

271-273 Cumberland Avenue

HELD IN Beyond

XXXXXX

November 5, 1975

Ms. Dorothy A. Barry
271 Cumberland Avenue 713-5514
Portland, Maine 04111

Dear Ms. Barry: Re: 271-273 Cumberland Avenue - 26-17-15

As owner or agent of the above referred property, you were notified on March 3, 1973 by Certified United States mail receipt #094487 to correct certain substandard conditions in violation of Chapter 307 of the City of Portland Municipal Codes "Minimum Standards for Housing". Several reinspections have been made and we find that you have not complied with our request.

A final reinspection was made on October 31, 1975 by Housing Inspector Gough and, as a result, you are hereby ordered to correct the violations listed below on or before December 1, 1975.

Sincerely yours,

David C. Bittenbender
Health Director

By _____
Chief of Housing Inspections

Inspector _____
M. Gough

EXISTING VIOLATIONS OF CHAPTER 307 OF THE CITY OF PORTLAND MUNICIPAL CODE SECTION(s)

- First Floor - apartment #6
1. Install a private three-piece bath consisting of a flush toilet, lavatory, bathtub or shower within the confines of this apartment. 6-a
- Second Floor - apartment #18
2. Install a private three-piece bath consisting of a flush toilet, lavatory, bathtub or shower within the confines of this apartment. 6-a
- Third Floor - apartment #28
3. Install a private three-piece bath consisting of a flush toilet, lavatory, bathtub or shower within the confines of this apartment. 6-a

June 3, 1974

Ms. Dorothy Berry
271 Cumberland Avenue
Portland, Maine

Dear Ms. Berry:

Re: 271-273 Cumberland Avenue - 26-F-15
Apartment #6, First Floor Right
Apartment #18, Second Floor Right
Apartment #28, Third Floor Right


As owner or agent of the property located at 271-273 Cumberland Avenue, Portland, Maine, you are hereby notified that as the result of a recent inspection the apartments mentioned above are hereby declared unfit for human occupancy.

You must take immediate steps to vacate these apartments, now occupied as follows: Apartment #6, first floor right - David Hunter; Apartment #18, second floor right - Harry Tremont; Apartment #28, third floor right - Phil Eddinger. These are to be kept vacant so long as the following conditions continue to exist thereon

- b. Properties which lack plumbing, ventilating, lighting and heating facilities or equipment adequate to protect the health, safety, and general welfare of the occupants or the public.

Therefore, you will not occupy, permit anyone to occupy, or rent the above mentioned without the written consent of the Health Officer or his agent, certifying that the conditions have been corrected.

Sincerely yours,


Lyle D. Noyes
Chief of Housing Inspections

Inspector 

LDN:krg

June 3, 1974

Mr. David Hunter
271-273 Cumberland Avenue
Portland, Maine

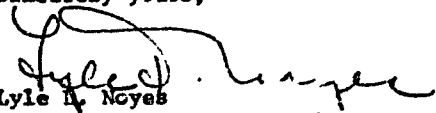
Dear Mr. Hunter:

Re: 271-273 Cumberland Avenue - 26-F-13
Apartment #6, First Floor Right

A recent inspection by Housing Inspector Cough of the first floor right apartment #6 you are now occupying found that it does not meet the requirements of Chapter 307 (Minimum Standards for Housing) of the City of Portland Municipal Code and is hereby declared unfit for human habitation.

The owner, Ms. Dorothy Berry, has been notified of the above mentioned conditions and has been directed to take immediate steps to vacate the apartment.

Sincerely yours,


Lyle H. Noyes
Chief of Housing Inspections

Inspector 

LDN:gg

June 3, 1974

Mr. Harry Tremont
271-273 Cumberland Avenue
Portland, Maine


Dear Mr. Tremont:

Re: 271-273 Cumberland Avenue - 26-F-15
Apartment #18, Second Floor Right

A recent inspection by Housing Inspector Cough of the Second floor right apartment #18 you are now occupying found ~~that~~ it does not meet the requirements of Chapter 307 (Minimum Standards for Housing) of the City of Portland Municipal Code and is hereby declared unfit for human habitation.

The owner, Ms. Dorothy Berry, has been notified of the above mentioned conditions and has been directed to take immediate steps to vacate the apartment.

Sincerely yours,


Lyle D. Noyes
Chief of Housing Inspections

Inspector _____

LDN:gg

June 3, 1974

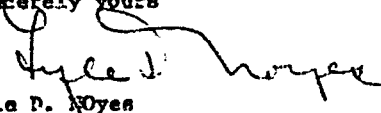
Mr. Phil Eddinger
271-273 Cumberland Avenue
Portland, Maine

Dear Mr. Eddinger: Re: 271-273 Cumberland Avenue - 26-F-15
 Apartment #28, Third Floor Right

A recent inspection by Housing Inspector Cough of the third floor right apartment #28 you are now occupying found that it does not meet the requirements of Chapter 307 (Minimum Standards for Housing) of the City -of Portland Municipal Code and is hereby declared unfit for human habitation.

The owner, Ms. Dorothy Barry, has been notified of the above mentioned conditions and has been directed to take immediate steps to vacate the apartment.

Sincerely yours


Lyle P. Noyes
Chief of Housing Inspections

Inspector _____

LDN:gg

124 10-27-73 J

October 24, 1973

Ms. Dorothy A. Berry
271-273 Cumberland Avenue
Portland, Maine

Re: 271-273 Cumberland Avenue

Dear Ms. Berry:

2 LF-15

As owner or agent of the above referred property, you were notified on March 3, 1973 by Certified United States mail receipt #09-487 to correct certain substandard conditions in violation of Chapter 307 of the City of Portland Municipal Codes "Minimum Standards for Housing". Several reinspections have been made and we find that you have not complied with our request.

