Approvals

The project received Major Site Plan Approval from the Portland Planning Board on August 13, 2024, and the final Conditions of Approval and Findings of Fact were issued. This approval remains valid until August 13, 2025, and an extension request will be submitted prior to this expiration date. The 30-day appeal period expired on September 13, 2024, with no appeals filed. Additional local permits, such as building and street opening permits, will be obtained before construction.

3. Other Funding

The project was awarded 4% LIHTC, State Affordable Housing Credit, 0% deferred debt, and 5.5% interest-only debt from MaineHousing in the 2025 funding round. MaineHousing intends to issue a formal Notice to Proceed for the project after its loan committee meeting on June 18, 2025. Additionally, the project received a reservation of Jill C. Duson Housing Trust Funds in the amount of \$1,080,000 and the project site has been designated as an Affordable Housing TIF District (AHTIF) by the City of Portland, with MaineHousing's certificate of approval received.

4. Team Members (resumes included in Attachment I)

Owner: Youth and Family Outreach, Inc.

Development Consultant: Laura Reading, Developers Collaborative

Architect: Virginie Stanley, Invivid Architecture, and Studio MLA Architects

Civil Engineer: Stephen Bushey, Gorrill Palmer

Environmental Professional: St. Germain

Construction Manager: Penobscot General Contractors

Construction Lender: MaineHousing

Attorney: Maurice Selinger, Curtis Thaxter

Accountant: Greg Geisser, Otis Atwell

Asset Management: Syndicator TBD

Property Manager: Realty Resources, Inc.

Supportive Services: Catholic Charities and Through These Doors

5. Status of Design

The 90% design set is currently in progress by the selected architect and civil engineer, and the set is expected to be completed in early July, at which point PGC will confirm pricing with subcontractors. The 100% set is scheduled for completion in September, when PGC will again confirm pricing and provide a Guaranteed Maximum Price.

6. Relocation Needs

Youth and Family Outreach (YFO) will be temporarily relocating its programming while construction is underway. YFO has signed a lease with a property in South Portland that is currently a childcare facility. This program has made the decision to close, and YFO will take on their families and some of their teaching staff as they move into the facility. This building is already licensed by DHHS childcare licensing and approved by the fire marshal for this use, making relocation quite seamless. Relocation will happen at the beginning of July and YFO expects to be back in their new building in the spring of 2027.

f. Green Building/Elements of Sustainability/City of Portland Green Building Ordinance

i. New construction and rehabilitation proposals are expected to incorporate HUD NSPIRE. Any variation from these standards requires review and approval of CCHC, in its sole discretion. If the proposed project is not able to adhere to NSPIRE, the proposal must include justification and provide an alternate approach for confirming code compliant, healthy, energy efficient design choices.

YFO Resource Hub will comply with HUD NSPIRE, ensuring quality, safe, and functional housing. The development will integrate NSPIRE standards related to health, safety, and maintenance. If there are any necessary deviations from NSPIRE, they will be documented and justified, with alternative approaches provided to ensure compliance with building codes, energy efficiency standards, and long-term sustainability. However, no significant deviations from NSPIRE are anticipated at this time.

ii. Will the scope of improvements ensure that the structure and systems will have a useful life for at least the Period of Affordability or Restricted Use Period?

The project scope is designed to ensure that all major building systems and structural components will meet or exceed their expected useful life for at least the Period of Affordability or Restricted Use Period.

iii. If awarded funds, the contract term shall not exceed 36 months and all HOME-ARP funds must be expended by September 30, 2030. Describe the elements of your approach that will help to ensure the project will be completed within the proposed schedule and budget.

To meet the requirement that all HOME-ARP funds be expended by September 30, 2030, the project has a detailed and achievable development timeline:

- All other funding sources for the project have been allocated.
- Design work is anticipated through summer 2025, and construction may begin in fall 2025 pending environmental review and release and environmental remediation.
- Construction is anticipated to last 17 months, allowing ample time for expenditure of HOME-ARP funds well before the 2030 deadline.
- Budget discipline is reinforced through regular cost monitoring, a construction contingency of 5%, and secured financing commitments that minimize risk.

The project is supported by an experienced development team with a track record of delivering affordable housing projects on time and within budget, ensuring compliance with all funding and regulatory requirements.

iv. This development will comply with the City's Green Building Ordinance.

g. Community Engagement

i. A substantially documented outline of community engagement. This must include, but is not limited to, the neighborhood organizations representing the neighborhood where the project is to be located.

Securing local approvals for YFO Resource Hub included substantial community engagement, ensuring alignment with local priorities and addressing concerns from neighborhood stakeholders. Throughout the entire predevelopment process, the development team has actively engaged with City of Portland staff to ensure that the project aligned with the City's broader housing goals and land use requirements.

A neighborhood meeting was held on June 26, 2024 at 409 Cumberland Avenue and the Portland Planning Board reviewed the project in a public hearing, ultimately approving the Major Site Plan Application on August 13, 2024. Outreach efforts throughout the Planning Board process included notices sent to adjacent property owners regarding the Planning Board review and public comments were collected during the hearing. No appeals were filed within the required period. YFO has had additional conversations with direct abutters, including Reveler LLC and Preble Street, to make sure the shared alley adjacent to this development is managed properly.

3. Budget Information

a. Provide a full development budget with sources and uses.

A copy of the full development budget with sources and uses and all hard and soft costs is included in Attachment E. Developer fee will be consistent with MaineHousing limits and will not exceed 10% of acquisition plus 15% of development costs.

b. Provide a proforma describing how your project is feasible for operation throughout the Period of Affordability. Does the pro forma show positive cash flow, or adequate reserves to cover shortfalls? What measures will you put into place to ensure the project performs according to plan?

A copy of the project pro forma is also included in Attachment E. The pro forma shows positive cash flow throughout the affordability period, with a debt service coverage ratio of 1.15 in the project's first stabilized year of operation.

The project benefits from several previously mentioned financial supports that enhance its operational stability, including a 75% TIF, 10 PBVs, and anticipated rooftop solar array. Adequate reserves are incorporated into the development and operating budgets to ensure funds are available for future capital needs and unforeseen shortfalls to ensure financial stability.

To ensure the project performs according to plan, the development team will implement strong asset management and property oversight. YFO will be managed by Realty Resources, a dedicated group of professionals with diverse expertise in accounting, property management, and compliance.

Overall, the pro forma demonstrates that YFO Resource Hub is well-positioned to remain financially sustainable throughout the affordability period, with built-in safeguards to address potential risks and support long-term operational success.

4. Project Team Capacity

a. Discuss organization's history and briefly describe like projects that have been developed over the past five years.

Youth and Family Outreach is a 501(c)(3) non-profit organization located in the Bayside neighborhood of Portland, accredited by the National Association for the Education of Young Children, a level 4 on Maine's Quality Rating System, and state licensed. Youth and Family Outreach has a rich, unwavering history of meeting the needs of Portland's children and families. Since its origins in 1844 as a community outreach mission of the Portland Ministries at Large, the agency has focused its efforts on a serving the community with compassion. YFO currently operates an early care and education facility which was established in 1986.

Developers Collaborative (DC) is Maine's leading community-based real estate development firm. An acknowledged leader in affordable housing, historic preservation, and public private partnerships, DC continues to innovate to create projects that build community. DC believes that a developer has a great responsibility; that the ways we intervene in the built environment will affect people's lives for a long time. DC feels all developers owe it to their respective communities to do more than just take a piece of land or building to generate the highest short-term financial return possible. Serving the community while creating a financially viable development is what DC does best. DC has designed many housing developments for populations

with specific needs as diverse as seniors, families, persons with disabilities, domestic violence survivors, and persons experiencing homelessness. All of DC's projects aim to build community through careful design and quality construction.

A full list of our LIHTC developments from the last five years is included below and additional developments can be found on our website at www.developerscollaborative.com. Select project descriptions are included in Attachment I.

Project	Location	Units	Project Type	Completion Date
Equality Commons	Portland	54	Affordable senior	Under Construction (2026)
Rumford Senior Housing	Rumford	33	Affordable senior	Under Construction (2025)
Peasley Park	Rockland	49	Affordable senior	2025
Sturgeon Landing	Augusta	32	Affordable	2025
Congress Square Commons	Belfast	36	Affordable	2024
Harrison Ridge	Bridgton	48	Affordable senior	2023
155 Danforth	Portland	30	Affordable	2023
Uplands 2	Scarborough	39	Affordable senior	2023
Oriole Senior	Ellsworth	29	Affordable senior	2022
Penobscot Landing	Belfast	25	Affordable senior	2021
Uplands	Scarborough	39	Affordable senior	2021
Summer Street	Gardiner	15	Affordable	2020
Maple Street	Augusta	29	Affordable	2020

b. Development Team Members (resumes included in Attachment I)

Owner: Youth and Family Outreach, Inc.

Development Consultant: Laura Reading, Developers Collaborative

Architect: Virginie Stanley, Invivid Architecture, and Studio MLA Architects

Civil Engineer: Stephen Bushey, Gorrill Palmer

Environmental Professional: St. Germain

Construction Manager: Penobscot General Contractors

Construction Lender: MaineHousing

Attorney: Maurice Selinger, Curtis Thaxter

Accountant: Greg Geisser, Otis Atwell

Asset Management: Syndicator TBD

Property Manager: Realty Resources, Inc.

Supportive Services: Catholic Charities and Through These Doors

ATTACHMENTS

- A. Conceptual Site Plan
- B. Conceptual Floor Plans
- C. Site Control (Deeds)
- D. Conceptual Construction Cost Estimate
- E. S&U, Development Budget, Operating Budget, & Pro Forma
- F. Service Provider Letters of Support
- G. MaineHousing 9% LIHTC Notice
- H. MaineHousing TIF Approval
- I. Development Team Resumes

331 CUMBERLAND AVENUE

HOUSING					
SOURCES OF FUNDS	Construction		Terms/Comments		
	Permanent	Period	Rate	Term	Paymnt
Amortizing Debt			2.00%	20	\$0
AHP Subsidized Advance					
MSHA RLP	10,786,553		5.50%	30	\$593,260
MSHA RLP			5.50%	30	\$0
<i>Subtotal Amortizing Debt</i>	10,786,553				\$593,260
Soft Debt					
Portland HTF	1,080,000	540,000	-	NPV	
MSHA RLP	1,000,000	500,000	0.0%	30	\$0
DECD BCRLF Grant					
PDC Brownfields Closeout Grant		-			
GPCOG Brownfields		-			
HOME-ARP	950,000	-			
<i>Subtotal Soft Debt</i>	3,030,000	1,040,000			
Construction Loan		22,400,653	82.32%		
Total Debt Financing	13,816,553	23,440,653			
Solar Credit Equity	104,500				
45L	300,000				
SLIHTC	2,712,598				
Community Service Facility Equity					
LIHTC Syndication Proceeds	9,027,429	250,000			
Deferred Developer Fee	1,250,000				
GP Contribution	100				
TOTAL SOURCES	27,211,180	23,690,653			
USES OF FUNDS					
USES OF FUNDS	Total	Construction Period			
Acquisition/Demo	-	-			
Construction	21,219,667	21,219,667			
Soft Costs	1,524,726	1,524,726			
Financing Fees	1,353,000	650,000			
Other Soft Costs	250,259	196,259			
Development Fee	2,000,000	100,000			
Reserves	863,527	-			
TOTAL USES	27,211,180	23,690,653			
DEVELOPMENT CONTINGENCY (GAP)	0	-			

CHILDCARE					
SOURCES OF FUNDS	Construction		Terms/Comments		
	Permanent	Period	Rate	Term	Paymnt
Amortizing Debt			2.00%	20	\$0
AHP Subsidized Advance					
MSHA RLP	-		5.50%	30	\$0
MSHA RLP (Childcare Space)	800,000		5.50%	30	\$44,000
<i>Subtotal Amortizing Debt</i>	800,000				\$44,000
Soft Debt					
Portland HTF	-	-	-	NPV	
MSHA RLP	-		0.0%	30	\$0
DECD BCRLF Grant					
PDC Brownfields Closeout Grant		-			
GPCOG Brownfields		-			
HOME-ARP		-			
<i>Subtotal Soft Debt</i>	-	-			
Construction Loan		3,811,793	100.00%		
Total Debt Financing	800,000	3,811,793			
Solar Credit Equity	-				
45L					
SLIHTC	-				
Community Service Facility Equity					
LIHTC Syndication Proceeds	1,350,485				
Deferred Developer Fee	-				
YFO Contribution	1,661,308				
TOTAL SOURCES	3,811,793	3,811,793			
USES OF FUNDS					
USES OF FUNDS	Total	Construction Period			
Acquisition/Demo	-	-			
Construction	3,280,893	3,280,893			
Soft Costs	230,900	230,900			
Financing Fees	-				
Other Soft Costs	300,000	300,000			
Development Fee	-				
Reserves	-	-			
TOTAL USES	3,811,793	3,811,793			
DEVELOPMENT CONTINGENCY	0	-			

331 CUMBERLAND AVE
DEVELOPMENT BUDGET AND TAX CREDITS

Development Budget	Residential	Daycare	Total	Basis		
ACQUISITION/DEMOLITION			-			
Land			-			
Buildings			-	-		
Abatement/Demolition			-			
Subtotal Acquisition/Demo	-		-	-		
CONSTRUCTION						
Site Work	2,576,906	54,563	2,631,469	2,631,469		
Gen'l Requirements			-	-		
Structures	17,632,301	3,070,097	20,702,398	20,702,398		
Building Permit			-	-		
OH & P			-	-		
Bond			-	-		
Abatement			-	-		
Contractor Contingency			-	-		
Construction Contingency	1,010,460	156,233	1,166,693	1,166,693		
Subtotal Construction	21,219,667	3,280,893	24,500,560	24,500,560		
SOFT COSTS						
Solar	275,000		275,000	275,000		
Permits & fees	351,726		351,726	351,726		
Engineer/Survey	110,000		110,000	110,000		
Architect	433,000	230,900	663,900	663,900		
Real Estate Attorney	55,000		55,000	55,000		
Title Insurance & Recording	20,000		20,000	20,000		
Accounting/ Cost Certification	10,000		10,000	10,000		
Soft Cost Contingency	60,000		60,000	60,000		
Utility Allowance	150,000		150,000	150,000		
Const. Taxes & Insurance	60,000		60,000	60,000		
Subtotal Soft Costs	1,524,726	230,900	1,755,626	1,755,626		
FINANCING EXPENSES						
Constr. Loan Orig. Fee			-	-		
Construction Legal & Inspection			-	-		
Construction Interest	895,000		895,000	667,845		
Other Financing Expenses			-	-		
Perm. Loan Orig. Fee	458,000		458,000	-		
Subtotal Financing	1,353,000		1,353,000	667,845		
OTHER SOFT COSTS						
Market Study	5,500		5,500	5,500		
Property Appraisals	7,500		7,500	7,500		
Environmental Report & Testing	35,000		35,000	35,000		
Construction Oversight	-		-	-		
Syndication Due Diligence	25,000		25,000			
Tax Credit Fees & Prepaid Monitoring	157,004		157,004	-		
FFE	20,000	300,000	320,000	320,000		
Organizational Legal	255		255			
Subtotal Other	250,259	300,000	550,259	368,000		
DEVELOPER'S FEES						
Developer's Ovhd. & Profit	2,000,000		2,000,000	2,000,000		
Consultant			-	-		
Subtotal development fees	2,000,000		2,000,000	2,000,000		
PROJECT RESERVES						
Rent Up & Marketing Reserve	50,000		50,000	-		
Operating Reserve	553,847		553,847	-		
Replacement Reserve	176,323		176,323	-		
Prepaid Taxes & Insurance	83,358		83,358	-		
Subtotal Reserves	863,527		863,527	-		
TOTAL PROJECT COST	27,211,180	3,811,793	31,022,973	29,292,031		
25%/10% Cap on Community Service Facility		4,798,024				
Eligible Basis				29,292,031		
Less FedHOME				-		
LIHTC Eligible Basis				29,292,031		
Applicable Fraction	80.974%			less fed HTC		
Qualified Basis		3,086,571		20,632,436		
Qualified CT Adjustment	130%	4,012,543		26,822,166		
Credit Percentage		4.00%		4.00%		
Annual LIHTC Eligible		160,502		1,072,887	2,712,598	40%
Annual LIHTC Allocated				1,072,887		
LP Interest	98.99%				0.99	0.95
NET PROCEEDS	85.00%	1,350,485		9,027,429	2,675,382	104,500

Affordability Analysis & Rent Schedule					
Affordable Rents					
Rent Schedule					
Unit Type	# Units	Net Rent	Utility Allow.	Gross Rent	Afford. @ % Med. Inc.
0 BR @ 50%	2	\$1,044	92	\$ 1,136	
1 BR @ 50%	12	\$1,112	105	\$ 1,217	
2 BR @ 50%	9	\$1,340	121	\$ 1,461	
3 BR @ 50%	6	\$1,372	139	\$ 1,511	
0 BR @ 60%	2	\$1,271	92	\$ 1,363	
1 BR @ 60%	8	\$1,356	105	\$ 1,461	
2 BR @ 60%	5	\$1,632	121	\$ 1,753	
3 BR @ 60%	4	\$1,664	139	\$ 1,803	
0 BR PBV	1	\$1,425	92	\$ 1,517	
1 BR PBV	4	\$1,614	105	\$ 1,719	
2 BR PBV	3	\$2,091	121	\$ 2,212	
3 BR PBV	2	\$2,123	139	\$ 2,262	
1 BR Market	4	\$2,167	105	\$ 2,272	
2 BR Market	8	\$2,475	121	\$ 2,596	
3 BR Market	0				
TOTAL	48				
Bedroom Mix	0 BR 4	1 BR 20	2 BR 14	3 BR 10	Total 48
Percent	8%	42%	29%	21%	
Income Mix	50%AMI	60%AMI	PBV	Market	Total
Number	29	19	10	12	60
Percent	60.4%	39.6%	20.8%	25.0%	
Bedrooms		102			
LIHTC Units		48			
Market Rate Units		12			

Operating Income & Expense		
Effective Gross Income	Monthly	Annual
Residential Rental Income	92,398	1,108,776
HAP Income	6,145.60	73,747
Commercial Rental Income	-	
Commercial Vacancy		
Less Vacancy & Collection Loss	5.0% (4,927)	(59,126)
TIF Income	5,409.88	64,919
Effective Gross Income	99,026	1,188,316

Annual Expenses	Per Unit	Total
ADMINISTRATIVE EXPENSES		

Management Fee	1,404	67,404
Legal	31	1,500
Audit	208	10,000
Marketing	20	1,500
Site Manager	1,083	52,000
Resident Services	468	22,464
Broadband Service	20	960
Other	-	
<i>Subtotal Administrative</i>	3,246	155,828
OPERATING EXPENSES		
Water/Sewer/Stormwater	500	24,000
Natural gas (hot water)	360	21,600
Electric inc heat	1,250	60,000
Solar Offset	(305)	(18,310)
<i>Subtotal Operating</i>	1,819	87,290
MAINTENANCE		
Building Maintenance	1,000	48,000
Janitorial	300	14,400
Supplies/Exterminating	150	7,200
Painting/Decorating	150	7,200
Grounds	250	15,000
Snow Removal	320	19,200
Trash Removal	867	10,400
<i>Subtotal Maintenance</i>	2,529	121,400
GENERAL EXPENSES		
Property taxes	2,073	99,515
Insurance	600	28,800
Management Broadband	-	
<i>Subtotal General</i>	2,673	128,315
REPLACEMENT RESERVE		
Housing	450	21,600
TOTAL RESERVES		21,600
TOTAL EXPENSES PLUS RESERVES	10,717	514,433

331 CUMBERLAND AVENUE

30-YEAR PROFORMA OPERATING INCOME AND EXPENSE STATEMENT

	Trend Rate	1 2027	2 2028	3 2029	4 2030	5 2031	6 2032	7 2033	8 2034	9 2035	10 2036	11 2037	12 2038	13 2039
INCOME	(see below)													
Gross Rental Income		1,182,523	1,206,174	1,230,297	1,254,903	1,280,001	1,305,601	1,331,713	1,358,347	1,385,514	1,413,225	1,441,489	1,470,319	1,499,725
Residential Vacancy	5.00%	(59,126)	(60,309)	(61,515)	(62,745)	(64,000)	(65,280)	(66,586)	(67,917)	(69,276)	(70,661)	(72,074)	(73,516)	(74,986)
Commercial	2.00%	-	-	-	-	-	-	-	-	-	-	-	-	-
Commercial Vacancy	5.00%	-	-	-	-	-	-	-	-	-	-	-	-	-
TIF Income	2.00%	64,919	66,217	67,541	68,892	70,270	71,675	73,109	74,571	76,062	77,584	79,135	80,718	82,332
EFFECTIVE INCOME		1,188,316	1,212,082	1,236,324	1,261,050	1,286,271	1,311,996	1,338,236	1,365,001	1,392,301	1,420,147	1,448,550	1,477,521	1,507,072
EXPENSES														
Administrative	3.00%	155,828	160,503	165,318	170,277	175,386	180,647	186,067	191,649	197,398	203,320	209,420	215,702	222,173
Operating	3.00%	87,290	89,909	92,606	95,385	98,246	101,193	104,229	107,356	110,577	113,894	117,311	120,830	124,455
Maintenance	3.00%	121,400	125,042	128,793	132,657	136,637	140,736	144,958	149,307	153,786	158,399	163,151	168,046	173,087
General	3.00%	128,315	132,164	136,129	140,213	144,420	148,752	153,215	157,811	162,546	167,422	172,445	177,618	182,947
Replacement reserve	3.00%	21,600	22,248	22,915	23,603	24,311	25,040	25,792	26,565	27,362	28,183	29,029	29,899	30,796
TOTAL EXPENSES		514,433	529,866	545,762	562,135	578,999	596,369	614,260	632,688	651,669	671,219	691,355	712,096	733,459
NET OPERATING INCOME		673,882	682,216	690,561	698,915	707,272	715,627	723,976	732,313	740,633	748,929	757,195	765,425	773,613
DEBT SERVICE		593,260	593,260	593,260	593,260	593,260	593,260	593,260	593,260	593,260	593,260	593,260	593,260	593,260
CASH FLOW		80,622	88,955	97,301	105,655	114,012	122,367	130,716	139,053	147,372	155,668	163,934	172,165	180,352
CASH FLOW/UNIT		1,344	1,483	1,622	1,761	1,900	2,039	2,179	2,318	2,456	2,594	2,732	2,869	3,006
DSCR		1.14	1.15	1.16	1.18	1.19	1.21	1.22	1.23	1.25	1.26	1.28	1.29	1.30

14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30
2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056
1,529,720	1,560,314	1,591,521	1,623,351	1,655,818	1,688,934	1,722,713	1,757,167	1,792,311	1,828,157	1,864,720	1,902,014	1,940,055	1,978,856	2,018,433	2,058,802	2,099,978
(76,486)	(78,016)	(79,576)	(81,168)	(82,791)	(84,447)	(86,136)	(87,858)	(89,616)	(91,408)	(93,236)	(95,101)	(97,003)	(98,943)	(100,922)	(102,940)	(104,999)
-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
83,979	85,659	87,372	89,119	90,902	92,720	94,574	96,466	98,395	100,363	102,370	104,417	106,506	108,636	110,809	113,025	115,285
1,537,213	1,567,957	1,599,316	1,631,303	1,663,929	1,697,207	1,731,151	1,765,774	1,801,090	1,837,112	1,873,854	1,911,331	1,949,558	1,988,549	2,028,320	2,068,886	2,110,264
228,838	235,704	242,775	250,058	257,560	265,286	273,245	281,442	289,886	298,582	307,540	316,766	326,269	336,057	346,139	356,523	367,218
128,189	132,035	135,996	140,075	144,278	148,606	153,064	157,656	162,386	167,257	172,275	177,443	182,767	188,250	193,897	199,714	205,705
178,280	183,628	189,137	194,811	200,656	206,675	212,876	219,262	225,840	232,615	239,593	246,781	254,185	261,810	269,664	277,754	286,087
188,435	194,088	199,911	205,908	212,085	218,448	225,001	231,751	238,704	245,865	253,241	260,838	268,663	276,723	285,025	293,575	302,383
31,720	32,672	33,652	34,662	35,702	36,773	37,876	39,012	40,182	41,388	42,629	43,908	45,226	46,582	47,980	49,419	50,902
755,462	778,126	801,470	825,514	850,280	875,788	902,062	929,124	956,997	985,707	1,015,278	1,045,737	1,077,109	1,109,422	1,142,705	1,176,986	1,212,296
781,750	789,831	797,846	805,788	813,649	821,419	829,090	836,651	844,093	851,405	858,576	865,594	872,449	879,127	885,615	891,900	897,968
593,260	593,260	593,260	593,260	593,260	593,260	593,260	593,260	593,260	593,260	593,260	593,260	593,260	593,260	593,260	593,260	593,260
188,490	196,570	204,586	212,528	220,389	228,159	235,829	243,390	250,832	258,144	265,315	272,334	279,188	285,866	292,355	298,640	304,708
3,142	3,276	3,410	3,542	3,673	3,803	3,930	4,057	4,181	4,302	4,422	4,539	4,653	4,764	4,873	4,977	5,078
1.32	1.33	1.34	1.36	1.37	1.38	1.40	1.41	1.42	1.44	1.45	1.46	1.47	1.48	1.49	1.50	1.51

2. Project Narrative

a. Project Description - Provide a detailed description of the project that is proposed.

Greater Portland Family Promise is dedicated to helping families experiencing homelessness achieve sustainable independence through a community-based response. With extensive experience in transitional housing, emergency shelter, housing navigation, and stabilization case management, GPFPP provides essential support, including access to food and other necessities.

Family Promise is proposing the development of a two-family dwelling unit at 22 Pleasant Ave, Portland, Maine to serve as a transitional housing program. This new project will be able to house four families at a time, two in each unit. This initiative is designed to provide temporary, stable housing for families experiencing homelessness or at risk of homelessness, offering them a safe, supportive environment while they work toward securing permanent housing.

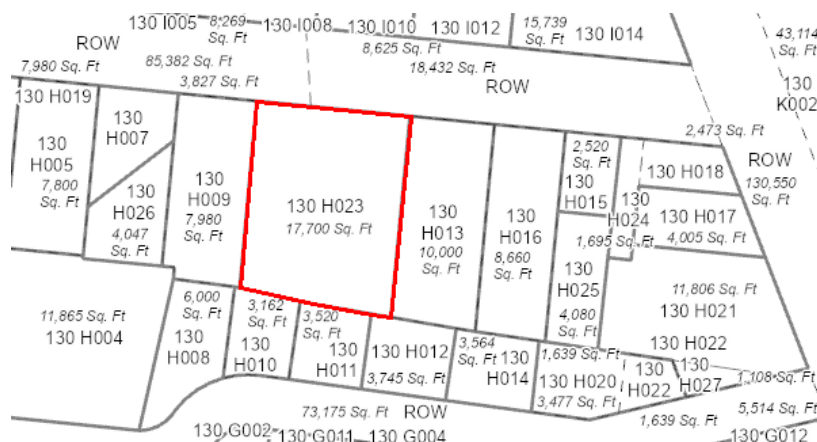
On July 24, 2024, the Board of Trustees for the New England Conference of the United Methodist Church approved the donation of the former Clark Memorial Church parsonage and its property to Greater Portland Family Promise. The transfer of the property was completed on March 18, 2025.

This new Family Promise Transitional Housing Program will provide families experiencing homelessness or at risk of homelessness with temporary residence for up to 18 months while they receive assistance in securing long-term housing. Each family will have a private, locked room, while kitchen, bathroom, laundry, and community spaces will be shared. Family Promise will also offer on-site supportive services, including housing navigation and case management, to help families transition into permanent housing successfully.

As part of this initiative, Family Promise will provide supportive services in the form of housing navigation services to help families secure permanent housing, housing stabilization case management to ensure long-term housing success, basic needs assistance, including food, diapers and toiletries. Services will also include referrals for education, childcare, and employment. By combining safe housing with supportive services, this project aims to reduce family homelessness and promote housing stability in the Portland community.

i. Location of the project (address, Tax Map/Lot)

22 Pleasant Ave, Portland, Maine 04103



ii. Development strategy and how it fits into the neighborhood

Family Promise's development strategy ensures that our project will provide much-needed housing for families experiencing homelessness while maintaining long-term sustainability. The development of a two-family unit at 22 Pleasant Avenue is practical, legally permissible, and financially viable. The neighborhood already includes several multi-family housing units, and this project aligns with the City of Portland's updated land use policies, which support increased housing density and improved access to stable housing for vulnerable populations.

Zoning & Land Use Compliance: Michelle Lamm from Greater Portland Family Promise and Jesse Thompson, an architect from Kaplan Thompson Architects, have met with Zoning Administrator Ann Machado and Development Review Services Manager Matthew Grooms from the City of Portland Planning and Urban Development Department to discuss the reuse of 22 Pleasant Avenue ("the Property"). The Property is located in the RN-3 Residential Neighborhood Zone, which allows single-family, two-family, three-family, and four-family dwelling units, and accessory dwelling units. The definition of "family" in the Portland code includes "up to eight unrelated individuals living together in a dwelling unit as a single nonprofit housekeeping unit."

Design & Architectural Planning: Family Promise has been working with Deirdre Wadsworth from Hardypond Construction and Jesse Thompson from Kaplan Thompson Architects to develop architectural drawings and floor plans to determine unit layout and structural modifications, ensuring privacy and comfort, fire safety, egress requirements and accessibility laws.

Financial Viability: Family Promise has been working with Kaplan Thompson Architects and Hardypond Construction to gather estimates to determine project costs.

Funding & Grants: Family Promise has applied for and has been granted \$432,000 in federal earmark HUD Community Project Funding for this project.

Revenue Potential: We will determine rent pricing based on single-room occupancy for each family, at 75% of \$1,434 per 1 bedroom unit according to Maine's General Assistance Maximums.

Permitting & Regulatory Approvals: Once full funding is secured, Family Promise will work with the architect and a builder to submit a final site plan to the City of Portland and to begin the process of obtaining necessary permits to meet compliance standards.

iii. Number and types of units included in the project, including income eligibility, anticipated monthly rent for each type/size of unit based on current market conditions and HOME rent limits. Include rates for both subsidized and non-subsidized units, if applicable. Indicate if rents include utilities and indicate expected monthly utility expenses if not included in the rent.

The proposed project at 22 Pleasant Ave will provide temporary housing for up to four families at a time, serving families experiencing homelessness or at risk of homelessness.

Rent calculation is based on Maine General Assistance Maximums, which estimated projected income at 75% of the single-room occupancy rate. The current 2024-2025 rate is \$1,434 per unit/room. There will be one fixed rate for this project and there will not be subsidized or non-subsidized units in this project. All utilities (heat, electricity, water, waste disposal) and property maintenance will be included in the rent.

iv. Details regarding building types (number of bedrooms/units, square footage, any special amenities, ownership structure)

The project at 22 Pleasant Avenue, Portland, ME, will be to create a two-unit transitional housing facility. Each of the two dwelling units will accommodate two families, for a total capacity of four families. Each family will have a private, lockable bedroom, while kitchen, bathroom, laundry, and living spaces will be shared within each unit.

v. Details regarding the use of building materials, utility types

Building Materials: Framing, drywall, insulation (Dens-Pack cellulose), LVT flooring, and trim.
Utilities: Gas heating, ERV ventilation, air source heat pumps, heat pump water heaters, and new plumbing.

Electrical: LED lighting, 100-amp panels, security systems, and provisions for solar energy.

Special Features: Fire suppression, fire extinguishers, and energy efficient appliances

vi. If the project includes rehabilitation of an existing structure, please include the age of the building, extent of rehabilitation, number of current occupants, current utilities.

The building at 22 Pleasant Ave is a single-family home built in 1900. The project will involve substantial rehabilitation, including new exterior stairs, insulation, fire suppression system, and plumbing and HVAC upgrades. At the time of construction, the house will be vacant.

Average Monthly Utilities (based on current occupancy):

Natural Gas: \$245

Electricity: \$144

Water/Sewer: \$151

b. Target Market - HOME ARP Qualifying Populations Information

i. Describe the Qualified Population that will occupy the units after development work is complete. Please include information on the Qualified Population by income levels, household sizes, and any special needs (elderly, physically or mentally disabled, homeless etc.). Points will be awarded based on the extent to which the proposal meets CCHC's HOME-ARP targeting priorities and preferences noted above

The units at 22 Pleasant Ave will have a designated reference for QP 1 families experiencing homelessness or at risk of homelessness. These families will typically have zero income and fall within low-income eligibility criteria. Household sizes will vary, but each unit will be designed to accommodate two families, with private rooms for each family. The program is intended to provide housing for families with children, though individuals with special needs such as elderly family members, victims of domestic violence and sexual assault, veterans and those with physical or mental disabilities, will also be considered, depending on the available resources and need. The project aligns with CCHC's HOME-ARP targeting priorities by focusing on vulnerable populations, particularly those who are homeless or at immediate risk of homelessness.

The City of Portland, acting as the Participating Jurisdiction (PJ) for its HOME-ARP allocation, will ensure compliance with HUD requirements regarding the inclusion of all four Qualified Populations (QPs) in its HOME-ARP funded projects activities.

1. Homeless individuals and families
2. At risk of homelessness
3. Victims of domestic violence, sexual assault, or human trafficking
4. Other populations as defined by HUD guidelines

Greater Portland Family Promise as a subrecipient and social service provider, GPFP will receive referrals from the Coordinated Entry (CE) system.

- GPFP will only serve families, ensuring that families from all QPs (Homeless, At Risk of Homelessness, Domestic Assault, Sexual Assault, and Trafficking) have access to HOME-ARP supported transitional housing program.

- GPFP will honor the prioritization established through the CE system, accepting families based on prioritization and availability.

Greater Portland Family Promise as a subrecipient has set a preference to serve only families and will prioritize families based on:

- Length of time homelessness and number of episodes of homelessness (a total number of months homelessness over the past 3 years and number of times the client has been homeless)
- Vulnerability as assessed by a Vulnerability Index - Service Prioritization Decision Assistance Tool such as standardized tools such as VI-SPDAT prescreen and triage for families helps Continuums of Care (CoCs) implement a HUD requirement to establish a standardized process for prioritizing people for services ensuring that all consumers are evaluated in the same way

a. List Justification for Subsidy Request

i. Justify the level of funding requested by describing the relationship between the cost of the project and the required revenue needed to support project feasibility. Include requirements of other funding sources and all costs to be charged to the project (i.e. relocation, infrastructure costs, etc.). The Development Pro Forma and Operating Pro Forma should support the size of the request and funding requests from other sources. Any project contingencies should also be included.

We are requesting funding to supplement a federal grant received through Congressionally Directed Spending (CDS) and coming through HUD's Community Project Funding (CPF). The \$432,000 already secured will cover nearly 50% of our estimated development cost of \$911,000. The total development cost includes related soft costs such as architecture and engineering, utilities, and the hard costs of construction, including demolition, materials, plumbing, HVAC, insulation, and finishings. The operating pro forma illustrates the income-to-expense balance, with the expected rent covering building and grounds operating costs, and permanent funds coming from donors associated with the Clark House property that will be invested for future major expenses.

ii. Describe what other assistance is needed or would be beneficial in order to meet project financing costs and minimize total development costs.

If we are awarded this HOME-ARP development funding, we expect to be able to fully pay for the development of the Clark House property transitional housing program. We have received a large gift from the New England United Methodist Conference, and we are expecting a large

donation from a private donor. These contributions will be invested to help pay for major expenses, ongoing upkeep, repairs, and any other unexpected expenses.

d. Development Plan/Integration of Support Services to HOME ARP funded development/units:

i. Describe the plan for property management, including a maintenance plan and measures that will be taken to ensure renters will have long-term housing stability.

Greater Portland Family Promise will contract with a professional property management company to oversee the property. Services will include 24/7 emergency response, routine upkeep, preventative maintenance, and a dedicated repair budget. To promote long-term housing stability, tenants will have access to supportive services such as financial assistance, tenant education, and case management. Lease agreements will include provisions that protect tenant rights and promote stability, ensuring a secure and well-maintained living environment for all residents.

ii. Describe tenant selection policies. How will potential tenants be screened? Include information on how a waiting list will be developed and how units will be advertised.

Application process, tenant selection and waiting list

Only families (with minor children or pregnant) from one of the four HUD-defined Qualified Populations (QPs) will be eligible. Eligibility will be verified by Coordinated Entry documentation, HMIS data, and HUD guidance.

All families will be referred to Greater Portland Family Promise through the Continuum of Care (CoC), Coordinated Entry (CE) system. GPFP will not accept walk-in applications or self-referrals.

Families will be prioritized based on the CoC, Coordinated Entry established criteria, including but not limited to:

- Length and history of homelessness
- Vulnerability score
- Risk factors including domestic violence, sexual assault and trafficking

Tenant Selection Process

When a unit becomes available, GPFP will offer it to the highest-priority eligible family. If declined once, the family remains at the top.

Initial Screening for eligibility

Upon referral, GPFP will schedule an intake

- Review of family composition, background
- Review services needs
- Verify income eligibility
- Verify safety for program eligibility

Waiting List

GPFP will maintain referrals in a secure, electronic format with applicant name/ID, CE referral date, prioritization score, family size, and QP category

Removal from Waiting List:

- At applicant's written request
- Failure to respond to outreach within 30 days
- Determination of ineligibility
- Provision of false information
- After two refusals without documented good cause, the family is removed and must re-enter through the Coordinated Entry system

iii. Describe how support services for the tenants will be provided. Describe the type of services, relationship with partners providing services. If applying for funding under the Supportive Services category, please review and respond to the questions in the HOME-ARP Application: Supportive Services section.

The primary goal is to reduce the duration of family homelessness and ensure that families remain housed for a minimum of one year.

Key services include:

Access to Public Benefits and Community Resources

- Assistance with applying for DHHS benefits (SNAP, MaineCare, TANF, WIC)
- Connections to food pantries and culturally appropriate food resources

Housing Navigation & Support

- Guidance in securing low-barrier, affordable housing
- Assistance with documentation, applications, and lease agreements

Education Assistance

- Collaboration with McKinney-Vento liaisons to enroll children in school
- Support for English language classes, job training, and continuing education

Financial Assistance and Basic Needs Support

- Help with rent, security deposits, damages, repairs, and utilities
- Support for transportation and laundry expenses

Housing Stabilization & Tenant Advocacy

- Helping families overcome challenges in their first year of tenancy
- Matching each family with a volunteer Family Support Partner

Greater Portland Family Promise will provide supportive services through a coordinated effort between Family Promise and community partners to ensure tenants receive the necessary support for long-term stability. Family Promise will collaborate with other local non-profits, healthcare providers, education and workforce development agencies. Family Promise has expertise in

evidence-based practices, culturally responsive practices and working with diverse and vulnerable populations.

Greater Portland Family Promise works with many partners (municipalities' social services departments, schools, property management companies, and faith-based organizations) to make this work possible and to work toward the common goal of addressing the needs of the growing homeless population. Partners work together to prevent and reduce homelessness through transitional housing, permanent housing, food assistance, housing navigation, and housing stabilization services.

Family Promise works very closely with the City of Portland Social Services Department. Once an apartment has been found and secured Family Promise facilitates the move in process. Family Promise case managers submit the General Assistance rental agreement, request an apartment inspection from housing and safety, instruct families to withdraw TANF money to make rent payment using a money order and to request the remainder of the funds needed from GA.

Family Promise works in tandem with Portland Public Schools McKinney Vento social workers. Family Promise case managers and McKinney Vento social workers both prioritize families' access to education and housing. PPS and Family Promise are invested in families and their academic and housing stability work together to minimize disruption and stressful situations for the families we work with by coordinating transportation, registration and enrollment, and grant funding for homelessness prevention.

Family Promise partners with Avesta Housing to move families into quality, safe, affordable housing. Family Promise case managers help families to apply for vacancies and to complete the required eligibility paperwork regarding assets, income, and employment. Family Promise also provides a professional reference and acts as a guarantor for the families that we work with. Family Promise case managers also help facilitate the lease signing and move-in process, helping families to understand their rights and responsibilities and to secure security deposit and rent payment. Family Promise provides ongoing housing stabilization by acting as a liaison between the Avesta property manager, residence service coordinator, and the family to ensure a successful tenancy.

Family Promise collaborates with Good Shepherd Food Bank, Preble Street, and Food For All Mobile Market to provide monthly culturally appropriate and nutritious food to families.

Additionally, Family Promise works closely with Maine Needs and over 20 congregations that help with donations of bedding, household goods, food, diapers, and personal care items.

i. Describe previous experience or involvement in the development of other housing occupied or owned by the same target market to be assisted through this housing project. Include resumes of key development team members or other supporting documents to demonstrate capacity.

Greater Portland Family Promise has extensive experience providing emergency shelter, transitional housing, and supportive services for families experiencing homelessness. Since 2017, GPFP has operated rotational shelters in partnership with the faith-based community. In response to the pandemic, GPFP transitioned to a 24-hour static shelter and expanded transitional housing through partnerships with Clark United Methodist Church, Woodfords Congregational

Development Budget: 22 Pleasant Avenue (GPFP)

Project Income	
HUD Community Project Funding Award	\$432,000
HUD HOME-ARP request	\$479,000
TOTAL INCOME	\$911,000

DEVELOPMENT EXPENSES - Uses of funding	
Acquisition	0
Architectural, engineering, and related professional services	\$ 50,000
Permits and fees	\$ 22,000
Building/Renovations	\$ 715,000
Builder's Overhead and Profit	\$ 50,000
Funding initial operating deficit reserve	\$ 24,000
Project Contingency	\$ 50,000
TOTAL DEVELOPMENT EXPENSES	\$ 911,000

DEVELOPMENT PRO FORMA

SOURCES OF FUNDS

Construction/Renovation Funds

Source	Amount
HUD Community Project Funding	\$432,000
HOME-ARP Development Funding	\$394,522
TOTAL DEVELOPMENT FUNDS	\$826,522

USES OF FUNDS

	Total Development Cost
Acquisition Cost - Land	\$0
Acquisition Cost - Building	\$0
<i>Subtotal: Acquisition</i>	\$0
Contractor Contract Amount	\$787,000
Payment & Performance Bond (if not in contract)	
Building Permits (if paid for by contractor)	Included in Fee
<i>Subtotal: Contractor Total Cost</i>	\$787,000
Project Contingency	\$50,000
<i>Subtotal: Developer's Construction Related Costs</i>	\$50,000
Architectural, engineering, and related professional services	\$50,000
<i>Subtotal: Developer's Soft Costs</i>	\$50,000
Acquisition Loan Interest	\$0
Acquisition Loan Fees	\$0
Construction Period Loan Interest/Fees	\$0
<i>Subtotal: Developer's Financing Costs</i>	\$0
Funding initial operating deficit reserve	\$24,000
Developer's Consultant	
Developer's Overhead Cost	
<i>Subtotal: Developer's Reserves and Overhead</i>	\$24,000
TOTAL DEVELOPMENT COST	\$911,000

City of Portland/Cumberland County Home Consortium
HOME-ARP Application: Supportive Services: Commonsplace

Narrative Addendum

2. Agency Capacity

b. How do Agency staff participate in these meetings/groups? Please describe the level of involvement.

Agency leadership, including the Executive Director and Associate Executive Director, attend the Statewide Homeless Council, Region 1 and 2 councils, and the Continuum of Care, and serve on the Executive Committee of Portland's Emergency Shelter Assessment Committee. Agency leadership also participates actively in ad hoc community initiatives and efforts such as the recent Encampment Crisis Response Team and the planning and advisory teams for the development of the Homeless Services Center.

Housing Supports team leaders attend weekly Coordinated Entry (Hub 2) case conferencing meetings, as well as other local and statewide meetings facilitated by MaineHousing and through the Coordinated Entry network.

c. Describe how proposed project will collaborate with the Continuum of Care.

Involved staff providing direct, supportive services for this proposed project will attend Hub 2 Coordinated Entry case conferencing meetings, and the project lead (the Occupancy Specialist) will work directly with the Hub 2 Coordinator to implement direct, eligible housing placements into the project's units through Coordinated Entry. Commonsplace's Community Support Center functions as Hub 2's largest Coordinated Entry Access Point, and this volume of engagement will be leveraged to further assure statewide coordination and the maximization of this project as a community resource.

d. How will Agency ensure services and activities are not duplicated by other programs or funding sources?

The agency already conducts a variety of housing support services that are distinct and for which we have developed effective administrative safeguards against accidental overlap or duplication. Currently, Commonsplace operates a Rapid Rehousing program, provides housing navigation through the Emergency Shelter and Housing Assistance Program, and offers HOME Services to eligible unhoused MaineCare recipients.

This proposed project will introduce housing support services that are specific to nine designated housing units, and project staff assigned to provide support to the residents of these units will not provide services to the project's units/residents that are duplicative of other services or funding sources. Safeguards against this duplication are incorporated into the administrative review functions of our Housing Supports director and Director of Program Quality positions.

3. Organization Capability and Experience

a. Describe Agency's experience, organizational capability, and infrastructure to deliver the supportive services, as described in this RFP.

Commonspace actively supports the designated population of focus for this RFP across all of its programming, including the five housing programs supported by the agency and our Housing Supports teams. Over many years, we have established a reputation for successfully providing supportive services to individuals in the community deemed to be most complex and challenging to serve, including those who have experienced chronic homelessness, complex substance use disorders, generational poverty, and significant legal system involvement.

Our success and our capacity to sustain and expand our housing support efforts are predicated on our program model of peer support and on our innovative and dynamic community partnerships. As we've added housing programs such as the public-private partnership that is Freedom Place and the opioid crisis-responsive Beacon House, we've continually strengthened administrative and operational support structures to provide for the increased level of need for supervision, assessment and reporting, facilities management, and general programmatic oversight. We now have established roles (e.g., Director of Housing Supports, Director of Program Quality, and Occupancy Specialist) working together with agency administrative teams to support the work of our direct services staff and to maintain continuous assessment and quality improvement.

b. Describe Agency's experience working with Government entities (City of Portland, Cumberland County, Continuum of Care, State of Maine, and Federal agencies). Be sure to include experience meeting financial and reporting requirements.

Commonspace has engaged in extensive, long-standing efforts in collaboration with Government entities, and has reliably fulfilled all accompanying financial and reporting requirements, as recognized and demonstrated through our annual financial audits and through repeat investment and partnerships with specific government entities. A very partial list of current and past contracted work with Government entities includes:

State of Maine (Dept of Health and Human Services, Office of Behavioral Health, Center for Disease Control):

- Portland Community Support Center program
- Syringe Service Program
- Bath Recovery Community Center program
- Lincoln County Recovery Community Center program

Federal (Substance Abuse and Mental Health Services Administration, Federal Emergency Management Administration):

- Peer Support Specialists Network program
- Congressionally Directed Spending award: Freedom Place at 66 State St.

- SSP-C funding for Emergency Food and Shelter program

City of Portland:

- Peer Outreach Worker program and Food Assistance for Displaced Portlanders program (Community Development Block Grant = federal origin, municipal administration)
- Emergency Food and Shelter hotel program (Motel 6)
- Brackett St. housing program for people emerging from encampments

Cumberland County:

- Pathways for ME Jail Reentry grant partner

c. Describe Agency's experience working with HOME-ARP Qualifying Populations and diverse individuals. Include the types of training that staff has received around racial equity, cultural humility, and strengths-based service delivery. Include Agency's approach to engage clients and incorporate feedback into program planning and implementation.

Commonspace offers programs and employment for adults (18 and over) impacted by homelessness, substance use, poverty, trauma, hunger, and legal systems involvement. Our programming is built with and for people who are among the most marginalized and vulnerable within our communities. Our central engagement modalities are peer support and recovery programming, through which we offer resources such as ultra-low barrier supported housing, outreach, mobile harm reduction, re-entry support to previously incarcerated persons, and low barrier community centers.

Commonspace is a peer support-based agency, and all our programs are designed for and with the program participants we aim to support through the developed resource. Our staff are people with their own lived experience of substance use disorders, homelessness, and other challenges that are meaningfully relatable for the participants of our programs. We leverage the deep relationships we forge through these peer-to-peer engagements to gather ample input and feedback on our services and on needs and gaps within the community. We will rely on these connections to support the design, fulfillment, and evaluation of this project.

Our service culture is one that welcomes and integrates diversity, while challenging internal and external systems to confront systemic racism and the marginalization of various individuals and groups based on factors related to identity or socio-economic classification. The peer support model that is our philosophy and central service modality is one that recognizes the sanctity, integrity and worth of every person. Commonspace's staff and the people we serve both have greater racial, ethnic, cultural, identity, orientation and gender diversity than does the general population. As an agency, we work diligently to recognize and understand the different barriers

faced by those with whom we engage. We put the voices and leadership of the most marginalized individuals and groups within the community at the center of our work.

d. Describe Agency's experience in integrating the principles of Housing First, Harm Reduction, Seeking Safety, Trauma-Informed Care, Motivational Interviewing, Peer Support, or any other evidence-based practices into service delivery that describes how it is qualified to provide the services. Please include Agency's implementation of these principles; for example, how you accept and exit participants, and reduce barriers to program entry.

Several evidence-based and best practice models form the foundation of our agency's work, and will inform our work within this project. These include, but are not limited to:

Housing First: Housing First is an evidence-based model for addressing homelessness, particularly for individuals experiencing chronic homelessness. All of Commonspace's housing programs, including the two programs (Freedom Place and Beacon House) spanned by this proposed project, are Housing First model programs. The core principle of Housing First is to provide individuals with permanent, stable housing without preconditions like sobriety or participation in treatment programs. The model focuses on meeting immediate housing needs first, and then offering additional services such as health care, mental health support, substance use treatment, and employment assistance.

Key features of Housing First include immediate access to housing, the absence of preconditions for tenancy, the provision of comprehensive support services, and a recovery-oriented approach to those services. Numerous studies have demonstrated that the Housing First model helps to reduce homelessness, sustain tenancy, improve the health and well-being of participants, and results in cost savings for communities.

Harm Reduction: Harm reduction is a mindset and approach that intersects all our work and programs. Engaging in syringe exchange as merely a transactional, public health intervention with the individuals we serve, with their preponderance of past and current trauma, untreated mental health symptoms, and basic needs deprivation, would be both an abdication of responsibility and a missed opportunity. Conducting exchange is, for us, much like distributing a cooked meal or providing a shelter bed—it is a service in and of itself, but also a critical opportunity to lean into a relationship, understand the totality of a person's circumstance, and to then work to support the person in taking steps in the direction of their own interpretation of recovery and wellness.

Intentional Peer Support: Intentional Peer Support (IPS) is a model of support that emphasizes mutual learning and connection between peers, rather than traditional caregiving or hierarchical relationships. It is rooted in the idea that people who share similar life experiences—especially those related to trauma, mental health, addiction, or social marginalization—can offer invaluable insights, encouragement, and support to one another. The core principles of IPS include building

trust, sharing stories, mutual respect, and recognizing the strengths and wisdom that each person brings to the relationship.

In the context of homeless populations and the provision of supports for newly housed individuals who have experienced chronic homelessness, IPS can be a particularly effective approach because it fosters empowerment, reduces isolation, and provides a sense of community. Many individuals experiencing homelessness have faced significant trauma and adversity, and having a peer who has lived through similar challenges can offer a unique level of empathy and understanding. Peer supporters can help others navigate services, advocate for their needs, and find resources—often in ways that are more relatable and approachable than traditional systems of care. Staff affiliated with this project will be Certified Intentional Peer Support Specialists.

Recovery Coaching: Recovery Coaching is a person-centered support service that helps individuals regain their independence and stability in the wake of challenges such as addiction, mental health issues, and homelessness. It is especially beneficial for homelessness prevention, as it provides a comprehensive, holistic approach to supporting individuals change habits and make decisions that support their success in housing. Staff affiliated with this program will be registered Recovery Coaches.

Motivational Interviewing: Our staff incorporates Motivational Interviewing into all of our programming, and MI supports our efforts to promote homelessness prevention and housing retention by addressing the emotional and psychological barriers that many individuals face following years of homelessness and community marginalization.

Motivational Interviewing (MI) is a client-centered, directive method of communication aimed at enhancing an individual's motivation to change by exploring and resolving ambivalence. It is a powerful tool in the context of homelessness prevention and housing supports, where individuals may face significant barriers to adjusting successfully to tenancy. MI can help clients explore their own reasons for seeking change, assess their goals, and build intrinsic motivation for achieving those goals, such as improved wellness, healthier relationships, securing employment, and other objectives that correlate to success in housing.

e. Identify individuals in your firm with multi-lingual skills, who are available to assist with communication in languages other than English. Please identify the language(s).

While we have individuals on staff who speak multiple languages, including French, Spanish, Portuguese, and Lingala, we do not utilize agency staff as translators/interpreters due to the inherent risks for program participants and staff within this practice. Instead, we contract with House of Languages, whose interpreters provide us with in-person, remote video, and phone interpretation services.

*f. Provide a detailed **list of references**, including a contact name and business telephone number for organizations or businesses for whom you have performed similar work.*

See Attachment.

*g. Provide current **Board of Directors roster and Agency's organizational chart**.*

See Attachment.

h. Describe Agency's information security systems and the steps that your firm takes to safeguard client communication, confidential information, and client data. Include whether Agency performs penetration testing, encryption methods, and whether client data is stored onshore or offshore.

Commonspace employs a robust multi-layered approach to information security, focusing on both technology and best practices to safeguard client communication and confidential data. These systems include:

- Firewalls and Intrusion Detection Systems (IDS): These technologies monitor traffic in and out of the network and detect potential threats.
- Access Control: Only authorized personnel have access to sensitive information, and role-based access ensures users only have access to the data they need.

We take the following steps to safeguard client communication and confidential data:

- Secure Email & Messaging: For client communications, we use encrypted email services and secure messaging platforms that support end-to-end encryption. This ensures that sensitive details cannot be intercepted while in transit.
- Data Minimization: We only collect and store client data that is necessary for business operations, which reduces the risk of exposure.
- Employee Training: Regular security awareness training is provided to ensure employees are equipped to identify and handle sensitive information securely and prevent phishing, social engineering, and other common attacks.
- Multi-Factor Authentication (MFA): Access to all systems housing client data requires MFA, which adds an extra layer of security to prevent unauthorized access.

We perform regular penetration testing to evaluate and identify any potential vulnerabilities within our systems. These tests simulate real-world attacks on our infrastructure, helping us identify weaknesses before they can be exploited by malicious actors. Penetration testing is typically done on a quarterly basis or after significant infrastructure changes.

To maintain compliance with regulatory standards client data is stored onshore in secure data centers located within regions that align with the laws and regulations applicable to the data. We adhere strictly to the data residency and sovereignty requirements of our clients' jurisdictions.

4. Description of Services

a. Describe Agency's plan to provide the services as described in the RFP. Include the estimated number of households, unduplicated individuals, unduplicated adults, and unduplicated children to be served over 12 months and anticipated outcomes. Make note of any challenges that may

arise and how the agency plans to mitigate such issues that demonstrate it is qualified to provide the services.

The Torchlight Project has been piloted for the past six months, without funding, and without the needed level of supportive services to maximize tenant services and positive outcomes.

Torchlight is a project that spans two properties where Commonsplace provides peer support, Recovery Coaching, and other residential services. These are: Freedom Place at 66 State St.(Portland), a 38-unit permanent, supported housing program for women, and Beacon Place (Westbrook), a smaller, 5 unit program. Both programs support women with experience of chronic homelessness and complex substance use disorders. Freedom Place is a partnership with Developers Collaborative, which owns and manages the building, and Beacon House is a partnership with Community Housing of Maine.

The project utilizes four units at Freedom Place (all SRO's), and the five units at Beacon House (four SRO's and one 1BR apt.) to create a flexible, population-supportive housing continuum, with an aim of supporting women through their first experience of housing and their early challenges related to substance use and old patterns and behavior that jeopardize their housing status. Within this project, Beacon House is our lower-barrier setting. Women coming into housing directly from the street (most commonly from unsheltered homelessness) are provided an apartment at Beacon House with a flexible lease, which allows them to exit to Freedom Place or to any other stable housing option when they have stabilized to the point of readiness for an environment of relatively higher behavioral accountability. Women housed at Freedom Place in the four Torchlight project units, in turn, have an option of relocating to a leased unit at Beacon House if they experience significant relapse or any return to behaviors that place them at risk of eviction. **In this way, we are able to provide a housing option that supports this community's most vulnerable women through the ups and downs of recovery, while supporting both housing programs as safe, impactful supported housing spaces for all residents.**

Freedom Place and Beacon House were both developed without sufficient funding for the level of supportive services needed to effectively support the highly complex, challenging population served. Within these programs serving this highly vulnerable population, the women enrolled as tenants in Torchlight stand out as exceptionally challenging and notably at risk of homelessness. While both programs are relatively new to the community, they have developed reputations as resources that are effectively able to prevent homelessness for a population that regularly cycles through homelessness, incarceration, and emergency departments when housed. But the work of the programs is unsustainable without adequate funding. This request fulfills the Supportive Services component for these nine units that would ideally have been embedded at the time of each program's development.

b. Describe Agency's proposed staffing structure, including brief job descriptions, qualifications, and training that demonstrates it is qualified to provide the services.

The two half-time assigned project staff will be dually certified as Intentional Peer Support Specialists and Recovery Coaches, will receive team support from Commonsplace's Housing

Programs team and Housing Supports team, will receive supervision from the Housing Supports Director, and administrative support from the Occupancy Specialist. **Job description** is attached.

c. Describe how Agency will set forth a certification, selection, and waiting list process as described in the RFP. Please include experience developing and implementing a certification, selection, and waiting list process.

We have significant experience with implementing and managing waitlists at our housing programs, and will develop a specific waitlist and selection process for this Torchlight project, based upon criteria (including an established vulnerability index) and utilizing the processes of Coordinated Entry to support the selection process.

5. Budget and Financial Management

b. Submit a comprehensive budget narrative. Be sure to include how Agency plans for the use of miscellaneous and indirect funds.

As noted below in the detailed breakdown, these funds will support the Torchlight Housing project with Supportive Services through:

- One full-time equivalent staff (comprised of two half-time, Certified Intentional Peer Support Specialists/Recovery Coaches.
- Rental support for tenants, providing one month of rent per unit per year for the nine units within the project.
- One cell phone for the use of the lead Tenant Support Specialist.
- Program Supplies, which include resources related to housing stabilization such as cleaning supplies or fees, purchase of receptacles or other tools for maintaining safe and clean environments.
- Posting job advertisements and conducting background screenings for New Hires dedicated to the project.
- Utilizing indirect funds to support administrative efforts backing the project (includes supervision, completion of reports, monitoring funding) and proportional support of the agency's annual audit.

d. Provide an itemized breakdown of billing rates and hourly costs, list of key personnel and their hourly rates, reimbursable expenses, etc. for any services that may be requested in addition to the services previously described.

Salaries and Benefits: $260,202 = \$50k$ starting salary per year or $\$24.04/hr$ for 2080 hours with a 2% COL pay increase each year x 5 years + 20% Benefit Rate = $\$52,041 = \$312,243$ (2 .5 FTE's assigned)

Financial Assistance: \$1118 per SRO unit (8 units) per year x 5 year, = 44,720 and \$2011 for one 1BR unit per year, x 5 yrs = 10,055 = \$54,775

Telecommunications: 1 cell phone \$30/mo for 60 months or 5 years = \$1800

Program Supplies: \$150 month for 60 months or 5 years = \$9000

Miscellaneous: Job Advertisements and Background checks for New Hires

Indirect Coasts: 15% De Minimis Indirect Rate Used for Liability Insurance, Admin Staff salaries to complete reports and monitor funding, and costs associated with annual audit.

3. Organizational Capability and Experience

a. Describe Agency’s experience, organizational capability, and infrastructure to deliver the supportive services, as described in this RFP.

Milestone Recovery delivers the full spectrum of HOME-ARP-eligible supportive services through an integrated, data-driven continuum of care that follows a person from the first street-level encounter to long-term housing stability. Our HOME Team makes nearly 14,000 outreach contacts a year, providing harm-reduction supplies, crisis de-escalation, and more than 1,600 medical or treatment transports—often the very first touchpoint for unsheltered (QP-1) clients, survivors fleeing violence (QP-3), and veterans (QP-5). The HOPE Program extends to reach encampments, completing Coordinated-Entry assessments, securing documentation, and moving high-barrier campers—40 in FY 2024—into permanent units; 52 lease-ups were achieved last year alone. For clients who need immediate shelter, our 36-bed emergency facility stabilized 689 people (average stay 18 days), while our medical detox admitted 720 individuals, initiating MAT and clearing a major health barrier for those at greatest risk of housing instability (QP-4). Once people are ready to exit crisis settings, a statewide Housing Navigator recruits landlords, negotiates leases, and provides tenancy coaching—ninety-six lease-ups last year with 90 percent still housed at 12 months—coordinating closely with HUD-VASH and SSVF teams for veteran households. Residential treatment and after-care services (16 beds) then offer relapse-prevention groups, peer support, and job readiness to sustain recovery. A single HMIS record follows each client across programs; weekly cross-disciplinary case conferences and field-based tablets ensure real-time data sharing and eliminate duplication. All direct-service staff are trained in Housing First, Motivational Interviewing, trauma-informed care, and cultural humility; medical services meet ASAM 3.7 standards, and clinical teams use Seeking Safety for co-occurring PTSD/SUD. As a result, 85 percent of housed households retain housing at one year, fatal overdoses among our outreach clients fell 28 percent last year, and veteran homelessness referrals dropped 17 percent after we helped launch the CoC’s rapid-response protocol—demonstrating Milestone’s proven capacity to deliver every supportive-service cost category envisioned by HOME-ARP, confidently, compliantly, and at scale.

b. Describe Agency’s experience working with Government entities (City of Portland, Cumberland County, Continuum of Care, State of Maine, and Federal agencies). Be sure to include experience meeting financial and reporting requirements.

Active contracts: MaineHousing (ESHAP & ARPA), City of Portland CDBG, SAMHSA, DHHS Medicaid. All audits since 2019 unqualified; federal drawdowns completed within 48 hours.

c. Describe Agency’s experience working with HOME-ARP Qualifying Populations and diverse individuals. Include the types of training that staff has received around racial

equity, cultural humility, and strengths-based service delivery. Include Agency’s approach to engage clients and incorporate feedback into program planning and implementation.

Milestone’s outreach, encampment, shelter, detox, and housing-navigation programs already serve every HOME-ARP group: unsheltered and chronically homeless adults (QP-1), people at imminent risk of homelessness (QP-2), survivors referred by Through These Doors (QP-3), clients leaving detox or jail with no stable housing (QP-4), and veterans flagged in HMIS (QP-5). All direct-service staff complete Motivational Interviewing on hire and annual refreshers; required modules in trauma-informed, strengths-based care, racial-equity/implicit-bias, harm-reduction, and naloxone use are tracked in the HR system. Spanish and French are spoken in-house or can be accessed through Language Partners and interpretation for Somali, Arabic, and other languages is available through Language Line;

d. Describe Agency’s experience in integrating the principles of Housing First, Harm Reduction, Seeking Safety, Trauma-Informed Care, Motivational Interviewing, Peer Support, or any other evidence-based practices into service delivery that describes how it is qualified to provide the services. Please include Agency’s implementation of these principles; for example, how you accept and exit participants, and reduce barriers to program entry.

Milestone embeds evidence-based practices at every step of the client pathway. Housing First principles guide eligibility: no income, sobriety, or ID is required to engage with outreach, shelter, or housing-navigation services, and placements are made as soon as a safe unit is available. Harm Reduction is operationalized through on-street naloxone distribution, safer-use supplies, and immediate transport to medical detox without penalty for relapse. Detox clinicians and residential counselors deliver Seeking Safety groups to address co-occurring PTSD/SUD, while all direct-service staff use Motivational Interviewing techniques—refreshed annually—to set client-defined goals. The agency’s Trauma-Informed Care framework shapes physical space (private intake rooms, low-stim shelter dorm) and policy (no forced exits for substance use; safety-planning with DV survivors). Peer Support specialists—many with lived experience of homelessness—co-lead street outreach shifts and facilitate after-care groups, modeling recovery and reinforcing client autonomy. Discharges are voluntary; staff complete a “warm-hand-off” checklist that secures medication, ID documents, and a follow-up contact plan, minimizing barriers to re-entry should the client need services again. This integrated approach—low-threshold entry, client-centered engagement, and evidence-based interventions—demonstrates Milestone’s capacity to deliver high-quality, HOME-ARP-compliant supportive services.

e. Identify individuals in your firm with multi-lingual skills, who are available to assist with communication in languages other than English. Please identify the language(s).

On-staff Spanish & French; Somali, Arabic, Portuguese, and ASL interpretation via Language Partners (formerly Catholic Charities) – alternatively, general assistance has interpreters for Spanish. When in a pinch, we use app-based translators.

f. Provide a detailed list of references, including a contact name and business telephone number for organizations or businesses for whom you have performed similar work.

Cary Tyson – Executive Director - Portland Downtown – 207-772-6828

John Crane - General Manager - Portland Food Coop – 207-805-1599

Ben Strick – Spurwink Ashlea’s Place – 207-871- 1200

g. Provide current Board of Directors roster and Agency’s organizational chart.

h. Describe Agency’s information security systems and the steps that your firm takes to safeguard client communication, confidential information, and client data. Include whether Agency performs penetration testing, encryption methods, and whether client data is stored onshore or offshore.

Milestone Recovery places the highest priority on safeguarding client communication, confidential information, and sensitive data. We leverage Microsoft 365 as our core platform for storing and managing client information, which provides enterprise-grade security features, robust compliance capabilities, and secure collaboration tools.

Microsoft 365 Security Infrastructure: Microsoft 365 provides built-in, multi-layered security features including data loss prevention (DLP), multi-factor authentication (MFA), conditional access policies, and advanced threat protection. These tools help us secure data against unauthorized access, phishing attacks, and malware.

Encryption: All data stored in Microsoft 365 is encrypted at rest and in transit using industry-standard protocols such as AES-256 and TLS. This ensures that sensitive information remains secure during both storage and transmission.

Access Control: We enforce strict access control policies to ensure that only authorized personnel can access client data. Role-based permissions and audit logs are used to monitor and manage access.

Penetration Testing and Security Assessments: While our organization does not conduct internal penetration testing, we rely on Microsoft’s extensive and continuous third-party penetration testing and security audits of their cloud infrastructure. Additionally, we conduct regular internal security reviews and risk assessments to identify and address potential vulnerabilities.

Client Communication: All client communications are conducted through secure channels, including encrypted email via Microsoft Outlook and secure file sharing using SharePoint and OneDrive for Business. Where required, we implement Microsoft's sensitivity labels and encryption to further restrict data access.

4. Description of Services

Program Delivery

Check all that apply

o X Direct Services

o X Subcontracted Services (List all potential subcontractor names and services provided. If applying as a Lead Agency, please identify all partner agencies).

Program Structure

Check all that apply

Please submit any relevant materials as a reference for this RFP, demonstrating ability to draft program procedures.

o Program Rules and Regulations (including program manuals, code of conduct, client feedback, reasonable accommodation, grievance procedure, etc.)

o Language Services

o Conflict of Interest Policies

o Drug-Free Workplace Policies

o Reporting Requirements (Including experience with the Homeless Management Information System (HMIS), Coordinated Entry (CE), and partner agencies (City of Portland, Cumberland County, State, and Federal).

o Other:

- a. Describe Agency's plan to provide the services as described in the RFP. Include the estimated number of households, unduplicated individuals, unduplicated adults, and unduplicated children to be served over 12 months and anticipated outcomes. Make note of any challenges that may arise and how the agency plans to mitigate such issues that demonstrates it is qualified to provide the services.**

Milestone Recovery will provide coordinated, trauma-informed services through its HOPE Program, HOME Team, and Housing Navigator Program to address the urgent needs of Portland's unsheltered population. Over the course of 12 months, we anticipate

serving approximately 500 unduplicated individuals. Because Milestone exclusively serves adults, all of these will be unduplicated adults; no children will be served. Services will focus on individuals living in encampments or experiencing chronic homelessness with co-occurring substance use and mental health challenges.

The HOPE Program engages people living in encampments and supports them through housing navigation, tenancy support, and case management until they are safely and stably housed. The HOME Team provides six-day-per-week street outreach, including transportation, harm reduction supplies, crisis intervention, and referrals to detox, shelter, and treatment. The Housing Navigator Program offers individualized support to help people exit homelessness and maintain housing, including landlord engagement, housing search, and ongoing stabilization. Together, these programs aim to house at least 150 people, reduce emergency room visits and law enforcement interactions, and improve long-term housing retention for vulnerable Mainers.

Challenges may include limited affordable housing stock, difficulty engaging individuals with untreated mental illness or active substance use, and workforce recruitment in a competitive labor market. Milestone will mitigate these challenges by expanding partnerships with housing providers and landlords, using peer recovery specialists to build trust with clients, and maintaining a strong internal culture to support staff retention. Our 57-year history, established relationships with healthcare and housing systems, and track record of successful outcomes—including a 95% housing retention rate in our most recent Navigator placements—demonstrate our capacity and readiness to deliver these critical services under the ARPA grant.

b. Describe Agency’s proposed staffing structure, including brief job descriptions, qualifications, and training that demonstrates it is qualified to provide the services.

Milestone Recovery’s staffing for this project includes four full-time HOME Team outreach workers trained in harm reduction, trauma-informed care, and crisis intervention. They conduct daily street outreach, provide transportation, distribute supplies, and build trust with unsheltered individuals. Each has experience in behavioral health, social work, or related fields.

The HOPE Program will include one full-time staff member focused on housing navigation and case management for people living in encampments. Milestone’s Housing Navigator will support individuals transitioning into permanent housing through application assistance, landlord engagement, and follow-up care, requiring experience with housing systems and co-occurring disorders.

The team will be supervised by Joe McNally, Director of Homeless Services, who oversees frontline operations and ensures coordination and quality across outreach and housing programs. Organizational oversight is provided by Co-Executive Directors Jayme Villanueva and Jeff

Grossman, both longtime leaders within Milestone who bring deep experience in clinical care, housing services, and organizational management. Data Manager Corey Westleigh supports the team by tracking performance metrics, managing HMIS compliance, and producing funder reports. This team structure ensures the clinical, operational, and administrative capacity needed to deliver the proposed services effectively and in full compliance with HOME-ARP expectations.

- c. Describe how Agency will set forth a certification, selection, and waiting list process as described in the RFP. *Please include experience developing and implementing a certification, selection, and waiting list process.***

Milestone follows a Housing First approach and participates fully in Coordinated Entry, prioritizing clients based on vulnerability and need rather than maintaining a traditional waiting list. Services are offered immediately when clients are ready, to the extent resources allow.

Supportive Services Operating Budget

Salaries and Benefits	\$ 151,720.00
Financial Assistance (rental application fees, security deposits, rental / utility payments, moving costs)	
Meals / Food	\$ 1,500.00
Child Care	\$ -
Transportation	\$ 14,000.00
Telecommunications	\$ 3,800.00
Program Supplies	\$ 1,650.00
Marketing	\$ -
Indirect Costs	\$ 24,330.00
Total	\$ 197,000.00

d. How will Agency ensure services and activities are not duplicated by other programs or funding sources?

Preble Street appreciates that the CCHC HOME-ARP funds are designed to supplement other funding for supportive services. Braiding funding from multiple sources is necessary for most of Preble Street's programs. Because of this, Preble Street direct service and administrative staff have decades of experience in allocating staff time and services to the appropriate funding source. Preble Street's internal system of accounting controls prevents Preble Street from charging expenditures, including staff time and direct client expenses, to multiple awards. In addition, Preble Street program and accounting staff will review the allocations of expenses, including staff time monthly to ensure there is no duplication among sources. Finally, Preble Street also works with tenants to identify any other services they may be receiving from other providers to ensure that supportive services are not being provided by any other programs.

3. Organizational Capability and Experience

a. Describe Agency's experience, organizational capability, and infrastructure to deliver the supportive services, as described in this RFP.

Preble Street is Maine's largest nonprofit provider of homeless services for youth and adults and is a leader in statewide planning for both populations. Since its founding in 1975, Preble Street opened an emergency shelter and service center for teens; grew food programs from its first soup kitchens into a Food Security Hub that today provides approximately one million meals a year; established Maine's original Housing First rental apartment developments that provide permanent, supportive housing; launched a Veterans Housing Services program to end Veteran homelessness in Maine; created an Anti-Trafficking Services program to meet the needs of survivors; and expanded its Rapid Re-Housing, Health Services, Street Outreach, and emergency shelter programs.

With the CCHC HOME-ARP funding, Preble Street is proposing to offer eligible supportive services at two Site-based Housing First communities in Portland (Logan Place and Huston Commons) and throughout Cumberland County through our Rapid Re-Housing Program. At present, Preble Street is Maine's only agency that operates Site-based Housing First programs; we have been providing Site-based Housing First supportive services since 2005 when Logan Place became Maine's first Site-based Housing First community. Today, across our three Housing First communities, we provide housing with 24/7 on-site supportive services to 85 individuals who were formerly chronically homeless. Preble Street began offering Rapid Re-Housing programming more than a decade ago and formally established its Rapid Re-Housing program in 2020. In the past five years, the Rapid Re-Housing Program has housed more than 200 individuals and provided services to nearly 300 people. In 2024, the Rapid Re-Housing Program expanded to provide services to residents in the Lewiston-Auburn community. Additionally, Preble Street's Rapid Re-Housing team has been offering diversion services since 2021 and has been a Housing Problem Solving (HPS) grant recipient since 2022. Every staff person on the RRH team has been trained on the HPS intervention.

Preble Street's experience providing supportive services to Housing First tenants and Rapid Re-Housing clients grew from the organization's 50-year history of responding to urgent social problems through emergency services, long-term solutions, and advocacy that seeks to end homelessness and hunger in Maine. Because of its decades of experience providing such services, Preble Street has all needed infrastructure in place, including staffing patterns, policies and procedures, administrative systems, and a workforce with experience and expertise in Trauma-informed Care, Harm Reduction strategies, and housing stability work. In addition, Preble Street's

relationships with other community organizations allow for efficient referrals and care coordination, resource sharing, and collaborative advocacy work to address systemic barriers to housing stability. And, under one organizational umbrella, Preble Street offers a wide range of services beyond housing that include food, healthcare, support services, street outreach, and emergency shelters. In doing so, Preble Street minimizes the logistical and emotional barriers current and potential clients face in accessing crucial support and reduces the stress and time associated with navigating multiple agencies and systems. Preble Street's approach improves outcomes for clients by enhancing their quality of life, addressing the root causes of their homelessness, and reducing barriers to the care that they need to achieve housing stability and wellness.

b. Describe Agency's experience working with Government entities (City of Portland, Cumberland County, Continuum of Care, State of Maine, and Federal agencies). Be sure to include experience meeting financial and reporting requirements.

The majority of Preble Street's programs and services are funded by government entities. Preble Street currently manages about 50 different awards from municipal, county, state, and federal government agencies, including City of Portland, City of Auburn, Cumberland County, Maine Department of Health and Human Services, Maine Department of Corrections, Maine State Housing Authority, U.S. Department of Housing and Urban Development, U.S. Department of Veterans Affairs, U.S. Department of Justice, U.S. Department of Health and Human Services, among others. These public awards fund a wide spectrum of services and programs, including site-based supportive services at all three of Preble Street's existing Housing First rental apartment communities and Rapid Re-Housing services in Portland, Lewiston, and Auburn. Preble Street's Rapid Re-Housing program currently has two grants from the City of Auburn using HOME-ARP funds.

To manage these public awards, Preble Street has a Public Grants Team that provides administrative support to ensure the organization is in compliance with all financial and programmatic reporting requirements and allows direct service staff to focus on delivering services. Preble Street assigns a grants specialist to each public revenue source to track expenditures and produce monthly budget variance reports as well as all financial reports required by the funder. As part of Preble Street's internal system of financial controls and best practices for managing grant awards, program directors and the Public Grants Team review each budget variance report independently. After that independent review, the program management team for the funding source and the Public Grants Team meet to review the spend down of each award against the projected budget and complete a line-item review of all expenditures, including payroll, to ensure each expenditure is properly allocated, allowable under the terms of the award, and reasonable. These monthly reviews then allow Preble Street to produce required financial reports and invoices as needed for each funding source. Program staff take the lead for all programmatic reports and work with the Public Grants Team to prepare and submit reports according to deadlines. The Public Grants Team maintains a calendar of all financial and programmatic reporting deadlines and reviews the calendar on a weekly basis to adjust priorities as needed to ensure that the agency will meet all reporting deadlines.

c. Describe Agency's experience working with HOME-ARP Qualifying Populations and diverse individuals. Include the types of training that staff has received around racial equity, cultural humility, and strengths-based service delivery. Include Agency's approach to engage clients and incorporate feedback into program planning and implementation.

Preble Street has provided supportive services to individuals experiencing homelessness or who are at risk for homelessness for 50 years. Since our founding in 1975, we have worked closely with people experiencing problems with homelessness, housing, hunger, and poverty to provide accessible, barrier-free services and to advocate for solutions to those problems. Preble Street currently serves over 10,500 people statewide each year, reaching families, youth, adults, elders, Veterans, victims of human trafficking, and others. Our programs serve all ages, genders, races, ethnic backgrounds, and our clients often experience barriers, including mental illness, Substance Use Disorder, chronic illness, lack of job skills, language deficits, and learning disabilities.

Preble Street is proposing to work with all HOME-ARP qualifying populations through services provided at two of Preble Street's Site-based Housing First locations and through our Rapid Re-Housing Program. Preble Street has two decades of experience providing case management and housing support services to chronically homeless individuals (i.e., HOME-ARP Qualifying Population 1) living at our Site-based Housing First locations to achieve long-term housing stability. Preble Street began Rapid Re-Housing programming more than a decade ago and established a full Rapid Re-Housing Program in 2020. Through its Rapid Re-Housing services, Preble Street uses evidence-based interventions, casework, and financial assistance to support individuals across all HOME-ARP Qualifying Populations in quickly stabilizing housing, returning to housing, and reducing the chances of becoming homeless again in the near future.

All Preble Street services are grounded in strengths-based, person-centered care planning and built by establishing trusting relationships with clients. To support its approach to services, direct service staff participate in trainings such as Unconditional Positive Regard, Trauma-Informed Care, Harm Reduction, and Motivational Interviewing, among others.

Preble Street's approach to client engagement in Site-based Housing First sites, focuses on building relationships with all tenants, including those who choose not to complete a formal service plan. Housing First support services are entirely voluntary to the tenant, and continued tenancy is not dependent on the utilization of offered services. Rapid Re-Housing staff practice progressive engagement to build trusting relationships with clients and center client choice in the housing navigation process. Clients are offered services tailored to their individualized needs and self-identified goals.

Preble Street engages with tenants to gather feedback through regular community meetings held at each Housing First location, placement of suggestion boxes, use of client feedback surveys at program exit, and use of its formal grievance policy and procedure. In addition, in our Housing First apartment communities, Preble Street reviews program outcomes at least annually to note trends and identify areas of improvement, and a member of the program management staff meets weekly with the property manager to ensure that concerns related to building operations or safety are addressed in a timely way. Information gathered from these methods is then discussed and evaluated and may be incorporated into program planning and implementation as appropriate.

