

# **APPLICATION FOR APPEAL**

## Saint Paul City Council – Legislative Hearings

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

Revised 3/18/2021

RECEIVED

SEP 19 2022
We need the following to process your appeal:

We need the following to process your appeal:	
\$25 filing fee (non-refundable) (payable to the City of Saint Pau	HEARING DATE & TIME
(if cash; receipt number Walved)	(provided by Legislative Hearing Office)
Copy of the City-issued orders/letter being appealed	Tuesday,
Attachments you may wish to include	OCTOBER 4,2022
This appeal form completed	OCTOBER 4, 2022 Time you will be called between  & 1:30 PM  Location of Hearing: IN - PEISON
□ Walk-In OR - Mail-In & Email	Location of Hearing: IN - PEISON Teleconference due to Covid-19 Pandemic
for abatement orders only: 🖪 Email OR 🗆 Fax	Room 330
Address Being Appealed:	
Number & Street: 1300 Wilson Ave, #1211 City: St Paul State: MN Zip: 55106	
Appellant/Applicant; Ben Kaufman obo Virginia Gibbons Email benjamin.kaufman@smrls.org	
Phone Numbers: Business 651-829-9872 Residence Cell	
Signature: Benjamin Kaufman Digitally signed by Benjamin Kaufman Date: 2022.09.16 11:58:30 -05'00' Date:	
Name of Owner (if other than Appellant): Public Housing Agency, Mela Krick PHA Housing Mgr.	
Mailing Address if Not Appellant's:	
Phone Numbers: Business 651-292-6183 Residence	Cell
What Is Being Appealed and Why? Attachments Are Acceptable	
	Attuchments Are Acceptuble
Vacate Order/Condemnation/ Revocation of Fire C of O Order of Condemnation/to Vacate 9-6-22	
O (NY 11.1 A.1 (	
☐ Fire C of O Deficiency List/Correction	
Code Enforcement Correction Notice	
□ Vacant Building Registration	
□ Other (Fence Variance, Code Compliance, etc.)	•



### SAINT PAUL CENTRAL OFFICE

55 East Fifth Street, Suite 400
Saint Paul, MN 55101
Phone: (651) 222-5863 • Fax: (651) 297-6457
Website: www.smrls.org • Email: central@smrls.org

September 16, 2022

Legislative Hearings 310 City Hall 15 W. Kellogg Blvd. Saint Paul, MN 55102

Re: Order to Vacate Application Appeal

To whom it may concern:

I am an elder law advocate with the Legal Advocacy for Older People Project, a project of Southern Minnesota Regional Legal Services. I write on behalf of SMRLS' client, Virginia Gibbons, the resident of 1300 Wilson Ave, #1211, St Paul, MN 55106. An Order of Condemnation dated 9/2/22 was issued for her unit and is enclosed with this letter along with 3 Fire Certificate of Occupancy Approval with Corrections letters (dated 7/15/22, 8/8/22, and 9/13/22), a contemporaneous email speaking to the effect of the first inspection attempt on her mental state, and the Application for Appeal.

Ms. Gibbons has acute anxiety and agoraphobia, conditions which were significantly stressed when the initial inspection attempt was made on July 5, 2022, only 2 weeks after she had moved into the unit. On that date, Ms. Gibbons attests that the fire safety inspector was shouting at her through the door, refused to allow her to dress before attempting to enter, and damaged her door to gain entry to the unit by forcing the door open. Ms. Gibbons contacted the PHA Housing Manager concerning this incident to report the damage done to her property and mental state as indicated in the attached letter.

Ms. Gibbons attempted to ensure she was emotionally capable of complying with the reinspection by requesting a scheduled visit by the inspector in lieu of the standard random date on 8/5/22. When no response was returned, she refused to comply with the reinspection, which she says was similarly carried out by knocking aggressively on her door and shouting at her. She described a similar occurrence during the most recent inspection attempt on 9/2/22.

In addition to these issues, the final list of deficiencies on the 9/13 letter make no sense in context. Deficiency 4 states that the inspector was not provided access to the areas of the building, but lists 5 discrete deficiencies. Ms. Gibbons seeks a scheduled inspection, including time, so that she can have someone present for emotional support. She believes that her unit is otherwise in compliance and would pass upon inspection.

We acknowledge that this application is being submitted 4 days after the 10-day deadline from when the Order was posted. Ms. Gibbons only received a referral to our organization on 9/13/22





when PHA informed her of our existence, likely following the final letter from Inspector Thomas. We ask that you consider her appeal and waive the filing fee given that Ms. Gibbons's financial circumstances qualify her for our legal assistance.

