

MEMORANDUM

TO: The St. Paul City Council

FROM: Hillary B. Hujanen **RECEIVED**

DATE: December 6, 2011 **DEC 06 2011**

RE: 971 Case Avenue **CITY CLERK**

INTRODUCTION

On October 31, 2011, Ahti and Hillary Hujanen, the owners of property located at 971 Case Avenue in St. Paul, MN ("Property Owners") received notice that their Fire Certificate of Occupancy was being revoked. Property Owners were also ordered to Vacate the Property. However, because the property located at 971 Case Avenue is safe and habitable, the Order to Vacate should be lifted. Furthermore, because Property Owners have continuously complied with city inspection requirements since the property was first inspected in August of 2009, they should be granted an extension to complete items relating to the exterior of the property.

FACTS

Ahti Hujanen purchased the property located at 971 Case Avenue in St. Paul, MN in 2003. He married Hillary Hujanen in 2007. Hillary Hujanen immediately began acting as attorney for the property. Ms. Hujanen took over complete management of the property in July of 2011. Mary Kaye is the maintenance engineer on the property. Since July of 2011, Ms. Kaye and Ms. Hujanen have worked together extensively to improve the quality of the building and ensure that their tenant, Deborah Dittel, has safe housing.

Ms. Dittel is a disabled woman who receives public housing assistance from St. Paul Public Housing Agency, a federally funded program. As part of that program, the

building is subject to yearly inspections. On November 1, 2011 the building passed inspection. The inspector noted peeling paint on the exterior of the building, but granted Property Owners an extension until summer of 2011 to scrape and paint the building.

On October 31, 2011, Property Owners received notice from Inspector James Thomas with the City of St. Paul Fire and Safety Department that their Certificate of Occupancy was being revoked due to a deficiency list that had been pending since early 2011. Although many of the items from the original list had already been addressed, the October 31, 2011 deficiency notice included the following items:

- 1.) Repair basement walls;
- 2.) Repair rear stairway (requires permit);
- 3.) Rear stairway is condemned;
- 4.) Lower locks on upper unit doors;
- 5.) Scrape and paint exterior;
- 6.) Repair foundation;
- 7.) Repair holes in fascia;
- 8.) Cap dryer vent (requires permit).

Ms. Hujanen and Ms. Kaye appealed this notice and were heard before Marcia Moermond on November 17, 2011. At that hearing, Ms. Hujanen and Ms. Kaye submitted photographs that showed that the rear stairway had been replaced per city code requirements. They also testified that the locks on the upstairs unit had been lowered. Ms. Hujanen and Ms. Kaye submitted photographs showing that the holes in the fascia had been repaired. Furthermore, Ms. Hujanen and Ms. Kaye submitted photographs showing that the foundation was sound, although in need of tuck-pointing. Ms.

Moermond agreed to grant an extension until November 28, 2011 to allow time for Property Owners to repair the basement walls, cap the dryer vent, and tuck-point the foundation. Ms. Moermond also required that the entire fascia be replaced by November 28, 2011. Property Owners were told that they would have to vacate the property by December 9, 2011 if they failed to comply with the requirements. Property Owners immediately hired a plumber to cap the dryer vent, and Ms. Kaye tuck-pointed the foundation and began to repair the basement walls. Property Owners soon realized that they would be unable to replace the entire fascia by the November 28, 2011, because they could not procure the services of anyone who was willing to access the roof area before spring. On November 25, 2011, Property Owners requested that they be placed on the City Council Agenda.

Inspector James Thomas notified Property Owners that he would reinspect the property on November 28, 2011 at 9:30 a.m. On November 28, 2011, Inspector Thomas parked his vehicle in the street outside the property. He did not attempt to access the property or conduct an inspection. He sent a letter notifying that the property had failed reinspection and that Property Owners were notified that they had to vacate the property on December 8, 2011, rather than December 9, 2011.

I.) The property located at 971 Case Avenue in St. Paul, Minnesota, is safe and habitable and there is no basis for the Order to Vacate or for the Revocation of the Certificate of Occupancy.

a.) The City of St. Paul can only vacate a property if “unsafe conditions” are present.

The City of St. Paul can only order a property vacated if it is condemned.

Condemnation happens when a structure is deemed dangerous or unfit for human habitation due to fire hazards, unsanitary conditions, severe rodent and pest infestation,

lack of basic facilities, faulty construction or dilapidation. There has been no order condemning 971 Case Avenue. The City has not alleged that the property is dangerous or unfit for human habitation. The City has never alleged that the property is a fire hazard, lacks basic facilities, or is unsanitary.

b.) The building located at 971 Case Avenue complies with Federal Housing Standards.

