



City of Saint Paul

City Hall and Court House
15 West Kellogg
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Master

File Number: RLH VBR 24-21

File ID: RLH VBR 24-21

Type: Resolution LH Vacant
Building Registration

Status: Agenda Ready

Version: 2

**Contact
Number:**

In Control: City Council

Department:

Cost:

File Created: 03/11/2024

File Name: 1056 Beech

Final Action:

Title: Appeal of Cecilia Resendiz to a Vacant Building Registration Fee Warning Letter
at 1056 BEECH STREET.

Notes: Mail-in. LH on 3/19/24, 1:00 p.m., Room 330 City Hall. Staff spoke to appellant via Language Line. Confirmation e-mail in Spanish to be sent. Staff member will interpret.

Code Sections:

Agenda Date: 04/24/2024

Indexes: Ward - 7; Vacant Building Registration

Agenda Number: 17

Sponsors: Johnson

Enactment Date:

Attachments: 1056 Beech St.appeal.3-11-24.pdf, 1056 Beech
St.Form 4.1-24-24.pdf, 1056 Beech St.Photo
1-30-24.pdf, 1056 Beech St.Resendiz Ltr.3-21-24,
1056 Beech St.Resendiz Ltr.3-21-24 Spanish, 1056
Beech St.Building Only Code Compliance
Application.pdf, 1056 Beech St.Resendiz Ltr.4-8-24,
1056 Beech St.Resendiz Ltr.4-8-24- Spanish, 1056
Beech St.Hoban Email.4-9-24

Financials Included?:

Contact Name:

Hearing Date:

Entered by: Racquel.Naylor@ci.stpaul.mn.us

Ord Effective Date:

Approval History

Version	Seq #	Action Date	Approver	Action	Due Date
1	1	3/11/2024	Moermond, Marcia - FYI	Notified - FYI	
1	2	3/11/2024	Magner, Steve - FYI	Notified - FYI	
1	3	3/11/2024	Skarda, Therese - FYI	Notified - FYI	
1	4	3/11/2024	Yannareilly, Joe - FYI	Notified - FYI	
1	5	3/11/2024	Dornfeld, Matt - FYI	Notified - FYI	
1	6	3/11/2024	Shaff, Leanna - FYI	Notified - FYI	
1	7	3/11/2024	Perucca, James - FYI	Notified - FYI	
1	8	3/11/2024	Imbertson, Mitchell - FYI	Notified - FYI	
1	9	3/11/2024	Vue, Der - FYI	Notified - FYI	
1	10	3/11/2024	Hoban, David - FYI	Notified - FYI	
1	11	3/11/2024	Khan, Ayesha - FYI	Notified - FYI	
1	12	3/11/2024	Sheffer, Vicki - FYI	Notified - FYI	
1	13	3/11/2024	Vang, Mai	Approve	3/18/2024
2	1	4/16/2024	Moermond, Marcia	Approve	4/18/2024
2	2	4/16/2024	Ward 7 - FYI	Notified - FYI	
2	3	4/17/2024	Cheniqua Johnson	Approve	4/19/2024

History of Legislative File

Ver- sion:	Acting Body:	Date:	Action:	Sent To:	Due Date:	Return Date:	Result:
1	Legislative Hearings	03/19/2024	Laid Over	Legislative Hearings	04/09/2024		
<p>Action Text: Laid Over to the Legislative Hearings due back on 4/9/2024</p> <p>Notes: <i>Layover to LH April 9, 2024 at 1 pm for further discussion after building inspector visit.</i></p> <p><i>Cecilia Resendiz, owner, appeared</i></p> <p><i>Spanish Interpreter appeared</i></p> <p><i>[Moermond gives background of appeals process]</i></p> <p><i>Staff report by Supervisor Matt Dornfeld: Department of Safety & Inspections received a form 4 notification from the St. Paul Fire Department January 24, 2024 at 8:20 pm. That form 4 report states: this is a vacant house and family members checked on it today and found the heat not working and a water pipe had burst. Water had leaked on the furnace and it wasn't operational. The gas was shut off at the meter and Xcel was requested to ensure it was safe to turn it back on.</i></p> <p><i>Moermond: can you explain what a Form 4 is?</i></p> <p><i>Supervisor Mitch Imbertson: a form 4 is the name for a form used by the St. Paul Fire Department when they are on an emergency scene and need to refer an issue to us for follow up after the emergency has been cleared. If there are issues with the property that can't be resolved on the call to the property, it gets sent to the Department of Safety & Inspections for additional follow up.</i></p> <p><i>Moermond: we have a burst water pipe, gas was shut off, no one was living there. Family members indicated the house was empty when they went to check on it that day. Why are you appealing?</i></p> <p><i>Resendiz: I never abandoned my house. I live there with my daughter. I have here my monthly bills I pay every month, in full, including my house. I received something from the insurance company [shows phone with a screenshot saying 'log in to see status of your claim'] I don't want to sell it, that's where I live with my daughter.</i></p>							

Moermond: what was going on in January?

Resendiz: my daughter called me saying there was a lot of water and flooding. She was calling fire department and police because she was scared. I have a new furnace and the water pipes are fixed. The only thing missing is the insurance.

