



Planning & Urban Development Department

August 6, 2015

ISMITH PHANORD

155 CUMBERLAND AVE Hand Delivered and Certified Mail: 70101870000281368213
PORTLAND, ME 04101

CBL: 022 J026001

Located At: 155 Cumberland Ave

Notice of Violation/ Posting Notice

Dear Ismith Phanord:

An evaluation of the above-referenced property with Officials from the City's Inspections Division and Fire Prevention Bureau on 08/06/2015 revealed that the structure fails to comply with § 6-120. (a), (b), & (c): 105.1 Permits Required, 111.1 Use and Occupancy, §10-107 and 14-57 of the City's Building, Life Safety (Fire), and Zoning Codes. Specifically, unsafe wiring, excessive storage (fire load), missing smoke alarms, and illegal unit(s) must be repaired or remediated in accordance with the City of Portland Code of Ordinances. See, attached list of violations.

The residential dwelling units located at 155 Cumberland Ave. are unfit for human habitation and must remain vacated.

Given the present circumstances of this Property:

1. The illegal "basement" dwelling unit(s) must be, or remain terminated and reverted back to the permitted legal use.
 - a. Note: Before you may proceed with any demolition, repairs, or alterations to the "basement", you must submit a building permit application amendment for the after-the-fact construction of the property. You will be required to submit electronic documents of sufficient clarity to indicate the location, nature and extent for the work/uses proposed and show in detail that it will conform to the City's Building and Land Use Codes (<http://www.portlandmaine.gov/796/Building-Inspections>).



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2. A licensed Electrician must repair the unsafe wiring in accordance with City Code. Note: An electrical permit application is required for all new wiring.
3. Follow all inspection requirements outlined in each permit issued by the City.

No tenant(s) may return to the property until further notice from the City. A re-evaluation of the property will occur on 08/13/2015 to verify that the building remains secure and vacant.

The City's Corporation Counsel's Office has been alerted to the existence of this matter and if you do not remedy these issues as required by this Notice of Violation they will pursue legal action including civil penalties, as provided for in § 1-15 of the Portland City Code and in Title 30-A of M.R.S.A § 4452.

This letter constitutes a decision from which you may appeal pursuant to § 6-127 of the Portland City Code and Rule 80B of the Maine Rules of Civil Procedure.

If you have any questions, concerns or require emergency repair permits- please contact me at 207-874-8701.

For information on the City's Emergency Shelters please contact the Social Services Division at (207) 482-5229 for assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Rioux".

Jonathan Rioux
Deputy Director of Inspections

cc: Tenants of 155 Cumberland Ave.
Adam Lee, Associate Corporation Counsel

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

Inspection Violations

Owner/Manager Phanord Ismith		Inspector Chuck Fagone	Inspection Date 8/6/2015
Location 155 CUMBERLAND AVE	CBL 022 J026001	Status Posting Notice	Inspection Type Building-Trash on Property/junk v

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 6-120.

Violation: POSTED AGAINST OCCUPANCY.; Any dwelling, dwelling unit, rooming house, rooming unit, or any structure or portion thereof being used for human habitation which is in violation of the provisions of this article to the extent that it is unfit for human habitation according to the standards contained herein or other applicable standards may be condemned for habitation and posted against occupancy by the building authority. Property unfit for human habitation shall include but not be limited to:

(1) Properties which are either damaged, decayed, dilapidated, insanitary, unsafe, or vermin-infested in such a manner as to create a serious hazard to the health, safety, and general welfare of the occupants or the public;

(2) Properties which lack plumbing, ventilating, lighting or heating facilities or equipment adequate to protect the health, safety and general welfare of the occupants or the public,

(3) Properties which, because of their general condition, state of the premises, number of occupants, or location, are so insanitary, unsafe, overcrowded or otherwise dangerous or detrimental that they create a serious menace to the occupants or the public;

(4) Properties which contain lead-based paint substances, as defined herein; or

(5) Properties in or on which the owner, operator or occupant has failed to comply with notices or orders issued under the provisions of this article.

Notes:

2) 105.1

Interior

Basement

Violation: BUILDING W/O PERMIT; Any owner or authorized agent who intends to construct, enlarge, alter, repair move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

Notes:

3) 6-109.(b)

Various locations

Violation: MAINTENANCE OF SHARED AREAS.; MAINTENANCE OF SHARED AREAS. EVERY OWNER OR OPERATOR OF A MULTIPLE DWELLING OR ROOMING HOUSE SHALL MAINTAIN IN A CLEAN AND SANITARY CONDITION THE SHARED OR PUBLIC AREAS OF THE DWELLING AND DWELLING PREMISES.

Notes:

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389 Congress Street
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4) 6-116.(e) Interior Various locations

Violation: FIRE PROTECTION; Every dwelling, dwelling unit, rooming house and rooming unit shall comply with the applicable provisions of the most current edition of the National Fire Protection Association Life Safety Code, and with all other applicable state statutes and regulations.

Notes:

5) 6-113.(e) Various locations

Violation: MAINTENANCE OF LIGHTING FIXTURES; Maintenance of lighting fixtures. All fixtures required by this article and all fixtures installed in addition thereto shall be maintained in good and safe working conditions and shall be installed in accordance with the electrical code of the city.

Notes:

Comments:



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August 6, 2015

Tenant
155 Cumberland Ave
Portland, ME 04101

RE: 155 Cumberland Ave.

Dear Tenant:

This letter is to notify you that the unit you presently occupy is an illegal dwelling unit that has been posted unfit for human habitation. A copy of the posting notice is attached to this letter.

Because your landlord is operating this unit illegally, the City is seeking his compliance with applicable provisions of the City Code as cited in the posting notice. The City is initiating an enforcement action against the owner of the property. If you would like information about the status of the legal action pursued against your Landlord please call the City Attorney's office at (207) 874-8480.

The City is required, pursuant to City Code § 6-122 to inform you that you have reasonable time to vacate the illegal premises. In the interim, we encourage you to take whatever steps you deem necessary to protect yourself and others for whom you may have responsibility. This decision is a final decision of the building authority and is appealable pursuant to City Code §6-127. If you have any questions about your legal rights as a tenant in relation to any necessary relocation and the City's action against the owner, you should contact an attorney to discuss those issues.

For information on the City's Emergency Shelters please contact the Social Services Division at (207) 482-5229 for assistance.

We hope that you are successful in finding another unit with as little trouble as possible. If you have any questions, please do not hesitate to contact me at (207) 874-8701.

Sincerely,

A handwritten signature in black ink, appearing to read "JR", written over a horizontal line.

Jonathan Rioux,
Deputy Director of Inspection