HOUSING & ECONOMIC DEVELOPMENT COMMITTEE

DATE: Tuesday, April 5, 2022
TIME: 5:30 PM
LOCATION:This meeting will take place remotely using Zoom.

This meeting will be held remotely pursuant to the Remote Meeting Policy adopted by the Portland City Council and as authorized under 1 M.R.S. 403-B because of the existence of an emergency or urgent issue that requires the Committee to meet by remote methods. Allow your computer to install the free Zoom app to get the best meeting experience. If you are not able to attend live, a recording will be available in the Agenda Center following the meeting.

For public comment, 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.

1. **Zoom Public Meeting Information**

   a. Please click the link below to join the webinar:
   https://portlandmaine-gov.zoom.us/j/88182387763?pwd=dkxVMWVORGhsdDc4Z2d0bDhXL1Z2UT09
   Passcode: 102943
   Or One tap mobile :
   US: +19292056099,,88182387763# or +13017158592,,88182387763#
   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 +1 312 626 6799 or +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799
   Webinar ID: 881 8238 7763
   International numbers available: https://portlandmaine-gov.zoom.us/u/kbFHnFpfI

2. **Review and accept Minutes of March 22, 2022, Committee meeting.**

   a. See attached draft meeting Minutes.

3. **(Public Hearing) Review and Vote to recommend to the City Council Approval to Issue a Request for Proposals (RFP) for the Sale and Redevelopment of City-Owned Property - Diamond Cove Former Fort McKinley Hospital Property.**

   a. See attached Memorandum and proposed RFP.
   NOTE: Pursuant to 1 M.R.S.A 405(6)(C) and 5 M.R.S.A. 13119-A, the Committee may go

into executive session to provide staff direction on proposed RFP.

4. Communication Item/Public Hearing and Vote to recommend to the City Council Issuance of a Proclamation re: Community Development Week

a. See attached Proclamation.

5. Communication Item: Additional guidance from Corporation Counsel regarding the City's Minimum Wage Ordinance.

a. See attached Email from Corporation Counsel.

b. Staff is seeking from the Committee on next steps.

6. Communication Item: Housing Safety and Rent Board - Overview of Roles and Responsibilities

a. See attached Memo from Jessica Hanscombe, Director, Permitting and Inspections Department.

b. See attached Memo from Mary Davis, Interim DIrector, Housing and Economic Development, re: Rental Housing Advisory Committee.

c. See attached public comment.

7. Communication: 2022 Workplan and Schedule - No Vote or Public Hearing Required.

a. See attached 2022 Workplan and Schedule.

Next Meeting Date: April 19, 2022

Minutes

Remote Housing and Economic Development Committee

March 22, 2022

NOTE: This meeting was held via Zoom and can be viewed at this link:

https://www.portlandmaine.gov/129/Agendas-Minutes

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, March 22, 2022, at 5:30 p.m. via Zoom. Present from the Committee were Chair Councilor Pious Ali, and members Councilors Tae Chong and Andrew Zarro; member Councilor Roberto Rodriguez could not be present. Also present from the City Council was Councilor April Fournier. Present from the City staff were Interim Housing and Economic Development Department Director Mary Davis, Corporation Counsel Michael Goldman, Parks Director Alex Marshall, HCD Compliance Officer Heidi McCarthy, Assistant City Manager Anne McGuire, Principal Administrative Officer Lori Paulette, and Housing Program Manager Victoria Volent.

Item #1: Zoom Meeting Information – no Committee action required.

Item #2: Review and vote on March 1, 2022, draft meeting Minutes.

On motion made by Councilor Zarro, seconded by Councilor Chong, the Committee voted 3-0 to accept the Minutes as presented.

Item #3: Public Hearing- Review and Vote to Recommend Approval to the City Council of the Draft 5-Year HUD Consolidated Plan and FY 2023 HUD Annual Allocation Plan

Mary Davis recognized and thanked staff members for their involvement and hard work. The U.S. Department of Housing and Urban Development (HUD) requires that communities receiving HUD funding (CDBG, HOME, ESG) undertake a planning process every three to five years to review local affordable housing and community development needs. This process, the 5-Year Plan, is designed to help communities develop priorities and multi-year goals in coordination with other community plans and resources to make a greater impact within the community. The Fiscal Year 2022-2023 Annual Action Plan outlines the allocations for the programming of the Community Development Block Grant Program, HOME Program, and Emergency Solutions Grant Program received from HUD. The Council will take final action on these items on April 11, 2022. The 5-Year Consolidated Plan will be submitted to HUD in May 2022. Mary noted the four goals of the 5-Year Plan; the evaluation of past performance; and summary of citizen participation and consultation process.

Committee members asked clarifying questions.

Councilor Ali opened the meeting to public comment. Seeing no request to speak, the public comment period was closed.

On motion made by Councilor Chong, seconded by Councilor Zarro, the Committee voted 3-0 to forward the recommendations to the City Council with a recommendation for approval.

Item #4: Presentation and Committee Direction to Staff re: Food Truck Plan for the Eastern Promenade.

Mr. Marshall noted that with uptick of food trucks on the Eastern Promenade, staff is looking at options to alleviate four concerns: pedestrian safety, trash, tree health, and carbon emissions. Mr. Marshall then described Options A and B for the Committee with both having reduced parking to assist with pedestrian safety and alternative locations for food trucks, protecting the trees with wooden posts and rope around them, possible solutions to trash maintenance – including new inground trash barrels which are capable of holding 300 gallons of trash in each, and increasing access to electricity to lower carbon emissions, noting that some food trucks operate 10 hours a day. Lastly, he noted that the food truck season is from 4/15/2022 to 10/15/2022, and that staff management of the plan also needs to be considered.

Councilor Chong asked about the biggest complaint, the opportunity to add solar panels for electricity, and the cost difference between Option A and B.

Mr. Marshall noted that the biggest complaint is the trash, and he would need to touch base with Troy Moon about adding solar panels. Option A is estimated to be a bit more costly.

Councilor Chong noted that his preference would be Option B, noting the area of picnic tables near the trail would be good for constituents, and electrify it. Regarding trash, he questioned if dumpster/recycling bins could be installed to assist with that, and Mr. Marshall said that that can be looked into.

Councilor Zarro also noted trash is the issue, particularly at that time of the year, and was leaning towards Option B, which is better for tree health and could be beneficial year-round with additional electric service. Licensing needs to be taken seriously by vendors to contribute to the impact their footprint is making.

Chair Councilor Ali noted that he receives calls as well about trash and seagulls augmenting that by leaving trash on constituents' properties. Mr. Marshall said that he would need dive more into that issue but was confident that the new trash cans will have the capacity to handle the trash and mitigate these issues.

Chair Councilor Ali asked which Option would be more park like, and Mr. Marshall noted that A is more interactive; however, Option B could be as well in the future.

Councilor Zarro noted the Option A has 7 food trucks and Option B has 5 and questioned the numbers. Mr. Marshall noted that last year there were 10-15 at any given time. The 7 for Option A has a food truck in between each tree for added open space; the 5 in Option B may be able to be expanded and could identify that after the snow melts. Councilor Zarro expressed concern with the smaller number of trucks and the impact on the businesses for those who are not able to be licensed to do business there.

Chair Councilor Ali asked about the timeline if approved, and Mr. Marshall noted as soon as possible with the season shortly upon us and thanked the Committee for their feedback.

Item #5: Update, Review and Committee Direction to Staff re: Tourism Improvement District (TID).

Ms. Tillotson, Executive Director of Visit Portland (VP), thanked the Committee for their time and presented a Powerpoint, noting that VP is Greater Portland's "Destination Marketing Organizaton" (DMO), branding and marketing the area in order for people to find this location. With the development of Thompson's Point, Roux Institute, and 58 Fore Street, all with hotels to be included, these bring businesses and people to Portland. The DMO is significantly under-funded and she displayed comparisons. The TID is hotel driven and the hotels understand the program and are onboard. It will help expand the area's shoulder season and will assist VP in mitigating tourism issues. Ms. Tillotson then described visitor spending, as well as hotel spending and the multitude of business contracts they require to operate, which many had to be terminated during the pandemic affecting those local businesses. This holds true for restaurants and bars. In addition, the hotel workforce is large in the hospitality industry, noting that the average now is 3 to 10 languages spoken - building a stronger community.

Councilor Chong said that he would support this, noting that it helps immigrants and refugees now working in the hospitality industry, many at higher than minimum wage, and the large number of small local businesses also part of the industry. VP also promotes the area nationally and internationally.

Tiffany Gallagher from Civitas also presented a Powerpoint describing the mechanics of a TID. It is much like the Portland Downtown District, except the hotels place a fee on rooms sold which funds the TID. The proposal here is a 2% fee on rooms sold. Businesses will benefit, and the City provides the oversight. The private assessment would be tied to a specific start date and is more forecastable for budgeting purposes. She then described a recent study on the economics of a TID and would share the study upon request and highlighted some of the successes of the Boston TID and the New Portland, Rhode Island TID.

Councilor Zarro asked why hotels with 40 beds and up only in the TID, and Ms. Tillotson noted that programming will be for leisure, meetings, and conferences which is why the larger hotels would be in the TID. In response to Councilor Zarro, she also noted that the smaller boutique hotels could be contacted and educated about the TID and see if they would be interested.

Councilor Zarro asked about the dissolution process, tracking results, and the other municipalities VP represents. Ms. Gallagher described the dissolution process noting the City Council would have to initiate it. Ms. Tillotson said that social media and other software have tracking abilities to provide metrics/results. She also noted that her goal is to get all the municipalities VP represents their own TIDs, with South Portland next.

Councilor Zarro asked if a local option tax were to happen would that be a conflict, and it was indicated that there would be no conflict; many TIDs have them.

Chair Councilor Ali asked if they would support a local option tax, and Ms. Tillotson said that she cannot speak for the hotels but would assume they would be supportive.

Chair Councilor Ali recognized that Gerard Kiladjian, with the hotel industry had his hand up, and Mr. Kiladjian noted that with a TID he believed that there would be support for the local option tax.

Councilor Chong noted that the anchor hotels help the smaller ones, and the TID would make this sustainable and recommended to move forward in creating the TID.

In response to the Chair regarding a timeline, Mr. Goldman noted that the Development Program, District, and Agreement would need to be finalized which could possibly happen in April or May. Ms. Davis said that this is tentatively on the April 19 HEDC Agenda.

Chair Councilor Ali thanked all and requested a copy of the report on the Economics of TIDs. A copy of the report was forwarded to Committee members after the meeting, and a copy is attached.

Item #6 Review and approval of a Purchase and Sale Agreement for City-owned property at 622 Auburn Street and 0 Gray Road, Falmouth; and Amendment to Purchase and Sale Agreement for 165 Lambert Street

Mary Davis introduced this two-part item with an overview of the request that Committee members vote to recommend to the City Council the Purchase and Sale Agreement for the sale of City-owned land located at 622 Auburn Street and 0 Gray Road, Falmouth.

The second request to the Committee is to vote to recommend to the City Council amendments to the Purchase and Sale Agreement for the sale of City-owned property located at 165 Lambert Street.

The Committee held a discussion and asked clarifying questions regarding the Purchase and Sale Agreement for 622 Auburn Street and 0 Gray Road, Falmouth.

Councilor Ali opened the meeting to public comment. Seeing no request to speak, the public comment period was closed.

On motion made by Councilor Zarro, seconded by Councilor Chong, the Committee voted unanimously (3-0) (Councilor Rodrigues absent) to forward the recommendation of the Purchase and Sale Agreement for City-owned property at 622 Auburn Street and 0 Gray Road, Falmouth to the City Council with a recommendation for approval.

Mary Davis introduced the second part of this agenda item - the request the Committee vote to recommend to the City Council amendments to the Purchase and Sale Agreement for the sale of city-owned property located at 165 Lambert Street. The terms of the agreement are not changing; rather the most significant amendment concerns the due diligence period. The proposed amendment would allow for a twenty-five month due diligence period instead of the original thirteen-month period. This amendment would allow the projects at 165 Lambert Street, and 622 Auburn Street and 0 Gray Road, Falmouth to move through due diligence during the same time period.

Councilor Ali opened the meeting to public comment. Seeing no request to speak, the public comment period was closed.

On motion made by Councilor Chong, seconded by Councilor Zarro, the Committee voted 3-0 to forward the recommendation of the amendment of the Purchase and Sale Agreement for City-owned property at 165 Lambert Street to the City Council with a recommendation for approval.

Item #7 Communication/Discussion of 2022 Work Plan and Schedule

Councilor Ali asked about annual items for the Committee, and Ms. Davis said that those have been included later in the year, with two taken up today.

Councilor Chong said that he would like to have a discussion regarding unsafe housing units and the responsibilities, data, and reporting of the Housing Safety Officer versus Inspectors from the Permitting and Inspections office. Also, he would like to discuss the roles, responsibilities, and the differences between this Committee, the Rent Board, and the Rental Housing Advisory Committee.

Ms. Davis noted that there is an annual item scheduled on the Agenda for the second meeting in June for a presentation by Permitting and Inspections and the Fire Department regarding short-term and long-term Rental Housing Safety & Inspection Program. If this is needed sooner, she can talk with the Permitting and Inspections office and perhaps bring it to the Committee in April or May.

Chair Councilor Ali noted that he was fine with the second meeting in June but perhaps a memo before that on the differences, definitions, and who does what would be helpful.

Councilor Zarro agreed that this would be beneficial for a memo and then a discussion in June.

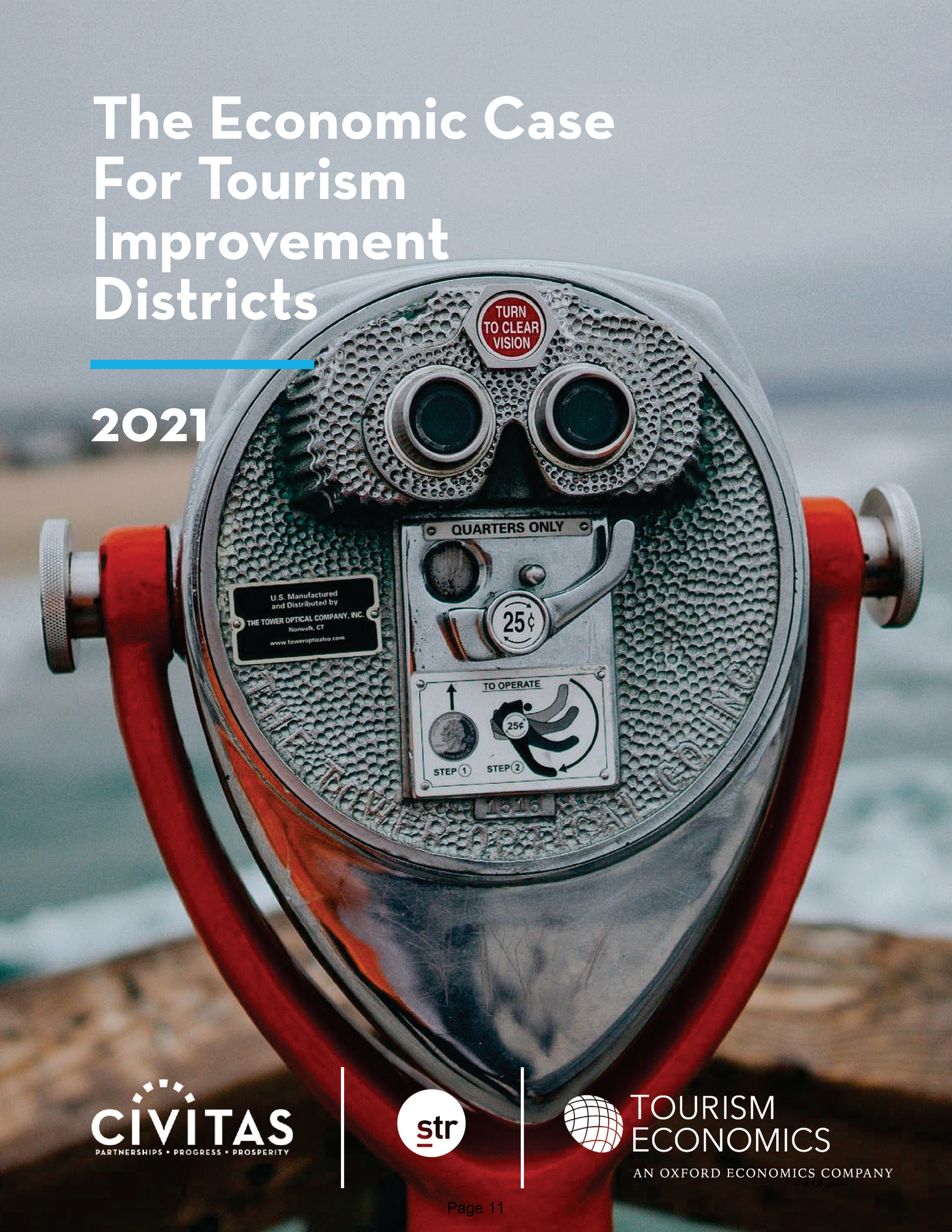
Chair Councilor Ali noted that he has a constituent asking about food trucks and the City allowing the same kind of thing for a clothing and/or small business truck. He will get in touch with the constituent but just wanted to give Ms. Davis the heads-up.

On motion then made by Councilor Zarro, seconded by Councilor Chong, the Committee voted 3-0 to adjourn at 8:13 p.m.

Respectfully, Lori Paulette and Victoria Volent

The Economic Case For Tourism Improvement Districts

2021



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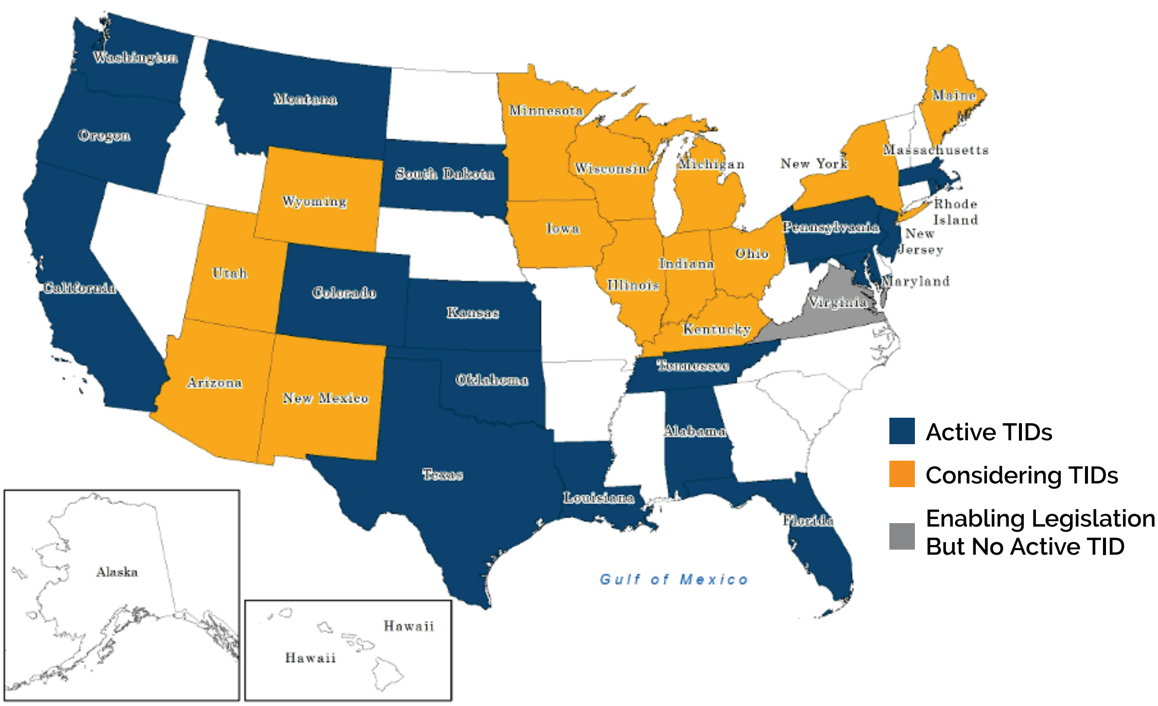
TOURISM ECONOMICS
AN OXFORD ECONOMICS COMPANY

Published July 2021. Updated January 2022.
Data included first presented at the Annual National Tourism Improvement District Summit, April 2021.

