



Fire/Code Inspections Task Force

Public Meeting - February 3, 2015

Task Force Purpose

Following the tragic fire on Noyes Street on November 1, 2014, Acting City Manager Sheila Hill-Christian created a task force to recommend improvements to better ensure the safety of the city's rental housing stock. Boston Fire Department Deputy Chief Jay Fleming provided pro bono technical assistance to the task force, which was led by Acting Chief of Staff Julie Sullivan. The task force conducted its work in two phases. Phase one was an internal review of relevant codes and ordinances, staffing levels, roles and responsibilities across departments, and relevant initiatives in Boston, New York, Providence, RI, Austin, TX, and Princeton, NJ, and prior studies over the course of three work sessions in December, all of which were open to the public. City staff comprising phase one membership were: Rich Bianculli, JD, Neighborhood Prosecutor; Keith Gautreau, Acting Assistant Chief for Fire Prevention; Tammy Munson, Inspections Division Director; Jon Rioux, Inspections Division Deputy Director; Planning Board Chair Tuck O'Brien; and Acting City Manager Sheila Hill-Christian.

Phase two added four external representatives to the task force: Julie Gregor, Inspection Manager for the Portland Housing Authority; Katie McGovern, JD, Pine Tree Legal Assistance; and Crandall Toothaker and Carleton Winslow (alternate: Brit Vitalius) of the Southern Maine Landlord Association. The task force met four times in January during phase two, and all meetings were open to the public.

The task force did not seek to specifically analyze or debrief the Noyes Street fire, but instead to examine the larger issues related to the fire and explore options to address them. Furthermore, the task force chose to focus on rental housing stock. Notes from each meeting are provided as attachment A.

The State Fire Marshal's Office released their report in late January. Because the report was forwarded to the District Attorney, the full text could not be made public during the task force's time frame. The task force did review the key findings (please see meeting notes from January 26) and found that the issues were in line with those already under discussion. Portland Fire Chief Jerome LaMoria called in the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives to study the fire, and the ATF conclusions corroborate those of the State Fire Marshal's Office.

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Recommendations

Overall, the task force identified several key things the City can do to improve the safety of rental housing stock:

- Provide public education
- Hold landlords and tenants accountable
- Reinstate routine inspections of relevant housing stock by fire station personnel
- Implement a risk-based prioritization for inspections while also increasing the number of inspectors with better training, including cross-training, and other City staff working in the field who can assist in identifying potentially dangerous housing safety situations.
- Designate a Housing Safety Official with authority over housing safety who will ensure communication, coordination, accountability, consistency, training, and technology utilization across relevant City departments and evaluation of the effectiveness of the programs.
- Use existing technology more efficiently

So that the many issues considered by the task force can be succinctly presented and the rationale for the recommendations chosen be clear, this document illustrates the issues, the matrix of options, relevant City code when applicable, and the related recommendation.

Issue: There are approximately 17,000 rental units in Portland. How can the City assure timely inspections of all rental properties?

Option	Pro(s)	Con(s)
Respond to complaints (current practice)	Requires no new resources	Does not allow for prioritized inspections nor does it ensure inspections of all properties over time.
District-based inspections	Small geography; inspectors get to know their area better	Does not allow for most serious violations to be addressed quickly; does not allow for differing density of rental housing by district; requires additional staff
Third-party inspections	Does not require increased staffing	Difficult to assure qualified third-party inspectors; added cost for landlords; added administrative burden for City to track
Inspections at time of sale		Unknown frequency of turnover. Does not ensure regular inspections.
Develop list of variables to create risk-based prioritization of rental housing properties	City can utilize existing technologies/software and data	
Other kinds of limited inspections – e.g., common areas, exterior		Does not ensure that serious life safety threats are identified.

