

RLH FCO 18-186



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

310 City Hall, 15 W. Kellogg Blvd.
Saint Paul, Minnesota 55102
Telephone: (651) 266-8585

RECEIVED
OCT 22 2018

We need the following to process your appeal:

CITY CLERK

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number #8176)
 - 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

HEARING DATE & TIME
(provided by Legislative Hearing Office)
Tuesday, NOV. 6. 2018
Time 1:30
Location of Hearing:
Room 330 City Hall/Courthouse

Address Being Appealed:

Number & Street: 861 Howell St. N City: St. Paul State: MN Zip: 55117

Appellant/Applicant: Lynne Geistfeld Email: Lynne5459@gmail.com

Phone Numbers: Business 651-756-3016 Residence 651-428-6475 Cell 651-428-6475

Signature: Lynne Geistfeld Date: October 17, 2018

Name of Owner (if other than Appellant): _____

Mailing Address if Not Appellant's: 2347 Greenbrier Cir, Little Canada, MN 55117

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:
See attached.

On July 24, 2018, I received a variance from this Legislative Hearing to reduce the number of tenants at 861 Howell St. N, St. Paul, MN from five to four by September 1, 2018. On September 5, 2018, Fire Inspector Laura Huseby inspected the property and was satisfied that the number of tenants had been reduced from ~~5~~ to 4 and closed the complaint.

On October 15, 2018, one of my tenants (Lee Roback) texted me and said that a Fire Inspector followed a female friend, Kiersten Bryant, into the house. Her account of what happened is attached in a written statement that she emailed me.

I called and spoke with Adrian Neis that same day after learning about the incident, particularly because there was no appointment made, and my tenant told me the Fire Inspector did not identify himself. Mr. Neis informed me that Fire Inspector Adam Powers was investigating a complaint of over occupancy, and when a complaint is made, they do not need an appointment to inspect the premises. Mr. Neis started to tell me that Mr. Powers told him that a car with "Montana license plates" parked in front of the house, and the driver (a female) exited the car and started walking to the house. Mr. Neis then had me speak with Mr. Powers directly to obtain more details. Mr. Powers indicated that he saw the female pull up, get out of her car, and thought, "good timing", and so he approached her, identified himself and asked if she was staying there at the house. She said that she was. He then asked her how many people were living there, and she said five. He asked if he could follow her in, and she said he could. It was at that time that my actual tenant, Mr. Roback, said he came out of his bedroom and saw the Fire Inspector in the house. The Fire Inspector did not ask Mr. Roback how many people were living there; he said they had received a complaint of over occupancy and asked if he could look around. Mr. Roback agreed.

I am appealing the findings based on the fact, that to my knowledge, I am compliant with four tenants. I asked for one tenant to move out, I redid the lease with four tenants, and I am collecting rent from four tenants, all males. I have no reason to believe that there is a fifth person living there. Per her written statement, Ms. Bryant has identified herself as a friend that stays with her boyfriend periodically during the week to shorten her drive to school. I would like to remind the Legislative Hearing that Legislative Hearing Officer Marcia Moermond stated at the July 24 hearing that there is no ordinance against having friends or significant others stay overnight.

In addition, I am appealing the findings as Ms. Bryant is not a tenant at the house, and in her written statement, she indicates that Mr. Powers' approach made her feel uncomfortable, and she did not know how many people were living there. Since she is not a tenant, I believe she has no authority to verify any information, and she also was not authorized to let someone into the house.

Finally, please note that Mr. Neis told me that the car Ms. Bryant drove up in has Montana license plates (this car is her boyfriend's). In my last appeal, Mr. Neis also stated that there were numerous cars with out-of-state license plates parked in the street. For the record, I believe that the number of cars with out-of-state license plates is irrelevant in an over-occupancy complaint.