A final reinspection was made on October 19, 1973 by Housing Inspector Gough and, as a result, you are hereby ordered to correct the violations listed below on or before November 24, 1973.

Sincerely,

Arthur A. Hughson, CPH MPH
Health Director

Inspector [Signature]

By [Signature]
Chief of Housing Inspections

EXISTING VIOLATIONS OF CHAPTER 307 OF THE CITY OF PORTLAND MUNICIPAL CODE		SECTIONS
<u>First Floor - Apt. #6</u>		
1.	Install a private 3-piece bathroom consisting of a flush toilet, lavatory, bathtub or shower within the confines of the apartment.	6-a
<u>Second Floor - Apt. #18</u>		
2.	Install a private 3-piece bathroom consisting of a flush toilet, lavatory, bathtub or shower within the confines of the apartment.	6-a
3/4	Repair the loose ceiling plaster in the living room.	3-b
<u>Third Floor - Apt. #27</u>		
4/5	Repair the loose ceiling plaster.	3-b
<u>Third Floor - Apt. #28</u>		
5.	Install a private 3-piece bathroom consisting of a flush toilet, lavatory and bathtub or shower within the confines of the apartment.	6-a

October 27, 1975

Mrs. Dorothy Berry
271-273 Cumberland Avenue
Portland, Maine 04111

Re: Premises at 271-273 Cumberland Avenue
Notice of Request for Administrative Inspection Warrant

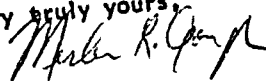
Dear Mrs. Berry:

The undersigned is a member of the Health Department of the City of Portland and is duly authorized to conduct inspections of property located within said City. On October 27, 1975, you denied permission to the undersigned to conduct an inspection of the above-described premises.

This is to advise you that on November 27, 1975 at 1:00 P.M., or as soon thereafter as the matter may be heard, the undersigned will seek an Administrative ~~Inspection Warrant~~, as authorized by Rule 80E of the District Court Civil Rules, from the Judge of the Ninth District Court located at 142 Federal Street in said Portland, for the issuance of a warrant authorizing an inspection of the premises in question.

You may want to appear in opposition to the issuance of the warrant.

Very truly yours,



Merle Gough
Housing Inspector

Ple

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In /

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✓

✓

CW

Enc

MG/r1

ADMINISTRATIVE HEARING DECISION

City of Portland
Health Department - Housing Division
Tel. 775-5451 Ext. 226

Date May 10, 1973

Ms. Dorothy A. Berry
271-273 Cumberland Avenue
Portland, Maine

Re: Premises located at 271-273 Cumberland Avenue, Portland, Maine

Dear Ms. Berry:

You are hereby notified that as a result of a reinspection and your request for additional time

on May 3, 1973, regarding our "NOTICE OF HOUSING CONDITIONS" at the above referred premises resulted in the decision noted below.

Expiration time extended to June 3, 1973 - In order to complete the work now in progress to correct the remaining seven (7) Housing Code violations as listed on the attached copy of the 'Notice of Housing Conditions'

Notice modified as follows:

Please notify this office if all violations are corrected before the above mentioned date, so that a "CERTIFICATE OF COMPLIANCE" may be issued.

In Attendance

Ms. Berry
Mr. M. Gough

Very truly yours,

Arthur A. Hughson, CPH MPH
Health Director

By Lyle D. Hayes
Chief of Housing Inspections

CW
Encl.

LDN/72

NOTICE OF HOUSING CONDITIONS

Reg. 402.05
DU 3

CITY OF PORTLAND
Health Department - Housing Division
Telephone 775-5451 - Extension 448

Location: 271-273 Cumberland Avenue
Project: MDP # 3
Issued: 3-1-73
Expires: 5-1-73

Ms. Dorothy A. Berry
271-273 Cumberland Avenue
Portland, Maine

Dear Ms. Berry:

An examination was made of the premises at 271-273 Cumberland Avenue Portland, Maine, by Housing Inspector Gough. Violations of Municipal Codes relating to housing conditions were found as described in detail below.

In accordance with provisions of the above mentioned Codes, you are requested to correct these defects on or before May 1, 1973. You may contact this office to arrange a satisfactory repair schedule if you are unable to make such repairs within the specified time. We will assume the repairs to be in progress if we do not hear from you within ten days from this date and, on reinspection within the time set forth above, will anticipate that the premises have been brought into compliance with Code Standards.

Your cooperation will help this Department in its goal to maintain all Portland residents in decent, safe and sanitary housing.