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only; randomized annual inspections		
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Risk-based prioritization – In order to maximize limited resources and to address the most serious issues quickly, the City’s best option is to build on existing technologies to rank properties based on risk factors. There are numerous municipalities using this approach to ensure safe housing and allocate inspections and enforcement resources according to a risk score generated by many variables, including construction, age, number of units, location, delinquent taxes, vacancy, foreclosure, complaints/violations, and calls for service. (Please see Attachment B for a complete list of variables included at this time.) Public Safety Solutions Inc. (PSS) conducted an extensive and thorough review of the entire Portland Fire Department in 2013 and also recommends this approach. Furthermore, this approach avoids any potential for selective enforcement.

- a. Fix It Portland – complaints via web, smart phone app
- b. Urban Insight – internal software used for inspections and code enforcement functions across the City, along with other municipal functions
- c. Cost: No additional costs; will need additional staff time to process (see Staffing section)
- d. Timeline: Up and running by Feb. 28, 2015

Issue: Human behaviors have the greatest impact on fire prevention. How can the City educate tenants and landlords about fire safety practices?

Public Education – Clearly, this is the best means of prevention. The Fire Department will take the lead on this by reinstating school-based programs, targeting college students and 20-somethings, landlords, and other tenants. This was a major focus in PSS’s recommendations around prevention.

- a. Chief Lamoria recently named Keith Gautreau as Assistant Chief for Fire Prevention.
- b. Chief Gautreau is designing a multi-pronged education plan with assistance from the State Fire Marshal’s office, Deputy Chief Jay Fleming from the Boston Fire Department, and the National Fire Protection Association. Some of the key points will include the importance of:
 - i. Working smoke detectors
 - ii. Unblocked exits
 - iii. Properly disposed smoking materials
 - iv. Trash disposal/housekeeping
- c. The Southern Maine Landlord Association proposes a new document outlining fire safety expectations and responsibilities to be signed by tenants and landlords at the same time a lease is signed.
- d. Cost: None
- e. Timeline: Portland Fire has the National Fire Protection Association on standby for training while they purchase computers; looking at March/April for training and May start-up of the new Proactive Inspection Program of 3 or more unit apartment buildings.

Issue: When Life Safety violations are noted, currently Fire Inspectors send a letter to the landlord who has 32 days to respond. If there is no response, a second letter is sent and another 32 days are granted.

Option	Pro(s)	Con(s)	Relevant Code Citation
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Ticket and fine	Quicker and clearer enforcement process; inspector can issue ticket while out in the field	Multiple Court Appearances; Safety Concern(s) for Inspectors issuing tickets	Penalties and specific violations – Chapter 6, Article I, pp 6-1 and following; Chapter 10, p. 10-13 and following
Landlord registration	Provides more complete information including who to contact as well as insurance company and other property-specific data	Staff time to manage, enforce	Chapter 6, Article VI, pp 6-51 and following; includes form and violations
Re-inspection fees	Helps enforcement and helps support inspection		Chapter 6, Article 1, p 6-4, refers to Section 1-16
Dedicated legal resources	Key part of timely enforcement		
Tenant notification of building violations	Tenants should be aware of the violations		
Housing court	Focused resource for housing safety issues	Costly to create	
Low-interest loan program for landlords to address violations	Would allow more landlords to bring their properties up to code	Not sure of available funding source	
Legal use/zoning – eg, 3 rd floor units, rooming/lodging houses	Critical risk factor	Requires zoning changes; hard to find violators; will increase the work-load for the city's zoning administration staff	

Enforcement – There are many opportunities to clarify and strengthen the enforcement process, some of which require minor revisions to City Code.

- a.** Enforce existing requirement for landlords to register with the City annually.
 - i.** Contact information, type of property, insurance company information
 - ii.** Annual fee
 - iii.** Fines for failure to register, provision of inaccurate information
- b.** Move to immediate ticket and fine for violations – *what is a reasonable time frame for violations? 7 days with a submitted plan of correction; 24-48 hours for more serious violations?*
- c.** Also enforce existing re-inspection fees (\$75). Already have fee schedule in Ch. 10 to be enforced.
- d.** Dedicate legal resources – one day per month dedicated to housing-related issues. The City should evaluate to ensure this is adequate and consider the feasibility of the housing court model used in other municipalities. A new City attorney was recently hired to focus on these issues in addition to Police Department's Neighborhood Prosecutor.

