

Chapter 6

HOUSING\*

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ARTICLE I. IN GENERAL

Secs. 6-1-6-25. Reserved.

ARTICLE II. MINIMUM STANDARDS FOR RENTAL HOUSING

DIVISION 1. GENERALLY

Sec. 6-26. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Basement* means that portion of a building located partly underground but having less than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

*Cellar* means that portion of a building located partly or entirely underground but having half or more than half its clear floor-to-ceiling height below the average grade of the adjoining ground.

*Dwelling* means any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.

\*Cross reference-Flood prevention and protection, Ch. 4; children playing areas designated, §9-71; hidden driveways designated, §9-73; solid waste, Ch. 10; streets, sidewalks and other public places, Ch. 11; shoreland zoning, App. A; land use standards, App. A, § 11.

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*Dwelling unit* means one (1) or more rooms located within a dwelling and forming a single housekeeping unit with living, sleeping, cooking and eating facilities.

*Family* means one (1) or more persons occupying a single housekeeping unit.

*Finished grade* means the surface of the ground as it exists or will exist after completion grading.

*Guard* means a vertical protective barrier erected along the exposed edges of stairways, balconies, etc., pursuant to NFPA 101, Section 5.2.

*Habitable space* means a space in a dwelling unit for living, sleeping, eating or cooking. Bathrooms, closets, hallways, storage or utility spaces, unfinished cellars or attics are not considered habitable space.

*Kitchen* means space used for cooking or preparation of food.

*Manufactured housing.* Provisions of this article shall apply to all units defined as "manufactured housing" according to Title 30-A MRSA 4358.

*Mixed occupancy* means occupancy of a building in part residential use, and in part some other use not accessory thereto.

*Multiple dwelling* means any dwelling containing two (2) or more dwelling units.

*Parking space* means an area of not less than two hundred (200) square feet, no side of which is less than ten (10) feet, exclusive of access and maneuvering area to be used for temporary parking for one (1) motor vehicle.

*Premises* means a lot or parcel of land including the buildings or structures thereon.

*Public space* means that space used in common by the occupants of several units within a dwelling or rooming house and by the public.

*Roominghouse* means any dwelling containing two (2) or more rooming units, in which space is let by the owner or operator.

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*Rooming unit* means any room or rooms forming a single habitable unit used for living and sleeping, but not for cooking or eating purposes.

*Sleeping room* means any room in a dwelling unit which meets the standards of this article and which has been expressly designated by the building owner as a room to be used specifically for sleeping purposes.

*Stairway* means one (1) or more flights of stairs and the necessary landings and platforms connected to form a continuous passage from one (1) floor to another.

*State and federally inspected rental units* means a rental unit that is subsidized and managed by a state or federal agency and provides for the inspection on a yearly basis. By example, but not limited to, HUD housing, and rural development housing.

*Toilet room* means enclosed space containing one (1) or more water closets.

(Ord. No. C87-8, Art. I, § 3, 12-3-87; Ord. No. C93-2, 5-13-93; Ord. No. C94-7, 9-8-94; Ord. No. C99-5, 5-13-99; Ord. No. C2010-18, 11-10-10)

**Cross reference**—Definitions and rules of construction generally, § 1-2.

### **Sec. 6-27. Findings.**

In the town there are or may be in the future dwelling structures which are so dilapidated, unsafe, dangerous, unhygienic or unsanitary as to constitute a menace to the health and safety of the people of this town.

(Ord. No. C87-8, 12-3-87, adopted T.M. of 6-14-88)

### **Sec. 6-28. Scope.**

This article shall apply to rental residential premises as follows:

- (1) Lots or parcels of land on which rental residential buildings, rented buildings of mixed occupancy, or accessory structures are located.