- d. **Describe Agency's experience in integrating the principles of Housing First, Harm Reduction, Seeking Safety, Trauma-Informed Care, Motivational Interviewing, Peer Support, or any other evidence-based practices into service delivery that describes how it is qualified to provide the services. Please include Agency's implementation of these principles; for example, how you accept and exit participants, and reduce barriers to program entry.**

Preble Street has been providing low-barrier, person-centered social work services to clients experiencing or at risk for homelessness for 50 years. Following are examples of how best practices are integrated into service delivery:

- **Housing First:** For both Site-based Housing First and Rapid Re-Housing programs, Housing First directly informs client enrollment and exit as clients are not required to abstain from substances or commit to any kind of treatment prior to accessing or retaining services, thus reducing barriers to participation.
- **Trauma-Informed Care:** All staff are trained in Trauma-informed Care and provide services that build trust and a sense of safety and avoid re-traumatization. For example, at Florence House, Preble Street's Housing First program that serves women, services consider the needs of women who have experienced homelessness as they are highly vulnerable to violence, sexual assault, and human trafficking.
- **Motivational Interviewing:** Staff use Motivational Interviewing in client interactions in order to help them in achieving their goals. Staff do not dictate what a client's goal(s) should be; rather, staff help clients identify their goals and work collaboratively to achieve those goals.
- **Harm Reduction:** Harm Reduction is a core principle of all Preble Street services that recognizes that clients face myriad challenges, unsafe behaviors are often coping mechanisms, and each individual has different goals related to their health and wellness. Examples of Harm Reduction in action in Preble Street programs include:
 - Naloxone is available at all site-based programs and staff are trained in its use.
 - Preble Street Housing First programs partner with local programs to ensure tenant access to harm reduction supplies and resources, including the City of Portland Public Health Harm Reduction Services program.
 - Staff utilize person-centered, non-judgmental listening to build trust with clients, allowing for honest, direct conversations around substance use and other coping skills and identification of realistic action steps to increase safety.
 - At Site-based Housing First communities, staff offer groups on a variety of topics that reflect the needs and interests of the tenants, including gardening, art, star gazing, community movie or sports-watching. These activities give tenants alternatives to using substances, build community, and mitigate isolation.
 - Staff host community meals multiple times per week and at different times of day, mitigating the risks of food insecurity and reducing isolation among tenants.
 - Staff promote available peer resources, such as Preble Street Peer Support Specialists or local peer recovery centers or programs.

In addition, to reduce barriers to program entry, Preble Street's Street Outreach and shelter staff work with clients where they are to ensure they have a Coordinated Entry Assessment, support the clients in gathering documentation needed, accompany clients to pre-housing appointments and lease up, and advocate to avoid denial of entry or eviction based on anything that does not reflect imminent safety risk.

4. Description of Services

Program Delivery <i>Check all that apply</i>	☒ Direct Services ☐ Subcontracted Services (List all potential subcontractor names and services provided. If applying as a Lead Agency, please identify all partner agencies). <i>Preble Street does not anticipate subcontracting for any services. A list of partners that Preble Street frequently collaborates with are listed on Page 1 under response 1.b. Other Partners.</i>
Program Structure <i>Check all that apply</i> Please submit any relevant materials as a reference for this RFP, demonstrating ability to draft program procedures. <i>Attachments to this proposal include the following policies and procedures to demonstrate Preble Street's existing capacity and ability to draft program procedures:</i> • <i>Confidentiality Policy</i> • <i>Language Access Policy</i> • <i>Client Grievance Procedure</i> • <i>Housing First Policy</i> • <i>Huston Commons Manual</i>	☒ Program Rules and Regulations (including program manuals, code of conduct, client feedback, reasonable accommodation, grievance procedure, etc.) ☒ Language Services ☒ Conflict of Interest Policies* ☒ Drug-Free Workplace Policies* ☒ Reporting Requirements (Including experience with the Homeless Management Information System (HMIS), Coordinated Entry (CE), and partner agencies (City of Portland, Cumberland County, CoC, State, and Federal). ☒ Other: <i>Preble Street has many other policies and procedures, including Confidentiality Policy, Active Weapon Policy and Protocol, Safety Guidelines, Hate Speech Policy, Accounting Policies and Procedures, among others.</i> <i>*These policies are embedded within the Preble Street Employee Handbook.</i>

- a. **Describe Agency’s plan to provide the services as described in the RFP. Include the estimated number of households, unduplicated individuals, unduplicated adults, and unduplicated children to be served over 12 months and anticipated outcomes. Make note of any challenges that may arise and how the agency plans to mitigate such issues that demonstrates it is qualified to provide the services.**

Preble Street is proposing to provide supportive services through two types of existing programming – Site-based Housing First and Rapid Re-Housing – with expected service and outcomes as follows.

- Through caseworkers at our Logan Place and Huston Commons Housing First communities both located in Portland, we estimate serving 14 unduplicated tenants/households annually—all chronically homeless adults. The primary outcome is sustaining stable tenancy in permanent housing for 80 percent of clients served.
- Through our Rapid Re-Housing Program, we estimate serving 20 unduplicated households per year throughout Cumberland County. Anticipated outcomes for clients include: obtaining and/or retaining permanent housing within 90 days; increased or maintained household income for 80 percent of clients; and prevention of return to homelessness for 80 percent of clients. Additionally, the program aims to divert a minimum of 50 percent of households engaged in Housing Problem Solving services.

For both programs, clients may also achieve other positive outcomes, including connections to community resources including medical care, mental health treatment, and substance use treatment, medical insurance such as Medicaid, benefits such as SSI or SSDI and SNAP.

Following are key elements of how services will be provided.

- **On-site Services (Site-based Housing First only):** Case management and housing support services will be available on-site to tenants who consent to receiving such services.
- **Services Built on Relationships:** Preble Street staff will engage clients through non-judgmental relationship-building to develop a trusting, supportive, and collaborative relationship.
- **Collaborative Assessment and Planning:** Preble staff will make an individualized assessment that is based on the client’s self-identified strengths and needs and then will work collaboratively with the tenant to identify and enact solutions that promote independent living skills, housing stability, and wellness, among others.
- **Referrals to other Services:** Preble Street will use existing strategic partnerships to ensure comprehensive wraparound services are offered to clients. Examples of common services Preble Street commonly refers to are: outpatient medical support; primary care; mental/behavioral health; addiction treatment; and legal services.

Through its long history as a homeless services provider, Preble Street understands challenges clients may encounter. Some examples include:

- Challenges related to tenant guests could result in staff support for the tenant in setting boundaries with certain guests who present for entry;
- Challenges related to apartment cleanliness could be addressed by staff ensuring that the tenant has access to cleaning supplies, checking in regularly, helping with cleaning, supporting the tenant to coordinate inspections by the property manager, or getting an assessment for Personal Support Services; and
- Challenges related to mental health could be addressed through facilitation of connection to

a mental health provider, or local peer support services, or online resources related to mental health recovery.

b. Describe Agency's proposed staffing structure, including brief job descriptions, qualifications, and training that demonstrates it is qualified to provide the services.

Site-based Housing First Staffing: Preble Street's staffing model ensures that Housing First residents have access to services on site, 24/7/365. Preble Street is proposing to use CCHC HOME-ARP funds for caseworker services at the communities of Logan Place and Huston Commons. Preble Street will provide program oversight in-kind. Following are descriptions of key positions.

- **Caseworker** (2 positions at 0.5 FTE each). *Qualifications:* Bachelor's degree in social work or related field; familiarity with community services. *Job Description:* Assists tenants with housing goals and housing stability, engages with tenants, provides program coverage and maintains safety in program spaces, provides crisis intervention and support.
- **Supervisor** (2 positions at 0.1 FTE each). *Qualifications:* Master's or bachelor's degree in social work or related field; three to five years relevant experience. *Job Description:* Ensures the provision of high-quality services through the supervision of the direct service team, functional management of the program, and leadership of activities.
- **Program Director** (2 positions at 0.05 FTE, in-kind). *Qualifications:* Master's or bachelor's degree in social work, public administration, business administration or related field of study; and a minimum of 3 years working with homeless populations. *Job Description:* Performance and oversight of administrative functions, client services programming, and staff.
- **Program Administrator** (1 position at .05 FTE) *Qualifications:* Bachelor's degree in social work, public administration, business administration or related field or at least 3 years related experience. *Job Description:* Duties are related to the administrative functions of the program, including data collection reporting, and compliance; program scheduling and staffing; and client programming support.

Rapid Re-Housing Staffing: Preble Street is proposing to fund a part-time Rapid Re-Housing caseworker using HOME-ARP funds. Preble Street will provide program oversight in-kind. Following are descriptions of key positions.

- **Caseworker** (0.5 FTE): *Qualifications:* Education in social work or related field and relevant experience. *Job Description:* Provide housing-focused case management, including outreach and providing basic needs, housing navigation, connection to education and employments resources, and housing stability support.
- **Supervisor** (0.1 FTE). *Qualifications:* Master's or bachelor's degree in social work or related field; 3-5 years relevant experience. *Job Description:* Ensures the provision of high-quality services through the supervision of the direct service team, functional management of the program, and leadership of activities.
- **Program Director** (0.05 FTE, in-kind). *Qualifications:* Master's or bachelor's degree in social work, public administration, business administration or related field of study; and a minimum of 3 years working with homeless populations. *Job Description:* Performance and oversight of administrative functions, client services programming, and staff.
- **Program Administrator** (0.05 FTE) *Qualifications:* Bachelor's degree in social work, public administration, business administration or related field or at least 3 years related

experience. *Job Description:* Duties are related to the administrative functions of the program, including data collection reporting, and compliance; program scheduling and staffing; and client programming support.

All Preble Street direct service staff receive weekly supervision to ensure quality service delivery. Preble Street also considers equivalent or lived experience as part of what makes someone qualified for a position.

c. Describe how Agency will set forth a certification, selection, and waiting list process as described in the RFP. Please include experience developing and implementing a certification, selection, and waiting list process.

Preble Street has over 15 years of experience maintaining and managing a wait list for our Site-based Housing First programs. Since the CoC deployed the Coordinated Entry System (CES) about 2 years ago, Preble Street transitioned to utilizing CES, including Case Conferencing, for tenant identification, prioritization, and selection for our Housing First programs. This system includes specific assessment and wait list procedures and ensures that tenants coming into the Housing First program are those whose housing needs match the intensive level of housing support services available. Once identified for a unit, Preble Street works closely with Avesta Housing (as the Property Manager) and Portland Housing Authority and/or Maine State Housing Authority (as the supplier of the site-based Section 8 Vouchers) to certify the eligibility of the tenant prior to lease-up; Preble Street staff often provide support to the tenant in gathering necessary identification documents and accompanying potential tenants to meetings with the Portland Housing Authority.

Similarly, the Rapid Re-Housing Program transitioned to utilizing CES to fill open slots in the program when the CoC launched the process around 2 years ago. The CES works to identify eligible participants with the identified level of intervention and selects those households for enrollment. For clients who may be seeking diversion services, staff assess households in the moment as referrals come in to determine which household is dealing with the most time sensitive situation and prioritizes them for enrollment.

5. Budget and Financial Management

- a. **Operating Budget:** Preble Street is requesting \$175,359 in annual funding for HOME-ARP Supportive Services for a period of three years and a total request of \$350,718.55. Below is a summary annual operating budget for providing Supportive Services at two Site-based Housing First communities and via Preble Street's Rapid Re-Housing Program.

Expense Category	Total Annual Costs
Salaries and Benefits	\$115,523
Client Assistance Expenses (e.g., moving costs, rental assistance and security deposits, utility deposits, transportation)	\$31,596
Operating Costs	\$4,830
Travel	\$945
Total Annual Direct Costs	\$152,894
Indirect Costs	\$22,465
Total Annual Costs	\$175,359

Preble Street
CCHC HOME-ARP Supportive Services
Annual Operating Budget Detail and Narrative

PERSONNEL EXPENSES	FTE	# of Months	Unit Cost	Total	Narrative
SALARIES					This budget requests funds for 1.0 FTE total of caseworkers to provide direct supportive services to clients in two Site-based Housing First communities (Logan Place and Huston Commons) as well as 0.5 FTE of a caseworker in the Rapid Re-Housing Program. Funds are also requested for supervisory and program administrator staff.
Caseworker - Logan Place	0.50	12.00	\$ 4,180.80	\$ 25,084.80	Assists tenants in Site-based Housing First communities in meeting housing goals and maintaining housing stability, engages with tenants, provides program coverage and maintains safety in program spaces, provides crisis intervention and support.
Caseworker - Huston Commons	0.50	12.00	\$ 4,180.80	\$ 25,084.80	Assists tenants in Site-based Housing First communities in meeting housing goals and maintaining housing stability, engages with tenants, provides program coverage and maintains safety in program spaces, provides crisis intervention and support.
Caseworker - Rapid Re-Housing	0.50	12.00	\$ 4,007.40	\$ 24,044.40	Provides housing-focused case management, including outreach and providing basic needs, housing navigation, connection to education and employment resources, and housing stability support.
Supervisors	0.15	12.00	\$ 5,250.00	\$ 9,450.00	Ensures the provision of high-quality services through the supervision of the direct service team, functional management of the program, and leadership of activities. Funds are requested for 0.05 FTE of three supervisor positions to support each caseworker.
Program Administrators	0.10	12.00	\$ 4,333.33	\$ 5,200.00	Provides program administrative support including data entry, reporting and monitoring, and general program operations. Funds are requested to support .05 FTE of a Program Administrator for the Rapid Re-Housing Program and a total of .05 FTE combined for the Site-based Housing First programs.
Subtotal Salaries	1.75			\$ 88,864	
BENEFITS					
FICA @ 7.65%			\$ 88,864.00	\$ 6,798.10	
Preble Street Benefits Package @ 22.35%			\$ 88,864.00	\$ 19,861.10	Benefits include unemployment insurance, worker's comp, health/dental, 403(b), and other.
Subtotal Benefits				\$ 26,659	
Subtotal Personnel Costs				\$ 115,523	

CLIENT ASSISTANCE EXPENSES	# of Clients	Frequency Per Client	Unit Cost	Total	Narrative
					All Client Assistance will be provided in compliance with HUD Notice CPD-21-10 VI.D.4.c
Rental Application Fees	15.00	1.00	\$ 40.00	\$ 600.00	Assumes need to support 15 clients with rental housing application fees at an average cost of \$40.00 each.
Rental Assistance and Security Deposits	13.00	1.00	\$ 1,500.00	\$ 19,500.00	Provides for security deposit and/or rental assistance for clients.
Utility Deposits and Utilities	5.00	1.00	\$ 300.00	\$ 1,500.00	Assumes need to support 5 clients with utility deposits or payment of arrears at an average cost of \$300.
Moving Costs	9.00	1.00	\$ 400.00	\$ 3,600.00	Provides moving costs for 9 clients at an average cost of \$400.
Food	6.00	1.00	\$ 300.00	\$ 1,800.00	Provides for meals or groceries for 6 clients at an average cost of \$300.
Transportation	15.00	12.00	\$ 25.00	\$ 4,500.00	Assumes transportation assistance (e.g., bus passes, rideshares, taxi) to facilitate appointments and casework for 15 clients per month, valued at \$25/month for 12 months.
Client ID's	7.00	1.00	\$ 13.75	\$ 96.25	Services include supporting tenants with acquiring identification as part of accessing housing and other services.
Subtotal Client Assistance Expenses				\$ 31,596	
OPERATING COSTS	# of FTE	# of Months	Unit Cost	Total	Narrative
Technology	1.75	12.00	\$ 180.00	\$ 3,780.00	Based on a cost of \$180/FTE/month. Costs associated with technology include: hardware maintenance and upgrades, software licensing (inclusive of payroll and security software), website maintenance, and network administration. Costs are directly used by programs to carry out the services and are allocated according to Preble Street Policy.
Other Program Operating Costs	1.75	12.00	\$ 50.00	\$ 1,050.00	Based on a cost of \$200/FTE/month with 25% of costs applied to this funding source and Preble Street providing the remainder of costs as in-kind. Costs include cell phone subscriptions, occupancy, staff recruitment, office supplies, etc. Costs are directly used by programs to carry out the services and are allocated according to Preble Street Policy.
Subtotal Operating Costs				\$ 4,830.00	
TRAVEL					
Staff Travel	112.50	12.00	\$ 0.70	\$ 945.00	Assumes average travel of 75 miles/month/caseworker FTE to attend meetings and trainings. Preble Street uses the federal mileage reimbursement rate of \$0.70/mile.
Subtotal Travel				\$ 945	
TOTAL DIRECT COSTS				\$ 152,894	

INDIRECT COSTS @ 25.28% on Salaries and Wages				\$ 22,465	Preble Street has a provisional ICR pending with the Department of Veterans Affairs for 7/1/2025-6/30/2027. Until we have that provisional rate, the VA has instructed Preble Street to use our recently finalized FY23 rate of 25.28% applied to Salaries and Wages. Once our new provisional rates are finalized, we will communicate with the City of Portland and determine whether or not a budget revision is necessary.
TOTAL ANNUAL COST				\$ 175,359	

Order 154-22/23

Passage: 9-0 on 3/20/2023

Effective 3/30/2023

KATE SNYDER (MAYOR)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK DION (5)

ORDER APPROVING
THE HOME AMERICAN RESCUE PLAN ALLOCATION PLAN

ORDERED, that the HOME American Rescue Plan Allocation Plan, attached hereto, is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Manager or designee is hereby authorized to execute whatever other documents are necessary to effect the intent and purpose of this order.

CUMBERLAND COUNTY HOME CONSORTIUM

HOME – ARP PY21 Allocation Plan



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HOME-ARP ALLOCATION PLAN

INTRODUCTION

The American Rescue Plan (ARP) Act, which was the most recent federal relief package created to assist states, counties, and local governments to address the negative economic effects of the Coronavirus pandemic, appropriated funds for the U.S. Department of Housing and Urban Development (HUD) to distribute under the HOME Investment Partnership Program (HOME) in Federal Fiscal Year 2021. The City of Portland / Cumberland County HOME Consortium Participating Jurisdiction (PJ) received a total allocation of \$3,594,143 in HOME-American Rescue Plan (HOME-ARP) funds. These funds are to be distributed by the City of Portland / Cumberland County HOME Consortium in accordance with this Allocation Plan.

This plan was created utilizing the HUD CPD template provided, including questions and tables, as well as the requirements for the HOME-ARP allocation plan, as described in Notice CPD-21-10: *Requirements of the Use of Funds in the HOME-American Rescue Plan Program*, unless noted as optional. Also submitted with this plan are the SF-424, and the related certifications. References to “ARP” mean the HOME-ARP statute at section 3205 of the American Rescue Plan Act of 2021 (P.L. 117-2).

The HOME-ARP program is intended to serve four types of qualifying populations: 1. Homeless; 2. At-Risk of Homelessness; 3. Fleeing Domestic Violence, Dating Violence, Stalking or Assault; 4. Other populations. More information on the four qualifying populations will be described within this Allocation Plan but the complete definitions can be found in HUD CPD Notice 21-10.

The HOME-ARP program can be used to fund the following eligible activities. Rental housing development, tenant based rental assistance, supportive housing services, non-congregate shelter development, operating and capacity building expenses for non-profits undertaking HOME-ARP activities, and administration expenses related to implementing HOME-ARP funded programs. A description of each of these activities can be found in HUD CPD Notice 21-10.

The following Allocation Plan will describe the City of Portland / Cumberland County HOME Consortium’s process for consulting with required groups, impacted populations, service providers, public agencies, and other organizations. This plan will also summarize information gained from these consultations, review the current conditions, and assess the needs and gaps for qualifying populations within Cumberland County. Finally, this plan will describe the process for determining the most effective uses of the HOME-ARP allocation. The allocation of these funds to specific projects or programs requires first posting a draft of the plan for public comment and submitting the HOME-ARP Allocation Plan to the U.S. Department of Housing and Urban Development (HUD) for review and approval. Once approved by HUD, the City of Portland / Cumberland County HOME Consortium will release one or more RFPs for specific types of projects and/or programs needed to address the identified needs.

CONSULTATION

Before developing the Allocation Plan, the City of Portland and Cumberland County consulted with a diverse group of organizations and stakeholders serving the qualifying populations. As required under HUD CPD Notice 21-10, Section V.A, the City of Portland and Cumberland County's consultations included the following:

- Maine Statewide Continuum of Care
- Homeless Service Providers
- Domestic Violence Service Providers
- Veterans Groups
- Public Housing Authorities
- Public Agencies that Address the Needs of Qualifying Populations
- Public or Private Organizations that Address Civil Rights and Fair Housing
- Public or Private Organizations that Address the Needs of Persons with Disabilities

The Greater Portland Area is known state-wide as the hub for services addressing the needs of many HOME-ARP qualifying populations. Because of this, MaineHousing asked the City of Portland/Cumberland County HOME Consortium to jointly participate in a series of six virtual HOME-ARP stakeholder meetings. Each meeting was designed to ensure that all required consultations were included and all qualifying populations were covered. In addition to these six meetings, the City of Portland and Cumberland County conducted an additional three virtual stakeholder meetings specifically to discuss the qualifying populations in Cumberland County. Each meeting included an overview of the HOME-ARP program parameters, expected allocation, and projected timeline. In an effort to include the general public, the City of Portland and Cumberland County held a virtual meeting open to all interested parties. Finally, the City of Portland and Cumberland County held one on one discussions via email and telephone with the Maine Continuum of Care, Homeless Service Providers, Domestic Violence Service Providers, and Public Housing Agencies in an effort to ensure all required information was collected. All consultations, whether in a group setting or one-on-one encouraged an open dialogue about the needs, gaps, and suggested best uses of the HOME-ARP funds to address these needs for specific qualifying populations.

The following table includes a list of all formal consultations, type of agency, consultation method, and feedback:

Agency/Org Consulted	Type of Agency/Org	Method of Consultation	Feedback
Maine Shelter Network	The Network is currently composed of 20 or so active participating agencies. Participants are Executive Directors of single adult shelters, family shelters, shelters for	10/19/2021 Virtual Meeting	More units of affordable housing split between supportive and non-supportive units. Non-supportive units are needed. Mixed use of affordable housing comprised both of permanent supportive units and non-congregate shelters. There is a need for more non-profit housing providers. Create

	domestic violence families, substance use shelters and youth shelters.		more transitional housing. More S.R.O.s are needed. Additional supportive units for youths sharing space with a roommate (a best practice). Additional medium tiered housing. More shelter beds in rural areas. More navigators. Tiny homes that are handicap accessible. Additional low barrier units. Additional workforce housing.
Maine Continuum of Care (MCoC)	Continuum of Care	10-21-2021 Virtual meeting with 59 people attending	Continue with rental assistance. Fund Security Deposit Assistance. Landlord outreach to address landlord fear. Supplement income gaps with rental assistance. LIHTC Housing that is welcoming to the homeless population and voucher holders. More affordable housing units are needed. Fund Rapid Re-Housing and wrap around services with additional funds for more outreach workers. Use funds to rehab buildings. Fund housing for low income population with relaxed criteria.
Advocates and People with Lived Experience	Group of people with lived experience of homelessness and their advocates.	10-22-2021 Virtual meeting with 13 people attending	Work with local landlords to repair and bring units to code. Purchase hotels in different areas of the state, add cooking ability to each room making it an efficiency. Create supportive and emergency housing units. Need additional warming centers. Look for old schools, stores and other empty buildings that can be quickly renovated. Hire temp staff to help shelters advocate for the homeless. Fund Rapid Re-Housing. Implement and enforce that landlords can't discriminate against voucher holders. Use funds to help with cost for applying for rentals, background checks and credit checks. More navigators. Help with funds for required paperwork for HCVs (birth

			certificates, ID cards and other documents). More houses that people can afford to rent and maybe someday buy.
Developers and Community Action Agencies	Mixed group of people representing developers, providers and Community Action Agencies	10-27-2021 Virtual meeting with 24 people attending	Need more affordable units; develop additional LIHTC units. Build shelters with more capacity, provide additional training for shelter staff. Increase the amount of PSM in areas where there are no shelters, especially the rural areas of the state. Create housing for long term stayers (who tend to be single adults). There is a need for larger units for multi-generational living and large families.
Homeless Veterans Action Committee	Homeless Veterans Action Committee is the Veterans Committee of the Maine Continuum of Care (MCOC)	11-2-2021 Virtual meeting with 20 people attending	Use funding to combat the lack of affordable units. Construct affordable, safe and quality housing. Purchase hotels. Develop a project that has units accepting VASH and people with mixed incomes for Veterans. Use funding for a project that has a portion of the units accepting project-based vouchers, a portion for people who need support services and a portion that provides non-congregant shelter beds.
Public Housing Authorities	Public Housing Authorities from across the State of Maine representing both urban and rural areas.	11-5-2021 Virtual meeting with 20 people attending	Create more supportive housing with low barriers and access to services. Assist with operating costs of long-term tax credit development projects. Create housing that provides an interim stage/setting for people between shelters and permanent housing that provides support and assist in helping people become ready for permanent housing. Use funding for housing stability-more funding for wrap around services and housing navigation. Invest money into a statewide network for eviction prevention and diversion. Low interest loans to PHAs to assist in the purchase of 4-

			8 unit buildings. More PHA loan subsidies to assist with their buying units for VASH tenants.
Emergency Shelter Assessment Committee (ESAC)	ESAC is a collaborative of service providers, consumers, local and state governmental representatives, advocates, and other interested community members working to ensure the safety and well-being of people who are homeless in Portland.	12-6-2021 Virtual meeting with 20 people attending	While the presentation largely focused on explaining the HOME-ARP funds, eligible uses, and qualifying populations, there was opportunity for general feedback and there was specific interest in using these funds for housing and supportive services.
Maine Continuum of Care/Advocates for the Homeless/Maine Shelter Network	Service providers and representatives from local and state agencies.	1-11-2022 Virtual meeting with 12 people attending	Need more rapid re-housing initiatives to secure housing. Should develop some type of family housing with supportive services. Housing that remains affordable is needed. The populations of individuals that struggle with substance use and mental health issues are struggling with finding housing. These longest-term stayers would benefit from low barrier non-congregate care. Build or acquire housing with support services. Permanent housing is the ideal. Renovating hotels may be quicker and would be a low barrier solution. Emergency hotels are an absolute critical need. Renovate hotels with cooking facilities. Housing for the homeless is a critical need. Support creation of affordable housing for people with disabilities
The Opportunity Alliance	Emergency Shelter Provider	1-11-2022 Email	Interim motel or shelter supports for emergency shelter placement when necessary and no other resources are readily available. Programs such as Emergency Rent Relief and General Assistance are experience extremely high volume of housing emergencies and there are times when there are no

			other options for shelter at the moment – and there needs to be another ‘emergency access’ from anywhere from 1 night to 30 days to give time to secure other potential resources, when no other exists. Fund more hands-on housing navigators to help work with and support housing stability work. There are way too many in need to sustain housing and not enough to help navigate.
Developers and Advocates for Public Housing	Mixed group of people representing developers, service providers, public housing authority and representatives from local and state agencies.	1-14-2022 Virtual meeting with 18 people attending	There are no units available. Need supportive services. Need mental health centers. Best way forward is to pair it with LIHTC for Homeless units/Mental Health Services. This is an opportunity to support programs such as workforce housing and housing first. Need more housing units.
Publicly noticed meeting facilitated by the Cumberland County HOME Consortium	Participating Jurisdiction	2-8-2022 Virtual public meeting with 35 people attending	The biggest barrier is finding landlords that will accept Section 8 vouchers. Need wrap around services. Need supportive services for behavioral health issues as well as outreach services. Need to provide services for people who are resistant to aggregate care. Need to move people out of hotels and into: (1) tiny houses, mobile homes, and shipping containers; (2) housing in unused buildings that would need retrofits (empty malls, military bases or condemned property). Should provide a safe and supportive environment where people can transition away from addiction and grow toward developing a meaningful and productive life for themselves. Would like to see supportive housing (with mental health services). Need permanent housing. Need for production is acute.
City of Portland	Social Services Division of Health	9-16-2022	Provided data consisting of: project type, organization name, project

	and Human Services Department	Email	name, year-round beds, and overflow bed data regarding emergency shelter, transitional housing, rapid re-housing, and permanent supportive housing in Cumberland County.
Through These Doors	Domestic Violence Shelter	10-28-2022 Email	Provided qualifying population demographics regarding emergency shelter and transitional housing programs offered by Through These Doors.
MaineHousing		11-1-2022 Email	Provided qualifying population demographics regarding emergency shelter, transitional housing, rapid re-housing, and permanent supportive housing in Cumberland County. Provided PIT demographics for Cumberland County.
Preble Street		11-9-2022 11-18-2022 Email	Confirmed bed count and provided gap number of beds needed for adults and youths. Also provided the age range, average age, gender ID ratio, and race/ethnicity status per property. Noted, the most striking trend is the increase in asylum-seeking youth from African countries.
Community Housing of Maine		11-17-2022 Email	Provided data consisting of: property location, apartment size, family size, adult/children count, sex, and gap in service delivery per property.
Portland Housing Authority	Public Housing Authority	11-22-2022 12-6-22 Email	Provided data regarding PBV and HCV. Also noted; we do have unmet needs for Households exiting Homelessness – from the Applicant stage to Lease-up. At Application: It is very challenging for folks to get on our waitlist and not be purged from the list due to not being able to locate them. At Intake: For the small number that make it off the list and to our Intake we have found a very small number of them are able to complete our basic eligibility process. At lease-up: If we are able to find them and get the Voucher to

			them – they now have to find a unit in a highly competitive market. Although we have generous eligibility requirements for the Voucher, landlords can select out these folks in three typically ways – all of which are significantly exaggerated when homeless. Once Leased: Should the Individual make it through all of these hurdles to this point – they are now moving into a unit without furnishings, have a disproportionate likelihood of bringing pest issues – many times from the Homeless Shelter, to fairly and consistently provide affordable housing to the unhoused population we need funding for staff to walk them through each of these processes listed above. We need funding for staff and flex funding to make utilization of these Vouchers happen. If not – the individuals who are less needy in many ways end up being the ones that are able to utilize them. We have tested this theory with FYI and EHV Vouchers and have been very successful. When staff and flex funds are allocated we have more success. We find this only works when the staff are working under the Housing Authority
Milestone-Recovery	Provides outreach and community support to individuals experiencing homelessness concurrent with substance use or mental health disorders; operates Substance Use Homeless Shelter along with a program to transition	12-6-2022 Email	The most urgent unmet need of Milestone’s qualifying population is emergency homeless shelter capacity. Our emergency shelter is currently operating at full capacity of 36 beds per night, and still experiences significantly higher demand than we can meet. In the last several months we have been forced to turn away an average of 10-15 qualified individuals seeking shelter each night, and the need is only expected to intensify as we move into the depths of winter.

	clients out of chronic homelessness and into permanent, stable housing; and offers treatment programs directed at low-income individuals, including those experiencing homelessness.		Most broadly, the largest unmet systemic need for the Housing Navigator Program is the short supply of affordable housing in the community, especially housing programs that employ a housing-first model to substance use.
Shalom House		12-9-2022 Email	Confirmed property locations and headcount.
Westbrook Housing	Public Housing Authority	12-21-2022 In-Person Meeting	Need for more housing across all income levels and age groups. There is a need for funds to pay for ongoing supportive services, not just when the housing is first built but for many years to come. It's harder to find ways to build this type of housing than to build senior or even family affordable housing units. It's harder to build supportive housing outside of the Greater Portland area because the supportive services just aren't accessible by the tenants.
Tedford Housing	Provides emergency homeless shelter, supportive housing for previously homeless families and individuals as well as homeless prevention services.	1-23-2023 Email	There is a need for more support and emergency housing (shelters). We are all straining to serve clients and there are very few revenue streams, including ARPA funds, to support emergency housing. Lots of money is being thrown at supportive housing, but where are people supposed to go in the meantime. Funding for hotel rooms could have been put into real solutions to assist people experiencing homelessness or at risk, like support for shelters, case management, facility renovation and new construction for emergency, transitional and permanent supportive housing.
City of Portland	Social Services	1-25-2023	Simply put, there are not enough

	Division of Health and Human Services Department	Email	affordable units to meet the number of individuals seeking permanent housing. Many hotels are not interested in working with GA offices for temporary emergency shelter for a number of reasons. Many hotels require security deposits that GA typically cannot assist with, and many hotels require valid ID's and credit cards to make reservations which are not something that most have. Priorities needs include shelter/housing/rental assistance, food and non-food items, medications, and assistance with utilities. This program of last resort has met many, many people's basic needs throughout the pandemic, but the needs are growing as more new arrivals present, and as inflation/rent rises so do the number of applications with our GA office.
United Way of Southern Maine	Social Services Agency	1-27-2023 Email	Provided ERA data within Cumberland County
Westbrook Housing Authority	Public Housing Authority	1-30-2023 Email	Provided PBV and HCV program numbers for the City of Westbrook

Summary of Feedback

Through the City of Portland and Cumberland County's HOME-ARP consultation process, there were several reoccurring themes across multiple type of agencies working with various qualifying populations. The most common theme was the need for permanent housing. The types of housing needed included permanent supportive housing, housing for hard-to house populations such as individuals with felony records and substance use disorders, housing for specific populations such as veterans, DV victims, seniors, families, and persons with mental and physical disabilities. Affordable housing across all family sizes and income levels is needed. In addition to the need for more affordable housing units, the need for increased capacity in the level of supportive services being offered throughout Cumberland County, particularly in the Greater Portland Area, was a common theme.

Based on the feedback provided through the consultation process, the City of Portland and Cumberland County HOME Consortium have concluded that there is not enough evidence available to justify offering preferences or prioritizing of one HOME-ARP

qualifying population over another. At this time a clear referral process has not been identified and the CoC coordinated entry system has been eliminated as the referral method without modification to remove embedded prioritization. The City and County are committed to ensuring that all proposed projects and activities are open to all HOME-ARP qualifying populations. If in the selection of a specific project or activity, a preference or limitation of eligibility is required, a substantial amendment of the HOME-ARP Allocation Plan will be submitted to HUD for review and approval.

PUBLIC PARTICIPATION

Summary of Public Participation Process

In accordance with Section V.B of the Notice, The City of Portland / Cumberland County HOME Consortium provided for and encouraged citizens to participate in the development of the HOME-ARP allocation plan. Before submitting the HOME-ARP Allocation Plan, the HOME Consortium provided Cumberland County residents with reasonable notice and multiple opportunities to comment on the proposed HOME-ARP allocation plan. The City of Portland and Cumberland County ensured that the public comment period and public hearings adhered to the City and County's respective citizen participation plans. The following public participation process was followed:

- Public Notice: Portland Press Herald 2/3/2023 and correction notice on 2/7/2023
- Public Comment Period: 2/8/2023 through 3/10/2023 – 30 Days
- Public Hearings:
 - Cumberland County Commissioners Meeting- 2/13/23- 5:30pm (In-person)
 - City Housing & Economic Dev. Committee 2/21/23 – 5:30pm (Remote)
 - Cumberland County Commissioners Meeting – 3/13/23 5:30pm (In-person)
 - City of Portland City Council Meeting- 3/20/23 5:00pm (In-person and Remote)

Please see Appendix B for a copy of the public notices and images of the public notices posted in various locations.

Efforts to Broaden Public Participation

As mentioned above, before the creation the HOME-ARP Allocation Plan, the City and County began to engage with citizens in the preparation of this Allocation Plan. The Portland Press Herald, the largest newspaper in Maine ran a story to help spread the word that the City and County are seeking public input. Additionally, the Press Herald highlighted the City and County's virtual public listening session under their list of events happening in Cumberland County.

Once the Allocation Plan was created, the City and County made efforts to promote the plan beyond the required public notice in the newspaper. The full draft of the HOME-ARP Allocation Plan was made available on the City of Portland and Cumberland County's Community Development pages, under a labeled section called "Plans and

Reports”. Both the City of Portland and Cumberland County promoted the report through social media pages. The City of Portland promoted the report through a listserv “CityNews” blast with 5,500 subscribers. The County promoted the Allocation Plan through a County Newsletter that is delivered to 60 elected officials, Town/City Managers, and interested parties throughout all 27 Cumberland County municipalities.

Please see Appendix B for screen shots and copies off public outreach.

Summary of Comments and Recommendations

Once the public comment period and public hearings are complete, staff will summarize all received comments and recommendation and add them to this section.

Summary of Comments or Recommendations not accepted

Staff anticipate accepting all comments. If a comment or recommendation is not accepted, staff will explain the reason in this section.

NEEDS ASSESSMENT AND GAP ANALYSIS

Qualifying Population Size and Demographics

A full description of each qualifying population can be found starting on page 3, under Section IV. of the HUD CPD Notice 21-10.

<https://www.hud.gov/sites/dfiles/OCHCO/documents/2021-10cpdn.pdf>

The following is only a brief description of the four qualifying populations follows:

- Homeless
 - lacking fixed/regular and adequate nighttime residence
 - Nighttime residence is not designed for ordinary sleeping accommodations
 - Living in public/private shelter or commercial lodging
 - Will lose nighttime residence:
 - Within 14 days
 - Lacks support network needed to obtain new housing
 - Unaccompanied youth (under 25) or families with children which:
 - Defined by HUD as Runaway, DV or McKinney-Vento
 - Not had lease or ownership in permanent housing within 60 days
- At-Risk of Homelessness
 - Annual income below 30%AMI as defined by HUD
 - Not had lease or ownership in permanent housing within 60 days
 - Has been notified in writing of eviction
- Fleeing or attempting to flee Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking
- Other Populations
 - Families requiring services or housing assistance to prevent homelessness
 - At greatest risk of homelessness
 - Annual income less than 30%AMI
 - Cost burden of 50% monthly household income

- Veterans and families that include a veteran family member

In accordance with Section V.C.1 of the Notice, the following sections will describe the size and demographic composition of all four qualifying populations within the geographic boundaries of the City of Portland / Cumberland County HOME Consortium. The City and County made great efforts to use current data, such as the point in time count, housing inventory counts, and data available through the CoC and MaineHousing in the creation of the following sections.

Homeless as defined in 24 CFR 91.5

On December 8, 2022, MaineHousing confirmed 1,921 people in Cumberland County were counted as either receiving general assistance from the City of Portland, receiving Emergency Rental Assistance, or included in the Maine HMIS (Homeless Management Information System) database. The following demographics were identified for the subcategories; (A) Household with children and Households without children receiving general assistance to pay for hotels/motels; (B) Households with children and Households without children receiving rental assistance; and (C) Households with children and Households without children in shelters.

	Households with Children				Households without Children		
	A	B	C		A	B	C
Households	187	154	30		209	126	284
people	647	509	84		250	147	284
under 18	334	270	38		0	0	0
18 to 24	15	36	5		23	12	35
over 24	298	203	41		227	135	249
Female	337	283	48		85	41	76
Male	310	224	35		149	10	199
non-binary	0	3	1		0	2	5
Transgender	0	0	0		0	1	4
Questioning	0	0	0		16	1	0
NonHispanic	647	488	84		239	141	270

Hispanic	0	21	0		11	6	14
Total	647	509	84		150	147	284
Am Indian/Indigenous	0	3	0		3	2	4
Asian/Asian Am	0	0	0		2	1	4
Black/Af Am/African	647	168	64		36	21	71
Hawaiian/Pacific	0	0	-		1	1	0
White	0	300	18		198	117	201
Multiple	0	39	2		9	5	4
Total	647	509	84		249	147	284
Chronic Hh	0	28	1				
Chronic persons	0	103	2		0	42	79

Source: MaineHousing 12-8-22

Within the homeless population of Cumberland County, people of color are significantly over-represented. In a county where people of all races other than white make up only 14% of the overall population, people of color represent approximately 57% of the homeless population in Cumberland County. This is especially true in the case of black individuals who account for about 52% of individuals experiencing homelessness. There has been a fairly significant increase in the percentage of black individuals within the homeless system during the past few years, partially due to an influx of African Asylum-seeking families who have been served through the homeless response system.

At Risk of Homelessness as defined in 23 CFR 91.5

Those most at risk of homelessness in Maine are renter households within 30% of Area Median Income. There are an estimated 23,726 renter households within this income range. The following charts include the demographics of this group of renters.

Renter-Households- Race/Ethnicity	At-Risk of Homelessness: 0% - 30% AMI Renter HH w/ 1 or more severe housing problems		Cumberland County	
	#	%	#	%
Total Renter Households	23,726	8.3%	37,027	33.3%
White alone, non-Hispanic	18,220	7.0%	32,764	88.5%
Black or African	2,858	33.5%	2,206	6.0%

American alone, non-Hispanic				
Asian alone, non-Hispanic	886	13.9%	912	2.5%
American Indian or Alaska Native alone, non-Hispanic	127	15.7%	132	0.4%
Pacific Islander alone, non-Hispanic	0	0.0%	6	0.0%
Hispanic, any race	793	13.4%	781	2.1%

Source: 2020 ACS 5-year estimate S1701; 2016-2020 ACS 5-year estimate S2502

Poverty, housing instability, and cost burden are characteristics of Maine's low-income families most at risk of becoming homeless. The Maine Continuum of Care has identified the following factors associated with housing instability and increased risk of homelessness: insufficient rental assistance options; eviction; family conflict; unemployment; behavioral health challenges, including substance use disorder; and lack of affordable units. Among single individuals, mental and physical disabilities combined with chronic health conditions and addictions are a much larger factor in a person's risk for becoming homeless.

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking as defined by HUD in CPD Notice 21-10

From October 1, 2021 through September 30, 2022, Through These Doors Domestic Violence Shelter served 78 adults and 37 children for a total of 115 individuals in Cumberland County. The following chart provides demographic information for this group. However, it is important to note that Through These Doors had 500 requests for shelter. The numbers on the below chart only capture those who were able to secure a bed through the domestic violence shelter.

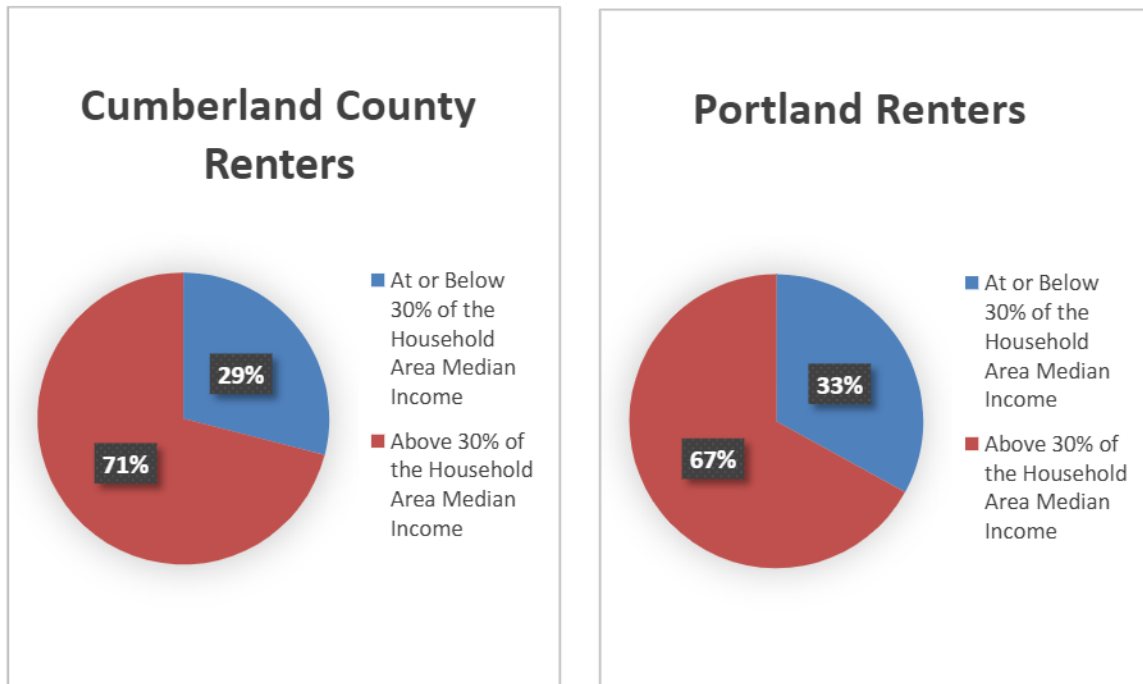
	Family Beds		
	Adult	Children	Total
Adults Total	78	37	115
Beds Total	78	37	115
Age			
0-6		22	22
7-12		11	11
13-17		4	4
18-24	3		13
25-29	70		70
60+	5		5

Gender			
Female	72	17	89
Male		19	19
Transgender	1	1	2
Questioning gender	1		1
Unknown	4		4
Race			
Black or African American	6	10	16
American Indian/Alaska Native	1	1	2
Asian	1	1	2
Hispanic or Latino		7	7
Native Hawaiian/ Other Pacific	3		3
White	42	16	58
Unknown / Other	25	2	27

Source: Through These Doors Domestic Violence Shelter 10 1-21 9-'0-22

Other populations requiring services or housing assistance to prevent homelessness and other populations at greatest risk of housing instability, as defined by HUD in the Notice

Defining the size and demographic of the 'Other populations' category is a difficult task. A common characteristic among many individuals requiring services or housing assistance to prevent homelessness and other populations at greatest risk of housing instability is often income level. According to Comprehensive Housing Affordability Strategy (CHAS) data, utilizing 2015-2019 ACS data, 33% of Portland renters and 29% of Cumberland County renters have household incomes less than or equal to 30% of the household area median family income. Twenty-two percent (22%) of Portland renters and 21% of Cumberland County renters spend between 30% and 50% of their household income on housing costs.



Milestone Recovery operates a program called the Homeless Outreach and Mobile Engagement (HOME) Team, which provides outreach and community support to individuals experiencing homelessness concurrent with substance use or mental health disorders in Portland and South Portland. Milestone also operates Southern Maine's only Substance Use Homeless Shelter, along with a Housing Navigator Program to transition clients out of chronic homelessness and into permanent, stable housing, along with both short-term and long-term substance use treatment programs directed at low-income individuals, including those experiencing homelessness.

The following charts provide demographic information for the HOME Team as of December 20, 2022.

	Number	Percentage
Female	108	22.6%
Male	366	76.6%
non-binary	0	
Transgender	3	.6%
Client Refused	1	.2%
Total	478	100%
Non-Hispanic/Non-Latino	462	96.66%

Hispanic/Latino	13	2.71%
Client does not know	2	.42%
Client refused	1	.21%
Total	478	100%
Am Indian/Indigenous	12	2.50%
Asian/Asian Am	0	0.00%
Black/Af Am/African	43	9.00%
Hawaiian/Pacific	5	1.00%
White	411	86.00%
Client does not know	6	1.30%
Client Refuses	1	.20%
Total	478	100%

Source: Milestone Recovery HOME (Homeless Outreach and Mobile Engagement)

Identification and consideration of current resources available to assist qualifying populations under congregate and non-congregate shelter units, support services, TBRA, and affordable and permanent supportive rental housing.

Congregate & Non-Congregate Shelter Units

- The City of Portland's Health and Human Services Department, Social Services Division operates the Oxford Street Shelter and Family Shelter. The Oxford Street Shelter (OSS), the largest emergency shelter in the State of Maine, is open 24 hours, 365 days a year, and provides safe, temporary, low-barrier housing for homeless adults. OSS served 612 men, 200 women, and 6 transgender individuals for a total of 818 unduplicated individuals in PY2020. The Family Shelter is the largest shelter for families in the State of Maine. The Family Shelter provides temporary housing to families with children under the age of 18, offering both preventative services for families at risk of experiencing homelessness and support services to assist families in locating housing and achieving stability. The Family Shelter provided shelter for 98 families consisting of 327 individuals for a total of 30,028 bed nights. In addition to operating the OSS, the Family Shelter, temporary emergency shelter, a non-congregate hotel for overflow emergency shelter, and providing assistance to area hotels for those referred to General Assistance, the Social Service Division also operated a quarantine shelter for all other Greater Portland Shelters. The City of Portland has 152 year-round emergency shelter beds for adults and children; 134 emergency shelter beds for adult-only households; and 24

shelter beds for unaccompanied youth. An additional 164 voucher/seasonal overflow emergency shelter beds are available in Portland for households with only adults.

- Tedford Housing in Brunswick operates an adult and family shelter with a capacity of 12 adults and 6 households respectively. During fiscal year 2021-2022, 55 individuals and 58 family members were sheltered by Tedford. Their homeless prevention services assisted 145 individuals and family members while 79 individuals and family members were provided supportive housing. 234 individuals and family members were provided with emergency home heating assistance by Tedford Housing's Warm Thy Neighbor program. In May of 2022, Tedford Housing purchased land in Brunswick for a new emergency housing facility for adults and families. The new building will include twenty-four adult guest beds and ten apartment-style units. The proposed single new facility incorporates separate, secure wings for the adult and family emergency housing facilities with a total of 64 emergency housing beds. The family apartment units will contain four beds each, as well as living and dining spaces in each unit. The adult wing will include shared dormitory spaces that will provide beds for a maximum of 24 individuals. The building will provide a kitchen, dining area and living room for guests in the dormitory style rooms. The new building will replace existing aging facilities.
- With homelessness defined as an emergency under General Assistance statutes, 1,514 unduplicated householders were placed into area hotels utilizing General Assistance vouchers. There are 180 families totaling 607 individuals currently residing in GA funded hotels who are experiencing homelessness. Due to the large number of people presenting for shelter, individuals are immediately sheltered in hotels paid by General Assistance before moving into the Family Shelter as space becomes available. The ESG program has an estimated five-year plan (minus administration) of \$757,636.

Supportive Services

The Portland Community Health Center offers an Integrated Behavioral Health program that is designed to bring adults into treatment who are experiencing homelessness and are suffering from co-occurring mental health and substance use disorders. The City has also added a full-time case manager to work with families experiencing homelessness, resulting in locating permanent housing placements with follow up case management and tenant education services. Preble Street Support Services receives funding from the Veterans Administration to prevent and end homelessness among veterans. Tedford Housing provides permanent supportive services through three locations within Cumberland County that serve a total of thirteen adults and six families. Milestone Recovery operates a program called the Homeless Outreach and Mobile Engagement (HOME) Team which provides outreach and community support to individuals experiencing homelessness concurrent with substance use or mental health disorders in Portland and South Portland. Milestone also operates Southern Maine's only Substance Use Homeless Shelter, along with a Housing Navigator Program to transition clients out of chronic homelessness and into permanent, stable housing, along with both short-term and long-term substance use treatment programs directed at low-income individuals, including those experiencing homelessness. Amistad, a Portland-based nonprofit organization, and Portland Downtown (a 501c4) have created a Peer Outreach Worker program. This program will allow a peer outreach worker to connect with clients that live with mental illness, oftentimes co-occurring substance-use disorders,

and oftentimes experiencing homelessness. The outreach worker will then collaborate with the Milestone Recovery, the City's shelters, local hospitals, and Portland Downtown businesses to get the client the services they need. The Preble Street Joe Kreisler Teen Shelter provides 16-24 beds unaccompanied youth ages 12-20. The shelter provides safe, clean overnight accommodations in a secure building, showers, bathrooms, laundry facilities, towels, and personal hygiene products, community living areas, light breakfast and snacks. Additionally, staff responds to the crisis that lead to homelessness, provides referrals, and links youth to necessary services including substance use, counseling and medical facilities.

Affordable Rental Housing- Portland and Cumberland County have formed a HOME Consortium to receive an annual allocation of HOME Investment funds through the U.S. Department of Housing and Urban Development. HOME funds are used for the creation of affordable housing development throughout Cumberland County and within Portland. Since 2011, \$2,574,887 has been allocated for the construction of 563 low-income rental housing units within Cumberland County. Since 2000, \$10,509,084 in HOME funds, \$1,384,359 in CDBG funds, and \$2,963,584 from the local Jill C. Duson Housing Trust Fund have been allocated for the construction of 1,361 units of low-income housing and 38 single-occupancy units in Portland. Eleven units (six in Portland and five additional units within Cumberland County) are affordable to low-income households through the assistance of HUD Project Based Rental Assistance (PBRA). 74 units (thirty-nine in Portland, and thirty-five in Cumberland County) make use of the Low-Income Housing Tax Credit Program (LIHTC). In 22-23, \$136,392 of HOME funding was earmarked to support 96 individuals at risk for homelessness through tenant-based rental assistance.

Homelessness Diversion Services- In 2022, 500 persons were assisted through Homeless Prevention services in Greater Portland. The Oxford Street Shelter, through the Emergency Shelter Grant, prevented eight individuals from becoming homeless. In PY2020, 190 individuals received a wide range of comprehensive housing related services, including full assessments to identify barriers to housing and housing stability, connection to appropriate mainstream resources in the community, employment and training opportunities, and at least three months of follow-up services after housing placement. Of the 152 individuals enrolled in the program this year, 30 individuals were rapidly re-housed, 49 families or 152 individuals received essential services, and eight individuals were prevented from becoming homeless.

Rapid Rehousing Services- The goals of the ESG program are 1) to help people who become homeless by quickly moving them into permanent housing and 2) to prevent individuals and families becoming homeless. By using ESG in the shelters and community it helps ensure individuals and families do not become Long Term Stayers. Of 152 individuals enrolled in the program, 30 were rapidly re-housed, 49 received essential services, and 8 individuals were prevented from becoming homeless. The Oxford Street Shelter staff located permanent housing for 102 homeless individuals (79 men and 23 women, including six Veterans and 37 chronically homeless individuals). The Family Shelter placed 73 families into permanent housing without a subsidy, reunified six families with other family members, secured a Shelter+Care Subsidy for 8 families, and secured four families a Housing Choice Subsidy.

Emergency Rental Assistance- One of the goals of the City of Portland's Emergency Solutions Grant program is to provide prevention services to individuals facing

homelessness in the community. PY 20/21 allocated \$16,363 in homeless prevention for the Oxford Street Shelter. The projected annual goal for Oxford Street Shelter is to serve six people who are at risk of homelessness. The Family Shelter has \$30,412 for homeless prevention and \$52,065 for Essential Services. The goal for the Family Shelter is to serve 10 families who are at risk of homelessness. Due to the large number of people presenting for shelter, individuals are immediately sheltered in hotels paid by General Assistance before moving into the Family Shelter as space becomes available.

General Assistance is a locally and state-funded program administered by municipalities that helps families and individuals pay for housing (among other needs). In March 2021, MaineHousing funded an Emergency Rental Assistance Program through federal Covid-19 relief money. The state reimburses 70% of applicable GA expenses, as long as municipalities process applications within 24 hours. Since its inception, Cumberland County municipalities have received \$78,594,903 in ERA benefits (as of 12-7-22). The Opportunity Alliance administered the ERA program within Cumberland County assisting 20,894 participants/10,213 households with \$45-50 million in funds distributed during January 2022 through December 2022. Over \$70 million has been distributed since January 2021. Of that funding an estimated \$22 million was distributed to support individuals in hotels/motels since January 2022. An estimated 700 to 1,000 unduplicated individuals were served in hotels/motels since January 2021. During their December 15, 2022 meeting, the Emergency Shelter Assessment Committee announced Emergency Rental Assistance funding has run out (but rent is paid through December). Per MaineHousing, the demand for the program increased in 2022 due to a combination of rising rents, the housing shortage and financial repercussions from the continuing pandemic. MaineHousing tried to reduce demand by changing eligibility from 80% AMI to 50% AMI and capping the amount paid to hotels. As of January, 2023, hotels in Freeport, Scarborough and South Portland are currently in the process of evicting their residents. Per the Opportunity Alliance, about 2,000 people will not have secure funding for housing heading into 2023.

Victims of Domestic Violence- Since 2013, Preble Street Anti-Trafficking Services (ATS) has supported more than 600 victims, enrolling over 300 in intensive case management and housing support services. Safe housing is often one of the most expensive costs in supporting survivors of human trafficking. Through These Doors operates an Emergency Shelter for women and children who are experiencing domestic violence. They have sixteen available beds at any given time, which may be occupied by either families or single adults. Through These Doors also provides shelter in hotels as funding permits. From October 1, 2021 through September 30, 2022, Through These Doors provided emergency shelter to 115 individuals and allowed access to basic necessities like food, clothing and personal care items. Residents are offered in-house education programs, individual advocacy, case management and safety planning. Community Housing of Maine (CHOM) operates three permanent supportive housing units serving a total of seven people, and two transitional housing units currently home to 6 people fleeing from domestic violence.

Other Families Requiring Services or Housing Assistance to Prevent Homelessness -

The Long-Term Stayers Initiative is a State-wide effort to end homelessness for those who have been homeless 180 days or more during the year. The City of Portland's Oxford Street Shelter uses Emergency Shelter Grants to prevent individuals from becoming homeless by

quickly moving them into permanent housing. By using ESG in the shelters and community it helps ensure individuals and families do not become Long Term Stayers. In PY2020, 190 individuals received a wide range of housing related services; of 152 enrolled in the program, 30 were rapidly re-housed, 49 received essential services and 8 individuals were prevented from becoming homeless. Portland's Health and Human Services Department and Housing and Community Development Division coordinates with other members of the Emergency Shelter Assessment Committee (ESAC) and the United Way of Greater Portland to monitor shelter bed usage for single adults, adolescents and families. ESAC members include shelter providers, supported housing providers, mental health service providers, substance use service providers, health service providers and general services including day shelter providers for the homeless population. ESAC also produces monthly and quarterly statistics on shelter usage and provides a forum to discuss new programs, resource availability, emerging trends and to resolve problems within the continuum that may arise from time to time. In the City of Portland, 33% of CDBG funds support social service agency programs while 70% of CDBG funding is used to benefit persons of low and moderate income. City staff meet with the agencies throughout the year to provide technical assistance and ensure they are meeting HUD guidelines and regulations. Staff also assists in monitoring their progress and makes recommendations for more efficient services. In the calendar year 2021, the Family Shelter in Portland welcomed 295 asylum seeking families totaling 974 individuals presenting for emergency shelter. Due to limited Covid capacity, families were provided access to hotel rooms (through the U.S. Treasury Emergency Rental Assistance program or Maine State General Assistance Funding) as overflow for four to five months prior to entry to shelters where they receive housing navigation. Because asylum seekers do not have Refugee status they are ineligible for most federal rental assistance programs – with the exception of the Emergency Rental Assistance program.

At Greatest Risk of Housing Instability- The City of Portland and Cumberland County collaborate extensively with the four housing authorities within the County. Efforts include development of affordable housing, recreational activities for at-risk youth, self-sufficiency programs, and vouchers for families, unhoused individuals, and disabled persons. Staff from both the County and City of Portland also participate in the Maine Affordable Housing Coalition, which is a collaborative group of developers, Community Action agencies, public housing authorities, investors, housing and service providers, advocates, and others working to increase the supply of quality, affordable housing throughout Maine. In 2019, all Public Housing Authorities and the Maine State Housing Authority created a statewide Combined Wait List (CWL) for the Housing Choice Voucher program. The CWL has an option for individuals in some communities to choose a preference area based on where they live and work. The Portland Housing Authority pays for 357 housing choice vouchers (191 project-based vouchers and 166 tenant-based vouchers) used in 14 housing projects. Of those vouchers, 191 PBVs are for individuals who qualify as homeless, 88 for Veterans Affairs Supportive Housing, 21 Emergency Housing, 37 Mainstream, and 20 Foster Youth Initiatives. The City of Portland's Oxford Street Sheltered used the Emergency Shelter Grant to prevent individuals from becoming homeless. While the city-wide eviction moratorium was in place due to the Covid-19 pandemic, Oxford Street worked with individuals and landlords to mitigate homelessness or return to homelessness. In contrast to the Oxford Street Shelter, the Family Shelter saw a drastic reduction in evictions due to the moratorium and moved prevention funding to essential services to aid with housing

placements. The Family shelter placed 73 families into permanent housing without a subsidy, six families were reunified with other family, eight families secured a Shelter+Care Subsidy, four families secured a Housing Choice Subsidy, and seven families left the shelter of their own accord, due to noncompliance with the program, or due to DHHS involvement. Likewise, the Oxford Street Shelter staff located permanent housing for 102 homeless individuals (79 men and 23 women, including 6 Veterans and 37 chronically homeless individuals). The City of Portland and Cumberland County are partners in the HOME consortium. The two entities work collaboratively to distribute resources and address affordable housing needs for residents of Portland and Cumberland County. Since 2019, the city of Portland has subsidized 416 units of affordable housing including units set aside for long term shelter stayers and 38 single-room occupancy units for women experiencing homelessness, addiction, and related challenges. Cumberland County, through the Cumberland County HOME Consortium, has funded 146 units of low-income housing during this same time. The City of Portland utilizes 33% of CDBG funds for social service supports, including housing programs, homeless services, crisis management services, childcare, family support services, substance use disorder services, youth and adolescent support services, senior services, neighborhood-based programs and projects, and health care for the homeless. Preble Street provides permanent supportive housing for thirty individuals at Huston Commons, and another thirty individuals at Logan Place while Community Housing of Maine (CHOM) provides permanent supportive housing for twenty-eight people within eight units located throughout three buildings. Preble Street provides emergency shelter to forty individuals at Elena's Way, twenty-four teens at Joe Kreisler Teen Shelter, and twenty-five women at Florence House. Preble Street also provides transitional housing to seventeen youth. Shalom House helps adults living with severe mental illness through an array of community-based mental health services and affordable housing. Residential treatment is provided in group living and supportive apartments. Shalom House operates two transitional buildings in Portland with a total of thirteen units and three permanent supportive housing buildings also in Portland with a total of twenty-five units.

The Westbrook Housing Authority reports they currently provide eighty-three residents with Project Based Vouchers at Riverview Terrace and Larrabee Woods, of which seventeen are designated for homeless. Larrabee Commons has thirty-nine vouchers, eighteen of which are PBV and five designated for homeless. And Robert Harnois Apartments has sixty-one PBVs of which thirteen are designated for homeless. For their Housing Choice Voucher Program, they report one hundred thirteen mainstream MS811 vouchers, thirty-five designated for homeless; ten chronically homeless vouchers, and five VASH vouchers for designated homeless veterans. Three chronically homeless and two VASH voucher holders are looking for housing.

The Portland Housing Authority reports a total of three hundred fifty-seven total vouchers set aside for homeless. These are in the form of Vouchers (166) and Project Based Vouchers (191). Vouchers include; VAHS (88), EHV (21), Mainstream (37), and Foster Youth Initiatives (20). PHA pays for the Vouchers that fund the PBV Units. PBV are currently benefiting households in fourteen different housing development projects including those managed by Community Housing of Maine and Preble Street.

The South Portland Housing Authority provides one hundred and twenty-five PBV. SPHA

is in the process of converting their Public Housing units to the Section 8 program. By the end of the year, SPHA will have a total of 375 PBVs. There are approximately 646 applicants on waiting lists.

Unmet Housing and Service Needs of Qualifying Populations:

Homeless as defined in 24 CFR 91.5

The shelter system in Portland is beyond capacity. Staff and local organizations struggle to deal with overflow strategies to meet increasing needs. Data from 2019 showed that 79% of the shelter consumers were new consumers with the average length of stay at the shelter under 60 days. Additionally, increased case management is needed for those who have mental illness and substance use issues to help them navigate the service delivery system. The City's Family Shelter has been experiencing an unprecedented volume of clients. Data from 2021 indicated the Family Shelter welcomed 295 asylum seeking families totaling 974 individuals presenting for emergency shelter. As asylum seekers, this designation adds to the complex nature of moving clients out of the shelter and into permanent housing. Overall, Portland homeless shelters had an average of 345 individuals per night last year. This number exceeded bed capacity among all shelters by over 35 individuals and excludes hotels provided by General Assistance. During 2022, 16,173 applications were submitted to the City of Portland for GA assistance for emergency shelter in hotels (a total of 1,168 applications were denied). One hundred percent of upfront costs are covered by the City of Portland/residents. Then seventy percent of the funding is sought through reimbursement from the State of Maine/Office for Family Independence, thirty percent is the responsibility of the issuing municipality. The City of Portland is seeking funding reimbursement from FEMA for its thirty percent responsibility. Despite having seven workers (two openings at the present moment) to process the applications full time (one staff also working on the weekends), the demand for GA remains since the pandemic onset very high. Many people/applicants are seeking emergency shelter, assistance with medications, food and non-food items, rent, as well as utilities.

The town of Brunswick has one 16 bed shelter, Tedford Housing; other than that, there are no additional shelters outside of Portland in Cumberland County. During fiscal year 2021-2022, Tedford Housing turned away 452 adults and 108 families due to a lack of a shelter bed. The family shelter waitlist is about 125 families as of January 2023. The Opportunity Alliance (TOA) is the Community Action Agency for Cumberland County. TOA supports low-income, at-risk individuals and families, refugees and New Mainers, individuals with disabilities, people experiencing mental health and substance use disorders, and individuals and families on the brink, or in the midst of crisis. As reported in the ERA 2022 Point in Time, TOA assisted 154 households with children (509 people of which 270 were under 18; 168 Black/Af Am/African, 300 White, 39 Multiple, and 3 Am Indian/Indigenous), and 126 households without children (147 people of which 2 Am Indian/Indigenous, 1 Asian/Asian Am, 21 Black/Af Am/African, 1 Hawaiian/Pacific, 117 White, and 5 Multiple). Due to the high number of "couch surfers", families who are "doubled up", and individuals residing in cars or tents in secluded rural areas, the number of rural unsheltered is difficult to estimate. Anecdotally, we know that rural homelessness is on the rise, and a study will be underway soon to identify the nature and extent of rural homelessness within Cumberland County.

At Risk of Homelessness as defined in 23 CFR 91.5

In 2021, there were an estimated 14,623 rental units needed for the Portland Metro Area; this demand is projected to increase to 15,064 units by 2026. The pent-up demand for affordable rental units is demonstrated by (1) the high average occupancy of 99% for LIHTC and subsidized properties; (2) the reported waitlists at affordable properties that exceeds 100 households or 2 years; and (3) 40% (or 13,892) of the current renter households in the Portland Metro Area are rent overburdened. Housing prices have risen significantly in the past five years for both renters and owners. As Portland becomes increasingly unaffordable, low- to moderate-income households are being forced to relocate to communities outside of greater Portland, which can make it difficult to access services and employment. Another repercussion of increasing unaffordability in Portland is the increase in rents and housing prices in these communities. The median rent in Cumberland County in 2020, according to MaineHousing's affordability index, was \$1,888, a 42% increase from 2017. Median renter incomes have only increased 22% during the same period. The median home price in Cumberland County has increased by 34%, and homeowner median incomes have increased 20%. Out of 4,034 homes purchased in Cumberland County in 2021, only 19% were considered affordable or attainable.

The 2016-2020 American Community Survey reported of the 145,838 total housing units in Cumberland County, 43,931 or 30.1 percent are rental units. Of the 37,027 households reporting, 32.9 percent pay more than 35 percent of their household income towards rent, and 19.5 percent pay more than 50 percent of their household income towards rent. Portland has 34,187 total housing units of which 63.2 percent or 21,605 are rental units. Of the 16,868 reporting households, 34.8 percent pay more than 35 percent of their household income towards rent, and 20.2 percent pay more than 50 percent of their household income towards rent. Within Cumberland County 24.9 percent of all housing units were built prior to 1939; 58.1 percent were built prior to 1980. In Portland, 47.7 percent of all housing units were built prior to 1939; 77.9 percent were built prior to 1980.

According to the South Portland Housing Authority, as of May 2022, there were 2,027 individuals and families awaiting housing assistance. Due to the high demand and low supply, the waiting lists for many of SPHA's buildings are currently closed. Community Housing of Maine commissioned a market study by The Signal Group (TSG), an affiliate of the National Housing & Rehabilitation Association, to determine the market need, occupancy, turnover and absorption data for the Portland Metro Area. The study found that there is a significant shortfall in the number of affordable units with demand currently exceeding supply by 1,126 housing units. Predictions show that demand will continue to grow and will exceed supply by 1,168 by 2024. The TSG study surveyed 26 Tax Credit developments in the Portland Metro Area, consisting of 1,038 units, and found a 100% occupancy rate. Reported waitlists are up to 5 years for LIHTC properties. TSG's study of the market showed an absorption period of four months, by leasing units at a rate of 10 per month. This rate is consistent with CHOM's experience at other affordable rental properties it owns in the Portland area. Portland has approximately 33,785 housing units (rental and homeownership). The majority (61%) of Portland residents live in duplex and apartment buildings. Almost 40% of Portland's residential housing stock is comprised of three-family or more buildings. Almost 50% (16,260) of those units were built before 1939, 70% (23,761) were built before 1970.

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking, as defined by HUD in the Notice

Through These Doors, a domestic violence resource center serving Cumberland County, reports 500 annual requests for shelter, which includes folks who made multiple requests. Unfortunately, the organization was able to shelter only 78 adults and 37 children from October 1, 2021 through September 30, 2022 with a gap in service of 396 beds (145 adults and 251 children). There is also a need for child care; connection to mental health or substance use support; case managers; workforce training and support; financial assistance to transition to permanent housing; as well as culturally and linguistically competent services for the increasing asylum seeker and refugee population in Maine. Community Housing of Maine (CHOM) reports needing long term case management, section 8 vouchers and mental health services for the families they serve.

Other populations requiring services or housing assistance to prevent homelessness and other populations at greatest risk of housing instability, as defined by HUD in the Notice

Formerly homeless people with both substance use disorder and mental illness are the most difficult to house permanently because of poor rental histories and the need for lengthy cultural acclimation to non-shelter living. Over the past twelve years, there have been statewide cuts to mental health services, hampering efforts to help those with mental illnesses find and maintain housing. Many treatment centers have long waiting lists and require the individual to travel away from both home and employment, something many simply cannot afford to do. Increased case management is needed for those who have mental illness and substance use issues to help them navigate the service delivery system. Milestone Recovery provides outreach and community support to individuals experiencing homelessness concurrent with substance use or mental health disorders. Milestone operates Southern Maine's only Substance Use Homeless Shelter, along with a Housing Navigation Program to transition clients out of chronic homelessness and into permanent, stable housing, along with both short-term and long-term substance use treatment programs directed at low-income individuals, including those experiencing homelessness. Shalom House provides residential treatment in group and apartment housing, supportive housing, and independent living for individuals with serious and prolonged mental illness. Shalom House currently has 516 people on the waitlist for housing they own and operate; 249 of those have reported being homeless or at risk of homelessness. Thirty-eight percent (38%) have been on the waitlist for at least four years; 30% have been on the list for two to four years; 17% have been on the list for one to two years and 15% have been on the list for a year or less. Shalom House has approximately 140 people approved for a rental voucher who have been unable to find housing. Most of these individuals are currently homeless. Shalom House reports that only about 25% of individuals with housing vouchers are able to find housing. At the Oxford Street Shelter, 13.02% experience a physical disability or illness. Portland's population has a higher incidence of disability than people in Cumberland County as a whole (13.5% and 11% respectively). 45.2% of the non-institutional population 65 years and over in Portland has a disability, including hearing difficulty, vision difficulty, cognitive difficulty, ambulatory difficulty, self-care difficulty, and independent living difficulty.

Gaps within Shelter and Housing Inventory as well as the service delivery system:

From 2017-2021, housing prices have skyrocketed, exacerbating an already significant issue.

Due to the Covid-19 pandemic, there has been less turnover of units and more competition for units as remote workers move to the area. Portland has also seen an increased number of asylum-seeking families arriving at the southern border who designate the Portland Family Shelter as their destination. In the calendar year 2021, the Family Shelter welcomed 295 asylum-seeking families totaling 974 individuals presenting for emergency shelter. Gaps within the service delivery system include financing necessary to provide intervention to prevent homelessness; funding for substance use services; funding for mental health services; and funding for case management “navigators”. As noted above, gaps within the current shelter and housing inventory include beds for individuals seeking shelter; units for voucher holders; units for persons with disabilities; units for the elderly population; units for those fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking or human trafficking; units for teens; and units to create stable affordable housing. Milestone Recovery’s most urgent unmet need for their qualifying population is emergency homeless shelter capacity. Milestone’s emergency shelter is currently operating at full capacity of 36 beds per night, and still experiences significantly higher demand than can be met. In the last several months Milestone has been forced to turn away an average of 10-15 qualified individuals seeking shelter each night, and the need is only expected to intensify moving into the depths of winter. Multiple other unmet life safety needs exist, including the need for winter clothing, access to medical care and substance use treatment, and food insecurity. Other unmet needs that do not fall under the blanket of life safety needs include access to affordable long-term housing and access to employment and employment training opportunities. The highest priority need is emergency shelter capacity.

The rental housing stock in Portland and throughout the Greater Portland Region is aging and reaching the end of useful life for housing. Rehabilitation of aging housing stock often involves extensive energy efficiency efforts because of severe winter weather. The cost involved with rehabilitating older housing can be cost prohibitive in a housing market that is already too expensive for many residents. Through our outreach, we know that rents in the area have skyrocketed since 2019, further exacerbating an already tenuous issue. There are 380 units of Section 8, 711 LIHTC units, and 90 HOME-assisted units whose affordability period is expected to expire between 2022 and 2027. The City’s affordable housing providers work with social service providers to move individuals out of homelessness and into affordable housing. Providers report that even with vouchers and assistance, units are difficult to obtain; therefore, increasing the number of units is critical. Milestone’s largest unmet systemic need for the Housing Navigator Program is the short supply of affordable housing in the community, especially housing programs that employ a housing-first model to substance use. In addition to this broad systemic problem, many Housing Navigator clients experience smaller, seemingly low-cost barriers that prevent them from obtaining and retaining housing. These include but are not limited to costs associated with the housing search process, including application fees, security deposits, costs of obtaining state identification, passes for public transportation, and phone cards to communicate with potential landlords. Milestone maintains a small assistance fund to help clients overcome these barriers, but this fund only covers a fraction of the need for hard to find affordable housing.

Preble Street, a provider of emergency service and permanent supportive housing has a gap in service of up to 500 adult emergency service beds, and up to 360 permanent supportive housing units. Community Housing of Maine (CHOM) needs additional long-term case

management for each of the eight households they serve with permanent supportive housing. Portland Housing Authority requires additional staffing and flex funding to walk the unhoused population from homelessness into affordable housing. The complex nature of completing the basic eligibility paperwork, to finding a unit in a highly competitive market, to furnishing the unit while addressing the challenges of paying bills, keeping utilities in place, meeting medical and mental health needs is extremely daunting for many who are trying to rebuild their lives, and sometimes do not have the ability to do so. Housing Authorities are not allocated funding to provide this level of service. Additionally, basic housekeeping services are needed as many individuals with intellectual, mental health, or physical disabilities require these services, which also benefits the entire community.

Under Section IV.4.2.ii.G of the HOME-ARP Notice, a P, may provide additional characteristics associated with instability and increased risk of homelessness in their HOME-ARP allocation plan. These characteristics will further refine the definition of “other populations” that are “At Greatest Risk of Housing Instability,” as established in the HOME-ARP Notice. If including these characteristics, identify them here:

Portland has long been a desirable and welcoming community for immigrants, refugees, and asylum seekers. Unfortunately, the shortage of affordable housing options can be particularly difficult for individuals who may have larger families, limited English, and few resources. Many of the immigrant, refugee, and asylum-seeker families have been forced to seek housing options outside of the greater Portland area. As immigrants/refugees get pushed further away from Portland, they move geographically further away from the only support services who are linguistically equipped and culturally competent enough to identify needs and issues and provide appropriate, sensitive treatment or assistance. This is true also for individuals with disabilities, domestic violence victims, and other individuals who may have lower incomes who depend on services which may be more readily available, or only available, within the City of Portland.

Priority needs for qualifying populations:

The need to create affordable permanent supportive housing and provide ongoing support and technical assistance was reiterated throughout the consultation sessions. Therefore, our priority is to focus the majority of these funds on the creation of permanent supportive housing.

Although there were recommendations around rental assistance and services such as housing navigation, there are both new and ongoing funding sources that address those needs. And while the creation of additional vouchers would be helpful, for far too many current voucher holders, the difficulties of finding housing affordable with a voucher emphasizes the importance of building additional income-restricted rental housing.

Determination of the level of need and gaps in the shelter and housing inventory and service delivery systems based on the data presented in the plan:

The level of need and gaps in shelter, housing and service delivery systems were determined using data from the statewide Homeless Management Information System, Maine’s Point in Time and Housing Inventory Count, housing data from the 2019 American Community Survey (ACS) and the 2014-2018 Comprehensive Housing Affordability Strategy (CHAS), and a gaps analysis performed by the Corporation for Supportive Housing (CSH) as part of

the Maine Homeless System Re-Design Initiative (Final Report and Recommendations June 2021). The determination of how to most effectively utilize this funding was determined through a series of stakeholder meetings.

HOME-ARP ACTIVITIES

Method(s) that will be used for soliciting applications for funding and/or selecting developers, service providers, subrecipients and/or contractors:

Housing Production: Funding will be allocated through a competitive application process open to all eligible entities, including nonprofit housing organizations and for-profit developers. To be considered eligible for Program funds, recipients at a minimum will need to meet the following criteria: a) Make acceptable assurances that they will comply with the requirements of the HOME-ARP Program during the entire period that begins upon selection of the recipient and ending upon the conclusion of all HOME-ARP Program funded activities; b) Demonstrate the ability and financial capacity to undertake, comply, and manage the eligible activity; c) Demonstrate its familiarity with the requirements of other Federal, State, or local housing programs that may be used in conjunction with HOME-ARP Program funds to ensure compliance with all applicable requirements and regulations of such programs; d) Have demonstrated experience and capacity to conduct HOME-ARP Program eligible activities as evidenced by its ability to own, construct, or rehabilitate, and manage and operate an affordable multifamily rental housing development.

Describe whether the PJ will administer eligible activities directly:

The Cumberland County HOME Consortium will not use funding to directly create housing or provide services.

If any portion of the PJ's HOME-ARP administrative funds are provided to a subrecipient or contractor prior to HUD's acceptance of the HOME-ARP allocation plan because the subrecipient or contractor is responsible for the administration of the PJ's entire HOME-ARP grant, identify the subrecipient or contractor and describe its role and responsibilities in administering all of the PJ's HOME-ARP program:

The Cumberland County HOME Consortium did not appoint subrecipients or contractors for the development of the HOME-ARP allocation plan or administration of the HOME-ARP funds.

Use of HOME-ARP Funding

	Funding Amount	Percent of the Grant	Statutory Limit
Supportive Services	\$ 763,755		
Acquisition and Development of Non-Congregate Shelters	\$ 250,000		
Tenant Based Rental Assistance (TBRA)	\$ 0		
Development of Affordable Rental Housing	\$ 2,041,266		

Non-Profit Operating	\$ 0	0 %	5%
Non-Profit Capacity Building	\$ 0	0 %	5%
Administration and Planning	\$ 539,121	0 %	15%
Total HOME ARP Allocation	\$3,594,143		

Distribution of HOME-ARP funds in accordance with its priority needs identified in its need's assessment and gap analysis:

The distribution of the HOME-ARP funds is aligned with the priorities identified through public comment and consultation with organizations and agencies who provide support and assistance to the qualifying populations. The Development of Affordable Rental Housing category has been funded the most as we have evaluated this category as being most in demand.