The building has been deemed safe, sanitary, and habitable by the Federal government. Deborah Dittel occupies the upstairs unit of the building located at 971 Case Avenue. Ms. Dittel has occupied the unit for over three years. Ms. Dittel receives public housing assistance from St. Paul Public Housing Agency, a federally funded program. As part of that program, the building is subject to yearly inspections to ensure that the property complies with sufficient standards of safety and habitability. The unit was inspected on August 5, 2011.¹ The inspector noted a total of 10 deficiencies. The unit was reinspected on September 19, 2011.² The inspector noted a total of five deficiencies. These remaining deficiencies were addressed, and on November 1, 2011 the building passed inspection.³ The voucher letter noted that portions of the property exterior need to be scraped and painted, but the owners were granted an extension until June 13, 2011 to address this maintenance issue.

Although this Council may assert that the city may enforce additional code provisions above and beyond that of the Federal Housing Administration, the federal inspection standards provide a strong incentive for property owners to accept Section 8

¹ Inspection letter dated August 5, 2011 is attached as Exhibit A.

² Inspection letter dated September 19, 2011 is attached as Exhibit B.

³ Section 8 Voucher, November 1, 2011 is attached as Exhibit C.

vouchers through the Federal Housing Administration. Landlords, though required to meet fair housing laws, are not required to participate in the Section 8 program.

The fact that 971 Case Avenue accepts Section 8 vouchers, and has passed a federal inspection in the past month creates a strong presumption in favor of lifting the notice to vacate in this case. Property Owners do not have to accept Section 8 tenants, but they willingly incur the risks of doing to provide fair housing to people in need of public assistance. Property Owners should be able to rely on their units passing federal housing inspection and not be forced to vacate their property due to exceedingly stringent application of city standards. The property meets federal safety standards. As discussed previously, the city may vacate a building only that building is dangerous to human life. Therefore, the City's Order to Vacate the Property should be lifted.

c.) The property located at 971 Case complies with state building codes.

The property owners of 971 Case Avenue retained an independent expert, Donald Hedquist, a certified Minnesota building official, to provide an outside assessment of the property focusing on issues of safety and habitability. Mr. Hedquist's report dated December 5, 2011, is attached as Exhibit D. Mr. Hedquist compared the deficiency list dated October 31, 2011 with the current state of the property. He reported that the: "The Fire Inspector has stated that the [basement] walls need immediate repair. The stucco on the walls is of no structural value for the walls and is cosmetic only, requiring a cosmetic repair of a non habitable area is unreasonable and linking it to an order to vacate is unreasonable."

He reported that the roof was free of defects as it was not leaking. He agreed that the exterior was in need of painting, but "but where is that problem located, the

location isn't in the orders. If there was a painting issue, since the order is dated October 31st, the correction time should have been for the spring of next year after the warm weather has come to St. Paul. It is unreasonable for the Fire Inspector to require the building to be vacated for the two damaged exterior areas." He also reported that the foundation is structurally sound. "Since the foundation has not settled, bowed or has had any other unusual movement the foundation is structurally sound. It is unreasonable for the Fire Inspector to list this item in a list of repairs the needed to retain the Fire Certificate of Occupancy."

He concluded that: "*Based on the orders dated October 31, 2011 not one item or the complete list of items rises to the level where Revocation of Fire Certificate of Occupancy is justified.*" (emphasis added).

d.) State law preempts local ordinances.

The state code "governs the construction, reconstruction, alteration, and repair of buildings." Minn.Stat. § 16B.59 (2010). The state code's purpose is to "provide basic and uniform performance standards, establish reasonable safeguards for health, safety, welfare, comfort, and security of the residents of this state and provide for the use of modern methods, devices, materials, and techniques which will in part tend to lower construction costs." *Id.*

St. Paul adopts the Minnesota State Building Code in Section 33.02 of the City of St. Paul Ordinances: "Pursuant to Minnesota Statutes, sections 16B.59 through 16B.75, the state building code, as adopted pursuant to laws of the state, is hereby adopted by reference." The Minnesota Supreme Court has clearly held that the State Building Code preempts local ordinances. *See City of Morris*, 749 N.W.2d 1, 6 (Minn. 2008). The

property located at 971 Case complies with State requirements for safety and habitability. Cosmetic issues cannot be linked to a Certificate of Occupancy. Because 971 Case Avenue complies with state law, the city cannot vacate it based on alleged violations of city code because the city code is preempted. Mr. Hedquist concluded that the property was safe and habitable. Therefore, the Order to Vacate should be lifted.

Further, Mr. Hedquist concluded that it was unreasonable for the Certificate of Occupancy to be revoked on the basis of other items on the list. The rear stairwell has been replaced. The dryer vent has been capped. There are no issues with the foundation. The roof does not leak. The Certificate of Occupancy should not be revoked on the basis of cosmetic issues, namely, repairing wood on the fascia, painting the basement walls, and painting the exterior. We therefore request that this Council lift the Revocation of the Certificate of Occupancy.

