

1. HC Agenda - 01.25.2017

Documents:

[HC AGENDA - 01.25.2017.PDF](#)

2. HC - Minutes 01.11.2017

Documents:

[HC - MINUTES 01.11.2017.PDF](#)

3. HC - Short Term Rental Memo - 01.25.2017

Documents:

[HC - SHORT TERM RENTAL MEMO - 01.25.2017.PDF](#)



HOUSING COMMITTEE

DATE: Wednesday, January 25, 2017
TIME: 5:30 p.m. – 7:30 p.m.
LOCATION: City Hall, City Council Chambers

A G E N D A

1. Review and accept Minutes of previous meeting held on December 14, 2016
2. Discussion of Short Term Rentals and potential policy framework drafted by Housing Committee Members – See enclosed memorandum by Tyler Norod, Housing Planner. *This is an actionable item and public comment may be taken.*
3. Housing Committee member discussion and next steps

Councilor Jill Duson, Chair

Next Meeting Date: Wednesday, February 8, 2017 at 5:30 PM. Room location to be determined

Housing Committee

Minutes of January 11, 2017 Meeting

A meeting of the Portland City Council's Housing Committee (HC) was held on Wednesday, January 11, 2017 at 6:30 P.M. in the City Council Chamber in Portland's City Hall. Councilors present at the meeting included Committee members Councilor David Brenerman, Councilor Brian Batson and Chair Councilor Jill Duson. Other elected officials in attendance included Councilors Belinda Ray and Spencer Thibodeau. City staff present included Director of Planning & Urban Development, Jeff Levine; Division Director Mary Davis; Assistant Corporation Counsel, Victoria Morales; and Housing Planner, Tyler Norod.

Item 1: Review and accept Minutes of previous meeting held on December 14, 2016.

Councilor Brenerman motioned and Councilor Duson seconded to accept the minutes from the December 14, 2016 Housing Committee meeting. Minutes were unanimously approved 3-0.

Item 2: Committee Discussion of Short Term Rentals and potential policy framework

Councilor Duson explained tonight's agenda, the next steps in this process, how the committee may move forward, and outlined the information in the committee packet. Councilor Duson opened the item for councilor comment. Councilor Brenerman noted that he asked Corporation Counsel several questions before the meeting and will review those during council comment after the public comment period.

Councilor Duson opened the issue to public comment.

Elizabeth Lance, Longfellow Street. Thanks Councilor Batson for being here tonight. Airbnb can destroy the fabric of our neighborhoods. Renting out entire homes for STR without the owner present is a recipe for disruptive behavior. If the city doesn't obey its own laws how can it

expect its citizens to. Please look at overall impact of STR.

Ellen Sidar, Bradley Street. From beginning we have said this is a zoning issue and it is not allowed right now. We are currently living in party central on Bradley Street. Proposed regulations are really about registration not protections. The Committee needs to do much more to protect its neighborhoods.

Barry Mantor, Eastern Promenade. Acknowledges work, time and thought of the committee. Thinks safety is an important issue. The sharing economy is good for everyone when the regulatory issues are properly addressed. Well-managed STRs are invisible. He is rated as a super host on Airbnb. He depends on the income and looks forward to being accountable to the city, his guests, as well as long term tenants and neighbors. Suggests making regulation framework friendly to and inclusive to the islands.

A resident living on Danforth Street whose name was not heard. The City's charge to the Housing Committee is clear and on the record. That charge is to reverse the housing crisis. The staff memo of 10/17/2016 identified STRs negative effect on the housing market. The Committee's policy should have as primary goal to reverse the housing crisis. Non-residential STRs are booming across the nation as a profitable business for speculators and impact housing stock. I urge the Committee to limit STRs to primary residences just as staff initially recommended. The fee assessed should be enough to act as a discouragement or barrier to run STRs as full time business. Perhaps we could waive registration fees for seniors or others below certain income level. There should be rigorous annual inspections not just an affidavit.

Joe Brunelle, Brackett Street. Wonders if too much time spent reinventing the wheel instead of looking at what other city's are doing. References San Francisco's policy, which limits STRs to primary residences and also places a limit on the number of nights per year. Would like to see

tighter regulations proposed on STRs.

Myrna, Munjoy Hill resident. Disagrees that the STR market is impacting workforce housing stock. She rents her property as an STR. Believes regulation is needed for healthy development of the STR market. Asks the committee to clearly define the City's goals and intentions. She expresses concerns about unintended consequences. Asks the Committee to first make sure we have a problem we are trying to solve. Start simple. Should have a short term rental specialist on city staff that could oversee a working group.

Ralph Baldwin, Commercial Street. Thanks the Committee for 14 months of attention to this issue. He is a member of Share Portland and has been impressed by the exchange of ideas and positive energy of the Committee. Acknowledges that this is not an easy process. It takes bold thinking and processing the ideas of others. He hopes to have something that is ultimately good for Portland. He feels we are finally closer to having regulations that accomplish that. Its been a long collaborative effort. He believes there are unfinished details that need to be addressed and hopes to continue the discussion.

Tobias Glidden, Sherman and Deering. Recently moved to Portland from Nantucket. Believes that the registration fees will go into the housing trust fund (HTF). He encourages the committee to restructure the use of HTF to be more efficient but does not provide any details or suggestions on how to do so or reasons why he believes the HTF operates inefficiently.

Scott Lindsay, owns property on Commercial Street. He believes his situation is an anomaly. He currently operates in the B-3 zone. Office space demand has been flat. Four years ago made the business decision to convert vacant office space into STRs. This allowed him to make additional income and allow him to make upgrades to the property. He advocates for the insertion of a definition of STRs into the zoning ordinance. He has another property that he will be

making into STRs. Proposed regulations would limit the number of units, willing to pay fees and be regulated but not in favor of limits on number of units in business zones. Overall the model is a positive for the city.

Colleen Bedard, Vesper St and Morning St. She owns two 3 unit buildings each has two STRs. She is a member of Share Portland. This is a successful business model for her. She supports registration, supports need to ensure safety issues are uniformly addressed. Feels fees should be the same for owner and non-owner occupied buildings. City should embrace STRs.

Resident on Brighton Ave; owns a triplex. Owner presence will not guarantee well run units or no problems for neighbors. Encourages the committee to get rid of the distinction between owner and non-owner occupied within the proposed framework.

Celeste Bard, Prospect Street. STRs should only be in commercial zones. The city should limit the total number of units. You can't zone being a good neighbor. There needs to be a system in place that restricts STRs in residential areas unless they are permitted. Random zoning of STRs sets bad precedent. Needs to be limits and no back door process that allows zoning to be changed without adequate public notice.

