

***City of Biddeford***  
**Policy Committee**  
**March 06, 2023 5:30 PM Council Chambers and Zoom**

Please click the link below to join the webinar:

<https://biddeford.zoom.us/j/91566383432?pwd=eXZOK29tQTgyLzE4WFpiS24xeFdZQT09>

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**Status: In person & Zoom**

- 1. Roll Call**
- 2. Pledge of Allegiance**
- 3. Adjustments to the Agenda**
- 4. Acceptance of Minutes**
  - 4.1. September 19, 2022 - Meeting Minutes  
[20220919 Policy Committee Meeting Minutes - September 19, 2022](#)  
[20221214 Policy Committee Meeting Minutes - December 14, 2022](#)
- 5. Discussion/Review**
  - 5.1. 20230306) Approval/Recreation Program Fees (beach passes/lifeguards)
  - 5.2. 20230306) Approval/Pearl St - No Parking  
[20230306\) Policy Committee Pearl Street - No Parking - BRIEF](#)
  - 5.3. 20230306) Approval/South Street from Jefferson Street to Adams Street – Permit Parking Only  
[20230306\) Policy Committee Pearl Street - South Street Permit Parking - BRIEF](#)
  - 5.4. 20230306) Approval/Affordable Housing Task Force - Inclusionary Zoning

- [20230306\) Affordable Housing Task Force - Inclusionary Zoning](#)
- 5.5. 20230306) Acceptance/Diversity Calendar
  - [20230306 Diversity Calendar for Policy Committee - MEMO](#)
  - [20230306 Diversity Calendar 2023](#)
- 5.6. 20230306) Approval/Ordinances for Back Lots

**6. Adjourn**

**Policy Committee Meeting Minutes  
September 19, 2022**

Committee Chair Norman Belanger called the meeting to order at 5:32 p.m.

**Roll Call:** Councilors Norman Belanger, Amy Clearwater and Liam LaFountain;  
Committee Members Jake Pierson and Renee O’Neil

Staff Members Present: City Clerk Carmen Bernier, Planning & Development Director Gregory Mitchell, Public Works Director Jeff Demers

The Committee, and all who were present, recited the Pledge of Allegiance.

There were no adjustments to the agenda.

*Acceptance of Minutes:* **July 11, 2022**

Motion by Councilor Clearwater, seconded by Committee Member O’Neil to accept the minutes as printed.

Vote: Unanimous.

*Discussion/Approval:* **Appendix A – Rules of the Council, Sec. A-4. Rule 4 – Ordinances; resolutions; orders/Add Land Purchase, Sale and Swapping**

**BE IT ORDERED**, that the City Council of the City of Biddeford does hereby amend the Code of Ordinances, Appendix A – Rules of the Council, Sec. A-4, by adding or ~~deleting~~ to read as follows:

**Sec. A-4. Rule 4: Ordinances; resolutions; orders. [Ord. of 4-4-1995]**

- a. All orders and resolutions imposing a penalty or authorizing the expenditure of money shall have more than one reading before they shall be finally passed by the Council.
- b. No ordinance, order or resolution imposing a penalty or authorizing the expenditure of money shall have more than one reading on the same day, except as allowed under Article III, Section 8, of the Charter of the City of Biddeford.
- c. Every new ordinance or amendment to an ordinance and any order authorizing the selling, purchasing or swapping of property shall be read and voted on two separate days in accordance with Article III, Section 8, of the Charter of the City of Biddeford. Article III, Section 8, shall govern the passage of ordinances.

Motion by Councilor LaFountain, seconded by Councilor Clearwater to recommend approval of the proposed language addition to the Rules of the Council and forward to Council for consideration.

Many of the Committee Members expressed concern with having two readings of any land purchase, sale or swap, stating that it could lead to potential public negotiations that would not be appropriate.

Member O'Neil suggested posting land-related Council items at least two weeks prior to any Council consideration, rather than having two separate readings. The challenge in this is that the council agenda is finalized and posted on the Wednesday prior to any Council meeting, which allows 6 days for the public to review and provide any comment.

Motion by Councilor LaFountain, seconded by Councilor Clearwater to table this item so that more consideration and work can be done before forwarding to Council.

Vote: Unanimous.

***Discussion/Approval: Amendment/Ch. 58, Solid Waste, Sec. 58-7. Regulated Activities and Administration/Add language for Noncompliance of Recycling Rules***

Public Works Director Jeff Demers and the Recycling & Solid Waste Management Commission Chair Marc Malon III were present. Jeff spoke about the continuing issue/problem of contamination of recycling and the added costs to the City due to that contamination. The Public Works Dept. has put in a tremendous amount of time and effort working with citizens who have not been compliant with the recycling rules. Folks are given four or five chances before a recycling container is taken away and they only have the MSW container. With only the MSW container, folks more often than not, are required to buy and use the PAYT bags.

It was noted that the City spends about \$4300 a month in contamination.

Councilor Belanger suggested that the recycling rules be adopted along with this ordinance amendment. He also clarified that the non-compliance ordinance language would apply to both homeowners and tenement building owners/tenants.

Jeff admitted that educating and working with those citizens who are noncompliant of the recycling rules has been a lot of work for the Public Works Dept., but it has been worth the effort since over 85% of folks who have been "tagged" as having contaminated recycling have come into compliance.

Motion by Councilor Clearwater, seconded by Councilor LaFountain to recommend approval of the proposed ordinance amendment and forward to Council for consideration.

Vote: Unanimous.

***Discussion/Approval: Amendment/Ch. 42, Motor Vehicles & Traffic/Sec. 42-90-No Parking/Add on St. Joseph Street***

**BE IT ORDAINED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-90 No Parking**, be amended by adding or deleting to read as follows:

St. Joseph Street Northwest side, beginning at the northwesterly side of the intersection with Elm Street, thence northwesterly for a distance of 152 feet.

Motion by Councilor Clearwater, seconded by Committee Member O'Neil to recommend approval of the proposed ordinance amendment and forward to Council for consideration.  
Vote: Unanimous.

***Allocation of ARPA Funds:***

The Committee began with the allocation of the Gap Funding of \$77,361.44, which had been discussed at the July 11, 2022 Policy Committee meeting.

Motion by Committee Member O'Neil, seconded by Councilor Clearwater to allocate the Gap Funds of \$77,361.44, as previously discussed.  
Vote: Unanimous.

Prior to this meeting, the Committee Members were sent a spreadsheet of funding requests and were asked to rate the requests based on the ones they think should be funded. After some discussion on the best way to proceed, the Committee agreed to recommend the allocation of the top rated requests until the funding runs out.

Motion by Councilor Belanger, seconded by Councilor Clearwater to recommend to the Council the funding of requests/organizations based on the Policy Committee's ratings of the requests.  
Vote: Unanimous.

Motion by Councilor Clearwater, seconded by Councilor LaFountain to adjourn.  
Vote: Unanimous.  
Time: 6:22 p.m.

## **Policy Committee Meeting Minutes**

### **December 14, 2022**

Committee Chair Norman Belanger called the meeting to order at

**Roll Call:** Councilors Norman Belanger, Amy Clearwater and Liam LaFountain;  
Committee Members Jake Pierson and Renee O’Neil present

Staff Members Present: City Engineer Craig Chekan, COO Brian Phinney, Police Chief Roger Beaupre, Public Works Director Jeff Demers

The Committee and all who were present recited the Pledge of Allegiance.

There were no adjustments to the agenda.

**Acceptance of Minutes:** Minutes were not available for the September 19<sup>th</sup> or October 25<sup>th</sup> meetings.

