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Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 06/30/17

Permitting and Inspections Department
Michael A. Russell, MS, Director

Condominium Conversion Permit Application and Checklist

A conversion permit shall be obtained before an owner offers to convey a converted unit. Condo conversions are not a change of use. They are considered a change of ownership of building area, not land. Subdivision is not involved. Only the legal number of dwelling units may be condominiumized. Any illegal units shall be removed or made legal by proper permitting.

Notice of intent to convert: All tenants shall be given a specific notice of the intent to convert their unit to a condominium from the owner. This notice shall contain a specific offer and terms for the tenant to purchase their unit. The notice shall contain specific wording outlined in Chapter 14, Article VII of the City Code that notifies the tenants of irrevocable rights and how to contact the City of Portland. The tenant shall also be given a specific time to vacate based upon the number of years that they have occupied their unit. The minimum notice to vacate is 120-day notice:

0-4 years = 120 days notice	7 years = 210 days notice	10 years = 300 days notice
5 years = 150 days notice	8 years = 240 days notice	11 years = 330 days notice
6 years = 180 days notice	9 years = 270 days notice	12+years=360 days notice

Sixty days after their notice, the tenant has an exclusive, irrevocable option to purchase their own unit. During that time, the owner/developer may not convey, the unit to any other person. For the next 180 days, the owner/developer cannot offer a more favorable price or term to any other person unless the same terms are offered to the original tenant first.

Rent may not be altered during the official noticing period unless expressly provided in a pre-existing written lease. The owner/developer shall post a copy of the issued permit in a conspicuous place in each unit, and make copies available to prospective purchasers upon request.

Relocation payments: If the tenant does not purchase, the owner shall (before the tenant vacates) make a cash payment to the tenant in the amount of rent for the preceding two months only if the tenant meets the current 80% of the low/moderate income rules adjusted for family. Additionally, the developer shall provide other assistance to the tenant in the form of reasonable accommodations, referrals, and determining tenant eligibility.

Submission Checklist

- ☐ **Condominium Conversion Permit Application and Checklist** (this form)
- ☐ **General Building Permit Application**
- ☐ **Tenant Data Form**
- ☐ **Evidence of right, title and interest** (e.g. deed, purchase and sale agreement with current deed)
- ☐ **Copy of notices of intent to convert, for each tenant*** (refer to Section 14-568 of the City Code for requirements)
- ☐ **A plot plan**, including the shape and dimension of the lot, footprints of structures, and the location and dimensions of parking areas and driveways
- ☐ **Dimensioned floor plans** for each unit

****Any proposed construction or building alteration requires a separate building permit application.****

***Copies of your notice to each tenant must be attached to the permit application. No permit will be issued without copies of the notices. If there are building vacancies, you must provide the reason why the unit is vacant and the previous tenant's name, new address, and phone number.**

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Tenant Data for Condominium Conversion

(submit with Condominium Conversion Permit Application)

Project Address: 84 Eastern Promenade **Number of legal dwelling unit in building:** 4

Provide the following information for each tenant (if vacant, for the tenant from the past 6 months):

	Tenant Name	Tenant Phone #	Occupancy Length	Date of Notice	Eligible for Relocation Payment?
Unit 1	None - Previously short-term rental through VRBO	with typical tenancy or no more than 1 week			
Unit 2	None - Previously short-term rental through VRBO	with typical tenancy or no more than 1 week			
Unit 3	Gus Jack	(207) 632-7877	7 years	April 14, 2017	No
Unit 4	None - Previously short-term rental through VRBO	with typical tenancy or no more than 1 week			
Unit 5					
Unit 6					
Unit 7					
Unit 8					
Unit 9					
Unit 10					

If more than 10 units, submit the same information for all units on a separate piece of paper.

