

**Scarborough Housing Alliance
Committee Meeting
Wednesday, February 28, 2024 - Hybrid Meeting
[Scarborough Town Hall – 6:00pm]**

Zoom Link: <https://scarboroughmaine.zoom.us/j/86880993300>

AGENDA

- **Approval of Minutes - January 24, 2024**

- **Discussion: Tax Relief/Affordability Programs**
 - **Existing State and Local Programs [here](#)**
 - **Scarborough’s Property Tax Assistance Program**

- **Discussion: DECD [Housing Opportunity Program](#)**

- **Discussion: Hotel/Motel Conversions**

- **Public Comment**

- **Adjournment**

WHY SHA EXISTS:

The purpose of the Council in establishing the Alliance is to create a broadly-based community group to:

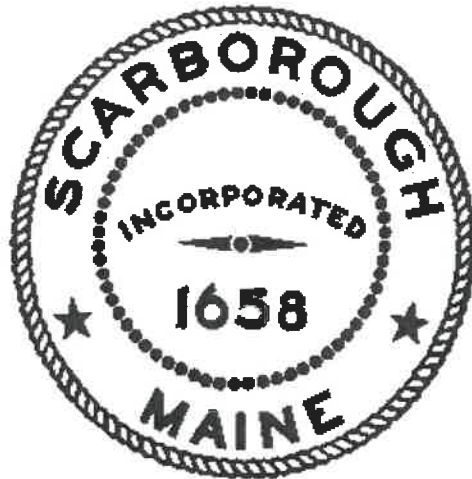
- Work together to develop and recommend a local housing agenda to the Town Council.
- Implement a local housing program under the guidance of the Town Council.
- Perform such other duties as may be assigned by the Town Council from time to time.

CHAPTER 313-A

TOWN OF SCARBOROUGH

PROPERTY TAX ASSISTANCE

ORDINANCE



Adopted November 4, 2015
Amended June 7, 2017
Amended November 1, 2017
Amended April 18, 2018
Amended June 24, 2020

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CHAPTER 313-A
TOWN OF SCARBOROUGH PROPERTY TAX ASSISTANCE ORDINANCE

Section 1. Purpose

The purpose of this Ordinance is to establish a program to provide property tax assistance to persons 62 years of age and over who reside in the Town of Scarborough.

Section 2. Definitions

Homestead: A homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be occupied by that person as a home.

Qualifying applicant: A qualifying applicant is a person who is determined by the Tax Assessor or her/his designee, after review of a complete application submitted under Section 4 of this Ordinance, to be eligible for a payment under the terms of this Ordinance. [amended 11/01/17]

Section 3. Criteria for Participation

In order to participate in the Property Tax Assistance Program, an applicant shall demonstrate all of the following:

- a. The applicant shall be 62 years of age or more by last day on which an application may be filed under Section 4 of this Ordinance.
- b. The applicant shall have been a resident of the Town of Scarborough with a Homestead therein for the ten years immediately preceding the last day on which an application may be filed under Section 4 of this Ordinance.
- c. The federal adjusted gross income of the applicant (plus that of any other adult members of the applicant's household) does not exceed \$50,000.

Section 4. Application and Payment Procedures

Persons seeking to participate in the Property Tax Assistance Program shall submit a written request to the Tax Assessor no later than October 15th. Applications are required every year to participate in this program. The Tax Assessor shall provide an application form for the program, which shall include the applicant's name, homestead address and contact information. At the time of application, Applicants must provide adequate evidence of eligibility. The Assessor may accept a statement under oath. No confidential income records, including tax returns, will be kept by the Town. The Tax Assessor shall review and determine if the application is complete and accurate and if the applicant is eligible to participate in the Program. The Tax Assessor shall notify an applicant if an application is determined to be incomplete. The Tax Assessor's decision on eligibility to participate in the Program shall be final.

Section 5. Determination of eligibility and amount of eligibility [Amended 11/07/17 - 06/07/17 – 04/18/18]

1. Eligibility for Homeowners

If the Tax Assessor determines that the applicant is eligible to participate in the Program, he/she shall determine the amount of the benefit paid. The amount shall be the least of the following:

- a. The amount, if any, by which (i) the taxes assessed for fiscal year of the Town beginning on July 1 of the preceding calendar year exceeds (ii) 5% of the federal adjusted gross income of the applicant (plus that of any other adult members of the applicant's household); or

- b. A pro-rata share of the available monies in the Program Fund, including any amount in the Property Tax Assistance Reserve Account, allocated based on the amount of the refunds determined under sub-section a for all eligible applicants; or
- c. \$750.00. [Amended 06/07/17, Amended 06/24/2020]

In the case of applicants who did not file federal income tax returns, the Tax Assessor, upon presentation of adequate information returns and other information, shall calculate the federal adjusted gross income.

2. Eligibility for Renters

In the case of renters, the tax assessed for purposes of Section 5.1.a(i) shall be deemed to include 18% of the rent payable from own funds by applicant (and other adult members of applicant's household) in the preceding calendar year. The Tax Assessor, upon presentation of adequate documents and other information, shall determine the amount of rent. [Amended 04/18/18]

Section 6. Annual Report to the Town Council

The Tax Assessor shall report in writing to the Town Council no later than their first regular meeting in December each year the projected payments and number of eligible applicants requesting assistance for the program fund.

Section 7. Program Fund - Limitations On Payments

In the event that a lack of funding results in no payment or less than the full payment to a qualifying applicant, the request will not carry over to the next year.

Section 8. Creation of the Program Fund

The Program Fund from which payments shall be made under the terms of this Ordinance shall be created as follows:

As funds are available, the Town Council shall annually appropriate monies from the general fund or other sources to support this program. Any surplus monies available after all payments have been made shall revert to the Property Tax Assistance Reserve Account.

Section 9. Timing of Payments

A person who qualifies for payment under this Program shall be mailed a check for the full amount no later than December 15th for the year in which participation is sought.

Section 10. Limitations upon payments

Only one qualifying applicant per household shall be entitled to payment under this Program each year. The right to file an application under this Ordinance is personal to the applicant and does not survive the applicant's death, but the right may be exercised on behalf of an applicant by the applicant's legal guardian or attorney-in-fact. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Tax Assessor shall be disbursed to another member of the household as determined by the Town Assessor in consultation with the Town Manager. If the applicant was the only member of a household, then no payment shall be made under this Ordinance.

Section 11. Effective Date and Repeal of Prior Ordinance

This ordinance repeals and replaces Chapter 313, the Town of Scarborough Property Tax Assistance Ordinance adopted on April 18, 2007 as amended such that this Chapter applies to applications for property tax assistance received after October 15, 2015 under this chapter for payments paid beginning in calendar year 2016 related to taxes assessed in fiscal year July 1, 2015 through June 30, 2016, and thereafter.