Very truly yours,

Arthur A. Hughson, CPH, MPH
Health Director

Inspector _____

By _____

Chief of Housing Inspections

EXISTING VIOLATIONS OF CHAPTER 307 - "MINIMUM STANDARDS FOR HOUSING" Section _____

- *1. ~~Replace the broken glass, third floor rear hallway window. 3-c~~
- *2. ~~Determine the reason and remedy the condition that causes the signs of leakage of the first floor front hallway wall. (273 Cumberland) 3-a~~
- 3. ~~Replace the missing balusters, first floor front hallway stairway. (273 Cumberland) 3-d~~
- *4. ~~Replace the broken stair treads in the cellar. (273 Cumberland) 3-d~~
- 5. ~~Install a main electrical ground wire in the cellar. (273 Cumberland) 3-d~~
- 6. ~~Install a lock on the rear cellar door. (273 Cumberland) 3-b~~
- 7. ~~Replace the missing ceiling plaster in the cellar hallway. (273 Cumberland) 6-a~~
- 8. ~~Repair the broken toilet seat in the bathroom. (third floor - 273 Cumberland) 3-a~~
- *9. ~~Replace the leaking skylight in the third floor hallway. (273 Cumberland) 3-d~~
- *10. ~~Repair the broken creeds on the front porch. (271 Cumberland) 9/12/73 BB 3-d~~
- 11. ~~Replace the missing balusters, first floor front hallway stairway. (271 Cumberland) 3-d~~
- 12. ~~Replace the missing balusters, second floor front hall stairway. (271 Cumberland) 3-d~~
- 13. ~~Replace the missing balusters, third floor front hall stairway. (271 Cumberland) 3-d~~
- *14. ~~Replace the broken stair tread, third floor rear hallway. (271 Cumberland) 3-d~~
- 15. ~~Replace the missing door knob, third floor rear hall door. (271 Cumberland) 3-d~~
- 16. ~~Accomplish a general clean-up of the cellar by removing and properly disposing of all rubbish and debris. 4-c~~

continued -

271-273 Cumberland Avenue

- | | | |
|-----|---|-----|
| | <u>Second Floor - Apt. # 2</u> | 3-b |
| 17. | Repair the loose ceiling plaster. | 8-e |
| 18. | Remove the temporary wiring. | |
| | <u>First Floor - Apt. # 6</u> | |
| 19. | Install a private 3 piece bathroom consisting of a toilet, lavatory, bathtub or shower in the confines of the apartment. | 6-a |
| 20. | Install one duplex outlet convenience in the bathroom. | |
| | <u>Second Floor - Apt. # 9</u> | 8-e |
| 21. | Remove the temporary wiring. | |
| | <u>Second Floor - Apt. # 16</u> | 8-e |
| 22. | Repair the loose ceiling light. | |
| | <u>Second Floor - Apt. # 18</u> | |
| 23. | Install a private 3 piece bathroom consisting of a toilet, lavatory, bathtub or shower in the confines of the apartment. | 6-a |
| 24. | Install one duplex outlet convenience in the bathroom. | 8-a |
| 25. | Install one duplex outlet convenience in the living room. | 8-e |
| 26. | Remove the temporary wiring on the living room wall. | 8-e |
| 27. | Repair the loose ceiling plaster in the living room. | 3-b |
| 28. | Repair the loose sash in the living room window. | 3-c |
| 29. | Provide a counter space in the kitchen. | 3-b |
| 30. | Replace the missing plaster under the kitchen sink. | 3-c |
| 31. | Repair the loose sash in the kitchen window. | 3-c |
| 32. | Repair the loose sash of the pantry window. | 8-e |
| 33. | Remove the temporary wiring on the pantry wall. | 3-b |
| 34. | Repair the loose ceiling plaster in the pantry. | |
| | <u>Third Floor - Apt. # 22</u> | 8-e |
| 35. | Remove the temporary wiring on the wall. | |
| | <u>Third Floor - Apt. # 24</u> | 8-e |
| 36. | Repair the loose ceiling light. | |
| | <u>Third Floor - Apt. # 25</u> | 8-e |
| 37. | Remove the temporary wiring. | |
| | <u>Third Floor - Apt. # 27</u> | 3-b |
| 38. | Repair the loose ceiling plaster. | |
| | <u>Third Floor - Apt. # 28</u> | 6-a |
| 39. | Repair the leaking faucet of the kitchen sink. | |
| 40. | Install a private 3 piece bathroom consisting of a toilet, lavatory and bathtub or shower in the confines of the apartment. | 6-a |
| 41. | Install one duplex outlet convenience in the bathroom. | |

* FIRST PRIORITY IS TO BE GIVEN TO ITEMS NUMBERED # 1,2,4,9,10,14 WHEN MAKING YOUR REPAIRS AS THEY CONSTITUTE EXTREME HAZARDS TO THE HEALTH OR SAFETY OF THE OCCUPANTS OF THIS STRUCTURE.

10 3-1
19
27
40

Jan: 1971

REINSPECTION RECOMMENDATIONS

LOCATION _____

Project _____

INSPECTOR _____

Owner _____

NOTICE OF HOUSING CONDITIONS		HEARING NOTICE		FINAL NOTICE	
Issued	Expired	Issued	Expired	Issued	Expired

A reinspection was made of the above premises and I recommend the following action:

Date		ALL VIOLATIONS HAVE BEEN CORRECTED Send "CERTIFICATE OF COMPLIANCE" _____ "POSTING RELEASE" _____
		SATISFACTORY Rehabilitation In Progress
	12/1	Time Extended To _____
	12/1	Time Extended To _____
		Time Extended To _____
	12/1	UNSATISFACTORY Progress Send "HEARING NOTICE" _____ "FINAL NOTICE" _____
		"NOTICE TO VACATE" _____ POST Entire _____
		POST Dwelling Units _____
		UNSATISFACTORY Progress Request "LEGAL ACTION" Be Taken _____
		INSPECTOR'S REMARKS: _____
	11/17 38	_____

	11/1 15	_____ (Final Notice?)
		INSTRUCTIONS TO INSPECTOR: _____
	7/16	_____

	11/17 11	_____
	12/17 6M	Held in Bay Area - As order LDN.

12/4/75

Talked with Mr + Mrs Berry, and
Mr. Clark at 243 Cumb. Ave. this date
concerning our problems with their properties.

Explained the Section 8 Existing Housing Program +
advised both parties to encourage their elderly
tenants to apply as soon as the P.H.A. will
accept the applications, I will notify them as
soon as I hear.

