



Minutes - Final

Legislative Hearings

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651-266-8585

Tuesday, April 2, 2024

9:00 AM

Room 330 City Hall & Court House/Remote

9:00 a.m. Hearings

Special Tax Assessments

- 1 **RLH TA 24-128** Ratifying the Appealed Special Tax Assessment for property at 1672 TAYLOR AVENUE. (File No. 2404T, Assessment No. 249003)

Sponsors: Jalali

Approve the assessment.

Voicemail left at 9:13 am: this is Marcia Moermond from St. Paul City Council calling you about your appealed tax assessments for 1672 Taylor Avenue, tried calling you on March 19th twice, we'll do the same thing today, call you back in about 5 minutes and if we can't connect I'll send it forward with my recommendation.

Voicemail left at 9:22 am: this is Marcia Moermond from St. Paul City Council trying to reach you again about the appealed tax assessments for 1672 Taylor Avenue. Second message today, fourth time total we've tried to reach you. First assessment is for 6,800 for a dangerous tree, which I will recommend approval of. The Council Public Hearing is April 17th. The notice explains that hearing and how to testify. We also have a \$5,075 Vacant Building fee which I will also recommend approval of. That was referred back from Council Public Hearing so we'll set it up for the same Council Public Hearing of April 17th so you don't need to make two trips downtown. My recommendation in both cases is approval. Have a good rest of your day, sir.

Referred to the City Council due back on 4/17/2024

- 2 **RLH TA 24-133** Ratifying the Appealed Special Tax Assessment for property at 1672 TAYLOR AVENUE. (File No. VB2405, Assessment No. 248804)

Sponsors: Jalali

Approve the assessment.

Voicemail left at 9:13 am: this is Marcia Moermond from St. Paul City Council calling you about your appealed tax assessments for 1672 Taylor Avenue, tried calling you on March 19th twice, we'll do the same thing today, call you back in about 5 minutes and if we can't connect I'll send it forward with my recommendation.

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reach you again about the appealed tax assessments for 1672 Taylor Avenue. Second message today, fourth time total we've tried to reach you. First assessment is for 6,800 for a dangerous tree, which I will recommend approval of. The Council Public Hearing is April 17th. The notice explains that hearing and how to testify. We also have a \$5,075 Vacant Building fee which I will also recommend approval of. That was referred back from Council Public Hearing so we'll set it up for the same Council Public Hearing of April 17th so you don't need to make two trips downtown. My recommendation in both cases is approval. Have a good rest of your day, sir.

Referred to the City Council due back on 4/17/2024

- 3 RLH TA 24-143** Ratifying the Appealed Special Tax Assessment for property at 468 THOMAS AVENUE. (File No. J2407B, Assessment No. 248106)

Sponsors: Bowie

Approve the assessment (already paid).

No one appeared

Moermond: we received an appeal of the boarding, photos were requested. The owner paid the assessment?

Mai Vang: their insurance company paid for the boarding, so she is no longer appealing.

Moermond: and the assessment no longer shows up on the City's assessment page, indicating it has been paid.

Referred to the City Council due back on 5/15/2024

10:00 a.m. Hearings

Special Tax Assessments

- 4 RLH TA 24-130** Ratifying the Appealed Special Tax Assessment for property at 746 COOK AVENUE EAST. (File No. J2406E, Assessment No. 248305)

Sponsors: Yang

Continue CPH to September 4, 2024 and if permits for roof & siding are closed, delete assessment.

Joanna Nuttall, owner, appeared via phone

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: August 9, 2023 a correction notice was issued to owner to replace the siding on southside of house by September 11. We did recheck on September 11, it wasn't done, so an Excessive Consumption was issued. Total proposed assessment of \$169. The property owner called September 20 for an extension to November 20th, it was reinspected, another Excessive Consumption sent. Rechecked 12/5/23. Spoke with property owner again 12/1 and will recheck in May since they are working with insurance company. One Excessive Consumption was cancelled already.

Nuttall: I have no idea what is going on now, but I do know about my siding. I purchased last June and we had a big storm and my neighbor's tree took some power lines down along with siding. I was trying to figure out insurance, then I received the letter and contacted Willie. It is going slow, I think we're finally wrapping up soon. I purchased siding out of pocket to fix it, and it doesn't match the siding on my house. The current siding isn't made anymore, so I have to get my whole house done. I didn't really know what was going on.