Mike Webster, Sherwood Street. Operates an STR on Sherwood Street. Current proposal includes cap. Policy should protect everyone the same way and charge everyone the same fee. Islands should be treated the same. Supports regulations, even caps as long as they are done thoughtfully.

Judith Dimico, Thomas Street. Reads a quote from memo from corporation counsel. Would rather live with zoning as it exists than to have it weakened by the proposed regulations. Ask for limiting term of STRs to two weeks. Regulate owner occupied STR in number of units or length of stay.

Will Williams, St. Lawrence Street. Concerned with caps and how grandfathering might be affected. Concerned that people already in operation will be grandfathered and therefore no new owners would be able to get in under the caps.

Ken Thomas, Danforth Street. Thinks it would be appropriate to have a longer discussion on this issue. Registration of STRs is good idea. but the devil is in the details. Concerned that current proposal has chance of failing. There may be unintended consequences of having owners register if they are not also the host. Suggests joint registration between owner and hosts. Fee structure encourages owner occupied. Concerned that there will be a financial incentive to appear owner occupied when really they are not. Property management companies are already working behind the scenes on this issue.

Danielle Message, Hicks Street. Part of Share Portland. Her guests are often families with small children looking for a safe place. Operates STR in single family primary residence. Suggests 180 day registration period. Believes the Committee doesn't have all the information yet. Many questions remain to be answered. This continues to be a complex issue. We need a 180 day registration period to better understand the true STR market. Current draft framework should be tabled and deliberated after 180 day registration period is complete.

John Ritzo, owns single family STR in east bayside. He is in favor of regulations but single and multifamily homes should be treated the same. Owner vs non-owner occupied does not make sense.

Crandall Toothaker, east end resident. Regulations are good for the city, some need further thought. This is the way of life and will be more of this in the future. Starting to over build residential units in Portland. He has six brand new vacant apartments that are not renting. May be due to price and timing. Things are changing in Portland. We will have glut of apartments in the

next 12-18 months. \$1200 apartments will not become \$900 apartments. The market cannot afford to build affordable housing in Portland right now. STRs are not affecting shortage of affordable housing. STR is a business, should be licensed, fees should be same for owner and non-owner occupied. Proposed fees for non-owner occupied units are gouging.

Councilor Duson closes public comment and opens to committee discussion. Directs start of discussion with the matrix in the packet.

Councilor Brenerman outlines questions posed to corporation counsel earlier in the day. Victoria Morales, associate corporation counsel introduces herself. 1st question, can zoning questions come from committee or do they have to come through planning board.

Victoria states that this is an appropriate place to begin the discussion. If any policy decisions impact zoning they would be sent to the Planning Board.

2nd question, can we limit the number of units by owners? Victoria believes this is something the city can regulate.

3rd question, how would condos be treated; Victoria notes that condos are dwelling units under the code. Associations can limit STRs in their bylaws.

4th question, will the Council order state the intent and goals? Victoria notes that is correct. If the Committee gives policy intent, language can be provided in the draft language to the Council.

5th question, do we have to amend the zoning ordinance to do this or can we add a separate ordinance? Victoria stated that it would be possible but not sure that can happen.

6th question, can we limit number of nights per year a unit can be rented? Victoria said yes but that would be a policy decision for the Committee.

Committee discussion begins with the matrix on page 5 of appendix C.

First row: Councilor Batson is ok with this row but questions whether or not a higher

registration fee is warranted. Councilor Batson, Councilor Duson and Councilor Brenerman are ok with language as is. Councilor Ray suggests single family owner occupied fees stay at \$35 for all units. Second suggestion by Tyler that all Committee members agreed with was to eliminate \$100 fee for separate rooms rented within a dwelling unit.

Second Row: Councilor Brenerman would vote to not allow STRs in non-owner occupied single family homes. The argument of keeping the fabric of a neighborhood is persuasive to him. Councilor Batson agrees with Councilor Brenerman. Councilor Ray agrees. Councilor Duson agrees but would be open to slightly different approach of not allowing non-owner occupied single family in residential zones.

Third Row: Councilor Duson proposes keeping it as 2, 3, 4, 5 units allowed; all committee members agree. Councilor Duson suggests fee for second unit should be \$100, remaining fees stay the same. Councilor Brenerman thinks it should stay as written. Councilor Batson agrees with Councilor Brenerman in this sections fee structure.

Fourth Row: Councilor Batson agrees with this row as written. Councilor Ray reads Councilor Thibodeaus preferences of same fees for owner and non-owner occupied. Councilor Thibodeau, who is not present, liked the fee structure in the original proposal from Councilors Ray and Thibodeau (outlined in Appendix A of the memo). Councilor Brenerman proposes non- owner occupied \$200, \$500, \$1,000, \$2,000, \$4,000. Councilor Batson thinks non-owner occupied fees are too low. (fees for non-owner occupied should be double that of owner occupied fees).All agree to increase \$35 for a primary residence to \$100 in all rows.

Committee moves on to a discussion on caps in Attachment A. Councilor Batson is in favor of a city-wide cap but asks if the cap would include the islands. Councilor Ray refers to a study done in New York that says if STR goes above 1.5% of total units of the local market, it adversely

impacts housing market. To clarify, a cap would only apply to non-owner occupied properties.

Committee agrees on an annual cap of 300 non-owner occupied STR units.

Committee discussion moves back to the Regulatory Framework in Appendix C, items 1-18.

Committee members express comfort level with most items but discuss a few provisions.

Councilor Brenerman would like to see language that says one person cannot have financial interest in more than five STR units in Portland, regardless of how they are spread out across buildings or the building's ownership structure. Committee agrees.

Councilor Duson would like item 6 to start at "only property owners may register a unit". Councilor Brenerman thinks that the host of the unit has to register not the owner of the unit. Councilor Duson adds that host would need permission of the owner to register a STR because of liability issues tied to ownership of the unit. An Owner that acts as the host would need to register that unit. The tenant that acts as host would need owner's permission to register. Committee agrees.

Councilor Duson comments that she wants to incentivize the operator to act in a reasonable manner. Somehow registration should be subject to revocation and once revoked cannot get it back. Tyler thinks this is covered under existing disorderly house ordinance. Committee agrees.

Councilor Ray says her intent was a fee structure for the islands that would mimic the owner-occupied multi-unit building fee structure. Councilor Duson would like to reevaluate island STR issues later in the year. The Committee agrees.

Councilor Duson mentions that the primary purpose of fees is to support enforcement efforts for STR as well as capitalizing the Housing Trust Fund (HTF) and not to contribute revenue to the general fund. A minimum percentage of the revenue generated should be committed to the HTF. The Committee agrees.

