

✓ Vacant Building Registration

□ Other

APPLICATION FOR APPEAL

JUL 27 2011 CITY CLERK

Saint Paul City Clerk

310 City Hall, 15 W. Kellogg Blvd. Saint Paul, Minnesota 55102 Telephone: (651) 266-8560

ARING Date and Time: August 9, 2011
f Hearing: City Hall/Courthouse
_State: MN zip: uro law@ hotmail.com 7 cell (051 4028474 e: 7-27-11
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BLOOMINGTON, MN 55431
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VIA HAND DELIVERY

July 27, 2011

Hearing Officer Room 330 City Hall 310 City Hall 15 W. Kellogg Blvd. St. Paul, MN 55102

Re:

1227 Galtier Street

St. Paul, MN

To Whom it May Concern:

Please let this serve as the appeal of Champion Holdings, LLC from the Notice of Condemnation ("Notice") issued with regard to the above-property on July 22, 2011 and received by Champion Holdings on July 26, 2011.

Background

Champion Holdings purchased this property in November of 2009 as a newly renovated property complete with a code compliance approval, certificate of occupancy and fire inspection approval from the City of St. Paul. The electric, plumbing, and other code issues were all certified as complete and approved. The work was performed by licensed contractors. Champion Holdings purchased the property in order to be able to provide affordable housing to low-income people.

Champion Holdings rented the property to Brian and Samantha Brauer (the "Tenants") on October 25, 2011. Prior to their occupancy, the property was inspected by Catholic Charities (who referred the Brauers). Catholic Charities found no issues with the property.

Pursuant to the lease, the Tenants were responsible for all utilities at the property. The Brauers faithfully paid the rent from the point of their occupancy through July 1, 2011. The landlord inspected the property in March, 2011 and found no evidence of any issues.

Hearing Officer City of St. Paul July 27, 2011 Page 2 of 5

Champion Holdings also had the property inspected every other month by Orkin for evidence of pests or other issues. *See Orkin contract and service records attached.* Orkin inspected the property in November, December, February, April and June. Orkin was last at the property June 9, 2011 and found no evidence of infestation of any kind.

Apparently the tenants did not pay their utility bill to Excel. Excel shut off service to the property in June 2011. This was not brought to the attention of the landlord.

The Landlord was on vacation from July 1, 2011 through July 17, 2011. Upon return to their home of residence they found in the mail a Correction Notice from the City of St. Paul stating service was shut off to the property.

On **Sunday** July 17, 2011 the Landlords contacted the tenant and Excel about this issue and learned, for the first time, the tenants had significant arrearages on their account and that they were living in the home without power. Excel agreed to restart service on Tuesday, July 19, 2011 in the name of the landlords and the tenants agreed to make arrangements with Excel to repay their past due account. (all of this information with Excel can be confirmed with Denise at Excel ID # RMRD02).

Monday morning, July 18, 2011, Champion Holdings immediately contacted the City and made them aware that service was to restart on Tuesday. No one from the city advised that this would be a problem.

On **Tuesday**, **July 19**, **2011** at 5 p.m. the tenants contacted Champion Holdings to advise that Excel had not restarted the service as agreed. Champion Holdings contacted Excel and were advised that since the tenants remained at the property they would not restart service even though the new service was to be in the name of Champion Holdings.

On **Wednesday** July 20, 2011 Champion Holdings contacted the city to advise that the tenants were under lease, that until they left Excel would not start service and that they were working with the tenants to vacate the property either voluntarily or via an unlawful detainer action.

On **Wednesday** July 20, 2011, Champion Holdings was advised by Ms. Martin, Fire Inspector, that the house had been condemned and the tenants had to vacate the house **that day**.

The tenants began working with House Calls to see how to pay their bill and, at the same time, moved out of the home. The tenants finished vacating the property at 10 pm Wednesday July 21, 2011.

Champion Holdings contacted Excel, advised the tenants were out of the property and Excel restarted service on Friday, July 22, 2011. See Exhibit 4 letter from Excel.

On Friday, July 22, 2011 the City Fire Inspector inspected the property. Champion Holdings placed multiple calls to the inspector to find out what, if anything was additionally required by the city. The fire inspector did not return one telephone call.

On Tuesday, July 26, 2011 Champion Holdings received the Notice of Condemnation dated July 22, 2011, listing 27 items.

Discussion

1. This is not a vacant property.

This property was fully occupied until the tenants chose not to pay their utility bill causing their eviction. Simply because Champion Holdings is between tenants does not make it a vacant property.

