

Agenda
Ad Hoc Committee on Rental Registration
November 28, 2018
6:30 PM
Third Floor Conference Room, Lewiston City Hall

- Review Final Report of Goals and Recommendations
 - Requested action for the committee to make recommendation in support of the Final Report for the City Council's consideration.

FINAL REPORT AD-HOC COMMITTEE ON RENTAL REGISTRATION DECEMBER 2018

MEMBERS OF THE RENTAL REGISTRATION COMMITTEE

David Hediger, Chair, Director of Planning and Code
Jim Lysen, City Councilor Ward 1
Michael Marcotte, City Councilor Ward 7
Tom Maynard, City Building/Plumbing Inspector
Paul Ouellette, City Fire Inspector
Charles Weaver, City Police Officer
Rick Lachapelle, Property Owner
Amy Smith, Property Owner
Chris Aceto, Property Owner
Erin Guay, Vice-Chair, Lewiston Area Public Health Committee
Ronnie Paradis, Chair, Lewiston Area Public Health Committee

Introduction

In May 2018, the Lewiston Area Public Health Committee, in conjunction with staff of the City Planning and Code Enforcement Department, developed a draft rental registration ordinance. This work was undertaken in light of a goal set in the City's comprehensive plan to establish a rental registration program as a mechanism to expand property maintenance and life safety inspection services associated with multifamily dwelling units and to provide information on an annual basis such as emergency contact information for owners and managers.

The registration process proposed would have required information on the total number of dwelling units rented/vacant at time of registration; number of units not immediately available for rental; bedroom counts; rental rates; etc. It proposed an annual fee of \$36 per unit, resulting in \$256,284 in revenue which would be used to create a housing manager inspector position (\$80,000); a new Code Enforcement position (\$74,000); upgrade a part-time administrative assistant position to full-time (\$30,500); and transfer the funding for a current Code Enforcement position from Community Development Block Grant Funds to the General Fund (\$68,274). The net effect would be to increase code enforcement staffing by 2.5 positions.

This proposal was presented to the City Council during a workshop on May 15, 2018. A number of stakeholders appeared at that meeting, including owners of multi-family buildings in Lewiston, to express their opinions on the proposal. While there were some who spoke in favor, a majority of those present expressed opposition.

Given this, the City Council established an Ad-Hoc Advisory Committee on Rental Registration on June 19, 2018 and charged the Committee to investigate whether the City should or should not adopt a rental registration program and to report its findings and recommendations to the City Council. (See Attachment 1 for the full Council Resolve establishing the Committee.) The Committee was composed of eleven members including multi-family property owners, City Councilors, City staff, and representatives of Healthy Androscoggin and the Lewiston Auburn Public Health Committee.

Recommendation on May 15, 2018 Rental Registration Proposal.

At the Committee's September 26th meeting, the following motion was adopted: "To not support the rental registration proposal presented to the City Council in May in the form in which it was presented." The Committee's vote was seven in favor, one abstention (David Hediger). The Committee reached this conclusion based on several concerns including the financial burden that would be placed on landlords, many of whom already face challenges associated with Lewiston's relatively low rents and the age of their properties. Many of the members also indicated that the cost of additional or ramped up code enforcement should not be borne solely by property owners but should be supported through the overall property tax. Other concerns included the already existing burden of governmental regulation, the extent to which this proposal expanded on the initial concept of rental registration where adequate contact information for building owners/managers was the primary goal, and the potential for meeting the City's housing goals through other, less costly mechanisms.

While not supporting the proposed registration system, the Committee recognizes and appreciates the need for the City to have on hand accurate contact information in order to easily reach owners and managers of properties in emergency situations or to handle simple issues. It believes this can be accomplished without establishing additional burdens on property owners through such mechanisms as integrating the City's utility billing system with Code Enforcement's Energov software system and requiring emergency contact information when utility accounts are initially established.

Goals and Recommendations

While the Rental Registration Committee recommends against adopting the system and fees proposed by Code Enforcement in May 2018, it recognizes that many of the driving forces behind that proposal are valid and that the issues raised by the extent and nature of rental property in Lewiston require that the City, landlords, and tenants work together toward improving the overall rental housing conditions in Lewiston.

Toward this end, the Committee agreed on five major goals:

1. Protect the health and safety of our residents by ensuring the health and safety of our rental properties;
2. Attract and support property owners who are committed to providing healthy and safe housing;
3. Educate and provide resources for the general public so they can assess the health and safety of rental properties and units;
4. Educate and provide resources for owners and renters so they can succeed; hold both accountable for the health and safety of the property;
5. Address inappropriate and illegal activity in and around multi-family properties.

Recommendations on each of these goals are outlined below.

GOAL 1: PROTECT THE HEALTH AND SAFETY OF RESIDENTS BY ENSURING THE HEALTH AND SAFETY OF OUR RENTAL PROPERTIES.

