

TOWN OF BAR HARBOR
Long-Term Rental Registration Task Force

Agenda

June 27, 2024 – 4:00 PM

Auditorium – Third Floor, Municipal Building

- I. Call to Order**
- II. Approval of Minutes**
May 28, 2024
- III. Review the final recommendation language**
- IV. Public Comment Period**
- V. Adjournment**

Minutes
Bar Harbor Long-Term Rental Registration Task Force
Tuesday, May 28, 2024
Auditorium – Third Floor, Municipal Building
5:00 P.M.

I. Call to Order

The meeting was called to order at 5:02 PM. Members present: Michele Gagnon, Planning Director; Erica Brooks, landlord representative; Joe Minutolo, Town Council representative; Angela Chamberlain, Code Enforcement Officer; Matthew Bartlett, Fire Chief; Jennifer Richardson, resident at large; Amber Howard, tenant representative; and John Mountford, Ellsworth and MDI Housing Authorities representative.

Heidi Hambrecht, tenant representative; Todd Hardy, Chair and landlord representative; and Philip Galperin, resident at large, were all absent.

Also present: Mike Gurtler, Deputy Code Enforcement Officer; and Shawn Farrar, Bar Harbor Story.

II. Approval of Minutes

April 22, 2024

Mr. Mountford moved to approve the minutes as prepared. Mr. Minutolo seconded the motion and the task force voted 8-0 to approve the motion.

III. Discuss an inspection recommendation

Ms. Chamberlain started the discussion by describing the documents that were included in the packet and the draft recommendations she had prepared that the Task Force could use to make their decisions.

Ms. Brooks began by stating that she felt it was the consensus of the Task Force that an inspection was important but the group also agreed that it should be very limited in scope to protect the housing stock and to prevent displacement of tenants.

Mr. Mountford also added that the purpose of the inspection is to verify the quality of the existing housing stock. Ms. Chamberlain agreed and reminded the group that the Housing Policy Framework adopted by the Town Council in 2019 has a strategy to ensure quality rental housing and the Long-Term Rental registration program was developed to recommend ways to meet that goal.

Ms. Howard also expressed that it was important to convey in the recommendation that the goal is to preserve the housing stock, not eliminate it. There was discussion regarding additional language that should be included to highlight that point.

Mr. Mountford moved that the Task Force recommend that an inspection component should be added to the program to maintain the quality and adequacy of the Long-Term Rental housing stock and to partially meet the goal of ensuring 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 condition to the surroundings. Mr. Minutolo seconded the motion and the Task Force approved the motion 8-0.

The group spent significant time discussing a recommendation related to the frequency of the inspection. Suggestions were made that inspections should be “on a regular basis” or “on a three-year basis”. Some members felt saying on a regular basis was too vague and other members expressed concern with choosing a term and leaving it up to the staff. Mr. Bartlett suggested that he was not comfortable with just recommending it be on a regular basis and he preferred to see inspections done on a three-year cycle, the same as the Short-Term rental inspection requirement.

Mr. Mountford moved to recommend that an inspection of all Long-Term Rental units should be conducted on at least a three-year basis. Ms. Gagnon seconded the motion and the Task Force voted 6-2 to approve the motion with Ms. Brooks and Ms. Howard against.

The draft language contained three suggested inspection components and Mr. Bartlett asked that the group consider adding language that included the ability to address immediate life safety issues. The group agreed they were comfortable adding a provision for serious, immediate threats to the occupants.

Mr. Bartlett moved to recommend that the Long-Term Rental safety inspection be limited to the following four areas: 1. The presence of operable smoke and CO detectors; 2. Safe and effective egress; 3. Adequate E911 addressing signage at the property; 4. Immediate life safety issues. Mr. Minutolo seconded the motion and the Task Force voted 8-0 to approve the motion.