#### ***Discussion Approval: May Street Traffic Calming Review***

Presentation and review by City Engineer Craig Chekan. Mr. Chekan provided a summary of general history of the project, reviewed existing conditions, and reviewed three concept plans. Concept 1 is one-way. Concept 2 is the same road with curb bump outs. Concept 3 installs three speed tables. Provided an overview of the pros and cons of each option.

Members of the committee offered general comments to include:

- Concerns with no left turn of South Street
- Mixed comments on no left turn from Alfred to May Street.
- Mixed comments on no left turn from May Street on Alfred Street
- Generally have a mix and match Councilor Clearwater: Commented that the presentation appears to be a mix and match option.
- Concerned with making traffic improvement to reduce traffic counts resulting in change in classification of the roadway possibly resulting in the City having responsibility for future maintenance.
- General support for flashing lights and crosswalks
- Questioned ability to reduce drive isle width from 12ft to 10ft to assist with traffic calming.
- Questioned impact on winter maintenance for raised speed tables and bump outs.
- Questioned limits or restrictions from DOT related to raised tables.
- Questions the impact of potential CSO work of the timing of improvements.
- Questioned if immediate improvements could be implemented in FY24 for flashing lights, etc., considering the understanding the CSO work and long-term traffic movement studies associated with Rt 1 improvements and new Maine Turnpike exit.

- Asked for budget numbers for FY24 work as part of the CIP process.
- Questioned whether a crossing guard would be feasible.
- After discussion there was general consensus that Option A was not realistic.

Public comment included:

- No support for the one-way option because of major road connections.
- Agreement that TPK Connector and Rt 1 study are important considerations.

No vote or Motion

***Discussion Approval:*** Disability Parking Policy Review

Chief Beaupre discussed the history of disability parking review. Specifically, disability parking is not person specific. No “requirement” for disability parking spots on city streets. The current process is based on business requests. Recommends no review of disability parking requests for residential areas and no individual assignments.

Motion: Adopt a policy on disability parking that individual (residential) requests will not be considered or assigned.

By: Councilor Clearwater

Seconded by: Member O’Neil

Vote: Unanimous in support of the motion

***Discussion:*** MRS Title 12, §13201. Limits on Local Regulation-Firearms

The Committee asked for an update on what ability the City has to regulate firearms. Chief Beaupre informed the Committee that municipalities have the ability to create no-discharge zones but cannot otherwise regulate firearms as per MRS Title 12, §13201.

No motion or action

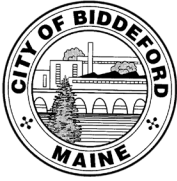
***Motion to Adjourn***

By: Councilor Clearwater

Seconded By: Member Pierson

Vote: Unanimous in Support

**Adjourned at 5:48 PM**



## Policy Committee

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**Meeting Date:** March 6, 2023

**Meeting Time:** 5:30 PM

**Agenda Item No:** 5.2

**Item Description:** Pearl Street – No Parking

**Submitted by:** Brian S. Phinney, COO  
JoAnne Fisk, Interim Police Chief

**Supporting Information/Documentation:**

Area Map

**Key Terms:**

N/A

**Executive Summary:**

Temporary measures were put in place when the garage on Pearl Street was under construction. These measures included the creation of temporary on-street parking on the right side of Pearl Street at the intersection with Lincoln Street and relaxed enforcement of parking enforcement generally along the city-owned left side of the property from Lincoln Street to the river.

Now that the garage is operational and the construction is completed on the Riverdam Mill complex it is recommended that the temporary measures be rescinded. This will result in posting Pearl Street as No Parking on the Right side from Lincoln to Saco Falls Way and No Parking along the entire left side of the street from Lincoln to the river.

Posting the street will remove approximately 38 vehicles from the roadway assisting with winter road maintenance.

**Detailed Review:**

As you are aware, construction began this past summer for reconstruction of Pearl Street to accommodate future development planned along the length of the street. Construction has paused for the winter months and will be finished in the spring/summer of FY23.

Upon a recent review of winter conditions along Pearl Street it became evident that parking along the length of Pearl Street is an issue with parking in the temporary parking area created when the garage was under construction (right side) and the entire left side of the street. Although there are private parking spaces along the right side of the street (along the mills) the remainder of parking is under the control of the City.

Figure 1 depicts current conditions along Pearl Street from Lincoln Street to the Saco River. Limited parking was created along the right side of Pearl Street at the intersection with Lincoln Street down to Saco Falls Way (erroneously listed in the Code of Ordinances as “Salmon Falls Way”) in order to accommodate parking when the garage was being constructed. Additionally, parking at the lower end of Pearl Street, from the garage to the river on the left side, was “relaxed” allowing residents, customers, and contractors to park along the City’s property (the former Maine Energy site) while construction was underway. The upper portion of the left side of Pearl Street is currently listed in the Code of Ordinances as “No Parking” this area was also subject to relaxed enforcement during construction.

Now that the garage is fully operational these temporary measures should be eliminated. The 2-hr parking on the right side of Pearl Street and the lower section where relaxed oversight was allowed would change to No Parking. The existing No Parking section from the garage to Lincoln Street would remain No Parking and would be enforced, see Figure 2.

At a recent point-in-time survey, 38 vehicles were parked along Pearl Street in the areas under City control. By posting these areas as “No Parking” these vehicles would be directed to the parking garage creating a level environment for all users and will reduce congestion along Pearl Street when plowing and snow removal is needed.

Draft orders are provided for review. If the Policy Committee is in agreement with the changes, the recommendations will be forward to the Downtown Committee for consideration.