II.) There is also no basis to revoke the Certificate of Occupancy as Property Owners have continuously addressed all the City of St. Paul's concerns with the property.

The property located at 971 Case has been the subject of numerous City of St. Paul Department of Safety inspections starting in February of 2009. Although St. Paul City Fire Inspector James Thomas has generated numerous letters regarding deficiencies on the property, the property owners have continuously addressed these deficiencies and maintained the property throughout all the inspections. The current deficiency list does not overlap with any of the items on the first deficiency list. Property Owners have thus shown their dedication to providing safe and habitable housing to their tenants. There is therefore no basis to revoke their Certificate of Occupancy. Instead, Property Owners should be granted an extension to the items remaining on the Certificate of Occupancy

deficiency list, namely, painting the exterior of the building and replacing the wooden fascia.

The property located at 971 Case Avenue has been inspected by the City of St. Paul Department of Safety and Inspections several times over the last two years. Copies of inspection letters dated August 18, 2009, September 14, 2009, July 20, 2010, February 1, 2011, and October 31, 2011, are all attached to this memorandum as Exhibit F. As is evidenced by the letters generated as a result of Mr. Thomas' inspections, Property Owners have repeatedly addressed the city's concerns about the property, to the extent that items from the list dated October 31, 2011 do not overlap with *any* of the items from the first inspection. At the direction of the City of St. Paul, Property Owners have replaced the entire rear stairwell, removed cracked cement coating from the exterior of the foundation, tuck-pointed the foundation, repaired tile in the bathrooms, repaired egress windows, replaced screens, serviced the furnace, obtained variances on egress window dimensions, repaired window sashes, repaired railings and removed accumulated items in the basement. These repairs have been in addition to the repairs required by the Public Housing Administration and repairs necessitated by the normal use of the building.

CONCLUSION

Property Owners have continuously complied with the City of St. Paul's fire code. The property located at 971 Case Avenue is safe and habitable. Property Owner's independent expert, Don Hedquist, concluded that the property should not be vacated and that the Certificate of Occupancy should not be revoked. Property Owners respectfully request that this Council lift the Order to Vacate the property and lift the Revocation of

Property Owner's Certificate of Occupancy. Finally, because of the timing of this hearing and the timing of the current Order to Vacate, Property Owners respectfully request that this Council Order the City to defer vacating the property until the Council reaches a final determination.

Respectfully submitted,

12-6-11

Hillary Bujanen

Hillary B. Hujanen
Attorney No. 0347103
(612) 747-4039



Section 8 Housing Choice Voucher, Project-Based, Moderate Rehabilitation, or RAFS Program

August 5, 2011

AHTI HUJANEN
C/O CANFIELD PROPS LLC
7545 43RD ST N
OAKDALE MN 55128

Inspection of: 971 Case Avenue #2, 55106 for (Deborah Dittel)

Inspection conducted on: August 2, 2011

Inspection conducted by: Marek K.

Type of inspection: Annual

The following Housing Quality Standards deficiency(ies) must be corrected for the St. Paul Public Housing Agency (PHA) to approve the above unit for continuing rental assistance:

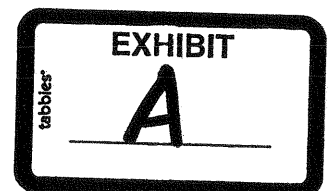
1. The front lower porch has screens that are torn, missing, or bent.
2. The front upper porch has screens that are torn, missing, or bent. -
3. The front lower porch has several windows that lack hold-open hardware.
4. The front upper porch has several windows that lack hold-open hardware.
5. The basement doorknob is loose. Inspector: ensure that the basement door is locked so tenants do not have access.
6. The basement lacks a smoke detector. WARNING: All smoke detectors not operating properly must be repaired in 24 hrs per fire code regulation.
7. The second floor porch, third window from the right is cracked. Clear vinyl tape or caulking will make a satisfactory repair.
8. The den room baseboard electric heater lacks a control knob.
9. The refrigerator door gasket is deteriorated - replace.
10. The kitchen window lacks a screen. .

Suggested Improvement: We would like to bring the following to your attention although it is not a Housing Quality Standards violation(s). We would appreciate your consideration of the following as an improvement to make the unit more livable:

1. The kitchen storm door screen is torn.

Reinspection: August 30, 2011 between 12:30 PM and 4:30 PM.

Please have an adult (over 18) at the unit.





