

**Agenda**  
**Ad Hoc Committee on Rental Registration**  
**January 23, 2019**  
**6:30 PM**  
**Third Floor Conference Room, Lewiston City Hall**

- Update on progress by subcommittees (Programming, LFD/Code, and LPD) to full committee before creating a final recommendation up to council.
- Schedule full committee meeting in February to finalize report with recommendations.

## Multifamily Property Registration Program for Lewiston, Maine

This Document	<b>Draft Program Outline</b>
Submitted on	1/23/2019
Submitted to	Lewiston's Ad Hoc Advisory Committee on Rental Registration
Submitted by	Program Design Subcommittee: Erin Guay, Jim Lysen, Ronnie Paradis, Amy Smith
Submitted for	Review, comment, and input from the full Committee at the 1/23/2019 meeting.
Future drafts	<b>Draft Program Proposal</b> to include Committee input and the next level of detail. Distributed to the full Committee by 2/8/2019 for review, to be discussed and revised in the full Committee meeting on 2/13/2019.
Final document	<b>Final Program Proposal</b> , approved by the full Committee, submitted and presented to the City Council by 2/28/2019

### **Draft Program Outline**

*[Preamble about importance of property health and its role in economic and neighborhood development – to be provided in Draft Program Proposal]*

The purpose of the Multifamily Property Registration Program is to collect and share information so the City and its residents, including both owners and renters, have accurate, complete, and transparent data about the multifamily housing stock. Information priorities include:

- Accurate inventory of housing unit quantity and configuration.
- Accurate assessment of the health and safety of every unit.
- Accurate and complete ownership, management, and contact information for 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.
  - *NOTE: Do we need a secondary phone number? Ask the fire dept.*
- Multifamily Property: A structure that contains more than one housing unit. Multifamily Properties with 3 or more units are subject to regular inspections.
  - *NOTE: The City's current definition of Multifamily Property may not include duplexes; we recommend broadening this definition so all housing units can be accurately inventoried.*

Registration Requirements:

1. Registration is mandatory for all multifamily 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 multifamily property, which includes the Emergency Contact information. This certificate shall be permanently and prominently posted inside the property, on the first floor of the property, either on or adjacent to every exterior entrance door.
4. Business Operator Registration requires this information:
  - a. Ownership, management, contact, and occupancy information for each multifamily property; use best practices from existing Registration Programs as the data model.
  - b. Configuration and condition information for each multifamily property; use standard Real Estate Disclosure as the data model.
  - c. *NOTE: Specific proposed data sets for both a and b will be provided in the Draft Program Proposal.*
5. Property Management Company Registration requires this information:
  - a. Ownership, management, and contact information of the Property Management Company.
  - b. A list of all Lewiston multifamily properties currently under management. For each property, the name and address of the Legal Owner and the Business Operator.
  - c. *NOTE: Specific proposed data sets for both a and b will be provided in the Draft Program Proposal.*
6. Registration Fees:
  - a. \$100 for each Business Operator (not for each multifamily property or for each unit). Whether a Business Operator owns 3 units or 100 units, the fee is the same.
  - b. \$100 for each Property Management Company, regardless of the number of units under management.

- c. The fee is collected annually; the registration period is 60 days. For example, Business Operators and Property Management Companies are required to register between January 1 and February 28.
  - d. Registration Incentive:  
The \$100 fee is waived and trash pickup is free for the calendar year for Business Operators who:
    - i. register in the first 60 days of the standard registration period and have no outstanding Notices of Violation.
    - ii. purchase a multifamily property after the annual registration period, and register the property within 60 days of the purchase date.
  - e. Penalties for Late or Non-Registration:
    - i. Business Operators who register within 61-90 days incur no penalty; they must pay the \$100 registration fee and they do not receive free trash pickup.
    - ii. Business Operators and Property Management Companies who do not pay the fee within 90 days are publicly listed as “Unregistered” and incur a fine of \$XXX per XX.
    - iii. *NOTE: Should there be a different penalty for Business Operators with a significant number (to be determined) of unaddressed issues (violations, liens, etc.) where they are not allowed to register until all violations are addressed?*
  - f. When considering increases to the Registration Fee, the City shall calculate the increase via the standard formula used to increase other City program fees.
7. Registration benefits:
- a. Registered Business Operators and their properties are shown as Registered in the public database.
  - b. Registered Business Operators are eligible for City incentives and assistance, such as free or reduced trash pickup/dumping, rehabilitation loans, and lead abatement funds.
  - c. Registered Business Operators with a history of passed inspections and on-time property maintenance may be subject to fewer inspections.
  - d. The City and the public have transparent access to accurate and transparent information about the multifamily housing stock.

### 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 email addresses; personal phone numbers and email addresses will not be public (but will be available to and used by City officials).
  - *NOTE: the Draft Program Proposal shall indicate which data will be public.*
- 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.
  - Amend leases to include renter expectations and corresponding education 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 Economic Development employee to be the “Multifamily Property Business Partner” – a single individual who can help Business Operators navigate programs, resources, education, etc. related to owning and operating rental properties.
- City creates a Standing Committee on Housing; the committee includes:
  - Lewiston’s Multifamily Property Business Partner
  - A representative from the LA Public Health Committee
  - 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. Use this opportunity to define the baseline data set upon which departments can be cross-trained.
- Non-Profits Healthy Androscoggin and Healthy Homeworks provide the data publishing platform and property data maintenance at no cost to the City.