- Clarify the roles and responsibilities of Fire Prevention and Code Enforcement

The sheer number and age of rental properties in Lewiston and the number of demands placed on Code Enforcement and Fire Prevention require that the two departments have clearly defined functions and priorities. The City faces two competing priorities in its inspection programs. Proactively, there is interest in establishing a routine program that ensures the City is in all rental properties within an acceptable period of time. At the same time, staff must respond quickly to complaints. Further, significant staff time is spent on working toward compliance from a relatively small number of uncooperative owners and dealing with abandoned and hazardous structures. Given these demands, the role, mission, and responsibility of Fire and Code must be clearly defined and understood. The committee recommends the following:

- A. The Fire Department, through its engine company inspection program and Fire Prevention Office should be the primary agency responsible for proactive, scheduled inspections. These inspections should focus on three primary elements designed to protect lives: tenant notification systems (smoke and carbon monoxide detectors), building elements designed to prevent or slow the spread of fire, and the presence of adequate and useable means of egress. In addition, other clear threats to occupant safety and health should be identified.
- B. Code Enforcement should be the primary agency responsible for responding to complaints. When responding to complaints, the Code inspector should also review the structure for other potential issues. In addition, it should undertake targeted inspection efforts focused on buildings or areas that present the greatest risk due to such factors as size, density, age, and number of police calls; continue its focus on dangerous structures; and handle the more complex enforcement efforts required when a building owner is not cooperative.

Under this approach, Fire Prevention becomes the City's "first line of defense" against life and safety threats while Code Enforcement handles routine complaints and deals with more protracted and time consuming enforcement efforts.

- Provide City Staff with Improved Technology

In order for staff to become more efficient, they need to be provided with improved technology. Currently, data cannot be entered in the field but must be manually recorded and later transcribed into the City's automated systems. This increases the time that staff must spend in documenting its inspections and issuing notices of violation. Staff should be provided with the ability to enter this data while in the field.

- Adopt a Goal to Inspect all Three-Unit and Larger Properties Within a Three-to-Five Year Period

Given certain issues associated with the record keeping systems currently used by the Fire Department, the exact frequency of multi-unit building inspections is unclear. Given this, the Committee provides the following additional recommendations:

- A. The Fire Department must improve and automate its record system so that adequate information on inspection frequency and the results of inspections can be accessed. In addition, the software used by Fire and Code must be capable of integration so that each department is aware of the work of the other and to avoid duplication of effort.
- B. Communication and coordination must be improved between Fire and Code. If Code has inspected and cleared a property within the desired inspection cycle, fire should defer its inspection to ensure other structures can be addressed, while recognizing that Code and Fire will respond to complaints

from recently cleared properties. Consideration should be given to cross training fire and code personnel.

- C. The frequency with which Fire inspects a property should be tied to some form of risk analysis. For example, larger and older non-sprinkled buildings should be inspected with a greater frequency than those with fewer units.
- D. When Fire identifies a building with significant problems, it should be referred to Code for follow-up to avoid tying up significant engine inspection time on a problem building.
- E. Once adequate data is available to determine the actual inspection cycle, and should additional staff be required to meet the inspection goal, the additional staff should be provided in Fire Prevention. Such an additional position, with an initial annual estimated cost of \$65,110, would be tasked with conducting additional inspections, particularly during the winter months when engine companies are unable to do this work due to concerns over fire equipment freeze up.

Additionally, and in order to supplement the inspections performed by the City, the City should investigate the potential for accepting third party building inspection information from such sources as insurance companies and other governmental entities as meeting the periodic inspection requirement. Such information could be voluntarily provided by building owners and entered into the City's automated code enforcement system (i.e. Energov). Before accepting such information in-lieu of city inspections, Code should verify that the inspection standards meet the City's minimum requirements and that such inspections are conducted on an annual basis.

- Establish a General Assistance Housing Inspection and Tenant Education Program

When the City pays for housing for its General Assistance clients, it has an obligation to ensure that this housing is safe. General Assistance and Code Enforcement should work together to establish a program that ensures such outcomes by requiring that such city supported units be inspected. The City Administrator has proposed that such a program be started on a test basis. That program should be monitored and its results reported back to the Council to determine whether it can and should become a permanent program given existing resources. In concert with this program, incentives should be provided to tenants who receive city vouchers to attend education sessions covering responsible tenant issues as well as lead safety education.

- Continue Dangerous Building Enforcement and Demolition Program

Code Enforcement has aggressively implemented a dangerous building program in recent years that has eliminated some of the most dangerous multi-family buildings from the City's inventory. While the number of abandoned and dangerous buildings has declined as the economy improved, this program should be continued as necessary. At the same time, the City should seek out every possible way to save and renovate dangerous and abandoned buildings whenever possible.

- Implement a Lead Safe On-Line Registry

Lead is and will remain a major health issue in Lewiston. The City is now involved in its third significant lead remediation grant and, as a result, has access to information on units this program has funded to lead free or lead safe standards. Properties built after 1987 would also qualify as lead free, and the City has data on the date of building construction. Given this, the City or one of its partners such as Healthy Androscoggin are in a good position to initiate an on-line registry for lead safe/lead free properties. This registry could be open to other property owners who can provide certification that their property qualifies. The date on which the property was determined to be lead safe or lead free should also be recorded and available. This would provide a source of information to those seeking housing, particularly those with children, and for the City's general assistance clients.

