



PORTLAND MAINE

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Director of Planning and Urban Development
Penny St. Louis Littell

Inspection Services Director
Tammy Munson

February 26, 2009

JOSE G RODRIGUEZ
32 WASHINGTON AVE
PORTLAND, ME 04101

CBL: 013 E020001
Located at 32 WASHINGTON AVE

Hand Delivery

Dear Mr. Rodriguez,

An evaluation of the above-referenced property on February 13, 2009 shows that the structure fails to comply with Chapter 6, Article V. of the Code of Ordinances of the City of Portland Housing Code. Attached is a list of housing violations sited at the inspection. The previous inspection on October 31, 2008 also revealed the following and it is evident that these issues continue to exist.

The second floor apartment appears to be in violation of Section 14-52 of the Land Use Ordinance of the City of Portland. This section requires a Certificate of Occupancy for any Change of Use of a property. This property is currently zoned for two *dwelling units*¹. You and your family occupy the first floor apartment; however the second floor apartment is currently being rented as a *rooming house*², meaning each *rooming unit*³ is rented individually. There are 2 bedrooms on the 2nd floor, the front bedroom is rented to a couple and their 2 children, and the middle bedroom is rented to 2 adults. There are 3 bedrooms on the 3rd floor, 2 rooms are rented to a single adult and 1 room is rented to a couple with one child. This is considered a change in the use of the property, which requires a permit application and approval to occupy as such.

¹ *Dwelling unit* shall mean one (1) or more rooms forming a single unit including food preparation, living, sanitary and sleeping facilities used or intended to be used by two (2) or more persons living in common or by a person living alone.

² *Rooming house* shall mean any dwelling, or part thereof, containing three (3) or more rooming units in which space is rented or offered for rent by the owner or operator to be occupied or intended to be occupied by three (3) or more persons who are not related by blood or marriage to the owner or operator.

³ *Rooming unit* shall mean one (1) or more rooms forming a single unit used, or intended to be used, for living and sleeping purposes, but not designed for food preparation, by two (2) or more persons living in common or by a person living alone.

This is a notice of violation pursuant to Section 6-118 of the Housing Code and 14-57 of the Land Use Code. All referenced violations shall be corrected within 30 days of the date of this notice. A re-inspection of the premises will occur on March 30, 2009 at which time compliance will be required.

Failure to comply will result in this office referring the matter to the City of Portland Corporation Counsel for legal action and possible civil penalties, as provided for in Section 1-15 of the Code.

This constitutes an appealable decision pursuant to Section 6-127 and 14-472 of the Municipal Code. You have 30 days from the date of this letter in which to exercise your right to appeal. Please contact this office for the necessary information and documents to apply.

Enclosed is a Building Permit Application for a Change of Use for this property. Please review the material and determine if you wish to pursue this legal change. If you do not follow through with the permit process, the appropriate use of the property (two dwelling units) shall be restored by the March 30, 2009 re-inspection. Please feel free to contact me if you wish to discuss the matter or have any questions.

Please be advised that the Portland City Council has amended the Building regulations to include a \$75.00 re-inspection fee. This violation will automatically cause a re-inspection at no charge. If there are any subsequent inspections; however, the \$75.00 fee will be assessed for each inspection.

Respectfully,

Jeanie Bourke @ (207) 874-8715
Code Enforcement Officer/Plan Reviewer