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- (2) Rented residential buildings, multiple dwellings, and rooming or boarding houses. Exempt from this subsection will be:
- a. Seasonal camps when such camp consists of one (1) dwelling unit and is rented less than seven (7) months of the year;
  - b. Mobile home parks, boarding houses, hotels and motels which can show a valid and current State of Maine license and proof of current inspection.
  - c. State and federally inspected rental units will be deemed exempt from the town inspection requirement as of January 1, 2011, in lieu of an inspection report by the complex manager and state or federal inspectors. These reports must be filed with the code enforcement officer yearly along with a list of current tenants. All other rules of the ordinance from which this section derives continue to apply to these rental units.
- (3) Residential occupancies in buildings of mixed occupancy, i.e., commercial structures with rent.
- (4) All manufactured housing sited within the town and offered for rent after the effective date of the ordinance from which this section derives will comply with the minimum safety standards contained in sections 6-71, 6-72, 6-76, 6-77 through 6-82, and section 6-83.
- (5) Following the effective date of the adoption of this section, landlords initially shall have a thirty-day period in which to: (1) notify the code enforcement officer that they rent or intend to rent a mobile home; and (2) obtain a permit. They then have six (6) months to bring such mobile home into compliance. The permit will be valid until the end of 1995. Thereafter, all permits will expire on the normal expiration date.
- (Ord. No. C87-8, Art. I, § 1, 12-3-87; Ord. No. C88-7, § 1, 11-3-88; Ord. No. C93-13, 10-7-93; Ord. No. C94-7, 9-8-94; Ord. No. C94-13, 1-12-95; Ord. No. C2010-18, 11-10-10)

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**Sec. 6-29. Compliance.**

(a) *Responsibility of occupant.* An occupant of a dwelling unit shall be responsible for compliance with this article in regard to the following:

- (1) Limiting occupancy of that part of the premises which he occupies to the maximum permitted by this article;
- (2) Maintenance of that part of the premises which he occupies in a clean, sanitary and safe condition;
- (3) Maintenance of all cooking and refrigeration appliances owned by him, as well as other building equipment and storage facilities owned by him in that part of the premises which he rents in a clean and sanitary condition, and providing reasonable care in the operation and use thereof;
- (4) Keeping exits from his dwelling unit clear and unencumbered;

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- (5) Disposal of garbage and refuse into provided facilities in a clean and sanitary manner.
  - (6) Keeping his domestic animals and pets in an appropriate manner and under control.
  - (7) No heating equipment, including space heaters, may be installed without approval and supervision of the landlord or his agent.
  - (8) Occupants will use provided on-premises parking and not use public streets for overnight parking.
- (b) *Responsibility of owners.*
- (1) Owners of premises shall be ultimately responsible for compliance with this article, and shall remain responsible therefor regardless of the fact that this article may also place certain responsibilities on operators and occupants. This shall be so regardless of any agreements between owners and operators or occupants as to which parties shall assume such responsibility.
  - (2) Owners of premises shall be responsible for proper maintenance, condition and operation of service facilities, all plumbing fixtures, heating facilities, appliances and other equipment owned by him.

(Ord. No. C87-8, Art. II, 12-3-87)

**Sec. 6-30. Violation; penalty.**

Any person found guilty of violating any provisions of this article shall be subject to a fine of not more than one hundred dollars (\$100.00) for each offense. Each day the offense is allowed to continue after notification from the health and safety inspector is considered a separate offense.

(Ord. No. C87-8, Art. Iv, § 4, 12-3-87)

**Secs. 6-31-6-45. Reserved.**

**DIVISION 2. ADMINISTRATION**

**Sec. 6-46. Building inspection.**

(a) This article shall be administered by the health and safety inspector. Inspections may be made with the assistance of consultants, i.e., licensed plumber, licensed electrician, fire department official and/or other state officials.

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(b) The health and safety inspector is authorized to conduct annual inspections of each rental unit prior to issuing rental permits.

