



Permitting and Inspections Department
Michael A. Russell, MS, Director

August 31, 2017

SENT VIA EMAIL & CERTIFIED MAIL: 70141820000140470829

RAHEM LLC
PO BOX 6149
FALMOUTH, ME 04105

CBL: 435 G020001
RE: 53, 55, and 57 ALLEN AVE

Notice of Violation/ Posting Notice

RAHEM LLC:

An evaluation of the above-referenced property by the City's Fire and Permitting and Inspections Departments on 08/24/2017 revealed that the 2nd and 3rd floor units in building 55 (Apartments 4 and 7) are without a safe means of secondary egress, have numerous other violations, and are unfit for human habitation pursuant to § 10-25.1 and § 6-120 (a) & (c) of the City of Portland Code of Ordinances.

Given the present circumstances of this property:

1. Apartments 4 and 7 must remain totally vacated and properly secured from tenant use until they are brought fully into compliance with the City of Portland Code of Ordinances.
2. You must obtain the appropriate "after-the-fact" permit first to rebuild the rear porch by no later than 09/14/2017. You must engage and designate a registered design professional who shall act as the registered design professional in responsible charge on the building permit application. The design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.
3. Due to the condition of the building, you must also submit a report from a licensed design professional certifying that the building's exterior envelope is structurally sound, substantially weatherproof, watertight, and does not present a threat to neighboring buildings or the general public. This must be submitted along with your after the fact permit application for repairing or replacing the exterior porches.

No tenant(s) may return to Apartments 4 and 7 until further notice from the Permitting and Inspections Department. A re-evaluation of the property will occur on 09/07/2017 to verify that the posted units remain secure and vacant.



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In addition to the two vacated units, the above referenced property has numerous other violations. The violations for all three buildings known as 53, 55 and 57 Allen Ave. are further described in the attached list. You must also complete the following:

1. A Licensed Plumber must immediately repair the damaged and leaking sink in the lower level unit of 55 Allen Ave.
2. A Master electrician must immediately repair the unsafe wiring in the laundry room of 55 Allen Ave.
3. You must also submit a report from a licensed design professional certifying that 53 and 57 Allen Avenue's existing exterior porches (secondary egresses) are structurally sound and safe to use. If the porches are not structurally sound, you must submit permits and repair or replace them by no later than 09/14/2017.
4. You must complete and submit the attached form "Notice of Violation and Order to Correct" to the Fire Prevention Bureau no later than 09/30/2017.

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 § 6-1 of the City of Portland Code of Ordinances and 30-A M.R.S. § 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.

Sincerely,

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

Jonathan Rioux
Inspections Director

cc: Tenants of 53,55, and 57 Allen Ave
John Brennan, Fire Captain

**CITY OF PORTLAND
HOUSING SAFETY OFFICE**

389 Congress Street
Portland, Maine 04101

Inspection Violations

Owner/Manager Rahem Llc		Inspector Kevin Hanscombe	Inspection Date 8/24/2017
Location 57 ALLEN AVE	CBL 435 G020001	Status Posting Notice	Inspection Type Inspection