Town of Scarborough
Property Tax Assistance Program
Determination of Eligibility and Benefits

(This version for Tax Filing Owners)

- | | | | |
|---|-------|----------------|--|
| 1. Name: | _____ | Phone: | _____ |
| 2. Address: | _____ | E-Mail: | _____ |
| 3. Date of Birth: | _____ | Document Seen: | _____ ME Driver's License/ID _____ US Passport _____ Other _____ |
| Applicants must be 62 on 10/15/2016 Born on/before 10/15/1954 | | | |
| 4. Resident of Scarborough | _____ | Document Seen: | _____ Assessing Record _____ Other _____ Oath |
| For at least 10 years on 10/15/2016 | | | |
| 5. Federal Adjusted Gross Income | _____ | | |
| From filed Form 1040, 1040-A, or 1040-EZ | | | |
| 6. Additional income of other adults in household | _____ | | |
| 7. Total Income (Line 5 plus Line 6) | _____ | | |
| 8. Income Limit | | | \$50,000 |
| a. If line 7 exceeds line 8: STOP: No benefit paid | | | |
| 9. Benefit Threshold | _____ | | |
| 5% of Line 7 | | | |
| 10. Real Estate Tax Assessed | _____ | | |
| July 1, 2015 through June 30, 2016 (FY 2016) | | | |
| 11. Excess of Tax Assessed over Benefit Threshold | _____ | | |
| Line 10 minus Line 9. If line 10 does not exceed Line 9: STOP: No benefit paid | | | |
| 12. Benefit Cap | | | \$500 |
| 13. Benefit Determined (Check Mailed by 12/15/2016) | _____ | | |
| Lesser of Excess Tax of Benefit Cap (Lesser of Line 11 or Line 12) | | | |

Oath: I certify that the information contained herein is accurate to the best of my knowledge and belief, under penalties of perjury.

Signed: _____

Prepared / Approved by _____ Date: _____

STATE OF MAINE
Department of Economic and Community Development



RFA# 202312254

Housing Opportunity Program Municipal Grants

| | |
|--------------------------------|---|
| Grant Coordinator | <p><i>All communication regarding the RFA <u>must</u> be made through the RFA Coordinator identified below.</i></p> <p>Name: Benjamin Averill Title: Housing Opportunity Program Coordinator Contact Information: housing.decd@maine.gov</p> |
| Information Session | <p>Date: February 6, 2024 Time: 11:00 A.M , local time</p> <p>Location: Virtual Webinar (Zoom) Please use the link below to join the webinar: https://mainestate.zoom.us/j/87030962132?pwd=VktlYVZTQ1dMTGJMSTNBdkwycHB4UT09</p> |
| Submitted Questions Due | <p><i>All questions <u>must</u> be received by the RFA Coordinator identified above by:</i></p> <p>Date: February 13, 2024 , no later than 11:59 p.m., local time</p> |
| Application Submission | <p><i>Proposals <u>must</u> be received by the Division of Procurement Services by:</i></p> <p>Submission Deadline: March 7, 2024 , no later than 11:59 p.m., local time. <i>Proposals <u>must</u> be submitted electronically to the following address:</i></p> <p>Electronic (e-mail) Submission Address: Proposals@maine.gov</p> |

**State of Maine - Department of Economic and Community
Development
RFA# 202312254
Housing Opportunity Program Municipal Grants**

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RFA TERMS/ACRONYMS with DEFINITIONS

The following terms and acronyms, as referenced in the RFA, shall have the meanings indicated below:

| <u>Term/Acronym</u> | <u>Definition</u> |
|----------------------------|---|
| Department | Department of Economic and Community Development |
| Municipal Grants | Grants to municipalities to provide support with municipal ordinance development, technical assistance and community housing planning services to increase housing opportunities |
| Municipality | A city or a town, excluding all unorganized and deorganized townships, plantations, townships, and towns that have delegated administration of land use controls to the Maine Land Use Planning Commission pursuant to 12 M.R.S. § 682(1) |
| RFA | Request for Application |
| State | State of Maine |

**State of Maine - Department of Economic and Community
Development
RFA# 202312254
Housing Opportunity Program Municipal Grants**

APPLICATION DETAILS AND INSTRUCTIONS

A. Purpose and Background

The State of Maine, Department of Economic and Community Development (Department) is seeking applications for municipal grants as defined in this Request for Application (RFA). Municipal grants are grants to municipalities for community housing planning and implementation services to support the creation of housing development plans, including municipal ordinances, and policy amendments to support those plans

This document provides instructions for submitting applications, the procedure, and criteria by which the awarded Applicant(s) will be selected.

The Housing Opportunity Program, as described in [5 M.R.S. § 13056-J](#), provides grants and assistance to municipalities to encourage and support the development of additional housing units in the State, including housing units that are affordable for low-income and moderate-income individuals, and targeted to community workforce housing needs. The program focuses on technical and financial assistance to municipalities implementing zoning and land use-related policies necessary to support increased housing development.

B. General Provisions

1. From the time the RFA is issued until award notification is made, all contact with the State regarding the RFA must be made through the RFA Coordinator. No other person/ State employee is empowered to make binding statements regarding the RFA. Violation of this provision may lead to disqualification from the bidding process, at the State's discretion.
2. Issuance of the RFA does not commit the Department to issue an award or to pay expenses incurred by an Applicant in the preparation of a response to the RFA. This includes attendance at personal interviews or other meetings and software or system demonstrations, where applicable.
3. All proposals must adhere to the instructions and format requirements outlined in the RFA and all written supplements and amendments (such as the Summary of Questions and Answers), issued by the Department. Proposals are to follow the format and respond to all questions and instructions specified below in the "Proposal Submission Requirements" section of the RFA.
4. Applicants will take careful note that in evaluating a proposal submitted in response to the RFA, the Department will consider materials provided in the proposal, information obtained through interviews/presentations (if any), and internal Departmental information of previous contract history with the Applicant (if any). The Department also reserves the right to consider other reliable

references and publicly available information in evaluating an Applicant's experience and capabilities.

5. The proposal must be signed by a person authorized to legally bind the Applicant and must contain a statement that the proposal and the pricing contained therein will remain valid and binding for a period of 180 days from the date and time of the bid opening.
6. The RFA and the awarded Applicant's proposal, including all appendices or attachments, will be the basis for the final contract, as determined by the Department.
7. Following announcement of an award decision, all submissions in response to this RFA will be public records, available for public inspection pursuant to the State of Maine Freedom of Access Act (FOAA) ([1 M.R.S. § 401](#) et seq.).
8. The Department, at its sole discretion, reserves the right to recognize and waive minor informalities and irregularities found in proposals received in response to the RFA.
9. All applicable laws, whether or not herein contained, are included by this reference. It is the Applicant's responsibility to determine the applicability and requirements of any such laws and to abide by them.

C. Eligibility to Submit Applications

In order to be considered for grant funding under this process, Applicants must meet the following requirements:

1. Applicants must be a municipality as defined on page 3.
2. Multiple municipalities may apply jointly for projects that address mutual goals and have interrelated scopes of work. In a multi-municipality application, the municipalities are required to designate a lead applicant. Factors to consider might include which municipality will receive the grant funds and manage the contracting and grant reporting on behalf of the other municipalities. The municipalities may wish to have a memorandum of understanding (MOU) establishing the responsibilities of each municipality. If an MOU is established, the Department may request a copy of the document during the contracting phase.