A total of \$2,291,266 will be utilized for the Acquisition and Development of Non-Congregate Shelters and the Development of Affordable Rental Housing, with approximately 90% funding the Development of Affordable Rental Housing and approximately 10% funding the Acquisition and Development of Non-Congregate Shelters.

Supportive Services is the second largest funding category which again aligns with the priorities identified through public comment and consultation with organizations and agencies who provide support and assistance to the qualifying populations.

The funding amount for Administration and Planning is projected at \$539,121. Any funds not expended in this category may be reallocated to the funding amounts for Supportive Services, Acquisition and Development of Non-Congregate Shelters, and Development of Affordable Rental Housing.

Characteristics of the shelter and housing inventory, service delivery system, and the needs identified in the gap analysis provided a rationale for the plan to fund eligible activities:

The need to create affordable permanent supportive housing and provide ongoing support and assistance was reiterated throughout the consultation sessions. Based on feedback provided it is apparent that the most significant need is to create affordable permanent housing and supportive housing units. The shelter system (only available in Portland and Brunswick) is operating at full capacity, turning away adults and families each night and struggles to deal with overflow strategies to meet unprecedented increasing housing and case management needs. An estimated 700 to 1,000 unduplicated individuals were served in hotels/motels from January 2021 to December 2022; the Emergency Rental Assistance used to pay for these units ran out in November 2022. Tenants are being evicted as of January, 2023.

In 2021, there were an estimated 14,623 rental units needed for the Portland Metro Area; this demand is projected to increase to 15,064 units by 2026. The pent-up demand for affordable rental units is demonstrated by (1) the high average occupancy of 99% for LIHTC and subsidized properties; (2) the reported waitlists at affordable properties that exceeds 100 households or 2 years; and (3) 40% (or 13,892) of the current renter households in the Portland Metro Area are rent overburdened. In Portland, 47.7 percent of all housing

units were built prior to 1939. Due to high demand and low supply of affordable housing, wait lists for many buildings are closed. Providers report that even with vouchers and assistance, units are difficult to obtain; therefore, increasing the number of units is critical.

The domestic violence resource center serving Cumberland County reports a gap in service of 396 beds (145 adults and 251 children). There is also a need for case managers, and connects to mental health or substance use support.

Formerly homeless people with both substance use disorder and mental illness are the most difficult to house permanently. Housing and increased case management is needed for those who have mental illness and substance use issues.

While the Cumberland County Consortium needs additional homeless diversion, rapid rehousing and rental assistance programs, without units to house people these programs will never be fully effective.

HOME-ARP PRODUCTION HOUSING GOALS

Estimated number of affordable rental housing units for qualifying populations that the PJ will produce or support with its HOME-ARP allocation:

Cumberland County HOME Consortium anticipates that at least 10 units of affordable rental housing units for qualifying populations will be directly produced with HOME-ARP funds. However, the investment of HOME-ARP funding is estimated anticipated to leverage production of additional units utilizing other private and/or public funding resources.

Affordable rental housing production goal that the PJ hope to achieve and how the production goal will address the PJ's priority needs:

The Cumberland County HOME Consortium will prioritize projects that are able to be developed quickly and that can operate with sufficient operating and supportive service dollars to meet the needs of tenants. As noted above, it is anticipated that at least 10 units of affordable rental housing units will be developed. The units developed with HOME-ARP funds will meet the City of Portland and Cumberland County Consolidated Plan Priorities to Increase Housing Availability and Affordability, Address the Needs of the Growing Homeless Population and Provide Services to Special Populations Including Victims of Domestic Violence, Homeless Persons and Persons with Disabilities.

PREFERENCES

The City of Portland / Cumberland County HOME Consortium does not plan to give preference to one or more qualifying populations or subpopulations for any eligible activity or project. If it is determined that the only viable project would require a preference, a substantial amendment, including the required public participation process will be submitted.

Referral Methods

At this time the City of Portland / Cumberland County HOME Consortium have not defined a referral method. A referral method will be defined during the RFP process for

selecting projects, programs, or services.

Limitations in a HOME-ARP Rental Housing or NCS Project

At this time the City of Portland / Cumberland County HOME Consortium has no intention to limit eligibility for a HOME-ARP rental housing or NCS project.

HOME-ARP REFINANCING

At this time the City of Portland / Cumberland County HOME Consortium has no intention to refinance existing debt secured by a multifamily rental housing that is being rehabilitated with HOME-ARP Funds.

Cumberland County HOME Consortium, HOME-ARP Allocation Plan

Appendix A: Consultation Participants, Survey Respondents and Written Comments

The Cumberland County HOME Consortium thanks the following individuals and organizations for their participation.

Public Agencies that Address the Needs of Qualifying Populations:

Awa Conteh	City of Bangor Public Health and Community Services
Chelsea Hoskins	City of Portland Family Shelter
Aaron Geyer	City of Portland Social Services
David Richmond	Maine Bureau of Veterans Services
Susan Gagnon	Maine Department of Corrections
Alice Preble	Maine Department of Health and Human Services
Ginny Dill	Maine Department of Health and Human Services
Sara Wade	Maine Department of Health and Human Services
Stacy Keenan	Maine Department of Health and Human Services
Amelia Lyons	Maine Department of Education
Leah Bruns	Portland Housing Authority
Arwen Agee	Veterans Administration
Jason Carter	Veterans Administration
Susan Sampson	Veterans Administration
Wendy Thomas-Blais	Veterans Administration
Sharon Jordan	Wabanaki Public Health Services

And all the Community Action Agency participants listed in the meeting titled Developers/Community Action Agencies, and in the meeting titled Emergency Shelter Assessment Committee.

Public or Private Organizations that Address Civil Rights and Fair Housing:

Bill Higgins	Homeless Advocacy for All
Susan Randall	Homeless Advocacy for All
Kate Easter	Maine Coalition to End Domestic Violence
Frank D'Alessandro	Maine Equal Justice Partners
Ben Martineau	Homeless Voices for Justice
Cheryl Hawkins	Homeless Voices for Justice
Leana Amaez	Maine Department of Health and Human Services
Fatima Saidi	Maine Immigrant Rights
Gia Drew	Equality Maine
Rachel Talbot Ross	Maine Black Caucus

Public/Private Organizations that Address the Needs of Persons with Disabilities:

Brianne Brasset	Community Health and Counseling Services
Meredith Smith	Community Health and Counseling Services
Sarah Derosier	Community Health and Counseling Services
Vickey Rand	Community Housing of Maine
Cullen Ryan	Community Housing of Maine
David McCluskey	Community Care
Tracey Allen	Kennebec Behavioral Health

Rich Romero
Charlotte Rogers
Katie Rutherford
John Wiinikka
Jill Grazia
Norm Maze
Paul Linet
Travis Drake
Nicole Frydrych
Rich Hooks Wayman
Tyra Parker
Benjamin Strick

OHI
Peabody Center
Peabody Center
Peabody Center
Shalom House
Shalom House
3iHOME
Volunteers of America Northern New England
Volunteers of America Northern New England
Volunteers of America Northern New England
Volunteers of America Northern New England
Spurwink Services

<i>Meeting Focus / Qualified Populations Served</i>	<i>Date</i>	<i>Attendees</i>
Maine Shelter Network	10-19-2021	Lauren Bustard, Betty LaBua, Steve McDermott (MaineHousing), Boyd Kronholm (BAHS), Jessica Wilson (City of Lewiston), Jenifer Needham, Chris Bicknell (New Beginnings), Kari Bradstreet (Hope and Justice Project), Jenny Stasio (Through These Doors), Noelle Coyne (Safe Voices), Terence Miller (Preble Street), Katie Spencer White (MMHS), Josh D'Alessio (PCHC), Victoria Volent (City of Portland), Mark Swan (Preble Street), Janice Daku (RCAM), Stephanie Primm (KCHC), Joe McNally (Milestone Recovery), Tracy Hair (HOME, Inc.), Kristin Styles (Cumberland County)
Maine Continuum of Care	10-21-2021	Abigail Smallwood (City of Biddeford), Ali Lovejoy, Erin Kelly, Dan Hodgkins (Preble Street), Alice Preble (Maine DHHS), Amelia Lyons (Maine Dept. of Ed.), Awa Conteh (City of Bangor), Meredith Smith, Sarah Derosier, Brianne Brasset (CHCS), Bill Higgins (Homeless Advocacy for All), Boyd Kronholm (BAHS), Bridge Semler, Chris Bicknell (New Beginnings), Christina Dingus, Lauren Bustard, Kelly Watson, Tara Hembree, Scott Tibbitts, Mike Shaughnessy Paula Weber, Betty LaBua (MSHA), Cullen Ryan, Vickey Rand (CHOM), David McCluskey (Community Care), Donna Kelly (Waldo CAP), Stephanie Primm (Knox County Homeless Coalition), Emily Flinkstrom (Fairtide), Ginny Dill (Maine DHHS), Janice Daku (RCAM), Janice Lara H (CC Maine), Jill Grazia (Shalom House), Joe McNally (Milestone Recovery), Josh D'Alessio (PCHC), Kari Bradstreet (HJP), Susan Randall (Homeless Advocacy for All), Katie Spencer White (MMHS), Kelsea Vincent (YAB), Victoria Volent, Aaron Geyer, (City

		of Portland), Marcie Dean (Next Step), Melanie Beaulieu (FVP), Molly Sirios (BOL), Noel Thibodeau (NHFW), Noelle Coyne (Safe Voices), Norm Maze (Shalom House), Rebecca Hobbs (TTD), Rebekah Paredes (NHFW), Rich Romero (OHI), Rota Knott (Tedford House), Sara Wade (Maine DHHS), Lisa McLaughlin (HSA), Sharon Jordan (Wabanaki Public Health Services), Susan Gagnon (Maine DOC), Tracy Allen (KBH), Melissa Mcentee (RGH), Tyra Parker (VOANNE), Whitney Files (Knox County Homeless Coalition), Kelly Walsh (TTD), Kate Easter (MCEDV)
Advocates and People with Lived Experiences	10-22-2021	Lauren Bustard, Denise Lord, Betty LaBua, Steve McDermott (MSHA), Frank D'Alessandro (MEJP), Cheryl Hawkins (HVJ), Bill Higgins, Susan Randall (Homeless Advocacy for All), Ben Martineau (HJV), Victoria Volent, Heidi McCarthy (City of Portland), Anna Brewer (Preble Street), Jessica Wilson (City of Lewiston),
Developers/Community Action Agencies	10-27-2021	Heidi Leblanc, Jason Bird (Penquis), Denise Lord, Steve McDermott, Lauren Bustard, Paula Webber, Mark Wiesendanger, Betty LaBua (MSHA), Josh D'Alessio (PCHC), Ben Strick (Spurwink), Theresa Dow-Oleary, Jason Parent (ACAP), Shawn Yardley (Community Concepts), Barbara Crider (YCCAC), Donna Kelley (Waldo CAP), Claire Berkowitz (MMCA Corp), Mary Davis (City of Portland), Lincoln Jeffers (City of Lewiston), Zak Maher (City of Auburn), Rick Hooks Wayman (VOANNE), Boyd Kronholm (BAHS), Nate Libby, Megan Parks (Community Concepts), Deb Johnson (DEC), Sayre Savage (Four Directions Development), Bobbi Harris (Downeast Community Partners)
Homeless Veterans Action Committee	11-2-2021	Nicole Frydrych, Brian Bouthot (VOANNE), Arwen Agee, Jason Carter, Wendy Thomas-Blais, Susan Sampson (VA), Amy Holland, Dennis Michaud, Ray Michaud, Tom Pangborn (Veterans, Inc.), April Reed, Mary Wade, Lauren Bustard, Betty Labua (MSHA), Ellie Espling (Senator Susan Collins' Office), Heidi McCarthy (City of Portland), Dan Hodgkins (Preble Street), Kristin Styles (Cumberland County), David Richmond (Maine Bureau of Veteran's Services), Kim Rohn (Representative Jared Golden's Office), Bill Higgins (Homeless Advocacy for All), Mary Davis (City of Portland)
Public Housing Authorities	11-5-2021	Marty Szydlowski (Auburn Housing), Amanda Olsen (Augusta Housing), Mike Myatt (Bangor Housing), Deb

		Keller (Bath Housing), Lisa Plourde (Caribou Housing), Stacey Michaud (Ft Fairfield Housing), Chris Kilmurry (Lewiston Housing), Cheryl Sessions (Portland Housing), Chris Kilmurry (Presque Isle Housing), Laurie Miller (Old Town Housing), Mike Hulsey (South Portland Housing), Chris LaRoche (Westbrook Housing), Lauren Bustard, Denise Lord, Betty LaBua (MSHA), Kristin Styles (Cumberland County), Mary Davis, Victoria Volent (City of Portland),
Emergency Shelter Assessment Committee (ESAC)	12-16-2021	Mike Guthrie (CoP FS), Mailyss Day (PHA), Ben Strick (Spurwink), Oliver Bradeen (Milestone Recovery), Vicky Rand, Cullen Ryan (CHOM), Hannah Brier, Dan Coyne (United Way), Brian Townsend (Amistad), Sara Michniewicz (BNA), Ben Martineau, Tim Devine (HVJ), Norm Maze (Shalom House), Bill Higgins, Suzanne Randall (HA4All), Mary Cook (TOA), Ginny Dill (Office of Behavioral Health), Amy Geren (Portland Downtown), Terence Miller (Preble Street), Jenny Stasio (Through These Doors), Aaron Geyer, Adam Harr, Victoria Volent (City of Portland)
Maine Continuum of Care/Advocates for the Homeless/Maine Shelter Network	1-11-2022	Terrace Miller (Preble Street), Brian Townsend (Amistad), Amy Holland, Michelle Lamm (Greater Portland Family Promise), Benjamin Strick (Spurwink Services), Val Fitzgerald, Christine Fecko (The Opportunity Alliance), Wendy Harmon (Southern Maine Landlord Association), Mailyss Day (Portland Housing Authority), John Wiinikka (Peabody Center), Vicky Rand (Community Housing of Maine), Chelsea Hoskins (City of Portland)
Developers and Advocates for Public Housing	1-14-2022	Martha Stein (Hope Acts), Charlotte Rogers, Lorena Delcourt, Katie Rutherford (Peabody Center), Paul Linet (3iHOME), Nathan Szanton (The Szanton Company), Betsey Remage Healey (HomeStart), Robyn Wardell, Brian Kilgallen (Community Housing of Maine), Brian Sites (VOANNE), Rebecca Hatfield, Nathan Howes (Avesta), Brian Eng (Maine Cooperative Development Partners), Tara Hill (Habitat for Humanity), Laura Reading (Developers Collaborative), Jay Waterman (Portland Housing Authority), Tim Wells (Greater Portland Community Land Trust), James Vincent (Pharos House)
Publicly noticed meeting facilitated by the Cumberland County HOME Consortium	2-8-2022	Will Quenga, Nicole Hanson (Maine Prison Re-Entry Network), Jim Hall, Priscilla Bitencourt (Homeless liaison for Portland Public Schools), Frank Sanfilippo, Brian Eng, Liz Trice (Maine Cooperative Development Partners), Rob

		Korobkin (Courage House), Susannah Sanfilippo, Tim Wells (Greater Portland Community Land Trust), Sarah Michniewicz (President of Bayside Neighborhood), Christopher Stjohn, Christian MilNeil, Tobin Williamson, Mufalo Chitam (Maine Immigration Rights Coalition), Janice Murphy, Travis Drake (VOANNE), Karin Martin, Lado Lodoka (Center for Preventing Hate), Erin Kelly (Dir. Of Homeless Youth and Young Adult Svc), Lolan Lyne, Poppy Arford (Maine State Representative), Sean Murphy, Frank Rios, Erin Gorham, Juliana Bean, Kelly Fowler
Providers of emergency shelter, transitional shelter, permanent supportive housing, and safe havens.	October 2022 through January 2023	Rota Knott (Tedford Housing), Jenny Stasio (Through These Doors), Mary Wade, Scott Tibbitts (MaineHousing), Leah Bruns (Portland Housing Authority), Andrew Bove (Preble Street), Kyra Walker (Community Housing of Maine), Aaron Geyer, Adam Harr, Ryan Gorneau (City of Portland), Joseph McNally, Tom Doherty (Milestone Recovery), Val Fitzgerald (The Opportunity Alliance), Norm Maze (Shalom House), Anne-Marie Brown (United Way of Southern Maine), Laura Hebert (Westbrook Housing Authority), Brooks More, Nicole Bernier (South Portland Housing Authority)

Appendix B – Public Outreach

Original Public Notice in the February 3rd 2023 edition of the Press Herald

NOTICE OF PUBLIC HEARINGS and PUBLIC COMMENT PERIOD

Cumberland County Commissioner Meetings
Monday February 13, 2023 at 5:30pm
Monday March 13, 2023 at 5:30pm
142 Federal St, Portland, ME Cumberland County Courthouse Feeney Room

City of Portland
Housing & Economic Development Committee Tuesday February 21, 2023 at 5:30pm (remote)
City Council Monday, March 20, 2023 at 5:00 pm
389 Congress St, City Hall, Council Chambers or remotely as allowed in the City of Portland Remote Meeting Policy.

30 DAY PUBLIC COMMENT PERIOD
CITY OF PORTLAND, MAINE / CUMBERLAND COUNTY HOME CONSORTIUM
February 6, 2023 to March 8, 2023
389 Congress Street, Portland City Hall, Room 312

HOME-ARP ALLOCATION PLAN, Funding available \$3,594,143

The City of Portland and the County of Cumberland will each hold two public hearings to consider the HOME-ARP Allocation Plan outlining the use of funds received by the Cumberland County HOME Consortium from the U.S. Department of Housing and Urban Development (HUD). Public comments on the proposed Plan will be accepted in writing or verbally from February 6, 2023 to March 8, 2023. To submit written public comment for the public hearing, please send an email to VVolent@portlandmaine.gov by midnight on March 8. All submissions must include the commenter's name and legal address. Verbal public comments will be accepted during the Public Hearings held on the dates and times noted above or by calling 482-5028 during the 30-day public comment period.

The primary objective of the HOME-ARP Allocation Plan is to outline a plan for the provision of funding for homelessness and supportive services assistance under Title II of the Cranston-Gonzalez National Affordable Housing Act of 1990, as amended (42 U.S.C. 12721 et seq.). The draft HOME-ARP Allocation Plan can be viewed at <https://portlandmaine.gov/1203/Plans-and-Reports> and <https://www.cumberlandcounty.org/170/Reports-Plans> starting on February 6, 2023.

Translation, interpretation, and other accommodations will be available for materials and meetings upon request.

Please contact the following person to request an interpreter or accommodation for the meeting: Victoria Volent, vvolent@portlandmaine.gov, 207-482-5028.

Fadlan la xiriir qofkan hoose si aad u condato turjumaan ama tixgelin xiliga shirka: Victoria Volent, vvolent@portlandmaine.gov, 207-482-5028.

Por favor entre em contato com a seguinte pessoa para solicitar um intérprete ou acomodação para a reunião: Victoria Volent, vvolent@portlandmaine.gov, 207-482-5028.

Victoria Volent, vvolent@portlandmaine.gov, 207-482-5028:

يجي الاتصال بالشخص التالي لطلب مترجم فوري أو تسهيلات لحضور الاجتماع: الاسم، البريد الإلكتروني، رقم الهاتف

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Portland Press Herald

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Corrected Public Notice in the February 7th 2023 edition of the Press Herald

CORRECTION

NOTICE OF PUBLIC HEARINGS AND PUBLIC COMMENT PERIOD

Cumberland County Commissioner Meetings

Monday February 13, 2023 at 5:30pm

Monday March 13, 2023 at 5:30pm

142 Federal St, Portland, ME Cumberland County Courthouse Feeney Room

City of Portland

Housing & Economic Development Committee Tuesday February 21, 2023 at 5:30pm (remote)

City Council Monday, March 20, 2023 at 5:00 pm

389 Congress St, City Hall, Council Chambers or remotely as allowed in the City of Portland Remote Meeting Policy.

30 DAY PUBLIC COMMENT PERIOD – Correction

CITY OF PORTLAND, MAINE / CUMBERLAND COUNTY HOME CONSORTIUM

February 8, 2023 to March 10, 2023

389 Congress Street, Portland City Hall, Room 312

HOME-ARP ALLOCATION PLAN, Funding available \$3,594,143

The City of Portland and the County of Cumberland will each hold two public hearings to consider the HOME-ARP Allocation Plan outlining the use of funds received by the Cumberland County HOME Consortium from the U.S. Department of Housing and Urban Development (HUD). Public comments on the proposed Plan will be accepted in writing or verbally from February 8, 2023 to March 10, 2023. To submit written public comment for the public hearing, please send an email to VVolent@portlandmaine.gov by midnight on March 10. All submissions must include the commenter's name and legal address. Verbal public comments will be accepted during the Public Hearings held on the dates and times noted above or by calling 482-5028 during the 30-day public comment period.

The primary objective of the HOME-ARP Allocation Plan is to outline a plan to help individuals and families who are homelessness or at risk of homelessness. The plan will include a proposed spending plan in these eligible areas: Administration and Planning; Development of Affordable Rental Housing; Supportive Services and Acquisition and Development of Non-Congregate Shelter.

The draft HOME-ARP Allocation Plan can be viewed at <https://portlandmaine.gov/1303/Plans-and-Reports> and <https://www.cumberlandcounty.org/170/Reports-Plans> starting on February 8, 2023.

Translation, interpretation, and other accommodations will be available for materials and meetings upon request.

Please contact the following person to request an interpreter or accommodation for the meeting: Victoria Volent, vvolent@portlandmaine.gov, 207-482-5028.

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Victoria Volent, vvolent@portlandmaine.gov, 207-482-5028:
يحيى الاتصال بالشخص التالي لطلب مترجم فوري أو لتسهيلات لحضور الاجتماع: الاسم، البريد الإلكتروني، رقم الهاتف

Pour obtenir un interprète ou faciliter une réunion, veuillez contacter la personne suivante: Victoria Volent, vvolent@portlandmaine.gov, 207-482-5028.

Para solicitar un intérprete o una adaptación especial para la reunión, comuníquese con esta persona: Victoria Volent, vvolent@portlandmaine.gov, 207-482-5028.

Leka na ko benga moto oyo soki oza na bosenga ya interprete to ya bosalisi pona rendez-vous na yo: Victoria Volent, vvolent@portlandmaine.gov, 207-482-5028.

SPORTS

MLB NOTEBOOK

Red Sox sign pitcher Faria to minor league contract

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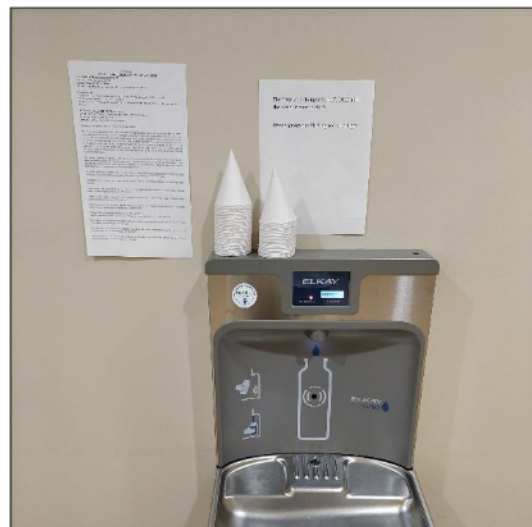
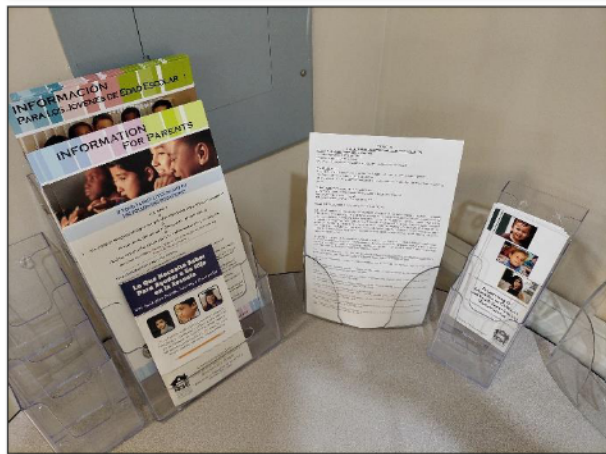
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Postings of Public Notice



Public Engagement

Promotion of public participation and community meetings:



FOR IMMEDIATE RELEASE

January 31, 2022

MEDIA CONTACT

Jessica Grondin

207.272.7885

City & County Soliciting Feedback on Community Housing Needs

Feedback will help guide plans to put federal funds to use

PORTLAND, Maine – On Tuesday, February 8, at 6:00 PM, the City of Portland and Cumberland County will co-host a [public meeting](#) to collect public feedback on reducing homelessness and increasing housing stability.

Cumberland County and the City of Portland have been awarded \$3,500,000 in HOME-ARP funding to provide housing, rental assistance, supportive services, and non-congregate shelter, to reduce homelessness and increase housing stability. The funding must primarily benefit qualifying individuals and families who are homeless, at risk of homelessness, or in a vulnerable population.

Public input will help guide the plan's recommendations and is a vital element in assessing the needs of and gathering input from the community.

Zoom Link: <https://us02web.zoom.us/j/82615536058>

Meeting ID: 826 1553 6058

Telephone Number: 646-558-8656

February 7th, 2022 News Article:

<https://www.pressherald.com/2022/02/07/more-pandemic-funding-targeted-to-address-homeless-housing-needs/>

February 8th, 2022 Events Page:

https://www.pressherald.com/forecaster/forecaster-calendar/?_escaped_fragment_=/show/?start=2020-04-06#!/details/Soliciting-Feedback-on-Community-Housing-Needs/9875553/2022-02-08T18

NEWS BUSINESS OPINION SPORTS A&E FOOD THINGS TO DO

LOCAL & STATE

More pandemic funding targeted to address homeless, housing needs

Portland and Cumberland County are seeking public input on how to spend \$3.6 million in ARPA funding to reduce homelessness and increase housing availability.

BY KELLEY BOUCHARD STAFF WRITER

EMAIL WRITER
207-791-6328

21 COMMENTS

Listen to this article now
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Regional efforts are ramping up to reduce homelessness and increase available housing in southern Maine, fueled by additional pandemic funding from the American Rescue Plan Act.

A consortium led by the city of Portland that includes Cumberland County and the town of Brunswick has been awarded \$3.6 million in ARPA funding through the U.S. Department of Housing and Urban Development's Home Investment Partnerships Program.

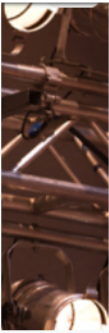
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VIRTUAL

Soliciting Feedback on Community Housing Needs

Tuesday, February 08, 2022, 6:00pm
[Add to Calendar](#)

Event Format
Virtual
[Learn More](#)

Originating Location
Cumberland County and the City of Portland have been awarded \$3,500,000 in HOME-ARP funding (see attachment) to provide housing, rental assistance, supportive services, and non-congregate shelter, to reduce homelessness and increase housing stability. On Tuesday, February 8, at 6:00 PM, the City of Portland and Cumberland County will co-host a public meeting to collect public feedback on reducing homelessness and increasing housing stability. Please join us via Zoom, public input will help guide Portland, ME

Price
\$0.00 to \$500.00

Notes
Virtual Event

Description
Tuesday, February 8, 2022



Report a map error

Order 179-23/24
Passage: 8-0 on 4/22/2024
(Bullett absent)

Effective 5/2/2024

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER(A/L)
ROBERTO RODRÍGUEZ (A/L)

CITY OF PORTLAND
IN THE CITY COUNCIL

ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER APPROVING SUBSTANTIAL AMENDMENT TO THE HOME AMERICAN
RESCUE PLAN ALLOCATION PLAN**

ORDERED, a Substantial Amendment to the HOME American Rescue Plan Allocation Plan
substantially in the form attached hereto, is hereby approved; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or
designee to execute any documents necessary or convenient to carry out the intent
of said documents and this Order.

NOTICE OF PUBLIC HEARINGS and PUBLIC COMMENT PERIOD

Cumberland County

Commissioner Meeting: Monday, April 8, 2024 at 5:30pm

142 Federal St, Portland, ME - Cumberland County Courthouse, Feeney Room

City of Portland

Housing & Economic Development Committee: Tuesday, March 19, 2024 at 5:30pm (remote)

Health & Human Services/Public Safety Committee: Tuesday, March 26, 2024 at 5:30 pm (remote)

City Council Meeting: Monday, April 22, 2024 at 5:00 pm

389 Congress St, Portland, ME - City Hall, Council Chambers or remotely as allowed in the City of Portland Remote Meeting Policy

30 DAY PUBLIC COMMENT PERIOD

CITY OF PORTLAND, MAINE / CUMBERLAND COUNTY HOME CONSORTIUM

Tuesday, March 19, 2024 through Friday, April 19, 2024

389 Congress Street, Portland City Hall, Room 312

Lauren Bowen@portlandmaine.gov, 207-756-8246

HOME-ARP ALLOCATION PLAN - SUBSTANTIAL AMENDMENT

The City of Portland and the County of Cumberland will hold two public hearings to consider the HOME-ARP Substantial Amendment outlining the use of funds received by the Cumberland County HOME Consortium from the U.S. Department of Housing and Urban Development (HUD). Public comments on the proposed Amendment will be accepted in writing or verbally from Tuesday, March 19, 2024 to Friday, April 19, 2024.

To submit written public comment for the public hearing, please send an email to LBowen@portlandmaine.gov by midnight on Friday, April 19, 2024. All submissions must include the commenter's name and legal address. Verbal public comments will be accepted during the Public Hearings held on the dates and times noted above or by calling 207-756-8246 during the 30-day public comment period.

The primary objective of the HOME-ARP Substantial Amendment is to better align the distribution of HOME-ARP funds in accordance with the priority needs of individuals and families who are experiencing or at risk of experiencing homelessness. Changes included in the Substantial Amendment will ensure that these one-time funds are used to provide housing, resources, and support to those experiencing homelessness in Cumberland County and the City of Portland.

The draft HOME-ARP Substantial Amendment and original Allocation Plan can be viewed at <https://portlandmaine.gov/1203/Plans-and-Reports-Accepting-Public-Comme> and [Cumberlandcountyme.gov/HOME-ARP](https://cumberlandcountyme.gov/HOME-ARP) starting on March 19, 2024.

Translation, interpretation, and other accommodations will be available for materials and meetings upon request.

Please contact the following person to request an interpreter or accommodation for the meeting: Lauren Bowen@portlandmaine.gov, 207-756-8246.

Fadlan la xiriir qofkan hoose si aad u condsato turjumaan ama tixgelin xiliga shirka: Lauren Bowen@portlandmaine.gov, 207-756-8246.

Por favor entre em contato com a seguinte pessoa para solicitar um intérprete ou acomodação para a reunião: Lauren Bowen@portlandmaine.gov, 207-756-8246.

Lauren Bowen@portlandmaine.gov, 207-756-8246:

يرجى الاتصال بالشخص التالي لطلب مترجم فوري أو تسهيلات لحضور الاجتماع: الاسم، البريد الإلكتروني، رقم الهاتف

Pour obtenir un interprète ou faciliter une réunion, veuillez contacter la personne suivante: Lauren Bowen@portlandmaine.gov, 207-756-8246.

Para solicitar un intérprete o una adaptación especial para la reunión, comuníquese con esta persona: Lauren Bowen@portlandmaine.gov, 207-756-8246.

Leka na ko benga moto oyo soki oza na bosenga ya interprete to ya bosalisi pona rendez-vous na yo: Lauren Bowen@portlandmaine.gov, 207-756-8246.

CITY OF PORTLAND /CUMBERLAND COUNTY
HOME CONSORTIUM

HOME – ARP ALLOCATION PLAN
Draft Substantial Amendment #1



Substantial Amendment #1 Summary

The US Department of Housing and Urban Development (HUD) requires Project Jurisdictions (PJs) to formally amend their HOME Investment Partnership Program American Rescue Plan (HOME-ARP) Allocation Plan when it proposes a change in the method of distributing funds; to carry out an activity not previously described in the plan; to change the purpose, scope, location, or beneficiaries of an activity, including new preferences not previously described in the plan; or if the proposed change triggers a substantial amendment under the PJ's Citizen's Participation Plan (CPP).

The City of Portland / Cumberland County HOME Consortium (CCHC) proposes to amend its HUD-approved FY 2021 HOME-ARP Allocation Plan in order to, first, incorporate a preference for Qualifying Population (QP) 1 for the Development of Affordable Rental Housing; second, to define a referral method for these new rental units; and third, to reallocate funding from the Acquisition and Development of Non-Congregate Shelter to Supportive Services. These amendments are found on pages 3-5 of this document and are highlighted in yellow herein. All other aspects of CCHC's HOME-ARP Allocation Plan remain unchanged.

By providing a preference, CCHC is establishing the order in which individuals and families are admitted to or selected by subrecipients, service providers, and owner/developers for HOME-ARP housing and supportive services. Preferences do not change who is eligible for HOME-ARP assistance, nor do preferences exclude an individual or family that is part of another QP from applying for HOME-ARP housing, shelter, or services.

By reallocating the funding allotments, CCHC intends to provide more resources, support, and housing navigation services to those in our community who need it most.

The changes made to CCHC's HOME-ARP Allocation Plan will allow the PJ to better serve HOME-ARP QPs, while also advancing our mission to end homelessness. Recognizing the dire need for housing for people experiencing homelessness, CCHC's revised HOME-ARP Allocation Plan will now focus on ensuring HOME-ARP funds serve the most vulnerable in our community.

HOME-ARP ALLOCATION PLAN
FOR HOME-AMERICAN RESCUE PLAN PROGRAM
DRAFT Substantial Amendment #1

PREFERENCES

Identify whether the PJ intends to give preference to one or more qualifying populations or a subpopulation within one or more qualifying populations for any eligible activity or project:

Preferences (ORIGINAL HOME-ARP Allocation Plan Page 31)

The City of Portland / Cumberland County HOME Consortium does not plan to give preference to one or more qualifying populations or subpopulations for any eligible activity or project. If it is determined that the only viable project would require a preference, a substantial amendment, including the required public participation process will be submitted.

Preferences (REVISED HOME-ARP Allocation Plan)

The City of Portland / Cumberland County HOME Consortium will give preference to proposals for the development of affordable housing serving HOME-ARP Qualifying Population (QP) 1.

If a preference was identified, explain how the use of a preference or method of prioritization will address the unmet need or gap in benefits and services received by individuals and families in the qualifying population or category of qualifying population, consistent with the PJ's needs assessment and gap analysis:

These preferences offer our most vulnerable population the quickest access to achieving housing stability, while at the same time achieving the goals set forth in the Allocation Plan. These preferences, along with the allocations to the HOME-ARP activities, allow for the greatest positive impacts to our community.

CCHC will ensure that selected projects comply with all applicable fair housing, civil rights, and non-discrimination requirements, including but not limited to requirements listed in 24 CFR 5.105(a). In accordance with federal and Maine Fair Housing laws, no housing or services will be denied to persons based on race, color, family status, disability, sex, national origin, religion, marital status, ancestry, source of income, sexual orientation, age and the status as a victim of domestic abuse, sexual assault or stalking.

If a preference was identified, describe how the PJ will use HOME-ARP funds to address the unmet needs or gaps in benefits and services of the other qualifying populations that are not included in the preference:

As detailed in the needs assessment, Cumberland County, which encompasses the City of Portland, has significant shortages of housing for households in each of the HOME- ARP QPs. The shortage of housing units is most apparent for individuals and families experiencing homelessness, particularly those who are chronically homeless. While there will be a preference for people experiencing homelessness, who may themselves fall into other qualifying population categories, HOME- ARP units would not exclude any QP or subpopulation from a waitlist.

REFERRAL METHODS

Identify the referral methods that the PJ intends to use for its HOME-ARP projects and activities. PJ's may use multiple referral methods in its HOME-ARP program. (Optional):

Referral Methods (ORIGINAL HOME-ARP Allocation Plan Page 31)

At this time the City of Portland / Cumberland County HOME Consortium have not defined a referral method. A referral method will be defined during the RFP process for selecting projects, programs, or services.

Referral Methods (REVISED HOME-ARP Allocation Plan)

As CCHC is implementing a preference for the development of affordable housing serving QP 1, the PJ intends to use referrals from Coordinated Entry (CE). Qualifying populations that are not served through CE will be served through other referral methods that are developed through coordination with service providers who serve those QPs.

Use of HOME-ARP Funding (ORIGINAL HOME-ARP Allocation Plan Page 29)

CCHC's original HOME-ARP Allocation Plan described needs and gaps in shelter, housing, supportive services, and the PJ's planned use of \$3,594,143.00 in HOME-ARP funding. CCHC originally received approval for its HOME-ARP Allocation Plan from HUD on May 1, 2023, which showed how much funding CCHC would appropriate to each of the following activities:

Supportive Services - \$763,756

Acquisition and Development of Non-Congregate Shelters - \$250,000

Tenant Based Rental Assistance (TBRA) - \$0

Development of Affordable Rental Housing - \$2,041,266
Non-Profit Operating - \$0
Non-Profit Capacity Building - \$0
Administration and Planning - \$539,121
Total: \$3,594,143

Use of HOME-ARP Funding (REVISED HOME-ARP Allocation Plan)

CCHC proposes to revise the HOME-ARP Allocation Plan to redistribute funding from the Acquisition and Development of Non-Congregate Shelters to Supportive Services, as shown below:

Supportive Services - \$1,013,756
Acquisition and Development of Non-Congregate Shelters - \$0
Tenant Based Rental Assistance (TBRA) - \$0
Development of Affordable Rental Housing - \$2,041,266.
Non-Profit Operating - \$0
Non-Profit Capacity Building - \$0
Administration and Planning - \$539,121
Total: \$3,594,143 (No bottom-line change; redistribution only)

CUMBERLAND COUNTY HOME CONSORTIUM

HOME – ARP PY21 Allocation Plan

Adopted by the Cumberland County Commissioners on March 13, 2023
Adopted by the Portland City Council on March 20, 2023



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HOME-ARP ALLOCATION PLAN

INTRODUCTION

The American Rescue Plan (ARP) Act, which was the most recent federal relief package created to assist states, counties, and local governments to address the negative economic effects of the Coronavirus pandemic, appropriated funds for the U.S. Department of Housing and Urban Development (HUD) to distribute under the HOME Investment Partnership Program (HOME) in Federal Fiscal Year 2021. The City of Portland / Cumberland County HOME Consortium Participating Jurisdiction (PJ) received a total allocation of \$3,594,143 in HOME-American Rescue Plan (HOME-ARP) funds. These funds are to be distributed by the City of Portland / Cumberland County HOME Consortium in accordance with this Allocation Plan.

This plan was created utilizing the HUD CPD template provided, including questions and tables, as well as the requirements for the HOME-ARP allocation plan, as described in Notice CPD-21-10: *Requirements of the Use of Funds in the HOME-American Rescue Plan Program*, unless noted as optional. Also submitted with this plan are the SF-424, and the related certifications. References to “ARP” mean the HOME-ARP statute at section 3205 of the American Rescue Plan Act of 2021 (P.L. 117-2).

The HOME-ARP program is intended to serve four types of qualifying populations: 1. Homeless; 2. At-Risk of Homelessness; 3. Fleeing Domestic Violence, Dating Violence, Stalking or Assault; 4. Other populations. More information on the four qualifying populations will be described within this Allocation Plan but the complete definitions can be found in HUD CPD Notice 21-10.

The HOME-ARP program can be used to fund the following eligible activities: Rental housing development, tenant based rental assistance, supportive housing services, non-congregate shelter development, operating and capacity building expenses for non-profits undertaking HOME-ARP activities, and administration expenses related to implementing HOME-ARP funded programs. A description of each of these activities can be found in HUD CPD Notice 21-10.

The following Allocation Plan will describe the City of Portland / Cumberland County HOME Consortium’s process for consulting with required groups, impacted populations, service providers, public agencies, and other organizations. This plan will also summarize information gained from these consultations, review the current conditions, and assess the needs and gaps for qualifying populations within Cumberland County. Finally, this plan will describe the process for determining the most effective uses of the HOME-ARP allocation. The allocation of these funds to specific projects or programs requires first posting a draft of the plan for public comment and submitting the HOME-ARP Allocation Plan to the U.S. Department of Housing and Urban Development (HUD) for review and approval. Once approved by HUD, the City of Portland / Cumberland County HOME Consortium will release one or more RFPs for specific types of projects and/or programs needed to address the identified needs.

CONSULTATION

Before developing the Allocation Plan, the City of Portland and Cumberland County consulted with a diverse group of organizations and stakeholders serving the qualifying populations. As required under HUD CPD Notice 21-10, Section V.A, the City of Portland and Cumberland County's consultations included the following:

- Maine Statewide Continuum of Care
- Homeless Service Providers
- Domestic Violence Service Providers
- Veterans Groups
- Public Housing Authorities
- Public Agencies that Address the Needs of Qualifying Populations
- Public or Private Organizations that Address Civil Rights and Fair Housing
- Public or Private Organizations that Address the Needs of Persons with Disabilities

The Greater Portland Area is known state-wide as the hub for services addressing the needs of many HOME-ARP qualifying populations. Because of this, MaineHousing asked the City of Portland/Cumberland County HOME Consortium to jointly participate in a series of six virtual HOME-ARP stakeholder meetings. Each meeting was designed to ensure that all required consultations were included and all qualifying populations were covered. In addition to these six meetings, the City of Portland and Cumberland County conducted an additional three virtual stakeholder meetings specifically to discuss the qualifying populations in Cumberland County. Each meeting included an overview of the HOME-ARP program parameters, expected allocation, and projected timeline. In an effort to include the general public, the City of Portland and Cumberland County held a virtual meeting open to all interested parties. Finally, the City of Portland and Cumberland County held one on one discussions via email and telephone with the Maine Continuum of Care, Homeless Service Providers, Domestic Violence Service Providers, and Public Housing Agencies in an effort to ensure all required information was collected. All consultations, whether in a group setting or one-on-one encouraged an open dialogue about the needs, gaps, and suggested best uses of the HOME-ARP funds to address these needs for specific qualifying populations.

The following table includes a list of all formal consultations, type of agency, consultation method, and feedback:

Agency/Org Consulted	Type of Agency/Org	Method of Consultation	Feedback
Maine Shelter Network	The Network is currently composed of 20 or so active participating agencies. Participants are Executive Directors of single adult shelters, family shelters, shelters for	10/19/2021 Virtual Meeting	More units of affordable housing split between supportive and non-supportive units. Non-supportive units are needed. Mixed use of affordable housing comprised both of permanent supportive units and non-congregate shelters. There is a need for more non-profit housing providers. Create

	domestic violence families, substance use shelters and youth shelters.		more transitional housing. More S.R.O.s are needed. Additional supportive units for youths sharing space with a roommate (a best practice). Additional medium tiered housing. More shelter beds in rural areas. More navigators. Tiny homes that are handicap accessible. Additional low barrier units. Additional workforce housing.
Maine Continuum of Care (MCoC)	Continuum of Care	10-21-2021 Virtual meeting with 59 people attending	Continue with rental assistance. Fund Security Deposit Assistance. Landlord outreach to address landlord fear. Supplement income gaps with rental assistance. LIHTC Housing that is welcoming to the homeless population and voucher holders. More affordable housing units are needed. Fund Rapid Re-Housing and wrap around services with additional funds for more outreach workers. Use funds to rehab buildings. Fund housing for low income population with relaxed criteria.
Advocates and People with Lived Experience	Group of people with lived experience of homelessness and their advocates.	10-22-2021 Virtual meeting with 13 people attending	Work with local landlords to repair and bring units to code. Purchase hotels in different areas of the state, add cooking ability to each room making it an efficiency. Create supportive and emergency housing units. Need additional warming centers. Look for old schools, stores and other empty buildings that can be quickly renovated. Hire temp staff to help shelters advocate for the homeless. Fund Rapid Re-Housing. Implement and enforce that landlords can't discriminate against voucher holders. Use funds to help with cost for applying for rentals, background checks and credit checks. More navigators. Help with funds for required paperwork for HCVs (birth

			certificates, ID cards and other documents). More houses that people can afford to rent and maybe someday buy.
Developers and Community Action Agencies	Mixed group of people representing developers, providers and Community Action Agencies	10-27-2021 Virtual meeting with 24 people attending	Need more affordable units; develop additional LIHTC units. Build shelters with more capacity, provide additional training for shelter staff. Increase the amount of PSM in areas where there are no shelters, especially the rural areas of the state. Create housing for long term stayers (who tend to be single adults). There is a need for larger units for multi-generational living and large families.
Homeless Veterans Action Committee	Homeless Veterans Action Committee is the Veterans Committee of the Maine Continuum of Care (MCOC)	11-2-2021 Virtual meeting with 20 people attending	Use funding to combat the lack of affordable units. Construct affordable, safe and quality housing. Purchase hotels. Develop a project that has units accepting VASH and people with mixed incomes for Veterans. Use funding for a project that has a portion of the units accepting project-based vouchers, a portion for people who need support services and a portion that provides non-congregant shelter beds.
Public Housing Authorities	Public Housing Authorities from across the State of Maine representing both urban and rural areas.	11-5-2021 Virtual meeting with 20 people attending	Create more supportive housing with low barriers and access to services. Assist with operating costs of long-term tax credit development projects. Create housing that provides an interim stage/setting for people between shelters and permanent housing that provides support and assist in helping people become ready for permanent housing. Use funding for housing stability-more funding for wrap around services and housing navigation. Invest money into a statewide network for eviction prevention and diversion. Low interest loans to PHAs to assist in the purchase of 4-

			8 unit buildings. More PHA loan subsidies to assist with their buying units for VASH tenants.
Emergency Shelter Assessment Committee (ESAC)	ESAC is a collaborative of service providers, consumers, local and state governmental representatives, advocates, and other interested community members working to ensure the safety and well-being of people who are homeless in Portland.	12-6-2021 Virtual meeting with 20 people attending	While the presentation largely focused on explaining the HOME-ARP funds, eligible uses, and qualifying populations, there was opportunity for general feedback and there was specific interest in using these funds for housing and supportive services.
Maine Continuum of Care/Advocates for the Homeless/Maine Shelter Network	Service providers and representatives from local and state agencies.	1-11-2022 Virtual meeting with 12 people attending	Need more rapid re-housing initiatives to secure housing. Should develop some type of family housing with supportive services. Housing that remains affordable is needed. The populations of individuals that struggle with substance use and mental health issues are struggling with finding housing. These longest-term stayers would benefit from low barrier non-congregate care. Build or acquire housing with support services. Permanent housing is the ideal. Renovating hotels may be quicker and would be a low barrier solution. Emergency hotels are an absolute critical need. Renovate hotels with cooking facilities. Housing for the homeless is a critical need. Support creation of affordable housing for people with disabilities
The Opportunity Alliance	Emergency Shelter Provider	1-11-2022 Email	Interim motel or shelter supports for emergency shelter placement when necessary and no other resources are readily available. Programs such and Emergency Rent Relief and General Assistance are experience extremely high volume of housing emergencies and there are times

			when there are no other options for shelter at the moment – and there needs to be another ‘emergency access’ from anywhere from 1 night to 30 days to give time to secure other potential resources, when no other exists. Fund more hands-on housing navigators to help work with and support housing stability work. There are way too many in need to sustain housing and not enough to help navigate.
Developers and Advocates for Public Housing	Mixed group of people representing developers, service providers, public housing authority and representatives from local and state agencies.	1-14-2022 Virtual meeting with 18 people attending	There are no units available. Need supportive services. Need mental health centers. Best way forward is to pair it with LIHTC for Homeless units/Mental Health Services. This is an opportunity to support programs such as workforce housing and housing first. Need more housing units.
Publicly noticed meeting facilitated by the Cumberland County HOME Consortium	Participating Jurisdiction	2-8-2022 Virtual public meeting with 35 people attending	The biggest barrier is finding landlords that will accept Section 8 vouchers. Need wrap around services. Need supportive services for behavioral health issues as well as outreach services. Need to provide services for people who are resistant to aggregate care. Need to move people out of hotels and into: (1) tiny houses, mobile homes, and shipping containers; (2) housing in unused buildings that would need retrofits (empty malls, military bases or condemned property). Should provide a safe and supportive environment where people can transition away from addiction and grow toward developing a meaningful and productive life for themselves. Would like to see supportive housing (with mental health services). Need permanent housing. Need for production is acute.
City of Portland	Social Services Division of Health	9-16-2022	Provided data consisting of: project type, organization name, project

	and Human Services Department	Email	name, year-round beds, and overflow bed data regarding emergency shelter, transitional housing, rapid re-housing, and permanent supportive housing in Cumberland County.
Through These Doors	Domestic Violence Shelter	10-28-2022 Email	Provided qualifying population demographics regarding emergency shelter and transitional housing programs offered by Through These Doors.
MaineHousing		11-1-2022 Email	Provided qualifying population demographics regarding emergency shelter, transitional housing, rapid re-housing, and permanent supportive housing in Cumberland County. Provided PIT demographics for Cumberland County.
Preble Street		11-9-2022 11-18-2022 Email	Confirmed bed count and provided gap number of beds needed for adults and youths. Also provided the age range, average age, gender ID ratio, and race/ethnicity status per property. Noted, the most striking trend is the increase in asylum-seeking youth from African countries.
Community Housing of Maine		11-17-2022 Email	Provided data consisting of: property location, apartment size, family size, adult/children count, sex, and gap in service delivery per property.
Portland Housing Authority	Public Housing Authority	11-22-2022 12-6-22 Email	Provided data regarding PBV and HCV. Also noted; we do have unmet needs for Households exiting Homelessness – from the Applicant stage to Lease-up. At Application: It is very challenging for folks to get on our waitlist and not be purged from the list due to not being able to locate them. At Intake: For the small number that make it off the list and to our Intake we have found a very small number of them are able to complete our basic eligibility process. At lease-up: If we are able to find them and get the Voucher to

			them – they now have to find a unit in a highly competitive market. Although we have generous eligibility requirements for the Voucher, landlords can select out these folks in three typically ways – all of which are significantly exaggerated when homeless. Once Leased: Should the Individual make it through all of these hurdles to this point – they are now moving into a unit without furnishings, have a disproportionate likelihood of bringing pest issues – many times from the Homeless Shelter, to fairly and consistently provide affordable housing to the unhoused population we need funding for staff to walk them through each of these processes listed above. We need funding for staff and flex funding to make utilization of these Vouchers happen. If not – the individuals who are less needy in many ways end up being the ones that are able to utilize them. We have tested this theory with FYI and EHV Vouchers and have been very successful. When staff and flex funds are allocated we have more success. We find this only works when the staff are working under the Housing Authority
Milestone-Recovery	Provides outreach and community support to individuals experiencing homelessness concurrent with substance use or mental health disorders; operates Substance Use Homeless Shelter along with a program to transition	12-6-2022 Email	The most urgent unmet need of Milestone’s qualifying population is emergency homeless shelter capacity. Our emergency shelter is currently operating at full capacity of 36 beds per night, and still experiences significantly higher demand than we can meet. In the last several months we have been forced to turn away an average of 10-15 qualified individuals seeking shelter each night, and the need is only expected to intensify as we move into the depths of winter.

	clients out of chronic homelessness and into permanent, stable housing; and offers treatment programs directed at low-income individuals, including those experiencing homelessness.		Most broadly, the largest unmet systemic need for the Housing Navigator Program is the short supply of affordable housing in the community, especially housing programs that employ a housing-first model to substance use.
Shalom House		12-9-2022 Email	Confirmed property locations and headcount.
Westbrook Housing	Public Housing Authority	12-21-2022 In-Person Meeting	Need for more housing across all income levels and age groups. There is a need for funds to pay for ongoing supportive services, not just when the housing is first built but for many years to come. It's harder to find ways to build this type of housing than to build senior or even family affordable housing units. It's harder to build supportive housing outside of the Greater Portland area because the supportive services just aren't accessible by the tenants.
Tedford Housing	Provides emergency homeless shelter, supportive housing for previously homeless families and individuals as well as homeless prevention services.	1-23-2023 Email	There is a need for more support and emergency housing (shelters). We are all straining to serve clients and there are very few revenue streams, including ARPA funds, to support emergency housing. Lots of money is being thrown at supportive housing, but where are people supposed to go in the meantime. Funding for hotel rooms could have been put into real solutions to assist people experiencing homelessness or at risk, like support for shelters, case management, facility renovation and new construction for emergency, transitional and permanent supportive housing.
City of Portland	Social Services	1-25-2023	Simply put, there are not enough

	Division of Health and Human Services Department	Email	affordable units to meet the number of individuals seeking permanent housing. Many hotels are not interested in working with GA offices for temporary emergency shelter for a number of reasons. Many hotels require security deposits that GA typically cannot assist with, and many hotels require valid ID's and credit cards to make reservations which are not something that most have. Priorities needs include shelter/housing/rental assistance, food and non-food items, medications, and assistance with utilities. This program of last resort has met many, many people's basic needs throughout the pandemic, but the needs are growing as more new arrivals present, and as inflation/rent rises so do the number of applications with our GA office.
United Way of Southern Maine	Social Services Agency	1-27-2023 Email	Provided ERA data within Cumberland County
Westbrook Housing Authority	Public Housing Authority	1-30-2023 Email	Provided PBV and HCV program numbers for the City of Westbrook

Summary of Feedback

Through the City of Portland and Cumberland County's HOME-ARP consultation process, there were several reoccurring themes across multiple type of agencies working with various qualifying populations. The most common theme was the need for permanent housing. The types of housing needed included permanent supportive housing, housing for hard-to house populations such as individuals with felony records and substance use disorders, housing for specific populations such as veterans, DV victims, seniors, families, and persons with mental and physical disabilities. Affordable housing across all family sizes and income levels is needed. In addition to the need for more affordable housing units, the need for increased capacity in the level of supportive services being offered throughout Cumberland County, particularly in the Greater Portland Area, was a common theme.

Based on the feedback provided through the consultation process, the City of Portland and Cumberland County HOME Consortium have concluded that there is not enough evidence available to justify offering preferences or prioritizing of one HOME-ARP qualifying population over another. At this time a clear referral process has not been identified and

the CoC coordinated entry system has been eliminated as the referral method without modification to remove embedded prioritization. The City and County are committed to ensuring that all proposed projects and activities are open to all HOME-ARP qualifying populations. If in the selection of a specific project or activity, a preference or limitation of eligibility is required, a substantial amendment of the HOME-ARP Allocation Plan will be submitted to HUD for review and approval.

PUBLIC PARTICIPATION

Summary of Public Participation Process

In accordance with Section V.B of the Notice, The City of Portland / Cumberland County HOME Consortium provided for and encouraged citizens to participate in the development of the HOME-ARP allocation plan. Before submitting the HOME-ARP Allocation Plan, the HOME Consortium provided Cumberland County residents with reasonable notice and multiple opportunities to comment on the proposed HOME-ARP allocation plan. The City of Portland and Cumberland County ensured that the public comment period and public hearings adhered to the City and County's respective citizen participation plans. The following public participation process was followed:

- Public Notice: Portland Press Herald 2/3/2023 and correction notice on 2/7/2023
- Public Comment Period: 2/8/2023 through 3/10/2023 – 30 Days
- Public Hearings:
 - Cumberland County Commissioners Meeting- 2/13/23- 5:30pm (In-person)
 - City Housing & Economic Dev. Committee 2/21/23 – 5:30pm (Remote)
 - Cumberland County Commissioners Meeting – 3/13/23 5:30pm (In-person)
 - City of Portland City Council Meeting- 3/20/23 5:00pm (In-person and Remote)

Please see Appendix B for a copy of the public notices and images of the public notices posted in various locations.

Efforts to Broaden Public Participation

As mentioned above, before the creation the HOME-ARP Allocation Plan, the City and County began to engage with citizens in the preparation of this Allocation Plan. The Portland Press Herald, the largest newspaper in Maine ran a story to help spread the word that the City and County are seeking public input. Additionally, the Press Herald highlighted the City and County's virtual public listening session under their list of events happening in Cumberland County.

Once the Allocation Plan was created, the City and County made efforts to promote the plan beyond the required public notice in the newspaper. The full draft of the HOME-ARP Allocation Plan was made available on the City of Portland and Cumberland County's Community Development pages, under a labeled section called "Plans and Reports". Both the City of Portland and Cumberland County promoted the report through social media pages. The City of Portland promoted the report through a listserv "CityNews"

blast with 5,500 subscribers. The County promoted the Allocation Plan through a County Newsletter that is delivered to 60 elected officials, Town/City Managers, and interested parties throughout all 27 Cumberland County municipalities. **Additionally, an email forwarding a copy of the Allocation Plan was sent to all organizations that contributed data and information used in the plan.**

Please see Appendix B for screen shots and copies off public outreach.

Summary of Comments and Recommendations

At the two City of Portland Public Hearings, there was only one public comment at the March 20 City Council meeting. The public comment was received and accepted but did not require any revisions or further action. A summary of the public comment is included in Appendix B. Although public comment was invited during the County Commissioners meetings, no public comment was received at either of the two meetings.

Summary of Comments or Recommendations not accepted

All public comment was accepted.

NEEDS ASSESSMENT AND GAP ANALYSIS

Qualifying Population Size and Demographics

A full description of each qualifying population can be found starting on page 3, under Section IV. of the HUD CPD Notice 21-10.

<https://www.hud.gov/sites/dfiles/OCHCO/documents/2021-10cpdn.pdf>

The following is only a brief description of the four qualifying populations follows:

- Homeless
 - lacking fixed/regular and adequate nighttime residence
 - Nighttime residence is not designed for ordinary sleeping accommodations
 - Living in public/private shelter or commercial lodging
 - Will lose nighttime residence:
 - Within 14 days
 - Lacks support network needed to obtain new housing
 - Unaccompanied youth (under 25) or families with children which:
 - Defined by HUD as Runaway, DV or McKinney-Vento
 - Not had lease or ownership in permanent housing within 60 days
- At-Risk of Homelessness
 - Annual income below 30%AMI as defined by HUD
 - Not had lease or ownership in permanent housing within 60 days
 - Has been notified in writing of eviction
- Fleeing or attempting to flee Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking
- Other Populations
 - Families requiring services or housing assistance to prevent homelessness

- At greatest risk of homelessness
- Annual income less than 30%AMI
- Cost burden of 50% monthly household income
- Veterans and families that include a veteran family member

In accordance with Section V.C.1 of the Notice, the following sections will describe the size and demographic composition of all four qualifying populations within the geographic boundaries of the City of Portland / Cumberland County HOME Consortium. The City and County made great efforts to use current data, such as the point in time count, housing inventory counts, and data available through the CoC and MaineHousing in the creation of the following sections.

Homeless as defined in 24 CFR 91.5

On December 8, 2022, MaineHousing confirmed 1,921 people in Cumberland County were counted as either receiving general assistance from the City of Portland, receiving Emergency Rental Assistance, or included in the Maine HMIS (Homeless Management Information System) database. The following demographics were identified for the subcategories; (A) Household with children and Households without children receiving general assistance to pay for hotels/motels; (B) Households with children and Households without children receiving rental assistance; and (C) Households with children and Households without children in shelters.

	Households with Children				Households without Children		
	A	B	C		A	B	C
Households	187	154	30		209	126	284
people	647	509	84		250	147	284
under 18	334	270	38		0	0	0
18 to 24	15	36	5		23	12	35
over 24	298	203	41		227	135	249
Female	337	283	48		85	41	76
Male	310	224	35		149	10	199
non-binary	0	3	1		0	2	5
Transgender	0	0	0		0	1	4
Questioning	0	0	0		16	1	0

NonHispanic	647	488	84		239	141	270
Hispanic	0	21	0		11	6	14
Total	647	509	84		150	147	284
Am Indian/Indigenous	0	3	0		3	2	4
Asian/Asian Am	0	0	0		2	1	4
Black/Af Am/African	647	168	64		36	21	71
Hawaiian/Pacific	0	0	-		1	1	0
White	0	300	18		198	117	201
Multiple	0	39	2		9	5	4
Total	647	509	84		249	147	284
Chronic Hh	0	28	1				
Chronic persons	0	103	2		0	42	79

Source: MaineHousing 12-8-22

Within the homeless population of Cumberland County, people of color are significantly over-represented. In a county where people of all races other than white make up only 14% of the overall population, people of color represent approximately 57% of the homeless population in Cumberland County. This is especially true in the case of black individuals who account for about 52% of individuals experiencing homelessness. There has been a fairly significant increase in the percentage of black individuals within the homeless system during the past few years, partially due to an influx of African Asylum-seeking families who have been served through the homeless response system.

At Risk of Homelessness as defined in 23 CFR 91.5

Those most at risk of homelessness in Maine are renter households within 30% of Area Median Income. There are an estimated 23,726 renter households within this income range. The following charts include the demographics of this group of renters.

Renter-Households- Race/Ethnicity	At-Risk of Homelessness: 0% - 30% AMI Renter HH w/ 1 or more severe housing problems		Cumberland County	
	#	%	#	%
Total Renter Households	23,726	8.3%	37,027	33.3%
White alone, non-	18,220	7.0%	32,764	88.5%

Hispanic				
Black or African American alone, non-Hispanic	2,858	33.5%	2,206	6.0%
Asian alone, non-Hispanic	886	13.9%	912	2.5%
American Indian or Alaska Native alone, non-Hispanic	127	15.7%	132	0.4%
Pacific Islander alone, non-Hispanic	0	0.0%	6	0.0%
Hispanic, any race	793	13.4%	781	2.1%

Source: 2020 ACS 5-year estimate S1701; 2016-2020 ACS 5-year estimate S2502

Poverty, housing instability, and cost burden are characteristics of Maine's low-income families most at risk of becoming homeless. The Maine Continuum of Care has identified the following factors associated with housing instability and increased risk of homelessness: insufficient rental assistance options; eviction; family conflict; unemployment; behavioral health challenges, including substance use disorder; and lack of affordable units. Among single individuals, mental and physical disabilities combined with chronic health conditions and addictions are a much larger factor in a person's risk for becoming homeless.

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking as defined by HUD in CPD Notice 21-10

From October 1, 2021 through September 30, 2022, Through These Doors Domestic Violence Shelter served 78 adults and 37 children for a total of 115 individuals in Cumberland County. The following chart provides demographic information for this group. However, it is important to note that Through These Doors had 500 requests for shelter. The numbers on the below chart only capture those who were able to secure a bed through the domestic violence shelter.

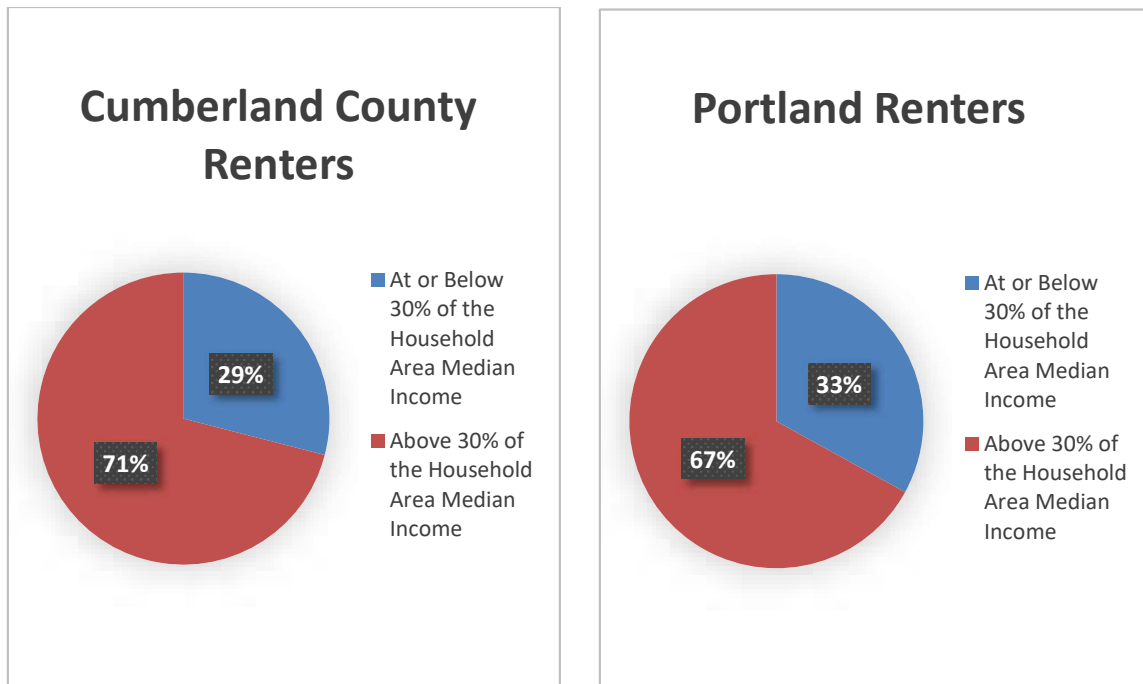
	Family Beds		
	Adult	Children	Total
Adults Total	78	37	115
Beds Total	78	37	115
Age			
0-6		22	22
7-12		11	11
13-17		4	4
18-24	3		13
25-29	70		70

60+	5		5
Gender			
Female	72	17	89
Male		19	19
Transgender	1	1	2
Questioning gender	1		1
Unknown	4		4
Race			
Black or African American	6	10	16
American Indian/Alaska Native	1	1	2
Asian	1	1	2
Hispanic or Latino		7	7
Native Hawaiian/ Other Pacific	3		3
White	42	16	58
Unknown / Other	25	2	27

Source: Through These Doors Domestic Violence Shelter 10-1-21 - 9-30-22

Other populations requiring services or housing assistance to prevent homelessness and other populations at greatest risk of housing instability, as defined by HUD in the Notice

Defining the size and demographic of the ‘Other populations’ category is a difficult task. A common characteristic among many individuals requiring services or housing assistance to prevent homelessness and other populations at greatest risk of housing instability is often income level. According to Comprehensive Housing Affordability Strategy (CHAS) data, utilizing 2015-2019 ACS data, 33% of Portland renters and 29% of Cumberland County renters have household incomes less than or equal to 30% of the household area median family income. Twenty-two percent (22%) of Portland renters and 21% of Cumberland County renters spend between 30% and 50% of their household income on housing costs.



Milestone Recovery operates a program called the Homeless Outreach and Mobile Engagement (HOME) Team, which provides outreach and community support to individuals experiencing homelessness concurrent with substance use or mental health disorders in Portland and South Portland. Milestone also operates Southern Maine's only Substance Use Homeless Shelter, along with a Housing Navigator Program to transition clients out of chronic homelessness and into permanent, stable housing, along with both short-term and long-term substance use treatment programs directed at low-income individuals, including those experiencing homelessness.

The following charts provide demographic information for the HOME Team as of December 20, 2022.

	Number	Percentage
Female	108	22.6%
Male	366	76.6%
non-binary	0	
Transgender	3	.6%
Client Refused	1	.2%
Total	478	100%
Non-Hispanic/Non-Latino	462	96.66%

Hispanic/Latino	13	2.71%
Client does not know	2	.42%
Client refused	1	.21%
Total	478	100%
Am Indian/Indigenous	12	2.50%
Asian/Asian Am	0	0.00%
Black/Af Am/African	43	9.00%
Hawaiian/Pacific	5	1.00%
White	411	86.00%
Client does not know	6	1.30%
Client Refuses	1	.20%
Total	478	100%

Source: Milestone Recovery HOME (Homeless Outreach and Mobile Engagement)

Identification and consideration of current resources available to assist qualifying populations under congregate and non-congregate shelter units, support services, TBRA, and affordable and permanent supportive rental housing.

Congregate & Non-Congregate Shelter Units

- The City of Portland's Health and Human Services Department, Social Services Division operates the Oxford Street Shelter and Family Shelter. The Oxford Street Shelter (OSS), the largest emergency shelter in the State of Maine, is open 24 hours, 365 days a year, and provides safe, temporary, low-barrier housing for homeless adults. OSS served 612 men, 200 women, and 6 transgender individuals for a total of 818 unduplicated individuals in PY2020. The Family Shelter is the largest shelter for families in the State of Maine. The Family Shelter provides temporary housing to families with children under the age of 18, offering both preventative services for families at risk of experiencing homelessness and support services to assist families in locating housing and achieving stability. The Family Shelter provided shelter for 98 families consisting of 327 individuals for a total of 30,028 bed nights. In addition to operating the OSS, the Family Shelter, temporary emergency shelter, a non-congregate hotel for overflow emergency shelter, and providing assistance to area hotels for those referred to General Assistance, the Social Service Division also operated a quarantine shelter for all other Greater Portland Shelters. The City of Portland has 152 year-round emergency shelter beds for adults and children; 134 emergency shelter beds for adult-only households; and 24 shelter beds for unaccompanied youth. An

additional 164 voucher/seasonal overflow emergency shelter beds are available in Portland for households with only adults.

- Tedford Housing in Brunswick operates an adult and family shelter with a capacity of 12 adults and 6 households respectively. During fiscal year 2021-2022, 55 individuals and 58 family members were sheltered by Tedford. Their homeless prevention services assisted 145 individuals and family members while 79 individuals and family members were provided supportive housing. 234 individuals and family members were provided with emergency home heating assistance by Tedford Housing's Warm Thy Neighbor program. In May of 2022, Tedford Housing purchased land in Brunswick for a new emergency housing facility for adults and families. The new building will include twenty-four adult guest beds and ten apartment-style units. The proposed single new facility incorporates separate, secure wings for the adult and family emergency housing facilities with a total of 64 emergency housing beds. The family apartment units will contain four beds each, as well as living and dining spaces in each unit. The adult wing will include shared dormitory spaces that will provide beds for a maximum of 24 individuals. The building will provide a kitchen, dining area and living room for guests in the dormitory style rooms. The new building will replace existing aging facilities.
- With homelessness defined as an emergency under General Assistance statutes, 1,514 unduplicated householders were placed into area hotels utilizing General Assistance vouchers. There are 180 families totaling 607 individuals currently residing in GA funded hotels who are experiencing homelessness. Due to the large number of people presenting for shelter, individuals are immediately sheltered in hotels paid by General Assistance before moving into the Family Shelter as space becomes available. The ESG program has an estimated five-year plan (minus administration) of \$757,636.

Supportive Services

The Portland Community Health Center offers an Integrated Behavioral Health program that is designed to bring adults into treatment who are experiencing homelessness and are suffering from co-occurring mental health and substance use disorders. The City has also added a full-time case manager to work with families experiencing homelessness, resulting in locating permanent housing placements with follow up case management and tenant education services. Preble Street Support Services receives funding from the Veterans Administration to prevent and end homelessness among veterans. Tedford Housing provides permanent supportive services through three locations within Cumberland County that serve a total of thirteen adults and six families. Milestone Recovery operates a program called the Homeless Outreach and Mobile Engagement (HOME) Team which provides outreach and community support to individuals experiencing homelessness concurrent with substance use or mental health disorders in Portland and South Portland. Milestone also operates Southern Maine's only Substance Use Homeless Shelter, along with a Housing Navigator Program to transition clients out of chronic homelessness and into permanent, stable housing, along with both short-term and long-term substance use treatment programs directed at low-income individuals, including those experiencing homelessness. Amistad, a Portland-based nonprofit organization, and Portland Downtown (a 501c4) have created a Peer Outreach Worker program. This program will allow a peer outreach worker to connect with clients that live with mental illness, oftentimes co-occurring substance-use disorders, and oftentimes experiencing

homelessness. The outreach worker will then collaborate with the Milestone Recovery, the City's shelters, local hospitals, and Portland Downtown businesses to get the client the services they need. The Preble Street Joe Kreisler Teen Shelter provides 16-24 beds unaccompanied youth ages 12-20. The shelter provides safe, clean overnight accommodations in a secure building, showers, bathrooms, laundry facilities, towels, and personal hygiene products, community living areas, light breakfast and snacks. Additionally, staff responds to the crisis that lead to homelessness, provides referrals, and links youth to necessary services including substance use, counseling and medical facilities.

Affordable Rental Housing- Portland and Cumberland County have formed a HOME Consortium to receive an annual allocation of HOME Investment funds through the U.S. Department of Housing and Urban Development. HOME funds are used for the creation of affordable housing development throughout Cumberland County and within Portland. Since 2011, \$2,574,887 has been allocated for the construction of 563 low-income rental housing units within Cumberland County. Since 2000, \$10,509,084 in HOME funds, \$1,384,359 in CDBG funds, and \$2,963,584 from the local Jill C. Duson Housing Trust Fund have been allocated for the construction of 1,361 units of low-income housing and 38 single-occupancy units in Portland. Eleven units (six in Portland and five additional units within Cumberland County) are affordable to low-income households through the assistance of HUD Project Based Rental Assistance (PBRA). 74 units (thirty-nine in Portland, and thirty-five in Cumberland County) make use of the Low-Income Housing Tax Credit Program (LIHTC). In 22-23, \$136,392 of HOME funding was earmarked to support 96 individuals at risk for homelessness through tenant-based rental assistance.

Homelessness Diversion Services- In 2022, 500 persons were assisted through Homeless Prevention services in Greater Portland. The Oxford Street Shelter, through the Emergency Shelter Grant, prevented eight individuals from becoming homeless. In PY2020, 190 individuals received a wide range of comprehensive housing related services, including full assessments to identify barriers to housing and housing stability, connection to appropriate mainstream resources in the community, employment and training opportunities, and at least three months of follow-up services after housing placement. Of the 152 individuals enrolled in the program this year, 30 individuals were rapidly re-housed, 49 families or 152 individuals received essential services, and eight individuals were prevented from becoming homeless.

Rapid Rehousing Services- The goals of the ESG program are 1) to help people who become homeless by quickly moving them into permanent housing and 2) to prevent individuals and families becoming homeless. By using ESG in the shelters and community it helps ensure individuals and families do not become Long Term Stayers. Of 152 individuals enrolled in the program, 30 were rapidly re-housed, 49 received essential services, and 8 individuals were prevented from becoming homeless. The Oxford Street Shelter staff located permanent housing for 102 homeless individuals (79 men and 23 women, including six Veterans and 37 chronically homeless individuals). The Family Shelter placed 73 families into permanent housing without a subsidy, reunified six families with other family members, secured a Shelter+Care Subsidy for 8 families, and secured four families a Housing Choice Subsidy.

Emergency Rental Assistance- One of the goals of the City of Portland's Emergency Solutions Grant program is to provide prevention services to individuals facing homelessness in the

community. PY 20/21 allocated \$16,363 in homeless prevention for the Oxford Street Shelter. The projected annual goal for Oxford Street Shelter is to serve six people who are at risk of homelessness. The Family Shelter has \$30,412 for homeless prevention and \$52,065 for Essential Services. The goal for the Family Shelter is to serve 10 families who are at risk of homelessness. Due to the large number of people presenting for shelter, individuals are immediately sheltered in hotels paid by General Assistance before moving into the Family Shelter as space becomes available.

General Assistance is a locally and state-funded program administered by municipalities that helps families and individuals pay for housing (among other needs). In March 2021, MaineHousing funded an Emergency Rental Assistance Program through federal Covid-19 relief money. The state reimburses 70% of applicable GA expenses, as long as municipalities process applications within 24 hours. Since its inception, Cumberland County municipalities have received \$78,594,903 in ERA benefits (as of 12-7-22). The Opportunity Alliance administered the ERA program within Cumberland County assisting 20,894 participants/10,213 households with \$45-50 million in funds distributed during January 2022 through December 2022. Over \$70 million has been distributed since January 2021. Of that funding an estimated \$22 million was distributed to support individuals in hotels/motels since January 2022. An estimated 700 to 1,000 unduplicated individuals were served in hotels/motels since January 2021. During their December 15, 2022 meeting, the Emergency Shelter Assessment Committee announced Emergency Rental Assistance funding has run out (but rent is paid through December). Per MaineHousing, the demand for the program increased in 2022 due to a combination of rising rents, the housing shortage and financial repercussions from the continuing pandemic. MaineHousing tried to reduce demand by changing eligibility from 80% AMI to 50% AMI and capping the amount paid to hotels. As of January, 2023, hotels in Freeport, Scarborough and South Portland are currently in the process of evicting their residents. Per the Opportunity Alliance, about 2,000 people will not have secure funding for housing heading into 2023.

Victims of Domestic Violence- Since 2013, Preble Street Anti-Trafficking Services (ATS) has supported more than 600 victims, enrolling over 300 in intensive case management and housing support services. Safe housing is often one of the most expensive costs in supporting survivors of human trafficking. Through These Doors operates an Emergency Shelter for women and children who are experiencing domestic violence. They have sixteen available beds at any given time, which may be occupied by either families or single adults. Through These Doors also provides shelter in hotels as funding permits. From October 1, 2021 through September 30, 2022, Through These Doors provided emergency shelter to 115 individuals and allowed access to basic necessities like food, clothing and personal care items. Residents are offered in-house education programs, individual advocacy, case management and safety planning. Community Housing of Maine (CHOM) operates three permanent supportive housing units serving a total of seven people, and two transitional housing units currently home to 6 people fleeing from domestic violence.

Other Families Requiring Services or Housing Assistance to Prevent Homelessness - The Long-Term Stayers Initiative is a State-wide effort to end homelessness for those who have been homeless 180 days or more during the year. The City of Portland's Oxford Street Shelter uses Emergency Shelter Grants to prevent individuals from becoming homeless by quickly

moving them into permanent housing. By using ESG in the shelters and community it helps ensure individuals and families do not become Long Term Stayers. In PY2020, 190 individuals received a wide range of housing related services; of 152 enrolled in the program, 30 were rapidly re-housed, 49 received essential services and 8 individuals were prevented from becoming homeless. Portland's Health and Human Services Department and Housing and Community Development Division coordinates with other members of the Emergency Shelter Assessment Committee (ESAC) and the United Way of Greater Portland to monitor shelter bed usage for single adults, adolescents and families. ESAC members include shelter providers, supported housing providers, mental health service providers, substance use service providers, health service providers and general services including day shelter providers for the homeless population. ESAC also produces monthly and quarterly statistics on shelter usage and provides a forum to discuss new programs, resource availability, emerging trends and to resolve problems within the continuum that may arise from time to time. In the City of Portland, 33% of CDBG funds support social service agency programs while 70% of CDBG funding is used to benefit persons of low and moderate income. City staff meet with the agencies throughout the year to provide technical assistance and ensure they are meeting HUD guidelines and regulations. Staff also assists in monitoring their progress and makes recommendations for more efficient services. In the calendar year 2021, the Family Shelter in Portland welcomed 295 asylum seeking families totaling 974 individuals presenting for emergency shelter. Due to limited Covid capacity, families were provided access to hotel rooms (through the U.S. Treasury Emergency Rental Assistance program or Maine State General Assistance Funding) as overflow for four to five months prior to entry to shelters where they receive housing navigation. Because asylum seekers do not have Refugee status they are ineligible for most federal rental assistance programs – with the exception of the Emergency Rental Assistance program.

