



City of Saint Paul

15 West Kellogg Blvd.
Saint Paul, MN 55102

Minutes - Final

Legislative Hearings

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Tuesday, June 21, 2022

9:00 AM

Room 330 City Hall & Court House/Remote

- 15 [RLH VBR 22-32](#) Appeal of David Jacobowitch to a Vacant Building Registration Notice at 839 EDMUND AVENUE.

Sponsors: Thao

Layover to LH Jun 28, 2022 at 1 pm. Property to be reinspected at 10 am June 22, 2022.

David Jacobowitch, owner and occupant, appeared
Shirley West, ex-wife, owner, and occupant, appeared
Terrance Lewis, son and occupant, appeared

[Moermond gives background of appeals process]

Moermond: as you know there is an order to vacate in play. There are occasions where I need to make a decision on an order to vacate before a public hearing. Matters are so pressing we need a temporary decision before that Council Public Hearing date. The next one isn't until July 13. So it may be overturned then. I have your appeal file in front of me. I also have your 2015 condemnation and order to vacate that I reviewed so I had a sense of where we were at. It isn't unheard of for people to end up here more than once. Life circumstances happen.

Staff report by Supervisor Richard Kedrowski: May 23, 2022 our office received a complaint regarding lack of service to the property. Inspector Hesse went out and found multiple violations, the first being the gas which is the reason for condemnation. He did write a correction notice. When gas wasn't restored by June 7, it was sent to Vacant Building for failure to address facilities.

Moermond: I had concerned that 2 through 7 didn't show up as principle violations. Illegal dwelling in basement for example. I will be treating this and the conditions we operate as if they are principle violations, as I believe they are and incorrectly listed in the order. You did the second inspection, gave 24 hours for the gas.

Kedrowski: and another inspection on June 7 since he said he was working with an inspector. I called Xcel this morning and gas has not been restored.

Staff report by Supervisor Joe Yannarely: we opened a Category 2 Vacant Building from that referral from Code. We haven't been inside and know it to be occupied.

Moermond: tell me how you end up in this circumstance with the gas and hoarding.

Jacobowitch: May 20, 2022 we had a minor gas leak at the house. In order to avoid all this fuss we probably should have lit a match and destroyed the evidence. We did the responsible thing and called NSP about the leak. They sent the Fire Department who turned off the gas and identified it as coming from a valve going to the kitchen stove. This house was built in 1900. That gas valve was at least 100 years old. They turned off the gas for the safety issue. Because the St. Paul Fire Department responded to an issue I have to get a report from the St. Paul Fire Department saying it is safe to have someone come out to work on the gas. They refuse to give me that report. They told me to go to DSI. I went there and asked for this report and I didn't get it. I think I spoke to Joe, I am not sure, but someone told me if I didn't "stop complaining" they'd send someone to board it immediately.

Yannarely: he spoke with Mr. Hoffman.

Jacobowitch: once I have that report I will get it repaired.

West: it happened because one of the kids had seizures and there was a gas smell. We didn't notice. He called every single day; we moved the kid out of the basement and stayed in the living room until a bedroom was available. I heard him on the phone every day to resolve this. He called for the dumpsters, they're 2 weeks late and we only got it for a week. Before that he hauled 11 trailers of trash out. We busted our butts to get it where it is livable if we had gas. They are refusing to pick up our garbage. We went to throw garbage in the bin last Friday evening and there was still garbage in the cans. You can't overflow them or leave it. How are we supposed to do the things we need to do if we have roadblocks at every turn?

Jacobowitch: we're having roadblocks in spite of the City. I have photos.

West: no one provided the resources we needed. Nothing was provided.

Moermond: and I'm going to say so we are clear, this is your house and you are responsible for it. Resources for assistance to help you maintain, that's fantastic. Those resources are above and beyond what the expectation should be which is that we all have to manage our own business. I haven't heard of a case where the Fire Department needs to make a determination but rather a licensed plumbing contractor would need to pull a permit to repair a gas line if that was the only issue.

Yannarely: and that may be just the tip of the iceberg.

Moermond: is the reason they couldn't pull a permit perhaps due to the Vacant Building status and breadth of the violations?

Yannarely: correct.

Moermond: clearly in the nature of the orders there are hoarding issues. I hear you are working on them, great. I am super concerned about sleeping in the basement. Never again unless there is an egress window and it is properly separated from fuel burning equipment. It isn't safe. People die all the time.

Jacobowitch: they haven't died in my house.