Section 8 Housing Choice Voucher, Project-Based, Moderate Rehabilitation, or RAFS Program

September 19, 2011

AHTI HUJANEN
C/O CANFIELD PROPS LLC
7545 43RD ST N
OAKDALE MN 55128

Inspection of: 971 Case Avenue #2, 55106 for (Deborah Dittel)

Inspection conducted on: September 16, 2011

Inspection conducted by: Pat C.

Type of inspection: Annual Reinspection Additional Deficiencies

The following Housing Quality Standards deficiency(ies) must be corrected for the St. Paul Public Housing Agency (PHA) to approve the above unit for continuing rental assistance:

1. The front lower porch has screens that are torn, missing, or bent.
2. The front upper porch has screens that are torn, missing, or bent.
3. The front lower porch has one window that lacks hold-open hardware.
4. The front upper porch has several windows that lack hold-open hardware.
5. The refrigerator door gasket is deteriorated - replace.

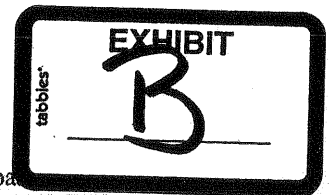
Additional Deficiencies: The following Housing Quality Standards deficiency must also be repaired to approve the above unit for rental assistance:

1. The exterior surfaces of the duplex and the windowsills between the prime sashes and storm windows have areas of deteriorating paint. See attached.

Suggested Improvement: We would like to bring the following to your attention although it is not a Housing Quality Standards violation(s). We would appreciate your consideration of the following as an improvement to make the unit more livable:

1. The kitchen storm door screen is torn.

Reinspection: Not scheduled. Call the Inspection Scheduler.



Ahti Hujanen
c/o Canfield Props LLC
September 19, 2011
Page 2

Abatement: If the repair work is not completed, and this unit has not passed the reinspection, the Housing Assistance Payment (HAP) will be abated on October 31, 2011. The tenant cannot be required to pay the PHA's abated rent portion. The PHA cannot pay retroactive rent on an abated unit.

Termination: If the unit remains under abatement for 60 days, the HAP contract will be terminated. The HAP contract may be terminated in less than 60 days based on safety and livability factors at the PHA's discretion. Call 651-298-5158 with questions.

Inspections scheduling and questions: Call 651-298-5087.

THANK YOU FOR PARTICIPATING WITH OUR RENT ASSISTANCE PROGRAM.

Sincerely,



Julianha Quast
Assistant Section 8 Programs Manager

cc: Deborah Dittel

PUBLIC HOUSING AGENCY
SAINT PAUL

555 Wabasha St. N. • Suite 300
Saint Paul, Minnesota 55102-1017
651-298-5158 • Fax 651-292-7917
Hearing Impaired – Minnesota Relay: 7-1-1

Section 8 Housing Choice Voucher, Project-Based, Moderate Rehabilitation, or RAFS Program

November 1, 2011

Ahti Hujanen
C/O Canfield Properties LLC
7545 43rd St N
Oakdale, MN 55128

RE: Deferment Inspection of: 971 Case Ave #2/55106 (Deborah Dittel)

The owner or the owner's agent must sign, date, and return this Deferment Agreement to the Saint Paul Public Housing Agency (PHA) within ten (10) business for a deferment (extension) to be granted.

Housing Assistance Payments will not be made until this Deferment Agreement has been returned.

Inspections scheduling and questions: 651-298-5087

Sincerely,

Marek Kopec

Marek Kopec
Interim Assistant Section 8 Programs Manager

Cc: D. Dittel

I agree to complete repair(s) of the following Housing Quality Standard deficiency/ies:

1. The exterior surfaces of the duplex and the windowsills between the prime sashes and storm windows have areas of deteriorating paint. Ensure that all paint chips are removed from the ground.

A re-inspection has been scheduled for Wednesday, June 13, 2012 between 12:30PM – 4:30PM

Abatement: I understand if the repair(s) is/are not completed, and this unit does not pass the re-inspection by the above reinspection date, the Housing Assistance Payment (HAP) will be abated on **June 30, 2012**.

I also understand:

- The abatement will continue until the work is completed and the PHA has again reinspected the property.
- There will be no retroactive payment made for the period the abatement was in effect.
- The rental assistance tenant cannot be made to pay the PHA's abated rent portion.

OWNER/REPRESENTATIVE'S SIGNATURE

DATE

For PHA use only

Owner Phone: 651-338-8915 612-747-4039
Inspection Log Code: AR42 TB/S8-337.REV6/7/06



DON HEDQUIST
Building Inspection Service
7035 Donlea Lane, Eden Prairie, MN 55346
Phone 952-941-2773

CERTIFIED MINNESOTA BUILDING OFFICIAL #0406

December 5, 2011

Ms. Ahti Hujanen
7543 43rd Street North
Oakdale, MN 55128

Dear Ms. Hujanen

Based on my inspection of the property at 971 Case Avenue, St. Paul, MN and the review of the documents these are my findings;

The most resent set of orders that I have is dated October 31, 2011. Within this document there are eight items that are ordered for correction. I will go through these orders.

