



# APPLICATION FOR APPEAL

## Saint Paul City Council - Legislative Hearings

RECEIVED

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

MAR 06 2019

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 waived-SMRLS)
- Copy of the City-issued orders/letter being appealed
- Attachments you may wish to include
- This appeal form completed
- Walk-In OR  Mail-In Faxed
- for abatement orders only:  Email OR  Fax

<b>HEARING DATE &amp; TIME</b> (provided by Legislative Hearing Office) Tuesday, <u>March 12, 2019</u>  Time <u>11:30 a.m.</u> Location of Hearing: Room 330 City Hall/Courthouse
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### Address Being Appealed:

Number & Street: 1272 Edgerton Street City: St. Paul State: MN Zip: 55130

Appellant/Applicant: Nomi Haesen, through her attorney- Pounnaphone Phomtalikhith Email: pounnaphone.phomtalikhith@smrls.org

Phone Numbers: Business 651-222-5863 Residence \_\_\_\_\_ Cell \_\_\_\_\_

Signature: [Signature] Date: 03/06/19

Name of Owner (if other than Appellant): Covenant Capital LLC

Mailing Address if Not Appellant's: 2300 Gervais Hills Drive, Little Canada, MN 55117

Phone Numbers: Business 612-965-2064 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.)

Comments:  
Please see attached.



SAINT PAUL CENTRAL OFFICE  
55 East Fifth Street, Suite 400  
Saint Paul, MN 55101  
Phone: (651) 222-5863 • Fax: (651) 297-6457  
Website: www.smrls.org • Email: central@smrls.org

March 6, 2019

Saint Paul City Council  
Legislative Hearings  
310 City Hall  
15 West Kellogg Boulevard  
St. Paul, MN 55102  
*By fax and email to mai.vang@ci.stpaul.mn.us*

Re: Application for Appeal

To Whom It May Concern:

Southern Minnesota Regional Legal Services (SMRLS) represents Ms. Nimo Hassan, tenant at 1272 Edgerton Street in St. Paul, Minnesota.

I am writing to ask that the City of Saint Paul reverse the Fire Inspector's condemnation order to allow our office to pursue legal remedies under state law. Today, March 6, 2019, I gave notice to the property owner and property management company of our intent to file an Emergency Tenant Remedies Action under Minn. Stat. §504B.381, if the deficiencies listed on the re-inspection complaint are not repaired within 24 hours. A copy of that letter is enclosed. I am concerned that Ms. Hassan and her children will be left homeless should the condemnation order be enforced.

Additionally, I am requesting that the \$25 filing fee be waived, as Ms. Hassan qualifies for our services, and that a Somali interpreter be provided to Ms. Hassan at the hearing. I can be reached at pounnaphone.phomtalikhith@smrls.org or (651) 222-5863.

On behalf of Nimo Hassan,

Pounnaphone Phomtalikhith  
Attorney at Law

Enclosure





SAINT PAUL CENTRAL OFFICE  
55 East Fifth Street, Suite 400  
Saint Paul, MN 55101

Phone: (651) 222-5863 • Fax: (651) 297-6457  
Website: www.smrls.org • Email: central@smrls.org

March 6, 2019

Covenant Capital LLC  
2300 Gervais Hills Drive  
Little Canada, MN 55117

Elite Property Management  
11670 Fountains Drive  
Maple Grove, MN 55369

Re: Emergency Tenant Remedies Action, Nimo Hassan

To Whom It May Concern:

Southern Minnesota Regional Legal Services (SMRLS) represents Ms. Nimo Hassan, tenant at 1272 Edgerton Street in St. Paul, Minnesota.

My understanding is that Ms. Hassan is a tenant of yours. You are therefore obligated to perform under the "covenants of habitability" as set forth in Minn. Stat. 504B.161 et. seq. We have been informed that her unit has been declared condemned by the Fire Marshall. Her unit is without heat. Under Minnesota law, the covenants of habitability obligate a landlord to keep a unit "fit for the use intended" and compliant with all applicable health and safety codes, amongst other things. You are in violation of these covenants.

This letter is an attempt to avoid litigation. It is also notice of our intent to file an Emergency Tenant Remedies Action (ETRA) in no less than 24 hours, pursuant to Minn. Stat. §504B.381 et. seq., if agreement cannot be reached in these matters.

Please take the following remedial action(s):

**Repair the boiler and the heat in the unit so that it is able to reach 68 degrees Fahrenheit in compliance with Saint Paul City Code, by 2:00 P.M. on Thursday, March 7, 2019.**  
**Alternatively, if you are not able to make sufficient repairs by that time, please relocate the tenant, rent free, to a suitable unit or prepay for relocation expenses.**

Due to the emergency nature of this problem the tenant does not need to be present when repairs are made. However, if you are not able to provide reasonable notice of your intent to enter, please leave a note stating when you entered and for what purpose pursuant to Minn. Stat. §504B.211.