Moermond: and I'm glad to hear it because we'd be having another conversation. How many kids and animals are here?

Jacobowitch: you turned it adversarial already.

Moermond: it is my hearing room, and you know 7 years ago I helped you out. I am not working against you, but we need to figure out a plan. The sleeping in the basement, I need to be clear. No way, no how. Especially children.

Jacobowitch: they are adult children.

Moermond: they are humans who can die of carbon monoxide.

Jacobowitch: I don't need to be lectured any more ma'am.

Moermond: where I'm going is I am trying to diagnose the nature of the problems. We have the Vacant Building program and the Code Compliance Inspection and creating that punch list and if this house is a good fit for that requirement. Or are there other ways we can keep you in the house safely? The main thing that's come up so far is the gas line/gas valve issue. That is a plumbing issue, which could be the tip of the iceberg because they are old. That would be something a plumbing contractor would like to look at.

Jacobowitch: 3 years ago I put a brand new \$7,000 hot water boiler in the house. At that time the entire gas system was inspected and declared reasonably safe and reasonably up to code.

Moermond: by the contractor?

Jacobowitch: yes. I have pictures of that.

Moermond: I'm happy to look at any materials you brought.

Jacobowitch: I have done some things to maintain my house.

Moermond: I don't doubt it for a minute. I know you were able to get out from this in 2015. We have a slightly different set of problems back then, there were people and animals that aren't happening now from what I'm hearing.

Yannarely: I have 2 permits from 2019—

Moermond: I'm seeing water heater.

Jacobowitch: there was a water heater and hot water boiler.

Moermond: and the only plumbing permit I see is for that.

Jacobowitch: that is odd. I think the City doesn't keep good records.

Moermond: it was pulled by KB service company.

Jacobowitch: they put in the hot water.

Moermond: and it does say on the permit that it is the responsibility of the owner to call.

Jacobowitch: quite frankly I didn't read that. City laws are so cumbersome.

West: we need to be more on top of it, I am aware. I asked them to let him know he needs to call the plumber. When he is frantic it is hard for him. He was not aware he had to do it.

Jacobowitch: I thought the installer had to take care of it.

Moermond: I was looking for a statement in the application saying we're looking at everything. I didn't see that. I'm seeing a lot of building items. Some electrical.

Jacobowitch: I am not aware of any electrical deficiencies.

Moermond: items 12 and 13 on the report.

Jacobowitch: I am aware of only one area with maybe some exposed areas. They are no longer live; they have been disconnected from the electrical grid.

Moermond: how many people live there?

West: 5 adults. 2 cats. 3 dogs.

Jacobowitch: at the time of the gas incident we had 7 and 2 have moved out.

Moermond: are you all family?

Jacobowitch: yes. My oldest son and my daughter both found alternative housing.

West: Mr. Lewis is my daughter's husband.

Moermond: what do we have for sleeping rooms? There are square footage requirements for the amount of people. 70 sq feet for 1. 150 for 2.

Jacobowitch: we are not overcrowded according to the ordinance. This is a 1200 square foot house with 3 bedrooms.

West: the people in the basement moved to the living room until my son moved out, then we had an extra bedroom. Then I moved into the smaller one and they moved into the bigger one.

Jacobowitch: it is the master. About 250 square feet.

West: we have ample egress; no exits are blocked.

Jacobowitch: we have worked considerably on fire safety.

West: you would be shocked. I wish people would have come in and looked at the progress. I've known about his hoarding; I've never seen him work this hard. We end up accumulating stuff every time we put someone up. He can't turn someone away either. We realize the limitations we have. He's had to throw away other people's stuff. Those people have damaged the property. They are the ones that broke the windows and punched holes. We're just trying to pick up the pieces.

Jacobowitch: I don't like to see homeless people. I would rather have them in my house. I could parade 45 people in front of you I have helped. I'm a hoarder I have a problem, I admit it. Do I still deserve to live? I sure hope I do. I have a problem, I know

that.

Moermond: and it is not unusual for me to see someone in your circumstances more than once. It is hard to deal with. I'm going to ask, Mr. Yannarely, can you talk about the likelihood of these circumstances coming back?

Yannarely: it is commonplace. It is a mental diagnosis.

Jacobowitch: I've never got any help from anyone.

Moermond: House Calls helped you last time.

Jacobowitch: I got a dumpster and filled it up.

Moermond: have you reached out to House Calls again?

West: yes, they were 2 weeks late on the dumpster and it wasn't quite full when they took it after a week.

