

TOWN OF BAR HARBOR
Long-Term Rental Registration Task Force
Agenda

May 19, 2022 – 4:00 PM

Bar Harbor Town Council Chambers – Third Floor, Municipal Building

- I. Call to Order**
- II. Approval of Minutes**
 - 1) April 7, 2022 Meeting
- III. Review and discuss draft recommendation document**
- IV. Public Comment Period**
- V. Adjournment**

Minutes
Bar Harbor Long-Term Rental Registration Task Force
Monday, April 7, 2022
Bar Harbor Town Council Chambers – Third Floor, Municipal Building
4:00 P.M.

I. Call to Order

The meeting was called to order at 4:02 PM. Members present: Michele Gagnon, Planning Director; Todd Hardy, Chair and landlord representative; Erica Brooks, landlord representative; Philip Galperin, resident at large; Amber Howard, tenant representative; Matthew Bartlett, Bar Harbor Fire Chief; Angela Chamberlain, Code Enforcement Officer, John Mountford, Ellsworth and MDI Housing Authority representative; and Jennifer Richardson, resident at large.

Joe Minutolo, Town Council representative and Heidi Hambrecht, tenant representative were excused absences.

Also present: Michael Gurtler, Deputy Code Enforcement Officer.

II. Approval of Minutes

1) March 3, 2022 Meeting

Mr. Bartlett moved to approve the March 3, 2022 meeting minutes as prepared. Mr. Mountford seconded the motion and the task force voted 9-0 to approve the motion.

III. Review and discuss POLCO results

The task force discussed agenda items III. and IV. collectively.

IV. Discussion Topics

- 1) Registration process
- 2) Fees (including possible incentives)
- 3) Exceptions to the registration requirements
- 4) Inspection component (including implementation timing)
 - a. Frequency of inspections
 - b. Inspection checklist items
- 5) Other

Mr. Mountford observed that some of the comments expressed concerns with the potential loss of housing as an effect of a registration and inspection process, but Mr. Mountford pointed out that if a unit was unsafe or unsanitary, is really valuable housing?

Mr. Bartlett opined that year-round renters should be protected under the same rules and regulations as short-term rentals.

The task force collectively agreed that many of the housing issues appeared to be in units used for seasonal, employee housing. The group agreed that inspection program is warranted for that type of housing but there were concerns with including all types of long-term housing. Mr. Hardy added that seasonal, employee housing tends to be vacant for several months a year, are not maintained, and are often in a state of disrepair.

The task force spent time discussing the need for registration data. Mr. Hardy asked if there was another term that could be used other than “registration”.

Mr. Mountford moved that the task force recommend that the town of Bar Harbor adopt a long-term rental registration process and further recommend that the registration application be free of charge to encourage voluntary compliance. Mr. Bartlett seconded the motion and the task force voted 8-1 to approve the motion with Ms. Brooks against.

During discussion of the motion, the task force discussed why they felt a registration program was necessary and how it was integral to the data collection that was needed to move forward.

Ms. Howard moved that the task force clarify that the purpose of a long-term rental registration is for housing data collection such as: age of the rental unit, rental periods, occupant information, presence of sprinkler and alarm systems, and other relevant characteristics of the housing stock. Mr. Hardy seconded the motion and the task force voted 9-0 to approve the motion.

Mr. Mountford moved that a registration program should not include: Short-Term Rentals, Employee Living Quarters, or Shared Accommodations, government regulated housing under HUD regulations, on-site college dormitories, all types of transient accommodation of less than 30 days, convalescent and/or congregate housing, nursing homes, all as defined in the Bar Harbor Land Use Ordinance. Ms. Gagnon seconded the motion and the task force voted 9-0 to approve the motion.

The task force discussed inspections briefly. The consensus of the group was that long-term rental inspections should not be as intensive as those for the short-term rental registrations. The 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.

The task force agreed that they could not make a recommendation on the inspection component until data was collected through a registration process. The group felt they needed to know how many long-term rental units there are in Bar Harbor, what the age of each unit is, who the occupants are of the units, and the length of time the units are rented. The task force felt that they could make a more informed recommendation on inspections if they had that information and inspections could be prioritized using that data. The group agreed that they would be willing to reconvene after a registration program had been implemented to review the data collected and then make a recommendation on the inspection component.

