



## HOUSING COMMITTEE

**DATE:** Wednesday, April 22, 2020

**TIME:** 5:30 PM

**LOCATION:** Remote meeting via ZOOM

### ZOOM MEETING INSTRUCTIONS:

The Housing Committee will hold a remote meeting on Wednesday, April 22, 2020 at 5:30 pm. This meeting will take place remotely using Zoom.

Virtual meetings are allowed using emergency legislation approved by LD 2167; 1M.R.S. §403-A, that authorizes cities and towns to conduct meetings online.

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**Webinar ID:** 940 4730 0986

## AGENDA

1. Review and accept Minutes of Housing Committee meeting held on February 12, 2020 and Joint Meeting of Housing Committee and Economic Development Committee held on March 4, 2020
  - a. Minutes February 12, 2020
  - b. Minutes March 4, 2020
2. COVID- 19
  - a. Federal Update - A representative from U.S. Representative Chellie Pingree's Office will be in attendance
  - b. State Update - Dan Brennan, Director of the Maine State Housing Authority will be in attendance.
  - c. Local Update - Staff from Permitting Inspections and Housing and Community Development will provide an update on local actions to address COVID-19 housing related issues.
3. 2020 Workplan Discussion
  - a. Evaluate and discuss the Housing Committee 2020 Work Plan.
4. Communication Item: Verbal Update on Request For Proposals for 43 & 91 Douglass Street, 165 Lambert Street, and 21 Randall Street

**Next Meeting Date:**  
**May 13, 2020**

## Housing Committee

### Minutes of February 12, 2020 Meeting

**NOTE: The Housing Committee meetings are now live-streamed, which can be viewed at this link: [http://townhallstreams.com/stream.php?location\\_id=42&id=16398](http://townhallstreams.com/stream.php?location_id=42&id=16398) These minutes provide a record of those in attendance, general discussions taking place, and motions made.**

A meeting of the Portland City Council's Housing Committee (HC) was held on Wednesday, February 12, 2020 at 5:30 P.M. in Room 209 of Portland's City Hall. Councilors present at the meeting included Committee members Councilor Pious Ali, Councilor Kim Cook and Councilor Jill Duson, Chair of the Committee, and Mayor Kate Snyder. City staff present included Mary Davis, Division Director Housing and Community Development, and Victoria Volent, Housing Program Manager.

Councilor Duson reviewed the agenda out of order. Item 7 (Review and Approval by the Committee to issue the 2020 Affordable Housing TIF application) was moved to item 1. Item 5 (Review and Recommendation to the City Council re: 2020 Housing Trust Fund Annual Plan) was moved to item 2. Item 2 (Rental Housing Advisory Committee Policy Recommendation) was moved to item 3. Item 1 (Review and accept Minutes of previous meeting held on January 9, 2020) was moved to item 9.

Agenda items appear in the order as they were heard.

#### **Item 1: Affordable Housing TIF Application – Review and Approval to Issue by the Committee:**

Mary Davis introduced the proposed Affordable Housing Tax Increment Financing (AHTIF) application in an effort to coordinate and streamline the process for allocation of City resources. The application will ensure that all AHTIF applicants provide the required information for Maine Housing and under State statute.

Council Duson asked if staff had received any feedback from users. Mary indicated this is the first time users are seeing the application and anticipates users will appreciate having an application to organize materials for review.

Councilor Ali asked if staff had received any feedback from users of the Maine Housing application. Mary noted staff has not received any negative feedback from past users.

Councilor Duson opened the public comment period. Seeing no comment, the public comment period was closed.

Motion by Councilor Ali, seconded by Councilor Duson. Motion passed (2-0).

**Item 2: Review and Recommendation to the City Council of the 2020 Housing Trust Fund Annual Plan:**

Mary Davis introduced the Housing Committee recommendation to the City Council for approval of the 2020 Housing Trust Fund Annual Plan. The Housing Trust Fund is established by Section 14-489 of the City's Code of Ordinances. The Plan establishes the priorities in which the current balance of the Housing Trust Fund will be allocated. The proposed revisions to the Plan from 2019 to 2020 include; funding priorities (from support public/private partnerships that create workforce housing units affordable to households earning 80% to 120% of the area median income); and adjustment to the scoring points allocations in Section IV A to provide more emphasis on developments that are consistent with city goals, meet market demand, and create economic diversity.

Councilor Cook joined the meeting at 5:44

Councilor Duson opened the public comment period. Seeing no comment, the public comment period was closed.

Councilor Cook asked the Committee if they are interested in amending the Plan to change the affordable housing earnings AMI level from HUD to Portland.

Mary Davis noted the Ordinance references the HUD AMI. Corporation Counsel would need to review the Ordinance and provide guidance.

Councilor Duson prefers constancy. She would like a proposal for the Committee to review.

Councilor Cook would like to know the Portland AMI income levels. She suggested the Committee use the HUD levels, but shift the corresponding level to meet the Portland level.

