

LEWISTON CITY COUNCIL WORKSHOP AGENDA

CITY COUNCIL CHAMBERS, CITY HALL

TUESDAY, OCTOBER 11, 2016

6:00 p.m. Workshop

Pledge of Allegiance to the Flag.

Moment of Silence.

1. Final Review of Proposed Changes to Draft Comprehensive Plan.
2. Potential Moratorium of Retail Marijuana Establishments and Marijuana Social Clubs.

LEWISTON CITY COUNCIL
WORKSHOP AGENDA
TUESDAY, October 11, 2016
6:00 PM

1. Final Review – Proposed Changes to Draft Comprehensive Plan.

At a recent workshop, the City Council completed its review of the proposed new comprehensive plan as recommended by the Planning Board. A final set of revisions have been prepared for Council review. Please see attached material.

2. Potential Moratorium – Retail Marijuana Establishments and Marijuana Social Clubs

As you are aware, Question 1 in November would legalize the sale and possession of marijuana in Maine within certain legal and regulatory frameworks. If approved, this legislation would go into effect in mid-December. Portions of the legislation authorize municipalities to license and regulate marijuana retail establishments and social clubs. The legislation also requires significant rule making and licensing procedures be developed at the state level, and provides a 9 month period for this to occur once the law goes into effect. While it is unlikely that those interested in starting a retail establishment or social club would be able to take actions to secure their local right to do so prior to the state completing its licensing and regulatory tasks, in conversations with the Maine Municipal Association's Legal staff, they could not guarantee that to be the case. Several municipalities in Maine have or are considering establishing moratoriums on such operations to allow time to review and establish appropriate zoning and licensing requirements. Such a moratorium would be limited to an initial six month period with the possibility of an additional six month extension. In order to avoid issues and take a proactive stance, we would recommend that the Council consider imposing such a moratorium conditioned on Question 1's approval on November 8. Attached please find the excerpts from the referendum relating to local regulation and the state law authorizing moratoria.



CITY OF LEWISTON

Department of Planning & Code Enforcement

**TO: City Council Members
Mayor Robert E. Macdonald**
FROM: David Hediger, City Planner
DATE: October 3, 2016
**RE: City Council Workshop to review draft Comprehensive Plan – Legacy
Lewiston**

On September 13, 2016 the City Council held a workshop to review the final sections of the draft comprehensive plan. The Council provided input on a number of items that evening and requested staff return with revisions for their consideration.

Please note the following with reference to the draft plan:

- Pages 8 and 9: Revisions as previously discussed will be incorporated. Of particular interest is the deletion of “A Brief History of Lewiston” on page 8 and “The Four Faces of Lewiston” on page 9. These sections will be replaced with “A History of Lewiston” provided by Douglas I. Hodgkin with minor revisions recommended by the Council: see attached.
- Page 174: In addition to the existing “Implement Vacancy Licensing” language, another section will be added: “Implement a Rental Registration Program for Multifamily Structures” as follows:
 - Rental registration is an efficient and evidence-backed tool for identifying and remedying dangerous code violations in rental properties. Rental registration programs require multifamily rental properties to register with the city by submitting a simple form identifying basic information about the property, such as how to reach the landlord in the event of an emergency. Usually a small annual fee (\$10 to \$25 per unit is typical) is required as part of the registration. The city then inspects each property—typically once every three to five years—according to an inspection checklist, checking for major code violations and life threatening conditions. A large and growing number of cities around the U.S. are adopting rental registration ordinances, recognizing the critical role these ordinances play in identifying, deterring, and remedying code violations. Cities with rental registration programs include other Maine municipalities such as Portland, and many U.S. cities such as Seattle, Sacramento, Philadelphia, Boston, Raleigh, Los Angeles, and Minneapolis.
 - Policy/Strategy (wrench): Create a rental registration program and fee structure for multifamily dwellings
 - Who’s responsible: Planning & Code Enforcement

The following addresses the comments provided at May 3, 2016 public hearing and discussed by the Council September 13th:

