FINAL REPORT
AD-HOC COMMITTEE ON
RENTAL REGISTRATION
MARCH 2019

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.

The Committee's initial term ran through December 31, 2018, at which time the Committee submitted an interim report and requested a two month extension to allow it to provide greater detail for its recommendations. This extension was approved by the Council as was a second extension to March 31, 2019.

During these extensions, the Committee worked through three subcommittees focusing on different areas of recommendations. One group worked on a modified rental registration recommendation; a second on issues involving Code Enforcement and Fire Prevention; and the third involving Police, public safety, and disorderly properties. Each of these groups subsequently prepared a report and recommendations covering its substantive areas.

On March 13, 2019 the Committee voted unanimously to send a favorable recommendation to the City Council to adopt the committees report. This final report updates and revises the interim report presented in November and culminates nine months and 12 meetings worth of

discussion and thought by committee members to complete its consideration of some form of rental registration.

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 registration system proposed in May 2018, 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. As a result, an alternative no-charge registration system is recommended for multi-unit property owners and property managers. That program is presented in the attached report of the Rental Registration Subcommittee.

Rental Registration Committee 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.

A. 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 than 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:

1. 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.

2. 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.

B. 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.

C. 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:

1. 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.
2. 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.
3. 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 that those with fewer units.
4. 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.
5. 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. An additional position(s) 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.

D. 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.

E. 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.

F. 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 initial recommendations in this section of the interim report have been replaced by the recommendations from the Rental Registration Subcommittee that is separately attached.

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:

A. 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.
B. Assessing should begin to gather additional information about multi-family properties to include the number of units by bedroom size and other useful information.
C. Adopt a data collection system geared directly toward gathering information useful to the City and the public such as owner and emergency contact information[1].

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:

A. 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.
B. 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.
C. 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.
D. Involve Healthy Androscoggin in outreach efforts to the portion of the population at risk from the presence of lead in housing.
E. 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

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

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:

A. Strengthening the current Disorderly Property Standard Operating Procedure. Under the current policy, Police must receive five calls for service to any residential unit, disorderly in nature, in order to be considered a disorderly property. 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. The recommendation is to adjust this number, on a trial basis, to five calls for service during a month to any residential property, regardless of the number of units in the building. Setting the limit at five calls is intended to simplify the process of identifying problem properties and recognizing that the number of calls can be an indicator of problems/issues that the landlord should be made aware of. The Police Department can then exercise some discretion on the extent of landlord response that will be expected. Five calls for service for a three unit structure might require a greater landlord response than five calls for service from a ten unit structure where the calls come from five different units. In addition, on a quarterly or semi-annual basis, the Police Department should identify those buildings that have had an excessive number of calls for service during the period and provide that information to Planning and Code Enforcement where it can be correlated with Code's information as a step toward identifying buildings that are problematic and which should be inspected to determine if behavioral problems have impacted life safety and building maintenance code issues.
B. 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.
C. Efforts should be considered in providing property owners and tenants information on calls for service (CFS) to properties. This should include utilization of the *Raids Community Crime Map* run by Lexis Nexis. This map is updated daily and property owners can use any number of filters to monitor properties and receive alerts for any/all Police responses to their properties. With more publicity/education, this mapping program may be utilized by members of the community and save the City any additional costs of implementing new resources. 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.
D. Consider adopting a city ordinance that would penalize tenants who vandalize property.

E. Suggest that the City Council continue to review concerns related to inappropriate and illegal activity in and around multi-family dwellings.

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. As a result, the City must continue to aggressively pursue alternative sources of funding to support needed reinvestments in our housing stock.

Supplemental Committee Reports

Three subcommittees were established and charged with focusing on different areas of the above referenced goals and recommendations. One group worked on a modified rental registration recommendation; a second on issues involving Code Enforcement and Fire Prevention; and the third involving Police, public safety, and disorderly properties. Each of these groups subsequently prepared the following reports and recommendations covering its substantive areas.

Registration Program for Multi-Family Properties
Lewiston, Maine (5th Draft, 3/15/2019)

The purpose of the Registration Program for Multi-Family Properties is to collect and share information so the City and its residents, including both owners and renters, have accurate, complete, and transparent data about Lewiston's Multi-Family housing stock. Information priorities include:

- Accurate inventory of housing unit quantity and configuration.
- Accurate and complete ownership, management, and contact information for every unit.
- Accurate assessment of the health and safety of every unit.