Service was restored the very same day of the Notice of Condemnation. The only reason service was delayed was: (1) because the landlord did not know about the issue until July 17, 2011; (2) the tenants had to vacate the property before Excel would agree to restart service; and (3) because the City ordered the tenants out on Wednesday when they revoked the CO. Because the tenants were under lease, the earliest the landlord could convince them to leave was Wednesday July 20. Service was restored less than 48 hours later.

Items 9 and 10 on the Condemnation Order have been addressed.

Classifying this property as vacant is inaccurate and is causing stigma damage to the property's history and resale value. It will also cost the landlord \$1100 in vacant building fees and additional fees for additional inspections since Excel and the City ordered the tenants to vacate.

2. Cosmetic repairs do not warrant condemnation

Many items noted on the Notice are cosmetic in nature and would be part of the landlord's routine maintenance now that the property has to be prepared to re-let or sell. Those items include:

- 1. All exterior property areas shall be maintained free from any accumulation of refuse, garbage or feces. The City ordered the tenants to vacate July 20. The next scheduled garbage pick up is July 27. There is no feces in the yard that the landlord is aware of.
- 2. All wood exterior unprotected surfaces must be painted or protected from the elements... The house was painted in 2009; woodwork was repainted after the prior tenants left in October of 2010 and any new paint issues will be dealt with as routine maintenance.
- 4. Repair or replace storm doors to fit and close as designed. The doors fit when the tenants took occupancy in October 2010 and may now require minor adjustment.
- 5. Repair and maintain window frames This is a routine maintenance item being addressed.
- 6. Repair and maintain the window screens. All screens were in place when tenants took occupancy. If any are now missing they will be provided.
- 7. Secure the rear deck/stairs/guardrails. This was an approved free-standing platform. If required to secure it would take a bolt or two.

- 8. Repair or replace damaged electrical fixtures. The landlord has not located any damaged fixtures and if any are found, they will be replaced or repaired.
- 13. Clean and sanitize the interior of the home to eliminate flies. There are no live flies in the unit. Champion Holdings suspects that, because the power was off, the tenants had the windows open all the time to escape the heat and let in some flies. They then put up fly strips to catch the flies. Those have been eliminated.
- 15. Repair and maintain the cabinets in an approved manner. The cabinets were new as of 2009. Minor adjustments to cabinets do not require a condemnation and only evidence tenant misuse, not landlord fault. All issues are dealt with as routine maintenance.
- 20. All light fixtures shall be maintained with protective globes if originally equipped. *The tenants removed these globes and they will be replaced.*
- 22. Provide and maintain carbon monoxide alarms. These already exist and are part of the smoke detectors and were approved as installed by the City in 2009. Furthermore, there is no gas to this house so carbon monoxide is not an issue.
- 23. Check all smoke detectors to replace batteries as the smoke detectors were beeping. This is routinely done by the landlord twice a year and has been completed.
- 25. Repair honing ventilation fan in bathroom. All fans were new as of 2009, were inspected an approved by the City in 2009 and were working in October of 2010. If repair is required it will be done.
- 26. Submit a completed copy of the Saint Paul Fire Marsha's Exiting Fuel Burning Equipment Safety Test Report to this office. There is no furnace or other fuel burning at this home. The home is all electric including the baseboard heating, water heater and stove.
- Complete and sign the provided smoke detector affidavit and return it to this office. NO
 affidavit was provided.

2. The Property has been routinely inspected for pests.

Item 14 on the Notice requires "documentation of extermination." This property has been monitored by Orkin since November of 2011. *See Orkin records attached.* Orkin last visited the property in June 2011 and found no evidence of pests. Landlord has already complied with this requirement.

3. Window issues

Item 21 discusses the windows. The windows are wood, double hung windows. In November 2010 the windows were all operational and opened to the required height or Catholic Charities could not have rented the unit. Champion Holdings suspects that the window in the bedroom does not open

Hearing Officer City of St. Paul July 27, 2011 Page 5 of 5

either because (1) it has reached its useful life; or (2) because of the high humidity we have had in Minnesota, the wood is swollen. Either way, this window is scheduled for replacement.

The front bedroom window opens onto the porch which is full of windows and a door for egress. This is an existing condition, present in most of the older homes in St. Paul and was already inspected and approved by the City in 2009. The city cites no code violation here, and, if one exists, it must be waived as already approved.

The basement egress ladder has not moved from the date of the original code compliance certification but the Landlord will move it over a few inches to address this concern.

The attic is not designed for sleeping space and the landlord always advises the tenants of this fact.