D. Awards

The Department anticipates making multiple awards as a result of the RFA process. The number and size of awards will depend on the number of applications received and available funds.

A municipality, as defined on page 3, is eligible for an award of up to \$50,000. The minimum award for a municipality is \$10,000. Two municipalities applying jointly are eligible for an award up to \$125,000 and three or more municipalities applying together are eligible for an award of up to \$175,000.

E. Contract Terms

Applicants awarded through this RFA process will be awarded a contract for up to a 1-year period beginning June 2024 and ending in June 2025.

F. Title and Chapter

The Housing Opportunity Program Municipal Grants are governed by the Maine Department of Economic and Community Development's rules, [19-100 C.M.R. Ch. 4](#), Rules Regarding Housing Opportunity Program Grants. The purpose of this rule is to define the criteria and proposal process for applications for grant funding.

G. Appeal of Contract Awards

Any person aggrieved by the award decision that results from this Request for Applications may appeal the decision to the Director of the Bureau of General Services in the manner prescribed in 5 M.R.S. § 1825-E and 18-554 Code of Maine Rules, Chapter 120 (found here: [Chapter 120](#)). The appeal must be in writing and filed with the Director of the Bureau of General Services, 9 State House Station, Augusta, Maine, 04333-0009 within 15 calendar days of receipt of notification of contract award.

**State of Maine - Department of Economic and Community
Development
RFA# 202312254
Housing Opportunity Program Municipal Grants**

Activities and Requirements

A. Desired Outcomes

The Department will award grant funding to municipalities for any of the following housing related planning and policy outcomes:

1. Developing or updating housing and community development master plans or updating or amending housing chapters of a Comprehensive Plan to increase housing opportunities and further the purposes of the [Fair Housing Act](#) and [Maine Human Rights Act](#);
2. Developing or updating land use and zoning ordinances or related permitting processes to increase housing opportunities and further the purposes of the Fair Housing Act and Maine Human Rights Acts including, but not limited to:
 - Creating new permitting procedures to streamline housing development;
 - Creating new incentive programs for affordable housing development beyond the requirements in [30-A M.R.S. 4364](#);
 - Reducing or eliminating requirements related to parking, building height, lot coverage, setbacks, minimum unit size, minimum lot size, floor area ratio, and other land use controls;
 - Expediting approvals for affordable housing development;
 - Rezoning to allow multifamily or mixed-use development including housing in office, commercial or certain industrial zones;
 - Replacing discretionary design review procedures with objective design and development standards;
 - Reducing or eliminating fees or other costs of property subdivision; and
 - Adopting form based code in certain areas of a municipality.
3. Developing programs to promote construction of accessory dwelling units or dwelling units, including pre-approved designs or educational programming to inform residents about allowed development;
4. Developing proposals to eliminate restrictions on lower-cost housing types such as prefabricated or manufactured homes;
5. Assessing infrastructure upgrades;
6. Assessing feasibility of potential development sites;
7. Developing housing prototypes;
8. Facilitating local or regional housing needs assessments;

9. Establishing procedures for collecting housing data including building permit, certificate of occupancy, demolition and rental unit data;
10. Developing proposals for policies that incentivize mixed-income development, such as the inclusion of affordable units in market rate properties;
11. Developing proposals to reform building or energy codes, including through adopting model codes or modifying existing codes, to facilitate more housing development, including energy efficient housing, or otherwise reduce barriers to housing construction.
12. Developing proposals to coordinate land-use policies or building codes among adjoining municipalities to facilitate consistent regional development standards that streamline housing development; and
13. Other projects that focus on increasing housing options and opportunities in a municipality or region.

All funded projects must prioritize the above outcomes, but may have additional goals such as supporting climate, transportation, diversity, and broadband initiatives.

Municipalities may request funding for multiple projects.

All funded municipalities will be required to provide semiannual updates and project deliverables.

B. Prohibition on Funds:

Grant funds may not be used for the acquisition of property or construction costs.

C. Application Components

A complete and scoreable application for funding will include the following components. Specific descriptions of each component are included in this application.

1. General Information and Municipality Eligibility:

- a. Application Cover Page
- b. Debarment, Performance and Non-Collusion Certification
- c. General Information and Municipal Eligibility

2. Capacity, Expertise, and Previous Experience

- a. Applications must demonstrate expertise and relevant previous experience in grant management, housing policy, community planning services, ordinance development, and/or housing policy.
- b. If applicant does not have relevant experience and expertise, applicant must explain their current capacity to manage this project and how they anticipate gaining the relevant expertise to carry out the proposed scope of work.

3. Scope of Work:

- a. Applicants must provide a scope of work that identifies and describes the tasks necessary to achieve the RFA's desired outcomes.
- b. Proposed Project(s)- Describe the proposed project, including deliverables, project timeline, roles and responsibilities of project managers and partners, and the expected outcomes, including how the project will increase housing.
- c. Need for the Project(s)- Describe the need for the project(s) and how this project(s) promotes additional housing in the municipality. Why is this project(s) needed? How does this project(s) support additional housing in municipality?
- d. Approach to Community Engagement. Applicants must include examples of community engagement activities, including inclusive planning processes.

4. Budget Proposal

- a. Applicants must provide a Budget Narrative and Budget Form detailing the cost of the grant and where specific funds will be allocated.

**State of Maine - Department of Economic and Community
Development
RFA# 202312254
Housing Opportunity Program Municipal Grants**

KEY PROCESS EVENTS

A. Informational Meetings

The Department will sponsor an Informational Meeting concerning the RFA via Zoom. Time and a web link to the meeting are provided on the cover page of this RFA.

The purpose of the Informational Meeting is to provide information about the grant program, answer and/or field questions, clarify for potential Applicants any aspect of the RFA requirements that may be necessary and provide supplemental information to assist potential Applicants in submitting responses to the RFA. Although attendance at the Informational Meeting is not mandatory, it is strongly encouraged that interested Applicants attend.

B. Submitting Questions

Any questions must be submitted by e-mail to the Grant Coordinator identified on the [Grant RFPs and RFAs webpage](#) by February 13, 2024 at 11:59 p.m. local time. Submitted Questions must include the subject line: "RFA# 202312254 Questions". The Department assumes no liability for assuring accurate/complete/on time e-mail transmission and receipt.

C. Question & Answer Summary

Responses to all questions will be compiled in writing and posted on the following website: [Grant RFPs and RFAs](#). It is the responsibility of all interested parties to go to this website to obtain a copy of the Question & Answer Summary. Only those answers issued in writing on this website will be considered binding.

D. Amendments to the Request for Applications

All amendments (if any) released in regard to this Request for Applications will be posted on the following website: [Grant RFPs and RFAs](#). It is the responsibility of all interested parties to go to this website to obtain amendments. Only those amendments posted on this website are considered binding.

E. Application Submission

1. **Applications Due:** Applications must be received by March 7, 2024, at 11:59 p.m. local time. Applications received after the 11:59 p.m. deadline will be ineligible for award consideration for that annual application enrollment period.