1. Reference should be made to a rental registration program for multifamily structures.

- See above for revisions made to page 174.
- 2. Language should be added about making financial institutions more accountable for the structures they own.
 - Page 174: Hold Landlords Accountable: this section is now titled Hold Property Owners Accountable with the following language revised:
 - While many property owners are responsible stewards of their properties, others are not. This includes property owners that walk away from their properties and leave financial institutions taking limited to no responsibility for their properties. Lewiston should consider setting up a neighborhood-based, publicly accessible database, rating system or interactive map that reports vacancy and building condition. This would both recognize responsible owners and hold irresponsible owners accountable to the community. The lack of responsibility by property owners, whether they are absentee landlords, local investors, or financial institutions, often leads to properties sitting vacant, unsecured, and uncared for unless the City voluntarily assumes some responsibility for their care at no small cost...(section continues).
- 3. Concern with a Planning Board comment regarding whether or not the city should continue to support subsidized units.
 - Pages 172 and 173: per the Council’s recommendation, under the sections Improve the Quality of Affordable Housing and Promote Construction of Mixed Income Housing, developments will be “encouraged” rather than “required” to provide a mix of housing types: see attached.
- 4. The need to revisit the “Housing Conundrum” section with less emphasis on demolitions.
 - Page 56: Revisions have been made to the last paragraph, left column, last sentence:
 - Depending upon the complaint, families have a limited number or resources for assistance including code enforcement, the housing authority, and general assistance. However, tenant advocacy groups may provide assistance for those not able to speak English, unfamiliar with the reporting process, or concerned with authoritative actions by agencies or landlords.
 - Page 57: Housing Conundrum: last paragraph, right column, has been revised:
 - To change the trajectory of these neighborhoods, which were not designed or considered for over 100 years of use. Efforts should be made to preserve these structures, including those of structural, architectural, and historic merit. Focus should also include working with property owners to provide guidance and assistance with maintenance and rehabilitation to provide safe and healthful housing. In cases where the only option is demolition, the replacement structure should enhance the character of the neighborhood through its design and craftsmanship.
- 5. General support of the plan’s vision to revisit neighborhood density and off-street parking regulations.
 - No changes provided.
- 6. The need for additional language referencing water testing and lead pipes.
 - Page 180: under Address Lead Poisoning, the following has been added:
 - The potential exposure to lead-contaminated drinking water also poses

serious health problems, particularly for children. In most cases, lead contamination does not come from the City's water source, but rather occurs due to leaching of lead from the service line and inside plumbing that is frequently found in older structures. Lead may be found in some interior water pipes or the privately owned water lines connecting a house to the City owned distribution main in the street. Lead found in tap water usually results from the corrosion of older fixtures or from the solder that connects pipes. When water sits in lead pipes for several hours, lead may leach into the domestic water supply. The City and health agencies should help educate the public about lead in drinking water and actions consumers can take to reduce their exposure to lead.

- Policy/Strategy (wrench): Educate the public about lead in drinking water and actions consumers can take to reduce their exposure to lead.
 - Who's responsible: Public Works (added to existing responsible parties Healthy Androscoggin, Community Development).
- Page 217: under Provide High-Quality, Cost Efficient Water Service, the following has been added:
- Providing high-quality water service also means providing safe drinking water. Water contamination can come from many sources, including: sewage releases, naturally occurring chemicals and minerals (i.e. arsenic, radon, and uranium), local land use practices (i.e. fertilizers, pesticides, livestock, industrial uses), and from corrosion of the plumbing materials (a common source of lead contamination). EPA requires all community water systems to prepare and deliver an annual water quality report called a Consumer Confidence Report (CCR). The City should continue to monitor water quality, explore increasing and expanding current testing, and ensuring that best management practices are implemented to ensure the highest possible water quality.
 - Policy/Strategy (wrench): continue to monitor water quality, exploring the ability to increase and expand upon current testing and ensuring that best management practices are implemented to ensure the highest possible water quality.
 - Who's responsible: Public Works (added to existing responsible parties Healthy Androscoggin, Community Development).
7. Overall support and praise of the plan.
8. The need to revisit section of the plan where it seems stereotypes are being used and "blame" is being placed on specific groups.
- The City Council, Planning Board, and staff have discussed and revised many sections of the draft plan where attention to specific groups was deemed in appropriate.

Upon the above referenced changes being found acceptable by the Council, staff will begin working on incorporating all changes presented over the last several months into a final version for review and adoption.

A History of Lewiston **By Douglas I. Hodgkin**

In 1768, the Pejepscot Proprietors, a Boston-based land company, granted to Jonathan Bagley and Moses Little of Newbury, Massachusetts land on the east side of the Androscoggin River at Twenty-Mile Falls. They were to settle fifty families there and to build a road to connect with the road from Topsham. The place was named "Lewistown," apparently in honor of the late Job Lewis, a Boston merchant and former Proprietor.