GOAL 2: ATTRACT AND SUPPORT PROPERTY OWNERS WHO ARE COMMITTED TO PROVIDING HEALTHY AND SAFE HOUSING

The Committee recommends that the City Council identify a specific area within which incentives could be offered to property owners for meeting code requirements and voluntarily meeting other city requirements such as participating in a voluntary rental registration program. The target area might logically match the area currently designated within the Choice Neighborhood project. Participating building owners would be required to:

- Voluntarily register their properties with the City and provide the City with additional information on their properties such as lead status, number of bedrooms per unit, owner and emergency contact information, etc.
- Pass an inspection by either the Fire Department or Code Enforcement
- Be in compliance with other City ordinances

The committee suggested that the City provide free solid waste collection for participants as an incentive for program participation. Other potential or alternative benefits might include items such as priority in accessing city funding such as CDBG and lead grants/loans; lower interest rates on City financing when provided; and waivers of permit fees associated with renovations or routine property maintenance, but not Notices of Violation.

GOAL 3: EDUCATE AND PROVIDE RESOURCES FOR THE GENERAL PUBLIC SO THEY CAN ASSESS THE HEALTH AND SAFETY OF RENTAL PROPERTIES AND UNITS.

The Committee supports making information about the known condition of multi-family properties available to the public as a resource that can be used when considering where to rent or lease. In addition, more complete information about multi-family properties would be useful to the City for a variety of analytical and operational purposes. Toward these ends, the Committee recommends the following:

1. Upgrade the City's current Code Enforcement system (Energov) by, first, enhancing the ability to view all data about a specific property through inquiry by address and, second, implementing the Public Portal element of this software that will provide web based access to Code data by the public.

2. Assessing should begin to gather additional information about multi-family properties to include the number of units by bedroom size and other useful information.
3. Adopt a data collection system geared directly toward gathering information useful to the City and the public such as owner and emergency contact information¹.

GOAL 4: EDUCATE AND PROVIDE RESOURCES FOR OWNERS AND RENTERS SO THEY CAN SUCCEED; HOLD BOTH ACCOUNTABLE FOR THE HEALTH AND SAFETY OF THE PROPERTY

Managing rental properties in Lewiston can be a challenge given their age, condition, and the economics of the rental market. Owners/managers are faced with a wide variety of challenges, including complying with the various codes and requirements associated with operating multi-family properties. The City should look for ways to provide both owners and renters with the information they need to succeed and to ensure the health and safety of these properties. Therefore, the Committee Recommends:

1. Providing building owners with a simplified code/fire prevention checklist to allow them to self-inspect for compliance, perhaps accompanied by or as a part of a code/fire compliance booklet providing information on areas of frequent violation.
2. On a trial basis to determine level of interest, the City should offer a training class for landlords/property managers covering city code requirements and how to meet them.
3. Provide an incentive for general assistance clients to attend a tenant training class to cover their responsibilities as tenants and what they can/should do to maintain their units in a safe and healthy condition.
4. Involve Healthy Androscoggin in outreach efforts to the portion of the population at risk from the presence of lead in housing.
5. Pursue higher General Assistance rental payments to assure landlords of adequate rental income to assure the health and safety of the property.

GOAL 5: ADDRESS INAPPROPRIATE AND ILLEGAL ACTIVITY IN AND AROUND MULTI-FAMILY PROPERTIES.

Excessive inappropriate and illegal activity in a neighborhood is detrimental to the residents of the area and those who own buildings there. Such behaviors make it difficult to recruit or retain good tenants, driving down rental rates and occupancy levels. This leads to a potential downward cycle of declining building income, the inability to maintain properties, and higher vacancy rates. It is in the interest of both building owners and tenants that their properties are in a safe and quiet neighborhood. While the Police Department currently has a standard operating procedure under which the owners of certain properties are contacted and asked to work with the police to address resident problems, the current guidelines may not be sufficient to effectively address issues of safety and quiet enjoyment. As a result, the Committee recommends:

¹ The vote of the Committee on Goal 3 Recommendation 3 was 8-1, member Aceto opposing.

1. Strengthening the current Disorderly Property Standard Operating Procedure. Under the current policy, a unit within a building must hit a certain number of police calls for service for a certain category of calls prior to initiating Police contact with the property owner. As a result, a building with a large number of calls may not receive an intervention because the calls either cannot be tracked to one particular unit in the building or they are spread out between many units. To address this, a second standard should also be applied based on the total number of calls to a property potentially scaled to the number of units in that property. This may require evaluating the need for additional personnel to support this effort.
2. Consider notifying property owners of all police calls for service to a property
3. The Police Department should continue and expand when possible certain current programs including the targeted enforcement efforts periodically undertaken in the downtown including targeting drug enforcement efforts and the community resource team.
4. On a longer term basis, the City should investigate the potential of integrating police calls for service into the City's on-line GIS system.
5. Consider adopting a city ordinance that would penalize tenants who vandalize property.

GOAL 6: AGGRESSIVELY SEEK AND PURSUE FEDERAL, STATE, AND PRIVATE FUNDS TO ASSIST WITH MULTI-FAMILY HOUSING IN LEWISTON.