Code	Int/Ext	Floor	Unit No.	Area	Compliance Date
1) 55.30	Exterior		4 & 7		
Violation:	NFPA 101- 31.2.4.1 TWO EXITS REQUIRED ABOVE FIRST FLOOR; EVERY DWELLING UNIT SHALL HAVE ACCESS TO NOT LESS THAN TWO SEPARATE EXITS REMOTELY LOCATED FROM EACH OTHER AS REQUIRED BY 7.5.1.				
Notes:	Submit an after-the-fact permit application for the replacement of the rear deck at 55 Allen Ave.				
2) 6-108.(a)	Exterior				
Violation:	FOUNDATIONS CELLARS, EXTERIOR WALLS, ROOFS; Every foundation, basement, cellar, exterior wall, and roof shall be substantially weathertight, watertight, and vermin proof; shall be structurally sound and in good repair; and shall be safe for the intended use as well as capable of supporting whatever load normal use may cause to be placed thereon. Every exterior wall or portion thereof shall be painted or stained. Insulation shall be installed and maintained so as not to present a health or safety hazard to occupants. Water from roofs shall be so drained and conveyed therefrom as not to cause repeatedly wet floors, walls, or ceilings, or hazard to adjacent buildings or the occupants thereof.				
Notes:	Multiple locations of missing cladding: un-protected vent holes, and decay on the exterior of the building, see attached photographs.				
3) 6-108.(c)	Exterior			Various locations	
Violation:	EXTERIOR WINDOWS, DOORS AND SKYLIGHTS; Every window or door, including basement or cellar door and hatchway, and skylight shall be substantially weathertight, watertight, and vermin proof and shall be kept in sound working condition and good repair.				
	Every exterior window shall include storm sash with screens or an alternative equally effective for heat retention and ventilation purposes, all in operable condition.				
Notes:	Three exterior windows were removed and replaced with plywood.				
4) 6-108.(d)	Exterior			Rear Entry	
Violation:	STAIRWAYS, STAIRWELLS, STAIRS AND PORCHES.; EVERY INSIDE AND OUTSIDE STAIRWAY, STAIRWELL, STAIRS, AND PORCH AND ANY APPURTENANCES THERETO SHALL BE STRUCTURALLY SOUND, IN GOOD REPAIR, AND SAFE TO USE.				
Notes:	Submit an after-the-fact permit application for the replacement of the rear deck at 55 Allen Ave.				
5) NFPA 101 & 1		2 & 3	4 & 7		
Violation:	FIRE INSPECTIONS VIOLATIONS				
Notes:	Sec. 10-25.1. Posting against occupancy. The property know as 55 Allen Ave. is in violation of the provisions of Chapter 10 and unit 4 & 7 are posted against occupancy (Ord. No. 25-10/11, 8-16-10).				

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Inspection Violations

Owner/Manager Rahem Llc		Inspector Kevin Hanscombe	Inspection Date 8/24/2017
Location 57 ALLEN AVE	CBL 435 G020001	Status Posting Notice	Inspection Type Inspection

6) 6-120.(a)

2 & 3 4 & 7

Violation: PROPERTIES UNFIT FOR HUMAN HABITATION; AND POSTED AGAINST OCCUPANCY;
Properties which are either damaged, decayed, dilapidated, unsanitary, 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

Notes:

7) 6-120.(c)

2 & 3 4 & 7

Violation: PROPERTIES UNFIT FOR HUMAN HABITATION; AND POSTED AGAINST OCCUPANCY;
Properties which because of their general condition, state of the premises, number of occupants, or location are so unsanitary, unsafe, overcrowded or otherwise dangerous or detrimental that they create a serious menace to the occupants or the public;

Notes:

Comments:

CITY OF PORTLAND
 FIRE PREVENTION BUREAU
 380 Congress Street, Portland, Maine 04101
 fireprevention@portlandmaine.gov
 (207) 874-8400

NOTICE OF VIOLATION AND ORDER TO CORRECT

September 1, 2017

Location 55 ALLEN AVE	CBL 435 G020001	Inspection Date 8/24/2017
Inspector Brad James	Inspection Type FP Routine Inspection	Status Failed

The City of Portland Fire Department inspected this property, and found the fire and life safety code violations listed below, which you are hereby ordered to correct. You must propose a date of completion to remedy each violation, a final date of completion, and a date of re-inspection.

You must send this form to the Fire Prevention Bureau no later than 9/30/2017.

Your failure to submit a plan of action by the date provided, or to correct any violation within the applicable time frame, may result in legal action against you, the imposition of civil penalties, and the pursuit of other legal remedies.