2. **Submission Instructions:** Applications are to be submitted to the State of Maine Division of Procurement Services, via email, to Proposals@maine.gov.
 - a. Only applications received by e-mail will be considered. The Department assumes no liability for assuring accurate/complete e-mail transmission and receipts.
 - b. E-mails containing links to file sharing sites or online file repositories will not be accepted as submissions. Only e-mail applications that have the actual requested files attached will be accepted.
 - c. Encrypted e-mails received which require opening attachments and logging into a proprietary system will not be accepted as submissions. Please check with your organization's Information Technology team to ensure that your security settings will not encrypt your proposal submission.
 - d. File size limits are 25MB per e-mail. Applicants may submit files separately across multiple e-mails, as necessary, due to file size concerns. All e-mails and files must be received by the due date and time listed above.
 - e. Applicants are to insert the following into the subject line of their email submission: "RFA# (Inserted by Procurement) Application Submission – [Applicant's Name]"
 - f. Applications are to be submitted as a single, typed, PDF or WORD file and must include pages 14-18 of this RFA document.

**State of Maine - Department of Economic and Community
Development
RFA# 202312254
Housing Opportunity Program Municipal Grants**

APPLICATION EVALUATION AND SELECTION

A. Scoring Weight and Process

- 1. Scoring Weight:** The score will be based on a 100-point scale and will measure the degree to which each application meets the following criteria.

| Scoring Criteria | Maximum Points Available |
|--|---------------------------------|
| Criteria 1: General Information and Eligibility | Pass/Fail |
| Criteria 2: Capacity, Expertise, and Previous Experience | 25 points |
| Criteria 3: Scope of Work <ul style="list-style-type: none"> • Project Description(s) • Need for the Project(s) • Approach to Community Engagement | 40 points |
| Criteria 4: Budget Proposal | 35 points |
| Total Points | 100 points |

2. Scoring Process:

The Grant Review Team will use a consensus approach to evaluate and score all sections listed above. Members of the review team will not score those sections individually but, instead, will arrive at a consensus as to assignment of points for each of those sections.

Regarding the proposed funds requested and the proposed work, the Grant Review Team will consider the degree to which the project represents a good return for the investment (money, time) as well as whether the project work and cost estimates (tasks & budget) are reasonable for the expected outcomes, along with the amount and quality of proposed matching funds or services.

B. Selection of Award:

1. The final decision regarding the award of the contract will be made by representatives of the Department subject to approval by the State Procurement Review Committee.
2. Notification of conditional award selection or non-selection will be made in writing by the Department.
3. Issuance of the RFA in no way constitutes a commitment by the State of Maine to award a contract, to pay costs incurred in the preparation of a response to the RFP, or to pay costs incurred in procuring or contracting for services, supplies, physical space, personnel or any other costs incurred by the Bidder.
4. The Department reserves the right to reject any and all applications or to make multiple awards.

**State of Maine - Department of Economic and Community
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Housing Opportunity Program Municipal Grants**

APPLICATION COVER PAGE

Handwritten applications will not be accepted.

| | |
|---|----------------------------------|
| Municipal Name: | Click or tap here to enter text. |
| Tel: | Click or tap here to enter text. |
| E-mail: | Click or tap here to enter text. |
| Headquarters' Street Address: | Click or tap here to enter text. |
| Headquarters' City/State/Zip | Click or tap here to enter text. |
| | |
| Lead Point of Contact for Application (Name and Title) | Click or tap here to enter text. |
| Tel: | Click or tap here to enter text. |
| E-mail: | Click or tap here to enter text. |
| Headquarters' Street Address: | Click or tap here to enter text. |
| Headquarters' City/State/Zip | Click or tap here to enter text. |
| Dollar Amount of Application: | Click or tap here to enter text. |

- No personnel currently employed by the Department or any other State agency participated, either directly or indirectly, in any activities relating to the preparation of the Applicant's application.
- No attempt has been made, or will be made, by the Applicant to induce any other person or firm to submit or not to submit an application.
- The above-named organization is the legal entity entering into the resulting agreement with the Department should they be awarded a contract.
- The undersigned is authorized to enter contractual obligations on behalf of the above-named organization.

To the best of my knowledge, all information provided in the enclosed application, both programmatic and financial, is complete and accurate at the time of submission.

| | |
|---|--|
| Name (Print): Click or tap here to enter text. | Title: Click or tap here to enter text. |
| Authorized Signature: | Date: Click or tap here to enter text. |

**State of Maine - Department of Economic and Community
Development
RFA# 202312254
Housing Opportunity Program Municipal Grants**

DEBARMENT, PERFORMANCE and NON-COLLUSION CERTIFICATION

| | |
|---------------------------------------|----------------------------------|
| Applicant's Organization Name: | Click or tap here to enter text. |
|---------------------------------------|----------------------------------|

By signing this document, I certify to the best of my knowledge and belief that the aforementioned organization, its principals and any subcontractors named in this proposal:

- a. Are not presently debarred, suspended, proposed for debarment, and declared ineligible or voluntarily excluded from bidding or working on contracts issued by any governmental agency.*
- b. Have not within three years of submitting the proposal for this contract been convicted of or had a civil judgment rendered against them for:

 - i. Fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a federal, state, or local government transaction or contract.*
 - ii. Violating Federal or State antitrust statutes or committing embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property.**
- c. Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or Local) with commission of any of the offenses enumerated in paragraph (b) of this certification.*
- d. Have not within a three (3) year period preceding this proposal had one or more federal, state, or local government transactions terminated for cause or default.*
- e. Have not entered into a prior understanding, agreement, or connection with any corporation, firm, or person submitting a response for the same materials, supplies, equipment, or services and this proposal is in all respects fair and without collusion or fraud. The above-mentioned entities understand and agree that collusive bidding is a violation of state and federal law and can result in fines, prison sentences, and civil damage awards.*

Failure to provide this certification may result in the disqualification of the Applicant's application, at the discretion of the Department.

| | |
|---|--|
| Name (Print): Click or tap here to enter text. | Title: Click or tap here to enter text. |
| Authorized Signature: | Date: Click or tap here to enter text. |

**State of Maine - Department of Economic and Community
Development
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Housing Opportunity Program Municipal Grants**

In responding to each Criteria below, Applicants should refer to the information provided in the corresponding areas of the Activities and Requirements section in the RFA. Applicants must use this application to respond to all desired information outlined here and in the RFA.

Criteria 1: General Information and Municipal Eligibility

| | |
|------------------------|---|
| Applicant Name: | |
| Applicant is a: | <input type="checkbox"/> Municipality <input type="checkbox"/> This is a joint application for two or more municipalities. |

Criteria 2: Capacity, Expertise, and Previous Experience

Applications must demonstrate expertise and relevant previous experience in grant management, housing policy, community planning services, ordinance development, and/or housing policy.

If applicant does not have relevant experience and expertise, applicant must explain their current capacity to manage this project and how they anticipate gaining the relevant expertise to carry out the proposed scope of work.