At Greatest Risk of Housing Instability- The City of Portland and Cumberland County collaborate extensively with the four housing authorities within the County. Efforts include development of affordable housing, recreational activities for at-risk youth, self-sufficiency programs, and vouchers for families, unhoused individuals, and disabled persons. Staff from both the County and City of Portland also participate in the Maine Affordable Housing Coalition, which is a collaborative group of developers, Community Action agencies, public housing authorities, investors, housing and service providers, advocates, and others working to increase the supply of quality, affordable housing throughout Maine. In 2019, all Public Housing Authorities and the Maine State Housing Authority created a statewide Combined Wait List (CWL) for the Housing Choice Voucher program. The CWL has an option for individuals in some communities to choose a preference area based on where they live and work. The Portland Housing Authority pays for 357 housing choice vouchers (191 project-based vouchers and 166 tenant-based vouchers) used in 14 housing projects. Of those vouchers, 191 PBVs are for individuals who qualify as homeless, 88 for Veterans Affairs Supportive Housing, 21 Emergency Housing, 37 Mainstream, and 20 Foster Youth Initiatives. The City of Portland's Oxford Street Sheltered used the Emergency Shelter Grant to prevent individuals from becoming homeless. While the city-wide eviction moratorium was in place due to the Covid-19 pandemic, Oxford Street worked with individuals and landlords to mitigate homelessness or return to homelessness. In contrast to the Oxford Street Shelter, the Family Shelter saw a drastic reduction in evictions due to the moratorium and moved prevention funding to essential services to aid with housing placements. The Family shelter placed 73 families into permanent housing without a subsidy, six families were reunified with

other family, eight families secured a Shelter+Care Subsidy, four families secured a Housing Choice Subsidy, and seven families left the shelter of their own accord, due to noncompliance with the program, or due to DHHS involvement. Likewise, the Oxford Street Shelter staff located permanent housing for 102 homeless individuals (79 men and 23 women, including 6 Veterans and 37 chronically homeless individuals). The City of Portland and Cumberland County are partners in the HOME consortium. The two entities work collaboratively to distribute resources and address affordable housing needs for residents of Portland and Cumberland County. Since 2019, the city of Portland has subsidized 416 units of affordable housing including units set aside for long term shelter stayers and 38 single-room occupancy units for women experiencing homelessness, addiction, and related challenges. Cumberland County, through the Cumberland County HOME Consortium, has funded 146 units of low-income housing during this same time. The City of Portland utilizes 33% of CDBG funds for social service supports, including housing programs, homeless services, crisis management services, childcare, family support services, substance use disorder services, youth and adolescent support services, senior services, neighborhood-based programs and projects, and health care for the homeless. Preble Street provides permanent supportive housing for thirty individuals at Huston Commons, and another thirty individuals at Logan Place while Community Housing of Maine (CHOM) provides permanent supportive housing for twenty-eight people within eight units located throughout three buildings. Preble Street provides emergency shelter to forty individuals at Elena's Way, twenty-four teens at Joe Kreisler Teen Shelter, and twenty-five women at Florence House. Preble Street also provides transitional housing to seventeen youth. Shalom House helps adults living with severe mental illness through an array of community-based mental health services and affordable housing. Residential treatment is provided in group living and supportive apartments. Shalom House operates two transitional buildings in Portland with a total of thirteen units and three permanent supportive housing buildings also in Portland with a total of twenty-five units.

The Westbrook Housing Authority reports they currently provide eighty-three residents with Project Based Vouchers at Riverview Terrace and Larrabee Woods, of which seventeen are designated for homeless. Larrabee Commons has thirty-nine vouchers, eighteen of which are PBV and five designated for homeless. And Robert Harnois Apartments has sixty-one PBVs of which thirteen are designated for homeless. For their Housing Choice Voucher Program, they report one hundred thirteen mainstream MS811 vouchers, thirty-five designated for homeless; ten chronically homeless vouchers, and five VASH vouchers for designated homeless veterans. Three chronically homeless and two VASH voucher holders are looking for housing.

The Portland Housing Authority reports a total of three hundred fifty-seven total vouchers set aside for homeless. These are in the form of Vouchers (166) and Project Based Vouchers (191). Vouchers include; VAHS (88), EHV (21), Mainstream (37), and Foster Youth Initiatives (20). PHA pays for the Vouchers that fund the PBV Units. PBV are currently benefiting households in fourteen different housing development projects including those managed by Community Housing of Maine and Preble Street.

The South Portland Housing Authority provides one hundred and twenty-five PBV. SPHA is in the process of converting their Public Housing units to the Section 8 program. By the end of the year, SPHA will have a total of 375 PBVs. There are approximately 646 applicants on waiting lists.

Unmet Housing and Service Needs of Qualifying Populations:

Homeless as defined in 24 CFR 91.5

The shelter system in Portland is beyond capacity. Staff and local organizations struggle to deal with overflow strategies to meet increasing needs. Data from 2019 showed that 79% of the shelter consumers were new consumers with the average length of stay at the shelter under 60 days. Additionally, increased case management is needed for those who have mental illness and substance use issues to help them navigate the service delivery system. The City's Family Shelter has been experiencing an unprecedented volume of clients. Data from 2021 indicated the Family Shelter welcomed 295 asylum seeking families totaling 974 individuals presenting for emergency shelter. As asylum seekers, this designation adds to the complex nature of moving clients out of the shelter and into permanent housing. Overall, Portland homeless shelters had an average of 345 individuals per night last year. This number exceeded bed capacity among all shelters by over 35 individuals and excludes hotels provided by General Assistance. During 2022, 16,173 applications were submitted to the City of Portland for GA assistance for emergency shelter in hotels (a total of 1,168 applications were denied). One hundred percent of upfront costs are covered by the City of Portland/residents. Then seventy percent of the funding is sought through reimbursement from the State of Maine/Office for Family Independence, thirty percent is the responsibility of the issuing municipality. The City of Portland is seeking funding reimbursement from FEMA for its thirty percent responsibility. Despite having seven workers (two openings at the present moment) to process the applications full time (one staff also working on the weekends), the demand for GA remains since the pandemic onset very high. Many people/applicants are seeking emergency shelter, assistance with medications, food and non- food items, rent, as well as utilities.

The town of Brunswick has one 16 bed shelter, Tedford Housing; other than that, there are no additional shelters outside of Portland in Cumberland County. During fiscal year 2021-2022, Tedford Housing turned away 452 adults and 108 families due to a lack of a shelter bed. The family shelter waitlist is about 125 families as of January 2023. The Opportunity Alliance (TOA) is the Community Action Agency for Cumberland County. TOA supports low-income, at-risk individuals and families, refugees and New Mainers, individuals with disabilities, people experiencing mental health and substance use disorders, and individuals and families on the brink, or in the midst of crisis. As reported in the ERA 2022 Point in Time, TOA assisted 154 households with children (509 people of which 270 were under 18; 168 Black/Af Am/African, 300 White, 39 Multiple, and 3 Am Indian/Indigenous), and 126 households without children (147 people of which 2 Am Indian/Indigenous, 1 Asian/Asian Am, 21 Black/Af Am/African, 1 Hawaiian/Pacific, 117 White, and 5 Multiple). Due to the high number of "couch surfers", families who are "doubled up", and individuals residing in cars or tents in secluded rural areas, the number of rural unsheltered is difficult to estimate. Anecdotally, we know that rural homelessness is on the rise, and a study will be underway soon to identify the nature and extent of rural homelessness within Cumberland County.

At Risk of Homelessness as defined in 23 CFR 91.5

In 2021, there were an estimated 14,623 rental units needed for the Portland Metro Area; this demand is projected to increase to 15,064 units by 2026. The pent-up demand for affordable rental units is demonstrated by (1) the high average occupancy of 99% for LIHTC and subsidized properties; (2) the reported waitlists at affordable properties that exceeds 100

households or 2 years; and (3) 40% (or 13,892) of the current renter households in the Portland Metro Area are rent overburdened. Housing prices have risen significantly in the past five years for both renters and owners. As Portland becomes increasingly unaffordable, low- to moderate-income households are being forced to relocate to communities outside of greater Portland, which can make it difficult to access services and employment. Another repercussion of increasing unaffordability in Portland is the increase in rents and housing prices in these communities. The median rent in Cumberland County in 2020, according to MaineHousing's affordability index, was \$1,888, a 42% increase from 2017. Median renter incomes have only increased 22% during the same period. The median home price in Cumberland County has increased by 34%, and homeowner median incomes have increased 20%. Out of 4,034 homes purchased in Cumberland County in 2021, only 19% were considered affordable or attainable.

The 2016-2020 American Community Survey reported of the 145,838 total housing units in Cumberland County, 43,931 or 30.1 percent are rental units. Of the 37,027 households reporting, 32.9 percent pay more than 35 percent of their household income towards rent, and 19.5 percent pay more than 50 percent of their household income towards rent. Portland has 34,187 total housing units of which 63.2 percent or 21,605 are rental units. Of the 16,868 reporting households, 34.8 percent pay more than 35 percent of their household income towards rent, and 20.2 percent pay more than 50 percent of their household income towards rent. Within Cumberland County 24.9 percent of all housing units were built prior to 1939; 58.1 percent were built prior to 1980. In Portland, 47.7 percent of all housing units were built prior to 1939; 77.9 percent were built prior to 1980.

According to the South Portland Housing Authority, as of May 2022, there were 2,027 individuals and families awaiting housing assistance. Due to the high demand and low supply, the waiting lists for many of SPHA's buildings are currently closed. Community Housing of Maine commissioned a market study by The Signal Group (TSG), an affiliate of the National Housing & Rehabilitation Association, to determine the market need, occupancy, turnover and absorption data for the Portland Metro Area. The study found that there is a significant shortfall in the number of affordable units with demand currently exceeding supply by 1,126 housing units. Predictions show that demand will continue to grow and will exceed supply by 1,168 by 2024. The TSG study surveyed 26 Tax Credit developments in the Portland Metro Area, consisting of 1,038 units, and found a 100% occupancy rate. Reported waitlists are up to 5 years for LIHTC properties. TSG's study of the market showed an absorption period of four months, by leasing units at a rate of 10 per month. This rate is consistent with CHOM's experience at other affordable rental properties it owns in the Portland area. Portland has approximately 33,785 housing units (rental and homeownership). The majority (61%) of Portland residents live in duplex and apartment buildings. Almost 40% of Portland's residential housing stock is comprised of three-family or more buildings. Almost 50% (16,260) of those units were built before 1939, 70% (23,761) were built before 1970.

Fleeing, or Attempting to Flee, Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking, as defined by HUD in the Notice

Through These Doors, a domestic violence resource center serving Cumberland County, reports 500 annual requests for shelter, which includes folks who made multiple requests. Unfortunately, the organization was able to shelter only 78 adults and 37 children from

October 1, 2021 through September 30, 2022 with a gap in service of 396 beds (145 adults and 251 children). There is also a need for child care; connection to mental health or substance use support; case managers; workforce training and support; financial assistance to transition to permanent housing; as well as culturally and linguistically competent services for the increasing asylum seeker and refugee population in Maine. Community Housing of Maine (CHOM) reports needing long term case management, section 8 vouchers and mental health services for the families they serve.

Other populations requiring services or housing assistance to prevent homelessness and other populations at greatest risk of housing instability, as defined by HUD in the Notice

Formerly homeless people with both substance use disorder and mental illness are the most difficult to house permanently because of poor rental histories and the need for lengthy cultural acclimation to non-shelter living. Over the past twelve years, there have been statewide cuts to mental health services, hampering efforts to help those with mental illnesses find and maintain housing. Many treatment centers have long waiting lists and require the individual to travel away from both home and employment, something many simply cannot afford to do. Increased case management is needed for those who have mental illness and substance use issues to help them navigate the service delivery system. Milestone Recovery provides outreach and community support to individuals experiencing homelessness concurrent with substance use or mental health disorders. Milestone operates Southern Maine's only Substance Use Homeless Shelter, along with a Housing Navigation Program to transition clients out of chronic homelessness and into permanent, stable housing, along with both short-term and long-term substance use treatment programs directed at low-income individuals, including those experiencing homelessness. Shalom House provides residential treatment in group and apartment housing, supportive housing, and independent living for individuals with serious and prolonged mental illness. Shalom House currently has 516 people on the waitlist for housing they own and operate; 249 of those have reported being homeless or at risk of homelessness. Thirty-eight percent (38%) have been on the waitlist for at least four years; 30% have been on the list for two to four years; 17% have been on the list for one to two years and 15% have been on the list for a year or less. Shalom House has approximately 140 people approved for a rental voucher who have been unable to find housing. Most of these individuals are currently homeless. Shalom House reports that only about 25% of individuals with housing vouchers are able to find housing. At the Oxford Street Shelter, 13.02% experience a physical disability or illness. Portland's population has a higher incidence of disability than people in Cumberland County as a whole (13.5% and 11% respectively). 45.2% of the non-institutional population 65 years and over in Portland has a disability, including hearing difficulty, vision difficulty, cognitive difficulty, ambulatory difficulty, self-care difficulty, and independent living difficulty.

Gaps within Shelter and Housing Inventory as well as the service delivery system:

From 2017-2021, housing prices have skyrocketed, exacerbating an already significant issue. Due to the Covid-19 pandemic, there has been less turnover of units and more competition for units as remote workers move to the area. Portland has also seen an increased number of asylum-seeking families arriving at the southern border who designate the Portland Family Shelter as their destination. In the calendar year 2021, the Family Shelter welcomed 295 asylum-seeking families totaling 974 individuals presenting for emergency shelter. Gaps within

the service delivery system include financing necessary to provide intervention to prevent homelessness; funding for substance use services; funding for mental health services; and funding for case management “navigators”. As noted above, gaps within the current shelter and housing inventory include beds for individuals seeking shelter; units for voucher holders; units for persons with disabilities; units for the elderly population; units for those fleeing or attempting to flee domestic violence, dating violence, sexual assault, stalking or human trafficking; units for teens; and units to create stable affordable housing. Milestone Recovery’s most urgent unmet need for their qualifying population is emergency homeless shelter capacity. Milestone’s emergency shelter is currently operating at full capacity of 36 beds per night, and still experiences significantly higher demand than can be met. In the last several months Milestone has been forced to turn away an average of 10-15 qualified individuals seeking shelter each night, and the need is only expected to intensify moving into the depths of winter. Multiple other unmet life safety needs exist, including the need for winter clothing, access to medical care and substance use treatment, and food insecurity. Other unmet needs that do not fall under the blanket of life safety needs include access to affordable long-term housing and access to employment and employment training opportunities. The highest priority need is emergency shelter capacity.

The rental housing stock in Portland and throughout the Greater Portland Region is aging and reaching the end of useful life for housing. Rehabilitation of aging housing stock often involves extensive energy efficiency efforts because of severe winter weather. The cost involved with rehabilitating older housing can be cost prohibitive in a housing market that is already too expensive for many residents. Through our outreach, we know that rents in the area have skyrocketed since 2019, further exacerbating an already tenuous issue. There are 380 units of Section 8, 711 LIHTC units, and 90 HOME-assisted units whose affordability period is expected to expire between 2022 and 2027. The City’s affordable housing providers work with social service providers to move individuals out of homelessness and into affordable housing. Providers report that even with vouchers and assistance, units are difficult to obtain; therefore, increasing the number of units is critical. Milestone’s largest unmet systemic need for the Housing Navigator Program is the short supply of affordable housing in the community, especially housing programs that employ a housing-first model to substance use. In addition to this broad systemic problem, many Housing Navigator clients experience smaller, seemingly low-cost barriers that prevent them from obtaining and retaining housing. These include but are not limited to costs associated with the housing search process, including application fees, security deposits, costs of obtaining state identification, passes for public transportation, and phone cards to communicate with potential landlords. Milestone maintains a small assistance fund to help clients overcome these barriers, but this fund only covers a fraction of the need for hard to find affordable housing.

Preble Street, a provider of emergency service and permanent supportive housing has a gap in service of up to 500 adult emergency service beds, and up to 360 permanent supportive housing units. Community Housing of Maine (CHOM) needs additional long-term case management for each of the eight households they serve with permanent supportive housing. Portland Housing Authority requires additional staffing and flex funding to walk the unhoused population from homelessness into affordable housing. The complex nature of completing the basic eligibility paperwork, to finding a unit in a highly competitive market, to furnishing the unit while addressing the challenges of paying bills, keeping utilities in place, meeting medical and mental health needs is extremely daunting for many who are trying to rebuild their

lives, and sometimes do not have the ability to do so. Housing Authorities are not allocated funding to provide this level of service. Additionally, basic housekeeping services are needed as many individuals with intellectual, mental health, or physical disabilities require these services, which also benefits the entire community.

Under Section IV.4.2.ii.G of the HOME-ARP Notice, a PJ may provide additional characteristics associated with instability and increased risk of homelessness in their HOME-ARP allocation plan. These characteristics will further refine the definition of “other populations” that are “At Greatest Risk of Housing Instability,” as established in the HOME-ARP Notice. If including these characteristics, identify them here:

Portland has long been a desirable and welcoming community for immigrants, refugees, and asylum seekers. Unfortunately, the shortage of affordable housing options can be particularly difficult for individuals who may have larger families, limited English, and few resources. Many of the immigrant, refugee, and asylum-seeker families have been forced to seek housing options outside of the greater Portland area. As immigrants/refugees get pushed further away from Portland, they move geographically further away from the only support services who are linguistically equipped and culturally competent enough to identify needs and issues and provide appropriate, sensitive treatment or assistance. This is true also for individuals with disabilities, domestic violence victims, and other individuals who may have lower incomes who depend on services which may be more readily available, or only available, within the City of Portland.

Priority needs for qualifying populations:

The need to create affordable permanent supportive housing and provide ongoing support and technical assistance was reiterated throughout the consultation sessions. Therefore, our priority is to focus the majority of these funds on the creation of permanent supportive housing.

Although there were recommendations around rental assistance and services such as housing navigation, there are both new and ongoing funding sources that address those needs. And while the creation of additional vouchers would be helpful, for far too many current voucher holders, the difficulties of finding housing affordable with a voucher emphasizes the importance of building additional income-restricted rental housing.

Determination of the level of need and gaps in the shelter and housing inventory and service delivery systems based on the data presented in the plan:

The level of need and gaps in shelter, housing and service delivery systems were determined using data from the statewide Homeless Management Information System, Maine’s Point in Time and Housing Inventory Count, housing data from the 2019 American Community Survey (ACS) and the 2014-2018 Comprehensive Housing Affordability Strategy (CHAS), and a gaps analysis performed by the Corporation for Supportive Housing (CSH) as part of the Maine Homeless System Re-Design Initiative (Final Report and Recommendations June 2021). The determination of how to most effectively utilize this funding was determined through a series of stakeholder meetings.

HOME-ARP ACTIVITIES

Method(s) that will be used for soliciting applications for funding and/or selecting developers, service providers, subrecipients and/or contractors:

Housing Production: Funding will be allocated through a competitive application process open to all eligible entities, including nonprofit housing organizations and for-profit developers. To be considered eligible for Program funds, recipients at a minimum will need to meet the following criteria: a) Make acceptable assurances that they will comply with the requirements of the HOME-ARP Program during the entire period that begins upon selection of the recipient and ending upon the conclusion of all HOME-ARP Program funded activities; b) Demonstrate the ability and financial capacity to undertake, comply, and manage the eligible activity; c) Demonstrate its familiarity with the requirements of other Federal, State, or local housing programs that may be used in conjunction with HOME-ARP Program funds to ensure compliance with all applicable requirements and regulations of such programs; d) Have demonstrated experience and capacity to conduct HOME-ARP Program eligible activities as evidenced by its ability to own, construct, or rehabilitate, and manage and operate an affordable multifamily rental housing development.

Describe whether the PJ will administer eligible activities directly:

The Cumberland County HOME Consortium will not use funding to directly create housing or provide services.

If any portion of the PJ's HOME-ARP administrative funds are provided to a subrecipient or contractor prior to HUD's acceptance of the HOME-ARP allocation plan because the subrecipient or contractor is responsible for the administration of the PJ's entire HOME-ARP grant, identify the subrecipient or contractor and describe its role and responsibilities in administering all of the PJ's HOME-ARP program:

The Cumberland County HOME Consortium did not appoint subrecipients or contractors for the development of the HOME-ARP allocation plan or administration of the HOME-ARP funds.

Use of HOME-ARP Funding

	Funding Amount	Percent of the Grant	Statutory Limit
Supportive Services	\$ 763,756		
Acquisition and Development of Non-Congregate Shelters	\$ 250,000		
Tenant Based Rental Assistance (TBRA)	\$ 0		
Development of Affordable Rental Housing	\$ 2,041,266		
Non-Profit Operating	\$ 0	0 %	5%
Non-Profit Capacity Building	\$ 0	0 %	5%
Administration and Planning	\$ 539,121	0 %	15%
Total HOME ARP Allocation	\$3,594,143		

Distribution of HOME-ARP funds in accordance with its priority needs identified in its need's assessment and gap analysis:

The distribution of the HOME-ARP funds is aligned with the priorities identified through public comment and consultation with organizations and agencies who provide support and assistance to the qualifying populations. The Development of Affordable Rental Housing category has been funded the most as we have evaluated this category as being most in demand.

A total of \$2,291,266 will be utilized for the Acquisition and Development of Non-Congregate Shelters and the Development of Affordable Rental Housing, with approximately 90% funding the Development of Affordable Rental Housing and approximately 10% funding the Acquisition and Development of Non-Congregate Shelters.

Supportive Services is the second largest funding category which again aligns with the priorities identified through public comment and consultation with organizations and agencies who provide support and assistance to the qualifying populations.

The funding amount for Administration and Planning is projected at \$539,121. Any funds not expended in this category may be reallocated to the funding amounts for Supportive Services, Acquisition and Development of Non-Congregate Shelters, and Development of Affordable Rental Housing.

Characteristics of the shelter and housing inventory, service delivery system, and the needs identified in the gap analysis provided a rationale for the plan to fund eligible activities:

The need to create affordable permanent supportive housing and provide ongoing support and assistance was reiterated throughout the consultation sessions. Based on feedback provided it is apparent that the most significant need is to create affordable permanent housing and supportive housing units. The shelter system (only available in Portland and Brunswick) is operating at full capacity, turning away adults and families each night and struggles to deal with overflow strategies to meet unprecedented increasing housing and case management needs. An estimated 700 to 1,000 unduplicated individuals were served in hotels/motels from January 2021 to December 2022; the Emergency Rental Assistance used to pay for these units ran out in November 2022. Tenants are being evicted as of January, 2023.

In 2021, there were an estimated 14,623 rental units needed for the Portland Metro Area; this demand is projected to increase to 15,064 units by 2026. The pent-up demand for affordable rental units is demonstrated by (1) the high average occupancy of 99% for LIHTC and subsidized properties; (2) the reported waitlists at affordable properties that exceeds 100 households or 2 years; and (3) 40% (or 13,892) of the current renter households in the Portland Metro Area are rent overburdened. In Portland, 47.7 percent of all housing units were built prior to 1939. Due to high demand and low supply of affordable housing, wait lists for many buildings are closed. Providers report that even with vouchers and assistance, units are difficult to obtain; therefore, increasing the number of units is critical.

The domestic violence resource center serving Cumberland County reports a gap in service of 396 beds (145 adults and 251 children). There is also a need for case managers, and connects

to mental health or substance use support.

Formerly homeless people with both substance use disorder and mental illness are the most difficult to house permanently. Housing and increased case management is needed for those who have mental illness and substance use issues.

While the Cumberland County Consortium needs additional homeless diversion, rapid rehousing and rental assistance programs, without units to house people these programs will never be fully effective.

HOME-ARP PRODUCTION HOUSING GOALS

Estimated number of affordable rental housing units for qualifying populations that the PJ will produce or support with its HOME-ARP allocation:

Cumberland County HOME Consortium anticipates that at least 10 units of affordable rental housing units for qualifying populations will be directly produced with HOME-ARP funds. However, the investment of HOME-ARP funding is estimated anticipated to leverage production of additional units utilizing other private and/or public funding resources.

Affordable rental housing production goal that the PJ hope to achieve and how the production goal will address the PJ's priority needs:

The Cumberland County HOME Consortium will prioritize projects that are able to be developed quickly and that can operate with sufficient operating and supportive service dollars to meet the needs of tenants. As noted above, it is anticipated that at least 10 units of affordable rental housing units will be developed. The units developed with HOME-ARP funds will meet the City of Portland and Cumberland County Consolidated Plan Priorities to Increase Housing Availability and Affordability, Address the Needs of the Growing Homeless Population and Provide Services to Special Populations Including Victims of Domestic Violence, Homeless Persons and Persons with Disabilities.

PREFERENCES

The City of Portland / Cumberland County HOME Consortium does not plan to give preference to one or more qualifying populations or subpopulations for any eligible activity or project. If it is determined that the only viable project would require a preference, a substantial amendment, including the required public participation process will be submitted.

Referral Methods

At this time the City of Portland / Cumberland County HOME Consortium have not defined a referral method. A referral method will be defined during the RFP process for selecting projects, programs, or services.

Limitations in a HOME-ARP Rental Housing or NCS Project

At this time the City of Portland / Cumberland County HOME Consortium has no intention to limit eligibility for a HOME-ARP rental housing or NCS project.

HOME-ARP REFINANCING

At this time the City of Portland / Cumberland County HOME Consortium has no intention to refinance existing debt secured by a multifamily rental housing that is being rehabilitated with HOME-ARP Funds.

Cumberland County HOME Consortium, HOME-ARP Allocation Plan

Appendix A: Consultation Participants, Survey Respondents and Written Comments

The Cumberland County HOME Consortium thanks the following individuals and organizations for their participation.

Public Agencies that Address the Needs of Qualifying Populations:

Awa Conteh	City of Bangor Public Health and Community Services
Chelsea Hoskins	City of Portland Family Shelter
Aaron Geyer	City of Portland Social Services
David Richmond	Maine Bureau of Veterans Services
Susan Gagnon	Maine Department of Corrections
Alice Preble	Maine Department of Health and Human Services
Ginny Dill	Maine Department of Health and Human Services
Sara Wade	Maine Department of Health and Human Services
Stacy Keenan	Maine Department of Health and Human Services
Amelia Lyons	Maine Department of Education
Leah Bruns	Portland Housing Authority
Arwen Agee	Veterans Administration
Jason Carter	Veterans Administration
Susan Sampson	Veterans Administration
Wendy Thomas-Blais	Veterans Administration
Sharon Jordan	Wabanaki Public Health Services

And all the Community Action Agency participants listed in the meeting titled Developers/Community Action Agencies, and in the meeting titled Emergency Shelter Assessment Committee.

Public or Private Organizations that Address Civil Rights and Fair Housing:

Bill Higgins	Homeless Advocacy for All
Susan Randall	Homeless Advocacy for All
Kate Easter	Maine Coalition to End Domestic Violence
Frank D'Alessandro	Maine Equal Justice Partners
Ben Martineau	Homeless Voices for Justice
Cheryl Hawkins	Homeless Voices for Justice
Leana Amaez	Maine Department of Health and Human Services
Fatima Saidi	Maine Immigrant Rights
Gia Drew	Equality Maine
Rachel Talbot Ross	Maine Black Caucus

Public/Private Organizations that Address the Needs of Persons with Disabilities:

Brianne Brasset	Community Health and Counseling Services
Meredith Smith	Community Health and Counseling Services
Sarah Derosier	Community Health and Counseling Services
Vickey Rand	Community Housing of Maine
Cullen Ryan	Community Housing of Maine
David McCluskey	Community Care
Tracey Allen	Kennebec Behavioral Health

Rich Romero
Charlotte Rogers
Katie Rutherford
John Wiinikka
Jill Grazia
Norm Maze
Paul Linet
Travis Drake
Nicole Frydrych
Rich Hooks Wayman
Tyra Parker
Benjamin Strick

OHI
Peabody Center
Peabody Center
Peabody Center
Shalom House
Shalom House
3iHOME
Volunteers of America Northern New England
Volunteers of America Northern New England
Volunteers of America Northern New England
Volunteers of America Northern New England
Spurwink Services

<i>Meeting Focus / Qualified Populations Served</i>	<i>Date</i>	<i>Attendees</i>
Maine Shelter Network	10-19-2021	Lauren Bustard, Betty LaBua, Steve McDermott (MaineHousing), Boyd Kronholm (BAHS), Jessica Wilson (City of Lewiston), Jenifer Needham, Chris Bicknell (New Beginnings), Kari Bradstreet (Hope and Justice Project), Jenny Stasio (Through These Doors), Noelle Coyne (Safe Voices), Terence Miller (Preble Street), Katie Spencer White (MMHS), Josh D'Alessio (PCHC), Victoria Volent (City of Portland), Mark Swan (Preble Street), Janice Daku (RCAM), Stephanie Primm (KCHC), Joe McNally (Milestone Recovery), Tracy Hair (HOME, Inc.), Kristin Styles (Cumberland County)
Maine Continuum of Care	10-21-2021	Abigail Smallwood (City of Biddeford), Ali Lovejoy, Erin Kelly, Dan Hodgkins (Preble Street), Alice Preble (Maine DHHS), Amelia Lyons (Maine Dept. of Ed.), Awa Conteh (City of Bangor), Meredith Smith, Sarah Derosier, Brianne Brasset (CHCS), Bill Higgins (Homeless Advocacy for All), Boyd Kronholm (BAHS), Bridge Semler, Chris Bicknell (New Beginnings), Christina Dingus, Lauren Bustard, Kelly Watson, Tara Hembree, Scott Tibbitts, Mike Shaughnessy Paula Weber, Betty LaBua (MSHA), Cullen Ryan, Vickey Rand (CHOM), David McCluskey (Community Care), Donna Kelly (Waldo CAP), Stephanie Primm (Knox County Homeless Coalition), Emily Flinkstrom (Fairtide), Ginny Dill (Maine DHHS), Janice Daku (RCAM), Janice Lara H (CC Maine), Jill Grazia (Shalom House), Joe McNally (Milestone Recovery), Josh D'Alessio (PCHC), Kari Bradstreet (HJP), Susan Randall (Homeless Advocacy for All), Katie Spencer White (MMHS), Kelsea Vincent (YAB), Victoria Volent, Aaron Geyer, (City

		of Portland), Marcie Dean (Next Step), Melanie Beaulieu (FVP), Molly Sirios (BOL), Noel Thibodeau (NHFW), Noelle Coyne (Safe Voices), Norm Maze (Shalom House), Rebecca Hobbs (ITD), Rebekah Paredes (NHFW), Rich Romero (OHI), Rota Knott (Tedford House), Sara Wade (Maine DHHS), Lisa McLaughlin (HSA), Sharon Jordan (Wabanaki Public Health Services), Susan Gagnon (Maine DOC), Tracy Allen (KBH), Melissa Mcentee (RGH), Tyra Parker (VOANNE), Whitney Files (Knox County Homeless Coalition), Kelly Walsh (ITD), Kate Easter (MCEDV)
Advocates and People with Lived Experiences	10-22-2021	Lauren Bustard, Denise Lord, Betty LaBua, Steve McDermott (MSHA), Frank D'Alessandro (MEJP), Cheryl Hawkins (HVJ), Bill Higgins, Susan Randall (Homeless Advocacy for All), Ben Martineau (HJV), Victoria Volent, Heidi McCarthy (City of Portland), Anna Brewer (Preble Street), Jessica Wilson (City of Lewiston),
Developers/Community Action Agencies	10-27-2021	Heidi Leblanc, Jason Bird (Penquis), Denise Lord, Steve McDermott, Lauren Bustard, Paula Webber, Mark Wiesendanger, Betty LaBua (MSHA), Josh D'Alessio (PCHC), Ben Strick (Spurwink), Theresa Dow-Oleary, Jason Parent (ACAP), Shawn Yardley (Community Concepts), Barbara Crider (YCCAC), Donna Kelley (Waldo CAP), Claire Berkowitz (MMCA Corp), Mary Davis (City of Portland), Lincoln Jeffers (City of Lewiston), Zak Maher (City of Auburn), Rick Hooks Wayman (VOANNE), Boyd Kronholm (BAHS), Nate Libby, Megan Parks (Community Concepts), Deb Johnson (DEC), Sayre Savage (Four Directions Development), Bobbi Harris (Downeast Community Partners)
Homeless Veterans Action Committee	11-2-2021	Nicole Frydrych, Brian Bouthot (VOANNE), Arwen Agee, Jason Carter, Wendy Thomas-Blais, Susan Sampson (VA), Amy Holland, Dennis Michaud, Ray Michaud, Tom Pangborn (Veterans, Inc.), April Reed, Mary Wade, Lauren Bustard, Betty Labua (MSHA), Ellie Espling (Senator Susan Collins' Office), Heidi McCarthy (City of Portland), Dan Hodgkins (Preble Street), Kristin Styles (Cumberland County), David Richmond (Maine Bureau of Veteran's Services), Kim Rohn (Representative Jared Golden's Office), Bill Higgins (Homeless Advocacy for All), Mary Davis (City of Portland)
Public Housing Authorities	11-5-2021	Marty Szydlowski (Auburn Housing), Amanda Olsen (Augusta Housing), Mike Myatt (Bangor Housing), Deb

		Keller (Bath Housing), Lisa Plourde (Caribou Housing), Stacey Michaud (Ft Fairfield Housing), Chris Kilmurry (Lewiston Housing), Cheryl Sessions (Portland Housing), Chris Kilmurry (Presque Isle Housing), Laurie Miller (Old Town Housing), Mike Hulsey (South Portland Housing), Chris LaRoche (Westbrook Housing), Lauren Bustard, Denise Lord, Betty LaBua (MSHA), Kristin Styles (Cumberland County), Mary Davis, Victoria Volent (City of Portland),
Emergency Shelter Assessment Committee (ESAC)	12-16-2021	Mike Guthrie (CoP FS), Mailys Day (PHA), Ben Strick (Spurwink), Oliver Bradeen (Milestone Recovery), Vickey Rand, Cullen Ryan (CHOM), Hannah Brier, Dan Coyne (United Way), Brian Townsend (Amistad), Sara Michniewicz (BNA), Ben Martineau, Jim Devine (HVJ), Norm Maze (Shalom House), Bill Higgins, Suzanne Randall (HA4All), Mary Cook (TOA), Ginny Dill (Office of Behavioral Health), Amy Geren (Portland Downtown), Terence Miller (Preble Street), Jenny Stasio (Through These Doors), Aaron Geyer, Adam Harr, Victoria Volent (City of Portland)
Maine Continuum of Care/Advocates for the Homeless/Maine Shelter Network	1-11-2022	Terrace Miller (Preble Street), Brian Townsend (Amistad), Amy Holland, Michelle Lamm (Greater Portland Family Promise), Benjamin Strick (Spurwink Services), Val Fitzgerald, Christine Fecko (The Opportunity Alliance), Wendy Harmon (Southern Maine Landlord Association), Mailys Day (Portland Housing Authority), John Wiinikka (Peabody Center), Vickey Rand (Community Housing of Maine), Chelsea Hoskins (City of Portland)
Developers and Advocates for Public Housing	1-14-2022	Martha Stein (Hope Acts), Charlotte Rogers, Lorena Delcourt, Katie Rutherford (Peabody Center), Paul Linet (3iHOME), Nathan Szanton (The Szanton Company), Betsey Remage Healey (HomeStart), Robyn Wardell, Brian Kilgallen (Community Housing of Maine), Brian Sites (VOANNE), Rebecca Hatfield, Nathan Howes (Avesta), Brian Eng (Maine Cooperative Development Partners), Tara Hill (Habitat for Humanity), Laura Reading (Developers Collaborative), Jay Waterman (Portland Housing Authority), Tim Wells (Greater Portland Community Land Trust), James Vincent (Pharos House)
Publicly noticed meeting facilitated by the Cumberland County HOME Consortium	2-8-2022	Will Quenga, Nicole Hanson (Maine Prison Re-Entry Network), Jim Hall, Priscilla Bitencourt (Homeless liaison for Portland Public Schools), Frank Sanfilippo, Brian Eng, Liz Trice (Maine Cooperative Development Partners), Rob

		Korobkin (Courage House), Susannah Sanfilippo, Tim Wells (Greater Portland Community Land Trust), Sarah Michniewicz (President of Bayside Neighborhood), Christopher Stjohn, Christian MilNeil, Tobin Williamson, Mufalo Chitam (Maine Immigration Rights Coalition), Janice Murphy, Travis Drake (VOANNE), Karin Martin, Lado Lodoka (Center for Preventing Hate), Erin Kelly (Dir. Of Homeless Youth and Young Adult Svc), Lolan Lyne, Poppy Arford (Maine State Representative), Sean Murphy, Frank Rios, Erin Gorham, Juliana Bean, Kelly Fowler
Providers of emergency shelter, transitional shelter, permanent supportive housing, and safe havens.	October 2022 through January 2023	Rota Knott (Tedford Housing), Jenny Stasio (Through These Doors), Mary Wade, Scott Tibbitts (MaineHousing), Leah Bruns (Portland Housing Authority), Andrew Bove (Preble Street), Kyra Walker (Community Housing of Maine), Aaron Geyer, Adam Harr, Ryan Gorneau (City of Portland), Joseph McNally, Tom Doherty (Milestone Recovery), Val Fitzgerald (The Opportunity Alliance), Norm Maze (Shalom House), Anne-Marie Brown (United Way of Southern Maine), Laura Hebert (Westbrook Housing Authority), Brooks More, Nicole Bernier (South Portland Housing Authority)

Original Public Notice in the February 3rd 2023 edition of the Press Herald

Corrected Public Notice in the February 7th 2023 edition of the Press Herald

CORRECTION

NOTICE OF PUBLIC HEARINGS AND PUBLIC COMMENT PERIOD

Cumberland County Commissioner Meetings

Monday February 13, 2023 at 5:30pm

Monday March 13, 2023 at 5:30pm

142 Federal St, Portland, ME Cumberland County Courthouse Feeney Room

City of Portland

Housing & Economic Development Committee Tuesday February 21, 2023 at 5:30pm (remote)

City Council Monday, March 20, 2023 at 5:00 pm

389 Congress St, City Hall, Council Chambers or remotely as allowed in the City of Portland Remote Meeting Policy.

30 DAY PUBLIC COMMENT PERIOD – Correction

CITY OF PORTLAND, MAINE / CUMBERLAND COUNTY HOME CONSORTIUM

February 8, 2023 to March 10, 2023

389 Congress Street, Portland City Hall, Room 312

HOME-ARP ALLOCATION PLAN, Funding available \$3,594,143

The City of Portland and the County of Cumberland will each hold two public hearings to consider the HOME-ARP Allocation Plan outlining the use of funds received by the Cumberland County HOME Consortium from the U.S. Department of Housing and Urban Development (HUD). Public comments on the proposed Plan will be accepted in writing or verbally from February 8, 2023 to March 10, 2023. To submit written public comment for the public hearing, please send an email to VVolent@portlandmaine.gov by midnight on March 10. All submissions must include the commenter's name and legal address. Verbal public comments will be accepted during the Public Hearings held on the dates and times noted above or by calling 482-5028 during the 30-day public comment period.

The primary objective of the HOME-ARP Allocation Plan is to outline a plan to help individuals and families who are homelessness or at risk of homelessness. The plan will include a proposed spending plan in these eligible areas: Administration and Planning; Development of Affordable Rental Housing; Supportive Services and Acquisition and Development of Non-Congregate Shelter.

The draft HOME-ARP Allocation Plan can be viewed at <https://portlandmaine.gov/1203/Plans-and-Reports> and <https://www.cumberlandcounty.org/170/Reports-Plans> starting on February 8, 2023.

Translation, interpretation, and other accommodations will be available for materials and meetings upon request.

Please contact the following person to request an interpreter or accommodation for the meeting: Victoria Volent, vvolent@portlandmaine.gov, 207-482-5028.

Fadlan la xirir qofkan hoose si aad u condato turjumaan ama tixgelin xiliga shirka: Victoria Volent, vvolent@portlandmaine.gov, 207-482-5028.

Por favor entre em contato com a seguinte pessoa para solicitar um intérprete ou acomodação para a reunião: Victoria Volent, vvolent@portlandmaine.gov, 207-482-5028.

Victoria Volent, vvolent@portlandmaine.gov, 207-482-5028:
 يبري الاتصال بالشخص التالي لطالب مترجم فوري أو تسهيلات لظهور الإصغاء: الاسم، البريد الإلكتروني، رقم الهاتف

Pour obtenir un interprète ou faciliter une réunion, veuillez contacter la personne suivante: Victoria Volent, vvolent@portlandmaine.gov, 207-482-5028.

Para solicitar un intérprete o una adaptación especial para la reunión, comuníquese con esta persona: Victoria Volent, vvolent@portlandmaine.gov, 207-482-5028.

Leka na ko bengsa moto oyo soki oza na bosenga ya interprete to ya bosalisi pona rendez-vous na yo: Victoria Volent, vvolent@portlandmaine.gov, 207-482-5028.

SPORTS

Portland Press Herald • Monday, February 7, 2023 • D5

MLB NOTEBOOK

Red Sox sign pitcher Faria to minor league contract

News service report

The Red Sox signed pitcher

Joel Faria to a minor

league contract. The 26-year-old

right-hander made 20 starts

for the Tampa Bay Rays

in 2022, posting a 3.40 ERA

and 117 strikeouts in 147

innings. Faria was drafted

by the Rays in the 11th round

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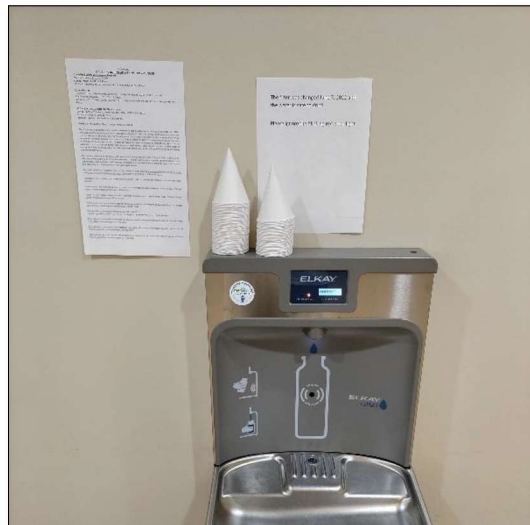
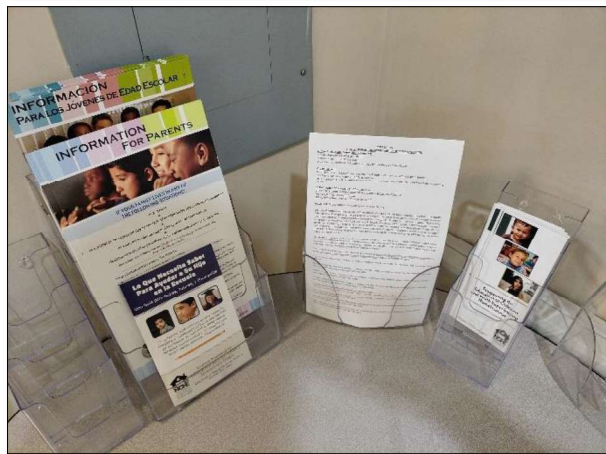
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Postings of Public Notice



Public Engagement

Promotion of public participation and community meetings:



FOR IMMEDIATE RELEASE

January 31, 2022

MEDIA CONTACT

Jessica Grondin
207.272.7885

City & County Soliciting Feedback on Community Housing Needs

Feedback will help guide plans to put federal funds to use

PORTLAND, Maine – On Tuesday, February 8, at 6:00 PM, the City of Portland and Cumberland County will co-host a [public meeting](#) to collect public feedback on reducing homelessness and increasing housing stability.

Cumberland County and the City of Portland have been awarded \$3,500,000 in HOME-ARP funding to provide housing, rental assistance, supportive services, and non-congregate shelter, to reduce homelessness and increase housing stability. The funding must primarily benefit qualifying individuals and families who are homeless, at risk of homelessness, or in a vulnerable population.

Public input will help guide the plan's recommendations and is a vital element in assessing the needs of and gathering input from the community.

Zoom Link: <https://us02web.zoom.us/j/82615536058>

Meeting ID: 826 1553 6058

Telephone Number: 646-558-8656

February 7th, 2022 News Article:

<https://www.pressherald.com/2022/02/07/more-pandemic-funding-targeted-to-address-homeless-housing-needs/>

February 8th, 2022 Events Page:

https://www.pressherald.com/forecaster/forecaster-calendar/?escaped_fragment=/show/?start=2020-04-16#!/details/Soliciting-Feedback-on-Community-Housing-Needs/9873353/2022-02-08T18

NEWS BUSINESS OPINION SPORTS A&E FOOD THINGS TO DO

workday

LOCAL & STATE

Posted February 7, 2022 | Updated February 7, 2022

More pandemic funding targeted to address homeless, housing needs

Portland and Cumberland County are seeking public input on how to spend \$3.6 million in ARPA funding to reduce homelessness and increase housing availability.

BY KELLEY BOUCHARD STAFF WRITER

EMAIL WRITER
207-791-6328

Share     

21 COMMENTS

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Powered by Tiny Audio

00:00 06:17

Regional efforts are ramping up to reduce homelessness and increase available housing in southern Maine, fueled by additional pandemic funding from the American Rescue Plan Act.

A consortium led by the city of Portland that includes Cumberland County and the town of Brunswick has been awarded \$3.6 million in ARPA funding through the U.S. Department of Housing and Urban Development's Home Investment Partnerships Program.

Put continuous planning into action at your organization. [Learn More](#)

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VIRTUAL

Soliciting Feedback on Community Housing Needs

Tuesday, February 08, 2022, 6:00pm
[Add to Calendar](#)

Event Format
Virtual
[Learn More](#)

Originating Location
Cumberland County and the City of Portland have been awarded \$3,500,000 in HOME-ARP funding (see attachment) to provide housing, rental assistance, supportive services, and non-congregate shelter, to reduce homelessness and increase housing stability. On Tuesday, February 8, at 6:00 PM, the City of Portland and Cumberland County will co-host a public meeting to collect public feedback on reducing homelessness and increasing housing stability. Please join us via Zoom, public input will help guide Portland, ME

Price
\$0.00 to \$500.00

Notes
Virtual Event

Description
Tuesday, February 8, 2022



Harpwell Sebas

Report a map error

vent

Page 400

CALL TO ORDER

The Board of Commissioners met for their regularly scheduled meeting at the Cumberland County Courthouse in the Peter Feeney Conference Room, the meeting was called to Order by Chair Neil Jamison at 5:35pm

Present:

Chair Neil Jamieson
Commissioner James Cloutier
Commissioner Susan Witonis
Commissioner Stephen Gorden

Excused:

Commissioner Patricia Smith

PLEDGE OF ALLEGIANCE

APPROVAL OF THE MINUTES

Meeting Minutes of January 13, 2023

A motion was made by Commissioner Witonis, seconded by Commissioner Cloutier, that the Minutes be adopted. The motion carried by a unanimous vote.

INFORMATIONAL REPORT/PRESENTATIONS

CCRCC 4th Quarter 2022 Newsletter

COMMENTS FROM THE PUBLIC

District Attorney Jacqueline Sartoris. D.A. Sartoris stated that she is honored to meet everyone and plans to work very hard over the next 4 years. She is focusing on addressing mental health issues and increasing efficiencies in the current system by building out a robust diversion program. On top of that she is focusing on reducing the backlog of cases that occurred as a result of the pandemic. The Commissioners welcomed DA Sartoris and congratulated her on new position.

Christopher DeCapua, Vice President of the Local 110, shared some general comments related to the staffing levels of the jail and hiring of corrections officers. The Union leadership would like to work with the Commissioners and come to a solution regarding intake and staffing. He agrees with the DA, the backlog of cases needs to be addressed but the jail needs capacity for when the backlog is addressed.

Recruiting, there is a common feeling that no one wants to be a corrections officer.

The best approach would be to target retired and current certified corrections officers as opposed to targeting new corrections officers. The Maine academy is also a hurdle in hiring. The State either runs the academy or the academy could be run in house and be completed in 3 weeks. The only thing that would be needed is shift coverage. Commissioner Witonis asked if they had enough staff, Mr. DeCapua responded that they did. He thanked the Commissioners' for their time and their attention to the current issues.

CONSENT AGENDA

- 23-006 Approval of the Sheriff's Office Commission's for October 2022 – December 2022.**
- 23-007 Authorization for the County Manager to enter into a contract between the County of Cumberland and the Town of Casco for County Assessing Services from July 1, 2022 to June 30, 2025.**
- 23-008 Confirmation of the appointment of Trustees Frank Clark, Lori Norman and Tom Tyler to the Cross Insurance Arena Board of Trustees.**

A motion was made by Commissioner Cloutier, seconded by Commissioner Witonis, that the Consent Agenda items be approved. The motion carried by a unanimous vote, 4-0.

ARPA BUSINESS

- 23-009 Award second tranche ARPA funds of \$500,000.00 to Preble Street for the Food Security Hub as recommended by the ARPA Advisory Committee and the County Manager.**

Preble Street Executive Director Mark Swann gave an overview of their request and answered questions from the Commissioners. He stated that last year Preble St was doing around 1,000 meals a day and now they're currently doing 2,000 meals a day. Part of that supplementing the boys and girls club, mile stones, YMCA and have reached capacity in their current space. They have list of non-profits who are also waiting to receive meals once the new space opens. Commissioner Jamieson asked what the projected open date would be, Executive Director Swann stated that they would break ground in the Spring 2023 and hopefully open next year. He also wanted to add Preble St is working on freezing meals as a backup. Commissioner Gorden asked about the availability of ARPA funds and the reallocation process. Compliance and Audit

Manager Sandra Warren stated that internal projects will take priority over the construction of newer projects. County Manager Gailey added that for the Jail Medical project is currently over budget because of inflation. Compliance and Audit Manager Warren stated that the Winchester Woods Development project did not go through and funds were available. Commissioner Witonis asked Executive Director Swann how much funding from the Governor and how much from the Legislature? Executive Director Swann stated that they're currently waiting to confirm the amount. Commissioner Witonis stated that she could not support the item because of the funds need for the County Jail project and that the second tranche was supposed to be for other projects, not previously funded ones.

Commissioner Cloutier stated that there are funds available for both projects. He recalled that the original request from Preble St was reduced because the Commissioners had asked Preble St to raise additional funds and it seems that they had. He also stated that the public is gaining a tremendous amount of services by funding the projects. The population that Preble St is serving is growing each day. He stated that he wholly supports the project and it's objective; the results will be immediate.

Commissioner Jamieson stated that he agreed with Commissioner Cloutier and that this project would be the biggest bang for their buck.

Commissioner Witonis asked two questions, about the design plan presented in the agenda packet; was it the most recent scaled down plan that aligned with their revised budget? The second question was how far out does Preble St services extend to in the County. Executive Director Swann confirmed that the plan was the most current as it has one loading dock instead of two. The services offered by Preble St are supported by a pilot by Door Dash to deliver directly to residences. Services are now extended to 26 towns. Good Shepard Food Bank is the biggest funder of the project and they will also be a customer once the project goes live and deliver to the food pantries to throughout the County and the State.

A motion was made by Commissioner Cloutier, seconded by Commissioner Gorden that additional ARPA funds be awarded to Preble Street for the Food Security Hub as recommended by the ARPA Advisory Committee and the County Manager. The motion passed, 3-1.

Yes: Commissioners' Cloutier, Gorden, Jamieson

No: Commissioner Witonis

NEW BUSINESS**23-010****First Reading and Public Hearing of the HOME-ARP Allocation Plan by Community Development. Second Reading on March 13, 2023.**

This Order Requiring a Public Hearing was accepted.

Community Director Kristin Styles spoke about the HOME-ARP Allocation Plan that was developed with the City of Portland and a series of stakeholder meetings. Based on the meetings and data collected, the plan had been developed with funding broken into four categories. \$2 Million is being allocated to the Development of Affordable Rental Housing and most likely will be creating the permanent housing and the Housing first Model. \$763,755 Supportive services to support those to remain successfully housed. \$250,000 is for the Acquisition and Development of Non-Congregate Shelter. \$539,121 into Administration and Planning, all unused funds will go back into the three previously listed funds. Commissioner Jamieson asked what the time period is to spend down the funds. Director Styles stated that there were 7 years to spend down funds from 2021.

A motion was made by Commissioner Cloutier, seconded by Commissioner Gorden to support the public hearing. The Vote was called and the motion carried by a unanimous vote, 4-0

23-011**Authorization for the County Manager to enter into a contract between the County of Cumberland and Developers Collaborative for the design, permitting, construction and lease of an administrative office building at 50 County Way, Portland, Maine.**

County Manager Gailey spoke about the space needs study that was conducted in 2018. The approach taken by staff was to locate a designer, to design, construct and lease back to the County.

Public Affairs Director Travis Kennedy stated that the RFQ was drafted in great detail and incorporated a lot of feedback from other Governments who had gone through a similar process. Two bids were received and the RFQ team crafted a list of questions for the submitters. It was very difficult to decide because the respondents did equally well in answering the questions. There was a second round of questions based on written answers. The Developers Collaborative was selected based on a vote of 5-1. County Manager Gailey added that they seemed to be the best fit.

Kevin Bunker from the Developers Collaborative stated that they were very excited to be selected and would like to do well. They want to use this project as part of their portfolio and want to be proud of it.

A motion was made by Commissioner Witonis, seconded by Commissioner Gorden for the County Manager to enter into a contract between the County of Cumberland and Developers Collaborative for the design, permitting, construction and lease of an administrative office building at 50 County Way, Portland, Maine. The vote was called and the motion carried by a unanimous vote, 4-0.

23-012 Resolution supporting the City of Portland applying for federal funding to dredge Portland Harbor's piers, docks and wharfs.

A motion was made by Commissioner Gorden, seconded by Commissioner Cloutier supporting the City of Portland applying for federal funding to dredge Portland Harbor's piers, docks and wharfs. The motion carried by a unanimous vote, 4-0.

COMMENTS FROM THE COUNTY MANAGER

The County Manager shared that he had received two requests to use the Community Corrections Center. One request was to house pregnant women that was presented at the December 2022 meeting. The other request was to use the center as a mental health treatment center. This would be discussed at the next workshop on March 13, 2023.

He stated that the Maine Mariners were seeing 500 more people each hockey game and some games are being sold out.

COMMENTS FROM THE EXECUTIVE STAFF

Deputy Admin and Finance Director Alex Kimball stated he had received budget books and they were available for anyone who wanted a copy. The tax warrants were sent out and went into more detail than usual. He wanted to give heads up in cases the Commissioners received questions from Towns or Cities. Regarding the tax warrant, the State Valuation jumped up, the smallest was 7% while the largest was 27%. The Town of Sebago received the biggest increase of 27%.

Admin and Special Projects Katharine Cahoon stated that the new Agenda Software is nearing its final implementation and will be tested at the next Commissioner

Meeting in March.

Public Affairs Director Kennedy stated that the EMS Collaboration is moving along and engaging with Communities about spending on EMS services.

COMMENTS FROM THE COUNTY COMMISSIONERS

Commissioner Gorden stated that the DOC presented their budget and it was flat funded last year and this year in flus. The MCCA is concerned about the State Police and Rural Patrol is still a concern with the costs being passed on to the counties.

EXECUTIVE SESSION

23-013 The County Commissioners will enter into Executive Session in accordance with 1 M.R.S.A §405 (6)(D) for the opportunity to discuss negotiations between the County and Law Enforcement Unit, Local 340.

A motion was made by Commissioner Gorden, seconded by Commissioner Witonis that the Commissioners enter into Executive Session. The motion carried by a unanimous vote, 4-0. The Commissioners went into Executive Session at 8:25 PM.

A motion was made by Commissioner Witonis, seconded by Commissioner Gorden that the Commissioners come out of into Executive Session. The motion carried by a unanimous vote, 4-0. The Commissioners came out of Executive Session at 8:55 PM.

ADJOURNMENT

A motion was made by Commissioner Gorden, seconded by Commissioner Cloutier, to adjourn the meeting. The meeting was adjourned at 8:55pm, the next scheduled meeting of the Board of Commissioners' is March 13, 2023.

Minutes

Remote Housing and Economic Development Committee

February 21, 2023

NOTE: This meeting was held via Zoom and can be viewed at this link:

<http://www.portlandmaine.gov/1695/Economic-Development-Committee> These

Minutes provide a record of those in attendance, general discussion taking place, and motions made.

A remote meeting of the Housing and Economic Development Committee (HEDC) of the Portland City Council was held on Tuesday, February 21, 2023, at 5:30 p.m. via Zoom. Present from the HED Committee were Chair Councilor Pious Ali, and members Councilors Mark Dion, Regina Phillips, and Roberto Rodriguez. Present from the City staff were Interim Housing and Economic Development Department Director Mary Davis, Acting Corporation Counsel Michael Goldman, Assistant City Manager Anne McGuire, Principal Administrative Officer Lori Paulette, and Housing Program Manager Victoria Volent.

Item #1: Review and accept Minutes of previous meeting held on January 17, 2023

On motion made by Councilor Dion, seconded by Councilor Rodriguez, the Committee voted unanimously (4-0) to accept the Minutes.

Item #2: Workshop- Responsibilities of the Housing and Economic Development Department

Ms. Davis gave a high-level overview of the Department noting that there are 16 full-time positions that, for one, assist with staffing 11 different committees. This while being down to 9 positions that are filled with 7 vacant. The Department consists of the Housing and Community Development Division, Economic Development, Office of Economic Opportunity, and Office of Creative Portland. (See attached presentation for more information.)

Councilor Rodriguez, noting the vast work of the Department, suggested that there be a good process in place when someone leaves or retires that their knowledge and institutional information does not get lost.

On another subject, Councilor Rodriguez apologized but he would need to leave this meeting at 6:00 p.m. for about a half hour and would then return. (Post note: he returned at 6:45 p.m.)

Seeing no further questions/comments, Chair Councilor Ali thanked Ms. Davis for the refresher on the work of the Department.

Item #3: Review letter from the Rental Housing Advisory Committee (RHAC)

Regan Sweeney, the Vice-Chair of the Rental Housing Advisory Committee presented this item by noting the RHAC is requesting a restatement/clarification of the charge and duties for the committee so that they can better serve the City and its citizens. Absent such revised guidance, the committee feels it is unable to take any meaningful action, and would recommend that the City Council disband the RHAC. The impetus for the request is in light of the recent expansion of the Rent Board's authority. The RHAC is separate from and independent of the Rent Board and its activities, and is seeking to avoid any duplication or otherwise redundant work. The RHAC also seeking a mechanism by which they can be effective and heard by the Housing and Economic Development Committee and City Council.

The HEDC and RHAC considered and discussed maintaining the RHAC with the charge of adopting policy that promotes solutions and enhances tenant safety (which is not under the Rent Board purview). Should however the RHAC be disbanded, the HEDC (with advice from Corporation Counsel) also discussed the procedure to amend the Ordinance (by the full Council) towards dismantling the Committee. The HEDC noted that as the oversight body, they should

provide leadership and focus on items of interest for the RHAC to address while the RHAC indicated they are looking for both a clear mission in which a tenant/landlord perspective would be of valuable input, as well as a mechanism in which to make recommendations to the Council. The HEDC will incorporate suggestions and feedback received during the discussion to formulate next steps.

Item #4: Public Hearing- Review and recommendation to the City Council- FY2024

Housing Program Budget

Ms. Davis presented 2023-2024 Housing Program Budget to the Committee. This is an annual budget for HEDC recommendation. The budget is then incorporated into the packet of Housing and Community Development items that are reviewed by the City Council in two public hearings in March and April. A brief history of the HOME Program was shared with the Committee followed by a more in-depth discussion of the Housing Program Budget which includes allocation of the HUD HOME funding, Lead Safe Housing program income and Housing Trust Fund. As HUD has not announced the 2023-2024 HOME funding, an estimated amount based on the previous year's allocation is in the budget proposal. The Lead Safe Housing Program Income is generated through repayment of loans given under prior Lead Safe Housing Grants. The City also has a Lead Hazard Reduction Grant of \$2,038,041 in funding for lead paint remediation and \$503,655 in funding to assist with code and life safety improvements. The Housing Trust Fund has a current balance of \$4,204,156. Staff recommends maintaining a minimum balance of \$500,000 which would allow an effective budget of \$3,704,156.

HUD has indicated the funding allocations for FY23-24 should be available on February 27. Subsequently, the adjusted Housing Program Budget will be available during the March and April City Council public hearings.

In response to the Committee's inquiry into the Lead Program, Ms. Davis noted the Lead Housing Program Manager position is now filled and the City is accepting applications for the five-year forgivable loans (the average loan is \$10,000 per unit but can go up to \$20,000 per unit). The lead grant is a county-wide program with a target area of Portland and Westbrook. Property owners who participate in the program agree to rent lead-safe units at certain affordability levels with priority to households with children under age six.

The Committee also asked clarifying questions regarding; the maintenance of a \$500,000 minimum balance in the Housing Trust fund to purchase a homeownership unit (to ensure the unit remains deed restricted for affordability) in case of foreclosure; the Municipal Oversight Committee (MOC) (which is made of representatives from each CDBG-County community); the role of the HEDC in determining policy goals and the mechanics for disbursement of funds from the Jill C. Duson Housing Trust Fund; the calculation of the administration budget (which is 10% of all total funding); the utilization of Tenant Based Rental Assistance to pay for security deposits and first-month's rental assistance for individuals and families residing in homeless shelters (program oversight and daily operations are based out of the City's Social Services Division); the Lead Hazard Program Income (the source of which is the repayment of previous loans and grants that does not allow for a steady stream of income that can be relied upon year to year as opposed to the actual three-year Lead Hazard Reduction Grant which has already been established); the assistance provided with completion of the *Affordable Housing Development and AHTIF Application* (staff is available and welcomes questions from applicants); if when determining funding, based on the requests received in the *Affordable Housing Development and AHTIF Application*, is there a priority for disenfranchised developers or is there a priority for specific type of housing units (funding is tied to affordability requirements of the household (not developer) for each program (HOME/HTF/AHTIF), however the Council could set parameters

around developer priority); can a priority be established to determine which households (such as asylum seekers) benefit from the HOME/HTF/AHTIF funding (the Fair Housing Act prohibits discrimination based on seven different protected categories, and prohibits discrimination on who is either eligible or ineligible for housing. Any priority determinations must take into consideration Fair Housing standards to avoid creating ineligibility criteria that discriminates); does the City try to appeal to developers who have the capacity to create large projects that would include ten or more units so that Inclusionary Zoning is triggered (the City does not fund projects to assist with meeting the requirements of Inclusionary Zoning (IZ).

HOME/HTF/AHTIF funding is for projects that go well above and beyond the affordability levels and IZ requirements); capacity is not about the anticipated margins for profit, but rather if the developer has access to technical resources and has demonstrated construction experience to complete a housing project; and who establishes the guidelines for the Jill C. Duson Housing Trust Fund (the Ordinance sets out the parameters on how the funds may be used. Staff creates an annual plan for review by the HEDC for approval and recommendation to the full Council for adoption. The annual plan establishes the funding parameters).

Chair Councilor Ali opened the meeting to public comment. Seeing no request to speak, the public comment period was closed.

On motion made by Councilor Phillips, seconded by Councilor Dion, the Committee voted unanimously (4-0) to forward the FY2024 Housing Program Budget to the City Council with a recommendation for approval.

Item #5: Public Hearing- Review and recommendation to the City Council- HOME-ARP Program Plan

Victoria Volent introduced the HOME ARP program which is intended to provide homelessness assistance and assistance to other vulnerable populations. Those vulnerable

populations include; the homeless; those at-risk of homelessness; those fleeing/attempting to flee domestic violence; and populations where assistance would prevent homelessness. The HOME ARP program provides assistance by; providing affordable rental housing; tenant based rental assistance; supportive services; and non-congregate shelter development. The Cumberland County Consortium, which is a partnership between the City of Portland and Cumberland County, received \$3,594,143 in HOME American Rescue Plan funding. To receive the funding, HUD requires the submission of an Allocation Plan describing the process undertaken by the Consortium for consultation by required groups, impacted populations, service providers, public agencies, and other organizations. The Allocation Plan is a summary of the information gathered from those consultations; it is a review of current conditions, and an assessment of the needs and gaps for qualifying populations within Cumberland County. The Allocation Plan describes the process for determining the most effective uses of the HOME ARP funding. This evening's meeting is an opportunity for review and public comment.

The Committee asked clarifying questions.

Chair Councilor Ali opened the meeting to public comment. Seeing no request to speak, the public comment period was closed.

On motion made by Councilor Rodriguez, seconded by Councilor Phillips, the Committee voted unanimously (4-0) to forward the HOME ARP Allocation Plan to the City Council with a recommendation for approval.

Item #6: Public Hearing- Review and recommendation to the City Council- Thames Street Purchase and Sale Agreement

Chair Councilor Ali asked if the Committee needed to go into executive session, and Mr. Goldman said that, at this time, it is not necessary. Should the Committee feel that it needs to

provide further direction on negotiations to staff, then it would be appropriate. The complete proposed Purchase and Sale Agreement (PSA) is in the packet for a recommendation to the City Council.

Ms. Davis said that this item has been before the Committee a few times, for the sale of the remaining portion of City-owned on Thames Street. The City Council previously approved of the Request for the Proposals for its sale, which resulted in one proposal being received. That proposal is the subject of the PSA.

Ms. Davis noted that the proposal for a mixed-use, multi-tenant office building, with the main tenant being WEX. The development is consistent with the Eastern Waterfront Master Plan to support development along Portland's waterfront adjacent to WEX's headquarters on Thames Street. The purchase price is \$1.1 Million, and the total value to the City for other in-kind contributions is \$2.69 Million. Those contributions include City ownership transfer of the Connector Road and access to 13 on-street parking spaces, cash for public restroom, easements for pedestrians through Mountfort Street Extension (from Thames to Fore Street) and Hancock Street to the Connector Road. In addition, the new construction will increase the City's tax base with an estimated \$170,000 annually in new property taxes, as well as the quality jobs for the construction and office tenant makeup. City staff recommends approval of the proposed PSA.

Councilor Phillips asked if the sales price will go to the City General Fund or to the Jill C. Dusen Housing Trust Fund.

Mr. Goldman noted that the funds are not yet ear-marked; this would be handled by the City Council as a separate item when the property sale closes.

Chair Councilor Ali opened the meeting for public comment. Seeing none, he then closed the public comment session.

A motion was then made by Councilor Phillips, seconded by Councilor Rodriguez, to forward the proposed PSA to the City Council for approval. A vote was then taken on the motion and it passed 4-0.

Item #7: Communication – No vote or public hearing required – 2023 Committee

Work Plan and Schedule.

Chair Councilor Ali noted this Communication and should Committee members have feedback to contact either him or Ms. Davis.

On motion then made by Councilor Phillips, seconded by Councilor Rodriguez, the Committee voted 4-0 to adjourn the meeting at approximately 7:35 p.m.

Respectfully, Lori Paulette and Victoria Volent

Cumberland County

142 Federal St
Portland, ME 04062



Agenda - Final

Monday, March 13, 2023

5:30 PM

Board of Commissioners

Chair Neil Jamieson, District 1

James Cloutier, District 5

Stephen Gorden, District 3

Patricia Smith, District 4

Susan Witonis, District 2

Meeting Location:
Feeney Conference Room

CALL TO ORDER**PLEDGE OF ALLEGIANCE****APPROVAL OF THE MINUTES**

1. Minutes for February 13, 2023 Meeting

Attachments: Minutes for February 2023

INFORMATIONAL REPORT/PRESENTATIONS

2. Accept the Safety and Health Award for Public Employers (SHAPE) awarded to Cumberland County Regional Communications Center from the State of Maine, Department of Labor.

COMMENTS FROM THE PUBLIC**CONSENT AGENDA**

3. [23-014](#) Authorization for the County Manager to award the bid for the purchase and install of High Density Mobile Shelving at the Registry of Deeds and enter into a contract between Cumberland County and WB Mason in the amount of \$143,737.56

Attachments: A- PP - Deeds Mobile Shelving 2023

Deeds - Bid Package High Density Mobile Shelving
DEEDS

Deeds - Scoring High Density Mobile Shelving DEEDS

Deeds - Submittal-Bid Form High Density Mobile
Shelving DEEDS

4. [23-015](#) Authorize the County Manager to submit a proposal to Department of Justice in response to a Request for Proposals for the Comprehensive Opioid, Stimulant, and Substance Use Site-based Program (COSSUP).

Attachments: PP - COSSUP Grant

Staff Memo on COSSUP Grant

5. [23-016](#) Authorize the County Manager to submit a proposal to the State of Maine Department of Public Safety in response to the FY 2023 Substance Use Disorder Assistance Program Request for Applications

Attachments: PP - Substance Use Disorder Assistance Program RFA
Staff Memo Substance Use Disorder Assistance Program
RFA

6. [23-017](#) Accepting the amounts of \$176,354.37, \$55,686.00 and \$49,189.97 from the Opioid Settlement Fund.

7. [23-018](#) Approve the allocation of \$40,000.00 in Opioid Settlement funding to cover rehabilitation services for March and April.

Attachments: PP - Allocating Opioid Funding for Treatment

ARPA BUSINESS

NEW BUSINESS

8. [23-010](#) Second Reading and Public Hearing of the HOME-ARP Allocation Plan by Community Development.

Attachments: 23-010 - b - Staff Report HOME ARP- First Reading (1)

9. [23-019](#) Executive Session Title 1 M.R.S.A. §405(6)(D) Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The discussion will be on the Teamsters #340 negotiations.

Attachments: PP - Executive Session Contract with Teamsters #340
CBA

10. [23-020](#) Authorize the County Manager to sign the 2023 Collective Bargaining Agreement between Teamsters Local #340 and the Cumberland County Commissioners.

11. [23-021](#) Executive Session under 1 M.R.S.A. §405(6)(A) for the discussion or consideration of the compensation of the newly Governor appointed Register of Probate.

Attachments: Register of Probate Salary Setting

12. [23-022](#) Approval of the annual salary for the Governor appointment of Susan G. Schwartz as the County Register of Probate.

Attachments: PP - Order to Set Register of Probate Salary

COMMENTS FROM THE COUNTY MANAGER

COMMENTS FROM THE EXECUTIVE STAFF

COMMENTS FROM THE COUNTY COMMISSIONERS

ADJOURNMENT



Cumberland County

142 Federal St
Portland, ME 04062

Staff Report

File #: 23-010

Agenda Date: 3/13/2023

Agenda #: 8.

Title For Agenda Item:

Second Reading and Public Hearing of the HOME-ARP Allocation Plan by Community Development.

Recommended Action:

Second Reading and Public Hearing of the HOME-ARP Allocation Plan by Community Development.

Background and Purpose of Request:

Second Reading and Public Hearing of the HOME-ARP Allocation Plan by Community Development.

Staff Contact: Kristen Styles, Community Development

Presentation: Yes

Fiscal Impact and Source:

See attached budget.

Effective Date if Applicable:

January 1, 2024



CUMBERLAND COUNTY COMMISSIONERS

INFORMATIONAL REPORT - STAFF UPDATE

From: Kristin Styles, Community Development Director

Date: February 6, 2023

Subject: HOME-ARP Allocation

HOME-ARP Allocation Plan Overview

In 2021, the HUD Office of Community Planning and Development announced the formula allocations for the HOME Investment Partnership Program-American Rescue Plan (HOME-ARP). HOME-ARP will provide \$5 billion nationwide to assist individuals or households who are homeless, at risk of homelessness, and other vulnerable populations, by providing housing, rental assistance, supportive services, and non-congregate shelter, to reduce homelessness and increase housing stability across the county. The City of Portland/Cumberland County HOME Consortium will receive \$3,594,143 to use toward eligible activities for qualifying populations. A list of all eligible activities and qualifying populations are below:

Eligible Activities under HOME-ARP

- Development of Affordable Rental Housing
- Supportive Services - Homeless Prevention Services and Housing Counseling
- Acquisition and Development of Non-Congregate Shelter
- Non-profit Capacity of Building
- Non-profit Operating Costs
- Tenant Based Rental Assistance (TBRA)

Qualifying populations

The following is only a brief description of the four qualifying populations:

1. Homeless

- a. lacking fixed/regular and adequate nighttime residence
 - i. Nighttime residence is not designed for ordinary sleeping accommodations
 - ii. Living in public/private shelter or commercial lodging
- b. Will lose nighttime residence:
 - i. Within 14 days
 - ii. Lacks support network needed to obtain new housing
- c. Unaccompanied youth (under 25) or families with children which:
 - i. Defined by HUD as Runaway, DV or McKinney-Vento
 - ii. Not had lease or ownership in permanent housing within 60 days

2. At-Risk of Homelessness

- a. Annual income below 30% AMI as defined by HUD

Cumberland County

- b. Not had lease or ownership in permanent housing within 60 days
- c. Has been notified in writing of eviction

3. Fleeing or attempting to flee Domestic Violence, Dating Violence, Sexual Assault, Stalking, or Human Trafficking

4. Other Populations

- a. Families requiring services or housing assistance to prevent homelessness
- b. At greatest risk of homelessness
- c. Annual income less than 30% AMI
- d. Cost burden of 50% monthly household income
- e. Veterans and families that include a veteran family member

Over the past year, the City of Portland/Cumberland County HOME Consortium followed the required consultation and public participation process before creating the proposed Allocation Plan. The consultation process included meetings with the following groups:

- Maine Statewide Continuum of Care
- Homeless Service Providers
- Domestic Violence Service Providers
- Veterans Groups
- Public Housing Authorities
- Public Agencies that Address the Needs of Qualifying Populations
- Public or Private Organizations that Address Civil Rights and Fair Housing
- Public or Private Organizations that Address the Needs of Persons with Disabilities
- General members of the public- a meeting soliciting HOME-ARP input

A full list of all consultations, including agency type, date, and feedback can be found in the draft HOME-ARP Allocation Plan, under the Consultation section and in Appendix A.

In addition to the consultations, the HOME Consortium used federal, state, and local data, including; the Point in Time Count, shelter bed nights, ACS, CHAS, CoC Coordinated entry, HMIS, and other data available through MaineHousing. Based on all of the information that was collected and guidance from HUD, the HOME Consortium has decided to allocate funds toward the following types of activities.

	Funding Amount	Percent of the Grant	Statutory Limit
Supportive Services	\$ 763,755		
Acquisition/ Development of Non-Congregate Shelters	\$ 250,000		
Tenant Based Rental Assistance (TBRA)	\$ 0		
Development of Affordable Rental Housing	\$ 2,041,266		
Non-Profit Operating	\$ 0	0 %	5%
Non-Profit Capacity Building	\$ 0	0 %	5%
Administration and Planning	\$ 539,121	15 %	15%
Total HOME ARP Allocation	\$3,594,143		

The logo for Cumberland County, Maine. It features the word "Maine" in a stylized, orange, cursive script font. Below it, the words "Cumberland County" are written in a black, sans-serif font. "Cumberland" is in a regular weight, while "County" is in a bold weight.

Cumberland County

In an effort to encourage public participation, the HOME Consortium has asked service providers that work with the qualifying populations to post the public notice, including Cumberland County and City of Portland public hearing dates on community bulletin boards. The full plan is available on the City of Portland and Cumberland County's websites.

City of Portland:

<https://www.portlandmaine.gov/1203/Plans-and-Reports>

Cumberland County:

<https://www.cumberlandcounty.org/170/Reports-Plans>

Once all public comments are received and the plan has been reviewed and approved by the Cumberland County Commissioners and the City of Portland City Council, the Allocation Plan will be submitted to HUD for review and approval. Once approved, one or more RFPs will be released to qualified agencies and developers for the approved activity categories.

KATE SNYDER (MAYOR)
PIOUS ALI (A/L)
APRIL FOURNIER (A/L)
ROBERTO RODRÍGUEZ (A/L)



ANNA TREVORROW (1)
VICTORIA L. PELLETIER (2)
REGINA L. PHILLIPS (3)
ANDREW ZARRO (4)
MARK N. DION (5)

CITY COUNCIL MEETING - MARCH 20, 2023 AT 5:00 PM

The Portland City Council will hold a City Council Meeting in Council Chambers. The Honorable Kate Snyder, Mayor, will preside.

To submit written public comment on an agenda item, email publiccomment@portlandmaine.gov. Submissions must be received by 12:00 pm the day before the Council meeting to guarantee their inclusion in the agenda packet. All submissions must include the commenter's name and legal address. To help ensure your comment is submitted for the correct item, please include the order number (see below).

REMOTE ACCESS INFORMATION:

The City Council will conduct this meeting from Council Chambers, located on the second floor of City Hall. The public may attend the meeting in person, however space in Council Chambers is limited. The public is therefore strongly encouraged to participate remotely via Zoom pursuant to the Remote Meeting Policy adopted by the Portland City Council. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live either in person or via Zoom, a recording will be available in the [Agenda Center](#) following the meeting.

For public comment via Zoom, you will need to use the "raise your hand" feature. To raise your hand via the telephone, please hit *9. You will be unmuted by the host when it is time for public comment.

Please click the link below to join the webinar:

<https://portlandmaine-gov.zoom.us/j/89911473409?pwd=NlIpZXRiWms3Nm9HQTNwaVZSWHlhZz09>

Passcode: 115765

Or One tap mobile :

US: +19292056099,,89911473409#,,,,*115765# or +13017158592,,89911473409#,,,,*115765#

Or Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 929 205 6099 or +1 301 715 8592 or +1 305 224 1968 or +1 309 205 3325 or +1 312 626 6799 or +1 646 931 3860 or +1 253 215 8782 or +1 346 248 7799 or +1 360 209 5623 or +1 386 347 5053 or +1 507 473 4847 or +1 564 217 2000 or +1 669 444 9171 or +1 669 900 6833 or +1 689 278 1000 or +1 719 359 4580 or +1 253 205 0468

Webinar ID: 899 1147 3409

Passcode: 115765

International numbers available: <https://portlandmaine-gov.zoom.us/j/koJo6UgHX>

PLEDGE OF ALLEGIANCE:

ROLL CALL:

5:00 P.M. PUBLIC COMMENT PERIOD ON NON-AGENDA ITEMS:

ANNOUNCEMENTS:

RECOGNITIONS:

Recognizing Pihcintu chorus' bronze award at the Anthem Awards - Pious Ali, Councilor

The Portland-based Pihcintu Multicultural Chorus, founded by Con Fullam, has been named a bronze award winner in the Education, Art & Culture category of the second annual Anthem Awards, an extension of the prestigious Webby Awards that are presented by the International Academy of Digital Arts and Sciences.

