



CITY OF PORTLAND

August 6, 2004

Richard J. Abbondanza
C/o Hopkinson, Abbondanza and Backer
511 Congress Street
Suite 801
Portland, Maine 04101

RE: 73 Brackett Street – 044-I-005 – R-6 Residential Zone with a Historic Overlay Zone

Dear Attorney Abbondanza,

I am in receipt of your request to determine condominium conversion ordinance compliance with the property located at 73 Brackett Street. You have enclosed a copy of a letter from Lee Urban dated December 5, 1991 regarding a different location as general proof that any certificate of occupancy proves a condominium conversion permit has been issued. That conclusion is false. The letter from Mr. Urban was individualized for a specific location with certificate of occupancies that specifically gave a use for “condominiums” on its face. To advance any more of a conclusion than that is incorrect.

The use of this property at 73 Brackett Street, following our paper trails in our microfiche, shows the legal use to be seven (7) residential dwelling units. The next question is whether these are legal condominium dwelling units as opposed to rental dwelling units. Our files do not indicate any application or approval for a condominium conversion.

However, my research of the City Clerks office indicates that the ordinance for condominium conversion was finalized and voted on by the City Council on November 16, 1981. I find no indication that this was an emergency passing which would make it effective immediately. That would mean that the effective date for the condominium conversion ordinance to go into effect was December 16, 1981, or thirty days after the City Council vote.

The Assessor’s maps show that condominium ownership declaration was recorded in the registry of deeds on December 1, 1981. I have been shown no evidence that these units were converted prior to December 16, 1981. But I suspect they were. If the units were converted prior to the enactment date of the condominium ordinance, a condominium conversion permit would not be

required. I suspect this is the case, but I have no evidence supporting that.

To sum up my conclusions as to the confirmation that the seven dwelling units are legal condominium dwelling units, I have found that if these units were converted prior to the enactment of the condominium conversion ordinance, they are conforming condominium dwelling units. If evidence shows that they were converted after the enactment of the condominium conversion ordinance, then the seven units were converted illegally without the requirement of conversion permits.

Very truly yours,

Marge Schmuckal
Zoning Administrator

attachments

cc: file