

Portland, Maine



Yes. Life's good here.

Fire/Code Task Force
Phase One Findings – DRAFT ONLY for discussion
January 5, 2015

The work of the Task Force is to examine whether any changes are warranted in how the City inspects and regulates rental housing in order to ensure buildings are safe, legal and up to code.

The Fire/Code Task Force (Task Force) began the first phase of its work by meeting three times in December to examine possible changes to improve the safety of rental housing stock in Portland. This first phase was an internal, technical review and the following people participated: Sheila Hill-Christian, Acting City Manager; Keith Gautreau, now Acting Assistant Chief for Fire Prevention and Community Outreach; Rich Bianculli, Neighborhood Prosecutor; Tammy Munson, Inspections Services Division Director; Jon Rioux, Inspections Services Division Deputy Director; Tuck O'Brien, Chair, Portland Planning Board; Jay Fleming, Deputy Chief, Boston Fire Department; and Julie Sullivan, Former Acting HHS Department Director and now Acting Chief of Staff. All meetings were open to the public and members of the media were present.

The Phase One Task Force found that the codes that are currently in place are sufficient and do not require further Task Force review. There are several minor conflicts within the codes that staff can be addressing. Thus, the Task Force focused on whether there should be any programmatic, structural, and/or process changes. A key theme that emerged was the need to centralize and elevate the inspections functions with clear authority and roles. The Task Force believes this centralization would move enforcement of housing and life safety codes from a reactive approach, largely based on complaints to initiate compliance processes, to a more proactive approach including expanded public education and an enhanced process for registration, compliance, and web-accessible data for landlords, tenants, stakeholders, and state/local officials.

These findings constitute minor changes in policies while instituting practices that appear to require the creation of a new city department for implementation. Depending upon the extent of changes adopted, a limited amount of additional staff would most likely be needed to carry out these functions while increasing focus on code enforcement matters. The timing of the Task Force's work will allow any such budgetary impacts to be considered during the annual budget development process for Fiscal Year 2016, which begins July 1. Staff will need to continue to discuss the details and logistics of such a move.

Annual Education Plan

1. The Fire Prevention Program in the Fire Department will implement an annual fire safety and prevention education plan targeting elementary schools, college students, “20-somethings”, other renters, and landlords.
2. This education plan will be presented to the City Council’s Public Safety, H&HS Committee as soon as it is developed and again at the end of the calendar year to report back on accomplishments.

Structural Enhancement to Inspections and Code Enforcement:

1. The housing inspections, code compliance, and building permit inspections responsibilities of the current Inspection Services Division will transition out of the Planning and Urban Development Department into its own department
2. Similarly, fire inspections will be moved out of the Fire Department into this new Inspections and Code Enforcement Department.
3. This new Department will focus on code enforcement and housing safety and code issues – although affordable housing development and housing rehabilitation programs will remain in the Housing and Community Development Division of Planning & Urban Development.
4. Building Permits and zoning administration will remain in the Planning & Urban Development Department, although complaints related to zoning violations-whether residential or commercial – will be handled by the new inspections and code enforcement department.
5. The new Inspections and Code Enforcement Department will also implement and manage the landlord registry, new app-based complaints, and the web-based database with information that renters can access regarding rental property compliance.

New Program Features:

1. Re-instatement of district/density-based assignment of inspectors. This will optimize inspection and drive time since the inspector is already in the area on a complaint case.
2. Re-instatement of conducting General Assistance Rental Unit Safety Inspections. This program will allow for initial and random spot checks for tenant compliance with life safety regulations.
3. Systematic Inspections. Using prior years of enforcement data, schedule some number of neighborhood areas for a systematic inspection as defined in the definition section of this report. This would allow the targeting of problem areas vs selective enforcement as a tool that could be utilized where needed most.
4. Rental Registration Program. Every landlord would be required to register with the City annually and provide contact information. Landlords would be required to provide a certificate of inspection from a certified housing inspector. This program would also provide the opportunity to educate rental property owners on compliance requirements, and generate revenue for “failure to register”, as defined in city code.

Draft Changes to Enforcement

1. The current citation process allows for 32 days to address the violation or submit a plan of correction. Failure to comply leads to two letters of notification.
2. The Phase One Task Force discussed switching to a ticket/fine process, noting that Neighborhood Prosecutor Rich Bianculli has a day every month in court to address these kinds of issues. The Corporation Counsel's office has also just hired a new attorney to assist with enforcement matters.

Draft Purpose Statement

The City of Portland approach to housing unit inspections is designed to take a proactive and systematic approach to the safety of our housing stock to the highest standards of safety for our community. The proactive housing inspection program will comprehensively identify and efficiently remediate dwelling units that do not meet the required health safety and building regulations of the City of Portland. The proactive housing program is designed to maintain a safe,... and to further preserve and enhance the quality of life for residents of the city of Portland. The will be achieved by conducting systematic inspections and requiring rental registration pursuant to

Draft Mission

The Department ensures the safe and lawful use of buildings and properties by enforcing the Building Code and the Land Use Ordinance. We facilitate compliant development with integrity, efficiency and professionalism.

Draft Vision

The Department's purpose is to secure the safety and proper use of the city's building stock through use of best practices that succeed in providing all customers with highly efficient services in a manner that instills public trust and confidence. Our goal is to promote a positive image of code enforcement to our community and our allied City Departments by fostering a culture that is helpful, approachable, knowledgeable and of the highest integrity. In addition to the efficient and equitable enforcement of the City's Codes, the Department will continually provide clear communication and seek to educate all members of our community with whom we interact. Above all we strive to maintain high standards of safety and maintenance in our community to ensure the highest quality of life for residents, the business community and visitors.

Draft Services We Provide

- Building Inspections - Inspect and issue certificates of occupancy for all construction

projects.

- Code Compliance - Assure that all properties comply with City codes and administer the Rent Stabilization program.
- Compliance with State and local requirements - Maintain the City's General Plan, Zoning Codes and Building and Safety Codes
- Dangerous Buildings
- Garage Sales
- Minimum Housing Standards
- Obstruction of Streets/Sidewalks
- Polluted or Unsecured Pools
- Residential Vehicle Parking & Storage
- Wrecked or Junk Vehicles Fences/Walls
- Garbage Cans
- Illegal or Non-Permitted Signage
- Non-Permitted Structures
- Outside Storage
- Refuse & Waste
- Substandard Housing
- Zoning Enforcement