



**Fire/Code Inspections Task Force
Meeting Notes
January 26, 2015**

Phase 2 Task Force Members:

Julie Gregor, Inspection Supervisor – Portland Housing Authority
Katie McGovern, Tenant Advocate – Pine Tree Legal Assistance
Crandall Toothaker – Southern Maine Landlord Association
Brit Vitalius for Carleton Winslow – Southern Maine Landlord Association
Rich Bianculli, Neighborhood Prosecutor, Police Dept - City of Portland
Adam Lee, Attorney, Corporation Counsel – City of Portland
Jay Fleming, Deputy Chief - Boston Fire Dept (not present)
Keith Gautreau, Assistant Chief, Fire Dept - City of Portland
Tammy Munson, Inspections Division Director - City of Portland
Tuck O'Brien, Chair, Portland Planning Board (not present)
Jon Rioux, Inspections Division Deputy Director - City of Portland
Julie Sullivan, Acting Chief of Staff - City of Portland

1. Welcome
2. Overview of **State Fire Marshal's report** re Noyes Street and discussion of relevant items for task force consideration

What does this tell us – what should we add or change in what we've already been discussing?

- a. Origin and cause: Outside on porch, Improperly discarded smoking materials (cigarettes), Improper use of cigarette receptacle, Fuel load on porch, Time of day (undetected)
 - i. Smoking is the leading cause for fatal fires.
 - ii. Can charge tenants for disconnecting smoke detectors – could even become criminal mischief charge if done repeatedly.
 1. Could be grounds to evict because endangering other tenants
 2. Landlords could put this in their leases
- b. Human behavior elements: Smoke alarms removed, Blocked egress, Drinking and smoking, Housekeeping issues
 - i. Need to educate landlords about the different kinds of smoke alarms – eg, don't use an ionization smoke detector near a kitchen or bathroom, use photoelectric.
- c. Arrangement/legal use of building
 - i. Discussed the need to ensure inspection of 2-unit rental properties – some are very large, with numerous bedrooms.

- ii. Concluded that square footage and number of bedrooms should be risk factors for prioritization. This information could be added to the annual landlord registration form to ensure that the City has complete and accurate information (currently we have this information from the Assessor's Office).
 - iii. Consider changing the code in Section 10-3(m) to say OR subject of complaint.
 - iv. Discussed lodging houses/rooming houses. Licensing should not be done through City Clerk but through registration and required annual inspection.
 - 1. Need clarification on how tenants are removed – whether the landlord is viewed as an innkeeper; different rules.
 - d. State Fire Marshal inspects all fatal fires. They are forwarded their findings to the DA, which is why the full report cannot be made public at this time. Also, the ATF has corroborated the Portland Fire Department and the State Fire Marshal's theory and findings.
 - e. The findings tell us that education is key – the importance of keeping egress unblocked, working smoke detectors, disposal of smoking materials.
 - i. Revisited the proposed new document for tenants and landlords to sign – should be done with a walk-through of the unit to test that smoke detectors are connected and working.
 - ii. Discussed the enforcement of this and concluded that it is an excellent education tool and the City can enforce when inspecting by asking to see the jointly signed document.
 - f. The findings also underscore the importance of enforcement of working smoke detectors, removal of trash.
 - i. Discussed Heavy Item Pickup (HIP) and whether that would make an impact on the factors that were causal. Task Force believes that reinstating HIP would not make enough of a difference; this demographic is more likely to keep old furniture.
 - ii. Task Force also believes that banning couches on porches is also not a worthwhile option at this time because it would be more impactful to spend resources on education and enforcement for highest-risk properties.
 - g. Portland Fire Department has already pulled a list of 67 properties recommended by USM for students and is prioritizing inspections there.
 - i. Consider putting in the area around the university as a risk factor.
 - ii. Consider changing zoning around USM to legalize rooming/lodging houses and ensure they have proper fire systems.
 - iii. Perhaps there are more illegal third floor units than illegal rooming/lodging houses – also may require a zoning change.
 - h. In the current City code, there are different definitions of rooming houses in Ch. 6 and Ch. 10. Need to tighten those up.
3. Discussion of enforcement, technology, internal training, staffing
- a. Finish **enforcement** discussion from last meeting