Definitions:

- Legal Owner: The individual or legal entity, such as an LLC or LP, who holds the deed to the property.
- Business Operator: The specific individual with a legal ownership stake who makes major financial, maintenance, and policy decisions. A Business Operator may own multiple properties, and may have ownership stakes in multiple legal entities.
- Property Manager: An individual or business entity that maintains and repairs the physical property, and often manages tenant relationships and routine finances. In some cases the Property Manager is the Business Operator; in other cases the Property Manager is a Property Management Company.
- Property Management Company: An individual or business entity that has no ownership stake in a property, but serves as Property Manager on behalf of and at the direction of one or many Business Operators.
- Emergency Contact: The individual or business entity that responds 24/7 to emergency calls from tenants and public safety personnel.
- Multi-Family Property: A structure that contains 3 or more residential housing units.

Registration Requirements:

1. Registration is mandatory for all Multi-Family Properties in Lewiston.
2. Registration requires Business Operators and Property Management Companies to provide detailed information to the City annually.
3. Business Operators will receive a hardcopy Certificate of Registration for each registered Multi-Family property, which includes the Emergency Contact information. A copy of this certificate shall be permanently and prominently posted at each property.
4. The City shall determine the exact set of data to be collected from Business Operators (see examples on Page 4); the City may collect this type of information:
    a. Ownership, management, and contact information for each property.
    b. Configuration and condition information for each property.
5. The City shall determine the exact set of data to be collected from Property Management Companies; the City may collect this type of information:
    a. Ownership, management, and contact information of the Property Management Company.
    b. A list of all Lewiston Multi-Family Properties currently under management. For each property, the name and business address of the Legal Owner and the Business Operator.

6. Registration Program Funding:
    a. No registration fees shall be collected from Business Operators or Property Management Companies.
    b. Costs associated with the program should be supported by the City's General Fund, recognizing that the committee is recommending a no-fee registration program.
7. Registration Incentives:
    a. Incentives apply to Business Operators who either:
        i. Register in the first 60 days of the standard registration period and have no outstanding Notices of Violation; OR
        ii. Purchase a Multi-Family Property after the annual registration period and register the property within 60 days of the purchase date.
    b. Eligible Business Operators receive this incentive:
        i. The City is already planning a rollout of Smart Water Meters, which will allow Business Operators to understand, correct, and ultimately save money on water use issues. The City will prioritize properties for meter installation according to registration date; for example, properties belonging to the first Business Operator who registers will be first on the installation list.
8. Penalties for Late or Non-Registration:
    a. Business Operators and Property Management Companies who do not register within the 60-day period are publicly listed as "Unregistered" and incur a fine to be determined by the City for the period of time that they remain unregistered.
9. Registration benefits:
    a. The Public has access to accurate and transparent information about the Multi-Family housing stock, which will:
        i. Help renters, owners, housing agencies, and investors make better decisions when selecting housing.
        ii. Reduce the volume of data requests to the City, which saves staff time and resources currently spent managing and responding to those requests.
    b. The City can use registration status as an indicator of high risk properties, and may choose to prioritize inspections accordingly, for example:
        i. Unregistered with active violations
        ii. Unregistered with no active violations
        iii. Registered with active violations
        iv. Registered with no active violations
    c. Registered Business Operators:
        i. Are shown as Registered in the public database.
        ii. Are eligible to apply for City incentives and assistance, such as rehabilitation loans and lead abatement funds.
        iii. May be eligible for other funding offered by other sources, such as Efficiency Maine.
        iv. May be subject to fewer inspections if they routinely pass inspections and have no history of violations. This frees up valuable inspection resources to focus on high risk properties.
    d. Unregistered Business Operators and Property Management Companies:
        i. Are shown as Unregistered in the public database.
        ii. Are not eligible to apply for City incentives or assistance.
        iii. Are prioritized for inspections.

Scope and Timeline:

- The Scope of the Registration Program is:
  - All Multi-Family properties in Lewiston (approximately 1,000)
- The Timeline of the Registration Program is:
  - All Business Operators and Property Management Companies can register starting January 1, 2020.
  - On-time Registration ends on February 29, 2020.
  - Unregistered Business Operators and Property Management Companies begin to incur fines as of March 1, 2020.

Appendix: Registration Data Examples for Business Operators

At time of Registration, the Business Operator signs a statement attesting to data accuracy. Some data is "Required," some data is "Optional," to be determined by the City. Data that the City explicitly collects and stores as "Confidential" will NOT be published in the Public database. Note that "Confidential" data may be accessible via a FOAA request.

