

Ordinance, Adopting a New Chapter 18, Article VI to the Code or Ordinances – Registration Requirement for Multi-Family Buildings.

The City of Lewiston Ordains that a new Article VI to Chapter 18 of the Code of Ordinances is hereby adopted as follows:

CHAPTER 18. BUILDINGS AND BUILDING REGULATIONS

Article VI. Registration Requirement for multi-family buildings

18-91. Purpose; intent.

The city has a large number of multi-family buildings, many of which are older and present property owners and managers significant challenges regarding upkeep and maintenance while placing a significant burden on the city's code enforcement efforts. The number of real estate proprietorships, partnerships, and corporations that own buildings in the city, sometimes managed through property management companies, creates challenges to the proper enforcement of the city's fire, building, and property maintenance codes, all of which are designed to ensure the public safety and welfare of residents.

The purpose of this article is to: require disclosure of the ownership of these buildings; identify those responsible for maintaining them and responding to violations identified through city inspections; ensure the city has access to contact information on the individual who is responsible for responding to emergencies; provide basic information on these buildings to allow the city to effectively develop and implement housing policies and programs; and provide residents, including both owners and renters, accurate, complete, and transparent data about the city's Multi-Family housing stock. Information priorities include:

- (a) Accurate, up-to-date, and complete ownership, management, and contact information for every Multi-Family building;
- (b) An accurate inventory of dwelling unit quantity and configuration; and
- (c) An accurate assessment of certain items that impact the health and safety of dwelling units.

18-92. Definitions.

The following words and terms, when used in this article, have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this article, which are defined in articles adopted by reference, have the meanings ascribed to them as stated in those articles.

Business Operator: A specific individual person, not a corporation or partnership, with a legal ownership interest in a property who makes financial, maintenance, and policy decisions.

Emergency Contact: The individual who responds to emergency after hour calls from tenants and public safety personnel.

Legal Owner: The individual or legal entity, such as an LLC or LP, holding the deed to the property.

Multi-Family Building: A detached building in common ownership interest containing three (3) or more dwelling units designed for residential use and occupancy by three (3) or more families living independently of one another, including mixed use buildings, that is not a single-family dwelling, excluding Boarding and Lodging Houses or such other buildings that are separately licensed by the City or the State of Maine.

Property Management Company, Property Manager: An individual or business entity, which may be the Building Owner, Business Operator, or a party that has no ownership stake in a property, that serves as property manager on behalf of and at the direction of the Business Operator or Legal Owner; an individual or business entity that maintains and repairs the physical property and often manages tenant relationships and routine matters involving the property. The Property Manager serves as the primary contact for the City, its inspectors, and tenants.

Rent: Payments made for the use of a premises, including, but not limited to, money, services, trade, or a combination thereof; or the sharing of housing expenses with persons not part of the homeowner's immediate family.

18-93. Applicability; exceptions.

- (a) The provisions of this article apply to all Multi-Family Buildings except as noted in (b).
- (b) The provisions of this article do not apply to single family dwelling units; dwelling units in cooperative, condominium, or townhouse buildings where no one entity owns more than two dwelling units; lodging houses, hotels, motels, or bed and breakfasts; hospitals; convalescent, rest, or nursing homes; residential care or congregate care facilities or other institutional beds or rooms used for medical or mental health treatment services otherwise licensed by the city or state; or mobile home parks.

18-94. Registration required.

All Multi-Family buildings in which rental housing is located must be individually registered with the city, at no cost, under the terms of this article. No person, including without limitation a legal owner, owner's associate, real estate broker, associate real estate broker, real estate agent, business operator, or property manager, shall allow any rental housing unit to be occupied, or let or offer to another any Multi-Family rental housing unit for occupancy, or charge, accept or retain rent for any dwelling unit, unless the Legal Owner, the Business Operator, or the Property Manager has registered under the terms of this article. Any person carrying on such a business activity without registering is in violation of this article.

A registration certificate will be issued to the Legal Owner of the building named on the approved registration form or, at the request of the Legal Owner, to the Property Manager. One certificate will be issued for each building. The certificate for each building shall include emergency contact information for that building.

The registration certificate, or a facsimile thereof, shall be posted and shall remain posted in close proximity to the main entrance of the structure in an area that is easily accessible to tenants during the full period the registration is in effect.

Such registration is voided upon the sale or transfer of the building to a new owner.

18-95. Renewal; term.

Before March 1 of each year, the Legal Owner, the Business Operator, or the Property Manager shall submit a registration application for each Multi-Family building. Within 60 days of purchasing or transferring the ownership of such building, or converting a building into a Multi-Family property including through the addition of more units, the Legal Owner, the Business Operator, or the Property Manager shall register the building. Newly constructed Multi-Family buildings must be registered within 30 days of the date the city issues a certificate of occupancy. All registrations expire at the end of February.

18-96. Registration Process and Requirements.

A registration application shall be made to the City Clerk's Office on a form furnished by the City Clerk and shall include the following information:

- (a) Name, business or residence address, cell and primary telephone numbers, and email address of the Legal Owner or owners of the building;
- (b) Name, business or residence address, cell and primary telephone numbers, and email address of the Business Operator of the building;
- (c) Name, business or residence address, cell and primary telephone numbers, and email address of the Property Manager of the building. This is the individual with whom the City will schedule inspections and who takes responsibility for maintaining the building, including responding to emergencies occurring during business hours. This individual may be the Legal Owner or the Business Operator
- (d) Emergency Contact. The name, business or residence address, cell and primary telephone numbers, and e-mail address for the city's primary contact for after hours emergencies at the building.
- (e) Street address and real estate tax identification number of the building.
- (f) Number and type of dwelling units within the building. For each building, the number of floors, number of units by bedroom count, and the number of vacant units must be provided.
- (g) The year the building was constructed and documentation, if any, of the buildings lead free or lead safe status.
- (h) Whether the building has a monitored or supervised fire alarm or sprinkler system.

Any Changes to the information required in (a), (b), (c), and (d) that occur more than thirty days in advance of the date of the next required registration must be reported to the city clerk within fifteen days of its occurrence.

All owners must allow on-site inspections of their buildings by the city including, without limitations, all rental units. Failure to allow such inspections will result in revocation of the building's registration.

All Multi-family buildings must be registered prior to March 1, 2020.

18-97. Rejection of Registration

The city clerk may reject any registration application where the application is incomplete or has been determined to include inaccurate information. Buildings with rejected registrations will be considered unregistered.

18-98. Unregistered multi-family buildings.

Any person failing to register a multi-family building or failing to comply with any other requirement of this article shall be in violation of this article and subject to a civil penalty enforced by the code enforcement office and a fine as established by the city council.

Unregistered multi-family buildings are not eligible for any City administered state, federal, or city-sponsored loans or grants or other city-sponsored or provided programs that are available through separate applications and which are not universally provided to all multi-family buildings.

18-99. Appeals.

The Zoning Board of Appeals shall hear appeals of orders, decisions, or determinations made relative to application and interpretations of this article. Appeals to the Zoning Board of Appeals shall be submitted as otherwise set forth in City Code regarding administrative appeals, subject to the payment of any fees as may be determined by the municipal officers from time to time.

18-100. Severability.

If any clause, sentence, paragraph, section, article, or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgement shall not affect impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section, article, or part thereof directly involved in the controversy in which such judgment shall have been rendered.