Income Limits for Relocation Payments (per HUD FY2016 Income Limits, effective 3/28/2016)

Number of people in household and income limits:

1 - $43,050

2 - $49,200

3 - $55,350

4 - $61,450

5 - $66,400

6 – $71,300

7 - $76,200

8 - $81,150

For the most up-to-date information on income limits, visit: https://www.huduser.gov/portal/datasets/il.html

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ARTICLE VII. CONDOMINIUM CONVERSION

Sec. 14-565. Purpose.

The purpose of this article is to regulate the conversion of rental housing to condominiums; to minimize the potential adverse impacts of such conversion on tenants; to ensure that converted such housing is safe and decent; and to maintain a reasonable balance of housing alternatives within the city for persons of all incomes. To these ends, this article shall be liberally construed. (Ord. No. 213-81, § 608.1, 11-16-81)

Sec. 14-566. Applicability.

This article shall apply to the conversion of any rental unit to a condominium unit.(Ord. No. 213-81, § 608.2, 11-16-81)

Sec. 14-567. Definitions.

For the purpose of this article, the following terms shall be defined as follows, unless otherwise clearly implied:

Condominium means any interest in real estate created pursuant to the Unit Ownership Act, 33 M.R.S.A. § 560 et seq., or its equivalent, as it may from time to time be amended.

Developer means and includes any person or other legal entity, but not including an established lending institution unless it is an active participant in a common promotional scheme, who, whether acting as principal or agent, records a declaration of condominium that includes real estate, any portion of which was previously a rental unit.

Tenant means and includes any occupant in lawful possession of a rental unit, whether by lease, sublease, or otherwise.

Unit means any building, or portion thereof, used or intended to be used primarily as a separate dwelling.(Ord. No. 213-81, § 608.3, 11-16-81)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 14-568. Protection of tenants.

Notice of intent to convert. A developer shall give to each tenant written notice of intent to convert at least one hundred twenty (120) days before the tenant is required by the developer to vacate. If a tenant has been in

possession of any unit within the same building for more than four (4) consecutive years, the notice period shall be increased by thirty (30) additional days for each additional year, or fraction thereof, to a maximum of two hundred forty (240) additional days. The notice shall set forth specifically the rights of tenants under subsections (a) and (b) of this section and section 14-569, and **shall contain the following statement:**

> *If you do not buy your apartment, the developer of this project is required by law to assist you in finding another place to live and in determining your eligibility for relocation payments. If you have questions about your rights under the law, or complaints about the way you have been treated by the developer, you may contact the Building Inspection Division, Department of Planning and Urban Development, City of Portland, 389 Congress Street, Portland, Maine 04101 (telephone: 874-8703).*

If the notice specifies a date by which the tenant is required to vacate, the notice may also serve as a notice of termination under the applicable law of forcible entry and detainer, if it meets the requirements thereof. The notice shall be hand-delivered to the tenant or mailed, by certified mail, return receipt requested, postage prepaid, to the tenant at the address of the unit or such other address as the tenant may provide. The notice shall be effective when actually received. No tenant may be required by a developer to vacate without having been given notice as required herein, except for the reasons specified in the applicable law of forcible entry and detainer, and in accordance with the procedures thereof. The terms of a tenancy, including rent, may not be altered during the notice period, except as expressly provided in a preexisting written lease. If, within one hundred twenty (120) days after a tenant is required by a developer to vacate, the developer records a declaration of condominium without having given notice as required herein, the developer shall be presumed to have converted in violation of this article.

(b) *Option to purchase.* For a sixty-day period following the giving of notice as required in subsection (a), the developer shall grant to the tenant an exclusive and irrevocable option to purchase the unit of which the tenant is then possessed, which option may not be assigned. If the tenant does not purchase or contract to purchase the unit during the sixty-day period, the developer may not convey or offer to convey the unit to any other person during the following one hundred eighty (180) days at a price or on terms more favorable than the price or terms previously offered to the tenant, unless the more favorable price or terms are first offered exclusively and irrevocably to the tenant for an additional sixty-day period. This subsection shall not apply to any rental unit that, when converted, will be restricted exclusively to nonresidential use. If, within two (2) years after a developer records a declaration of condominium, the use of any such unit is changed such that but for the preceding sentence,

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this subsection would have applied, the developer shall be presumed to have converted in violation of this article. (Ord. No. 213-81, § 608.4, 11-16-81)

Sec. 14-569. Relocation payments.