Criteria 3: Scope of Work

The Department will award grant funding to municipalities for projects that meet any of the housing related planning and policy outcomes listed under the Desired Outcomes Section A of Activities and Requirements (Pg. 7) :

Describe the tasks that will be undertaken to achieve the desired outcomes and meet the requirements stated in the RFA including:

- Section 1- Proposed Project(s): Describe the proposed project(s), including deliverables, project timeline(s), roles and responsibilities of project managers and partners, and the expected outcomes, including how the project will increase housing.
- Section 2- Need for the Project(s)- Describe the need for the project(s) and how this project(s) promotes additional housing in the municipality. Why is this project(s) needed? How does this project(s) support additional housing in municipality?
- Section 3- Approach to Community Engagement: Applicants must include examples of community engagement activities, including inclusive planning processes.

Criteria 4: Budget Proposal

Budget Narrative: Provide a detailed narrative of your proposed expenses, including how the proposed grant funding will be combined with other revenue sources to support the project, as applicable.

Empty space for the Budget Narrative.

Budget Worksheet (Applicants can utilize the attached excel spreadsheet if additional space is needed.)

| Project Task | Funds Requested | Other Funds | Total Project Budget |
|----------------------------------|-----------------|-------------|----------------------|
| Task 1 | | | |
| Task 2 | | | |
| Task 3 | | | |
| Task 4 | | | |
| (add additional tasks as needed) | | | |
| Total | | | |



Budget Worksheet
for RFA 202312254 F

**AGENDA
SCARBOROUGH TOWN COUNCIL
WEDNESDAY – JANUARY 17, 2024
HYBRID REGULAR MEETING – 7:00 P.M.**

Order No. 24-005. Move approval of the first reading and refer to the Planning Board, the proposed amendments to Chapter 405 – the Zoning Ordinance, Section XIX.D. Regional Business District. Regional Business District B-2 – D. Special Exceptions and in Section IX. Performance Standards and schedule the Town Council public hearing upon receipt of the Planning Board’s review. *[Planning Director]*

Planning Director

Ought to Pass

Sponsor

Recommendation

01/17/2024 – Vote:

First Reading/Vote

TBD

Public Hearing

TBD

Second Reading/Final Approval/Vote

Scarborough Town Council Meeting

Council Meeting Date: January 17, 2024

ACTION ITEM: Order No. 24-005.

SUBJECT:

First reading and refer to the Planning Board the proposed amendments to Chapter 405 – the Scarborough Zoning Ordinance Section XIX. Regional Business District (B-2), Special Exceptions and Section IX. Performance Standards, relating to the requirements required to allow the conversion of hospitality uses into multi-family uses. *[Planning Director]*

PURPOSE:

To review the proposed ordinance changes and amendments required to allow the conversion of hospitality uses into multi-family uses.

BACKGROUND:

The Housing Alliance submitted a policy memo to Town Council and Town Manager on August 3, 2022. The subject of the memo concerned the consideration of converting hospitality uses into multi-family uses.

The Housing Alliance performed a thorough review of locations of hospitality uses and their zoning districts. The properties generally fall into three categories: coastal properties, motel/hotel lodge type properties along the Route 1 corridor and larger extended stay and national franchise type properties along the Payne Road corridor.

Within these areas, the properties fall into seven zoning districts: B2, B3, CMU1, R2, R4A, TVC and TVC3. The Housing alliance looked at compatibility factors and ultimately narrowed the focus of conversion possibility to the B2, B3, TVC and TVC3 zones. They also outlined specific standards to apply to such conversions.

Planning staff was requested to review the memo and provide opportunities and analysis how to best accommodate the request. The Planning Department recommended limiting the amendment to the B-2 district to permit multi-family with a special exception and performance standards. The B-2 zoning district includes the 5 properties on Payne Road. The Special Exception process requires approval by the Board of Appeals. This would be a 30-45 day process for applicants.

Proposed ordinance changes include adding the use as a Special Exception to the B-2 District, and adding performance standards to Section 9. The performance standards were taken from the Housing Alliance summary.

HOUSING ALLIANCE REVIEW AND RECOMMENDATION

The Planning Department presented the proposal to the Housing Alliance on November 30, 2022. They recommended some minor changes and that the proposal be forwarded to the Ordinance Committee for consideration.

The Ordinance Committee reviewed the proposal on both February 9 and March 9 of this year. The Ordinance Committee deferred bringing the proposal forward to Town Council until the Rate of Growth Ordinance was complete. The concern stemmed from how/if Growth Permits would be required for conversion projects.

As currently proposed, Growth Permits are not required. Projects of this nature could use the affordable growth permit allotment, if Council chooses to amend the proposal.

If the ordinance amendments are approved, any of the property owners of the five lodging establishments may pursue the special exception approval. They would then be required to follow the site plan process as stated below:

All minor modifications to the site including parking lot modification, landscaping, pedestrian amenities, outdoor amenities and in-kind architectural changes are subject to the Minor Development Review Site Plan process requiring Town Planner approval. Any proposed alterations which increase the floor area of the building by more than 100 square feet are subject to the Major Development Review Site Plan process requiring Planning Board approval.

Site plan approval would be followed by applicable building permit approvals.

Staff recommends amending the applicable ordinance as shown in attachment three. These same performance standards could be applied to other zoning districts in the future if so desired.

FISCAL IMPACT: N/A

STATUS / PROCESS TO DATE:

- Housing Alliance Review: November 30, 2022
- Ordinance Committee Overview: February 9, 2023
- Ordinance Committee Review: March 9, 2023
- First reading before the Town Council: January 17, 2024

PROPOSED ACTION:

Recommend approval of the first reading on Order No. 24-005 and refer to the Planning Board.

ATTACHMENTS:

- Housing Alliance Memo
- Motel/Hotel Location Map
- Proposed Section XIX. Regional Business District (B-2) Amendments
- Proposed Section IX. Performance Standards

MEMORANDUM

SUBJECT: POLICY CONSIDERATIONS IN THE CONVERSION OF HOSPITALITY USES TO MULTIFAMILY

DATE: August 3, 2022

FROM: Scarborough Housing Alliance

TO: Scarborough Town Council

CC: Tom Hall, Town Manager

The Scarborough Housing Alliance is a committee of Scarborough citizens that has been appointed by the Town Council to advise on matters relating to housing policy in the Town of Scarborough, Maine. Throughout the years, the Alliance has provided project-specific advice as Town Council has considered incentive packages for affordable housing developments, it has provided input on changes to the zoning ordinance on housing related matters and it has provided critical insights and advice related to the Town's Housing Trust Fund.

Over the past 2-3 years, the emergence of a novel coronavirus has impacted all facets of life in our community. One of those impacts is on the viability of the hospitality (hotel) industry. Nationally, owners of some hospitality properties have started to consider changing the use of their properties from a hospitality use to a multifamily use; in some communities this change of use has helped to add to the much-needed supply of workforce and affordable housing.

The Town Council has requested that the Scarborough Housing Alliance study this issue and advise the Council on what types of issues it ought to consider when and if requests are made to change the use of hospitality (hotel/motel) properties to multifamily properties in a land use zone where such a use is not allowed. The Alliance has studied the issue and discussed the issue at length. **The Alliance supports the creation of a streamlined process to allow for the conversion of hospitality properties to multifamily properties in certain zoning districts.** This memorandum summarizes our feedback to the Town Council and the considerations that we recommend be included in the streamlined process.