CONTACT INFO	Required	Optional	Confidential	Corporate Sample	Individual Sample
Legal Owner					
Name				JLW Property Stewards, LLC	Gregory Jones
Charter #				20185219DC	
Clerk/Agent Name				Nathaniel Huckel-Bauer	
Clerk/Agent Mailing Address				Drummond & Drummond One Monument Way Portland, ME 04101	100 Horton Street Lewiston, ME 04240
Clerk/Agent Email Address				nhuckel-bauer@ddlaw.com	gregoryjones@gmail.com
Clerk/Agent Phone				207-774-0317	207-415-3333
Business Operator					
Name				Amy Smith	Gregory Jones
Business Mailing Address				PO Box 383, Lewiston, ME	100 Horton Street
Business Email Address				amy@jlwstewards.com	
Business Phone				207-415-4245	
Personal Mailing Address				11 Kellogg St, Portland, ME	
Personal Email Address				amysmith@gmail.com	gregoryjones@gmail.com
Personal Phone				207-444-5555	207-415-3333
Property Manager					
Business Name				Focus Property Management	
Business Owner Name				Jack Abbott	Gregory Jones
Business Mailing Address				123 Main St, Lewiston	100 Horton Street
Business Email Address				focusproperties@gmail.com	
Business Phone				207-666-5555	
Properties Under Mgmt				List of Addresses	100 Horton Street
Emergency Contact					
Name				Jack Abbott	Gregory Jones
Email Address				focusproperties@gmail.com	
Phone				207-666-5555	207-415-3333

PROPERTY + UNIT INFO	Required	Optional	Confidential	Sample
Property				
Address				51-53 Howard Street
Number of Units				4
Heating Fuel				Natural Gas
Hot Water Fuel				Natural Gas
Age of Heating System				2016
Electrical				Circuit Breakers
Siding				Vinyl
Windows				Vinyl
Roof				Flat Membrane
Lead History				Abated 2016
Parking				Driveway - 4 spaces
History of Accepting Vouchers				Yes - Section 8, GA

Unit 1				
Unit Address				51 Howard Street, Apartment 1
Level/Floor				1
# Bedrooms				2
# Bathrooms				1
Square Footage (Approx)				1250
Heat Delivery				Radiators
Cooking Fuel				Electricity
Refrigerator				Yes
Range				Yes
Microwave				No
Dishwasher				Yes
Laundry				Yes - Shared
ADA Accessible				No
Occupancy				Occupied
Rent Amount				$800
Rent Includes Utilities				Yes - Heat, Hot Water
Lease				Yes - Expires 3/31/2019

Supporting Recommendations for "Registration Program for Multi-Family Properties"
Lewiston, Maine (4th Draft, 3/15/2019)

Information Sharing

- **All** registration information shall be available to City officials and departments who are responsible for upholding housing standards to ensure timely contact and communication with Business Operators, Property Management Companies, and Emergency Contacts.
- **Most** registration information shall be publicly available via a 24/7 online database, including business phone numbers and business email addresses, as soon as practicable.
- The City and community stakeholders shall provide resources for Business Operators so they can proactively:
    - Prepare for all Code and Fire inspections (i.e., published inspection checklist)
    - Identify and address lead risks.
    - Offer leases that are fair and balanced, adhere to Maine state law, and clearly communicate both renter and owner expectations; provide information on corresponding educational opportunities.
    - Understand and access programs and funding that can result in improved health and safety of properties.
- The City and community stakeholders shall provide resources for Renters so they can:
    - Identify lead risks, report them without penalty, and protect their family while living with known lead risks.
    - Understand and access programs and funding that can result in improved health and safety of their homes.

Implementation Details and Recommendations

- City designates one employee to be the "Multi-Family Property Business Partner" – a single individual who can help Business Operators navigate programs, resources, education, etc. related to owning and operating rental properties.
- Non-Profit Healthy Homeworks may provide the data publishing platform and property data maintenance at no cost to the City for 2 or more years.
- City Council creates a Standing Committee on Housing; the committee is designed to be inclusive and balanced, and to represent the interests of all stakeholders. An example composition:
    - Lewiston's Multi-Family Property Business Partner
    - Representatives from the LA Public Health Committee
    - Representatives from local health-related Non-Profits
    - Tenants
    - Business Operators
    - Property Management Companies
    - Other community stakeholders to be determined.
- City improves data collection quality and efficiency by funding and rolling out a tablet-based data input program for field employees.