Ms. Hassan will need adequate lodging until the unit is made habitable. If the unit is not made habitable by 2:00 P.M. on Thursday, March 7, 2019, or you do not provide a suitable

SMRLS Administrative Offices: 55 East Fifth Street, Suite 1000, St. Paul, MN 55101  
SMRLS Board President: Matthew L. Benda, Esq. Chief Executive Officer: Jessie Nicholson, Esq.  
LEGAL SERVICES CORPORATION



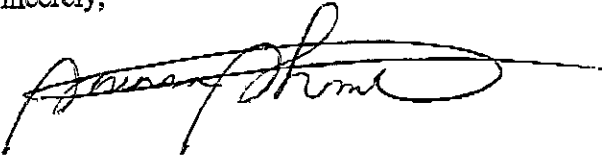
alternative to Ms. Hassan, SMRLS will file an ETRA via e filing shortly after 2:00 P.M. on Thursday, March 7, 2019.

Be aware that under this type of action the Court is authorized to temporarily take the property away from you and place it in administratorship. The administrator's costs may become a special tax assessment against your property.

Also be advised that retaliatory conduct is prohibited under Minn. Stat. §504B.441. Therefore, should you attempt to evict our client, raise her rent or decrease services, we will zealously represent her in court.

I am hopeful that litigation can be avoided in this matter. If you have any questions I can be reached at (651) 222-5863. Thank you in advance for your cooperation.

Sincerely,



Pounnaphone Phomtalikhith  
Attorney at Law

DEPARTMENT OF SAFETY AND INSPECTIONS  
Fire Inspections Division  
*Ricardo X. Cervantes, Director*



CITY OF SAINT PAUL

375 Jackson Street, Suite 220  
St Paul, Minnesota 55101-1806

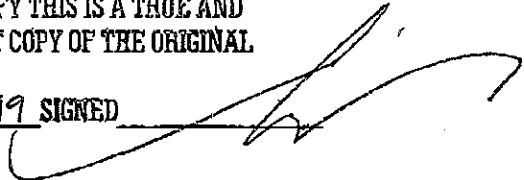
Telephone: 651-266-8989  
Facsimile: 651-266-9124  
Web: [www.stpaul.gov/dsi](http://www.stpaul.gov/dsi)

February 26, 2019

Covenant Capital Llc  
2300 Gervais Hills Dr  
Little Canada MN 55117-6039

CITY OF SAINT PAUL  
DEPARTMENT OF SAFETY AND INSPECTIONS

I CERTIFY THIS IS A TRUE AND  
CORRECT COPY OF THE ORIGINAL

DATE 03-05-19 SIGNED 

### CORRECTION NOTICE - RE-INSPECTION COMPLAINT

RE: 1272 EDGERTON ST  
Ref. # 118077

Dear Property Representative:

**A re-inspection was made on your building on February 26, 2019. In response to a referral. You are hereby notified that the following deficiencies must be corrected immediately.**

Failure to comply may result in a criminal citation or the revocation of the Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Certificate of Occupancy. The code also provides for the assessment of additional reinspection fees.

#### DEFICIENCY LIST

1. Interior - Throughout - SPLC 34.23, MSFC 110.1 - This occupancy is condemned as unfit for human habitation. This occupancy must not be used until re-inspected and approved by this office.-
2. Interior - Throughout - SPLC 34.11 (6) - Provide and maintain a minimum of 68 degrees F in all habitable rooms at all times.-**Immediately provide supplemental heating and repair boiler.**

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

An Equal Opportunity Employer

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 the original orders.

If you have any questions, email me at [Grant.Heitman@ci.stpaul.mn.us](mailto:Grant.Heitman@ci.stpaul.mn.us) or call me at 651-266-8997 between 7:30 a.m - 9:00 a.m.

Please help to make Saint Paul a safer city in which to live and work.

Sincerely,

Grant Heitman  
Fire Inspector

Ref. # 118077



Saint Paul Central Office  
55 East Fifth Street, Suite 400  
St. Paul, MN 55101  
Phone: (651) 222-5863 • Fax: (651) 297-6457  
Website: www.smrls.org • Email: central@smrls.org

### Fax Transmittal

Fax No. (651) 297-6457

To: St. Paul City Council - Legislative Hearings

From: Prounaphone Phamtalikhuth

Date: 3/6/19 Time: 4:45 pm Number of Pages: 7  
(Incl. cover)

Document(s) being transmitted:  
Application for Appeal, Re-inspection complaint,  
Letter attachment with enclosure

Message to recipient:

\* If you do not receive all pages, please call me at (651) 222-5863. If I am not available ask to speak with:

The information contained in this facsimile message is attorney privileged and confidential, intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please immediately notify us by telephone.

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