Applicability

The first step that the Alliance took in analyzing this issue was to do a spatial analysis of where the hospitality uses are located throughout Scarborough. We then overlaid this information with the zoning for each parcel and details of what uses are permitted as-of-right in each zone. This analysis helped to highlight that hospitality properties fall in three general areas in Scarborough: coastal properties, motel/motor lodge type properties along the Route-1 corridor and larger extended stay and national-flagged type properties located along the Payne-road corridor. Within these areas, the properties fall within 7 zones: the B2, B3, CMU1, R2, R4A, TVC and TVC3 zones. Appendix A provided a summary of the allowable uses in each zone; Appendix B shows the map of where the hospitality uses are located. This led to the first consideration.

- *Consider the adjacent uses and the compatibility of a housing use versus a hospitality use.*

In considering the compatibility, we discussed the fact that housing benefits from a more consistent and less transient user-base. This promotes more connection to community and presumably more stability. We also discussed, however, that with this consistency comes persistent intensity. A hotel/motel may have seasonal surges in usage while a multifamily use is likely to have year-round consistent high occupancy loads. This led the Alliance to consider whether some locations might be preferable to others for these types of conversions and whether the availability of a streamlined process ought to be limited to properties in select areas. Supposing that the existing stock of hospitality uses are able to function appropriately from a traffic, noise and life-safety perspective in each of the zones that they exist in, there seems to be little good reason to limit the availability of the option to convert uses of these properties. We do believe, however, that most conversions are likely to occur where land values are lowest – away from the coast. We also recognize that certain areas lend themselves to having less residential impact than others – which may be important as a new policy tool is introduced in Town. In the initial implementation of this policy, we recommend that streamlined conversion process only be available to properties in the B1, B2, B3, TVC and TVC3 zones.

Suitability

Properties operating as hospitality uses have presumably been functioning well for their intended use. The Alliance recognized that housing creates different needs than short- or mid-term stay lodging. Issues such as community, pedestrian circulation, recreational infrastructure, resident management and parking infrastructure all ought to be considered in these proposals. Any proposal to convert an existing use ought to make adequate provisions for these issues.

- ***Consider matters of suitability, like: promotion of community, access to shared transportation opportunities (bus routes, shuttles, park and rides) or non-vehicular transportation opportunities (bike paths, walking paths), pedestrian circulation, recreational infrastructure, resident management and parking infrastructure.***
- ***Consider type of residential units being proposed and only approve self-contained, independent living multifamily dwellings.***
- ***Consider how the proposal meets universal design and handicapped accessibility principles and laws.***

In making determinations regarding allowable unit sizes under the newly developed proposal, the Council should take care to adhere to Fair Housing laws and be careful of running afoul or disparate impact rules by unintentionally precluding housing from being created for protected classes of people.

Policy Issues

The Alliance recognizes that the change of use requests will be made for structures and businesses that are approaching functional obsolescence and that a strong community will have an ever evolving, yet internally consistent, set of land use regulations. We also recognize that our community has an increasing need for affordable and workforce housing and the conversion of this potentially underutilized property type is an excellent opportunity to add to the stock of affordable and workforce housing in town. We have considered the following policy issues:

- ***Is there a need for there to be more or less restrictions for this to be successful?***

- ***How much of a proposed project should be affordable? How much should be restricted to workforce?***
- ***Should a proposed conversion be required to upgrade the property to current code standards? Should only life-safety issues be required to be addressed?***
- ***How should conversion proposals be treated with respect to Scarborough's Growth Management Ordinance?***
- ***What is the proper venue for reviewing these proposals in a streamlined way?***

In general, we see the next step for the Council to be to create a clear, consistent and predictable process for applicants to go through. Consistency and predictability ought to be the measure of success rather than the number of units that actually get converted. To meet this objective we recommend treating these requests as "conditional use" or "special exception" requests and insisting that applicants explain how their proposal meets the policy objectives and performance concerns of the Town. Developing a published checklist – and including it in the Zoning Ordinance – that articulates the standards by which proposals will be evaluated is one way to do this. This will balance the importance of predictability with the value of including a rigorous review process.

With respect to the percentage of the project that should be affordable or workforce, we are reminded that there is currently no existing right to convert hospitality uses to multifamily uses in these zones and that Scarborough has documented needs for workforce and affordable housing. That said, we are mindful of the social benefits to mixed income housing. In order to balance these considerations, we recommend the following:

- At least 10% of all units¹ must qualify as "Affordable Housing Units" per the Zoning Ordinance.
- No more than 50% of all units may be "Unrestricted Units" where an Unrestricted Unit refers to a unit that is neither a Workforce Housing Unit nor an Affordable Housing Unit under the Zoning Ordinance.
- Affordable Housing Units and Workforce Housing Units should be distributed proportionally across unit sizes and units should be of similar quality, size and amenity composition regardless of whether they are designated as Affordable, Workforce or Unrestricted Units.

The Building Code will govern any construction and renovation of these proposed conversions. We suggest that all conversions be required to contain fully operational units that provide separate kitchen, bath and sleeping space for each unit. We do not suggest that any code standards in excess of what would be required for any other multifamily renovation be required for a change in use conversion.

With respect to the Growth Management Ordinance (the "GMO"), there are several characteristics of likely conversion proposals that suggest that they ought to be exempted from limits imposed by the GMO. We note that the GMO is intended to manage the impact of future development on the resources of the Town, including fire, police, water/sewer, traffic, stormwater and others. By their nature, each of these proposals will involve the conversion of an existing structure that is already drawing on the Town's resources. The proposed improvements to existing lodging establishments will, in many cases, reduce the draw on these resources – particularly to the extent that life safety, fire safety and energy and water

¹ The measure of "all units" should be taken based on the final unit count of the development rather than the pre-construction room count of the property. This acknowledges the potential need to combine smaller rooms together to create a suitable apartment unit.

efficiency improvements are made. Because of the unique nature of these conversion activities, and the public purpose behind creating affordable and workforce housing, limited exemption seems appropriate.

- ***To the extent that the number of bedrooms in a proposed conversion is less than or equal to the number of rooms in the subject lodging facility, the proposal should be exempted from the limits imposed by the GMO.***
- ***Conversion proposals should only be required to obtain growth permits for any net units created above the number of rooms in the structure being converted. For instance, if a proposal to convert a 20-room hotel would result in the 15 apartments in a renovated structure and 12 apartments in a newly constructed building on the same parcel, growth permits should be required for 7 housing units (the 15 + 12 minus 20).***

Finally, the Town of Scarborough has several oversight boards that deal with land use, building code and other similar issues. We recommend that one of these existing boards be charged with implementing any new policies that are promulgated by the Town Council and urge the Town Council to ensure that whatever policy gets created be clear and concise – both in its intention and its content.