~~Also advised them to apply for a 312 loan
as money becomes available.~~

Also advised them to contact the P.H.A. for the
possibilities of 312 loan as money may become
available. Mr. Clark will explore this possibility.

Mr. Berry is going to contact Arthur Duffett for
advice on how to petition the City Council for a hearing
to amend the ~~code~~ Housing Code in order to
allow more than one dwelling unit to share bath
rooms.

JW 12



CITY OF PORTLAND MAINE

DAVID C. BITTENBENDER
HEALTH DEPARTMENT ACTING DIRECTOR

Oct. 30, 1975

I am Merle Gough, employed as a Housing Inspector by the Health Department of the City of Portland.

Chapter 307, Section 11 of the City of Portland's Municipal Code states, "The Health Officer, upon proper identification, shall have the right to enter at any and all reasonable times into or upon any dwelling or premises within the City of Portland for the purpose of inspecting said dwelling or premises in order to determine whether or not a violation of the provisions of this ordinance exists and for the purpose of examining and inspecting any work performed under the provisions of this ordinance, and it shall be a violation of this ordinance for any person to interfere with or prevent such inspection."

I contacted Mrs. Dorothy Berry on October 24, 1975 to request permission to reinspect the property in question to determine if any or all of the violations had been remedied. Permission was denied.

Therefore, I am requesting that an administrative inspection warrant be issued to inspect the property at 271 Cumberland Avenue, Portland, Maine, to ascertain if violations found on the original inspection of Oct. 24, 1973 have been corrected.

Merle Gough
Merle Gough
Housing Inspector

Subscribed to and sworn to on October 31,
1975, before me,

George A. Curran
NOTARY PUBLIC
MY COMMISSION EXPIRES
OCTOBER 16, 1981

Nov. 8, 1975

STATE OF MAINE

No.

AFFIDAVIT AND REQUEST FOR

~~SEARCH WARRANT~~

ADMINISTRATIVE INSPECTION

STATE vs.

DOROTHY BERRY

DISTRICT COURT

*share a bath. They don't need or
want and cannot afford private baths.*

STATE OF MAINE

CUMBERLAND, ss.

DISTRICT COURT
District NINE
Division of SOUTHERN

AFFIDAVIT AND REQUEST FOR ADMINISTRATIVE
~~XXXXXX~~ WARRANT

To **BERNARD M. DEVINE**, Judge, Complaint Justice, of the District Court to be
holden at **PORTLAND** in the County of **CUMBERLAND**
and State of Maine.

of **MERLEN R. GOUGH** a **PORTLAND HOUSING INSPECTOR**
in the City of **PORTLAND**, in the County of **CUMBERLAND**
in said State of Maine, on oath complains that he has probable cause to believe and does believe
that on the premises known as **a three story frame, multiple family dwelling**
located at **271-3 CUMBERLAND Ave.** ~~XXXX~~
in the City/Town of **PORTLAND** County of **CUMBERLAND**
in said State, said premises being owned/occupied by **MRS. DOROTHY BERRY**

~~*said premises being owned/occupied by a person or persons to your complainant unknown.~~

~~There is now being concealed certain person/property, to wit;~~
THERE NOW EXISTS AT SAID PREMISES CERTAIN VIOLATIONS OF THE HOUSING CODE OF THE
CITY OF PORTLAND CONSTITUTING HEALTH, SAFETY AND GENERAL WELFARE HAZARDS TO THE
OCCUPANTS AND THE PUBLIC. YOUR PETITIONER FURTHER ALLEGES THAT HE HAS ATTEMPTED
TO OBTAIN ENTRANCE TO SAID PREMISES FOR INSPECTION AND WAS DENIED SUCH ENTRANCE
ON OCTOBER 24, 1975 BY DOROTHY BERRY, OWNER OF 271-3 CUMBERLAND AVENUE, PORTLAND,
MAINE. THE PROPERTY TO BE INSPECTED IS PART OF A GENERAL NEIGHBORHOOD INSPECTION
TO INSURE COMPLIANCE WITH THE HOUSING CODE OF THE CITY OF PORTLAND. PLEASE SEE
THE ATTACHED AFFIDAVIT OF YOUR PETITIONER, WHICH IS INCORPORATED HEREIN AS
REFERENCE.

~~that said person/property (state reason for seizure)~~

WHEREFORE, ~~the said~~ **MERLEN R. GOUGH** prays that a warrant be issued
authorizing a search in the daytime of the above described premises, for said person/property;
~~and that if said person/property, or any part of the same be there found, the said~~
~~property in his custody or possession, may be arrested and held for examination as the law directs.~~
or the person having said person/
property in his custody or possession, may be arrested and held for examination as the law directs.

~~*The said~~ on oath further states
that he is positive that the person/property is in the place to be searched and it is necessary to
prevent the removal of said person/property, that a warrant issue authorizing a search in the
nighttime of the above described premises.

Dated at **PORTLAND**, this **31ST** day of **OCTOBER** 19 **75**

Subscribed and sworn to by the said **MERLEN R. GOUGH** this **31 st**
day of **OCTOBER** 19 **75**, before me

District Judge
Complaint Justice

* Delete Sections not applicable.

CR-8-65 Rev.

Nov 8, 1975

Mayor Loring
City Hall
Portland, Maine

Dear Mr. Loring:

As a citizen and taxpayer, and as an owner and operator of rooming houses in Portland for 18 years, I wonder how many of our city councilors realize what one of the building codes, (Chapter 307, Section 8) is doing to low income people. This includes the young and the senior citizen.

The codes states that all those who have a living unit with cooking facilities and refrigerator etc. must also have a complete 3 piece bath.

This is all well and good except that low income people can't afford the extra rent a private bath costs.