The Committee recognizes that significant investment is required to improve the safety and quality of portions of our multi-family housing stock and that our relatively low rents make it difficult for certain owners to undertake significant investments in their properties. Addressing lead concerns alone has been estimated to cost \$63,000,000 city wide. As a result, the City must continue to aggressively pursue alternative sources of funding to support needed reinvestments in our housing stock.

Other Information

Throughout the Committee's tenure, additional information has been provided that we believe can be useful to the City Council and the public as the City works to address housing health and safety issues and to work toward implementing the recommendations included in this report. That information is appended.

Attachments:

Council Resolve Establishing Committee
May 2016 Rental Registration Proposal
August 14, 2018 Memo from City Administrator, Background Information Requests
August 24, 2018 Memo from City Administrator, Disorderly Property Process



CITY OF LEWISTON, MAINE

June 19, 2018

COUNCIL RESOLVE

Resolve, Establishing an Ad-Hoc Advisory Committee on Rental Registration

Whereas, the City has discussed the possible implementation of a rental registration program for some time and such a program is recommended in the City's comprehensive plan; and

Whereas, recently, a subcommittee of the Lewiston Area Public Health Committee has worked with staff to develop a program that was subsequently presented to the City Council at a workshop; and

Whereas, at that workshop, a variety of individuals spoke for and against all or various elements of the program; and

Whereas, it has become clear that additional thought and evaluation was required prior to the City Council reaching a decision as to whether or not such a program should be adopted and, if adopted, what that program should consist of; and

Whereas, the Council is now interested in establishing a group made up of various interested parties to undertake such an effort;

Now, therefore, be It Resolved by the City Council of the City of Lewiston that

There is hereby established an Ad-Hoc Advisory Committee on Downtown neighborhood Action.

1. Purpose.

The purpose of this committee shall be to investigate whether the City should or should not adopt a rental registration program and to report its findings and recommendations to the City council. The Committee is hereby charged with defining and agreeing on program goals, establishing resource and staffing requirements to meet these goals, recommending whether such a program should be pursued and the nature of that program, and determining how such program should be funded and implemented.

2. Duties. The committee shall

- a. Discuss and define the goals of such a program;
- b. Outline the resources and staffing levels required to meet these goals

- c. Recommend whether such a program should be adopted by the City Council and, if so, to specify the nature of that program
 - d. If recommended, to determine how such a program should be funded and implemented
3. Composition and Appointment. The Committee shall be composed of seven regular members to be appointed by the Mayor as follows:
- a. Three individuals who own multi-family properties in Lewiston;
 - b. The Director of Planning and Code Enforcement;
 - c. An employee from the City's Code Enforcement Division;
 - d. An inspector from the City's Fire Prevention Office;
 - e. A representative of the Police Department familiar with issues related to multi-family housing;
 - f. A representative of Healthy Androscoggin;
 - g. A representative of the Lewiston Auburn Public Health Committee

In addition, up to two members of the City Council may be appointed by the Mayor as ex-officio members.

The Mayor shall designate one member of the Committee to serve as Committee Chair.

- 4. Vacancies. Should a vacancy occur on the Committee, the vacancy shall be filled by the Mayor in accordance with the requirements of section 3 above.
- 5. Term. The Committee shall submit its final report and recommendations no later than December 28, 2018, at which time it will cease to exist unless its tenure is extended by action of the City Council.
- 6. Staff Support. The City Administrator and/or his designee shall be responsible for supporting the work of the committee and handling the Committee's logistics.
- 7. Quorum. A majority of the members of the committee shall constitute a quorum.

MEMORANDUM

TO: Mayor Shane Bouchard
Members of the City Council
FR: Gildace J. Arsenault, Director of Planning and Code Enforcement
RE: Rental Registration
DT: May 7, 2018

Attached please find a copy of a proposed draft rental registration ordinance along with an excerpt from Legacy Lewiston that contains a goal for the implementation of a rental registration program for multifamily structures.

As you may be aware, the Lewiston Area Public Health Committee (LAPHC) established a subcommittee to pursue a rental registration ordinance and, to this end, Code Enforcement Officer Nick Richard and I worked with that subcommittee. A draft rental registration ordinance was developed by Nick and, on April 10, 2018, David Hediger, Nick, and I met with LAPHC to discuss rental registration. This draft ordinance will need more work as we further refine our approach to rental registration and, at some point if it is the wish of the City Council to formally consider adopting a program, it will need legal review by the City Attorney. In addition, a protocol will need to be developed for the administration of rental registration.

The first question you may ask is, what is rental registration as identified as a goal in Legacy Lewiston? The comp plan does not define rental registration; however, given my history in working on the comp plan, it is my understanding that rental registration was recommended as a mechanism to expand property maintenance and life safety inspection services associated with multifamily dwelling units and to generate revenue to help pay for it. It may also have value in providing information on an annual basis such as emergency contact information for owners and managers of registered rental housing. Registration requirements could also require data on the total numbers of dwelling units rented at the time of registration, number of vacancies at the time of registration, units not available for occupancy at the time of registration but which will be available in the near future, bedroom counts, rental rates, etc. This information could be very

helpful for the City in that we do not have good data regarding rental and vacancy rates at this time.

