



# APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

APR 20 2021

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

<b>HEARING DATE &amp; TIME</b> (provided by Legislative Hearing Office) Tuesday, <u>April 27, 2021</u>
Time <u>11:30 a.m. to 1:00 p.m.</u>
Location of Hearing: <u>Room 330 City Hall/Courthouse</u> <u>Teleconference</u>

Call 612-840-2020

## Address Being Appealed:

Number & Street: 859 Payne Ave City: St Paul State: MN Zip: 55130

Appellant/Applicant: Rico Duran Email: rico@ledcmu.org

Phone Numbers: Business 612 840-2020 Residence \_\_\_\_\_ Cell (612) 840-2020

Signature: [Signature] Date: April 20, 2021

Name of Owner (if other than Appellant): Latino Economic Development Center

Mailing Address if Not Appellant's: 804 Margaret Street, St Paul 55106

Phone Numbers: Business (651) 395-4034 Residence \_\_\_\_\_ Cell \_\_\_\_\_

## What Is Being Appealed and Why? 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.)

Comments:

Fire inspection started last year at this particular building. We have been working on all recommendations, and also has been slow because families live there. The apartment building is functioning and we just need a little more extra time to complete window repairs (Biggest issue here) among other small issues. Thank you.

Revised 4/10/2017



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](http://www.stpaul.gov/dsi)

April 16, 2021

RICO DURAN  
Latino Economic Development Center  
804 MARGARET STREET  
SAINT PAUL MN 55106-5019

## Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 857 PAYNE AVE  
Ref. # 11648

Dear Property Representative:

Your building was inspected on April 14, 2021, 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 40.06 of the Saint Paul Legislative Code.

**A reinspection will be made on April 30, 2021 at 12:30 PM or the property vacated.**

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. Commercial - Doors - MSBC -Section 105.1 - Permits Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. Work being done requires a permit. -A permit is required for the construction and installation of the new doors leading to the storage/loading area.
2. Exterior - Window Screens - SPLC 34.09 (4), 34.33 (3) -Provide or repair and maintain the window screen. -There are several window screens that are torn, damaged and missing.
3. Interior - Throughout - SPLC 34.08 (1), 34.34 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition. -The hallway and back stairway are unclean and in unkempt conditions.

4. Unit 201 - Windows - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window in good condition. -The bedroom and living room window are very hard to open and still slides down.
5. Unit 202 - All Rooms - SPLC 40.06 - Uncertified portions of the building must not be occupied until inspected and approved by this office.
6. Unit 202 - Bedroom Floors - SPLC 34.10 (7), 34.17(5) - Repair and maintain the floor in an approved manner. -The wooden planks for the bedroom floor have been installed improperly.
7. Unit 202 - Entry Door - MSFC 703.1 - Provide, repair or replace the fire rated door and assembly. The minimum rating must be: -20 minutes. The door stop trim for the entry door is coming loose, which is allowing daylight to be seen on the interior side.
8. Unit 202 - Walls - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the walls in an approved manner. -Throughout the apartment, there are walls that have cracks and damages, especially around the window sills and walls. There is also a black substance developing along the corners. Finish the repairs.
9. Unit 202 - Windows - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window in good condition. -The bedroom window and a couple of the living room windows are very hard to open.
10. Unit 203 - Windows - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window in good condition. -NEW - 3/15/2021 - The top sash for the far-left window in the weight room is being held up by a stick.
11. Unit 205 - Doors - SPLC 34.33 (3) - Repair and maintain the door in good condition. - NEW - 3/15/2021 - The bedroom and bathroom door has been damaged and has very large holes on them.
12. Unit 205 - Throughout - SPLC 34.10 (6), 34.34 (5) - Exterminate and control insects, rodents or other pests. Provide documentation of extermination. -NEW - 3/15/2021 - There is roach activity in the apartment.
13. Unit 205 - Throughout - SPLC 34.08 (1), 34.34 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition. -NEW - 3/15/2021 The apartment is unclean and unkempt.
14. Unit 205 - Window - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window in good condition. -NEW - 4/14/2021 - The bottom section of the top sash is damaged and will not allow the bottom sash to go up.
15. Unit 206 - CO Alarm - 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 manufacturer's instructions. -NEW - 3/15/2021 - The carbon monoxide alarm is now missing.