Moermond: the Correction notice was mailed out with a deadline August 9. This is essentially a trip charge, for lack of a better term. It looks like there are notes from the inspector about your conversations. You purchased in June, new homeowner.

Nuttall: they have to replace the roof too, as well as the siding. I have to select it with the contractor, and from the adjustor I'm working with, they are supposed to send on the amount approval and a check. That was last week. My contractor thinks early summer.

Moermond: I'm asking because currently a follow up inspection is set for mid-May, which sounds like that may not happen.

Martin: June 1 seems doable. I do see a permit has been applied for.

Moermond: call inspector Williams if something is delayed. I'm going to continue this to September 4. If the work is done and permits closed, I'll recommend this is deleted. If not, approved.

Referred to the City Council due back on 4/17/2024

5 RLH TA 24-147 Ratifying the Appealed Special Tax Assessment for property at 981 UNIVERSITY AVENUE WEST. (File No. J2407E, Assessment No. 248306)

Sponsors: Bowie

Approve the assessment (noting assessment has already been paid).

Remi Iselewa, Sunray Properties, LLC, appeared via phone

Moermond: before we go too far, it looks like this was paid. We have an open appeal, but that typically means the appeal is withdrawn, but I wanted to confirm with you.

Iselewa: they added it to my property tax this year.

Moermond: I don't think that's the case for this one, it would have had to be paid then.

Iselewa: I didn't own it at the time. That's why I was contesting.

Moermond: I assume the prior owner paid it. We can get you the paperwork on it.

Iselewa: I would like that, yes.

Moermond: we can send that information, letting you know it has been paid.

Referred to the City Council due back on 5/15/2024

6 RLH TA 24-148 Ratifying the Appealed Special Tax Assessment for property at 227

WINIFRED STREET EAST. (File No. J2407E, Assessment No. 248306)

Sponsors: Noecker

Delete the assessment.

No one appeared

Moermond: to be deleted, inspector error.

Supervisor Lisa Martin: correct.

Moermond: shouldn't have been sent to work order, recommend deletion.

Referred to the City Council due back on 5/15/2024

- 7 [RLH TA 24-151](#) Ratifying the Appealed Special Tax Assessment for property at 765 EDGERTON STREET. (File No. CRT2406, Assessment No. 248205)

Sponsors: Jost

Layover to LH April 16, 2024 at 10 am (unable to reach property rep).

Voicemail left at 10:56 am: this is Marcia Moermond from St. Paul City Council calling you about your appealed tax assessments for 765 Edgerton & 242 Maria. We'll try you back in 5 or so minutes, after another case.

Voicemail left at 11:09 am: this is Marcia Moermond from St. Paul City Council calling Michael Buelow about assessments for 765 Edgerton & 242 Maria. We'll continue these from today to two weeks, Tuesday, April 16 between 10 and 11:30. Your Council Public Hearing will still be May 15.

Laid Over to the Legislative Hearings due back on 4/16/2024

- 8 [RLH TA 24-149](#) Ratifying the Appealed Special Tax Assessment for property at 242 MARIA AVENUE. (File No. CRT2406, Assessment No. 248205)

Sponsors: Johnson

Layover to LH April 16, 2024 at 10 am (unable to reach property rep).

Voicemail left at 10:56 am: this is Marcia Moermond from St. Paul City Council calling you about your appealed tax assessments for 765 Edgerton & 242 Maria. We'll try you back in 5 or so minutes, after another case.

Voicemail left at 11:09 am: this is Marcia Moermond from St. Paul City Council calling Michael Buelow about assessments for 765 Edgerton & 242 Maria. We'll continue these from today to two weeks, Tuesday, April 16 between 10 and 11:30. Your Council Public Hearing will still be May 15.

Laid Over to the Legislative Hearings due back on 4/16/2024

- 9 **RLH TA 24-140** Ratifying the Appealed Special Tax Assessment for property at 908 FOURTH STREET EAST. (File No. CRT2406, Assessment No. 248205)

Sponsors: Johnson

Delete the assessment.

No one appeared

Moermond: fees were already paid?

