



# APPLICATION FOR APPEAL

## Saint Paul City Council – Legislative Hearings

310 City Hall, 15 W. Kellogg Blvd.  
Saint Paul, Minnesota 55102  
Telephone: (651) 266-8585

RECEIVED  
JUL 12 2022  
CITY CLERK

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number \_\_\_\_\_)
- Copy of the City-issued orders/letter being appealed
- Attachments you may wish to include
- This appeal form completed
- Walk-In OR  Mail-In
- for abatement orders only:  Email OR  Fax

**HEARING DATE & TIME**  
(provided by Legislative Hearing Office)  
Tuesday, July 19, 2022

Time: you will be called between  
2:00 p.m. & 4:00 p.m.

Location of Hearing:  
Teleconference due to Covid-19 Pandemic

### Address Being Appealed:

Number & Street: 2200 Scheffer Ave City: St. Paul State: MN Zip: 55116

Appellant/Applicant: Kathleen Harriman Email leded022@umn.edu

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell 651-699-2970

Signature: Kathleen Harriman Date: 7/7/22

Name of Owner (if other than Appellant): \_\_\_\_\_

Mailing Address if Not Appellant's: \_\_\_\_\_

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell \_\_\_\_\_

### What Is Being Appealed and Why? Attachments Are Acceptable

- Vacate Order/Condemnation/Revocation of Fire C of O
- Summary/Vehicle Abatement
- Fire C of O Deficiency List/Correction
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other (Fence Variance, Code Compliance, etc.)

Please see attached document.  
I'm appealing the requirement  
for a fire safety inspection +  
certificate of occupancy  
for my home.

**July 7, 2022**

I received a letter (attached) from the St Paul Department of Safety and Inspections dated June 22, 2022 stating that my home at 2200 Scheffer Ave in St Paul had been scheduled for a fire safety inspection on July 11, 2022.

**Background**

My home had previously been rented out and had had fire safety inspections conducted on that basis. However, my home has not been rented out since June 2021 when I moved back into it and I have no plans to rent it out ever again. I am now living in my home five months a year while teleworking for my job at the California Department of Public Health (I previously worked at the Minnesota Department of Health). I am a California resident and must remain one as long as I am employed by the State of California. There is no tax advantage for me being a California resident; in fact, my taxes are higher there than they would be in Minnesota. If I could become a Minnesota resident, as I was for most of my life, I would. I am paying un-homesteaded property taxes for my St Paul home.

**Current situation**

After receiving the letter, I called the Department of Safety and Inspections to let them know that my home is no longer being rented out and that the inspection should not be needed. I was told by Jim Perucca, Commercial Supervisor for the Department, that the inspection is required since my home is not "owner-occupied". He said that because my St. Paul address is not my primary address, my home is not considered to be my principal residence and thus is not owner-occupied. He stated that the requirement for a fire safety inspection and certificate of occupancy applies to homes that are not considered owner-occupied regardless of whether they are being rented out or not. "Principal residence" is not defined in the rule and my St Paul home is my principal residence in Minnesota.

**Therefore, I'm appealing the requirement for a fire safety inspection (for which there is a cost) and the need for a certificate of occupancy because I am the owner and sole occupant of this home and do not think I should need a certificate of occupancy for a home that I live in and which is not rented out. I am asking that my home be exempted from this requirement.**

I do not believe that the St Paul requirement for fire safety inspections and certificates of occupancy was intended to apply to homes that are owner occupied and not rented out, even if they are not occupied all year as a principal residence.

Unless all homes in St Paul that are not rented out and are not occupied by owners whose primary address differs from that of their St Paul home are required to adhere to this requirement, I feel that my home is being singled out because it had been rented in the past and was known to the Department of Safety and Inspections. Unless the rule is applied across the board to all similarly occupied homes, I believe it is discriminatory. In addition, I believe that the rule was intended to ensure that rental properties are safe. If that were not the case, all residential properties in St Paul would be required to undergo a fire safety inspection and they are not. Assuming this is the case, it would be helpful if the wording of the rule were revised to be clear that the requirement applies only to rental housing.

**Additional information:**

*Fire Certificate of Occupancy is a document issued by the City of Saint Paul-DSI Fire Safety Inspection Division indicating the existing structure complies with all state and local safety codes allowing its use as a commercial building or residential occupancy. All residential buildings that are not owner-occupied shall have a Fire Certification of Occupancy.*

*One & two unit rental dwellings which are currently registered as rental properties under the requirements of this code (rental registered) on or after Jan 1, 2007 shall receive a Provisional Fire Certificate of Occupancy. Provisional Fire Certificate of Occupancy is a document issued by the Department of Safety and Inspection to owners of one- and two-unit rental dwellings to temporarily permit continued occupancy pending inspection of the existing structure.*

*One and Two Family Residential | Saint Paul Minnesota (stpaul.gov)*

The definition of an owner-occupied home in St Paul is as follows:

*Dwellings which are the principal residence of the owner of record of the building and in which the owner resides. "Owner," for the purposes of this definition, means a natural person and does not include a corporation, partnership, or other entity.*

*Sec. 40.02. - Exception, certain residential dwelling units.*

*An owner-occupied single-family house, duplex, or condominium unit shall be exempted from the requirement to have and maintain a fire certificate of occupancy. "Owner-occupied" means the house, duplex or condominium dwelling unit for which the exemption is claimed is the owner's principal residence. For the purposes of this exception, "owner" means a natural person and does not include a corporation, partnership, or other entity.*

*(C.F. No. 06-1129, § 1, 1-24-07; C.F. No. 09-122, § 2, 2-25-09; Ord 13-52, § 1, 12-4-13)*



CITY OF SAINT PAUL

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Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

July 8, 2022

Kathleen M Harriman  
167 Marina Lakes Dr  
Richmond Ca 94804-7453

## Fire Safety Inspection Appointment

Dear Property Owner:

We have scheduled an inspection of your property. The details of the inspection are listed below:

<b>Address:</b>	2200 Scheffer Ave	<b>Units:</b>	1
<b>Date:</b>	August 23, 2022	<b>Time:</b>	10:00 AM
<b>Inspector:</b>	Kirsten Jacobse	<b>Phone:</b>	651-266-8948
		<b>Email:</b>	Kirsten.Jacobse@ci.stpaul.mn.us

### Action Required By You

You or someone representing you must report to the front of the building to accompany the inspector throughout the building, including each rental unit, where applicable. Please have keys available to all units and common areas. The owner of a building is responsible for notifying the tenants that an inspection will be done at least 24 hours before the inspection.

If you no longer own or manage this building, contact Kirsten Jacobse at 651-266-8948 immediately.

### Additional Action Required For Housing

You must complete a **Smoke and Carbon Monoxide Detector Affidavit** prior to the inspection.

The success of your initial inspection determines what happens next in the inspection cycle. Routine self-inspections before our visit can help you obtain the best grade possible.

### About the Inspection

Forms, fee schedules, a pre-inspection checklist and other inspection handouts and information are available on our website at: <http://www.stpaul.gov/cofo>. Thank you for your co-operation.

Saint Paul Legislative Code authorizes this inspection and the collection of inspection fees. It is a criminal misdemeanor violation to not appear for this appointment without rescheduling with the inspector. In addition, a **No Entry Fee of \$74.00** may be assessed to your Renewal Fee if you need to re-schedule the appointment but fail to notify the inspector in writing by 8:00 a.m. on the date of the inspection.