

Housing Committee Minutes of September 26, 2018 Meeting

NOTE: The Housing Committee meetings are now live-streamed, which can be viewed at this link: http://townhallstreams.com/stream.php?location_id=42&id=16398 These minutes provide a record of those in attendance, general discussions taking place, and motions made.

A meeting of the Portland City Council's Housing Committee (HC) was held on Wednesday, September 26, 2018 at 5:30 P.M. in room 209 at Portland's City Hall. Councilors present at the meeting included Committee members Councilor Kimberly Cook, Councilor Pious Ali, and Councilor Jill Duson, Chair of the Committee. City Council members present were Mayor Ethan Strimling. City staff present included Jeff Levine, Planning and Urban Director, Mary Davis Housing and Community Development, Victoria Volent Housing Programs Manager, Michael Russell Permitting and Inspections Director, Jonathan Rioux Inspections Director, Samantha Chapin Principal Administrative Officer, Jessica Hanscombe Licensing and Registration Coordinator, Fire Chief Keith Gautreau, Captain John Brennen of the Fire Department, Anne Torregrossa Corporation Counsel, and Michael Sauschuck Assistant City Manager.

Item 1: Review and accept Minutes of previous meetings held on September 6, 2018

Motion by Councilor Ali to accept the minutes. Motion by Councilor Cook to amend the minutes to add the site 1 M.R.S. § 405(E) to item 2 of the September 6, 2018 minutes. Councilor Ali accepted the amendment. Amended motion was seconded by Councilor Cook and minutes approved 3-0.

Item 2: Review and Discussion of Permitting and Inspections' response to questions from the July 31 meeting regarding rental housing safety and inspections program, and short and long term rental registration program

Michael Russell, Director of Permitting and Inspections provided an overview of the documents and materials submitted for the Housing Committee's review. He started with an explanation of the *Housing Safety Division FY 19 Budget, Current Status, and FY 18 Comparison* spreadsheet. Then he discussed the items; Answers for Housing Committee; Housing Safety Talking Points; and Appendices. The Appendices included; Fire Alarm Apartment Safety Tips; Secondary Means of Escape and Rescue Openings; Pre-Inspections Checklist; and a Rental Registration Application. Also in the Appendices were tables and charts regarding short-term rental unit numbers; budget expenditures; housing safety expenditures; and a department flow chart. Going forward additional information will be collected to assist with evaluation reporting. Collecting additional data will also assist with defining the term "unit".

Councilor Duson asked the Committee if they had clarifying questions for Mike Russell regarding the document *Answers for Housing Committee*.

Councilor Cook asked if the type of audit requested in the Q and A section was a program audit rather than a financial audit. Councilor Duson responded she had asked for both a financial and program audit. Councilor Cook's next question were described as "how many" questions (e.g. how many warnings were issued; how many confirmed non-compliances; how many notice of violation letters were issued). Mike Russell indicated he would provide a spreadsheet detailing the number of warning letters and notice of violation letters generated by Host Compliance. A general discussion of how warnings, violations, and fines are processed ensued. Michael Russell noted that fines have not been collected as violations have been cured during the time-period allowed for corrections. Mr. Russell further explained how the correction's time-period works. Council Cook inquired into how many complaints have been filed, how many are repeat complaints, and how do residents know where to submit a complaint. Mr. Russell noted he can obtain the number of complaints for the next meeting, and explained the complaint process. Councilor Ali asked if the Housing Safety Inspectors inspect both long-term and short-term rentals (answer is yes) and if the number of staff members is adequate. Mr. Russell noted that staff count is adequate for now as determined by the number of units inspected in a set period. Councilor Duson asked if any of the short-term rentals were issued disorderly housing notices. Mr. Russell replied no. Michael Sauschuck explained how the nuisance complaint process works. Councilor Cook would like to know how Host Compliance determines the address of a short-term rental. Mr. Russell explained the process. The Committee held a general discussion of the definition of the term "owner-occupied unit", and the wording of the Rental Affidavit. Permitting and Inspections has amended the rental affidavit to incorporate a supplemental form to further identify registered unit listed under an LLC name. The Committee would like to see a copy of the new Rental Unit Registration Application. Councilor Duson requested Permitting and Inspections return with answers to the questions asked.

Councilor Ali would like the landlord tenant information on the city's website to be in additional languages. Mr. Russell noted that Permitting and Inspections will be revisiting and updating their website pages.

Councilor Cook would prefer clarification that the data referenced in the handouts are neither non-owner-occupied units nor owner-occupied units, but rather are units in an owner-occupied building, or units in a nonowner-occupied building. Additionally, based on city-collected data, Councilor Cook would like the handouts amended to reflect distinctions.

Item 3: Review and Discussion of Proposed Policy Changes to Chapter 6, Article VI, Residential Rental Unit Registration Requirement, as it applies to short-term rental units.

Councilor Duson introduced the item and expectations for the October 11 meeting of the Housing Committee. To assist with that discussion, Councilor Duson requested a matrix outlining amendments to the Residential Unit Registration Requirement Ordinance. Councilor Cook presented her proposed amendments. Councilor Duson noted the Rental Registration should include a questions asking if short-term rentals are permitted by the condominium association. There was a discussion on whether or not short term rentals are removing long term rentals from the housing market. Mayor Strimling supports an outside study (i.e. by GPCOG) to investigate this question. Councilor Duson would like an analysis of the impact of limits on city-blocks. Mike Sauschuck indicated that a GIS map is currently being prepared. The Committee discussed density and short-term rentals.

Mayor Strimling will not be presenting his former proposal to increase the STR fee schedule. However, Councilor Duson is concerned the Housing Committee must present a recommendation to the Council. Anne Torregrossa suggested the easiest method to take care of this is for the Mayor to withdraw his proposal.

The Committee requested staff to book mark the proposed short-term rental amendments in the September 26 agenda (including Councilor Ray's proposals), and post the amended material to the city web page for public distribution.

Councilor Duson requested Anne Torregrossa to prepare a memo (for the October 11 meeting) regarding the proposed amendments.

Councilor Duson opened the meeting to the Public for comment:

George Carhart of LaFayette St- Would like to see a separate column for single unit owner-occupied rooms, and a separate column for renting a room in a condominium. Would support changes in the application, and changes in the fee schedule. Thinks there is a problem with too many whole housing rentals. Limiting STR to a block needs further definition of what is a block. May be incredibly difficult to define and determine. Please do not use utility bills to determine ownership.

Karen Snyder- Waterville Street- Agrees with the statement that residential zones are allowing commercial activity by allowing STR. Feels her concerns are not considered in-line with the concerns of the current non-owner occupied housing owners. Wants to continue registering all STR- even those renting for two weeks or less. Should add a revision date to the form. Would like to know the recourse for complaints. Does not believe non-owner occupied STR are preserving neighborhoods.

Councilor Duson ended the Public Comment period. The Committee will consider discussion of this item at their October 11 meeting.

Item 4: Communication Item: FY18 HUD Consolidated Annual Performance Report

The Housing Committee did not have comments or questions.

Item 4: Committee Discussion re: 2018 Work Plan

The Committee would like a table of contents presented at the October 11 meeting for the key updates to the 2018 Interim Housing Report. The interim report should include a review of city-owned property previously presented for possible housing development.

On a motion made by Council Duson and seconded by Councilor Cook (approved 3-0) the meeting was adjourned at 9:57 pm.

Respectfully submitted,

Victoria Volent