INTRODUCTION: SECURE FUNDING FOR DESTINATION PROMOTION

193 TID DESTINATIONS IN 18 STATES

Tourism improvement districts (TIDs) are mechanisms for funding tourism promotion and destination development activities. TID funding is raised via industry-imposed assessments, typically on lodging stays, within a designated geographic area. Those funds are then used to provide services desired by and directly benefiting the assessed businesses in the district. Because TIDs are dedicated for the benefit of tourism, funds raised cannot be diverted to government programs.



This structure has made TIDs an invaluable piece of the tourism funding puzzle for destinations. First implemented in California in the early 1990s, the innovative concept has spread to 193 destinations in 18 states, with more destinations looking to create their own TIDs.

MEASURING SUCCESS: INCREASED ROOM DEMAND, REVENUE INCREASES, AND VISITOR SPENDING

Thanks to an innovative study conducted by Tourism Economics in partnership with STR and Civitas, we have comprehensive, industry-wide data that proves TIDs provide a competitive advantage for destinations. By examining TID impacts on room demand, revenue, and visitor spending, this white paper will explore that groundbreaking research and explain how TIDs enhance destinations' economic impact.

GOALS & METHODOLOGY: 100 CITIES, 30 YEARS OF DATA

100 CITIES:

29 TID CITIES

71 NON-TID CITIES

DEFINE LIST OF CITIES: In collaboration with Civitas, Tourism Economics selected 100 US cities for this analysis. This included 29 cities with TIDs, and 71 non-TID cities. The 100 locations represented a mix of market sizes, geographic regions, and states. For each city, Tourism Economics identified a corresponding representative county as the basis for analysis.

COMPILE DATA: Tourism Economics selected relevant measures and prepared a dataset containing 30 years of annual data (1990 to 2019). The measures selected included lodging performance and local economic characteristics, such as GDP and employment. STR provided lodging performance measures, such as supply, demand and room revenue, for each destination. Tourism Economics sourced economic variables from Oxford Economics' subscription databases. The resulting panel dataset contained 100 geographies, with 30 time periods, resulting in 3,000 observations.

ESTABLISH TIMING: Tourism Economics defined a variable to reflect whether a TID was active in each location, for each year, based on the TID start dates prepared by Civitas.

ANALYZE RELATIONSHIPS: The goal was to assess whether the presence of a TID had a measurable impact on lodging performance. This impact can be difficult to discern when examining the performance of individual markets, because factors such as business cycles, local demand and business trends, major events, weather and holiday patterns, and random fluctuations can impact hotel performance year to year. Therefore, the approach was to analyze the panel data set as a whole, using regression models to control for several factors and isolate the contribution of the presence of a TID to lodging demand (occupied hotel room nights), and hotel room revenue.

In the lodging demand model, Tourism Economics explored variables that help explain the level of lodging demand in each market, each year. The team found that the combination of three variables explained a large share of the variation in demand levels: the size of the local economy measured as GDP, the size of the local arts, entertainment and recreation sector, measured as GDP within that sector, and the presence of an active TID. The room revenue model that the team explored was similar to the lodging demand model in terms of its structure and data inputs, but with hotel room revenue as the dependent variable of focus.

RESULTS:
TOURISM IMPROVEMENT DISTRICTS PROVIDE A COMPETITIVE EDGE

Destinations with TIDs are more competitive and drive higher economic impact than those destinations without them. The high-level results of the study show that TID cities are growing faster than non-TID cities, with that growth especially accelerating in the five years before the pandemic.

"THERE REALLY IS A STRONG CASE TO BE MADE THAT TIDs ARE NOT JUST GENERATING ACTIVITY FOR HOTELS, BUT THEY REALLY ARE LEVERAGED FOR ECONOMIC DEVELOPMENT."

ADAM SACKS, PRESIDENT, TOURISM ECONOMICS

To explore the growth of destinations utilizing a TID funding model, Tourism Economics examined a three-year period before and after a TID was implemented in each of the study's 29 TID cities. The team then compared those cities against their non-TID competitors and found that after a TID is implemented, destinations experience a stronger rate of growth in both room revenue and demand. This "growth premium" accumulates year-over-year, and the increase in hotel room revenue and demand translates to increased visitor spending, and in turn tax revenue for the destination.

TIDs INCREASE ROOM DEMAND & REVENUE, LEADING TO AN INCREASE IN VISITOR SPENDING

To further assess the effect of TIDs on destination performance, Tourism Economics created a regression model that shows destinations with TIDs in place consistently outperform others. On average, TIDs produce an average 2.1% lift in hotel room demand and an average 4.5% lift in hotel room revenue for their destinations as compared to those destinations without TIDs. To put this in perspective, lift on hotel room demand and revenue represented an increase in 150,000 room nights and $51M, respectively, for the average destination in 2019.

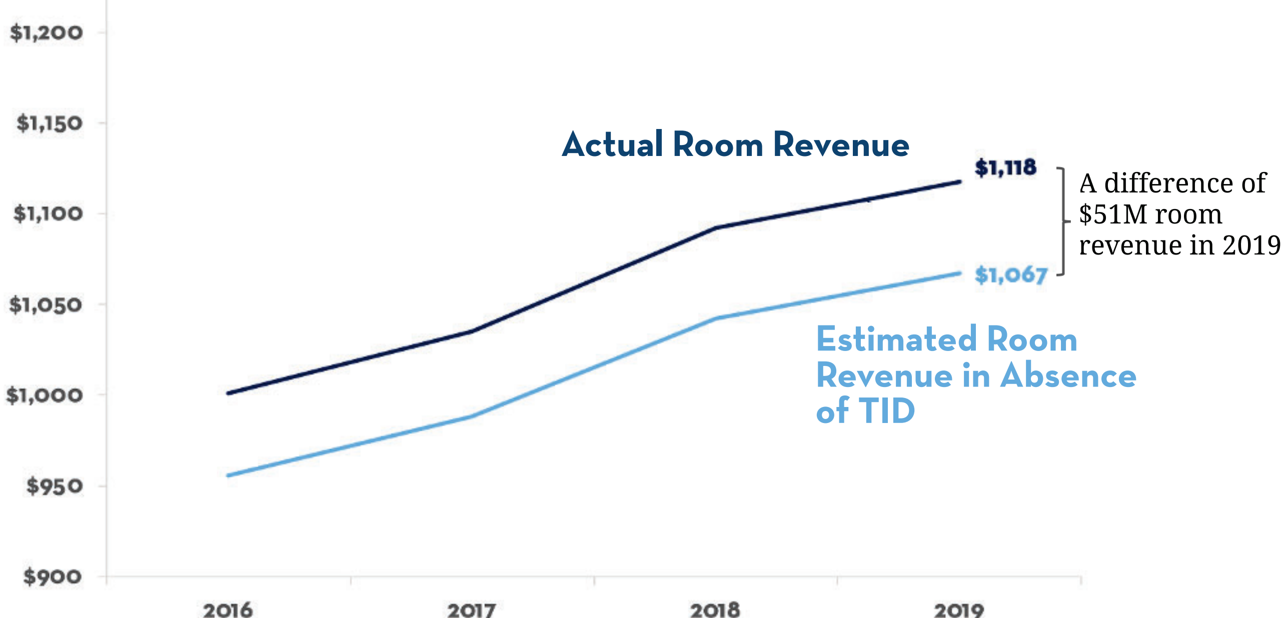
AVERAGE IMPACT OF TIDs ON DESTINATIONS: TIDs vs. NON-TIDS

2.1% ROOM DEMAND → **150K** DIFFERENCE IN DEMAND

4.5% ROOM REVENUE → **$51M** DIFFERENCE IN REVENUE

Average Annual Hotel Room Revenue

TID Cities, Millions

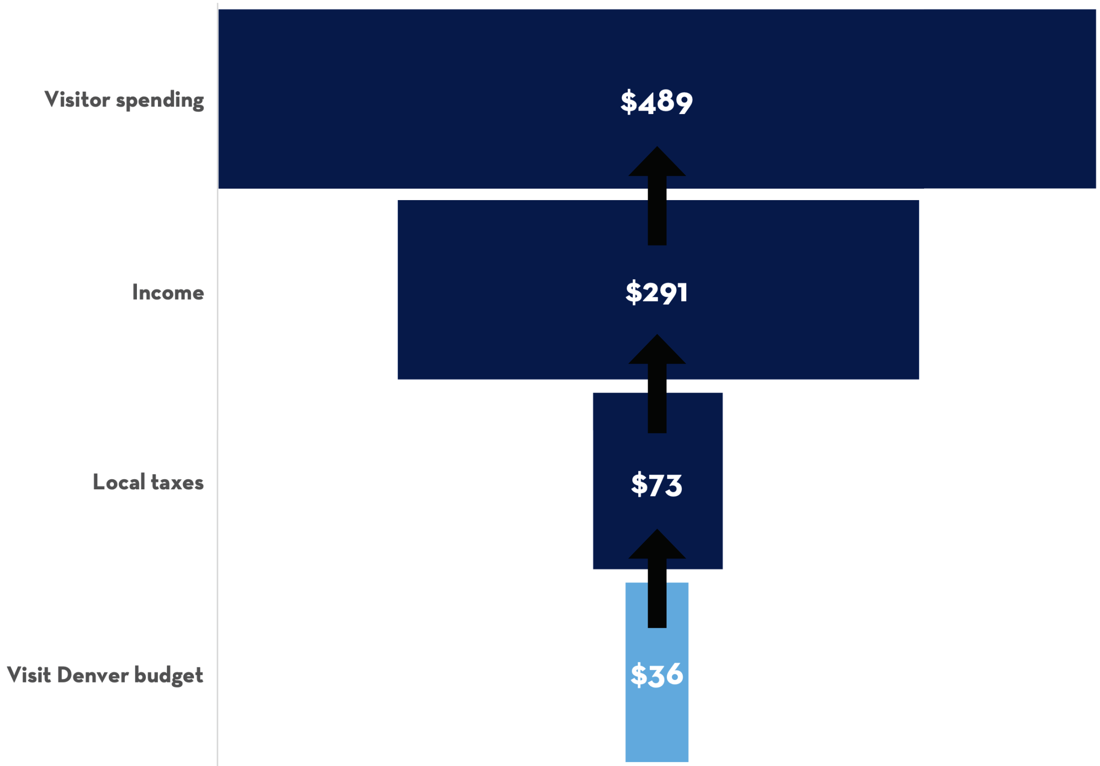


TID RESULTS IN ACTION:
DENVER, CO

Managed by Visit Denver, the Denver Tourism Improvement District (DTID) was created in 2016 with the intent to generate revenue for tourism-related services to increase overnight visitation, including funding capital improvement projects such as the Convention Center. Tourism Economics analyzed the effects of the DTID in 2019 and found that Visit Denver's $36M budget generated $73M in local tax revenue – double the investment to Visit Denver's budget. It is clear that a TID's benefits are not isolated to generating hotel sales but are a key component to increasing overall economic growth.

2019 ROI:
$36M BUDGET GENERATED $73M IN LOCAL TAX REVENUE

Visit Denver's Impact on the City of Denver
2019, Millions



TID RESULTS IN ACTION:
SAN ANTONIO, TX

Working together with Visit San Antonio and the San Antonio Hotel and Lodging Association (SAHLA), Civitas assisted with forming the San Antonio Tourism Promotion Improvement District (SATPID) in 2019. The SATPID collects a 1.25% assessment on gross room night sales at participating lodging properties with 100 rooms or more. Before the effects of COVID-19, Tourism Economics found that in just the first year of its operation, the TPID generated 190,000 room nights of definite and tentative group business, with $15.70 in room revenue for every $1.00 investment. Furthermore, when utilizing mobile device locations, Tourism Economics found that for every $1.00 spent on advertising, $50 in visitor spending was generated.

2019 ROI:
$50 IN VISITOR SPENDING GENERATED PER EVERY AD DOLLAR INVESTED

2018 ROI:
$44.40 OF VISITOR SPENDING INFLUENCED PER EVERY DOLLAR INVESTED

TID RESULTS IN ACTION:
SAN LUIS OBSIPO, CA

In 2008, Visit SLO established the San Luis Obispo Tourism Business Improvement District (SLOTBID). The SLOTBID assesses all lodging properties in the City of San Luis Obispo including hotels, motels, bed and breakfasts, hostels, inns and owner occupied homestays. The SLOTBID services stand out as a unique case in the TID world - Visit SLO not only funds sales and marketing programs typical to TIDs, but also more specific initiatives such as airlift. Tourism Economics found that in 2018, each dollar invested influenced $44.40 of visitor spending, contributing to $40.5M in total visitor spending.

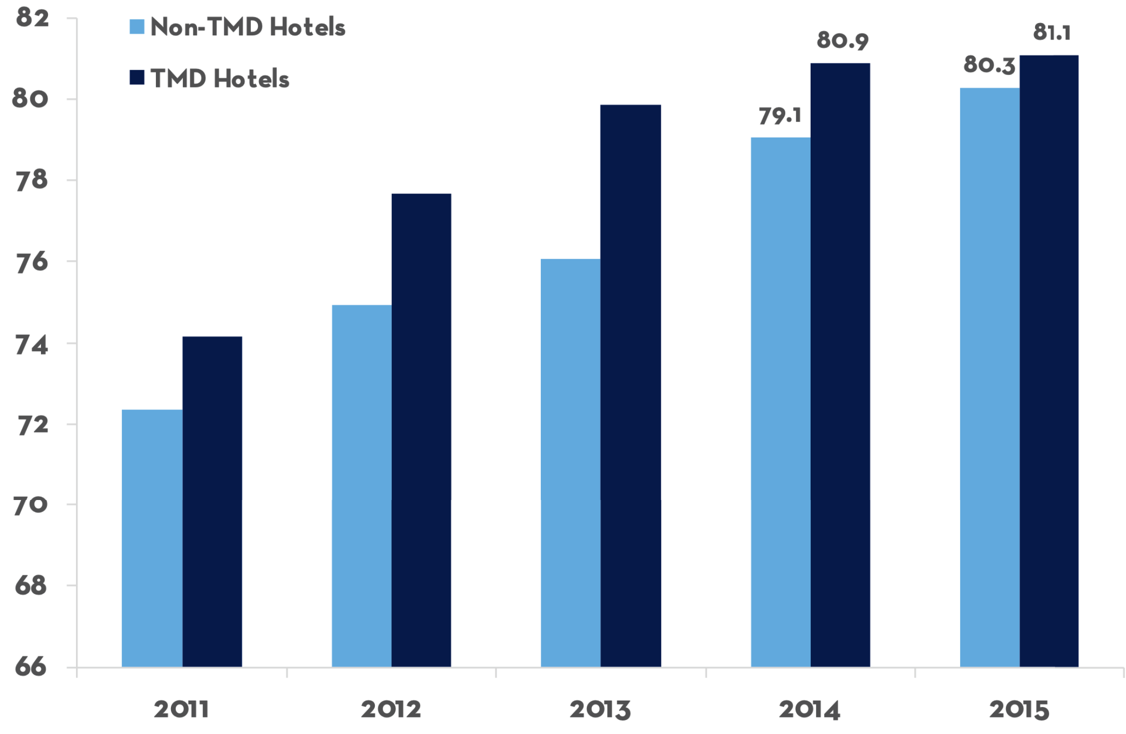
TID RESULTS IN ACTION: LOS ANGELES, CA

Just how much do TID-participating lodging businesses benefit compared to their non-TID counterparts? To explore this question, Tourism Economics looked to the Los Angeles Tourism Marketing District (LATMD). Formed in 2011, the LATMD levies an assessment on lodging businesses with 50 rooms or more. When Tourism Economics delved into the benefits that participating lodging businesses receive in comparison to their non-LATMD counterparts, the results conclusively showed that hotels participating in the LATMD not only received benefits commensurate with the amount they paid in, but saw their revenue exceeding the mandated benefit threshold. Simply put - lodging businesses within the LATMD receive more than their fair share in benefit as a direct result of LATMD efforts.