In my particular building there are 28 men living and sharing 5 complete baths. (By law 10 people may share a bath). They can't need or want and cannot afford private baths.

But if they are forced to have them, the expense will be too great and they'll be needing public assistance when they are on unemployment for months at a time (In 1974-1975, union laborers in the Portland area were unemployed up to 8 months.)

They can't afford to take all their meals in restaurants and the poor senior citizen might as well jump in his grave as try to pay high rent and eat too at today's prices.

The building inspector did say that there was a way of getting around the code. And that was to take the sinks out of the kitchens. I'd like to know how that improves living conditions. I say it makes things worse.

It's high time common sense prevails. There is a definite need for light housekeeping rooms. Poor people must eat to live but they can get along very well without a private bath.

I have spoken to Matthew Barron

about this in the past and he sees
the problem through experienced
eyes after 40 yrs as head of welfare.

All others I have spoken with,
including Lyle Hayes and Neal Allen,
were polite enough and heard me
out but in the end they simply
stated that the codes had to be
enforced no matter what. And that
means no matter who it hurts.

And that is, the senior citizen, the
unemployed and the low income.

I would like to make it clear
that the expense to me is not
an issue here, as I would get
it back in the end by raising
the rents. It's the tenants, who
will suffer. They have been here
for years and don't want to move.

And why should they? Aren't they pay-
ing their own way? Let them be!

Sincerely

Courtney Berry

file copy

5/26/72

John E. Menario, City Manager

Carleton Winslow, Project Administrator, Longfellow Square Program

The "Bathroom Situation" and Compliance in the Longfellow Square
Neighborhood Conservation Program

Chapter 307, Minimum Standards for Dwellings, of the Municipal Ordinances,
otherwise known as the City Housing Code, contains the following definitions:

"Dwelling Unit" shall mean one or more rooms arranged for the
use of one or more individuals as a single housekeeping unit,
with cooking, living, sanitary and sleeping facilities.

"Rooming Unit" shall mean any habitable room or group of habitable
rooms forming a single unit used, or intended to be used, for
living purposes, but not designed for cooking or eating, by a
separate family or by two or more persons living in common or by
a person living alone.

It would appear from the definitions, then, that any room which contains cooking
or eating facilities, i.e., a stove, is not a rooming unit but a dwelling unit.
Section 6 of Chapter 307, which sets forth the minimum plumbing standards, states
the following:

No person shall occupy as owner-occupant or shall let to another for occupancy
any dwelling, dwelling unit, or rooming unit which does not comply with the
following minimum standards:

(a) Basic Facility. Every dwelling unit shall contain within its
walls, in sound operating condition, a kitchen sink, a flush
toilet, lavatory basin, and bathtub or shower.

1. Rooming houses and dwelling houses containing rooming units
shall contain at least one flush toilet, one lavatory basin,
and one bathtub or shower for each 10 persons or fraction
thereof living within said rooming units.

Thus from the above it appears that any building which has rooms for rent which
contains a stove (thus is a "dwelling unit" as defined by the Code) but does not
contain a bathroom for each such room is in violation of the Housing Code. In
the course of the Program inspections, we have found eighteen structures with
violations of this nature, i.e. the "bathroom problem". There is one more
structure we have yet to gain entry to where we expect to find bathroom violations.

In the eighteen structures to which violation notices have been sent, the owners have taken one or a combination of the following actions:

- (1) refusal to comply (all other violations were corrected)
- (2) comply by installing the bathrooms
- (3) comply by removing the cooking facilities (this has led to hardships on some elderly tenants)
- (4) comply by combining rooms previously rented separately and sharing baths into one dwelling unit (thereby displacing some people)
- (5) vacating the units (with resultant displacement)

As it is extremely difficult to determine a number of structures for each of the above categories because several owners have used a combination of the actions, I am enclosing a list of all of the structures with the action taken by the owner to date as best we can determine.

I think there are three major problems here to be dealt with. The first is a determination of action to be taken on those properties (26 Dow Street, Forestell and 203 Brackett Street, Brown) where the owners have refused to comply. It is my understanding from Bill Dow that those "hard-core" cases are to be left alone until further notice. Secondly, I would like the hardship situation created for some tenants (particularly aged people at 6-8 Walker Street) by removal of cooking facilities and/or displacement from their homes to be fully recognized. And thirdly, there is the potential situation arising from the possibility of those people who have spent thousands of dollars on bathroom installations finding out we allowed others some sort of exception, if that turns out to be the case.

I think the time is rapidly drawing near when a definite decision has to be made. If it is decided the Code is to be strictly enforced, we should leave enough time for those owners in violation to apply for the financial assistance available through Longfellow, i.e. the 3% Rehabilitation Loan money. We are currently figuring on a July 15th cutoff date for loan applications but there should be time for a reinspection and issuance of final orders on the property.

Please call me if you desire further clarification on any of the above or on any of the individual structures.

"BATHROOM PROBLEM" STRUCTURE LIST

12 Dow Street (Sarah Tronholm)

4 dwelling units, 2 rooming units, 2 baths needed.

Owner deceased, property in probate.

13 Dow Street (Mrs. Hyman Mercy)

4 dwelling units, 1 rooming unit, 2 baths needed.

Owner in rehab, adding 1 bath and combining two units into one.

26 Dow Street (John Forestell)

7 dwelling units, 3 1/3 baths needed.

Owner has corrected all other violations, will probably vacate if bath issue forced; owner in late 80's, not amenable to change.

87 Carleton Street (Alvah Thoits)

Owner doing work, has discontinued use of two D U's on third floor, has combined two D U's on second floor into one.

