



# APPLICATION FOR APPEAL

RECEIVED  
JAN 30 2012  
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\* *For SMRLS please waive*  
(if cash: receipt number \_\_\_\_\_)
- Copy of the City-issued orders or letter which are being appealed
- Attachments you may wish to include
- This appeal form completed
- Walk-In OR  Mail-In

YOUR HEARING Date and Time:

Tuesday, 1-7-12

Time 11:00 am

Location of Hearing:  
Room 330 City Hall/Courthouse

## Address Being Appealed:

Number & Street: 928 Edmund Ave City: St. Paul State: MN Zip: 55104

Appellant/Applicant: Sheng Xiong Email \_\_\_\_\_

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell (612) 518-0215

Signature: [Signature] Michael Holloway, SMRLS Date: 1/30/12  
(651) 894-6937

Name of Owner (if other than Appellant): Youn Xiong

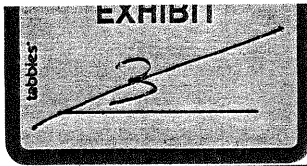
Address (if not Appellant's): 832 Englewood Ave., St. Paul, MN

Phone Numbers: Business \_\_\_\_\_ Residence (651) 641-8687 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

landlord addressed life/safety issues in response to ETRA. Family of 9 currently has nowhere else to go.



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



CITY OF SAINT PAUL  
*Christopher B. Coleman, Mayor*

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

Telephone: 651-266-8989  
Facsimile: 651-266-8951  
Web: [www.stpaul.gov/dsj](http://www.stpaul.gov/dsj)

January 23, 2012

YOUA XIONG  
832 ENGLEWOOD AVE  
ST PAUL MN 55104-1613

## NOTICE OF CONDEMNATION UNFIT FOR HUMAN HABITATION ORDER TO VACATE

RE: 928 EDMUND AVE

Dear Property Representative:

Your building was inspected on January 23, 2012.

The building was found to be unsafe, unfit for human habitation, a public nuisance, a hazard to the public welfare or otherwise dangerous to human life. A Condemnation Placard has been posted on the building.

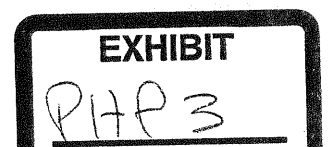
CONDEMNATION OF THE BUILDING REVOKES THE CERTIFICATE OF OCCUPANCY.

Failure to complete the corrections may result in a criminal citation. The Saint Paul Legislative Code requires that no building be occupied without a Fire Certificate of Occupancy.

### DEFICIENCY LIST

1. Exterior - SPLC 71.01 - The address posted is not visible from street.-Provide reflective numbers or background or illuminate at night.
2. Exterior - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the door in good condition.
3. Exterior - SPLC 34.08 (1), 34.31 (1) - All exterior property areas shall be maintained free from any accumulation of refuse, garbage or feces.-Remove all garbage and debris including tires from the property and the garage.
4. Exterior - SPLC 34.11 (7), 34.34 (4) - Provide additional approved containers or additional pick-ups to meet tenant trash demands.

An Equal Opportunity Employer



5. Exterior - SPLC 34.11 (8), 34.34 (4) - Provide approved garbage containers impervious to weather.
6. Exterior - Remove the accumulation of snow or ice from the public and private sidewalk abutting this property.
7. Exterior - SPLC 34.09 (2) 34.32 (2) - Provide an approved guardrail with intermediate ballustrade or rails 4 inches or less apart. This work may require a permit(s). Call DSI at (651) 266-9090.
8. Exterior - SPLC 34.09 (2) 34.32 (2) - Provide an approved handrail. The top of the handrail must be between 34 and 38 inches above the treads and run the entire length of the stair.
9. Exterior - SPLC 34.09 (2), 34.32(2) - Repair or replace the unsafe stairways, porch, decks or railings in an approved manner. This work requires a permit(s). Call DSI at (651) 266-9090.-Have the building permit inspected and approved. Contact Virgil Thomas at 651-266-9090.
10. Exterior-Throughout - SPLC 34.09 (1) a, 34.32 (1) a - Provide and maintain foundation elements to adequately support this building at all points.-In the laundry room there is a hole through the foundation that goes to the exterior. Repair the foundation.
11. Interior - 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.-Property is condemned for no heat and other life safety issues.
12. Interior-Basement - SPLC 34.10 (3), 34.33(2) - Provide an approved handrail. The top of the handrail must be between 34 and 38 inches above the treads and run the entire length of the stair.
13. Interior-Basement - SPLC 34.11 (6), 34.34 (3) - Provide service of heating facility by a licensed contractor which must include a carbon monoxide test. Submit a completed copy of the Saint Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office.-Provide the fuel report and repair or replace the furnace that is not working.
14. Interior-Basement - UMC 504.6 - Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter. This work requires a permit(s). Call DSI at (651) 266-8989.
15. Interior-Kitchen - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the floor in an approved manner.-Repair or replace the floor tile.
16. Interior-Throughout - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing. Hire a licensed electrician to repair burned outlets.