The Committee discuss the proposal.

Councilor Duson would like further correspondence to reference the actual dollar amount.

Councilor Cook suggest broadening the bracket from "80% to 120%" to "60% to 120%". She is concerned that at 120% AMI, the City may be subsidizing projects that less affordable to Portland's missing middle.

Mary noted she is hearing developers who typically create market rate housing are interested in helping create housing for the missing middle.

Mayor Snyder asked for a clarification of how the AMI works.

Motion by Councilor Ali to recommend to the City Council the 2020 Housing Trust Fund Annual Plan. Motion by Councilor Cook to amend the motion and change the AMI bracket from "80% to 120%" to "60% to 120%". The amendment motion passed (3-0). Motion to pass the motion as amended passed (3-0)

### **Item 3: Rental Housing Advisory Committee Policy Recommendation**

Councilor Duson introduced this item.

Councilor Cook asked for a reading of the Committee charge.

Mary Davis read the Committee charge.

Councilor Duson invited the Rental Housing Advisory Committee to present the item.

Aaron Berger presented the item on behalf of the Rental Housing Advisory Committee.

Members of the Rental Housing Advisory Committee present at the meeting included Aaron Berger, Wendy Harmon, Katy McGovern, and Regan Sweeney.

The Rental Housing Advisory Committee (RHAC) recommends the City enact an ordinance to ban application fees for rental housing units. The RHAC discussed the fact that there is no state law or city ordinance limiting application fees. There is also no requirement that the cost of a fee be linked to the landlord's costs when running a background check, and tenants are generally not in a position to know whether they have actually been considered for an apartment for which they have paid an application fee.

RHAC recommends that the following provision be added to Chapter 6 of the City's ordinances:

"At or prior to the commencement of any tenancy, no lessor may require a tenant or prospective tenant to pay any amount in excess of the following:

- (i) Rent for the first full month of occupancy; and
- (ii) A security deposit as defined in 14 MRS 6032"

Councilor Duson invited one other member of the RHAC to speak.

Regan Sweeney Co-Chair of the RHAC joined the conversation. He voted against the memo and recommendation. He presented information that was not included in the memo.

Councilor Cook noted this is an issue beyond the borders of Portland. She would like to know why the City should be taking a position on this when it is a State issue.

Aaron Berger noted that the legislature may not take up this item until 2021 and felt it needed a more immediate review.

Councilor Ali would like to know how much is charged for a background check.

Regan Sweeney answered that providers charge different rates depending upon how much information they are requesting, or how often they make a request. \$25 - \$50 is the range based on the survey.

Councilor Duson is concerned with landlords that take multiple application fees without the intent to rent the unit to applicants who provide the fees. She is against using the application fee process to raise revenue or making it more difficult for low-income tenants to afford the rental hunt process. She ask if tenants are notified of the credit report or background check. The answer was only if they are denied due to a credit report or background check. She asked the RHAC is they discussed other options.

Katie McGovern noted the recommendation was based on enforcement concerns.

Councilor Duson prefers capping application fees instead of a ban.

Councilor Duson asked the Housing Committee if they would like to move this item forward to the next meeting and what does the Committee like to see happen.

Councilor Ali made a motion to ask staff to bring forward a policy that caps screening fees.

Councilor Cook does not think the City should explore this issue before the State legislature acts on the item. She prefers a uniform solution developed at the State level. She does not support moving the recommendation forward at this time.

Councilor Duson's does not support an outright ban. She does not support moving the recommendation forward.

Councilor Ali made a motion to ask staff to bring forward an alternative policy that would cap the amount tenants would be asked to pay for an application fee.

Councilor Duson seconded the motion for discussion.

Mary Davis noted Corporation Counsel would need to draft the language and in the interest of time, the draft language would be brought back for the April meeting of the Housing Committee.

Councilor Ali would also like to see the Southern Maine Landlord Associate involved in the discussion.

Councilor Duson indicated she does not support a ban, and she does not support an alternative policy to cap tenant application fees. As this item was not noticed to the public for a vote, the Housing Committee does not need to take a vote this evening. Rather, the preference is for the Housing Committee to place this item for a public hearing and vote on the April Housing Committee agenda.

The Housing Committee decided to place this item for a public hearing and vote during the April meeting of the Housing Committee.

**Item 4: Housing Program Budget:**

Mary Davis introduced the review and recommendation to the City Council of the 2020-2021 Housing Program Budget. As HUD has not announced the allocation amount for the FY 2020-2021, the estimated Housing Program Budget is set at the same level as the previous year (\$1,020,693). The City’s HOME Program is divided into three funding categories; administration; Tenant Based Rental Assistance; and Affordable Housing Development. The proposed Housing Program Budget will be adjusted when HUD announces the fiscal year allocation for the HOME Program. This budget will be forwarded to the full City Council for two Public Hearings (tentatively scheduled for April), as part of the overall HCD budget. Typically, the final budget allocations and Annual Action Plan are submitted to HUD 45 days in advance of the start of the fiscal year (May 15 for the fiscal year beginning July 1, 2020).