Committee agrees that registrant must sign Owner's Pre-Inspection checklist similar to what is already used by the Housing Safety Office.

Councilor Brenerman clarifies that register numbers would be for each dwelling unit and not for each rooming unit within a dwelling unit. The Committee agrees

Councilor Batson asks if the Committee should add language from Attachment A page 2 item 17 regarding occupancy limits. Councilor Brenerman asks if the unit should have the same limits that a long term unit would have. Councilor Ray thinks this is best regulated by the host. Councilor Duson asks for more information from staff before making a recommendation.

Councilor Brenerman asks about the converting of office space in business zone into STRs. Jeff talks about the regulatory conversion path being the same for converting business/office space into residential rental units which could then be used as STRs. Language on Page 4 of appendix C talks about owner occupied businesses. If an owner owns more than one commercial business with owner occupied business they would have to choose one property to consider as owner occupied.

Item 3: Housing Committee member discussion and next steps

Next meeting will be held on January 25, 2017 at 5:30 pm. If committee is given written information from residents they should include their name/identify any group associations they represent.

On a motion made and seconded the meeting was adjourned at 9:48 PM.

Respectfully,

Mary Davis



TO: Councilor Duson, Chair
Members of the Housing Committee

FROM: Jeff Levine, Planning & Urban Development Director
Mary Davis, HCD Division Director
Tyler Norod, Housing Planner

DATED: January 25, 2017

RE: Short Term Rental (Airbnb) Regulation Framework

The Housing Committee last met to discuss potential short term rental (STR) regulations on January 11th, 2017. The following memo briefly outlines additional information for questions raised by members of the Committee at the previous meeting and outstanding issues that still need to be discussed. The most recent version of the draft STR regulatory framework as outlined by the Committee at the previous meeting is attached to this memo along with draft ordinance language. The ordinance language is intended only to provide an example of how an ordinance may be structure. This language and organization will likely need to be amended based on the Committee's discussions.

Occupancy Restrictions

Committee members expressed interest in possibly including the following language to the regulatory framework:

Overnight STR guest occupancy will be limited to two guests per bedroom plus two more guests who may utilize other sleeping space in another area of the dwelling unit such as a pullout couch. For example, a one bedroom dwelling unit could be rented to a total of four guests, whereas a two bedroom dwelling unit could be rented to a total of six guests.

Before the Committee could find consensus, they asked staff for more information about existing occupancy limitations within the City code and building codes. The current codes do not spell out specific occupancy limits for every use. However, there are at least two types of precedent for establishing occupancy limits based on a property's legal zoning use and building code occupancy standards.

The International Residential Code (IRC), which covers the building code for 1-2 family residences, does not have occupancy limits. However, the International Business Code (IBC), which covers multi-family residences, limits occupancy to one person for every 200 square feet within a unit. At this rate, a 1,000 square foot two bedroom unit in a triple decker would not be allowed to be rented to more than four people. However, this type of distinction based on building size may add complexity to an already complex regulatory framework by providing different rules for different buildings with two



units or less. It also would not provide direction for determining safe occupancy levels for guests staying in unfamiliar space in these smaller building types.

Under Chapter 14 of the City Code a rooming unit is defined as a room or suite of rooms in a house, building or portion thereof rented as living and sleeping quarters, but without full kitchens or bathrooms. This definition would govern uses such as Lodging Houses. In a suite of rooms making up a lodging house, each room which provides sleeping accommodations is counted as one (1) rooming unit. Each rooming unit shall have kitchen privileges unless all meals are provided on a daily basis. There shall be no more than two (2) persons residing in each rooming unit. Similar occupancy limits are also required under the zoning ordinance for Bed and Breakfasts.

Chapter 14 describes a family occupying a residential dwelling unit as being not more than sixteen (16) individuals living together as a single nonprofit housekeeping unit. The code goes on to clarify that persons occupying a hotel, fraternity house or sorority house shall not be considered a family.

Non-Owner Occupied Unit Caps and the Islands

At the previous meeting the Committee expressed interest in applying a cap of 300 non-owner occupied units for all of Portland including the islands. Committee members appeared to be comfortable applying STR regulations to the islands with some regulatory exceptions with the potential for reexamining the issue at a later date. The Committee asked staff to check on how the regulations as designed and a 300 unit cap might impact current seasonal STR operators on the islands.

Recent data from the Housing Safety Office shows there were 307 registered rental properties on the islands in 2016. Many of these island homes would likely be single family buildings, rent for less than 30 days, and be non-owner occupied. As such the Committee may want to consider creating separate caps with a 300 unit cap for non-owner occupied units for non-island rentals and another 325 unit cap for island rentals in order to allow for all current island STR operators to continue operation.

Since there are not many multi-unit buildings on the islands, the Committee may want to consider an exception for the islands that would allow STRs to operate in single family homes that are not the owner's primary residence. As recommended by the Committee at the previous meeting, island STRs would register under the owner-occupied fee structure due to their seasonal nature providing less time to generate revenue.

Clarifying Registration Fees

The Committee may wish to clarify how they intend fees to accumulate across properties. Particular clarification may be warranted for how the total fee will be tallied. For example, an owner in a two-unit owner occupied building registers both units as STRs and also wants to register a third unit in



a non-owner occupied building. The owner would register the two units in the owner occupied building for a total of \$350. Would the third STR unit in the non-owner occupied unit be considered a third unit under the fee structure and require an additional \$1,000 fee or would the STR in the non-owner occupied building have a registration fee of \$500 for being the second non-owner occupied unit registered?

On-site Business

The current proposed framework considers a building to be “owner occupied” if the owner operates a business on-site. This raises the question of what documentation may be required by the City as proof of on-site ownership since not all businesses require a license. Can the owner operate more than one licensed business in Portland and still qualify for owner occupied status at more than one location? Are there other thresholds that must be met? For example, could the business be the management of STRs and only take up a small portion of an office or basement space on-site or share a mailing address with another business in order to gain access to the reduced registration fee structure and STR unit limitations? Staff needs additional direction from the Committee in order to ensure the intent of the Committee is captured accurately on this issue.

Condominiums

At the previous Committee meeting a question was raised regarding how best to address condominiums under the proposed framework. Due to the inherent individual ownership structure one way to treat a condominium would be under the same regulatory framework as a single family home. This would be the simplest way under the proposed framework to incorporate condominiums but it may prevent some current STR operators to continue renting their units.

