



Planning & Urban Development Department

July 28, 2015

MULKERN MICHAEL E
1445 FOREST AVE
PORTLAND, ME 04103

Certified Mail: 70101870000281368190

CBL: 340 D003001
Located at 1445 FOREST AVE

Tenant Notification/ Posting Notice

Dear Michael Mulkern:

A re-evaluation of the above-referenced property with Officials from the City's Inspections Division on 07/20/2015 revealed that the structure fails to comply with several aspects of City Code including: § 6-120 (a), (b), (e), and 6-107 of the Housing Code, as well as the Maine Uniform Building and Energy Code ("MUBEC") §105.1 Permits Required, 111.1 Use and Occupancy, and §14-57 and 14-463 of the Land Use Code.

City records indicate the legal use of the property as a two (2) family dwelling unit with an unattached garage. Presently it is being used beyond the permitted legal use. Amongst the violations present (a list of which is attached hereto) this principle structure contains a partially blocked exit, and excessive storage (fire load) in the second floor bedroom (front), and the outbuilding "Garage" of 1445 Forest Ave. is being used as an illegal dwelling unit.

Given the present circumstances of this Property:

1. The illegal dwelling units must be, or remain terminated and reverted back to the permitted legal use (Two Family Residence with an unattached garage).
 - a. Note: Before you may proceed with any demolition, repairs, or alterations to the "Garage", 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>).
2. A licensed Electrician must certify the dismantling of the electrical wiring installed without benefit of an electrical permit in the illegal dwelling unit "Garage".

3. Remove all the un-permitted plumbing, and or HVAC equipment installed in the "Garage".

Based on that list attached hereto, and pursuant to § 14-89 (Prohibited Uses) and § 6-120 (a) this Office declares that the two (2) illegal dwelling units are unfit for human habitation. This is a notice of violation pursuant to § 14-57 of the Land Use Ordinance; the referenced violations must be corrected.

A re-evaluation of the property will occur on 08/04/2015 to verify that the illegal dwelling units remain vacated/ secured, and that permit applications have been filed with the City.


Please note that the aforementioned building violations were similar to previous notices sent to you. In fact, City staff met with you on several occasions on site and sent you written notification on 12/24/08 and 05/27/2010, clearly stating the need for permit applications/ approvals from the City prior to the commencement of work, and the Departments serious concern of creating illegal dwelling units. See, attachment.

The City's Corporation Counsel's Office has been alerted to the existence of this matter and intends to pursue legal action including injunctive relief and 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 and 14-472 of the Portland City Code and Rule 80B of the Maine Rules of Civil Procedure.

If you have any questions, please do not hesitate to 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,



Jonathan Rioux,
Deputy Director of Inspection

cc: Tenants of 1445 Forest Ave.
Adam R. Lee, Associate Corporation Counsel

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
 Portland, Maine 04101

Inspection Violations

Owner/Manager Mulkern Michael E		Inspector Chuck Fagone	Inspection Date 7/20/2015
Location 1445 FOREST AVE	CBL 340 D003001	Status Follow up Required	Inspection Type Complaint-Inspection

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
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1) 105.1				Garage	
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:	Illegal Dwelling Unit Built/ Occupied without benefit of a building permit..				

2) 6-120.				Garage	
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:					

3) 6-116.(c)	Interior			Hallway	
Violation:	EGRESS OBSTRUCTIONS; EVERY HALLWAY, STAIRWAY, CORRIDOR, EXIT, FIRE ESCAPE DOOR OR OTHER MEANS OF EGRESS SHALL BE KEPT CLEAR OF OBSTRUCTIONS AT ALL TIMES.				
Notes:					

Comments:



Planning & Urban Development Department

July 28, 2015

Tenant
1445 Forest Ave
Portland, ME 04103

RE: 1445 Forest Avenue

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 we are providing you two weeks 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 the printed name and title.

