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Honorable Members of the St. Paul City Council
Saint Paul City Hall
Suite 310
15 W. Kellogg Blvd.
Saint Paul, MN 55102

Dear Council Members:

This letter concerns the deficiency orders in place for 1276 Wilson Avenue, Unit 128, St. Paul, MN 55106. My client is the tenant living in that unit, Ms. Michelle Baker. Ms. Baker requests that the City Council accept Marcia Moermond's recommendations that the owner of this complex, WRA 1276, complete all necessary repairs that have been ordered following inspections by the Department of Safety and Inspections (DSI) to the unit. It is highly concerning to Ms. Baker that these repairs have taken months to complete. These delays have put Ms. Baker's physical health in jeopardy and have caused her to have a mental breakdown. Ms. Baker reported to me that as a result of her mental breakdown in February of this year, she was awake for six days straight. Ms. Baker had post-traumatic stress and went into shock. Ms. Baker was not able to eat. She isolated herself. She was afraid to answer knocks at the door. Ms. Baker reports that she was extremely confused during that time. More recently, in late April 2021, Ms. Baker fell down in her apartment on the linoleum floor at the doorway to her bathroom as a result of the flooding in her apartment. As a result of the fall, Ms. Baker hit her knee and it became swollen. Ms. Baker had to be seen by a doctor as a result.

Here is a brief history of the Deficiency Notices from DSI and the related eviction filing:

- On December 23, 2020, after responding to a request for an inspection from Ms. Baker, Inspector James Thomas issued a Correction Notice-Complaint Inspection with a Deficiency List that ordered the Property Representative to provide and maintain a fire rated floor and/or ceiling construction with approved materials and methods, repair and maintain all closet doors in good condition, and to provide and maintain interior in a clean and sanitary condition.
- On January 19, 2020, following a new inspection, Ms. Baker's unit was condemned and a re-inspection was ordered for January 28, 2020, by which date the owner of Ms. Baker's unit, WRA 1276, was ordered to have corrected all deficiencies. The new order included

the same three items as had been included in the December 23, 2020 Correction Notice, but added that the conditions of the unit were gross unsanitary and ordered the owner to also repair the bedroom closet with approved plumbing materials for water, waste, and vent.

- Ms. Baker timely appealed the condemnation of her unit and a hearing was held on her appeal. An emergency inspection was ordered. On Feb. 5, 2021, following that inspection Marcia Moermond, City of St. Paul Legislative Hearing Officer found that “the gross unsanitary conditions noted in the orders had been abated and the condemnation was lifted by Fire Supervisor Shaff. That inspection resulted in a new Correction Notice-Re-Inspection Complaint dated March 11, 2021, in which WRA 1276 was ordered to repair the bathroom floor and ceiling, repair the clogged drain line, provide a missing smoke detector in the bedroom, repair the kitchen cabinets, repair the closet doors, and repair the kitchen floor. Ownership was given until April 1, 2021, to complete those orders.
- On January 22, 2021, WRA 1276 filed an Eviction against Ms. Baker alleging in part that she had caused the damages to her apartment. Ms. Baker denied the allegations and requested a trial. On February 24, 2021, a trial was held. Extensive witness testimony was heard regarding the conditions of Ms. Baker’s unit and the alleged threats. The trial lasted approximately 8-hours. Ms. Baker called five witnesses including herself, her ILS workers, Inspections Supervisor Leanna Shaff, the owner of a professional cleaning company who was also a general contractor. On February 25, 2021, a Decision and Order was issued by Judge Sarah Grewing dismissing the eviction and finding that the allegations in the complaint were not true.
- On April 1, 2021, a new Correction Notice-Re-Inspection Complaint was issued. That Notice listed five items that the WRA 1276 was required to repair by April 22, 2021. The owner of Wilson Ridge Apartments, Steve Minn, appealed that order on April 5, 2021.
- A Legislative Hearing before Marcia Moermond on Mr. Minn’s appeal was held on April 13, 2021. On April 16, 2021, Ms. Moermond recommended the City Council grant an extension for WRA 1276 to complete the necessary repairs until April 30, 2021.
- Ms. Baker’s unit continues to have serious repair concerns. There is significant mold in her bathroom. There is ongoing pooling of water over a large surface area in her bedroom. The wall continues to show indications of moisture concerns. And the repair work in the ceiling above Ms. Baker’s shower that was completed in late February or early March is already showing signs of water damage indicating that more water may be coming from the unit above Ms. Baker’s.

Unfortunately, despite several efforts to get reports on the latest inspection of Ms. Baker’s unit, it is unclear to me at this time if all of the deficiencies noted in the correction orders have been abated at this time or not. Regardless, Ms. Baker continues to have serious concerns that the underlying issues have not been resolved. Because of the continued serious habitability concerns, Ms. Baker has been trying to move out of her apartment for several months. Her efforts have

been continually opposed by Mr. Minn making an otherwise resolvable housing situation essentially intractable.

The law is clear in Minnesota that it is the obligation of ownership of residential rental properties to maintain their units in a habitable condition. Under Minn. Stat. § 504B.161 COVENANTS OF LANDLORD OR LICENSOR. Subdivision 1. Requirements. (a) In every lease or license of residential premises, the landlord or licensor covenants:

- (1) that the premises and all common areas are fit for the use intended by the parties;
- (2) to keep the premises in reasonable repair during the term of the lease or license, except when the disrepair has been caused by the willful, malicious, or irresponsible conduct of the tenant or licensee or a person under the direction or control of the tenant or licensee;

I have included several videos taken by Mr. Lamont Smith on April 29, 2021. Mr. Smith is Ms. Baker's Independent Living Skills worker and spends approximately 20 hours/week with Ms. Baker. Mr. Smith has been working with Ms. Baker since mid-December 2020 and he is thoroughly familiar with the repair concerns in Ms. Baker's unit. He has also testified in a Court of Law that Ms. Baker did not cause the damages to her unit that WRA 1276 is alleging. I recognize that some work has been completed since April 29, 2021, by building management, but it is my understanding per my conversations with Ms. Baker as late as May 11, 2021, that the issues documented in these videos continue to be a cause for concern.

It is Ms. Baker's request that WRA 1276 complete all required and necessary repairs as soon as possible to ensure that Ms. Baker's unit is fit for its intended purpose and in reasonable repair as the law requires.

Sincerely,

Thomas Mueller
Attorney at Law