Moermond: you had a handful of paperwork indicating you are paying bills and your mortgage. I take that at face value you are doing that, you don't need to show me any paperwork. Second, I'm glad you've taken steps to get the furnace fixed and the water is back on, but I am concerned I don't see any permits for that work being done. Replacing a furnace and broken pipes would require permits. I don't know if that will impact your claim and they've talked to you about this, but it is concerning to me.

Resendiz: the insurance didn't want to cover it, so I found contractors to do the work.

Moermond: what is the situation when you contacted the insurance?

Resendiz: I contacted them to see if they could help me. They said they would investigate and see if it was the water heater leaking or cold weather. They sent a lot of people, so I think they did it, but they thought it was just too old so they couldn't help me so I had to find a company to fix my own problems.

Moermond: did the insurance company provide interpreting services?

Resendiz: yes. That was the lady that was talking.

Moermond: typically, when these things happen, it is first the heat fails and then the pipes burst.

Dornfeld: I agree with your assessment. A pipe bursting like that would come from a furnace failure, but we have had unconditionally warmer weather so maybe something else happened.

Moermond: January 11 through the 21st it appears to have not gotten above freezing, which is a good long period for a house to freeze if the heat isn't working. The question is how we move forward from here. My first concern is the lack of permits. That's a problem for the City and I'm guessing also the insurance company and getting compensation from them.

Resendiz: now what can I do?

Moermond: they will have to go back and pull permits for the work they've done if they have the right licensing to do work in the City. I'm afraid the message I need to give you is that not only the work you had done problematic for lack of permits, but there needs to be a more general inspection to determine the scope of damage in the house and what else may need to be done to determine if it is safe.

Resendiz: that's what the insurance company did. They removed flooring and drywall in the basement. Even in one bedroom. The insurance company is paying me for a hotel while they are working on that.

Dornfeld: I think English as a second language has played a significant role in how things went down.

Moermond: I think so too. One of the things that may have tripped you up is you got to work right away before you had gone through the whole process with the insurance company and City permits. That may in large part be due to English being your second language, and you inadvertently undermined your own interest. What I would like to do is have an adjuster who looked at your house talk to the head of inspections for this area, who deals with Vacant Buildings. His name is Clint Zane.

I would like to continue this a couple of weeks so an inspector can go out either on their own or meet an inspector at the property. I'm going to ask for a Code Compliance Inspection Report form to be filled out. I'm going to ask Department of Safety & Inspections to hold the fee for a moment.

If you didn't have insurance covering this, the City would be requiring a Code Compliance Inspection Report. If you had a fire the City wouldn't require that, since they would be trusting that insurance was supervising and making sure things were done that needed to be. You find yourself in the middle of those situations.

I'm going to ask the Department to waive the fee due to your unusual circumstance, but I would like you to fill out that Code Compliance Inspection application. You will need a lock box.

Resendiz: when the insurance company needs to go in, they call and I meet them there.

Moermond: this still leaves the Vacant Building fee. It seems to me you do meet the legal definition of being a registered Vacant Building. That is because the house isn't considered to be habitable if it doesn't have gas, heat, or water. Sounds like some of that has been fixed, but without permits we don't know it was done safely. Often insurance companies will cover this fee as part of your claim, and if not we have options as well.

Resendiz: but it isn't vacant, we live there. We're always there. Only when I'm visiting my sisters for holidays, but my daughter checks the house all the time. I never leave the house alone.

Moermond: but you were gone in January. How long were you in a hotel?

Resendiz: it has been five or six weeks.

Moermond: are you still in a hotel?

Resendiz: yes.

Moermond: you are meeting the definition then.

Resendiz: even if I'm in the hotel because of the insurance company?

Moermond: yes, it still applies. If you had a fire and your house was unlivable it is the same kind of circumstance. I want to focus on the money part of this, one is the Vacant Building fee you've appealed and two is the money involved in inspections and contractors.

Resendiz: how am I going to pay if I am not working?

Moermond: I understand. [Moermond explains tax assessment process]

[Recess while Moermond calls Nathan Bruhn]

Moermond: I just spoke with the assistant building official. We're going to send one guy through. They will want to talk to the insurance company to see what has been done. I'm going to continue this for 3 weeks. Right now, no Vacant Building fee for the moment, and we'll slow down in figuring out how to move forward until the inspector has taken a look at it. We'll talk again Tuesday, April 9 at 1 p.m.

1 Legislative Hearings 04/09/2024 Referred City Council 04/24/2024

Action Text: Referred to the City Council due back on 4/24/2024

Notes: Grant the appeal and release the property from the VB program.

No one appeared

Moermond: there is a chain of emails I wanted to summarize. Since the last Legislative Hearing I have had several conversations and emails with Department of Safety & Inspections staff. The Deputy Director was able to get out last week along with Nathan Bruhn to put eyes on the property to determine if any significant violations needed to be addressed prior to reoccupation. The only thing they identified was a plumbing permit needed to be applied for to deal with the burst pipes and expect that to be forthcoming. That didn't rise to the level of ordering the house vacated. They provided information at that time to Ms. Resendiz that she could reoccupy, but we called from our office to let her know as well. I expect she is back in the house again and working on the plumbing permit.

My recommendation is the City Council grant the appeal.

Text of Legislative File RLH VBR 24-21

Appeal of Cecilia Resendiz to a Vacant Building Registration Fee Warning Letter at 1056 BEECH STREET.