4. Basement issues.

Items 3, 16, 17, 18 and 19 address the basement. The Landlord provided the tenant with a dehumidifier to operate in the basement. When the power was shut off, the tenant did not operate this unit causing condensation damage. The Landlord also suspects that the tenants (5) were probably all sleeping in the basement when the power was shut off further over-taxing the basement with excess humidity from over-occupancy. Now that power is restored, dehumidifiers are operational and any condensation damage is being addressed. The landlord has paid Serve Pro to install fans and industrial dehumidifiers to address this situation and will replace any damaged sheetrock.

The landlord is also inspecting the foundation and if cracks have appeared, they will be repaired.

Given the extreme weather conditions in Minnesota this year i.e. excess humidity and an above-average rain fall combined with the tenants' mis-use of the basement, this will be corrected but is not something to condemn the house over. There were no moisture issues when the landlord and Catholic Charities inspected in October of 2010. There were no moisture issues when the landlord inspected in March 2011. These are new and are being corrected.

We appreciate your review of this matter as the City's action is causing a severe stigma loss to this property. Thank you for your attention to this matter.

Sincerely,

Brenda M Santo



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

July 22, 2011

CHAMPION HOLDINGS LLC C/O GREGORY SAURO 1730 TAMBERWOOD ECHO WOODBURY MN 55125

NOTICE OF CONDEMNATION UNFIT FOR HUMAN HABITATION ORDER TO VACATE

RE: 1227 GALTIER ST

Dear Property Representative:

Your building was inspected on July 22, 2011.

The building was found to be unsafe, unfit for human habitation, a public nuisance, a hazard to the public welfare or otherwise dangerous to human life. A Condemnation Placard has been posted on the building.

The following deficiency list must be completed or the building vacated by the re-inspection date.

CONDEMNATION OF THE BUILDING REVOKES THE CERTIFICATE OF OCCUPANCY.

Failure to complete the corrections may result in a criminal citation. The Saint Paul Legislative Code requires that no building be occupied without a Fire Certificate of Occupancy.

DEFICIENCY LIST

1. Exterior - SPLC 34.08 (1), 34.31 (1) - All exterior property areas shall be maintained free from any accumulation of refuse, garbage or feces.

- Exterior 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.
- 3. Exterior SPLC 34.09 (1) a, 34.32 (1) a Provide and maintain foundation elements to adequately support this building at all points.-Patch the foundation to eliminate moisture issues in the basement.
- 4. Exterior SPLC 34.09 (3), 34.32 (3) Repair and maintain the door in good condition.Repair or replace the storm doors to fit and close as designed.
- 5. Exterior SPLC 34.09 (3), 34.32 (3) Repair and maintain the window frames.
- 6. Exterior SPLC 34.09 (3), 34.32 (3) Provide or repair and maintain the window screens.
- 7. Exterior SPLC 34.09 (2), 34.32(2) Repair or replace the unsafe stairways, porch, decks or railings in an approved manner. This work may require a permit(s). Call DSI at (651) 266-9090.-Secure the rear deck/stairs/and guardrails.
- 8. Exterior MSFC 605.1 Repair or replace damaged electrical fixtures. This work may require a permit(s). Call DSI at (651) 266-9090.
- 9. G1227 SPLC 34.14 (2), 34.34 (5) Provide an approved electrical service adequate to meet the buildings needs. This work may require a permit(s), call DSI at (651) 266-9090.-Restore power or vacate unit.
- G1227 SPLC 34.23, MSFC 110.1 This occupancy is condemned as unfit for human habitation. This occupancy must not be used until re-inspected and approved by this office.-Restore power or vacate.
- 11. Interior SPLC 34.10 (1) Abate and maintain the basement reasonably free from dampness and free of mold and mildew.
- 12. Interior SPLC 34.10 (3), 34.33(2) Repair or replace the damaged guardrail in an approved manner.-Repair the guardrail in the attic area.
- 13. Interior SPLC 34.10 (5), 34.33 (4), 34.16 Provide and maintain interior in a clean and sanitary condition.-Clean and sanitize the interior of the home to eliminate flies.
- 14. Interior SPLC 34.10 (6), 34.33 (5) Exterminate and control insects, rodents or other pests. Provide documentation of extermination.
- 15. Interior SPLC 34.10 (7), 34.33 (6) Repair and maintain the cabinets in an approved manner.
- 16. Interior SPLC 34.10 (7), 34.33 (6) Repair and maintain the ceiling in an approved manner.-Replace all moisture damaged ceilings in the basement.