(Ord. No. C87-8, Art. III, §§ 1, 2, 12-3-87)

#### Sec. 6-47. Rental permit.

Owners of rental units shall be required to obtain a rental permit for each rental unit owned on an annual basis. After receipt of application from the owner, the code enforcement officer shall conduct an inspection of each rental unit. After satisfactory compliance with provisions of this article, a rental permit shall be issued, at no cost, for each rental unit. After January 1, 1989, it will be illegal to offer units for rent without a valid rental permit. Inspections shall be made and permits obtained prior to occupancy of all new units after January 1, 1989.

(Ord. No. C87-8, Art. II, § 2, 12-3-87; Ord. No. C87-2a, 3-3-88)

#### Sec. 6-48. Complaint investigations.

The health and safety inspector shall investigate all complaints of alleged housing violations after the following requirements are met:

- (1) The tenant must notify the owner/landlord in writing of the alleged problem. In cases of imminent danger, the requirement for notification in writing may be waived.
- (2) Upon verification, the landlord must be given a reasonable time to correct the problem. It shall be the responsibility of the health and safety inspector to determine what is a reasonable period of time.

(Ord. No. C87-8, Art. III, § 3, 12-3-87)

#### Sec. 6-49. Issuance of order to correct violations.

The health and safety inspector shall issue an order in writing requiring the remedying of all conditions found to exist in or on any premises in violation of provisions of this article or of rules and regulations adopted hereunder. The order shall state a reasonable time for compliance. In case of imminent danger, the requirements for notifying in writing may be waived.

(Ord. No. C87-8, Art. IV, § 1(I), 12-3-87)

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**Sec. 6-50. Evacuation, posting of unfit premises.**

Where violations of this article exist and present an immediate hazard or danger to the health, safety or welfare of building occupants or of the public, the health and safety inspector may declare the premises unfit for human habitation and order the evacuation of all occupants. The premises shall be posted with notices of such orders prominently displayed at every entrance. (Ord. No. C87-8, Art. IV, § 1(II), 12-3-87)

**Sec. 6-51. Posted premises not to be used for human habitation.**

No premises which have been condemned as unfit for human habitation shall again be rented until written approval is secured from the health and safety inspector. (Ord. No. C87-8, Art. IV, § 1 (III), 12-3-87)

**Sec. 6-52. Variances.**

In recognition of the likelihood that there are existing rental units that will not be in strict compliance with all provisions of this article, and that compelling circumstances may make strict compliance a hardship, the health and safety inspector shall be empowered to grant temporary variances on a year-to-year basis. All such temporary variances and the reasons therefor shall be reported to the planning board. Requests for permanent variances will be reviewed by the planning board. Variances will not be granted in any case where the nonconforming condition presents an immediate or potential hazard or danger to the health, safety or welfare of building occupants or of the public. (Ord. No. C87-8, Art. IV, § 1(IV), 12-3-87)

**Sec. 6-53. Appeals.**

Any person affected by any notice or order of the health and safety inspector which has been issued in connection with the enforcement of any provision of this article may request and shall be granted a hearing on the matter before the town board of appeals. Such person shall file with the board a statement of grounds therefor within ten (10) days after the request for a hearing. The board of appeals may, by a majority vote of its entire

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membership, reverse the decision of the health and safety inspector, or permit exceptions to or variations from the specific terms of this article in such cases where the enforcement of the provisions of this article may result in undue hardship, subject always to the rule that the board of appeals shall give due consideration to the purposes of this article in promoting health, safety and general welfare.

(Ord. No. C87-8, Art. Iv, § 2, 12-3-87)

**Sec. 6-54. Condemnation and demolition of dangerous buildings.**

(a) Whenever the health and safety inspector finds a building or structure or any portion thereof to be structurally unsafe, unstable, unsanitary or constituting a hazard to health or safety because of inadequate maintenance, dilapidation or abandoning, or otherwise dangerous to life or property, the health and safety inspector shall report such information to the town council. The town council shall thereupon be authorized to act under provisions of Title 17 M.R.S.A. Reference to structural performance and building material requirements shall be to current BOCA National Building Codes Articles 1-20 and to current NFPA 101 Life Safety Code.