Supervisor Leanna Shaff: duplicate file, one got paid and one got sent to assessment and shouldn't have been.

Moermond: and the files have been rectified, so recommend deletion.

Referred to the City Council due back on 5/15/2024

- 10 RLH TA 24-154** Ratifying the Appealed Special Tax Assessment for property at 712 MARYLAND AVENUE WEST. (File No. CRT2406, Assessment No. 248205)

Sponsors: Kim

Reduce assessment from \$398 to \$239.

Brad Kirscher, owner, appeared

Moermond: I'd like to cut to the chase on this one. I have the record from you and Mr. Harriel. There is no question you made an attempt to pay, and the service charge should be reversed. That is \$159. I'll recommend this assessment of \$398 is reduced to \$239. That brings you back to the basic fee. If you want to wait until it is invoiced to make payment, that goes out the third week in May, after the Council Public Hearing and vote. Sorry you had to appeal to correct something that shouldn't have happened.

Kirscher: thank you, not a problem. I'll get it paid.

Referred to the City Council due back on 5/15/2024

- 11 RLH TA 24-138** Ratifying the Appealed Special Tax Assessment for property at 355 GERANIUM AVENUE EAST. (File No. J2407E, Assessment No. 248306)

Sponsors: Kim

Delete the assessment on condition PO replaces grass seed on ROW.

No one appeared

Moermond: this is an Excessive Consumption from a group of them we did and I am recommending deletion per previous appeals, but also recommend deletion conditioned upon grass seeding.

Supervisor Lisa Martin: they have to remove the class 5.

Moermond: they say they've removed the class 5.

Referred to the City Council due back on 5/15/2024

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- 12 RLH TA 24-142** Ratifying the Appealed Special Tax Assessment for property at 1083 & 1085 SEVENTH STREET WEST. (File No. J2405P, Assessment No. 248404)
- Sponsors:** Noecker
- Delete the assessment, waiver on file.*
- No one appeared*
- Moermond: graffiti removal with waiver on file, recommend deletion.*
- Referred to the City Council due back on 5/15/2024**
- 13 RLH TA 24-156** Ratifying the Appealed Special Tax Assessment for property at 1420 RICE STREET. (File No. J2405P, Assessment No. 248404)
- Sponsors:** Kim
- Delete the assessment, waiver on file.*
- No one appeared*
- Moermond: graffiti removal with waiver on file, recommend deletion.*
- Referred to the City Council due back on 5/15/2024**

Special Tax Assessments-ROLLS

- 14 RLH AR 24-25** Ratifying the assessments for Collection of Vacant Building Registration fees billed during April 5 to October 20, 2023. (File No. VB2407, Assessment No. 248806)
- Sponsors:** Jalali
- Referred to the City Council due back on 5/15/2024**
- 15 RLH AR 24-26** Ratifying the assessments for Securing and/or Emergency Boarding services during November 2023. (File No. J2407B, Assessment No. 248106)
- Sponsors:** Jalali
- Referred to the City Council due back on 5/15/2024**
- 16 RLH AR 24-27** Ratifying the assessments for Demolition services from August to September 2023. (File No. J2402C, Assessment No. 242001)
- Sponsors:** Jalali
- Referred to the City Council due back on 5/15/2024**
- 17 RLH AR 24-28** Ratifying the assessments for Collection of Fire Certificate of Occupancy fees billed during February 28 to December 19, 2023. (File No. CRT2406, Assessment No. 248205)

Sponsors: Jalali

Referred to the City Council due back on 5/15/2024

- 18 RLH AR 24-29 Ratifying the assessments for Excessive Use of Inspection or Abatement services billed during September 22 to October 19, 2023. (File No. J2407E, Assessment No. 248306)

Sponsors: Jalali

Referred to the City Council due back on 5/15/2024

- 19 RLH AR 24-30 Ratifying the assessments for Graffiti Removal services during March 21 to November 13, 2023. (File No. J2405P, Assessment No. 248404)

Sponsors: Jalali

Referred to the City Council due back on 5/15/2024

- 20 RLH AR 24-31 Ratifying the assessments for Removal of Diseased and/or Dangerous Tree(s) services during December 2023. (File No. 2405T, Assessment No. 249004)

Sponsors: Jalali

Referred to the City Council due back on 5/15/2024

11:00 a.m. Hearings

Summary & Vehicle Abatement Orders

- 21 RLH SAO 24-23 Appeal of Sonny Batha to a Summary Abatement Order at 1035 CONWAY STREET.