If you require any additional documentation, please let me know. I can be reached by phone at 651-829-9872 or by email at benjamin.kaufman@smrls.org.

Sincerely,

Benjamin Kaufman Elder Law Advocate



CITY OF SAINT PAUL

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

 Telephone:
 651-266-8989

 Facsimile:
 651-266-8951

 Web:
 www.stpaul.gov/dsi

July 15, 2022

ST. PAUL PUBLIC HOUSING AGENCY MT. AIRY MAINTENANCE OFFICE 200 ARCH ST E SAINT PAUL MN 55130-4347 USA

### FIRE INSPECTION CORRECTION NOTICE

RE: 1300 WILSON AVE

Ref. #16538

Residential Class: A

### Dear Property Representative:

Your building was inspected on July 5, 2022, for the renewal of your Fire Certificate of Occupancy. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected prior to the re-inspection date. A reinspection will be made on August 5, 2022, at 10:00A.M.

Failure to comply may result in a criminal citation or the revocation of the Fire Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional reinspection fees.

YOU WILL BE RESPONSIBLE FOR NOTIFYING TENANTS IF ANY OF THE FOLLOWING LIST OF DEFICIENCIES ARE THEIR RESPONSIBILITY.

### **DEFICIENCY LIST**

- 1. 1000 NEC 240.5(B)(3) Extension Cord Sets Flexible cord used in listed extension cord sets shall be protected when applied within the extension cord listing requirements. Plug appliance directly to outlet or use approved listed cord.-
- 2. 1000 MN Stat 299F.18 Immediately remove and discontinue excessive accumulation of combustible materials.-Reduce combustibles by 50%

- 3. 1007 SPLC 34.19 Provide access to the inspector to all areas of the building.-
- 4. 1100 MSFC 1031.2, 1031.3 Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit path.-Remove all cords from all pathways
- 5. 1100 MN Stat 299F.18 Immediately remove and discontinue excessive accumulation of combustible materials.-Reduce combustibles by 50%
- 6. 1100 SPLC 200.02 (a) No person shall own, harbor, keep or maintain in the City and dog over three months of age without a license. Provide written documentation of current license to the Fire Inspector. To obtain a dog license, contact DSI at 651-266-8989-
- 7. 1104 SPLC 34.10 (4), 34.34 (3) Provide a bathroom floor impervious to water to permit such floor to be easily kept in a clean and sanitary condition-
- 8. 1107 MSFC 308.3 immediately, discontinue the use of all unapproved open flames. Do not burn incent on wooden trays-
- 9. 1107 SPLC 34.10 (1), 34.34 (4), 34.16 Provide and maintain interior in a clean and sanitary condition.-
- 10. 1107 SPLC 34.11 (1), MSBC 2902.1, SPLC 34.35 (1), MPC 301.1 Repair or replace and maintain all parts of the plumbing system to an operational condition.-Repair or replace and maintain an approved private toilet. This work may require a permit(s). Call DSI at (651) 266-8989.
- 11. 1203 Various locations MSFC 604.4 Discontinue use of all multi-plug adapters.-
- 12. 1207 SPLC 34.10 (1), 34.34 (4), 34.16 Provide and maintain interior in a clean and sanitary condition.-
- 13. 1210 MSFC 604.4 Discontinue use of all multi-plug adapters.-

- 14. 1210 SPLC 200.02 (a) No person shall own, harbor, keep or maintain in the City and dog over three months of age without a license. Provide written documentation of current license to the Fire Inspector. To obtain a dog license, contact DSI at 651-266-8989-
- 15. 1211 SPLC 34.19 Provide access to the inspector to all areas of the building.-
- 16. 1300 SPLC 34.10 (4), 34.34 (3) Provide a bathroom floor impervious to water to permit such floor to be easily kept in a clean and sanitary condition-Remove carpet form bathroom floor
- 17. 1300 SPLC 200.02 (a) No person shall own, harbor, keep or maintain in the City and dog over three months of age without a license. Provide written documentation of current license to the Fire Inspector. To obtain a dog license, contact DSI at 651-266-8989-
- 18. 1302 MSFC 604.4 Discontinue use of all multi-plug adapters.-
- 19. 1306 MSFC 604.4 Discontinue use of all multi-plug adapters.-
- 20. 1310 MSFC 604.4 Discontinue use of all multi-plug adapters.-
- 21. 1403 MSFC 604.5 Discontinue use of extension cords used in lieu of permanent wiring.-
- 22. 1403 NEC 240.5(B)(3) Extension Cord Sets Flexible cord used in listed extension cord sets shall be protected when applied within the extension cord listing requirements. Plug appliance directly to outlet or use approved listed cord.-
- 23. 1403 SPLC 34.10 (1), 34.34 (4), 34.16 Provide and maintain interior in a clean and sanitary condition.-
- 24. 1403 SPLC 34.11 (1), MSBC 2902.1, SPLC 34.35 (1), MPC 301.1 Repair or replace and maintain all parts of the plumbing system to an operational condition.-Repair or replace and maintain an approved private toilet. This work may require a permit(s). Call DSI at (651) 266-8989.