Staff is requesting Committee approval and recommendation to the City Council of the FY 20/21 Housing Program Budget as outlined and summarized in the material submitted.

Councilor Duson opened the public comment period.

Scott Vonnegut asked; what percent of the HOME entitlement fund is allocated for Community Housing Development Organizations (CHODO); what and when is the Housing Summit; and what is the term of the deed restriction for subsidized affordable housing.

Per Mary Davis, 15% of the HOME entitlement is set aside for CHODO, and the term of the deed restriction depends on the funding source. HOME subsidies require a 90 year affordability term.

Per Councilor Duson, the discussion of the Housing Summit will occur during discussion of the Workplan.

Seeing no additional public comment, the public comment period was closed.

Motion by Councilor Cook to recommend to the City Council the 2020-2021 Housing Program Budget, seconded by Councilor Ali. Motion passed (3-0)

**Item 5: Renewal of Membership in the Cumberland County HOME Consortium:**

Mary Davis introduced the request to the Committee to approve and recommend to the City Council that the City of Portland renew its participation in the Cumberland County HOME Consortium. The consortium has been a successful collaboration in support of affordable housing throughout Cumberland County. The current Consortium agreement is due to expire on June 30, 2021. Each member of the Consortium must confirm their participation in the next three-year term and notify HUD by June 30 of this year.

Councilor Cook confirmed if Portland was not a member of the consortium, then funding would not be available to the rest of Cumberland County. She asked if there was some way to get something for this benefit that seems fair to all parties. So that there is a recognition for the value Portland provides, even if it is just the conversation of what that might look like and what others are willing to partner on with

Portland. Would like to know if there is a way to have that conversation with the partners at a county level. Is the Committee interested in asking staff to pursue any options?

Councilor Duson asked for clarification; if the timeframe of renewing the City's participation in the Consortium offers an opportunity to renegotiate the terms.

Councilor Cook responded: or get some buy in or cooperation in some other things. At least open the conversation with the rest of the county. Would like other members of the Consortium to see the benefit of being a member. Just wonder if others in the region see a value that they would be willing to talk about.

Councilor Duson asked staff if the formula used to determine the allocation is a federal formula.

Per Mary Davis, the formula is determined locally. It was set at a level that would provide Portland the similar amount of funding it was previously earning.

Councilor Duson noted that having a Consortium is a good thing as it brought resources to the County that would not otherwise be available. And, it provides funding for the creation of affordable housing outside of Portland. She is hesitant to go back to and ask for more. However, the surrounding communities may have forgotten the work conducted by Portland on their behalf. It would be nice to have the other communities acknowledge Portland, and how they benefit as a Consortium member. However, the allocation is fair.

Councilor Cook would find value in a conversation in which the other Consortium members acknowledge Portland's role and their allocation benefit, and commit to multifamily housing in their towns through zoning changes. The conversation does not need to be tied to the allocation. An acknowledgment and thank you would be acceptable.

Councilor Cook would like to know what residential housing projects have been funded through the consortium.

Mary Davis noted there have been development projects in Falmouth, Yarmouth, South Portland and Westbrook.

Councilor Duson would like a summary memo of all development projects within Portland and within the consortium communities. Staff can determine the time frame to report on.

Motion by Cook to recommend to the City Council that the City of Portland renew its participation in the Cumberland County HOME Consortium, and seconded by Councilor Ali. The motions passed (3-0)

**Item 6: Affordable Housing Development Application – Review and Approval to Issue by the Committee:**

Mary Davis introduced the request from staff seeking Committee approval of the application criteria for the 2020-2021 Affordable Housing Development Application and requesting committee approval to make minor amendments to the application prior to its release.

Revisions made to the 2020 Application include: several minor clarifying edits; the addition of section I.B. creating a priority use of Housing Trust Funds to support public/private partnerships that create workforce housing units that are affordable to households earning 80% to 120% of the area median income, and priority for the use of HOME Program funds will be given to developments that provide units households earning 60% of area median income and below; and adjusting the point allocations in Section IV.A. to provide more emphasis on developments that are consistent with city goals, meet market demand and create economic diversity.

The Committee discussed the item.

Motion by Councilor Cook and seconded by Councilor Ali. The motions passed (3-0)

**Item 7: Presentation of City-Owned Property for Review:**

Victoria Volent presented information regarding four City-Owned properties in response to an earlier request from the Housing Committee for more information regarding; 33 Portland Street; 157 Bracket Street; 176 Clark Street; and 431 Commercial Street.

Councilor Cook would like to see 33 Portland Street and 431 Commercial Street be reviewed by COTAPC.

Councilor Duson would like an update as to the discussion of 431 Commercial Street by the Economic Development Committee during their February 18 meeting.