If the tenant does not purchase the unit, the developer shall, before the tenant is required by the developer to vacate, make a cash payment to the tenant in an amount equal to the amount of rent paid by the tenant for the immediately preceding two (2) months; provided that this requirement shall not apply to any tenant whose gross income exceeds eighty (80) percent of the median income of the Portland SMSA, adjusted for family size, as determined by the U.S. Department of Housing and Urban Development at the time notice is given as required in section 14-568(a). Additionally, the developer shall, upon demand, provide assistance to the tenant in the form of referrals to other reasonable accommodations and in determining the tenant's eligibility for relocation payments as provided herein. (Ord. No. 213-81, § 608.5, 11-16-81)

Sec. 14-570. Conversion permit.

Before conveying or offering to convey a converted unit, the developer shall obtain a conversion permit from the building inspection division of the department of planning and urban development. The permit shall issue only upon receipt of a completed application therefor in a form to be devised for that purpose, payment of a fee of one hundred and fifty dollars ($150.00) per unit, and a finding, upon inspection, that each unit, together with any common areas and facilities appurtenant thereto, is in full compliance with all applicable provisions of article II of chapter 6 (building code), article III of chapter 6 (electrical installations), article V of chapter 6 (minimum standards for dwellings) and article II of chapter 10 (fire prevention code) of this Code, and the Life Safety Code as adopted by the state. The developer shall post a copy of the permit in a conspicuous place in each unit, and shall make copies available to prospective purchasers upon request. (Ord. No. 213-81, § 608.6, 11-16-81)

Sec. 14-571. Variation by agreement.

No provision of, or right conferred by, this article may be waived by a tenant, by agreement or otherwise, and any such waiver shall be void. Any attempt to require, encourage, or induce a tenant to waive any provision hereof, or right conferred hereby, shall be a violation of this article. Nothing herein shall be construed to void any term of a lease which offers greater rights than those conferred hereby. (Ord. No. 213-81, § 608.7, 11-16-81)

Sec. 14-572. – 14-582. Reserved.

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General Building Permit Application

Project Address: 84 Eastern Promenade

Tax Assessor's CBL: 003 (Chart #) C (Block #) 1 (Lot #) **Cost of Work: $** 0

Proposed use (e.g., single-family, retail, restaurant, etc.): Four Unit Residential Condominium

Current use: Four Family Dwelling (1 long term; 3 short-term rental) **Past use, if currently vacant:** _____

○ **Commercial** ◉ **Multi-Family Residential** ○ **One/Two Family Residential**

Type of work (check all that apply):

☐ New Structure	☐ Foundation Only	☒ Change of Ownership - Condo Conversion
☐ Addition	☐ Fence	☐ Change of Use
☐ Alteration	☐ Pool - Above Ground	☐ Change of Use - Home Occupation
☐ Amendment	☐ Pool - In Ground	☐ Radio/Telecommunications Equipment
☐ Shed	☐ Retaining Wall	☐ Radio/Telecommunications Tower
☐ Demolition - Structure	☐ Replacement Windows	☐ Tent/Stage
☐ Demolition - Interior	☐ Commercial Hood System	☐ Wind Tower
☐ Garage - Attached	☐ Tank Installation/Replacement	☐ Solar Energy Installation
☐ Garage - Detatched	☐ Tank Removal	☐ Site Alteration

Project description/scope of work (attach additional pages if needed):

Applicant Name: Victorian Terrace LLC **Phone:** (207) 773 - 1919

Address: 511 Congress Street, Portland, Maine 04101 **Email:** ed@oceangaterealty.com