#1. The basement walls for homes and smaller commercial buildings of this vintage, built within the Cities of St. Paul and Minneapolis, were commonly constructed using shale stones quarried from the Mississippi river banks. This homes basement walls vary from 18 to 24 inches thick. The stones extend from below the basement floor to the under side of the first floor sub-flooring. The stones placed between the floor joists to the under side of the sub-flooring are referred to as beam fill. To enhance the beauty of the basement walls, when the house was built, the contractor would stucco or plaster the interior of the foundation walls. The Fire Inspector has stated that the walls need immediate repair. The stucco on the walls is of no structural value for the walls and is cosmetic only, requiring a cosmetic repair of a non habitable area is unreasonable and linking it to an order to vacate is unreasonable.

#2. and #3. These two orders are referring to the same item and they should have been listed under one order since there is only one "rear stairway". Repairing the stairway does require a permit. It would have been reasonable for the Fire Inspector to inform the owner that if they didn't want to repair the stairway, since the State Building Code requires only one exit for a second floor dwelling, they could have sealed and/or removed the back door and filled in the opening then removed the stairs.

#4. This item referrers to the security chain on the doors being more that 48" above the floor. The International Code requires that the locking device be no more than 48" above the floor but it is silent on minimum distance above the floor. Since the chain locking device isn't a required code item the chain locking device could have been re-installed at or below the 48" height. The chain locking device is held in place with a total of four screws, two in the door and two in the door trim. The removal of two of the screws or one half of the chain locking device would satisfy the code requirement but based on his orders the Fire Inspector must believe that the house should be vacated if the chain locking device isn't removed or lower.



#5. Repairing the exterior surface is needed on the crown molding, north gable end just above the eaves. The hole in the crown molding is about two inches in diameter, there is also a section of damaged trim that may have been caused when the rear stairs were repaired. I agree that all exterior unprotected wood must be protected but where is that problem located, the location isn't in the orders. If there was a painting issue, since the order is dated October 31st, the correction time should have been for the spring of next year after the warm weather has come to St. Paul. It is unreasonable for the Fire Inspector to require the building to be vacated for the two damaged exterior areas.

#6. The house is adequately supported on the original stone foundation. Other the normal shrinkage of the wood members the house has not settled and is more than adequately supported. There has been some repair of the mortar joints on the east side of the house foundation. The area where the foundation was repaired is more than 18" thick so the repairs would and should be considered surface repair. Since the foundation has not settled, bowed or has had any other unusual movement the foundation is structurally sound. It is unreasonable for the Fire Inspector to list this item in a list of repairs the needed to retain the Fire Certificate of Occupancy.

#7. Provide and maintained the roof weather tight and free from defects. Since the roof isn't leaking the roof is free from defects. Adding this, a non problem, and making it appear as a problem is unreasonable. Using this thought process would be like requiring the furnace to be maintained free of problems, the furnace is free of a problem until it doesn't work. The roof is free of a problem until the roof leaks. The roof will be free of problems for an unknown number of years. Adding this to the list of items in my opinion is just piling on by the Fire Inspector. The other item about the fascia is covered in #5 and it appears that this is just more piling on by the Fire Inspector.

#8. Provide, repair or replace the dryer exhaust duct. The thing that wasn't stated by the Fire Inspector is that there can be a flexible duct that doesn't have a smooth interior and is listed in the code as "transition duct used to connect the appliance to the exhaust duct system shall be limited to a single length not to exceed eight feet". The problem with the dryer venting has gone away because the dryer has been disconnected from the electrical power and gas supply.

Based on the orders dated October 31, 2011 not one item or the complete list of items rises to the level where Revocation of Fire Certificate of Occupancy is justified.

If you have any additional questions, please call.

Sincerely,

Don Hedquist

DEPARTMENT OF SAFETY AND INSPECTIONS
Fire Inspection Division
Bob Kessler, Director



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

August 18, 2009

AHTI HUJANEN
7545 43RD ST N
OAKDALE MN 55128-2264

RE: FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES
971 CASE AVE
Ref. # 107767

Residential Class: C

Dear Property Representative:

Your building was inspected on August 18, 2009 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 immediately. A reinspection will be made on September 14, 2009 at 12:30 P.M.

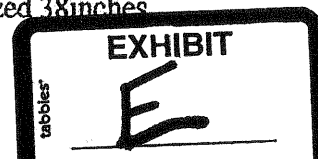
Failure to comply may result in a criminal citation or the revocation of the Fire Certificate of Occupancy. The Saint Paul Legislative Code requires that no building shall be occupied without a Certificate of Occupancy. The code also provides for the assessment of additional re-inspection fees.