Jacobowitch: it was very helpful. That is the single most helpful thing to do.

Moermond: I have to say at the same time, I'm feeling good you're working hard on this and understand how important it is to maintain this house so you can move around. When I see hoarded houses I worry about emergency people getting in and out. How they navigate it.

Jacobowitch: currently they can.

Moermond: without the gas, you don't need the furnace now. Your stove is gas operated?

Jacobowitch: we also have electrical things that we use. Microwave. Crock pots.

Moermond: do you use a hot plate?

West: no.

Moermond: great, I wanted to hear that. Especially in a house with a lot of stuff I worry about those appliances. The risk is magnified.

Jacobowitch: I would like to reassure you I have lived here 22 years and succeeded in not burning it down. On a basic level I have some knowledge of fire safety.

Moermond: that is one tiny measure.

Jacobowitch: anyone can have a fire ma'am.

Moermond: and all these things are to decrease the likelihood of it occurring. You have things that increase the likelihood. That it hasn't happened yet doesn't give me confidence. The other thing about basement ceilings is they are very low so smoke will gather. You almost can't crawl low enough to get out of a basement on fire. Hear me and know I've seen people die like that.

Jacobowitch: I've seen people die in fires too ma'am. I was a firefighter for a while.

Moermond: I'm concerned you allowed this.

West: I'm grateful about the garbage but I am still upset it is gone. I've been unable to live and we finally get this dumpster. We aren't done.

Moermond: I'm seeing more things this time than what I saw last time. Is that fair?

Jacobowitch: I'm not sure.

West: it is true.

Moermond: the volume of stuff has increased. Comparing photos from 2015 to 2022 I see more stuff. I see things were dirtier and more unsanitary in 2015. Especially with the pets in the house.

Jacobowitch: maybe looking at the May 23 photos.

Moermond: that's all I have to look at.

Jacobowitch: and looking at today's photos you can see it is better.

Moermond: I've had people bring photos in and everyone I know shows pictures with the best face forward.

Jacobowitch: please reinspect the property.

Moermond: that's where I'm going with this. There needs to be an inspection. But I'm concerned about the permits and work that need to be done. I don't know your capacity to do the repairs. Can you repair a hole in the wall? Light fixtures, as an owner, you can pull a permit to do it.

Jacobowitch: I don't know as much as I wish I did.

Moermond: and I know how and I'm afraid to do it.

West: I have friends that can do it.

Jacobowitch: we can develop a plan.

Moermond: I'd like to see a plan on how you will do that. The Fire Department doesn't need to give you any report. You're going to be without gas for another week at least. I want you to take this list and put together a plan for me on how you will get this done and how quickly, and if it will cost money say how much and how you will pay for it. For example, if you have to pay \$200 in fixtures I need to see that \$200. If the friend is doing the work, I need to see the permit pulled. The floor in the bathroom. There are things that need to be done it is how quickly, how you'll pay for it. I can't let this go indefinitely.

Moermond: I am mostly concerned about items 1 through 7.

Jacobowitch: ma'am I don't know what list you keep referring to is.

Moermond: we're talking about an action that makes this a Category 2 Vacant

Building. Because there are code violations---

Jacobowitch: I don't care what you're saying. This is a terrible law. I'd like to give Bostrom my piece of mind.

Moermond: he's been gone a number of years. Here's the thing, has it become dilapidated in a variety of trades it should receive a full Code Compliance Inspection to ensure its safe for people to live in. It almost means you're a registered Vacant Building and no one can live there until its addressed.

Jacobowitch: that is scarier than hell. That makes me homeless.

Moermond: and I'm trying to problem solve.

Jacobowitch: then do it so I don't have to live in a tent.

Moermond: I get you want to come back with these phrases. I am dealing with a bad situation here—

Jacobowitch: she's trying to hurt us. Let's just get through this ma'am.

West: I'm trying to stay levelheaded.

Jacobowitch: you're trying to be adversarial.

West: she is trying to be reasonable.

Moermond: Mr. Kedrowski, what red flags are you seeing?

Kedrowski: missing light fixture has old cloth wiring through the ceiling. They didn't have boxes and any connections on wiring has to be in a box. So one needs to be installed. One photo showed open ceiling with PVC piping and I see no permits. There were modifications in the property owner's own photos that show the drain mechanism in a wastebasket under the sink. The old valves are always replaced on stoves like this. Without a thorough inspection you won't be able to quantify the amount of corrections needed.

Hesse: it was a full house and it was hard to see. I've been in there before. It was cleaner in past years. there was a lot there, I couldn't gain access to quite a few areas. What I could get I took photos of.