Jonathan Rioux,
Deputy Director of Inspection

CITY OF PORTLAND
DEPARTMENT OF PLANNING & URBAN DEVELOPMENT

389 Congress Street
Portland, Maine 04101

INVOICE FOR FEES

Owner: MULKERN MICHAEL E
Location: 1445 FOREST AVE
CBL: 340 D003001

Invoice Date: 07/24/2015

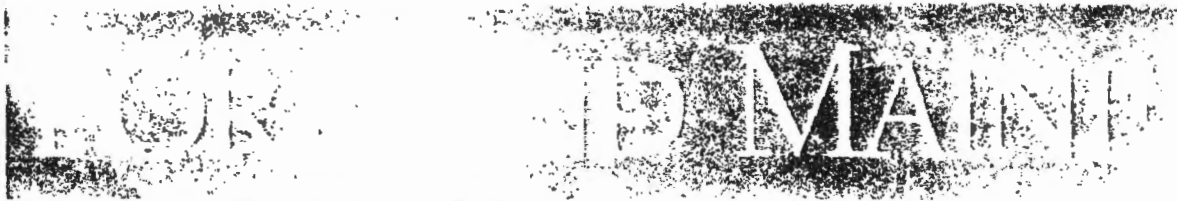
Fee Description	Fee Charge
07/20/2015 HOUSING REINSPECTION	\$150.00
07/20/2015 STOP WORK ORDER REMOVAL	\$300.00
Total Billed:	\$450.00
Total Paid:	\$0.00
Amount Due:	\$450.00

Detach and remit with payment

Bill to: MULKERN MICHAEL E
241 ELM ST
SOUTH PORTLAND, ME 04106

CBL 340 D003001
Invoice Date: 07/24/2015
Invoice No: 2952
Total Amt Due: \$450.00
Payment Amount:

Make checks payable to the *City of Portland*, Inspections Division, Room 315, 389 Congress Street, Portland, ME 04101.



Strengthening a Remarkable City, Building a Community for Life

www.portlandmaine.gov

Planning & Urban Development Department
Penny St. Louis Littell, Director

340-D-~~0~~3

COPY

June 28, 2010

To the residents of 1445 Forest Ave:

This letter is to inform you of serious building code and life safety code violations documented at the property at 1445 Forest Avenue.

The City is working with the property owner to bring the building into compliance by July 2, 2010. If the serious violations have not been corrected at that time, you will be required to vacate the premises pending code compliance.

Of additional concern is the presence of three illegal units, namely one unit on floor 1, the 3rd floor unit and the garage unit. These units must be vacated by Friday, July 2, 2010.

Given this information, you should plan accordingly. Your landlord should assist you in any necessary relocation efforts.

Sincerely,

 for Penny St. Louis Littell

Penny St. Louis Littell
Director of Planning
City of Portland

Cc: Michael Mulkern



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*Director of Planning and Urban Development
Penny St. Louis Littell*

*Inspection Services, Director
Tammy M. Munson*

December 26, 2008

Thomas A. Derrig
400 Leeds Street
Akron, Ohio 44305

COPY

CBL: 340-D-003001
Location: 1445 FOREST AVE

Certified Mail Receipt # 7003 3110 0002 6063 7124

Dear Mr. Derrig:

An inspection of the above referenced property on 12/24/2008 revealed that the structure fails to comply with Section 6-120.1 & 6-120.2 of the Housing Code of the City of Portland.

The following is a list of violations:

- 6-120.2 – second floor – inadequate heating supply – boiler not functioning
- 6-120.2 – second floor – damaged heating supply pipes due to freezing
- 6-120.1 – first floor – severe water damage to ceilings & floors due to frozen heat pipes
- 6-120.2 – first & second floor – excessive wiring and light fixtures exposed to water damage – a licensed master electrician must evaluate all wiring in the building prior to re-occupancy.

Based on this list, and pursuant to Section 6-120.3, this office declares the structure unfit for human habitation. The structure must remain completely vacated and must be secured from vandalism.

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 in Title 30-A of M.R.S.A ss 4452. Please feel free to contact me at 207-874-8706 if you have any questions or would like to discuss this matter further.