The first white settlers in Lewiston were Paul Hildreth and his family in 1770. Hildreth operated the first ferry about half a mile below the falls. Several families followed. By the first census in 1790, Lewiston's population was 532 persons. The residents sought incorporation as a town and received their charter February 18, 1795. Because most were farmers, the population was widely dispersed.

Water power was harnessed relatively early, as a dam was built of timber by 1808-1809. In 1809 Michael Little built a large wooden building with saw, grist, and fulling mills next to the falls. This was burned in 1814 by an arsonist, but new mills soon took its place. The town grew slowly, reaching 1,549 inhabitants by 1830.

In 1836, local entrepreneurs, led by Edward Little, organized a company to build dams, canals, and mills, but they lacked the capital to achieve their goals. The company became known as the Lewiston Water Power Company in 1845 and was taken over by the Franklin Company in 1857. Boston investors, including Benjamin E. Bates, financed the construction of the canal system and several textile mills. Many Irish immigrants were employed in the construction, under the supervision of Capt. Albert H. Kelsey. These mills prospered during the Civil War, as the owners correctly foresaw that the war would be long; they had stockpiled sufficient cotton to maintain production.

As many people moved into town from the surrounding countryside, Lewiston changed rapidly from a small rural town to an urban and industrial center. The population doubled and redoubled from census to census. ~~The Civil War stimulated Republican Party dominance and further population growth due to federal government wartime contracts.~~ Growing from a population of 1,801 in 1840 to 19,083 in 1880, a tenfold increase, Lewiston would qualify as a boomtown.

The growing city attracted the establishment of Maine State Seminary in 1855, which later became Bates College, chartered in 1864. Lewiston incorporated as a city in 1863 with Jacob Barker Ham as the first mayor. It struggled to keep up with services such as streets, sewage disposal, schools, poor relief, and police and fire protection. The city authorized a water works in 1873, a franchise for a horse railroad in 1881, a municipal electric lighting plant, and the extension of the city water system to Lake Auburn in 1899.

Central Block on the corner of Lisbon and Main Streets became the anchor for development of the downtown area, and it also housed city offices. Lisbon Street became the main commercial center. A new impressive city building was constructed in 1873

across from a park donated by the Franklin Company; after an 1890 fire, the current city hall replaced it.

Lewiston and Auburn constructed a railroad spur from Lewiston to the Montreal-Portland railroad line. The Grand Trunk Railway thereby gave competition to the Maine Central Railroad, and freight rates dropped. "The Depot" on Lincoln Street became the arrival point in the 1870's and after for the migration of thousands of French Canadians from Quebec to Lewiston to work in the mills.

The arrival of Irish and French transformed the community's culture and politics during the latter nineteenth century. This raised labor-management and liquor-prohibition issues and increased the competition between the parties. Daniel McGillicuddy became the first Irish mayor in 1887; thirty years later in 1917, Charles P. Lemaire was the first mayor of French Canadian heritage. ~~Through most of the twentieth century, the city overwhelmingly supported the Democratic Party.~~

After almost eighty years of amendments, the city charter had become unwieldy. Finally, corrupt practices provided the impetus to adopt a new charter in 1939, consisting of a mayor, council, a powerful Board of Finance, and several other commissions. The city moved to a more professional system with the adoption in 1979 of a new charter that established a city administrator and abolished most boards and commissions.

The development of Lewiston's suburbs responded to the American desire for the independence of home ownership. Population and businesses began to gravitate to more suburban locations, including in industrial parks and shopping centers. At the same time, competition from the South and abroad led to the closure of most of the textile mills beginning in the late 1950s. The population within Lewiston stabilized at around 40,000 in each census from 1940 to 1990, but dipped by 4,000 people in 2000.

~~However~~ Currently, it appears that the city is undergoing a renaissance. Many of the textile mill structures are being repurposed to house businesses of various kinds, as well as apartments. The redevelopment of the Bates Mill Complex by Platz Associates is the most prominent example. Somalis and Bantus began migrating to Lewiston for its low crime rate, cheap affordable housing, and good schools. They have generated new business activity on Lisbon Street by occupying formerly empty storefronts. A variety of new enterprises have transformed lower Lisbon Street. ~~The city is even becoming more competitive politically.~~ The National Civic League awarded Lewiston the designation as one of ten All-American Cities in 2007.

