



# 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

APR 05 2021

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

<b>HEARING DATE &amp; TIME</b> (provided by Legislative Hearing Office) Tuesday, <u>April 13, 2021</u>
Time <u>1:30 p.m.</u>
Location of Hearing: <del>Room 330 City Hall/Courthouse</del> <u>Teleconference</u>

*Call between 1:30 p.m. & 3:00 p.m.*

## Address Being Appealed:

Number & Street: 1276 Wilson Ave City: St. Paul State: MN Zip: 55106

Appellant/Applicant: WRA-1276, LLC Email: steve.minn@lupedevelopment.com

Phone Numbers: Business 612-843-4069 Residence \_\_\_\_\_ Cell 612-868-9112

Signature: *Steve M. Minn* Chief Manager Date: 4-2-21

Name of Owner (if other than Appellant): \_\_\_\_\_

Mailing Address if Not Appellant's: 1701 Madison Street NE, Ste 111, Minneapolis, MN 55413

Phone Numbers: Business \_\_\_\_\_ 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:**  
require reasonable accomodatin to address mentally ill tenant doing purposeful destruction to the unit, defeating owner's ability to implement permanent improvement despite efforts thereto. See Supplemental statement.

To: Legislative Hearing Officer

Re: Corrective Notice Ref # 16420

Dt: 4-2-21

**STATEMENT OF FACTS/BASIS FOR APPEAL REGARDING CORRECTION NOTICE DATED  
APRIL 1, 2021 FOR 1276 WILSON AVENUE, APARTMENT # 128.**

**A. PREVIOUS HISTORY.**

The short history of this unit is that Tenant Michelle Baker is a mentally ill individual with a pattern of extensive property damage to her unit and the building in general as well as aberrant behavior that interferes with normal building maintenance operation. Tenant refuses personnel entry upon appointment and has changed the door locks three times since December 2020, requiring drill-outs by Owner to perform service and even a schedule inspection with Inspector Thomas.

The subject unit was condemned by Inspector Thomas in February 2021 for damaged ceiling and unsanitary conditions. Tenant had electrical appliances standing less than 1" from flooded bathtub and kitchen sink, and Owner de-electrified unit after the condemnation to protect tenant from self-harm. Tenant cut drain piping from bathtub causing water damage on bathroom floor and soaking of bedroom carpet. Landlord cut water supply at bathtub and kitchen sink to prevent damage to other units, leaving toilet operational.

Ramsey County facilitated an emergency clean-up of the unit to abate unsanitary conditions but not the Tenant damaged ceiling or cut drain. Landlord pursued eviction for property damage.

City Licensing officials reversed the condemnation in March 2021, notwithstanding the open ceiling condition and ordered Owner to complete corrections. Owner complied within three hours of the condemnation reversal restoring full water and electrical service.

The separate eviction hearing concluded that the Peacetime Emergency orders of Governor Walz were not satisfied, and possession was not returned to the Owner. The denial of Unlawful Detainer by the Housing Court does not yet have a Finding of Fact or Conclusion of Law from the Court and when such rulings are provided, Owner will be appealing the denial of possession. Owner is currently opposing the Tenant attempt to expunge the eviction filing.

**B. COMPLIANCE WITH LIFE SAFETY ORDERS.**

Owner restored electric and water immediately upon condemnation reversal, and closed the tenant-caused ceiling damage within three days of the condemnation reversal.

**C. PATTERN OF TENANT DAMAGE.**

The unit was inspected and passed prior to occupancy by Metro HRA as a condition of move-in. There were no deficiencies in the unit prior to tenant occupancy. The Tenant has a variety of tools at her disposal and actively engages in property damage due to her mental illness or other causes.

Ms. Baker has stated publically to Owner staff that she is purposely destroying the unit in retaliation for Owner efforts to evict her. Tenants' mental health caseworker has confirmed such statements to our management team as well. The pattern is evident.

Tenant has called maintenance no less than four separate occasions since February 2021 to report tub drain blockage. Upon each event Landlord has pulled tampons or other foreign debris forced into the drain purposely by Tenant.

Tenant has twice removed the smoke detector in bedroom to occasions facilitate her in unit smoking which is prohibited by the lease. We have replaced the smoke detector on two prior occasions.

Tenant has destroyed the closet doors, twice. The current off-track condition was again caused by tenant. Tenant removed the kitchen cabinet door and ripped kitchen floor by moving appliances out of the kitchen into the living room. None of these items are life safety and Owner is not willing to make these repairs until Tenant vacates the premises as they are not life safety and are tenant caused.

**D. PROPOSED ACTION BY OWNER.**

Effective with today's orders, Owner will make an "emergency" entrance to the unit and abate the tub drain and smoke detector condition for a fifth and third time respectively. Owner will video document the abatement of these conditions.

Owner seeks reasonable accommodation to not replace closet doors, kitchen cabinet door or kitchen flooring until tenant is no longer on premise, and asks Code Official accommodation on these non-life safety items, with condition that such repairs will be documented for the department upon Owner regaining possession of the unit.



4-2-21



CITY OF SAINT PAUL

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

April 1, 2021

Wilson Ridge  
1256 WILSON AVE  
ST PAUL MN 55106 USA

## **CORRECTION NOTICE - RE-INSPECTION COMPLAINT**

RE: 1276 WILSON AVE  
Ref. # 16420

Dear Property Representative:

A re-inspection was made on your building on April 1, 2021, in response to a complaint. You are hereby notified that the following deficiencies must be corrected prior to re-inspection date. A reinspection will be made on April 22, 2021 at 1:00P.M..

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. 128 - Bathtub - MPC 707.4. - Repair the clogged drain line.
2. 128 - Bedroom - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located inside the sleeping area. Smoke alarm missing.
3. 128 - Kitchen - SPLC 34.10 (7) - Repair and maintain the cabinets in an approved manner. Missing door.
4. 128 - Throughout - SPLC 34.12 (2), SPLC 34.36 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code. Closet doors are off tracks.
5. 128 - kitchen - SPLC 34.10 (7), 34.17(5) - Repair and maintain the floor in an approved manner. Floor is torn.

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 the original orders.

If you have any questions, email me at [james.thomas@ci.stpaul.mn.us](mailto:james.thomas@ci.stpaul.mn.us) or call me at 651-266-8983 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,

James Thomas  
Fire Safety Inspector

Ref. # 16420