17. Interior-Throughout - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.
18. Interior-Throughout - SPLC 34.14 (2), 34.34 (5) - Provide an approved electrical service adequate to meet the buildings needs. This work requires a permit(s), call DSI at (651) 266-9090.-Hire a licensed electrician to repair all outlets that are not working, and replace all missing hard wired smoke detectors throughout.
19. Interior-Throughout - SPLC 34.11 (6) - Provide and maintain a minimum of 68 degrees F in all habitable rooms at all times.-The building has no heat.
20. Interior-Throughout - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-Provide smoke detectors throughout.
21. Interior-Throughout - MSFC 1003.3.1.8 - Remove unapproved locks from the unit doors. The door must be openable from the inside without the use of keys or special knowledge or effort.
22. Interior-Throughout - 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.
23. SPLC 39.02(c) - Complete and sign the provided smoke detector affidavit and return it to this office.

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>

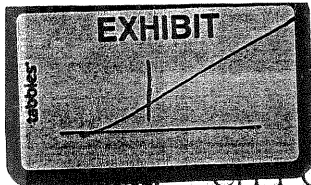
You have the right to appeal these orders to the Legislative Hearing Officer. Applications for appeals may be obtained at the Office of the City Clerk, 310 City Hall, City/County Courthouse, 15 W Kellogg Blvd, Saint Paul MN 55102 Phone: (651-266-8688) and must be filed within 10 days of the date of the original orders.

If you have any questions, email me at: [lisa.martin@ci.stpaul.mn.us](mailto:lisa.martin@ci.stpaul.mn.us) or call me at 651-266-8988 between 6:30 - 8:30 a.m. Please help make Saint Paul a safer place in which to live and work.

Sincerely,

Lisa Martin  
Fire Inspector  
Ref. # 103275

cc: Housing Resource Center  
Force Unit

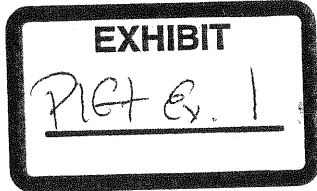


DEPARTMENT SAFETY AND INSPECTIONS  
Fire Inspection Division  
Ricardo X. Cervantes, Director

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



CITY OF SAINT PAUL  
Christopher B. Coleman, Mayor



CITY OF SAINT PAUL  
DEPARTMENT OF SAFETY AND INSPECTIONS

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

DATE 1/23/12 SIGNED [Signature]

January 18, 2012

YOUA XIONG  
832 ENGLEWOOD AVE  
ST PAUL MN 55104-1613

**CORRECTION NOTICE - COMPLAINT INSPECTION**

RE: 928 EDMUND AVE

Dear Property Representative:

An inspection was made of your building on January 18, 2012 in response to a referral. You are hereby notified that the following deficiency list must be corrected immediately.

**A re-inspection will be made on January 23, 2012 at 1pm.**

**All permits must be inspected and approved.**

Failure to comply may result in a criminal citation or 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 re-inspection fees.

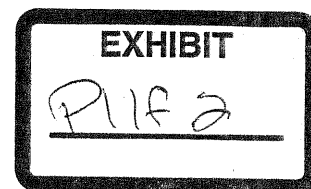
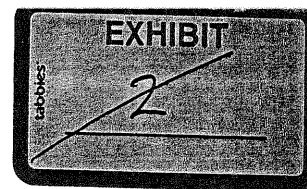
**DEFICIENCY LIST**

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6. Exterior - Remove the accumulation of snow or ice from the public and private sidewalk abutting this property.
7. Exterior-Throughout - SPLC 34.09 (1) a, 34.32 (1) a - Provide and maintain foundation elements to adequately support this building at all points.-In the laundry room there is a hole through the foundation that goes to the exterior. Repair the foundation.
8. Interior - 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.-Property is condemned for no heat and

