



**Southern Minnesota Regional Legal Services**

**Saint Paul Central Office**

55 East Fifth Street, Suite 400

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)

RECEIVED  
AUG 08 2011  
CITY CLERK

To: City Clerk  
From: Colleen Walbran, attorney  
Re: 1157 Sherburne  
Date: August 8, 2011

7 pages



# APPLICATION FOR APPEAL

**Saint Paul City Clerk**

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8560

RECEIVED

AUG 08 2011

CITY CLERK

The City Clerk needs the following to process your appeal:

- \$25 filing fee payable to the City of Saint Paul (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 *faxed, 8-8-11*

<p><b>YOUR HEARING Date and Time:</b></p> <p>Tuesday, <u>8-16-11</u></p> <p>Time <u>1:30</u></p> <p><u>Location of Hearing:</u></p> <p>Room 330 City Hall/Courthouse</p>
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------

## Address Being Appealed:

Number & Street: 1157 Shenburne Ave City: St Paul State: MN Zip: 55104

Appellant/Applicant: Mayhoua Moua (through counsel) Email colleen.walbran@smrls.org

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

Signature: Colleen Walbran Date: 8/8/2011

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

Address (if not Appellant's): 106 Como Ave.

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
- Fire C of O: Only Egress Windows
- Code Enforcement Correction Notice
- Vacant Building Registration
- Other

This house is currently occupied by tenant Ms. Mayhoua Moua, her husband, and their 8 children. According to Ms. Moua, she has addressed the chief life safety issues, specifically item 4 (she reports she has removed the furniture); items 6-7 (she reports this room is no longer in use); item 25 (she reports she has replaced all the batteries in the smoke detectors); and item 26 (she reports she has installed a CO2 detector). Ms. Moua makes this appeal in order to have adequate time to locate alternative housing for her large family. Ms. Moua's income is below 125% of the poverty line and she requests a waiver of the filing fee in this matter.

Respectfully,  
*Colleen Walbran*  
Colleen Walbran  
Attorney  
SMRLS  
651.222.6061

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/dsi](http://www.stpaul.gov/dsi)

July 22, 2011

YING XIONG  
106 COMO AVE  
ST PAUL MN 55103

RE: 1157 SHERBURNE AVE  
Ref. # 110956

Dear Property Representative:

Saint Paul Legislative Code provides that no building shall be occupied without a Certificate of Occupancy. In order to re-occupy the building, the following deficiencies (if applicable) must be corrected and a complete Certificate of Occupancy inspection will be required. **A reinspection will be made on August 8, 2011 at 2:00 pm**

The Saint Paul Legislative Code further provides that no building shall be occupied without a Certificate of Occupancy. **Failure to immediately complete the following deficiency list or the building vacated may result in a criminal citation.**

#### DEFICIENCY LIST

1. 1st Floor - Kitchen - SPC 4715.0400 - Provide approved plumbing materials for water, waste, and vent.-Unapproved flexible drain section installed on kitchen sink. Flexible fixture connector used in lieu of permanent piping in cabinet under sink.
2. 2nd Floor - Bathroom - SPLC 34.12 (2), 34.35 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition.-Washing machine is not property installed and may not be installed in bathroom.
3. 2nd Floor - Bathroom - SPLC 34.11, SBC 2902.1, SPLC 34.17, MPC 415.0220 - Repair or replace and maintain the plumbing fixture to an operational condition.-Repair or replace and maintain an approved private hand sink. This work will require a permit(s). -  
Repair dripping faucet.  
Repair improperly piped S-trap on sink drain.
4. 2nd Floor - Front Side Bedroom - MSFC 1011.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exitway.-Remove furniture blocking bedroom egress window.

An Equal Opportunity Employer

5. 3rd Floor - Side Bedroom - MSFC 1011.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exitway.-Repair air conditioner from bedroom egress window.
6. 3rd Floor - Side Bedroom - MSFC1026.1 - Provide and maintain an approved escape window from each sleeping room. The minimum size must be 5 square feet of glazed area with a minimum of 24 inches of openable height and 20 inches of openable width. With a finished sill height not more than 48 inches. This work may require permit(s). Call DSI at (651)- 266-9090. Refer to the Escape Windows for Residential Occupancies handout for more information.-Double-hung window has an openable area of 15 inches high by 33 inches wide and a glazed area of 33 inches wide by 34 inches high, 7.8 square feet.
7. 3rd Floor - Side Bedroom - SPLC 34.13 (1) - Provide and maintain all habitable areas with a ceiling height of 7 feet over 1/2 the floor area.-Bedroom has an area of 106.7 square feet with a ceiling height of 5 feet or greater. Of this area, 39.4 square feet (37 percent) is at a height of 7 feet or greater.
8. 3rd Floor - Stairway - 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.-Handrail is not at constant height and is 23 inches high over much of stairway.
9. 3rd Floor - Stairway - NEC 300-11 Provide for all raceways, boxes, cabinets, and fittings to be securely fastened in place.-Properly fasten loose flex conduit.
10. 3rd Floor - Stairway - SPLC 34.10 (3), 34.33(2) - Repair or replace the unsafe stairway in an approved manner.-Repair or replace cracked stair tread.
11. Basement - Electrical Panel - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090.-Electrical panel has had face removed exposing wiring. Spare fuses and other materials are stored inside of the electrical panel.
12. Basement - Top of Stairway - MSFC 605.1 - Remove unapproved exposed wiring and install in accordance with the electrical code. This work may require a permit(s). Call DSI at (651) 266-9090.
13. Exterior - Fence - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structures free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the elements.-Repair or remove damaged gate and all damaged sections of fencing.
14. Exterior - Garage - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structures free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the elements.-Repair siding and trim throughout in a professional manner. Replace rotting trim. Seal all holes in soffit in a professional manner.
15. Exterior - Garage - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window glass.