- i. Tenant notification – policy needs to be revisited and finalized. Was drafted after 10 Exchange St issues to establish more stringent fines, and post so tenants are aware of the violations.
 - ii. Discussed concerns that other subsidized housing are not well-monitored (most are under various HUD subsidies and inspected by other agencies)
- b. **Technology** – With minimal to no new resources, the City can standardize and streamline inspection reporting processes. The PSS study noted the need for improved use of technology in the inspections functions.

What else should the City consider for technological improvements?

- i. Fire Department will move to Urban Insight.
 - ii. Develop and implement standardized checklists for inspectors to use in the field. *These checklists should be shared with landlords and tenants through public education.*
 - iii. Consider having tablets for inspectors to use in the field, greatly diminishing the amount of time required to cite an owner for violations and follow up with enforcement.
 - iv. Provide online capability for annual landlord registration.
 - v. Everything needs to be online – starting with the landlord registration.
 - vi. Should work to have a complete inventory of all rental properties in the city
- c. **Internal Training** – The internal phase of this Task Force’s work illuminated several areas for improvement in staff training.

Are there other opportunities for internal training?

- i. Inspectors across relevant departments require additional training and cross-training to improve inspections.
 - ii. All relevant staff require additional training to use Urban Insight and to ensure thorough documentation of all inspections.
 - iii. Other City staff who work in the field will be trained on the checklist so that they can easily report any concerns for follow up.
- d. **Staffing** – PSS’ study used a metric to recommend 10 new FTEs in the Fire Department alone to ensure widespread inspections. We believe we can achieve the intended goal of improving our ability to ensure the safety of Portland’s rental housing stock using a different approach. In order to ensure implementation of these recommendations and to evaluate whether there are indeed ensuing improvements to the city’s rental housing stock, the following new positions are requested.
- i. Housing Safety Official (title TBD) who reports to the City Manager, convenes and coordinates all relevant departments to address issues with a property and decide actions to be taken.
 - ii. Three additional inspectors, all cross-trained in building code and life safety code, who will report to the Housing Safety Official.
 - iii. One administrative support position, who will coordinate the risk-based assessment of all rental properties and the online database, who also reports to the Housing Safety Official.
 - iv. An Education Officer at the Fire Department to implement the additional training

needed.

- v. Discussion:
 - 1. Inspecting GA-subsidized properties needs to move to new housing safety office
 - 2. This new housing safety office can be largely self-sustaining through registration fees
- e. Should these fees be levied by unit or by property?
 - i. City has approx. 17-20,000 units in 6,900 buildings. Removing 3,284 residential condos leaves 3,616 properties.
 - ii. \$100/property annual fee makes the program close to self-sufficiency
 - iii. Lower annual fee plus significant penalty – how find balance
 - iv. By unit seems too punitive, but may need to consider way to scale fee by size/complexity of property
 - v. Landlords okay with \$25/property with the revenue going to fund inspections
 - vi. How “reward” landlords who are compliant
 - vii. Raise reinspection fees

4. What's next

- a. Thurs 1/29, 2:30-4:00 pm, rm 209 – discuss recommendations
- b. Tues 2/3, 5:30-7:00 pm, rm 24 – Public Meeting
- c. Weds 2/4 – Mon 2/9 – Virtual discussion of public meeting feedback
- d. Tues 2/10, 5:30 pm, Council Chambers – Presentation to City Council Public Safety, Health & Human Services Committee
- e. Weds 2/11 – Mon 2/16 – Virtual discussion of Committee meeting feedback
- f. Final recommendations issued