Another option would be to consider non-owner occupied condominiums as part of either multi-unit building framework. The fees condominium owners would be charged in either building type for registering their primary residence could still be \$100. But there will inherently be friction with condominiums and the STR limits based on a building's size and owner occupancy status. If this direction was preferred the Committee would need to clarify how it wished STR caps per building to apply. For example, if every condo owner in a 20 unit building wanted to occasionally rent out their unit as an STR and the maximum STRs that could operate in the building under the proposed framework is five units how would the City decide which units could register? What if there were a mix of owner occupied and non-owner occupied units within the same building? Would there be exceptions for registering condominiums that are primary residences? If an exception is made to the cap on units per building how might this impact enforcement? All of these issues should be considered if the Committee prefers to have condominiums fall within the multi-unit building framework.

Draft STR Regulatory Framework: Updated January 13, 2017

1. A Short Term Rental (STR) is a dwelling unit or rooming unit for transient guests for less than 30 days;
2. Property owners and their agents (Hosts) may not operate an STR without annually registering with the Housing Safety Office each unit or rooming unit;
3. The City will reevaluate the STR policy annually to understand the STR market impact on Portland's housing stock;
4. A cap of 300 units will be made available for all STR units that are not located on the islands and are not a host's primary residence. A separate cap of 325 units will be established for the islands to reflect the number of registered rental units currently in use;
 - a. Once caps have been reached a wait list will be formed to help gauge market demand;
 - b. The City will reevaluate the STR policy annually to understand the STR market impact on Portland's housing stock and whether adjustments should be made to the cap;
5. Regardless of ownership structure, individuals shall not be allowed to register more than five (5) STR units across any buildings in Portland in which they have a financial interest;
6. Due to accountability and effective enforcement concerns only property owners will be able to register STRs, with the exception that a renter may register one apartment provided that:
 - a. The apartment is their primary dwelling and the tenant submits a primary residence affidavit and associated documents;
 - b. Along with their registration application and fee tenants must provide a notarized copy of the city drafted landlord-tenant STR permission letter signed by their landlord. The letter will include:
 - i. Landlord and tenant's contact information;
 - ii. A notarized statement of permission by landlord allowing tenant to rent apartment as STR including an acknowledgment by the owner of their liability under the Disorderly House Ordinance, inspections, and any fees or code violations;
7. Should a property violate the Disorderly House Ordinance the STR registration may be subject to revocation and the property not reconsidered for reregistration for a minimum of 12 months;
8. All Island rentals will continue to register with the Housing Safety Office. Because these rentals are typically rented seasonally the registration fee structure will follow the registration fees for owner-occupied buildings. Also, given the type of housing stock on the islands non-owner occupied single family homes shall be allowed to operate as STRs so long as they meet all other requirements;
9. For clarity, the City's STR regulations will not supersede condominium bylaws pertaining to subletting or offering STR and each condominium association may enforce its own STR restrictions as the association deems appropriate;

10. STR will be addressed similarly to all other applicable building and land use violations as described under Section 6.1 of the City Code and the Disorderly House Ordinance;
11. A minimum of 25% of all revenue generated from registration fees and penalties shall be contributed towards the capitalization of the Housing Trust Fund with the remaining funding available for allocation to STR related administrative costs;
12. Property management firms found operating STR's without proper registration may be fined. These fines may be in addition to fines levied against the property owner;
13. Where applicable, hosts must sign an affidavit that the registered unit is their primary residence (or that they operate an active, licensed business within one unit of a multi-unit building in order to qualify for "owner occupied" status) and provide copies of documents approved by the City demonstrating compliance with this residency requirement, including government ID's, Homestead Exemption, voter registration, current business license, and/or any other documents deemed appropriate by City staff;
14. Hosts must complete the Owner's Pre-Inspection Checklist or similar document provided by the Housing Safety Office as part of the registration process;
15. As a condition of registration, STR's must allow on -site inspection
present their registration information, rental history and upcoming reservations;
16. A registration number will be given to each host per dwelling unit; this registration number shall be displayed in the dwelling unit and be featured in ads;
17. Failure of hosts or their representatives to adequately respond to inquiries by the City within a 48 hour period shall be considered a violation of these regulations and be subject to penalties under Section 6.1; and
18. The number of STR units that may be operated in a building and their associated registration fees will depend on whether or not the building is owner occupied as further detailed in the chart on the next page;

Type of Building	Limitations/Max # of STR	Registration Fee
Single Family Home: Owner-Occupied*	May offer rooms in home as STR. When owner is away, may offer entire home as STR.	<u>\$100</u>
Single Family Home: Not Owner-Occupied	Not allowed except on the islands	N/A
Multi-Unit Building: Owner-Occupied	2 unit building – 2 STR 3 unit building – 3 STRs 4 unit building – 4 STRs 5+ unit building – 5 STRs	<u>1st Unit: \$100</u> <u>2nd Unit: \$250</u> <u>3rd Unit: \$500</u> <u>4th Unit: \$1000</u> <u>5th Unit: \$2000</u>
Multi-Unit Buildings: Not Owner Occupied	2 unit building – 1 STR 3-5 unit building – 2 STRs 6-9 unit building – 4 STRs 10+ unit building – 5 STRs	<u>1st Unit: \$200</u> <u>2nd Unit: \$500</u> <u>3rd Unit: \$1,000</u> <u>4th Unit: \$2,000</u> <u>5th Unit: \$4,000</u> <u>NOTE: Fees are cumulative and escalate with additional units whether they are in the same building or spread across multiple properties.</u>

* Owner Occupied Buildings

To qualify as owner-occupied, the building (or one unit of a multi-unit building) must be the owner's primary dwelling. A multi-unit building can also be considered owner-occupied if the building owner uses at least one unit in the building as an office for an active, licensed business.

Chapter 6 BUILDINGS AND BUILDING REGULATIONS*

*Cross reference(s)--Alarm systems, Ch. 2.5; fire prevention and protection, Ch. 10; land use, Ch. 14; rodent and vermin control, Ch. 22; sewers, Ch. 24; streets, sidewalks and other public places, Ch. 25; moving of structures, § 25-191 et seq.; swimming pools, Ch. 26.

- Art. I. In General, §§ 6-1--6-15**
- Art. II. Building Code, §§ 6-16--6-31**
- Art. III. Electrical Code, §§ 6-32--6-85**
 - Div. 1. Generally, §§ 6-32--6-50
 - Div. 2. Permits, §§ 6-51--6-65
 - Div. 3. Inspection and Enforcement, §§ 6-66--6-85
- Art. IV. Mechanical Code, §§ 6-86--6-105**
- Art. V. Housing Code, §§ 6-106--6-149**
- Art. VI. Disclosure of Building Ownership, §§ 6-150--6-153**
- Art. VII. Green Building Code, §§ 6-165 - - 6-172**
- Art. VIII. Property Assessed Clean Energy, §§ 6-190--6-194**
- Art. IX. Disorderly Houses, §§ 6-200-6-204**
- Art. X. Energy Benchmarking, §§6-205-6-218**
- Art. XI. Tenant Housing Rights, §§6-219-6-229**

ARTICLE I. IN GENERAL

Sec. 6-1. Penalties.

Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who violates any of the provisions set forth in Chapter 6 is liable for the penalties set forth in this section. For purposes of this Chapter, the Director of Permitting and Inspections is the *building authority*.

- (a) *Penalties*. Except for paragraph g., monetary penalties shall be assessed on a per-day basis for each day on which a violation exists:
 - 1. The minimum penalty for starting construction or undertaking a land use activity without a required permit is one hundred dollars (\$100.00) per day, and the maximum penalty is two thousand five

without individual bathroom or kitchen facilities, used to provide sleeping accommodations for no more than two persons, and which are available for use by the public for a fee and which are occupied, regardless of the duration of the occupancy, in the absence of a written lease. Licensed lodging does not including the following:

- (a) Sleeping accommodations, whether provided by a business or non-profit organization, where the owner or manager of such an operation routinely provides:
 - 1. Daily maid service;
 - 2. Replacement of linens and towels as demanded by guests of the establishment; and
 - 3. A centralized telephone system.
- (b) Any establishment licensed by the Maine Department of Human Services to provide health care under the direction of duly licensed health care professionals.
- (c) Dormitories, including dwelling units converted to licensed use, operated by educational institutions authorized to confer degrees.
- (d) Sleeping accommodations provided to graduate medical students under the auspices of the accreditation council on graduate medical education or a similar entity.

Long Term Rental shall mean the letting of a dwelling, dwelling unit, or rooming unit, in whole or in part, for thirty (30) days or more.

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Multiple dwelling shall mean any dwelling containing more than two (2) dwelling units, rooming units, or combination of both.

Occupant shall mean any person, including an owner or operator, residing in or having actual possession of a dwelling unit or rooming unit.

Operator shall mean any person who has charge, care, management, or control of any dwelling or part thereof in which dwelling units or rooming units are let or offered for occupancy.

Owner shall mean any person or persons who alone, jointly, severally, or jointly and severally with others:

- (a) Shall have legal or record title to any dwelling, dwelling unit, or dwelling premises;
- (b) Shall have charge, care, or control of any dwelling, dwelling unit, or dwelling premises as an agent of the owner, executor, administrator, trustee, or guardian of the estate of the owner;
- (c) Shall have an equitable interest in a dwelling, dwelling unit, or dwelling premises under a contract or a bond for a deed with the person having legal or record title.

Primary Residence shall mean the dwelling in which a person resides as his or her legal residence for more than one half of a year and registers as their address for tax and government ID purposes.

Rooming house shall mean any dwelling, or part thereof, containing three (3) or more rooming units in which space is rented or offered for rent by the owner or operator to be occupied or intended to be occupied by three (3) or more persons who are not related by blood or marriage to the owner or operator.

Rooming unit shall mean one (1) or more rooms forming a single unit used, or intended to be used, for living and sleeping purposes, but not designed for food preparation, by two (2) or more persons living in common or by a person living alone.

Short Term Rental shall mean the letting of a dwelling, dwelling unit, or rooming unit, in whole or in part, for less than 30 days, but not including hotels, motels, inns, bed and breakfasts, hostels, or lodging houses. Single family non-owner occupied homes and condominiums are not permitted in the City of Portland.

Supplied shall mean installed, furnished, or provided by the owner at his or her expense.

(Code 1968, § 307.2; Ord. No. 310-68, § 1, 8-5-68; Ord. No. 490-74, § 1, 8-5-74; Ord. No. 114-77, § 2, 2-23-77; Ord. No. 475-86, § 1, 4-7-86; Ord. No. 159-95, 1-4-95; Ord. No.45-04/05, 9-8-04; Ord. 298-14/15, 7-6-2015)

Cross reference(s)--Definitions and rules of construction generally, §

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the purpose of examining and inspecting any work performed under the provisions of this article, and it shall be a violation of this article for any person to interfere with or prevent such inspection.

(Code 1968, § 307.11; Ord. No. 475-86, § 10, 4-7-86; Ord. 298-14/15, 7-6-2015)

Sec. 6-118. Notices.

When any violation is found to exist within the meaning of this article, the health or building authority or a housing safety official designated by the city manager shall give the owner, operator or occupant, or both a written order or notice which shall set forth the violation and shall contain a reasonable time limit for the correction thereof.

(Code 1968, § 307.12; Ord. 298-14/15, 7-6-2015)

Sec. 6-119. Reinspections.

After the expiration of the time for correction of a violation, the health or building authority or a housing safety official designated by the city manager shall make a reinspection of the premises, and if the violation has not been corrected and no appeal is pending as hereinafter provided, such authority may make such further order as he deems advisable or he may proceed to take legal action against the person liable for such violation.

(Code 1968, § 307.13; Ord. 298-14/15, 7-6-2015)

Sec. 6-120. Properties unfit for human habitation; and posted against occupancy.

Any dwelling, dwelling unit, rooming house, rooming unit, or any structure or portion thereof being used for human habitation which is in violation of the provisions of this article to the extent that it is unfit for human habitation according to the standards contained herein or other applicable standards may be condemned for habitation and posted against occupancy by the building authority or a housing safety official designated by the city manager. Property unfit for human habitation shall include but not be limited to:

- (a) Properties which are either damaged, decayed, dilapidated, unsanitary, unsafe, or vermin-infested in such a manner as to create a serious hazard to the health, safety, and general welfare of the occupants or

the public;

- (b) Properties which lack plumbing, ventilating, lighting or heating facilities or equipment adequate to protect the health, safety and general welfare of the occupants or the public;
- (c) Properties which, because of their general condition, state of the premises, number of occupants, or location, are so unsanitary, unsafe, overcrowded or otherwise dangerous or detrimental that they create a serious menace to the occupants or the public;
- (d) Properties which contain lead-based paint substances, as defined herein;
- (e) Properties in or on which the owner, operator or occupant has failed to comply with notices or orders issued under the provisions of articles V and VI~~this article~~; or
- (f) Properties which are disorderly houses.

NOTE: The words "enforcement authority" would be substituted for "building authority" throughout the housing code.
(Code 1968, § 307.14; Ord. No. 475-86, § 11, 4-7-86; Ord. No. 159-95, 1-4-95; Ord. No. 36-98, § 2, 4-22-98; Ord. 298-14/15, 7-6-2015)

Sec. 6-121. Notice of condemnation and posting; order to vacate.