Sponsors: Johnson

Deny the appeal, noting the nuisance is abated and the matter resolved.

Brook Clevenger, owner, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Lisa Martin: orders were issued March 13, Summary Abatement Order to occupant and owner to remove and dispose of a garbage Bagster and contents from property. Compliance date of March 20th.

Moermond: I assume we don't have compliance, and Mr. Batha had said he had questions—

Clevenger: it is all gone now, I just came for clarification.

Moermond: what are those questions?

Clevenger: Bagster needs 5 business days, we received it on the 15th, a Friday.

When we called on Monday, so the soonest they could come was Friday, which was past the Wednesday deadline. We couldn't comply even if we'd wanted too. We purchased this home February 20th. Part was cleaning things left by the previous owner. We'd agreed to do some of the cleaning out. it was out on February 22nd, and we couldn't even get garbage services until March 10th. We didn't even have cans to put garbage in, so that was part of it as well. That's where the garbage bags went. We're living in between properties while we're fixing this. We have to redo the electrical, we have a permit for that. It was hard to receive something when we're trying to improve and clean up a property. We don't want to end up in this situation again. Our biggest question is about Bagster, how does it work? It was only a 3 week window.

Moermond: we can walk through this, for sure. Welcome to St. Paul, my goodness.

Clevenger: we'd like to continue to utilize a Bagster, and they can't pick it up from the alley.

Martin: typically, we get a complaint. Complaint came in for the Bagster. We don't know how long they've been there, it is a complaint-based system. There is an inspector's number, and you can call them and talk to them about your timeline. Often when these things sit out there too long, other people start putting things in.

Clevenger: we called the inspector and didn't get a call back.

Moermond: when an appeal comes in, everything freezes. They won't take action on it, and won't work outside of the appeals process.

Martin: typically if we get a call and say they need more time, they will just give it, unless they specify a call back. He closed it as abated on the 27th. He probably pushed it out another 7 days.

Moermond: a de facto extension that wasn't communicated back to the owner, so there was confusion about the situation on that end. So we've cleared that out. I get the 5 day thing. Filing an appeal is always ok.

Clevenger: it is just hard to finish something in 7 days when you're not a contractor. There's no way I can gut a bathroom, put it in.

Moermond: that would be one way to stage it. Long-term, Bagsters can be gross.

Clevenger: right, we were mindful of that and kept it covered.

Martin: and if you know you're in the middle of a house project, you can let us know that too.

Moermond: when I look at the plumbing permit issue, it is confusing to me because there are two different places to get a plumbing permit from, the water department and the Department of Safety & Inspections. For the record I will say the appeal is denied and note the matter is resolved.

Referred to the City Council due back on 4/17/2024

22 [RLH SAO 24-21](#)

Making finding on the appealed nuisance abatement ordered for 1655 WILSON AVENUE in Council File RLH SAO 24-10.

Sponsors: Johnson

The nuisance is abated and the matter resolved.

Joseph Guion, owner, appeared via phone

Moermond: following up with you about the vehicle. What's going on?

Guion: it is gone.

Moermond: you got it taken care of. We'll have an inspector go by to confirm that and put it in the record.

Referred to the City Council due back on 4/10/2024

1:30 p.m. Hearings

Orders To Vacate - Fire Certificate of Occupancy

- 23 [RLH VO 24-9](#) Appeal of Lakeisha Lee to a Correction Notice-Reinspection Complaint (which includes condemnation) at 273 COTTAGE AVENUE WEST.

Sponsors: Kim

Deny the appeal. Property must be vacated on or before Friday, April 5, 2024.