Strengthen Neighborhoods & Expand Housing Choice

Lewiston faces a complex and challenging housing conundrum. If the City is going to capitalize on its urban advantage and renewed interest in walkable neighborhoods, it must respond to shifting demographics that prefer a greater array of housing choices and more urban living options. The City has an opportunity to craft a progressive new housing policy that redirects resources to the downtown and limits the extension of municipal services for suburban, single-family home construction. While housing is provided primarily by the private sector, strong public policies are needed to ensure a healthy balance of mixed-income housing that is located in the right place. Part of this renewed housing strategy may involve the city taking a stronger position on working with landlords and assuming short-term ownership of buildings and lots within the downtown in order to facilitate a coordinated approach to the rehabilitation of the downtown.

Policy

Focus Housing within Growth Areas

The Riverfront Island Master Plan estimates that Lewiston will require up to 600 new housing units by 2020. Based on available land area within the downtown, along commercial corridors, and within other identified growth areas, all of this future demand can be accommodated within existing service areas. To better meet current and emerging needs, future development needs to focus on providing new, high-quality, multi-family residences as opposed to the current trend of building single-family homes in areas not currently served by water and sewer. Making the decision to shift housing and development policy in this way will have far reaching implications for both the city's pocket book and the future of the downtown, a critical piece of Lewiston's overall success as one of Maine's major urban areas.

 Draft a new housing policy statement and seek approval from City Council

 Economic & Community Development

Invest in Downtown Neighborhoods

Though it may be difficult for some to imagine Lewiston's downtown neighborhoods evolving into hip, mixed-income, and desirable places to live, it is possible and likely. Local leaders can facilitate this transformation and enable it to happen more quickly by taking proactive steps. Rehabilitation followed by consistent and careful maintenance needs to become a priority if the City is to once again fill its in-town, walkable neighborhoods, which are the most attractive location for the emerging creative class and baby boomer populations. Other cities in the region have seen a turnaround and transformation in their dense urban neighborhoods, including Portland and Somerville, Massachusetts, where triple-decker, stacked flat condos are priced between \$170,000 and \$1.4 million. Investment from both the public and private sector is critical to reversing the decline of Lewiston's in-town housing stock and redefining the City's reputation.

Improve the Quality of Affordable Housing

To successfully integrate low-income and subsidized housing into a community, three factors should be taken into consideration. First, the appearance of affordable housing should be analogous to middle-class housing to prevent

- Author: dhediger Subject: Cross-Out Date: 9/10/2015 10:48:21 AM
- Author: DAH Subject: Inserted Text Date: 2/10/2016 8:59:22 PM -05'00' places greater emphasis directing
- Author: dhediger Subject: Cross-Out Date: 4/25/2016 3:59:12 PM
- Author: dhediger Subject: Cross-Out Date: 4/25/2016 3:59:19 PM
- Author: dhediger Subject: Cross-Out Date: 4/25/2016 4:00:45 PM
- Author: DAH Subject: Comment on Text Date: 2/10/2016 9:00:05 PM -05'00' Some Board members question whether this number remains realistic given economic conditions.
- Author: dhediger Subject: Inserted Text Date: 4/25/2016 4:00:19 PM not only possible, but likely.
- Author: dhediger Subject: Inserted Text Date: 4/25/2016 4:00:30 PM
- Author: dhediger Subject: Inserted Text Date: 4/25/2016 4:00:33 PM
- Author: DAH Subject: Comment on Text Date: 2/10/2016 9:07:52 PM -05'00' Some Planning Board members feel this language is inconsistent with other areas of the plan where competing strategies/policies are recommended. Some noted is seems we looking for in fill, or conservation of rural areas, or new subdivisions, or new commercial/village centers?
- Author: dhediger Subject: Inserted Text Date: 4/25/2016 4:01:31 PM
- Author: DAH Subject: Cross-Out Date: 2/10/2016 9:01:36 PM -05'00'
- Author: DAH Subject: Inserted Text Date: 6/7/2016 3:04:46 PM single-family
- Author: DAH Subject: Inserted Text Date: 2/10/2016 9:01:27 PM -05'00' , Maine
- Author: DAH Subject: Inserted Text Date: 2/10/2016 9:05:08 PM -05'00' where the average two-bedroom rent is \$1,560.
- Author: DAH Subject: Comment on Text Date: 2/10/2016 9:07:42 PM -05'00' Some Board members have expressed concerns with additional public funds and investment in subsidized housing and if and how additional subsidized units will improve the overall desirability of Lewiston. Will additional subsidized units improve Lewiston?