BENEFITS TO TID HOTELS OVER NON-TID HOTELS: HIGHER OCCUPANCY RATES, ROOM REVENUES, & CONTRACTED ROOM NIGHTS

City of Los Angeles Hotel Occupancy Rates

Occupancy Rate, %

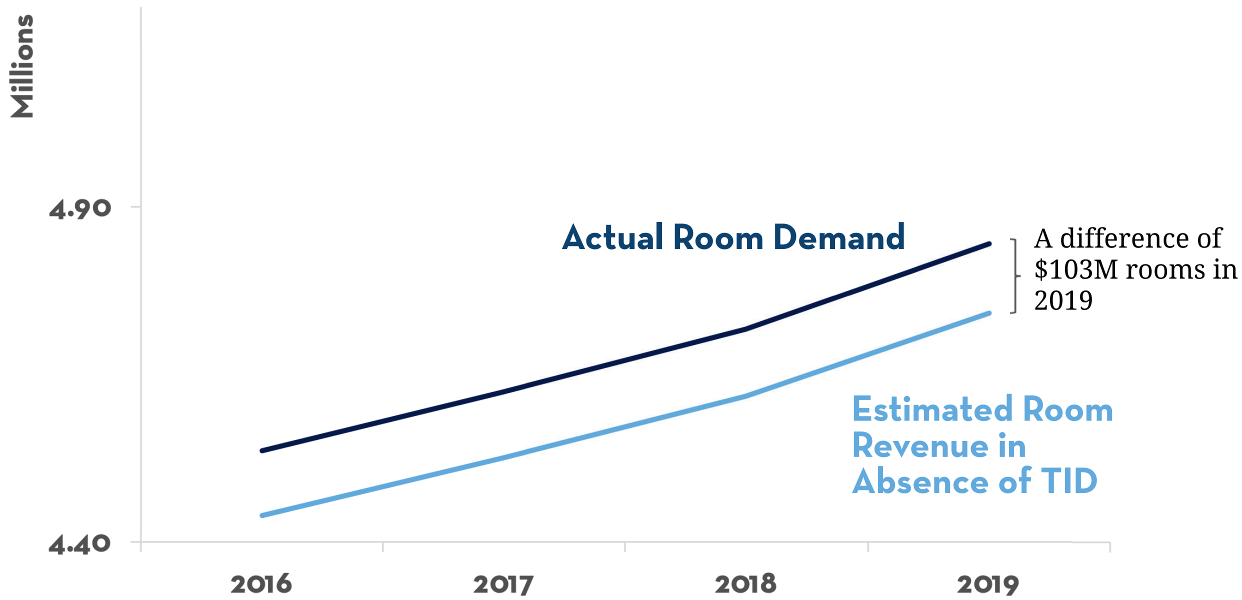


TID RESULTS IN ACTION:
PORTLAND, OR

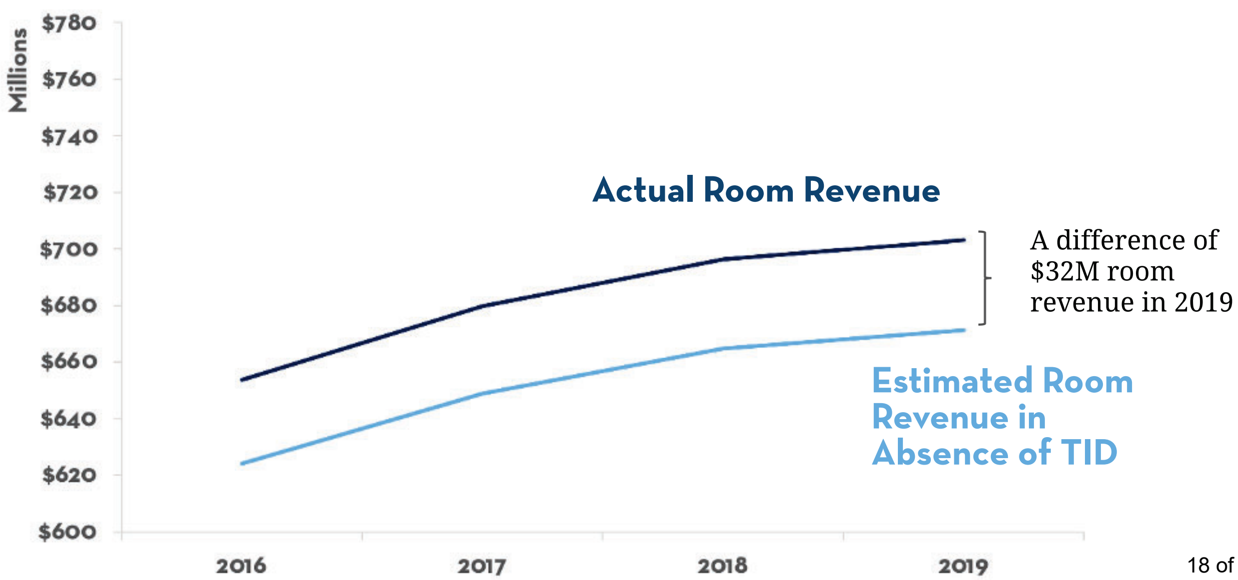
Tourism Economics also examined how a destination with an existing TID would be affected if the TID was not in place. By applying its economic model to Portland, Oregon over an eight-year period, Tourism Economics found that the Portland TID generated an average lift in hotel room demand of 2.1% per year – a difference of about 103,000 room nights in 2019. This room demand lift translated to an average lift in hotel room revenue of 4.5%, which equates to a difference of $32M.

AVERAGE LIFT: 103K ROOM NIGHTS, $32M ROOM REVENUE PER YEAR

Portland Room Demand
2016-2019



Portland Room Revenue
2016-2019



TID RESULTS IN ACTION:
SAN FRANCISCO, CA

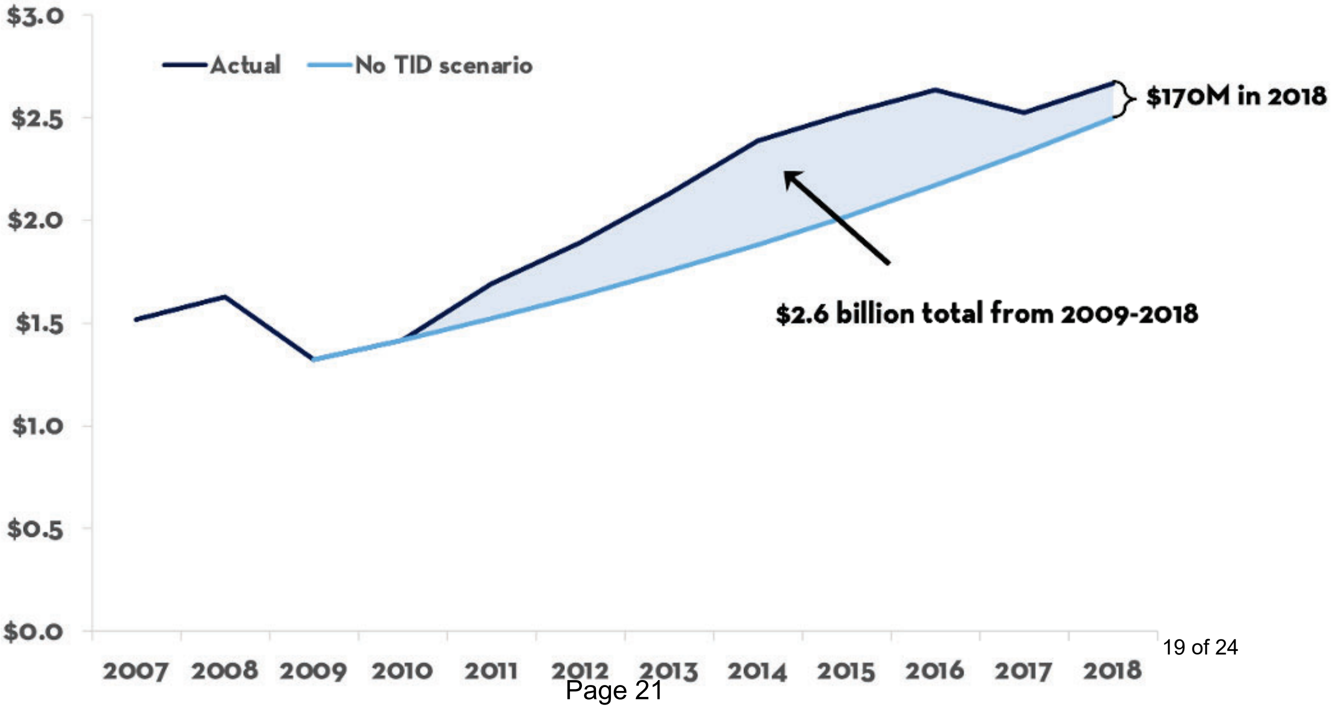
The benefit of TIDs exceeds the scope of their effects on traditional hotels. Established in 2009, the SFTID levies a tiered assessment rate based on proximity to the main San Francisco tourism infrastructure: an assessment of 1% or 1.5% is levied on gross room revenue. When Tourism Economics analyzed the SFTID, it looked at traditional data surrounding hotels as well as short term rentals (STRs). After examining 69 event days, it found a correlation between dates when an event took place and a higher number of rentals: 32K in revenue was added as a result of STR stays during these event dates. Further, the study found a 19% increase in STR room nights booked in San Francisco during major events.

Tourism Economics also examined what San Francisco hotel revenue would look like without the SFTID in place. By examining the market from 2009 to 2018, Tourism Economics found that that the average 200 room hotel in the SFTID realized $1M of additional revenue compared to an alternative scenario in which the market grew at the same rate as the typical top 25 US hotel markets. This represented $2.6 billion in additional revenue over the past decade.

HOTEL REVENUE GROWTH: $1M PER HOTEL, $2.6B OVER 10 YEARS (2009 - 18)

San Francisco Hotel Revenue

Dollars, Billions



CONCLUSION: TIDs ARE BOTH A RECOVERY AND GROWTH TOOL

As the tourism industry finds itself at the forefront of rebuilding destinations after the COVID-19 pandemic, the findings of Tourism Economics have never been more pertinent. For the first time, destinations have data that conclusively shows that TIDs provide a competitive edge to their destinations - driving room demand and revenue and increasing visitor spending. TIDs are levers for economic development: not only do TIDs increase DMO budgets, but they also generate outsized economic impact benefiting destinations as a whole. The results of this research show that there is a strong economic case for utilizing TIDs both to help destinations recover from the pandemic, and to enhance growth beyond recovery.

TOURISM ECONOMICS

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For over 20 years, we have provided research, advisory, and district formation services to destinations located around the world, including the United States, Canada, South America, Europe, and Asia. Find us at CivitasAdvisors.com.

APPENDIX:
CITIES SAMPLE SIZE - 29 TID CITIES vs 71 NON-TID CITIES

TID Cities: City, State, Year Established

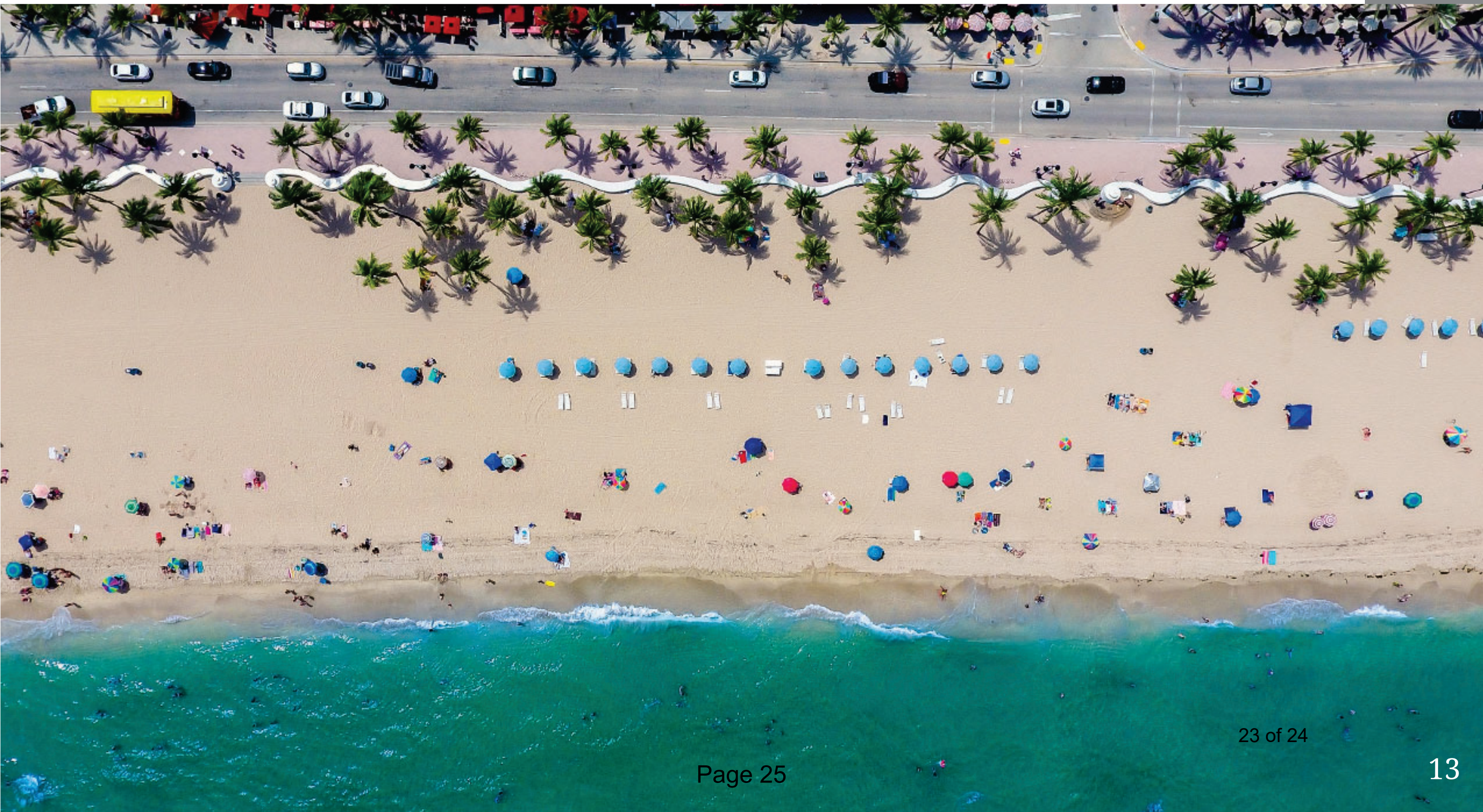
1 Mobile	AL	2020	16 Billings	MT	2007
2 Sacramento	CA	2019	17 Newark	NJ	2013
3 Los Angeles	CA	2011	18 Tulsa	OK	2019
4 Anaheim	CA	2010	19 Portland	OR	2012
5 Napa	CA	2010	20 Philadelphia	PA	2017
6 Palm Springs	CA	2008	21 Newport	RI	2017
7 San Francisco	CA	2008	22 Sioux Falls	SD	2011
8 San Diego	CA	2007	23 Memphis	TN	2015
9 Monterey	CA	2006	24 San Antonio	TX	2018
10 San Jose	CA	2006	25 Fort Worth	TX	2017
11 Denver	CO	2017	26 Arlington	TX	2016
12 Tampa	FL	2020	27 Dallas	TX	2012
13 Wichita	KS	2014	28 Seattle	WA	2012
14 New Orleans	LA	2014	29 Spokane	WA	2003
15 Baltimore	MD	2019			

Non-TID Cities: City, State

1 Anchorage	AK	27 Boston	MA
2 Birmingham	AL	28 Portland	ME
3 Huntsville	AL	29 Detroit	MI
4 Little Rock	AR	30 Grand Rapids	MI
5 Tucson	AZ	31 Minneapolis	MN
6 Mesa	AZ	32 Saint Paul	MN
7 Colorado Springs	CO	33 St. Louis	MO
8 Aspen	CO	34 Kansas City	MO
9 Hartford	CT	35 Jackson	MS
10 New Haven	CT	36 Charlotte	NC
11 Washington	DC	37 Asheville	NC
12 Jacksonville	FL	38 Greensboro	NC
13 Miami	FL	39 Raleigh	NC
14 Orlando	FL	40 Fargo	ND
15 Pensacola	FL	41 Omaha	NE
16 Atlanta	GA	42 Atlantic City	NJ
17 Savannah	GA	43 Albuquerque	NM
18 Honolulu	HI	44 Las Vegas	NV
19 Des Moines	IA	45 Syracuse	NY
20 Boise	ID	46 Albany	NY
21 Chicago	IL	47 Buffalo	NY
22 Fort Wayne	IN	48 New York	NY
23 Indianapolis	IN	49 Lake George	NY
24 Louisville	KY		
25 Lexington	KY		
26 Baton Rouge	LA		

Non-TID Cities: City, State

50 Cincinnati	OH
51 Cleveland	OH
52 Columbus	OH
53 Oklahoma City	OK
54 Gettysburg	PA
55 Pittsburgh	PA
56 Harrisburg	PA
57 Providence	RI
58 Charleston	SC
59 Hilton Head Island	SC
60 Myrtle Beach	SC
61 Chattanooga	TN
62 Nashville	TN
63 Austin	TX
64 Salt Lake City	UT
65 Richmond	VA
66 Virginia Beach	VA
67 Tacoma	WA
68 Madison	WI
69 Milwaukee	WI
70 Charleston	WV
71 Jackson	WY



Published July 2021. Updated January 2022.
Data included first presented at the Annual
National Tourism Improvement District
Summit, April 2021.

MEMORANDUM

TO: Chair and Members of the Housing and Economic Development Committee

FROM: Greg Mitchell, City Consultant

DATE: March 31, 2022

SUBJECT: Diamond Cove Former Fort McKinley Hospital Building Property
Request for Proposals

I. SUMMARY

The Housing and Economic Development Committee is holding a public hearing to vote, in the form of a recommendation to the City Council, to authorize issuance of the Proposed Diamond Cove Former Hospital Vacant Building Request for Proposals (RFP) to solicit proposals to sell the property to support its reuse.

II. BACKGROUND

Under the direction of the Housing and Economic Development Committee, staff, working with the Diamond Cove Homeowners Association Board of Directors, has prepared a proposed Request for Proposal to solicit proposals to sell the vacant Diamond Cove Former Fort McKinley Hospital property to support its reuse.

This property was foreclosed by the City for non-payment of property taxes in FY2003. In May 2007, the City entered into a Purchase and Sale Agreement, with David Bateman, that included two separate properties (the former Double Barracks and the Hospital Building). The Double Barracks was redeveloped as the Inn at Diamond Cove. The Agreement to acquire the Hospital Building expired in 2019. That property has been vacant for a long period of time, and this historic building continues to deteriorate.

IV. INTENDED RESULT AND/OR COUNCIL GOAL ADDRESSED

The goal is to sell this property to support City and Diamond Cove compatible redevelopment and reuse.

V. FINANCIAL IMPACT

The RFP states that “the City expects to receive fair market value for the property, including repayment of past due property taxes and maintenance expenses”.

VI. STAFF ANALYSIS AND BACKGROUND

It is recommended that this property to be advertised for sale during the strong residential real estate market.

VII. RECOMMENDATION

City staff recommends the HEDC vote to recommend, to the City Council, the issuance of the Proposed Diamond Cove Former Fort McKinley Hospital Building RFP.

VII. LIST ATTACHMENTS

Proposed Diamond Cove Former Fort McKinley Hospital Building RFP

City of Portland, Maine

"Sale and Redevelopment of the Diamond Cove Former Fort McKinley Hospital Property"

Request for Proposals

NOTICE AND SPECIFICATIONS

The City of Portland, Housing and Economic Development Department seeks proposals related to the "Sale and Redevelopment of the Diamond Cove Former Fort McKinley Hospital Property," as specified herein. Proposals addressed to the Purchasing Office, Room 103, City Hall, 389 Congress Street, Portland, Maine 04101, shall be submitted electronically to bidsubmit@portlandmaine.gov with the name of the Proposer, Contract Name and RFP number in the subject line will be received until **3:00 p.m., [DATE]** at which time they will be opened and read. Proposals can also be submitted via USPS, UPS or FedEx to the address listed above. In-person submission is not currently allowed due to City Hall being closed to the public. All proposals shall be held open to acceptance for ninety days from opening.