Violation	Proposed Date of Completion
NFPA 101- 7.2.1.8.1 DOORS SHALL BE SELF-CLOSING & SELF-LATCHING; A door leaf normally required to be kept closed shall not be secured in the open position at any time and shall be self-closing or automatic-closing in accordance with 7.2.1.8.2, unless otherwise specified by 7.2.1.8.3. All fire doors leading into common areras.	
NFPA 101- 7.5.1.1.1 SECOND EXIT REQUIRED; Where exits are not immediately accessible from an open floor area, continuous passageways, aisles, or corridors leading directly to every exit shall be maintained and shall be arranged to provide access for each occupant to no less than two exits by separate ways of travel, unless otherwise provided in 7.5.1.1.3 and 7.5.1.1.4. Fire escape/wooden deck at the left side rear was illegally removed and rebuild started without permit per Housing Safety office. They recently put a STOP WORK order on that project leaving only one means of egress for the 2nd and 3rd floor left apartment.	___/___/___
NFPA 10- 7.2.4.4 FIRE EXTINGUISHER INSPECTION TAG; Where manual inspections are conducted, records for manual inspections shall be kept on a tag or label attached to the fire extinguisher, on an inspection checklist maintained on file, or by an electronic method. Laundry room	___/___/___
NFPA 720- 5.5.6.1 CO ALARMS REQUIRED; The performance, location, and mounting of notification appliances used to initiate or direct action, evacuation or relocation of the occupants, or for providing information to occupants or staff, shall comply with the requirements of Chapter 6. All apartments.	IMMEDIATELY install temporary alarms where required. Your signature below indicates that temporary alarms have already been installed.
NFPA 101- 8.3.4.2 60 MINUTE FIRE DOOR REQUIRED; Refer to NFPA 101- Table 8.3.4.2 that states fire door assemblies for vertical shafts (including stairways, exits, and refuse chutes) are rated and required for 1 hour. In the laundry room leading into both stairwells.	___/___/___

Violation	Proposed Date of Completion
<p>NFPA 10- 6.1.3.4 FIRE EXTINGUISHER REQUIRES MOUNTING; Portable fire extinguishers other than wheeled extinguishers shall be installed using any of the following means: (1) Securely on a hanger intended for the extinguisher (2) In the bracket supplied by the extinguisher manufacturer (3) In a listed bracket approved for such purpose (4) In cabinets or wall recesses Laundry room.</p>	
<p>NFPA 70- ARTICLE 404 DEFECTIVE ELECTRICAL SWITCH; The provisions of this article shall apply to all switches, switching devices, and circuit breakers where used as switches. Laundry room has an old emergency boiler shut off that needs a different cover.</p>	
<p>NFPA 70- ARTICLE 406.11 DEFECTIVE ELECTRICAL RECEPTACLES; In all areas specified in 210.52, all 125-volt, 15- and 20- ampere receptacles shall be listed tamper-resistant receptacles. Laundry room has a dryer plug that has frayed wires leading into the outlet.</p>	
<p>NFPA 70 PLUG OPENINGS IN FUSE PANEL; Refer to NFPA 70, National Electrical Code, regarding plugging open fuses in panels. All electrical panels in the laundry room need covers similar to the covers in the laundry room in building #53.</p>	
<p>FINAL DATE OF COMPLETED VIOLATION(S)</p>	<p>___/___/___</p>
<p>FIRE PREVENTION BUREAU RE-INSPECTION OF COMPLETED VIOLATION(S)</p>	<p>___/___/___</p>

The Bureau reserves the right to reject or modify any proposed plan of action, and may require evidence of sufficient financial and technical capacity to complete the proposed plan. Please contact the Bureau with any questions.

VIOLATOR CERTIFICATION

I agree to remedy the violations listed within the timeframes provided. If I require additional time to comply, I understand that I must contact the Fire Prevention Bureau prior to the deadline to request an extension, which is entirely within the Bureau's discretion to grant or deny.

I further understand that it is my responsibility to schedule a reinspection of my property once the violations have been remedied to do so. My failure to schedule a reinspection shall be deemed an admission that the violations have not been remedied.

If I fail to comply with this agreement, I understand that I am liable for penalties pursuant to the City of Portland Code of Ordinances §§ 1-15 and 10-25, and 30-A M.R.S. § 4452 and may be subject to further legal action.

Date Responsible Party

Date Responsible Party

SEEN AND AGREED

Date Fire Prevention Bureau