If the Council chooses to enact a rental registration ordinance, then it may consider registration being required for multifamily structures containing three or more dwelling units and for any rental dwelling units contained in mixed use structures. This would result in approximately 7,119 dwelling units in 1,102 individual buildings. We are not recommending registration for one and two-family dwellings.

Legacy Lewiston suggests a registration fee of \$10 to \$25; however, given the anticipated labor intensive nature of annual registration along with the cost to provide additional staff, fees in that range would be insufficient to take housing inspection services to the desired level where all registered units would be inspected every three to four years. If the Council chooses to initiate a rental registration program, it may wish to consider an annual registration fee of \$36.00 per dwelling unit per year with increased fees charged for late registrations. A \$36 per unit registration fee should result in a revenue stream of approximately \$256,284.

Currently, we have four (4) code enforcement officers (CEO's). One is a sanitarian/CEO engaged in food service and other licensing functions along with being the lead CEO addressing solid waste (primarily curb side solid waste). The other three (3) CEO's wear many hats; however, the majority of their time is spent on enforcing the provisions of the International Property Maintenance Code (IPMC), much of which involves addressing downtown housing.

I have not prepared a detailed budget at this time; however, if annual revenues are projected at \$256,284, the following is what the Council may wish to consider:

Eliminate the use of Community Development Block Grant (CDBG) funding for the cost of the one code enforcement officer position now funded by CDBG at a total cost of \$68,274 allowing those CDBG funds to be used for housing rehabilitation, lead abatement, etc. This CDBG funded position would then be funded via rental registration fees.

Create a CEO/housing manager/inspector position at a total cost of approximately \$80,000. The creation of this position should free up some of time of the Director of Planning and Code Enforcement, which will permit the director to expend more time on planning initiatives, an area that is significantly understaffed.

Create a CEO position at a total cost of approximately \$74,000.

The Department of Planning and Code Enforcement currently has a full time administrative assistant and a half-time administrative assistant. Funding could be used to employ two full time administrative assistants at an added cost of approximately \$30,500. Two full time administrative assistants could provide invaluable assistance to the CEO's resulting in greater inspection activity.

The above expenditures for added staff services would result in a balance of approximately \$3,510 that could be used for supplies, etc.

The proposed roll-out of this initiative could move forward as follows:

Initial City Council workshop on rental registration on May 15th.

If the Council wishes to pursue rental registration, staff will make any final changes that may be warranted to the draft ordinance and will request a legal review by the City Attorney.

Once the legal review has been undertaken and any legal recommendations are incorporated, staff will begin developing policies and procedures that will be essential in administering rental registration. I recommend that the Council should then conduct a second workshop, likely in September, prior to scheduling a first reading on rental registration that could occur on or about October 2nd.

Thank you.

Article XVII. Rental Registration

Sec. 22-460. Purpose.

Sec. 22-461. Applicability.

Sec. 22-462. Definitions.

Sec. 22-463. Registration required.

Sec. 22-464. Application requirements for mixed-use structure or multifamily dwelling.

Sec. 22-465. Fees.

Sec. 22-466. Administration.

Sec. 22-467. Conflict with other ordinances.

Sec. 22-468. Severability.

Sec. 22-469. Inspection of rental units.

Sec. 22-470. Penalty for violation of article.

Secs. 22-471--22-479. Reserved.

Article XVII. Rental Registration

Sec. 22-460. Purpose and intent.

The purpose of this chapter is to protect the health, safety, and general welfare of the people of the City of Lewiston, hereafter referred to as the "City", by recognizing that the provision of rental housing is a business, classifying and regulating such as a rental housing business, establishing a permanent mode of protecting and regulating the living conditions and life safety of residents of the City who rent dwellings, require the disclosure of the ownership of such property, to make owners and persons responsible for the maintenance of property more accessible and accountable with respect to the premises, and to provide a means for imposing registration fees separate from property taxes to help the City defray the cost necessary for housing inspections, enforcement of these regulations, and to ensure that the information relating to rental properties is available online. Further, the purpose of this chapter is to:

Correct and prevent conditions that adversely affect the life, safety, welfare and health of occupants of rental housing.

Preserve the value of land and buildings throughout the City.

Ensure that safe housing is provided to citizens of all income levels.

Work towards increasing property and building values to reinforce positive neighborhood identities.

Eliminate substandard and deteriorating rental housing.

Enforce standards for the maintenance of existing residential buildings to prevent blighting conditions.

It is not the intent of the City to intrude upon the contractual relationship between tenant and landlord. The City does not intend to intervene as an advocate of either party, or to act as an arbiter, or to be

receptive to the complaints from a tenant or landlord not specifically and clearly relevant to the provisions of this article. In the absence of such relevancy with regard to rental disputes, it is intended that the contracting parties exercise such legal rights as are available to them without the intervention of the City.

Sec. 22-461. Applicability.

This article shall apply to any mixed-use structure or multifamily dwelling located within the City of Lewiston.

Sec. 22-462. Definitions.

For purposes of this article, the following definitions shall apply unless the content clearly implies otherwise:

Department means the Planning and Code Enforcement Department.