Copies of the above documents will be available by contacting the City of Portland Purchasing Office either via e-mail at jrl@portlandmaine.gov, or phone (207) 874-8654. Each prospective bidder will be required to obtain from the City each copy of the proposal forms.

Proposals that are late, unsigned or submitted via fax shall not be accepted. Proposals from individuals not registered with the Purchasing Office may be rejected; receipt of this document directly from the City of Portland indicates registration. Should a person receive this Request from a source other than the City, please contact 207-874-8654 to ensure that you are listed as a recipient for this proposal.

All questions **must** be submitted in writing to the Purchasing Office. Questions may be mailed, hand delivered, faxed to (207) 874-8652 or e-mailed to slchapin@portlandmaine.gov and must be received no later than noon, ten (10) business days prior to the opening date. Questions received after this time will not be addressed. Any interpretation, correction or change of this document will be made only by written addenda. Changes in any other manner will not be binding on the City and cannot be relied upon by proposers. Proposers cannot have contact with any City staff with regard to this Request for Proposals except to obtain general public information as specified in the document.

The disposal of this real estate shall be on the basis of a negotiated agreement, with the City of Portland reserving the right to refuse any and all proposals. *All proposers are advised that the property will be sold "as-is" and "where is," in its existing condition, with no warranties to be expressed or implied.* The City makes no representations or warranties about any of the information about the property set forth herein, which is provided to proposers for their convenience only. The City, and its agents, make no representations or warranties with respect to the title of the property, the accuracy of any statements as to boundaries or acreage, or as to any other matters contained in any description of the property, or as to the fitness of the property for a particular purpose, or as to development rights, merchantability, habitability, or as to any other matter, including without limitations, land use, zoning and subdivision issues or the environmental, mechanical, or structural condition of the property. The City disclaims any and all responsibility for injury to proposers, their agents or others while examining the property or at any other time. The City will not be responsible for any broker's commission. The property will be conveyed by quitclaim deed without covenant.

Any and all improvements made to said property must be done in accordance with existing City Codes and Ordinances.

CONFIDENTIALITY

The City of Portland is subject to Maine's Freedom of Access Act (FOAA). Under this law, the City is required to make public information that we receive in the solicitation of proposals. FOAA does, however, have exceptions applicable to certain confidential information. In the event that you believe that the proposal you submit contains any confidential information, you must submit such information in a separate sealed envelope to the City along with your sealed proposal. The outside of this envelope must clearly be marked "Proprietary information/confidential." Such confidential information will only be reviewed by Portland City officials, and only on a "need to know" basis. The City will not disclose such information to a third party, unless it determines that such disclosure is required by law. Prior to disclosing such information, the City will provide you with a reasonable opportunity to seek an injunction or other court order, at your own expense, to prevent such disclosure. The City will not be liable to any proposer or any third party for any disclosure of confidential information.

RESERVATION OF RIGHTS

The City reserves the right, at its sole discretion, to reject any and all proposals for the property, based on the quality and merits of the proposals received, or when it is determined to be in the public interest to do so. Furthermore, the city may extend deadlines and timeframes, as needed. The City Council may accept any proposer's proposal, and negotiate a purchase and sale agreement with that proposer even if the proposer does not receive the highest score from the Evaluation Committee.

The City reserves the right to substantiate any Proposer's qualifications, capability to perform, availability, past performance records and to verify that the proposer is current in its financial obligations to the City.

The City reserves the right to waive any informalities in proposals, to accept any proposal or portion thereof, and to reject any and all proposals, should it be in the best in the best interest of the City to do so.

[DATE]

Samantha L. Chapin
Purchasing & Controls Manager

PROPOSAL FORM

“Sale and Redevelopment of the Diamond Cove

Former Fort McKinley Hospital Property”
RFP #

**** THIS SHEET MUST BE INCLUDED IN YOUR PROPOSAL ****

The undersigned hereby declares that he/she or they are the only person(s), firm or corporation interested in this proposal as principal, that it is made without any connection with any other person(s), firm or corporation submitting a proposal for the same, and that no person acting for or employed by the City of Portland is directly or indirectly interested in this proposal or in any anticipated profits which may be derived there from.

The undersigned hereby declares that they have read and understand all conditions as outlined in this Request for Proposals, and that the proposal is made in accordance with the same.

The bidder acknowledges the receipt of Addenda numbered: _______________

COMPANY NAME: ____

AUTHORIZED SIGNATURE: ____

DATE: ____

PRINT NAME & TITLE: ____

ADDRESS: ____

E-MAIL ADDRESS: ____

PHONE NUMBER: __________________________ FAX NUMBER: _____________________________

TYPE OF ORGANIZATION - PARTNERSHIP, CORPORATION, LIMITED LIABILITY COMPANY, INDIVIDUAL, OTHER: ____

STATE OF INCORPORATION OR ORGANIZATION, IF APPLICABLE:

____

FEDERAL TAX IDENTIFICATION NUMBER (Required): _____________________________

NOTE: Proposals must bear the handwritten signature of a duly authorized member or employee of the organization submitting a proposal.

Purchase Price: ______________________________________ (Points Award Basis)

City of Portland, Maine

"Sale and Redevelopment of the Diamond Cove

Former Fort McKinley Hospital Property"

Request for Proposals

PROPERTY OVERVIEW AND CITY INVOLVEMENT

This property was foreclosed by the City for non-payment of property taxes in FY2003. In May 2007, the City entered into a Purchase and Sale Agreement, with David Bateman, including two separate properties (the former Double Barracks and the Hospital Building). The Double Barracks was redeveloped as the Inn at Diamond Cove. The Agreement to acquire the Hospital Building expired in 2019.

Former Fort McKinley Hospital Property Highlights

Size and location of property. The property associated with the Hospital Building includes .1226 acres which is the footprint of the building only. The building footprint constitutes Lot 19 of the Plan of Diamond Cove. The surrounding property is owned by the Diamond Cove Homeowners Association (DCHA). The property owned by DCHA is community property and benefits from security, landscaping and other investments that are afforded to all Phase 1 property owners. Cooperation with the Diamond Cove Homeowners Association, which owns the surrounding property, will be key to redeveloping this property. It is noted that this property is located on one of the highest points of the island with water views.

Current Conditions. City Public Facilities staff has boarded up this building for security.

Zoning. The property is located in the IR-3 (Island Residential) Zone. The site is further subject to a series of conditional rezoning agreements the latest of which was adopted in February 22, 2012. Analysis will need to be undertaken by the Proposer based on specific development concepts *vis a vis* the land use regulatory structure

Historic Preservation. The building is included in the Fort McKinley National Register Historic District and is designated as a contributing structure within the City of Portland's local historic district as well. State and federal historic tax credits should be explored for use to support the Hospital Building redevelopment.

Wastewater System. A new land-based wastewater discharge system will need to be designed and permitted.

Public Water System. Significant upgrades to the public water system were made in 2013 when the Inn at Diamond Cove was constructed. Proposer research is needed to determine available water capacity and pressure.

Environmental Conditions**:** The City of Portland does not have any specifics with regard to environmental conditions and makes no representations or warranties with respect to the environmental condition of the Property.

Diamond Cove Homeowners Association. Membership in the DCHA allows for property owners to enjoy voting rights, landscaping, security, access to waste disposal and to benefit from the Association's ongoing efforts to maintain streets, roadways and common properties along with insurance on common properties stipulated in the DCHA Bylaws. Additionally, use of pool, tennis courts, fitness center, basketball court, bowling alley, beaches may be considered.

Property maps, pictures and photos are attached.

Note: All respondents are responsible for understanding zoning and other requirements for proposed projects prior to submission of proposal. Information included in this RFP is for convenience only, and, to the extent that the information included herein conflicts with applicable laws, rules, ordinances, and regulations, those laws, rules, ordinances, and regulations control.

SELECTION PROCESS

Proposals will be reviewed by a City staff Evaluation Committee including representatives of the Diamond Cove Homeowners Association Board of Directors that will score the proposals based upon the best opportunity for negotiating the highest quality and most appropriate use of the property. The highest scoring respondents to the RFP may be selected for an interview at the discretion of the Evaluation Committee. These firms may be re-scored after the Evaluation Committee has completed its interview process and reviews any additional information. The staff Committee's scoring will be forwarded to the Portland City Council Housing and Economic Development Committee for its deliberation and subsequent recommendation to the City Council. Any agreement for the sale or other disposition of the Property will be subject to the approval of the Portland City Council.

Key Proposal Goals (2)

1. ***Private Sector Investment***. Creative, adaptive commercial or residential uses or mixed use of the existing buildings, compatible with Diamond Cove, are welcomed to return this property to productive use.

2. ***Historic Preservation.*** Both the City and Diamond Cove Homeowners Association would like the existing Hospital Building preserved to the maximum extent possible. As a contributing property in a local historic district, exterior alterations to the property will be subject to review under the City's Historic Preservation Ordinance. State and federal historic tax credits should be explored for use to support the Hospital Building redevelopment.

PROPOSAL REQUIREMENTS

1. All proposers shall signify, by signing the attached proposal form, that the proposer has read and understands all conditions concerning the development of the land being offered, as outlined in this Request for Proposals, and that the proposal is made in accordance with this request.

2. Each proposal submitted must specifically outline the proposed development or re-use of the Property and indicate the intended end use(s). At a minimum, the proposal shall include:

    - ***Site Concept Plan***. Concept for the proposed use of the Property including end use(s);

    - ***Project Timeline***. Timetable from beginning to completion of the development of the Property;

3. Each proposer must present the City with evidence of its financial ability to undertake and complete the project as outlined in its proposal.

4. Responses should include a clear demonstration of the proposer's ability to complete all elements of the project as described in the proposal including a description of the development team and past experience with similar projects, project readiness and timeframe for completion as evidenced by lease commitments or the like, and financial feasibility analyses detailing a development budget, operating pro-formas, and any other provided information.

5. If submitting by US Mail, FedEx, or UPS; submissions must include one paper copy, and one electronic copy.

6. Additional data, exhibits, statements, drawings, renderings of buildings, etc., are invited to insure a total understanding and proper evaluation of each proposal by the City.

SELECTION CRITERIA

Public Benefit to the City and Diamond Cove The City would like to obtain the most favorable public benefit associated with the sale of this property, and will rate proposals based upon that return. This will mean that a proposal will score higher as it ascribes the greatest value to the city-owned land and offers the greatest public benefit to the City and Diamond Cove. In addition, other factors could include, but are not limited to:

- **Purchase Price.** The City expects to receive Fair Market Value ("FMV") for the property, including payment of past due property taxes and interest, approximately $150,000 (amount to be finalized at sale closing as interest accrues daily), and maintenance costs of approximately $30,000.

- **Net new property tax revenue.** Estimates for the value of new private construction should be provided with each proposal. The City will review this information to determine an estimated total municipal assessed value for the proposed project and associated property taxes.

- **Historic Preservation and Adaptive Reuse of Existing Buildings.** Both the City and Diamond Cove Homeowners Association would like the existing Hospital Building preserved to the maximum extent possible. As a contributing property in a local historic district, exterior alterations to the property will be subject to review under the City's Historic Preservation Ordinance. State and federal historic tax credits should be explored for use to support the Hospital Building redevelopment.

- **Use Compatibility.** All proposals should indicate redevelopment plan compliance with existing zoning, including conditional rezonings, or propose zoning amendments in their submission. The selected proposal must be supported by the Diamond Cove Homeowners Association and the city.

Proposers Proven Capacity and Relevant Experience

Responses should clearly demonstrate the proposer's ability to complete all elements of the project as described in the proposal including a description of the development team and past experience with similar projects, project readiness and timeframe for completion as evidenced by lease commitments or the like and financial feasibility analyses detailing a development budget, operating pro-forma, and any other provided information. The City will consider its experiences with any proposer's performance on prior projects in its evaluation of the proposals.

SCORING MATRIX

Subject to the Reservation of Rights as described herein above, the City Council Housing and Economic Development Committee will recommend to the City Council the proposal which in its judgment offers the best opportunity for negotiating the highest quality and most appropriate use of the property, even though such proposal may not contain the highest purchase price offered.

The criteria used for the rating of the Proposals by the Evaluation Committee will include:

1. **Public Benefit to the City and Diamond Cove** (70 Points)

    - Purchase Price (20 Points)
    - Net new property tax revenue (20 Points)
    - Historic Preservation and Adaptive Reuse of existing buildings (20 Points)
    - Use Compatibility (10 Points)

2. **Proposers Proven Capacity and Relevant Experience** (30 Points)

<u>RFP Evaluation and Timeframe</u>

The following process will be used:

1. Upon closing of the Request for Proposal application period, all proposals will be reviewed for completeness.

2. All complete proposals will be reviewed under the scoring factors and preference guidelines as described herein. The proposal Evaluation Committee may confer with the applicants and/or third parties to clarify or verify information and request additional information for the purpose of allowing the evaluation committee to ask questions of the finalists and to further clarify any Proposer's written responses.

3. All complete proposals and scoring information will be forwarded to the City Council's Housing and Economic Development Committee for review and negotiation of a purchase and sale

agreement assuming developer selection. The Committee may hold interviews with any, all or none of the proposers. Upon successful negotiation of a purchase and sale agreement, the final recommendation will be forwarded to the full City Council for its review and approval.

Proposers will be notified of the scoring results and all pertinent meeting review dates.

LEGAL REQUIREMENTS

The Purchase and Sale Agreement for the sale of the Property will be executed only after satisfactory review and final approval by the City Council. At closing, the City shall convey the property by municipal release deed. There may also be covenants, conditions, and restrictions in the deed that govern the payment of taxes on the property and the use, development, and transfer of the property. The City may also reserve the right to repurchase the property in the case of non-performance by the proposer.

Appendices. NOTE: All documents in the RFP Appendix are provided for the Proposers' convenience only, and the City expects proposers to do their own research regarding any legal issues governing the use of the property.

