

330 9th St. E Appeal 2-11-13

Name: William Bigler

Status: Owner Occupant. Own unit outright without mortgage.
Paid and current with all dues and assessments.
Not a board member, Owner of unit 203 E.

Unit

Condition: No deficiencies. Open building permits.

Reason for appeal: In essence, my unit is being taken from me without compensation

Parties responsible for loss of use: HOA, City

HOA Failed to maintain building in 3 ways

- Life safety
- General mechanicals and code issues
- Environmental and esthetics

City

City has the power to deny occupancy and is choosing to use it.

my Perspective:

- Thank you for prioritizing my life safety over my possessions
- I am concerned that the city also may seek to deny occupancy based upon non-life safety items such as general mechanical and code issues.
- I am unable to comment upon how the city approval issues of 2007 affect items in the present

Reason for my appeal:

- City has not worked in a prioritized manner in its demands. We should have been investing in life safety repairs from day 1. We were given a laundry list without prioritized designation and spent our time and resources on lower level items and now are unable to afford high level priorities.

Reason for my appeal (continued):

- Repairs cost money, the city task list is extensive and expensive, the city has not adequately provided a viable pathway to success given the entire repair scenario.
- Some things are best explained by analogy. Consider the cancer patient who has cataracts and erection problems. The city position is to wheel the patient into the operating room, pump him full of viagra, and wash it down with chemotherapy. There are better ways to handle the Shurmeier Lofts situation.
- Enforcement is stricter than other buildings. Once again, this point is best explained by an analogy. Consider an essay being graded by an English Teacher:

Reason for my appeal (continued) :

- Suppose conventionally a teacher reads the essay, looks at the format and presentation and issues a letter grade.

Now consider a teacher who takes the same essay and calls in :

- Capitalization Specialist
- Punctuation Specialist
- Grammatical Specialist
- Spelling Specialist
- Double spacing and indentation specialist.

Accumulating the reports from each specialist, the teacher issues a letter grade.

It is a fallacy to think that ~~these~~ these essays are graded equally. Theoretically perhaps, but Shumair Loftis is being judged more harshly than standard.

Financial Viability

- City demands have a time frame that is more aggressive than state laws pertaining to the revenue collection from foreclosures
- There are a core group of owners that do not have confidence in our HOA to perform. We have the money to get past the life safety issues, but that money is being withheld due to mismanagement concerns.
- Present situation
 - Those who won't pay. (Foreclosure Imminent)
 - Those who can't pay. (Large assessment, limited income)
 - Those who would pay (refuse to contribute to current HOA)
 - Those who are paying (current on everything)

Resolution to situation

• Receivership

- City knows building will be up to standards
- Ability for life safety criteria to be met quickly
- Shutting the building increases the likelihood of vandalism and other crime.
- The inability of landlords to lease units hurts the long term viability of the situation.

Proposal :

- Keep building open under the condition that we are under a receivership acceptable to the city and fix the life safety issues.

Proposal Benefits :

- City will have a compliant building
- City will have fewer crime problems
- Residents are less at risk for vandalism losses
- Financially most viable as Money is infused by those who refuse to pay the current HOA, Profitable landlords are better able to solve future repairs in general mechanical and building code issues.
- Those who are financially dragging the building down lose property, and Ownership is replaced by a financially stronger party resulting in a better long term benefit.
- Property values increase in a compliant building.

Summary :

The city can either shut the building or keep it open. We respect your service in issues that require immediate action for our own safety, for example, Carbon Monoxide spewing from a furnace.

Since those extraordinarily severe life safety issues are not at hand as evidenced by posting a revocation date rather than evacuation, it would be possible to extend occupancy until a receiver is in place. Give us a limited time frame to do this.

Once the life safety items are compliant, let the landlords lease their units. Increased revenue is needed to brace for a large future assessment from a receiver.

Lastly, a receiver can solve issues between competing factions at the building management and operation level. A receiver allows the city to get a compliant building at the fastest pace with permanency.

Summary (continued) :

Shutting the building harms the long term interests of the city and is unfair to people like myself who have paid.

END

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