- 25. 1406 NEC 240.5(B)(3) Extension Cord Sets Flexible cord used in listed extension cord sets shall be protected when applied within the extension cord listing requirements. Plug appliance directly to outlet or use approved listed cord.-
- 26. 1409 SPLC 34.10 (4), 34.34 (3) Provide a bathroom floor impervious to water to permit such floor to be easily kept in a clean and sanitary condition-
- 27. 1411 MSFC 1031.2, 1031.3 Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit path.-Remove all cords from all pathways
- 28. 1411 MN Stat 299F.18 Immediately remove and discontinue excessive accumulation of combustible materials.-Reduce combustibles storage 75%
- 29. 1411 SPLC 34.10 (1), 34.34 (4), 34.16 Provide and maintain interior in a clean and sanitary condition.-
- 30. 1500 SPLC 34.10 (1), 34.34 (4), 34.16 Provide and maintain interior in a clean and sanitary condition.-
- 31. 1506 MSFC 604.4 Discontinue use of all multi-plug adapters.-
- 32. 1506 MN Stat 299F.18 Immediately remove and discontinue excessive accumulation of combustible materials.-Reduce combustibles 75%
- 33. 1509 SPLC 200.02 (a) No person shall own, harbor, keep or maintain in the City and dog over three months of age without a license. Provide written documentation of current license to the Fire Inspector. To obtain a dog license, contact DSI at 651-266-8989-
- 34. 1601 MSFC 604.5 Discontinue use of extension cords used in lieu of permanent wiring.-
  - 35. 1601 MN Stat 299F.18 Immediately remove and discontinue excessive accumulation of combustible materials.-reduce combustibles by 50%

- 36. 1602 MN Stat 299F.18 Immediately remove and discontinue excessive accumulation of combustible materials.-Reduce combustible storage by 50%e
- 37. 1605 SPLC 34.10 (1), 34.34 (4), 34.16 Provide and maintain interior in a clean and sanitary condition.-
- 38. 1707 MSFC 701.5 The fire door must not be obstructed or impaired from its proper operation at any time.-
- 39. 301 MSFC 604.5 Discontinue use of extension cords used in lieu of permanent wiring.-
- 40. 305 MSFC 604.4 Discontinue use of all multi-plug adapters.-
- 41. 305 NEC 240.5(B)(3) Extension Cord Sets Flexible cord used in listed extension cord sets shall be protected when applied within the extension cord listing requirements. Plug appliance directly to outlet or use approved listed cord.-
- 42. 306 Kitchen MSFC 604.4 Discontinue use of all multi-plug adapters.-
- 43. 311 MSFC 1031.2, 1031.3 Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit path.-Remove all curtains from all exit ways
- 44. 400 MN Stat 299F.18 Immediately remove and discontinue excessive accumulation of combustible materials.-

Reduce by 50%

- 45. 401 MSFC 604.5 Discontinue use of extension cords used in lieu of permanent wiring.-
- 46. 501 SPLC 34.10 (1), 34.34 (4), 34.16 Provide and maintain interior in a clean and sanitary condition.-
- 47. 505 SPLC 200.02 (a) No person shall own, harbor, keep or maintain in the City and dog over three months of age without a license. Provide written documentation of

current license to the Fire Inspector. To obtain a dog license, contact DSI at 651-266-8989-

- 48. 509 SPLC 34.10 (1), 34.34 (4), 34.16 Provide and maintain interior in a clean and sanitary condition.-
- 49. 600 MN Stat 299F.18 Immediately remove and discontinue excessive accumulation of combustible materials.-
- 50. 707 MSFC 604.5 Discontinue use of extension cords used in lieu of permanent wiring.-
- 51. 708 MSFC 604.4 Discontinue use of all multi-plug adapters.-
- 52. 710 MSFC 604.4 Discontinue use of all multi-plug adapters.-
- 53. 710 MN Stat 299F.18 Immediately remove and discontinue excessive accumulation of combustible materials.-Reduce combustibles by 50%
- 54. 711 SPLC 34.10 (1), 34.34 (4), 34.16 Provide and maintain interior in a clean and sanitary condition.-
- 55. 802 MSFC 604.4 Discontinue use of all multi-plug adapters.-
- 56. 807 MN Stat 299F.18 Immediately remove and discontinue excessive accumulation of combustible materials.-Reduce combustibles by 50%
- 57. 900 SPLC 34.10 (1), 34.34 (4), 34.16 Provide and maintain interior in a clean and sanitary condition.-
- 58. Building MSFC 901.6 Provide required annual maintenance of the fire extinguishers by a qualified person and tag the fire extinguishers with the date of service.-