Plan of Diamond Cove

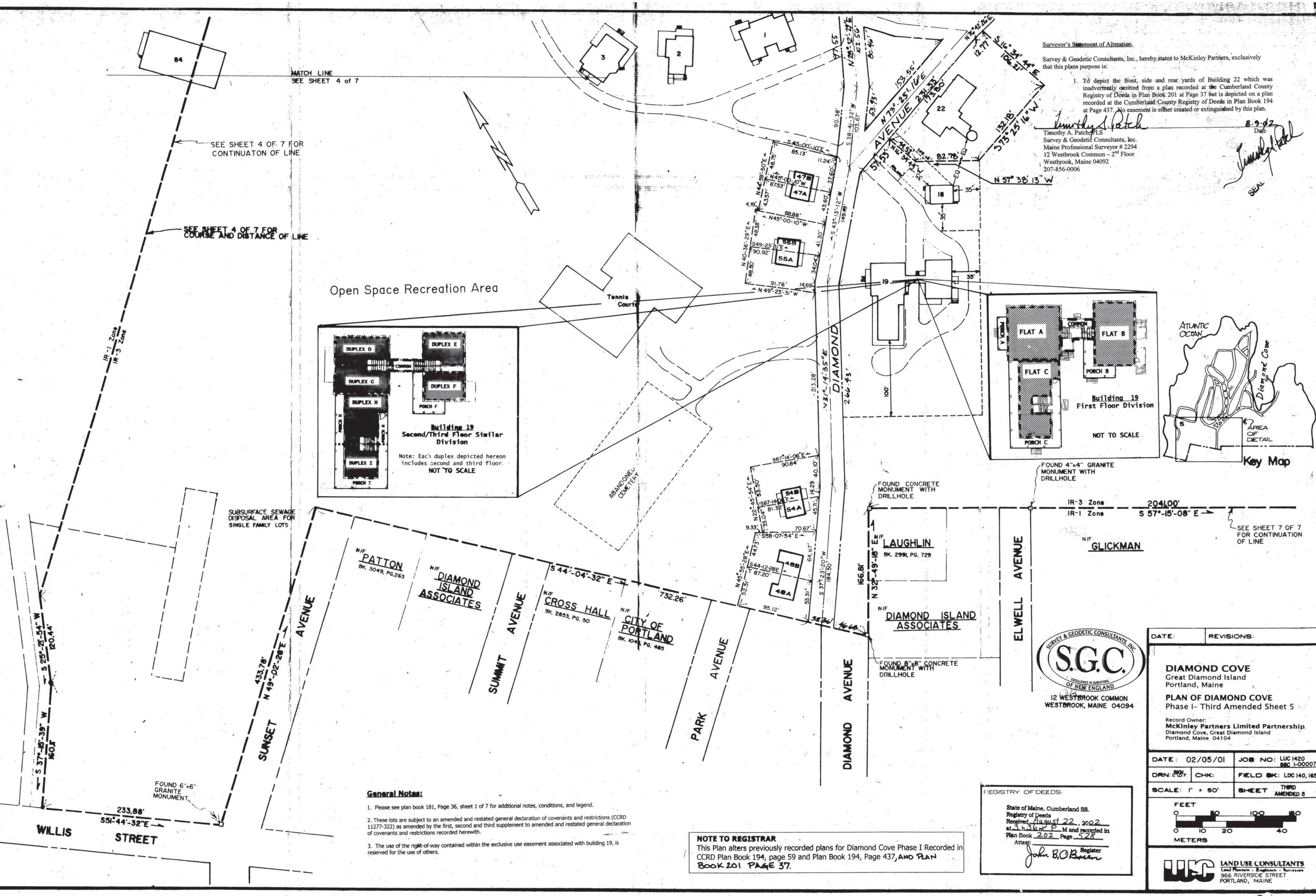
Portland GIS Maps of Property

Old Photos of Property

Conditional Rezoning Approved by City Council on 2/22/2012

Conditional Rezoning Approved by City Council on 10/21/2013

DCHA Condominium Association Bylaws – To Be Provided



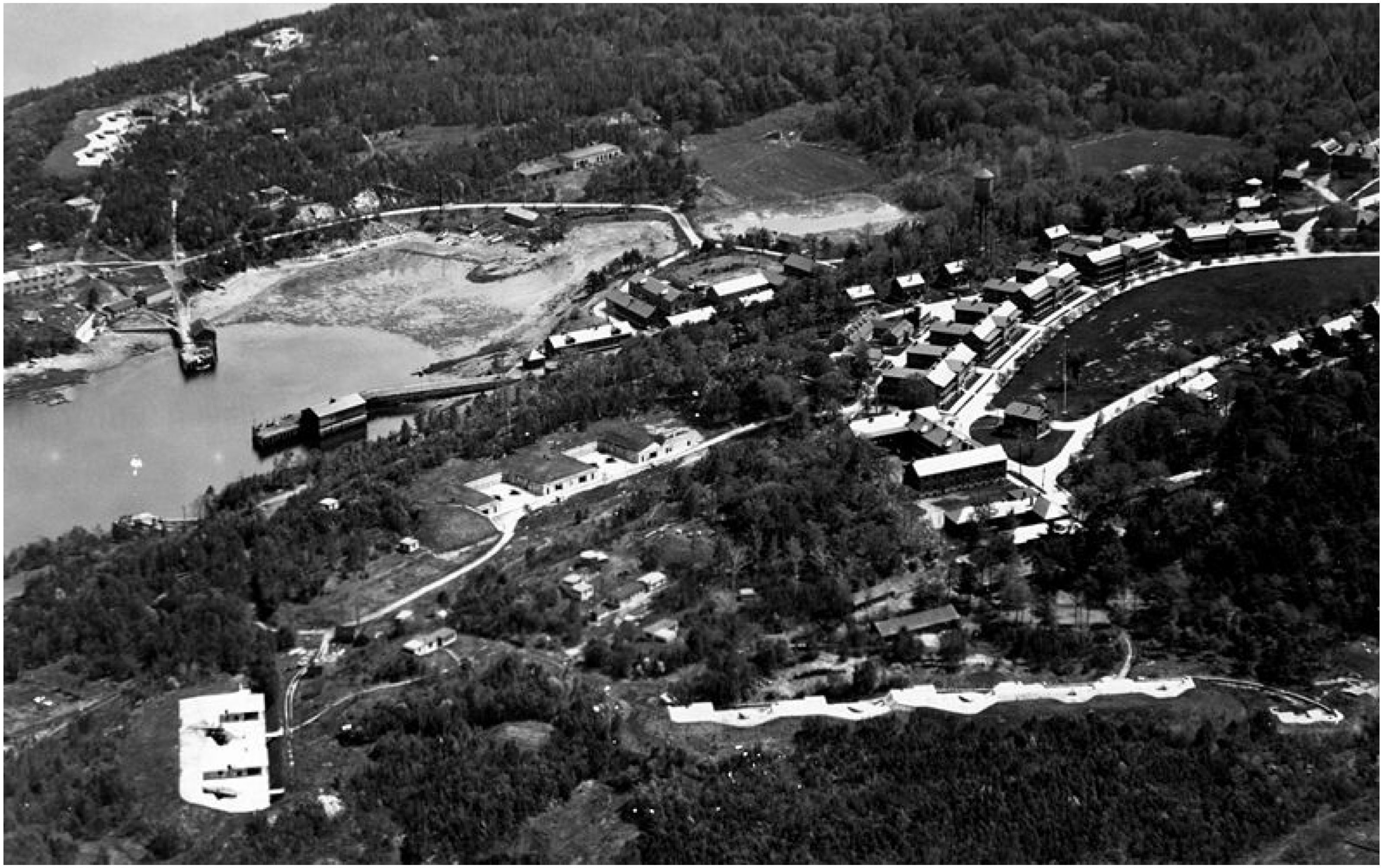
Surveyor's Statement of Alteration.
Survey & Geodetic Consultants, Inc., hereby states to McKinley Partners, exclusively that this plans purpose is:
1. To depict the front, side and rear yards of Building 22 which was inadvertently omitted from a plan recorded at the Cumberland County Registry of Deeds in Plan Book 201 at Page 37 but is depicted on a plan recorded at the Cumberland County Registry of Deeds in Plan Book 194 at Page 437. No easement is either created or extinguished by this plan.
8.9.02
Date
Timothy A. Patch, PLS
Survey & Geodetic Consultants, Inc.
Maine Professional Surveyor # 2294
12 Westbrook Common – 2nd Floor
Westbrook, Maine 04092
207-856-0006
SEAL
MATCH LINE
SEE SHEET 4 of 7
SEE SHEET 4 OF 7 FOR CONTINUATON OF LINE
SEE SHEET 4 OF 7 FOR COURSE AND DISTANCE OF LINE
Open Space Recreation Area
Tennis Court
ABANDONED CEMETERY
DIAMOND AVENUE
Building 19
Second/Third Floor Similar Division
Note: Each duplex depicted hereon includes second and third floor.
NOT TO SCALE
Building 19
First Floor Division
NOT TO SCALE
ATLANTIC OCEAN
Diamond Cove
AREA OF DETAIL
Key Map
FOUND 4"x4" GRANITE MONUMENT WITH DRILLHOLE
FOUND CONCRETE MONUMENT WITH DRILLHOLE
IR-3 Zone
IR-1 Zone
204.00'
S 57°-15'-08" E
SEE SHEET 7 OF 7 FOR CONTINUATION OF LINE
N/F LAUGHLIN
BK. 2991, PG. 729
N/F GLICKMAN
N/F DIAMOND ISLAND ASSOCIATES
ELWELL AVENUE
FOUND 8"x8" CONCRETE MONUMENT WITH DRILLHOLE
SUBSURFACE SEWAGE DISPOSAL AREA FOR SINGLE FAMILY LOTS
N/F PATTON
BK. 3049, PG. 263
N/F DIAMOND ISLAND ASSOCIATES
N/F CROSS HALL
BK. 2853, PG. 50
N/F CITY OF PORTLAND
BK. 1044, PG. 485
S 44°-04'-32" E
732.26'
SUNSET AVENUE
SUMMIT AVENUE
PARK AVENUE
N 49°-02'-28" E
433.78'
FOUND 6"x6" GRANITE MONUMENT
233.88'
S51°-44'-32"E
WILLIS STREET
General Notes:
1. Please see plan book 181, Page 36, sheet 1 of 7 for additional notes, conditions, and legend.
2. These lots are subject to an amended and restated general declaration of covenants and restrictions (CCRD 11277-322) as amended by the first, second and third supplement to amended and restated general declaration of covenants and restrictions recorded herewith.
3. The use of the right-of-way contained within the exclusive use easement associated with building 19, is reserved for the use of others.
NOTE TO REGISTRAR
This Plan alters previously recorded plans for Diamond Cove Phase I Recorded in CCRD Plan Book 194, page 59 and Plan Book 194, Page 437, AND PLAN BOOK 201 PAGE 37.
REGISTRY OF DEEDS:
State of Maine, Cumberland SS.
Registry of Deeds
Received August 22, 2002
at 3 h 36 m P M and recorded in
Plan Book 202 Page 528
Attest:
John B. O'Brien
Register
SURVEY & GEODETIC CONSULTANTS, INC.
S.G.C.
EXCELLENCE IN SURVEYING OF NEW ENGLAND
12 WESTBROOK COMMON
WESTBROOK, MAINE 04094
DATE:
REVISIONS:
DIAMOND COVE
Great Diamond Island
Portland, Maine
PLAN OF DIAMOND COVE
Phase I– Third Amended Sheet 5
Record Owner:
McKinley Partners Limited Partnership
Diamond Cove, Great Diamond Island
Portland, Maine 04104
DATE: 02/05/01
JOB NO: LUC 1420 SGC 1-000077
DRN: SKN CDF
CHK:
FIELD BK: LUC 140, 165
SCALE: 1" = 50'
SHEET THIRD AMENDED 5
FEET
0 50 100 150
0 10 20 40
METERS
LAND USE CONSULTANTS
Land Planners · Engineers · Surveyors
966 RIVERSIDE STREET
PORTLAND, MAINE

12 of 27
City of Portland, DPS


Diamond Avenue


Diamond Avenue


Fort McKinley. Me., Post Hospital.
This Fort is in my territory.
and I visit same every month.
Portland, Me, Dec 7-07



Order 114-11/12
Given first reading 2/6/12
Passage: 8-0 (Marshall Out) 2-22-12

CITY OF PORTLAND
IN THE CITY COUNCIL

ORDER AUTHORIZING AMENDMENT TO CONDITIONAL ZONE FOR PROPERTY IN THE VICINITY OF DIAMOND COVE, GREAT DIAMOND ISLAND PORTLAND, MAINE

ORDERED, that the Conditional Zone by and between the City of Portland and The Inn at Diamond Cove LLC and the Diamond Cove Homeowners Association, adopted on _____ and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to read as follows:

SUPPLEMENTAL CONDITIONS AND RESTRICTIONS BUILDINGS 46 ("DOUBLE BARRACKS") AND 19 ("HOSPITAL") FT. MCKINLEY, PORTLAND, MAINE FEBRUARY 22, 2012

The following supplemental conditions and restrictions are imposed by the City of Portland (the "City") on that portion of the Ft. McKinley project ("Project") commonly known as Buildings 46 and 19, together with the ancillary service area, all as depicted on the map attached hereto as Attachment 1 ("Premises"), as conditions of the rezoning of the Premises at the request of The Inn At Diamond Cove, LLC ("IDC") [1], and consented to by the Diamond Cove Homeowners Association ("DCHA"):

1. Existing Conditions. The Premises are a portion of the development commonly known as Ft. McKinley, Great Diamond Island, Portland, Maine which is subject, inter alia, to those Conditions and Restrictions recorded in the Cumberland County Registry of Deeds in Book 8928, Page 263, as amended by Order of the Portland City Council on August 16, 2004 relating to ground transportation in and around the Project (collectively, the "Existing Conditions and Restrictions").

[1] For purposes of this Supplemental Conditions and Restrictions document, "Owner/Manager" referred to herein shall mean, individuals and collectively, the following: IDC, its successors in interest or assigns; individual unit owners, there heirs, successors in interest and assigns; any and all management company retained by or working on behalf of IDC, its successors or assigns and/or individual units owners and their heirs, successors in interest or assigns.

2. Supplemental Conditions and Restrictions. Notwithstanding the terms of the IR-3 zoning text otherwise applicable to the Premises, and the Existing Conditions and Restrictions, those buildings designated as Building 19 ("Hospital") and Building 46 ("Double Barracks"), the immediate grounds attendant thereto and a portion of the Open Space, all depicted on the site plans dated June 24, 2008 [consisting of four (4) sheets and attached hereto as Attachment 2], all may be redeveloped into individually owned and fully equipped condominium units, sometimes known as "hotelminiums" and a supporting pool/services area on the Open Space. "Hotelminium" is defined as privately owned residential condominium units (with kitchens) located within a structure that offers reasonable and customary on-site hotel services[2] which are limited to the unit owners, their guests, tenants in residence and members of the DCHA. The Hotelminium units may be rented (in whole or in part by virtue of attached bedrooms capable of being independently rented through a "lock out" system from the remainder of the unit) for varying durations to the general public through a centralized hospitality vendor. The Double Barracks may include up to a maximum of twenty-two (22~~0~~) hotelminium units [with the maximum number of lock out units, included as part of the twenty-two hotelminiums and not separate units, not to exceed twenty-two~~sixteen~~ (22~~16~~)] and the Hospital may include up to a maximum of twelve (12) hotelminium units [with the maximum number of lock out units, included as part of the twelve hotelminiums and not separate units, not to exceed twelve (12)]. The units contained within the Double Barracks and the Hospital buildings shall become members of a separate condominium association established for these two rehabilitated buildings, and each unit will also be considered a "lot" within DCHA, subject to all of the applicable restrictions, covenants, conditions, assessments and the like of both DCHA and the newly-established condominium association.

The Double Barracks and the Hospital, both of which may be renovated, are depicted on Attachment 2. The allowable rehabilitation of these buildings may include construction of a new swimming pool and related guest services building on that portion of the Open Space depicted on the site plans, a copy of the relevant portion of which appears as Attachment 2 hereto. The recording of the this Amendment shall be deemed to supplement the Conditions and Restrictions recorded in Book 8928, Page 263 and the "Dedicated Open Space Plan" attached thereto as an Exhibit.

3. Disposal of Solid Waste. All solid waste generated on the Premises shall be collected and disposed of privately, on the mainland, with temporary storage of such waste being handled within the building and disposed of in accordance with all applicable regulations, codes and laws; or if, in the City's opinion, it would not create an unreasonable burden thereon, at a municipally-operated island solid waste disposal facility. All solid waste shall be stored, collected and disposed of in accordance with the Maine Department of Environmental Protection's September 2009 Site Location of Development Act Minor Order (the "DEP Order) for the Inn at Diamond Cove, or

[2] For purposes of this Supplemental Conditions and Restrictions document, "reasonable and customary on-site hotel services" shall include but not be limited to laundry service, linen service, room service, health and fitness facilities, food and beverage service, concierge, etc.

successive DEP Order as may be amended. To the extent that there is a conflict between City regulations and the DEP Order, the stricter provision shall apply.

4. Fire Protection. The Double Barracks and Hospital buildings shall be fully sprinkled and have installed, and at all times functional, a central fire alarm system operative prior to the issuance of any certificate of occupancy for the respective building.

5. Transportation Services. The Owner/Manager of the Premises shall use its best efforts to secure from the Casco Bay Island Transit District year-round common carrier water transportation service to, from and between the Portland waterfront and the Diamond Cove Pier (or barge landing where appropriate for passengers and/or cargo) on a schedule to be established by the carrier based upon passenger demand; provided, however, that in the event that such service becomes unavailable, the Owner/Manager shall provide an equivalent alternative to such service, subject only to the approval thereof by the Public Utilities Commission, or such other regulatory authority having jurisdiction thereof. The Owner/Manager shall also provide suitable ground transportation from points of disembarkment within the Project to the hotelminiums. The Owner/Manager shall not provide motorized ground transportation off the Ft. McKinley Project site and the Owner/Manager, its guests, tenants, invitees and employees shall not operate motorized ground transportation of any kind to travel off the Ft. McKinley project site to the pier at the south end of the island except in the event of an emergency. All such transportation shall strictly conform to all existing ordinances, rules and regulations concerning travel outside of the project site to the public pier at the southerly end of Great Diamond Island. All owners, guests and employees will be directed to utilize Casco Bay Lines or private water shuttles arriving at the Diamond Cove Pier ~~landing point~~ or the barge landing point (at the north end of Great Diamond Island) and will be specifically advised not to utilize any off-site facilities, including the pier at the south end of the island. The Owner/ Manager shall conspicuously post, and keep posted in each hotelminium units at the Premises, a written notice of the applicable ordinances, rules and regulations. Moreover, the City shall have no obligation to provide mainland parking for any owner, occupant, guest or invitee of any hotelminium unit or any manager or on-site staff thereof.

6. Disposal of Sanitary Waste. The IDC is obligated hereunder to involve the City in all aspects of its sanitation waste licensing, and any modifications thereto, with any local, state or federal agency. This includes providing the City with copies of all information submitted to said agencies and involving the City in all meetings and discussions concerning sanitary waste disposal. No site plan or subdivision application shall be approved by the City unless and until documentation of Maine DEP approval of the sanitary waste system serving the Premises is provided.

7. Interpretation; Conflicts. The within conditions and restrictions are intended to supplement the existing Conditions and Restrictions and amendments thereto, all of which shall remain in full force and effect except as modified herein or as may be modified by further amendment or ordinance duly enacted by the City of Portland. In the event of any conflict between these Supplemental Conditions and Restrictions and the

pre-existing Conditions and Restrictions, as amended, these Supplemental Conditions and Restrictions shall control.

8. Site Plan Review. Nothing herein is intended to relieve the applicant/owner from complying with applicable standards under Site Plan Review.

Order 52-13/14
Given first reading on 9/16/13
Postponed to 10/21/13 Council Meeting
Passage: 9-0 10/21/13

CITY OF PORTLAND
IN THE CITY COUNCIL

AMENDMENT TO CITY CODE
SEC. 14-49 (ZONING MAP AMENDMENT)
RE: CONDITIONAL REZONING FOR DINOSAUR ENTERPRISES LTD

ORDERED, that the Zoning Map of the City of Portland, dated December 2000 as amended and on file in the Department of Planning & Development, and incorporated by reference into the Zoning Ordinance by Sec. 14-49 of the Portland City Code, is hereby amended to reflect a conditional rezoning as detailed below:

CONDITIONAL ZONE AGREEMENT
RE:
DINOSAUR ENTERPRISES LTD

AGREEMENT made this ___day of______, 2013, by DINOSAUR ENTERPRISES LTD, a Maine corporation with a place of business in Portland, Maine ("Applicant"), and its successors and assigns and Elizabeth A. Weber ("Owner"), the owner of the property where the Applicant operates its fuel business.

W I TN ES S E T H

WHEREAS, the Applicant operates its business on land owned by (“Owner") containing approximately 21,643 square feet and shown on the Portland Tax Map as 83A, Block K, Lots 5 and 10, and more particularly described in that warranty deed recorded in Book 10389, Page 179 (the "Property"); and

WHEREAS, the Applicant and its president, Ted Weber, have been continuously delivering and dispensing fuel products from the Property since 1988; and

WHEREAS, there are no structures on the Property dedicated to the fuel delivery business, and the only equipment relating thereto are two fuel delivery trucks and a DOT-approved mobile gasoline tank and pump mounted on Applicant's truck, which move on and off the Property; and

WHEREAS, the current zoning of the Dinosaur site is IR-2; and

WHEREAS, the current zoning does not textually permit the parking of two fuel delivery trucks or the sale or dispensing of fuel products from the Property; and

WHEREAS, Dinosaur provides an essential utility service and serves a verifiable need for the neighbors, City, residents and guests on Great Diamond Island; and

WHEREAS, Dinosaur has operated from the Property since 1988; and

WHEREAS, Dinosaur's business is fully insured;

WHEREAS, the Applicant has requested a rezoning of the Property in order to permit the long-standing and limited business use of the Property; and

WHEREAS, the Portland Planning Board has determined this rezoning meets an essential need for the Great Diamond Island and the customers of the Applicant, and is consistent with the Comprehensive Plan; and

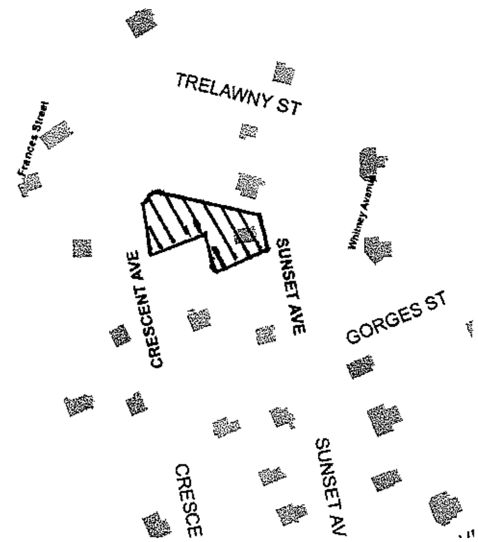
WHEREAS, the Planning Board, after notice and hearing and due deliberation thereon, recommended the rezoning of the Property as aforesaid, subject, however to certain conditions contained in this Agreement; and

WHEREAS, the Portland City Council, pursuant to 30-A M.R.S.A. § 4352(8) and Portland City Land Use Code (the "Code")§§ 14-60 to 14-62, after notice, hearing and due deliberation thereon, has determined that because of the existing and unique location of the proposal, its consistency with the Comprehensive Plan and its minimal impact on and compatibility with the surrounding community, it is necessary and appropriate to recommend the rezoning of the Property as aforesaid, with the following conditions and restrictions set forth in this Agreement; and

WHEREAS, the Portland City Council has on ___________________, 2013 approved this Agreement in its entirety, by City Council Order No.____, a true copy of which is attached hereto as Attachment 1 (the "Order");

NOW, THEREFORE, in consideration of the rezoning, the Applicant and Owner covenant and agree as follows:

1. Pursuant to the Order, the City shall amend the Zoning Map of the City of Portland, dated September, 2000 (as amended from time to time and on file in the Department of Planning and Urban Development, and incorporated by reference into the Zoning Ordinance by § 14-49 of the Code) by adopting the map change amendment shown below to zone the Property conditional I-R2, subject to the conditions contained below.