Staff is directed to contact the School Department regarding 157 Brackett and 176 Clark Street in the context of the redesign project at Reiche School and report back to the Housing Committee.

Staff is directed to bring this item back to the Housing Committee as an action item during the April meeting.

**Item 8: 2020 Work Plan Discussion – Housing Committee Goals for 20202**

The Committee discussed the topic of sober houses and lodging houses. Staff is directed to coordinate a meeting to discuss lodging houses. The Committee discussed a Housing Forum event.

**Item 9: Review and accept Minutes of previous meetings held on January 8, 2020**

Motion by Councilor Ali to move for adoption of the minutes from January 8, 2020. Motion was seconded by Councilor Duson and minutes were approved (3-0).

Motion to adjourn by Councilor Cook, seconded by Councilor Ali. The motion passed (3-0). The meeting adjourned at 9:03 P.M.

Respectfully submitted,

Victoria Volent

# **Joint Meeting of the Housing Committee and Economic Development Committee**

## **Minutes of March 4, 2020 Meeting**

**NOTE: The Housing Committee meetings are now live-streamed, which can be viewed at this link: [http://townhallstreams.com/stream.php?location\\_id=42&id=16398](http://townhallstreams.com/stream.php?location_id=42&id=16398) These minutes provide a record of those in attendance, general discussions taking place, and motions made.**

A joint meeting of the Portland City Council's Housing Committee (HC) and Economic Development Committee (EDC) was held on Wednesday, March 4, 2020 at 5:30 P.M. in Room 24 of Portland's City Hall. Councilors present at the meeting included Housing Committee members Councilor Pious Ali, Councilor Kim Cook and Councilor Jill Duson, Chair of the Housing Committee, and Councilor Tae Chong, Councilor Nick Mavodones, Councilor Spencer Thibodeau, and Councilor Justin Costa, Chair of the Economic Development Committee. City staff present included Jon Jennings, City Manager, Christine Grimando, Planning and Urban Development Director, Mary Davis, Division Director Housing and Community Development, Victoria Volent, Housing Program Manager, Greg Mitchell, Economic Development Director, and Michael Goldman, Associate Corporation Counsel.

Councilor Costa, in agreement with Councilor Duson, polled Committee members regarding their desire to enter into executive session as noted in the agenda for item number 3, 4, and 5. Councilor Costa requested agenda item number 3 be moved to the end of the meeting. Per Councilor Duson, agenda item number 3 would begin with public comment prior to entering into executive session.

### **Item 1: Presentation on Limited Equity Cooperative Housing Model for Committee Information**

Councilor Duson introduced the item. Councilor Chong disclosed he is a former board member of the Cooperative Development Institute. Mary Davis introduced the first invited guest speakers, Jonah Fertig-Burd of the Cooperative Development Institute. Mr. Fertig-Burd briefly noted that speakers would present the cooperative housing model and describe how this model is applied and could be used in Portland. Andy Reicher of UHAB (Urban Homesteading Assistance Board) gave a power point presentation regarding cooperative housing models. Limited equity co-ops was the scope of the presentation. Craig Saddle mire of Raise-Op Housing Cooperative of Lewiston spoke in regards to their cooperative governance structure model. Mr. Fertig-Burd spoke again about the work conducted by the Cooperative Development Institute to provide homeownership options for the missing middle. About twenty-five families in Portland are exploring how to establish cooperative and co-housing in Portland.

Councilor Duson open question to Committee members.

Councilor Mavodones asked why we have not seen co-ops in Portland.

Mr. Fertig-Burd indicated the need for support from the City is instrumental in launching cooperatives in the City. Through this presentation, he hopes to see how the City, developers, and the community can work together to launch this model. New models can take more time, support and education.

Councilor Mavodones asked what does support from the City look like.

Mr. Reicher indicated support could be in the form of providing land or buildings at low or no cost; subsidizes mortgages; Section 8 vouchers; tax abatement; and providing contracts for technical and training assistance for on-going support of co-ops.

Mr. Saddlemire noted Lewiston supports Raise-Op through federal funding programs (such as HOME and CDBG.) and that if staff is familiar with how those programs apply to co-ops, then the co-ops will have access to funding.

Mr. Fertig-Burd mentioned the significance of the right of first refusal for owners of manufacturing housing, and having strong notification laws in place for tenants.

Mr. Reicher spoke of the Tenant Opportunity to Purchase Act in Washington DC; it is intended to protect tenants and occupants. Owners must give tenants and occupants the opportunity to purchase the dwelling and a right of first refusal to match a third-party contract before the owner sells, demolishes or discontinues renting out that property.

Councilor Duson noted the Housing Committee is trying to look at other housing models, to that extent, the Housing Committee has had the opportunity to hear from speakers (such as Brian Eng) regarding the cooperative housing model.

Councilor Cook asked how, if a co-op does not operate in Portland to provide operating insight, how would the Council move property into a cooperative model (does it take a developer with housing experience to partner with a co-op?)

