



**Fire/Code Inspections Task Force  
Meeting Notes  
January 12, 2015**

**Phase 2 Task Force Members:**

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

1. Welcome
2. **Urban Insight** demo – Vicki Bourret, Assistant Director of Information Technology
  - a. Microsoft Access database which brings code enforcement and development review into one system
  - b. This system will provide the bulk of the variables for the risk assessment process to prioritize building inspections and feed the publicly accessible online property/owner look-up functions.**
  - c. Can search by property address or by owner
    - i. Data attached to each record: outstanding taxes, fees; inspection reports; site plans; permits; complaints; associated businesses; Fire Department pre-plans; relevant documents; letters; property manager
    - ii. Would see all properties someone owns through an owner-based search
  - d. Developing checklist which will automatically populate the violation list
3. **Fix It! Portland** video – this is a new smartphone app (also accessible from the City web site) to report non-emergency concerns to the City. Complaints related to rental housing safety will also populate the risk-based assessment.
4. **Discussion** of risk-based prioritization, public education, enforcement
  - a. **Risk-based prioritization of inspections** – There are numerous municipalities using this approach to ensure safe housing and allocate inspections and enforcement resources according to a risk score generated by several variables, possibly including delinquent taxes, vacancy, foreclosure, complaints/violations, and calls for service. Public Safety Solutions Inc. (PSS) conducted an extensive and thorough review of the

entire Portland Fire Department in 2013 and also recommends this approach. **What are the variables that should be included to create the risk score?**

- i. Police, Fire/Medcu calls for service
    - 1. Disorderly house via PD – based on excessive call volume (excluding domestic violence) over a 30-day period
  - ii. Foreclosure
  - iii. Vacancy
  - iv. Number of units/number of stories
  - v. Permits for certain code-related issues
  - vi. Construction type
  - vii. Occupancy use
  - viii. Utility disconnects
  - ix. Concentration of poverty
- b. **Public Education** – Clearly, this is the best means of prevention. The Fire Department will take the lead on this, by reinstating school-based programs, targeting college students and 20-somethings, landlords, and other tenants. This was a major focus in PSS’s recommendations around prevention. **What are venues and approaches for hard-to-reach target populations?**
- i. Carl shared a document on behalf of the Southern Maine Landlord Association proposing a Fire Safety Disclosure Form for tenants and landlords
    - 1. One-page form summarizing basic fire safety requirements, to be created with the Fire Department
    - 2. Outlines landlord obligations
    - 3. Explains tenant responsibilities
    - 4. Each party signs and dates
    - 5. Landlords required to keep it on file for any rental units in Portland
    - 6. Provides education as the document would need to be seen by all landlords and all tenants
    - 7. Enables landlords and tenants to hold each other accountable for fire safety
    - 8. City could impose a penalty for failure to provide this document when asked
  - ii. Discussion on SMLA document
    - 1. Add penalty that tenants could enforce against landlords
    - 2. City shouldn’t enforce this document; State could; City just audit to see if it’s there
    - 3. Great way to educate
    - 4. Could be featured in handbook created by City and Pine Tree Legal
    - 5. Also add who the property manager is (if applicable) and who the landlord is with contact info
  - iii. Discussion on venues/approaches for hard-to-reach populations

1. Colleges may keep lists of off-campus housing recommendations
  2. Maine State Housing Authority web site links those looking for housing with landlords with vacancies
  3. City General Assistance program's landlord list
  4. Shalom House's landlord list
  5. Older tenants – AARP, Southern Maine Agency on Aging, Legal Services for the Elderly
  6. Landlord/tenant group via City's Refugee Services Program
  7. Need materials translated into multiple languages; read for those who need that
- c. **Enforcement** – There are many opportunities to clarify and strengthen the enforcement process, some of which require minor revisions to City Code. ***What are your thoughts about the following approaches? What would you add or remove?***
- i. Enforce existing requirement for landlords to register with the City annually.
    1. Contact information, type of property, insurance company information
    2. Annual fee – maybe \$25
    3. Fines for failure to register, provision of inaccurate information
  - ii. Move to immediate ticket and fine for violations. The current process of sending a letter and giving 32 days to address the violations, then sending a second letter and another 32 days is inefficient and ineffective.
  - iii. Also enforce existing re-inspection fees (\$75).
  - iv. Dedicate legal resources – one day per month dedicated to housing-related issues. The City should evaluate to ensure this is adequate and consider the feasibility of the housing court model used in other municipalities. A new City attorney was recently hired to focus on these issues in addition to Police Department's Neighborhood Prosecutor.
  - v. Discussion
    1. Moving to immediate ticket/fine good because otherwise people at risk for too long; how prove landlord's fault vs tenant's fault; how allow time to correct violations – maybe 24 hours for serious issue; otherwise, show plan of correction; would have at least 2 weeks before court date and could grant continuance
    2. Don't have to revise ordinance to move away from 32-day time. Current ordinance also has fee/fine schedule
    3. Could we cite tenants for blocking egress, tampering with smoke detector, unsanitary living conditions – yes, but need to prove tenant(s) at fault
    4. Annual fee ok/too much
    5. Fines are good, make them high
    6. City should have low-interest loan program to provide resources for

7. landlords' to address issues
  8. Where do the fines go? City general fund
  9. How minimize displacing tenants while enforcing
  10. Train inspectors that pending eviction should be considered irrelevant when responding to complaint
- 5. What's next** – discuss technology, internal training, staffing and begin to draft final recommendations – Monday 1/26, 2:30-4:00 pm, rm 209
- a. Additional dates:
    - i. Thurs 1/29, 2:30-4:00 pm, rm 209 – finalize recommendations
    - ii. Tues 2/3, 5:30-7:00 pm, rm 24 – Public Meeting
    - iii. Tues 2/10, 5:30 pm, Council Chambers – Presentation to City Council Public Safety, Health & Human Services Committee