Ms. Gagnon moved to recommend that the initial inspection cycle be prioritized using a weighted risk score model based on the characteristics of the property. The higher the score, the greater the priority and placement on the inspection list will be organized by the score. Mr. Mountford seconded the motion and the Task Force voted 8-0 to approve the motion.

Mr. Mountford moved to recommend that the inspection component of the program should be revisited after three years to assess its adequacy in continuing to meet the goals of the program and for staff to recommend modifications. Mr. Minutolo seconded the motion and the Task Force voted 8-0 to approve the motion.

Ms. Chamberlain suggested that she could prepare the recommendations in a final document and bring it back to the group at their following meeting to review, edit as necessary, and approve. The group agreed that was an acceptable final step in the process.

IV. Next steps

The Task Force will hold one last meeting to review final recommendation language before it is presented to the Town Council.

V. Public Comment Period

There was none.

VI. Items for the next Agenda

Review draft recommendation language.

VII. Adjournment

The Chair adjourned the meeting at 6:14 PM.

Minutes approved by the LTR Registration Task Force on June 27, 2024.

Todd Hardy, Chair
Long-Term Rental Registration Task Force

Date



LONG-TERM RENTAL REGISTRATION
FINAL RECOMMENDATIONS

August 2022

Updated June 2024



Long-Term Rental Registration Task Force

Recommendations

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PURPOSE

The purpose of developing a Long-Term Rental (LTR) Registration Program is to: protect the health, safety, and general welfare of the residents of Bar Harbor; ensure that all residential rental units, herein referred to as Long-Term Rental units, in the Town of Bar Harbor are maintained in a safe and sanitary condition; not to 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 (Per the 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 Joe Minutolo; landlords Todd Hardy and Erica Brooks; resident members at large Philip Galperin and Jennifer Richardson; tenants Heidi Hambrecht and Amber Howard; and a representative of the MDI and Ellsworth Housing Authorities, John Mountford.

The task force began meeting monthly in January 2022 and met 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.

Updated in 2024

The town adopted Chapter 130 “Long-Term Rental Housing” in October of 2022. The ordinance requires that every property owner with a Long-Term Rental (a dwelling unit rented for a period of 30-days or more) must register that rental annually. The Code Enforcement Department began accepting and processing applications on January 1, 2023 and in 2023, the department issued 468 Long-Term Rental registrations. As of June 1, 2024, an additional 122 first-time registrations were issued. Data collected on the registration form included information related to housing characteristics such as: the number of bedrooms and bathrooms, the age of the dwelling, the type of heat source, the presence of smoke and carbon monoxide detection, whether the landlord resides on the property, the time period of the rental (year-round, seasonally, other), and some demographics on tenancy (employees, individual or family, other).

The task force reconvened in January of 2024 and met through June 2024 to discuss the data collected from the Long-Term Rental Registration applications and to make recommendations on an inspection requirement.

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 rental program. The survey was conducted through Polco and a link to the survey was made available on the town website, and on the Planning and Code Facebook page. Hard copies were made available in the municipal building. The survey was available March 11, 2022 through April 1, 2022.

Two-hundred and thirteen (213) responses were received with 62% of respondents in support of the registration of long-term rentals, and 63% in support of the 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 community's more vulnerable residents (low-income, senior citizens, those with disabilities, non-English speaking people).

Inspection of LTR's:

- 81% of respondents answered that inspecting LTRs would be beneficial to ensure fire and life safety precautions to help prevent a catastrophic event.
- 68% of respondents answered that inspecting LTRs would be beneficial in helping landlords be aware of preventative maintenance issues.
- 67% of respondents answered that inspecting LTRs would be beneficial in promoting safety within the community.
- 62% of respondents answered that inspecting LTRs would be beneficial in helping landlords maintain their properties.
- 59% of respondents answered that inspecting LTRs would be beneficial in helping inform tenants about tenant rights.

When asked what elements should be addressed if inspections were required, respondents answered (respondents were able to select multiple options):

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

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

TASK FORCE MEETING CONCLUSIONS

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

The task force agreed early in the process that gathering rental specific data was needed as a first step as it did not have data on the number of long-term rentals or information on where they are located.