Mr. Reicher indicated it would take a for-profit or not for profit developer interested in this type of development and then find folks that have co-op experience to partner with the developer to provide the people part. Co-ops are most successful when people who live in them are capable of running their own building.

Mr. Fertig-Burd noted the Cooperative Development Institute helps to organize the co-op community with establishing a board, the legal structure, financing, and the on-going training.

Councilor Duson thanked the presenters and noted she is excited to hear more details as the City works through the disposition of City-owned property.

## **Item 2: Presentation on changes to HUD/CDBG census tract eligibility for Committee Information:**

Mary Davis presented this item. As a grant recipient under the HUD's CDBG Entitlement program, the city must ensure that any use of funds for a CDBG-assisted activity is eligible by meeting one or more of the national objectives required under the criteria in 24 CFR §570.208. HUD released updated

summary data in early 2019. When a CDBG project is fulfilling the national objective on an area-wide basis, the population of that area must be at least 51% low-moderate income (LMI). Ten block groups in Portland have become eligible between 2014 and 2019. Census tracts 17, 18, and 20.1 had the largest difference in LMI percentage between 2014 and 2019. Two block groups that were eligible in 2014 have become ineligible in 2019 due to their LMI percentage dropping below the 51% threshold. These two changes occurred in the East End/ Munjoy Hill Neighborhood and the Oakdale Neighborhood.

Members of the Economic and Development Committee and Housing Committee posed clarifying questions during a brief discussion of the presentation.

**Item 3: Review, public hearing, and provide direction to staff to market the following City-Owned properties for sale or lease for housing development: 21 Randall Street, 165 Lambert Street, and 43 & 91 Douglass Street.**

Mary Davis introduced this item. Staff is requesting the Economic Development Committee and the Housing Committee approve the terms and authorize staff to issue the Request for Proposals for the city-owned properties at 21 Randall Street, 165 Lambert Street and 43 & 91 Douglass Street.

Members of the Economic and Development Committee and Housing Committee posed clarifying questions during a discussion of the item.

Councilor Costa requested to see a grid of each recommendation after scoring.

Councilor Costa opened the item to public comment.

Zack Barowitz – Excited about the Douglass street parcels. It could be possible to start out with flexible zoning. Would like to see more than two-family duplex units. Concerned about the need for a VRAP.

Dana Totman- Thinks it is great that the City is disposing of land in an RFP. Noted there are many good projects already in the que that need funding. There are a lot of people who need affordable housing. The scoring criteria did not include the number of affordable units that would be created.

Sally Trice- Representing citizens for a senior center. Looking for City-owned property (COP) for age 55+. Growing community interest in property at Douglass Street. Plan to model it after the Newark Delaware Center. Would like city to donate COP to make this happen.

Jack Soley- Excited these parcels are coming forward. Encourages the City to conduct an ESA Phase 2. Should quantify the costs. Effective way to encourage more density is for the City to rezone for higher density. This seems to work well in Scarborough. Would like City to take on the risk of rezoning.

Keith Johnson (Lambert Street) - Would like the process (for 165 Lambert Street) to slow down. Wants neighbor input.

Jean Morin (Auburn Street) - Interested in the proposal on 165 Lambert Street. Would like the parcel to remain an R-2 zone. In 1990, the City was interested in a cluster housing project. A cluster housing development was not consistent with the neighborhood. 165 Lambert Street is comprised of significant wetlands. Does not wish to see the zone change.

Tim Wells - Applauds the committees for bringing forward alternative housing options.

Ruth Bettinger (Summit Street) – Concerned with water levels; more specifically storm water mitigation. Has safety concerns regarding sidewalks and clearance for cars to pass during the winter. Would like to know how does the public express concerns with a development project before it is too late? Would like to know why the city is considering selling the property for lower than market value?

Jonah Fertig-Burd- Excited to see different types of ownership options included in the RFP. However, noted that Land Trusts or Co-ops may need more time to answer the RFP.

Liz Trice (Brackett Street) – Would like the Committee to consider disposal of City-owned property to someone who will restrict home ownership or rental use for the longest term permitted under law. Would like the scoring to reflect a greater consideration for projects that include a greater quantity of lower AMI units. Finally, would like the Committee to indicate their zoning preference, or build it into the Purchase and Sales Agreement to lower the cost and risk to the developer.

Karen Snyder (Munjoy Hill) – Encourages the Committees to be prescriptive with the zoning in the RFPs. Provided information on Social Housing versus Public Housing. Social Housing is desirable, mixed-income housing. Would like to see options, such as Social Housing, included in the RFP. Also supports the City retaining the property while offering long-term leases.

