

Order 133-15/16

Passage: 8-0 (Suslovic absent) on 1/4/2016

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**CITY OF PORTLAND
IN THE CITY COUNCIL**

Effective 2/3/2016

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**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 14. LAND USE, ARTICLE III. ZONING. SECTION 14-483
Re: Preservation and Replacement of Housing Units**

**I. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

*That Chapter 14, Article III, Section 14-483 of the
Portland City Code is hereby amended to read as follows:*

DIVISION 29. HOUSING PRESERVATION AND REPLACEMENT

Sec. 14-483. Housing preservation and replacement.

(a) *Purpose.* The purpose of these regulations is:

1. To promote and facilitate an adequate supply of housing, particularly affordable housing for all economic groups;
2. To limit the net loss of housing units in the city;
3. To preserve housing in zones where housing is permitted for in the city for all residents in order to promote the health, safety and welfare of its citizens.

(b) *Definitions.*

Dwelling unit. A dwelling unit is one (1) or more rooms with private bath and kitchen facilities comprising an independent self-contained dwelling unit. For purposes of this section only it also includes single family, two-family and multi-family dwellings and any dwelling units in those dwellings, or dwelling units, or rooms that people rent or sleep

in within lodging houses, dormitories, shelters and sheltered care group homes.

Loss of ~~dwelling or~~ dwelling unit for purposes of this section means the elimination or conversion to nonresidential use of a ~~dwelling or~~ dwelling units; and dwelling units that remain vacant for three years or more or are elimination includes dwelling units lost due to demolition unless the vacancy or demolition ~~resulted~~ results from accidents outside of the owner's control, fire, natural disasters, or acts of war.

Original site means the location where the demolition or conversion to non-residential use of ~~dwellings and~~ dwelling units will take place.

...

(e) Site plan administrative authorization or approval required. Notwithstanding any other provision of this section, a person who proposes to demolish or to convert to a nonresidential use three or more ~~dwellings or~~ dwelling units in the City, in a zone where such use is otherwise permitted, must first obtain administrative authorization or site plan approval from the City's Planning Authority or Planning Board pursuant to Sec. 14-521, et. seq.

In addition the requirements of 14-521, et. seq., where this section is applicable, the applicant must also submit a statement certifying the number of dwelling units to be demolished or converted to nonresidential use, as well as a description of the characteristics of each of those units.

...

(h) Replacement Unit Requirement. In addition to the foregoing, all replacement units built pursuant to sub-section (g) (1) or (2) above shall:

1. Be located within the ~~City of Portland~~ same United States Census Block Group as the parcel from which the dwelling units are being removed or within 1,500 feet of the dwelling units being removed;
2. Not previously have been on the market as of the date of application;;
3. Be situated within a development which has not been a

candidate for site plan approval as of the date of the application; ~~and-~~

4. Be comparable in size to the units replaced; for the purpose of this section, "comparable in size" means that the aggregate size of the replacement units will be no less than 80% of the size of the aggregate of the original units.

...

(j) *Performance Guaranty/Letter of Credit.* Owners or affiliates must post a performance guaranty in the form of a letter of credit, or other security acceptable to the city attorney in amount equivalent to the amount the applicant would have been required to contribute to the City's Housing Trust Fund if the applicant had chosen that option pursuant to subsection g. Such a performance guaranty shall be valid for no more than three years, after which the full amount due shall be provided to the City's Housing Trust Fund if replacement units satisfying the conditions of this Division 29 do not have Certificates of Occupancy.

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