Dwelling unit means a room or group of rooms, containing at least three hundred (300) square feet of living area, designed and equipped exclusively for use as living quarters for one (1) family, including provisions for living, sleeping, cooking, and eating. The term shall not include hotel or motel rooms or suites, rooming house rooms, or similar accommodations.

Mixed-use structure means a building containing one (1) or more dwelling units and nonresidential space. Said nonresidential space must be permitted in the underlying zoning district.

Multifamily dwelling means a building containing three (3) or more dwelling units, such buildings being designed for residential use and occupancy by three (3) or more families living independently of one another, with the number of families not exceeding the number of dwelling units and which is not a single-family attached dwelling.

Sec. 22-463. Registration required.

In accordance with this chapter, it shall be unlawful to permit occupancy of any mixed-use structure or multifamily dwelling within the City of Lewiston, in whole or in part without the building first being registered. The registration shall be valid for one (1) year beginning July 1 and ending the following June 30.

Sec. 22-464. Application requirements for mixed-use structure or multifamily dwelling.

This section governs the application requirements for a mixed-use structure or a multifamily dwelling. All applications for registrations under this article shall be filed with, and in a form satisfactory, to the Department. Such application shall include, but is not limited to the following:

- (1) Applications must be submitted for each mixed-use structure containing at least one (1) residence and for each multifamily dwelling.
- (2) Applications must be submitted by July 1 of every year. If applications are submitted after July 1 the fee shall be increased as outlined in the schedule of fees established by the Lewiston City Council. There shall be a grace period in the year 2018 of three (3) months to submit applications by no later than October 1, 2018 without penalty; thereafter, the fee shall be increased as outlined in the schedule of fees established by the Lewiston City Council.
- (3) Name, address, date of birth and contact information, including a phone number of the owner and/or principals and all other entities and/or persons having a legal interest in the property and the individual(s) hired by the owner to manage these operations, if any.
- (4) Back-up emergency contact information in cases where owner or manager cannot be reached.

- (5) The location of the premises for which registration is sought identified by city tax map number and street address and a copy of the property deed.
- (6) The following information regarding the structure to be registered:
 - (a) Number of dwelling units by floor and bedroom count.
 - (b) Number of units occupied at time of application submittal.
 - (c) Number of vacant units that are available for occupancy, which satisfy codes.
 - (d) Number of vacant units that will be available for occupancy during the coming year.
- (7) A nonrefundable application fee.
- (8) If property is transferred to a new owner, the new owner shall, within thirty (30) days, apply for a registration, for which the fee shall be waived.

Sec. 22-465. Fees.

- (a) Payment of fees. Registration shall not be issued until the fees prescribed by the Lewiston City Council have been paid.
- (b) Schedule of fees. A fee for each registration shall be paid as required in accordance with the schedule as established by the Lewiston City Council.

Sec. 22-466. Administration.

Rental registration applications shall be filed and reviewed by the Department to determine if the application is complete and if the property has no outstanding debts or liens levied against it, then the registration shall be granted. If the application is not deemed complete, or has outstanding debts or liens levied against it the registration shall be denied by the city clerk.

Sec. 22-467. Conflict with other ordinances.

Whenever the regulations of this Code conflict with those of another ordinance, the stricter shall apply.

Sec. 22-468. Severability.

- (a) If any provision of this Code is declared invalid by a court of competent jurisdiction, such judgment shall be confined in its operation to that provision of this Code directly involved in the controversy which gave rise to the judgment and shall not affect or impair the validity of any other provision of this Code.
- (b) Nothing in this Code shall be construed to affect any suit or proceeding now pending in any court or any rights arising prior to its enactment pursuant to provisions of law then in effect.

Sec. 22-469. Inspection of rental units.

The Department along with the Lewiston Fire Department and any other agent authorized by the Department shall conduct inspections of residential units registered under this article in an organized manner, on an as needed basis, or in conjunction with their normal course of work. If the unit(s) is found to be deficient or does not meet the requirements of the applicable codes as adopted, a Notice of Violation shall be issued in accordance with the applicable codes.

Sec. 22-470. Penalty for violation of article.

Any person or entity that shall violate a provision of this article or shall fail to comply with any of the requirements thereof shall be liable for one or more citations as set forth in Chapter 1, Section 1-8 and Chapter 50, Section 50-36 of the Code of Ordinances of the City of Lewiston. In lieu of or in addition to the issuance of citations, the department may initiate a land use complaint pursuant to Rule 80K of the Maine Rules of Civil Procedure and 30-A M.R.S. § 4452 et seq. as amended.

Secs. 22-471—22-479 Reserved.



EXECUTIVE DEPARTMENT

**Edward A. Barrett, City
Denis D'Auteuil, Deputy City**

August 14, 2018

To: Members of the Rental Registration Committee
Fr: Edward A. Barrett, City Administrator
Su: Background Information Requests

At the initial meeting of the Rental Registration Committee, members of the Committee expressed an interest in receiving certain background information. What follows attempts to provide some of that information.