Ms. Gagnon moved to pursue an extension of the term of the task force for the purpose of continuing the work after the registration data is collected. Ms. Brooks seconded the motion and the task force voted 9-0 to approve the motion.

V. Public Comment Period

There was none.

VI. Items for the next Agenda

The task force will continue drafting the final recommendations at the May 5, 2022 meeting.

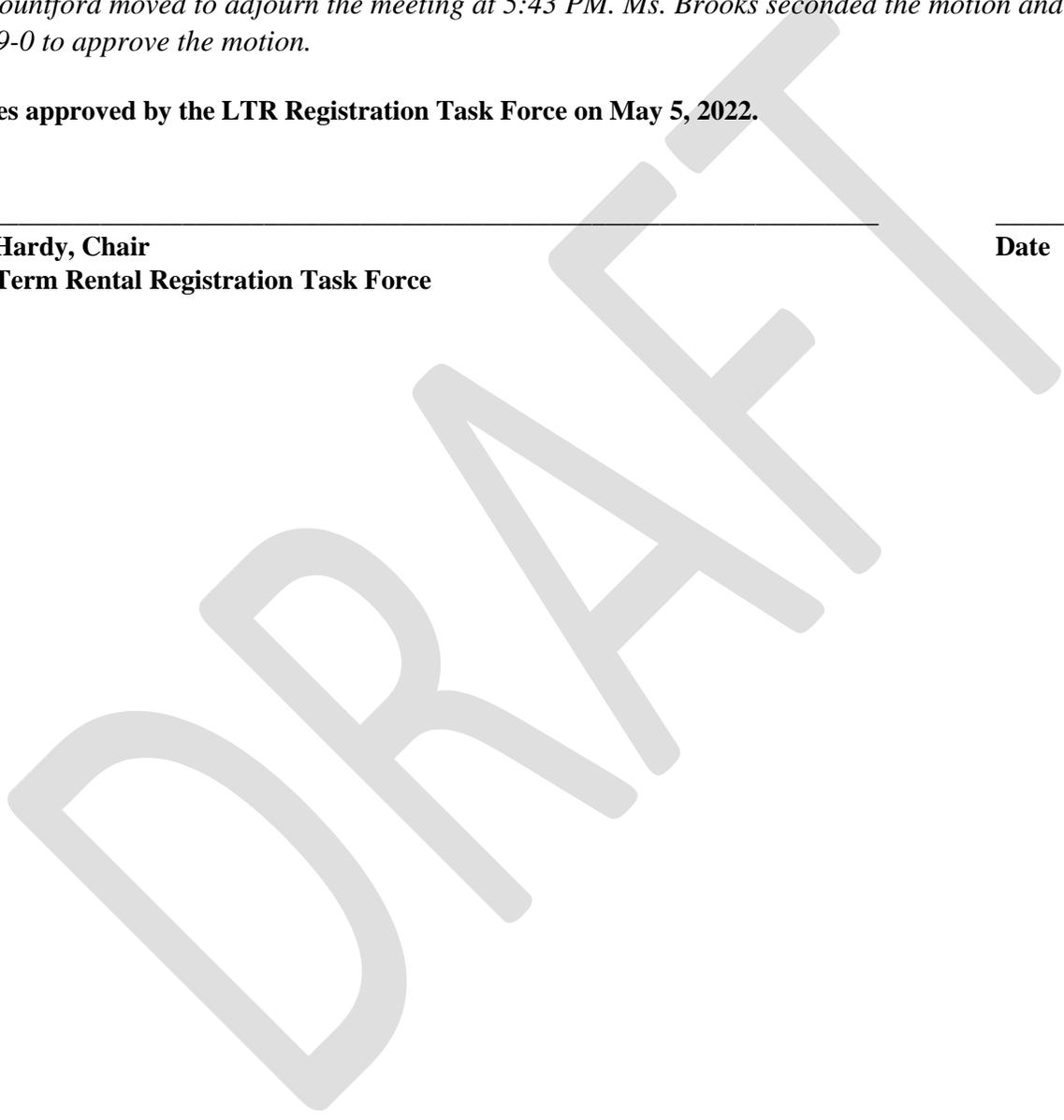
VII. Adjournment

Mr. Mountford moved to adjourn the meeting at 5:43 PM. Ms. Brooks seconded the motion and the Task Force voted 9-0 to approve the motion.

