

RLH VBR 18.50



# APPLICATION FOR APPEAL

## Saint Paul City Council – Legislative Hearings

RECEIVED

JUL 25 2018

CITY CLERK

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number \_\_\_\_\_)
  - Copy of the City-issued orders/letter being appealed
  - Attachments you may wish to include
  - This appeal form completed
  - Walk-In OR  Mail-In
- for abatement orders only:  Email OR  Fax

<p><b>HEARING DATE &amp; TIME</b>          (provided by Legislative Hearing Office)          Tuesday, <u>JULY 31, 2018</u>          Time <u>2:30</u>          Location of Hearing:          Room 330 City Hall/Courthouse</p>
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## Address Being Appealed:

Number & Street: 1339 Searle Street City: St. Paul State: MN Zip: 55130

Appellant/Applicant: Michèle Murphy Email murphymichele.roberta@yahoo.com

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell 763-443-3717

Signature: Michèle Murphy Date: \_\_\_\_\_

Name of Owner (if other than Appellant): \_\_\_\_\_

Mailing Address if Not Appellant's: \_\_\_\_\_

Phone Numbers: Business \_\_\_\_\_ Residence \_\_\_\_\_ Cell \_\_\_\_\_

## What Is Being Appealed and Why?

*please see attachments. Attachments Are Acceptable*

- Vacate Order/Condemnation/Revocation of Fire C of O
  - Summary/Vehicle Abatement
  - Fire C of O Deficiency List/Correction
  - Code Enforcement Correction Notice
  - Vacant Building Registration
  - Other (Fence Variance, Code Compliance, etc.)
- Revocation of Fire Certificate of Occupancy
- vacant building registration
- vacant building registration fee of \$2127.00

July 24, 2018

To Whom It May Concern:

This appeal pertains to the residence I own at 1339 Searle Street, St. Paul, MN 55130.

I am appealing the revocation of the Certificate of Occupancy, the Vacant Building Registration, and the Vacant Building Registration fee of \$2,127.

I have owned this home since 2006 during which I obtained appropriate permits for home improvements, was compliant with city requirements, and upon moving, hired a rental management company (Renter's Warehouse), and followed rules for obtaining and maintaining a rental license.

I received a letter from the City of St. Paul dated 02/07/18 titled Fire Inspection Correction notice. At that time, I corrected the noted deficiencies listed. A re-inspection was scheduled for 03/08/18. I did not receive a notice subsequent to the inspection and thus understood that the deficiency corrections were satisfactory.

During the past year, I have had on-going issues with the tenants and had requested assistance numerous times from Renter's Warehouse. I notified the tenants that I would not be renewing their lease and requested that they vacate at the end of May. They ignored the request and stayed through July 3. Renter's Warehouse and I contacted them on numerous occasions indicating that an eviction process had begun (Renter's Warehouse informed me that they were taking care of the paperwork, notices, etc.). When I went back to the residence to do the walk-through on July 2, they had still not removed all of their property from the residence, the garage, or the yard. They assured me they were going to and stated (with witnesses present) that they were going to cut the lawn one last time. On July 3, although they were no longer living at the residence, they had not removed all of their belongings. Renter's Warehouse was aware of this and indicated that I could dispose of the remaining items in the residence and garage. I went out of town for the next 2 weeks for a pre-scheduled trip after which I intended to remove the items from the home and the garage.

Upon returning, I reviewed my mail and discovered an Abatement Order dated 07/09/18 pertaining to the rubbish that the tenants had strewn about the alley and that the city had cleaned up. I contacted the city to find out what the total cost would be for the abatement so that I could charge the tenants against their security deposit. I spoke with Juliet and was informed of the cost (\$260 for the abatement and \$112 for the refuse) and was then told that I would also be receiving a notice regarding the revocation of the Certificate of Occupancy. I asked her if that was the same as the rental license and indicated that I was not going to re-new the rental license because my husband and I want to sell the home and do not want any more tenants. She indicated that it could be regarding the rental license. I asked her for

information on who to contact about the matter. She provided me with Jacob Whelan's and Tom Friel's phone numbers. I contacted both of them and left messages. Tom called me back and stated that he inspected the residence on 07/09/18 and found it to be vacant. He indicated that I should speak to Jacob to find out why the certificate of occupancy was revoked. When Jacob returned my call, he indicated that despite the tenants being aware of two inspections and being present at the residence when he arrived on both occasions, that they refused entry. He reported that following his inspection on 03/08/18, he issued a correction order for one item and indicated that a re-inspection would occur on 05/24/18. Apparently the tenants were provided the information and did not report it to Renter's Warehouse and so I did not receive a copy. The tenants refused admittance into the residence on 05/24/18 and again on 06/28/18 at which point he submitted paperwork to the City of St. Paul to revoke the Certificate of Occupancy. I did not receive information regarding the re-inspection either. I asked Jacob about the notice I discovered on the front door of the home on 07/17/18 when I drove by the residence. He stated that he had posted a notice on the front door on 06/28/18. Evidently the tenants removed this notice because when I went for the walk-through with a Renter's Warehouse representative on 07/02/18, there was nothing posted on the door, and thus I had no knowledge that anything was amiss. It is clear that following their departure, the former tenants stuck it back on the door because I went to the home and saw it there. Jacob confirmed that the tenants were unpleasant to deal with when he went to the home to inspect it and suspected they were being deliberately evasive.

Over the course of several days, I had numerous conversations with Jacob Whelan, Tom Friel, Janis Peterson, and Renter's Warehouse, to try to figure out a solution to this circumstance. Given that these things have already occurred, I asked Jacob what I could do to remedy the situation as it stands. He indicated there is nothing he can do at this time and encouraged me to appeal the orders. I also asked Tom Friel for advice and he agreed that I should appeal the orders.

I am asking for an opportunity to correct the one deficiency that Jacob Whelan noted in his report dated 04/24/18 (which I obtained a copy of) for which I will need to obtain a permit. I have already hired a general contractor to complete this job upon permit approval and he has indicated he can complete the work as soon as possible. I am asking that the Certificate of Occupancy be reinstated following satisfactory completion of this work, that the Vacant Building Registration be nullified, and that the associated fee be eliminated.

Thank you for your time.

  
Michèle Murphy



CITY OF SAINT PAUL

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

Telephone: 651-266-8989  
Facsimile: 651-266-1919  
www.stpaul.gov/dsi

July 09, 2018

Michele Murphy/Sean Murphy  
774 Moonlight Dr  
Woodbury MN 55125-8538

## VACANT BUILDING REGISTRATION NOTICE

The premises at **1339 SEARLE 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 by law to register this building with the Department of Safety and Inspections, Vacant Building 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 **\$2,127.00**. 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 09, 2018 .**

### **Do Not Mail Cash**

If you wish to pay in person, you may do so from 8:00am to 4:00pm 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 City Clerk's Office by calling (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 , Tom Friel, at 651- 266- 1906 to find out what must be done before this building can be legally reoccupied.**

The Enforcement Officer may declare this building 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 Office 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 District Inspector, Tom Friel, at 651- 266- 1906.

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

Steve Magner  
Vacant Buildings Program Manager

Enclosures: Regulations Requirements Information  
Vacant Building Registration Form

SM: tf  
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