Lessee/Owner Name (if different): _____ **Phone:** (_____) _____ - _____

Address: _____ **Email:** _____

Contractor Name (if different): _____ **Phone:** (_____) _____ - _____

Address: _____ **Email:** _____

I hereby certify that I am the owner of record of the named property, or that the owner of record authorizes the proposed work and that I have been authorized by the owner to make this application as his/her authorized agent. I agree to conform to all applicable laws of this jurisdiction. In addition, if a permit for work described in this application is issued, I certify that the Code Official's authorized representative shall have the authority to enter all areas covered by this permit at any reasonable hour to enforce the provisions of the codes applicable to this permit.

Signature: Nicholas J. Morrill, Authorized Attorney Date: April 24, 2017

This is a legal document and your electronic signature is considered a legal signature per Maine state law.

Nicholas J. Morrill, Authorized Attorney

Review of this application will not begin until the permit payment is received. This is not a permit. Work may not commence until the permit is issued.

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Requirements for Electronic Submissions

In order to ensure the most expedient review of your application, please meet the requirements below for all electronic submissions:

- **Drawings sheets shall be submitted individually-- each PDF file shall contain no more than one drawing sheet.** Only PDF files are acceptable for plan review, and each file shall not exceed 5MB in size.*

- **Drawing files shall be named based on the drawing sheet number and name.** It is recommended to include a Category/Discipline letter (such as A for Architectural), a sheet number and a descriptive title (e.g., A1 Existing Exterior Elevation).

- **Revised file submissions must use the exact same file name as originally submitted.** The Electronic Plan Review software will recognize this submission as Version 2.

- **Supporting documents shall be submitted as an individual PDF file for each document (these documents may be multi-page PDF files) and named based on the document type** (e.g., "Deed", "Stormwater Report", "Permit Application", etc.). Searchable PDF files are requested for calculations, reports and other supporting documents.

- **A graphic scale or a scale to reference shall be included on each drawing sheet.**

- **Plans prepared by a design professional shall include a Code Analysis sheet**, referencing the Maine Uniform Building and Energy Code and Portland City Code, Chapter 10 – Fire Prevention and Protection, which includes National Fire Protection Association (NFPA) 1, Fire Code and NFPA 101, Life Safety Code. Chapter 10 of the City Code can be viewed at: http://www.portlandmaine.gov/citycode/chapter010.pdf.

- **Files shall be submitted via email to permitting@portlandmaine.gov. The email subject line shall include the project address and type of permit.** Multiple emails may be sent for one project if the files exceed the maximum file size.

- **Submissions should include all required documents and drawings as listed on the appropriate Submission Checklist sheet specific to the type of work being performed.**

For further information and to access PDF versions of this and other forms, visit the Permitting and Inspections Department online at **http://portlandmaine.gov/1728/Permitting-Inspections.**

*To download a free version of Adobe Acrobat Reader, please visit: https://get.adobe.com/reader/

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Electronic Signature and Fee Payment Confirmation

This is a legal document and your electronic signature is considered a legal signature per Maine state law. You will receive an e-mailed invoice from our office which signifies that your electronic permit application has been received and is ready for payment. Please pay by one of the following:

- Electronic check or credit card: portlandmaine.gov/payyourpermit
- Over the phone at (207) 874-8703
- Drop off to Room 315, City Hall
- Mail to:

City of Portland
Permitting and Inspections Department
389 Congress Street, Room 315
Portland, Maine 04101

By signing below, I understand the review process starts once my payment has been received. After all approvals have been completed, my permit will be issued via e-mail. Work may not commence until permit is issued.

Applicant Signature: Nicholas J. Morrill, Authorized Attorney Date: 4/24/2017

I have provided electronic copies and sent them on: Date: 4/24/2017

NOTE: All electronic paperwork must be delivered to permitting@portlandmaine.gov or with a thumb drive to the office.

If you or the property owner owes taxes or user charges on property within the City, payment arrangements must be made before a permit application is accepted.