Minutes approved by the LTR Registration Task Force on May 5, 2022.

Todd Hardy, Chair
Long-Term Rental Registration Task Force

Date



Long-Term Rental Registration Task Force

Recommendations

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PURPOSE

The purpose of a Long-Term Rental Registration Program: protect the health, safety, and general welfare of the residents of Bar Harbor; ensure that all rental units in the town of Bar Harbor are maintained in a safe and sanitary condition and do not create a nuisance or derelict conditions to the surroundings; and to maintain a registry of long-term rentals that require registration and relevant associated data to assist the town in understanding the characteristics of the existing housing stock.

DECISION REQUIRED (Bylaws of the Task Force)

The Task Force will make recommendations on specific elements of a Long-Term Rental (LTR) Registration program with an inspection component that will include, but may not be limited to:

1. Frequency of rental inspections
2. Inspection checklist items
3. Registration process
4. Fees, including an incentive component
5. Housing exceptions to the program (Short-term rentals, etc.)

TASK FORCE BACKGROUND

The task force was formed by the Bar Harbor Town Council at the end of 2021 at the request of Code Enforcement Officer, Angela Chamberlain and Fire Chief, Matthew Bartlett.

The task force membership included: Planning Director, Michele Gagnon; Code Enforcement Officer, Angela Chamberlain; Fire Chief, Matthew Bartlett; town council member representative, Joe Minutolo; two landlords, Todd Hardy and Erica Brooks; two resident members at large, Philip Galperin and Jennifer Richardson; two tenants, Heidi Hambrecht and Amber Howard; and a representative of the MDI/Ellsworth Housing Authority, John Mountford.

The task force began meeting monthly in January 2022 through May 2022. At the February meeting, the task force hosted Art Howe, Former Housing Safety Administrator for the city of Portland, Maine. Mr. Howe gave a presentation on his experience developing and implementing Portland's rental registration program, and answered the task force's questions. The next several months were spent developing the recommendations based on information collected and the Polco survey results.

POLCO SURVEY RESULTS

The task force prepared and distributed a survey with a series of 12 questions about long-term rentals. The questions ranged in scope from data gathering questions related to demographics, to specific questions about the possible benefits of a registration program. The survey was prepared through Polco and made available on the town website, on the Planning and Code Facebook page, and hard copies were available in the municipal building. The survey was available March 11, 2022 through April 1, 2022.

213 responses were received with 62% of respondents in support of the registration of long-term rentals, and 63% in support of an inspection of long-term rentals. Other notable statistics:

Who participated?

- 82% of respondents own property in Bar Harbor.
- 34% of respondents are landlords in Bar Harbor.
- 17% of respondents are tenants renting residential housing in Bar Harbor.

Registration of LTR's:

- 73 % of respondents answered that LTR registration would be beneficial for data collection to help understand housing availability and housing trends.
- 68% of respondents answered that LTR registration would be beneficial for data collection to help develop strategies for increasing local housing stock.
- 57% of respondents answered that LTR registration would promote safety within the community.
- 56% of respondents answered that LTR registration would be beneficial in protecting our communities more vulnerable (low-income, senior citizens, those with disabilities, non-English speakers).

Inspection of LTR's:

- 81% of respondents answered that inspecting LTR's would be beneficial to ensure fire and life safety precautions to help prevent a catastrophic event.
- 68% of respondents answered that inspecting LTR's would be beneficial in helping landlords be aware of preventative maintenance issues.
- 67% of respondents answered that inspecting LTR's would be beneficial in promoting safety within the community.

- 62% of respondents answered that inspecting LTR's would be beneficial in helping landlords maintain their properties.
- 59% of respondents answered that inspecting LTR's would be beneficial in helping inform tenants about tenant rights.

When asked what elements should be addressed if inspections were required, respondents answered:

- 90% Fire & life safety issues
- 70% Overcrowding and occupancy limits
- 77% Building code violations
- 56% Property maintenance
- 22% Other

The survey included an area for respondents to leave comments and numerous comments were provided, all of which are available in the full survey document.

