



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
MAR 28 2024

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul)(if cash: receipt number CK# 8401)
- Copy of the City-issued orders/letter being appealed
- Attachments you may wish to include
- This appeal form completed
- Walk-In OR Mail-In *Emailed in*
check mailed in
- for abatement orders only:* Email OR Fax

HEARING DATE & TIME
(provided by Legislative Hearing Office)
Tuesday, 4-2-24
Location of Hearing:
 Telephone: you will be called between
1:30 pm & 3:30 pm
 In person (Room 330 City Hall) at: ---
(required for all Fire C of O revocation & vacate; Condemnation orders)

Address Being Appealed: *mxv*

Number & Street: 1695 7th Street City: St. Paul State: MN Zip: 55106

Appellant/Applicant: P. Whitney for J. Komatsu Email patricia@pwhitneylaw.com

Phone Numbers: Business 651-776-8034 Residence NA Cell NA

Signature: Patricia Whitney Digitally signed by Patricia Whitney Date: 2024.03.25 14:08:49 -05'00' Date: 3/25/24

Name of Owner (if other than Appellant): Jen Komatsu

Mailing Address if Not Appellant's: 9159 Dalton CT Inver Grove Heights MN 55076-3701

Phone Numbers: Business 651-245-8791 Residence _____ Cell _____

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

- Vacate Order/Condemnation/Revocation of Fire C of O See attached page 2.
- Summary/Vehicle Abatement _____
- Fire C of O Deficiency List/Correction _____
- Code Enforcement Correction Notice _____
- Vacant Building Registration _____
- Other (Fence Variance, Code Compliance, etc.) _____

Appeal application 1695 7th Street (additional information)

What is being appealed?

Applicant is requesting stay of enforcement of building vacate order to be enforced after March 26, 2024. In the alternative, applicant is requesting the vacate order be modified to reflect only unit 1 is to be vacated.

Why is the appeal being raised?

Tenant in unit 1, the location of the incomplete order for corrections, has repeatedly refused entry of repair personnel into her unit to make repairs. Tenant has threatened such persons with physical violence and she has harassed them to the extent that such persons have feared for their physical safety and were unable to perform the repair work for which they were retained.

Tenant has refused access to her unit on multiple occasions, despite proper advanced notice of intent to enter the premises by agents of the owner for the purposes of complying with the city's orders. It is believed that tenant has been diagnosed with some level of mental illness.

Tenant threatened maintenance personnel and police had to be called on the morning of March 15, 2024. Maintenance personnel were present in the building, addressing concerns in another separate and distinct unit from tenant's when tenant began to harass said maintenance personnel and threatening to harm them.

Tenant was scheduled to vacate the premises on Feb. 15, 2024. Tenant failed to do so. An eviction action was filed on/ about March 08, 2024 and St. Paul PHA was provided a copy of the eviction complaint. The eviction hearing is scheduled to be heard on March 27, 2024 during the 8:15 a.m. calendar.

Owner/management requests the vacate order be stayed until 48 hours after the tenant is removed from the premises. Based on the tenant's behavior, while the best outcome hoped for by owner's attorney is that tenant will be granted through the end of the day Wednesday April 3, 2024 to vacate, owner's attorney expects that tenant will fail to abide by the expected court order, thus requiring the assistance of the sheriff's office via the process of execution of a writ of recovery of premises to allow the owner to regain possession of the premises. Based on information provided by the Ramsey County sheriff's office, the average wait time for a lock-out appointment is 10 to 14 days after the posting of the writ of recovery. The writ of recovery is generally issued by court administration within 2 business days of its request, but past history has shown that the time between request for and issuance of the writ of recovery is more like 5 business days.

Once in possession of the premises, owner and management expect to complete the needed repairs within 2 business days maximum.

Attached is the eviction summons and complaint as well as the original correction orders and a copy of the order to vacate the premises as of 3/25/24.



March 21, 2024

Unit 2410
VSM REAL ESTATE LLC
7401 METRO BLVD SUITE 500
EDINA MN 55439USA

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 1695 7TH ST E
Ref. # 13383

Dear Property Representative:

An attempt for an inspection was made on your building on March 21, 2024, in response to a referral. Since you have failed to comply with the applicable requirements, it has become necessary to revoke the Certificate of Occupancy in accordance with Section 40.06 of the Saint Paul Legislative Code.

A reinspection will be made on March 26, 2024, at 9:30 am to confirm the property has been vacated.

The Saint Paul Legislative Code further provides that no building shall be occupied without a Certificate of Occupancy. Failure to immediately complete the following deficiency list or the building vacated may result in a criminal citation.

DEFICIENCY LIST

1. Unit 1 - Rear Door - SPLC 34.09 (4)(i), 34.33 (3) - Repair and maintain the door frame.
-The trim on the door is damaged and loose.
2. Unit 1 & Unit 2 - Interior Doors - MSFC 505.1 - Provide address numbers on building.
-Provide Unit Numbers on the interior doors of Unit 1 and Unit 2.
3. Sec. 40.06. - Suspension, revocation and denial.

Grounds for revocation. The fire code official may, in writing, issue a notice to the owner(s) and known interested parties of the city's suspension or revocation of a fire certificate of occupancy issued under the provisions of this code, or deny an application therefor: Whenever the certificate was issued in error, or on the basis of

incorrect information supplied;(2) When the owner(s) has submitted a false, incomplete or inaccurate statement as a part of the application for certificate;(3) If it is found upon inspection of the fire code official that the building or occupancy is in violation of provisions of this or other applicable safety codes, ordinances, rules and regulations; (4) If the owner, in a material matter, fails to comply with the regulations in section 40.09 of this chapter; or in situations where the fire code official after a good faith effort cannot identify an owner or interested party; (5) If the nonresidential building becomes unoccupied or a vacant building as defined in section 43.02 of the Saint Paul Legislative Code; (6) If a residential building becomes unoccupied or is a vacant building as defined in section 43.02 of the Saint Paul Legislative Code; (7) Evidence of nuisance activity which shall follow the procedures stated in subsection (b)(2) below; or (8) If a tenant, leaseholder, or third party payer files a written request for revocation following an owner's violation of Saint Paul Legislative Code chapter 53 which requires that owners notify tenants of pending mortgage foreclosure or cancellation of contract for deed involving the property. *Revocation is due to long-term noncompliance and failure to comply with City Council resolution for compliance.*

4. SPLC 34.10 (6), 34.34 (5) - Every owner of a structure shall be responsible for the control and/or elimination of insects, rodents or other pests wherever infestation exists. -Evidence of rodent infestation in Unit 1, and common areas. Provide documentation/proof of treatment provided.
5. SPLC 39.02(c) - Complete and sign the smoke alarm affidavit and return it to this office.

Saint Paul Legislative Code authorizes this inspection and collection of inspection fees. For forms, fee schedule, inspection handouts, or information on some of the violations contained in this report, please visit our web page at: <http://www.stpaul.gov/cofo>.

You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8585) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: der.vue@ci.stpaul.mn.us or call me at 651-266-8988 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Der Vue
Fire Safety Inspector
Ref. # 13383