George Rheault (Hanover Street) – Noted one good thing about the Bayside-Public Works City-owned property disposition was the RFP was very open-ended which allowed for some creativity, but the Council basically gave them all to politically connected insiders because the Council said, up front, it would not be taking any risk in terms of rezoning or incentives. Does not feel the City is ready to put these parcels out to the market as the City would not know what a home run or grand slam would look like with these properties. If the City sells these properties or commits them to a 99-year lease, then the City should be shooting for a Grand Slam. The City needs the housing and tax revenue, but does not think anything is going to happen to these properties for three to six months in this market. Encouraged Committee members to image the parcels containing many of the good ideas presented this evening. Do not allow wetlands be used as an excuse for not doing something with these sites.

Nick Zaccaro (Whitney Ave.) - Opposes the sale of public land to private developers. It would be a tragedy to sell it to private developers. Supports Social Housing with land trusts and co-ops.

Councilor Costa closed the public hearing.

Councilor Costa asked the City Manager, Jon Jennings, and staff to respond to questions asked during the public hearing

Jon Jennings – More than willing to look at a Senior Center. Need to learn more about the idea to see if this is a feasible proposition.

Christine Grimando – Questions regarding sidewalks, environment, traffic and wastewater mitigation would be addressed during site plan review, which the Planning Board conducts.

Jon Jennings - Including rezoning in the Purchase and Sale Agreement is up to the Committees and/or City Council.

Mary Davis – The RFPs contain information regarding mixed-income developments. Also, the scoring provides more points for projects that are mixed-income.

Councilor Cook- Question about Randall Street- there had been interest by the Portland Housing Authority (PHA). Thought they were interested in the lot. Would like an update.

Mary Davis – Conversations were held with the PHA. Based on the direction by the Housing Committee to move the disposition process along quickly, the PHA they did not think they could take on another project in the immediate future.

Councilor Thibodeau –Regarding the comment that during the Bayside property disposition process permits were issued before the neighborhood meeting was held; this evening’s meeting is to discuss whether to issue an RFP. There will be ample time to hold the neighborhood meetings before permits are issued. Regarding why the RFPs are not prescriptive concerning the zoning: these RFPs allows for flexibility and for the Council to learn what will work best. Noted the disposition of city-owned land is a long and thorough public process. The last large RFP process that came before the Council took over eight months to review and included at least two public hearings to gather community input.

Councilor Costa- What is the wish of the joint committee. Staff is looking for direction and hopefully approval during this meeting. Are you comfortable with the RFP process? Are you comfortable with these specific RFPs as proposed?

In response to Councilor Costa’s questions, a discussion by the Committee members was held. The majority of members were comfortable with moving forward with the RFPs as written.

Councilor Duson- Suggested both committees vote on moving the RFPs forward. Then it is up to the Economic Development Committee to continue the process. Expectations is it is the EDC RFP process.

Motion by Councilor Thibodeau to authorize staff to issue the Request for Proposals for the city-owned properties at 21 Randall Street, 165 Lambert Street and 43 & 91 Douglass Street. Motion seconded by Councilor Chong. Councilor Cook introduced a friendly amendment to add scoring points for proposals that are age inclusive. Councilor Thibodeau accepted the amendment. The motion passed (7-0).

Councilor Cook introduced a friendly amendment to strike language from the 43 and 91 Douglass Street RFP indicating a preference for receiving full market value in a sale of the property. Councilor

Thibodeau seconded the motion. The motion failed (2-5). Councilor Cook introduced a motion to bifurcate the vote to authorize staff to issue the RFPs. Councilor Thibodeau seconded the motion. The motion passed (7-0). Motion by Councilor Costa to authorize staff to issue the RFP for the city-owned property at 21 Randall and 165 Lambert Street. Councilor Duson seconded the motion. The motion passed (7-0). Motion by Councilor Costa to authorize staff to issue the RFP for 43 & 91 Douglass Street. Councilor Duson seconded the motion. The motion passed (6-1).

Councilor Costa asked the Committee members if they would like to continue the meeting or reschedule the remaining two items to a joint meeting in April. Members agreed to proceed with public comment on a recommendation to the City Council for the 104 Grant Street Affordable Housing Tax Increment Financing Credit Enhancement Agreement request.

**Item 4: Review, public hearing, and possible vote on a recommendation to the City Council for the 104 Grant Street Affordable Housing Tax Increment Financing Credit Enhancement Agreement Request:**

Council Costa indicated the Committees will take public comment but will not act on the item this evening.

Mary Davis introduced the item. Watson Renewal Grant LLC (“WRG”), a partnership consisting of Tom Watson and Renewal Housing Associates LLC, propose to redevelop 104 Grant Street into 23 units of homeownership workforce housing. Eight of the 23 units will be regulated under the State of Maine’s Affordable Housing Tax Increment Financing Statute 30-A MRS Sec 5247.

Councilor Costa opened the meeting to public comment.

George Rheault (Hanover Street) – The public was not forewarned that a deep subsidy would be needed to create the affordable units at 104 Grant Street.