203 Brackett Street (Cora Brown)

10 Dwelling units, 1 bath needed.

Owner has said she will eventually combine two units now sharing bath into one, refuses to do so now.

6-8 Walker Street (Alton Maxim)

16 dwelling units, 3 rooming units, 9 baths needed.

Final notice has been sent. Owner's agent says all cooking facilities will be removed with exception of one 3 room dwelling unit, where bath will be installed. Severe hardship here on some elderly, long-term tenants.

3 Walker Street (William DiBiase)

3 dwelling units, 6 rooming units, 3 baths needed.

Owner removed cooking facilities, will have all rooming units.

7 Walker Street (Leroy Applebee)

4 dwelling units, 2 rooming units, 1 bath needed.

Owner is combining two third floor D U's and two R U's into two D U's, will install one bath.

15 Pine Street (Harvey Edwards)

4 dwelling units, 2 rooming units, needs 2 baths.

Owner's action unknown at this time after Final Notice sent.

29 Pine Street (Carleton Sylvester)

6 dwelling units, needs 4 baths

Owner combining four D U's into two, installing two baths.

27 Pine Street (Goldie Thayer)

3 dwelling units, 8 rooming units, needs 1 bath.

Owner has disconnected gas stove in the D U, unknown final action.

35 Pine Street (Helen Turner)

2 dwelling units, 7 rooming units, needs 2 baths

Owner has installed one bath, is converting vacant D U into 2 R U's, has eliminated 3 R U's.

37 Pine Street (Helen Turner)

4 dwelling units, 2 rooming units, needs 4 baths.

Owner same as # 35 Pine, has temporarily occupied this entire structure herself, eliminating baths needed; unknown final determination.

211-213 Brackett Street (Mrs. Katherine Malia)

3 Dwelling units, needs 1 bath.

Unit is posted, owner in rehab counselling, unknown determination at this time.

261 Brackett Street (Ann Walz)

4 dwelling units, needs 2 baths.

Owner has installed 2 baths.

235 Brackett Street (William DeCosta)

11 dwelling units, 1 rooming unit, needs 5 baths.

Owner has installed one bath, eliminated one unit, is continuing work; unknown final determination.

279-281-283 Brackett Street (Bessie Roberts)

13 dwelling units, needs 7 baths.

Owner has refused to allow reinspection; hearing notice sent 5/22; expect owner to refuse to comply.

760 Congress Street (Robert McKee)

Owner has applied for loan to correct all violations, including installing 2 baths.

COPY

WORKABLE PROGRAM
CITY OF PORTLAND, MAINE
1967-1968 CERTIFICATION PERIOD

EXPIRATION DATE: SEPTEMBER 1, 1968

COMMENTS

Recertification of Portland's Workable Program on September 1, 1968 will be conditioned upon a showing of continued progress and evidenced by the submission of the following information and documentation:

Codes and Ordinances

1. a) We wish to bring to your attention the provisions of Section 101(c) of the Housing Act of 1949, as amended, which provides in part, that by September 2, 1967 "No Workable Program shall be certified or recertified unless (A) the locality has had in effect, for at least six months prior to such certification or recertification a minimum standards Housing Code related but not limited to health, sanitation and occupancy requirements, which is deemed adequate by the Secretary and (B) the Secretary is satisfied that the locality is carrying out an effective program of enforcement to achieve compliance with such Housing Code.
 - b) In this connection, subsequent recertifications will depend largely upon (1) submission with the next request for recertification evidence of the existence of an effective program for the enforcement of all the required codes including adequate budget, sufficient trained staff, and an appropriate system of forms, records and reporting, (2) the actions taken by the community to keep its codes up-to-date (3) the success of the community in making reasonable progress in meeting the schedules established in its long-range housing code compliance program in accordance with Workable Program Guidelines.
2. Submit a report of activities of the Codes Review Committee. This year the Committee should review the adequacy of staffing and funds required to administer and enforce all codes, especially the Housing Code. Further, all codes should be reviewed and updated to meet the Technical and Administrative standards of the nationally recognized model codes.
3. Upon a subsequent review of Chapter 307 (Minimum Standards for Dwellings) we find the following amendments are required in order to meet Federal requirements for an acceptable code:
 - a) Amend definition of Dwelling Unit to include "sanitary facilities". The B.O.C.A. Basic Housing Code defines Dwelling Unit as:

Portland, Maine

One or more rooms arranged for the use of one or more individuals living together as a single house-keeping unit, with cooking, living, sanitary and sleeping facilities.

- b) Section 6(a)1, permits the sharing of the use of a single flush toilet, lavatory basin and bath-tub or shower by two dwelling units under certain conditions. Please refer to Guideline 11, page 4, sub-paragraph (b) enclosed which requires a code to include "A fully equipped bath and toilet facility for every dwelling unit". If in certain individual cases this presents a hardship, as outlined in Program Guide #1, enclosed, the housing appeals board may modify or waive such requirement.
4. Under documentation dated April 1966 (Housing Code Compliance Program) there has been a delineation of neighborhoods under the City's Systematic Housing Code Program. The map does not identify Tract #3 (Waterfront) and #24 (Harbor Islands). We also note, referring to your priority schedule (page 14) that the Oakdale and Portland areas scheduled for completion in 1966 have a substantial number of units remaining in non-compliance. In order for the City to meet its schedule of inspections and comply with the requisites of paragraph 1(a) and (b) above, immediate review should be undertaken of the Administrative and Enforcement policies of the responsible codes officials. In this regard we offer the aid of our codes specialist who will arrange to meet with the City's responsible code officer in the near future.