- Identify metrics so we can measure the effectiveness and impact of these efforts and report them annually to all stakeholders, for example:
    - # of inspections resulting in violations
    - # of inspections resulting in no violations
    - # of violations
    - average time until violations corrected
    - # of re-inspections
    - Number of registrants
    - Number of penalties/ amount of penalties served.
    - Financial metrics:
        - Time saved by new processes
        - Time saved by sharing data publicly
        - Time saved not tracking down owners/contact information

Lewiston Fire/Planning and Code Enforcement Subcommittee Recommendations on Implementation of Committee Goals

3/27/2019

Upon review of the Ad-hoc Advisory Committee on Rental Registration's goals and recommendations, Lewiston's Fire and Planning and Code Enforcement Departments (LFD/CEO) provide the following comment and recommendations:

1. Committee goal/recommendation: The Committee desires for the Fire Department, through its engine company inspection program and Fire Prevention Office to be the primary agency responsible for proactive, scheduled inspections, focusing 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.
    - LFD/CEO recommendation: Engine companies and Fire Prevention staff currently utilize an Inspection checklist focusing on the three referenced primary elements designed to protect lives. A more proactive approach with scheduled inspections may occur with a Fire Inspector, a position dedicated to inspection of both residential and commercial (commercial units are not currently inspected). This position is not the same as the two current inspector/investigator positions which currently respond fire investigations and non-compliance issues raised by engine companies or Code Enforcement. This would be new position budgeted through the Fire Department. This position should be considered as there is too much reliance and expectation is being placed upon engine companies for inspections. Inspections currently are limited two days per week, seven-to-eight months per year, when not responding to a call for service.
2. Committee goal/recommendation: The committee recommends Code Enforcement be the primary agency responsible for responding to complaints, review the entire structure for other potential issues when responding to complaints, and undertake targeted inspection efforts focused on buildings or areas that present the greatest risk.
    - LFD/CEO recommendation: Code already assumes the role of being responsible for responding to complaints. Inspections include the unit requesting service as well as any common areas within the unit. Current staffing levels may be able to accommodate this task. However, should engine companies or fire inspections occur more regularly, it is anticipated that Code Enforcement will be contacted more frequently for assistance. Furthermore, responding to complaints received on a daily/weekly basis may slow efforts in targeted areas. Staff believes there is value and supports focusing on properties due structures size, density, age, and number of police calls. Improvements will be needed in compiling existing city data into GIS to determine areas of attention. Long term, depending upon what the City Council implements for a program will determine the need for additional staffing.

3. Committee goal/recommendation: Adopt a goal to inspect all three-unit and larger properties within a three-to-five year periods along with making improvements to Fire and Code Enforcements software so adequate information on inspection frequency and the results of inspections can be accessed.
    - LFD/CEO recommendation: A Fire Inspector, a position dedicated to inspection of both residential and commercial (commercial units are not currently inspected) may be needed. It is believed this position would be able to complete annual inspections of three-unit and larger properties within a three-to five year period. Otherwise, there is concern regularly scheduled inspections associated with a registration program will fall behind. Fire is in the process of adopting new software (Emergency Response). Engine companies and investigators will have tablets to use in the field. This information will somehow need to be integrated into either Code's existing software (Energov) or possibly an integrated GIS system. There may be a need for additional staffing to manage the data (for Fire and Code). This position may also assist in managing regularly scheduled inspections. The integration of data must be further explored to determine the best and most effective means of sharing information. However, full implementation of the Fire's existing software into Energov or an integrate GIS system is expected to take 18-24 months, with funding requested for FY2020.
4. Committee goal/recommendation: Communication and coordination must be improved between Fire and Code.
    - LFD/CEO recommendation: The departments currently communicate very well with each other. However, the department may considering crossing training between staff to assist each department on what key items to look for and when to defer to another department or staff. Integrated software would assist Fire and Code Enforcement in determining whether an inspection should be deferred.
5. Committee goal/recommendation: The frequency with which Fire inspects a property should be tied to some form of risk analysis.
    - LFD/CEO recommendation: Staff agrees that a risk analysis to eliminate threats to occupant safety and health in specific areas of the community would be beneficial. Existing city data will need to be complied into GIS to determine areas of attention. Additional staff should not be needed, but coordination with MIS and GIS staffing will required.
6. Committee goal/recommendation: 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.
    - LFD/CEO recommendation: Engine companies defer noncompliance items to the fire inspector/investigator after a second failed inspection. However, with anticipated additional inspections, existing staffing will not be able to keep up with additional case load. Another Fire Inspector is recommended. Refer to Recommendation #1.
7. Committee goal/recommendation: 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. An additional position(s) 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.