stigmatization. Second, affordable housing should not be segregated in particular areas of the city to avoid inadvertently creating pockets of poverty and neighborhoods without access to jobs, schools, and open spaces. Neighborhoods should have a mix of affordable and market rate housing. Third, subsidized housing that is only accessible by car is a major economic burden on those residing there. Currently, a large amount of Lewiston's supply of affordable housing is breaking the first two rules. Large swaths of the downtown are primarily low-rent units, some in a state of disrepair. Other large housing developments, like Strawberry Avenue, contain hundreds of units of exclusively subsidized housing in buildings that have the appearance of a low-income housing project. Lewiston should continue to provide and enhance incentive programs for new infill mixed income housing downtown, requiring a mix of quality subsidized, affordable, and market rate units. In addition to traditional TIFs, loans and grants, the city can provide land to developers, give density bonuses or enter into public private partnerships. Architectural standards can be adopted and applied to new housing development to ensure a certain level of quality while not significantly impacting construction costs. The City should work with Maine Housing on these standards.

- Adopt a form-based code that includes a simple set of architectural standards to allow for a wide variety of building types and housing options.
- Continue to provide and enhance incentive programs for new infill mixed-income housing downtown, requiring a mix of quality subsidized, affordable, and market rate units.

Planning & Code Enforcement
Community & Economic Development

Promote Construction of Mixed Income Affordable Housing

In order to promote the construction or rehabilitation of high quality affordable housing units, the City should consider updating its housing policy to require affordable units. Whenever

a new multi-unit housing development over a certain size is to be built, the City could require the developer to include a reasonable percentage of the units at or below market rate. The affordable units should be indistinguishable from the regular units, both structurally and aesthetically, inside and out.

- Create an affordable housing policy that requires new developments over a certain size to offer units at or below market rate.

Planning & Code Enforcement

Enforcement

Ramp Up Code Enforcement & Take a Firmer Stance on Fines

~~delete and replace:~~ If Lewiston is going to become a leader in the region, the City must continue to be an advocate and active partner in maintaining and restoring the quality of mixed-income downtown housing. Additional staff may be needed to keep up with the workload to accomplish this. A more aggressive approach to code enforcement involving code enforcement officers and the Lewiston Fire Department may assist minimizing the deterioration, condemnation, reduce lead poisoning, and eventual loss of residential building stock. Staff has been proactive with respect to abandoned buildings and responding to individual complaints relative to occupied buildings; however, city resources are limited to undertake systematic routine housing inspections.

Should the City find a structure to be substandard or not up to code, code enforcement should continue and expand upon the enforcement mechanisms available. The City has the ability to issue fines for most violations with relatively short compliance timeframe of one to three months. If compliance is not forthcoming the property needs to be turned over to the City attorney to initiate legal action. The challenge remains that if staffing levels allowed, code enforcement officers or firefighters could be in each building on a monthly basis and with few exceptions as violations are identified and corrected, new violations will be identified and improvements generally would likely be minimal

Author: dhediger	Subject: Cross-Out	Date: 6/29/2015 1:50:35 PM
Author: DAH	Subject: Inserted Text	Date: 6/7/2016 3:57:38 PM
Author: DAH	Subject: Inserted Text	Date: 6/7/2016 3:57:32 PM
Author: DAH	Subject: Inserted Text	Date: 6/7/2016 3:57:03 PM
Author: dhediger	Subject: Cross-Out	Date: 4/25/2016 4:05:55 PM
Author: DAH	Subject: Cross-Out	Date: 6/26/2015 4:10:23 PM
Author: DAH	Subject: Inserted Text	Date: 10/3/2016 9:10:49 AM
Author: DAH	Subject: Cross-Out	Date: 6/26/2015 4:11:50 PM
Author: DAH	Subject: Inserted Text	Date: 6/7/2016 3:57:44 PM
Author: DAH	Subject: Inserted Text	Date: 10/3/2016 9:07:35 AM
Author: dhediger	Subject: Inserted Text	Date: 4/25/2016 4:03:21 PM
Author: DAH	Subject: Comment on Text	Date: 2/10/2016 9:10:03 PM -05'00'
Author: dhediger	Subject: Cross-Out	Date: 6/29/2015 1:35:19 PM
Author: dhediger	Subject: Inserted Text	Date: 4/25/2016 4:03:51 PM
Author: dhediger	Subject: Inserted Text	Date: 4/25/2016 4:05:51 PM
Author: dhediger	Subject: Sticky Note	Date: 4/25/2016 4:09:25 PM
Author: DAH	Subject: Inserted Text	Date: 10/3/2016 9:08:40 AM
Author: dhediger	Subject: Inserted Text	Date: 4/25/2016 4:04:43 PM
Author: DAH	Subject: Cross-Out	Date: 6/26/2015 4:09:07 PM
Author: dhediger	Subject: Inserted Text	Date: 4/25/2016 4:04:54 PM
Author: DAH	Subject: Inserted Text	Date: 6/26/2015 4:09:38 PM
Author: DAH	Subject: Cross-Out	Date: 10/3/2016 8:56:53 AM