GENERAL INFORMATION ON PROPERTIES IN LEWISTON

Property Mix

The split between single family and multiple unit residential buildings in Lewiston is about 76% single unit and 24% multiple unit. In terms of total residential unit count, however, 42.6% of our units are in single family homes while 57.4% are rental. As is the case in some of Maine's other service center communities, the majority of our population (50.8% per census data) lives in rental housing.

SUMMARY -- BUILDING SIZE BY UNIT COUNT

BUILDING TYPE	NUMBER	% BUILDINGS	UNITS	%
SINGLE FAMILY	6,712	76.0%	6,712	42.6%
DUPLEX	1092	12.4%	2184	13.9%
TRIPLEX	386	4.4%	1158	7.3%
FOURPLEX	174	2.0%	696	4.4%
5-9 UNITS	363	4.1%	2376	15.1%
10-14 UNITS	58	0.7%	647	4.1%
15-19 UNITS	12	0.1%	305	1.9%
20+ UNITS	30	0.3%	1683	10.7%
TOTAL	8,827	100.0%	15,761	100.0%

Property Age

One of the major issues related to rental properties in Lewiston is the overall age of our housing stock. This is particularly relevant to lead concerns since the lead paint was wide-spread in residential properties constructed prior to 1979. The following chart breaks down the age of our 3 unit or larger rental properties.

SUMMARY THREE UNIT BUILDINGS BY YEAR BUILT

CONSTRUCTION YEAR	# BUILDINGS	% of TOTAL	# UNITS	# BEDROOMS	UNITS/BLDG	BEDROOMS/UNIT
Pre-1900	352	34.3%	1979	3,443	5.62	1.74
1900-1924	400	38.9%	2352	4372	5.88	1.86
1925-1949	140	13.6%	811	1393	5.79	1.72
1950-1978	79	7.7%	802	1646	10.15	2.05
1979-1999	48	4.7%	632	1274	13.17	2.02
2000-Present	8	0.8%	152	287	19.00	1.89
TOTAL	1027	100.0%	6728	12,415		
PRE 1979	971	94.5%	88.3%			

Overall, almost 95% of our three-unit and larger multi-family structures were built prior to the elimination of lead paint. This represents 88.3% of our total rental units. (An interesting side note appears to be that since 1950, the size of our rental buildings has increased significantly. I suspect this is due to a number of factors including construction costs and federal housing policy.)

Building age can and does impact the economics of our rental market. Older properties can easily become obsolescent, either functionally or economically, due to maintenance and utility costs and factors such as ease of access to upper stories. This can lead to higher costs and vacancy rates.

Lead Concerns

The City has received three lead remediation grants that we estimate will have cleared 420 units by the end of the current grant program. Given the 5,142 pre-1979 units, 420 units represent about 8.2% of the total. If the post 1979 units are counted as lead safe, the total increases to 1,204 or about 17.9%. The actual percentage of lead safe units is likely higher than this given that we do not have data on the number of units that have been privately renovated where lead has been addressed. Nevertheless, there are clearly a large number of units that have not been addressed. We should also acknowledge that "lead safe" is not "lead free" and that if units are not appropriately maintained over time, new lead hazards can emerge.

Based on our most recently completed grant, the average cost to address lead concerns was \$12,405 per unit, not including instances where temporary relocation is required or other related work (e.g., roof repairs) was needed. Assuming 75% of our current rental units require remediation at an average cost of \$12,500 per unit, the total cost to achieve city-wide lead safe status would be over \$63,000,000. It is clear that lead will remain an issue in Lewiston for many years to come and that education and screening programs will be needed to minimize negative impacts.

INSPECTION PROGRAM

The primary rental inspection program operated by the City is through the Fire Department and is conducted by our engine companies. The focus of the program is on the life safety code, not the building or property maintenance code, although there are overlapping areas among these codes.

The inspection program is aimed at all properties with three units or greater. A summary showing the number and type of inspections is attached as is a copy of the Department's inspection form.

In the most recent two full years. The department has averaged inspecting 190 buildings per year. Given the 1,023 buildings that require inspection, at this rate each building would be inspected once every 5.4 years. If inspections were limited to buildings with 4 or more units, the inspection cycle could be reduced to roughly 3.4 years.

Some questions that the Committee might wish to consider include the appropriate inspection cycle time, what size units should be inspected, and whether inspections should be guided by some form of risk analysis such as age, number of units, installed fire safety systems, setbacks from other surrounding properties, etc.

GENERAL ASSISTANCE VOUCHERS

Number of Vouchers

The City's general assistance program primarily provides rental housing to its clients. In recent years, the average number of rental vouchers per month has ranged from 238 in City fiscal year 2018 to 351 in 2017, a number more typical of recent history¹. Assuming the City is "renting" 351 apartments in a given month, this represents about 5.1% of the available units in buildings with 3 or more units. If duplexes are included, the percentage falls to 3.9%. At the more recent level of 238 per month, the city percentages fall to 3.5% and 2.6% respectively.