**Funding Source:**

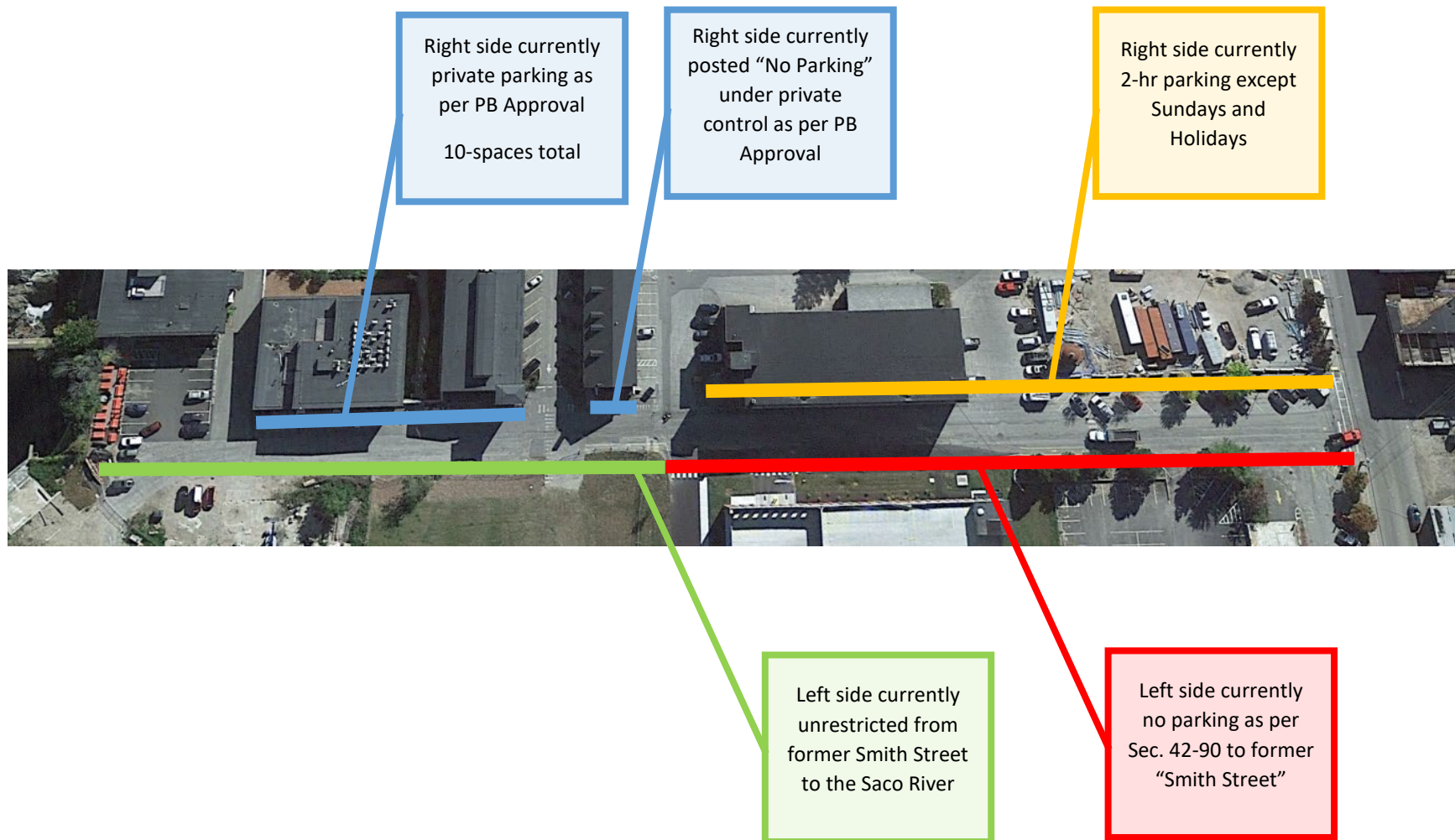
N/A

**Staff Recommendation:**

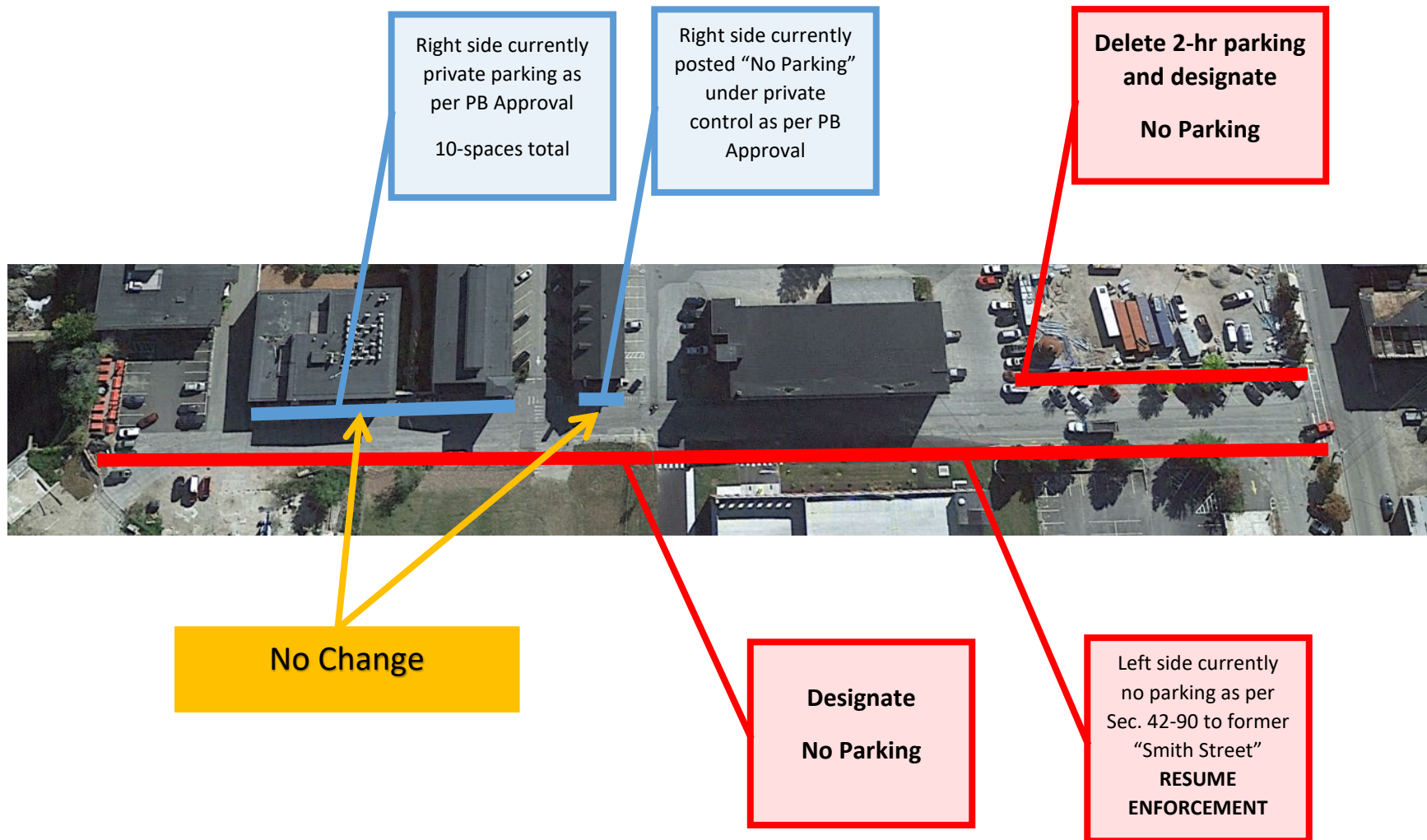
Eliminate 2-hr parking along the right side of Pearl Street, post the lower section from Saco Falls Way to the river as “No Parking”, and enforce existing No Parking on the left side of Pearl Street from Lincoln to Saco Falls Way as the existing measures were intended to provide a safety valve for parking in the area during garage construction.

As a side note, if the proposed ordinance amendments are enacted staff proposes a two-week notice period to make sure the users are aware of the changes and have the opportunity to make appropriate plans for parking before enforcement begins.

**Figure 1 – Existing Conditions**



**Figure 2 – Proposed Changes**



DRAFT ORDERS FOR DISCUSSION

**2023.##**

**IN BOARD OF CITY COUNCIL... (DATE)**

**BE IT ORDERED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-90 No Parking**, be amended by adding or ~~deleting~~ to read as follows:

Pearl Street, left hand side, heading in an easterly direction from Lincoln Street to ~~Smith Street~~ the Saco River.

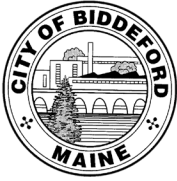
Pearl Street, right hand side, heading in an easterly direction from Lincoln Street to Saco Falls Way

**2023.##**

**IN BOARD OF CITY COUNCIL... (DATE)**

**BE IT ORDERED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-92 Limited Parking**, be amended by adding or ~~deleting~~ to read as follows:

~~Pearl Street, beginning at a point 40 feet easterly with the intersection with Lincoln Street, thence proceeding southeasterly and diagonally to the intersection with Salmon Falls Way, two hours. Exception: Sundays and holidays. Note: ordinance erroneously refers to Saco Falls Way as “Salmon Falls Way”.~~



## Policy Committee

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**Meeting Date:** March 6, 2023

**Meeting Time:** 5:30 PM

**Agenda Item No:** 5.3

**Item Description:** South Street from Jefferson to Adams – No Parking

**Submitted by:** Brian S. Phinney, COO  
JoAnne Fisk, Interim Police Chief

**Supporting Information/Documentation:**

Area Map

**Key Terms:**

N/A

**Executive Summary:**

Change South Street parking from Jefferson Street to Adams Street from 2-hr limited parking to permit-only limited parking.