and not lasting. The most distressed buildings are generally occupied by tenants that may not have the resources to afford better quality rents. Rental rates are so low that the income stream is such that substantial improvements are difficult if not, impossible to achieve resulting in actions that may not add any real value to the buildings. In addition, costs such as heating, water and sewer, solid waste, pest control, rent collection, etc. complicate the matter. The City recognizes the financial hardship on many landlords as the margins are very tight in the downtown. The City's current policy related to fines is not to be punitive, but to have properties brought into compliance. Staff often decides whether or not to waive the fine, depending on circumstances. A firm but balanced approach is needed by the City, landlords, and tenants to reduce costs so that that the landlords can focus resources in their buildings versus paying penalties or abandoning their buildings. However, the City must continue to take action if a landlord is not in compliance. If fines are not paid and violations continue, the City must continue and expand upon the legal options available. Liens should also be placed on offending properties. Lis pendens may also be filed; however, Maine Law does not allow a lis pendens to have the status of a tax lien. Fines should be used to fund the increased staff time needed for code enforcement, managing the transfer of properties to new committed owners, and providing support for local affordable housing initiatives overseen by the City.

 Make enforcement of existing regulations a priority. Strictly enforce fines and penalties for landlords and building owners.

 Planning & Code Enforcement
Lewiston Fire Department

 Hire additional code enforcement and planning staff.

 City Council

Implement Vacancy Licensing

Vacancy licensing is a strategy to consider for reducing the problems of vandalism which lessen the opportunity for renovations and reoccupancy of buildings. If a property is vacant or contains a building that is not up to code, a property owner can be required to hold a license to keep the property legally vacant. In Cincinnati, where this strategy has been successfully employed, the license must be renewed every six months. If a property owner does not hold a license for two consecutive months they risk forfeiting their property at 80% the value of the property. Vacancy licenses can only be renewed four times, or for two years, after which time the property must be returned to service, sold, or demolished. While this may prove challenging for abandoned properties, the City should consider a similar strategy to help move properties from vacancy to value.

 Create a vacant property licensing process and fee structure.

 Planning & Code Enforcement

Hold Landowners Accountable

While many landlords are responsible stewards of their properties, others are not. Lewiston should consider setting up a neighborhood-based, publicly accessible database, rating system or interactive map that reports vacancy and building condition. This would both recognize responsible owners and hold irresponsible owners accountable to the community. Lewiston and Auburn jointly purchased software in part for this to occur; however, it became apparent the product was inadequate to readily achieve these objectives. The City should continue to explore use of an interactive tool to help pressure landlords and absentee homeowners to take better care of their properties. This idea could also be turned into a user input system for code complaints, to complement the current "report a concern" function on the City's website, streamlining the system, and placing data entry costs and responsibilities on users, not Code Enforcement. The City of Charlotte has created a code enforcement app that allows residents to report code violations real time from their phones.

Author: dhediger Subject: Highlight Date: 10/4/2016 1:14:46 PM
 Another section will be added: "Implement a Rental Registration Program for Multifamily Structures" as follows:
 Rental registration is an efficient and evidence-backed tool for identifying and remedying dangerous code violations in rental properties. Rental registration programs require multifamily rental properties to register with the city by submitting a simple form identifying basic information about the property, such as how to reach the landlord in the event of an emergency. Usually a small annual fee (\$10 to \$25 per unit is typical) is required as part of the registration. The city then inspects each property—typically once every three to five years—according to an inspection checklist, checking for major code violations and life threatening conditions. A large and growing number of cities around the U.S. are adopting rental registration ordinances, recognizing the critical role these ordinances play in identifying, deterring, and remedying code violations. Cities with rental registration programs include other Maine municipalities such as Portland, and many U.S. cities such as Seattle, Sacramento, Philadelphia, Boston, Raleigh, Los Angeles, and Minneapolis.
 § Policy/Strategy (wrench): Create a rental registration program and fee structure for multifamily dwellings
 § Who's responsible: Planning & Code Enforcement