The task force unanimously agreed that the purpose of supporting a long-term rental program was for collecting housing data 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.

A long-term rental program can 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.

The task force recognized that overcrowding in units is likely a problem, but at this time decided not to pursue addressing the problem to avoid the possible unintended consequences of displacing tenants as a result of a rental program.

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

GOALS of the LTR Program

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

To achieve Goal 1, the task force recommends the following:

1. The Town of Bar Harbor should create a long-term rental program which requires registration. The task force recommends that the application for program registration be free of charge to encourage voluntary compliance. The task force recommends that there be a “failure to register” fee which increases in an incremental approach. In an effort to make registration as simple as possible, the Code Enforcement Department can utilize its permitting software to allow property owners to apply and pay for permits and registrations electronically which will make the registration process easy for the applicant. This rental program should be implemented in 2023.
2. A long-term rental program should **not** include: short-term rentals, government regulated housing under HUD regulations, on-campus college dormitories, employee living quarters, shared accommodations, any types of transient accommodations of less than 30 days (such as hotels, motels, and bed & breakfasts), convalescent and/or congregate housing, and nursing homes; as defined in the Bar Harbor Land Use Ordinance.
3. The application form for registration should be designed and developed to collect data such as: location and 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 considered or addressed until data is gathered through the registration process. The task force recommends that a rental program be created and the first step in the program is to require registration of LTR’s to collect data such as: the total number of LTR units in Bar Harbor, where they are located, how many months per year they are rented, what types of occupants are housed, what types of life safety measures are available in units, etc. The task force recommends that its work be paused until one year of registration data has been collected, at which time the task force would reconvene to analyze the data, and make a recommendation on an inspection component.

Updated in 2024

5. An inspection component should be added to the program to ensure and maintain the quality and adequacy of the Long-Term Rental housing stock and to partially meet the goal of ensuring that all residential rental units in the Town of Bar Harbor are maintained in a safe and sanitary condition and do not create a nuisance or derelict condition to the surroundings.
6. An inspection of all Long-Term Rental units should be conducted on at least a three-year basis.
7. The Long-Term Rental safety inspection should be limited to the following four areas:
 1. The presence of operable smoke and carbon monoxide detectors;
 2. Safe and effective egress;
 3. Adequate E911 addressing signage at the property; and
 4. Immediate life safety threats.
8. The initial inspection cycle should be prioritized using a weighted risk score model based on the characteristics of the property. The higher the score, the greater the priority and placement on the inspection list will be organized by the score.
9. The inspection component of the program should be revisited after three years to assess its adequacy in continuing to meet the goals of the program and for staff to recommend modifications.

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;

To achieve Goal 2, the task force recommends the following:

1. The Town of Bar Harbor, through the Code Enforcement Department, should proactively inform and provide resources for the general public so that they can assess the health and safety of rental properties and units; offer courtesy inspections of rentals; provide workshops and training; provide access to information about code changes; and develop good working relationships with landlords and tenants. This should be implemented immediately.

2. The Town of Bar Harbor, through the Code Enforcement Department, should investigate ways to provide both property owners and renters with the information they need to be informed and to ensure the health and safety of their properties. The Code Enforcement Department should provide owners with a simplified code requirement/fire prevention checklist to allow them to self-inspect for compliance; offer training classes for landlords/property managers covering code requirements; and offer tenant training classes 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.

To achieve Goal 3, the task force recommends the following:

1. The Town of Bar Harbor should create a long-term rental program which requires registration. The task force recommends that the registration application be free of charge to encourage voluntary compliance. The task force recommends that there be a “failure to register fee” which increases in an incremental approach. The application form for registration should be designed and developed to collect data such as: location and age of rental unit, rental periods, occupant information, presence of sprinkler and alarm systems, and other relevant characteristics of the housing stock. A registration program should be implemented in 2023.