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June 6, 2016

Paul S. Bulger, Esq.
Jewell & Bulger, P.A.
477 Congress Street, Suite 1104
Portland, ME 04101

Re: Kenneth Thomas v. Alex Feddersen, et al.
Docket Number: RE-16-75

Dear Paul:

Attached please find a copy of a Notice Violation from the City of Portland regarding short term leasing/"transient guest" leasing of 481 Danforth Street, Portland, Maine. Please advise your client, Kenneth Thomas, to immediately remove 481 Danforth Street from any and all short term leasing or "transient guest" leasing, as that term is defined by the City, advertising sites including such sites as Airbnb. Mr. Thomas is also required to immediately take steps to terminate and or rescind any and all transient guest rental agreements which will occur on or after June 25, 2016, the 30 day period set out in the City's letter. Please send me evidence of compliance with this request. Thank you.

Sincerely,

Christopher E. Pazar, Esq.

cc: Alex Feddersen
Ann B. Machado ✓

Enclosure



Department of Permitting and Inspections

Ann Machado, Zoning Administrator

May 25, 2016

Alexander V. Feddersen
481 LLC
481 Danforth Street
Portland, ME 04102

RE: 481 Danforth Street – 71-A-1 (the "Property") - R-4 Residential Zone - unauthorized rental to transient guests.

Dear Mr. Feddersen:

This office has recently received complaints that you are renting dwelling units at the above-referenced property to transient guests. This letter shall serve as notice that such rentals violate Portland's Land Use Code.

Our records reveal that 481 Danforth Street is located in the R-4 Residential Zone and that the legal use is a 3-unit multifamily dwelling. Under Portland's Land Use Code, in order to be permissible, residential dwellings must be used exclusively for residential occupancy by "families," rather than "transient guests." See § 14-47 of the Land Use Code defining "dwellings" and "multifamily dwellings". Under the Code, a "family" is defined as: "Not more than sixteen (16) individuals living together in a dwelling unit as a single nonprofit housekeeping unit," while a "transient guest" is defined as: "A person who occupies a facility offering accommodations on an overnight basis for compensation and whose actual occupancy is limited to no more than fifteen (15) days out of any sixty-day period." (Section 14-47). Because the rental of residential dwelling units to someone for fewer than 15 days out of a sixty-day period constitutes a rental to "transient guests" rather than to a family, such rentals are not permitted in the R-4 zone (section 14-102).

An investigation has revealed that at least one of the units located at 481 Danforth Street has in fact been listed for rental on the "Airbnb" website on a short-term basis.

In light of the above, it is essential that you immediately stop any unauthorized use of 481 Danforth Street and bring the Property into compliance by ceasing operation as an unauthorized transient rental. This letter shall serve as notice that if you fail to do so within 30 days of the date of this letter, this matter will be referred to the City's Corporation Counsel's office for enforcement action. Be advised that, under Section 1-15 of the City's Code of Ordinances and 30-A M.R.S. 4452, violations of the City's code are subject substantial civil penalties.

You have the right to appeal this Notice of Violation. If you wish to exercise your right to appeal, you have thirty days from the date of this letter to do so. If you fail to appeal, my decision is binding. Please contact this office for the necessary paperwork if you decide to file an appeal.