118 Sunset Avenue, Great Diamond Island
Conditional Rezone

If this Agreement is not recorded within sixty (60) days after the effective date of the City Council's approval of the Order, then the conditional rezoning shall become null and void and the zoning of the Property shall revert to the pre-existing IR-1 and IR-2 zones.

2. Permitted uses:

   a. All of the permitted uses allowed in the IR-2zone; and
   b. Parking on the Property of two (2) fuel trucks and one (1) truck fitted with a DOT-approved mobile gasoline tank and pump or such fixed tank as may be permitted by the State Fire Marshal in the Applicant's fuel business; and
   c. Dispensing and sale of fuel from the Property.

3. The conditions of this Rezoning shall be:

   a. This rezoning shall terminate if the Applicant or its successor discontinue the fuel business operation for at least twelve (12) consecutive months.

   b. The rezoning shall terminate at any time the Applicant's business is permanently moved off the Property.

   c. The business of the Applicant on the Property shall be limited to the current use of the Property (i.e. the parking of two(2) fuel trucks and a truck fitted with a DOT-approved mobile gasoline tank and pump or such fixed tank as may be permitted by the State Fire Marshal for the Applicant's fuel business), both in type and scope, such that impacts upon surrounding properties, if any, shall not be expanded.

4. All equipment including, but not limited to the two (2) fuel trucks and a vehicle equipped with approved mobile gasoline tank and pump shall be located/stored on the Property not within the abutting street or other property. In addition, all dispensing of fuel shall be performed on the Property except for fuel truck deliveries to customer properties.

5. The Applicant shall obtain and submit documentation to the City of all necessary City (including, if necessary, site plan approval), State (including, but not limited to, State Fire Marshal's approval) and Federal approvals, licenses and/or permits necessary to address the operation of its fuel business on the Property including, but not limited to, fuel storage and dispensing operations on the Property. Such documentation shall also include all submitted applications to these agencies. In addition, an Oil Spill Prevention, Control and Countermeasure (SPCC) Plan, including all revisions and/or amendments, shall be submitted to the City for review and approval by the Planning Authority. A copy of all SPCC Plan inspection and testing records shall also be made available to the Planning Authority upon request.

6. In the event of a breach by the Applicant, Owner or their successors or assigns of the zoning provisions contained herein (whether the Zoning Administrator, the Zoning Board of Appeals or a court determines such breach), the Planning Board, after notice and hearing, may recommend to the City Council that the conditional zone and this Agreement be amended, or be rescinded, such rescission to result in the termination of this Agreement and a reversion of the Property to the IR-2 zone requirements in place before the execution of this Agreement.

7. The above stated restrictions, provisions, and conditions are an essential part of the rezoning, shall run with the Property, shall bind and benefit the Applicant and Owner, any entity affiliated with the Applicant and Owner, and any party in possession or occupancy of said Property or any part thereof, and shall inure to the benefit of and be enforceable by the City of Portland, by and through its duly authorized representatives. The Applicant or Owner shall record a counterpart original of this Agreement in the Cumberland County Registry of Deeds.

8. This Conditional Rezoning Agreement may be enforced by the City pursuant to the land use enforcement provisions of state law including, but not limited to, 30-A M.R.S.A. §4452 and the Portland City Code.

9. If any of the restrictions, provisions, conditions, or portions thereof set forth herein is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct, and independent provision and such determination shall not affect the validity of the remaining portions hereof.

10. Except as expressly modified herein, the development shall be governed by and comply with the provisions of the Portland City Code and any applicable amendments thereto or replacement thereof.

WITNESS:

DINOSAUR ENTERPRISES, LTD.

____

By: ________________________________
William E. Weber, President

WITNESS:

____

By: ________________________________
Elizabeth A. Weber, Owner

STATE OF MAINE
CUMBERLAND, ss. ________________________, 2013

Personally appeared before me the above-named William E. Weber, in his capacity as President of DINOSAUR ENTERPRISES LTD, and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said corporation.

Before me,

____
Notary Public/Attorney-at-Law

STATE OF MAINE
CUMBERLAND, ss. ________________________, 2013

Personally appeared before me the above-named Elizabeth A. Weber, in her capacity as Owner of the Property, and acknowledged the foregoing instrument to be her free act and deed in her said capacity.

Before me,

____
Notary Public/Attorney-at-Law

City of Portland | Housing and Economic Development Department
Mary P. Davis, Interim Director

TO: Councilor Ali, Chair
Members of the Housing and Economic Development Committee

FROM: Mary Davis, Interim Director
Housing and Economic Development Department

DATE: April 1, 2022

SUBJECT: COMMUNICATION ITEM: National Community Development Week Proclamation

Community Development Week: A National Affair

National Community Development Week (CD week) began in 1986 to bring national attention to the Community Development Block Grant (CDBG) Program. The weeklong celebration has expanded to include the HOME Investment Partnerships (HOME) Program. National Community Development Week provides the opportunity for communities to promote, educate and advocate on behalf of both programs. The weeklong celebration occurs during the Congressional appropriations season to allow for a concerted grassroots effort to highlight the importance of both programs and their impact on communities nationwide. This year the week will run from April 11- April 15

City of Portland Community Development Week - History and Background

The City of Portland has been a recipient of CDBG funds for almost 5 decades and HOME funds since 1992. Typically, each year a proclamation is made publically recognizing CD week. Prior to the pandemic, the HCD office would organize several public events during the week. The events would include activities such as a press conference to discuss the accomplishments of the year, a display in the city hall rotunda to promote the City's CDBG and HOME programs, invitations to federal and state representatives to attend the press conference as well as additional planned events. These activities have not been possible since 2020. Staff is hopeful that we will be able to return to a more robust, public celebration of National Community Development Week in 2023.

The attached Proclamation will be included on the April 11 Council Agenda.

KATE SNYDER (MAYOR)
ANNA TREVORROW (1)
VICTORIA PELLETIER (2)
TAE Y. CHONG (3)
ANDREW ZARRO (4)

CITY OF PORTLAND

IN THE CITY COUNCIL

MARK DION (5)
APRIL D. FOURNIER(A/L)
PIOUS ALI (A/L)
ROBERTO RODRÍGUEZ (A/L)

PROCLAMATION RECOGNIZING NATIONAL COMMUNITY DEVELOPMENT WEEK APRIL 11-15, 2022

WHEREAS, the week of April 11-15, 2022 has been designated as National Community Development Week to celebrate the Community Development Block Grant (CDBG) Program; and

WHEREAS, the CDBG Program provides annual funding and flexibility to local communities to provide decent, safe and affordable housing, a suitable living environment, and economic opportunities to low and moderate income people; and

WHEREAS, over the past three years, this community has received a total of $5,775,083 in CDBG funds and has funded numerous projects that have directly benefited Portland's citizens and neighborhoods; and

WHEREAS, HOME is the largest Federal block grant to state and local governments designed exclusively to create affordable housing for low income households, and its flexibility empowers people and communities to design and implement strategies tailored to their own needs and priorities; and

WHEREAS, over the past three years Portland has received a total of $3,065,411 in HOME funds and has funded a variety of housing development projects that have directly benefited citizens and neighborhoods in Portland and throughout Cumberland County;

NOW, THEREFORE, BE IT RESOLVED, that I, Kate Snyder, Mayor of the City of Portland, Maine and members of the City Council do hereby recognize the week of April 11-15, 2022, as National Community Development Week in support of these valuable programs that have made tremendous contributions to the viability of housing stock, infrastructure, public services, and the economic wellbeing of our community.

BE IT FURTHER RESOLVED, that our community urges Congress and the Biden Administration to recognize the outstanding work being done locally and nationally with CDBG by supporting increased funding for the program in the Federal Fiscal Year 2023.

Signed and sealed this 11th day of April, 2022

Kate Snyder, Mayor

City of Portland

City of Portland | Housing and Economic Development Department
Mary P. Davis, Interim Director

TO:	**Councilor Ali, Chair** **Members of the Housing and Economic Development Committee**
FROM:	**Mary Davis, Interim Director** **Housing and Economic Development Department**
DATE:	**April 1, 2022**
SUBJECT:	**COMMUNICATION ITEM: Work Plan Item – Minimum Wage Ordinance** **Additional Guidance from Corporation Counsel**

Included on the 2023 HEDC Work Plan is a request to look at an increase to the minimum wage and whether it is possible to amend the local ordinance given the recent citizen initiative. In the agenda packet for your March 1 meeting, staff included an email from Corporation Counsel that provided some guidance.

After the March 1 meeting Councilor Zarro requested additional clarification of options to potentially amend the minimum wage ordinance. His questions and the response from Jen Thompson, Corporation Counsel, is attached.

Staff is seeking direction from the Committee on possible next steps.

Mary Davis <mpd@portlandmaine.gov>

Re: Can the Council Put an Amendment to Minimum Wage Referenda on the Ballot ?

1 message

Jen Thompson <jlt@portlandmaine.gov> Wed, Mar 2, 2022 at 4:03 PM
To: Andrew Zarro <azarro@portlandmaine.gov>
Cc: Pious Ali <pali@portlandmaine.gov>, Mary Davis <mpd@portlandmaine.gov>

Councilor Zarro - Thank you for this question, and for clarifying the question being posed by HEDC. My original understanding - and the question I intended to answer in my February 12, 2022 email to Mary Davis - related to HEDC taking up an amendment to the City's minimum wage ordinance as proposed *Council* action. As I outlined in that email, and as you reiterate above, Section 9-46 of the Code prohibits the Council from amending citizen initiated ordinance language for a period of 5 years. Section 9-46 provides:

> An ordinance enacted by a vote of the people at an initiative or referendum election shall not be repealed or amended for a period of five (5) years from the effective date of the ordinance, except by a vote of the people, unless such ordinance shall otherwise expressly provide. <u>After five (5) years from the effective date of the ordinance, the city council after public hearing may repeal or amend such ordinance by vote of five (5) of its members</u>.

Based on my understanding that the question being asked was whether HEDC and the Council could work to amend the ordinance, I was focused on the second sentence in that paragraph, underlined above.

However, your email above frames the question differently and suggests that the HEDC is also looking at the extent to which the committee and the Council can draft language that, rather than being adopted as a council-enacted ordinance, could be submitted to voters for <u>voter consideration and approval</u>. The answer to that related but significantly different question (at least from a legal perspective) is, as you suggest, yes.

As we have discussed, and as you note above, Section 9-45 provides, in pertinent part:

> Sec. 9-45. City council may initiate ordinance. <u>The city council may submit, on its own initiative, a proposition for the enactment, repeal or amendment of any ordinance (except as otherwise provided in section 9-36(b) above) to be voted upon at any regular or special municipal election, and should such proposition receive a majority of the votes cast thereon at any election, such ordinance shall be enacted, repealed or amended accordingly</u>.

As outlined in this language, then, if HEDC and the full council wish, they can certainly submit to voters a proposal to amend the City's minimum wage ordinance, including those provisions originally initiated and adopted by voters in 2020. In other words, the answer to your two questions above are: yes, and yes.

If there is interest in pursuing this option and in understanding applicable deadlines for Council action relative to particular election dates, those are questions that our office, as well as the Office of the City Clerk, can help the committee work through as well. Please just let us know what will be helpful.

Jen Thompson
Acting Corporation Counsel
City of Portland, Maine
207.874.8480
jlt@portlandmaine.gov

corporation counsel

On Wed, Mar 2, 2022 at 2:55 PM Andrew Zarro <azarro@portlandmaine.gov> wrote:

> Hi Jen,
>
> I am following up on your memo to the HEDC committee from last night's meeting regarding our options on potential amending minimum wage.

1. Under Chapter 9, Section 45, the City Code states that the City Council may initiate an amendment of any ordinance except as otherwise provided in Chapter 9, section 36, to be voted on at any regular or special municipal election.

   Reading it, I don't see any prohibition against amending an ordinance that was passed by citizen referendum.

2. Under Chapter 9, Section 46, the city code states an ordinance passed by citizen referendum can't be changed by the Council for 5 years but can be changed by another referendum.

   It doesn't explicitly say that the secondary referendum must be initiated by the people, just that it needs to be voted on by the people.

So my questions are:

1. Does the Council in fact have the ability to put a referendum question on the ballot out to voters?

2. Can that referendum question be an amendment to the minimum wage ordinance that was approved by voters in November 2020?

Thanks for your guidance on this.

Best,

Andrew

Andrew J. Zarro, MPA *(he/him/his)*
City Councilor, District 4
City of Portland
389 Congress Street
Portland, ME 04101
(207) 200-3467
azarro@portlandmaine.gov

CITY OF PORTLAND
Permitting and Inspections Department

Memorandum

TO: Councilor Ali-Chair
Members of the Housing & Economic Development Committee

CC: Mary Davis, Acting Director of Housing and Economic Development

FROM: Jessica B. Hanscombe, Director of Permitting and Inspections

DATE: March 25, 2022

RE: Housing Safety Office and Rent Board

In 2016, the Housing Safety Division was formed in the City of Portland to ensure safe housing for all tenants. Registration of all rental units (Sec. 6-151) ensured that we have accurate contact information for each property. Each year, the owner is required to submit payment and any changes to their registration to the Housing Safety Office in order to reregister their units. As a condition of their registration, owners must allow onsite inspections of their property. The Housing Safety Office conducts regular, proactive inspections of rental units in the City.

There are four Housing Safety Inspectors that are both Certified Code Enforcement Officers and Certified Fire Inspectors. The Inspectors are responsible for both Long Term and Short Term Rental Unit Inspections. The City of Portland has approximately 20,000 rental units. They also respond to a plethora of complaints throughout the year. Our primary mission is to ensure the citizens of Portland have safe housing.

Permitting and Inspections has four Building Inspectors that are responsible for inspections for all types of building permits. They are Certified Code Enforcement Officers and one is a Master Electrician. There are also two Health Inspectors, whom are Certified Code Enforcement Officers. These inspectors are responsible for all business license inspections.

Complaints are submitted to our office in a number of ways each and every day. We receive them through phone calls, emails, See Click Fix, case workers, Pine Tree Legal, other departments (Fire and Police) and even referrals from members of our own department. All complaints are investigated by an Inspector.

Year	Number of Inspections	Rent Control Inspections/Re-inspections
2019	3853	0
2020	2668	0
2021	2884	37
2022 (1/1/2022-3/22/2022)	721	35

Tenants' Rights Ordinance

In November 2020, the Tenant's Rights Ordinance was voted on by the citizens of Portland. This ordinance was not written by City Staff, but we are tasked with enforcing it, and have been doing so diligently.

- **Education**

  Since the Tenant's Rights Ordinance went into effect, the Housing Safety Office has worked to provide as much clarity as it can, given the nature of the ordinance. This includes drafting FAQ's for both Renters and Landlords, which are available on the City's website, in addition to the required tenant's rights notice that the ordinance mandates. Also, the Housing Safety and Business Licensing Staff responds to questions and complaints daily from both landlords and tenants.

- **Evictions**

  In part, the Tenant's Rights Ordinance limits rent increases. One exception to that limitation is that landlords can raise rents by 5% when a new tenant moves into a unit. One of the perhaps unintended consequences of the way that the ordinance was drafted by the citizens is that it actually incentivizes landlords to terminate tenancies in order to gain the 5% increase. There is nothing in the ordinance that prohibits landlords from doing this, and the District Court has upheld evictions in this situation.

- **Registration**

  Staff is now tasked with collecting data for each unit in Portland. This is for both Long Term and Short Term units. A supplemental form needs to be completed each year for each unit. Landlords have the option of inputting this data online which is part of Citizen's Self Service or they can complete the paper form and submit to the office. All registrations expire on 12/31 of each year. The Licensing and Registration Assistants whom input this data are also responsible for all the business licenses in the city, scheduling inspections, answering emails and phone calls, waiting on in person customers, and working with other City Departments.

Jurisdictions between Housing Safety Office and the Rent Board

- **Housing Safety Office**
  There are a plethora of instances that complaints are initially handled by the Housing Safety Office in regards to this ordinance. Such as: Improper Rent Increases, Improper Notices of Rent Increases, Improper Termination of a Tenancy-at-Will, Discrimination Based on Protected Class, Discrimination Based on Rental Assistance, Failure to Give Notice of Ordinance to Tenants, and Allegations of Breach of Warranty of Habitability.

Once we receive a complaint, an inspector is assigned to investigate. If a violation is found, the landlord is advised to correct it. The vast majority are handled in this manner. If the landlord did not correct it, HSO would issue a Notice of Violation (NOV). If that is not successful, the HSO Inspector would issue a summons or file a complaint in court. A judge could order that the rent be returned to the correct amount, any amounts collected in violation be returned and order the Landlord to pay civil penalties.

- **The Rent Board**
  The Rent Board has the ability to hear disputes if both parties consent for, Improper Rent Increases, Improper Notices of Rent Increases, Improper Termination of a Tenancy-at-Will, Discrimination Based on Protected Class, Discrimination Based on Rental Assistance, and Failure to Give Notice of Ordinance to Tenants. They also can hear cases with consent from one party on Allegations of Breach of Warranty of Habitability.

  In regards to hearing Landlord Requests for Rent Increases, the Rent Board has exclusive jurisdiction over this.

  The board does operate independently from HSO and can make its own determination regarding the validity of the disputes they hear. Staff from HSO is only responsible for taking minutes of the meetings, and handling the creation of the agenda. Members of the Rent Board are responsible for creating all forms and notices.

Enclosure:
LTR Application 2022
Landlord FAQ
Tenant FAQ
Rental Housing Rights
Rent Increase History Request Form

CITY OF PORTLAND
Permitting and Inspections Department

LONG TERM RENTAL UNIT REGISTRATION APPLICATION

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

Please follow these steps to register a rental unit:

1. Fill out this application.
2. Calculate the fee owed with the table below.
3. Estimate applicable discounts.
4. Submit valid supporting documentation for discounts. Please see Page 3 for examples.
5. Invoice provided to the party certifying registration
6. Pay fee owed after staff verifies fee discount documentation.
7. Supplemental Rental Information

Long Term Rentals (LTR)

A long-term rental is more than 30 days. The annual registration fee for a long-term rental is $50 per rental unit minus any discounts of no more than $20 per unit.

