

**PROPOSED AMENDMENT TO THE ORONO CODE OF ORDINANCES  
TO AMEND THE ARTICLE FOR RENTAL UNIT REGISTRATION**

**Legislative Intent:** The intent of this amendment is to make changes to the rental registration process that aim to make the process more efficient and better clarify what parts of the rental registration are necessary for ongoing data collection and what pieces are not relevant. The amendment also would require a local agent for those owners considered absentee owners. This is based on a recommendation in the Comprehensive Plan and aims to achieve a more timely response to concerns, if they are to arise, for those properties without local owners.

Added text is underlined, deleted text is struck through; text that is neither underlined nor struck through is unchanged from the previous draft ordinance.

**The Orono Code of Ordinances is amended as follows:**

**1. Amend Chapter 8, Article IV, Rental Unit Registration as follows:**

**ARTICLE IV. - RENTAL UNIT REGISTRATION**

**Sec. 8-110. - Purpose.**

The purpose of this article is to provide for a registration program for the occupancy of certain residential rental properties located within the Town of Orono and a means to monitor trends in rental properties within the town. The article does not create a licensing program, and the fact that a rental property is registered with the town should not be construed to mean that the town has made any determination that the property is fit for human habitation, or that it is in compliance with any codes, ordinances, statutes, or regulations.

(Ord. No. 08-07, 1-16-08)

**Sec. 8-111. - Definitions.**

*Absentee owner* shall mean an “owner” whose principal place of residence or principal place of business is not located within the Town of Orono or an immediate surrounding area.

*Dwelling unit* shall mean one room or rooms connected together, constituting a separate independent housekeeping establishment for owner occupancy, rental, or lease, and physically separated from any other rooms or dwelling units which may be in the same building, and containing independent cooking and sleeping facilities.

*Habitable room* shall mean any room used for sleeping, living, cooking or dining purposes, but excluding closets, pantries, bath or toilet rooms, hallways, laundries, storage spaces, utility rooms and similar spaces. See also the definition of habitable floor area in chapter 18 (land use), section 31 (definitions) of this code.

*Owner* shall mean any person, agent, firm, corporation or other legal entity having a legal or equitable interest in a rental unit or rental property, including but not limited to a mortgagee in possession, the beneficiary of a trust, or the holder of a life estate.

*Rental property* shall mean any property (including associated land, buildings, accessory structures, accessory dwelling units, common areas, parking areas, and other appurtenances) used or occupied as, or containing, any rental unit(s).

*Rental unit* means a dwelling unit, rooming unit, or habitable room that is occupied or offered for occupancy for residential purposes in exchange for consideration.

*Rooming unit* shall mean any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes.

*Town official* shall mean town manager or his/her designee.

*Transient occupancy* shall mean occupancy that is less than two weeks duration in the same or similar units owned by the same owner.

Any undefined term shall have the meaning ascribed thereto in the land use ordinance. If a term is not defined in this article or the land use ordinance, it shall have its customary dictionary meaning.

(Ord. No. 08-07, 1-16-08)

Sec. 8-112. - Applicability.

This article applies to all rental units or rental property located within the Town of Orono, but shall not apply to the following housing arrangements unless the arrangements were created to avoid the application of this article:

- (1) Transient occupancy in a hotel, motel, inn, bed and breakfast, or other similar lodging facility.
- (2) Group homes, community living arrangements, or foster homes.
- (3) Hospital, nursing home, congregate care facility, assisted living facility, extended medical care facility, or other similar facility.
- (4) On-campus residential facility owned, operated or managed by the University of Maine.
- (5) The houses of fraternities and sororities recognized by the University of Maine and that provide housing to students attending the University of Maine.
- (6) Owner-occupied dwelling units located on rented or leased land, including owner-occupied dwelling units on rented or leased lots located within mobile home parks regulated under 30-A M.R.S.A. § 4358.

(Ord. No. 08-07, 1-16-08)

Sec. 8-113. - Registration of rental units and rental properties required.

(a) ~~No earlier than July 1 and no later than September 1~~ August 15 of each year, the owner of any rental unit or rental property, including any such property offered for occupancy but not yet occupied, shall register such rental unit or rental property with the town official.

(b) The registration shall be made on such forms and in accordance with such instructions as may be provided by the town official, and shall include at least the following information:

- (1) The names and addresses (both street and mailing) of all owners of the rental unit or rental property. If the owner is a corporation or other legal entity, the names and addresses of its officers, partners, members, or trustees shall be provided.
- (2) Emergency contact information for the owner, including addresses, telephone numbers and e-mail addresses, if any.
- (3) The name, address (both street and mailing), and emergency contact information for any local agent, including telephone numbers and e-mail address, if any.
- (4) A site description that includes owner identification, the number of rental units with their E-911 numbering scheme, number of bedrooms and maximum occupancy of each rental unit, number of unrelated persons in each dwelling unit, and one or more sketches showing property boundaries, location of buildings, trash containment areas, buffering and screening, parking areas, ~~type of parking area surfaces, and~~ number of parking spaces, and lot coverage as defined in chapter 18, section 31.

a. The number of unrelated people allowed in any dwelling unit shall be calculated based on the definition of "family" as stated in Section 18-31 of the Land Use Ordinance. Any violation involving the number of unrelated people in a dwelling unit shall be considered a violation of the Land Use Ordinance.

~~(5) Names and addresses of parties responsible for the maintenance of utilities, electricity, water, sewer and heating.~~

~~(6) The expiration dates of leases in force as of the date of registration.~~

(c) The designation of a local agent, whether or not required by Section 8-114 of this chapter, does not relieve the owner of the responsibility for compliance with this article.