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Technology – With minimal to no new resources, the City can standardize and streamline inspection reporting processes. The PSS study noted the need for improved use of technology in the inspections functions. Expanded use of technology also allows for greatly increased transparency.

- a. Fire Department will move to Urban Insight.
- b. Develop and implement standardized checklists for inspectors to use in the field (drop-down boxes in Urban Insight). *These checklists should be shared with landlords and tenants through public education.*
- c. Consider having tablets for inspectors to use in the field, greatly diminishing the amount of time required to cite an owner for violations and follow up with enforcement.
- d. Provide online capability for annual landlord registration.
- e. Work toward having a complete and accurate census of all rental properties

Internal Training – The internal phase of this Task Force’s work illuminated several areas for improvement in staff training.

- a. Inspectors across relevant departments require additional training and cross-training to improve inspections. NFPA to provide free cross-training for Fire and Housing Safety in the spring.
- b. All relevant staff require additional training to use Urban Insight and to ensure thorough documentation of all inspections.
- c. Other City staff who work in the field will be trained on the checklist so that they can easily report any concerns for follow up.

Issue: The Fire Department traditionally conducts proactive inspections and responds to complaints for buildings with 3 or more units. The violations noted are then transferred to the fire prevention bureau for follow-up, creating a back-log of enforcement matters, and requires involvement of city’s code enforcement staff for code compliance. The City’s Code Enforcement Division is driven by a re-active complaint based system. The City has one code enforcement officer who responds to land use complaints.

Option	Pro(s)	Con(s)	Relevant Code Citation
District-based inspections	Small geography; inspectors get to know their area better	Does not allow for most serious violations to be addressed quickly; does not allow for differing density of rental housing by district	
Third-party inspections	Does not require a significant amount of city staff	Difficult to assure qualified third-party inspectors (municipal licensing/ spot checks); added cost for landlords; added administrative burden for City to track	

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Reinstate routine Fire Department inspections of buildings with three or more rental units	FD needs to be familiar with buildings for fire prevention and planning; firefighters have the time to conduct these inspections; such properties are required to have advanced life safety systems.	Firefighters need training and checklists to ensure consistency. Also need tablets to input data while in the field.	
Develop list of variables to create risk-based prioritization of rental housing properties	City can utilize existing technologies/software and data		

Staffing – PSS’ study used a metric to recommend 10 new FTEs in the Fire Department alone to ensure widespread inspections. We believe we can achieve the intended goal of improving our ability to ensure the safety of Portland’s rental housing stock using a different approach. In order to ensure implementation of these recommendations and to evaluate whether there are indeed ensuing improvements to the city’s rental housing stock, the following new positions are requested.

- a. Housing Safety Official (title TBD) who reports to the City Manager, convenes and coordinates all relevant departments to address issues with a property and decide actions to be taken.
 - i. This person would be responsible for ensuring that the highest-risk properties are inspected first, inspection documentation is consistent and complete, and timely follow-up in conducted until violations are fully addressed.
 - ii. This person will also ensure data is collected to provide a robust evaluation of the implementation of task force recommendations.
 - iii. This person will also be “where the buck stops” for all issues related to housing safety.
- b. Three additional inspectors, all cross-trained in building code and life safety code, who will report to the Housing Safety Official.
- c. One administrative support position, who coordinates the risk-based assessment of all rental properties, the online database, landlord registration, who also reports to the Housing Safety Official.
- d. Reinstate Education Officer at the Fire Department to implement the additional training needed.
- e. Consider outsourcing the Fire Department’s plans review work currently done by the Fire Prevention Officer.