- Author: dhediger Subject: Inserted Text Date: 4/25/2016 4:09:51 PM
- Author: dhediger Subject: Inserted Text Date: 4/25/2016 4:09:56 PM
- Author: dhediger Subject: Inserted Text Date: 4/25/2016 4:10:02 PM
- Author: dhediger Subject: Inserted Text Date: 4/25/2016 4:07:34 PM
italic "Lis pendens"
- Author: dhediger Subject: Inserted Text Date: 4/25/2016 4:07:02 PM
law
- Author: dhediger Subject: Inserted Text Date: 4/25/2016 4:11:26 PM
Property Owners
- Author: DAH Subject: Inserted Text Date: 10/3/2016 12:07:00 PM
property owners
- Author: DAH Subject: Inserted Text Date: 10/3/2016 12:08:01 PM
This includes property owners that walk away from their properties and leave financial institutions taking limited to no responsibility for their properties.
- Author: DAH Subject: Inserted Text Date: 10/3/2016 12:08:57 PM
The lack of responsibility by property owners, whether they are absentee landlords, local investors, or financial institutions, often leads to properties sitting vacant, unsecured, and uncared for unless the City voluntarily assumes some responsibility for their care at no small cost.
- Author: dhediger Subject: Cross-Out Date: 6/6/2016 12:11:26 PM
- Author: dhediger Subject: Inserted Text Date: 4/25/2016 4:12:17 PM
, NC

Author: dhediger	Subject: Inserted Text	Date: 9/9/2015 7:13:44 AM
Author: DAH	Subject: Inserted Text	Date: 2/10/2016 9:10:55 PM -05'00'
Author: dhediger	Subject: Inserted Text	Date: 4/25/2016 4:14:36 PM
Author: dhediger	Subject: Inserted Text	Date: 4/25/2016 4:14:46 PM
Author: DAH	Subject: Inserted Text	Date: 2/10/2016 9:11:27 PM -05'00'
Author: DAH	Subject: Comment on Text	Date: 2/10/2016 10:35:42 PM -05'00'
Author: dhediger	Subject: Inserted Text	Date: 4/25/2016 4:14:52 PM
Author: DAH	Subject: Cross-Out	Date: 2/10/2016 9:15:14 PM -05'00'
Author: dhediger	Subject: Inserted Text	Date: 4/25/2016 4:12:51 PM
Author: dhediger	Subject: Inserted Text	Date: 4/25/2016 4:13:07 PM
Author: dhediger	Subject: Inserted Text	Date: 4/25/2016 4:13:13 PM
Author: dhediger	Subject: Inserted Text	Date: 9/9/2015 7:15:39 AM
Author: dhediger	Subject: Inserted Text	Date: 9/9/2015 7:15:15 AM

Programs

Set up a Land Bank

Historically, abandoned properties have presented a significant challenge for the City. After going through foreclosure, the liens on a property may exceed the market value, there may be title defects, and others may have claims to the property as well. This results in a title that is not insurable, transferable, or of use to anyone. A property in this condition may become a drain on local taxpayers and lead to the loss of property value for nearby properties.

A land reutilization corporation, or "Land Bank," helps communities deal with this problem. A Land Bank could be set up in Lewiston to acquire vacant and abandoned properties through tax foreclosures from lenders and banks, or on the open market. The Land Bank then clears the titles and liens against these properties and redistributes them for productive use. Unlike a common tax foreclosure and auction process, the Land Bank can enter into negotiations and contracts for purchase and development and operate strategically with preferred buyers and developers as part of an overall redevelopment plan.

 Create a publicly accessible database or interactive map of land ownership, vacancy, and building condition to hold private owners responsible.

 Planning & Code Enforcement

Hold Tenants Accountable

While the majority of the burden for maintenance of a rental property falls to the landlord, tenants should also be held accountable for certain minimal upkeep efforts to ensure that the building does not fall into disrepair due to the tenant's neglect. Examples of some tenant accountability regulations in New York include requiring that the premises be maintained in a clean, safe, sanitary condition; that yards, courts and vacant lots be kept clean and free of hazards; that extension cords be used only for purposes intended and not run or laid under rugs or carpets or used as additional electrical wiring; and that all pet waste be promptly collected and disposed of in a sanitary manner. This program is intended to be simple and focuses preventative practices and personal habits rather than costly building repair. These kinds of programs can be difficult to administer and would require additional staff to handle the workload.

