



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Meeting Minutes - Action Only - Draft

Legislative Hearings

Marcia Moermond, Legislative Hearing Officer
Mai Vang, Hearing Coordinator
Jean Birkholz, Hearing Secretary
Mary Erickson, Hearing Secretary
legislativehearings@ci.stpaul.mn.us
651-266-8560

Tuesday, May 10, 2011

9:00 AM

Room 330 City Hall & Court House

- 8 RLH VO 11-15 Appeal of Lisa Hollingsworth, Southern Minnesota Regional Services, on behalf of Patricia DeLaCruz to a Notice of Condemnation Unfit for Human Habitation Order to Vacate 573 CHARLES AVENUE.

Sponsors: Carter III

Deny the appeal and grant an extension to June 1, 2011 to vacate the property. (Lisa Martin)

RE: 573 Charles Avenue - single-family home (Thomas Phung, owner)

Lisa Hollingsworth, Southern Minnesota Regional Services (SMRLS), appeared on behalf of Patricia DeLaCruz

Michael Urmann, Fire, reported that the appeal talks about the tenant taking care of things that are under their control. The biggest issue, however, is mold in the basement, the bathrooms and the window in the bedroom; he thinks it's black mold. The bathroom is not vented outside but to a space between the ceilings. Other issues: 1) egress windows have broken glass; 2) only second floor has smoke detectors; 3) unsanitary conditions throughout the building; 4) Animal Control has written complaints about urine and feces throughout the interior and exterior; 5) not just a tenant issue but a building issue; 6) the owner is unavailable; 7) the maintenance person threw up his hands and left the building when the inspector questioned him; and 8) perhaps the building is in foreclosure. There are eight (8) people living here and it's large enough for only four (4). Two (2) bedrooms are without heat, so Fire can't count them as habitable spaces.

Ms. Hollingsworth, SMRLS, stated that they understand that there are issues outside of the tenants' control like the mold. She has instructed her clients to do as much as they can to clean things up. She has had no contact with the owner. The basement area had most of the urine and feces; there may still be some residual odor. The tenants have made progress with their issues; the dogs are now licensed. There may not be smoke detectors yet in every area but there are smoke detectors and carbon monoxide detectors in the unit at this time. Her report from the clients is that there are three (3) children and two (2) adults living in the property. She thinks that because the weather has warmed up, the bedrooms that are without heat are now habitable. She is unsure as to what to do when there is an absentee landlord and a very old and dilapidated structure. She received this case on May 3, 2011 with a vacate date of May 5, 2011, which didn't give her much time. She is not aware of a foreclosure situation. Ms. Hollingsworth added that it's challenging for them to decide whether or not to file an Emergency Tenant Remedy's Act where there is an absentee landlord (he still collects rent but it seems as though he is relying on the

tenants to provide the minimal amount of maintenance currently at the property). She guesses that he's not a big time landlord and it's not likely that he's going to have an alternate unit to move the tenants into. She could get an Order to have him put them up somewhere; however, it probably wouldn't be enforceable. She thinks that the tenants know they need to move on. The question is, "Is there any way that we can make their move occur in a way that doesn't include homelessness?"

Ms. Moermond located two address for the owner, Thomas Phung: 1) 1600 128 Ln NW, Coon Rapids, MN 55448-1573 Phone-651-334-3574; and 2) 842 University Ave W, Saint Paul, MN 55104-4807. She asked how soon the tenants could be out of there. Ms. Hollingsworth responded a week or two (2).

Ms. Moermond will recommend extending the vacate date to June 1, 2011.

Referred to the City Council due back on 6/1/2011