The building authority or a housing safety official designated by the city manager shall give notice in writing to the property owner or operator of such condemnation and posting, and in the event such property is occupied, he or she shall give like notice to the occupant, which shall also include a reasonable time limit within which such property shall be vacated.
(Code 1968, § 307.15; Ord. No. 475-86, § 12, 4-7-86; Ord. 298-14/15, 7-6-2015)

Sec. 6-122. Property not to be occupied again for habitation.

No property which has been condemned and posted against occupancy shall again be used for the purpose of habitation until the building authority or a housing safety official designated by the city manager shall in writing approve of its use and shall likewise authorize the removal of the posted notice.
(Code 1968, § 307.16; Ord. 298-14/15, 7-6-2015)

- Sec. 6-133. Reserved.
- Sec. 6-134. Reserved.
- Sec. 6-135. Reserved.
- Sec. 6-136. Reserved.
- Sec. 6-137. Reserved.
- Sec. 6-138. Reserved.
- Sec. 6-139. Reserved.
- Sec. 6-140. Reserved.
- Sec. 6-141. Reserved.
- Sec. 6-142. Reserved.
- Sec. 6-143. Reserved.
- Sec. 6-144. Reserved.
- Sec. 6-145. Reserved.
- Sec. 6-146. Reserved.
- Sec. 6-147. Reserved.
- Sec. 6-148. Reserved.
- Sec. 6-149. Reserved.

ARTICLE VI. DISCLOSURE OF BUILDING OWNERSHIP

Sec. 6-150. Purpose.

The proliferation of real estate proprietorships, partnerships, and trusts having undisclosed, anonymous or otherwise unidentifiable principals, owning large numbers of residential rental properties, sometimes managed through unresponsive property management companies, has impeded the proper enforcement of this chapter, chapter 12 and other ordinances of the city. This article is intended to require the disclosure of the ownership of such property and to make owners and persons responsible for the maintenance of property more accessible and accountable with respect to the premises, and to ensure that owners and tenants comply with chapters 6 and 10 of the City Code.
(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. 298-14/15, 7-6-2015)

Sec. 6-151. Registration required for ~~Long Term and Short Term~~ Rental:

(a) For purposes of this Article, a *rental unit* is a portion of any residential structure that is rented or available for rent to any individual or individuals for any length of time. A Single-Family Home, Condominium, or Apartment that is occupied by the owner or owners, and of which no portion is rented or available for rent, is not a *rental unit*. Any portion of a Single-Family

Home, Condominium, or Apartment that is rented to or available to be rented to an individual or individuals who are not the owner or owners is a rental unit. Dwelling units, ~~and~~ rooming units, and short-term rentals as defined in §6-106 are, without limitation, rental units. Long-term and short-term rentals of the same rental unit as described above require separate registrations with the City.

(b) Registration of ownership. The owner or owners of all buildings containing one (1) or more rental units within the city shall register their ownership and financial interest, address, telephone number, and e-mail address, as well as the name, address and telephone number of the person or entity responsible for managing the property with a housing safety official designated by the city manager as provided in section 6-152 by January 1, 2016 or within thirty (30) days of purchase of the property and/or building, whichever occurs later.

Short term rentals of non-owner occupied rental units:

1. Must register all units per individual ~~with~~that have any financial interest in the unit(s).
~~Registrations under this section will be permitted for up to five (5) units total.~~
2. The City will accept a total of 3 units per year, including island registrations. Registrants exceeding ~~that~~either cap number will be placed on a waitlist. The City will revisit this subsection each year to evaluate the market impact on its housing stock.

Short-term rentals of owner occupied rental units:

1. Must reside in the unit as his or her primary residence in order to register.
2. A tenant may register a short-term rental unit provided the following:
 - i. It is his or her primary residence, and
 - ii. the owner of the unit provides notarized consents in writing which contains the owners acknowledgment their liability under the Disorderly House Ordinance, inspections, and fees

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or code violations.

Condominiums may be registered consistent with the above unless prohibited by the association bylaws and/or other restrictions. Condominiums are considered [to be determined by the Committee] under this Article.

Tenants may also register a STR that is their primary residence so long as tenants submit the same proof of primary residence as required of property owners along with a notarized statement of permission from their landlord that includes acknowledgement by the landlord of their liability under the Disorderly House Ordinance, inspections, and any fees or code violations.

(C) STR Registration Caps. The City will restrict the number of non-owner occupied STR units to 300 units for all non-island units. There will be a cap of 325 non-owner occupied units for STRs located on the islands.

Individuals shall not have ownership interest in more than five (5) dwelling units operating as STRs.

(D) ~~(e)~~ Fee for Long Term Rental Registration. The owner or owners of Long Term rental units shall pay to a housing safety official designated by the city manager a fee of \$35 per rental unit at the time of registration. Failure to pay this fee by January 1, 2016 shall constitute a violation pursuant to section 6-153.

(E) Fee for Short Term Rental Registration. The owner or owners of Short Term Rental units shall pay to the housing safety official designated by the City Manager a fee in accordance with the chart below at the time of registration. STR units allowed per building shall be as outlined in the chart below.

<u>Type of Building</u>	<u>Limitations/Max # of STR</u>	<u>Registration Fee</u>
<u>Single Family Home:</u>	<u>May offer rooms in home as STR. When owner is away, may offer entire home as</u>	<u>\$100</u>

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<u>Owner-Occupied*</u>	<u>STR. Owner occupied refers to a unit that is the owner's primary residence as defined in this Chapter.</u>	
<u>Single Family Home: Not Owner-Occupied</u>	<u>Not allowed except on the islands</u>	<u>N/A</u>
<u>Multi-Dwelling Building: Owner-Occupied</u>	<u>2 unit building – 2 STR 3 unit building – 3 STRs 4 unit building – 4 STRs 5+ unit building – 5 STRs</u>	<u>1st Unit: \$100 2nd Unit: \$250 3rd Unit: \$500 4th Unit: \$1000 5th Unit: \$2000</u>
<u>Multi-Dwelling Buildings: Not Owner Occupied</u>	<u>2 unit building – 1 STR 3-5 unit building – 2 STRs 6-9 unit building – 4 STRs 10+ unit building – 5 STRs</u>	<u>1st Unit: \$200 2nd Unit: \$500 3rd Unit: \$1,000 4th Unit: \$2,000 5th Unit: \$4,000 <u>NOTE: Fees are cumulative and escalate with additional units whether they are in the same building or spread across multiple properties.</u></u>

Given their seasonal nature owners registering STR units located on the islands will be subject to the registration fee schedule governing owner-occupied multi-dwelling buildings.

