Amn (e)

Portland, Maine — Yes. Life's good here.

Reviewed for Code Compliance
Inspections Division
Approved with Conditions
Date: 01/05/17

Department of Permitting and Inspections

$150 x 3 = $450
75 x 3 = 225
675

CONDOMINIUM CONVERSION PERMIT APPLICATION

FEES: $150 administrative fee and ~~$75~~ 100.00 Certificate of Occupancy fee PER UNIT. There is an additional fee for any building alterations using normal permit fee structures.

Before and owner offers to convey a converted unit, a conversion permit shall be obtained. 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.

The entire purpose of this ordinance is to protect existing residential tenants & to ensure that converted housing is safe and decent.

Notice of intent to convert: All tenants shall be given a specific notice of 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 within the Ordinance that notifies the tenants of irrevocable rights and how to contact the City of Portland. The tenant shall also be given a specific time for notice 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, nor offer to 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 shall 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 size as given to the City of Portland by the Federal Government. Additionally, the developer shall provide other assistance to the tenant in the form of reasonable accommodations, referrals, and determining tenant eligibility.

Copies of your notice to each of your tenants MUST be attached to your permit application. NO permit will be issued without copies of the notices. If there are building vacancies, this office requires the reason why the unit is vacant, with the previous tenant's name, new address, and phone number to contact them.

PLEASE READ SPECIFIC ORDINANCE FOR EXACT INFORMATION

*389 Congress Street * Portland Maine 04101-3509 * Phone: (207) 874-8703 * Fax: (207) 874-8716*
http://www.portlandmaine.gov * E-Mail: buildinginspections@portlandmaine.gov

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Electronic Signature and Fee Payment Confirmation

Notice: Your electronic signature is considered a legal signature per state law.

By digitally signing the attached document(s), you are signifying your understanding that this is a legal document and your electronic signature is considered a ***legal signature*** per Maine state law. You are also signifying your intent on paying your fees by the selections below.

1. Once the complete application package has been received by us, and entered into the system
2. You will receive an e-mailed invoice from our office which signifies that your electronic permit application and corresponding paperwork have been entered, ready for payment, to begin the process.
3. You then have the following four (4) payment options:

☐ provide an on-line electronic check or credit/debit card (we accept American Express, Discover, VISA, and MasterCard) payment

☐ call the Inspections Office at (207) 874-8703 and speak to an administrative representative to provide a credit/debit card payment over the phone

☐ hand-deliver a payment method to the Inspections Office, Room 315, Portland City Hall

☐ deliver a payment method through the U.S. Postal Service, at the following address:

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

By signing below, I understand the review process starts only once my payment has been received. After all approvals have been met and completed, I will then be issued my permit and it will be sent via e-mail. ***No work shall be started until I have received my permit.***

Applicant Signature: [signature] Date: 11·28·16

I have provided digital copies and sent them on: Date:_____

NOTE: All electronic paperwork must be delivered to buildinginspections@portlandmaine.gov or by physical means ie; a thumb drive or CD to the office.

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General Building Permit Application

If you or the property owner owes real estate or personal property taxes or user charges on any property within the City, payment arrangements must be made before permits of any kind are accepted.

Address/Location of Construction: 49 MOODY ST, PORTLAND, ME 04101		
Total Square Footage of Proposed Structure:		
Tax Assessor's Chart, Block & Lot Chart# Block# Lot#	**Applicant Name:** LYNNE PANICO Address 51 MOODY ST City, State & Zip PORTLAND ME 04101	Telephone: 207 233.1108 Email: lepanico@~~outlook.com~~ outlook.com
Lessee/Owner Name: (if different than applicant) Address: City, State & Zip: SM as applicant Telephone E-mail:	**Contractor Name:** (if different from Applicant) Address: City, State & Zip: N/A Telephone E-mail:	Cost of Work: $ 150.00 C of O Fee: $ 100 x 3 Historic Rev $ Total Fees: $ 450.00

Current Use (i.e. single family) 3 FAMILY

If vacant, what was the previous use?

Proposed Specific use:

Is property part of a subdivision? If yes, please Name

Project description:
CONVERTING TO CONDOS

Who should we contact when the permit is ready:

Address:

City, State & Zip:

E-mail Address:

Telephone:

Please submit all of the information outlined on the applicable checklist. Failure to do so causes an automatic permit denial.

In order to be sure the City fully understands the full scope of the project, the Department may request additional information prior to the issuance of a permit. For further information or to download copies of this form and other applications visit the Department of Permitting and Inspections on-line at www.portlandmaine.gov, or stop by the office, room 315 City Hall or call 874-8703.

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: Lynne Panico **Date:** 11·28·16

This is not a permit; you may not commence ANY work until the permit is issued.

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SUBMIT WITH CONDOMINIUM CONVERSION PERMIT APPLICATION

PROJECT DATA:

ADDRESS: 49/51 MOODY ST, PORTLAND, ME 04101

Chart/Block/Lot(CBL): _____

Number of legal dwelling unit in building: 3

Tenant Name	Tenant Telephone #	Occupancy Length	Date of Notice	Eligible for $?
Unit 1: VACANT	—	—	—	—
Unit 2: EMILY CUSHMAN PETER FALLON	617·460·4799	1 YR		
Unit 3: LYNNE PANICO (BLDG. OWNER)	207·233·1108	2 YRS	NONE. OWNER MOVING TO 1ST FLOOR	—
Unit 4:				
Unit 5:				
Unit 6:				
Unit 7:				
Unit 8:				
Unit 9:				
Unit 10:				

If more than 10 units, submit same information on all units on a separate piece of paper (or back of this one)

Length of time building owned by applicant: SINCE 2004, ~ 12 YEARS

Are any building improvements, renovations, or modifications being made associated with this conversion that requires a building, plumbing, electrical or HVAC permit? YES ___ NO ✓ (check ONE) ← ALREADY COMPLETED

PERMITS ALREADY PULLED FOR 1ST FLOOR KITCHEN & BATH

Type and cost of building improvements, associated with this conversion, that do NOT require permits:

$ — Exterior walls, windows, doors, roof

$ — Insulation

$ — Interior Cosmetics (walls/floors/hallways/refinishing, etc.)

$ — OTHER (specify)

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INCOME LIMITS

Number of people in Household and minimum income

1 - $41,000
2 - $46,000
3 - $52,000
4 - $58,000
5 - $63,350
6 - $68,050
7 - $72,750
8 - $77,450

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Department of Permitting and Inspections

City of Portland
Code of Ordinances
Sec. 14-565

Land Use
Chapter 14
Rev. 4-19-12

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.

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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 thetenant 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, 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)

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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.