(b) Any person aggrieved by such order of the town council may, within thirty (30) days after the order is made and recorded, file an appeal therefrom to any justice of the supreme judicial or supreme court who shall, after notice and hearing, affirm, annul or alter such order and may render such judgment as to costs as justice requires.

(Ord. No. C87-8, Art. Iv, § 3, 12-3-87; Ord. No. C93-2, 5-13-93)

Secs. 6-55-6-70. Reserved.

**DIVISION 3. STANDARDS**

**Sec. 6-71. Occupancy requirements.**

(a) In dwelling and rooming units, the numbers of occupants shall be determined by allowing two (2) persons per sleeping room except that in the situation of an efficiency apartment where the sleeping room is not separated and also may serve as dining or living room, the occupancy shall be one (1) person.

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(b) Notice shall be located in each unit offered for rent stating the maximum number of occupants allowed under this article.

(c) In manufactured housing, the numbers of occupants shall be based on: one (1) person per sleeping room having at least fifty (50) square feet but less than seventy (70) square feet of total floor area; and/or two (2) persons per sleeping room having at least seventy (70) square feet of floor area.

(Ord. No. C87-8, Art. I, § 4, 12-3-87; Ord. No. C93-2, 5-13-93; Ord. No. C94-13, § 1-12-95; Ord. No. C99-5, 5-13-99)

**Sec. 6-72. Prohibited uses.**

(a) No kitchen, non-habitable space or public space shall be used regularly for sleeping purposes.

(b) No basement or cellar space shall be used as habitable space unless the floors and walls are free from chronic dampness and protected from surface runoff.

(Ord. No. C87-8, Art. I, § 5, 12-3-87)

**Sec. 6-73. Habitable space requirements.**

Habitable space requirements are as follows:

- (1) *Minimum ceiling height.* Fifty (50) percent of the floor area shall be a minimum ceiling height of six (6) feet eight (8) inches. Any floor area having a ceiling height of less than five (5) feet shall not be considered in computing floor area.
- (2) *Minimum room size.* Every dwelling unit shall contain at least one (1) habitable room having a minimum of one hundred (100) square feet of floor area. All other habitable rooms except kitchens shall contain at least sixty-four (64) square feet of floor area.
- (3) *Light and ventilation.*
  - a. Habitable space shall be provided with natural light through a minimum of one (1) window opening directly to the outdoors, which is a minimum size of twenty-four (24) inches by thirty-six (36) inches.

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- b. Every habitable room shall be provided with artificial light or electric outlets.
  - c. Every habitable room shall be provided with natural ventilation through windows or other openings in exterior walls that face directly out-of-doors and are above the adjoining finished grade, or through skylights. Mechanical ventilation may be used in lieu of natural ventilation in bathrooms.
- (4) *Separation of units.* Rooming units shall be separated from each other and from other spaces outside the rooming units.
- (5) *Accessibility of kitchens, dining rooms.* Communal kitchens or dining rooms in a rooming house shall be accessible to the occupants sharing such kitchen or dining room without going through a dwelling unit or rooming unit of another occupant.
- (Ord. No. C87-8, Art. I, § 6, 12-3-87)

## Sec. 6-74. Public space.

Requirements for public space are as follows:

- (1) *Ceiling height.* The minimum should be six (6) feet five (5) inches from the finished floor to the finished ceiling.
  - (2) *Light.* Adequate lighting is required.
- (Ord. No. C87-8, Art. I, § 7, 12-3-87)

## Sec. 6-75. Accessory rooms, stairs and exits.

- (a) Toilet and bathrooms shall;
  - (1) Have provisions for privacy;
  - (2) Be located in each dwelling unit and, for all new construction or rehabilitated housing offered for rent after January 14, 1989, be accessible from any sleeping room without passing through another sleeping room;
  - (3) Be provided with floor surfaces that are easy to clean and keep sanitary;

