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APPLICATION FOR APPEAL

RECEIVED
JUN 01 2011
CITY CLERK

Saint Paul City Clerk
310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102
Telephone: (651) 266-8560

The City Clerk needs the following to process your appeal:

- \$25 filing fee payable to the City of Saint Paul (if cash: receipt number _____) *Request fee waiver for SMRLS client*
- Copy of the City-issued orders or letter which are being appealed
- Attachments you may wish to include
- This appeal form completed

YOUR HEARING Date and Time:
Tuesday, <u>6-14-11</u>
Time <u>11:00 a.m.</u>
Location of Hearing:
<u>Room 330 City Hall/Courthouse</u>

Walker

Address Being Appealed:

Number & Street: 207 Maple St. Apt. 2 City: St. Paul State: MN Zip: 55106

Appellant/Applicant: Amy Johnson Email lisa.hollingsworth@smrls.org

Phone Numbers: Business 651-222-5863 Residence _____ Cell 612-272-6595

Signature: [Signature] Date: 6/1/11

Name of Owner (if other than Appellant): John Freeman

Address (if not Appellant's): 440 Old Long Lake Rd, Ste. A, Wyzost, MN 55391

Phone Numbers: Business 952-473-1000 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
- Fire C of O: Only Egress Windows
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other
- Other
- Other

Appellant will be without housing after June 3. An ETRA has been filed, and an order was signed requiring all necessary repairs to be completed immediately. A compliance hearing has been scheduled before the Ramsey County Housing Court. Appellant asks that the condemnation vacate date be extended until the conclusion of these matters, as she is confident that the ETRA order will lead to the completion of the necessary repairs.

- Attached: (1) City-issued order/letter
(2) ETRA order
(3) ETRA Verified Petition, with attachments



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

375 Jackson Street, Suite 220 Telephone: 651-266-8989
Saint Paul, MN 55101-1806 Fax: 651-266-8951

May 24, 2011
JONATHAN & ELIZABETH BRUNTJEN
TWIN CITIES REAL ESTATE PARTNERS LLC
440 OLD LONG LAKE RD. SUITE A
WAYZATA MN 55391-9631

CORRECTION NOTICE - RE-INSPECTION COMPLAINT

RE: 207 MAPLE ST
Ref. # 16112

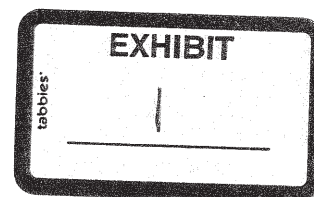
Dear Property Representative:

A re-inspection was made on your building on May 24, 2011, 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 JUNE 14TH, 2011 AT 10:00.

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. EXTERIOR - MSFC 506.1 - Install a keybox per attached K-1 handout.
2. UNIT 2 - SPLC 34.11 (6) - Provide and maintain a minimum of 68 degrees F in all habitable rooms at all times.-Unable to determine due to outside temperature at 80 degrees today and it appeared inside thermostat read 75 degrees.
3. UNIT 2 - SPLC 34.12 (2), 34.35 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition.-BATH FAN BINDING UP FROM EXCESS DUST. COULD START FIRE.COVER ALSO MISSING FROM BATH FAN
4. UNIT 2 - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the cabinets in an approved manner.-REPLACE BOARD UNDER KITCHEN SINK, WATER DAMAGED.
5. UNIT 2 - MSFC 703 - Repair and maintain the required fire resistive construction with approved materials and methods. This work may require a permit(s). Call DSI at (651) 266-9090.-FIRE CAULK AROUND PIPES UNDER KITCHEN SINK WHERE THEY ENTER WALL
6. UNIT 2 - MN State Statute 299F.50 Immediately provide and maintain an approved Carbon Monoxide Alarm in a location within ten (10) feet of each sleeping area. Installation shall be in accordance with manufacturers instructions.-CO DETECTORS MISSING FROM OUTSIDE BEDROOMS



7. UNIT 2 - SPLC 34.10 (5) 1.33 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.-LARGE GREASE BUILDUP ON STOVE BURNERS, MUST BE CLEANED TO AVOID FIRE.
8. UNIT 2 - MSFC 703 - Provide, repair or replace the fire rated door and assembly. The minimum rating must be:-ENTRY DOOR TO UNIT HAS VERY LARGE HOLE. THIS IS A FIRE DOOR AND MUST BE REPAIRED OR REPLACED.
UNIT MAY NOT BE OCCUPIED WITHOUT FIRE DOOR.
9. UNIT 2 - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window glass.-BROKEN WINDOW, NORTH BEDROOM
MISSING SCREEN
10. UNIT 2 - SPLC 34.23, MSFC 110.1 - This occupancy is condemned as unsafe or dangerous. This occupancy must not be used until re-inspected and approved by this office.-VIOLATIONS HAVE NOT BEEN REPAIRED. ADDITIONAL DAMAGE, BROKEN WINDOW. CONDEMNED WITH VACATE OF JUNE 3RD, 2011.

