

Order 45-04/05

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Public Hearing and Passage: 9/8/04 7-0 (Leeman, Cohen absent)

NATHAN H. SMITH (MAYOR)(3)
WILLIAM R. GORHAM (1)
KAREN A. GERAGHTY (2)
CHERYL A. LEEMAN (4)
JAMES I. COHEN (5)

PETER E. O'DONNELL (A/L)
JAMES F. CLOUTIER(A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

**CITY OF PORTLAND
IN THE CITY COUNCIL**

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 6, ARTICLE V (HOUSING CODE)
Re: LICENSED LODGING**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Article 5 (Housing Code), Section 6-106 (Definitions) of the Portland City Code is hereby amended by adding the following:*

Sec. 6-106. Definitions.

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

.....

Licensed lodging shall mean the use of one or more rooms, without individual bathroom or kitchen facilities, used to provide sleeping accommodations for no more than two persons, and which are available for use by the public for a fee and which are occupied, regardless of the duration of the occupancy, in the absence of a written lease. Licensed lodging does not include the following:

- (1) sleeping accommodations, whether provided by a business or non-profit organization, where the owner or manager of such an operation routinely provides:
 - a. daily maid service;
 - b. replacement of linens and towels as demanded by guests of the establishment; and
 - c. a centralized telephone system.

- (2) any establishment licensed by the Maine Department of Human Services to provide health care under the direction of duly licensed health care professionals;
- (3) dormitories, including dwelling units converted to Licensed use, operated by educational institutions authorized to confer degrees; or
- (4) sleeping accommodations provided to graduate medical students under the auspices of the Accreditation Council on Graduate Medical Education or a similar entity.

1. *That Article V, (Housing Code) of the Portland City Code, is hereby amended by enacting the following:*

Sec. 6-132. Licensed lodging.

(a) *Statement of policy.* The intent of this section is to provide tenant-at-will status to residents of licensed lodging, as defined in section 6-106, after they have resided in a unit for 30 days or more. Such licensed lodging offers sleeping accommodations but few other amenities, and residents of such housing in the past have been subjected to summary eviction procedures by landlords who purposefully characterize their rentals as "lodging houses" and thereby purport to act under state law in ejecting occupants without any recourse, regardless of the length of residency.

(b) *License required for licensed lodging.* No person, firm, corporation or other entity shall offer or provide licensed lodging, as that term is defined in section 6-106, without having obtained a license to do so.

(c) *Licensing procedure.*

(1) The licensing procedure shall be that established in Chapter 15, Licenses and Permits, except as modified herein.

(2) The license application shall be accompanied by a diagram showing the location of all rooms situated within the building or structure which is the subject of the application, including, but not limited to, the location of rooms providing sleeping accommodations, bathrooms, and kitchens.

(d) *Licensing fee.* The license fee shall be ten dollars (\$10.00) for each unit of licensed lodging and shall be renewable annually. In the renewal application, the owner shall identify occupants who have qualified as constructive tenants-at-will pursuant to the provisions of subsection (f) below during the previous year.

(e) *Application to buildings or structures with three or more units.* The requirements of this section shall apply to buildings or structures containing three (3) or more units of licensed lodging.

(f) *Constructive "tenant at will" status after 30 day occupancy.* Any person who has occupied a licensed lodging unit situated at the same building or structure for thirty (30) consecutive days and has paid rent for that thirty (30) day period will be deemed to have achieved the status of a tenant at will as of the 30th day and may not thereafter be evicted except in accordance with the requirements of Maine's Forcible Entry and Detainer Law (14 M.R.S.A. § 6001, et seq.)

(g) *Termination of owner's interest.*

(1) Upon termination of an owner's interest in any building or structure providing licensed lodging, whether by sale, assignment, death, appointment of a receiver or otherwise, the owner shall advise the successor in title, the city of Portland and all occupants of licensed lodging who have qualified under subsection (f) above of the status of such occupants, which shall be binding upon the successor in title as though it were the owner when that status was achieved.

(2) Notice to the City of Portland shall be addressed to:

Chief of Inspection Services
Portland City Hall
389 Congress Street
Portland, ME 04101

(h) *Owner's responsibility.* The owner shall remain liable to the occupants qualified under subsection (g) above until the notice required by that section has been provided.