~~(d)~~

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(f) Annual Renewal and Fee. The owner or owners shall renew their registration annually by updating the information provided in their initial registration and by payment to the City through a housing safety official designated by the City Manager of a fee of \$35 per rental unit for long-term rentals and the applicable fee in subsection (ee) above for short-term rentals. Failure to update information or pay the annual renewal fee by January 1 shall constitute a violation pursuant to section 6-153.

g) STR Revenue Allocation. A minimum of 25% of all revenue generated from STR registration fees and penalties shall be contributed towards the capitalization of the Housing Trust Fund with the remaining funding available for allocation to STR related administrative costs.

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(h) Registration Number. A registration number will be given for each dwelling unit registered as an STR. This registration number shall be displayed in the dwelling unit and be featured in advertisements.

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(i) Registration of management companies. Any individual, firm, corporation or purchaser under a land installment contract pursuant to Title 13 M.R.S.A. § 481 et seq. as may be amended from time to time, managing property subject to the registration requirements of subsection (a) shall register with the building authority its management responsibility by January 1, 2016 or within thirty (30) days of assuming management responsibility. Any filing shall be updated, at least annually, if there are any changes whatsoever with regard to the information supplied. Failure to register management responsibility or update the information supplied regarding such management responsibility shall constitute a violation pursuant to section 6-153.

(j) Registration and Renewal Fee Discounts. -In recognition that there are certain actions that owners of rental units may take that reduce the safety risk and decrease the financial burden upon the City, the following discounts to the registration fee and renewal fee are available:

- (1) \$10 discount for each rental unit within a fully-sprinkled building as verified by a testing report, maintenance report or a maintenance contract, which shall be provided at the time of registration and upon each renewal;
- (2) \$7.50 discount for each rental unit within a building with a centrally-monitored fire alarm as verified by Fire Department logs or an alarm contract, which shall be provided at the time of registration and upon each renewal;
- (3) \$5.00 for a rental unit that has been subject to and has passed a Housing and Urban Development

Housing Quality Standard (HQS) inspection within the preceding year as verified by the HQS inspection report, which shall be provided at the time of registration and upon each renewal;

- (4) \$10.00 for a rental unit that has been subject to and has passed a Housing and Urban Development Uniform Physical Condition Standard (UPCS) inspection within the preceding year as verified by the UPCS inspection report, which shall be provided at the time of registration and upon each renewal;
- (5) \$2.50 for a rental unit that is subject to a signed lease which prohibits smoking by tenants as verified by a copy of the current lease, which shall be provided at the time of registration and upon each renewal. The existence of and enforcement of such provision may also be verified through inspections or upon spot checks of the rental unit.

The total amount of discounts from the annual registration or renewal fee as described above shall not exceed \$20.00, and the minimum annual fee for registration or renewal shall be \$15.00 per unit.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. No. 246-97, 4-9-97; Ord. 298-14/15, 7-6-2015; Ord. 69-15/16, 10/5/2015)

Sec. 6-152. Registration form; information.

A housing safety official designated by the city manager shall provide forms to be completed by the owners and managers of properties subject to registration under this article and shall maintain a file containing all registrations made under this article.

- (a) The registration form for owners shall include, at a minimum, the following:
 - 1. The street address of the building;
 - 2. The assessor's chart, block and lot of the property

on which the building is located;

3. The names, addresses, telephone numbers, and e-mail addresses of all individual persons having any ownership interest in the property including, without limitation, all partners, all officers or trustees of any real estate trusts; and including the residential street address, e-mail address and home phone number of at least one (1) such individual person;
4. The name, address and telephone number of the manager of the property or the person or persons responsible for its regular maintenance or repair;

~~5.5. The name, address, and e-mail address of a person designated as the agent of the owner or owners for the service of notices and civil process by the city. Service of notice and process upon the person so designated shall be deemed conclusive service upon the owner or owners designating that person in any litigation pertaining to the premises.~~

6. A notarized primary residence affidavit provided by the City where applicable for STR registration. Any and all other documentation as requested by housing safety officials as designated by the City Manager.

(b) The registration form for managers of property shall include, at a minimum, the following:

1. The name, address, e-mail address and local telephone number of the management company and of at least one (1) such individual, including the residential street address, e-mail address and home telephone number of that individual; and
2. A list of all buildings for which the person or firm is responsible, including the street address and chart, block and lot description of the property and the name of the owner of that building.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. 298-14/15, 7-6-2015)

Sec. 6-153. Violations.

(a) Any person business entity or other organization failing

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to timely file the required registration or failing to timely pay, in full, the registration fee or annual renewal fee, or failing to timely file any required update to the registration shall be in violation of this Article for which a fine of \$100.00 per day each day the violation continues shall be assessed.

- (b) Any person providing false information with respect to registration shall be in violation of this article for which a fine of \$1,000.00 shall be assessed.
- (c) It shall be a violation of this article for which a fine of \$100.00 per day each day the violation continues shall be assessed for any owner or manager to rent any apartment or other portion of any building subject to registration, not registered under this article, or to permit the occupancy of such premises.
- (d) No certificate of occupancy shall be issued for property subject to the registration requirements which is not registered in accordance with this article.

(Ord. No. 443-89, 6-7-89; Ord. No. 53-89, 7-17-89; Ord. 298-14/15, 7-6-2015)

Sec. 6-154. Reserved.
Sec. 6-155. Reserved.
Sec. 6-156. Reserved.
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Sec. 6-158. Reserved.
Sec. 6-159. Reserved.
Sec. 6-160. Reserved.
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Sec. 6-162. Reserved.
Sec. 6-163. Reserved.
Sec. 6-164. Reserved.

ARTICLE VII. GREEN BUILDING CODE

***Editor's Note:** Article VII (Green Building Code) was adopted in its entirety by Council Order 187-08/09 and passed on 4-6-09)

Sec. 6-165. Purpose.

The purpose of this article is to establish the energy performance requirements for constructing and renovating city buildings and certain publicly-funded building projects with the

- (g) The Trust, or its agent, promptly shall record the discharges of PACE mortgages upon full payment of the PACE loan.

(Ord. No. 57-10/11, 10-18-10)

Sec. 6-195. Reserved.
Sec. 6-196. Reserved.
Sec. 6-197. Reserved.
Sec. 6-198. Reserved.
Sec. 6-199. Reserved.

ARTICLE IX. DISORDERLY HOUSES

Sec. 6-200. Disorderly houses prohibited.