Takeaways

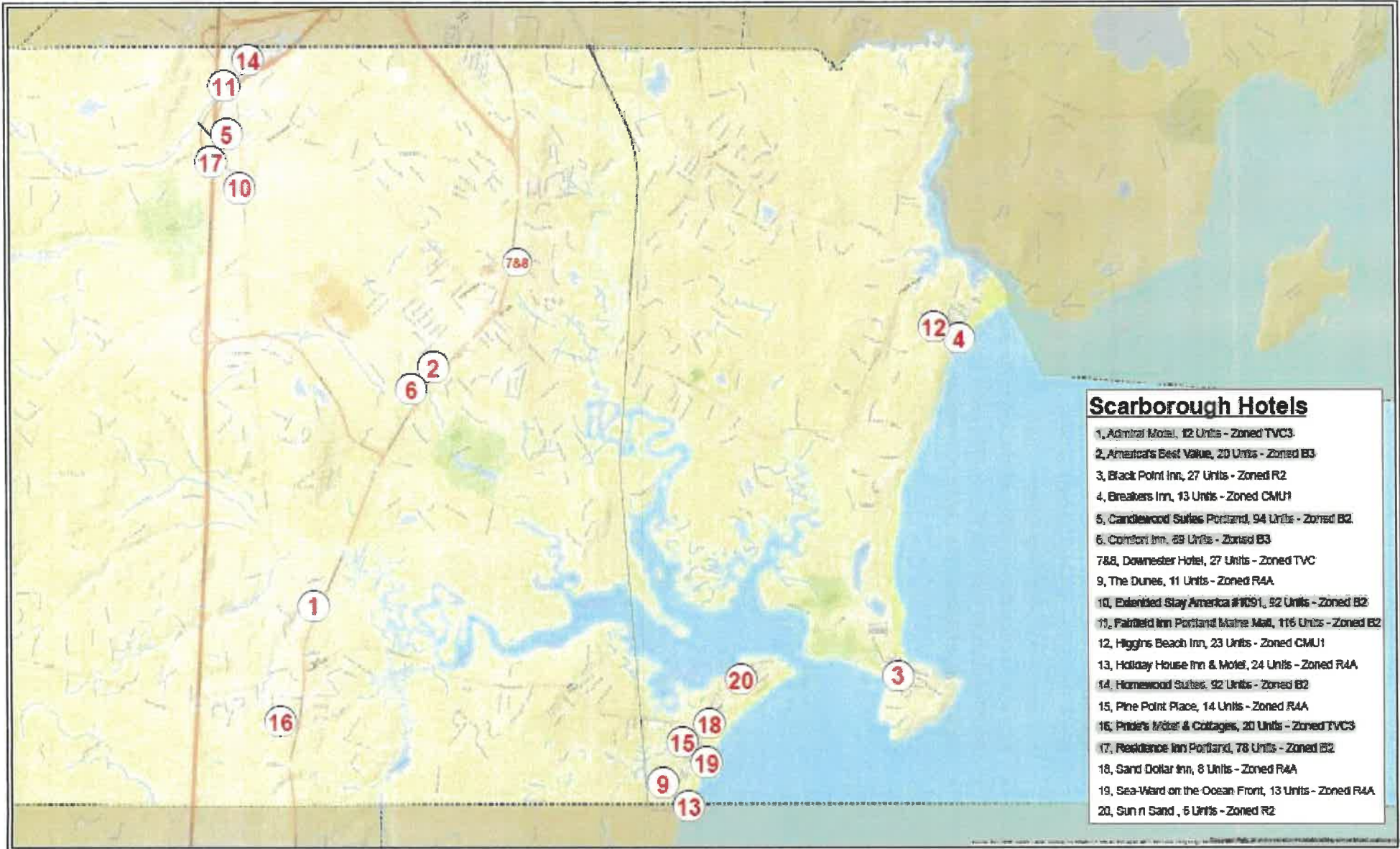
Hospitality uses are functionally similar to multifamily uses and a conversion from one use to another provides an excellent opportunity to utilize existing structures more efficiently to meet Scarborough's housing needs. Renovations and conversions are by their very nature environmentally friendly and moving from a transient use to a non-transient use will by its very nature add to the stability of the community. What's more, failing or struggling businesses often lead to underinvestment and may lead to blight – which can become a nuisance to a community like Scarborough. Creating an avenue to voluntarily convert properties from a hospitality use to a multifamily use will mitigate the risk of blight. Including an affordable or workforce component in any conversion requests will ensure that this limited opportunity contributes to one of Scarborough's other issues: its lack of dedicated affordable and workforce housing.

The Alliance recognizes and would like to highlight these factors, suggests that there is an existing infrastructure of review in town that should be utilized and recommends that the Town Council utilizes that existing infrastructure to perform any review in line with a well-articulated set of standards that relate to the policy issues outlined above.

Appendix A

Summary of allowable residential uses in each zone that hospitality uses fall within in Scarborough.

| | B1 | B2 | B3 | CMU1 | R2 | R4A | TVC | |
|----------------------------------|----|----|----|------|----|-----|----------------------------|--|
| Hotels/Motels or Bed & Breakfast | X | X | X | | | | X | |
| Multifamily dwellings | | | | | | | X | |
| Multiplex dwellings | | | | | | X | X | |
| Townhouses | | | | | | X | X | |
| Senior housing | | | | | | | X | |
| Live/work units | X | | | | | | X | |
| Long-term Care facilities | | | | | | | X – with special exception | |
| Single family units | X | | | | X | X | | |
| Two family dwellings | X | | | | | X | | |



- ### Scarborough Hotels
- 1, Admiral Motel, 12 Units - Zoned TVC3
 - 2, America's Best Value, 20 Units - Zoned B3
 - 3, Black Point Inn, 27 Units - Zoned R2
 - 4, Breakers Inn, 13 Units - Zoned CMU1
 - 5, Candlewood Suites Portland, 94 Units - Zoned B2
 - 6, Comfort Inn, 69 Units - Zoned B3
 - 7&8, Downester Hotel, 27 Units - Zoned TVC
 - 9, The Dunes, 11 Units - Zoned R4A
 - 10, Extended Stay America #1051, 92 Units - Zoned B2
 - 11, Fairfield Inn Portland Maine Mall, 116 Units - Zoned B2
 - 12, Higgins Beach Inn, 23 Units - Zoned CMU1
 - 13, Holiday House Inn & Motel, 24 Units - Zoned R4A
 - 14, Homewood Suites, 92 Units - Zoned B2
 - 15, Pine Point Place, 14 Units - Zoned R4A
 - 16, Prides Motel & Cottages, 20 Units - Zoned TVC3
 - 17, Residence Inn Portland, 78 Units - Zoned B2
 - 18, Sand Dollar Inn, 8 Units - Zoned R4A
 - 19, Sea-Ward on the Ocean Front, 13 Units - Zoned R4A
 - 20, Sun n Sand , 6 Units - Zoned R2

Appendix C

Checklist of factors to include in conversion proposals

- Compatibility of surrounding uses with proposed housing use.
- Proposed unit type, configuration and amenities.
- Provides independent, self-contained, fully functional dwelling units
- ***Consider how the proposal meets universal design and handicapped accessibility principles and laws.***
- ***Promotion of community, pedestrian circulation, recreational infrastructure, resident management and parking infrastructure.***
- ***Provides housing that qualifies as Workforce Housing by Zoning Ordinance definitions.***
- ***Provides housing that qualifies as Affordable Housing by Zoning Ordinance definition.***
- ***How proposal addresses building code compliance and life safety improvements.***