For an explanation or information on some of the violations contained in this report, please visit our web page at: <http://www.ci.stpaul.mn.us/index.aspx?NID=211>

If you have any questions, email me at pat.fish@ci.stpaul.mn.us or call me at 651-266-8942 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,

Pat Fish
Fire Inspector

Ref. # 16112

MAY 31 2011

STATE OF MINNESOTA
COUNTY OF RAMSEY

By  Deputy

DISTRICT COURT
SECOND JUDICIAL DISTRICT
COURT FILE NO.

62HG011-1468

Amy Johnson

Plaintiff,

v.

**ORDER
EMERGENCY TENANT
REMEDIES ACTION**

John Freeman,

Defendant.

This matter having come before the court on May 31, 2011 requesting that the Defendant immediately make repairs necessary to cause the condemnation to Plaintiff's home to be lifted, it is hereby **ORDERED**:

1. That the Defendant shall repair or replace Plaintiff's unit entry door, which is a fire door, at 207 Maple Street, Apartment 2, Saint Paul, Minnesota 55106 within 24 hours of the date of this order.
2. That the Defendant shall replace the broken front window to Plaintiff's apartment within 24 hours of the date of this order.
3. That the Defendant shall install the required carbon monoxide detectors to Plaintiff's unit within 24 hours of the date of this order.
4. That all other issues are reserved for the Housing court.
5. That the Housing court shall set this matter on for hearing as soon as practicable.

BY THE COURT


Ramsey County Judge

Dated: 5/31/11

Amy Johnson,

Plaintiff,

v.

**VERIFIED PETITION FOR
EMERGENCY TENANT REMEDIES
ACTION**

Case Number

John Freeman,

Defendant.

Amy Johnson hereby states upon oath:

1. This action is brought under MINN. STAT. §504B.381 to obtain relief due to the fact that Plaintiff's apartment has been condemned as unsafe or dangerous.
2. Plaintiff is the tenant living at 207 Maple Street, Unit 2, Saint Paul, MN 55106.
3. The name and addresses of the owner and/or management of the property is John Freeman, 440 Old Long Lake Road, Suite A, Wayzata MN 55391.
4. Plaintiff's rent is \$740.
5. The following facts and grounds demonstrate the existence of an emergency for which Defendants are responsible: The unit is condemned as unsafe or dangerous due to there being a hole in the entry door to the unit, which is a fire door; a broken window; and an inadequate number of carbon monoxide detectors. **See Exh. 1**
6. No judgment and writ of restitution have been issued under MINN. STAT. § 504B.345 in favor of the owner and against the Plaintiffs.
7. Before presenting this Petition to the court, the following attempts were made to notify Defendants of the intent of Plaintiff to seek the emergency relief requested below:

- a. On May 26, 2011, Plaintiff, through counsel mailed to Defendant the letter attached to this petition as Exhibit 2.

9. The above stated emergency was not the result of the deliberate or negligent act or omission of Plaintiff or anyone acting under the direction or control of Plaintiff.

WHEREFORE, PLAINTIFFS PRAY FOR THE FOLLOWING RELIEF:

1. Order that Defendant shall remedy the emergency as soon as possible by making necessary repairs to have condemnation lifted.

2. Order that if Plaintiff must leave while repairs are completed or because repairs are not completed, Defendant shall relocate Plaintiff in an apartment/hotel/motel until the emergency is resolved, and that Defendant pre-pay the charge for the hotel/motel.

3. Order that Defendant shall complete repairs and/or correct the problems with Plaintiff's housing.


4. Order that if the Defendant does not complete the repairs and/or correct the problems ordered by the court, then the court shall appoint an administrator to take over the operation of the property to complete repairs and/or correct the problems. Defendant should be advised that failure to correct the violations in a thorough manner could result in legal action under MINN. STAT. §504B.395 *et. seq.* In such a case the court can temporarily take the property away from the Defendants and place the property in an administratorship. In that case the administrator's costs to correct the violations may become a property tax assessment against Defendant's property.