Moermond: when you look at this, setting aside the gas issue, what issues gave you the most pause?

Hesse: the basement. I couldn't get down there. There was a mattress near the landing I could see. I could barely even peek in. Not sure what was going on down there. We did talk about that right away and I came back the next day to check. I couldn't get down there to verify. That was the big one. That worried me quite a bit.

Moermond: you have seen your fair share of condemnations Mr. Yannarely. When you look at the items on this list what are your observations and red-flags that make you think this should be in the Vacant Building program?

Yannarely: owner occupied properties do come up less often, so they are usually in

more deteriorated shape than something in the rental program. When we see a preponderance of evidence to say the four trades that need to go through. If there isn't much to be done then that's great but if there is a lot we are potentially avoiding a terrible situation. Mr. Hesse mentioned fleas in conversation. If it is cleared now they can do the Code Compliance Inspection and then we'll know what we are dealing with. Unfortunately we are the enforcement agency trying to enforce minimum property code standards.

Moermond: comments?

Jacobowitch: I would not object to a full inspection of the house. I honestly want to know where I am at.

West: and how we can fix each thing.

Jacobowitch: we've been here 22 years. The mortgage is mostly paid. We may have the ability to finance some rehab work.

West: he's working, I work. He wants to put in money. This is my kids' home; I want to do my part too.

Jacobowitch: we have to live somewhere. We want to live here.

West: I want step by step instructions and we'll just do it. I can know people who can fix stuff. We want to give it a shot.

Jacobowitch: and they want the time to do it. The thing about 2015 and why it didn't last was because we were rushed through the process. We had to do band aid repairs quickly in order to get out from under that. They didn't work. The underlying problems we didn't solve.

Moermond: that's kind of on you, I'm not going to accept responsibility on behalf of the City on how you did repairs.

Yannarely: maybe we can get it expedited. It is still condemned, can't be lived in, and if it is vacant they would have all the time they want but they need a place to live.

Moermond: I want to provide a narrow window for there to be repairs for a follow up inspection. No one can help you besides yourself. This is going to be how are you going to do this. If you have electrical item, what are you going to do about it? How are you solving it? I think you have an uphill battle; I am going to be honest. I think this will be tough to pull off and you will need your entire household to help. Focus on the items that we've talked about most, but also the other items. We need access to the whole house.

Jacobowitch: you could have access now. If there are issues I'll correct them.

Yannarely: the trades inspector not going to have an opinion on a lot of this because he can't access it. Then we get into the area of self-certifying this property.

Moermond: I hear your concerns and I respect it.

Jacobowitch: you respect him at least.

Moermond: sir, I'm trying so hard. This letter is the reasons they are saying the house

isn't livable right now. the correction could be one of two things, I could allow you to put together a work plan to address these things.

Jacobowitch: that's what I need.

Moermond: that's what you want. The other thing is being in the Vacant Building and finding alternative housing for a window of time.

Jacobowitch: that isn't acceptable to me.

West: we want to invest in staying there.

Jacobowitch: I don't want to spend money on alternate housing because that money I can't spend on the house. I am in contempt of this.

West: we really need to stay.

Jacobowitch: the house is not unsafe.

West: we need to stay and focus so we can have enough money.

Moermond: I'm going to ask Mr. Hesse and Mr. Kedrowski to go and inspect. I want to talk to you this next Tuesday at the same time.

Jacobowitch: we do have full time jobs and we do need to work them.

Moermond: this follow up inspection they will have better visibility, respecting you have done some work, and based on that list I will make a determination on whether it will need to be vacated. Enforcement is stayed for another week. We could have a conversation next Tuesday about vacating, or we could have a conversation about how you get done in the next 3 or 4 weeks. Let's get that fresh opinion. I want to give you credit for that.

West: I've been trying to treat the infestation. I've been spending a lot of money. We just need the yard cut and sprayed. We're doing that in the house. Our animals are being treated.

Moermond: I think you need a professional exterminator. Work with me. I'm not playing band aid games on this. I'm totally serious.

Kedrowski: 10 am tomorrow morning.

Jacobowitch: that is acceptable. We will try to comply as quickly as possible. Just make it possible that's all I ask.

Moermond: I'm working with you. I'm being level. These are serious things. These guys are dead serious that trades are involved.

Jacobowitch: I'm already scared to death ma'am. You don't need to do it more.

Laid Over to the Legislative Hearings due back on 6/28/2022