Lakeisha Lee, owner, appeared

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: October 19, 2023 we received a notice of a house being homesteaded but owner didn't live in the house. Tenants did say they were renting. We contacted St. Paul Regional Water Service for contact info and spoke to property owner about getting a provisional fire Certificate of Occupancy. November 16, no Certificate of Occupancy on file yet. Again in December. Again in January. Inspector Harriel left a message for property owner in February. It was reviewed with Manager Neis and Supervisor Imbertson, given the lack of response in getting the required Fire Certificate of Occupancy they were posting orders to allow access, etcetera. February 22 there were correction orders, however they were to get the Fire Certificate of Occupancy. Inspector was on site and posted a placard, and then on 3/21 he gained some access. Lots of things going on. Ceilings and walls to missing dead face cover on the fuse panel. Bathroom sink, electrical issues in the home. Since it has been ongoing since October, one would expect these items to be addressed. They have since filed for the Fire Certificate of Occupancy, as of March 5. It is still in the queue to be entered. Photos are in the file.

Moermond: when did you buy it?

Lee: 2016.

Moermond: and you lived there, and at some point that changed?

Lee: I moved last year, my kids and I moved out, because I continued to be denied insurance claims. I applied to NeighborWorks and was declined support there as well. I have had to basically have my two oldest kids move with my parents. I still live in the house, I had to have people move in to support everything going in. I also filed

chapter 13 as well.

Moermond: so you are living there with borders?

Lee: I float around. I don't stay there every day. The renters are friends, it is my nephew's mom's best friends. We've known them for years. They're supporting me through this transition.

Moermond: it looks like the house is falling down around your ears a bit. I'm wondering, some of the ceiling photos look very concerning.

Lee: the main issue is the second story. Because of that it has created electrical issues. The upstairs sink that is broken has caused a link into the kitchen on the first floor. It is fixable, but the main damage is the roof.

Moermond: a leaking roof means water is infiltrating and spreading and undermining the ceilings, the walls, and then the floors between stories. The whole thing goes. It has affected your electrical.

Lee: yes.

Moermond: I tried to highlight in the report the more critical issues and I wasn't sure to make of number 16. It was very general about the electric. What are you looking for today?

Lee: I've reached out to the emergency program to see if I qualify. I started going through the complaint when they called me back. They said they needed to bring it to their team, and I haven't heard back from them yet. That was through the City. That's where I was going as far as getting repairs. They need to find somewhere to go, which they don't have. They're currently paying for hotels.

Moermond: do you have equity in the house?

Lee: yes.

Moermond: would the value of the equity? Have you spoken to a realtor?

Lee: they're coming Thursday to take a look.

Moermond: I'm hearing you are in financial straits, as well as the people living there. I am struggling because as a landlord you have some responsibility for making sure they're taken care of. I hear this is a struggle all the way around. It isn't my job to enforce an agreement between you folks. What my area is is looking at whether it can be lived in while the wheels are in motion while potentially getting some funding. If it is public dollars, it would be 30 to 60 days for an emergency rush job. It isn't like your furnace went out. I think it is more money than the emergency dollars cover between both the roof and the electrical. Can people be staying here now in these conditions? I'm frankly really worried about it. I'm worried about soft floors. I'm worried about the electrical, honestly. Wet walls with electrical problems is a recipe for serious injury.

You're looking at a cost analysis. See if you can sell and get some equity out. Maybe you can get assistance and do something with it. I don't know. I'm sorry NeighborWorks and others can't be helping you out. There isn't much worse than housing insecurity and the fear and insecurity that goes with that.

How old are your kids?

Lee: my oldest is 13, my middle is 10 and my youngest is 4. His dad got Section 8 last year, so he's moved in with him. My kids have gone through so much. The older two have been with my parents. They live a mile away. I've been trying to get help for so long, so it is unfortunate it has gotten to where it is.

Moermond: are they stable in their housing with your parents?

Lee: yeah it is stable, but it isn't stable for our family. We were staying at my friend's house in Shoreview and have had to move because my kids are loud with shared walls. They witnessed a murder in front of my parent's home during Covid. I do a lot of advocacy work. Brittany's place on the east side is named after my sister who was murdered in 2013. While this went down in November I was in DC presenting with Ilhan Omar. I missed my second payment and the judge dismissed it just like that.

Moermond: do you have a pro bono attorney?

Lee: no. I just keep applying for programs and trying, but now my credit is released I need to figure out what I can do to get it fixed or sold.