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- (4) Be provided with natural ventilation with an operable area of at least one and one-half (1½) square feet or mechanical ventilation exhausting at least twenty-five (25) cfm;
  - (5) Have at least one (1) electric light fixture. In all new construction or rehabilitated housing offered for rent after January 14, 1989, and in existing units when practicable, a bathroom shall have at least one (1) ground-fault insulated (G.F.I) electric outlet.
- (b) Laundry and furnace rooms shall:
- (1) Have one (1) electric light fixture and one (1) electric outlet;
  - (2) Be provided with natural ventilation with an operable area of at least one and one-half (1½) square feet or mechanical ventilation exhausting at least twenty-five (25) cfm.
- (c) Central heating and air-conditioning equipment rooms in multiple dwellings shall be externally ventilated and air from these rooms shall not be circulated to other parts of the building.
- (d) Attics, crawl spaces and spaces under flat roofs shall be provided with natural ventilation.
- (e) Stairways shall be provided with a handrail and/or guard where the building inspector feels it necessary for safety.
- (f) Exits shall conform to NFPA Code 101 Requirements governing exits in all buildings.
- (g) Sleeping rooms shall:
- (1) Be no smaller than eighty (80) square feet (except for manufactured housing units which meet the standards of section 6-83);
  - (2) Have a window opening directly to the outdoors which is a minimum size of twenty-four (24) inches by thirty-six (36) inches, or an exit door opening directly to the outdoors or to a hallway leading directly to the outdoors;

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- (3) Have one (1) electric light fixture and one (1) electric outlet;
- (4) Have provisions for privacy.  
(Ord. No. C87-8, Art. I, § 8, 12-3-87; Ord. No. C93-2, 5-13-93; Ord. No. C99-5, 5-13-99)

**Sec. 6-76. Maintenance generally.**

Dwellings shall be maintained so that the safety and health of occupants is not endangered.  
(Ord. No. C87-8, Art. I, § 9, 12-3-87)

**Sec. 6-77. Equipment and systems.**

Equipment and systems for dwellings shall be located, installed and maintained so that under normal conditions of use they will not endanger health and safety of the occupants and the structural integrity of the dwelling, and so that they do perform their intended function. Equipment and systems shall conform to the following:

**(1) *Plumbing systems.***

- a. Plumbing systems shall be installed and maintained to function properly and shall be kept free from obstructions, leaks and defects to prevent health hazards.
- b. All repairs and installations of plumbing systems shall be made in accordance with provisions of the state plumbing code.
- c. Each dwelling unit shall be provided with one (1) water closet and lavatory. Also, each dwelling unit shall be provided with a bathtub or shower and a kitchen sink. The bathtub or shower and the kitchen sink shall be piped to both hot and cold running water.

**(2) *Heating facilities.***

- a. Every rental dwelling shall have heating facilities and the owner of the dwelling shall be required to see that they are properly installed, safely main-

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tained and in good working condition, and that they are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms. "Unvested" fuel-burning space heaters shall be prohibited.

- b. All present and future installations of wood-burning stoves, fireplaces, furnaces, etc., shall be the responsibility of the owner of the building. No wood-burning equipment shall be installed without supervision of the owner and the owner shall be responsible for the safety thereof. All new wood-burning installations must be inspected by the health and safety inspector before the first fire is built, pursuant to Title 17 M.R.S.A. Section 235. Recommended standards published by the state fire marshal's office will be used as a guideline for installation. If installations are not acceptable, owner will be fined at a rate not to exceed more than one hundred dollars (\$100.00) per day if the installations are placed into use without authorization.
- c. Every fuel gas piping system located in a rental dwelling or multifamily dwelling shall be properly installed, connected and maintained, and shall be capable of performing the function for which it is designed. This is the responsibility of the owner. There shall be installed on all appliances appropriate safety devices.
- d. Fuel-burning, heat-producing equipment shall be installed and maintained so that the emission or discharge into the atmosphere of smoke, dust, odor or other products of combustion will not create a nuisance or be detrimental to the health, comfort, safety or property of any person.
- e. At least one (1) smoke alarm will be installed in each apartment and kept in working order. In all new construction or renovated housing offered for rent after January 14, 1989, smoke alarms will be directly wired.