10/18/2018

On Monday, October 15th, 2018, I was turning down Howell Street N to visit my boyfriend after classes. As I turned down the street I noticed a man sitting outside of his truck, he stared at me as I drove by. The man was tall with a medium build, had dark hair and facial hair, he was wearing a black jacket and black pants. As I parked and proceeded to get out of my car I looked over and noticed he was still by his truck looking at me. He was across the street about 4 houses down. I grabbed my backpack out of my car and looked back to make sure he was still standing by his truck, he was. I hurried up to the doorstep of my boyfriend's home because I was uncomfortable with this man. Right as I was about to walk into his house I heard a man's voice say "Ma'am". He frightened me because when I had last glanced over at him he was still 4 houses down by his vehicle. He must have run towards me after he realized what house I was going into. Right as I turned around I said "yes", he then asked me "do you live here?" I was anxious because I had no idea who this man was, he did not introduce himself or anything. I told him yes because I was unsure what he wanted and was going to grab somebody inside the house if he needed something that I was unable to do for him. I also told him yes because I felt comfort in knowing that he knows I lived there so he couldn't potentially do anything to me (he was very suspicious). At first, I figured he was just one of the guys going around to promote the election coming up. Right after I told him yes, he immediately in a stern voice asked how many people lived here. I kind of looked at him weird because I have no idea who he is, and he is asking me how many people live in this house. After he asked that question he told me he was from the fire department and that is all he said. I didn't know why he would need to know how many people lived there. I was unsure of how many people live in the house because I only come here to see my boyfriend. There are 5 bedrooms in this house, so I guessed that there were 5 people living here as well. I was not aware that one of the bedrooms was empty, I was also not aware about the law in Ramsey county. After I told him that I think 5 people live there he seemed to get kind of upset with me like I was doing something wrong. He told me that there are too many people living in this house and that someone in the neighborhood has complained. He then asked if he could come in and look around. Me not living here I was unsure, so I told him that I must go inside and grab someone for him to talk to. I went to open the door and he seemed to follow me in. I was too scared to confront him to stay outside because I was afraid of how he would react. Thankfully right when I walked in with the man behind me, Lee a boy that resides in the house walked out of his room and I asked him to talk with this man. I immediately walked into my boyfriend's room to see him. I was very flustered. I was very confused by this man's questions, I kind of felt as if I were being harassed because I had not done anything wrong. I did tell him that I live there but that was, so I could figure out what he needed. If he would have introduced himself to me at the start I would have told him no and gone in to get someone for him to talk to. I only stay with my boyfriend at this house a couple times a week because I reside with my parents in River Falls, Wisconsin and I go to school at Inver Hills Community college. The drive from River Falls to Inver Grove Heights is about 40-45 minutes with traffic. My boyfriend lets me stay here so I only have to drive 20 minutes to get to school in the morning.

I am sorry for any confusion that I may have caused.

-Kiersten Bryant



CITY OF SAINT PAUL

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Web: www.stpaul.gov/dsi

October 16, 2018

LYNNE L GEISTFELD
DANIEL CROMWELL
2347 GREENBRIER CIR
LITTLE CANADA MN 55117-1622

CORRECTION NOTICE - COMPLAINT INSPECTION

RE: 861 HOWELL ST N
Ref. # 123711

Dear Property Representative:

An inspection was made of your building on October 15, 2018 in response to a referral. You are hereby notified that the following deficiency list must be corrected immediately. A reinspection will be made on October 29, 2018 at 2:00PM.

Failure to comply will 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 reinspection fees.

DEFICIENCY LIST

1. **SPLC 321.02. - License required.**
 - (a) **No person shall operate any boardinghouse or roominghouse, whether supervised or not, as herein defined, in Saint Paul without a license.** No license shall be required under this chapter for a college dormitory, fraternity or sorority house operated by a college or university in accordance with regulations promulgated by the school.
 - (b) No person shall operate any community residential facility of more than four (4) residents whether as a licensed correctional or health department licensed facility, as defined in Title VIII, Chapter 60 of the Legislative Code in Saint Paul, without a license.
 - (c) No person shall operate any community residential facility of more than six (6) residents as a licensed human service facility, as defined in Title VIII, Chapter 60 of the Legislative Code in Saint Paul, without a license.
 - (d) No person shall operate any emergency housing, overnight shelter, shelter for battered persons or transitional housing facility of more than four (4) residents, as defined in Title VIII, Chapter 60 of the Legislative Code in Saint Paul, without a license

FEMALE OCCUPANT ADMITTED THERE ARE 5 PEOPLE LIVING AT 861 HOWELL ST. N
IMMEDIATLEY DISCONTINUE USE AS A ROOMING HOUSE OR CONTACT ZONING AND LICENSING TO OBTAIN THE PROPER APPROVALS.

2. SPLC 34.07 Roominghouse. Any residential structure or dwelling unit, supervised or not, which provides living and sleeping arrangements for more than four (4) unrelated individuals for periods of one (1) week or longer, any residential structure or dwelling unit which provides single room occupancy (SRO) housing, as defined in the Federal Regulations CFR 882.102, to more than four (4) unrelated individuals, or any building housing more than four (4) unrelated individuals which has any one (1) of the following characteristics shall be considered and regulated as a roominghouse:

(a) Rental arrangements are by the rooming unit rather than the dwelling unit.

(b) Rooming unit doors are equipped with outer locks or chains which require different keys to gain entrance.

(c) Kitchen facilities are provided for joint or common use by the occupants of more than one (1) rooming unit.

(d) Rooming units are equipped with telephones having exclusive phone numbers.

(e) Rooming units are equipped with individual intercom security devices.

(f) Each rooming unit has a separate assigned mailbox compartment for receipt of U.S. mail.

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: adam.powers@ci.stpaul.mn.us or call me at 651-266-8982 between 7:30 a.m. - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Adam Powers
Fire Inspector

Ref. # 123711