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

DEFICIENCY LIST

1. House - 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.
2. House - SPLC 34.19 - Provide access to the inspector to all areas of the building.
3. Upstairs - 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. Refer to provide handout EW-1 for more information.-Windows measured at openable height 20inches and openable width 26inches window sill 26inches glazed 38inches

An Equal Opportunity Employer



4. Upstairs - SPLC 34.13 (2), (3), SPLC 34.17 (2) - Reduce and maintain the number of occupants in the unit to: 3
5. Upstairs Bedroom East Side - 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. Refer to provide handout EW-1 for more information.- Move dresser.
6. Upstairs Bedroom East Side - SPLC 34.13 (3), SPLC 34.17 (2) - Reduce and maintain the number of occupants in the sleeping rooms to: 1-Three kids plus Mother sleeping in room approx 90 sq ft.
7. 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.
8. SPLC 39.02(c) - Complete and sign the provided smoke detector affidavit and return it to this office.

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, 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 Inspector
Email Address james.thomas@ci.stpaul.mn.us

Reference Number 107767



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

September 14, 2009

AHTI HUJANEN
7545 43RD ST N
OAKDALE MN 55128-2264

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES
971 CASE AVE

Ref. # 107767

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on September 14, 2009. 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 October 20, 2009 at 11:00 a.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. Basement - MN Stat 299F.18 - Immediately remove and discontinue excessive accumulation of combustible materials.-Gas cans in stairway leading to basement and in the basement . Removed at time of inspection.
2. Downstairs - 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. Refer to provide handout EW-1 for more information.-ALL EGRESS WINDOWS MUST OPEN to measure code required dimensions. The only window that is EXCEMPT IS THE EGRESS WINDOW UPSTAIRS WEST SIDE BEDROOM.
3. Downstairs - SPLC 34.10 (4), 34.33 (3) - Provide a bathroom floor impervious to water.- Caulk around the base of toilets.
4. Downstairs Unit - MSFC 1011.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exitway.-Remove all cords from all pathways

An Equal Opportunity Employer

5. Front porch - MN Stat 299F.18 - Immediately remove and discontinue excessive accumulation of combustible materials.
6. House - SPLC 34.09 (3), 34.32 (3) - Provide or repair and maintain the window screens.
7. House - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window locks. As needed.
8. House - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window sashes. As needed.
9. Leading to basement - SPLC 34.10 (3), 34.33(2) - Repair or replace the damaged handrail in an approved manner.-Secure the loose handrail.
10. NEXT TO ALLEY - SPLC 34.09 (2), 34.32(2) - Repair or replace the unsafe STAIRWAY, porch, decks or railings in an approved manner. This work WILL require a permit(s). Call DSI at (651) 266-9090.
11. REAR PORCH - SPLC 34.09 (2), 34.32(2) - Repair or replace the unsafe stairways, PORCH, DECK or railings in an approved manner. This work WILL require a permit(s). Call DSI at (651) 266-9090.
12. REAR STAIRWAY - SPLC 34.23, MSFC 110.1 - The REAR STAIRWAY is condemned as unsafe or dangerous. This STAIRWAY must not be used until re-inspected and approved by this office.
13. Upstairs Unit - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.-Various locations
14. Upstairs Unit - SPLC 34.10 (4), 34.33 (3) - Provide a bathroom floor impervious to water.-Caulk around base of toilet.
15. Upstairs Unit - MSFC - 1008.1.8.1 HARDWARE HEIGHT. Door handles pulls latches LOCKS and other operating devices shall be installed 34inches 864mm minimum and 48inches 1219mm MAXIMUM above the finished floor.-Rear Exit Door
16. 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.
17. SPLC 34.09 (1) a, 34.32 (1) a - Provide and maintain foundation elements to adequately support this building at all points.
18. SPLC 34.09 (1) e, 34.32 (1) d - Pay close attention to eaves all around house.
19. UMC 504.6 - Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter. The entire exhaust system shall be supported and secured in place.