5. Order that the administrator may receive funds made available for this by the federal or state governing body or the municipality to the extent necessary to cover the costs described in MINN. STAT. §504B.445, subd. 4(2) and pay for them from funds derived from this source.
6. Order that the Plaintiff is entitled to recover from the landlord treble damages or \$500, whichever is greater, pursuant to MINN. STAT. §504B.221(a).
7. Award retroactive rent abatement.
8. Award prospective rent abatement.
9. Other relief as the Court deems just and proper.

The undersigned acknowledges that costs, disbursements, and reasonable attorney and witness fees may be awarded pursuant to Minn. Stat. §549.211 to the party against whom the allegations in this pleading are asserted.

5/27/11
Date

**SOUTHERN MINNESOTA REGIONAL
LEGAL SERVICES, INC.**



Lisa Hollingsworth
Attorney for Plaintiff
ID #286163
55 E. 5th St., Suite 400
St. Paul, MN 55101
Ph: (651)222-5863
Fax: (651)297-6457

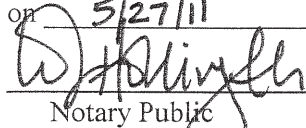
VERIFICATION AND ACKNOWLEDGMENT

I have read this document and hereby verify and acknowledge that to the best of my knowledge, information, and belief the information contained in this document is well grounded in fact and is warranted by law and is true and correct.

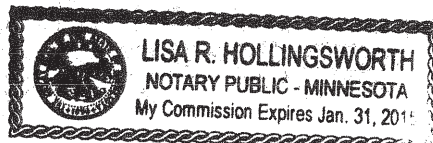
5/27/11
Date



Amy Johnson

Subscribed and sworn to before me
on 5/27/11


Notary Public





Southern Minnesota Regional Legal Services

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

May 26, 2011

John Freeman
440 Old Long Lake Rd., Suite A
Wayzata, MN 55391

RE: 24-hour notice of filing ETRA for 207 Maple St., Apt. 2

Dear Mr. Freeman:

Southern Minnesota Regional Legal Services (SMRLS) represents Amy Johnson in her housing matters. Ms. Johnson resides at 207 Maple St., Apt. 2, St. Paul, MN 55106. We request that you make the necessary corrections or repairs at the above-named property of the following:

- Immediately repair or replace the entry door.**
- Immediately repair any broken window(s).**
- Immediately install CO detectors in the outside bedrooms.**

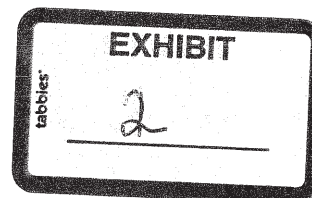
These repairs must be made **within twenty-four (24) hours**. Because this is an emergency, the tenant does not need to be present when the repairs are made. However, **if you are not able to provide Ms. Johnson with reasonable notice of your intent to enter, please leave a note stating when you entered and for what purpose.**

If the necessary repairs are not made within twenty-four (24) hours, SMRLS will file an Emergency Tenant Remedies Action (ETRA) before the Ramsey County District Court Civil Signing Judge at 9:00 AM on Tuesday, May 31, 2011. You can find the Civil Signing Judge by checking into Room 70 in the basement level of the Ramsey County Courthouse at 15 West Kellogg Blvd., St. Paul, MN 55102.

In addition to repairing or replacing the door and window, we request the necessary correction and/or repair of the following:

1. **The board under the kitchen sink has water damage. Please replace the board.**
2. **The pipes under the kitchen sink require fire-resistive materials. Please add fire caulk around the pipes where they enter the wall.**
3. **The bathroom fan is missing a cover and is binding up from excess dust, creating a fire hazard. Please remedy this situation.**

These repairs must be made **within fourteen (14) days**.



Be advised that failure to make all necessary repairs on time may result in legal action under MINN. STAT. §504B.395 *et. seq.* In such a case the court can temporarily take the property away from you and place the property in an administratorship. In that case the administrator's costs to correct the violations may become a property tax assessment against your property.

Should you attempt to evict our client, raise her rent, or decrease services for enforcing her legal rights, we will zealously represent her in court. To discuss this matter, please contact me at (651) 222-5863. Thank you in advance for your cooperation.

Sincerely,

Lisa Hollingsworth
Attorney at Law

cc: Amy Johnson