Dana Totman- Supports the TIF request. The best method to support affordable homeownership construction is with an Affordable Housing TIF. The TIF is clearly needed to make this possible.

Zack Barrowitz- worked with Todd Alexander in the past. Supports the quality of the projects, affordability and care the applicant takes with his projects. This project could be a model for affordable homeownership.

Todd Alexander- This project supports the City’s goals for affordable homeownership housing. The Affordable Housing TIF is what makes it works. The City makes more money by supporting The Affordable Housing TIF than if a building of rental units is created. This is an extremely valuable project.

Karen Snyder- Opposed to subsidizing the proposal. The applicant could take his fifty-nine market rate condos and convert them to affordable housing units. Taxpayers should not subsidize this project. Supports cancelling this TIF proposal.

Councilor Costa closed the public hearing.

**Item 5: Executive Session**

Not taken up.

Motion to adjourn by Councilor Duson. Councilor Chong seconded the motion. Motion passed. The meeting adjourned at 8:45 P.M.

Respectfully submitted,

Victoria Volent



**CITY OF PORTLAND**  
**Permitting and Inspections Department**

## **Memorandum**

**To:** Housing Committee

**From:** Jessica B. Hanscombe  
Licensing and Housing Safety Manager

**Date:** April 7, 2020

**RE:** Housing Safety during COVID-19

The Housing Safety Division is not currently performing any in person inspections at this time for the Health and Safety of both our inspectors and the public. There is too high of a risk of exposure for all involved. All scheduled Long Term inspections from March 16 thru the end of April have been postponed. Staff will be reaching out to reschedule those as soon as we are inspecting again. The property owners have been very appreciative of the City of Portland making the health risks a priority.

The Inspectors are working on follow ups that can be dealt with via email or through phone calls. Examples of this are properties that were required to apply for a building permit by a date certain, register the property or additional units, provide certification of alarm systems or sprinkler systems, and much more.

They are responding to emails and phone calls on a daily basis. Helping landlords with both Building Code and Fire Code issues. Both the Inspectors and I have spoken with landlords and tenants in regards to complaints or violations. We are following up on any complaints that have come in from both landlords and tenants.

They are responding to See Click Fix Issues that are submitted daily online. We have worked with property owners on trash complaints, broken windows, and some properties that have visible outside code violations.

The inspectors are working closely with General Assistance in regards to placements. We have received 49 requests in the first three weeks which requires us to research registration, property owner, and property manager and inspection history. We have created a follow up list of all the properties that have been approved or denied, for when inspections resume.

We are still working with Community Policing on issues that are reported through dispatch or by Police Officers. We have dealt with disorderly houses, code violations and land use violations to name a few. Community Policing and Housing Safety worked together on almost a daily basis prior to the disruption in inspections. We have continued that relationship and efforts to work with some very challenging situations. Another close relationship we have is with Corporation Counsel. We have been working with them on pending Court Cases or Consent Agreements. We have approved extensions



**CITY OF PORTLAND**  
**Permitting and Inspections Department**

for some items based on the closure of so many businesses or for the protection of the tenants to not be unnecessarily exposed to the virus,

A requirement of being a Housing Safety Inspector is to maintain certification as a State of Maine Code Enforcement Officer and a Certified Fire Inspector. They have all been taking online courses and taking tests for credits towards those certifications. This also includes interacting with Code Officers throughout the state or Fire Inspectors around the country.

The office staff is currently still registering Long Term Rentals or applying payments to accounts. Property Owners can pay online or mail in payment to us. Working on postponing the inspections and assigning any complaints that are submitted to our office for rental violations.

In regards to Short Term Rentals, I have corresponded with owners regarding the rules imposed by the City Council. I have been answering questions regarding that order. We have not received any new requests for Short Term Rentals due to the ban.

Thank you,

Jessica B. Hanscombe  
Licensing and Housing Safety Manager



**CITY OF PORTLAND**  
**Planning & Urban Development Department**  
**Housing and Community Development Division**

**TO:** Councilor Duson, Chair  
Members of the Housing Committee

**FROM:** Mary Davis, Division Director, Housing & Community Development

**DATE:** April 17, 2020

**SUBJECT:** CARES Act Funding from the U.S. Department of Housing and Urban Development (HUD)

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As a result of the federal Coronavirus Aid, Relief, and Economic Security Act (CARES Act, Public Law 116-136), the City of Portland received supplemental CDBG funding (known as CDBG-CV) in the amount of \$1,137,154 and Emergency Solutions Grant funding (known as ESG-CV) in the amount of \$573,734. These funds must be used to mitigate the impacts of COVID-19.

Congress also enacted several temporary waivers and regulatory alternatives to assist communities with expediting the use of the funds to prevent, prepare for and respond to coronavirus. The CARES Act also requires that the City does not duplicate benefits, i.e., CARES Act funding may not be used to pay costs if another source of financial assistance is available to pay that cost.