GOALS of LTR registration program

1. Protect the health, safety and general welfare of our residents by ensuring the health and safety of our rental properties;
2. Ensure that all rental units in the town of Bar Harbor are maintained in a safe and sanitary condition and do not create a nuisance or derelict conditions to the surroundings;
3. Maintain a registry of long-term rentals that require registration and relevant associated data to assist the town in understanding the characteristics of the existing housing stock.

RECOMMENDATIONS to address the goals

Recommendations on each of the goals are outlined below.

Goal 1. Protect the health, safety and general welfare of the residents by ensuring the health and safety of our rental properties.

The task force recommends the following:

1. The town of Bar Harbor should adopt a long-term rental registration process. The task force recommends that the registration application be free of charge to encourage voluntary compliance. (The Code Department has recently purchased a permitting software program that allows property owners to apply and pay for permits and registrations electronically on-line which will also make a registration process less burdensome.) This registration program should be implemented in 2023.

2. A registration program should not include: short-term rentals, government regulated housing under HUD regulations, on-campus college dormitories, employee living quarters, shared accommodations, all types of transient accommodations of less than 30 days, convalescent and/or congregate housing, nursing homes; all as defined in the Bar Harbor Land Use Ordinance.
3. The application for registration should be developed to collect data such as: age of rental unit, rental periods, occupant information, presence of sprinkler and alarm systems, and other relevant characteristics of the housing stock.
4. An inspection component should not be addressed until data is gathered through a registration process. The task force recommends that a registration process be implemented first to collect data such as: the total number of LTR units in Bar Harbor, where they are located, how many months per year are they rented, what type of occupants are housed, what types of life safety measures are available in units, etc. The task force recommends that their work be paused until one year of registration data has been collected, then the task force would reconvene to analyze the data, and make a recommendation on the inspection component.

Goal 2. Ensure that all rental units in the town of Bar Harbor are maintained in a safe and sanitary condition and do not create a nuisance or derelict conditions to the surroundings;

The task force recommends the following:

1. The town of Bar Harbor through the Code Department should inform and provide resources for the general public so that they can assess the health and safety of rental properties and units. This should be implemented immediately.
2. The town of Bar Harbor through the Code Department should investigate ways to provide both owners and renters with the information they need to succeed and to ensure the health and safety of their properties. The Code Department should provide owners with a simplified code/fire prevention checklist to allow them to self-inspect for compliance; offer a training class for landlords/property managers covering code requirements; and offer a tenant training class to cover their responsibilities as tenants and what they can/should do to maintain their units in a safe and healthy condition. This should be implemented immediately.

Goal 3. Maintain a registry of long-term rentals that require registration and relevant associated data to assist the town in understanding the characteristics of the existing housing stock.

The task force recommends the following:

1. The town of Bar Harbor should adopt a long-term rental registration process. The task force recommends that the registration application be free of charge to encourage voluntary compliance. A registration program should be implemented in 2023.

TASK FORCE MEETING CONCLUSIONS

A registration program could help landlords have more frequent access to their units to see what kind of condition they are being kept in. Often times, code violations are tenant caused due to a lack of awareness related to code requirements. The group also discussed tenant rights and how to inform tenants of what their rights are.

A rental registration program could help keep tenants and landlords informed of newly enacted laws and code changes.

The task force recognized that overcrowding in units is a problem and the possible unintended consequences of displacing tenants through a registration program.

It was agreed early on in the process that the group felt that data would be useful in this exercise since the task force did not have data on the number of long-term rentals or information on where they are located.

The task force collectively agreed that many of the housing issues appeared to be units for seasonal, employee housing.

The task force unanimously agreed that the purpose of supporting a long-term rental registration program is for housing data collection such as: age of the rental unit, rental periods, occupant information, presence of sprinkler and alarm systems, and other relevant characteristics of the housing stock.

It was the consensus of the group that if inspections were eventually implemented into the program, they should not be as intensive as those for the short-term rental registrations. The 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.

The task force agreed that they could not make a recommendation on the inspection component until data was collected through a registration process. The group felt they needed to know the total number of long-term rental units that there are in Bar Harbor, what the age of each unit is, who the occupants are of the units, and the length of time the units are rented. The task force felt that they could make a more informed recommendation on inspections if they had that information and inspections could be prioritized using that data. The group agreed that they would be willing to reconvene after a registration program had been implemented to review the data collected and then make a recommendation on the inspection component.

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