Comprehensive Community Plan

Submit the following: -

5. Revised sub-division regulations with evidence of Local Governing Body adoption.
6. Community Facilities and Public Improvements Program scheduled for completion July 1968.
7. Provide a target date for a comprehensive revision of the zoning ordinance. It is noted that 103 and 54 variances were granted during the two part recertification years.

Neighborhood Analyses

8. Review and updating of the Neighborhood Analyses should be a continuous function so that its recommendations can be effectively utilized in the City's overall improvement program.

City of Portland

Health Department

Housing Inspection

STRUCTURE INSPECTION SCHEDULE

Insp. Name Gough

Insp. Date 2-26-73 Insp. Type NLP-2 Project Code _____ Assn. No. 26 Fl. F St. 15 Const. No. _____ Tract _____ Insp. Form No. 194

House No. 23 Sec. 2 No. _____ Satt. _____ Direct. _____ Street Name _____ St. Design'n. AVE

Cover of Front: _____ Status _____ Plug's Rating _____

Address: _____ Zip Code _____

City and State: _____

D. Units 3 Occ. D. U.'s 3 Pl. Units _____ Occ. R. U.'s 1 No. Occupants 0 Coa. I. U. 0 Bldg. Type LC Stories 3 Const. Mat. W O. B.'s N C. H. N Photo N

Zoned For _____ Actual Land Use _____ D. D. _____ Orig. Est. Res. _____ Fin. Res. _____ Dis. p. _____ Closing Date _____

Viol. No.	Remedy	Cond.	Violation Description	Fl. No.	Loc.	Room Type	Area Type	Res. Party	Code Sect. Viol.	Viol. Rem. Date
*1	RE	BR	SWISS	2	BE	HA	W1	2	3C	
*2	LE		WIRE ST. WIRING (2) CUMMERBAND	1	FR	HA	NA	2	3A	
3	RE	MI	ELECTRICAL	(273)	"	"	ST	-	3D	
*4	RE	MI	ELECTRICAL	(273)	"	"	CE	2	3D	
5	MI		MAIN ELECTRICAL GROUND WIRE (273)	"	"	"	CE	2	3D	
6	IN		LEAK	(273)	"	CE	CE DD	2		
7	RE	MI	PLASTER	(273)	"	CE	HA	2	3E	
8	RR	CE	TOILET SEPT	(273)	3		FR	2	4A	
*9	RR	LE	JKY LIGHT	(273)	3		HA	2	3C	
*10	RE	CE	TREAS	(271)		FR	HO	2	3D	
	RE	MI	ELECTRICAL	(271)	1	FR	HA	2	3D	
12	"	"	"	(271)	2	"	"	2	"	
13	"	"	"	(271)	3	"	"	2	"	
*14	RE	RR	ELECTRICAL	(271)	2	CE	HA	2	3D	

City of Portland

Health Department

Housing Inspection Division

DWELLING UNIT SCHEDULE

(1) INSP. DATE										(2) INSP.			(3) FORM NO.					
3-21-72										3			9 2					
(4) TENANT'S NAME										(5) Flr. #		(6) Location		(7) Rtg. Tp.	(8) #Res.	(9) #Peo.	(10) All'd	(11) Slp. Rm.
Child Un. 10	(13) Child 1-6	(14) + Lead Survey Results	(15) Rent	(16) Rent Code	(17) Furn.	(18) Heat	(19) Hot Water	(20) Dmi Eggs	(21) Cr. ng	(22) Lav.	(23) Bath	(24) Flush						
						CO	CO		NO	SP	SP	SP						
Viol. No.	Remedy	Cond.	Violation	Location	Room Type	Area Type	Responsible Party	Code Sect.	Viol.	Res. Date								
17	RM	LO	PLASTER			CL	2	33										
12	RM		TEMPORARY LIBRA				2	85										

City of Portland

Health Department

Housing Inspection Division

DWELLING UNIT SCHEDULE

(1) INSP. DATE

2 2 6 7 5

(2) INSP.

3

(3) FORM NO.

94

(4) TENANT'S NAME

FRANKY TREMONT

(5) Flr. #

2

(6) Location

#18

(7) Rmg. Tp.

DU

(8) #Rms

3

(9) #Peo

1

(10) #All'd

5

(11) Slp. Rms

1

Child In. 10

(13) Child 1-6

(14) + Lead Survey - Results

15

(15) Rent Code

WK

(17) Furn.

Y

(18) Heat

LO

(19) Hot Water

CG

(20) Dual Eggs

Y

(21) Ck'ng

LG

(22) Lav.

SP

(23) Bath

SP

(24) Flush

SP

Viol. No.

Remedy

Cond.

Violation

Location

Room Type

Area Type

Responsible Party

Code Sect. Violated

Viol. Rem.-Date

23	IN		PRIVATE 3 L ^s BATHROOM CONTAINING A TOILET, LAVATORY + BATHTUB OR SHOWER				2	6A	
24	IN		EL OUT		BA		2		
25	IN		" "		LI		2	8E	
26	RM		TEMPORARY WIRING		LI WA		2	8E	
27	RR	LO	PLASTER		LI CL		2	3B	
28	RR	LO	PLASTER		LI WI		2	3C	
29	PR		COUNTER SPACE		KI		2		
30	RE	MI	PLASTER	KINDER	KI SI		2	3B	
31	RE	LO	PLASTER		KI WI		2	3C	
32	"	"	"		PA "		"	"	
33	RM		TEMPORARY WIRING		PA WA		2	8E	
34	RR	LO	PLASTER		PA CL		2	3B	