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, 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 Inspector
Email: james.thomas@ci.stpaul.mn.us

Ref. # 107767



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 20, 2010

AHTI HUJANEN
7545 43RD ST N
OAKDALE MN 55128-2264

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES
971 CASE AVE

Ref. # 107767

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on September 14, 2009. 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 August 10, 2010 at 11:30 A.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

2. Downstairs - SPLC 34.10 (4), 34.33 (3) - Provide a bathroom floor impervious to water.-Caulk around the base of toilets.
3. Downstairs Unit - MSFC 1011.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exitway.-Remove all cords from all pathways
4. Front porch - MN Stat 299F.18 - Immediately remove and discontinue excessive accumulation of combustible materials.
5. House - SPLC 34.09 (3), 34.32 (3) - Provide or repair and maintain the window screens.
6. House - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window locks. As needed.
7. House - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window sashes. As needed.
8. Leading to basement - SPLC 34.10 (3), 34.33(2) - Repair or replace the damaged handrail in an approved manner.-Secure the loose handrail.
9. NEXT TO ALLEY - SPLC 34.09 (2), 34.32(2) - Repair or replace the unsafe STAIRWAY, porch, decks or railings in an approved manner. This work may require a permit(s). Call DSI at (651) 266-9090.

5. Front porch - MN Stat 299F.18 - Immediately remove and discontinue excessive accumulation of combustible materials.
6. House - SPLC 34.09 (3), 34.32 (3) - Provide or repair and maintain the window screens.
7. House - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window locks. As needed.
8. House - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window sashes. As needed.
9. Leading to basement - SPLC 34.10 (3), 34.33(2) - Repair or replace the damaged handrail in an approved manner.-Secure the loose handrail.
10. NEXT TO ALLEY - SPLC 34.09 (2), 34.32(2) - Repair or replace the unsafe STAIRWAY, porch, decks or railings in an approved manner. This work WILL require a permit(s). Call DSI at (651) 266-9090.
11. REAR PORCH - SPLC 34.09 (2), 34.32(2) - Repair or replace the unsafe stairways, PORCH, DECK or railings in an approved manner. This work WILL require a permit(s). Call DSI at (651) 266-9090.
12. REAR STAIRWAY - SPLC 34.23, MSFC 110.1 - The REAR STAIRWAY is condemned as unsafe or dangerous. This STAIRWAY must not be used until re-inspected and approved by this office.
13. Upstairs Unit - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.-Various locations
14. Upstairs Unit - SPLC 34.10 (4), 34.33 (3) - Provide a bathroom floor impervious to water.-Caulk around base of toilet.
15. Upstairs Unit - MSFC - 1008.1.8.1 HARDWARE HEIGHT. Door handles pulls latches LOCKS and other operating devices shall be installed 34inches 864mm minimum and 48inches 1219mm MAXIMUM above the finished floor.-Rear Exit Door
16. 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.
17. SPLC 34.09 (1) a, 34.32 (1) a - Provide and maintain foundation elements to adequately support this building at all points.
18. SPLC 34.09 (1) e, 34.32 (1) d - Pay close attention to eaves all around house.
19. UMC 504.6 - Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter. The entire exhaust system shall be supported and secured in place.

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, 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 Inspector
Email: james.thomas@ci.stpaul.mn.us

Ref. # 107767



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

February 1, 2011

MARY KAYE
880 CLARK STREET
ST. PAUL, MN. 55130

RE: RE-INSPECTION FIRE CERTIFICATE OF OCCUPANCY WITH DEFICIENCIES
971 CASE AVE

Ref. # 107767

Dear Property Representative:

Your building was re-inspected for the Fire Certificate of Occupancy on February 1, 2011. 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 February 24, 2011 at 1:00P.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. Basement - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.-Repair or replace the damaged or deteriorated wall coverings. Basement walls are peeling and need immediate repair.
2. Downstairs - SPLC 34.09 (3), 34.32 (3) - Repair and maintain the window sashes.- Bedroom South East side window
3. Downstairs - SPLC 34.10 (4), 34.33 (3) - Provide a bathroom floor impervious to water.- Caulk around the base of toilet.
4. Downstairs - MSFC 605.1- All light fixtures shall be maintained with protective globes if originally equipped.
5. Downstairs - MSFC1026.1 - Provide and maintain an approved escape window from each sleeping room. Remove AC-Bedroom North East Side has ac in the only window that can be used for escape. The other window opens down into basement access door that is open