- 17. Interior SPLC 34.10 (7), 34.33 (6) Repair and maintain the floor in an approved manner.-Repair or replace the torn, moisture damaged carpets in the basement.
- 18. Interior SPLC 34.10 (7), 34.33 (6) Repair and maintain the walls in an approved manner.-Replace all moisture damaged walls in the basement.
- 19. Interior SPLC 34.10 (7), 34.33 (6) Repair or replace and maintain the woodwork in an approved manner.
- 20. Interior MSFC 605.1- All light fixtures shall be maintained with protective globes if originally equipped.
- 21. Interior 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 Occupanices handout for more information.-The egress window on the main floor measured 18H x 27W, the front bedroom window did not open, and exits into an enclosed porch, the basement egress window opens into the middle of the ladder, and the second floor attic should not be used for sleeping.
- 22. Interior 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.
- 23. Interior MN Stat. 299F.362 Immediately provide and maintain a smoke detector located outside each sleeping area.-Check all smoke detectors to replace batteries as the detectors were beeping.
- 24. Interior SPLC 34.09 (2), 34.32(2) Repair or replace the unsafe stairways, porch, decks or railings in an approved manner. This work may require a permit(s). Call DSI at (651) 266-9090.-The front porch is spongy and in need or repair under permit.
- 25. Interior SPLC 34.14 (3), MPC 4715.200.T Provide and maintain a window or approved ventilation system in all bathrooms.-Repair the honing ventilation fan in the bathroom.
- 26. SPLC 34.11 (6), 34.34 (3) Provide service of heating facility by a licensed contractor which must include a carbon monoxide test. Submit a completed copy of the Saint Paul Fire Marshal's Existing Fuel Burning Equipment Safety Test Report to this office.
- 27. SPLC 39.02(c) Complete and sign the provided smoke detector affidavit and return it to this office.

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 the original orders.

If you have any questions, email me at: lisa.martin@ci.stpaul.mn.us or call me at 651-266-8988 between 6:30 - 8:30 a.m. Please help make Saint Paul a safer place in which to live and work.

Sincerely,

Lisa Martin Fire Inspector

cc: Housing Resource Center

Force Unit

DEPARTMENT OF SAFETY AND INSPECTIONS

Steve Magner, Manager of Code Enforcement



Nuisance Building Code Enforcement 375 Jackson Street, Suite 220 Saint Paul, MN 55101-1806

651-266-8989 651-266-1919 www.stpaul.gov/dsi

July 25, 2011

Champion Holdings Llc 1730 Tamberwood Echo Woodbury MN 55125-3355

VACANT BUILDING REGISTRATION NOTICE

The premises at 1227 GALTIER ST

has been inspected and found to meet the legal definition of a Vacant Building as described in Saint Paul Legislative Code, Chapter 43. You are required to register this building with the Department of Safety and Inspections, Vacant Buildings Division, by filling out and returning the registration form provided with this letter. You are also required to pay the annual Vacant Building Registration Fee of \$1,100.00 The fee is due upon receipt of this letter and must be paid no later than thirty (30) days from the date of this letter, as required in Saint Paul Legislative Code Chapter 43. If this building is vacant due to a fire, complete the enclosed registration form and return it to this office within 30 days.

Please return the enclosed registration form along with your payment by August 25, 2011.

Do not mail cash.

If you wish to pay in person, you may do so from 8:00 a.m. to 4:00 p.m. Monday through Friday at:

DEPARTMENT OF SAFETY AND INSPECTIONS 375 Jackson Street, Suite 220 Saint Paul, MN 55101-1806

You may file an appeal to this fee or registration requirements by contacting the Office of the City Clerk at (651) 266-8688. Any appeal of this fee must be made within ten (10) days of the date of this notice.

If the registration fee is not received in this office within 45 days of the date of this letter the full amount owed will be assessed to, and collected with, the taxes for this property as permitted by Saint Paul Legislative Code Chapter 43.

The Code Enforcement Officer has notified the Building Inspection And Design Section that this property meets the legal definition of a registered vacant building and in accordance with Legislative Code Chapter 33, no permits (except demolition, wrecking and removal permits) will be issued until the requirements of all applicable ordinances are fulfilled.

All category 2 and category 3 vacant buildings must be winterized with gas and water services shut off or, alternately, an excess flow gas valve must be installed in the dwelling, within sixty (60) days of the date of this Notice.

WRITTEN PERMISSION FROM THE CITY OF SAINT PAUL IS REQUIRED BEFORE A CATEGORY 2 OR CATEGORY 3 VACANT BUILDING CAN BE OCCUPIED OR SOLD.