**Detailed Review:**

Parking issues within the city are well known and the City is not immune to the parking pressures. City Hall currently has a 14 space deficit for employee parking. Employees park on the street from Lincoln, Adams, South, Jefferson, Crescent, South, and Main Street. Given that the parking is time limited to 2-hrs for all by Crescent Street employees “shuttle” vehicles from space to space to avoid being ticketed throughout the day. Due to work schedules an employee may not be able to perform the shuttle and often receives a ticket.

After discussion, a proposal was brought forward to change South Street from 2-hr parking to permit-only parking Jefferson to Adams, see Figure 1.

This section of South Street is often occupied by court house visitors, adjacent business employees and city employees along with members of the public. As noted above, the current parking deficit is 14 spaces. With 19 available spaces the city would issue 14 to employees and retain 5 for meeting attendees.

There are six dedicated spaces along the Adams Street side of the building and four dedicated spaces along the South Street side of the building it is often observed that this number of spaces is adequate for daily transaction visitors. Those attending meetings are generally left with having to search for a space.

By changing the designated section of South Street to permit-only status two issues will be addressed without negatively impacting daily transaction visitors.

There is concern that some employees from the local business community may be impacted by this change. The location and availability of the pay-per use lots provides for adequate capacity for the limited number of “day parkers” that may be impacted by this change. There was also a discussion regarding the City paying for employee spaces in the adjacent pay-per-use lots. The concern with that proposal is that the payment is transferred to the taxpayers where as any displaced users would either pay for the parking or would have a discussion with their employer to pay for parking since by parking on the street the employer does not have adequate parking for its employees.

If this proposal is accepted by the Policy Committee the item will be forward to the Downtown Committee for consideration.

It should be noted that there is a proposal to reconfigure the parking lot at City Hall as part of the FY24 CIP. This proposal is intended to maximize overall parking and to consolidate the spaces dedicated to public business.

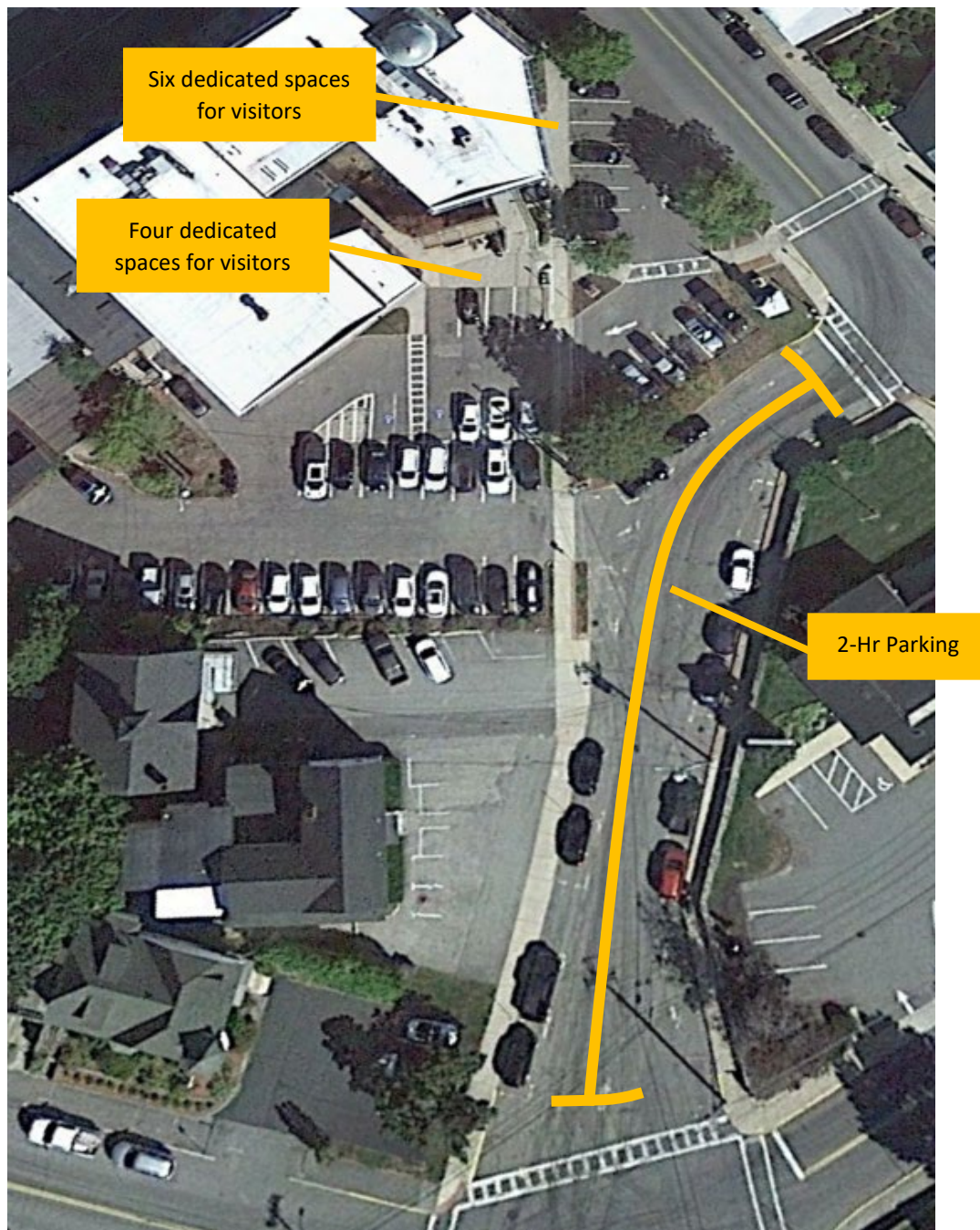
**Funding Source:**

N/A

**Staff Recommendation:**

Designate South Street from Jefferson to Adams as permit-only parking.

**Figure 1 – Existing Conditions**



**Figure 2 – Proposed Changes**



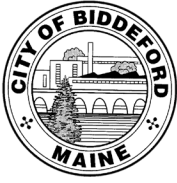
DRAFT ORDER FOR DISCUSSION

2023.##

IN BOARD OF CITY COUNCIL... (DATE)

**BE IT ORDERED**, by the City Council of the City of Biddeford that the Code of Ordinances, Chapter 42, Motor Vehicles and Traffic, Article IV Specific Street Regulations, **Section 42-92 Limited Parking**, be amended by adding or ~~deleting~~ to read as follows:

South Street, both sides, from Adams Street to Jefferson Street, ~~two hours~~ permit-only parking, Monday through Tuesday from 06:30 a.m. to 5:30 p.m., Saturday and Wednesday through Thursday from 7:30~~8:00~~ a.m. to 4:30~~5:00~~ p.m.; unless otherwise posted.