6. Downstairs - MSFC 1011.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exitway. Remove bed so bedroom door will open completely.-Middle bedroom
7. Downstairs Rear Exit - MSFC 1003.3.1.8 - Remove unapproved locks from the unit doors.-Remove sliding bolt lock.
8. Downstairs Unit - SPLC 34.19 - Provide access to the inspector to all areas of the building.
9. Downstairs bathroom - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the ceiling in an approved manner.-Paint the ceiling.
Patch the holes and/or cracks in the ceiling.
10. Downstairs Living room. - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the ceiling in an approved manner.-Paint the ceiling.
Patch the holes and/or cracks in the ceiling.
11. Downstairs Unit - MSFC 1011.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exitway.-Remove all cords from all pathways
12. Inside Stairway - MSFC 1011.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exitway. At the bottom of the steps interior stairway there is storage behind the door . You cannot have any storage in the hallways.-Remove child seats and shoes from all landings
13. REAR STAIRWAY - SPLC 34.23, MSFC 110.1 - The REAR STAIRWAY is condemned as unsafe or dangerous. This STAIRWAY must not be used until re-inspected and approved by this office.-Building Inspector D. Nelson attended inspection and declared stairway unsafe and dangerous
14. Rear Stairway - SPLC 34.09 (2), 34.32(2) - Repair or replace the unsafe STAIRWAY, porch, decks or railings in an approved manner. This work WILL require a permit(s). Call DSI at (651) 266-9090.
15. Upstairs - NEC 440.13 - For cord-connected equipment such as room air conditioners, household refrigerators and freezers, drinking water coolers, and beverage dispensers, a separable connector or an attachment plug and receptacle shall be permitted to serve as the disconnecting means. The appliance must plug directly into a permanent outlet.
16. Upstairs - MSFC1026.1 - Provide and maintain an approved escape window from each sleeping room. Ac is in the only window that can be used for escape. The other window opens into a inclosed porch.-Remove AC
17. Upstairs Unit - MSFC 605.5 - Discontinue use of extension cords used in lieu of permanent wiring.-Various locations

18. Upstairs Unit - MSFC - 1008.1.8.1 HARDWARE HEIGHT. Door handles pulls latches LOCKS and other operating devices shall be installed 34inches 864mm minimum and 48inches 1219mm MAXIMUM above the finished floor.-Rear Exit Door Measured at 53inches height
19. Upstairs Unit - MSFC 1011.2 - Remove the materials that cause an exit obstruction. Maintain a clear and unobstructed exitway.-Remove all shoes rugs snow shovels and all other storage from the stairway.
20. 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.
21. SPLC 34.09 (1) a, 34.32 (1) a - Provide and maintain foundation elements to adequately support this building at all points.-First Repair the foundation then repair the foundation.
22. SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects.-The Facia also has holes that need immediate attention to prevent animal nesting
23. UMC 504.6 - Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter. This work WILL require a permit(s). Call DSI at (651) 266-8989.

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 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 Inspector
Ref. # 107767



CITY OF SAINT PAUL
Christopher B. Coleman, Mayor

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

October 31, 2011

AHTI HUJANEN
7545 43RD ST N
OAKDALE MN 55128-2264

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 971 CASE AVE
Ref. # 107767

Dear Property Representative: all work to be done by 12NOON on November 17, 2011 or building vacated.

Your building was inspected on October 31, 2011, for the renewal of the Certificate of Occupancy. Since you have failed to comply with the applicable requirements, it has become necessary to revoke the Certificate of Occupancy in accordance with Section 33.05 of the Saint Paul Legislative Code.

The Saint Paul Legislative Code further provides that no building shall be occupied without a Certificate of Occupancy. Failure to immediately complete the following deficiency list or the building vacated may result in a criminal citation.

DEFICIENCY LIST

1. Basement - SPLC 34.10 (7), 34.33 (6) - Repair and maintain the walls in an approved manner.-Repair or replace the damaged or deteriorated wall coverings. Basement walls are peeling and need immediate repair.
2. REAR STAIRWAY - SPLC 34.23, MSFC 110.1 - The REAR STAIRWAY is condemned as unsafe or dangerous. This STAIRWAY must not be used until re-inspected and approved by this office.-Building Inspector D. Nelson attended inspection and declared stairway unsafe and dangerous
3. Rear Stairway - SPLC 34.09 (2), 34.32(2) - Repair or replace the unsafe STAIRWAY, porch, decks or railings in an approved manner. This work WILL require a permit(s). Call DSI at (651) 266-9090.
4. Upstairs Unit - MSFC - 1008.1.8.1 HARDWARE HEIGHT. Door handles pulls latches LOCKS and other operating devices shall be installed 34inches 864mm minimum and

48inches 1219mm MAXIMUM above the finished floor.-Rear Exit Door Measured at 53inches height Chain lock front entry door 54inches .

5. 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.
6. SPLC 34.09 (1) a, 34.32 (1) a - Provide and maintain foundation elements to adequately support this building at all points.-First Re par get the foundation then repair the foundation.
7. SPLC 34.09 (1) e, 34.32 (1) d - Provide and maintained the roof weather tight and free from defects.-The Facia also has holes that need immediate attention to prevent animal nesting
8. UMC 504.6 - Provide, repair or replace the dryer exhaust duct. Exhaust ducts for domestic clothes dryers shall be constructed of metal and shall have a smooth interior finish. The exhaust duct shall be a minimum nominal size of four inches (102 mm) in diameter. This work WILL require a permit(s). Call DSI at (651) 266-8989.

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: (651-266-8688) 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 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

James Thomas
Fire Inspector

Ref. # 107767