(a) No person shall occupy as owner-occupant or shall allow another to occupy any dwelling, dwelling unit, rooming house, or rooming unit (hereinafter jointly and severally "building") which is a disorderly house as defined herein.

(b) A "disorderly house" is any building which:

- (1) The police have visited a minimum number of times in any thirty (30) day period, as set forth in paragraph (3) below, in response to situations which are created by the owner, tenants, or owner's or tenants' cohabitees, guests or invitees and which would have a tendency to unreasonably disturb the community, the neighborhood or an ordinary individual in the vicinity of said building, including, but not limited to: loud music; boisterous parties; sounds emanating from within the structure which are audible outside the building; loud noise or fights within the building or in its vicinity involving tenants of the building or their invitees (excluding incidents involving domestic violence); tenants or invitees of tenants being intoxicated on public ways in the vicinity of the building; other similar activities in the building or outside the building itself; or
- (2) The police have visited three (3) or more times in any thirty (30) day period in response to situations which are created by the owner, tenants, or owner's or tenants' cohabitees, guests or invitees and involve the arrest of owners or tenants or their invitees for activities which constitute either a crime or civil infraction under

either state or local law, or create a reasonable suspicion that illegal drug use or sales under 17-A M.R.S.A. chapter 45 or prostitution or public indecency under 17-A M.R.S.A. chapter 35 has occurred; or

- (3) The following table delineates the number of police visits per dwelling size which create a disorderly house under paragraph (1) above:

Units per building	Number of visits by police in any 30-day period
5 or fewer	3
6 to 10	4
11 or more	5

(c) The situation to which the visit pertains shall be documented by the police department. Such documentation may include sworn affidavits by named citizens which may be sufficient to create a reasonable suspicion said illegal activity has occurred.

(Ord. No. 165-10/11, 4-4-11)

Sec. 6-201. Notice of disorderly house.

Whenever a building has been identified as a disorderly house by the city, it shall cause written notification of the events which form the basis for that designation to be given to the owner as long as that owner has registered in accordance with section 6-150 et seq. (disclosure of building ownership). Such notice shall be sufficient for all legal purposes. The notice shall require the owner to meet with representatives of the city (including the police department) within five (5) business days from the date of the written notification, or such other time as is agreed upon by the Police Chief or his or her designee, to identify ways in which the problems which have been identified will be eliminated.

At the time of said meeting, the owner shall be obligated to provide to the city the following documentation:

- (1) A copy of the names of all tenants or other persons authorized to reside or presently residing in the building and the units they occupy;

- (2) Copies of all leases with tenants residing in the building;
- (3) Contracts with any property manager or other person responsible for the orderly operation of the building;
- (4) An accurate and up to date disclosure of building ownership form as required in 6-150 et seq.

In addition, the owner will agree to take effective measures to address the disorderly house, which measures shall be memorialized in a written agreement at the conclusion of the meeting with the city and shall be implemented within one (1) week of said meeting unless another date is agreed upon by the police department. Failure to enter into such an agreement at the conclusion of the meeting will be deemed a violation of this housing code, and the city may file a complaint in the district court seeking all compensatory and equitable relief permitted by law.

If the same building should be classified as a disorderly house on a subsequent occasion within three (3) years, then the city is under no obligation to meet with the owner but may condemn and post the building or any units therein, and/or proceed directly with a complaint to the district court seeking all compensatory and equitable relief permitted by law.

(c) The notices provided for in this section may be given to an owner who has not complied with section 6-150, but are not required.
(Ord. 165-10/11 - 4/4/11)

Sec. 6-202. Enforcement.

If the owner (a) refuses to agree to take effective measures to address the disorderly house, (b) takes ineffective measures to address the disorderly house as determined by the city, (c) fails to implement the agreement reached with the city to address the disorderly house or (d) if, in the discretion of the city, the disorderly house requires immediate posting, the city may condemn and post the building against occupancy, and/or may file a legal action against the owner seeking any and all damages and remedies to which it is entitled pursuant to state and local laws.
(Ord. No. 165-10/11 - 4/4/11)

For STRs, a violation of the disorderly house ordinance will, at the discretion of the City Manager or their designee, result in an immediate revocation of the registration and 12 month suspension from registering again. After the 12 month suspension, the registration will not be considered a renewal.

Sec. 6-203. Cost of service for responses to disorderly houses.

(a) Whenever the police department is required to respond to a situation at a disorderly house, as defined in section 6-200, which constitutes the ninth (9th) or greater response in any thirty (30) day period, the owner of the disorderly house shall pay the cost of service for each such response as follows:

(1) For each such response for service the owner shall pay fifty dollars (\$50.00) which shall be in addition to any penalty to which the owner may be subject.

(b) Failure to pay the cost of service within thirty (30) days after demand therefor shall subject the owner to the penalties provided in section 1-15.

(c) Charges which become payable hereunder shall be treated as liens on the property in question and shall be enforced in accordance with the provisions of section 1-16.
(Ord. No. 165-10/11, 4-4-11)

Sec. 6-204. Violations.

Any person violating any of the provisions of this article or failing or neglecting or refusing to obey any order or notice of the police department issued hereunder shall be subject to a penalty as provided in section 6-1.
(Ord. No. 165-10/11, 4-4-11)

ARTICLE X. ENERGY BENCHMARKING

6-205. General.

The energy and water use of municipal and covered buildings shall be benchmarked in accordance with this article.
(Ord. No. 67-16/17, 11-7-2016)

6-206. Purpose.

To encourage efficient use of energy and water and to reduce the emission of greenhouse gases, this ordinance requires owners of Covered Properties and Municipal Properties to annually measure and disclose energy usage to the Department. Furthermore, this Ordinance will authorize the Department to collect energy and water usage data to enable more effective energy and climate protection planning by the City and others and to provide information to the real estate marketplace to enable its members to make decisions that foster better energy performance.

(Ord. No. 67-16/17, 11-7-2016)

6-207. Applicability.

This Ordinance shall be applicable to all Municipal and Covered Properties as defined in this Ordinance.

(Ord. No. 67-16/17, 11-7-2016)

6-208. Definitions.

Benchmarking information shall mean information generated by the Benchmarking Tool, as herein defined including descriptive information about physical property and its operational characteristics. The information shall include, but need not be limited to:

(a) Property address;

(b) Primary use type;

(c) Gross floor area;

(d) Site Energy Use Intensity (EUI) as defined in this section;

(e) Weather normalized source EUI;

(f) Annual greenhouse gas emissions;

(g) Water use;

(h) The energy performance score that compares the energy use of the building to that of similar buildings, where available; and