(Ord. No. C87-8, Art. I, § 10, 12-3-87; Ord. No. C93-2, 5-13-93)

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**Sec. 6-78. Maintenance of facilities and equipment.**

(a) All required equipment and all building space and parts in every dwelling and multifamily dwelling shall be constructed and maintained so as to properly and safely perform their intended functions.

(b) All housing facilities shall be maintained in a clean and sanitary condition by the occupant so as not to breed insects and rodents or produce dangerous or offensive gases or odors.

(Ord. No. C87-8, Art. I, § 11, 12-3-87)

**Sec. 6-79. Electrical hazards.**

Where it is found that the electrical system in a building constitutes a serious hazard to the occupants or the building by reason of inadequate service, improper fusing, insufficient outlets, improper wiring, or installation, deterioration, or damage, or for similar reasons, it shall be required that the defects be corrected to eliminate the hazard.

(Ord. No. C87-8, Art. I, § 12, 12-3-87)

**Sec. 6-80. Yards and courts.**

(a) Yards and courts shall be kept clean and free of physical hazards and the accumulation of debris or trash.

(b) In all new construction or renovated housing offered for rent after January 14, 1989, at least one and one-half (1½) parking spaces per rental unit will be provided on the premises. (Ord. No. C87-8, Art. I, § 13, 12-3-87)

**Sec. 6-81. Extermination of pests; screening.**

(a) Every owner of a rental dwelling shall be responsible for the extermination of rodents, vermin or other pests in all exterior and interior areas of the premises.

(b) All windows and other openings used for ventilation shall be appropriately screened.

(Ord. No. C87-8, Art. I, § 14, 12-3-87)

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## Sec. 682. Garbage and refuse.

(a) The building owner shall provide adequate sanitary facilities and methods for the collection, storage, handling and disposal of garbage and refuse.

(b) In rental dwellings, garbage and refuse shall not be stored or allowed to accumulate in public halls and stairways.

(Ord. No. C87-8, Art. I, § 15, 12-3-87)

## Sec. 683. Design standards for manufactured housing.

(a) All manufactured homes constructed after June 15, 1976, and bearing the seal of the Department of Housing and Urban Development which certifies the manufactured home was built pursuant to the provisions of the Manufactured Home Construction and Safety Standards as revised shall be deemed to have fulfilled the safety standards of this section, unless significant alteration has been made to the manufactured home subsequent to its initial sale. In addition, all manufactured homes shall:

- (1) Have and maintain external siding which is residential in appearance for the manufactured home as well as any additions thereto;
- (2) Be located on a permanent foundation which may include at a minimum, a gravel pad and skirting of a material which is residential in appearance;
- (3) Have a minimum of two (2) exterior doors not less than twelve (12) feet from each other. One (1) of the required exit doors must be accessible from the doorway of each bedroom without travelling more than thirty-five (35) feet;
- (4) Have at least one (1) outside window in every room designed expressly for sleeping purposes, unless it has an exit door. The bottom of the window shall not be more than forty-four (44) inches above the floor;
- (5) Have at least one (1) operable smoke detector centrally located within the home;
- (6) Have, in those homes with cabinet areas over cooking ranges or stovetops, a protective metal hood with not less than a three-inch eyebrow projecting horizontally from the cabinet face;

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- (7) Have a vertical clearance above any cooking surface of not less than twenty-four (24) inches to the bottom of combustible cabinets;
  - (8) Conform to NFPA Life Safety Code Chapter 21.1-21.5.1 fire safety standards.
  - (9) In manufactured housing, sleeping rooms shall have a minimum gross square foot floor area of at least fifty (50) square feet; rooms to be used by two (2) persons shall have at least seventy (70) square feet of floor area.
- (Ord. No. C94-7, 9-8-94; Ord. No. C94-13, 1-12-95; Ord. No. C99-5, 5-13-99)