## Policy Committee

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**Meeting Date:** March 6, 2023

**Meeting Time:** 5:30 PM

**Agenda Item No:** 5.4

**Item Description:** Mayor's Affordable Housing Task Force – Inclusionary Zoning

**Submitted by:** Brian S. Phinney, COO

### **Supporting Information/Documentation:**

Mayor's Affordable Housing Task Force Report – Inclusionary Zoning Ordinance Excerpt

Mayor's Affordable Housing Task Force Report – Affordable Housing Fund Excerpt

### **Key Terms:**

N/A

### **Executive Summary:**

Preliminary discussion at the Policy Committee level to review the recommendations of the Mayor's Affordable Housing Task force relative to creation and adoption of an inclusionary zoning ordinance.

### **Detailed Review:**

The Mayor's Affordable Housing Task Force (AHTF) completed its work and prepared a report dated December 2022. Along with several other recommendations the AHTF recommended the City prepare and adopt an inclusionary zoning ordinance.

A copy the AHTF's recommendations from the report is provided as Attachment 1. The recommendation(s) serves as the basis for discussion on this topic and include the inclusionary zoning section and well as the affordable housing fund section as the two are related. The framework for the affordable housing fund was recently presented to the City Council and it included as Attachment 2 for reference.

### **Funding Source:**

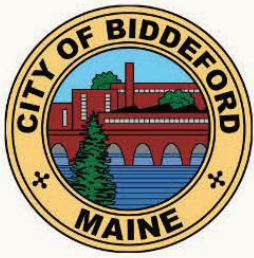
N/A

### **Staff Recommendation:**

Staff is neutral on the recommendation as this is a policy decision. Upon direction from the Policy Committee staff will prepare a draft ordinance to reflect the established framework.

## **Attachment 1**

### **Mayor's Affordable Housing Task Force Excerpt – Inclusionary Zoning**



# MAYOR'S AFFORDABLE HOUSING TASK FORCE

FINAL REPORT  
AND RECOMMENDATIONS

DECEMBER 2022



# Table of Contents

|                                                                  |    |
|------------------------------------------------------------------|----|
| Letter from the Task Force Chair .....                           | 3  |
| Executive Summary .....                                          | 4  |
| Background .....                                                 | 7  |
| Definitions of Affordability and Targeted Relief .....           | 11 |
| Adopt an Inclusionary Zoning Ordinance .....                     | 15 |
| Creation of an Affordable Housing Fund .....                     | 18 |
| Assessing Rent Control as a Tool .....                           | 20 |
| Other Non-Monetary Recommendations .....                         | 21 |
| Conclusion .....                                                 | 24 |
| Appendix 1: Committee Members .....                              | 25 |
| Appendix 2: Community Survey Results .....                       | 26 |
| Appendix 3: City-Owned Properties .....                          | 52 |
| Appendix 4: Rent Control White Paper .....                       | 57 |
| Appendix 5: Density Bonus Tool .....                             | 63 |
| Appendix 6: Median Income Data for Biddeford Census Tracts ..... | 64 |

# Adopt an Inclusionary Zoning Ordinance

## Inclusionary Zoning (IZ) Ordinances

The Task Force strongly recommends that the Biddeford City Council adopt an Inclusionary Zoning Ordinance (also known as IZ). Inclusionary zoning is sometimes known as inclusionary housing, a reference to the desired outcome of the zoning. Simply stated, IZ requires that all new construction of housing units, most especially rentals, must participate in the creation of affordable housing units. Usually, IZ is designed to target community members that are considered to have very low to moderately low incomes.

### What does Inclusionary Zoning do?

Inclusionary zoning creates a mixture of housing units throughout a community via mandated zoning. Left to market forces exclusively, most new construction creates projects that are ‘exclusionary’; projects that only serve market rate renters.

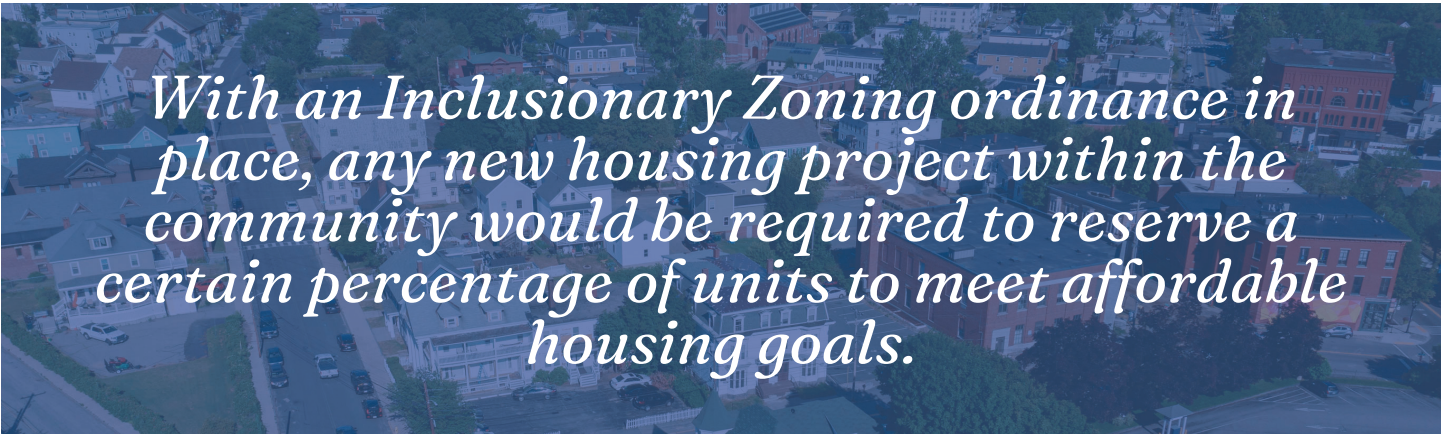
Generally applauded by city planners, sociologists and housing advocates as an effective tool, there are those that articulate that IZ benefits are overstated. There are those that articulate that IZ has a negative impact and actually reduces the aggregate amount of affordable housing within the community.

During the deliberation, the Task Force members noted that enacting IZ by itself would not create the magic solution to the affordable housing challenges of the community. The other recommendations within the report are considered vital components for a successful community strategy.

While IZ has been a tool used by many communities across the county, it is a relatively new tool employed by Maine communities. The City of Portland is the only community that has any sustained history with the tool. Their use of the tool is explored in more detail later in this section.

The mechanics of IZ can be simplified for the purposes of the report. For any new housing project within the community, a certain percentage (a typical range being 10% to 25%) of the units are reserved to be used by residents that meet the affordable housing goals. The most

common is to cap the total rent that can be charged to a percentage of the median household income of the community. In some cases, developments can opt out of the creation criteria by paying a one-time fee to the municipality. That fee is then put to use by the community to create an equal or greater amount of units elsewhere within the community. While there are variations to IZ implementation, the vast majority are consistent with this approach.



A community’s successful outcome with IZ can best be captured by the community’s understanding of the local housing market. Again, simplified, if the IZ requirements are too high, projects will queue out of the community and invest in neighboring communities, when all other things are equal.

Housing markets, especially rentals, can change rapidly. One needs to look no further than the work of the Federal Reserve System, also known as "The Fed" or Federal Reserve Bank.

The rapid increase in the Fed interest rate has changed the developers’ costs for projects. At a minimum, any IZ regulations should be evaluated at least annually to determine the effectiveness in creating new affordable units.