The City Manager asked staff from the HCD office to work with other City Departments to assess the best use of the funds as it relates to the City's response to COVID-19. A report will be prepared for the City Manager who will then make recommendations for the use of the funds to the City Council. The expectation is that the City Council will review and act on the appropriation and use of the funds in May.

Below are some of the regulatory flexibility provided through the CARES Act:

1. Elimination of the cap on CDBG-CV funding for public service (social service) activities;
2. Expedited procedures for public notice and comment;
3. Allow for virtual public hearings;
4. Increase in the administrative funding cap for ESG-CV funds (increased to 10% from 7.5%);
5. Elimination of match requirement for ESG-CV funding;
6. Elimination of the cap on emergency shelter activity funding;
7. Allow ESG-CV funds to be used to provide temporary shelters;

**Draft 2020 Housing Committee Work Plan  
as of April 15, 2020**

April 22, 2020

1. Presentation of Federal, State, and local update regarding COVID-19 and housing related issues.
2. Communication Item update on issuance of RFP for 43 & 91 Douglass Street, 165 Lambert Street, and 21 Randall Street
3. 2020 Work Plan Discussion

May 13, 2020

1. Communication Item FY21 HUD Annual Allocation Plan
2. (Action Item) Review and Recommendation regarding Rental Housing Advisory Committee Policy Recommendation
3. Lodging House Discussion
4. (Action Item) Review and Recommendation to City Council re: Disposition of City-Owned Property at 157 Brackett Street and 176 Clark Street
5. Executive Session to provide direction to staff regarding possible disposition of city-owned property at 431 Commercial Street and city-owned property in Falmouth
6. 2020 Work Plan Discussion

June 2, 2020 (Possible Joint Meeting with Economic Development Committee)

1. (Action Item) Review and Approval of Affordable Housing TIF Applications
2. Communication Item Update on development projects within Portland and member consortium communities

June ??, 2020 – Housing Policy Forum

June 10, 2020

1. (Action Item) Review and Approval of Funding Requests Received from the Affordable Housing Development Applications
2. 2020 Work Plan Discussion

July 8, 2020

1. 2020 Work Plan Discussion

August 12, 2020

1. 2020 Work Plan Discussion

September 9, 2020 (need to reschedule due to conflict with City Council Meeting)

1. Presentation, Overview and Integrated Report from Permitting and Inspections and Fire Department re: Short-term and Long-term Rental Housing Safety & Inspection Program - Implementation and Financial Report (Public Comment)
2. Presentation, Overview and Report from the Rental Housing Advisory Committee (Public Comment)
3. Communication Item: FY20 HUD Consolidated Annual Performance Report
4. 2020 Work Plan Discussion

October 14, 2020

1. Presentation of 2020 Interim Housing Report
2. 2020 Work Plan Discussion

November 11, 2020 (Veterans Day – will need to reschedule meeting date)

1. Review of 2020 Annual Housing Committee Report
2. 2020 and 2021 Work Plan Discussion (new and/or updated recommendations to forward to the 2021 Housing Committee)

December 9, 2020 – no December meeting?

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WORK PLAN TOPICS

Coordinate and be kept aware of ReCode Committee process, meetings, etc.

Street Standards

City-Owned Property

0 Gray Road

622 Auburn Street

200 Lambert Street

33 Portland Street  
431 Commercial Street

Inclusionary Zoning – minor process/clarifying language updates

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COMPLETED WORK

January 9, 2020 (Thursday)

1. 2020 Work Plan Discussion
2. Communication Item(s): Follow-up Response to Comments regarding the 2019 Housing Report, and Bayside Village Follow-up

February 12, 2020

1. Rental Housing Advisory Committee Policy Recommendation
2. (Action Item) Housing Program Budget - Review and Recommendation to the City Council
3. (Action Item) Renewal of Membership in the Cumberland County HOME Consortium
4. (Action Item) Review and Recommendation to the City Council of the 2020 Housing Trust Fund Annual Plan
5. (Action Item) Affordable Housing Development Application - Review and Approval to Issue by the Committee
6. (Action Item) Affordable Housing TIF Application – Review and Approval to issue by the Committee
7. Presentation of City-Owned Property for Review
8. 2020 Work Plan Discussion – Housing Committee Goals for 2020

March 4, 2020 – Joint Meeting Economic Development

1. Presentation on Limited Equity Co-Operative Housing Model
2. Presentation on changes to HUD/CDBG Eligible Areas Map
3. (Action Item) Review, public hearing and possible recommendation to Council re: AHTIF request, 104 Grant Street
4. (Action Item) Review and Authorization to Release RFP re: disposition of City-Owned Property at 21 Randall Street, 165 Lambert and 43/91 Douglass Street; (Possible Executive Session to discuss disposition of City-Owned Property)
5. Executive Session to provide direction to staff regarding possible disposition of city-owned real estate at 431 Commercial Street and city-owned property in Falmouth

April 8, 2020 Cancelled