Category 2: Requirements include: 1. register/re-register the building, 2. pay outstanding fee(s), 3. obtain a code compliance report, 4. submit for approval a rehab cost estimate from a licensed contractor and a schedule for completion of all code compliance work, 5. submit proof of financial responsibility acceptable to the City, and 6. obtain Zoning approval of the proposed use.

Category 3: All requirements listed for Category 2 vacant buildings, AND obtain a Certificate of Occupancy OR Certificate of Code Compliance prior to the sale of the building.

If the use of this building meets the definition of a nonconforming use by the Zoning Code then the use will lose its nonconforming status 365 days from the date the building was declared vacant.

You must contact the Enforcement officer, Matt Dornfeld, at 651-266-1902 to find out what must be done before this building can be legally reoccupied.

The Enforcement Officer may declare this building(s) to constitute a Nuisance Building subject to demolition and issue an Order to Abate under authority of Legislative Code Chapter 45. In the event this building is declared a Nuisance Building subject to demolition, the Enforcement Officer will notify all owners and interested parties of the Order to Abate, as provided in the Legislative Code Chapter 45.

If you have questions about this annual registration fee or other vacant building requirements, please contact the Enforcement Officer, Matt Dornfeld, at 651-266-1902.

This registration form and fee is required by law. Your prompt attention to this matter is appreciated.

Thank You,

Steve Magner Vacant Buildings Program Manager Department of Safety and Inspections

Enclosures:

Regulations Requirements Information Vacant Building Registration Form

SM: md

vb_registration_notice 06/10



1200 Second Avenue South Minneapolis, MN 55403-2500

Program Address: 2001 Van Dyke Street Maplewood, MN 55109

> 651-647-2300 activitacities.org

July 27, 2011

To Whom It May Concern,

The property at 1227Galtier St. St. Paul, MN 55117 passed habitability stand 3125 inspection on 10/25/2010. It was in operable condition each month that I completed home visits with the tenants. If you have any questions or concerns, I can be reached at 651-647-2301.

Sincerely,

acrie Shaul

Allie Shaul, LSW Rapid Re-Housing Advocate Catholic Charities 2001 Van Dyke Maplewood, MN 55109 Allison.shaul@cctwincities.org 651-657-2301

CCFAMILY SVC CTR 6217795429 01/ >>

FAX COVER SHEET

Orkin Pest Control 9917 Valley View Road Eden Prairie, MN 55344

Branch 617 Phone # 952-944-5780 Fax # 952-944-2009



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Accounts Receivable History

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Report:

1

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Date	Callegory	Туре	Reference	Invaice #	Transaction Amount *		Discount.	Total Amount	Remaining <u>Balance</u>
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6/07/11	Service			65371485	80.00	5.70	.00	85.70	85.70
4/01/11	Service			63745454	80.00	5.70	.00	85.70	.00
2/09/11	Payment	VWE X	1018		85.70-	.00	,00	85.70-	.00
2/09/11	Service			62328306	80.00	5.70-	.00	85.70-	.00
2/04/11	Service			62328306	80.00	5.70	.00	85.70	.00
2/04/11	Service			62328306	80.00	5.70	.00	85.70	.00
12/10/10	Payment.	AMEX	1018		85.70-	.00	.00	85.70-	.00
12/07/10	Service			60743584	80.00	5.70	.00	85.70	.00
11/05/10	Payment	AMEX	1018		155.33-	.00	.00	155.33-	.00
11/01/10	Scrvice			60362835	145.00	10.33	.00	155,33	.00

Account	MUIIIU	

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31-60 Days:	85.70
61-90 Days:	.00
Over 90 Days:	.00
Open Credit:	.00

Current Balance:

85.70

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VELOCO TY



Northern States Power Company d/b/a Xcel Energy P.O. Box 8 Eau Claire, WI 54702-0008 1-800-895-4999 TDD 1-800-895-4949

July 22, 2011

Service Address:

1227 Galtier St

Saint Paul, MN 55117-4455

Account Number:

51-9465246-9

Dear Champion Holdings Llc:

We have started energy service in your name at the above address. Please contact us within 14 days to:

- · Verify information provided to Xcel Energy.
- · Provide any account information that may be missing.

Please call us at 800-895-4999 for residential service or 800-481-4700 for commercial service to provide this information.

In order to protect your identity and be compliant with Federal Trade Commission Rules we will be asking for your Social Security number, Driver's License number or State Identification number. This information will be used by Xcel Energy to verify your identity when setting up an account or discussing information related to your account.

Thank you in advance for your cooperation. We are pleased to have you as a new customer and invite you to visit our web site at www.xcelenergy.com, to learn more about our services.

Sincerely,

Xcel Energy