Recommendations for Biddeford

The Task Force has recommended a tier approach for the IZ ordinance for Biddeford. The following chart summarizes the recommendation:

| NUMBER OF<br>UNITS | AFFORDABILITY<br>LEVEL (RENTAL) | AFFORDABILITY<br>LEVEL<br>(OWNERSHIP) | % OF REQUIRED<br>AFFORDABLE<br>UNITS | TERM |
|--------------------|---------------------------------|---------------------------------------|--------------------------------------|------|
| 10 or More         | 80% of AMI                      | 120% of AMI                           | 7.5%                                 | 10   |
|                    | 100% of AMI                     | 120% of AMI                           | 10%                                  | 15   |
|                    | 120% of AMI                     | 120% of AMI                           | 12.5%                                | 20   |

In addition, a developer under certain circumstances could seek a waiver to the above requirement. However, that waiver would require payment of \$100,000 per unit, using 10% of the total units created. Those funds would be placed in the Affordable Housing Trust Fund, as outlined in recommendation #3 of this report.

The recommendation also includes a provision which would require any development between 5 and 9 units to pay a fixed fee of \$7,500 per unit created. These funds would also be placed in the Affordable Housing Trust Fund. Allowing the developer to commit to designating one affordable unit in the development for a specified term and affordability level should be considered as an alternative option.

To further clarify the chart above, each developer would choose which level of participation it would desire. The lower the income level (lower income and more affordable), the required term would be shorter. As a developer chooses a higher level of income (making the unit less affordable), the longer the required term that the developer would be required for the units to then meet the affordability standard.

The effectiveness of IZ ordinances appears to be directly related to the number of impacted units as well as the impact on the units. The City of Portland had in place an existing IZ ordinance. At the time of the initial adoption of the ordinance, few projects were queuing out of constructing new units within the City. When those requirements were increased significantly via a citizens referendum process, there was limited, if any, new projects that came forward. The developers moved to neighboring communities, including Biddeford. Most of the new projects were constructed to be small enough to qualify under the size exemption. Essentially, while the higher IZ requirements provided a populist appearance of doing more for the affordable housing challenge, in practical terms, it made the situation worse (by constructing only market rents).

In developing the recommendations that the Task Force considered from August to October, the Task Force made the conscious decision to err on the side of the market, in order to ensure that new units would be constructed. Any IZ Ordinance adopted by the City should allow adjustments to rental rates based upon market conditions and AMI. If the recommendation to move forward on the IZ Ordinance for Biddeford is seriously considered, another review of the market should be made to determine if the above recommendations still are viable.

# Creation of an Affordable Housing Fund

## Creation of an Affordable Housing Fund

The Task Force has recommended that the City establish an Affordable Housing Fund. This fund would be a flexible tool that could be used to implement many potential recommendations of the committee. The fund would be a separate designated fund to be used exclusively for affordable housing purposes and all funds designated for affordable housing goals would be credited to this account. Expenditures to support affordable housing goals would be charged to this account.

Some specific ways an Affordable Housing Fund could be used include funding for the unhoused, or for support of creating new or conversions of affordable housing. The Task Force generally committed to support those who fall into the category of extremely low income, which include those at the 15% to 27.5% AMI range. This groups consists of both unhoused and housed individuals. The issue of serving the unhoused population is complex. It also is one that needs regional, state and federal support.

The fund could also be used to support new affordable units or conversions to affordable housing options. The Task Force has recommended that annually, the City would submit a request for proposals to create affordable housing projects within the community. Because access to City funding is a major factor in the success of these projects, the timing would be set up to mirror Maine State Housing Authority (MSHA) annual allocation of affordable housing tax credits. MSHA currently requires each community to participate via a Credit Enhancement Agreement (TIF where the funds are returned to the developer/project) before a project is eligible for the tax credits. Beyond the CEA, a project could also request funding from the City Affordable Housing Fund.

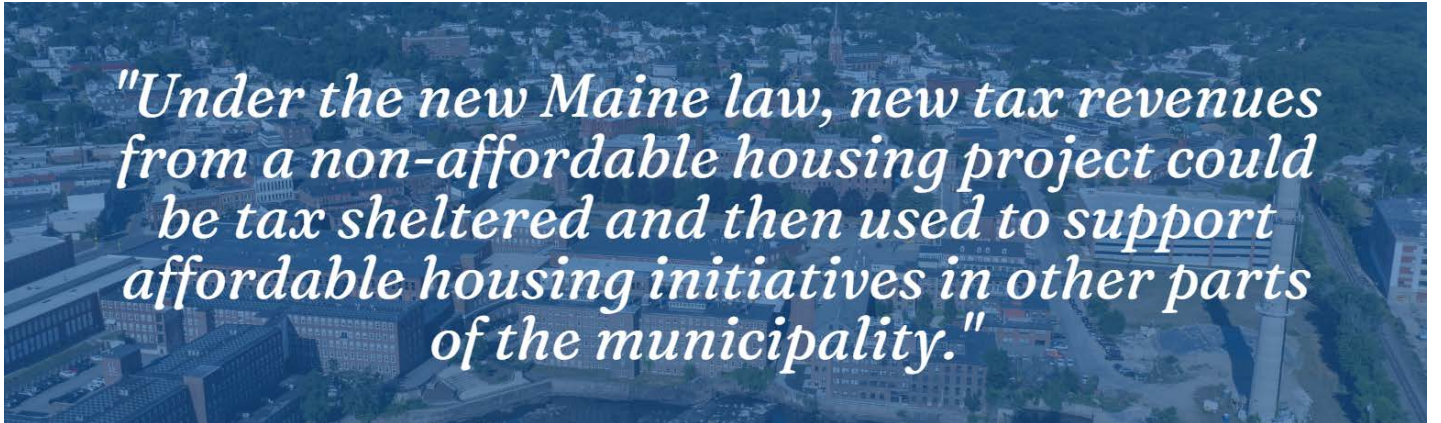
Currently, the City is expected to receive \$500,000 from the proposed Devine project located on Rte. 111. The City has also worked to change the current TIF laws to allow a more flexible approach to keeping TIF funds for affordable housing purposes. While not formally approved, the previous Council indicated their desire to tax shelter some of the proposed Harrington Diamond Match project for affordable housing purposes. If enacted, any funds generated by an

inclusionary zoning ordinance would be directed to the fund. Any additional grants, City appropriation or other funds could also be placed in this account.

The Affordable Housing Trust Fund, once established by the City Council, would require all expenditures to be approved by the City Council. All proceeds to support the affordable housing efforts of the City would be deposited into this account unless otherwise directed.

There are several anticipated sources of revenue for the fund. The first example is the new affordable housing TIF state law. The City took the lead in 2020 to advocate for the state law to be changed. The change allows a municipality to create a tax incremental finance (TIF) zone for the exclusive benefit of affordable housing.

The major change to the law was to lift the previous restriction that a TIF district could only be located on the land that the affordable housing benefit actually was housed on. Under the new law, new tax revenues from a non-affordable housing project could be tax sheltered and then used to support affordable housing initiatives in other parts of the municipality. It is the City's intent to use this vehicle to generate affordable housing funds. Proceeds from the TIF would logically be placed into the Affordable Housing Trust Fund.

An aerial photograph of a city, likely Portland, Maine, showing a mix of urban buildings and green spaces. A semi-transparent blue overlay covers the image, and white text is superimposed on it.