100  
Years

Southern Minnesota Regional  
LEGAL SERVICES  
founded 1922

Southern Minnesota Regional Legal Services  
**Saint Paul Central Office**  
166 East 4<sup>th</sup> Street, Suite 200  
St. Paul, MN 55101  
Tel: (651) 222-5863 • Fax: (651) 297-6457  
Website: [www.smrls.org](http://www.smrls.org) • Email: [central@smrls.org](mailto:central@smrls.org)



January 23, 2012

Youa Xiong  
832 Englewood Ave.  
St. Paul, MN 55104-1613

Re: 928 Edmund Ave., St. Paul, MN

Dear Ms. Xiong:

Southern Minnesota Regional Legal Services (SMRLS) represents Sheng Xiong, tenant at the above-referenced address. As of today, the City of St. Paul has condemned the property as unfit for human habitation. I have attached a copy of the most recent report reflecting this condemnation.

You are obligated as landlord to perform under the covenants of habitability as set forth in Minn. Stat. 504B.161 *et. seq.* Under Minnesota law, the covenants of habitability obligate a landlord to keep rental properties in compliance with all applicable health and safety codes.

The City of St. Paul ordered Ms. Xiong and her family to vacate the property as of today, January 23, 2012, due to your failure to restore the heat and make necessary repairs pursuant to Fire Inspector Lisa Martin's order of January 18, 2012. Hence, Ms. Xiong has several claims against you for breach of contract and violations of Minnesota Statute §504B. Her claims include abatement for rent paid in addition to fines and court costs.

This letter is to reiterate the notice provided to you, by phone call to your home at 2:55 p.m. today, of our intent to file an Emergency Tenant Remedies Action (ETRA) pursuant to Minn. Stat. §504B.381 *et. seq.*, if agreement cannot be reached in these matters beforehand.

Please take the following remedial action(s):

**Restore the property's Certificate of Occupancy by restoring the heat and resolving all other outstanding life and safety issues. Alternatively, if you are not able to make sufficient repairs within 24 hours, please relocate the tenant, rent free, to a suitable unit or prepay for relocation expenses. As an additional alternative, please refund in full the tenant's security deposit and rent paid under the lease.**

As previously stated by phone, if the unit is not made habitable within 24 hours, or you do not provide a suitable alternative to Ms. Xiong as described above, SMRLS will file an ETRA in front of the Ramsey County District Court Civil Signing Judge at **3:00 PM on Tuesday, January 24, 2012**. 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.

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. If this happens, the administrator's costs may become a special tax assessment against your property.

If you have any questions I can be reached at (651) 894-6937. Thank you in advance for your cooperation.

STATE OF MINNESOTA  
COUNTY OF RAMSEY

DISTRICT COURT  
SECOND JUDICIAL DISTRICT  
CIVIL DIVISION: HOUSING  
CASE TYPE: OTHER CIVIL

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Sheng Xiong,

Plaintiff,

v.

Youa Xiong,

Defendants.

**VERIFIED PETITION FOR  
EMERGENCY RELIEF,  
AND TENANT REMEDY ACTION  
PURSUANT TO MINN. STAT. §§  
504B.395 - 471 AND 504B.381**

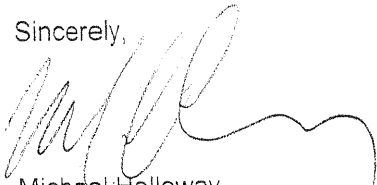
Case No.

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Sheng Xiong states upon oath:

1. This action is brought under MINN. STAT. § 504B.381, § 504B.375 and §§ 504B.395 - 471 to obtain relief from the emergency loss of essential services or facilities that Plaintiff is responsible for providing.
2. Plaintiff and her family are tenants living at 928 Edmund Avenue, St. Paul, MN 55103.
3. The name and address for the owner and manager of the property is Youa Xiong, 832 Englewood Avenue, St. Paul, MN 55104.
4. Plaintiff's rent is \$1,100 per month.
5. Neither a judgment nor a Writ of Restitution has been issued under MINN. STAT. § 504B.345 in favor of the owner and against the Plaintiff.
6. The following facts and grounds demonstrate the existence of an emergency caused by the loss of essential services of facilities that Plaintiff is responsible for providing: The property has been condemned as unfit for human habitation. See, attached Exhibit 1, which is hereby incorporated by reference.
7. Before presenting this Petition to the court, Plaintiff made the following attempt to notify Defendant of the intent of Plaintiff to seek the emergency relief requested below:

Sincerely,

A handwritten signature in black ink, appearing to read 'MH', with a long, sweeping horizontal line extending to the right.