 Create a tenant education program to ensure that tenants know how to carry out these preventative measures and are aware of the effects of not doing so.

Create a tenant database to assist landlords in the screening process and hold private owners responsible.

 Planning & Code Enforcement
Local Housing Agencies

 Create a Land Bank program.

 Planning & Code Enforcement
Economic & Community Development
Lewiston Housing Authority

4. Limitation on number of retail marijuana stores. The state licensing authority may not limit the total number of retail marijuana stores in this State. A municipality may regulate the number of retail marijuana stores and the location and operation of retail marijuana establishments and retail marijuana social clubs and may prohibit the operation of retail marijuana establishments and retail marijuana social clubs within its jurisdiction.

§2449. Local licensing

1. Municipality may regulate retail marijuana establishments and retail marijuana social clubs. A municipality may regulate the location and operation of retail marijuana establishments and retail marijuana social clubs pursuant to Title 30-A, chapter 187, subchapter 3. A municipality may adopt and enforce regulations for retail marijuana establishments and retail marijuana social clubs that are at least as restrictive as the provisions of this chapter and any rule adopted pursuant to this chapter. Nothing in this chapter prohibits the registered voters of a municipality from calling for a vote on any regulations adopted by a municipal legislative body.

2. Municipal approval required. A retail marijuana establishment or retail marijuana social club may not operate until it is licensed by the state licensing authority pursuant to this chapter and approved by the municipality in which it is located. If an application is denied by the municipality, the licensee has 90 days to locate and obtain legal interest in another property in a municipality that approves of the retail marijuana establishment or retail marijuana social club before the license is revoked.

3. Notice and portion of fee must be given to municipality. When the state licensing authority receives an application for original licensing, or renewal of an existing license, for any retail marijuana establishment or retail marijuana social club, the state licensing authority shall, within 7 business days, provide a copy of the application and 50% of the licensing fee to the municipality in which the establishment or club is to be located. The municipality shall determine whether the application complies with the local land use ordinance and any other restrictions on time, place, manner and the number of marijuana businesses within the municipality. The municipality shall inform the state licensing authority whether the application complies with the local land use ordinance and other local restrictions.

4. Municipality may impose licensing requirement. A municipality may impose a separate local licensing requirement as a part of its restrictions on time, place, manner and the number of marijuana businesses. A municipality may decline to impose any local licensing requirements, but a municipality shall notify the state licensing authority that it either approves or denies each application forwarded to it within 14 business days.

5. Public hearing notice. The following provisions govern local public hearings and notice.

A. If a municipality issues local licenses for a retail marijuana establishment or retail marijuana social club, a public hearing on the application may be scheduled. If the municipality schedules such a hearing, it shall post and publish public notice of the hearing not less than 10 days prior to the hearing. The municipality shall give public notice by posting a sign in a conspicuous place on the premises identified in a local license application and by publication in a newspaper of general circulation in the county in which the premises are located.

B. If a municipality does not issue local licenses, the municipality may give public notice of the state application by posting a sign in a conspicuous place on the premises identified in the application and by publication in a newspaper of general circulation in the county in which the premises are located.

§4356. Moratoria

Any moratorium adopted by a municipality on the processing or issuance of development permits or licenses must meet the following requirements. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

1. Necessity. The moratorium must be needed:

A. To prevent a shortage or an overburden of public facilities that would otherwise occur during the effective period of the moratorium or that is reasonably foreseeable as a result of any proposed or anticipated development; or [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B. Because the application of existing comprehensive plans, land use ordinances or regulations or other applicable laws, if any, is inadequate to prevent serious public harm from residential, commercial or industrial development in the affected geographic area. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

2. Definite term. The moratorium must be of a definite term of not more than 180 days. The moratorium may be extended for additional 180-day periods if the municipality adopting the moratorium finds that:

A. The problem giving rise to the need for the moratorium still exists; and [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

B. Reasonable progress is being made to alleviate the problem giving rise to the need for the moratorium. [1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW).]

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

3. Extension by selectmen. In municipalities where the municipal legislative body is the town meeting, the selectmen may extend the moratorium in compliance with subsection 2 after notice and hearing.

[1989, c. 104, Pt. A, §45 (NEW); 1989, c. 104, Pt. C, §10 (NEW) .]

SECTION HISTORY

1989, c. 104, §§A45,C10 (NEW).