16. Unit 206 - Heat Register - SPLC 34.12 (2), SPLC 34.36 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code.- NEW - 3/15/2021 - The heat register (closet to entry door) is coming loose from the wall.
17. Unit 206 - Windows - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window in good condition. -The lift rail for the bedroom window is broken and the window is hard to open. The far-left living room windows is hard to open and slams down. Remove the items in front of the window.
18. Unit 207 - Windows - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window in good condition. -The bedroom and living room window are very hard to open and close.
19. Unit 301 - Bathroom - SPLC 34.10 (7) - Repair and maintain the cabinets in an approved manner. -NEW - 3/15/2021 - The right bathroom cabinet door has been broken off.
20. Unit 301 - Door - SPLC 34.33 (3) - Repair and maintain the door in good condition. - NEW - 3/15/2021 - The bathroom door is damaged and has a hole on it.
21. Unit 301 - Entry Door - MSFC 703.1 - Provide, repair or replace the fire rated door and assembly. The minimum rating must be: -20 minutes. The entry door does not self-close.
22. Unit 301 - Throughout - SPLC 34.08 (1), 34.34 (4), 34.16 - Provide and maintain interior in a clean and sanitary condition.  
NEW - 3/15/ 2021 - The apartment is unclean and unkempt. There is a foul odor in the apartment.
23. Unit 301 - Walls - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the walls in an approved manner. -Throughout the apartment, there are different spots that have damages on the walls, including around the window sills. Finish the repairs to the walls.
24. Unit 301 - Windows - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window in good condition.  
The living room windows are very hard to open and close and slides down.  
The bedroom window is still hard to open and close.
25. Unit 303 - Windows - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window in good condition.  
The bedroom window is in disrepair. The bottom sash is very difficult to open and close and does not stay up.  
The left living room window does not stay up and slides down.
26. Unit 304 - Bathroom & Kitchen - SPLC 34.14 (2) c - Repair or replace the duplex convenience outlet with ground fault protection within 3 feet of the basin on an adjacent wall in all bathrooms. This work may require a permit(s). Call DSI at (651) 266-8989.-  
The bathroom and kitchen GFCI outlet are not working and do not trip when tested.

27. Unit 304 - Doors - SPLC 34.33 (3) - Repair and maintain the door in good condition. - The closet doors are missing, and a piece of the trim is missing.
28. Unit 304 - Entry Door - MSFC 703.1 - Provide, repair or replace the fire rated door and assembly. The minimum rating must be: -20 minutes. The entry door does not self-close.
29. Unit 304 - Kitchen - MSFC 605.6 - Provide electrical cover plates to all outlets, switches and junction boxes where missing. -The outlet behind the fridge is missing the cover.
30. Unit 304 - Kitchen - 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. -The handles/knobs for the kitchen faucet are missing.
31. Unit 304 - Kitchen - SPLC 34.12 (2), SPLC 34.36 (1) - Repair and maintain all required and supplied equipment in an operative and safe condition to properly and safely perform their intended function in accordance with the provisions of the applicable code. - Provide oven control knobs
32. Unit 304 - Wall - MSFC 703.1 - Provide and maintain fire rated wall construction with approved materials and methods. This work may require a permit(s). Call DSI at (651) 266-8989. The minimum rating must be: -One hour. There is a very large hole on the wall behind the entry door. There are also scrapes and damages to the fire wall. Immediately repair and seal the hole in the wall.
33. Unit 305 - All Rooms - SPLC 40.06 - Uncertified portions of the building must not be occupied until inspected and approved by this office.
34. Unit 305 - Windows - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window in good condition. -The far-left window does not stay up and slides down.
35. Unit 307 - All Rooms - SPLC 40.06 - Uncertified portions of the building must not be occupied until inspected and approved by this office.
36. Unit 307 - Window Sill - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the walls in an approved manner. -NEW - 3/15/2021 - The tile living room window sills is cracked and damaged.
37. Unit 307 - Windows - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window in good condition.  
Immediately repair the bedroom window. The bedroom window slams down very hard and is unable to safely stay up.  
The living room window is hard to open and close.
38. Unit 308 - Entry Door - MSFC 703.1 - Provide, repair or replace the fire rated door and assembly. The minimum rating must be: -NEW - 3/15/2021 - The entry door does not self-close.

39. Unit 308 - Walls - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the walls in an approved manner. -There are cracks and damages on the walls around the windows and have black substance developing in the corners.
40. Unit 308 - Windows - SPLC 34.09 (4), 34.33 (3) - Repair and maintain the window in good condition. -The living room window slams down and is unable to stay up, the window is being held up by a plastic milk bottle and box. The bedroom window is very hard to open and close.
41. Variety Store - Access - SPLC 34.19 - Provide access to the inspector to all areas of the building. -UPDATE - 4/14/ 2021 - No access has been made to this area since the beginning of the inspection process. Provide access to the variety store.
42. SPLC 39.02(c) - Complete and sign the smoke detector affidavit and return it to this office.
43. SPLC Sec. 40.06. - Suspension, revocation and denial. (a) Grounds for revocation. The fire code official may, in writing, issue a notice to the owner(s) and known interested parties of the city's suspension or revocation of a fire certificate of occupancy issued under the provisions of this code, or deny an application therefor: (3) If it is found upon inspection of the fire code official that the building or occupancy is in violation of provisions of this or other applicable safety codes, ordinances, rules and regulations; **-The Fire Certificate of Occupancy has been revoked due to, but not limited to, long term non-compliance and failure to comply with the March 15, 2021 compliance date set by the City Council's resolution. All deficiencies must be completed, and permits must be pulled and final by April 30, 2021 OR the property must be vacated. This includes the Business (grocery store).**

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: [Efrayn.Franquiz@ci.stpaul.mn.us](mailto:Efrayn.Franquiz@ci.stpaul.mn.us) or call me at 651-266-8955 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

Sincerely,

Efrayn Franquiz  
Fire Safety Inspector

Ref. # 11648