- Inspection protocols include:
  - Fire inspections happen at least every 3 years; potentially skip a cycle for compliant owners.
  - FD carries a “lead check kit” (certification required) with them for **proactive** recommendations to Business Operators.
    - *NOTE: Healthy Androscoggin to assist with programming.*
  - Code focuses on responding to complaints; dedicate a portion of their time to follow up on FD’s more serious issues. Must figure out a way to cross-train; system for referrals.
  - Prioritize inspections by highest risk properties (density, size, NOVs, lead history, non-Registration)
  - Standard inspections include making sure the Registration Certificate is posted.
- Police and Fire call/activity protocols include:
  - Timely email notification to Business Operator and Property Manager to report calls to a property.
  - Timely email notification to Business Operator and Property Manager when building is approaching a Disorderly status.
- 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 incentives/ types of incentives awarded*
  - *Number of penalties/ amount of penalties served.*
  - *NOTE: Discuss, refine, include updated list in next Draft Program Proposal.*
- Timeline:
  - Begin rollout July 1, 2019
  - Full implementation of Registration Program (all Business Operators and Property Management Companies can register) by January 1, 2020
  - Full implementation of other aspects of the program by XXX.

## Lewiston Fire/Code Enforcement Subcommittee Update

01/23/2019

The Ad-hoc Advisory Committee on rental Registration provided the Council a list of goals, some of which apply to LFD/Planning & Code. Staff meet to discuss the following:

- i. Outline the resource and staffing levels required to meet these goals
- ii. Specify the nature of the goal
- iii. Determined how the goal should be funded and implemented.

The following is a DRAFT response to those requests noted in **bold**.

GOAL 1: PROTECT THE HEALTH AND SAFETY OF RESIDENTS BY ENSURING THE HEALTH AND SAFETY OF OUR RENTAL PROPERTIES.

- 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 that 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:

- A. 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.

*1. Outline the resource and staffing levels required to meet these goals*

- **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. Specify the nature of the goal*

- **Inspection checklist used by engine company already focuses on three primary elements designed to protect lives.**

*3. Determined how the goal should be funded and implemented.*

- **Proactive, 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 budget through the Fire Department.**
- B. 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.

*1. Outline the resource and staffing levels required to meet these goals*

- **Code already assumes the role of being responsible for responding to complaints. Inspections include the unit requesting services 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, there is an expectation the 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.**

*2. Specify the nature of the goal*

- **To eliminate threats to occupant safety and health it specific areas of the community as determined by a structures size, density, age, and number of police calls.**

*3. Determined how the goal should be funded and implemented.*

- **No additional funding is expected in the short term. Long term, depending upon what the City Council implements for a program will determine the need for additional staffing. As for targeting areas at greatest risk due to such factors as size, density, age, and number of police calls, existing city data will needed to be compiled into GIS to determine areas of attention.**

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.

- 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:

- A. 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.
  - i. *Outline the resource and staffing levels required to meet these goals*
    - **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 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.**
  - ii. *Specify the nature of the goal*
    - **To provide easy access to various departments (and the public) to be informed of a property's condition.**
  - iii. *Determined how the goal should be funded and implemented.*
    - **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.**
  
- B. 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.
  - i. *Outline the resource and staffing levels required to meet these goals*
    - **The departments currently communicate very well with each other. Crossing training between staff could easily occur 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 in determining whether an inspection should be deferred. Note, complaints often refer to a specific unit and not the entire structure so deferrals may not readily occur.**
  - ii. *Specify the nature of the goal*
    - **To improve communication and sharing of information between Fire and Code.**



should be provided in Fire Prevention. Such an additional position, with an initial annual estimated cost of \$65,110, 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.

- i. Outline the resource and staffing levels required to meet these goals*
  - **See above**
- ii. Specify the nature of the goal*
  - **See above**
- iii. Determined how the goal should be funded and implemented.*
  - **See above**

**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:

1. 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.
  - i. Outline the resource and staffing levels required to meet these goals*
    - **Fire already has a checklist of sorts. Code should develop something similar. No additional staff anticipated.**
  - ii. Specify the nature of the goal*
    - **To better inform the residents and property owners of what city staff are requiring for code compliance.**
  - iii. Determined how the goal should be funded and implemented.*
    - **Minimal costs associated with printing and new documentation created.**
2. 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.
  - i. Outline the resource and staffing levels required to meet these goals*
    - **Assistance needed in getting-the –word out about classes. Staff from Fire and Code would present information. No additional staff needed. May be able to partner with contractors, housing advocacy groups, etc.**
  - ii. Specify the nature of the goal*
    - **To provide and explain code requirements, available resources, processes for compliance and noncompliance.**
  - iii. Determined how the goal should be funded and implemented.*

- **Additional overtime funding may be necessary. Training may occur once every six-to-twelve months. Should include commercial properties, too.**

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

1. In regards to strengthening the current Disorderly Property SOP, the sub-committee recommends adjusting the current call for service threshold. Currently, the SOP's threshold is five (5) calls for service to any address, disorderly in nature, constitutes grounds to be considered a disorderly property. The sub-committee is currently looking at adjusting this number up/down in proportion to the number of units in a building. In part, this would scale the number of cfs based on how many units are within a building and would no longer go by a single address system but by building.
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 Calls For Service 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.