Moermond: I do think the order to vacate is valid. I think it is unsafe for people to be living there. I need to pick a date that that is effective. I can let the Councilmember's office know and see if they know of any assistance. I'm going to give you Friday April 5 as the vacate date. That means Ms. Shaff would check the next business day to see the house is empty of people. It will be referred to the Vacant Building program. That is also appealable. You'll get a letter from Joanna Zimny, and she can assist you or help find you the person who can.

Referred to the City Council due back on 4/10/2024

24 RLH VO 24-8

Appeal of Lee Bozeman to a Revocation of Fire Certificate of Occupancy and Order to Vacate at 1695 SEVENTH STREET EAST.

Sponsors: Yang

Grant to May 10, 2024 for compliance with the March 4, 2024 orders.

*Lee Bozeman, tenant, appeared
Sarah Bozeman, daughter of tenant, appeared
Patricia Whitney, attorney o/b/o owner, appeared
Jen Komatsu, owner, appeared via phone
Mariah Adams, Construction Pro, appeared via phone*

[Moermond gives background of appeals process]

Staff report by Supervisor Leanna Shaff: recently this address had been in the hearing room with a compliance date of March 1. The appeal was brought by the property owner. They were to have the address numbers on the property, and treatment for infestation. When inspector Vue went to reinspect, the interior work wasn't complete, so we moved forward with a pending revocation action. That was set for 3 weeks. If the work was done when we went back, we would have lifted the revocation, unfortunately it wasn't, so we placed a vacate order on the building.

Moermond: for the entire building?

Shaff: yes.

Moermond: how many units?

Vue: six.

Moermond: occupancy level?

Shaff: unit number 2 has no electric, that complaint came in today. I was hoping the property owner would address that.

Whitney: this case was brought to me prior to the hearing officer meeting the first time, prior to Department of Safety & Inspections being involved. We strategized as to how to deal with a belligerent and problematic tenant. We had a tentative plan, but no attorney client privilege at that point. General consultation at that time. In the interim Ms. Komatsu was dealing with the things Inspector Shaff talked about. She talked to MS. Bostic, in unit 1, and Ms. Bostic was extremely unhappy with her living situation. In the course of those discussions, much of which was over email and text, Ms. Bostic issued her intent to vacate February 15, 2024. Ms. Bostic was a section 8 voucher holder, PHA received notice. Everything was expected to terminate February 15 which would have given Ms. Kamatsu the chance to comply with the City orders. Ms. Bostic failed to leave. I was notified sometime after that, and I filed an eviction action March 8 to enforce the notice to vacate. Ms. Bostic refused access multiple times to maintenance people that had been retained to make the corrections. Subsequent to being served the eviction complaint, the repair personelle were in the building on other issues and Ms. Bostic became belligerent and hostile and police had to be called.

The eviction action was last Thursday. One of the things I asked for this time around was the opportunity to delay to enforce this eviction action. I submitted the settlement agreement. She is theoretically leaving this coming Thursday by 3 pm. If she opts not to, we can petition for a writ of recovery to physically remove her. After talking to Mariah Adams, who is maintenance in charge of the personelle to make the corrects, that they are ready to go and corrections should take a minimal amount of time. The smoke detector affidavit and numbers have been put up. We're ready to go, I would caution that if Ms. Bostic disobeys the court order there will be additional time. They said they issue the writ within 2 days, I haven't had that experience. The sheriff's office says two weeks. Worst case is the end of April. We don't wish that to be the case.

Moermond: Ms. Bozeman, do you want to continue to live there?

Bozeman: yes, I've lived there 8 years.

Moermond: I'd like to put an extension on compliance with these orders so the eviction and removal of the problem tenant can happen, and then the repairs happen. I'm familiar with what happens with tenants like this, and additional damage they may cause. Do you feel safe there?

Boseman: yes.

Moermond: I'm not getting heartburn over conditions right now. Additional damage by the tenant is an unknown, we'd want to check on that once she's gone. Tenant vacate date is April 4. Two weeks for sheriff's office to act. Then additional time for repairs. I'm looking at a deadline of May 10th for compliance with the orders as written. The understanding is additional orders may be issued since conditions may change.

I don't think, Mr. Bozeman, that you have a problem with having to leave.

Bozeman: the original order to vacate was on the 21. I had five days and I have a lot of anxiety.