Recognizing Teresa Valliere, Founder of Friends of Woodfords Corner, as Maine Development Foundation's 2022 Downtown Hero - Kate Snyder, Mayor

APPROVAL OF MINUTES OF PREVIOUS MEETING:

Minutes from the City Council Meeting of March 6, 2023

PROCLAMATIONS:

Proclamation 15-22/23 Recognizing April 2023 as Genocide Awareness and Prevention Month - Sponsored by Kate Snyder, Mayor

Proclamation 16-22/23 Recognizing April 2023 as Arab American Heritage Month - Sponsored by Kate Snyder, Mayor

Proclamation 17-22/23 Recognizing April 1-7, 2023 as The Week of the Young Child - Sponsored by Kate Snyder, Mayor

Proclamation 18-22/23 Recognizing April 3-9, 2023 as National Public Health Week - Sponsored by Kate Snyder, Mayor

CONSENT ITEMS:

Order 150-22/23 Declaring August 6 to 9, 2023 the Circus Smirkus at Payson Park Festival - Sponsored by Danielle P. West, Interim City Manager

Longtime local arts promoter Portland Ovations will be presenting Circus Smirkus in Payson Park with performances on August 7 and 8. The production will involve set-up and break-down on August 6 and 9.

Circus Smirkus is a New England-based touring circus that has been in business since 1987. Their 2023 Big Top Tour Troupers features young folks from the ages of 11-18 from all over the United States and Canada. There will be two performances on both August 7 and August 8 in the Circus Smirkus One Ring Tent. Each performance can seat up to 750 audience members, and there will be a charge for admission.

Order 151-22/23 Declaring June 11, 2023 the Resurgam Music Festival - Sponsored by Danielle P. West, Interim City Manager

The Maine Academy of Modern Music will present its second annual Resurgam Music Festival in Portland's waterfront, Amethyst Lot, Moon Tide Park, Ocean Gateway and Ocean Gateway Parking Lot and a portion of the queuing lanes, on Sunday June 11, 2023. Resurgam is an inclusive community-minded music and arts festival that will showcase Portland's creativity and youth. This event is free and open to the public.

Five affirmative votes are required for passage of the Consent Calendar after public comment.

LICENSES:

Order 152-22/23 Granting Municipal Officers' Approval of One City Wine Academy Inc, dba Citrus. Application for Class A Lounge with Indoor Entertainment and Outdoor Dining on Private Property at 1 City Center - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/1/23. New City and State applications. Establishment currently holds Class I FSE.

Five affirmative votes are required for passage after public comment.

Order 153-22/23 Granting Municipal Officers' Approval of Cera LLC, dba Cera. Application for Class III & IV FSE with Outdoor Dining on Public Property at 1 Monument Square, STE 103 - Sponsored by Danielle P. West, Interim City Manager

Application was filed on 3/1/23. New City and State applications. Establishment currently holds FSE with Prep.

Five affirmative votes are required for passage after public comment.

COMMUNICATIONS:

Communication 27-22/23 Regarding Staff Implementation of LD 2003 (An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions) - Christine Grimando, Director of Planning & Urban Development

As a communication this item requires no public comment or formal Council action.

RESOLUTIONS:

Resolution 7-22/23 Adopting the Fiscal Year 2023-2024 Housing and Community Development Annual Action Plan including Appropriations for the Community Development Block Grant, HOME, and Emergency Solutions Grant Programs and Certifications Pertaining Thereto - Sponsored by Danielle P. West, Interim City Manager

The 2023-2024 Housing and Community Development Program Annual Action Plan reports to the U.S Department of Housing and Urban Development (HUD) a total estimated budget of \$7,025,091 (Community Development Block Grant ("CDBG") Entitlement Funds \$1,843,198, \$30,000 Downtown TIF funding, \$20,000 Cotton St proceeds, HOME Program Grant \$1,037,237, Program Income and Recapture \$119,312; Lead Safe Housing Program Income \$13,827; local Housing Trust Fund \$3,704,156; \$162,241 Emergency Solutions Grant ("ESG") funds).

The CDBG Annual Allocation Committee, appointed by the City Council, reviewed each application and made funding recommendations that will be presented to the Council. The City Manager reviewed the Committee's recommendations and submitted her funding recommendations to the Council which include recommendations for CDBG-CV funding. The Housing and Economic Development Committee reviewed the Housing Program Budget at their meeting on February 22, 2023 and voted unanimously (4-0) to recommend City Council approval of the budget.

The City's public participation process requires two public hearings to consider the City's Housing and Community Development Program proposal. The hearings allow the public to comment on the City's Consolidated Annual Action Plan. Public hearings for FY24 are set for March 20 and April 10.

This item must be read on two separate days. This is its first reading and first public hearing. At the second public hearing on April 10, five affirmative votes are required for passage after public comment.

UNFINISHED BUSINESS:

Order 147-22/23 Authorizing General Obligation Bonds to Finance a Portion of the City's Fiscal Year 2024 Capital Improvement Program in an Amount not to Exceed \$17,455,000 - Sponsored by the Finance Committee, Mark Dion, Chair

The Finance Committee met on February 9, 2023 and voted (3-0) to recommend the funding appropriation and bond authorization to the full City Council.

The Fiscal Year 2024 Capital Improvement Plan (FY24 CIP) has been in development since early 2022. The FY24 CIP will not increase net debt service related to CIP projects in future City budgets as it was sized to simply offset other CIP debt being retired. The list of 2024 CIP calls for \$24,530,000 of new projects but only \$10,600,000 of this total will have a net impact to debt service in the general fund operating budget. A variety of other funding sources including the enterprise funds (for sewer and stormwater projects) are being used to finance the remainder. The \$10.6M was a borrowing target set by Finance staff in order to simply offset general fund CIP being retired. An additional \$6,855,000 of new general obligation bonds will be repaid via sewer user fees and stormwater service charges. Two orders are required related to the CIP: one authorizing the FY24 CIP bonds; and a second appropriating the proceeds and other funding sources providing City staff with spending authority for the upcoming projects. A complete listing of the projects being authorized is included within the orders.

This item must be read on two separate days. It received its first reading on March 6, 2023. Seven affirmative votes are required for passage after public comment.

Order 148-22/23 Appropriating Bond Proceeds and other Funds in an Amount not to Exceed \$24,530,000 for the City's Fiscal Year 2024 Capital Improvement Program - Sponsored by the Finance Committee, Mark Dion, Chair

This is a companion order to the bond authorization order above.

This item must be read on two separate days. It received its first reading on March 6, 2023. Five affirmative votes are required for passage after public comment.

Order 149-22/23 Amendment to Zoning Map Re: IM-b Industrial-Moderate Impact on Industrial Way - Sponsored by the Planning Board, Maggie Stanley, Chair

On January 24, 2023, the Planning Board voted (6-1; Silk opposed) to find the proposed zoning map amendment from I-M Industrial-Moderate Impact to I-Mb Industrial-Moderate Impact to be consistent with the Comprehensive Plan for the City of Portland and recommends to the City Council adoption of the zoning map amendment for the area of land that includes 50 Industrial Way and parcels 326 B001001, 326 B005001, 326

B007001, 326 B008001, 327A A001001, 327A A007001, 327A A008001, 327A A009001, and 326 C005001. The proposed zoning map amendment application was submitted by 50 Industrial Way LLC. on behalf of Allagash Brewery. This application would facilitate the expansion of Allagash Brewery to accommodate future growth and operations over the coming decade at 50 Industrial Way in the Riverton neighborhood.

This item must be read on two separate days. It received its first reading on March 6, 2023. Five affirmative votes are required for passage after public comment.

ORDERS:

Order 154-22/23 Approving the HOME American Rescue Plan Allocation Plan - Sponsored by the Housing and Economic Development Committee, Councilor Pious Ali, Chair

The Housing and Economic Development Committee met on February 21, 2023 and voted 4-0 to forward this item to the full council for approval.

The City of Portland and Cumberland County have prepared the HOME American Rescue Plan (ARP) Allocation Plan in response to the ARP distribution of \$3,594,143 in HOME ARP funds for homelessness assistance and assistance to other vulnerable populations to provide affordable rental housing, tenant-based rental assistance, supportive housing services, and non-congregate shelter development. Prior to submission of the HOME ARP Allocation Plan to U.S. Department of Housing and Urban Development (HUD), the City is required to conduct public outreach, including a public hearing, to ensure the distribution of HOME-ARP funds is aligned with public sentiment.

Five affirmative votes are required for passage after public comment.

Order 155-22/23 Approving the Rules of the Rent Board - Sponsored by Danielle P. West, Interim City Manager

This item approved new Rules for the Rent Board. The recent revision to Chapter 6 approved by the voters on November 8, 2022 amended Section 6-263 (i) to make any rules and standard policies adopted by the Rent Board subject to Council approval. The recent revision also amended the way in which the Rent Board reviews and analyzes requests from landlords for rent increases and requires the Rent Board, among other things, to adopt a Maintenance of Net Operating Income ("MNOI") methodology. The Rent Board approved the amended Rules and an MNOI worksheet at its February 22, 2023 meeting. The Rent Board is required to apply this new methodology when reviewing all applications after March 1, 2023. The next Rent Board meeting is scheduled for March 22, 2023 which is what gives rise to the request for emergency passage.

Staff requests that this item be passed as an emergency, in order to allow the Rent Board to apply these rules at its March 22, 2023 meeting. Seven votes are required for passage as an emergency following public comment.

Order 156-22/23 Accepting and Appropriating a \$39,270 Donation for the Reconstruction of the Basketball Court on Great Diamond Island - Sponsored by Danielle P. West, Interim City Manager

The basketball court on Great Diamond Island is an important public resource for residents and visitors; however, because of its current disrepair, it is not playable. This anonymous donation would help fund vital reconstruction, to include pickleball lines to afford multiple uses of this public resource.

The total project cost is expected to be \$77,000. The anonymous donation represents 51% of the total project cost, with the remainder being pursued through CIP funds (via Order 148, also included in this agenda).

Five affirmative votes are required for passage after public comment.

Order 157-22/23 Setting an Election Date on a Citizen Initiative Amendment to the Portland City Code Re: an Act to Improve Tenant Protections - Sponsored by Ashley Rand, City Clerk

The public hearing for this Citizen Initiative was set at the March 6, 2023 City Council meeting. Along with receiving public comment, the City Council will vote to set the election date of June 13, 2023 for this item and to approve the language of the summary that will appear on the ballot. That language is as follows:

An Act to Improve Tenant Protections maintains all tenant protections established in the existing Rent Control and Tenant Protections ordinance. The Act removes incentives for landlords to increase rents for existing tenants and discourages no-cause evictions by allowing for the establishment of new Base Rents at the time of a new tenancy, but only in instances when the prior tenant moves out voluntarily. The Act also brings Portland's rent stabilization ordinance into alignment with most local and national rent stabilization ordinances.

Five affirmative votes are required for passage after public comment.

ADJOURNMENT:

Public Comment Received 3.20.23 Portland City Council Meeting

George Rheault, of West Bayside, Portland

Highlight 2/3 of money to go towards potential housing development. Wants to be clear that there is very few actual places where this type of development can occur in Cumberland County because community after community have shut down, through a short term moratorium or zoning out poor people, and made it virtually impossible for this money to be used in the short term; if someone actually took the time to read through the plan they would find that it is an enormously long bureaucratic slug of paper that exhaustively talks about the busy work that went into completing this so called plan and it really comes down to whether middle class or upper middle class people in Cumberland County are going to allow more people to live near them and the answer is no. This council has shown, supposedly the most diverse and progressive city council, you are deathly afraid of making any move that upsets the neighbors whether it's a music festival, shelter or affordable housing, literally scheduling a celebration of a "shelter" next to a propane tank farm, next to a scrap metal yard, waste management dumpster facility, next to a tree cutting yard, this is a complete and total failure of everything people in this city claim to champions of, its exclusion, its "I don't care who you are don't get close to me, don't live near me" if I think you're going to bother me. The solution right now is to hand over most of Bayside to Port Properties. Three-minute allowable public comment ended.

Council recording begins at 2:06:05

<http://portlandme.civicclerk.com/Web/Player.aspx?id=3939&key=-1&mod=-1&mk=-1&nov=0>

HOME-ARP CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the participating jurisdiction certifies that:

Affirmatively Further Fair Housing --The jurisdiction will affirmatively further fair housing pursuant to 24 CFR 5.151 and 5.152.

Uniform Relocation Act and Anti-displacement and Relocation Plan --It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, (42 U.S.C. 4601-4655) and implementing regulations at 49 CFR Part 24. It will comply with the acquisition and relocation requirements contained in the HOME-ARP Notice, including the revised one-for-one replacement requirements. It has in effect and is following a residential anti-displacement and relocation assistance plan required under 24 CFR Part 42, which incorporates the requirements of the HOME-ARP Notice. It will follow its residential anti-displacement and relocation assistance plan in connection with any activity assisted with funding under the HOME-ARP program.

Anti-Lobbying --To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction --The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and program requirements.

Section 3 --It will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) and implementing regulations at 24 CFR Part 75.

HOME-ARP Certification --It will use HOME-ARP funds consistent with Section 3205 of the American Rescue Plan Act of 2021 (P.L. 117-2) and the CPD Notice: *Requirements for the Use of Funds in the HOME-American Rescue Plan Program*, as may be amended by HUD, for eligible activities and costs, including the HOME-ARP Notice requirements that activities are consistent with its accepted HOME-ARP allocation plan and that HOME-ARP funds will not be used for prohibited activities or costs, as described in the HOME-ARP Notice.


Signature of Authorized Official

03/23/2023
Date

Interim City Manager
Title

Application for Federal Assistance SF-424*** 1. Type of Submission:**

- ☐ Preapplication
☒ Application
☐ Changed/Corrected Application

*** 2. Type of Application:**

- ☐ New
☒ Continuation
☐ Revision

*** If Revision, select appropriate letter(s):***** Other (Specify):***** 3. Date Received:**

03/23/2023

4. Applicant Identifier:**5a. Federal Entity Identifier:**

ME232484

5b. Federal Award Identifier:

M21-DP230200

State Use Only:**6. Date Received by State:****7. State Application Identifier:****8. APPLICANT INFORMATION:***** a. Legal Name:** City of Portland, Maine*** b. Employer/Taxpayer Identification Number (EIN/TIN):**

01-6000032

*** c. UEI:**

LZKCFAJXBAC8

d. Address:*** Street1:** 389 Congress Street**Street2:***** City:** Portland**County/Parish:***** State:** ME: Maine**Province:***** Country:** USA: UNITED STATES*** Zip / Postal Code:** 04101-3566**e. Organizational Unit:****Department Name:**

Housing and Economic Dev.

Division Name:

Housing and Community Dev.

f. Name and contact information of person to be contacted on matters involving this application:**Prefix:**

Ms.

*** First Name:**

Mary

Middle Name:

P

*** Last Name:**

Davis

Suffix:**Title:** Housing and Economic Dev Interim Director**Organizational Affiliation:***** Telephone Number:** 207-874-8711**Fax Number:** 207-874-8949*** Email:** mpd@portlandmaine.gov

Application for Federal Assistance SF-424

*** 9. Type of Applicant 1: Select Applicant Type:**

C: City or Township Government

Type of Applicant 2: Select Applicant Type:

Type of Applicant 3: Select Applicant Type:

* Other (specify):

*** 10. Name of Federal Agency:**

U.S. Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.239

CFDA Title:

HOME Investment Partnerships Program

*** 12. Funding Opportunity Number:**

* Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Add Attachment

Delete Attachment

View Attachment

*** 15. Descriptive Title of Applicant's Project:**

The Cumberland County HOME Consortium, with the City of Portland as the lead entity, will administer the HOME-ARP program to address the need for homelessness assistance and supportive services.

Attach supporting documents as specified in agency instructions.

Add Attachments

Delete Attachments

View Attachments

Application for Federal Assistance SF-424**16. Congressional Districts Of:*** a. Applicant * b. Program/Project

Attach an additional list of Program/Project Congressional Districts if needed.

Add Attachment

Delete Attachment

View Attachment

17. Proposed Project:* a. Start Date: * b. End Date: **18. Estimated Funding (\$):**

* a. Federal	3,594,143.00
* b. Applicant	
* c. State	
* d. Local	
* e. Other	
* f. Program Income	
* g. TOTAL	3,594,143.00

*** 19. Is Application Subject to Review By State Under Executive Order 12372 Process?**

- ☐ a. This application was made available to the State under the Executive Order 12372 Process for review on .
- ☒ b. Program is subject to E.O. 12372 but has not been selected by the State for review.
- ☐ c. Program is not covered by E.O. 12372.

*** 20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes," provide explanation in attachment.)**☐ Yes ☒ No

If "Yes", provide explanation and attach

Add Attachment

Delete Attachment

View Attachment

21. *By signing this application, I certify (1) to the statements contained in the list of certifications and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 18, Section 1001)**

☒ ** I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: * First Name:

Middle Name:

* Last Name:

Suffix:

* Title: * Telephone Number: Fax Number: * Email:

* Signature of Authorized Representative:

* Date Signed:

ASSURANCES - CONSTRUCTION PROGRAMS

OMB Number: 4040-0009
Expiration Date: 02/28/2025

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0042), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Awarding Agency. Further, certain Federal assistance awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant:, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, the right to examine all records, books, papers, or documents related to the assistance; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will not dispose of, modify the use of, or change the terms of the real property title or other interest in the site and facilities without permission and instructions from the awarding agency. Will record the Federal awarding agency directives and will include a covenant in the title of real property acquired in whole or in part with Federal assistance funds to assure non-discrimination during the useful life of the project.
4. Will comply with the requirements of the assistance awarding agency with regard to the drafting, review and approval of construction plans and specifications.
5. Will provide and maintain competent and adequate engineering supervision at the construction site to ensure that the complete work conforms with the approved plans and specifications and will furnish progressive reports and such other information as may be required by the assistance awarding agency or State.
6. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
7. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
8. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards of merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
9. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
10. Will comply with all Federal statutes relating to non-discrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681 1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

11. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal and federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
12. Will comply with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
13. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
14. Will comply with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
15. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
16. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
17. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
18. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
19. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.
20. Will comply with the requirements of Section 106(g) of the Trafficking Victims Protection Act (TVPA) of 2000, as amended (22 U.S.C. 7104) which prohibits grant award recipients or a sub-recipient from (1) Engaging in severe forms of trafficking in persons during the period of time that the award is in effect (2) Procuring a commercial sex act during the period of time that the award is in effect or (3) Using forced labor in the performance of the award or subawards under the award.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 	TITLE Interim City Manager
APPLICANT ORGANIZATION City of Portland, Maine/Cumberland County HOME Consortium	DATE SUBMITTED 03/23/2023

SF-424D (Rev. 7-97) Back

ASSURANCES - NON-CONSTRUCTION PROGRAMS

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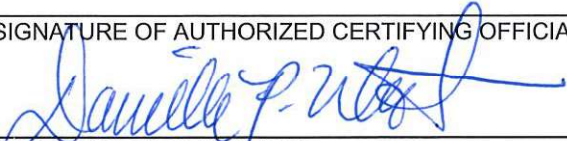
PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
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9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.
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11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL 		TITLE Interim City Manager, City of Portland	
APPLICANT ORGANIZATION City of Portland, Maine/Cumberland County HOME Consortium		DATE SUBMITTED 03/23/2023	

Standard Form 424B (Rev. 7-97) Back

HOME ARP Grant Agreement

Title II of the Cranston-Gonzalez National Affordable Housing Act
Assistance Listings #14.239 – HOME Investment Partnerships Program

1. Grantee Name (must match name associated with 3b.) and Address Portland Consortium 389 Congress Street Portland, ME 04101-3529		2. Grant Number (Federal Award Identification Number (FAIN)) M21DP230200	
		3a. Tax Identification Number 016000032	3b. Unique Entity Identifier (formerly DUNS) LZKCFJXBAC8
		4. Appropriation Number 861/50205	5. Budget Period Start and End Date FY 2021 – 09/30/2030
6. Previous Obligation (Enter "0" for initial FY allocation)			\$3,594,143.00
a. Formula Funds			\$3,594,143.00
7. Current Transaction (+ or -)			\$5,417.00
a. Administrative and Planning Funds Available on Federal Award Date			\$
b. Balance of Administrative and Planning Funds			\$
c. Balance of Formula Funds			\$5,417.00
8. Revised Obligation			\$3,599,560.00
a. Formula Funds			\$3,599,560.00
9. Special Conditions (check applicable box) ☒ Not applicable ☐ Attached		10. Federal Award Date (HUD Official's Signature Date) (mm/dd/yyyy) 9 / 20 / 2021	
11. Indirect Cost Rate*		12. Period of Performance Date in Box #10 - 09/30/2030	
Administering Agency/Dept.	Indirect Cost Rate	Direct Cost Base	
—	—%		
—	—%		
—	—%		
—	—%		

* If funding assistance will be used for payment of indirect costs pursuant to 2 CFR 200, Subpart E-Cost Principles, provide the name of the department/agency, its indirect cost rate (including if the de minimis rate is charged per 2 § CFR 200.414), and the direct cost base to which the rate will be applied. Do not include cost rates for subrecipients.

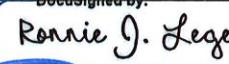
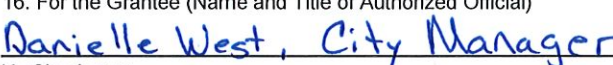
The HOME-ARP Grant Agreement (the "Agreement") between the Department of Housing and Urban Development (HUD) and the Grantee is made pursuant to the authority of the HOME Investment Partnerships Act (42 U.S.C. 12701 et seq.) and Section 3205 of the American Rescue Plan (P.L. 117-2) (ARP). HUD regulations at 24 CFR part 92 (as may be amended from time to time), the CPD Notice entitled "Requirements for the Use of Funds in the HOME-American Rescue Plan Program" (HOME-ARP Implementation Notice) (as is now in effect and as may be amended from time to time), the Grantee's HOME-ARP allocation plan (as of the date of HUD's approval, and as amended from time to time), and this HOME-ARP Grant Agreement, form HUD-40093a, including any special conditions (in accordance with 2 CFR 200.208), constitute part of this Agreement. HUD's payment of funds under this Agreement is subject to the Grantee's compliance with HUD's electronic funds transfer and information reporting procedures issued pursuant to 24 CFR 92.502 and the HOME-ARP Implementation Notice (both as are now in effect and as may be amended from time to time). To the extent authorized by HUD regulations at 24 CFR part 92, HUD may, by its execution of an amendment, deobligate funds previously awarded to the Grantee without the Grantee's execution of the amendment or other consent. The Grantee agrees that funds invested in HOME-ARP activities under the HOME-ARP Implementation Notice are repayable in accordance with the requirements of the HOME-ARP Implementation Notice as it may be amended from time to time. The Grantee agrees to assume all of the responsibility for environmental review, decision making, and actions, as specified and required in regulation at 24 CFR 92.352 and 24 CFR Part 58, as well as the HOME-ARP Implementation Notice.

The Grantee must comply with the applicable requirements at 2 CFR part 200, as amended, that are incorporated by the program regulations and the HOME-ARP Implementation Notice, as may be amended from time to time. Where any previous or future amendments to 2 CFR part 200 replace or renumber sections of part 200 that are cited specifically in the program regulations or HOME-ARP Implementation Notice, activities carried out under the grant after the effective date of the 2 CFR part 200 amendments will be governed by the 2 CFR part 200 requirements, as replaced or renumbered by the part 200 amendments.

The Grantee shall comply with requirements established by the Office of Management and Budget (OMB) concerning the Universal Numbering System and System for Award Management (SAM) requirements in Appendix I to 2 CFR part 200, and the Federal Funding Accountability and Transparency Act (FFATA) in Appendix A to 2 CFR part 170.

The Period of Performance for the funding assistance shall begin on the date specified in item 12 and shall end on September 30th of the 6th fiscal year after the expiration of the period of availability for obligation. Funds remaining in the grantee's Treasury account after the end of the budget period will be cancelled and thereafter not available for obligation or expenditure for any purpose. Per 31 U.S.C. 1552, the Grantee shall not incur any obligations to be paid with such assistance after the end of the Budget Period.

The Grantee must comply with the requirements of the Build America, Buy America (BABA) Act, 41 U.S.C. 8301 note, and all applicable rules and notices, as may be amended, if applicable to the Grantee's infrastructure project. Pursuant to HUD's Notice, "Public Interest Phased Implementation Waiver for FY 2022 and 2023 of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance" (88 FR 17001) [2023-05698.pdf \(govinfo.gov\)](https://www.federalregister.gov/documents/2023/05/09/2023-05698/pdf), any funds obligated by HUD on or after the applicable listed effective dates, are subject to BABA requirements, unless excepted by a waiver.

13. For the U.S. Department of HUD (Name and Title of Authorized Official) Ronnie J. Legette CPD Director	14. Signature 	15. Date 5/22/2025
16. For the Grantee (Name and Title of Authorized Official)  Danielle West, City Manager	17. Signature 	18. Date 5/22/2025

19. Check one:

☐ Initial Agreement ☒ Amendment # 1

20. Funding Information: HOME ARP
Source of Funds Appropriation Code PAS Code Amount
2021 861/50205 HMX \$5,417.00

Public Comment in Support of Order 34-25/26 (HOME-ARP Housing Funds)

Maximum King maximumdking@gmail.com via portlandmaine.gov
Tue, Sep 2, 9:47 AM (23 hours ago)
to publiccomment

Hello Councilors,

My name is Maximum King, and I live in Portland. I'm writing to strongly support Order 34-25/26, which allocates HOME-ARP funds to build affordable housing and fund supportive services.

I've personally experienced how critical housing support can be—without it, I could have become homeless. That stability gave me the chance to begin working again and rebuild my independence. This order will extend that same chance to others by funding affordable rental housing and services that help people transition from crisis to stability.

We know this approach works: Houston cut homelessness nearly in half with housing-first strategies; Denver's randomized trial showed supportive housing reduced shelter and ER use while increasing stability; and right here in Portland, Logan Place and Florence House have proven the model locally.

Please vote yes on Order 34-25/26 and give more of our neighbors the opportunity to succeed.

Thank you for your time and service, and for your commitment to keeping Portland a place where people can find stability and thrive.

Sincerely,
Maximum King
633 Congress Street, Apt B4
Portland, Maine 0410

Public Comment - Order 34-25/26: Unbalanced Portland Historic Preservation is Nothing But A Vehicle for Displacement & Gentrification

George Rheault via portlandmaine.gov

Attachments

Tue, Sep 2, 11:58 AM (21 hours ago)

to Public, Mark, Pious, April, bgrant, Kate, Anna, Regina, Wesley, smichniewicz, Danielle, Michael, Mary, Gregory, Kevin, Evan, Kate, Alison

The city-facilitated destruction of the Preble Chapel is a great case study in examining the absolutely bonkers historic preservation legacy surrounding Portland land-use policy and fair housing in general.

Despite its absolutely preservation-worthy integrity and qualities (especially when compared to other Portland preservation projects over the last 30 years), Greater Portland Landmarks and the rest of the historic preservation apparatus in both public and private capacities circled the wagons in 2023 and 2024 and decided that the Preble Chapel could be easily sacrificed without a peep.

All the empty vapid rhetoric during the fairly recent Munjoy Hill Historic District designation battle about preserving "non-elite" sites of significance that help explain our community's struggles with inequality including working class experiences was just window dressing to make room for the guarantee of impressive investment returns on high-end real estate in gentrifying areas (blocking new development and ensuring that the remaining housing stock would zoom up in value thereby helping to pay for bespoke historic preservation projects - lather, rinse, repeat).

The Preble Chapel of course is not the only victim of late. Here is a cute little house at 13 Everett Street that survived probably almost as long as the Preble Chapel and that had an impressive story to tell but was less important than the two-car driveway it had to make room for this year to benefit the adjacent parcel. See attached demolition application and 1924 property card as well as the "after demolition" photo.

<https://www.mainememory.net/record/50692/image/50727>

Greater Portland Landmarks could not make any money off of saving 13 Everett Street, so they didn't lift a finger trying to preserve it. Just like what they are doing with the Preble Chapel.

Shame on them. And shame on our City Council.





CITY OF PORTLAND
Permitting and Inspections Department



Permitting and Inspections Department
Approved with Conditions

01/02/2025

Exterior Demolition Permit Checklist

This permit is required for the full demolition and removal of a building. Certain smaller accessory structures may not require a permit. Contact permitting@portlandmaine.gov with questions. Interior demolition projects (within the shell of a building) should be applied for under a residential or commercial alterations permit instead.

Applications are only accepted online via the [Citizen Self Service \(CSS\) portal](#). Please see [instructions for applying in CSS](#). All applications shall include:

- ☒ Completed Demolition Call List (page 2 of this Checklist)
 - ☒ Proof of Ownership (e.g. deed, purchase and sale agreement) - needed only if the property was purchased within the past six months
 - ☒ Copy of your [written notification to abutting property owners](#), including names and addresses. You do not need to notify properties located across a public street. See the [parcel map](#) and [tax assessors database](#) to get the names and addresses of abutting property owners.
 - ☒ Photo of the structure that will be demolished
 - ☒ A [plot plan](#) drawn to scale. Show the shape and dimensions of the lot, shapes and dimensions of existing structures including the structure to be removed, distances between structures and property lines, and location and dimension of parking areas and driveways.
 - ☒ Completed [Maine Department of Environmental Protection \(DEP\) Asbestos Building Demolition Notification \(Form D\)](#). The completed form also needs to be sent to Maine DEP at least 5 days prior to demolition by emailing it to Anotifications.dep@maine.gov.
 - ☒ Certification from an asbestos abatement company, when required. See [Maine DEP information page](#) for inspection and certification requirements for asbestos removal.
- If the structure to be demolished is non-conforming, reconstruction may be limited or prohibited. Time limitations for reconstruction also apply. Contact zoning@portlandmaine.gov with questions.
 - Once your application has been reviewed and approved, staff will contact you to schedule a pre-demolition inspection. Demolition permits expire in 30 days, with one 15-day extension allowed. It is recommended that you schedule your inspection on a date close to the start of the 30-day window.
 - If the structure being demolished is connected to the public sewer, an Excavation Permit - Sealed Drain from the Department of Public Works is required prior to beginning demolition. Apply for an Excavation Permit - Sealed Drain via the [CSS portal](#) 7 days prior to the termination of the sewer lateral. Call (207) 874-8801 or email portlandstreetopenings@portlandmaine.gov with any questions.
 - Please review this important information about [Lead Paint Building-Safe Practices and Resources](#)



CITY OF PORTLAND
Permitting and Inspections Department



Permitting and Inspections Department
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01/02/2025

Demolition Call List

All contacts below **must** be called, even if you don't think they apply to your project.

Site Address: 13 Everett Street **Owner:** Cynthia Loring
Structure Type/Desc: Vacant Single family, wood **Contractor:** Smith & Son Excavation

<u>Utilities/Agencies</u>	<u>Phone</u>	<u>Contact Name</u>	<u>Date</u>
Central Maine Power	1-800-750-4000	Bill (Contractor department)	12/31/2024
Unitil	207-541-2570	Mark Goldstein	12/31/2024
Portland Water District	207-761-8310	MEANS Group	12/31/2024
DigSafe (Note: Must call 72 business hours before start of work)	1-888-344-7233	State Permit #: 20250102327	12/31/2024
Maine DEP	207-242-0877	Sandy Moody	12/31/2024

<u>City of Portland</u>	<u>Phone</u>	<u>Contact Name</u>	<u>Date</u>
Historic Preservation (regardless of whether in a historic district)	207-874-8726	Evan Schueckler	12/31/2024
Department of Public Works:			
Traffic Division	207-874-8891	Jeremiah Bartlett	12/31/2024
Sealed Drain/Sewer Lateral	207-874-8801	Gretchen Gagnon	12/31/2024

I certify that I have contacted all of the utilities, agencies, and departments listed above.

Signed: Evan Carroll Date: 12/31/2024

This is a legal document and your electronic signature is considered a legal signature per Maine state law.



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01/02/2025

12/30/2024

MORGAN GEORGE D & SHARON M JTS
40 FOX ST
PORTLAND, ME 04101

RE: Demolition of Existing House at 13 Everett Street

Dear George & Sharon,

Per City of Portland requirements, I am informing you that Smith and Son Excavating of 86 Pleasant Hill Road, Scarborough, Maine 04704 plan to demolish the structure at 13 Everett Street in the near future.

Feel free to contact me if you have any questions or concerns.

Norah Vltaliano and Cynthia Loring
15 Everett Street
Portland, Maine 04101



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12/30/2024

RUBEN MOLLIE A
38 FOX ST
PORTLAND, ME 04101

RE: Demolition of Existing House at 13 Everett Street

Dear Mollie,

Per City of Portland requirements, I am informing you that Smith and Son Excavating of 86 Pleasant Hill Road, Scarborough, Maine 04704 plan to demolish the structure at 13 Everett Street in the near future.

Feel free to contact me if you have any questions or concerns.

Norah Vltaliano and Cynthia Loring
15 Everett Street
Portland, Maine 04101



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12/30/2024

WILLIAMSON PETER C & LYNN M WILLIAMSON JTS
11 INVERNESS RD
FALMOUTH, ME 04105

RE: Demolition of Existing House at 13 Everett Street

Dear Peter & Lynn,

Per City of Portland requirements, I am informing you that Smith and Son Excavating of 86 Pleasant Hill Road, Scarborough, Maine 04704 plan to demolish the structure at 13 Everett Street in the near future.

Feel free to contact me if you have any questions or concerns.

Norah Vltalano and Cynthia Loring
15 Everett Street
Portland, Maine 04101



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12/30/2024

COFFIN KRISTIN & ANDREW TREIBER JTS
11 EVERETT STREET
PORTLAND, ME 04101

RE: Demolition of Existing House at 13 Everett Street

Per City of Portland requirements, I am informing you that Smith and Son Excavating of 86 Pleasant Hill Road, Scarborough, Maine 04704 plan to demolish the structure at 13 Everett Street in the near future.

Feel free to contact me if you have any questions or concerns.

Norah Vltalano and Cynthia Loring
15 Everett Street
Portland, Maine 04101



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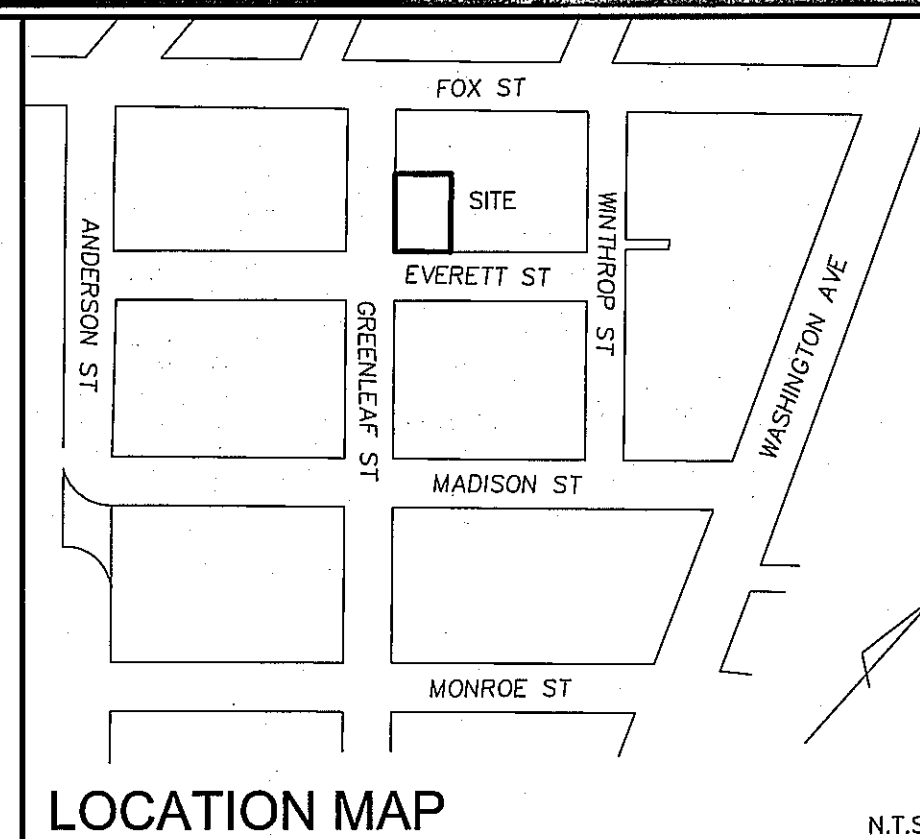
01/02/2025

PLAN REFERENCES

1. PORTLAND ENGINEERING DEPARTMENT RIGHT OF WAY WORKING PLANS OF STREETS IN THIS AREA.
2. "PLAN AND PROFILE OF WASHINGTON AVE. AND FOX ST. PORTLAND, MAINE MADE FOR THE CITY OF PORTLAND" BY OWEN HASKELL, INC. DATED JULY 2000.
3. H.I. & E.C. JORDAN FILES AND WORKING DRAWINGS IN THIS AREA.
4. "ALTA/ACSM LAND TITLE AS-BUILT SURVEY AT 134 WASHINGTON AVENUE, PORTLAND, CUMBERLAND COUNTY, MAINE BY OWEN HASKELL, INC. FOR AVESTA WASHINGTON AVE. LP" DATED DECEMBER 17, 2015, REVISED THROUGH MARCH 8, 2016.

GENERAL NOTES

1. OWNER OF RECORD: MARY T. & WILLIAM A. WALSH, 75 STATE STREET, #114, PORTLAND, MAINE, C.C.R.D. BOOK 3597 PAGE 122.
2. PARCELS ARE SHOWN AS LOTS 7 & 8 BLOCK J ON CITY OF PORTLAND'S ASSESSORS MAP 12.
3. BEARINGS ARE BASED ON THE MAINE STATE PLANE COORDINATE SYSTEM, WEST ZONE NAD 1983 PER CITY POINTS SHOWN.
4. ELEVATIONS ARE BASED ON NGVD 1929 PER BENCHMARK SHOWN ON PLAN REFERENCE 2, PK IN POLE #11 CORNER OF ANDERSON AND EVERETT STREET ELEVATION 12.42 CITY LEVEL BOOK 737 PAGE 77.



LEGEND

- CAPPED IRON ROD TO BE SET
- MONUMENT FOUND
- UTILITY POLE
- MANHOLE
- ⊗ EM/GM ELECTRIC/GAS METER
- SIGN
- CATCH BASIN
- WATER VALVE OR SHUTOFF
- GAS VALVE
- DECIDUOUS TREE
- CONIFEROUS TREE
- FENCE
- CURB
- OHW OVERHEAD WIRES
- W WATER LINE
- 25 1' CONTOUR
- FFE FINISHED FLOOR ELEVATION
- N/F NOW OR FORMERLY
- 000/000 DEED BOOK AND PAGE

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES. CALL 1-888-DIGSAFE AT LEAST THREE BUSINESS DAYS BEFORE PERFORMING ANY CONSTRUCTION.

ANDERSON STREET

3' OFFSET MONUMENT

GREENLEAF STREET
PAVED - PUBLIC - 50' WIDE
ACCEPTED JUNE 19, 1857

EVERETT STREET
PAVED - PUBLIC - 50' WIDE
ACCEPTED JUNE 19, 1857

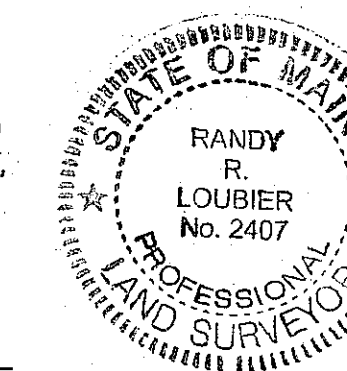
WINTHROP ST.

CERTIFICATE

OWEN HASKELL, INC. HEREBY CERTIFIES THAT THIS PLAN IS BASED ON, AND THE RESULT OF, AN ON THE GROUND FIELD SURVEY AND THAT TO THE BEST OF OUR KNOWLEDGE, INFORMATION AND BELIEF, IT CONFORMS TO THE BOARD OF LICENSURE FOR PROFESSIONAL LAND SURVEYORS CURRENT STANDARDS OF PRACTICE, WITH THE EXCEPTION OF MARKERS NOT SET AT ALL CORNERS.

4/5/17
DATE

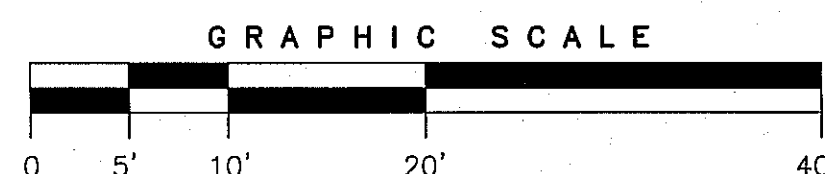
RANDY R. LOUBIER, PLS NO. 2407



BOUNDARY & TOPOGRAPHIC SURVEY
AT
13 & 15 EVERETT STREET, PORTLAND, MAINE
MADE FOR
PORTLAND RENOVATIONS
107 ANDERSON STREET, PORTLAND, ME 04101

OWEN HASKELL, INC.
390 U.S. ROUTE ONE, FAIRMOUTH, ME 04105 (207) 774-0424
PROFESSIONAL LAND SURVEYORS

Drwn By	RRL	Date	Job No.
Trace By	JLW	APRIL 3, 2013	2017-031P
Check By	RRL	Scale	Drwg. No.
Book No.	FILE	1" = 10'	1



Asbestos Building Demolition Notification

State of Maine
Department of Environmental Protection Lead &
Asbestos Hazard Prevention Program
17 State House Station, Augusta, ME 04333
TEL (207) 287-7688 ALNotifications.DEP@maine.gov



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2023

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Notice

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Prior to demolition, building owners must determine if there is any asbestos-containing material(s) (ACM) in the building. An "asbestos inspection" by a MDEP-licensed Asbestos Consultant is required for all buildings regardless of construction date, except single-family homes and residential buildings with 2-4 units built after 1980. In lieu of an asbestos inspection, pre-1981 residential buildings with 2-4 units can be surveyed to identify possible ACM by someone knowledgeable about ACM, such as a code enforcement officer or building inspector.

If your project involves the demolition of a single family residence or a residential building with less than 5 units, please answer the following questions to determine whether you need to have your inspection performed by a MDEP-licensed Asbestos Consultant:

Does this demolition/renovation project involve more than ONE residential building at the same site with the same owner? ☐ Yes ☒ No

Is this building currently being used, or has it **EVER** been used, as a commercial, government, daycare, office, church, charitable or other non-profit place of business? ☐ Yes ☒ No

Is this building to be demolished as part of a highway or road-widening project? ☐ Yes ☒ No

Is this building part of a building cooperative, apartment or condo building? ☐ Yes ☒ No

Is this building used for military housing? ☐ Yes ☒ No

Have other residences or non-residential buildings at this site been scheduled to be demolished now, or in the future, as part of a larger project? ☐ Yes ☒ No

Is more than ONE building to be lifted from its foundation and relocated? ☐ Yes ☒ No

Will this building be intentionally burned for the purpose of demolition or fire department training? ☐ Yes ☒ No

If you answer "no" to all the questions above, your building can be inspected by a knowledgeable non-licensed person as applicable.

Any "yes" answers to the above questions requires an inspection by a MDEP-licensed Asbestos Consultant.

Important Notice

Before you can demolish any building, including single-family residences, all asbestos materials must be removed from the building. The removal of those materials must be done by a MDEP-licensed Asbestos Abatement Contractor, except single-family homeowners may remove some asbestos under certain circumstances (Contact MDEP for more information).

With the exception of a single family home, building owners are required to submit the Asbestos Building Demolition Notification to the MDEP at least five (5) working days prior to the demolition **EVEN IF NO ASBESTOS** is present.

Asbestos Building Demolition Notification

State of Maine
Department of Environmental Protection Lead &
Asbestos Hazard Prevention Program
17 State House Station, Augusta, ME 04333
TEL (207) 287-7688 Email: ALNotifications.DEP@maine.gov



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2023

Permitting and Inspections Department
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Inspection/Survey Results:

01/02/2025

Were asbestos-containing building materials identified or presumed positive? ☐ Yes ☒ No

If Yes, is the removal of ACM subject to MDEP asbestos regulations? ☐ Yes ☐ No

If No, explain WHY NOT: _____

property address: 13 Everett Street Portland, ME 04101	building description: ☐ pre-1981 residential with 2-4 units ☐ post-1980 residential with 2-4 units ☒ other: Un-occupied, single-family, wood-framed building
asbestos survey/inspection performed by: (name & address) NA	asbestos abatement contractor NA
telephone:	telephone:
property owner: (name & address) CYNTHIA LORING 13 Everett Street Portland, ME 04101 telephone: 207-408-3103	demolition contractor: (name & address) Smith & Son Excavation 86 Pleasant Hill Road Scarborough, Maine 04074 telephone: 207 883-1513
demolition start date: Spring 2025	demolition end date: 2 weeks after start

Whenever more than 3 square feet or 3 linear feet of ACM is identified, the ACM must be abated in accordance with the Maine Asbestos Management Regulations by a DEP-licensed Asbestos Abatement Contractor. This includes materials presumed to be ACM. Check www.maine.gov/dep/rwm/asbestos/index.htm for a listing of asbestos contractors.

Prior to issuing a local demolition permit, the MDEP requests that **municipalities** have applicants for municipal demolition permits complete this form and fax it to the MDEP at 207-287-6220. Municipalities should not issue local demolition permits if the required asbestos inspection or survey has not been performed and identified ACM removed.

This demolition notification does not take the place of the Asbestos Project Notification if applicable

I CERTIFY THAT THE ABOVE INFORMATION IS CORRECT

Evan Carroll

Architect

Print Name: Owner/Agent

Title

Signature

207-409-3589

-

12/30/2024

Telephone #

FAX #

Date



Permitting and Inspections Department
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1924 Portland Tax Records: 13 Everett Street, Portland, 1924

Portland, Maine

Assessment 19

Name Garrity Annie

Owner Garrity Annie

Street Everett No. 13 ✓

Block 12 J Lot 8 ✓

Use of Bldg. Residence Name _____

Tenants and Rooms _____

Rentals \$12.00 per month

Age Old

Condition of Repair Fair

Class

Bungalow	Exterior	Plumbing
Single House	Clapboards	Common
Two family	Siding	Individual
Three family	Shingles	Open
Apartment	Stucco	Set tubs
Store Building	Paper	Finish
Office "	Tapestry Brick	Plain
Factory "	Comm. Brick	Hardwood
Storage "	Galv. Iron	Halls
Stables	Stone	Wood
Garage, private	Terra Cotta	Terrazzo
Garage, public	Concrete	Marble
Theatre	Heating	Roof — Roofing
Club House	Stove	Shingle
Cottage	Furnace	Slate
	Hot Water	Gravel
	Steam	Prepared
Foundation	Light	Asbestos
Brick	Oil	Flat
Stone	Gas	Hip
Concrete	Electric	Gable
Pile		Dormers
Basement		Windows
Full	Floor	Plain Glass
Cement Floor	Common	Wire Glass
Waterproof	Hardwood	Shutters
Construction	Re-Concrete	Miscellaneous
Frame	Concrete Slab	Elevator
Brick	Waterproof	Sprinkler
Tile	Ceiling	Fire Escape
Blocks	Plaster	Refrigerator
Stucco	Metal	Vacuum Cleaner
Re-Concrete	Panelled	Safes and Vaults
Mill	Rough	Telephone Equip.
Steel Frame		

Ground Area 374 sq. ft. Height 22'

Cubic Feet 8230 Unit cs

Utility Dep. _____

Dep. 6.5 Per cent.

Sound Value, \$ 634

Land 2400 Corner Interior Alley _____

Front 30 Depth 80 = _____ ft.

COMPUTATION

Area	Multiplier	Coefficient
2400	108	2592

Year	Unit	Coefficient	Land Value
19	806	2592	\$155 ✓



Surveyed by A. S. Kinn

(Remarks on other Side)

Remarks about Buildings

Remarks about Land

Everett St

18,25 X 20.5 X 22 = 8230

374

Remarks about Personal Property

CITY OF PORTLAND, MAINE	
ASSESSORS DEPARTMENT	
CHART	BLOCK
3	Building Volumes Checked
4	Building Values Placed
5	Building Values Extended
6	Land Only Questionnaire Made
7	Land Values Placed
8	Land Values Extended
9	Compared With 1923
10	Personal Property Added

1924 Portland Tax Records: 13 Everett Street, Portland, 1924



Owner: Annie Garrity
Address: 13 Everett Street, Bayside, Portland, Maine
Use: Dwelling - Single family
Local Code: Block 12J Lot 8 Book 30 Page 1
MMN item number: 50692

MEMORANDUM
City Council Agenda Item

FROM: Troy Moon, Sustainability Director

DATE: August 26, 2025

SUBJECT: Order 35-25/26 Amendment to Portland City Code Chapter 30 RE: Taxi Fares - Sponsored Sustainability & Transportation Committee, Councilor Regina Phillips, Chair

SPONSOR: The Mayor, City Manager, City Clerk, Corporation Counsel, the Planning Board, or up to three (3) members of the Council shall sponsor any orders or other items. If sponsored by a Council Committee, please include the date the committee met and the results of the vote.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 8/25/2025

Final Action 9/3/2025

Can action be taken at a later date: Yes

Does this item involve a new contract with the City: No

PRESENTATION: Sustainability Director Troy Moon will be present to answer questions.

I. SUMMARY

The order amends the fares that licensed taxi operators may charge their customers.

II. AGENDA DESCRIPTION

Chapter 30 regulates the fares taxi operators are allowed to charge their passengers. The ordinance establishes a base fare and sets a rate for each additional one-tenth of a mile and provides for a charge for time spent waiting at the request of the passenger. The ordinance also establishes a minimum fare for rides that begin at the Portland Jetport. Taxi fares have not been amended for more than ten years and have not kept up with the increased costs of operating a taxi service. After reviewing rates in comparable cities, including Manchester, NH and Burlington, VT, the Sustainability and Transportation Committee unanimously recommended the proposed rates during their meeting on July 9.

This item must be read on two separate days. It received its first reading on August 25. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The order authorizes an increase in taxi fares to account for increased operating costs since the last fare increase, which occurred more than 10 years ago.

V. FINANCIAL IMPACT

There is no financial impact to the City for adopting the ordinance.

VI. STAFF ANALYSIS AND BACKGROUND

VII. RECOMMENDATION

Staff recommends adoption of the ordinance.

VIII. LIST ATTACHMENTS

1. Amendment - Ch 30 re Taxi Rates
2. Ali Amendment 1 to Taxi Rates
3. Taxi fare memo to S&T

Prepared by:

Troy Moon, Sustainability Director

Date: 08/26/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 30 RE: TAXI FARES**

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

- 1. That the Sections 30-21 of the Portland City Code Chapter 30 is hereby amended to read as follows:*

Sec. 30-21. Taxicab fares for service.

The maximum fares for taxicabs shall be as follows:

(a) *Within the metered zone.* Except as otherwise provided herein, the maximum fare for taxicab service solely which begins or ends in the city and is within the metered zone shall be four dollars (\$4.00) ~~one dollar and ninety cents (\$1.90)~~ for the first one-tenth of a mile (the "drop" rate) or a fraction thereof and thirty-five cents (\$0.35) ~~thirty cents (\$0.30)~~ for each one-tenth of a mile or fraction thereof, thereafter. The fare shall be computed and displayed by the taximeter. No fare charged shall be in excess of the amount displayed by the taximeter. There shall be one (1) fare, divided equally, in the case of two (2) or more passengers who engage the taxicab for a trip between the same two (2) points. In all other cases, each passenger shall pay a separate fare, based upon the total taximeter rate to their individual destinations.

(c) *Minimum jetport fare.* The minimum fare for pickup at the Portland International Jetport is ten five dollars (\$10.00) ~~(\$5.00)~~ even if the taximeter fare is less. The taximeter shall be used for all such pickups.

(d) *Waiting time.* A charge for waiting time may be made only for time waited at the express direction of the passenger after the trip has begun and for time waited before the trip has begun, commencing five (5) minutes after the time at which the passenger has requested the taxicab to call, or five (5) minutes after the taxicab actually calls, whichever is later. The charge for such waiting time shall be fifty ~~forty~~ cents (\$0.50) ~~(\$0.40)~~ per minute.

**AMENDMENT TO ORDER 35-25/26
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR PIOUS ALI
RE: MINIMUM FARES**

Sec. 30-21. Taxicab fares for service.

The ~~maximum~~ fares for taxicabs shall be as follows:

(a) *Within the metered zone.* Except as otherwise provided herein, the maximum fare for taxicab service solely which begins or ends in the city and is within the metered zone shall be four dollars (\$4.00) for the first one-tenth of a mile (the "drop" rate) or a fraction thereof and thirty-five cents (\$0.35) for each one-tenth of a mile or fraction thereof, thereafter. The fare shall be computed and displayed by the taximeter. No fare charged shall be in excess of the amount displayed by the taximeter, except when required to meet the minimum fare provided in subsection (c). There shall be one (1) fare, divided equally, in the case of two (2) or more passengers who engage the taxicab for a trip between the same two (2) points. In all other cases, each passenger shall pay a separate fare, based upon the total taximeter rate to their individual destinations.

(c) *Minimum ~~jetport~~ fare.* The minimum fare for all rides which begin or end in the city shall be pickup at the Portland International Jetport ~~is~~ ten dollars (\$10.00) even if the taximeter fare is less. The taximeter shall be used for all such pickups.



To: Sustainability and Transportation Committee

Regina Phillips, Chair

MEETING DATE

July 9, 2025

AGENDA ITEM

Agenda Item #3C

PURPOSE

To discuss increasing the fare licensed taxi operators may charge passengers.

COMMITTEE WORK PLAN/CITY COUNCIL GOAL ALIGNMENT

N/A

BACKGROUND/ANALYSIS

The regulation of taxi rates in the City of Portland is governed by Chapter 30 Vehicles for Hire of the Portland City Code, specifically, Article II Taxicabs, §§ 30-16--30-38.5. Sec. 30-21 deals with the issues of taxi rates most directly and is excerpted below. The rates established in ordinance were last updated over a decade ago.

Sec. 30-21. Taxicab fares for service.

The maximum fares for taxicabs shall be as follows:

(a) Within the metered zone. Except as otherwise provided herein, the maximum fare for taxicab service solely which begins or ends in the city and is within the metered zone shall be one dollar and ninety cents (**\$1.90**) for the first one-tenth of a mile (the “drop” rate) or a fraction thereof and thirty cents (**\$0.30**) for each one-tenth of a mile or fraction thereof, thereafter. The fare shall be computed and displayed by the taximeter. No fare charged shall be in excess of the amount displayed by the taximeter. There shall be one (1) fare, divided equally, in the case of two (2) or more passengers who engage the taxicab for a trip between the same

two (2) points. In all other cases, each passenger shall pay a separate fare, based upon the total taximeter rate to their individual destinations.

(b) Outside the metered zone. If a trip begins or ends within the city and the other point of destination is outside the metered zone, the passenger and driver shall agree upon the fare before the trip commences; otherwise the passenger shall be under no obligation to pay any fare.

(c) Minimum jetport fare. The minimum fare for pickup at the Portland International Jetport is five dollars (\$5.00) even if the taximeter fare is less. The taximeter shall be used for all such pickups.

(d) Waiting time. A charge for waiting time may be made only for time waited at the express direction of the passenger after the trip has begun and for time waited before the trip has begun, commencing five (5) minutes after the time at which the passenger 30-9 City of Portland Code of Ordinances Sec. 30-21 Vehicles for Hire Chapter 30 Rev. 9-16-10 has requested the taxicab to call, or five (5) minutes after the taxicab actually calls, whichever is later. The charge for such waiting time shall be forty cents (\$0.40) per minute.

(e) Sight-seeing. Taxicabs may be employed for purposes of sight-seeing only according to a published route and rate which shall be provided to the passenger prior to commencement of the trip. (f) Bags and parcels. No charge shall be made for the transportation of the bags or parcels of a passenger. (Code 1968, § 902.8; Ord. No. 231-80, 12-22-80; Ord. No. 576-81, §§ 1, 2, 4-6-81; Ord. No. 471-84, 3-7-84; Ord. No. 332-88, 4-20-88; Ord. No. 63-89, 7-17-89; Ord. No. 303-92, 4-6-92; Ord. No. 249-97, 4-23-97; Ord. No. 56-04/05, 98-04; Ord. No. 57-04/05, 10-4-04; Ord. NO. 286-07/08, 6-16-08; Ord. No. 18808/09, 4-6-09)

The Committee requested that staff research the established fares in other New England cities in order to provide context for their deliberation about a potential fare increase in Portland. We identified Boston, Manchester, and Burlington as comparable communities. See their fares summarized in the table below.

City	Drop Charge	Each Mile Thereafter	Idling and Waiting	Additional Customers	Other
<u>Boston, MA</u>	First 1/7-mile: \$2.60	\$0.40 each 1/7 mile	\$28.00/hour		Tolls are additional
<u>Manchester, NH</u>	First 1/6-mile: \$4	\$0.50 each 1/6 mile	\$0.25/minute	\$0.25	Flat rates established for fare originating at the airport to area towns
<u>Burlington, VT</u>	\$4.00	\$3.50/mile, calculated each 1/10 mile		\$1.00	Minimum fare \$11; airport surcharge \$4.00 from airport queue; nighttime extra \$4.00 (10PM-5AM)
<u>Portland, ME</u>	\$1.90	\$0.30 for each additional 1/10-mile	\$0.40/minute		Minimum charge of \$5 or fare, whichever is greater.

The fares currently authorized by Chapter 30 are generally less than those allowed by the comparable cities. Operational costs for vehicles, fuel, maintenance, and administration have increased significantly since fares were last adjusted in Portland more than 10 years ago. Taxi operators provide a vital transportation service for residents and to visitors of the City and would benefit from a fare structure that more closely aligns with the current economic environment.

In order to align with our current pricing structure, staff recommends that the Committee discussion focus on potential increases in the following areas:

- Drop Charge/Initial Fee from \$1.90 to \$4.00

- Each additional 1/10 from \$0.30 to \$0.35
- Wait time from \$0.40/minute to \$0.50
- Minimum charge from \$5 to \$10.00

We look forward to the discussion and to answering any questions you may have.

FISCAL IMPACT

There is no fiscal impact on City operations.

CONCLUSION(S)

PRIOR COMMITTEE REVIEW

May, 2025

PREPARED BY

Troy Moon, Sustainability Director

ATTACHMENTS

N/A

MEMORANDUM
City Council Agenda Item

FROM: Greg Watson, Director

DATE: August 26, 2025

SUBJECT: Order 36-25/26 Amendment to Portland City Code Chapter 6 RE: Vacant Commercial Properties - Sponsored by the Housing & Economic Development Committee, Councilor Pious Ali, Chair

SPONSOR: Housing and Economic Development Committee, Councilor Pious Ali, Chair, meeting held June 17, 2025, and the vote was 4-0 to forward to the Planning Board and City Council for approval; and, the Planning Board at its meeting held on July 22, 2025, and the vote was 6-0 to forward to the City Council for Approval.

(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:

1st Reading 8/11/2025

Final Action 9/3/2025

Can action be taken at a later date: Yes

Does this item involve a new contract with the City: No new contract.

PRESENTATION: Greg Watson/5 Minutes

I. SUMMARY

At the Housing and Economic Development Committee meeting held on June 17, 2025, the Committee reviewed proposed amendments to Chapter 6, adding section "Vacant Commercial Properties" and voted 4-0 to forward the amendments to the Portland Planning Board and City Council for approval; and, the Planning Board voted 6-0 at its July 22, 2025, meeting to forward this to the City Council for approval.

II. AGENDA DESCRIPTION

At the Housing and Economic Development Committee meeting held on June 17, 2025, the Committee reviewed proposed amendments to Chapter 6 of the City Code to add a section "Vacant Commercial Properties" to promote public welfare, economic development, and vibrancy in the city by incentivizing occupancy in its street-level commercial spaces. The HEDC voted 4-0 to forward the amendments to the Portland Planning Board and City Council for approval. The Planning Board met on July 22, 2025, and voted 6-0 to send the proposed amendments to City Council for approval.

This is a companion order to the order below.

This item must be read on two separate days. It received its first reading on August 25. Five affirmative votes are required for passage after public comment.

III. BACKGROUND

Since the Spring of 2024, City staff have been working on programs and policies to disincentivize commercial vacancies and activate downtown Portland, including a commercial vacancy ordinance. The ordinance will promote the use of vacant space, encourage communication and collaboration between owners of vacant property and seekers of commercial space, collect data to inform future programs, and result in increased collaboration with Portland's artist community to provide active utilization of vacant space with a preference for locally sourced art. The ordinance will be geographically limited to the City's Pedestrian Activities District

(PAD) Overlay Zone, which ensures that key areas within the City are maintained as active, walkable, pedestrian-oriented activity centers.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The intended result is a reduction in storefront vacancies in the PAD.

V. FINANCIAL IMPACT

There will be no impact to the General Fund. Staff envision that facilitating the installation of 2-D artwork into vacant windows will entail a cost of up to \$25,000 which would either come from grant funding, or the Downtown Transit Oriented Development Tax Increment Financing District, or a combination of both.

VI. STAFF ANALYSIS AND BACKGROUND

See Background Section.

VII. RECOMMENDATION

The Housing and Economic Development Committee reviewed this item at its June 17, 2025, meeting and voted 4-0 to forward this to the Planning Board and City Council for approval. The Planning Board reviewed this at its July 22, 2025, meeting and voted 6-0 to send this to the City Council for approval.

VIII. LIST ATTACHMENTS

1. Amendment - Ch 6 re Vacant Commercial Properties
2. Sykes Amendment 1 to Commercial Vacancy Ordinance
3. Sykes Amendment 2 to Commercial Vacancy Ordinance
4. Vacancy Ordinance As Approved by HEDC on 6-17-2025
5. PAD Overlay Map for CC on 7-14-2025
6. Chapter006.Buildings 6.17.2024
7. 2025.09.03 Public Comment - Order 36

Prepared by:

Greg Watson, Director

Date: 08/26/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 6 RE: VACANT COMMERCIAL PROPERTIES**

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

1. *That the Sections 6-246 to 6-253 of the Portland City Code Chapter 6 is hereby amended to read as follows:*

Chapter 6 BUILDINGS AND BUILDING REGULATIONS*

Art. I. In General, §§ 6-1--6-15

Art. II. Building Code, §§ 6-92--6-103

Div. 1. In General, §§ 6-92--6-97

Div. 2. Building Standards, §§ 6-98--6-103

[Art. III and IV were repealed by Order 18-17/18, 8-21-2107]

Art. V. Housing Code, §§ 6-106--6-149

Art. VI. Residential Rental Unit Registration Requirements, §§ 6-150--6-157

Art. VII. Green Building Code, §§ 6-165 - - 6-177

Art. VII-A. Bird Friendly Building and Design Requirements §§ 6-185--6-189

Art. VIII. Property Assessed Clean Energy, §§ 6-190--6-199

Div. 1. Property Assessed Clean Energy, §§ 6-190--6-194

Div. 2. Commercial Property Assessed Clean Energy §§ 6-195--6-199

Art. IX. Disorderly Houses, §§ 6-200--6-204

Art. X. Energy Benchmarking, §§ 6-205--6-218

Art. XI. Tenant Housing Rights, §§ 6-219--6-229

Art. XII. Rent Control and Tenant Protections, §§ 6-230--6-244

Art. XIII. Rent Board, §§ 6-250--6-263

Art. XIV. Vacant Commercial Properties §§ 6-270--6-277

Sections 6-264 to 6-269 Reserved.

ARTICLE XIV. VACANT COMMERCIAL PROPERTIES

Sec. 6-270. Purpose.

The purpose of this article is to promote public welfare, economic development and vibrancy in the city by incentivizing occupancy in its street-level commercial spaces.

Sec. 6-271. Applicability.

This article shall apply to buildings zoned for commercial use with storefronts on the ground level in the Pedestrian Activities District (PAD) Overlay Zone.

Sec. 6-272. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the following meaning:

Vacant commercial property shall mean any previously occupied commercial real property with buildings that have a visible storefront on the ground level that has not been used or occupied for a period of at least 180 consecutive days and is not undergoing construction, rehabilitation, renovation, or repair to make the building fit for occupancy.

Property owner shall mean a person or entity who alone or severally with others:

(a) Has legal or equitable interest to any commercial building or has care, charge, or control of any commercial building in any capacity including but not limited to agent, executor, administrator, trustee, or guardian of the estate of the holder of legal title;

(b) Is a tenant with a legal right to possess an entire commercial building;

(c) Is a mortgagee in possession of any commercial building;

(d) Is an agent, trustee, receiver, or other person appointed by the courts and vested with possession or control of any commercial property; or

(e) Is an officer or trustee of an association of unit owners of a condominium or cooperative which contains a vacant commercial property.

Temporary Art shall mean two-dimensional works of art for public viewing installed by the City and displayed inside windows or on exterior surfaces of vacant commercial properties.

Sec. 6-273. Registration Required.

Not more than thirty (30) days after a commercial property becomes a vacant commercial property as defined in this article, the property owner shall register the vacancy with the city's housing and economic development department. The registration shall include the address and location of the vacant commercial property, the current permitted use for the property pursuant to the city's permit records and the city's land use code, the size and layout of the available space, the reason for the vacancy, the desired rent amount, the date when the vacant commercial property was last occupied and the contact information for the property owner or person with authority to remedy the property vacancy.

The city's housing and economic development department shall establish a registry of vacant commercial properties which shall include all of the above information about vacant commercial properties. The registry shall be publicly available on the city's website within ninety (90) days of the effective date of this article. The housing and economic development department shall update the status of the vacant commercial properties in the registry at least quarterly.

Sec. 6-274 Registration Fee.

Upon initial registration and by January 1st of each year thereafter, property owners shall pay the city a registration fee for each vacant commercial property in the amounts set forth

below. A vacant commercial property shall not be considered registered unless and until this fee is paid in full.

- a) \$250.00 for properties have been vacant for more than 6 months and less than one year;
- b) \$1,000.00 for properties that have been vacant for at least one year but less than two years;
- c) \$2,000.00 for properties that have been vacant for at least two years but less than three years;
- d) \$3,500.00 for properties that have been vacant for at least three years but less than five years;
- e) \$5,000.00 for properties that have been vacant for at least five years but less than ten years; and
- f) \$7,500.00 for properties that have been vacant for at least ten years, plus an additional \$1,000.00 for each year in excess of ten years.

Sec. 6-275. Waiver.

The housing and economic development director may grant a waiver of the registration fee upon written request from the property owner if the housing and economic director determines, in their sole discretion, that one of the following conditions is met:

a) At the time of registration of a vacant commercial property, a property owner permits the City to install temporary art in any exterior-facing window or upon other safe, visible exterior surfaces for the period of the vacancy; or

b) That special or extenuating circumstances exist that prevent the property from being used or occupied and failure to use or occupy a vacant commercial building does not violate the purpose or intent of this ordinance.

Any waiver granted under this section must be reduced to writing and set forth the grounds for the waiver. All waivers shall be available on the registry.

Any waiver granted under this section may be revoked by the director of housing and economic development in the event they determine that either of the two above conditions is no longer met. In the event a waiver is revoked, the director of housing

and economic development shall provide written notice to the property owner and the property owner shall have thirty (30) days from the date of that notice to pay the registration fee in full.

Sec. 6-276. Enforcement.

a) The director of housing and economic development or their designee shall have the primary responsibility for enforcement of this article.

b) Failure to register a vacant commercial property pursuant to this article shall be a civil violation subject to the general penalty provisions of section 1-5 of this Code.

c) The director of housing and economic development is authorized to institute, or cause to be instituted by 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.

Sec. 6-277. Severability.

If any section, paragraph, sentence, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court, such decision shall not affect the validity of the remaining provisions of this ordinance.

**AMENDMENT 1 TO ORDER 36-25/26
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR KATE SYKES
RE: EXEMPTION FOR NEWLY CONSTRUCTED PROPERTIES**

Sec. 6-272. Definitions.

The following words, terms and phrases, when used in this ordinance, shall have the following meaning:

Vacant commercial property shall mean any ~~previously occupied~~ commercial real property with buildings that have a visible storefront on the ground level that has not been used or occupied for a period of at least 180 consecutive days and is not undergoing construction, rehabilitation, renovation, or repair to make the building fit for occupancy.

**AMENDMENT 2 TO ORDER 36-25/26
PREPARED BY CORPORATION COUNSEL
FOR COUNCILOR KATE SYKES
RE: FEE SCHEDULE**

Sec. 6-274 Registration Fee.

Upon initial registration and by January 1st of each year thereafter, property owners shall pay the city a registration fee for each vacant commercial property in the amounts set forth below. A vacant commercial property shall not be considered registered unless and until this fee is paid in full.

- a) ~~\$250.00~~\$500.00 for properties have been vacant for more than 6 months and less than one year;
- b) \$1,000.00 for properties that have been vacant for at least one year but less than two years;
- c) \$2,000.00 for properties that have been vacant for at least two years but less than three years;
- d) \$3,500.00 for properties that have been vacant for at least three years but less than five years;
- e) \$5,000.00 for properties that have been vacant for at least five years but less than ten years; and
- f) \$7,500.00 for properties that have been vacant for at least ten years, plus an additional \$1,000.00 for each year in excess of ten years.

Article XXX. Vacant Commercial Properties

A)

B) SEC. 6-XXX. PURPOSE

The purpose of this article is to promote public welfare, economic development and vibrancy in the city by incentivizing occupancy in its street-level commercial spaces.

C) SEC. 6-XXX. APPLICABILITY

This article shall apply to all buildings in the city zoned for commercial use with storefronts on the ground level.

D) SEC. 6-XXX. DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the following meaning:

Vacant commercial property shall mean any commercial real property with buildings that have a visible storefront on the ground level that has not been used or occupied for a period of at least 90 consecutive days and is not undergoing construction, rehabilitation, renovation, or repair to make the building fit for occupancy.

Property owner shall mean a person or entity who alone or severally with others:

(a) Has legal or equitable interest to any commercial building or has care, charge, or control of any commercial building in any capacity including but not limited to agent, executor, administrator, trustee, or guardian of the estate of the holder of legal title;

(b) Is a tenant with a legal right to possess an entire commercial building;

(c) Is a mortgagee in possession of any commercial building;

(d) Is an agent, trustee, receiver, or other person appointed by the courts and vested with possession or control of any commercial property; or

(e) Is an officer or trustee of an association of unit owners of a condominium or cooperative which contains a vacant commercial property.

Temporary Art shall mean works of art for public viewing displayed inside windows or on exterior surfaces of vacant commercial properties which comply with the city's temporary public art guidelines.

E) SEC. 6-XXX. REGISTRATION REQUIRED

Not more than thirty (30) days after a commercial property becomes a vacant commercial property as defined in this article, the property owner shall register the vacancy with the city's housing and economic development department. The registration shall include the address and location of the vacant commercial property, the current permitted use for the property pursuant to the city's permit records and the city's land use code, the size and layout of the available space, the reason for the vacancy, the desired rent amount, the date when the vacant commercial property was last occupied and the contact information for the property owner or person with authority to remedy the property vacancy.

The city's housing and economic development department shall establish a registry of vacant commercial properties which shall include all of the above information about vacant commercial properties. The registry shall be publicly available on the city's website within ninety (90) days of the effective date of this article. The housing and economic development department shall update the status of the vacant commercial properties in the registry at least quarterly.

Sec. 6-XXX Registration Fee

Upon initial registration and by January 1st of each year thereafter, property owners shall pay the city a registration fee for each vacant commercial property in the amounts set

forth below. A vacant commercial property shall not be considered registered unless and until this fee is paid in full.

- f) \$250.00 for properties have been vacant for more than 3 months and less than one year;
- g) \$1,000.00 for properties that have been vacant for at least one year but less than two years;
- h) \$2,000.00 for properties that have been vacant for at least two years but less than three years;
- i) \$3,500.00 for properties that have been vacant for at least three years but less than five years;
- j) \$5,000.00 for properties that have been vacant for at least five years but less than ten years; and
- k) \$7,500.00 for properties that have been vacant for at least ten years, plus an additional \$1,000.00 for each year in excess of ten years.

Sec. 6-XXX. Waiver.

The housing and economic development director may grant a waiver of the registration fee upon written request from the property owner if the housing and economic director determines, in their sole discretion, that one of the following conditions is met:

- a) At the time of registration of a vacant commercial property, a property owner installs temporary art in any exterior-facing window or upon other safe, visible exterior surfaces for the period of the vacancy; or
- b) That special or extenuating circumstances exist that prevent the property from being used or occupied and failure to use or occupy a vacant commercial building does not violate the purpose or intent of this ordinance.

Any waiver granted under this section must be reduced to writing and set forth the grounds for the waiver. All waivers shall be available on the registry.

Any waiver granted under this section may be revoked by the director of housing and economic development in the event they

determine that either of the two above conditions is no longer met. In the event a waiver is revoked, the director of housing and economic development shall provide written notice to the property owner and the property owner shall have thirty (30) days from the date of that notice to pay the registration fee in full.

L) SEC. 6-XXX. ENFORCEMENT

M)

a) The director of housing and economic development or their designee shall have the primary responsibility for enforcement of this article.

b) Failure to register a vacant commercial property pursuant to this article shall be a civil violation subject to the general penalty provisions of section 1-5 of this Code.

c) The director of housing and economic development is authorized to institute, or cause to be instituted by 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.

N) SEC. 6-XXX. SEVERABILITY

If any section, paragraph, sentence, word or phrase of this ordinance is for any reason held to be invalid or unenforceable by any court, such decision shall not affect the validity of the remaining provisions of this ordinance.



Portland, ME

Pedestrian Activities District (PAD) Overlay Map

 PAD Zone



Chapter 6 BUILDINGS AND BUILDING REGULATIONS*

*Cross reference(s)--Alarm systems, Ch. 2.5; fire prevention and protection, Ch. 10; land use, Ch. 14; rodent and vermin control, Ch. 22; sewers, Ch. 24; streets, sidewalks and other public places, Ch. 25; moving of structures, § 25-191 et seq.; swimming pools, Ch. 26.

Art. I. In General, §§ 6-1--6-15

Art. II. Building Code, §§ 6-92--6-103

Div. 1. In General, §§ 6-92--6-97

Div. 2. Building Standards, §§ 6-98--6-103

[Art. III and IV were repealed by Order 18-17/18, 8-21-2107]

Art. V. Housing Code, §§ 6-106--6-149

Art. VI. Residential Rental Unit Registration Requirements, §§ 6-150--6-157

Art. VII. Green Building Code, §§ 6-165 - - 6-177

Art. VII-A. Bird Friendly Building and Design Requirements §§ 6-185--6-189

Art. VIII. Property Assessed Clean Energy, §§ 6-190--6-199

Div. 1. Property Assessed Clean Energy, §§ 6-190--6-194

Div. 2. Commercial Property Assessed Clean Energy §§ 6-195--6-199

Art. IX. Disorderly Houses, §§ 6-200--6-204

Art. X. Energy Benchmarking, §§ 6-205--6-218

Art. XI. Tenant Housing Rights, §§ 6-219--6-229

Art. XII. Rent Control and Tenant Protections, §§ 6-230--6-244

Art. XIII. Rent Board, §§ 6-250--6-263

ARTICLE I. IN GENERAL

Sec. 6-1. Penalties.

(a) *Penalties.* Monetary penalties shall be assessed on a per-day basis for each day on which a violation exists:

1. The minimum penalty for a specific significant code violation is two hundred dollars (\$200.00) per day, and the maximum penalty is two thousand five hundred dollars (\$2,500.00) per day. The minimum penalty for failure to correct such significant

code violation after written notice by the city to do so is five hundred (\$500.00) per day, and the maximum penalty is five thousand dollars (\$5,000.00) per day. The minimum penalty for failure to correct such significant code violation after a second written notice by the city is one thousand five hundred dollars (\$1,500.00) per day, and the maximum penalty is ten thousand dollars (\$10,000.00) per day.

2. The penalty for violating the occupant load limit, as determined under MUBEC or Chapter 10 of this Code, is \$250.00 for the first violation; \$500 for the second violation; \$1,000 for the third and subsequent violations. Violations shall be calculated on a rolling twelve-month basis.
3. The minimum penalty for a specific violation other than a violation described in paragraph 2 is one hundred dollars (\$100.00) per day, and the maximum penalty is two thousand five hundred dollars (\$2,500.00) per day.
4. In addition to penalties, the violator may be ordered to correct or abate the violations. When violations occur in a shoreland area, as defined in section 14-447, or when the court finds that the violation was willful, the violator shall be ordered to correct or abate the violation unless the abatement or correction results in:
 - a. A threat or hazard to public health or safety;
 - b. Substantial environmental damage; or
 - c. A substantial injustice.
5. If the city is the prevailing party in any legal action to enforce this chapter, the municipality must be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust.
6. In setting a penalty, the following shall be considered:

- a. Prior violations by the same party;
 - b. The degree of environmental damage that cannot be abated or corrected;
 - c. The extent to which the violation continued following a city order to stop; and
 - d. The extent to which the city contributed to the violation by providing the violator with incorrect information or by failing to take timely action.
7. The maximum penalty may exceed the limits described in paragraphs 1, 2 and 3, but may not exceed twenty-five thousand dollars (\$25,000.00) per day, when it is shown that there has been a previous violation or judgment against the same party within the past two (2) years for a violation of the same law or ordinance.
8. If the economic benefit resulting from the violation exceeds the applicable penalties under this subsection, the maximum penalties may be increased. The maximum penalty under this paragraph may not exceed an amount equal to twice the economic benefit resulting from the violation. Economic benefit includes, but is not limited to, the costs avoided or enhanced value accrued at the time of the violation as a result of the violator's noncompliance with the applicable legal requirements.
9. In addition to the other penalties in this section, the building authority or his or her designee designated by the city manager may suspend a contractor's, owner's, or developer's right to obtain building permits or work on any project in the city if the building authority or a housing safety official designated by the city manager determines that a contractor's, owner's, or developer's violation or violations of any provision in articles II, III, or IV of this chapter create such a threat to life or safety that a structure must be posted against occupancy or that the violation or violations render a structure uninhabitable. The suspension authorized by this

subparagraph shall be lifted when the building authority or his or her designee determines that the violation or violations have been fixed.

(b) Penalties assessed pursuant to this section shall be paid to the city.

(Ord. No. 120-97, § 1, 10-20-97; Ord. No. 240-98, § 1, 4-6-98; Ord. No. 60-06/07, 10-16-06; Ord. 298-14/15, 7-6-2015; Ord. No. 165-15/16, 3-7-2016; Ord. 18-17/18, 8-21-2017)

Sec. 6-1.1 Definitions

Except as otherwise provided, the following definitions shall apply to this Chapter:

Building shall mean anything constructed with a roof and walls built for permanent use.

Building authority shall mean the Permitting and Inspections Department Director.

Building official shall mean the Permitting and Inspections Department Director.

Demolition debris includes, but is not limited to, materials that are created by site preparation, clearing land, or erection or destruction of a building or structure. It also includes, but is not limited to, brush, tree limbs, stumpage, building materials, and the waste products of building activity, such as: clay, brick, masonry, concrete, plaster, glass, wood and wood products, asphalt, rubber, metal; and plumbing, electrical and heating fixtures, appurtenances thereto and parts thereof.

