



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final Legislative Hearings

*Marcia Moermond, Legislative Hearing Officer*  
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Tuesday, September 2, 2014

11:30 AM

Room 330 City Hall & Court House

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### 11:30 a.m. Hearings

#### Orders To Vacate, Condemnations and Revocations

- 1 [RLH VO 14-43](#) Appeal of Marvin Hanks II to a Notice of Condemnation Unfit for Human Habitation Order to Vacate at 1282 MINNEHAHA AVENUE WEST.
- Sponsors:** Stark
- Grant until September 17, 2014 for compliance or the building must be vacated by September 19, 2014.*
- RE: 1282 Minnehaha Avenue West (Single Family)*
- Marvin E. Hanks II, Occupant, appeared.*
- Fire Inspector Leanna Shaff:*
- *Fire Certificate of Occupancy Condemnation / Order to Vacate*
  - *inspection Aug 28, 2014 conducted by Ms. Shaff*
  - *started out Mar 1, 2013; it came to their attention via Case Managed Property Units (file opened)*
  - *"SPPD executed a search warrant at the property on Dec 20, 2012 resulting in the homeowner being cited for operating a disorderly house. SPPD also recovered drug paraphernalia, scales, pipes and 3 long guns*
  - *owner of record is Marvin E. Hanks*
  - *City Attorney, Ms. Skarda, issued multiple letters to Mr. Hanks to come into compliance with the abatement program; at that time they believed it to be owner occupied; Marvin E. Hanks II is here today, the Appellant; those letters went unanswered and in the interim there have been numerous neighborhood complaints; there have been other police calls*
  - *couple months ago: they confirmed that the Appellant's father had passed away, so, the property became part of the Fire C of O Program; she scheduled an appointment and went to inspect at the end of Jul 2014; Mr. Hanks II was very reluctant to let her in; however, he did allow her to enter along with SPPD Officer Charles Graupmann*
  - *inspected house and found missing smoke detectors, CO alarms, open wiring, bathroom upstairs has open walls; she wrote quite a few Orders and talked to Appellant about those Orders*
  - *went back the next day because the smoke detector that was there was an older type that was missing a cover and battery; unfortunately, the smoke detector was not*

replaced

- since then, there had been more police calls and an arrest of someone with an active warrant
- more complaints - one about people climbing the outside wall of house
- because she was unable to reach Appellant, she stopped by about 1 1/2 weeks before the last inspection; Appellant had lost or misplaced his phone; we went over what absolutely had to be done
- in the meantime, Appellant had realtor come by
- Appellant is not in a financial position to do the work that it would take to repair the house; and because it hasn't yet gone thru probate, he is not the homeowner
- went out Aug 28, 2014; his friend, Ms. Wells, was there and said that the Appellant hadn't come home the night before; he did, however, ask her to help him out; they went to the 2nd floor, especially looking for CO alarms, smoke detectors, etc; much to her dismay, Appellant had not done anything and they found him sleeping in his room with a hasp type lock from the inside; Mr. Hanks came out and they talked; she told him that she was immediately Condemning the property and that he should appeal the Condemnation
- life safety issues: open wiring, plumbing not functioning properly; lots of deferred maintenance; she still doesn't know if the CO alarm is there but Mr. Hanks says he has a new combination smoke detector/CO alarm; 2 add-on roofs on entries that are sagging; retaining wall on west side of house is going to come loose one of these days; doesn't believe that the taxes on the house have been paid this year; roof; holes-missing sheet rock
- Mr. Hanks II plans to get his name on the deed, then fix up the house a bit and put it on the market
- if it were owner-occupied, would estimate repairs between \$25,000-\$50,000

Mr. Hanks II:

- has contacted a probate attorney (pro bono); at first, he didn't know what he was supposed to do
- wants the Condemnation to be lifted until he gets the house in his name
- he's had contractors look at it and they ask why the house is being Condemned; there are a lot worse houses on that same block
- he thinks it's because of the police but they didn't find what they thought they were going to find; he thinks that it's just because he has a lot of young friends - people of color - that come and go; it's getting to the point, that they can't even stand outside and the neighbors will call the cops right away; when the police come, they are always very cordial; they say, "I don't hear anything; I don't see anything; why are we being called." It sounds as though the police are getting tired of the calls, tired of coming out there, pretty much wasting their time
- the house is on the corner - kind of on display
- father died 1 1/2 years ago in Feb; he had Parkinson's for 10 year; he was taking care of his father until he died; that was his every day job - to make sure that he was OK; he didn't even know that he could get paid for caring for him - Comfort Care - he didn't have time or money to take care of the upkeep of the house; he didn't have a job; doesn't have a job now
- the house condition hasn't changed much since he died
- he knows an outside investor who wants to put \$20,000-\$30,000 into the house to put it on the market; he wants to do that quickly but probate court is holding them back and he's already talked to a realtor about that
- while he's still living there, they plan to put on new siding and fix the bathrooms
- has dumpster coming today to take out junk, etc.
- wants to make sure all contractors are licensed and bonded in St. Paul
- he plans to stay there until the house is sold to a 3rd party; a couple of friends are staying there temporarily and not paying too much rent
- he has trash service from Aspen

*Ms. Shaff:*

- has concerns about the locks on the inside of sleeping rooms, too
- code enforcement Orders: for trash and trash service and police calls
- the Appellant needs short timelines; if he's not under the gun, nothing gets done
- he has replaced the smoke detectors and gotten trash service
- if this would become Mr. Hanks II property, she would suggest that the Fire C of O file remain open unless it becomes a Registered Vacant Building

*Ms. Moermond:*

- asked about the plumbing system

*Ms. Shaff:*

- it smelled musty downstairs and there was a lot of laundry; Appellant said that when he runs the washer, everything backs up in the bathroom
- doesn't think there's a venting issue

*Mr. Hanks II:*

- that problem is fixed - doesn't back up any more; fixed it with a snake
- all the laundry is gone, the carpet is gone and it's been painted
- the couch outside will be gone in the dumpster
- he is the only child, so probate won't take too long; needs to submit some paperwork
- Ms. Shaff is helping him get things straightened out; he is grateful

*Ms. Moermond:*

- not hearing that things are going to change in the near future; hearing that things will change after probate/ownership switch happens, which is uncertain
- told Mr. Hanks II that he will need to look for different housing
- if he can get things addressed so that Ms. Shaff can walk away from this in 2 weeks, he can remain living there; if he can't, he will need to be out by the following Fri (Sep 17, everything needs to be done or the house needs to be vacated by Sep 19, 2014)
- Sep 17 is City Council Public Hearing day; Appellant may attend to talk with them about this; she thinks that Council needs to here his case
- will get a letter after this hearing
- she fears that nothing will get done but is hopeful that Appellant and his friends can pool their resources in order to hire and electrician, fix walls, etc.
- Appellant will still be going thru probate and sell the house but he can't be living there unless he can get the C of O
- there were a lot of police calls

*Mr. Hanks II:*

- explained that the "disorderly house thing" was thrown out
- there are no criminal charges
- he was not hiding anyone with a warrant

*Ms. Moermond:*

- will recommend granting until September 17, 2014 for compliance or the building must be vacated by September 19, 2014
- Ms. Shaff will modify the placard

**Referred to the City Council due back on 9/17/2014**