Chapter 405 - Town of Scarborough Zoning Ordinance

BE IT HEREBY ORDAINED by the Town Council of the Town of Scarborough, Maine, in Town Council assembled, that the following changes to Chapter 405 the Zoning Ordinance of the Town of Scarborough, Maine, as follows:

1. Amend Section XIX. Regional Business District B-2.D. Special Exceptions, by adding the new language underlined below:

D. SPECIAL EXCEPTIONS [Amended 08/19/09]

1. Public utility buildings including substations, pumping stations and sewage treatment facilities.
2. Outdoor storage, exclusive of fuel stored in bulk. [03/20/02]
3. Outdoor sales provided that all merchandise displayed for sale is located at least 1,000 feet from any public way.
4. Adjunct Uses, Place of Worship. [05/05/99]

5. Multifamily dwellings, converted from lodging uses in existence as of January 1, 2023. Subject to the Performance Standards of Section IX. (Z) of this Ordinance

2. Amend Section IX. Performance Standards, by adding a new subsection Z. MULTIFAMILY DWELLINGS – CONVERSIONS FROM LODGING USE, as follows:

Z. MULTIFAMILY DWELLINGS – CONVERSIONS FROM LODGING USE

Existing lodging uses may be converted to multifamily dwellings in their entirety when permitted as a Special Exception in the B-2 zoning district, subject to the Special Exception approval process through the Zoning Board of Appeals and subject to the following Performance Standards.

(1) All conversions must obtain building permits and meet all applicable Building Code and life safety requirements for any renovations or modifications required.

(2) All residential units must be self-contained, independent living quarters including a separate kitchen, bath and sleeping space for each unit.

(3) Accessibility requirements shall be considered when reviewing requests for conversion.

(4) A minimum of 50% of all units must qualify as Renter-Occupied Workforce Housing or Renter-Occupied Affordable Housing units and deed restricted.

(5) A minimum of 10% of all units must qualify as Renter-Occupied Affordable Housing units as defined by the Zoning Ordinance and deed restricted.

(6) Affordable Housing and Workforce Housing units must be distributed proportionally across bedroom mix and units must be of the same quality, size and amenity composition as market rate units.

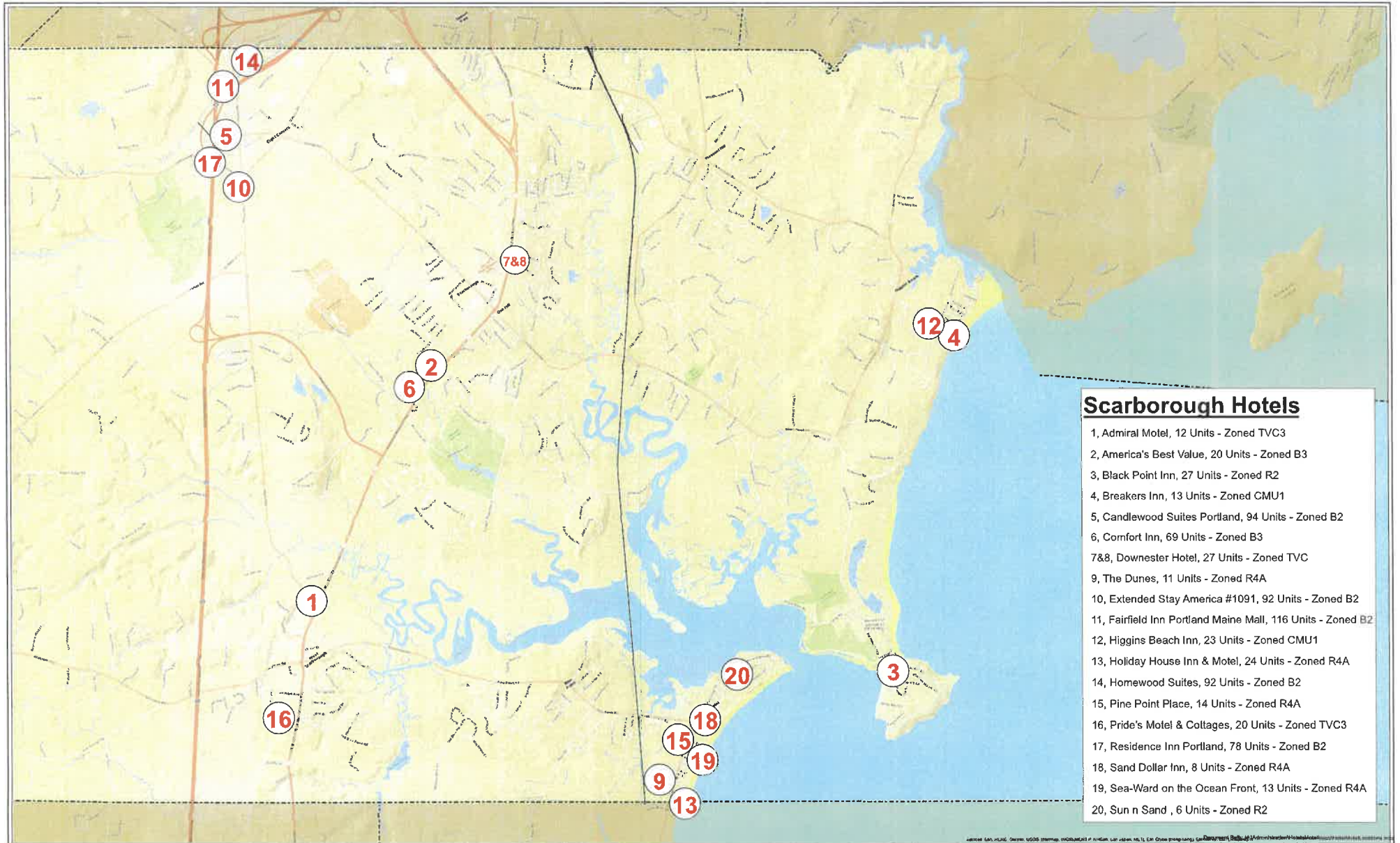
(7)– Amenities for residents must be provided and considered when reviewing requests for conversion, including resident amenities, internal pedestrian circulation, on-site management and any additional services offered.

(8) All units must require 12 months lease agreements. –

(9) Adequate on-site parking must be provided for. Each unit shall require one parking space.

~~(10)~~ All units in a conversion proposal shall be exempt from any rate of growth requirements. Any new construction of units or additional units over the original unit count in the lodging use shall be subject to rate of growth requirements.

(11) All minor modifications to the site including parking lot modification, landscaping, pedestrian amenities, outdoor amenities and in-kind architectural changes are subject to the Minor Development Review Site Plan process requiring Town Planner approval. Any proposed alterations which increase the floor area of the building by more than 100 square feet are subject to the Major Development Review Site Plan process requiring Planning Board approval.



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