Significant code violation shall mean any of the following:

- a. Inadequate or blocked ingress or egress;
- b. Overcrowded conditions as described in section 6-110;
- c. Unsanitary conditions as described in section 6-109, including but not limited to vermin infestation;
- d. Inadequate or defective smoke or fire detection systems;
- e. Inadequate or defective plumbing or electrical systems;

- f. Substantially damaged or defective structural elements;
and
- g. Intentional denial of heat or electricity to the legal occupant of a dwelling unit by the owner of the dwelling unit. For purposes of this provision, the terms "occupant", "dwelling unit" and "owner" have the same meanings as provided in section 6-106.

Structure shall mean anything constructed or erected of more than one (1) member which requires a fixed location on the ground or attached to something having a fixed location on the ground.

(Ord. 18-17/18, 8-21-2017)

Sec. 6-2. Fees for reinspections.

Following the issuance of a notice of violation and an order to correct violations, the enforcement authority or a housing safety official designated by the city manager will reinspect once for no fee in order to determine whether the violations have been fixed in compliance with this chapter. If the violations have not been fixed in compliance with this chapter, the violator shall be assessed a fee as set forth in the fee schedule adopted pursuant to 6-92 for each subsequent reinspection. Failure to pay the assessment for reinspection shall create a lien on the property of the violator and the assessment and lien shall be collected and enforced pursuant to section 1-16.

(Ord. No. 120-97, § 2, 10-20-97; Ord. 238-13/14, 5/19/2014; Ord. 298-14/15, 7/6/2015; Ord. 18-17/18, 8-21-2017)

Sec. 6-3. Reserved.

Sec. 6-4. Reserved.

Sec. 6-5. Reserved.

Sec. 6-6. Reserved.

Sec. 6-7. Reserved.

Sec. 6-8. Reserved.

Sec. 6-9. Reserved.

Sec. 6-10. Reserved.

Sec. 6-11. Reserved.

Sec. 6-12. Reserved.

Sec. 6-13. Reserved.

Sec. 6-14. Reserved.

Sec. 6-15. Reserved.

Sections 6-16 to 6-91. Reserved.

***Editor's Note**—Pursuant to Order 18-17/18, Sections 6-16 thru 6-91 were

repealed in their entirety and replaced with Article II, Divisions 1 and 2 in Sections 6-92 through 6-103, below.

ARTICLE II. BUILDING CODE

DIVISION 1. - In General

Sec. 6-92. Permits and permit fees.

(a) No person may commence work on any of the following without first obtaining a permit from the building authority:

1. Constructing, enlarging, altering, repairing, moving, converting, demolishing, or changing the use of any building or structure;
2. Installing, removing, or altering plumbing or plumbing fixtures, or subsurface waste water disposal systems or components;
3. Installing, removing, or altering electrical or signaling conductors, equipment and raceways, or optical fiber cables and raceways, however, permits shall not be required for:
 - a. Replacing lamps or other portable devices to existing receptacles;
 - b. Telephone or telegraph transmission; and
 - c. Municipal signal and fire alarm or radio companies, public utility work and maintenance, and work by municipal employees on municipal property.

(b) Fees for permits and inspections under this article shall be as set forth in the permit fee schedule, adopted by the City Council.

(c) For permit fees based on cost of work, if the proposed project cost submitted by the applicant is less than that as would be indicated by national standards, the City of Portland reserves the right to determine the proposed project cost based on those standards and assess the permit fee accordingly.

(d) The fee for any permit obtained after work has been commenced shall be double the fee otherwise provided for in the fee schedule adopted pursuant to this section.

(e) The Permitting and Inspections Department Director shall adopt a policy authorizing refunds of any fee under this section, where appropriate.
(Ord. 18-17/18, 8-21-2017)

Sec. 6-93. Certificate of Occupancy.

(a) No building, structure, or property shall be used or occupied without a certificate of occupancy.

(b) No final certificate of occupancy shall be issued where any condition of the building, structure, or property is not in compliance with any other section of this Code, except where phased occupancy is specifically provided for in approved permits or plans.

(c) No final certificate of occupancy shall be issued without the approval of the fire chief or his or her designee.
(Ord. 18-17/18, 8-21-2017)

Sec. 6-94. Violations.

(a) Any person who owns, occupies, or controls a building, structure, or premises shall be guilty of an offense and subject to the penalties and remedies provided in section 6-1 of this Chapter and 30-A M.R.S. § 4452 if that person does any of the following:

1. Violates a provision of this article, or any codes adopted pursuant to this article;
2. Allows a violation to occur or remain at any building, structure, or premises that he or she owns, occupies, or controls;
3. Fails to comply with any lawful order issued pursuant to this article; or
4. Builds inconsistently with any approved permit or plan.

(b) The imposition of a penalty for a violation does not excuse that violation or allow it to continue.
(Ord. 18-17/18, 8-21-2017)

Sec. 6-95. Enforcement.

In addition to the remedies otherwise provided, the following specific remedies shall also be available.

(a) The building authority may issue a stop work order, prohibiting that any additional work be completed until any violations are remedied. A fee to remove any stop work order shall be set forth in the fee schedule adopted pursuant to section 6-16.

(b) The building authority may cut electrical wires, remove fuses, or otherwise make a circuit or system inoperative whenever it is found that:

1. Any electrical work has been done without first obtaining a permit; or
2. Any electrical work has been done not in compliance with this Article.

(c) Where any establishment exceeds the posted occupant limit, the building authority, the fire chief, and/or their designees, may order any performance, presentation, spectacle, or entertainment to be stopped until the condition is corrected.

(d) The building authority is authorized to institute, or cause to be instituted by 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.

(Ord. 18-17/18, 8-21-2017)

Sec. 6-96. Appeals.

(a) An aggrieved party may appeal from a final decision made pursuant to this Article to the board of appeals within ten (10) days from the action of the building authority.

(b) The board of appeals may permit exceptions to or variances from the specific provisions of this Article where it is established that strict application of the provisions of this code will result in undue hardship, and where the purpose of this Article in promoting the public health, safety and welfare, is not adversely affected.

(c) The order of the building authority shall not be stayed during any such appeal.

Sec. 6-97. Liability.

(a) Nothing in this article shall be construed to relieve any responsible party from liability, or lessen such liability, for damages to persons or property caused by a defect in work performed pursuant to this article.

(b) No officer or employee charged with the enforcement of this article and acting for the city in the discharge of his or her duties shall render himself or herself personally liable for any damage that may occur to any person or property as a result of his or her acts in the discharge of his or her duties.

(c) The City shall not be rendered liable for any damage to persons or property arising out of any permit, inspection, or other action taken pursuant to this Article.
(Ord. 18-17/18, 8-21-2017)

DIVISION 2. - BUILDING STANDARDS

Sec. 6-98. Adoption of standardized codes.

(a) The City hereby adopts the following codes by reference, pursuant to 30-A M.R.S. § 3003:

1. The Maine Uniform Building and Energy Code ("MUBEC"), as required by 10 M.R.S. § 9724;
2. The appendix to the Maine Uniform Building and Energy Code ("MUBEC") containing optional energy conservation and efficiency requirements, as provided by 10 M.R.S. §9722, sub-§6, ¶10; and
3. The National Electric Code (2020) ("NEC").

(b) MUBEC and the appendix to MUBEC containing optional energy conservation and efficiency requirements shall be enforced by the building authority, which shall be accomplished through inspections performed by the City building official and code enforcement officers, pursuant to 25 M.R.S. § 2373.

(c) To the extent that any standard or provision of MUBEC conflicts with any standard or provisions from the appendix to MUBEC containing optional energy conservation and efficiency requirements, the standard or provision contained in the appendix

shall control and be enforced by the building authority, as provided above.

(d) The NEC shall be enforced by the building authority.
(Ord. 18-17/18, 8-21-2017; By Referendum, 11-3-2020; Ord. 73-21/22, 10-18-2021)

Sec. 6-99. Electrical permits.

In addition to the other permitting provisions of this article, the following shall also apply to electrical permits.

(a) No electrical permit shall be issued unless the applicant holds a valid master electrician's license, or a limited or special license for the particular work to be installed, issued by the State of Maine.

(b) Notwithstanding subsection (a) above, a person who does not hold a master electrician's license or limited or special license may obtain an electrical permit and do limited electrical work, so long as:

1. The permit is for, and the work will be completed on, a single-family residence that the applicant owns and resides in;
2. The applicant does not connect wires into any service panel; and
3. The applicant does not install, relocate, disconnect, or disturb in any way the main service entrance to the residence.

(c) Electrical permits are not transferable, and the permitted work must be completed by, or under the supervision of, the permittee.

(d) An electrical permit shall expire if work authorized by such permit is not substantially commenced within ninety (90) days from date of issue of the permit; or if the work authorized by such permit is suspended or abandoned for a period of one hundred twenty (120) days.

(e) Any person, after having been issued a permit, shall correct any defective work within forty-eight (48) hours after notification by the building authority. If such corrective work is not accomplished within such time period, no other permits shall be issued to the applicant until same has been accomplished.

(Ord. 18-17/18, 8-21-2017)

Sec. 6-100. Electrical requirements.

In addition to the standards in the NEC, the following provisions shall also apply to electrical installations:

(a) Services installed on brick, masonry metal, or block buildings shall be in rigid conduit. No "service entrance cable" shall be allowed in these applications.

(b) All direct burial service conductors installed from the utility company transformer pads and/or poles to supply residential occupancies shall be installed in schedule forty (40) PVC conduit, minimum size two and one-half (2 1/2) inches).

(Ord. 18-17/18, 8-21-2017)

Sec. 6-101. Electrical inspections.

(a) The building authority shall have the right during reasonable hours to enter any premises, building, or other place, in the discharge of his or her official duties, for the purpose of making any inspection, reinspection, or test of electrical wiring, devices, appliances, and equipment.

(b) No person may cover or conceal, or cause to be covered or concealed, any wiring or other electrical work for which a permit has been issued or is required, before the wiring or work has been inspected or approved by the building authority.

(c) When a closing-in inspection is called for, all wall cases, boxes, etc. will be made ready for devices or fixtures by insuring that all necessary pig-tailing and bonding will be done, and that all neutral and bonding wires in panels will be made up before calling for inspection.

(d) The building authority shall have the authority to reject any work that is not completed in accordance with any permit or applicable code, or in a workmanlike and safe manner.

(Ord. 18-17/18, 8-21-2017)

Sec. 6-102. Burner installation.

In addition to the permitting requirements pursuant to this Article, any person who installs or services oil burner equipment must have a license from the Maine Fuel Board. Any alterations,

installations, addition of controls, or other work on oil burners must be done by a person having such a license.
(Ord. 18-17/18, 8-21-2017)

Sec. 6-103. Demolition requirements

(a) No demolition permit shall be issued unless and until:

1. The applicant provides a certification by a licensed specialist that:

- a. There is no friable asbestos material present;
- b. Such friable asbestos has been removed and disposed of in accordance with state and federal law; or
- c. Such friable asbestos will be removed in the course of the demolition in accordance with state and federal law, and also provides an acceptable plan for removal;

2. If the building or structure is located on an island, the applicant has provided an acceptable plan to remove the demolition debris from the island and dispose of it in accordance with state and federal law prior to the expiration of the permit.

(b) A permit to demolish or remove a structure shall expire thirty (30) days after the date of its issuance, provided that, for good cause, the building official may extend the permit for periods of not more than fifteen (15) days.

(c) The person to whom a permit is issued shall dampen or cause to be dampened all debris resulting from the demolition operation to the extent necessary to prevent dust therefrom circulating in the surrounding area.

(d) The disposal of all demolition debris shall be in accordance with all state and federal law.

(e) No demolition debris shall either be disposed of or stored on any of the islands.
(Ord. 18-17/18, 8-21-2017)

Sec. 6-104. Reserved.

Sec. 6-105. Reserved.

ARTICLE V. HOUSING CODE

Sec. 6-106. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

Basement shall mean the portion of a building next below the ground floor having not more than half of its clear height below the adjoining grade.

Dwelling shall mean any house, building or part thereof which is occupied or intended to be occupied, in whole or in part, for living and sleeping by one (1) or more occupants. A dwelling may include one (1) or more dwelling units or rooming units or a combination of both.

Dwelling premises shall mean the land and auxiliary buildings thereon used or intended to be used in conjunction with a dwelling.

Dwelling unit shall mean 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.

Enforcement authority means and includes the building authority or his or her designee, and the health authority.

Extermination shall mean the control and elimination of insects, rodents or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; poisoning, spraying, fumigating, trapping, or by any other recognized and legal pest elimination methods approved by the building authority.

Friable asbestos material shall mean any material that contains more than one (1) percent asbestos by weight and that can be crumbled, pulverized, or reduced to powder, when dry, by hand pressure.

Floor area shall mean the floor area inside of and between exterior walls or partitions or any combination thereof, as measured within a habitable room.

Habitable room shall mean a room used, or intended to be used, for living, sleeping, cooking, or eating purposes and excludes

bathrooms, toilet rooms, laundries, pantries, halls, closets, heater rooms, utility rooms, and attics. Basement or cellar areas are not habitable rooms except as permitted in this article.

Infestation shall mean the presence within a dwelling or on premises of a dwelling of rodents, vermin, or other pests, as determined through actual observation of them or by evidence of their presence.

Lead-based paint hazard means the presence of lead in any form which exceeds the permissible concentration and which exists in an unacceptable condition.

Lead-based substance means any substance which contains lead at a level that constitutes or potentially constitutes an environmental lead hazard.

Lodging facility shall mean the use of one or more rooms, without individual bathroom or kitchen facilities, used to provide sleeping accommodations for no more than two persons, and which are available for use by the public for a fee and which are occupied, regardless of the duration of the occupancy, in the absence of a written lease. Lodging facility does not including the following:

- (a) Sleeping accommodations, whether provided by a business or non-profit organization, where the owner or manager of such an operation routinely provides:
 - 1. Daily maid service;
 - 2. Replacement of linens and towels as demanded by guests of the establishment; and
 - 3. A centralized telephone system.
- (b) Any establishment licensed by the Maine Department of Human Services to provide health care under the direction of duly licensed health care professionals.
- (c) Dormitories, including dwelling units converted to licensed use, operated by educational institutions authorized to confer degrees.
- (d) Sleeping accommodations provided to graduate medical students under the auspices of the accreditation council on graduate medical education or a similar entity.

Multiple dwelling shall mean any dwelling containing more than two (2) dwelling units, rooming units, or combination of both.

Occupant shall mean any person, including an owner or operator, residing in or having actual possession of a dwelling unit or rooming unit.

Operator shall mean any person who has charge, care, management, or control of any dwelling or part thereof in which dwelling units or rooming units are let or offered for occupancy.

Owner shall mean any person or persons who alone, jointly, severally, or jointly and severally with others:

- (a) Shall have legal or record title to any dwelling, dwelling unit, or dwelling premises;
- (b) Shall have charge, care, or control of any dwelling, dwelling unit, or dwelling premises as an agent of the owner, executor, administrator, trustee, or guardian of the estate of the owner;
- (c) Shall have an equitable interest in a dwelling, dwelling unit, or dwelling premises under a contract or a bond for a deed with the person having legal or record title.

Rooming house shall mean any dwelling, or part thereof, containing three (3) or more rooming units in which space is rented or offered for rent by the owner or operator to be occupied or intended to be occupied by three (3) or more persons who are not related by blood or marriage to the owner or operator.

Rooming unit shall mean one (1) or more rooms forming a single unit used, or intended to be used, for living and sleeping purposes, but not designed for food preparation, by two (2) or more persons living in common or by a person living alone.

Supplied shall mean installed, furnished, or provided by the owner at his or her expense.

(Code 1968, § 307.2; Ord. No. 310-68, § 1, 8-5-68; Ord. No. 490-74, § 1, 8-5-74; Ord. No. 114-77, § 2, 2-23-77; Ord. No. 475-86, § 1, 4-7-86; Ord. No. 159-95, 1-4-95; Ord. No. 45-04/05, 9-8-04; Ord. 298-14/15, 7-6-2015; Ord. 18-17/18, 8-21-2017)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 6-107. Minimum standards for dwellings established.

There are hereby established minimum standards for buildings used for dwelling purposes in the city. All such buildings not now conforming to these standards will be required to meet such minimum standards, and buildings newly constructed or converted for dwelling purposes shall meet such minimum standards. The standards set forth herein are intended to be minimum only and shall not be construed otherwise, nor shall they apply wherever a greater standard is required by any other ordinance or law.

(Code 1968, § 307.1; Ord. No. 475-86, § 1, 4-7-86)

Sec. 6-108. Minimum standards for structural elements.

No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, rooming unit, or a combination of the same, which does not comply with the following minimum standards:

- (a) *Foundations, basements, cellars, exterior walls, roofs.* Every foundation, basement, cellar, exterior wall, and roof shall be substantially weathertight, watertight, and vermin proof; shall be structurally sound and in good repair; and shall be safe for the intended use as well as capable of supporting whatever load normal use may cause to be placed thereon. Every exterior wall or portion thereof shall be painted or stained. Insulation shall be installed and maintained so as not to present a health or safety hazard to occupants. Water from roofs shall be so drained and conveyed therefrom as not to cause repeatedly wet floors, walls, or ceilings, or hazard to adjacent buildings or the occupants thereof.
- (b) *Interior floors, walls, ceilings and doors.* Every floor, wall, ceiling, and door shall be in a structurally sound condition and in good repair and shall be substantially vermin proof.
- (c) *Exterior windows, doors and skylights.* Every window or door, including basement or cellar door and hatchway, and skylight shall be substantially weathertight, watertight, and vermin proof and shall be kept in sound working condition and good repair.

Every exterior window shall include storm sash with screens or an alternative equally effective for heat retention and ventilation purposes, all in operable

condition.

- (d) *Stairways, stairwells, stairs and porches.* Every inside and outside stairway, stairwell, stairs, and porch and any appurtenances thereto shall be structurally sound, in good repair, and safe to use.
- (e) *Chimneys, flues and vent.* Every chimney and every flue, vent, and smokepipe and any attachments thereto shall be structurally sound, in good repair, and safe to use.
- (f) *Required equipment and utilities.* Every supplied facility, piece of equipment, or utility which is required under this article shall be so constructed and installed that it will function safely and effectively and shall be maintained in good working condition.

(Code 1968, § 307.3; Ord. No. 475-86, § 3, 4-7-86)

Sec. 6-109. Sanitation and maintenance of equipment; division of responsibility therefor.

Every dwelling, dwelling unit, roominghouse, rooming unit, dwelling premises, or combination of the same, shall be kept and maintained in a sanitary and clean condition, and facilities shall be provided, in accordance with the following division of responsibility:

- (a) *Maintenance of assigned areas.* Every occupant of a dwelling, dwelling unit, or rooming unit shall maintain in a clean and sanitary manner that part of the dwelling, dwelling unit, or rooming unit, and dwelling premises which he or she occupies and controls.
- (b) *Maintenance of shared areas.* Every owner or operator of a multiple dwelling or rooming house shall maintain in a clean and sanitary condition the shared or public areas of the dwelling and dwelling premises.
- (c) *Maintenance of supplied facilities.* Every occupant of a dwelling unit shall keep all supplied facilities, including refrigeration, plumbing and cooking equipment, in a clean and sanitary condition and shall be responsible for the exercise of reasonable care in their proper use and operation.
- (d) *Disposal of rubbish, ashes, garbage and waste.* Separate

watertight, tightly covered plastic or metal containers shall be provided, one (1) or more for garbage and other food wastes, one (1) or more for rubbish, paper, and other non-food wastes, and one (1) or more metal containers for ashes, and all such containers shall be kept covered at all times so as to prevent the ingress and egress of flies, rats or other animals. Plastic or paper bags or boxes are not considered "containers" for purposes of this section. Ashes shall be cold when placed in containers for collection. Such containers shall be cleaned periodically so that they will not become foul or offensive and shall be placed in convenient locations for removal of the contents by persons authorized to collect the same. Every occupant of a dwelling, dwelling unit, rooming house or rooming unit shall place or cause to be placed all garbage, rubbish and other waste material in such containers and shall not permit any accumulation or deposit of such substances in or about the premises except in said containers. The responsibility for the provision of such containers shall be as follows:

1. It shall be the duty of every occupant of every dwelling occupied by not more than two (2) families to provide and keep within the dwelling or upon the premises where the dwelling is situated sufficient containers to meet the above requirements.
 2. It shall be the duty of the owner or operator of every multiple dwelling to provide and keep within the dwelling or upon the premises where the dwelling is situated sufficient containers to meet the above requirements.
 3. It shall be the duty of every owner or operator of a rooming house to provide and keep within the dwelling or upon the premises where the dwelling is situated sufficient containers to meet the above requirements.
- (e) *Rodent and vermin control.* Every dwelling, dwelling unit, rooming house, rooming unit, and dwelling premises shall be kept and maintained free from insects, rodents, or other pests in accordance with the following division of responsibility:
1. Every occupant of a dwelling unit shall be responsible for the extermination of such insects,

rodents, or other pests where the infestation is confined to such dwelling unit, except as provided in subsection 6-109(e)2.

2. When infestation of a dwelling unit shall exist because of the failure of the owner or operator of a dwelling or dwelling premises to keep the same in a substantially rodent or vermin-proof condition, extermination shall be the responsibility of the owner or operator.
 3. Every owner or operator of a dwelling shall be responsible for the extermination of such insects, rodents, or other pests whenever infestation exists in any two (2) or more dwelling and/or rooming units, or in shared areas or upon the dwelling premises.
 4. Every owner or operator of a rooming house shall be responsible for the extermination of any insects, rodents, or other pests in the dwelling or upon the dwelling premises.
- (f) *Maintenance of service to utilities.* No owner, operator or occupant shall cause any service, facility, equipment or utility supplied in accordance with the requirements of this article to be removed, shut off, or discontinued for any occupied dwelling, dwelling unit, rooming house, or rooming unit except for such temporary interruption as may be necessary when actual repairs or alterations are being expeditiously made. For purposes of this Code, whenever it is established that the interruption was for more than twelve (12) hours within a twenty-four-hour period, the owner or operator shall have the burden of producing evidence proving the interruption was necessary and unavoidable given all the surrounding circumstances.
- (g) *Vacating of premises.* It shall be the duty of every occupant of a dwelling, dwelling unit or rooming unit, upon vacating such premises, to leave the premises in a clean and sanitary condition with no accumulation of rubbish or other debris. No owner or operator shall allow another to occupy any dwelling, dwelling unit, or rooming unit which has not been placed in a clean and sanitary condition with no accumulation of rubbish or other debris.

(Code 1968, § 307.4; Ord. No. 475-86, § 4, 4-7-86)

Sec. 6-109.5. Standards for unoccupied residential structures.

The owner of any unoccupied structure containing dwelling units or rooming units or any combination thereof shall comply with the following minimum standards:

- (a) *Foundations, basements, cellars, exterior walls, roofs.* Every foundation, basement, cellar, exterior wall and roof shall be substantially weathertight, watertight and vermin-proof; shall be structurally sound and in good repair; and shall be safe for the intended use as well as capable of supporting whatever load normal use may cause to be placed thereon. Every exterior wall or portion thereof shall be painted or stained. Water from roofs shall be so drained and conveyed therefrom as not to cause repeatedly wet floors, walls or ceilings, or hazard to adjacent buildings or the occupants thereof.
- (b) *Interior floors, walls, ceilings and doors.* Every floor, wall, ceiling and door shall be in a structurally sound condition and shall be substantially vermin-proof.
- (c) *Exterior windows, doors and skylights.* Every window or door, including basement or cellar door and hatchway, and skylight shall be substantially weathertight, watertight and vermin-proof, and shall be kept secured to prevent ingress of people and animals.
- (d) *Stairways, stairwells, stairs and porches.* Every outside stairway, stairwell, stairs and porch and any appurtenances thereto shall be structurally sound, in good repair and safe to use.
- (e) *Chimneys, flues and vent.* Every chimney shall be structurally sound and in good repair.
- (f) *Rodent and vermin control.* All unoccupied structures and exterior property shall be kept free from rodent and vermin infestation. Where rodents and vermin are found, they shall be promptly exterminated by approved processes which will not be injurious to human health. Every owner or operator of an unoccupied residential structure shall be responsible for the extermination of such rodent and vermin or pest whenever infestation exists.

(Ord. No. 172B-94, 2-7-94)

Sec. 6-110. Minimum standards for space and occupancy thereof.

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, dwelling unit, or rooming unit which is or would be overcrowded as determined by the following minimum standards for space and occupancy:

- (a) *Space per person.* Every dwelling unit shall contain at least one hundred (100) square feet of habitable floor area for the first occupant and at least seventy (70) square feet of additional habitable floor area for each additional occupant. For the purpose of this subsection, a child under the age of one (1) shall not be counted.
- (b) *Efficiency apartments.* A dwelling unit occupied by two (2) or more occupants which contains a room not intended primarily for cooking or sleeping, but which is properly designed and equipped or especially furnished with either a kitchenette or wall-type kitchen unit and bed-furniture properly designed for daytime storage or other daytime use, to be maintained as a combination of regular living and efficiency cooking, may contain seventy (70) square feet less habitable floor area than would otherwise be required. For the purpose of this subsection, a child under the age of one (1) shall not be counted.
- (c) *Sleeping space.* Every room occupied for sleeping purposes in a dwelling unit and in a rooming unit shall contain at least fifty (50) square feet of habitable floor area for each occupant, except that children under one (1) shall not be counted and children more than one (1) but less than ten (10) shall be deemed one-half person.
- (d) *Size of habitable rooms.* No habitable room, other than a kitchen or dining alcove, shall contain less than sixty-five (65) square feet of floor area, nor shall the least horizontal dimension of such room be less than seven (7) feet.
- (e) *Computation of floor area.* In computing floor area for the purposes of this section, the space used for closets or other enclosed spaces and, in the case of rooms with sloping ceilings, portions of such rooms with less than four (4) feet in height shall be excluded in computing the area.

(f) *Basement dwelling units.* Every room in any cellar or basement used for the purposes of a habitable room shall meet the following conditions:

1. The ceiling shall have a clear inner height of at least seven (7) feet and shall be at least three (3) feet above the grade of the ground at the points where the required windows open.
2. The floor and walls shall be water- and damp-proof and the room shall be well drained and dry.
3. There shall be one (1) or more windows, the combined total sash area of which shall be not less than eight (8) square feet, or one-twelfth of total floor area, whichever is greater, which windows shall open readily for purposes of ventilation directly to the outside air.

(g) *Notice of maximum occupancy required.* When a person lets to another for occupancy any dwelling, dwelling unit, or rooming unit, he or she shall notify the occupant in writing of the maximum number of persons permitted to occupy the premises by the provisions of this article.

(Code 1968, § 307.5)

Sec. 6-111. Minimum plumbing standards.

No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, or rooming unit which does not comply with the following minimum standards:

- (a) *Basic facilities.* Every dwelling unit shall contain within its walls, in sound operating condition, a kitchen sink, a private flush toilet, lavatory basin, and bathtub or shower. Rooming houses and dwelling houses containing rooming units shall contain at least one (1) flush toilet, one (1) lavatory basin, and one (1) bathtub or shower for each five (5) persons or fraction thereof living within rooming units in the dwelling.
- (b) *Location of facilities.* The flush toilet, lavatory basin, and bathtub or shower shall be conveniently located within a room or compartment which affords privacy and is separate from habitable rooms, is accessible from a common hall without passing through another dwelling unit

or rooming unit or without going outside of the rooming house or dwelling house, is not more than one (1) story removed from the rooming unit of any occupant intended to share such facilities, with the lavatory basin further required to be in the same room or compartment as practicable. No such facilities located in a basement or cellar shall count in computing the number of facilities required hereunder, except upon the prior approval of the building authority.

- (c) *Water supply.* Every dwelling, dwelling unit and rooming house shall be provided with a potable water supply. Every kitchen sink, lavatory basin, and bathtub or shower required by this article shall be properly connected with hot and cold water lines with adequate supply and pressure. The hot water lines shall be connected with water-heating facilities which supply water at a temperature of at least one hundred ten (110) degrees Fahrenheit at every required fixture at all times.
- (d) *Maintenance of plumbing fixtures.* All fixtures required by this article and all fixtures installed in addition thereto shall be properly installed and maintained in sound mechanical condition, free from defects, leaks, or obstructions, and in accordance with the state plumbing code.
- (e) *Additional requirements for structures located on islands in Casco Bay.* All new or replacement plumbing fixtures to be installed in any structures located on an island in Casco Bay shall be of water conservation design, as outlined in the state plumbing code. Toilets shall have a low water volume standard of 1.6 gallons per flush or less. Other plumbing fixtures shall have a flow restriction with a maximum flow rated three (3) gallons per minute.

(Code 1968, § 307.6; Ord. No. 310-68, §§ 2, 3, 8-5-68; Ord. No. 475-86, § 5, 4-7-86; Ord. No. 165-89, 12-11-89)

Sec. 6-112. Minimum ventilation standards.

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, dwelling unit, rooming house or rooming unit unless every habitable room therein has a window or windows with a total sash area equal to at least one-twelfth of its floor area opening on a street, alley, yard or court open to the sky and constructed so that at least one-half of the sash area can

be opened, except that an approved method of mechanical ventilation may be substituted for such window or windows.
(Code 1968, § 307.7)

Sec. 6-113. Minimum lighting standards.

No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, or rooming unit which does not comply with the following minimum standards:

- (a) *Habitable rooms.* Every habitable room, other than rooms used primarily for sleeping, shall contain at least two (2) separate duplex convenience outlets or at least one (1) duplex convenience outlet and one (1) ceiling-type or wall-type electric light fixture.
- (b) *Rooms used primarily for sleeping, bathrooms, utility rooms, cellars and basements.* Every room used primarily for sleeping, water-closet compartment, bathroom, laundry room, furnace room, cellar and basement shall contain at least one (1) ceiling-type or wall-type electric light fixture.
- (c) *Passageways and common stairway.* Every passageway and stairway shall have at least one (1) ceiling-type or wall-type electric light fixture adequate to provide safe passage.
- (d) *Extension cords.* No temporary wiring shall be used except extension cords which run directly from portable electrical fixtures to convenience outlets, ceiling or wall-type fixtures and which do not lie under rugs or other floor coverings, nor extend through doorways, transoms or similar openings through structural elements.
- (e) *Maintenance of lighting fixtures.* All fixtures required by this article and all fixtures installed in addition thereto shall be maintained in good and safe working conditions and shall be installed in accordance with the electrical code of the city.

(Code 1968, § 307.8; Ord. No. 475.86, § 6, 4-7-86)

Sec. 6-114. Minimum heating standards.

No person shall occupy as owner-occupant or shall allow another to occupy, except when used solely for seasonal occupancy

between March first and October thirty-first, any dwelling, dwelling unit, rooming house or rooming unit which does not comply with the following minimum standards:

- (a) *When central heating plant not available.* When heat is not furnished by a central heating plant, each dwelling unit or rooming unit shall be provided with one (1) or more masonry flues and smoke or vent pipe connections, or equal arrangement, in accordance with the provisions of the city Code to permit the use of heating equipment capable of providing heat as required by this section.
- (b) *Heating facilities required.* Every habitable room, excepting rooms used primarily for sleeping purposes, shall be served by heating facilities which provide a minimum temperature of at least sixty-eight (68) degrees Fahrenheit, at a distance of three (3) feet above floor level, as required by prevailing weather conditions from September fifteenth through May fifteenth of each year.
- (c) *Maintenance of equipment.* All stoves, furnaces, room heaters, or domestic water heaters operated by solid, liquid, or gaseous fuel shall be properly vented and maintained in safe operating condition by the owner, operator, occupant or both.

(Code 1968, § 307.9; Ord. No. 475-86, § 7, 4-7-86; Ord. No. 156-88, 9-19-88)

Sec. 6-115. Lead-based paint hazard.

(a) This provision is intended to supplement the Lead Poisoning Control Act (22 M.R.S.A. Sections 1314 et seq.) and the regulations adopted pursuant thereto including, but not limited to, the Rules for Environmental Lead Inspections and the Rules for Abatement of Environmental Lead Hazards.

(b) When either the city's health authority, as defined in section 2-17(h), or the city's director of permitting and inspections, as defined in section 2-17(h)(10) of this Code as amended, determines that an environmental lead hazard exists in any dwelling or premises (as those terms are defined in Section 216.03-7 and Section 216.03-31 of the Rules for Abatement of Environmental Lead Hazards), he or she shall issue an order in writing to the owner (as defined in Section 216.03-28 of the Rules for Abatement of Environmental Lead Hazards), describing the environmental lead hazards and establishing a time within which such hazards shall be abated.

(Code 1968, § 307.9A; Ord. No. 490-74, § 2, 8-5-74; Ord. No. 475-86, § 8,

4-7-86; Ord. No. 159-95, 1-4-95; Ord. No. 165-15/16, 3-7-2016)

Sec. 6-116. Minimum standards for safety.

No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, or rooming unit which does not comply with Chapter 10 of this code, including but not limited to the following minimum standards for safety from fire.

- (a) No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing, storing or producing flammable liquids, toxic gas vapors or fibrous materials, such as asbestos, which may endanger the lives or safety of the occupants.
- (b) Every dwelling unit and every rooming unit shall have safe, unobstructed means of egress leading to safe and open spaces at ground level in accordance with applicable statutes, regulations and ordinances.
- (c) Every hallway, stairway, corridor, exit, fire escape door or other means of egress shall be kept clear of obstructions at all times.
- (d) Storage rooms and storage lockers shall not be used for storage of refuse, rubbish or waste.
- (e) Every dwelling, dwelling unit, rooming house and rooming unit shall comply with the applicable provisions of the most current edition of the National Fire Protection Association Life Safety Code, and with all other applicable state statutes and regulations.
- (f) When the health or building authority or his or her designee determines that a dwelling contains friable asbestos material in an amount and/or location which presents an unacceptable health hazard to the occupants and/or the general public, the owner of the dwelling, upon notification from the health or building authority or a housing safety official designated by the city manager, shall remove that material or encapsulate it. Removal or encapsulation shall be conducted in accordance with all applicable federal, state and local laws and regulations.

(Code 1968, § 307.10; Ord. No. 475-86, § 9, 4-7-86; Ord. No. 188-00, §5, 4-24-00; Ord. 298-14/15, 7-6-2015; Ord. 18-17/18, 8-21-2017)

***Editor's Note**—Pursuant to Council Order 165-10/11 passed on 4-4-11, Sections 6-116.1 thru 6-116.3 were repealed in their entirety.

Sec. 6-117. Inspections.

The health or building authority or his or her designee, upon showing, proper identification, shall have the right to enter at any and all reasonable times into or upon any dwelling or dwelling premises within the city for the purpose of inspecting the dwelling or dwelling premises in order to determine compliance with the provisions of this article and for the purpose of examining and inspecting any work performed under the provisions of this article, and it shall be a violation of this article for any person to interfere with or prevent such inspection.
(Code 1968, § 307.11; Ord. No. 475-86, § 10, 4-7-86; Ord. 298-14/15, 7-6-2015; Ord. 18-17/18, 8-21-2017)

Sec. 6-118. Notices.

When any violation is found to exist within the meaning of this article, the health or building authority or his or her designee shall give the owner, operator or occupant, or both a written order or notice which shall set forth the violation and shall contain a reasonable time limit for the correction thereof.
(Code 1968, § 307.12; Ord. 298-14/15, 7-6-2015; Ord. 18-17/18, 8-21-2017)

Sec. 6-119. Reinspections.

After the expiration of the time for correction of a violation, the health or building authority or his or her designee shall make a reinspection of the premises, and if the violation has not been corrected and no appeal is pending as hereinafter provided, such authority may make such further order as he deems advisable or he may proceed to take legal action against the person liable for such violation.
(Code 1968, § 307.13; Ord. 298-14/15, 7-6-2015; Ord. 18-17/18, 8-21-2017)

Sec. 6-120. Properties unfit for human habitation; and posted against occupancy.

Any dwelling, dwelling unit, rooming house, rooming unit, or any structure or portion thereof being used for human habitation which is in violation of the provisions of this article to the

extent that it is unfit for human habitation according to the standards contained herein or other applicable standards may be condemned for habitation and posted against occupancy by the building authority or his or her designee. Property unfit for human habitation shall include but not be limited to:

- (a) Properties which are either damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested in such a manner as to create a serious hazard to the health, safety, and general welfare of the occupants or the public;
- (b) Properties which lack plumbing, ventilating, lighting or heating facilities or equipment adequate to protect the health, safety and general welfare of the occupants or the public;
- (c) Properties which, because of their general condition, state of the premises, number of occupants, or location, are so unsanitary, unsafe, overcrowded or otherwise dangerous or detrimental that they create a serious menace to the occupants or the public;
- (d) Properties which contain lead-based paint substances, as defined herein;
- (e) Properties in or on which the owner, operator or occupant has failed to comply with notices or orders issued under the provisions of this article; or
- (f) Properties which are disorderly houses.

NOTE: The words "enforcement authority" would be substituted for "building authority" throughout the housing code.
(Code 1968, § 307.14; Ord. No. 475-86, § 11, 4-7-86; Ord. No. 159-95, 1-4-95; Ord. No. 36-98, § 2, 4-22-98; Ord. 298-14/15, 7-6-2015; Ord. 18-17/18, 8-21-2017)

Sec. 6-121. Notice of condemnation and posting; order to vacate.

The building authority or his or her designee shall give notice in writing to the property owner or operator of such condemnation and posting, and in the event such property is occupied, he or she shall give like notice to the occupant, which shall also include a reasonable time limit within which such property shall be vacated.

(Code 1968, § 307.15; Ord. No. 475-86, § 12, 4-7-86; Ord. 298-14/15, 7-6-2015; Ord. 18-17/18, 8-21-2017)

Sec. 6-122. Property not to be occupied again for habitation.

No property which has been condemned and posted against occupancy shall again be used for the purpose of habitation until the building authority or his or her designee shall in writing approve of its use and shall likewise authorize the removal of the posted notice.

(Code 1968, § 307.16; Ord. 298-14/15, 7-6-2015; Ord. 18-17/18, 8-21-2017)

Sec. 6-123. Notices not to be removed; property not to be used or let; exception.

It shall be a violation of this article for any person to deface or remove any such posted notice without the prior approval of the building authority or his or her designee, and it shall also be a violation of this article for any person to occupy or let to another for occupancy any property which has been condemned and posted as provided above without receiving the prior approval of the building authority or his or her designee.

(Code 1968, § 307.17; Ord. 298-14/15, 7-6-2015; Ord. 18-17/18, 8-21-2017)

Sec. 6-124. Property to be secured if not improved.

If the owner or operator of any property which has been condemned as unfit for habitation does not proceed to make the necessary corrections to bring the property into compliance with the provisions of this article, such owner or operator shall proceed to make the property safe and secure so that no danger to life or property or fire hazard shall exist.

If the owner or operator fails to do so within a reasonable amount of time, the City may take all reasonable steps to make the property safe and secure and recoup the costs from the owner or operator. If the City takes steps to make the property safe and secure, the City shall also collect an administrative fee, as set forth in the schedule adopted pursuant to section 6-16.

(Code 1968, § 307.18; Ord. 18-17/18, 8-21-2017)

Sec. 6-125. Restriction on conveyance of property; exception.

It shall be a violation of this article for any person to sell, transfer, or otherwise dispose of any property against which an order has been issued by the building authority or his or her designee under the provisions of this article unless he or she shall first furnish to the grantee a true copy of any such order and shall at the same time notify the building authority or his or

her designee in writing of the intent to so transfer either by delivering the notice to the building authority or his or her designee and receiving a receipt therefor or by registered mail, return receipt requested, giving the name and address of the person to whom the transfer is proposed. In the event of a violation of this section, such person shall be subject to a penalty as provided in section 1-15, in addition to any penalty which may be imposed for failure to comply with any order of the building authority or ahis or her designee.

(Code 1968, § 307.19; Ord. 298-14/15, 7-6-2015; Ord. 18-17/18, 8-21-2017)

Sec. 6-126. Responsibility hereunder may not be transferred.

No contract or agreement between owner and/or operator and occupant relating to compliance with the terms of this article shall be effective in relieving any person of responsibility for compliance with the provisions of this article as set forth herein.
(Code 1968, § 307.20)

Sec. 6-127. Appeals.

An appeal from any final decision of the building authority or his or her designee, if available by statute or otherwise by law, under the provisions of this article may be taken by an aggrieved party to the superior court in accordance with Rule 80B of the Maine Rules of Civil Procedure.

(Code 1968, § 307.21; Ord. No. 475-86, § 13, 4-7-86; Ord. 298-14/15, 7-6-2015; Ord. 18-17/18, 8-21-2017)

Sec. 6-128. Personal nonliability.

No officer or employee charged with the enforcement of this article and acting for the city in the discharge of his or her duties shall render himself or herself personally liable for any damage that may occur to any person or property as a result of his or her acts in the discharge of his or her duties. Any suit brought against any officer or employee because of any act performed by him or her under the provisions of this article shall be defended by the corporation counsel until the final determination of the proceedings therein.

(Code 1968, § 307.22)

Sec. 6-129. Exception for island properties.

The building authority or his or her designee may permit the use of buildings located on the islands for dwelling purposes which

do not meet the minimum standards set forth in this article when he or she finds that it is not feasible or practicable to provide such minimum standards and the health, safety or general welfare of the occupants or the public will not be adversely affected.

(Code 1968, § 307.23; Ord. 298-14/15, 7-6-2015; Ord. 18-17/18, 8-21-2017)

Sec. 6-130. Violations.

(a) Any owner, occupant, or operator of a building, structure, or premises shall be guilty of an offense and subject to the penalties and remedies provided in section 6-1 of this Chapter and 30-A M.R.S. § 4452 if that person does any of the following:

1. Violates a provision of this Article, or any codes adopted pursuant to this Article;
2. Allows a violation to occur or remain at any building, structure, or premises that he or she owns, occupies, or controls; or
3. Fails to comply with any lawful order issued pursuant to this Article.

(b) The imposition of a penalty for a violation does not excuse that violation or allow it to continue.

(Code 1968, § 307.24; Ord. No. 133-75, 2-19-75; Ord. No. 165-10/11 4-4-11; Ord. 298-14/15, 7-6-2015; Ord. 18-17/18, 8-21-2017)

***Editor's Note:** Pursuant to Order 165-10/11, passed on 4-4-11 Section 6-131 was repealed in its entirety. It was later amended with new language by Order 18-17/18 on 8/21/2017.

Sec. 6-131. Enforcement.

In addition to the remedies otherwise provided, the following specific remedies shall also be available:

(a) Where any building, structure, or property is required to be secured by this article, the enforcement authority may secure the building and charge the owner, occupant, and/or operator a penalty of \$500, plus reimbursement of the actual costs of securing where:

1. The owner, occupant, and/or operator has been given notice of the requirement to secure and has failed to do so within a reasonable time; or

2. The building, structure, or property poses an imminent threat to the public if not secured before notice and an opportunity to correct can be given.

(b) The enforcement authority is authorized to institute, or cause to be instituted by 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.

(Ord. 18-17/18, 8-21-2017)

Sec. 6-132. Lodging facility.

(a) *Statement of policy.* The intent of this section is to provide tenant-at-will status to residents of lodging facilities, as defined in section 6-106, after they have resided in a unit for thirty (30) days or more. Such lodging facilities offers sleeping accommodations but few other amenities, and residents of such housing in the past have been subjected to summary eviction procedures by landlords who purposefully characterize their rentals as "lodging houses" and thereby purport to act under state law in ejecting occupants without any recourse, regardless of the length of residency.

(b) *License registration required for lodging facilities.* No person, firm, corporation or other entity shall offer or provide lodging facilities, as that term is defined in section 6-106, without having registered pursuant to Article VI.

(c) *Application to buildings or structures with three or more units.* The requirements of this section shall apply to buildings or structures containing three (3) or more lodging facility units.

(d) *Constructive "tenant at will" status after 30 day occupancy.* Any person who has occupied a lodging facility unit situated at the same building or structure for thirty (30) consecutive days and has paid rent for that thirty (30) day period will be deemed to have achieved the status of a tenant at will as of the 30th day and may not thereafter be evicted except in accordance with the requirements of Maine's Forcible Entry and Detainer Law (14 M.R.S.A. § 6001, et seq.)

(e) *Termination of owner's interest.*

- (1) Upon termination of an owner's interest in any building or structure operating as a lodging facility, whether by sale, assignment, death, appointment of a receiver or otherwise, the owner shall advise the successor in title, the City of Portland and all occupants of a lodging facility who have qualified under subsection (d) above of the status of such occupants, which shall be binding upon the successor in title as though it were the owner when the status was achieved.
- (2) Notice to the City of Portland shall be addressed to:

Housing Safety Office
Permitting and Inspections Department
Portland City Hall
389 Congress Street
Portland, ME 04101

(f) *Owner's responsibility.* The owner shall remain liable to the occupants qualified under subsection (e) above until the notice required by that section has been provided.
(Ord. No. 45-04/05, 9-8-04; Ord. No. 165-15/16, 3-7-2016; Ord. 18-17/18, 8-21-2017)

Sec. 6-133. Habitation of Recreational Shelters.

(a) For purposes of this section, "recreational shelter" means any building, structure, vehicle, trailer, or other enclosure used or intended for human habitation that does not meet the standards set forth in Articles II through IV of this Chapter, or the State of Maine Manufactured Housing Act. This includes, but is not limited to, recreational vehicles, motor homes, campers, camp or truck trailers, tents, shelters, and structures on trailers capable of being towed by a motor vehicle.

(b) A recreational shelter may not be occupied as living quarters, unless it meets all of the following requirements:

- (1) The recreational shelter is a vehicle or trailer eligible for registration under Title 29-A, Chapter 5 of the Maine Revised Statutes;
- (2) The recreational shelter is fully inspected, registered and ready for highway use, except that a moveable recreational shelter that does not move under its own power may be temporarily disconnected from the vehicle

used to haul it, only for the time period contained in subsection (b) (8) below;

- (3) The recreational shelter meets all of the applicable fire and life safety requirements;
- (4) The recreational shelter is weathertight, watertight, vermin proof, structurally sound and in good repair;
- (5) The use of the recreational shelter, and its connection to utilities, if any, complies with all other applicable sanitary, electrical, fire, and life safety requirements of this Code;
- (6) The recreational shelter is located entirely on residential property and is used solely by residents of that residential property or guests of those residents;
- (7) The recreational shelter, or space for the recreational shelter, is not rented or let;
- (8) The recreational shelter is not occupied as living quarters anywhere within the City of Portland for more than 30 days in any one-year period; and
- (9) No more than one occupied recreational shelter may be located on a single parcel or lot at a time.

Ord. No. 19-17/18, 8-21-2017)

Sec. 6-134. Reserved.
Sec. 6-135. Reserved.
Sec. 6-136. Reserved.
Sec. 6-137. Reserved.
Sec. 6-138. Reserved.
Sec. 6-139. Reserved.
Sec. 6-140. Reserved.
Sec. 6-141. Reserved.
Sec. 6-142. Reserved.
Sec. 6-143. Reserved.
Sec. 6-144. Reserved.
Sec. 6-145. Reserved.
Sec. 6-146. Reserved.
Sec. 6-147. Reserved.
Sec. 6-148. Reserved.
Sec. 6-149. Reserved.

ARTICLE VI. RESIDENTIAL RENTAL UNIT REGISTRATION REQUIREMENTS

Sec. 6-150. Purpose.

The proliferation of real estate proprietorships, partnerships, and trusts having undisclosed, anonymous or otherwise unidentifiable principals, owning large numbers of residential long term rental properties, sometimes managed through unresponsive property management companies, has impeded the proper enforcement of this chapter, chapter 12 and other ordinances of the city. Non-owner occupied short term rental units may remove housing units from the long term rental market and may contribute to the increase in the cost of rental housing in the City.

This article is intended to require the disclosure of the ownership of such property, and to regulate the renting of property within the City, and to make owners and persons responsible for the maintenance of property more accessible and accountable with respect to the premises, to ensure that housing units remain available for rent to those who reside or seek to reside within the City, to ensure that residential areas are not unduly impacted by the operation of short term rentals, and to ensure that owners and tenants comply with chapters 6 and 10 of the City Code.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. 298-14/15, 7-6-2015; Ord. 179-16/17, 3-27-2017; Order 99-18/19, 11-19-2018)

Sec. 6-150.1. Definitions.

The definitions in 6-106 apply to this Article. The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

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. Accessory dwelling units as defined in Chapter 14 of this Code, are not considered owner-occupied units for purposes of short term rental registration and regulation.

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.
(Ord. 179-16/17, 3-27-2017; Order 99-18/19, 11-19-2018)

Sec. 6-151. Registration required.

(a) *Registration of Ownership.*

1. Rental units must be registered in accordance with this article by January 1st of each year; Rental units entering the rental housing market must be registered within fourteen days. Registration must be renewed annually, on or before January 1st, including updating all changes in previously submitted registration information.
2. If a rental unit is rented as both a short term and long term rental, it must be separately registered for each type of rental.
3. Each owner, manager, and person/entity otherwise responsible for the rental unit, such as a property manager, shall be obligated under this article. Any new owner, manager, or responsible person/entity must apply to register within thirty (30) days of purchase of the rental unit or transfer of management or responsibility. New owners or tenants applying to register an existing short term rental unit are considered new applicants and shall be subject to all limitations and regulations in effect at the time of the application.
4. A rental unit shall not be considered registered until all information and fees are provided to the satisfaction of the City's Permitting and Inspections Department or its designee.
5. As a condition of registration, all owners must allow onsite inspections of their property including, without limitation, all rental units.

(b) *Information/Documentation Required.* Registration must be completed on forms supplied by the City's Permitting and Inspections Department or their designee and must provide, at a minimum, the following information:

1. The street address of the building;
2. The unit number of the rental unit;
3. The tax assessor's chart, block and lot of the property on which the building is located;

4. The owner of the property, including the owners' name, address, telephone number, and email address. If the owner is anything other than a natural person, the following information must also be included:
 - a. The name of each individual person that has an ownership interest in any entity that is the record owner. This includes, without limitation, all partners, officers, or trustees of any real estate trusts; any members or managers of a limited liability company; and all officers and directors of a corporation; and
 - b. The residential street address, e-mail address and home phone number of at least one (1) such individual person;
5. The manager of the property or the person or persons responsible for its regular maintenance or repair, as well as a name, address, telephone number, and email address for that person or entity; and
6. The person designated as the agent of the owner or owners for the service of notices and civil process by the city, as well as their name, address, telephone number, and e-mail address. Service of notice and process upon the person so designated shall be deemed conclusive service upon the owner or owners.

(c) *Additional Information Required for Short Term Rentals.* A short term rental shall not be considered registered unless and until the registrant has submitted a complete application together with all information required by this article, paid the fee required by Sec. 6-152, and a registration number has been issued.

In addition to the information required in Section 6-151(b), a Short Term Rental registrant must provide at a minimum the following information and any other information requested by the City's Permitting and Inspections Department or their designee:

1. A short term rental application;
2. Whether the rental unit is owner-occupied, tenant-occupied, or non-owner occupied;
 - a. For Short Term Rental units that are owner-occupied, the owner must provide a notarized

primary residence affidavit, on forms provided by the City. The owner must also produce for review one of the following demonstrating residency at the owner-occupied unit:

- i. Valid driver's license or other state-issued identification;
 - II. Valid motor vehicle registration;
 - iii. Proof of homestead exemption; or
 - iv. Other documentation proving primary residence to the satisfaction of the City's Permitting and Inspections Department.
- b. For Short Term Rental units that are tenant-occupied, the tenant must provide a notarized primary residence affidavit, and a notarized statement of permission by his/her landlord, both on forms supplied by the City. The tenant must also produce for review one of the following demonstrating residency at the tenant-occupied unit:
 - i. Valid driver's license or other state-issued identification;
 - ii. Valid motor vehicle registration; or
 - iii. Other documentation proving primary residence to the satisfaction of the City's Permitting and Inspections Department.
3. The address and tax assessor's chart, block, and lot number of all other short term rentals in the City in which the registrant has an ownership interest;
4. For short term rental units that are within a condominium or homeowner's association, an attestation that use of the unit as a short term rental is allowed under the relevant documents; and
5. If the application is for renewal, the number of nights the unit was rented on a short-term basis and the number of nights the unit was rented on a long-term basis in the previous reporting year. For purposes of reporting this

information, November 1 through October 31 is the reporting period for a renewal of January 1.

(d) Display of Short Term Rental Registration Number Required.

Once registration is approved by the City, each short term rental shall be given a registration number, which must be displayed in the rental unit and in any and all advertisements for the rental unit.

(e) Upon request by the City, at any time, all registrants and/or agents of short term rental units must provide the City with their registration information, rental history, and upcoming reservation information. Failure of short term rental unit owners, tenants, and/or their representatives to adequately respond to inquiries by the City within a forty-eight (48) hour period shall be considered a violation under this ordinance.

(f) Additional Information Required for Covered Units. A Covered Unit, as defined by Section 6-232 of this Chapter, shall not be considered registered unless and until the registrant has submitted the following additional information:

1. The current rent charged at the time of registration;
2. The increase in rent (if any) when compared to the previous registration;
3. Whether the increase (if any) is attributable to: (1) the Allowable Increase Percentage and Tax Rate Rent Adjustment, as defined in Section 6-232; or (2) also includes Banked Rent, as defined in Section 6-232;
4. The amount of Banked Rent, if any, accumulated since the previous registration;
5. The amount of security deposits or other payments demanded in addition to rent for each Covered Unit; and
6. The number of bedrooms, number of bathrooms, and the presence or absence of a kitchen from each Covered Unit.

(g) Registration data made available. The City's Permitting and Inspections Department or its designee is required to make anonymized data from the registration of Covered Units available to the Rent Board at the Board's request. Such data shall not

include the names, or street and unit numbers of any reported units.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. No. 246-97, 4-9-97; Ord. 298-14/15, 7-6-2015; Ord. 69-15/16, 10/5/2015; Ord. 179-16/17, 3-27-2017; Order 99-18/19, 11-19-2018; By Referendum, 11-3-2020; By Referendum, 11-8-2022)

Sec. 6-152. Registration Fees.

(a) *Annual Registration Fee.* Upon initial registration and by January 1st of each year, registrants shall pay the City a registration fee for each rental unit, in the amounts set forth below. A rental unit shall not be considered registered unless and until this fee is paid in full.

(b) *Long Term Rental Registration Fee.* The registrant of a long term rental shall pay fifty dollars (\$50.00) to the City by January 1st of each year. Regardless of any discount a Landlord may be entitled to under subsection (d) below, thirty dollars (\$30) from each registration fee shall be appropriated to Housing Safety Office to cover the administrative expenses of the Rent Board, including the hiring of additional administrative staff if necessary.

(c) *Short Term Rental Registration Fee Structure.* The registrant of a short term rental shall pay the fee specified in the chart below. All fees will be cumulative and will increase based on the number of total units registered by the owner. The fee total will accumulate first by counting any owner occupied, tenant occupied, and/or island rentals first, and then fees will be attributed at the higher rate for any non-owner occupied mainland units.

Owners and tenants may register more than one owner occupied or tenant occupied unit (bedrooms, separate spaces, etc.) within their primary residence.

Owner Occupied Units, Tenant Occupied Units, Island Short Term Rentals	1 st Unit - \$100 2 nd Unit - \$250 3 rd Unit - \$500 4 th Unit - \$1,000 5 th Unit - \$2,000
Non-Owner Occupied Mainland Units	1 st Unit - \$200 2 nd Unit - \$500 3 rd Unit - \$1,000 4 th Unit - \$2,000 5 th Unit - \$4,000

(d) *Registration and Renewal Fee Discounts.* The following discounts shall apply to the registration and renewal fees:

1. \$10 discount for each rental unit within a fully-sprinkled building as verified by a testing report, maintenance report or a maintenance contract, which shall be provided at the time of registration and upon each registration renewal;
2. \$7.50 discount for each rental unit within a building with a centrally-monitored fire alarm as verified by Fire Department logs or an alarm contract, which shall be provided at the time of registration and upon each registration renewal;
3. \$5.00 for a rental unit that has been subject to and has passed a Housing and Urban Development Housing Quality Standard (HQS) inspection within the preceding year as verified by the HQS inspection report, which shall be provided at the time of registration and upon each registration renewal;
4. \$10.00 for a rental unit that has been subject to and has passed a Housing and Urban Development Uniform Physical Condition Standard (UPCS) inspection within the preceding year as verified by the UPCS inspection

report, which shall be provided at the time of registration and upon each registration renewal;

5. \$2.50 for a rental unit that is subject to a signed lease which prohibits smoking by tenants as verified by a copy of the current lease, which shall be provided at the time of registration and upon each registration renewal. The existence of and enforcement of this provision may be verified through an inspections of each rental unit.

The total amount of discounts from the annual registration or renewal fee as described above shall not exceed \$20.00 per unit.

(e) Registrations that are not received by January 15, or within 14 days after entering the rental housing market, whichever is later, shall be subject to a late fee of \$50 per unit, and registrations that are not received by February 15, or within 45 days after entering the rental housing market, whichever is later, shall be subject to a late fee of \$200 per unit. Registrations shall not be renewed unless and until the registrant pays any applicable late fee. Incomplete or inaccurate registrations may be rejected and subject to all applicable late fees upon resubmission. The Permitting and Inspections Director may waive a late fee upon a showing of both hardship and good cause as to why the renewal was not timely.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. 298-14/15, 7-6-2015; Ord. 179-16/17, 3-27-2017; Order 99-18/19, 11-19-2018; Ord. No. 244-18/19, 5-30-2019; By Referendum, 11-3-2020; By Referendum, 11-8-2022)

Sec. 6-153. Limitations on Short Term Rental Units.

(a) *Occupancy Limit.* Overnight short term rental guest occupancy in each rental unit will be limited to two (2) guests per bedroom plus no more than two (2) additional guests.

(b) *Limitation on Total Number of Short Term Rentals.* No more than 400 non-owner occupied mainland short term rental units shall be registered in any one calendar year.

A mainland short term rental unit in an owner-occupied multi-unit, where the unit is not the primary residence of the owner,

shall be counted as a non-owner occupied unit.

(c) *Limitations on number of Short Term Rentals an Individual or Entity May Register.* An individual or entity may only register up to five (5) short term rental unit in the City, including owner occupied, non-owner occupied, and island short term rental units, in any one (1) calendar year. For purposes of this section, short term rental units registered by an entity in which the registrant has an ownership interest shall be counted towards this limit.

(d) No individual or entity may register a short term rental in any single family home unless it is owner-occupied; tenant-occupied with permission of the owner; or located on an Island.

(e) The number of short term rental units that may be operated in a multi-unit building are as follows:

Total # of Units in a Building	# of Short Term Rental Units Allowed in a Building	
	Owner Occupied	Non-Owner Occupied
2	1	1
3	2	2
4	3	2
5	4	2
6-9	5	4
10+	5	5

1. Tenant-occupied units, where the tenant is the registrant, shall be counted towards these limits.
2. Owner-occupied units shall be counted towards these limits.

(f) Notwithstanding the requirements of subsections (c) and (e), owners may register up to five (5) owner-occupied units (bedrooms, separate spaces, etc.) within their primary residence. (Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. 298-14/15, 7-6-2015; Ord. 179-16/17, 3-27-2017; Order 99-18/19, 11-19-2018)

Sec. 6-154. Allocation of Short Term Rentals.

(a) Non-owner occupied mainland short term rental units, which are limited by section 6-153(b), shall be allocated on a first come, first registered basis. Once the total number of units identified in section 6-153(b) has been reached, a waitlist will be formed to help gauge market demand.

(b) Notwithstanding the limitations in section 6-153, current registrations of short term rentals may be renewed each year upon application and payment of the registration fee, so long as the renewal is complete by January 1 of that year.

1. Failure to renew by January 1 shall result in the forfeiture of the right to renew the registration, and any subsequent application shall be treated as a new application for registration.
2. The renewal date for 2019 only shall be February 1, 2019.

(c) No registration under this Article shall be transferrable or assignable.

(Ord. 179-16/17, 3-27-2017; Order 99-18/19, 11-19-2018)

Sec. 6-155. Violations.

Specific violations of this article, subject to the provisions of section 6-1, include, but are not limited to:

(a) Any person, business entity, or other organization failing to timely register a rental unit, including providing all required information and paying the required registration fee;

(b) Any person, business entity, or other organization failing to timely file any required update to the registration;

(c) Any person, business entity, or other organization failing to acquire and/or display the required short term rental registration number;

(d) Any person, business entity, or other organization providing false information with respect to registration. Notwithstanding the provisions of § 6-1, the penalty for such violation shall be \$1,000.00;

(e) Any person, business entity, or other organization renting any rental unit that is not registered under this article, or to permitting the occupancy of such premises without registration;

(f) Failure of short term rental unit owners, tenants, and/or their representatives to adequately respond to inquiries by the City pursuant to 6-152(e) within a forty-eight (48) hour period;
(Ord. 179-16/17, 3-27-2017; Order 99-18/19, 11-19-2018)

Sec. 6-156. Enforcement.

(a) The building authority as defined in section 6-1 or his or 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 remedy the disorderly house as required by section 6-202, shall, at the discretion of the City Manager or his or 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 his or her designee, prohibit the registered owner from operating the property as a short term rental or 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.

(e) Violations of the provisions of this article shall be grounds to deny an application or renewal application for a short term rental registration.

(Ord. 179-16/17, 3-27-2017; Ord. No. 29-17/18, 9-18-2017; Order 99-18/19, 11-19-2018)

Sec. 6-157. Revenue Allocation.

Notwithstanding section 6-1(b), all revenue generated from short term rental registration fees and penalties shall be used to first fund short term rental related administrative costs. Any remaining revenue shall be deposited in the Housing Trust Fund, as defined in Section 14-489.

(Ord. 179-16/17, 3-27-2017)

Sec. 6-158. Reserved.

Sec. 6-159. Reserved.
Sec. 6-160. Reserved.
Sec. 6-161. Reserved.
Sec. 6-162. Reserved.
Sec. 6-163. Reserved.
Sec. 6-164. Reserved.

ARTICLE VII. GREEN BUILDING CODE

***Editor's Note:** Article VII (Green Building Code) was adopted in its entirety by Council Order 187-08/09 and passed on 4-6-09)

Sec. 6-165. Purpose.

The purpose of this article is to establish the energy performance and roofing requirements for constructing and renovating city buildings and certain publicly-funded building projects with the goal of planning, designing, constructing, and managing to maximize energy performance, minimize adverse environmental impacts, provide healthy work places, conserve natural resources, and promote sustainable development in Portland.

(Ord. No. 187-08/09, 4-6-09; Ord. No. 103-11/12, 2-6-12; By Referendum, 11-3-2020)

Sec. 6-166. Definitions.

The following words and phrases shall be defined as set forth below for use in this article.

American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Standards: ASHRAE is a building technology society which publishes a recognized series of standards and guidelines relating to HVAC systems and performance. The Maine Uniform Building and Energy Code currently references ASHRAE Standard 90.1 which is an energy standard for buildings except low-rise residential buildings.

Conditioned Space: Any area within a building that is artificially heated or cooled by fixed equipment.

Funded in whole or in part: (a) Receipt of tax increment financing in an amount greater than fifty thousand dollars (\$50,000); or (b) receipt of grants by the City, HOME loans, Community Development Block Grant loans or Neighborhood Stabilization Program loans, the sum of which is greater than

fifty thousand dollars (\$50,000); or receipt of other funds, gifts, resources, property, or other thing or things of value from or by the city of Portland, to promote, allow for, contribute to, or otherwise facilitate the new construction or renovation project, the aggregate dollar value of which, net remuneration to the city of Portland, is greater than fifty thousand dollars (\$50,000).

Hardship: Some verifiable level of difficulty or adversity arising from factors identified in Sec. 6-170, by which the applicant cannot reasonably comply with the requirements of this ordinance.

Infeasible: The existence of verifiable obstacles arising from the factors identified in Sec. 6-170, which render the applicant incapable of complying with the requirements of this ordinance.

Leadership in Energy and Environmental Design (LEED) Standards: A third-party rating system developed by the United States Green Building Council (USGBC) where credits are earned for satisfying specified green building criteria.

Living roof: The media for growing plants, as well as the set of related components installed exterior to a facility's roofing membrane for the purpose of increasing renewable energy resources, aiding stormwater management, and promoting biodiversity. Living roofs may include roof gardens, green roofs, landscaped roofs, and other rooftop areas designed to achieve such purposes.

Qualified professional: A person (a) engaged or employed in fields of architecture, building design, construction, energy efficiency, engineering, or related specialty or consultancy; and (b) holding relevant professional licensure or "green building" professional certification, including but not limited to Professional Engineer licensure, LEED Accredited Professional (AP), Well AP, Certified Passive House Consultant (CPHC) or Certified Passive House Designer (CPHD), Green Globes Professional, or similar credential.

Renovation:

- (a) At the time of the application, the total construction cost is greater than or equal to the market value of

- the property as determined by the city's tax assessor;
or
- (b) A conversion from non-conditioned to conditioned space;
or
- (c) An addition of building gross square footage greater than or equal to the gross square footage of the existing building; or
- (d) Any change to the use category of a structure or property, as defined in chapter 14 of this code.

Solar zone: An allocated space on a new construction or renovation project that is unshaded and free of obstructions, serving as a suitable place where solar panels can be installed at a future date. The solar zone can be located at any of the following locations:

- (a) Roof of the building; or
- (b) Overhang of the building; or
- (c) Roof of another structure located within 250 feet of the primary building; or
- (d) Overhang of another structure within 250 feet of the primary building; or
- (e) Covered parking installed with the building project; or
- (f) Other structures including, but not limited to, trellises, arbors, patio covers, carports, gazebos, and similar accessory structures.

(Ord. No. 187-08/09, 4-6-09; Ord. No. 103-11/12, 2-6-12; Ord. No. 82-13/14, 11-4-13; By Referendum, 11-3-2020)

Sec. 6-167. Standards for new buildings and renovation projects.

All new construction and renovation projects to be owned or occupied by the city of Portland, or to be funded in whole or in part by the City of Portland, that are of 2,000 square feet in floor area or greater shall be certified at or above the most recently published and applicable LEED Silver Standard using appropriate LEED Rating System, and shall be certified by a licensed engineer or qualified professional as compliant with the Better Roof Requirements contained in Section 6-175 below.

All new construction and renovation projects to be owned or occupied by the city of Portland, or to be funded in whole or in part by the City of Portland, that are of 5,000 square feet in floor area or greater shall demonstrate, under any third-party certification and quality assurance system (e.g. LEED, Passive House, Living Building, or Green Globes) or energy model signed by a licensed engineer or qualified professional, a certain percentage improvement in the proposed energy performance of the building compared to the minimum baseline performance rating per ASHRAE Standard 90.1, being particularly the most recently published version thereof and the whole thereof, or equivalent standard if the ASHRAE Standard 90.1 is not applicable to the project. Such percentage improvement shall be or exceed thirty percent (30%) for new construction, twenty-five percent (25%) for existing buildings, and twenty percent (20%) for historic buildings. All such new construction and renovation projects to be owned or occupied by the city of Portland, or to be funded in whole or in part by the City of Portland, that are of 5,000 square feet in floor area or greater shall be certified by a licensed engineer or qualified professional as compliant with the Better Roof Requirements contained in Section 6-175 below.

Copies of the most recently published LEED Rating Systems and ASHRAE Standard 90.1 shall be maintained by and kept on file with the City Clerk.

(Ord. No. 187-08/09, 4-6-09; Ord. No. 103-11/12, 2-6-12; Ord. No. 82-13/14, 11-4-13; By Referendum, 11-3-2020)

Sec. 6-168. Submissions.

Upon submission of an application for a building permit for new construction or renovation projects that are required to meet the standards set forth in section 6-167, the applicant shall also submit the following, as applicable:

(a) One of the following:

1. A LEED checklist, and a LEED application number (or other proof of LEED applications status); or
2. A third-party certification system document of verification from a qualified professional ; or
3. A preliminary energy model, along with a statement of certification from a licensed engineer or qualified professional that the project meets the

standard(s); and

(b) A written explanation of how the building will obtain the applicable standards using design plans to demonstrate compliance where applicable (example: LEED submittal templates or Passive House Pre-Certification report); and

(c) Plans and documentation prepared by a qualified professional demonstrating compliance with the Better Roof Requirements contained in Section 6-175 below, including:

1. Documentation of the as-designed structural loads and plans for interconnecting a photovoltaic (PV) system to the electrical system of the building; or
2. Documentation of the as-designed structural loads and layout plans for the Living Roof system of the building.

(Ord. No. 187-08/09, 4-6-09; Ord. No. 103-11/12, 2-6-12; Ord. No. 82-13/14, 11-4-13; By Referendum, 11-3-2020)

Sec. 6-169. Certificate of Occupancy.

A copy of the final submission of LEED documentation to the USGBC or final LEED certification decision, or a statement of final certification from a licensed engineer or qualified professional indicating that the project meets the standards along with any amendment to the preliminary energy model shall be submitted to the city's department of planning and urban development prior to the issuance of a certificate of occupancy for new construction or renovation projects that are required to meet the standards set forth in section 6-167. A temporary certificate of occupancy may be issued by the city if necessary prior to the submission of final LEED documentation to the USGBC. Equivalent documentation from a licensed engineer or qualified professional is required if compliance is met with other third-party certification and quality assurance systems. (Ord. No. 187-08/09, 4-6-09; Ord. No. 103-11/12, 2-6-12; Ord. No. 82-13/14, 11-4-13; By Referendum, 11-3-2020)

Sec. 6-170. Partial exemption and exceptions.

(a) If it is a hardship or infeasible for an applicant to meet the standards set forth in section 6-167, the applicant may request a partial exemption from regulation. The burden is on the applicant to show hardship or infeasibility. Factors to consider in determining whether hardship or infeasibility exists shall be

1. A conflict of green building requirements with other government requirements and building standards; or
2. Required alterations to an historic building that would compromise its historic character as determined by the Historic Preservation Board; or
3. Specific circumstances that would defeat the purpose of the standards.

(b) Any request for a partial exemption must be made at the time of application as specified in section 6-168 and approved by the director of planning and urban development. In order for a partial exemption to be granted, the applicant must demonstrate all possible effort to maximize building performance according to the standards set forth in section 6-167 and shall indicate the maximum level of standards which are reasonably achievable for the building as follows:

1. In the case of a LEED standard requirement, the applicant will list the number of credits reasonably achievable and verified by each applicable licensed professional or qualified professional.
2. In the case of ASHRAE 90.1 or equivalent standard requirement, the applicant will document the percentage above the standard that is reasonably achievable with a statement of certification from a licensed engineer.
3. In the case of other third-party "green building" certification and quality assurance systems (example: Passive House), the applicant will submit project performance documentation meeting or exceeding the standards of the certification system prepared by a qualified professional.

If the partial exemption is granted, the applicant shall be required to comply with this ordinance in all other respects. A copy of the final submission of LEED documentation to the USGBC or a statement of final certification from each applicable licensed professionals or licensed engineer indicating that the project meets the level of standard presented at the time of application along with any amendment shall be submitted to the city's department of planning and urban development prior to the issuance of a certificate of occupancy.

(c) Any request for an exception to the LEED Certification requirement must be made at the time of application as specified in section 6-168 and approved by the director of planning and urban development. If an applicant submits standardized third-party certification or documentation signed by a qualified professional, an exception to the LEED Certification requirement may be granted provided that such third-party certification or documentation demonstrates that it meets or exceeds at least one of the following:

1. LEED Platinum Certification by the USGBC; or
2. Passive House Certification or EnerPHIT Certification by International Passive House Institute (PHI) or PHIUS+ Certification by the Passive House Institute US (PHIUS); or
3. Living Building Challenge or Living Community Challenge, Petal Recognition or Net Zero Energy Certification from International Living Future Institute (IFLI); or
5. Well v2 or current most stringent standard by International WELL Being Institute; or
6. Green Globes Certification by Green Building Initiative; or
7. Other equivalent "green building" standards that include published verification and quality assurance procedures when approved on a case-by-case basis by planning director and sustainability director.

Any applicant granted an exception to the LEED Certification requirement as provided above shall be required to comply with the ordinance in all other respects. A copy of any and all papers or documents submitted to the third-party certifying body (example: DOE, PHIUS, IFLI, or PHI) or qualified professional, including any amendment made thereto, and a statement of final certification signed by each applicable qualified professional, licensed engineer, or third-party certifying body shall be

submitted to the city's department of planning and urban development prior to the issuance of a certificate of occupancy.

(d) Any request for an exception to the Better Roof Requirement under Section 6-175 below must be made at the time of application as specified in section 6-168 and approved by the director of planning and urban development. An exception to the Better Roof Requirement may be granted provided that an applicant submits certification or documentation signed by a qualified professional demonstrating all possible effort to comply with the Better Roof Requirements contained in Section 6-175, and the applicability of at least one of the following specific reasons for an exception:

1. A new construction or renovation project other than single-family residential buildings may be granted an exception to the Better Roof Requirement if a solar PV system with a power rating of no less than 1 watt per square foot of roof area is permanently installed at the time of construction.
2. A single-family residential building may be granted an exception to the Better Roof Requirement if a solar PV system rated at 1000 watts or greater is permanently installed at the time of construction.
3. A new construction or renovation project may be granted an exception to the Better Roof Requirement if the roof is designed as a helicopter landing zone.
4. A renovation project may be granted an exception to the Better Roof Requirement unless the total roof area is increased by at least 2,000 square feet over the total roof area of the existing building.
5. A new construction or renovation project may be granted an exception to the Better Roof Requirement reducing the required total area of solar zone by up to 50 percent if the roof is shaded by objects that are not part of the building and are permanent. These objects shall only be adjacent buildings or trees evaluated as healthy by an arborist and documentation must be submitted by a qualified professional.

6. If the building has a gross floor area of 2,000 square feet or more, and has 10 or fewer occupied floors, a new construction or renovation project may be granted an exception to the Better Roof Requirement to substitute some or all of the required total area of solar zone with area of living roof, such that each square foot of living roof shall count as 0.5 square foot towards the required total area of solar zone, provided that applicants submit such a living roof design for review and approval upon submission of an application for a building permit.

Any applicant granted an exception to the Better Roof Requirement as provided above shall be required to comply with the ordinance in all other respects. A copy of any and all papers or documents submitted to each applicable qualified professional, including any amendment made thereto, and a statement of final certification signed by each applicable qualified professional shall be submitted to the city's department of planning and urban development prior to the issuance of a certificate of occupancy.

(e) The director of planning and urban development shall annually, on or before July 1, submit a report to the City Council, containing at a minimum a list of each applicant and project granted a partial exemption or exception under this section during the previous twelve months, and for each partial exemption or exception granted the reason(s) why it was so was granted.

(Ord. No. 187-08/09, 4-6-09; Ord. No. 103-11/12, 2-6-12; Ord. No. 82-13/14, 11-4-13; By Referendum, 11-3-2020)

Sec. 6-171. Appeals.

Any applicant aggrieved by the decision of the director of planning and urban development may appeal that decision to the zoning board of appeals (Article VI. Board of Appeals, Sec. 14-541 - 14-553).

(Ord. No. 187-08/09, 4-6-09; Ord. No. 103-11/12, 2-6-12; Ord. No. 82-13/14, 11-4-13)

Sec. 6-172. Applicability.

This ordinance shall apply to new construction and renovation projects to be owned, occupied, or funded in whole or in part by the city of Portland for which site plan applications, building permit applications (not associated with an approved site plan), or

funding assistance requests are submitted on or after the effective date of this ordinance. Any new construction or renovation that received an exemption under a previous version of this ordinance shall be considered to have a partial waiver under this ordinance, provided that the Director of Planning & Urban Development determines that the scope of the new construction or renovation has not changed the originally approved construction to an extent that would require review under this version of the ordinance. Any new construction or renovation project to which this ordinance is not applicable but which voluntarily meets any of the standards set forth in Section 6-167 or equivalent shall receive expedited review and permitting status.

(Ord. No. 187-08/09, 4-6-09; Ord. No. 82-13/14, 11-4-13)

Sec. 6-173. Conditional Expansion of Applicability

Under the following limited circumstances, Sec. 6-167 and Sec. 6-168 shall apply to all new construction and renovation projects in the City of Portland, regardless of ownership, occupation, or sources of funding:

(a) The Maine Uniform Building and Energy Code, 10 M.R.S. § 9721 et seq., is repealed or amended such that a municipality may, through its municipal home rule authority, enact or enforce codes or standards separate from or exceeding those adopted by the Technical Building Codes and Standards Board pursuant to the Maine Uniform Building and Energy Code; or

(b) The rules, codes, and standards adopted by the Technical Building Codes and Standards Board pursuant the Maine Uniform Building and Energy Code, 10 M.R.S. § 9721 et seq., as the Maine Uniform Building and Energy Code, 16-642 C.M.R. ch. 1-6, are repealed or amended such that a municipality may, through its municipal home rule authority, enact or enforce codes or standards separate from or exceeding such rules, codes, or standards; or

(c) This ordinance, or substantially similar rules, codes, or standards are approved by the Technical Building Codes and Standards Board as amendments to the Maine Uniform Building and Energy Code, 16-642 C.M.R. ch. 1-6, or as amendments to the appendix to the Maine Uniform Building and Energy Code containing optional energy conservation and efficiency requirements, after submission of such proposed amendments under Sec. 174 below; or

(d) The application of this ordinance to all new construction and renovation projects in the city of Portland, through the city's home rule authority is otherwise not prohibited or subject to preemption under state law.

(By Referendum, 11-3-2020)

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Sec. 6-174. Submission of Amendments to the MUBEC.

The Sustainability Office, Permitting and Inspections Department, or other appropriate Office or Department of the city of Portland, on behalf of the city of Portland and to address the health, safety, and welfare needs of the inhabitants of the city of Portland, until such amendments are approved and adopted must annually by May 30 submit proposed amendments to the Maine Uniform Building and Energy Code, or to the appendix to the Maine Uniform Building and Energy Code containing optional energy conservation and efficiency requirements, as provided for under 16-642 C.M.R. ch. 1, § 13, and the amendment process created pursuant to that section, that would apply, or allow to be applied, the standards and requirements of this ordinance, or substantially similar rules, codes, or standards, to all new construction and renovation projects in the city of Portland.

(By Referendum, 11-3-2020)

Sec. 6-175. Better Roof Requirements.

Except as provided under Sec. 6-170 above, to be certified by a qualified professional as compliant with the Better Roof Requirements of this section, a new construction or renovation project must demonstrate all of the following:

(a) The project contains a total area of solar zone that is no less than 15 percent of the total roof area after subtracting any area of the roof that is covered by a skylight; and

(b) The total area of solar zone shall be free from any shading or obstruction such as vents, chimneys, architectural features, or roof-mounted equipment, not including any obstructions located north of all points of the solar zone; and

(c) If the solar zone is located on a roof that has ratio of rise to run of greater than 2:12, then the roof must be oriented between 110 degrees and 270 degrees of true north (not magnetic north), in order to ensure a reasonable solar exposure if a solar energy system is installed in the future; and

(d) The main electrical service shall be provided such that capacity is adequate for future solar electric and such reserved space shall be permanently marked in main electrical service panel "For Future Solar Electric".

