

Vang, Mai (CI-StPaul)

From: Barry Kostyk <bwkostyk@comcast.net>
Sent: Monday, April 4, 2022 1:00 AM
To: *CI-StPaul_LegislativeHearings
Cc: Barry Kostyk
Subject: 351 Hope St - Update
Attachments: SAFETY INSPECTION - PHOTOS - UTILITY ROOM.pptx

Since our teleconference on Mar 22nd, I have been in touch with the state fire marshall who helped me find a complete copy of the fire code online, and hence a better understanding. Clearly some of the language used in the code does not have the same meaning as that of a layman. Previously I only obtained parts of Section 1105 depending upon the question I googled.

The fire marshall directed me to the state code specialist with my code questions. The code specialist helped clarify my interpretation and recommended discussing the situation further with DSI's inspections manager. As a result I also discussed my interpretation of code and the deficiencies in question with Adrian Neis, who was very helpful.

Section 1105.3 about intermittent use areas indicates a need for separation and references rooms with boilers and laundry equipment as examples of such areas. Comments made about needing a separation because of having boilers and laundry equipment (even though it was non-functioning) in the basement rooms suggested this was the code section to be addressed. Hence my previous google search produced this section. However, as mentioned before, the comments made about the boilers and disabled laundry equipment turned out to be irrelevant since they did not meet the the requirements for section 1105.3 to be applicable.

Having obtained section 1105.2.4, I see where the one hour separation requirement comment comes from as it pertains to the 2 rooms in the basement.

For the locked room containing the boilers, there is a multitude/ spiderweb of pipes and expansion tanks from that room integrated with and connected to the floor joists of the rental apartment above. Pictures of same are attached and show that Code Section 1105.2.4.1(4) applies. This section states that when separation in such circumstances is impracticable, it does not need to be provided. This section of the code presumably was written to comply with a doctrine of the law known as the doctrine of impracticability, which states that a duty to perform is excused when such a duty is unfeasibly difficult or expensive, or burdensome. Note that smoke alarms in the building were already interconnected when I bought the building, including those in both basement rooms, presumably as a code equivalency. [Note: New alarms were just installed to replace the existing interconnected ones to insure functionality for another 10 years.]

Hence it makes sense why the basement was passed by previous DSI inspectors and a certificate of occupancy provided in the year I purchased the building and again two years later, with the same construction as currently exists. This included the unlocked

basement room construction with 5/8 inch fire-rated sheetrock and 3M Fire-Block Sealant.

Hence, deficiency item 3 regarding the basement should be removed from the deficiency list.

In addition deficiency item 4 should not have been included in determining the Residential Class scoring. The broken windows involved were not caused by negligence of the tenant but rather by an ex-husband with a restraining order, and were treated appropriately by boarding until repair. The inspector was advised a few days before the scheduled inspection of the newly broken windows, but refused to reschedule the inspection until contractors were able to give an accurate estimate of timing for repair. Repair was accomplished 3 weeks after inspection. One should not be penalized for things out of one's control, or an accident. Co-operation and understanding would be appreciated in such circumstances.

Deficiency item 17 references code 315.3.3 which includes 315.3.3.1 which requires a separation of combustible storage from fuel burning equipment and provides an inspector the right to order removal of such stored material. Deficiency item 18 is a duplication in requiring separation of combustible stored materials from gas-fired heating equipment.

Deficiency item 2 is a duplication of item 17 in providing an inspector the right to order removal of combustible stored material, and is just a different reference source (MN Stat vs Fire Code). Since the same deficiency is listed twice it should be stricken from the list.

Incidentally, with respect to deficiency item 16, the affidavit has been returned.

I look forward to further discussion of these matters.