Sincerely,

Tammy M. Munson
Director of Inspections

cc. EMC Mortgage Property Preservation Department



PORTLAND MAINE

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Director of Planning and Urban Development
Penny St. Louis Littell

AMENDED: MAY 27, 2010

MULKERN MICHAEL E
1445 FOREST AVE
PORTLAND, ME 04103

COPY

CBL: 340 D003001
Located at 1445 FOREST AVE

Hand Delivered

Notice of Violation/ Posting Notice

Dear Michael E Mulkern:

An evaluation of your property on 02/02/10 located at 1445 Forest Ave. revealed that the building is being used as four (4) unit apartment with two (2) illegal units. City records indicate the legal use of the property as a two (2) family home. This structure fails to comply with § 6-120 (d) of the Housing Code of the City of Portland.

There has been a change of use without benefit of proper permits or approvals as required under § 14-463 of the Zoning Ordinance, and § 6-107 of the Housing Code. Furthermore, City Inspectors posted 1445 Forest Ave against occupancy on 12/24/08. You have since purchased the property, framed walls, doors, and installed plumbing for kitchens and bathrooms, creating two (2) illegal dwelling units. Our City Zoning Ordinance § 14-87 & 14-88 for the R-3 Zone does not permit a four (4) family dwelling unit as a conditional, and or permitted use.

These violations require immediate correction. They are as follows:

1. The use (two (2) illegal dwelling units) must be terminated and reverted back to the original legal use (Two Family Residence), within twenty (20) days
2. Dismantle the un-permitted (closed-in) walls/ doors, and kitchens used to create illegal units within the dwelling, within twenty (20) days.
3. Remove all additional wiring, plumbing, and or mechanic work completed without benefit of a building permit, within twenty (20) days.
 - a. This work must be completed by an Electrician Licensed for two (2) family residential units, and Master Plumber.

Based on that list, and pursuant to § 14-89 (Prohibited Uses) and § 6-120.(d), this office declares the two (2) illegal dwelling unit are unfit for human habitation. This is a notice of violation pursuant to § 14-57 of the Land Use Ordinance; the referenced violations shall be corrected within twenty (20) days of the date of this notice.

Failure to comply will result in further enforcement action taken by the City of Portland Corporation Counsel. This constitutes an appealable decision pursuant to § 121 of the Building Code and § 14-472 of the Zoning Ordinance.

Please feel free to contact me at 207.874.8702 if you wish to discuss the matter or have any questions.

Sincerely,

Jon Rioux,
Code Enforcement Officer

CC: Penny St. Louis Littell, Dir. of Planning and Urban Development, & Ann Machado, Zoning Specialist

5/31/2010

Dear Sheena & Jasmine,

Due to zoning issues
it has been brought to my attention
I am unable to rent apt #4 to you.
I am very sorry to have to give
you your thirty day notice effective
today May 31, 2010. Any questions
please call me. 799-2682

Thank you.

Michelle

340 D 3

5/31/2010

Dear David,

Due to zoning issues
it has been brought to my attention
I am unable to rent apt #2 to you.
I am very sorry to have to give you
your thirty day notice effective today
May 31, 2010. Any questions please call
me 799-2682.

Thank you,

Michael M

340-D. 03

340-D-03

CONCERNING ELECTRICAL WORK AT 1445 FOREST AVE:

ISSUES ADDRESSED

1. All knob and tube wiring in basement removed and circuits re-fed with connections made in junction boxes.
2. All outlets on first, second, and third floor checked for proper grounding and corrected where necessary.
3. All circuits checked for proper fusing.
4. Upgraded service to 3 meters and 3 panels to provide for a house meter. Grounding to water main to be brought up to current code at that time.
5. Second floor outlets were checked for proper grounding, outlets replaced where needed.
6. Second floor--checked circuits for proper fusing Installed 2 additional small appliance circuits to separate load.
7. Separated and transferred circuits for washer, dryer, basement lights, hall lights, and garage sub panel to the house panel.
8. Install smoke detector in second floor bedroom.

All safety and code issues have been addressed except where noted.

Jeffrey P. Williams

July 2, 2010