The total area of the solar zone may be composed of multiple subareas. No dimension of a subarea can be less than 5 feet. If the total roof area is equal to or less than 10,000 square feet, each subarea must be at least 80 square feet. If the total roof area is greater than 10,000 square feet, each subarea must be at least 160 square feet. The solar zone design must comply with other applicable codes and regulations.

(By Referendum, 11-3-2020)

Sec. 6-176. Reporting on Fossil Fuel Infrastructure.

The policy of the city of Portland shall be to endeavor by all reasonable and permissible means to reduce reliance upon fossil fuels, and to reduce and discourage the use of natural gas, heating oil, or other fossil fuel based infrastructure both in new construction and renovation projects, and in existing buildings, including but not limited to such projects and buildings to be owned, occupied, or funded in whole or in part by the city of Portland. In furtherance of this policy, the city manager, or their designee, shall annually, on or before July 1st, publish and present to the city council a report concerning benefits of such policy, and such annual report will, at a minimum, include:

(a) The total number of new buildings built in Portland without fossil fuel-based infrastructure;

(b) A survey of the green building technologies that have been implemented as alternatives to oil or natural gas power, such as solar roofs, green roofs, or sustainable building design and construction consistent with certifications and guidelines such as LEED, PassiveHouse, Living Building or others;

(c) Assessment of the benefits to the City of Portland of the adoption of this policy, including the impact on carbon emissions and increased energy efficiency of public buildings;

(d) A survey of legislation enacted at the municipal and state level to develop a coordinated regional plan to stop the use of fossil fuels to power buildings;

(e) Proposals for any changes to the city code that might

further achieve reduction in use of fossil fuels or fossil fuel-based infrastructure in the city of Portland.

(By Referendum, 11-3-2020)

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Sec. 6-177. Severability.

If any provision of this Article shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.

(By Referendum, 11-3-2020)

Sec. 6-178. Reserved.

Sec. 6-179. Reserved.

Sec. 6-180. Reserved.

Sec. 6-181. Reserved.

Sec. 6-182. Reserved.

Sec. 6-183. Reserved.

Sec. 6-184. Reserved.

ARTICLE VII-A. BIRD FRIENDLY BUILDING AND DESIGN REQUIREMENTS

Sec. 6-185. Purpose.

The purpose of the Bird Friendly Building and Design Requirements contained in this Article is to reduce bird mortality from windows or other specific building features known to increase the risk of bird collisions.

Sec. 6-186. Definitions.

The following words and phrases shall be defined as set forth below for use in this article.

Bird Friendly Material shall mean a material or assembly that has, or has been treated to have, a maximum threat factor of 30 in accordance with:

- (a) The American Bird Conservancy Bird Collision Deterrence Material Threat Factor Reference Standard; or
- (b) The American Bird Conservancy Bird-friendly Materials Evaluation Program at Carnegie Museum's Avian Research Center test protocol; or
- (c) With a relevant American Society for Testing and Materials (ASTM) standard.

Threat Factor shall mean a measure of a bird's ability to see and avoid a building material. Threat Factor (TF) is determined by a number ranging between 1 and 100 that indicates the relative effectiveness of materials or assemblies typically used in reducing bird collisions. A TF of 1 represents least threatening and a TF of 100 represents most threatening.

Sec. 6-187. Applicability.

The bird friendly requirements set forth in this article shall apply to the following types of projects:

- (a) New construction or additions greater than 10,000 SF in floor area; and
- (b) Alterations to buildings greater than 10,000 SF in floor area in which at least 50% of the building's exterior glazing is being replaced within a period of three-years.

Sec. 6-188. Exemptions.

The bird friendly requirements shall not apply to the following:

- (a) Residential buildings. However, the requirements shall apply to hotel and motel projects.
- (b) Operable sash windows such as single-hung, double-hung, casement, awning, sliders, and tilt turns.
- (c) Locally Designated Historic Landmarks and designated contributing buildings in historic districts. However, the requirements shall apply to additions in accordance with Sec. 6-187(a), to locally designated historic landmarks and designated contributing buildings in historic districts.
- (d) Glazing on the ground floor for retail storefronts or food and beverage uses including bars and restaurants.

Sec. 6-189. Bird Friendly Requirements.

(a) *Building facades up to 75 feet above grade.* Building facades, and any associated openings, shall be constructed with bird friendly materials up to 75 feet above grade. Other materials may be used to the extent that they do not exceed an aggregate of 10 square feet within any 10 feet by 10 feet square

area of building facade below 75 feet above grade.

(b) *Bird Hazard Installations*. Bird hazard installations are architectural features that provide a clear line of sight on the exterior of buildings including but not limited to, skywalks, awnings, glass railings and guards, windbreak/windscreen panels, acoustic barriers, and glass fins greater than 10 inches from the face of the facade. Bird hazard installations on the exterior of a building shall be constructed of bird friendly materials regardless of their height above grade.

(c) *Fly-through Conditions*. Fly-through building elements, meaning one or more panels of glass that provide a clear line of sight creating the illusion of a void leading to the other side, including parallel glass elements, at a distance of 17 feet or less, or all glass within fifteen feet of a building corner shall be constructed with bird friendly materials up to 75 feet above grade.

(d) *Adjacent to Green Roofs*. Building facades, and any associated openings, adjacent to a green roof on the same building shall be constructed with bird friendly materials up to 12 feet above the horizontal surface of the green roof.

(Ord. No. 244-23/24, 6-17-2024)

ARTICLE VIII. PROPERTY ASSESSED CLEAN ENERGY

DIVISION 1. Property Assessed Clean Energy

Sec. 6-190. Purpose.

The purpose of this article is to establish a property assessed clean energy ("PACE") program to enable owners of qualifying property to access financing for energy saving improvements to their property through loan agreements with the Efficiency Maine Trust.

(Ord. No. 57-10/11, 10-18-10)

Sec. 6-191. Definitions.

The following words shall be defined as set forth below for use in this article.

Energy saving improvement: an improvement to qualifying property that is new and permanently affixed to qualifying

property and that:

- (a) Will result in increased energy efficiency and substantially reduced energy use and:
 - 1. Meets or exceeds applicable United States Environmental Protection Agency and United States Department of Energy, Energy Star program or similar energy efficiency standards established or approved by the Trust; or
 - 2. Involves air sealing, insulating, and other energy efficiency improvements of residential, commercial or industrial property in a manner approved by the Trust; or
- (b) Involves a renewable energy installation or an electric thermal storage system that meets or exceeds standards established or approved by the Trust.

PACE agreement: an agreement between the owner of qualifying property and the Trust that authorizes the creation of a PACE mortgage on qualifying property and that is approved in writing by all owners of the qualifying property at the time of the agreement, other than mortgage holders.

PACE assessment: an assessment made against qualifying property to repay a PACE loan.

PACE loan: a loan, secured by a PACE mortgage, made to the owner(s) of a qualifying property pursuant to a PACE program to fund energy saving improvements.

PACE mortgage: a mortgage securing a loan made pursuant to a PACE program to fund energy saving improvements on qualifying property.

Qualifying property: real property located in the City.

Renewable energy installation: a fixture, product, system, device or interacting group of devices installed behind the meter at a qualifying property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including, but not limited to, photovoltaic systems, solar thermal systems, biomass systems, landfill gas to energy systems, geothermal systems, wind systems, wood pellet systems

and any other systems eligible for funding under federal Qualified Energy Conservation Bonds or federal Clean Renewable Energy Bonds.

Trust: the Efficiency Maine Trust established in 35-A M.R.S.A. § 10103 and/or its agent(s), if any.
(Ord. No. 57-10/11, 10-18-10)

Sec. 6-192. PACE program established.

The City hereby establishes a PACE program allowing owners of qualifying property located in the city who so choose to access financing for energy saving improvements to their property through PACE loans administered by the Trust or its agent.
(Ord. No. 57-10/11, 10-18-10)

Sec. 6-193. PACE program financing.

- (a) The PACE program shall be financed by funds awarded to the Trust under the Federal Energy Efficiency and Conservation Block Grant (EECBG) Program and by other funds available for this purpose.
- (b) The City may from time to time amend this Article to use any other funding sources made available to it or appropriated by it for the express purpose of the PACE program, and the City shall be responsible for administration of loans made from those other funding sources.

(Ord. No. 57-10/11, 10-18-10)

Sec. 6-194. PACE program administration.

The Trust shall administer the PACE program for the City in accordance with a PACE administration contract between the City and the Trust, which will establish the administrative duties of the Trust including, without limitation:

- (a) The Trust will enter into PACE agreements with owners of qualifying property in the city;
- (b) The Trust, or its agent, will create and record a Notice of the PACE agreement in the Cumberland County Registry of Deeds to create a PACE mortgage;
- (c) The Trust, or its agent, will disburse the PACE loan to the property owner;

- (d) The Trust, or its agent, will send PACE assessment statements with payment deadlines to the property owner;
- (e) The Trust, or its agent, will be responsible for collection of the PACE assessments;
- (f) The Trust, or its agent, will record any lien, if needed, due to nonpayment of the assessment;
- (g) The Trust, or its agent, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

(Ord. No. 57-10/11, 10-18-10)

DIVISION 2. Commercial Property Assessed
Clean Energy (C-PACE)

Sec. 6-195. Purpose and authority.

(a) Purpose. By and through this Ordinance, the City of Portland declares as its public purpose the establishment of a municipal program to enable its citizens to participate in a Commercial Property Assessed Clean Energy ("C-PACE") program so that owners of qualifying property can access financing for energy savings improvements to their commercial properties located in the City.

(b) Enabling legislation. The City enacts this Ordinance pursuant to 35-A MRS §§ 10201 et seq., as amended, also known as "the Commercial Property Assessed Clean Energy Act" or "the Commercial PACE Act."

(c) Title. This Ordinance shall be known and may be cited as "The City of Portland's Commercial Property Assessed Clean Energy ("C-PACE") Ordinance" (this "Ordinance").
(Ord. No. 41-23/24, 10-16-2023)

Sec. 6-196. Definitions.

Except as specifically defined below, words and phrases used in this Ordinance shall have their customary meanings. As used in this Ordinance, the following words and phrases shall have the meanings indicated:

City/Town shall mean the City of Portland.

Commercial PACE or ("C-PACE") shall mean Commercial Property Assessed Clean Energy.

Commercial PACE Agreement shall mean an agreement that authorizes the creation of a Commercial PACE Assessment on Qualifying Property and that is approved in writing by all owners of the Qualifying Property at the time of the agreement and by the City.

Commercial PACE Assessment shall mean an assessment made against Qualifying Property to finance an Energy Savings Improvement.

Commercial PACE District shall mean the area within which the City establishes a Commercial PACE Program hereunder, which is all that area within the City boundaries.

Commercial PACE Lien shall mean a lien, secured against a Qualifying Property that is created by a Commercial PACE Assessment.

Commercial PACE Loan shall mean a loan, payable through a Commercial PACE Assessment and secured by a C-PACE Lien, made to the owner(s) of a qualifying property pursuant to a Commercial PACE Program to fund Energy Savings Improvements.

Commercial PACE Program shall mean program established under this Ordinance pursuant to the Commercial PACE Act under which commercial property owners can finance Energy Savings Improvements on Qualifying Property.

Energy Savings Improvement shall mean an improvement or series of improvements to Qualifying Property that are new and permanently affixed to Qualifying Property and that:

(a) Will result in increased energy efficiency or substantially reduced energy use and:

1. Meet or exceed applicable United States Environmental Protection Agency and United States Department of Energy "Energy Star" program or similar energy efficiency standards established or approved by the Trust; or

2. Involve weatherization of commercial or industrial property in a manner approved by the Trust; or

(b) Involve a renewable energy installation, an energy storage system as defined in 35-A M.R.S. § 3481(6), an electric thermal storage system, electric vehicle supply equipment or heating equipment that meets or exceeds standards established or approved by the Trust. Heating equipment that is not a Renewable Energy Installation must be heating equipment that produces the lowest carbon emissions of any heating equipment reasonably available to the property owner, as determined by the Trust, and must meet the requirements of 35-A M.R.S. §10204 (1)(B).

Qualifying Property shall mean real commercial property in the City that:

(a) Does not have a residential mortgage;

(b) Is not owned by a residential customer or small commercial customer as defined in 35-A M.R.S. §3016(1)(C) and (D), respectively;

(c) Consists of 5 or more rental units if the property is a commercial building designed for residential use;

(d) Is not owned by a federal, state or municipal government or public school; and

(e) Is located in a municipality that participates in a Commercial PACE Program.

Registered Capital Provider or Capital Provider shall mean an approved lender proving financing for the Energy Savings Improvements through a C-PACE Program and registered with Efficiency Maine Trust.

Renewable Energy Installation shall mean a fixture, product, system, device or interacting group of devices installed behind the meter at a Qualifying Property, or on contiguous property under common ownership, that produces energy or heat from renewable sources, including but not limited to, photovoltaic systems, solar thermal systems, highly efficient wood heating systems, geothermal systems and wind systems that do not on average generate more energy or heat than the peak demand of the property.

Trust shall mean The Efficiency Maine Trust established in 35-A M.R.S. §10103 and/or its agents, if any.
(Ord. No. 41-23/24, 10-16-2023)

Sec. 6-196.5. Program established; Amendments.

(a) Establishment. The City hereby establishes a Commercial PACE Program allowing owners of Qualifying Property located in the City who so choose to access financing for Energy Savings Improvements to their Qualifying Property, with such financing to be repaid through a Commercial PACE Assessment and secured by a Commercial PACE Lien.

(b) The City may:

1. Administer the functions of the Commercial PACE Program, including, but not limited to, entering into Commercial PACE Agreements with commercial property owners and collecting Commercial PACE Assessments, or designate an agent to act on behalf of the City for such billing and collection purposes; or
2. Enter into a contract with the Trust to administer some or all functions of the Commercial PACE Program for the City, including billing and collection of Commercial PACE Assessments, subject to the limitations set forth in Section 10205, subsection 5 of the Commercial PACE Act.

(c) Amendment to or Repeal of Commercial PACE Program. The City may from time to time amend this Ordinance to use any funding sources made available to it or appropriated by it for the express purpose of its Commercial PACE Program, and the City shall be responsible for administration of loans made from those funding sources. The City may also repeal this Ordinance in the same manner as it was adopted, provided, however, that such repeal shall not affect the validity of any Commercial PACE Agreements entered into by the City prior to the effective date of such repeal, or a Commercial PACE Loan or Commercial PACE Lien arising out of such Agreements.
(Ord. No. 41-23/24, 10-16-2023)

Sec. 6-197.Financing; Private Lenders; Terms.

C-PACE Loans may be provided by any qualified Capital Provider private lender participating in the C-PACE Program and a C-PACE Agreement may contain any terms agreed to by the lender and the property owner, as permitted by law, for the financing of Energy

Savings Improvements. Unless the City specifically designates funding sources made available to it or appropriated by it for the express purpose of its Commercial PACE Program and agrees to provide financing for Energy Savings Improvements, the City will not finance or fund any loan under the Commercial PACE Program, and shall serve only as a program sponsor to facilitate loan repayment by including the Commercial PACE Assessment on the property tax bill for the property, and shall incur no liability for the loan.

(Ord. No. 41-23/24, 10-16-2023)

Sec. 6-197.5. Program Requirements and Administration.

(a) Agreement Required. All commercial property owners seeking financing for Energy Savings Improvements on Qualifying Property pursuant to the Commercial PACE Program must enter into a Commercial PACE Agreement, approved as to form and substance by the City and the Trust, authorizing the creation of a Commercial PACE Assessment and acknowledging the creation of a Commercial PACE Lien. A notice of the Commercial PACE Agreement will be filed in the Cumberland County Registry of Deeds, which filing will create a lien until the amounts due under the agreement are paid in full.

(b) Underwriting Standards. A Commercial PACE Agreement entered into pursuant to the Commercial PACE Program must satisfy the minimum underwriting requirements of the Commercial PACE Act and such additional requirements established by the Trust.

(c) Collection of assessments. A commercial property owner participating in the Commercial PACE Program will repay the financing of Energy Savings Improvements through an assessment on their property similar to a tax bill. A Commercial PACE Assessment constitutes a lien on the Qualifying Property until it is paid in full and must be assessed and collected by the City or its designated agent, the Trust, or a 3rd-party administrator contracted by the Trust, consistent with applicable laws. The City may, by written agreement, designate the applicable third-party Capital Provider as its agent for the billing and collection of Commercial PACE assessment payments in satisfaction of the Commercial PACE Loan. Where Commercial PACE assessment payments are received directly by the City along with other municipal tax payments, such payments received from property owners shall first be applied to City taxes, assessments, and charges. The City shall have no ownership of the Commercial PACE assessments collected except for any administrative costs provided under the Commercial PACE Program or Commercial PACE

Agreement. The City shall pay all Commercial PACE assessment payments received by the City to the applicable Capital Provider or the Commercial PACE program administrator within 30 days after the end of the month in which such amounts are collected. The City shall have no obligation to make payments to any Capital Provider with respect to any Commercial PACE repayment amounts or loan obligations other than that portion of the Commercial PACE Assessment actually collected from a property owner for the repayment of a Commercial PACE Loan.

If the Trust or a 3rd-party administrator contracted by the Trust or an agent of the City collects Commercial PACE Assessments on behalf of the City, the Trust or agent shall periodically report to the City on the status of the Commercial PACE Assessments in the City and shall notify the City of any delinquent Commercial PACE Assessments. Upon receiving notification from the Trust or agent of a delinquent Commercial PACE Assessment, the City shall notify the holder of any mortgage on the property of the delinquent assessment.

(d) Notice; filing. A notice of a Commercial PACE Agreement must be filed in the Cumberland County Registry of Deeds. The filing of this notice creates a Commercial PACE Lien against the property subject to the Commercial PACE Assessment until the amounts due under the terms of the Commercial PACE Agreement are paid in full. The notice must include the information required by the Commercial PACE Act.

(e) Priority. A Commercial PACE Lien secures payment for any unpaid Commercial PACE Assessment and, together with all associated interest and penalties for default and associated attorney's fees and collection costs, takes precedence over all other liens or encumbrances except a lien for real property taxes of the municipality and liens of municipal sewer, sanitary and water districts. From the date of recording, a Commercial PACE Lien is a priority lien against a property, except that the priority of such a Commercial PACE Lien over any lien, except a lien for real property taxes of the City or a lien of a municipal sewer, sanitary or water district, that existed prior to the Commercial PACE Lien is subject to the written consent of such existing lienholder.

(f) Mortgage lender notice and consent. Any financial institution holding a lien, mortgage or security interest in or other collateral encumbrance on the property for which a Commercial PACE Assessment is sought must be provided written notice of the commercial property owner's intention to

participate in the Commercial PACE Program and must provide written consent to the commercial property owner and City that the borrower may participate and enroll the collateral property in the Commercial PACE Program. This written consent must be filed in the Cumberland County Registry of Deeds and must include a written acknowledgement and understanding by the financial institution holding the lien, mortgage or security interest in or other collateral encumbrance on the property as required by the Commercial PACE Act.

(Ord. No. 41-23/24, 10-16-2023)

Sec. 6-198.Collection, default; foreclosure.

A. A Commercial PACE Assessment and any interest, fees, penalties and attorney's fees incurred in its collection must be collected in the same manner as the real property taxes of the City. A Commercial PACE Assessment for which notice is properly recorded under this section creates a lien on the property. The portion of the assessment that has not yet become due is not eliminated by foreclosure, and the lien may not be accelerated or extinguished until fully repaid.

1. If a Commercial PACE Assessment is delinquent or in default and the borrower or property owner is delinquent in any tax debt due to the City, collection may occur only by the recording of liens and by foreclosure under 36 M.R.S. §§ 942 and 943. Liens must be recorded and released in the same manner as liens for real property taxes.

2. If only a Commercial PACE Assessment is delinquent but the borrower or property owner is current on payment of all municipal taxes due to the City, then a Commercial PACE lienholder shall accept an assignment of the Commercial PACE Lien, as provided in the written agreement between City and the Capital Provider. The assignee shall have and possess all the same powers and rights at law as the City and its tax collector with regards to the priority of the Commercial PACE Lien, the accrual of interest and fees and the costs of collection. The assignee shall have the same rights to enforce the Commercial PACE Lien as any private party or lender holding a lien on real property, including, but not limited to, the right of foreclosure consistent with 14 M.R.S. §§ 6203-A and 6321 and any other action in contract or lawsuit for the enforcement of the Commercial PACE Lien.

(b) Judicial or nonjudicial sale or foreclosure. In the event of a judicial or nonjudicial sale or foreclosure of a

property subject to a Commercial PACE Lien by a lienholder that is not a Commercial PACE lienholder, the Commercial PACE Lien must survive the foreclosure or sale to the extent of any unpaid installment, interest, penalties or fees secured by the lien that were not paid from the proceeds of the sale. All parties with mortgages or liens on that property, including without limitation Commercial PACE lienholders, must receive on account of such mortgages or liens sale proceeds in accordance with the priority established in the Commercial PACE Act and by applicable law. A Commercial PACE Assessment is not eliminated by foreclosure and cannot be accelerated. Only the portion of a Commercial PACE Assessment that is in arrears at the time of foreclosure takes precedence over other mortgages or liens (except liens for real property taxes of the municipality and liens of municipal sewer, sanitary and water districts); the remainder transfers with the property at resale.

(c) Unless otherwise agreed upon by the Capital Provider, all payments on a Commercial PACE Assessment that become due after the date of transfer by judicial or nonjudicial sale or foreclosure must continue to be secured by a lien on the property and are the responsibility of the transferee.

(d) Release of lien. The City will discharge a Commercial PACE Lien created under the Commercial PACE Act and this Ordinance upon full payment of the amount specified in the Commercial PACE Agreement. A discharge under this subsection must be filed in the Cumberland County Registry of Deeds and must include reference to the notice of Commercial PACE Agreement previously recorded pursuant to the Commercial PACE Act and this Ordinance.

(e) No City Responsibility for Commercial Pace Assessment Payments. The City shall not be obligated to make any Commercial PACE Assessment payment during any period in which the City is deemed to be the owner of the Qualified Property by virtue of the automatic foreclosure of a tax lien mortgage, pursuant to 36 M.R.S. § 943, as amended, provided that the City includes such a provision in the Commercial PACE Agreement for that Qualified Property.

(Ord. No. 41-23/24, 10-16-2023)

Sec. 6-198.5. Liability of municipal officials; liability of City.

(a) Notwithstanding any other provision of law to the contrary, City officers, officials, and employees, including

without limitation, Tax Assessors and Tax Collectors, are not personally liable to the Trust or to any other person for claims, of whatever kind or nature, under or related to a Commercial PACE Program, including without limitation, claims for or related to uncollected Commercial PACE Assessments under this Ordinance.

(b) Other than the fulfillment of its obligations specified in a Commercial PACE Agreement, the City has no liability to a commercial property owner or the Trust for or related to Energy Savings Improvements financed under a Commercial PACE Program.
(Ord. No. 41-23/24, 10-16-2023)

Sec. 6-199. Conformity to Changed Standards.

This Ordinance is intended to comply with the Commercial PACE Act and the administrative rules of the Trust issued in connection with the Commercial PACE Act, as the same may be amended. If the Trust or any State or federal agency adopts standards, promulgates rules, or establishes model documents subsequent to the City's adoption of this Ordinance and those standards, rules or model documents substantially conflict with this Ordinance, the City shall take necessary steps to conform this Ordinance and its Commercial PACE Program to those standards, rules or model documents.
(Ord. No. 41-23/24, 10-16-2023)

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ARTICLE IX. DISORDERLY HOUSES

Sec. 6-200. Disorderly houses prohibited.

(a) No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, or rooming unit (hereinafter jointly and severally "building") which is a disorderly house as defined herein.

(b) A "disorderly house" is any building which:

- (1) The police have visited a minimum number of times in any thirty (30) day period, as set forth in paragraph (3) below, in response to situations which are created by the owner, tenants, or owner's or tenants' cohabitantes, guests or invitees and which would have a tendency to unreasonably disturb the community, the neighborhood or an ordinary individual in the vicinity of said building, including, but not limited to: loud music; boisterous

parties; sounds emanating from within the structure which are audible outside the building; loud noise or fights within the building or in its vicinity involving tenants of the building or their invitees (excluding incidents involving domestic violence); tenants or invitees of tenants being intoxicated on public ways in the vicinity of the building; other similar activities in the building or outside the building itself; or

- (2) The police have visited three (3) or more times in any thirty (30) day period in response to situations which are created by the owner, tenants, or owner's or tenants' cohabitees, guests or invitees and involve the arrest of owners or tenants or their invitees for activities which constitute either a crime or civil infraction under either state or local law, or create a reasonable suspicion that illegal drug use or sales under 17-A M.R.S.A. chapter 45 or prostitution or public indecency under 17-A M.R.S.A. chapter 35 has occurred; or
- (3) The following table delineates the number of police visits per dwelling size which create a disorderly house under paragraph (1) above:

Units per building	Number of visits by police in any 30-day period
5 or fewer	3
6 to 10	4
11 or more	5

(c) The situation to which the visit pertains shall be documented by the police department. Such documentation may include sworn affidavits by named citizens which may be sufficient to create a reasonable suspicion said illegal activity has occurred. (Ord. No. 165-10/11, 4-4-11)

Sec. 6-201. Notice of disorderly house.

Whenever a building has been identified as a disorderly house by the city, it shall cause written notification of the events which form the basis for that designation to be given to the owner as long as that owner has registered in accordance with section 6-150 et seq. (disclosure of building ownership). Such notice shall be sufficient for all legal purposes. The notice shall require the

owner to meet with representatives of the city (including the police department) within five (5) business days from the date of the written notification, or such other time as is agreed upon by the Police Chief or his or her designee, to identify ways in which the problems which have been identified will be eliminated.

At the time of said meeting, the owner shall be obligated to provide to the city the following documentation:

- (1) A copy of the names of all tenants or other persons authorized to reside or presently residing in the building and the units they occupy;
- (2) Copies of all leases with tenants residing in the building;
- (3) Contracts with any property manager or other person responsible for the orderly operation of the building;
- (4) An accurate and up to date disclosure of building ownership form as required in 6-150 et seq.

In addition, the owner will agree to take effective measures to address the disorderly house, which measures shall be memorialized in a written agreement at the conclusion of the meeting with the city and shall be implemented within one (1) week of said meeting unless another date is agreed upon by the police department. Failure to enter into such an agreement at the conclusion of the meeting will be deemed a violation of this housing code, and the city may file a complaint in the district court seeking all compensatory and equitable relief permitted by law.

If the same building should be classified as a disorderly house on a subsequent occasion within three (3) years, then the city is under no obligation to meet with the owner but may condemn and post the building or any units therein, and/or proceed directly with a complaint to the district court seeking all compensatory and equitable relief permitted by law.

(c) The notices provided for in this section may be given to an owner who has not complied with section 6-150, but are not required.

(Ord. 165-10/11 - 4/4/11)

Sec. 6-202. Enforcement.

(a) Authority to Enforce. If the owner (1) refuses to agree to take effective measures to address the disorderly house, (2) takes ineffective measures to address the disorderly house as determined by the city, (3) fails to implement the agreement reached with the city to address the disorderly house or (4) if, in the discretion of the city, the disorderly house requires immediate posting, the city may condemn and post the building against occupancy, and/or may file a legal action against the owner seeking any and all damages and remedies to which it is entitled pursuant to state and local laws.

(b) Notice of Suit. If the City pursues legal action against an owner or landlord for a disorderly house violation, notice shall be provided to the tenants by the City. Notice shall be made within a reasonable time following the service of the complaint upon the property owner. If a tenant list has been previously provided by a landlord, notice shall be made by regular mail to all known tenants in the building. If no tenant list has been provided, notice shall be made by regular mail to all occupants in each unit of the building.

(c) Condemnation. In the event that condemnation is required to address one or more disorderly house violation(s), the City shall provide notice to tenants of the building. Notice shall be made within a reasonable time following the City's election to condemn the building. Notice shall be made by: (1) regular mail to all known tenants or to all occupants in each unit in the building; and (2) by posting a copy of said notice at the premises.

(Ord. No. 165-10/11 - 4/4/11; Ord. No. 271-17/18, 7-16-2018)

Sec. 6-203. Cost of service for responses to disorderly houses.

(a) Whenever the police department is required to respond to a situation at a disorderly house, as defined in section 6-200, which constitutes the ninth (9th) or greater response in any thirty (30) day period, the owner of the disorderly house shall pay the cost of service for each such response as follows:

(1) For each such response for service the owner shall pay fifty dollars (\$50.00) which shall be in addition to any penalty to which the owner may be subject.

(b) Failure to pay the cost of service within thirty (30) days after demand therefor shall subject the owner to the penalties provided in section 1-15.

(c) Charges which become payable hereunder shall be treated

as liens on the property in question and shall be enforced in accordance with the provisions of section 1-16.
(Ord. No. 165-10/11, 4-4-11)

Sec. 6-204. Violations.

Any person violating any of the provisions of this article or failing or neglecting or refusing to obey any order or notice of the police department issued hereunder shall be subject to a penalty as provided in section 6-1.
(Ord. No. 165-10/11, 4-4-11)

ARTICLE X. ENERGY BENCHMARKING

6-205. General.

The energy and water use of municipal and covered buildings shall be benchmarked in accordance with this article.
(Ord. No. 67-16/17, 11-7-2016)

6-206. Purpose.

To encourage efficient use of energy and water and to reduce the emission of greenhouse gases, this ordinance requires owners of Covered Properties and Municipal Properties to annually measure and disclose energy usage to the Department. Furthermore, this Ordinance will authorize the Department to collect energy and water usage data to enable more effective energy and climate protection planning by the City and others and to provide information to the real estate marketplace to enable its members to make decisions that foster better energy performance.
(Ord. No. 67-16/17, 11-7-2016)

6-207. Applicability.

This Ordinance shall be applicable to all Municipal and Covered Properties as defined in this Ordinance.
(Ord. No. 67-16/17, 11-7-2016)

6-208. Definitions.

Benchmarking information shall mean information generated by the Benchmarking Tool, as herein defined including descriptive information about physical property and its operational characteristics. The information shall include, but need not be limited to:

- (a) Property address;
- (b) Primary use type;
- (c) Gross floor area;
- (d) Site Energy Use Intensity (EUI) as defined in this section;
- (e) Weather normalized source EUI;
- (f) Annual greenhouse gas emissions;
- (g) Water use;
- (h) The energy performance score that compares the energy use of the building to that of similar buildings, where available; and
- (i) Compliance or noncompliance with this Ordinance.

Benchmarking Tool shall mean the Internet-based tool developed and maintained by the United States Environmental Protection Agency to track and assess the relative energy performance and water usage of buildings nationwide.

Covered Property shall mean a parcel, as described in public records or as determined by the Department, containing any of the following:

- (a) One or more non-residential building(s) where such building(s) singly or together contain more than 20,000 square feet ("Non-Residential Covered Property"); and
- (b) One or more residential building(s) that singly or together contain 50 or more residential Dwelling Units whether they are rental Dwelling Units or Dwelling Units owned as condominiums, cooperatives or otherwise ("Residential Covered Property"). Residential covered property shall not include separate free-standing single family or two-family dwelling units, or single free-standing structures or buildings which by themselves contain ten (10) units or fewer.

Department means the City of Portland Energy and Sustainability Coordinator and his or her department or office.

Dwelling Unit shall mean a single residential unit consisting of one or more habitable rooms, occupied or arranged to be occupied as a residential unit separate from all other

residential units within a building, and used primarily for residential purposes and not primarily for professional or commercial purposes.

Energy shall mean electricity, natural gas, steam, hot or chilled water, heating oil, or other product for use in a building, or renewable on-site electricity generation, for purposes of providing heating, cooling, lighting, water heating, or for powering or fueling other end-uses in the building and related facilities.

Energy Performance Score shall mean the numeric rating generated by the ENERGY STAR Portfolio Manager tool or equivalent tool adopted by the department that compares the energy usage of the building to that of similar buildings.

ENERGY STAR shall mean the U.S. Environmental Protection Agency program related to improving energy efficiency in buildings and products.

ENERGY STAR Portfolio Manager shall mean the tool developed and maintained by the U.S. Environmental Protection Agency to track and assess the relative energy performance of buildings nationwide.

Energy Use Intensity (EUI) shall mean the kBTUs (1,000 British Thermal Units) used per square foot of gross floor area.

Gross Square Feet shall mean the gross floor area of the property.

Municipal Property shall mean a property with one or more buildings that is 5,000 gross square feet or more that is owned by the City of Portland.

Owner shall mean:

(a) An individual or entity having title to a Covered Property;

(b) An agent authorized to act on behalf of the owner of a Covered Property;

(c) The net lessee in the case of a property subject to a net lease with a term of at least forty-nine years, inclusive of all renewal options;

(d) The board of managers or trustees in the case of a condominium; and/or

(e) The board of directors or trustees in the case of a cooperative apartment corporation.

Qualified Benchmarker is an entity that meets the department's qualifications for inputting Benchmarking Information into the Benchmarking Tool.

Residential Property shall mean a property containing one or more Dwelling Units.

Site Energy shall mean the amount of heat and electricity consumed by a Covered Property or Municipal Property as reflected in utility bills or other documentation of actual energy use.

Source Energy shall mean all the energy used in delivering energy to a Covered Property, including power generation and transmission and distribution losses, to perform a specific function, such as but not limited to space conditioning, lighting, or water heating.

Tenant shall mean a person or entity leasing, occupying or holding possession of a Covered Property or Municipal Property.

Utility shall mean an entity that distributes and/or sells energy, including, but not limited to, natural gas, propane, electric or thermal energy for Covered Properties or Municipal Properties.

(Ord. No. 67-16/17, 11-7-2016)

6-209. Benchmarking for Municipal and Covered Properties.

(a) No later than May 1, 2019 , and no later than May 1 every year thereafter, the total Energy and Water consumed by each Municipal Property, along with all other descriptive information required by the Benchmarking Tool, shall be entered into the Benchmarking Tool for the previous calendar year.

(b) Owners of Covered Property shall annually input the total Energy and Water consumed by each Covered Property, along with all other descriptive information required by the Benchmarking Tool, into the Benchmarking Tool for the previous calendar year. The Owner shall input this information according to the following schedule:

- (1) A Residential Covered Property no later than one year after the Department has certified that utility service providers have made utility use data readily available in a standardized and secure manner through "green

button" or similar programs or standards that offer easy access to usage data as needed to use Energy Star Portfolio Manager, and by May 1 every year thereafter;

- (2) Non-residential Covered Property. For Non-residential Covered Properties in which any single tenant occupies ninety percent (90%) or more of the property's available floor space, by May 1, 2020. For all other Non-residential Covered Properties, no later than one year after the Department has certified that utility service providers have made utility use data readily available in a standardized and secure manner through "green button" or similar programs or standards that offer easy access to usage data as needed to use Energy Star Portfolio Manager, and by May 1 every year thereafter; and

- (3) A new Covered Property that has not accumulated twelve (12) months of energy and water use data by the first applicable date following occupancy for inputting Energy and Water use into the Benchmarking Tool shall comply with this Ordinance by May 1 the following year.

(Ord. No. 67-16/17, 11-7-2016; Ord. 105-18/19, 11-19-2018; Ord. No. 286-18/19, 7-15-2019)

6-210. Notification Of Covered Properties.

Between September 1 and December 1 of each year that Benchmarking is required under Section 6-209 above, the City shall notify Owners of Covered Properties of their obligation to input Energy and Water use into the Benchmarking Tool. By January 15 of each year, the City shall post the list of the addresses of Covered Properties on a public website.

(Ord. No. 67-16/17, 11-7-2016; Ord. 105-18/19, 11-19-2018)

6-211. Qualifications of Benchmarkers.

The City Manager or his or her designee, including but not limited to the Department, may establish certification and/or licensing requirements for the users of Benchmarking Tools.

(Ord. No. 67-16/17, 11-7-2016; Ord. 105-18/19, 11-19-2018)

6-212. Disclosure And Publication Of Benchmarking Information.

(a) Owners shall annually provide Benchmarking information to the Department, in such form as established by the Department, by the date provided by the schedule in Section V.

(b) An exemption from this reporting requirement for any current reporting period may be granted if:

- (1). The Owner demonstrates to the Department that he or she has been unable to obtain tenant authorization to obtain tenant utility data, despite a good faith effort to obtain such consent; or
 - (2). The Owner or Tenant demonstrates to the Department that such disclosure may result in the release of proprietary information which can be characterized as a trade secret.
- (c) The Department shall make available to the public on the internet Benchmarking Information for the previous calendar year:
- (1) No later than a year and a half after the effective date of this Ordinance and by September 1 of each year thereafter for Municipal Properties; and
 - (2) No later than one year after Benchmarking Information is provided under Section 6-209 and by September 1 of each year thereafter for Covered Properties. Benchmarking Information received by the Department for the first year a Covered Property is required to input the total Energy and Water consumed and other descriptive information as required by the Benchmarking Tool into the Benchmarking Tool will be not be published except to disclose whether or not the Covered Property is in compliance with this Ordinance.
- (d) The Department shall make available to the public and update at least annually, the following information:
- (1) Summary statistics on energy and water consumption for Municipal Properties and Covered Properties derived from aggregation of Benchmarking information for both;
 - (2) Summary statistics on overall compliance with this Ordinance including an assessment of accuracy;
 - (3) For each Municipal Property and Covered Property:
 - (i) The status of compliance with the requirements of this Ordinance;
 - (ii) Annual summary statistics for the Municipal Property or Covered Property, including EUI, annual greenhouse gas emissions, and an energy performance score where available; and

- (iii) A comparison of Benchmarking Information across calendar years for any years such Municipal Property or Covered Property has input the total Energy consumed and other descriptive information for such Properties as required by the Benchmarking Tool into the Benchmarking Tool.

(Ord. No. 67-16/17, 11-7-2016; Ord. 105-18/19, 11-19-2018)

6-213. Provision of Benchmarking Information by Tenants.

(a) Each Tenant located in a Covered Property shall, within thirty (30) days of a request by the Owner and in a form to be determined by the Department, provide all information that cannot otherwise be acquired by the Owner and that is needed to comply with the requirements of this Ordinance. Failure to provide information to an Owner may result in penalties as provided in the City Code and this Ordinance.

(b) Where the Owner is unable to input the total energy consumed by the Covered Property as well as all other descriptive information for such Covered Property as required by the Benchmarking Tool into the Benchmarking Tool due to the failure of any or all Tenants to report the information required by this Ordinance, the Owner shall input alternate values as established by the Department prior to the implementation of this Ordinance, into the Benchmarking Tool.

(Ord. No. 67-16/17, 11-7-2016)

6-214. Assessing Results and Annual Report to City Council.

(a) By December 31, 2020, or two years after the Department has certified that utility service providers have made utility use data readily available in a standardized and secure manner through "green button" or similar programs or standards that offer easy access to usage data as needed to use Energy Star Portfolio Manager, whichever is later, the Department shall review the effect of this Ordinance on improving energy and water performance for Covered Buildings. If energy and water performance for Covered Buildings has not improved significantly, the Department shall make recommendations to the City Manager as to whether amendments to this Ordinance or other measures are necessary to improve building energy and water performance for Covered Buildings.

(b) In December of each calendar year, the Department shall prepare and submit an annual report to the City Council, which evaluates the administration and enforcement of the Ordinance and contains a summary of the benchmarking data provided to the City

as required by this Ordinance, as well as any other necessary data or recommendations on the Ordinance could be improved.
(Ord. No. 67-16/17, 11-7-2016; Ord. 105-18/19, 11-19-2018)

6-215. Maintenance of Records.

(a) Owners shall preserve and maintain records as the Department determines is necessary for carrying out the purposes of this Ordinance, including but not limited to energy and water bills and any and all other documents received from Tenants and/or Utilities. Such records shall be preserved by Owners for a period of three (3) years. At the request of the Department, such records shall be made available for inspection and audit by the Department.

(b) At the time any occupied Covered Building is transferred, the buyer and seller shall arrange for the seller to provide to the buyer all information necessary for the buyer to report Benchmarking information for the entire year in a timely manner. It shall be a violation of this Ordinance for any seller to fail to so provide any such information.
(Ord. No. 67-16/17, 11-7-2016)

6-216. Violations.

It shall be unlawful for any entity or person including, but not limited to, Owners or Tenants to fail to comply with the requirements of this Ordinance or misrepresent any material fact in a document required to be prepared or disclosed by this Ordinance.
(Ord. No. 67-16/17, 11-7-2016)

6-217. Enforcement and Administration.

(a) The City Manager, the Department or their designee shall enforce the provisions of this Ordinance.

(b) The City Manager, the Department or their designee may promulgate regulations relative to the administration of the requirements of this Ordinance, as necessary.

(c) If any person or entity including, but not limited to, Owners or Tenants violate any provision of this Ordinance, the following enforcement measures may be taken:

- (1) For the first violation, a written warning may be issued; and
- (2) Any subsequent or ongoing violation will be subject to a fine of up to \$20.00 per day pursuant to the

provisions of Chapter 1, Section 1-15 herein.
(Ord. No. 67-16/17, 11-7-2016)

6-218. Severability.

If any provision of this Ordinance shall be held to be invalid by a court of competent jurisdiction, then such provision shall be considered separately and apart from the remaining provisions, which shall remain in full force and effect.
(Ord. No. 67-16/17, 11-7-2016)

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.

Applicant means a prospective tenant for a rental housing unit, who signs or intends to sign a lease or other contractual agreement in relation to the unit.

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.

Rental Application means the written document used by a landlord to determine if an applicant is qualified to become a tenant of a rental housing unit.

Rental Application Fee means any cost, payment, charge or any other kind of expenditure or remuneration, including administrative costs, that an applicant is required to pay in order to have his or her rental application considered by the landlord.

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; Ord. No. 206-19/20, 8-3-2020)

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 ninety (90) days' written notice of any rent increase to a Tenant.

(Ord. No. 76-16/17, 11-21-2016; By Referendum, 11-8-2022)

6-223.1. Rental applications, generally; application fees prohibited.

(a) Disclosure of Application Criteria. Before accepting a rental application, a landlord must disclose to the applicant, in writing, the criteria on which the application will be judged.

(b) Availability of Units. Landlords shall only advertise rental housing units, receive applications, and screen applicants for rental housing units when such rental housing units are actually available and ready for occupancy or are expected to be available for occupancy within a reasonable time period; provided, however, that an applicant may consent to be screened and placed on a waiting list. For purposes of this Section, a rental housing unit is no longer considered available if a different applicant has been screened by the landlord, has been offered the rental housing unit and accepted it, and has placed a deposit on the rental housing unit. A rental housing unit may be considered available if a tenant of a unit has declared they will not be renewing a lease or have otherwise vacated the property. Landlords shall document the date and time that deposits are placed on rental housing units.

(c) Application Fees. All application fees for rental housing units are prohibited, including, but not limited to, any fees or charges to applicants for the following: national, state and local criminal background checks, credit reports, rental history records and/or reference checks, eviction records and/or employment verification.

(Ord. No. 206-19/20, 8-3-2020; By Referendum, 11-8-2022)

Sec. 6-223.2 Maximum deposit.

Notwithstanding 14 M.R.S. Section 6032, a lease or tenancy at will agreement for a dwelling intended for human habitation may not require a security deposit equivalent to more than the rent for one (1) month.

(By Referendum, 11-8-2022)

6-224. Protection of Tenants.

(a) The Housing and Economic Development 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 Housing and Economic Development 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; Ord. No. 88-20/21, 9-21-2020)

6-225. Reserved.

***Editor's Note—** Pursuant to Council Order 156-23/24, passed on April 8, 2024, Section 6-225, which created a Rental Housing Advisory Committee, was repealed in its entirety.

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, 6-223.1, 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; Ord. No. 206-19/20, 8-3-2020)

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)

ARTICLE XII. RENT CONTROL AND TENANT PROTECTIONS

Sec. 6-230. Purpose.

The purpose of this Article is to address increasing rental costs within the City of Portland; to promote neighborhood and community stability; to protect the City's tenant population; to limit arbitrary evictions; and to stabilize and make more predictable future rent increases, all while remaining in conformance with Maine law, and ensuring that Landlords within the City receive a fair return on investment.
(By Referendum, 11-3-2020)

Sec. 6-231. Applicability.

This Article shall apply to Rental Units in the City limits of Portland, exempting the following:

(a) Rental Units owned, operated, or otherwise managed by municipal housing authorities, as defined in 30-A M.R.S. §4721(1), as amended;

(b) Accommodations provided in a hospital, convent, church, religious facility, or extended care facility;

(c) Dormitories owned and operated by an institution of higher education, or by Portland Public Schools;

(d) Rental Units within a building containing only two (2), three (3) or four (4) dwelling units, one of which the property owner currently occupies as his or her principal residence;

(e) Accommodations where the amount of rent charged is either controlled or subsidized by a federal, state, or local governmental agency; and

(f) Accessory dwelling units, as defined and understood in Chapter 14 of this Portland City Code.
(By Referendum, 11-3-2020 By Referendum, 11-8-2022)

Sec. 6-232. Definitions.

Allowable increase percentage means the standard amount that the rent of a Covered Unit may be raised within the following Calendar Year, unless a Landlord is entitled to additional increases as provided in Sections 6-233 or 6-234 below. The allowable increase percentage shall be determined on September 1 of each year beginning on September 1, 2021, and shall be equal to 70 percent of the change in the Consumer Price Index (CPI-U) for Greater Boston Metro Area for the preceding twelve (12) months, as published in August by the United States Bureau of Labor Statistics or its designee. For the purposes of this ordinance, the Rent Board shall presume that the Allowable increase percentage is sufficient to allow a reasonably prudent landlord who received a fair return on investment prior to the enactment of this ordinance to continue to maintain a fair net operating income that increases over time at a just and reasonable rate, yielding a fair return on investment under the normal course of doing business.

Base rent means the initial amount of rent that a Landlord charged for a Covered Unit prior to the increases allowed under this ordinance, as more specifically defined in Section 6-233 of this Article. For the purposes of the ordinance, the Rent Board shall presume that the Base Rent was sufficient to have provided the Landlord a fair return on investment prior to the enactment of this ordinance.

Banked rent means the Base Rent for a Covered Unit, plus any increase in rent to which the Landlord was entitled under

Sections 6-233 and 6-234 below, but that was not yet applied to the rent charged to a Tenant.

Constructed means a Rental Unit that has received its final certificate of occupancy from the City's Permitting and Inspections Department, or its designee.

Covered unit means a Rental Unit within the City of Portland that does not fall within a category exempted from this Article by Section 6-231.

Current covered unit means a Covered Unit that is occupied by a Tenant on January 1, 2021.

Discontinued covered unit means a Covered Unit that is not occupied on January 1, 2021 and has not been registered with the City of Portland under Section 6-151 of this Chapter.

Fair return on investment means an amount sufficient to allow a just and reasonable rate of return, to encourage the investment of capital in the rental housing market, to fairly compensate investors for the risks they have assumed, and to achieve minimum constitutionally protected standards. For the purposes of this ordinance, a Fair return on investment must be calculated using Maintenance of Net Operating Income methodology, as that term is used in other jurisdictions with similar ordinances, that presumes the net operating income the landlord earned from a Covered unit during calendar year 2019 yielded a fair return on investment, unless the landlord proves that special or peculiar circumstances prevented the landlord from receiving a fair return on investment during that period. The Rent Board may adopt rules or regulations to ensure the fair and consistent application of such methodology.

Landlord means an owner, manager, managing agent, sublessor, 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.

Major renovation or reconfiguration means one or more capital investments or improvements where the total cost of construction or improvement attributable to the Rental unit involved exceeds 20% of the property value, prior to improvement, of the Rental unit involved, as determined by the city's tax assessor.

Qualified family member means a spouse, parent, grandparent, brother, sister, child or grandchild related by blood, marriage, or adoption.

Rent means the consideration, including any deposit, bonus, benefit, or gratuity demanded or received for, or in consideration with, the use or occupancy of rental units and housing services. Such consideration includes, but is not limited to, monies and fair value of goods and services rendered to or for the benefit of the Landlord under the Rental Agreement, or in exchange for a Rental Unit, or housing services of any kind.

Rent board means the set of appointed individuals responsible for the administration of this Article, in accordance with the terms set forth below.

Rent stabilization allowances means collectively the Allowable Increase Percentage and any additional rent increase exemptions approved by the Rent Board under Section 6-234 of this Article.

Rent stabilization ordinance means Chapter 6, Articles XII and XIII of the Code of Ordinances, City of Portland, Maine, as amended.

Rental agreement means a contract between a Landlord and a Tenant for the use and/or occupancy of a Rental Unit.

Rental unit means any dwelling unit that is rented or otherwise made available for rent for residential use or occupancy, together with all additional rights, privileges, or services connected with use or occupancy of such a unit, including but not limited to vehicle parking spaces, storage, and commons areas and/or recreational facilities held out for use by the Tenant.

Rental year means a period of twelve (12) consecutive months beginning on January 1, 2021, or the date on which a Covered Unit enters the rental housing market, whichever is earlier.

Tenancy means the right or entitlement of a Tenant to use or occupy a rental unit.

Tenant-Based Rental Assistance means any and all forms of tenant-based rental assistance and vouchers, including but not limited to:

- (a) Tenant-based rental assistance through the Section 8 Housing Choice Voucher Program, 42 U.S.C § 1437f (o);
- (b) Tenant-based rental assistance through the HOME Investment Partnerships Act at title II of the Cranston-Gonzalez National Affordable Housing Act, as amended, 42 U.S.C § 12701 et seq.;
- (c) Tenant-based rental assistance under the HOD-Veterans Affairs Supportive Housing (HUD-VASH), authorized by§ 8 (o) (19) of the United States Housing Act of 1937, 42 U.S.C. § 1437f (o) (19);
- (d) Tenant-based rental assistance through the Shelter Plus Care Program authorized by title IV, subtitle F, of the Stewart B McKinney Homeless Assistance Act, 42 U.S.C. §§ 11403-11407b, as amended;
- (e) Tenant-based rental assistance through the Supportive Housing Program authorized by title IV, subtitle F, of the Stewart B McKinney Homeless Assistance Act, 42 U.S.C. §§ 11381-11389, as amended;
- (f) Tenant-based rental assistance through the Section 8 Disaster Voucher Program (DVP);
- (g) Tenant-based rental assistance through the Housing Opportunities for Persons with AIDS (HOPWA) Program, 42 U.S.C. § 12901 -12912 as amended;
- (h) Tenant-based rental assistance through the Community Block Grant Program, 42 U.S.C. § 5301 et seq. as amended;
- (i) Tenant-based rental assistance through the Continuum of Care Program authorized by subtitle C of title IV of the McKinney-Vento Homeless Assistance Act, 42 U.S.C. §§ 11381-11389;
- (j) Tenant-based rental assistance through the Rural Development Voucher Program authorized through § 542 of the Housing Act of 1949, as amended. See 78 Fed. Reg. 49374 (Aug. 14, 2013) (proposed rule);

- (k) Tenant-based rental assistance through the Maine Bridging Rental Assistance Program, authorized by M.R.S. Title 34-B § 3011;
- (l) Tenant-based rental assistance through the Maine State Housing Authority Home To Stay Program, M.R.S. Title 30-A § 4771;
- (m) Tenant-based rental assistance through the Maine State Housing Authority Stability Through Engagement Program, M.R.S. Title 30-A § 4771;
- (n) Tenant-based rental assistance through the City of Portland's Tennant Based Rental Assistance Program, M.R.S. Title 30-A § 4771;
- (o) Tenant-based rental assistance through the City of Portland's General Assistance Program, authorized by M.R.S. Title 22 § 4301 et seq.; and
- (p) Such other Tenant-based rental assistance or rental vouchers or rental coupons as may be authorized under any federal, state, or local program.

Tenants Union means any group, organization, committee, collective, association or entity, whether incorporated or unincorporated, of any kind, whatsoever, in which tenants participate and which exists for the purpose, in whole or in part, of dealing with Landlords concerning rental conditions or any matter related to the Landlord-tenant relationship, including but not limited to the rights and interests of tenants under this Chapter.

(By Referendum, 11-3-2020; By Referendum, 11-8-2022)

Sec. 6-233. Establishment of base rent.

(a) *Base Rent for Current Covered Units.* Beginning on January 1, 2021, each Covered Unit shall be registered with the City in accordance with Section 6-151. Such registration must include proof of the rent charged by the Landlord for each Covered Unit as of June 1, 2020 (i.e., through presentation of a valid Rental Agreement, rent payment receipt, or other acceptable means within the opinion of the City). This amount shall be the Base Rent for purposes of the Rent Stabilization Ordinance, except as otherwise provided within this section..

(b) *Base rent for Discontinued Covered Units.*

- (i) If a Covered Unit was not required to be registered with the City as of April 1, 2021, but is required to be registered with the City after such date, the Base Rent shall be the amount of Rent charged 120 days prior to the date when the Covered Unit became required to be registered, or if no Rent was charged at such time, the first Rent charged by the Landlord any time thereafter. The Base Rent for any new Covered Unit entering the rental housing market for the first time shall be the Rent charged to the first Tenant, as set by the Landlord.
- (ii) If a Covered Unit was required to be registered with the City as of April 1, 2021, but is removed from the rental housing market, the Base Rent for such a Covered Unit upon reentry to the rental housing market shall be the Banked Rent, as measured from the time the Covered Unit was removed from the rental housing market.
- (iii) If a Covered Unit was required to be registered with the City as of January 1, 2021, but is subsequently removed from the rental housing market for a period of at least sixty (60) months, the Base Rent for such a Covered Unit shall be the Rent charged to the first Tenant upon reentry into the rental housing market, as set by the Landlord.

(c) *Base rent following major renovation or reconfiguration of Covered Units.* Upon a major renovation or reconfiguration of a Covered Unit, the Landlord may charge no more than the Banked Rent for that unit, or may apply to the Rent Board for determination of the appropriate increased Base Rent. When determining the appropriate increased Base Rent, the Rent Board may consider factors including the increase in floor area, the addition or upgrade of amenities, the amount necessary to ensure a fair return on investment, and any other factor determined relevant in the opinion of the Rent Board; the Rent Board may consider any amount of Banked Rent accrued for that unit, but after determining the appropriate Base Rent, all previously accrued Banked Rent shall be forfeited..

(d) *Base rent following consolidation of Covered Units.* When two (2) or more Covered Units are consolidated to create a single

Covered Unit, the Base Rent for the resulting Covered Unit shall be equal to the Banked Rent of the larger of the two previously-existing Covered Units, increased by a percentage equal to the increase in square footage of the new Covered Unit.
(By Referendum, 11-3-2020; By Referendum, 11-8-2022)

Sec. 6-234. Rent increase limitations.

(a) Beginning on September 1, 2021, and occurring no later than September 1 of each subsequent year, the Housing Safety Office shall establish and publish the Allowable Increase Percentage for the following calendar year, and shall announce and explain the methodology for calculating the Allowable Increase Percentage at the first meeting of the Rent Board following such publication. The Rent Board shall hear public comment after such announcement.

(b) A Landlord may not increase the rent charged for a Covered Unit within twelve (12) months following a previous Rent increase. After twelve (12) months, the Landlord may only increase the rent charged for a Covered Unit by an amount that conforms to the following specifications:

1. *Annual Increase Percentage.* Unless a Landlord qualifies for an additional increase as further described below, rent for a Covered Unit may not be increased by more than the Allowable Increase Percentage.
2. *New Tenancy.* A landlord may increase the rent on a Covered Unit by five percent (5%) of the base rent in addition to any other allowable increases when a new tenant occupies a unit, but only if the previous Tenancy was terminated voluntarily by the previous Tenant, without coercion or unreasonable influence from the Landlord. This increase may be applied at most once per twelve (12) months, regardless of the number of new tenancies. The Housing Safety Office shall investigate any report that the Tenancy was not terminated voluntarily by the Tenant, or that the Tenant was coerced or unreasonably influenced by the Landlord to terminate the Tenancy. Any tenancy in which the property owner served the tenant with a notice to quit or summons and complaint for forcible entry and detainer shall not be deemed to be a situation in which the previous tenant voluntarily terminated the tenancy.

3. *Banked Rent.* If the Landlord has banked additional rent increases, in accordance with Section 6-235 below, this banked amount, in whole or in part, may be added to the increases permitted by subsections (i) and (ii) above.
4. *Additional Rent Board Approved Increases necessary to ensure a fair return on investment.* In addition to the above rent adjustments, upon receipt of an application submitted by the Landlord, the Rent Board may approve additional rent increases necessary to ensure a fair return on investment.

To calculate what amount is necessary to ensure a fair return on investment, the Rent Board shall employ generally acceptable Maintenance of Net Operating Income methodology, and may not consider any valuation-based or capitalization-based methodology or any calculation or methodology factoring market rent or market value of the Covered Unit.

Rent board approval under this provision is intended to ensure a fair rate of return under abnormal, unexpected, or irregular circumstances, including, but not limited to, capital improvements and minor renovations, uninsured repairs, the provision of new housing services, revaluation for property tax assessment, or other unusual expenses. The Rent Board shall presume that the Allowable Increase Percentage will be sufficient to satisfy all regular increases in operating costs, routine maintenance expenses, and other normal or regular costs or expenses, allowing the Landlord to maintain a fair return on investment.

The Landlord submitting an application for an additional rent increase bears the burden of proof, including the burden of providing all necessary documentation, to demonstrate that the increase is necessary to receive a fair return on investment. Such documentation shall include, but is not limited to: historical net operating income, revenue and expenses; the costs and expenses requiring Rent board approval of an additional increase; and what portion of shared costs and expenses can be fairly attributed to each individual covered unit.

(c) At no time may a Landlord raise the rent of a Covered Unit by more than ten (10) percent. Any rent increases available to a Landlord in excess of ten (10) percent must be banked for later use.

(d) Before increasing the rent of a Covered Unit, a Landlord must send a signed document to the Tenant(s) no fewer than ninety (90) days before the effective date of the rent increase. This document must include the date on which the Tenancy began, the date on which the rent will be increased, the amount of the increase, any remaining Banked Rent that has not been included in the Rent increase, and the appropriate justifications for such a rent increase as defined in Section 6-234(b) above. Failure to provide such documentation shall be considered a violation of this Article, and any notice not containing all such documentation shall be void.

(e) Tenants, individually or collectively, who receive notice of a rent increase that they believe does not conform with this Section may file a complaint with the Housing Safety office. The Housing Safety office shall promptly investigate such complaint and take appropriate action. If, within fourteen (14) days of filing such a complaint, the notice is not rescinded by the Landlord, an appeal of said rent increase may be filed with the Rent Board. Upon receipt of the appeal, the Rent Board shall schedule a public hearing to be held no more than twenty-one (21) days after the filing of the completed appeal application. At the public hearing, the Board will consider de novo the rent charged under the existing Rental Agreement, the amount of the proposed new rent, and the factors which may or may not allow such an increase in accordance with this Article. Upon consideration of such evidence, the Board will render a decision as to whether the increased rent is allowable. An increase determined by the Board to be more than is allowed by this Article shall be considered a violation and the Board may determine the appropriate penalty for any such violation in a manner consistent with the provisions of this Code. Multiple tenants collectively alleging the same or similar violations against a single Landlord, including but not limited to a Tenants Union or members of or participants in a Tenants Union, may file their complaints or appeals collectively as a single document, and the Rent Board shall hear all such matters together as a single complaint or appeal; but notwithstanding such consolidated hearing the Rent Board may elect to issue separate decisions.

f) A landlord who is not in substantial compliance with any provision of this chapter, including but not limited to the Rent Stabilization Ordinance, may not demand, accept or retain any rent increase otherwise permitted by this section or any other provision of this Code or Maine statute.

(By Referendum, 11-3-2020; By Referendum, 11-8-2022)

Sec. 6-235. Process of banking rent increases.

If a Landlord chooses to not impose any rent increases to which they are entitled pursuant to Section 6-234 above, these increases may be banked, in whole or in part, with the annual registration required under Section 6-151. Banked increases may be used to raise the rent of Covered Units in subsequent years in addition to Rent Stabilization Allowances, subject to the limitations in Section 6-234, including that no single increase of such rent shall exceed ten (10) percent.

(By Referendum, 11-3-2020; By Referendum, 11-8-2022)

Sec. 235.1. Alternative calculation of maximum allowable rent.

At no time shall any Landlord charge Rent on a Covered Unit that exceeds the Base Rent plus any accrued increases allowed under this Ordinance, and any Landlord who charges Rent on a Covered Unit that is greater than such amount is in violation of this Ordinance. This section shall not be construed to retroactively revoke any allowable increases accrued under previous versions of this Ordinance.

(By Referendum, 11-8-2022)

Sec. 6-236. Termination of Tenancies.

(a) In order to be terminated by a Landlord, all tenancies must be terminated by providing a minimum of 90 days' written notice to Tenant except as provided below:

1. "For Cause" tenancies terminable on 7 days' notice pursuant to 14 M.R.S. § 6002(1) may be terminated in accordance with Section 6002(1);
2. Short-term rentals with a term of fewer than 30 days' are exempt from the 90-day notice period outlined herein;
3. Where a Landlord provides the amount of one month's rent as reimbursement to Tenant for the inconvenience of termination, tenancies may be terminated by notice to the Tenant of sixty (60) to eighty-nine (89) days;

4. Where a Landlord provides the amount of two months' rent as reimbursement to Tenant for the inconvenience of termination, tenancies may be terminated by notice to the Tenant of thirty (30) to fifty-nine (59) days.

(b) Reimbursement amounts outlined under subsections (a) above are lump-sum amounts payable in a single installment for the collective benefit of all tenants of a unit. Tenants are responsible for allocating the reimbursement amount among themselves.

(By Referendum, 11-3-2020; By Referendum, 11-8-2022)

Sec. 6-237. 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.

(c) It shall be prohibited for a landlord to refuse to rent or negotiate for the rental of, or otherwise make unavailable or deny a dwelling to any tenant because of the tenant's source of income or because of the requirements of any program providing the source of income;

(d) It shall be prohibited for or a landlord to refuse to participate in or comply with any federal, state, or local requirements of a tenant-based rental assistance program, including, but not limited to the following:

1. Refusing to allow inspections of a dwelling by the public housing authority or other entity administering a tenant-based rental assistance program.

2. Refusing to make reasonable repairs necessary for the dwelling to meet the housing quality standards of the tenant-based rental assistance program; such repairs will be considered reasonable if they do not substantially alter or change the housing unit or do not require repairs substantially different from those that would be required to bring the rental unit into compliance with the Maine Warranty of Habitability Act or local building or housing codes applicable for new construction.
3. Refusing to complete any necessary paperwork, including but not limited to such documents as the Request for Tenancy Approval form, the Housing Assistance Payments Contract, and the Tenancy Addendum or applicable General Assistance forms; and
4. Refusing to provide information required by the public housing authority or other entity administering the source of income or tenant-based rental assistance program.

(e) It shall be prohibited for a Landlord to refuse to rent or negotiate for the rental of, otherwise make unavailable or deny, a dwelling to a Tenant, retaliate against, or otherwise discriminate against a Tenant because the Tenant, or a Tenants Union on behalf of the Tenant, has complained or initiated a complaint or appeal to assert the Tenant's rights or interests under this Ordinance, or because the Tenant is a member of or participates in a Tenants Union. There is rebuttable presumption that any adverse action by the Landlord, including but not limited to forcible entry and detainer, was commenced in retaliation against the Tenant if, within six months prior to the commencement of the adverse action the Tenant, or a Tenants Union on behalf of the Tenant, complained or initiated a complaint or appeal to assert the Tenant's rights or interests under this Ordinance.

(By Referendum, 11-3-2020; By Referendum, 11-8-2022)

Sec. 6-238. Notice of ordinance to tenants.

(a) The Planning Department or its designee shall create and make available on the City's publicly accessible web site a plain language document that explains the rights, responsibilities, and protections created by this Ordinance.

(b) The document referenced above shall be provided by Landlords to all Tenants in Covered Units at the commencement of the rental of the Covered Unit and shall be provided again upon any update to the document made by the City.

(c) An acknowledgement of receipt of the document 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) Landlords of buildings shall post a copy of the document referenced above in at least one (1) conspicuous common area within the building housing the Covered Units.
(By Referendum, 11-3-2020)

Sec. 6-239. Non-waiver of rights.

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 Rental Agreement that offers greater rights than those conferred hereby.
(By Referendum, 11-3-2020)

Sec. 6-240. Enforcement and remedies.

Any violation of this Article is considered a civil infraction; all such violations, including any penalty determined to be appropriate by the Rent Board, shall be enforced pursuant to the Portland City Code Chapter 1, §1-15. Violations of this Article, including enforcement of penalties for all such violations, shall be given the highest enforcement priority by the City.
(By Referendum, 11-3-2020; By Referendum, 11-8-2022)

Sec. 6-241. Limitation of Liabilities

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

(By Referendum, 11-3-2020; By Referendum, 11-8-2022)

Sec. 6-242. Severability.

The provisions of this Article are severable. If any of its provisions are held invalid by act of a court of competent jurisdiction, all other provisions of this Article shall continue in full force and effect.
(By Referendum, 11-3-2020)

Sec. 6-243. Tenants Unions.

(a) Any Tenants Union shall have standing as a party to assert the rights or interests of any Tenants, individually or collectively, under this Chapter in any complaint, appeal, or other proceeding brought before the Housing Safety Office, the Rent Board, or the Superior Court in an appeal from any final decision under this Chapter in accordance with Rule 80B of the Maine Rules of Civil Procedure.

(b) The Housing Safety Office shall create a registration form and accept the registration of Tenants Unions representing Tenants with rights and interests under this Chapter. Such registration shall include the name, telephone number, and e-mail address of a principal contact for the Tenants Union. The Housing Safety Office shall maintain and publish a list of Tenants Unions registered under this section, including contact information, for use by Tenants wishing to join or contact a Tenants Union. Nothing in this Section shall be construed to require a Tenants Union to register with the City. The City shall be prohibited from requesting, collecting, maintaining or publishing the names of individual Tenant members of any Tenants Union.
(By Referendum, 11-8-2022)

Sec. 6-244. - Sec. 6-249. Reserved.

ARTICLE XIII. RENT BOARD

Sec. 6-250. Creation; composition.

There shall be a Rent Board of seven (7) members. Members of the Rent Board shall be residents of the city and shall not be officers or employees of the city or any of its agencies or departments.

Two (2) members shall be appointed to fill at-large seats, and may reside in any part of the city. The remaining five (5) members shall be comprised of one member from each of the five (5) city council districts with the highest concentration of Rental Units. Should the location of said city council districts

be changed, the districts of Rent Board members shall change to mirror such changes.

The City shall take reasonable steps, but is not required, to appoint to the Rent Board with no more than three (3) landlords and at least three (3) tenants.
(By Referendum, 11-3-2020 By Referendum, 11-8-2022)

Sec. 6-251. Appointment; terms.

The members of the Rent Board shall be appointed by the Mayor, subject to the approval of the City Council for terms of three (3) years. Such members shall serve until their successors are duly appointed and qualified. Such terms shall be staggered so that the terms of not more than three (3) members shall expire in any calendar year.
(By Referendum, 11-3-2020 By Referendum, 11-8-2022)

Sec. 6-252. Vacancies.

Permanent vacancies on the Rent Board shall be filled by the City Council, in the same manner as other appointments hereunder, for the unexpired term of the former member.
(By Referendum, 11-3-2020)

Sec. 6-253. Removal of members.

Any member of the Rent Board may be removed for cause by the City Council at any time; provided, however, that before any such removal, such member shall be given an opportunity to be heard in his or her own defense at a public hearing.
(By Referendum, 11-3-2020)

Sec. 6-254. Compensation.

Members of the Rent Board shall serve without compensation.
(By Referendum, 11-3-2020)

Sec. 6-255. Chair and vice-chair.

(a) The members of the Rent Board shall annually elect one (1) of their number as chair to preside at all meetings and hearings and to fulfill the customary functions of that office, and another of their number as vice-chair. The chair may administer oaths. The chair shall have the right, upon request, to designate any person or organization as a specially interested

party for purposes of offering evidence and conducting cross-examination at hearings.

(b) In the absence of the chair, the vice-chair shall act as chair and shall have all the powers of the chair. The vice-chair shall have such other powers and duties as may from time to time be provided by the rules of the Rent Board.

(By Referendum, 11-3-2020)

Sec. 6-256. Staff secretary; minutes, public records.

The Housing Safety Office shall designate a member of its staff to serve as staff secretary of the Rent Board and attend all its proceedings. The staff secretary shall keep the minutes of the proceedings of the Board, showing the vote of each member on every question, or his or her absence or failure to vote, and shall maintain the permanent records and decisions of all board meetings, hearings and proceedings, and all correspondence of the board, as required by statute. Such records shall be public records open to inspection during working hours upon reasonable notice.

(By Referendum, 11-3-2020)

Sec. 6-257. Quorum and necessary vote.

As to any matter requiring a hearing, no business shall be transacted by the Rent Board without a quorum, consisting of four (4) members being present. The concurring vote of at least four (4) members shall be necessary to authorize any action by the Board. If less than a quorum is present, the hearing may be adjourned from time to time for a period not exceeding three (3) weeks at any one time. The staff secretary shall notify in writing all members of the date of the adjourned hearing and shall notify such other interested parties as may be directed in the vote of adjournment.

(By Referendum, 11-3-2020)

Sec. 6-258. Meetings, hearings, and procedures.

(a) Regular meetings of the Rent Board shall be held at the call of the chair or as provided by the rules of the board. Special meetings shall be called by the chair at the request of any three (3) members of the Board or at the request of the city council. All meetings and hearings of the board shall be open to the public.

(b) The Rent Board shall adopt its own rules of procedure for the conduct of its business not inconsistent with the statutes of the state and this article. Such rules shall be filed with the staff secretary and with the city clerk. Any rule so adopted which relates solely to the conduct of hearings, and which is not required by the statutes of the state or by this article, may be waived by the board upon good cause being shown.
(By Referendum, 11-3-2020)

Sec. 6-259. Public hearings.

Public hearings shall be held as required by the various statutes, codes, and ordinances pursuant to which matters are brought before the Rent Board and shall be conducted in accordance with relevant state law, this code, and the rules of the board.
(By Referendum, 11-3-2020)

Sec. 6-260. Record and decisions.

(a) The minutes of the staff secretary, and the transcript if one (1) is made, and all exhibits, papers, applications, and requests filed in any proceeding before the Rent Board, and the decision of the Board shall constitute the records.

(b) Every final decision of the Rent Board shall include written findings of fact, and shall specify the reason or reasons for such decision.

(c) The staff secretary shall mail notice of any decision of the Rent Board to the applicant and any designated interested parties within five (5) days of such decision.
(By Referendum, 11-3-2020)

Sec. 6-261. Conflicts.

No member of the Rent Board shall participate in the hearing or disposition of any matter in which they have an interest, as defined by 30-A M.R.S.A. § 2604(4), as amended.
(By Referendum, 11-3-2020)

Sec. 6-262. Appeals to Superior Court.

An appeal from any final decision of the Rent Board as to any matter over which it has final authority may be taken by any party or by any authorized officer or agent of the City to the

Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure.
(By Referendum, 11-3-2020)

Sec. 6-263. Jurisdiction and authority.

In addition to the jurisdiction conferred on it by other ordinances of the City and in accordance therewith, the Rent Board shall have the following jurisdiction and authority:

(a) To hear, review, and approve or deny Landlord applications for rent increases greater than the Allowable Increase Percentage, as provided for in Section 6-234 above;

(b) To hear, review, and approve or deny Landlord applications for increases in Base Rent due to the major renovation or reconfiguration of existing Covered Units, as provided for in Section 6-234 above;

(c) To hear, review, and grant or deny complaints or appeals from Tenants, individually or collectively, regarding Rent charges or Rent increases not in compliance with the Rent Stabilization Ordinance, or other matters falling within the scope of the Rent Stabilization Ordinance, or allegations violations of Maine statute regarding the habitability of residential units; such appeals shall be heard and decided de novo;

(d) To hear, review, and approve or deny any requests from Landlords for an extension of time in which to reinstate Tenants temporarily displaced due to the Landlord's performance of necessary capital improvements to the Covered Unit and/or the building in which said unit is housed;

(e) To mediate any dispute arising between Landlords and Tenants where both parties request such mediation by submitting the landlord/tenant mediation form, as maintained and edited by the Housing Safety Office, signed by both Landlord and Tenant; all parties to such mediation must agree and shall be required to mediate in good faith; such authority to mediate disputes shall not be construed to limit the Rent Board's authority to hear, review or decide any tenant complaint or appeal without the consent of the Landlord; the Board may appoint one or more of its members, in lieu of the full Board, to mediate disputes on a rotating basis, and such mediation may be conducted outside of a public hearing, and a quorum of the Rent Board shall not be required for such mediation;

(f) To determine, in a manner consistent with the provisions of this Code, what penalties are appropriate for violations of the provisions of the Rent Stabilization Ordinance that are determined by the Rent Board;

(g) To prepare and recommend to the City Council changes and amendments to the City's Rent Stabilization Ordinance;

(h) To prepare an annual report on the state of the City's rental unit availability, which shall be presented to the City Council as part of a regularly-scheduled public hearing. This report shall include a summary of rents within each of the five (5) council districts. Such reporting may or may not be done in conjunction with similar reporting required of the City's Rental Housing Advisory Committee, as established by this Chapter;

(i) To adopt or amend, subject to approval by the City Council, such rules and regulations as are necessary to implement, or to allow for the efficient and consistent application of, the provisions of the Rent Stabilization Ordinance, including but not limited to rules and regulations governing the proceedings of the Rent Board's hearing of Landlord applications or of Tenant complaints or appeals and rules and regulations providing standard procedures and methodology for calculating the amount of rent necessary to allow the Maintenance of Net Operating Income and yield a Fair Return on Investment under various circumstances; the Board may adopt, subject to approval by the City Council, rules and regulations, including methodology, allowing the Housing Safety Office or a hearing officer to review Landlord applications and to complete standard calculations in order to provide for or facilitate an expeditious process and efficient consideration by the Rent Board; Rules and Regulations adopted pursuant to this authority, and any amendments thereto, shall become effective only when approved by the City Council, and shall be kept on file in the Housing Safety Office;

(j) To initiate changes and amendments to the city's Rent Stabilization Ordinance.

(By Referendum, 11-3-2020; By Referendum, 11-8-2022)

Public Comment - Order 36- 25/26: Do Not Subsidize BAD Housing To Destroy the Preble Chapel

George Rheault via portlandmaine.gov

Attachments

Tue, Sep 2, 10:53 AM (22 hours ago)

to Public, Mark, Pious, April, bgrant, Kate, Anna, Regina, Wesley, smichniewicz, Danielle, Mary, Gregory, Michael

To the Hypocritical Chapel-Killers Who Think It Is Just Fine to Destroy One Neighborhood's Historic and Architectural Heritage While NEVER ASKING THEIR OWN NEIGHBORHOODS TO SACRIFICE ANYTHING FOR THE PROVISION OF NEW CHILD CARE OR AFFORDABLE HOUSING CAPACITY:

This is NOT what FAIR HOUSING POLICY looks like when you continue to segregate your own neighborhoods and concentrate poverty in the downtown's most congested corridors.

Unforgivable VANDALISM: Replacing the human-scale Preble Chapel - with its rich legacy tracing back to Portland's Colonial, Revolutionary and Federalist/Jeffersonian Eras never mind its later 19th and 20th Century community impacts - with a poorly designed "bare minimum" housing development used to subsidize an expensive child care facility expansion because of a lack of will to locate it somewhere else in Portland.

CONS:

- Building Entrances/Lobby directly adjacent to intensively used homeless medical clinic (Learning Collaborative) notoriously attracting constant loitering at all hours
- No parking of any kind for residents, employees or clients (which is funny because our City Council just whined and complained about the parking issues surrounding the LiveNation Music Arena)
- No windows in cramped laundry room or fitness center "amenities" (both of course located in basement) - dystopian and undesirable
- Community Room looks out on dilapidated alley (see email below from 2024) with large menacing "Border Wall" fence in direct view along with large electrical transformer - no obvious space for grilling opportunities or meaningful outdoor open space - again - good enough for politicians who won't ever live here and could care less about ensuring they are funding desirable, attractive living spaces.
- No reasonable resident access to playground space (residents must exit from their Portland Street lobby and walk all the way around their building to the Cumberland Avenue side and then open and close a series of gates (resident access to the daycare playground after hours (evenings and weekends/holidays) has been promised but no one has bothered to think through how useless this for families when access presents so many hurdles)
- Pathetic little outdoor seating area on top floor looking west which can only be accessed by routinely disturbing the residents whose units are directly adjacent to this "amenity" (which City Councilor will ask the applicant what the dimensions are of this outdoor area and how many people (adults and/or children) can safely be accommodated in it)
- A portion of the basement units have apartment windows directly fronting the Portland & Preble Street sidewalks which of course is extremely desirable for purposes of privacy, serenity and well-being (while not as extreme, the streetside units in Bayside's "Unity Village" (now owned and maintained by AVESTA) are a good example of how vulnerable and unhappy tenants are when their families do not have any buffer from the often chaotic and disorderly street activity directly out in front of their windows and living space)
- Big proportion of dwelling units look out at a giant parking garage (including the constant headlight intrusions during evenings and winter afternoons)

- Big proportion of dwelling units look out at a homeless shelter (including its outdoor courtyard) for the most troubled and hard-core chronic street people who are all but impossible to place anywhere else (some have posited a conspiracy theory that this entire development is meant to help put pressure ultimately on Preble Street to close down Elena's Way (whether or not it can be relocated) which is a pretty awful thing if true considering how hard it is to create new shelter capacity anywhere in Southern Maine).
- Big proportion of dwelling units look out at the windows of the next door tenants at "The Earl" building as well as big blank expanses of that apartment building's brick exterior
- No buffers or noise protection for residents during playground sessions for child care activities for 100+ children (will it be enough for residents to close their windows if they need some peace and quiet from joyful kids screaming and yelling while burning off their youthful energy on the playground or will Y&FO ensure that ALL the kids have to use their "indoor voices" when enjoying their playground time?)

Will the small proportion of market-rate tenants stick around to renew their leases to pay a premium for sharing a building with lots of troubled tenants, many of them formerly homeless, who may be bringing with them possible mental health/substance abuse issues and language barriers?

If West Bayside is going to sacrifice its Preble Chapel, which existed before there ever was a "West Bayside," for the greater good of Portland, the least we should get is a robust, healthy and attractive housing community that people look forward to living in. Instead what we are getting is a financially stripped to the bone "good enough to help finance the child care expansion" set of dwelling units that will be very expensive to maintain and manage and has a very good chance of being a failed apartment building within a few years of its shiny "newness" wearing off.

You are the "urban renewal" poobahs of 2025 and if you complained about the low performance of the urban renewal decision-makers from the 1940s/50s/60s and 70s doing their jobs, you better rethink this entire mess lest this become your most notorious legacy.