Value of Vouchers

As a starting point, please keep in mind that the General Assistance Program is effectively state mandated and regulated and administered locally. The value of a voucher is, therefore, established in accordance with the regulations issued by the State Department of Health and Human Services. Under state regulations, the housing maximums are calculated based on bedroom size while overall maximum levels for all assistance (housing, utilities, food, personal supplies, etc.) are calculated based on household size. A household of 3, for example, is eligible for an overall level of monthly assistance of \$915 while a heated 3 bedroom unit has a maximum allowable rent of \$1079. When the allowable rent exceeds the monthly maximum, the monthly maximum of \$915 governs. Because the city is also required to pay for electricity for the unit, that amount is also deducted reducing the rental amount to \$840. We are also required to allow \$4 per month for food, leaving the family of 3 with \$836 for rent. The heated two bedroom maximum is \$838. For purposes of comparability, the HUD fair market rate for a two bedroom is \$847 and the standard Section 8 payment is \$889. In this instance, therefore, the GA voucher is \$49 below the Section 8 payment.

The variance between the amount of a GA voucher and Section 8 will vary based on household and unit size. If, for example, the household size above was 4 (2 adults and 2 children) renting a 2 bedroom unit, the overall maximum would increase to \$1169 with an \$847 rental payment.

¹ The recent year has seen a fairly dramatic reduction in the number of refugee/immigrant placements in Lewiston due to changes in federal policy. While asylum seekers continue to arrive, it is not clear what the future trends for this group will be. These factors have likely resulted in the decline in units rented last year.

Attached is a chart that shows the GA voucher rates based on number of persons and bedrooms.

Also attached is data covering the last two fiscal years that shows the landlords who have received rental vouchers and the number of monthly vouchers they have received.

Demolitions

One other City initiative in recent years has been addressing hazardous structures through our demolition program. This most recent effort began in 2010 and, since then, has resulted in 78 city demolitions eliminating 228 housing units at a total cost of just over \$2.5 million. During this same period, only 71 new units have been added to our inventory, resulting in a net loss as a result of the City's program of 157 units. This does not include private demolitions, which have addressed about another 200 buildings in the same period. We unfortunately do not have an actual unit count on private demolitions. Assuming the same average unit count per building as those done by the City (2.9), this could represent as many as an additional 584 dwelling units.

These efforts have clearly impacted both the quantity of units and the overall condition of rental housing in the community.



CITY OF LEWISTON

Edward A. Barrett
City Administrator

August 24, 2018

To: Rental Registration Committee
Fr: Ed Barrett
Su: Disorderly Property Process

In 2014, the City Council considered adopting a disorderly property ordinance that was similar to ones adopted in a number of other communities. The intent of the proposal was to address recurring disorderly conduct in a dwelling that disturbs the peace and tranquility of others and detracts from the quality of life of the area.

After discussion and in light of opposition from building owners, the Council instead supported the Police Department adopting a Standard Operating Procedure (attached) addressed at the same issues but excluding penalties that building owners would be subject to for failure to take effective measures to address the problems. A copy of the most recent version of the proposed ordinance is also attached.

Officer Weaver will be available at the meeting to discuss the policy and how it is working.

A TALE OF ONE PROPERTY

Earlier this year, a local landlord who has made a significant investment in an adjacent property contacted the City Council to complain about the negative impacts his tenants and property were experiencing due to behavioral and building issues at an adjacent property and the frequency with which police were responding both to that property and to the immediate area for incidents involving residents of that property. Note that the attached documentation redacts the address and ownership of this property since it is not my intent to point at any individual property or owner but rather to use this property as one example.

Over a roughly two year period, police responded to this property 85 times. Not all of these calls were crime related, although about half of them involved some form of criminal activity or disturbance. In spite of the frequency of police calls, the property apparently did not reach the threshold for a disorderly property during this period. See the attached memo from Officer Weaver outlining why the property did not meet this threshold.

The property had met the threshold once in early 2016. Please also see the attached information from Officer Weaver regarding that event and its outcome.

Due to the complaint received, Code Enforcement also visited the property and found numerous violations. Note that based on the complaint, the Code Officer contacted the Police Department to determine whether it was safe to inspect the property without a police presence. The Notice of Violation is attached along with a series of subsequent emails between the property owner

and Code. While the property owner has been cooperative, I find it worth noting that the owner, upon going through the property, expresses concern over the extent of the tenant caused damage that the owner was not aware of prior to being contacted by the City.

ISSUES FOR COMMITTEE CONSIDERATION

While the situation described above may not be totally representative of the problems we face, it is certainly not the only property of its nature in our community. The behavior associated with such properties contributes to the negative perception of areas within our downtown residential neighborhood, impacts the desirability of renting there, and affects property values and rental rates. It raises the following questions/issues that the Committee may wish to consider.

Is the current disorderly property policy adequate to identify properties that should be addressed? Should the policy be adopted as an ordinance including fines and penalties for failure to address problems? Why, in this instance, did a responsive owner not know about what was happening at and around the property and are there ways to address such situations through landlord education/information programs? And, finally, how much responsibility should the City be required to take on in addressing such situations as opposed to the landlord?

I is seriously worth considering the amount of time and effort the Police Department and Code Enforcement have devoted to this one property. This is far out of proportion to the level of effort required for most properties in the city; however, it is not unique or unusual given what we see daily.