16. Exterior - House - SPLC 34.09 (1) b,c, 34.32 (1) b,c - Provide and maintain all exterior walls free from holes and deterioration. All wood exterior unprotected surfaces must be painted or protected from the elements and maintained in a professional manner free from chipped or peeling paint.-Repair siding and trim throughout in a professional manner. Replace rotting trim. Seal all holes in soffit in a professional manner.
17. Exterior - House - SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects.
18. Exterior - House and Garage - SPLC 71.01 - The address posted is not visible from street. (HN-1)-Provide reflective numbers or background or illuminate at night.
19. Exterior - Rear - SPLC 34.08 (10) - Repair, replace and maintain exterior sidewalks, walkways and stairs.-Patch holes in concrete sidewalk leading from public sidewalk to rear entry.
20. Exterior - Retaining Walls - SPLC 34.08 (5), 34.31 (3) - Repair, replace and maintain all exterior surfaces on fences, sheds, garages and other accessory structures free from holes and deterioration. Provide and maintain exterior unprotected surfaces painted or protected from the elements.-Patch deteriorated areas of retaining wall.
21. Exterior - Throughout - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window in good condition.-Scrape and paint window frames. Replace all rotting exterior trim and sills.
22. Exterior - Throughout - SPLC 34.09 (3), 34.32 (3) - Provide or repair and maintain the window screens.
23. Exterior - Throughout - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window glass.
24. Exterior - SPLC 34.08 (3) - Provide and maintain suitable ground cover on all exterior areas to control erosion.
25. Throughout - MN Stat. 299F.362 - Immediately provide and maintain a smoke detector located outside each sleeping area.-Repair all non-working smoke detectors. Hardwired detectors must be maintained where installed. Battery operated detectors in bedrooms must be maintained where installed.
26. 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.
27. Throughout - MSFC 102.1.1 - Existing building features - application. - Existing construction and design features that exceed the requirements for existing structures or facilities but are less than the requirements for new structures or facilities shall not be further diminished. Existing construction and design features that exceed the requirements for new structures or facilities are allowed to be removed.-Repair all non-working smoke detectors. Hardwired

detectors must be maintained where installed. Battery operated detectors in bedrooms must be maintained where installed.

28. Throughout - MSFC 605.1- All light fixtures shall be maintained with protective globes if originally equipped.
29. Throughout - SPLC 34.12 (2), 34.35 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition.-Repair, replace or remove damaged window blinds.
30. Throughout - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.
31. Throughout - MSFC 605.4 - Discontinue use of all multi-plug adapters.
32. Throughout - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing.
33. Throughout - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the doors in good condition.-Repair or replace all broken or damaged doors.  
Repair all damaged door frames.  
Repair all damaged door knobs and latches.
34. Throughout - MSFC 605.1 - Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090.-Repair all damaged receptacles as needed throughout the building. Multiple receptacles are damaged, many are not properly mounted and loose.
35. Throughout - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the ceiling in an approved manner.-Patch the holes and/or cracks in the ceilings.  
Paint the ceilings as needed..
36. Throughout - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the floor in an approved manner.-Repair or replace the floor tile where damaged.
37. Throughout - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.-Patch the holes and/or cracks in the walls.  
Paint the walls as needed.
38. Throughout - SPLC 34.10 (5), 34.33 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.-Clean and sanitize throughout the building. Clean floors, counters and other surfaces.
39. SPLC 40.04 (5) On or after April 30, 2009, The owner of a building used for residential occupancy who is applying for their FIRST Fire Certificate of Occupancy, must complete the Minnesota Crime Free Multi Housing training program or other landlord training program approved by the Fire Marshal.

The training must have occurred within the last two years and the owner must submit a certificate of attendance or provide verification of enrollment in the next scheduled class to the Fire Inspection Division-DSI.

This requirement shall not apply to an owner who has held a Fire Certificate of Occupancy on another residential property in Saint Paul prior to April 30, 2009.

40. SPLC 34.19 - Provide access to the inspector to all areas of the building.-Failure to meet inspector for scheduled appointment will result in enforcement action. Provide access for re-inspection on August 8, 2011 at 2:00 pm.

41. SPLC 34.11 (7), 34.34 (4) - Provide additional approved containers or additional pickups to meet tenant trash demands.-Trash container overflowing.

42. Provide the inspector with a completed and signed Residential Occupancy Affidavit.

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>

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 this order.

If you have any questions, email me at: [mitchell.imbertson@ci.stpaul.mn.us](mailto:mitchell.imbertson@ci.stpaul.mn.us) or call me at 651-266-8986 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Mitchell Imbertson  
Fire Inspection

Ref. # 110956