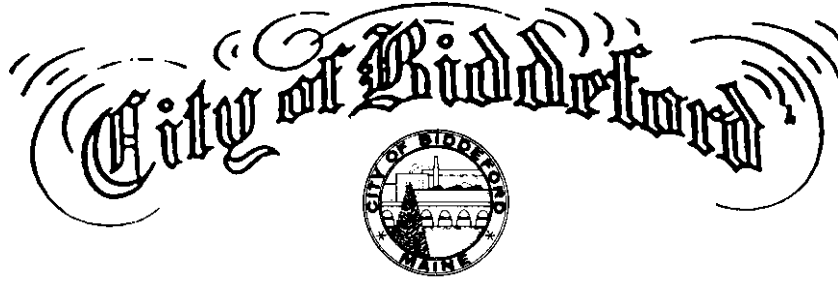
*"Under the new Maine law, new tax revenues from a non-affordable housing project could be tax sheltered and then used to support affordable housing initiatives in other parts of the municipality."*

There are other funds that would logically be placed in the new fund. As outlined in the Inclusionary Zoning Ordinance recommendation, any opt-out payments should be deposited into the fund. Also, any other funds, such as the \$500,000 payment by the proposed Devine project, should be placed in the fund.

The primary planned use of the fund would be to support new affordable housing developments within the community. As an example, the municipality could annually generate a request for proposals to access funding for new affordable housing projects. Prior to issuing the call for proposals, the City would identify any priority affordable housing goals as their preference. The timing of soliciting and awarding funding would be such to compliment any similar process that Maine State Housing Authority and/or state/federal agencies that award grants, tax credits or other financial support for affordable housing project.

## **Attachment 2**

### **Preliminary Draft Affordable Housing Ordinance & Affordable Housing Trust Fund Ordinance**



2023.14                      **IN BOARD OF CITY COUNCIL... February 21, 2023**  
**BE IT ORDERED**, that the City Council of the City of Biddeford does hereby direct the City Manager to amend the City of Biddeford Code of Ordinances by creating a new Chapter for Affordable Housing at an appropriate location to include provisions for an Affordable Housing Trust Fund in the form substantially provided below.

### **Chapter 6 – Affordable Housing**

#### **Sec. 6-1              In General**

(a) Purpose of Affordable Housing Chapter

This Chapter is intended to provide a conveniently accessible location in the Land Development Code for all incentives, regulations, criteria, and others, relating to affordable housing. Collectively, such incentives, regulations, criteria, and others, may be referred to as the City of Biddeford Affordable Housing Assistance Program. The purpose of the Affordable Housing Assistance Program is to promote affordable, decent, safe, sanitary, accessible housing.

#### **Sec 6-2                      Affordable Housing Importance**

- (a) The City of Biddeford is committed to improving neighborhoods and the lives of the people who live in them. Safe, decent and affordable housing for low and moderate income households is fundamental to the City's vision of a vibrant and inclusive community and to the City's overall economic development goals.

#### **Sec 6-3                      Definitions**

- (a) To be added

#### **Sec. 6-10              Affordable Housing Trust Fund**

- (a) Creation and purpose. The affordable housing trust fund ("AHTF") is created for the following purposes:
1. The primary purpose of the AHTF is to provide financial resources to address the affordable housing needs of individuals and families who live or work in the City by promoting, preserving and producing quality long term affordable housing; providing housing related services to low and moderate Income Households; and providing support for non-profit and for profit organizations that actively address the Affordable Housing needs of low and moderate Income households.
  2. The AHTF is intended to provide flexible local funding that complements other funding for housing related activities and provides

gap financing to move challenging projects forward. In this regard, the Fund will leverage other public, private and philanthropic funding.

(b) Administration of program. Under the direction of the City Manager, the Planning & Development Department (P&DD) shall be responsible for the administration of the AHTF, except for fiscal handling of funds, which shall be consistent with all other financial affairs of the City, unless otherwise so specified.

(c) Annual review of goals of AHTF.

1. The City Council shall initially establish the goals of the fund. Once adopted, the City Council shall annually review the adopted goals and may amend the goals from time to time to address any affordable housing goals adopted by the City.
2. The City Council may delegate to an existing public Board, Committee or Commission of the City, or create a new public body by amending this ordinance, to make goal recommendations to the City Council.

(d) Applications and awards. The P&DD shall be responsible for developing and updating an application and evaluation process for the use of the AHTF. Up to five percent annually of the AHTF may be utilized for administrative expenses to manage applications, reporting, and compliance, including the hiring of additional staff.

1. Applications shall be accepted on at least annual basis, with projects reviewed as part of a competitive annual RFP process. All projects shall submit proposals to be reviewed during the annual process.
2. The application evaluation criteria shall prioritize projects that maximize the following:
  - i. Total number of months of affordability, with longer periods of guaranteed affordability given higher priority; and
  - ii. Affordability threshold, with higher priority for projects as established by the annual goals. Said goals shall be expressed based on the percentage of area median family income (AMFI);
  - iii. Number of affordable units created per AHTF dollar invested; and Projects may be given a higher priority which include a higher percentage of units suitable for families (two or more bedrooms) as established by the annual goals;
  - iv. Social housing opportunities may be given higher priorities such as cooperatives, community land trusts, and other options that allow for long-term community affordability.

(e) Funding allocation minimums. As part of the annual goal setting process for use of the funds, a minimum funding allocation may be established in determining awards to applicants, based on the following categories:

1. For use in affordable rental preservation, at or below 80 percent AMFI.
2. For affordable rental creation, at or below 80 percent AMFI
3. To create/support dedicated transitional housing and permanent supportive housing for the homeless; and

4. For use for homeownership support programs and/or retention programs for residents at income levels below 120 percent AMFI. Programs that provide a path for resident tenants to transition to ownership shall be eligible.
- (f) Maximum awards.
1. The maximum award given to for-profit developers is 20 percent of the development cost (loan) or ten percent for a grant.
  2. The maximum award given to non-profit developers is 30 percent of the development cost (loan) or 15 percent for a grant.
- (g) Affordability requirement. All units using AHTF funds to support, preserve, or create such units shall be kept affordable for at least 30 years in accordance with the following definition: "Affordable housing shall be defined as housing that a household having income at or below eighty percent (80%) of the HUD Area Median Family Income ("AMFI") for all households within the City of Biddeford would be able to afford if it were to expend not more than thirty percent (30%) of such income for the mortgage or rent, including utilities."
1. Funds may be deployed in projects that include market rate units, solely for an eligible use.
  2. Awards may be made in the form of a grant, low or zero-interest loan.
  3. All funded projects must be started within one year of when award recipient receives a fully executed funding contract agreement with the city; or else award recipient must promptly return all received AHTF funds to the city. An applicant may request a one year extension.
  4. Federal affordable housing funds administered by the housing and community development department shall also be allocated through the AHTF application and review process.
- (h) City council. Once applications are evaluated, AHTF recommendations shall be presented to the city council, which may accept, reject or adjust recommendations. In no case shall AHTF funding be provided to any project which did not submit an application through the designated application process.
- (i) Annual report to council. The P&DD shall provide a written annual report to council and the city manager, which includes the following information:
1. Number of applications received and funded;
  2. Descriptions of the funded projects; including location, rental rates of units, and percent of units at each AMFI level;
  3. Number of units funded (total units and at various income levels) and unit sizes;
  4. Total cost to residents based on subsidy, commuting time and utilities;
  5. Cost per unit created/preserved;
  6. Average timeline for the unit to become available once funded;
  7. Remaining years of affordability for previously funded units (averages and totals);
  8. Percentage of awards that go to non-profit/community organizations vs. commercial developers; and
  9. Recommendations for change to future application processes, guidelines and program governance.

- (j) Revenues. The Biddeford City Council shall determine the sources and amounts of funds that will be designated to the AHTF. Said designation may be done in any legal form allowable and within their authority, including but not limited to ordinance, order, appropriation and others allowable.
1. Unless otherwise restricted or regulated, all grants, donations and such funding for the specific purposes of affordable housing shall be designated into the AFHT.