- LFD/CEO recommendation: staff supports additional staffing if there is a desire to meeting registration inspection goals.

8. Committee goal/recommendation: 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.
    - LFD/CEO recommendation: Staff supports this recommendation. Fire already has a checklist of sorts. Code should develop something similar. No additional staff anticipated. To better inform the residents and property owners of what city staff are requiring for code compliance. Minimal costs associated with creating and printing new documentation expected.
9. Committee goal/recommendation: 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.
    - LFD/CEO recommendation: Assistance will be needed in getting-the –word out about classes. Staff from Fire and Code would present information. There may be able to partner with contractors, housing advocacy groups, etc. Training may occur once every six-to-twelve months. Should include commercial properties and not be limited to residential properties. No additional staff needed; however, additional overtime funding may be necessary.

Public Safety/Police Sub-Committee Recommendations on Implementation of Committee Goals Regarding: *Address Inappropriate and Illegal Activity in and Around Multi-Family Properties*

3/8/2019

1. In regards to strengthening the current Disorderly Property Standard Operation Procedure (SOP), the sub-committee recommends adjusting the current call for service (CFS) threshold. Currently, the SOP's threshold is five (5) calls for service to any residential unit, disorderly in nature, constitutes grounds to be considered a disorderly property. The recommendation is to adjust this number, on a trial basis, to five (5) calls for service during a month to any residential property, regardless of the number of units in the building. While some consideration was given to adjusting this number up or down based on the number of units in a building, setting the limit at five calls is intended to simplify the process of identifying problem properties and recognizing that the number of calls can be an indicator of problems/issues that the landlord should be made aware of. At the same time, we recognize that the Police Department can then exercise some discretion on the extent of landlord response that will be expected. Five calls for service for a three unit structure might require a greater landlord response than five calls for service from a ten unit structure where the calls come from five different units. In addition, on a quarterly or semi-annual basis, the Police Department should identify those buildings that have had an excessive number of calls for service during the period and provide that information to Code Enforcement where it can be correlated with Code's information as a step toward identifying buildings that are problematic and which should be inspected to determine if behavioral problems have impacted life safety and building maintenance code issues.
2. Regarding notifying every property owner in the city of every CFS to their property the sub-committee recommends no action on this due to the following:
    - There already exists a program that is accessible to the public, to include property owners that show all CFS city wide. The program is run by Lexis Nexis and is called *Raids Community Crime Map*. This map is updated daily and property owners can use any number of filters to monitor properties and receive alerts for any/all Police responses to their properties. The use of the program is very simple and with more publicity/education could be taken advantage of by landlords and save the City any additional costs of implementing new resources.
3. The sub-committee recommends continued enforcement and targeted details to address issues in the downtown area.

4. Much the same as #2, the sub-committee recommends no further action in regards to implementing Police CFS in the city's on-line GIS System. This is already happening in the Raids Community Crime Map.
5. Regarding adopting a city ordinance to penalize tenants who vandalize property; the sub-committee recommends that the City and more particularly, the Police Department, continue to explore current ordinances/laws/possibilities to develop an ordinance/law that would hold tenants accountable for vandalism to rental units, much the same as property owners are held accountable for their infractions.

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
August 14, 2018 Memo from City Administrator, Background Information Requests
August 24, 2018 Memo from City Administrator, Disorderly Property Process
Lewiston Police Department, Standard Operating Procedures, Response To Disorderly Properties, Issued 2014

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.

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 history[1]. 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

City Hall, 27 Pine Street, Lewiston, ME 04240 • Tel. (207) 513-3121 • TTY/TDD (207) 513-3007 • Fax (207) 795-5069
Email: sbouchard@lewistonmaine.gov • **Web:** www.lewistonmaine.gov

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.

Lewiston Police Department
Lewiston, Maine

STANDARD OPERATING PROCEDURES

RESPONSE TO "DISORDERLY" PROPERTIES

I. PURPOSE II. POLICY III. DEFINITIONS IV. PROCEDURE V. ENFORCEMENT

I. PURPOSE

The purpose of this Standard Operating Procedure is to protect the health, safety, and welfare of the residents of the City of Lewiston by reducing the recurrence of disorderly conduct in dwellings that disturbs the peace and tranquility of others.