City of Portland

Health Department

Housing Inspection Division

DWELLING UNIT SCHEDULE

(1) INSP. DATE										(2) INSP.			(3) FORM NO.					
12 2 6 7 3										3			9 4					
(4) TENANT'S NAME										(5) Flr. #		(6) Location		(7) Rmg. Tp.	(8) # Rms	(9) # Peo	(10) # All' d	(11) Slp. Rms
F H I I F B J R F K										2 8		DU		3	5	1	1	
Child Un. 10	(12) Child 1-6	(14) + Lead Survey - Results			(15) Rent	(16) Rent Code	(17) Furn.	(18) Heat	(19) Hot Water	(20) Dual Eggs	(21) Ck'ng	(22) Lav.	(23) Bath	(24) Flush				
		15			WK	1	CO	CO	YES	YES	N	N	N					
Viol. No.	Remedy	Cond.	Violation			Location	Room Type	Area Type	Responsible Party	Code Sect. Violated	Viol. Rem.-Date							
39	RR	LE	TAP				A1	S1	2	6A								
40	IN		PRIVATE 3 PC BATHROOM CONTAINING A TOILET LAVATORY + BATH TUB IN SHOWER						2	6A								
41	IN		E.L.O.U.T					2	2									

No. 486966

RECEIPT FOR CERTIFIED MAIL—30¢ (plus postage)

SENT TO	<i>Ms Dorothy Berry</i>	POSTMARK OR DATE
STREET AND NO.	<i>371 Cumberland Ave.</i>	
P.O., STATE AND ZIP CODE	<i>Portland</i>	
OPTIONAL SERVICES FOR ADDITIONAL FEES		
RETURN	1. Shows to whom and date delivered	15¢
RECEIPT	With delivery to addressee only	65¢
SERVICES	2. Shows to whom, date and where delivered	35¢
	With delivery to addressee only	85¢
	DELIVER TO ADDRESSEE ONLY	50¢
	SPECIAL DELIVERY (extra fee required)	

PS Form 3800 Apr. 1971 NO INSURANCE COVERAGE PROVIDED— (See other side) NOT FOR INTERNATIONAL MAIL 5-6100 1974 O - 551-454

Form 3811, Nov. 1973

● SENDER - Complete items 1 and 2. Add your address in the "RETURN TO" space on reverse.

1. The following service is requested (check one):

- Show to whom and date delivered. 15¢
- Show to whom, date, & address of delivery. 35¢
- DELIVER ONLY TO ADDRESSEE and show to whom and date delivered. 65¢
- DELIVER ONLY TO ADDRESSEE and show to whom, date, and address of delivery. 85¢

2. ARTICLE ADDRESSED TO:

3. ARTICLE DESCRIPTION:

REGISTERED NO.	CERTIFIED NO.	INSURED NO.
	486966	

(Always obtain signature of addressee or agent)

I have received the article described above.

SIGNATURE: *Anthony A. Bong*

DATE OF DELIVERY: 11/16/75

5. ADDRESS (Complete only if requested)

6. UNABLE TO DELIVER BECAUSE:

POSTMARK: [Circular stamp with date 11/16/75]

CLERK'S INITIALS

RETURN RECEIPT REGISTERED INSURED AND CERTIFIED MAIL

U.S. POST OFFICE

© CPO 1974 O - 527-503

XXXXXX

November 5, 1975

Ms. Dorothy A. Berry
271 Cumberland Avenue
Portland, Maine 04111

Dear Ms. Berry: Re: 271-273 Cumberland Avenue - 26-F-15

As owner or agent of the above referred property, you were notified on March 3, 1973 by Certified United States mail receipt #094487 to correct certain substandard conditions in violation of Chapter 307 of the City of Portland Municipal Codes "Minimum Standards for Housing". Several reinspections have been made and we find that you have not complied with our request.

A final reinspection was made on October 31, 1975 by Housing Inspector Gough and, as a result, you are hereby ordered to correct the violations listed below on or before December 1, 1975.

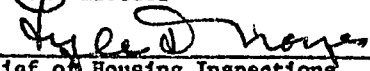
Sincerely yours,

David C. Bittenbender
Health Director

Inspector


M. Gough

By


Chief of Housing Inspections

EXISTING VIOLATIONS OF CHAPTER 307 OF THE CITY OF PORTLAND MUNICIPAL CODE SECTION(s)

- First Floor - apartment #6
1. Install a private three-piece bath consisting of a flush toilet, lavatory, bathtub or shower within the confines of this apartment. 6-a
- Second Floor - apartment #18
2. Install a private three-piece bath consisting of a flush toilet, lavatory, bathtub or shower within the confines of this apartment. 6-a
- Third Floor - apartment #28
3. Install a private three-piece bath consisting of a flush toilet, lavatory, bathtub or shower within the confines of this apartment. 6-a

October 27, 1975 ✓

Mrs. Dorothy Berry
271-273 Cumberland Avenue
Portland, Maine 04111

Re: Premises at 271-273 Cumberland Avenue
Notice of Request for Administrative Inspection Warrant

Dear Mrs. Berry:

The undersigned is a member of the Health Department of the City of Portland and is duly authorized to conduct inspections of property located within said City. On October 24, 1975, you denied permission to the undersigned to conduct an inspection of the above-described premises.

This is to advise you that on October 31, 1975 at 9:00 A.M. the undersigned will seek an Administrative Inspection Warrant, as authorized by Rule 80E of the District Court Civil Rules, from the Judge of the Ninth District Court located at 142 Federal Street in said Portland, for the issuance of a warrant authorizing an inspection of the premises in question.

You may want to appear in opposition to the issuance of the warrant.

Very truly yours,


Merle Gough
Housing Inspector

MG/ri