



CITY OF PORTLAND

April 23, 2002

Edmund S. Gardner III
377 Brighton Avenue
Portland, ME 04102

RE: Stop Order for Condo Conversion without a permit -101 North Street – 015-E-014 - R-6

Dear Ed,

As I mentioned to you at our front counter today, I believe that you are in violation of the Condominium Conversion regulations of the City of Portland Land Use Ordinance (Article VII). Section 14-570 states: "Before conveying or offering to convey a converted unit, the developer shall obtain a conversion permit from the Building Inspection division ..." It has come to our attention that you are already offering and conveying units within this building. Our office has no record of an application. The vacated third floor unit is being renovated at this time as witnessed by our Code Enforcement Officer, Arthur Rowe on April 23, 2002.

This is a **STOP WORK ORDER** . All work shall cease in this building until a valid Condominium Conversion permit has been applied for and issued as required by ordinance. You will be liable for all Stop Work Order fees and those relating to doing work without a valid permit along with the regular fees.

This office is especially concerned that existing tenants were not afforded their legal rights under this ordinance. As soon as we have a proper application, I will be contacting the tenants to be sure that their rights under this ordinance were legally maintained.

You have the right to appeal my interpretation under section 14-472. If you wish to exercise your right to appeal, you have 30 days from the date of this letter in which to do so. Please contact this office for all the necessary paperwork that you will require for an appeal.

Very truly yours,

Marge Schmuckal, Zoning Administrator

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, 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 twenty-five dollars (\$25.00) 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