CITY OF PORTLAND

Permitting and Inspections Department

RENTAL UNIT REGISTRATION APPLICATION

SECTION 1: PROPERTY INFORMATION		
Street Number	Street Name – Unit #	CBL- Chart, Block, Lot Number (e.g. 001A_ _A001)

SECTION 2: OWNER INFORMATION -MUST COMPLETE ONE		
Individual Ownership:		
Owner First Name	Owner Last Name	Primary Telephone Numbers
Mailing Address		Email Address
Owner is (Please Circle): Partnership Corporation LLC Other (Please explain), A Completed Supplemental Corporation Sheet must be submitted with the application		
Corporate Name		Primary Telephone Numbers
Mailing Address		Email Address

SECTION 3: AUTHORIZED AGENT (if different than owner)
All properties must have an authorized agent for purposes of service. If property owner is a partnership, corporation, LLC or any other form of business entity, the authorized agent must be an individual who resides in the State of Maine.

Registered Agent First Name	Registered Agent Last Name	Telephone Number
Mailing Address		Email Address

SECTION 4: PROPERTY MANAGER (if different than owner)	
Property Manager Name	Telephone Number
Mailing Address	Email Address

SECTION 5: EMERGENCY CONTACT FOR PROPERTY (if different than owner)	
Emergency Contact Name	Telephone Number

SECTION 6: RENTAL UNIT REGISTRATION **Please complete Appendix A**	
Total Number of Units in Building:	
Total Number of Long Term Rental Units:	

SECTION 7: FEE DISCOUNTS*

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

*Please note there is a maximum of $20 discount per rental unit.

SECTION 8: TOTAL ANNUAL CHARGES	
	Long Term
Number of Rental Units Registering =	
Rental Unit Fees = **Registration Fees ($50 x Number of Long-Term Rental Units)**	
Fee Discounts =	
Total Annual Rental Registration Fee =	

Did you complete?
- Rental Housing Registration Form
- Provide all fee discount verification documents

Payment Information:

Pay the registration fee:
- in person by cash, check, or credit card;
- mail a check - Make checks payable to "City of Portland" and note the CHART, BLOCK, AND LOT (CBL) on the check.

Please return completed application, documents and fees to:

Permitting and Inspections Department
Room 307
389 Congress St
Portland ME 04101

For More Information:

See www.portlandmaine.gov/housingsafety

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

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

CITY OF PORTLAND

Permitting and Inspections Department

Corporate Supplement

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.
Please clearly complete this form in its entirety.

1. Exact legal name: ______________________________

2. Doing Business As, if any: ______________________________

3. Date of filing with Secretary of State: ______________ State in which you are formed: __________

4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: ______________________

5. List the name and addresses, titles of officers, directors and list the percentage ownership: (attached additional sheets as needed)

NAME	ADDRESS (5 YEARS)	TITLE	Ownership %

(Stock ownership in non-publicly traded companies must add up to 100%.)

Signature: ______________________________ Date: ______________

Signature of Owner or Corporate Officer

____

Print Name of Owner or Corporate Officer

RENTAL UNITS | 2022 SUPPLEMENTAL INFORMATION

This information must be provided for all short-term and long-term rental units. A separate form must be completed for each individual rental unit.

SECTION 1: APPLICANT CONTACT INFORMATION		
Name	E-mail	Phone #

SECTION 2: PROPERTY INFORMATION			
Street #	Street Name	Unit #	Chart, Block, and Lot Number (CBL)

SECTION 3: RENTAL UNIT INFORMATION	
What rent was being charged for this unit as of June 1, 2020?	$
What was the amount of rent being charged for this unit as of January 1, 2021?	$
What was the amount of rent being charged for this unit as of November 1, 2021?	$
What is the amount of Banked Rent?	$
What was the amount of security deposit collected?	$
Please provide the amount of any other payments collected from the existing tenant(s) as of January 1, 2021 (other than a security deposit or rent).	$
How many bedrooms are included in this unit?	
How many bathrooms are included in this unit?	
Does this unit include a kitchen? Please circle one.	YES or NO
Is this unit any of the following? Check the box for any that apply.	
- Owned, operated, or otherwise managed by a municipal housing authority?	
- An accommodation provided in a hospital, convent, church, religious facility, or extended care facility?	
- Dormitories owned and operated by an institution of higher education or by Portland Public Schools?	
- In a building containing only 2, 3, or 4 dwelling units, one of which the landlord currently occupies as his or her principal residence?	
- An accessory dwelling unit, as defined in Chapter 14 of City Code?	
- Publicly rent-controlled or subsidized (Section 8, GA, etc)?	
- None of the above	

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

Name (print only): ______________________________ Date: ______________

CITY OF PORTLAND
Permitting and Inspections Department

RENT CONTROL ORDINANCE – LANDLORD FAQs

This is not a comprehensive summary of all the requirements of City Code, please refer to the Code of Ordinances and consult with an attorney to ensure compliance with all Federal, State, and municipal regulations

1. **Does the Rent Control Ordinance apply to all rental units in Portland?**

   The ordinance applies to all rental units in Portland, including short-term rentals, unless otherwise exempt. The following types of units are exempt from the limits placed on rent increases:

   - Units in a landlord-occupied building containing either 2, 3, or 4 dwelling units;
   - Units where rent is publicly controlled or subsidized (such as Section 8, GA, etc.);
   - Accessory dwelling units;
   - Units owned, operated, or managed by governmental housing authorities (such as Portland Housing Authority);
   - Accommodations in a hospital, convent, church, religious facility, or extended care facility; and
   - Dormitories owned and operated by an institution of higher education or by Portland Public Schools

2. **What is the Base Rent for my units?**

   The Base Rent is the rent charged for the unit as of June 1, 2020.

3. **How much can I increase rents?**

   There are multiple allowable increases outlined in the ordinance. Some increases may only be enacted starting in 2022. A landlord may only increase rent once within a *Rental Year* by no more than 10% of base rent. Allowable increases over 10% may be "banked" for subsequent years. (Examples of allowable increases are included at the end of this document)

   i) Annual Increase Percentage: equal to the change in the Consumer Price Index for the Greater Boston Metro Area, the rate will be published by the City of Portland's Housing Safety Office. Rent may not be raised using the annual increase percentage until January 1, 2022 at the earliest.

ii) Tax Rate Rent Adjustment: if Portland's property mil rate changes, a landlord may increase rent equal to the actual increase in property taxes attributable to the individual covered unit. Rent may not be raised using the tax rate rent adjustment until January 1, 2022.

iii) New Tenancy: A landlord may increase the rent by 5% of their base rent when a new tenant occupies a unit. This may only be used once per year.

iv) Banked Rent: If a landlord could have increased rent in previous years but did not, they may increase rent by this amount at a later date. Landlords will not have banked rent available until 2022.

v) Additional Rent Board Approved Increases: A landlord may seek approval from the Rent Board by applying for a hearing to increase rent for:
   (a) Capital improvement costs, such as renovations;
   (b) Uninsured repair costs;
   (c) Increased Housing Service costs; and
   (d) Any additional increase to allow for a "fair rate of return".

4. What kind of notice must I give tenants for a rental increase?

Before increasing the rent of a Covered Unit, you must give tenants notice of any rent increase at least 75 days in advance. The notice must be in writing and must include the date you started renting the unit, the date the increase will take effect, and the reasons for the increase in rent (as described in question 3 of this FAQ).

5. How much notice must I give tenants before evictions?

Regardless of the arrangement, a landlord can evict a tenant with 7 days' notice "for cause", such as if the tenant destroys property or violates certain terms of the agreement. Otherwise, the amount of notice required depends on the type of arrangement that you have with your tenant:

- If you have a tenant-at-will (you never had a lease), then you must provide a tenant with 90 days' notice, unless you reimburse the tenant for the inconvenience of terminating their tenancy on 60 days' notice ($500) or 30 days' notice ($1,000).

- If you have a lease, or have a holdover tenancy (meaning that you had a lease that has ended, but you have allowed a tenant to stay month to month), then the City's Rent Control Ordinance does not apply and you must comply with State laws on evictions.

6. **What other requirements should I be aware of under this new ordinance?**

This is not a comprehensive list of all the requirements of City Code, please refer to the Ordinance and consult with an attorney to ensure compliance with all Federal, State, and municipal regulations.

- Landlords must provide tenants with the City's Rental Housing Rights Document at the start of a unit's rental and any time the document is updated. This document can be found on the City of Portland Housing Safety webpage. https://www.portlandmaine.gov/DocumentCenter/View/15192/Rental-Housing-Rights-Document;
- Keep a signed acknowledgement of the receipt of the City's Rental Housing Rights Document on file for three years;
- Landlords may not discriminate against tenants on the basis of their source of income or participation in various types of subsidized housing programs, such as Section 8, General Assistance, and others.
- No provision of the ordinance may be waived by a tenant, by agreement or otherwise.
- Landlords may not attempt to coerce tenants into waiving their rights, such as by threatening to evict the tenant if they do not agree to an illegal rent increase.

EXAMPLES OF ALLOWABLE RENT INCREASES

These are examples only, please consult with an attorney with questions about your specific situation

1. **Annual Increase Percentage Example:** The allowable increase percentage shall be determined on September 1 of each year beginning on September 1, 2021, and shall be equal to the change in the Consumer Price Index for Greater Boston Metro Area.
   Base Rent x CPI% = Allowable Annual Increase Percentage
   - *Example:* Assume Base Rent is $1,000/month and CPI for Greater Boston Metro Area is 3%.
     $1,000 x 3% = $30 increase in rent per month

2. **Tax Rate Rent Adjustment Example:** The tax rate rental adjustment is equal to the actual increase in property taxes attributable to the individual Covered Unit if the City mil rate changes. Note: the City mil rate changed in 2021, so a tax rate rent adjustment is available for landlords who saw an increase in their taxes from 2020-2021.
   - *Example 1:* Assume 3-unit building; Base Rent = $1000/month per unit; 2021 property taxes = $12,000; 2022 property taxes = $14,880
     First, figure out the actual increase in property taxes:
     (Actual taxes due in 2022) – (Actual taxes paid in 2021) = actual tax increase
     $14,880 - $12,000 = $2,880
     Then attribute that amount among the covered units.
     $2,880 / 3 units = $960 per unit for the year
     $960 / 12 months = $80 (new rent = $1080)
     Ensure that the rent increase does not exceed 10% of Base Rent
     $80 increase / $1,000 Base Rent = .08 (8% increase)

   If not all units are equal in a building, the landlord should attribute the tax increase between units in a reasonable manner, depending on the circumstances. This could be apportioned based on relative value, square footage, rent amount, etc.
   - *Example 2*: Assume Base Rents for three units were $1,250, $1,000, and $750, using the same above tax valuation. Landlord chooses to apportion allowable tax rate rental increase based on relative rental rates of the units.
     First figure out the total rents for the property:
     $1,250 + 1,000 + 750 = $3,000/month

$3,000 x 12 = $36,000/year

Then divide the actual tax increase by the yearly total rent:

$2,880 / $36,000 = .08

Each rent could be raised by 8%. Monthly rent increases for each apartment are:

.08 x $1,250 = $100 (new rent = $1350)

.08 x $1,000 = $80 (new rent = $1080)

.08 x $750 = $60 (new rent = $810)

3. **Banked Rent Example:** If a landlord could have increased rent in previous years but did not, they may increase rent by this amount at a later date. A landlord may not raise rent more than 10% in a rental year.
   - *Example 1:* Landlord is eligible for a 3% Annual Increase Percentage increase in 2022 but does not raise rents at all that year.
     Landlord can "bank" that 3% for 2023 or beyond.

   - *Example 2:* Landlord is eligible for a 3% Annual Increase Percentage increase, an 8% Tax Rate Rent Adjustment increase, and a 5% new tenant increase for a total of 16% in 2022.
     Landlord could increase rents 10% of Base Rent in 2022 and "bank" 6% for 2023 or beyond.
     Landlord could increase rents 8% of Base Rent in 2022 and "bank" 8% for 2023 or beyond.

Rent Control Ordinance FAQs

Does the Rent Control Ordinance apply to all rental units in Portland?

The ordinance applies to all rental units in Portland, including short-term rentals.

The following types of units are exempt from the limits placed on rent increases:

- Units in a landlord-occupied building containing either 2, 3, or 4 dwelling units;
- Units where rent is publicly controlled or subsidized (such as Section 8, GA, etc.);
- Accessory dwelling units.
- Units owned, operated, or managed by municipal housing authorities (such as Portland Housing Authority);
- Accommodations in a hospital, convent, church, religious facility, or extended care facility;
- Dormitories owned and operated by an institution of higher education or by Portland Public Schools.

If my landlord increased my rent between June 2020 and January 2021, do they have to decrease my rent back to my June rent?

Yes. According to the ordinance, the rent charged for all eligible rental units on January 1, 2021, should be equal to the amount charged in June 2020.

How often can a landlord increase rent?

A landlord can only increase a unit's rent once every 12 months, beginning January 1 or the date the unit came on the market (whichever is earlier).

By how much can a landlord increase rent?

No rent increase may exceed 10%. Allowable rent increases include:

- **An annual increase percentage**, equal to the change in the Consumer Price Index for the Greater Boston Metro Area and published by the City of Portland's Housing Safety Office by September 1 of each year.
- **Tax rate rent adjustment:** if Portland's property tax rate changes, a landlord may increase rent by the same amount that the tax rate increased.
- **New tenancy:** A landlord may increase the rent by 5% of their base rent when a new tenant occupies a unit.
- **Banked rent:** If a landlord could have increased rent in previous years but did not, they may increase rent by this amount at a later date.
- **Additional Increases:** A landlord may seek approval from the Rent Board to increase rent to receive a fair rate of return.

Does my landlord have to give me notice of any rent increase?

Yes. Your landlord must give you notice of any rent increase at least 75 days in advance. The notice must be in writing and must include the date you started renting the unit, the date of the increase, and the reasons for the increase in rent.

Can my landlord discriminate against me because of my race, religion, gender, etc.?

No. The State's Maine Human Rights Act already prohibits a landlord from discriminating against you based on your race, color, sex, sexual orientation, and several other characteristics. The new City ordinance does not change that.

Can my landlord refuse to rent to me because I have a housing subsidy (Section 8, GA, etc.)?

No, your landlord cannot refuse to rent to you because you have a housing subsidy, such as Section 8 or General Assistance. In addition, landlords in Portland must agree to cooperate with all reasonable aspects of those programs, including filling out paperwork, participating in inspection programs, and making reasonable repairs to their units in order to qualify for those subsidies.

How much notice does my landlord have to give me before evicting me?

Regardless of your arrangement, your landlord can evict you with 7 days' notice "for cause", such as if you destroy property or violate certain terms of your agreement. Otherwise, the amount of notice required depends on the type of arrangement that you have with your landlord:

- If you have a lease, then your landlord can evict you in accordance with the terms of your lease.
- If you have a holdover tenancy (meaning that you had a lease that has ended, but your landlord has allowed you to stay month-to-month), then your landlord can evict you with 30 days' notice in accordance with state law.
- If you are a tenant-at-will (you never had a lease), then your landlord can only evict you with 90 days' notice unless they pay you a fee for the inconvenience of terminating your tenancy on 60 days' notice ($500) or 30 days' notice ($1,000).

How can a tenant file a complaint?

If a tenant believes their landlord has violated any of the requirements of the Rent Control Ordinance, they may file a complaint with the City of Portland's Housing Safety Office by emailing housingsafety@portlandmaine.gov or calling 207-756-8131.

City officials will investigate the complaint and take enforcement action, if appropriate, or refer to the Rent Board for a hearing.

Can complaints be filed with any organizations, groups, or boards besides the City of Portland?

Only departments and committees granted the authority in City Code may enforce the Rent Control Ordinance and issue legal determinations or violations. Determinations issued by other bodies are not legally binding.

What types of tenant complaints does the Rent Board hear?

The Rent Board will hear tenant complaints that the rental unit violates the Maine statute regarding habitability. *This does not replace a tenant's rights under the state statute regarding the warranty and covenant of habitability.*

The Rent Board will also mediate and resolve the following types of complaints, but only if both the landlord and tenant make the request in writing:

- Tenant claims that a landlord discriminated against them based on a protected class (religion, race, etc.).
- Tenant claims that a landlord refused to cooperate with a reasonable requirement of a subsidized housing program.
- Tenant claims that a landlord evicted (or attempted to evict) a tenant without the required notice or payment.
- Tenant claims that a landlord raised the tenant's rent without the required written notice.
- Tenant claims that a landlord raised the tenant's rent more than they were allowed to.

If a landlord and tenant would like to request mediation and resolution by the Rent Board on the above topics, they must submit a landlord/tenant dispute form to housingsafety@portlandmaine.gov or by mail. Additional information about the Rent Board can be found here.

What types of landlord requests does the Rent Board hear?

The Rent Board hears landlord requests to:

- Increase rent in addition to any annual percentage increase, property tax increase, or banked rent.
- Increase base rent due to a renovation or reconfiguration of existing units.

What new fees are landlords required to pay?

The Rent Control Ordinance increases the long term rental registration fee from $35 to $50. This fee must be paid each year as part of landlords' annual registration of long-term rental units.

What new requirements must landlords meet?

Under the new Ordinance, landlords for most rental units must:

- Register rental units with the City each year;
- Not raise rent on a rental unit, except in accordance with the Rent Control ordinance;
- Notify tenants of an increase in rent at least 75 days prior to it taking effect, using a signed document including the date on which tenancy began, when rent will increase, and the appropriate justifications for the increase;

- Provide 90 days' notice of eviction to tenants at will (other than for-cause evictions and holdover tenancies), unless tenants are compensated ($500 for 60 days' notification or $1,000 for 30 days' notification);
- Provide tenants with the City's Rental Housing Rights document at the start of a unit's rental and any time the document is updated;
- Keep a signed acknowledgement of the receipt of the City's Rental Housing Rights document on file for three years;
- Participate in the requirements for various types of subsidized housing programs, such as Section 8, General Assistance, and others.

City of Portland, Maine
Rental Housing Rights

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

Rent Control
Landlords of rental units in Portland, that are not otherwise exempt, may only increase the rent once within a rental year. Before increasing rent, a landlord must give tenants written, signed notice at least 75 days in advance. That notice must include the date the tenancy began, the date of the rent increase, and the reasons for the rent increase. Rent may only be increased for certain reasons and by certain amounts, such as the increase in the Consumer Price Index, certain increases in taxes, where there is a new tenant, or if a landlord requests special permission from the Rent Board. A landlord may never raise the rent more than 10% in one year.

Tenants at Will
When a tenant rents a housing unit without a written lease that tenant is a "tenant at will". Unless the unit is exempt, for tenants at will, landlords must typically provide at least 90 days written notice to tenants before they must move out. If a landlord provides $500.00 reimbursement to the tenant, tenancies-at-will may be determined by notice at least 60 days before they must move out. If $1,000.00 in reimbursement is provided, tenancies-at-will may be determined by notice at least 30 days before they must move out.Landlords do not have to provide a reason for asking the tenant to leave.