(d) The owner, at the time of registration, shall also submit payment of any registration fees as established by the fee schedule. If a rental unit is not registered by ~~the deadline established in this chapter~~ September 1, the owner of the rental unit shall be found to be in violation of this Article, and the fee shall be doubled. If the double registration fee is not submitted by October 15, then the provision for penalties established in Section 8-115 shall apply. If a rental unit is not registered during a year in which it has been in existence, the fee shall be due retroactively.

(e) The owner may file a combined registration for all rental units located within the same building, provided that each unit is separately described as part of the site description.

(f) No owner or local agent shall lease, rent or permit the occupancy of any rental unit or rental property unless the unit or property is registered in accordance with this section. Any rental unit or rental property that is not registered shall not be eligible for any nonconforming use status to which it might otherwise be entitled under chapter 18, section 31, relating to number of unrelated individuals in a dwelling unit.

(Ord. No. 08-07, 1-16-08)

~~Sec. 8-114. Rental property town advisory committee.~~

~~(a) There is established a rental property town advisory committee. The committee's purpose shall be to serve as a communications and educational liaison between the town and owners and agents of rental units and properties as to the operations of the rental units and properties in accord with state and local laws and regulations and the conduct of tenants of the rental units and properties.~~

~~(b) The committee shall be appointed by the town council and shall consist of ten members, as follows:-~~

~~(1) Three owners of rental units or properties in the town, or their agents, who shall be appointed for three year terms;~~

~~(2) Two tenants of rental units or properties in the town, at least one of whom is a student at the University of Maine, who shall be appointed for one year terms;~~

~~(3) One representative of the town police, who shall serve until he or she resigns or is replaced by the town council;~~

~~(4) One representative of the town fire department, who shall serve until he or she resigns or is replaced by the town council;~~

~~(5) One representative of the administration of the University of Maine, who shall serve until he or she resigns or is replaced by the town council; and~~

~~(6) Two representatives of neighborhoods, who shall be owner-occupants in neighborhoods within the medium density residential district and in which rental units are common, and who shall be appointed for three year terms.~~

~~(c) The committee's functions shall be to:~~

~~(1) Communicate with owners and agents of rental units or properties concerning their general responsibilities under the laws, ordinances, and regulations of the state and town;~~

~~(2) Organize informational sessions with the state fire marshal and the town fire department concerning the standards of the State Life Safety Code relating to rental properties;~~

~~(3) Review complaints received and referred to the committee by the town from the public, tenants, town officials, or others concerning the operations of rental units or properties in Orono or the conduct of tenants of rental units or properties; and~~

~~communicate, as appropriate, with the owners or agents concerning the importance of and possible approaches to remediating the conditions leading to the complaints.~~

- ~~a. The committee shall receive any complaints through the town official and shall not conduct itself as an independent agency for the receipt and review of complaints.~~
- ~~b. Communications with owners or agents of rental units or properties or with persons lodging the referred complaints with the town may be informal or formal, as the committee deems appropriate, but all communications shall be coordinated with the responsible town department. Any oral communications with the owner or agent of a rental unit or property or with a person concerning a complaint shall be promptly summarized in writing with a copy to the responsible town department, and any written communication shall be first reviewed and approved by the responsible town department.~~

~~(d) The committee's authority shall be advisory and educational only, and it shall not have any of the legal authorities of the town or its departments for the inspection of rental units or properties or the enforcement of the codes and ordinances of the town. Any communications with owners or agents of rental units or properties or with members of the public shall clearly state that the committee's role is solely advisory and educational.~~

~~(e) The committee shall expire on June 30, 2010, unless, upon review of the effectiveness of and need for the committee, the town council extends it.~~

~~(f) If any complaint referred by the town official to the committee involves a member of the committee, that member shall recuse himself or herself from any committee actions related thereto.~~

~~(g) All meetings of the committee shall be public.~~

(Ord. No. 08-07, 1-16-08)

#### Sec. 8-114. – Local Agent Required

An absentee owner whose primary place of residence or primary place of business is more than one hour driving time from Orono, as measured by generally available web-based mapping sites, shall have a local agent whose name and contact information is included on the rental registration form. A local agent's principal place of residence or business shall be located within the Town of Orono or within a municipality adjacent to the Town of Orono. The local agent shall (1) be available to respond to emergencies within the owner's rental property on a 24-hour per day basis; (2) be authorized in a notarized statement signed by the owner and the local agent and on file at the Code Enforcement Office to enforce leases or other rental agreements with tenants; (3) serve as a first point of contact, if necessary, for municipal public safety or code enforcement officials; and (4) have one or more qualifications as a property

manager, such as having a Realtor's license, having a business in property management, having a business or history in a skilled trade related to construction, or other experience or qualifications deemed by the Code Enforcement Officer as meeting the intent of this section.

Sec. 8-115. - Penalties.

Any person being the owner of the rental unit or the local agent, as specified in Section 8-114, acting for the owner who is found to be in violation of any provision or requirement of this article shall be subject to a civil penalty as set forth in 30-A M.R.S.A. § 4452. Each violation of a separate provision or requirement, and each day of violation, shall constitute separate offenses. In addition, if the town is the prevailing party in an enforcement action, said person shall also be liable for all reasonable expenses incurred by the town in the enforcement of this article, including but not limited to staff time involved in the investigation and prosecution of the violation(s), attorney's fees, expert witness fees, and costs. All civil penalties shall inure to the benefit of the Town of Orono.

(Ord. No. 08-07, 1-16-08)

Sec. 8-116. - Severability.

If any provision of this article is held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the article shall not be invalidated.

(Ord. No. 08-07, 1-16-08)

Sec. 8-117. - Transition provisions.

The initial registration of any rental unit or rental property existing prior to August 31, 2008, shall be made by not later than September 1, 2008.

(Ord. No. 08-07, 1-16-08)