Michael Holloway  
Attorney at Law

cc: Sheng Xiong



- a. At approximately 2:55 p.m. on January 23, 2011, Plaintiff's attorney called Defendant at her home and spoke briefly with Defendant, who handed the phone to her daughter, who is proficient in English. Plaintiff's attorney stated that Plaintiff would file an Emergency Tenant Remedy Action (ETRA) if Defendant did not make repairs sufficient to lift the condemnation. Plaintiff's attorney stated that Plaintiff would file the ETRA before the Ramsey County District Court Civil Signing Judge at 3 p.m. on Tuesday, January 24, 2012, and that the signing judge could be found by checking in with the clerks in Room 70 at the Ramsey County Courthouse, 15 West Kellogg Boulevard, St. Paul, MN 55102.
  - b. At approximately 5:00 p.m. on Monday, January 23, 2011, paralegal Al Harris of Southern Minnesota Regional Legal Services served on an adult female at Defendant's home a written notice of intent to file an ETRA, which contained the same information given earlier by phone. See attached Exhibit 2, which is hereby incorporated by reference.
8. The above stated emergency was not the result of the deliberate or negligent act of omission of Plaintiff or anyone acting under the direction or control of Plaintiff.

**WHEREFORE, PLAINTIFF PRAYS FOR THE FOLLOWING RELIEF:**

1. Order that Defendant shall remedy the emergency as soon as possible by making the necessary repairs.
2. Order that Plaintiff shall complete repairs and/or correct the problems with Defendants' housing.
3. Order that if Plaintiff must leave while repairs are completed or because repairs are not completed, Defendant shall relocate Plaintiff and her family in an apartment/hotel/motel until the emergency is resolved, and that Defendant prepay the charge for the hotel/motel.

4. Order that if Defendant does not complete repairs as ordered by the Court, the Court may then order:
  - a. That an administrator take over operation of the property to complete repairs and/or correct the problems. Plaintiff 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 Plaintiff 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 Plaintiff's property.
  - b. 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.
  - c. A fine against Plaintiff in favor of Defendants under MINN. STAT. §504B.391 of \$250 for the first violation, \$500 for the second violation, and \$750 for the third violation and subsequent violations.
5. Award retroactive and/or prospective rent abatement.
6. Other relief the Court deems just and proper.

STATE OF MINNESOTA    )  
  )ss.  
COUNTY OF RAMSEY    )

**VERIFICATION**

I, Sheng Xiong, being duly sworn on oath, state that I am the Plaintiff above named, 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.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Sheng Xiong

Subscribed and sworn to before me  
on \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**ACKNOWLEDGEMENT**

The undersigned hereby 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 were asserted.

SOUTHERN MINNESOTA REGIONAL LEGAL SERVICES, INC.

\_\_\_\_\_  
Michael Holloway, Atty. Reg. No. 0392250  
Attorney for Plaintiff  
55 E. 5<sup>th</sup> St., Suite 400  
St. Paul, MN 55101  
651-222-5863

STATE OF MINNESOTA  
COUNTY OF RAMSEY

DISTRICT COURT  
SECOND JUDICIAL DISTRICT  
CIVIL DIVISION: HOUSING  
CASE TYPE: OTHER CIVIL

Sheng Xiong,

Plaintiff,

v.

Youa Xiong,

Defendant.


ORDER  
EMERGENCY  
TENANT REMEDY ACTION

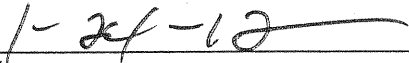
Case No.

This matter having come before the court on January 24, 2012, requesting that the Defendant immediately make repairs sufficient to lift the condemnation of Plaintiff's home, it is hereby **ORDERED**:

1. The Defendant shall make all necessary repairs to lift the condemnation of Plaintiff's home <sup>17</sup> within 24 hours of the date of this order.
2. The Housing Court shall set this matter on for hearing as soon as practicable.
3. All other issues are reserved for the Housing Court.

BY THE COURT

  
\_\_\_\_\_  
Ramsey County Judge

  
\_\_\_\_\_  
Date

1) The Court understands that repairs will require adequate heat and perhaps some electrical repairs; but defers to the Fire Inspector regarding what is necessary for a new occupancy.