A landlord may evict a tenant at will with a minimum 7-day written notice if the tenant: (1) has caused serious damage to the apartment and has not repaired the damage; (2) has been a nuisance to other tenants or neighbors; (3) has made the unit unlivable or unfit to live in; (4) has changed the door locks and refused to give the landlord a key; and (5) is 7 days or more behind in rent.

Prohibited Discrimination
Housing discrimination on the basis of race, color, sex, sexual orientation, physical or mental disability, ancestry, national origin, or family status is prohibited by the City of Portland and the State of Maine. Landlords may 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. Unless a unit is otherwise exempt, landlords must also comply with reasonable requirements of any subsidy program, including filling out paperwork, allowing inspections, and making reasonable repairs.

Concerns, Complaints, or Questions
If you have questions about the City's ordinances on rent control and tenant protections, think your landlord has violated the City's ordinances, or want to file an appeal with the Rent Board, please contact the Housing Safety Office at housingsafey@portlandmaine.gov or 207-756-8131
Revised March 2021

Required Forms & Informational Material

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

- The City of Portland Rental Housing Rights Document (above)
- Energy Efficiency Disclosure
  https://www.maine.gov/mpuc/online/forms/EnergyEfficiencyDisclosure.html
- Lead Paint Pamphlet - "Protect Your Family From Lead in Your Home"
  https://www.epa.gov/lead/protect-your-family-lead-your-home
- Lead Based Paint Disclosure Form
  Lead Based Paint Disclosure Form
- Smoking Policy Disclosure (To be drafted by the landlord)
- Radon in Rental Housing Pamphlet
  https://www.maine.gov/dhhs/mecdc/environmental-health/rad/radon/documents/2019tipsheet11.pdf
- Radon Disclosure
  https://www1.maine.gov/dhhs/mecdc/environmental-health/rad/radon/documents/Maine%20radon%20gas%20disclosure-final.pdf

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

Landlord	Date
Tenant	Date
Tenant	Date
Tenant	Date

Revised March 2021

CITY OF PORTLAND
Permitting and Inspections Department

Rent Increase History Request Form

Complete this form to request information about past rent increases for your rental unit.

Tenant Name(s): ____

Phone: (_____) _______ - __________ **Email:** ____

Landlord Name: ____

Phone: (______) _______ - _________ **Email:** ____

Mailing Address: ____

Rental Property Address: ____ **Unit:** ________

Accommodations (please mark all that apply):

□ I need an interpreter

□ I need staff assistance

I am requesting the rent increase history for my rental unit…

FROM:

☐Base Rent OR ☐Other Date: _______________________

TO:

☐Current Rent OR ☐Other Date: __________________________

____ ____________________________

Tenant Signature **Date**

City of Portland | Housing and Economic Development Department
Mary P. Davis, Interim Director

TO: Councilor Ali, Chair
Members of the Housing and Economic Development Committee

FROM: Mary Davis, Interim Director
Housing and Economic Development Department

DATE: April 1, 2022

SUBJECT: Roles and Responsibilities of the Rental Housing Advisory Committee

Rental Housing Advisory Committee (RHAC)

The RHAC was established under Chapter 6 of the City Code (6-225, attached). The committee has nine members (3 landlords, 3 tenants, one person not a landlord or tenant, one member experienced in landlord legal matters, one member experienced in tenant legal matters), each being appointed for a three-year term. The members must be residents of Portland except for the legal representatives who must either be a resident or work in the City of Portland. The City Council appoints the members. Southern Maine Landlord Association and Pine Tree Legal Assistance can submit one name for consideration of the respective legal representative positions. The committee is co-chaired by one landlord and one tenant representative.

The ordinance requires that the committee meet not less than quarterly and assigns the following duties to the members of the RHAC:

1. Provide the Housing Committee with recommendations or proposals for improvements, modifications, or changes regarding landlord and tenant policy issues; and
2. Identify educational opportunities, seminars, and materials that would be useful to landlords and tenants.

Potential Redundancies between the Rent Board and Rental Housing Advisory Committee

Both the Rental Housing Advisory Committee and the Rent Board are tasked with addressing policy changes, including recommending changes to Chapter 6 provisions that govern landlord and tenant policies in the City of Portland. This may lead to duplication of efforts or recommendations that conflict.

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. Rental Housing Advisory Committee

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

(b) The Committee shall be comprised of nine (9) members, including three (3) members who are landlords, three (3) members who are tenants, one (1) member who is not a landlord or a tenant, one (1) member experienced in legal rights/interest of tenants, and one (1) member experienced in legal rights/interests of landlords.

(1) All members of the Committee, excluding the members experienced in legal rights/interests of tenants and landlords, shall be residents of the City of Portland. The members experienced in legal rights/interests of tenants and landlords shall be either a resident of or work in the City of Portland.

(2) All members shall be appointed by the City Council to serve staggered terms set by City Council order.

(3) The Southern Maine Landlord Association may submit one name for consideration for the member experienced in legal rights/interests of landlords. If the Southern Maine Landlord Association fails to do so, the City

Council may appoint the member without the Association's recommendation or approval.

(4) Pine Tree Legal Assistance may submit one name for the member experienced in legal rights/interests of tenants. If Pine Tree Legal Assistance fails to do so, the City Council may appoint the member without Pine Tree's recommendation or approval.

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

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

1. Provide the Housing Committee with recommendations or proposals for improvements, modifications, or changes regarding landlord and tenant policy issues; and

2. Identify educational opportunities, seminars, and materials that would be useful to landlords and tenants.

(Ord. No. 76-16/17, 11-21-2016; Ord. No. 32-18/19, 8-13-2018; Ord. No. 215-18/19, 5-6-2019)

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.

4/5/2022

Members of the HEDC,

Thank you for your time and the opportunity to speak with you.

I saw that the agenda for this meeting was posted along with Memos for the agenda item 6. Communication Item: Housing Safety and Rent Board - Overview of Roles and Responsibilities.

I am grateful to read these documents, however I still have some general concerns about the inspection process, and I would like to share with you my personal experience and thoughts.

Particularly I am concerned with the substance of what an "inspection" entails. The last two places I have lived in Portland both had open code case violations from 2019. My concern is that, **while HSO issues NOVs, they do not follow through on the demands within**

- At 133 Grant St (Port Property), a code case and NOV outline various problems to fix before December 2019.
    - I lived there until August 2021, and at that time the issues outlined in the NOV were not remedied, including
        - Expired fire extinguishers
        - Locked exit doors in common spaces, and windows drilled shut
    - By 2021 there was also a tremendous rat infestation caused by inadequate trash pick up, which I reported
    - I was evicted in August 2021 for having raised concerns about the condition of the property, they rerented the place at a 7% increase (in violation of rent control - Port Prop did this for every turnover until I caught them in Oct 2021)
    - I asked HSO to check on the place, pointed to the years old unremedied NOV, and even walked around the property with Chuck Fagone.
        - Even though the inspector agreed many of these problems were violations, he marked my complaint as "unfounded" and closed out the code case (note the two year gap)
        - The issues were not remedied, I know because I lived there
        - They are currently not remedied, as of Friday I confirmed this with a current tenant

- At 655 Congress St (Apartment Mart) an open code case and NOV outline various problems to fix before late 2019 and early 2020.
    - I now live there, and the issues outlined in the NOV are not remedied, including
        - Adjacent units don't have fire barrier
        - Units don't have fire doors
        - Sprinkler system incomplete
        - Vertical openings in halls still exist
    - Instead of fixes, drilling into the walls and floors have kicked up all sorts of lead and asbestos. Some windows fall out and crash to the street and some people's ceilings are falling in.
    - Apartment Mart raised rents in violation of rent control (Rent Board has agreed and ordered remedies)
    - Somehow, Chuck Fagone passed the place in Jan 2022, even though these issues persist

So generally, I understand that HSO and Permitting do inspect places and in some instances issue NOVs, however, landlords know they can call that bluff. Multiple years of inaction on NOVs is not good code enforcement, and it does not incentivize landlords to take corrective actions.

The lack of enforcement, in terms of safety and hazard mitigation, bleeds through into rent control as well. Yes, HSO does collect the registration information, but they do not follow through with it.

Much of the data collected is inadequately reported. For some units, the landlord reports incorrect rent values. I've even seen a landlord report "I tried" when asked what their Parcel ID was. HSO just types whatever the landlord reports into their spreadsheet, without verifying the information is complete or accurate. This means that much of the reported rent values in the city are probably wrong. In fact, when you talk to a tenant and ask them their rent, it's often very different from what is reported in the HSO record. Just like with safety violations, there is no incentive to tell HSO the truth. Even in the event a landlord is caught, there is no consequence.

Assuming, however, that the reported rent levels were accurate - in the June 2020 to Jan 2021 registration data, over 500 cases of clearly illegal rent increases were reported. I remind the committee this was during a rent freeze, however, many increases were in the 10s of percent and some rents even doubled over this period. There were over a thousand more increases less than 5%, which should also have been rare during this period of time. HSO acknowledges these instances in their data, but does not have the capacity to do anything about it. I am sure with the November 2021 information coming out any day now, we will find even more instances where the rent went up illegally. **HSO must be proactive in enforcing the rent controls or landlords will continue to take advantage**. When an individual does reach out to HSO with a concern, HSO will contact the landlord, however this is not proactive and it sets the tenant up for retaliatory eviction.

Finally, the subject of evictions was brought up in Jessica Hanscombe's memo. I do appreciate their attention to this problem. I also agree landlords will exploit the 5% turnover clause in the ordinance, and are incentivized to evict tenants. I offer a suggestion here : **HEDC should work to ban no-cause evictions**. The simple solution would remove that incentive to displace people for an extra rent increase.

The problem of evictions is far bigger than just the turnover rent increases, however.

- I was evicted from 133 Grant because I was complaining about the safety problems there. Even with a NOV to back me up, I was evicted because Port Prop did not want to repair the property and instead they knew they could just find a tenant who would deal with the hazardous conditions.

- When a tenant does reach out to HSO, HSO will assign an inspector to contact the landlord. In spirit this is good, however, this paints a giant target on the tenant's back which sets them up for retaliatory eviction.
    - For example, on Washburn St, BJB raised everyone's rent by around 60%. Every tenant who complained to their landlord and through HSO was evicted. Those who did not complain and paid the illegal rents were allowed to stay. Landlords who want to break rent control will just cycle tenants until they find someone who either does not know the rent is illegal or is unwilling to fight it.

Instead of requiring that tenants come to HSO, **HSO should also use their own data to proactively "audit" buildings or blocks in batch jobs**. In the event of a complaint their inspection needs to be broad enough so that the landlord can not identify who has complained, to prevent these retaliatory evictions.

I thank the HEDC for your time and attention, and I really appreciate the opportunity to raise these concerns. I have endless information and records on this. I've presented slide shows to Mayor Snyder about this stuff as well, and would love to present these issues in a more visual format or in a conversation with you too, if you'd like.
-- Matt Walker

DRAFT
Housing & Economic Development Committee
2022 Work Plan Schedule
as of April 1, 2022

<u>April 5, 2022</u>

1. Review and Approval to Issue RFP for the Sale and Redevelopment of City-Owned Property - Diamond Cove Former Fort McKinley Hospital Property
2. Communication Item: Community Development Week – April 11-15/Fair Housing Month
3. Communication Item re: Additional Guidance from Corporation Counsel regarding the City's Minimum Wage Ordinance
4. Communication Item: Housing Safety Office and Rent Board - Overview of Roles and Responsibilities?

<u>April 19, 2022</u>

1. Presentation and Committee Discussion regarding preliminary findings of the Analysis of Impediments to Fair Housing.
2. Overview of the Outdoor Dining Permitting and Licensing Program
3. (Public Hearing) Review and Recommendation Approval to the City Council of a Tourism Improvement District

<u>May 3, 2022</u>

1. Presentation by Waterstone Properties re: Future Development Plans for Rock Row
2. (Public Hearing) Review and Vote to Approve Affordable Housing TIF CEA Applications
3. (Public Hearing) Review and Vote to Approve Funding Requests Received from the Affordable Housing Development Fund Applications for City Housing Trust and HOME Funds
4. Portland Downtown Annual Budget, Work Plan and City Agreement

<u>May 17, 2022</u>

1. Public Restroom Plan for Downtown Portland

<u>June 7, 2022</u>

1.

<u>June 21, 2022</u>

1. Presentation, Annual 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
2. Overview of the Short Term Rental Registration Program
3. Presentation of Part II of the 2021 Housing Report, including a review of the Green New Deal impacts on housing production.

<u>July 5, 2022</u>

1.

<u>July 19, 2022</u>

1.

<u>August 2, 2022</u>

1.

<u>August 16, 2022</u>

1.

<u>September 6, 2022</u>

1.

<u>September 20, 2022</u>

1.

October 4,2022

1.

October 18, 2022

1.

November 1, 2022

1. Review of 2022 Committee Accomplishments Annual Report – Issue to the City Council as a communication
2. City Annual TIF District Activity Report – Issue to the City Council as a communication

November 15, 2022

December – No Committee meeting

COMPLETED WORK

January 4, 2022

1. Discussion of Committee priorities for 2022, including housing policy/investment strategies.

January 18, 2022

1. Finalizing Committee priorities for 2022, including housing policy/investment strategies.
2. (Public Hearing) Review and Vote to Recommend Approval to the City Council of the HUD Citizen Participation Plan
3. Executive Session: Discussion of Possible Disposition of City-owned property on Great Diamond Island.

February 1, 2022

1. (Public Hearing) Review and Vote to Recommend to the City Council – FY23 Housing Program Budget
2. (Public Hearing) Review and Vote to Recommend to the City Council – 2022 Jill C. Duson Housing Trust Fund Annual Plan
3. (Public Hearing) Review and Vote to Approve to Issue - Affordable Housing TIF CEA and Affordable Housing Development Fund Application for City Housing Trust and HOME Funds

February 15, 2022

1. Presentation of Part I of the 2021 Housing Report
2. Update from the Portland Harbor Common Working Group
3. Harbor Dredge Project Status and Funding - Applications due 4/14/2022 for RAISE
4. Executive Session re: Fort Mckinley Property Sale Opportunity

March 1, 2022

1. Presentation of Age-Friendly Portland and the Portland Age-Friendly Business Program
2. Update and Discussion on use of TIF funds to invest in workforce training (including a possible collaboration between Portland Adult Ed and PATHS).
3. Communication Item re: Minimum Wage Ordinance; are amendments permitted after 2020 referendum

March 22, 2022

1. (Public Hearing) Review and Vote to Recommend Approval to the City Council of the Draft 5-Year HUD Consolidated Plan and FY23 HUD Annual Allocation Plan
2. Presentation and Committee Direction to Staff re: Food Truck Plan for the Eastern Prom
3. Update, Review, Committee Direction to Staff re: Tourism Improvement District
4. (Public Hearing) Review and approval of a Purchase and Sale Agreement for City-owned property at 622 Auburn Street and 0 Gray Road, Falmouth and amendments to the 165 Lambert Street Purchase and Sale Agreement

2022 Housing and Economic Development Committee Work Plan April 1, 2022

	Annual Committee Work	Staff Recommendations	Committee Members' Priorities	Status
ECONOMIC DEVELOPMENT POLICY				
a. City/School-wide approach to procurement focusing on locally owned businesses (Phoenix AZ as example) (carried over from the 2021 work plan) b. Explore and expand relationship with Portland Buy Local			AZ	
Explore Neighborhood Identity/Branding (carried over from the 2021 work plan)			TC	
Review Tax Increment Financing (TIF) investment in workforce training for FY2023 funding.		X		✔
Explore TIF investment options to increase annual TIF support to Creative Portland (CP) (raise the funding floor from $155k to $200k) and to support performing art centers and the arts eco-system, which makes Portland unique as a destination for visitors and local residents.		X	TC	
Explore designation of a Tourism Improvement District		X	TC	
Research and present options for public-private partnerships to support parking garage and possible new affordable housing - City-owned Bayside Lot 6, (corner of Somerset & Chestnut St) acquired by the City Council through eminent domain		X		
Update on Harbor Dredge Status and Funding		X		✔
Review Outdoor Dining Permitting & Licensing Program			PA/AZ	
Explore the possibility of creating a workforce training program between Portland Adult Ed and Portland Technology High School .			PA	✔
Increase to minimum wage (discuss if permitted under 2020 citizen referendum?)			AZ	

	Annual Committee Work	Staff Recommendations	Committee Members' Priorities	Status
AFFORDABLE HOUSING POLICY AND BUDGETS				
Policy Discussion re: (1) Impacts of 2020 Referendum (Green New Deal) on housing development, (2) Guidelines and Priorities for the allocation of city resources for housing development		X	TC	(2)✔
Encourage developers seeking assistance through the City's Affordable Housing Development and/or TIF Programs to participate in the Section 8 Family Self Sufficiency Program.			TC	✔
Encourage housing development that supports the Comprehensive Plan goal for development along major thoroughfares off peninsula.		X	TC	✔
Review of FY 2023 Housing Program Budget (February)	X			✔
Review of 2022 Jill C. Duson Housing Trust Fund Annual Plan and the 2022 Affordable Housing Development Application (February)	X			✔
Host a Housing Summit (similar to one held in 2016)			PA	
Review of Short Term Rental Registration Program			PA	

AFFORDABLE HOUSING PUBLIC-PRIVATE PARTNERSHIPS				
Review and Vote to Approve Funding Requests Received from (1) the Affordable Housing Development Applications for City Housing Trust and HOME funds and (2) Affordable Housing TIF CEA Requests. (May)	X			
Review City surplus property to sell/lease to support affordable housing		X	PA	

	Annual Committee Work	Staff Recommendations	Committee Members' Priorities	Status
REAL ESTATE TRANSACTIONS				
622 Auburn Street and 0 Gray Road P&S Agreement		X		✔
Purchase and Sale Agreement for the sale of a portion of City-owned Thames Street Property		X		
Kennebec Street Realignment (from Brattle to Forest)		X		

	Annual Committee Work	Staff Recommendations	Committee Members' Priorities	Status
ANNUAL REPORTS AND ACTIONS				
Presentation of 2021 Housing Report (February) Part I and Part II	X			Part I ✔
5-Year HUD Consolidated Plan and FY223 Annual Allocation Plan (Jan-April) (1) Analysis of Impediments to Fair Housing & (2) Amendments to the HUD Citizens Participation Plan		X		Con Plan✔ (2)✔
Presentation, Annual Overview and Integrated Report from Permitting & Inspections and Fire Department re: Short-term and Long-term Rental Housing Safety & Inspection Program - Implementation and Financial Report (April)	X		Process established under prior Housing Committee	
Fair Housing Month (April) Community Development Week Activities (April 11-15, 2022)	X	X		
Portland Downtown Annual Budget, Work Plan and City Agreement (May)	X			
City TIF District Annual Activity Report (November)	X			
Committee Annual Accomplishment Report (November)	X			