- 59. Utility room MSFC 604.5 Discontinue use of extension cords used in lieu of permanent wiring.-
- 60. Utility room MSFC 901.6 Have fire extinguisher recharged and tagged.-
- 61. SPLC 39.02(c) Complete and sign the smoke alarm 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: (651-266-8585) and must be filed within 10 days of the date of this order.

If you have any questions, email me at: james.thomas@ci.stpaul.mn.us or call me at 651-266-8983 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,

James Thomas Fire Safety Inspector

Reference Number 16538

Ricardo X. Cervantes, Director

SAINT PAUL CITY OF SAINT PAUL

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

 Telephone:
 651-266-8989

 Facsimile:
 651-266-9124

 Web:
 www.stpaul.gov/dsi

August 8, 2022

St. Paul Public Housing Agency Mt. Airy Maintenance Office 200 ARCH ST E SAINT PAUL MN 55130-4347 USA

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES 1300 WILSON AVE

Ref. # 16538

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on August 5, 2022. Approval for occupancy will be granted upon compliance with the following deficiency list. The items on the list must be corrected immediately. A reinspection will be made on September 2, 2022, at 10:00A.M.

Failure to comply may result in a criminal citation or the revocation of the Fire Certificate of Occupancy. The Saint Paul Legislative Code requires that no building be occupied without a Fire Certificate of Occupancy. The code also provides for the assessment of additional reinspection fees.

### **DEFICIENCY LIST**

- 1. (1211 SPLC 34.19 Provide access to the inspector to all areas of the building.-)
- 2. 1411 MN Stat 299F.18 Immediately remove and discontinue excessive accumulation of combustible materials.-Reduce combustibles storage 75%
- 3. 1601 MSFC 604.5 Discontinue use of extension cords used in lieu of permanent wiring.-
- 4. 1602 MN Stat 299F.18 Immediately remove and discontinue excessive accumulation of combustible materials.-Reduce combustible storage by 50%e

- 5. 305 MSFC 604.4 Discontinue use of all multi-plug adapters.-
- 6. 306 Kitchen MSFC 604.4 Discontinue use of all multi-plug adapters.-
- 7. 509 SPLC 34.10 (1), 34.34 (4), 34.16 Provide and maintain interior in a clean and sanitary condition.-
- 8. 600 MN Stat 299F.18 Immediately remove and discontinue excessive accumulation of combustible materials.-
- 9. 710 MSFC 604.4 Discontinue use of all multi-plug adapters.-
- 10. 710 MN Stat 299F.18 Immediately remove and discontinue excessive accumulation of combustible materials.-Reduce combustibles by 50%
- 11. 711 SPLC 34.10 (1), 34.34 (4), 34.16 Provide and maintain interior in a clean and sanitary condition.-
- 12. 807 MN Stat 299F.18 Immediately remove and discontinue excessive accumulation of combustible materials.-Reduce combustibles by 50%

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 james.thomas@ci.stpaul.mn.us or call me at 651-266-8983 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,

James Thomas Fire Safety Inspector Ref. # 16538 SAINT

CITY OF SAINT PAUL

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

 Telephone:
 651-266-8989

 Facsimile:
 651-266-9124

 Web:
 www.stpaul.gov/dsi

September 13, 2022

St. Paul Public Housing Agency Mt. Airy Maintenance Office 200 ARCH ST E SAINT PAUL MN 55130-4347USA

# FIRE CERTIFICATE OF OCCUPANCY APPROVAL WITH CORRECTIONS

RE: 1300 WILSON AVE

Ref. # 16538

Dear Property Representative:

Your building was inspected on September 6, 2022, for the renewal of the Fire Certificate of Occupancy and was approved. When the required fee has been paid you will receive your certificate. There are however seasonal or non-life safety deficiencies noted below which must be corrected prior to re-inspection. October 3, 2022, will be the reinspection date. If this date does not work for this unit, please call me at 651 266 8983 to let me know when the unit will be vacant.