II. POLICY

The mission of the Lewiston Police Department is to promote an atmosphere of partnership with the community toward the common goal of protecting life and property while enhancing the overall quality of life through mutual trust, respect, and the fair, equitable enforcement of laws while carefully safeguarding the dignity of all. The City has a substantial and compelling interest in protecting neighborhoods affected by conduct that unlawfully disturbs the peace and/or constitutes a nuisance because such conduct adversely affects the health, safety, and welfare of citizens and diminishes the quality of life in neighborhoods where it occurs. Such disorderly conduct and its impact should be abated. This written policy outlining a response to "Disorderly" Property is required because other prohibitions and penalties under state law and the City's code of ordinances have not adequately eliminated or controlled chronic, disorderly or nuisance activity in the City. The enactment of this policy as a standard operating procedure is intended to alleviate the deleterious impact of chronic, unlawful or nuisance activity in dwelling places and neighborhoods by authorizing early and constructive intervention by the Lewiston Police Department.

III. DEFINITIONS

A. "Disorderly Conduct"

"Disorderly Conduct" is any conduct that would have a tendency to unreasonably disturb the health, safety, or peaceful enjoyment of the community, the neighborhood or an ordinary individual in the vicinity, including but not limited to: loud music; boisterous parties; sounds emanating from within a structure which are annoying outside the building; loud noise or fights within a building or in its vicinity involving owners or tenants of a building or their invitees (excluding incidents involving domestic violence); owners, tenants or invitees being intoxicated in shared areas within the building such as hallways, stairways, or on public ways in the vicinity of the building; the arrest and conviction of owners, tenants or invitees for activities which constitute either a crime or civil infraction under either state or local law; other *similar activities* in a building or in areas outside of but in the vicinity of a building; or other conduct proscribed pursuant to 17-A M.R.S. § 501-A.

Similar Activities include, but are not limited to:

- Drug related criminal activity;
- Prostitution;
- Violations of conditions of bail, parole, or probation;
- Alcohol abuse which threatens the health, safety, or right to peaceful enjoyment of the premise by other residents/tenants; and
- Tenant(s) fleeing to avoid prosecution, custody, or confinement after conviction of a crime.

B. "Disorderly Property"

A "disorderly property" is any property on which there is located a building that houses one or more dwelling units or any bed and breakfast establishment, hotel, motel, lodging or rooming house or other structure that provides residential accommodations at which property the police have found, on five (5) or more occasions in any thirty (30) day period or fifteen (15) or more occasions in the preceding year, that the owner, a tenant, or a tenants' co-habitees, guests or invitees, or other occupants have engaged in disorderly conduct.

- For the purpose of this policy, disorderly behavior violations as defined will be documented by a specific address such as apartment number, single family home address, or boarding house room number within a given building. Penalties and documentation will be associated with the specific address of buildings outlined/defined in the "disorderly property" definition in this ordinance.

The Police Chief or his/her designee shall have the sole discretion in determining whether conduct is disorderly and whether a building constitutes a "disorderly property".

IV. PROCEDURE

A. Administration

1. The Police Department shall document and monitor the recurrence of disorderly conduct at residential buildings or structures in the City as defined under the "disorderly property" definition of this policy.

2. Whenever there have been five (5) or more occurrences of disorderly conduct at a residential property in any thirty (30) day period or fifteen (15) or more occurrences of disorderly conduct in the preceding year, the police department may notify an owner of such property of the circumstances of the disorderly conduct and the identity(ies) of its perpetrators, if known.

B. Official Notice

1. Whenever the Police Chief or designee has declared a building to be a disorderly property, this shall cause an owner of the property to be notified of such declaration and of the events which form the basis for that designation. The notice shall request the owner or the owner's representative to meet with the Police Chief or his designee(s) within five (5) business days from the date of the notification to identify ways in which the problems which have been identified will be eliminated.

C. Meeting

1. At the time of the disorderly property meeting, the owner shall be requested to provide to the city the following documentation:

    a. A copy of the names of all tenants or other persons authorized to reside or presently residing in the building(s) on the property and the units they occupy;

    b. Contracts with any property manager or other person responsible for the orderly operation of the property;

In addition, the owner will be asked to take effective measures to address the disorderly property to be implemented within one (1) week of said meeting unless another date is agreed upon by the City and the owner.