Moermond: of course, of course. Hopefully this is squared away and stabilized for you now. Ms. Whitney is it ok to share your contact info with Mr. Bozeman?

Whitney: yes, noting email is the best way to reach me. I'm fine with Ms. Komatsu's permission, I'm happy to update everyone on what is going on.

Kamatsu: yes, that is fine and would be helpful.

Shaff: and the unit 2 with no electricity?

Bozeman: it has been vacant for a year.

Shaff: that is what we needed to know, we'll un-certify that unit.

Referred to the City Council due back on 4/17/2024

25 RLH VO 24-10

Appeal of Patricia Whitney, representing owner Jen Komatsu, to a Fire Certificate of Occupancy Revocation and Order to Vacate at 1695 SEVENTH STREET WEST.

Sponsors: Yang

Grant to May 10, 2024 for compliance with the March 4, 2024 orders.

*Lee Bozeman, tenant, appeared
Sarah Bozeman, daughter of tenant, appeared
Patricia Whitney, attorney o/b/o owner, appeared
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property owner would address that.

Whitney: this case was brought to me prior to the hearing officer meeting the first time, prior to Department of Safety & Inspections being involved. We strategized as to how to deal with a belligerent and problematic tenant. We had a tentative plan, but no attorney client privilege at that point. General consultation at that time. In the interim Ms. Komatsu was dealing with the things Inspector Shaff talked about. She talked to MS. Bostic, in unit 1, and Ms. Bostic was extremely unhappy with her living situation. In the course of those discussions, much of which was over email and text, Ms. Bostic issued her intent to vacate February 15, 2024. Ms. Bostic was a section 8 voucher holder, PHA received notice. Everything was expected to terminate February 15 which would have given Ms. Kamatsu the chance to comply with the City orders. Ms. Bostic failed to leave. I was notified sometime after that, and I filed an eviction action March 8 to enforce the notice to vacate. Ms. Bostic refused access multiple times to maintenance people that had been retained to make the corrections. Subsequent to being served the eviction complaint, the repair personelle were in the building on other issues and Ms. Bostic became belligerent and hostile and police had to be called.

The eviction action was last Thursday. One of the things I asked for this time around was the opportunity to delay to enforce this eviction action. I submitted the settlement agreement. She is theoretically leaving this coming Thursday by 3 pm. If she opts not to, we can petition for a writ of recovery to physically remove her. After talking to Mariah Adams, who is maintenance in charge of the personelle to make the corrects, that they are ready to go and corrections should take a minimal amount of time. The smoke detector affidavit and numbers have been put up. We're ready to go, I would caution that if Ms. Bostic disobeys the court order there will be additional time. They said they issue the writ within 2 days, I haven't had that experience. The sheriff's office says two weeks. Worst case is the end of April. We don't wish that to be the case.

Moermond: Ms. Bozeman, do you want to continue to live there?

Bozeman: yes, I've lived there 8 years.

Moermond: I'd like to put an extension on compliance with these orders so the eviction and removal of the problem tenant can happen, and then the repairs happen. I'm familiar with what happens with tenants like this, and additional damage they may cause. Do you feel safe there?

Bozeman: yes.

Moermond: I'm not getting heartburn over conditions right now. Additional damage by the tenant is an unknown, we'd want to check on that once she's gone. Tenant vacate date is April 4. Two weeks for sheriff's office to act. Then additional time for repairs. I'm looking at a deadline of May 10th for compliance with the orders as written. The understanding is additional orders may be issued since conditions may change.

I don't think, Mr. Bozeman, that you have a problem with having to leave.

Bozeman: the original order to vacate was on the 21. I had five days and I have a lot of anxiety.

Moermond: of course, of course. Hopefully this is squared away and stabilized for you now. Ms. Whitney is it ok to share your contact info with Mr. Bozeman?

Whitney: yes, noting email is the best way to reach me. I'm fine with Ms. Komatsu's permission, I'm happy to update everyone on what is going on.

Kamatsu: yes, that is fine and would be helpful.

Shaff: and the unit 2 with no electricity?

Bozeman: it has been vacant for a year.

Shaff: that is what we needed to know, we'll un-certify that unit.

Referred to the City Council due back on 4/17/2024