### **DEFICIENCY LIST**

- 1. 1211 Front entry door MSFC 1031.2, 1031.3 Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exit path.-
  - 2. 1211 Front entry door MSFC1010.1.9 Remove unapproved locks from the exit doors. The door must be openable from the inside without the use of keys or special knowledge or effort.-
- 3. 1211 SPLC 34.19 Provide access to the inspector to all areas of the building.-
- 4. 1211 SPLC 34.23, MSFC 111.1 This occupancy is condemned as unsafe or dangerous. This occupancy must not be used until re-inspected and approved by this office.-
- 5. 1211 MN Stat. 299F.362, MSFC 1103.8 Immediately provide and maintain a smoke alarm located outside each sleeping area.-

6. 1211 - MN Stat. 299F.51 - 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 manufacturer's instructions.-

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 this order.

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

If you have any questions, email me at: james.thomas@ci.stpaul.mn.us or call me at 651-266-8983 between 7:30 a.m. - 9:00 a.m.

Sincerely,

James Thomas Fire Safety Inspector

Ref. # 16538



Fire Inspection Division 651-266-8989 Department of Safety



# This Building Is

# DESTRUCTION OF THE PROPERTY OF

It is Unlawful for Any Person to Use, Occupy This Structure is Declared Unsafe or Unfit or Permit the Occupancy of This Building for Human Occupancy or Use. After

Code: SPCC Art: 34

Fire Inspector:

Under Penalty of Law, this notice shall not be removed without authorization from the Sect. 23

Department of Safety & Inspections

within 10 days of the date of the original notice. The cost to appeal is \$25 and must include a copy of the letter of Condemnation. This letter Any person affected by this order to Vacate may file an appeal at the Office of the City Clerk, Room 310 City Hall, 15 Kellogg Blvd. West, is available at the Department of Safety & Inspections, Fire Inspection Division, 375 Jackson Street Suite 220, Saint Paul, MN 55101 To Sheila Wynn, jen.jackson@stpha.org, Mela Krick

To whom it may concern,

I see absolutely no need or reason I must be subjected to two inspections on two different days. Sheila explained that the PHA inspection was needed because of the possibility that a fire hazard existed, and she was concerned for my safety. If the Fire Marshal is inspecting the unit for fire hazards what is the purpose of the PHA inspection? If the PHA feels the need to inspect the unit, then this inspection should be considered my yearly inspection if it is concerning a fire hazard as I was told it is then redundant, a waste of time, a waste of resources and money, and unnecessarily traumatic for someone suffering from anxiety disabilities such as myself. If the PHA finds the inspection to be warranted and absolutely necessary then the PHA inspection and the Fire Marshal's inspection can be done on the same date and at the same time on August 5, 2022, exactly the same way they arranged their inspections to coincide on July 5, 2022, only difference being this time with my knowledge and notification. I am also requesting an approximate time of the August 5, 2022, inspection.

In researching my complaint, I find nothing even alluding to the fact that any unit would or could be entered by force for any type of routine inspection. I had tried to contact Sheila by phone three times on the morning of July 5th and after receiving no reply to my first two messages my third message stated I was cancelling the PHA inspection and would be filing a complaint concerning the situation. I have had far more experience than I would like concerning the unscrupulous behavior of PHA employees and when Sheila who in the past returned my messages within minutes failed to return my calls I feared (well founded) that something was planned by Jen Jackson that would as in the past make my life at Wilson HR intolerable.

The fact that there was no regard given to my disabilities or the lasting effects that would result from such an invasion on someone suffering from such disabilities ever even taken into consideration prior to breaking into the unit is at the very least unconscionable. I was being subjected to several people screaming at me through the door, I requested time to get dressed which I was denied. I was standing in the living room in my nightgown terrified and crying when a male unknown to me broke into the unit screaming at me without any prior notice given that the unit would be entered by force or any provocation whatsoever on my part.

I would like to know who is responsible for the decision to enter the unit by forced as they will be held responsible to pay restitution to cover my property losses. There is no one or nothing that can ever take away the disabling fear I am now forced to deal with on a daily basis as a direct result of the unwarranted and overzealous actions taken on July 5, 2022, by PHA and the Department of Public Safety employees.

I have never witnessed much less experienced such blatant unprofessional behavior as I was put through on July 5, 2022. As a final note I will not tolerate, nor should I or any resident have to tolerate or be subjected to being screamed at or even being address in a raised voice by any employee of the PHA or any employees of other entities conducting business at Wilson HR.

Virginia Gibbons Wilson HR #1211