----- Forwarded message -----

From: George Rheault <george.rheault@gmail.com>

Date: Sun, Sep 15, 2024 at 10:47 AM

Subject: Public Comment - Orders 45, 46, 47 - 24/25: Bad Housing Is NOT a Good Reason to Destroy the Preble Chapel

To: Public Comment <publiccomment@portlandmaine.gov>, Mark Dion <mdion@portlandmaine.gov>, Pious Ali <pali@portlandmaine.gov>, April Fournier <afournier@portlandmaine.gov>, Roberto Rodríguez <rrodriguez@portlandmaine.gov>, Anna Trevorrow <atrevorrow@portlandmaine.gov>, Victoria Pelletier <vpelletier@portlandmaine.gov>, Regina Phillips <rphillips@portlandmaine.gov>, Anna Bullett <abullett@portlandmaine.gov>, Kate Sykes <ksykes@portlandmaine.gov>, Danielle West-Chuhta <dwest@portlandmaine.gov>, Michael Goldman <mig@portlandmaine.gov>

Cc: Kevin Kraft <kkraft@portlandmaine.gov>, Evan Schueckler <evans@portlandmaine.gov>, Goebel-Bain, Michael W <Michael.W.Goebel-Bain@maine.gov>, Mohny, Kirk <kirk.mohny@maine.gov>, Johnson, Mike D <Mike.D.Johnson@maine.gov>, Rideout, Megan M <megan.m.rideout@maine.gov>, Chapman-Mitchell, Christi <christi.chapman-mitchell@maine.gov>, Mary Davis <mpd@portlandmaine.gov>, <gwatson@portlandmaine.gov>

Politicians LOVE to brag about "progress" whether or not they have even bothered to think through what that even means most of the time.

Attached are two photos showing what the views will be from the windows of the "community room" for the proposed apartment complex and child care facility being developed by Youth & Family Outreach.

I am sure the kids and their families who will spend time in this community room (celebrating birthdays and other big events) will get the message that our City Council is sending about how important they are.

But please do not tell them or the rest of us that our city taxpayer dollars and land-use policies are carefully directed towards supporting high-quality housing environments for ALL FAMILIES.



Order 36-25/26

Nathaniel Baldwin nathaniel@hammondheirs.com via portlandmaine.gov
Tue, Sep 2, 11:44 AM (22 hours ago)
to publiccomment

Hello City Councillors,

My name is Nathaniel Baldwin and I am a commercial landlord on Congress Street in Portland. I'm writing today in full support of Order 36-25/26. I have owner property near the corner of Congress and High for almost ten years now and watched as storefronts have closed and remained so for years. I myself have dealt with closures during COVID so I understand that this is a natural part of the lifecycle of a city, but what we are seeing now - with years long vacancies - should not be tolerated. Personally, I was not in a financial situation to allow my property to remain vacant and did everything I could - in very unstable times - to get a new tenant and we did - seeing virtually to vacancy between tenants. I know there are many landlords who have the luxury of sitting on properties for years, waiting for a big payday, but in the meantime our city suffers, and it's time the city did something to incentivize them to fill those spaces sooner before we reach a tipping point. This ordinance may not be perfect but I don't think you can credibly argue that it is too onerous on landlords. Please pass it.

Nathaniel Baldwin
Hammond Heirs
587 Congress St
207.370.8581

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14 RE: PEDESTRIAN ACTIVITIES DISTRICT (PAD) OVERLAY ZONE**

WHEREAS, based on the findings, conclusions, recommendations, and other information provided in the Planning Board Report to City Council dated August 18, 2025, which is incorporated herein by reference, as well as the testimony, public comment, and other information submitted to the City Council, at the public hearing held on September 3, 2025, the City Council adopts the findings and conclusions in the Planning Board Report and finds that the below referenced amendments to Chapter 14 of the City's Code of Ordinances is pursuant to and consistent with the City's Comprehensive Plan;

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

That Chapter 14, Article 8, is hereby amended to read as follows, on the following pages:

8.1 PEDESTRIAN ACTIVITIES DISTRICT (PAD) OVERLAY

8.5.1 Purpose and applicability

The purpose of the Pedestrian Activities District (PAD) Overlay is to ensure that key areas within the City, as identified on the PAD Overlay Zone map (Figure 8-H), are maintained as active, walkable, pedestrian-oriented activity centers. As such, the overlay requires that street-level frontages within those areas identified on the PAD Overlay Zone map should be occupied with active uses as identified in this section. Buildings located within the areas identified on the PAD Overlay Zone map shall comply with the Vacant Commercial Properties Ordinance, as outlined in Chapter 6, Article XIV of the City Code.

8.5.2 Use restrictions

- A. Within the PAD Overlay Zone, a minimum of 75% of the street level frontage, measured as a percentage of total building length excluding areas of vehicular and pedestrian egress, and any mechanical or electrical equipment rooms servicing the building, shall consist of the uses specified below. Such uses shall occupy a minimum of 40 feet in depth, measured from the street facing façade of the building.
1. Bars
 2. Cultural facilities
 3. General services
 4. Governmental uses
 5. Hotels
 6. Low-impact industrial, provided that only retail sales of products produced on site, or eating and drinking

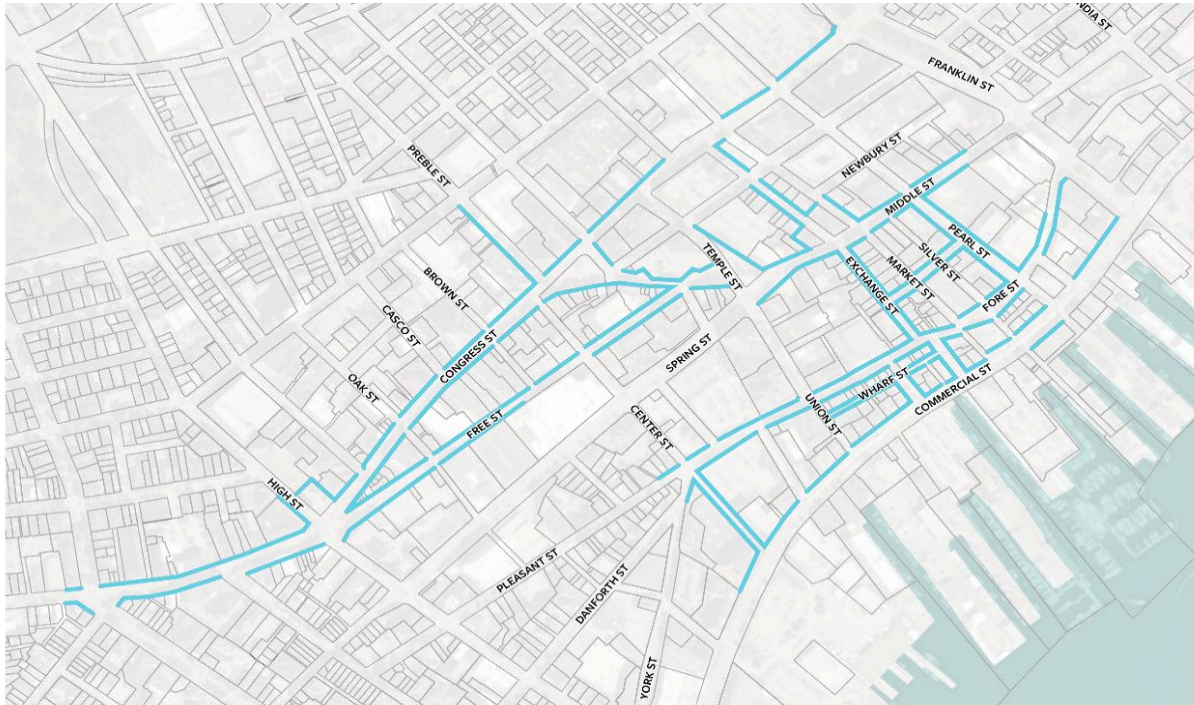


FIGURE 8-H: PEDESTRIAN ACTIVITIES DISTRICT (PAD) OVERLAY



- areas shall be located within the required active use area.
7. Restaurants, including food preparation areas visually oriented toward the street.
 8. Retail
 9. Specialty food services, provided that only retail sales of products produced on site, or eating and drinking areas shall be located within the required active use area.
 10. Studios for artists and craftspeople.
 11. Theaters and performance halls, provided that only ticket and refreshment sales, lobbies, lounges and entrances shall be located within the required active use area.
 12. Other uses may be allowed, provided the applicant can demonstrate to the Building Authority that the proposed use is substantially similar to a use listed above and will generate pedestrian interest and activity.
- B. First floor windows shall be transparent with uses visible from the public right-of-way.
- C. For buildings that have frontage on more than one street located within the PAD overlay zone, the above requirements apply to each frontage. In no event shall any required active use area be used for storage or service entrances, including loading docks, dumpsters and compactors, except as provided in Subsection 8.5.4.

8.5.3 Conditional uses

Any use permitted in the B-3 zone may be authorized as a conditional use subject to the floor area and transparency requirements of Subsection 8.5.2, provided that the Planning Authority shall be substituted for the Board of Appeals as the reviewing authority. Such uses shall meet the general conditional use standards of Section 6.5.2, and the following conditions and standards:

- A. The applicant shall prove by competent evidence (including but not limited to reliable documentation of advertising, real estate brokerage efforts, and other sales mechanisms) that the space has been actively marketed, and, in the case of new construction, available for permitted uses in the PAD Overlay Zone for a period of six months and that it has been unable to market the space for a permitted use in accordance with Subsection 8.5.2.
- B. The Planning Authority may impose reasonable conditions concerning the design, appearance, use, and extent of use of the space along the street frontage to ensure maximum pedestrian compatibility and interest.
- C. Notwithstanding the above, the Planning Authority may authorize a reduction in the percentage of required ground floor pedestrian-oriented uses where the physical limitations of an existing building so require. Any such reduction shall be the least necessary to provide relief and shall include mitigating design factors.

8.5.4 Exceptions

For buildings that have 40 feet or less of frontage on a street within the PAD Overlay Zone, the ground floor area requirements for permitted uses under Subsection 8.5.2 shall be reduced to 50% of the frontage where required to accommodate a service entrance. For buildings that have frontage on more than one street located within a PAD Overlay Zone, only one such frontage shall be permitted to reduce the required active use area to 50% of the frontage

PLANNING BOARD REPORT TO CITY COUNCIL PORTLAND, MAINE



Pedestrian Activities District (PAD) Overlay Zone
Chapter 14 - Text Amendment
Applicant: City of Portland

Submitted to:	Mayor Dion & the City Council	From:	Portland Planning Board
1st Read Date:	August 25, 2025	Date:	August 18, 2025
2nd Read Date:	September 3, 2025		

I. INTRODUCTION

The Planning Board held a public hearing for a proposed text amendment on July 8, 2025. They continued the hearing to their July 22, 2025 meeting, where the Board unanimously voted (6-0; Silk absent) to recommend the City Council adopt the following text amendment to the Land Use Code:

- Amend the text of Article 14, Section 8.5.1 to include a reference to the proposed Vacant Commercial Properties Ordinance, which will be an element of Chapter 6 of the Code of Ordinances.

Because the Vacant Commercial Properties Ordinance is proposed to be geographically tied to an element of the City's zoning, the Land Use Code must be amended to include a reference to the ordinance within the PAD Overlay Zone.



Figure 1: Pedestrian Activities District (PAD) Overlay Map

II. PLANNING BOARD REVIEW & DELIBERATION

The Planning Board held a Public Hearing over the course of two meetings (July 8, 2025; July 22, 2025). Following its review, the Board determined the proposal to be consistent with *Portland's Plan 2030*, the City's Comprehensive Plan. Board deliberations focused on several key topics, including how the new ordinance would be integrated with the existing Land Use Code, expanded comprehensive plan analysis, a potential conflict in vacancy timelines between the PAD Overlay and the proposed Vacant Commercial Properties Ordinance, and clarification of what 'temporary art guidelines' means within the proposed ordinance.

During deliberations, the Board questioned why the Vacant Commercial Properties Ordinance applied after three months of vacancy, while the PAD Overlay provisions began at six months. The Board expressed concern that three months of vacancy was too short a timeframe for property owners to secure a tenant and strongly recommended aligning the ordinance with the PAD Overlay requirements by extending the period to six months. This change would align the two ordinances, simplifying compliance for applicants and improving oversight and enforcement for staff. The Board also suggested relocating the reference to the Vacant Commercial Properties Ordinance within the PAD Overlay from the "Uses" subsection to the "Purpose and Applicability" subsection. Staff agreed with both recommendations, and the ordinance was revised accordingly: the vacancy period was extended to six months, and the reference was moved to the "Purpose and Applicability" subsection. With these changes, the Board found the proposed text amendment to be consistent with the Comprehensive Plan.

III. PROPOSED TEXT AMENDMENT

Below is the proposed text amendment to Section 8.5.1 Pedestrian Activities District (PAD) Overlay. Please see attachment A for the full draft amendment to Article 8.

Section 8.5.1:

The purpose of the Pedestrian Activities District (PAD) Overlay is to ensure that key areas within the City, as identified on the PAD Overlay Zone map (Figure 8-H), are maintained as active, walkable, pedestrian-oriented activity centers. As such, the overlay requires that street-level frontages within those areas identified on the PAD Overlay Zone map should be occupied with active uses as identified in this section. Buildings located within the areas identified on the PAD Overlay Zone map shall comply with the Vacant Commercial Properties Ordinance, as outlined in Chapter 6, Article XXX of the City Code.

IV. COMPREHENSIVE PLAN CONSISTENCY

Amendments to zoning require a determination of consistency with Portland's Comprehensive Plan, *Portland's Plan 2030*. The proposed text amendment aligns with several key goals of the Plan, as outlined below. These elements were considered by the Planning Board in its recommendation to the City Council.

Portland's Plan 2030 and the PAD Overlay Zone purpose statement include numerous goals and strategies that support the City's objective of promoting and maintaining active street-level uses to enhance the vibrancy of Downtown and reinforcing the center (downtown) as the regional hub for arts and culture and economic growth. At the heart of *Portland's Plan 2030*, are six interconnected themes which together, constitute a Vision Statement for the City. The linked structure of the Vision Statement conveys the connectedness of the themes and the subjects that comprise the Plan. Ultimately, the goals and implementation strategies described in the Comprehensive Plan are intended to support the Vision Statement. The six interconnected themes are: Equitable; Sustainable; Dynamic; Secure; Authentic; Connected.

The Vision Statement provides the foundation for focusing City policies and priorities for gauging success. In terms of authenticity, dynamism, and security, the Vision Statement highlights that vibrant arts and cultural life will

continue to be central to Portland's identity and that we will embrace innovation in order for our community to thrive. Further, the uniqueness and integrity of our neighborhoods will be maintained and enhanced and that we will maintain our character through preservation, innovation, and excellence in design for the built environment.

From an economic development policy standpoint, the Comprehensive Plan acknowledges that Portland's exceptional urban form is integral to the health of its economy. It speaks to the City's compact, walkable downtown and vibrant neighborhood centers being among its key competitive advantages and that a lively and active urban environment remains central to attracting tourists, full-time residents, and the businesses that serve them. Moreover, the geography of Portland's commercial activity is dynamic and multi-nodal, with the Old Port and the Arts District, both components of Downtown, continuing to serve as strong magnets for business and tourism.

Portland's Plan 2030 further outlines the City's economic development vision and emphasizes the importance of fostering a business climate that expands job opportunities and supports long-term economic well-being. At the same time, it underscores that Portland's unique *quality of place*, including its character, culture, and physical environment, is a cornerstone of its current and future success. A key goal of the plan is to emphasize the role of the arts, leveraging them as a central element of the city's identity. It also highlights the importance of ensuring access to arts and culture for all residents and that creative design, public art, and placemaking be incorporated wherever possible to enhance aesthetic value. Additionally, the plan emphasizes the principle of *Reinforcing the Center*, maintaining and enhancing commercial and entrepreneurial activity throughout the city, while recognizing that Downtown Portland remains the heart of the region's cultural, economic, and civic life. The plan affirms that Downtown should continue to be a primary center of activity for the broader region.

The Commercial Vacancy Ordinance is aligned with these goals. Its intent is to promote public welfare, economic development, and urban vibrancy by encouraging the display of creative artwork in vacant street-level commercial spaces within the PAD Overlay Zone. This overlay was created specifically to activate key commercial corridors in Downtown Portland. By establishing a mechanism to incentivize property owners to temporarily activate vacant storefronts with temporary artistic installations, the ordinance supports visually engaging, active street-level environments complementing the uniqueness and integrity of Downtown. At the same time, it provides short-term opportunities for local artists to showcase their work, reinforcing the creative economy and strengthening Portland's cultural identity. In doing so, the ordinance directly advances the Comprehensive Plan's goals related to downtown vibrancy, economic development, and the integration of arts and culture into the city's-built environment.

Specific strategies this amendment is advancing in *Portland's Plan 2030*:

1. Economy Chapter
 - a. Encourage innovation and enrich the creative economy
 - i. *Capitalize on the potential of temporary measures, activities, and uses to support and the new projects in the city, and explore models for incorporating changes in policy in an incremental and scalable way.*
 - b. Emphasize arts and culture
 - i. *Leverage arts and culture as a central element of Portland's distinct quality of place*
 - ii. *Support access to arts and culture for all residents*
2. Recreation and Open Space Chapter
 - a. Develop uniqueness
 - i. *Incorporate creative design, public art, and placemaking wherever possible to enhance aesthetic*

value.

3. Land Use Framework
 - a. Reinforce the Center
 - i. *Portland's Plan embraces the principle that downtown should continue to be a predominant locus of activity for the broader region.*

V. PUBLIC COMMENT

During the Planning Board's review, 13 written public comments were submitted, included in attachment B. The majority of the comments were in opposition of the proposed Vacant Commercial Properties Ordinance but one comment was in support of the ordinance.

VI. PLANNING BOARD RECOMMENDATION

The Planning Board considered the proposed zoning text amendment at a hearing on July 22, 2025. After deliberation, and on the basis of staff reports, public testimony, and review of applicable policies and application materials, the Planning Board unanimously voted (6-o; Silk absent) to find that the following text amendment is consistent with the Comprehensive Plan and recommended adoption to the City Council:

Section 8.5.1:

The purpose of the Pedestrian Activities District (PAD) Overlay is to ensure that key areas within the City, as identified on the PAD Overlay Zone map (Figure 8-H), are maintained as active, walkable, pedestrian-oriented activity centers. As such, the overlay requires that street-level frontages within those areas identified on the PAD Overlay Zone map should be occupied with active uses as identified in this section. Buildings located within the areas identified on the PAD Overlay Zone map shall comply with the Vacant Commercial Properties Ordinance, as outlined in Chapter 6, Article XXX of the City Code.

VII. ATTACHMENTS

- A. Draft Zoning Amendment to the Pedestrian Activities District (PAD) Overlay Section 8.5
- B. Public Comments

8.1 PEDESTRIAN ACTIVITIES DISTRICT (PAD) OVERLAY

8.5.1 Purpose and applicability

The purpose of the Pedestrian Activities District (PAD) Overlay is to ensure that key areas within the City, as identified on the PAD Overlay Zone map (Figure 8-H), are maintained as active, walkable, pedestrian-oriented activity centers. As such, the overlay requires that street-level frontages within those areas identified on the PAD Overlay Zone map should be occupied with active uses as identified in this section. Buildings located within the areas identified on the PAD Overlay Zone map shall comply with the Vacant Commercial Properties Ordinance, as outlined in Chapter 6, Article XXX. of the City Code.

8.5.2 Use restrictions

- A. Within the PAD Overlay Zone, a minimum of 75% of the street level frontage, measured as a percentage of total building length excluding areas of vehicular and pedestrian egress, and any mechanical or electrical equipment rooms servicing the building, shall consist of the uses specified below. Such uses shall occupy a minimum of 40 feet in depth, measured from the street facing façade of the building.
1. Bars
 2. Cultural facilities
 3. General services
 4. Governmental uses
 5. Hotels
 6. Low-impact industrial, provided that only retail sales of products produced on site, or eating and drinking

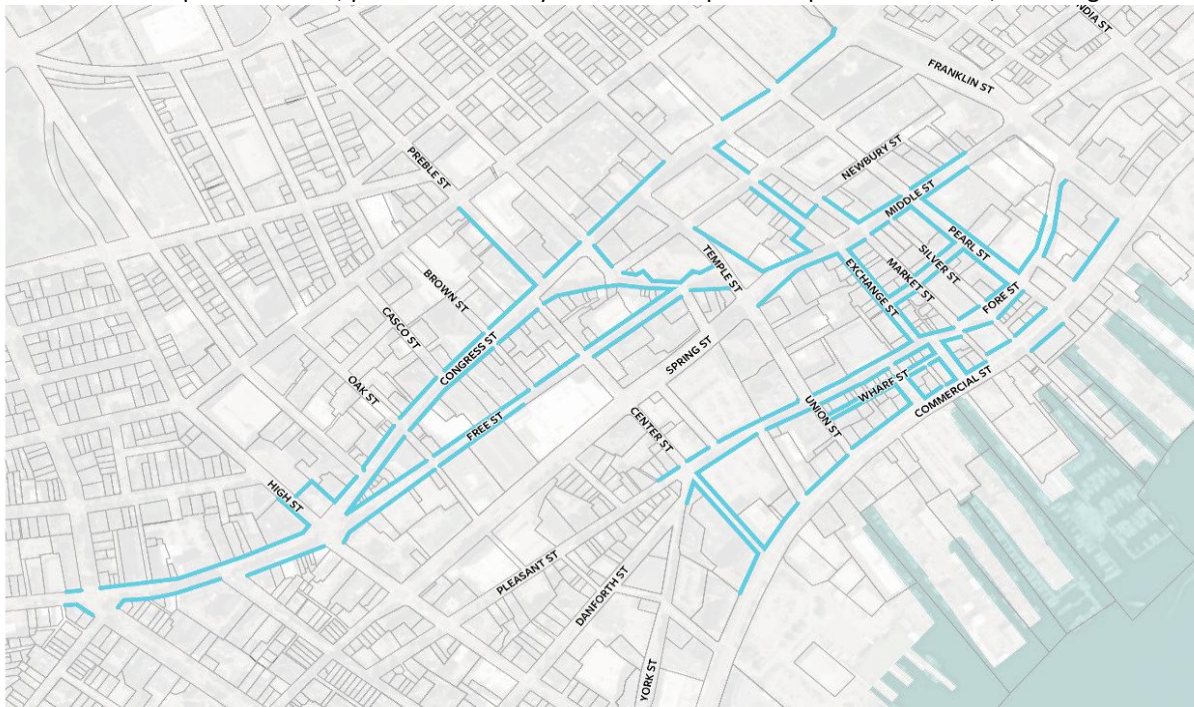


FIGURE 8-H: PEDESTRIAN ACTIVITIES DISTRICT (PAD) OVERLAY



areas shall be located within the required active use area.

7. Restaurants, including food preparation areas visually oriented toward the street.
 8. Retail
 9. Specialty food services, provided that only retail sales of products produced on site, or eating and drinking areas shall be located within the required active use area.
 10. Studios for artists and craftspeople.
 11. Theaters and performance halls, provided that only ticket and refreshment sales, lobbies, lounges and entrances shall be located within the required active use area.
 12. Other uses may be allowed, provided the applicant can demonstrate to the Building Authority that the proposed use is substantially similar to a use listed above and will generate pedestrian interest and activity.
- B. First floor windows shall be transparent with uses visible from the public right-of-way.
- C. For buildings that have frontage on more than one street located within the PAD overlay zone, the above requirements apply to each frontage. In no event shall any required active use area be used for storage or service entrances, including loading docks, dumpsters and compactors, except as provided in Subsection 8.5.4.

8.5.3 Conditional uses

Any use permitted in the B-3 zone may be authorized as a conditional use subject to the floor area and transparency requirements of Subsection 8.5.2, provided that the Planning Authority shall be substituted for the Board of Appeals as the reviewing authority. Such uses shall meet the general conditional use standards of Section 6.5.2, and the following conditions and standards:

- A. The applicant shall prove by competent evidence (including but not limited to reliable documentation of advertising, real estate brokerage efforts, and other sales mechanisms) that the space has been actively marketed, and, in the case of new construction, available for permitted uses in the PAD Overlay Zone for a period of six months and that it has been unable to market the space for a permitted use in accordance with Subsection 8.5.2.
- B. The Planning Authority may impose reasonable conditions concerning the design, appearance, use, and extent of use of the space along the street frontage to ensure maximum pedestrian compatibility and interest.
- C. Notwithstanding the above, the Planning Authority may authorize a reduction in the percentage of required ground floor pedestrian-oriented uses where the physical limitations of an existing building so require. Any such reduction shall be the least necessary to provide relief and shall include mitigating design factors.

8.5.4 Exceptions

For buildings that have 40 feet or less of frontage on a street within the PAD Overlay Zone, the ground floor area requirements for permitted uses under Subsection 8.5.2 shall be reduced to 50% of the frontage where required to accommodate a service entrance. For buildings that have frontage on more than one street located within a PAD Overlay Zone, only one such frontage shall be permitted to reduce the required active use area to 50% of the frontage

**Pedestrian Activities District (PAD) Overlay
Chapter 14 - Land Use Code Text Amendment
City of Portland, Applicant**

Submitted to: Portland Planning Board Public Hearing Date: July 22, 2025 Date Prepared: July 18, 2025	Prepared by: Andrew Graminski Planning & Development Review Manager
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I. INTRODUCTION

This memo addresses the Planning Board's inquiries regarding the proposed text amendment to the City's Pedestrian Activities District (PAD) Overlay Zone. The Planning Board continued this item from its July 8, 2025, meeting to the July 22, 2025, meeting. At the July 8th meeting, the Planning Board discussed several key points concerning the proposed text amendment:

- Why does the proposed Commercial Vacancy Ordinance need to be tied to the Land Use Code?
- The need for more information on a section of the proposed Commercial Vacancy Ordinance that references temporary art guidelines.
- If the commercial vacancy ordinance is to be tied to the PAD overlay, should the text referencing compliance with the commercial vacancy ordinance be located within Section 8.5.2 (Use restrictions)?
- The use of a different timeline for the commercial vacancy ordinance, which goes into effect after three months of vacancy, and Sec. 8.5.3.A, which permits any permitted use allowed within the B-3 zone to be permitted as a conditional use within the PAD overlay after a period of six months of vacancy.
- The need for additional comprehensive plan analysis within the report to better support the proposed text amendment.

Since the July 8th meeting, staff have taken several actions to address the Board's inquiries. The reference to the Commercial Vacancy Ordinance was relocated to Section 8.5.1 (Applicability) of the PAD Overlay. Staff also expanded on the previous comprehensive plan analysis to better demonstrate how the comprehensive plan is supportive of the proposed amendments. Furthermore, Corporation Counsel confirmed the necessity of a zoning reference within Chapter 14 for the Commercial Vacancy Ordinance.

Staff have attached an updated draft of the Vacant Commercial Properties Ordinance as Attachment B. We've highlighted all changes in yellow for reference.

Here's a summary of the revisions:

- The applicability section now refers exclusively to the PAD Overlay Zone.
- The definition of "vacant property" has been refined to exclude new buildings by adding "previously occupied."
- Both the definition of "vacant property" and fee commencements now begin at 6 months instead of 3 months.

- We've refined the definition of "temporary art" to specify that it refers to 2-D art installed by the City, and we've removed the previous reference to guidelines.
- A waiver condition for temporary art now specifies that the City will install it.

To view the backup material from the July 8, 2025 Planning Board meeting please use the following [link](#).

II. PROPOSED TEXT AMENDMENT

Below is the proposed text amendment to Section 8.5 Pedestrian Activities District (PAD) Overlay. Please see attachment A for the full draft amendment to Article 8.

Section 8.5.1:

The purpose of the Pedestrian Activities District (PAD) Overlay is to ensure that key areas within the City, as identified on the PAD Overlay Zone map (Figure 8-H), are maintained as active, walkable, pedestrian-oriented activity centers. As such, the overlay requires that street-level frontages within those areas identified on the PAD Overlay Zone map should be occupied with active uses as identified in this section. Buildings located within the areas identified on the PAD Overlay Zone map shall comply with the Vacant Commercial Properties Ordinance, as outlined in Chapter 6, Article XXX. of the City Code.

III. COMPREHENSIVE PLAN ANALYSIS

A. Note on the Planning Board's Scope of Analysis

While the proposed Commercial Vacancy Ordinance would be codified in Chapter 6 of the City Code of Ordinances, and is not subject to a formal finding of consistency with *Portland's Plan 2030*, it is being implemented in tandem with a zoning text amendment to the Pedestrian Activities District (PAD) Overlay Zone, which is located in Article 8 of the Land Use Code, and considered zoning. Any amendment to the land use code must be found to be consistent with the adopted comprehensive plan.

The purpose of this proposed text amendment is to establish an applicable geography within which the Commercial Vacancy Ordinance would apply. While the Planning Board is not being asked to formally recommend adoption of the Commercial Vacancy Ordinance itself, the Board's finding of consistency should acknowledge its relationship to the proposed zoning text amendment to the PAD Overlay Zone. In doing so, the Board should consider how the ordinance supports the overlay zone's purpose of promoting active, engaging ground-floor uses, and enhancing the pedestrian experience in downtown Portland, consistent with the goals and strategies outlined in *Portland's Plan 2030*.

B. Discussion of Consistency

Portland's Plan 2030 and the PAD Overlay Zone purpose statement include numerous goals and strategies that support the City's objective of promoting and maintaining active street-level



Figure 1: Comprehensive Plan Vision Statement

uses to enhance the vibrancy of Downtown and reinforcing the center (downtown) as the regional hub for arts and culture and economic growth. At the heart of *Portland's Plan 2030*, are six interconnected themes which together, constitute a Vision Statement for the City. The linked structure of the Vision Statement conveys the connectedness of the themes and the subjects that comprise the Plan. Ultimately, the goals and implementation strategies described in the Comprehensive Plan are intended to support the Vision Statement. The six interconnected themes are: Equitable; Sustainable; Dynamic; Secure; Authentic; Connected.

The Vision Statement provides the foundation for focusing City policies and priorities for gauging success. In terms of authenticity, dynamism, and security, the Vision Statement highlights that vibrant arts and cultural life will continue to be central to Portland's identity and that we will embrace innovation in order for our community to thrive. Further, the uniqueness and integrity of our neighborhoods will be maintained and enhanced and that we will maintain our character through preservation, innovation, and excellence in design for the built environment.

From an economic development policy standpoint, the Comprehensive Plan acknowledges that Portland's exceptional urban form is integral to the health of its economy. It speaks to the City's compact, walkable downtown and vibrant neighborhood centers being among its key competitive advantages and that a lively and active urban environment remains central to attracting tourists, full-time residents, and the businesses that serve them. Moreover, the geography of Portland's commercial activity is dynamic and multi-nodal, with the Old Port and the Arts District, both components of Downtown, continuing to serve as strong magnets for business and tourism.

Portland's Plan 2030 further outlines the City's economic development vision and emphasizes the importance of fostering a business climate that expands job opportunities and supports long-term economic well-being. At the same time, it underscores that Portland's unique *quality of place*, including its character, culture, and physical environment, is a cornerstone of its current and future success. A key goal of the plan is to emphasize the role of the arts, leveraging them as a central element of the city's identity. It also highlights the importance of ensuring access to arts and culture for all residents and that creative design, public art, and placemaking be incorporated wherever possible to enhance aesthetic value. Additionally, the plan emphasizes the principle of *Reinforcing the Center*, maintaining and enhancing commercial and entrepreneurial activity throughout the city, while recognizing that Downtown Portland remains the heart of the region's cultural, economic, and civic life. The plan affirms that Downtown should continue to be a primary center of activity for the broader region.

The Commercial Vacancy Ordinance is aligned with these goals. Its intent is to promote public welfare, economic development, and urban vibrancy by encouraging the display of creative artwork in vacant street-level commercial spaces within the PAD Overlay Zone. This overlay was created specifically to activate key commercial corridors in Downtown Portland. By establishing a mechanism to incentivize property owners to temporarily activate vacant storefronts with temporary artistic installations, the ordinance supports visually engaging, active street-level environments complementing the uniqueness and integrity of Downtown. At the same time, it provides short-term opportunities for local artists to showcase their work, reinforcing the creative economy and strengthening Portland's cultural identity. In doing so, the ordinance directly advances the Comprehensive Plan's goals related to downtown vibrancy, economic development, and the integration of arts and culture into the city's-built environment.

Specific strategies this amendment is advancing in *Portland's Plan 2030*:

-
1. Economy Chapter
 - a. Encourage innovation and enrich the creative economy
 - i. *Capitalize on the potential of temporary measures, activities, and uses to support and the new projects in the city, and explore models for incorporating changes in policy in an incremental and scalable way.*
 - b. Emphasize arts and culture
 - i. *Leverage arts and culture as a central element of Portland's distinct quality of place*
 - ii. *Support access to arts and culture for all residents*
 2. Recreation and Open Space Chapter
 - a. Develop uniqueness
 - i. *Incorporate creative design, public art, and placemaking wherever possible to enhance aesthetic value.*
 3. Land Use Framework
 - a. Reinforce the Center
 - i. *Portland's Plan embraces the principle that downtown should continue to be a predominant locus of activity for the broader region.*

IV. PUBLIC COMMENT

Since the July 8, 2025 meeting, one public comment has been submitted, which was in support of the amendment.

V. RECOMMENDATION

Based upon the analysis provided within Section III of this report relative to the proposed text amendment to Article 8 of the Land Use Code, and its intersection with the proposed Commercial Vacancy Ordinance, staff recommends that the Planning Board recommend to the City Council, adoption of the proposed zoning text amendment to the PAD Overlay Zone as drafted, based upon its consistency with the goals and policies of *Portland's Plan 2030*.

VI. PROPOSED MOTION

*On the basis of material provided in this report dated July 18, 2025, public testimony, and other information provided during the Planning Board's review process and at the July 22, 2025 public hearing, the Planning Board finds that the proposed amendments to Section 8.5 of the land use code **[are / are not]** consistent with the City of Portland's comprehensive plan and therefore **[recommends / does not recommend]** adoption of said amended land use code to the City Council.*

VII. ATTACHMENTS

- A. Draft Zoning Amendment to the Pedestrian Activities District (PAD) Overlay Section 8.5
- B. Updated Draft Vacant Commercial Properties Ordinance, Chapter 6, Section 6-XXX

Order 37-25/26 and Order 36 25/26

Greg Gould greggould1000@gmail.com via portlandmaine.gov
Tue, Sep 2, 8:53 AM (1 day ago)
to publiccomment

To City Council and Mayor Dion,

I am writing to voice my support for an increasingly punitive vacancy ordinance/tax/fee without an exemption carved out for art installations. Vacancy taxes (or fees or whatever you want to call them) are quite successful throughout the country and even Sanford has one. The fee should not be trivial. It needs to be enough to incentivize property owners to fill their buildings. I imagine I would have been able to run my business out of Portland instead of Windham if something like this was in place.

I acknowledge that this could cause a consolidation of ownership as smaller landlords could sell their properties to those who can absorb the fees, especially outside of downtown. Considering the success of similar ordinances elsewhere, I think the pluses outweigh the minuses.

I don't completely understand the carveout for art installations. I could not decipher the jargon. The following may or may not be applicable.

I strongly oppose the text amendment to section 8.5.1. Landlords/property owners should not cheat their way around filling the city with revenue generating business by putting up art. That's a hard no.

The city should not be committee-ing art and the art exemption could be a real "be careful what you wish for" moment. Is anyone on city council naive enough to believe landlords will put up displays that progressives in this city approve of? Are statues of Portland's most notorious landlords ok? What about a glowing display of patriotism about the current felon in chief? Or an AI generated image of Lauren Libby as an angel keeping bathrooms gender specific? A collage of charts that denigrate unions? A painting of tourism's worst problems? A diorama celebrating victory over Native American tribes? A spray painted bee? When that art is censored the city will be sued.

Art is edgy. Art is powerful. Art is political. Art is offensive. Art is kitschy. Art is beautiful. Art is ugly.

Who would decide what is passable for an art installation to avoid the fee? A committee? There's currently 20 plus open committee positions in Portland and the city is understaffed. This exemption is an obstacle to running the city efficiently. The city would be wasting time developing impossible to follow guidelines that do not make it easier to own a local business.

While I can appreciate the desire to bring more art to the city, tying art installations into filling chronically vacant properties is terrible policy. While both issues are about beautifying the city, they have nothing to do with each other. It doesn't solve the vacancy issue, causes more headaches for the city, and legal ramifications could wipe out any money the city gets.

Yes to a vacancy ordinance without the art exemption

No to a vacancy ordinance with the art exemption.

Greg Gould 168 Milton Street

MEMORANDUM
City Council Agenda Item

FROM: Melissa Graffam
DATE: July 16, 2025
SUBJECT: Order 46-25/26 Approving Agreement Between the State of Maine Department of Transportation and the City of Portland RE: Pedestrian Crossing Improvements on West Commercial Street - Sponsored by Danielle P. West, City Manager
SPONSOR: Danielle West, City Manager
(If sponsored by a Council committee, include the date the committee met and the results of the vote.)

COUNCIL MEETING DATE ACTION IS REQUESTED:
1st Reading 8/11/2025

Final
Action 9/3/2025

Can action be taken at a later date: No This agreement must be approved by City Council and signed by the City Manager prior to the project starting design and right of way work. The Department of Public Works (DPW) will manage the design and DOT will handle right of way work. The agreement must be signed prior to starting any design work.

Does this item involve a new contract with the City: Yes

PRESENTATION: N/A

I. SUMMARY

City Council is being asked to approve the attached Municipal/State/Federal Agreement, which would allow MaineDOT and DPW to move ahead with the preliminary engineering and right of way work for Phase 3 of West Commercial Pathway from Beach Street to 300' east of High Street. The agreement obligates the City to pay a portion of the project costs.

II. AGENDA DESCRIPTION

This project is part of MaineDOT's Locally Administered Project (LAP) Program. The City of Portland DPW will administer the project and pays 10 percent of the estimated cost. By signing the partnership agreement, it enables MaineDOT and DPW to proceed with the project and obligates the City to pay for 10% of the original estimated project cost; the City share for this initial phase of design work is estimated to be \$17,078.30. The MaineDOT, using state and federal funding, will be paying \$153,704.70.

This item must be read on two separate days. This is its first reading.

III. BACKGROUND

This West Commercial Street Multi-Use Pathway is part of the larger peninsula circumferential pathway network. This agreement represents the beginning of Phase III of a years-long effort to extend a shared use pathway along West Commercial Street. MaineDOT constructed Phase I as part of the IMT project in 2015 and Phase II, from the Fore River Parkway Trail to the Star Match Building, was completed in 2024.

The Department of Planning and Urban Development applied for the MaineDOT Bicycle and Pedestrian Funding Program in 2024 to design and construction of the final segment of the West Commercial Street Shared Use Pathway. The application was approved in February 2025, and the City was selected to receive state transportation funding assistance for the Design and ROW activities for this project.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

This agreement for the West Commercial Street Multi-Use Path Phase 3 project will fund the design for a multi-use path way along West Commercial Street from Beach Street to 300' east of High Street. The project will improve walking and bicycling conditions and ADA ramps for a safer pedestrian and cyclist experience for all ages and abilities contributing to sustainable transportation and One Climate Future implementation goals of the Council. The majority of the project costs is federal funds.

V. FINANCIAL IMPACT

The City is obligated to pay 10% of the estimated project cost. The total City cost of this part of the project, estimated to be \$17,078.30, would be paid from an infrastructure account. A fiscal impact note is attached with this agenda request. The MaineDOT, using state and federal funding, will be paying \$153,704.70.

VI. STAFF ANALYSIS AND BACKGROUND

This project is intended to provide safer and more accessible bike and pedestrian facilities on this increasingly freight-commercial-retail corridor and gateway to and from the Portland peninsula. The project will design approximately 1,820 LF of 12' multi-use pathway, remove and reset 400 LF of granite curbing, install 20 pathway lights, install enhanced crosswalk/pathway markings and lighting at two intersections (Park Street and High Street), and construct one crosswalk with RRFB across Commercial Street. The West Commercial Street Pathway, once completed, will transform accessibility between the Portland peninsula and points west (including the Portland Transportation Center, the Veteran's Bridge shared use pathway) by providing a bikeway and pedestrian-way tailored specifically to the children, older adults, vulnerable populations (those with lower vehicle household ownership) and those with disabilities. Currently, there is no continuous, separated walkway or bikeway from the terminus of the Fore River Parkway Trail on West Commercial Street to Portland's downtown, and other, parallel routes pose grade or safety challenges for many transportation users. This project will remove this barrier for access to the Portland peninsula by providing a safe and comfortable shared use pathway suitable for children and "interested but concerned cyclists.

VII. RECOMMENDATION

The Department of Public Works recommends approving and signing the subject agreement to allow the preliminary engineering and right of way work for Phase 3 of West Commercial Pathway from Beach Street to 300' east of High Street.

VIII. LIST ATTACHMENTS

1. Order - Approving MDOT Agreement for West Commercial St Phase 3
2. West_Commercial_St_MultiUsePath_BeachStreet_Map
3. Fiscal Impact Note
4. DRAFT - Portland - Federal LPA Agreement - WIN 029380.00

Prepared by:

Melissa Graffam

Date: 07/16/2025

MARK DION (MAYOR)
PIOUS ALI (A/L)
APRIL D. FOURNIER (A/L)
BENJAMIN GRANT (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

SARAH MICHNIEWICZ (1)
WESLEY PELLETIER (2)
REGINA L. PHILLIPS (3)
ANNA BULLETT (4)
KATE SYKES (5)

**ORDER APPROVING AGREEMENT BETWEEN THE STATE OF MAINE
DEPARTMENT OF TRANSPORTATION AND THE CITY OF PORTLAND
RE: PEDESTRIAN CROSSING IMPROVEMENTS ON WEST COMMERCIAL
STREET**

ORDERED, that the Agreement for a Federal-aid Locally Administered Project between the State of Maine Department of Transportation and the City of Portland for Pedestrian Crossing Improvements on West Commercial Street is hereby approved in substantially the form attached hereto; and

BE IT FURTHER ORDERED, that the City Council hereby authorizes the City Manager or designee to execute said Agreement and any other related documents necessary or convenient to carry out the intent of said Agreement.



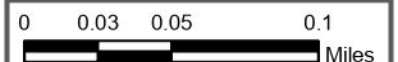
CITY OF PORTLAND, MAINE
DEPT. OF PUBLIC WORKS
212 CANCO RD STE B
PORTLAND, MAINE 04101
PHONE (207) 874-8846 FAX (207) 874-8852

West Commercial St Multi-Use Path Phase 3



March 2025

DRAWN BY: TSY



FISCAL IMPACT NOTE New Program Cost Data:	Year 1		Year 2		Year 3	
	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate	City Rate	City / Sch Combined Rate
<u>Example:</u>						
ADD: NEW ITEM ANNUAL EXPENDITURES		\$17,078.30		\$0		\$0
LESS: TOTAL NEW ITEM ANNUAL REVENUES		\$0		\$0		\$0
=NEW ITEM NET TAX RATE IMPACT PROJECTION	\$17,078.30	\$17,078.30	\$0	\$0	\$0	\$0
New Program Impact to the Mil Rate	\$0.0022	\$0.0022	\$0.0000	\$0.0000	\$0.0000	\$0.0000
New Program % Impact on Mil Rate	0.0191%	0.0096%	0.0000%	0.0000%	0.0000%	0.0000%
Mil Rate Including New Program	\$11.3422	\$22.4822	\$11.3400	\$22.4800	\$11.3400	\$22.4800

Notes:



MaineDOT

MaineDOT use only

AMS ID: _____

CSN: _____

PROGRAM: Multimodal Program

Locally Administered Project (Payable)

Total Amount: \$170,783.00

Federal Share: \$136,626.40

State Share: \$17,078.30

Local Match: \$17,078.30

Effective Date: _____

Expiration Date: 12/31/2030

MaineDOT WIN: 029380.00

Federal Project #: 2938000

Portland Vendor ID: VC1000073476

Portland Unique Entity ID: LZKCFAJXBAC8

Federal Assistance Listing #: 20.205

Note: The table above is included herein for administrative purposes only. It is not part of the agreement below.

**State of Maine Department of Transportation
Agreement for a Federal-aid Locally Administered Project**

With the

City of Portland

Regarding

Pedestrian Crossing Improvements on West Commercial Street

This subaward agreement for a federal-aid project (the **Agreement**) is entered into between the Maine Department of Transportation (**MaineDOT**), a state agency with its headquarters at 24 Child St. in Augusta, Maine, and a mailing address of 16 State House Station, Augusta, ME 04333-0016; and the City of Portland (the **City**), a municipal corporation organized and existing under the laws of Maine, with its principal administrative offices at 389 Congress St. in Portland, Maine and a mailing address of the same. (*MaineDOT and the City collectively are “the Parties” and individually “a Party”.*)

RECITALS

- A. **SCOPE OF WORK**. This Agreement shall apply to preliminary engineering and right-of-way work for Phase 3 of West Commercial Pathway from Beach Street to Park Street (the **Project**), subject to modification by the Parties as funding for additional stages of the Project is appropriated; and
- B. **FUNDING AWARD**. MaineDOT in 2025 awarded the City federal-aid funding for the Project; and
- C. **ROLES OF THE PARTIES**. The City, as a subrecipient of federal-aid funding, shall carry out the work as a Locally Administered Project (LAP) subject to the requirements of 23 CFR part 635.105 and the policies and procedures in the MaineDOT Local Project Administration Manual & Resource Guide (LPA Manual). MaineDOT shall provide the required state oversight of the Project in accordance with the federal requirements in 23 USC §106(g)(4) and 23 CFR part 635.105.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing statements, the Parties agree to the following:

1. APPENDIX

- A. Project award notification, dated February 24, 2023;
- B. Federal Title VI Assurances.

2. PROJECT MANAGEMENT

- 2.1 The City shall place in responsible charge of the Project a full-time employee with Local Project Administration (LPA) certification and appropriate qualifications, as set out in Chapter 1 of the MaineDOT LPA Manual. This person shall abide by the provisions of this Agreement and all policies and procedures in the LPA Manual. The Local Project Administrator, who will serve as the City's primary liaison with MaineDOT, is as follows:

☐ Janine Ba, Project Engineer

Phone: 207-874-8463 / Email: janineba@portlandmaine.gov

Note: The City shall notify MaineDOT if this person ceases to oversee the Project.

- 2.2 MaineDOT will assign a Project Manager to carry out MaineDOT's responsibilities under this Agreement. The Project Manager or an authorized designee will have the authority to take all action necessary to assure the proper performance of this Agreement. The MaineDOT Project Manager, who will serve as MaineDOT's primary liaison with the City, is as follows:

☐ Michael Laberge, MaineDOT Multimodal Program

Phone: 207-557-2443 / Email: Michael.Laberge@maine.gov

3. FINANCIAL OBLIGATIONS

- 3.1 AUTHORIZATION. MaineDOT's financial participation in the Project will begin upon the full execution of this Agreement (the Effective Date).
- 3.2 COST-SHARING. The estimated cost of preliminary engineering and right-of-way work is **\$170,783.00** (Project Cost), which the Parties shall share at the percentages set out below.
- a. FEDERAL SHARE. MaineDOT, with funding from the Federal Highway Administration (FHWA), will share in the Project Cost at the rate of 90 percent, up to **\$153,704.70**.
- b. LOCAL MATCH. The City shall share in the Project Cost at the rate of 10 percent, for an estimated contribution of **\$17,078.30** that is not from any source ineligible to match federal-aid funds. Additionally, the City shall be fully responsible for:
- i. All costs exceeding the Agreement maximum incurred without a modification in place;
 - ii. All costs incurred before the Effective Date of this Agreement; and
 - iii. All costs determined by MaineDOT or the FHWA to be federally non-participating.
- 3.3 FINANCIAL UPDATES. The Parties shall review the estimated cost of the Project, including construction, at the Project milestones of Preliminary Design Report (PDR), Plan Impacts Complete (PIC), and final Plans, Specifications & Estimate (PS&E). The Parties shall work in partnership to appropriate any additional funds needed to meet the latest estimate. Additionally, the City shall provide MaineDOT's Project Manager with one of the following, in the format of Letter 9 from the LPA Manual:
- a. A statement acknowledging the latest estimate and affirming its commitment to the Project; or
 - b. A formal request to cancel the Project, which may require the City to repay funds spent toward the Project if such action results in federal non-participation in the Project.

- 3.4 REIMBURSEMENT. The City shall pay Project costs as they occur and request periodic reimbursement for MaineDOT's portion. Invoices shall be submitted to MaineDOT's Project Manager at least *every six months* in the format of Letter 4 from the LPA Manual, as follows:
- a. Each invoice shall include a progress report for the service period of the invoice;
 - b. Each invoice shall include enough backup to satisfy the MaineDOT Project Manager;
 - c. Each invoice shall show MaineDOT's and the City's portions of Project costs, including a running total of costs invoiced to date;
 - d. The City must certify that amounts claimed are correct and not claimed previously;
 - e. Upon completion of the Project and payment in full of all contracted parties, the City shall submit to MaineDOT a final invoice modeled after Letter 20 from the LPA Manual. Payment shall be contingent on a passing inspection of the Project by MaineDOT and receipt of a completed consultant evaluation, contractor evaluation and as-built plans (if applicable).
- 3.5 MAINEDOT COSTS. MaineDOT will charge to the Project its costs for services performed on the Project. The City shall share in these costs commensurate with its share percentage of the Project. MaineDOT, at a minimum, will reconcile these costs upon completion of the Project and deduct the City's share percentage from the final invoice payment under 3.4(e) above.

4. DESIGN, PERMITTING, AND RIGHT OF WAY

- 4.1 KICKOFF. The Parties shall hold a kickoff meeting upon the execution in full of this Agreement.
- 4.2 PROGRESS UPDATES. The City shall provide MaineDOT with written progress updates upon request. If the City fails to respond to repeated such requests, MaineDOT may declare the City to be in default of this Agreement.
- 4.3 ENGINEERING SERVICES. A professional engineer licensed in Maine shall supervise all design work on the Project. If the City intends to hire a consultant to serve as the required engineer of record, the City shall use a qualifications-based selection in accordance with 23 CFR part 172 and Chapter 2 of the LPA Manual (Hiring Consultants), as follows.
- a. Using price as a ranking factor shall make consultant work ineligible for reimbursement.
 - b. The City shall obtain MaineDOT's written approval of any contract or contract modification. Work performed without such approval shall be ineligible for reimbursement.
 - c. The City shall incorporate by reference the terms and conditions of MaineDOT's Consultant General Conditions into its contracts for consultant services.
 - d. The City shall fill out a consultant evaluation upon completion of its contract with any consultant. A copy of the completed form shall be provided to MaineDOT.
- 4.4 SURVEY. MaineDOT shall carry out all survey work for the Project; West Commercial Street is Highway Corridor Priority (HCP) 1, Beach Street is HCP 1, and Park Street is HCP 3.
- 4.5 DESIGN WORK. The City shall be responsible for development of design plans, specifications, estimates and contract documents. The design of the Project shall comply with the Americans with Disabilities Act (ADA) and all other applicable laws, regulations and engineering standards.

- a. The City shall submit the following to MaineDOT for review and comment:
 - i. Preliminary design report;
 - ii. Design plan impacts (if right-of-way mapping will be required); and
 - iii. Final plans, specifications and estimate package (PS&E).
 - b. The bid package shall contain all applicable special provisions and federal requirements – including but not limited to Form FHWA-1273, Davis-Bacon wage rates, and updated and signed Title VI Assurances as set out in Chapter 7 of the LPA Manual (Final PS&E Package).
 - c. Electronic design files provided to MaineDOT for use in the right-of-way process shall conform to MaineDOT’s Policy on Electronic Exchange of CADD Data.
 - d. MaineDOT will enforce all engineering standards, laws and regulations that apply to the Project and will require changes to applicable Project documents if they are not met. Approval of the final PS&E package by MaineDOT shall not relieve the City and its consultant of responsibility for meeting all applicable engineering standards, laws and regulations.
- 4.6 PUBLIC PARTICIPATION. During preliminary design, the City shall conduct a public process appropriate for the scope of work and acceptable to MaineDOT’s Project Manager. The City shall provide MaineDOT with a signed public process certification modeled after Letter 10 from the LPA Manual, as part of the Project’s environmental package.
- 4.7 ENVIRONMENTAL REVIEW. MaineDOT will carry out the National Environmental Policy Act (NEPA) process. The City shall provide MaineDOT with signed Letter 11 from the LPA Manual and the completed NEPA Documentation Checklist. Additionally:
- a. The City shall be responsible for obtaining all environmental approvals, permits and licenses for the Project – outside of the NEPA process; and
 - b. The City shall provide MaineDOT with a signed environmental certification modeled after Letter 12 from the LPA Manual, as part of the final PS&E package for the Project.
- 4.8 UTILITY COORDINATION. The City shall identify all utilities affected by the Project and coordinate any required facility relocations in accordance with Chapter 5 of the LPA Manual (Utility Coordination). The City shall provide MaineDOT with a utility certification modeled after Letter 13 from the LPA Manual, as part of the final PS&E package.
- 4.9 RAILROAD COORDINATION. If applicable, MaineDOT shall coordinate any Project work affecting a railroad. Such work may include, but not be limited to, the review of plans by the affected railroad and the provision of railroad flagger protection during construction. The cost of all such work will be charged to the Project under Section 3.5 above – MaineDOT Costs.
- 4.10 RIGHT-OF-WAY. MaineDOT will carry out the right-of-way process for the Project. In doing so, MaineDOT will be responsible for the following services:
- a. Right-of-way mapping, title investigation, appraisal, appraisal review, negotiation and acquisition of all real property and rights necessary to carry out the Project.
 - b. MaineDOT will provide the federally required right-of-way certification.
 - c. If applicable, the City shall dedicate to the Project for public use into perpetuity any municipal property needed for the Project.

5. CONSTRUCTION

- 5.1 ADVERTISING FOR BIDS. Upon the approval of the final PS&E package and receipt of written construction authorization from MaineDOT, the City shall use competitive bidding to hire a contractor to construct the Project. The City shall abide by Section 102 of MaineDOT's Standard Specifications (Bidding) and Chapter 8 of the LPA Manual (Advertise & Award). *Advertising without authorization shall result in the loss of all federal funds for the Project.*
- 5.2 AWARDING A CONTRACT. Upon receiving written authorization from MaineDOT, the City shall award a contract to the lowest responsive/responsible bidder in accordance with Section 103 of MaineDOT's Standard Specifications (Award and Contracting) and administer the contract for the duration of the Project. Negotiation with any bidder, after bids are opened and before a contract is awarded, is prohibited by the federal regulations in 23 CFR §635.113. *Any such negotiation shall give MaineDOT just cause to find the City to be in default of this Agreement.*
- 5.3 CONSTRUCTION OVERSIGHT. During construction, the City shall ensure that there is adequate supervision and inspection to complete the Project in conformance with the approved PS&E plans and specifications. Accordingly, the City shall be responsible for the following:
- Providing a resident inspector who is either a municipal employee with the appropriate qualifications – as set out in Chapter 11 of the LPA Manual (Construction Administration) – or a consultant hired through a qualifications-based selection.
 - Providing a paving inspector and a concrete technician with required certifications to be on site for paving and concrete work, as applicable. *One person may perform both roles, if certified.*
 - Holding a pre-construction meeting and a separate pre-paving meeting.
 - Coordinating materials testing as necessary to comply with Minimum Testing Requirements that MaineDOT establishes for the Project.
 - Submitting proposed contract modifications to MaineDOT for review and concurrence. MaineDOT may deny reimbursement to the City for work performed under a change carried out without MaineDOT's concurrence.
 - Obtaining MaineDOT's sign-off on any field changes to the previously approved PS&E plans. If a change made in the field without such approval is found to be out of compliance with the Americans with Disabilities Act or any applicable engineering standard, the City shall be required to make corrections without benefit of reimbursement for the remedial work.
- 5.4 FINAL INSPECTION. MaineDOT will inspect the completed Project for compliance with the plans, specifications and provisions of the construction contract. MaineDOT reserves the right to require any work determined to be out of compliance to be addressed to MaineDOT's satisfaction, before paying the final invoice from the City for the Project.

6. MAINTENANCE AFTER CONSTRUCTION

Upon completion, the City shall maintain the Project for the duration of its useful design life. Maintenance shall consist of general upkeep and repairs to preserve year-round public access, including for persons with disabilities, with only isolated or temporary interruptions in accessibility. Maintenance shall include reasonable snow removal efforts, in accordance with the requirements of 23 USC §116 and 28 CFR §35.133. *This section shall survive the expiration of this Agreement.*

7. RECORDS AND AUDITS

- 7.1 Project Records, whether printed or electronic, shall include all plans, specifications, contracts, reports, notes, or other documents prepared by or for the City. The City shall retain all Project Records for at least **3 years** from either the date of MaineDOT's acceptance of the final invoice for the Project or the termination of this Agreement. If any litigation, claim, negotiation or audit has begun before the end of this retention period, all Project Records shall be kept for at least 3 years after the litigation, claim, negotiation or audit is resolved.
- 7.2 The City and any contracted party working on its behalf shall allow representatives of the Federal Government and the State of Maine to inspect and audit Project Records at any time. Copies shall be provided at no cost to the agencies requesting them.
- 7.3 Audits shall be conducted in accordance with Title 2 in the Code of Federal regulations (2 CFR), subpart F, §200.500 through §200.512 – Audit Requirements.

This section shall survive the termination or expiration of this Agreement.

8. DEBARMENT

- 8.1 By signing this Agreement, the City certifies that, for the term of the Project, it shall not permit any consultant, contractor, subcontractor or any other third party to work on any aspect of the Project if that entity or its principals has been debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from doing business with any federal department or agency. (Verification may be made through the federal SAM.Gov website.) If the City cannot certify to this statement, it shall attach an explanation to this Agreement.
- 8.2 If the City contracts with any third party pursuant to this Agreement, the City shall require that party and its principals to certify that they:
 - a. Have not within a 3-year period preceding the date of a contract for the Project been convicted of a crime or had a civil judgment rendered against them in connection with the following:
 - i. Obtaining, attempting to obtain, or performing a federal, state or local public transaction or contract under a public transaction;
 - ii. Violation of federal or state antitrust statutes;
 - iii. Commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.
 - b. Are not under indictment for or otherwise charged criminally or civilly by a federal, state or local governmental entity with commission of any offense enumerated above; and
 - c. Have not within a 3-year period preceding this Agreement had one or more federal, state or local public transactions terminated for cause or default.

9. CONFLICT OF INTEREST

- 9.1 No municipal official or employee with a direct or indirect financial or other personal interest in any contract or subcontract for the Project shall negotiate, make, accept or approve any such contract or subcontract.

- 9.2 No professional performing services for the City on the Project shall have a direct or indirect financial or other personal interest in any contract or subcontract for the Project, other than the person's employment or retention by the City. No officer or employee of any professional retained by the City to work on the Project shall have a direct or indirect financial or other personal interest in real property acquired for the Project unless the interest is disclosed in the public record and such officer or employee has not participated in such acquisition for and on behalf of the City.
- 9.3 No person or entity entering into a contract for services for the Project shall have a direct or indirect financial or other personal interest in the Project or in its outcome, other than the performance of the contract. This prohibition covers the following:
- a. Any agreement with, or other interest involving, third parties having an interest in the outcome of the Project that is the subject to the contract; and
 - b. Any agreement providing incentives or guarantees of future work on the Project or related matters; and
 - c. Any interest in real property acquired for the Project unless such real property interest is disclosed in the public record before the person or entity enters into the contract.

10. GENERAL PROVISIONS

- 10.1 LEGAL COMPLIANCE. This Agreement shall be construed under the laws of the State of Maine. During the performance of the Project, the Parties agree to comply with and abide by all applicable federal, state and local laws, statutes, rules, regulations, standards and guidelines; avoid hindering each other's performance; fulfill all obligations diligently; and cooperate in achieving the intent of this Agreement.
- 10.2 INDEMNIFICATION. To the extent permitted by law, the City shall indemnify and hold harmless the State of Maine, its agents, employees and contractors from all claims, suits or liabilities arising from any negligent or wrongful act, error or omission by the City, its consultants or contractors. Nothing herein shall waive any defense, immunity or limitation of liability that may be available under the Maine Tort Claims Act (14 M.R.S., §8101 et seq.) or any other privileges or immunities provided by law. ***This provision shall survive the termination or expiration of this Agreement.***
- 10.3 CONFIDENTIALITY. Information pertaining to right-of-way appraisals, negotiations with property owners, and detailed construction cost estimates shall be kept confidential to the extent required by state law: 23 M.R.S.A., §63.
- 10.4 STATE OF MAINE'S RIGHTS OF SET-OFF. MaineDOT shall have all of its common law, equitable and statutory rights of set-off. These rights shall include, but not be limited to, the State's option to withhold for purposes of set-off monies due the City under a specific project contract up to any amounts due and owed to MaineDOT regarding this Agreement, and any other agreement/contract with any State of Maine department or agency, including any agreement/contract for a term commencing prior to the term of this Agreement, plus any amounts due and owed to the State for any reason. MaineDOT shall exercise its set-off rights in accordance with standard state practices including, in cases of set-off pursuant to an audit, the finalization of the audit. *If applicable, MaineDOT reserves the right to withhold or reduce future Local Road Assistance payments to the City for purposes of set-off to recover the amount owed.*

- 10.5 NON-APPROPRIATION. Notwithstanding anything herein to the contrary, the City acknowledges and agrees that although the execution of this Agreement manifests MaineDOT's intent to honor its terms and to seek funding to fulfill any obligations arising hereunder, such obligations by law are subject to available budgetary appropriations by the Federal Government and the State of Maine. This Agreement creates no obligation on behalf of MaineDOT in excess of such appropriations.
- 10.6 LOBBYING. By signing this Agreement, the undersigned municipal representative certifies that no appropriated federal funds have been paid or will be paid, by or on behalf of the City, to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress, in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- 10.7 EQUAL EMPLOYMENT OPPORTUNITY. During the performance of this Agreement:
- a. The City shall not discriminate against any employee or applicant for employment relating to this Agreement because of race, color, religious creed, sex, national origin, ancestry, age, physical or mental disability, or sexual orientation, unless related to an actual occupational qualification. The City shall take affirmative action to assure that applicants are employed, and that employees are treated during their employment, without regard to their race, color, religion, sex, age, national origin, physical or mental disability, or sexual orientation. The City agrees to post in conspicuous places available to employees and applicants for employment notices setting forth the provisions of this section.
 - b. The City – in all solicitations or advertising for employees placed by or on behalf of the City relating to this Agreement – shall state that all qualified applicants shall receive consideration for employment without regard to race, color, religious creed, sex, national origin, ancestry, age, physical or mental disability, or sexual orientation.
 - c. The City shall cause the foregoing provisions to be inserted into any contract for work covered by this Agreement so that such provisions shall be binding upon each contractor, except for contracts or subcontracts for standard commercial supplies or raw materials.
- 10.8 FLOW DOWN. Contracts between the City and all third parties shall contain or incorporate by reference applicable provisions of this Agreement.
- 10.9 ASSIGNMENT. No assignment of this Agreement is contemplated, and no assignment shall be made without MaineDOT's express written permission.
- 10.10 AMENDMENT AND MODIFICATION. This Agreement may only be modified or amended in writing and signed by duly authorized representatives of the Parties.
- 10.11 BINDING EFFECT. The Parties shall be bound by the terms of this Agreement, which shall apply to its executors, their successors, administrators and legal representatives.
- 10.12 INDEPENDENT CAPACITY. The City, its employees, agents, representatives, consultants and contractors shall not act as officers, employees or agents of MaineDOT.

- 10.13 ENTIRE AGREEMENT. This document represents the entire Agreement between the Parties. Neither MaineDOT nor the City shall be bound by any statement, correspondence, agreement or representation not expressly contained in this Agreement.
- 10.14 ELECTRONIC SIGNATURES. Each Party agrees that this Agreement may be signed electronically and that all electronic signatures on this Agreement are the same as handwritten signatures for the purposes of validity, enforceability and admissibility.
- 10.15 NOTICE. Any communications, requests or notices required or appropriate to be given under this Agreement shall be in writing and may be sent by email, which shall satisfy the delivery requirements of this section through express acknowledgement of receipt by the receiving Party.
- a. Alternatively, communications may be sent by U.S. mail – certified or registered, return receipt requested – or by a recognized commercial carrier that requires a return receipt to be delivered to the sending party. Such communications, requests or notices shall be sent to the contacts listed in section 2 above (Project Management).

11. DEFAULT AND TERMINATION

- 11.1 MaineDOT shall have just cause to terminate this Agreement upon or after the occurrence of any of the following events, which shall constitute default of this Agreement by the City:
- a. The City withdraws its support for the Project, causing cancellation of the Project;
- b. The City fails to advertise the Project within 3 years of the execution of this Agreement – without receiving a time extension in writing from MaineDOT;
- c. The City makes no effort to respond to repeated requests for progress updates;
- d. The City takes any action that renders the Project ineligible for federal funding;
- e. The City misrepresents or falsifies any claim for reimbursement;
- f. The City uses Project funds for a purpose not authorized by this Agreement; and
- g. The City fails to meet the standards of performance set out in this Agreement.
- 11.2 In the event of a default, MaineDOT will afford the City a cure period of 14 calendar days, effective on the City's receipt of Notice of Default. If the City fails to address all grounds for default within this cure period or any longer period as MaineDOT may authorize, MaineDOT may terminate this Agreement for cause, with the following conditions:
- a. MaineDOT, at its discretion, may require the City to return all payments from MaineDOT toward the Project and to reimburse MaineDOT for its internal costs associated with the Project under section 3.5 above, if the default results in federal non-participation; and
- b. The City shall forfeit all federal funds remaining in the terminated Project.
- 11.3 The Parties may terminate this Agreement for convenience by mutual consent for any reason not defined as default. MaineDOT may reimburse the City for eligible work performed under this Agreement up to the effective date of termination for convenience, in accordance with Section 3.4 above (Reimbursement).

12. TERM AND EXPIRATION

All provisions of this Agreement – *except for those provisions that by their very nature are intended to survive* – shall expire upon payment by MaineDOT of the final invoice from the City under Section 3.4(e) above or **December 31, 2030** (Expiration Date), whichever occurs first. The City shall submit any request for a time extension to MaineDOT in writing before the Expiration Date.

13. MUNICIPAL APPROVAL

The City's undersigned representative assures that the City's legislative body has approved the City's entry into this Agreement, has appropriated or authorized the use of any required matching funds, and has authorized the representative to sign this Agreement.

IN WITNESS WHEREOF, the duly authorized representatives of the Parties have executed this Agreement effective on the date last signed below.

City of Portland

Maine Department of Transportation

By: _____
Danielle P. West, City Manager *

By: _____
Todd Pelletier, P.E., Director *
Bureau of Project Development

Date: _____

Date: _____

** Pursuant to 10 M.R.S.A. §9502, et seq., I certify that the foregoing electronic signature: (a) is intended to have the same force as my manual signature, (b) is unique to me, (c) is capable of verification, (d) is under my control, and (e) is linked to data in such a manner that it is invalidated if the data are changed.*

APPENDIX A

Project Award Notification

DRAFT

APPENDIX B

Federal Title VI Assurances

DRAFT

The United States Department of Transportation (USDOT)

Standard Title VI / Non-Discrimination Assurances

DOT Order No. 1050.2A

The **City of Portland** (hereinafter “Subrecipient”) HEREBY AGREES THAT, as a condition of receiving financial assistance from the U.S. Department of Transportation (USDOT) through the Federal Highway Administration (FHWA), it is subject to and will comply with the following:

Statutory/Regulatory Authorities

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. §2000d et seq., 78 stat. 252), which prohibits discrimination based on race, color, national origin;
- 49 C.F.R. Part 21 (entitled Nondiscrimination in Federally-Assisted Programs of the Department of Transportation – Effectuation of Title VI of The Civil Rights Act of 1964);
- 28 C.F.R. section 50.3 (U.S. Department of Justice Guidelines for Enforcement of Title VI of the Civil Rights Act of 1964);

The preceding statutory and regulatory citations are referred to hereinafter as the “Acts” and the “Regulations” respectively.

General Assurances

In accordance with the Acts, the Regulations and other pertinent directives, circulars, policy memoranda and/or guidance, the Subrecipient hereby gives assurance that it will promptly take any measures necessary to assure that:

“No person in the United States shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity,” for which the Subrecipient receives Federal financial assistance from the USDOT, including the FHWA.”

The Civil Rights Restoration Act of 1987 clarified the original intent of Congress regarding Title VI and other nondiscrimination requirements (the Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973) by restoring the broad, institutional-wide scope and coverage of these nondiscrimination statutes and requirements to include all programs and activities of the Subrecipient, so long as any portion of the program is federally assisted.

Specific Assurances

More specifically, and without limiting the above general Assurance, the Subrecipient agrees with and gives the following Assurances with respect to its Federally assisted FHWA projects:

1. The Subrecipient agrees that each “activity,” “facility” or “program” – as defined in §§ 21.23 (b) and 21.23 (e) of 49 C.F.R. §21 – will be (regarding an “activity” facilitated), or will be (regarding a “facility” operated), or will be (regarding a “program” conducted) in compliance with all requirements imposed by, or pursuant to, the Acts and the Regulations.
2. The Subrecipient will insert the following notification in all solicitations for bids, requests for proposals for work, or material subject to the Acts and the Regulations made regarding all federal-aid highway programs and, in adapted form, in all proposals for negotiated agreements regardless of funding source:

“The Subrecipient, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. §§ 2000d to 2000d-4) and the Regulations, hereby notifies all bidders that it will affirmatively assure that in any contract entered into pursuant to this advertisement, disadvantaged business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, or national origin in consideration for an award.”

- 3. The Subrecipient will insert the clauses of Appendix A and E of this Assurance in every contract or agreement subject to the Acts and the Regulations.**
4. If applicable, the Subrecipient will insert the clauses of Appendix B of this Assurance, as a covenant running with the land, in any deed from the United States effecting or recording a transfer of real property, structures, use, or improvements thereon or interest therein to a Subrecipient.
5. That where the Subrecipient receives Federal financial assistance to construct a facility, or part of a facility, the Assurance will extend to the entire facility and facilities operated in connection therewith.
6. That where the Subrecipient receives Federal financial assistance in the form, or for the acquisition of real property or an interest in real property, the Assurance will extend to rights to space on, over, or under such property.
7. If applicable, the Subrecipient will include the clauses in Appendix C and Appendix D of this Assurance, as a covenant running with the land, in any future deeds, leases, licenses, permits, or similar instruments entered into by the Subrecipient with other parties:
 - a. for the subsequent transfer of real property acquired or improved under the applicable activity, project, or program; and
 - b. for the construction or use of, or access to, space on, over, or under real property acquired or improved under the applicable activity, project, or program.
8. That this Assurance obligates the Subrecipient for the period during which Federal financial assistance is extended to the program, except where the Federal financial assistance is to provide, or is in the form of, personal property, or real property, or interest therein, or structures or improvements thereon, in which case the Assurance obligates the Subrecipient or any transferee for the longer of the following periods:
 - a. the period during which the property is used for a purpose for which the Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits; or
 - b. the period during which the Subrecipient retains ownership or possession of the property.
9. The Subrecipient will provide for such methods of administration for the program as are found by the Secretary of Transportation or the official to whom he/she delegates specific authority to give reasonable guarantee that it, other recipients, sub-recipients, sub-grantees, contractors, subcontractors, consultants, transferees, successors in interest, and other participants of Federal financial assistance under such program will comply with all requirements imposed or pursuant to the Acts, the Regulations, and this Assurance.
10. The Subrecipient agrees that the United States has a right to seek judicial enforcement regarding any matter arising under the Acts, the Regulations, and this Assurance.

By signing this ASSURANCE, the **City of Portland** agrees to comply with (and to require any sub-grantees, contractors, successors, transferees, and/or assignees to comply) with applicable provisions governing the FHWA's access to records, accounts, documents, information, facilities and staff. You also recognize that you must comply with any program or compliance reviews, and/or complaint investigations conducted by the FHWA. You must keep records, reports, and submit the material for review upon request to the FHWA or its designee in a timely, complete and accurate way. Additionally, you must comply with all other reporting, data collection, and evaluation requirements, as prescribed by law or detailed in program guidance.

The **City of Portland** gives this ASSURANCE in consideration of and for obtaining any Federal grants, loans, contracts, agreements, property, and/or discounts, or other Federal and Federal financial assistance extended after the date hereof to the Subrecipient by the U.S. Department of Transportation under the FHWA Programs. This ASSURANCE is binding on the Subrecipient, sub-grantees, contractors, subcontractors and their subcontractors, transferees, successors in interest, and any other participants in the FHWA Programs.

The person signing below is authorized to sign this ASSURANCE on behalf of the Subrecipient.

City of Portland

By: _____
Danielle P. West, City Manager

DATED: _____

Encl.: Appendix A through Appendix E

APPENDIX A

PERFORMANCE REQUIREMENTS

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to non-discrimination in Federally-assisted programs of the U.S. Department of Transportation, Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference.
2. **Non-discrimination:** The contractor, as regards the work performed during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the contractor of the contractor's obligations under this contract and the Acts and the Regulations relative to non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Subrecipient or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Subrecipient or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Non-discrimination provisions of this contract, the Subrecipient will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the contractor until the contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will insert the provisions of paragraphs one through six of the Assurances in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any subcontract or procurement as the Subrecipient or the FHWA may direct as a means of enforcing such provisions, including sanctions for noncompliance. If the contractor becomes involved in or is threatened with litigation by a subcontractor or supplier because of such direction, the contractor may request the Subrecipient to enter into any litigation to protect the interests of the Subrecipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX B

CLAUSES FOR DEEDS TRANSFERRING UNITED STATES PROPERTY

If applicable, the following clauses will be included in deeds effecting or recording the transfer of real property, structures, or improvements thereon, or granting interest therein from the United States pursuant to the provisions of Assurance 4:

NOW, THEREFORE, the U.S. Department of Transportation (USDOT) as authorized by law and upon the condition that the Subrecipient will accept title to the lands and maintain the project constructed thereon in accordance with 49 U.S. Code §5334, the Regulations for the Administration of the Federal Aid Highway Program, and the policies and procedures prescribed by the Federal Highway Administration (FHWA) of the USDOT in accordance and in compliance with all requirements imposed by Title 49, Code of Federal Regulations, USDOT, Subtitle A, Office of the Secretary, Part 21, non-discrimination in federally assisted programs of the USDOT pertaining to and effectuating the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252; 42 U.S.C. § 2000d to 2000d-4), does hereby remise, release, quitclaim and convey unto the Subrecipient all the right, title and interest of the USDOT in and to said lands described in Exhibit A attached hereto and made a part hereof.

(HABENDUM CLAUSE)

TO HAVE AND TO HOLD said lands and interests therein unto the Subrecipient and its successors forever, subject to the covenants, conditions, restrictions and reservations herein contained as follows, which will remain in effect for the period during which the real property or structures are used for a purpose for which Federal financial assistance is extended or for another purpose involving the provision of similar services or benefits and will be binding on the Subrecipient, its successors and assigns.

The Subrecipient, in consideration of the conveyance of said lands and interests in lands, does hereby covenant and agree as a covenant running with the land for itself, its successors and assigns, that

- (1) no person will on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination regarding any facility located wholly or in part on, over, or under such lands hereby conveyed [,] [and]*
- (2) that the Subrecipient will use the lands and interests in lands and interests in lands so conveyed, in compliance with all requirements imposed by or pursuant to Title 49, Code of Federal Regulations, USDOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-assisted programs of the USDOT, Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations and Acts may be amended [i and
- (3) that in the event of breach of any of the above-mentioned non-discrimination conditions, the USDOT will have a right to enter or re-enter said lands and facilities on said land, and that above described land and facilities will thereon revert to and vest in and become the absolute property of the USDOT and its assigns as such interest existed prior to this instruction].*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary in order to make clear the purpose of Title VI.)

APPENDIX C

CLAUSES FOR TRANSFER OF REAL PROPERTY ACQUIRED OR IMPROVED UNDER THE ACTIVITY, FACILITY OR PROGRAM

If applicable, the following clauses will be included in deeds, licenses, leases, permits, or similar instruments entered into by the Subrecipient pursuant to the provisions of Assurance 7(a):

- A. The Subrecipient, for itself, its assignees, and successors in interest, as a part of the consideration hereof, does hereby covenant and agree [in the case of deeds and leases add “as a covenant running with the land”] that:
 - 1. In the event facilities are constructed, maintained, or otherwise operated on the property described in this (deed, license, lease, permit, etc.) for a purpose for which a U.S. Department of Transportation activity, facility, or program is extended or for another purpose involving the provision of similar services or benefits, the (grantee, licensee, lessee, permittee, etc.) will maintain and operate such facilities and services in compliance with all requirements imposed by the Acts and Regulations (as may be amended) such that no person on the grounds of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities.
- B. With respect to licenses, leases, permits, etc., in the event of breach of any of the above non-discrimination covenants, Subrecipient will have the right to terminate the (lease, license, permit, etc.) and to enter, re-enter, and repossess said lands and facilities thereon, and hold the same as if the (lease, license, permit, etc.) had never been made or issued.*
- C. With respect to a deed, in the event of breach of any of the above non-discrimination covenants, the Subrecipient will have the right to enter or re-enter the lands and facilities thereon, and the above described lands and facilities will there upon revert to and vest in and become the absolute property of the Subrecipient and its assigns.*

(*Reverter clause and related language to be used only when it is determined that such a clause is necessary to make clear the purpose of Title VI.)

APPENDIX D

CLAUSES FOR CONSTRUCTION/USE/ACCESS TO REAL PROPERTY ACQUIRED UNDER THE ACTIVITY, FACILITY OR PROGRAM

If applicable, the following clauses will be included in deeds, licenses, permits, or similar instruments/agreements entered into by the Subrecipient pursuant to the provisions of Assurance 7(b):

- A. The Subrecipient, for itself, its assignees, and successors in interest, as a part of the consideration hereof, does hereby covenant and agree (in the case of deeds and leases add, "as a covenant running with the land") that (1) no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such land, and the furnishing of services thereon, no person on the ground of race, color, or national origin, will be excluded from participation in, denied the benefits of, or otherwise be subjected to discrimination, (3) that the (grantee, licensee, lessee, permittee, etc.) will use the premises in compliance with all other requirements imposed by or pursuant to the Acts and Regulations, as amended, set forth in this Assurance.
- B. With respect to (licenses, leases, permits, etc.), in the event of breach of any of the above non-discrimination covenants, the Subrecipient will have the right to terminate the (license, permit, etc., as appropriate) and to enter or re-enter and repossess said land and the facilities thereon, and hold the same as if said (license, permit, etc., as appropriate) had never been made or issued. *
- C. With respect to deeds, in the event of breach of any of the above non-discrimination covenants, the Subrecipient will thereupon revert to and vest in and become the absolute property of the Subrecipient and its assigns. *

(*Reverter clause and related language to be used only when it is determined that such a clause IS necessary to make clear the purpose of Title VI.)

APPENDIX E

During the performance of this contract, the contractor – for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) – agrees to comply with the following non-discrimination statutes and authorities, including but not limited to:

Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 5 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, subrecipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131 - 12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures non-discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of Limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).