Note: This order is provided to allow the public an opportunity to review and offer comment on the preliminary draft of the Affordable Housing ordinance. The City Council may also wish to go into Committee-of-the-Whole to discuss the draft and provide the City Manager with further guidance.



## Policy Committee

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**Meeting Date:** March 6, 2023

**Meeting Time:** 5:30PM

**Agenda Item No:**

**Item Description:** Diversity Calendar

**Submitted by:** Danica Lamontagne, Assistant to the City Manager, on behalf of the Diversity, Equity and Inclusion Committee

**Supporting Information/Documentation:**

Diversity Calendar as prepared by the DEI Committee

**Key Terms:**

DEI: Diversity, Equity and Inclusion

Heritage Month: Heritage Months celebrate the customs, values and traditions of different cultures within the United States, examining the issues and struggles of different communities as well as affirming their contributions to American society.

**Executive Summary:**

The Policy Committee is asked to review the list of existing City holidays and the DEI Committee's proposed Diversity Calendar to determine if any additional holidays should be added to the City calendar.

**Detailed Review:**

The Diversity, Equity and Inclusion Committee has proposed that the City of Biddeford adopts a "Diversity Calendar". This calendar lists various holidays and observances beyond the typical federal holidays that are formally marked by the City. The DEI Committee's intention when developing this document was to seek approval to recognize and contribute official City messaging around the observances. Honoring these days, even in small ways, can serve as a reminder that our community is inclusive and celebrates diversity.

The majority of the observances on the calendar are heritage months and other informal awareness/recognition days. However, there are some holidays that were included that are major celebrations for certain religious and cultural groups. These holidays are not currently acknowledged by the City. The Policy Committee may consider evaluating the need for additional formal City holidays based on this list.

**Funding Source:**

N/A

**Staff Recommendation:**

The DEI Committee reviewed the list of events and did not put forth any specific recommendation on dates that should be considered official City holidays. Therefore, staff is neutral on this recommendation.

## Diversity Calendar 2023

### January

Poverty Awareness Month - a month-long initiative to raise awareness and call attention to the growth of poverty in America.

January 16 – Martin Luther King Jr. Day: commemorates the life and work of Dr. King, who was a Baptist minister and prominent leader in the American civil rights movement. It is celebrated on the third Monday of January each year.

January 22 – Lunar New Year: this festival marks the start of the new year in the lunar calendar used in East Asia, Southeast Asia and elsewhere. It begins on the date of the second new Moon after the Winter Solstice, which means that the Lunar New Year can occur anytime between January 21 and February 20.

January 27 – International Day of Commemoration in Memory of Victims of the Holocaust: a United Nations holiday that remembers the approximately 6 million Jews murdered during World War II.

### February

Black History Month: February was chosen to celebrate African American History because it holds the birthdays of two men who helped eliminate slavery: Frederick Douglass and President Abraham Lincoln.

### March

March 8 – International Women's Day: A day highlighting the political, social, cultural, and economic achievements of women

March 13-19 – Neurodiversity Celebration Week: a worldwide initiative that challenges stereotypes and misconceptions about autism and learning disabilities.

March 17 – St. Patrick's Day: feast day of a Catholic saint who inspires cultural and religious celebrations around the world.

March 22 – Start of Ramadan: the start of Islam's sacred month — during this time Muslims abstain from eating and drinking from dawn until dusk. The beginning time of Ramadan is based on the first observance of the new Moon over Mecca, Saudi Arabia.

## **April**

April 5 to April 13 – Passover: major Jewish festival that celebrates the freeing of Israeli slaves. The dates are based on the Hebrew calendar, from the 15<sup>th</sup> day of the Hebrew month of Nissan through the 22<sup>nd</sup> day.

April 9 – Easter: major Christian holiday which celebrates Jesus' resurrection. Easter Sunday always occurs on the first Sunday following the full Moon that occurs on or after the spring equinox.

April 21 – Eid al-Fitr: marks the end of the month-long dawn-to-sunset fasting of Ramadan. Eid is declared after a crescent new moon has been sighted or after completion of thirty days of fasting.

April 22 – Earth Day: holiday that applauds the planet we live on and all it does for us; Earth Day is observed by more than 192 nations.

## **May**

Older Americans Month: celebrates how older Americans contribute to the United States

Jewish American Heritage Month: honors American Jews and their contributions to the United States throughout history

Asian American and Pacific Island Heritage Month: commemorates people with Asian and Pacific Island ancestry and their contribution to the United States

## **June**

LGBT Pride Month: Pride Month recognizes LGBT people and the effect they've had on the world. June was selected to commemorate the Stonewall Riots. Explore more with our our LGBTQ inclusion training at the workplace

Caribbean American Heritage Month: This month recognizes those of Caribbean descent and the impact their accomplishments have had throughout American history

June 19 – Juneteenth: This day commemorates when the last African Americans learned of the Emancipation Proclamation (over two years after it was originally issued)

June 21 – Summer Solstice: The summer solstice is the longest day of the year and the shortest night and has been celebrated by various cultures around the world for thousands of years.

## **July**

July 26 – Americans with Disabilities Act Anniversary: This law protects people with disabilities from being discriminated against

## **August**

August 1 – National Night Out: A community-police awareness-raising event in the United States, held the first Tuesday of August.

## **September**

September 15 to October 15 – National Hispanic Heritage Month: This month honors Hispanic and Latino Americans for their contributions to U.S. culture.

National Recovery Month: This awareness month seeks to educate Americans on treatment and health services for individuals with substance use disorder.

September 10 – World Suicide Prevention Day: established in 2003 by the International Association for Suicide Prevention in conjunction with the World Health Organization to reduce stigma and raise awareness that suicide can be prevented.

September 15 to September 17 – Rosh Hashanah: This holiday is the Jewish New Year when Jews reflect on their faith. It occurs on the first two days of Tishrei, the seventh month of the Hebrew calendar.

## **October**

October 1-7 – Mental Illness Awareness Week: Each year, during the first week of October, participants across the country raise awareness of mental illness, fight discrimination and provide support for those living with a mental health condition.

October 10 – Indigenous People's Day: This day celebrates honors the indigenous people of North America and commemorates their histories and cultures.

October 11 – National Coming Out Day: Observed on the anniversary of the 1988 National March on Washington for Lesbian and Gay Rights, this annual awareness day supports LGBT people in 'coming out of the closet'.

## **November**

Homelessness Awareness Month: This month serves to educate the public about the many reasons people are homeless, and to encourage support for homeless assistance service providers and other service organizations.

National Native American Heritage Month: This month celebrates the contributions — cultures, traditions, histories — of Native people to the United States.

November 12 – Diwali: An important celebration in the Hindu faith in which a variety of deities are praised. Diwali occurs annually during the Hindu month of Kartik on the day of the new Moon.

November 20 – Transgender Day of Remembrance: This day is held as a remembrance for all those murdered because of transphobia.

## **December**

December 10 – International Humans Rights Day: A holiday adopted by the UN in 1948 following the Universal Declaration of Human Rights.

December 7 to December 15 – Hanukkah: A Jewish holiday celebrating Jew rising up against their Greek-Syrian oppressors in the Maccabean Revolt. It begins on the 25<sup>th</sup> day of Kislev in the Hebrew calendar.

December 22 – Winter Solstice/Yule: A festival celebrated by Pagan and Wiccan faiths.

December 25 – Christmas: A Christian holiday marking the birth of their lord and savior, Jesus Christ.

December 26 – Kwanzaa: An 8-day holiday often celebrated by Black Americans that was inspired by African harvest celebrations.