



APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

RECEIVED

APR 29 2021

CITY CLERK

We need the following to process your appeal:

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number 536059)
 - 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

HEARING DATE & TIME

(provided by Legislative Hearing Office)

Tuesday, MAY 11, 2021

Time: you will be called between

11:30 A.M. & 1:00 P.M.

Location of Hearing:

Teleconference due to Covid-19 Pandemic

Call 651-227-4777

Address Being Appealed:

Number & Street: 702 Aurora Ave City: St. Paul State: MN Zip: 55104
-4811

Appellant/Applicant: Graham Butler Email gvaubutler1949@gmail.com

Phone Numbers: Business (651) 227-4777 Residence (651) 227-4777 Cell (651) 278-0028

Signature: Graham Butler Date: April 29, 2021

Name of Owner (if other than Appellant): Same - Graham Butler

Mailing Address if Not Appellant's: 695 Aurora Avenue
St. Paul, MN 55104-4812

Phone Numbers: Business (651) 227-4777 Residence (651) 227-4777 Cell (651) 278-0028

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.)

Tenant refuses entry tenant barred door. Refuses entry to City inspector and landlord Graham Butler. Tenant responsible for water falling through ceiling of 1st floor living room and kitchen. Executive Order 20-14, extended by April 14, 2021 Executive Order prohibits evictions! during peacetime emergency for COVID-19. See attached Orders. Damage to first floor ceiling is caused by 2nd floor tenant's repeated action.



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

April 20, 2021

received Thursday April 22, 2021

Graham Mish Butler
695 Aurora Ave
St Paul MN 55104-4812

Revocation of Fire Certificate of Occupancy and Order to Vacate

RE: 702 AURORA AVE
Ref. # 110295

Dear Property Representative:

Your building was inspected on April 8, 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 May 21, 2021 at 1:00 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. Interior - Dining room - SPLC 34.10 (7), 34.17 (5) - Repair and maintain the ceiling in an approved manner. -Fix peeling paint on ceiling in dining room
2. Interior - Upper Unit - Sec. 34.20. - Duty of occupant to allow access to owner or operator. -Every occupant of buildings, dwelling units, guest rooms, habitable rooms, premises, residential structures, rooming houses, rooming units and other structures or premises shall upon receiving reasonable prior notice give the owner or operator or their agent or employee access to the premises at reasonable times for the purpose of effecting inspections, maintenance, repairs or alterations which are necessary to comply with provisions of this chapter.
3. Interior - Upper Unit - SPLC 34.19 - Provide access to the inspector to all areas of the building. - Allow access to the upper unit.
4. SPLC 39.02(c) - Complete and sign the smoke detector affidavit and return it to this office.

An Equal Opportunity Employer

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: Jack.Toeller@ci.stpaul.mn.us or call me at 651-266-8950 between 7:30 - 9:00 a.m. Please help to make Saint Paul a safer place in which to live and work.

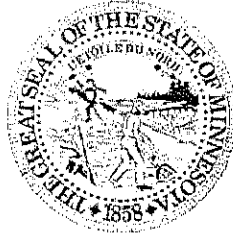
Sincerely,

Jack Toeller
Fire Inspector

Ref. # 110295

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 21-19

Extending the COVID-19 Peacetime Emergency Declared in Executive Order 20-01

I, **Tim Walz**, Governor of the State of Minnesota, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic continues to present an unprecedented and rapidly evolving challenge to our State. The World Health Organization characterized the COVID-19 outbreak as a pandemic on March 11, 2020. A national emergency and major disaster declarations for all 50 states and the District of Columbia soon followed. The COVID-19 pandemic continues to cause significant risks to public health and safety. On February 24, 2021, the President continued the national emergency that was first declared on March 13, 2020.

On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency under Minnesota Statutes 2020, section 12.31, subdivision 2. On March 16, 2020, the Executive Council approved an extension of the peacetime emergency. After notifying the Legislature, I have issued additional executive orders extending the peacetime emergency every 30 days. In this Executive Order, the peacetime emergency declared in Executive Order 20-01 and extended in Executive Orders 20-35, 20-53, 20-75, 20-78, 20-83, 20-89, 20-92, 20-97, 20-100, 21-04, 21-08, and 21-12 is referred to as the "COVID-19 Peacetime Emergency."

As a result of the COVID-19 pandemic, all 50 states declared states of emergency, and 47 of them are in place today. This is because COVID-19 cases and deaths continue. According to the United States Centers for Disease Control and Prevention ("CDC"), over 31 million people have been infected in the United States, resulting in over 559,000 deaths. As it has with the rest of the nation, the COVID-19 pandemic continues to take its toll on Minnesota. We have seen over 545,000 positive COVID-19 cases and over 28,000 hospitalizations. We have now lost over 6,900 neighbors and friends to this vicious disease. Over the past month, we have seen an alarming increase in infections from virus variants, coupled with significant increases in test positivity rate, case growth, and hospitalizations.

I have noted in previous executive orders that the COVID-19 Peacetime Emergency opens our toolbox to allow us to take swift and appropriate action to protect the health and well-being of

our families, communities, and businesses. During the past year, I have exercised executive authority through numerous executive orders to provide relief and further prepare our State for the COVID-19 pandemic. Such actions have included the temporary closure of schools and implementation of a distance learning period; enhanced protections for veterans in our veterans homes; activation of the National Guard to assist in relief efforts; measures to preserve personal protective equipment; temporary closure of bars, restaurants, and other places of public accommodation; efforts to provide economic relief and stability to those impacted by the pandemic; regulatory changes allowing our state agencies, health care providers, and licensing boards to ensure fast relief to Minnesotans; and orders requiring Minnesotans to stay at home and to wear face coverings in certain settings.

Most recently, the COVID-19 Peacetime Emergency has allowed Minnesota to act quickly to distribute vaccine, and we have ranked highly among the states in our vaccination efforts. Over 2.1 million Minnesotans have received at least one dose of vaccine, over 1.4 million Minnesotans have completed a full vaccine series, and over 84 percent of those over the age of 65 are vaccinated. As we continue to receive vaccine allocations, emergency powers are essential for quick, equitable, and safe distribution to Minnesotans. The State Emergency Operations Center provides ongoing support to local governments, and—as the continued appropriation of significant public funds to fight the pandemic plainly shows—local resources remain inadequate to address the threat.

In Minnesota Statutes 2020, section 12.31, subdivision 2(a), the Minnesota Legislature authorized the Governor to declare a peacetime emergency when an act of nature endangers life and property and local government resources are inadequate to handle the situation. With the approval of the Executive Council, a peacetime emergency may continue for up to 30 days. Minnesota Statutes 2020, section 12.31, subdivision 2(b), provides the mechanism for the Governor to extend a peacetime emergency beyond 30 days. If the Governor determines a need to extend a peacetime emergency declaration beyond 30 days, and the Legislature is not sitting in session, the Governor must issue a call immediately convening both houses of the Legislature. The Legislature commenced its regular session on January 5, 2021 and is currently sitting in session. The Legislature may terminate a peacetime emergency extending beyond 30 days by a majority vote of each house.

Minnesota law does not clearly impose additional requirements for an extension of a peacetime emergency beyond the initial 30 days. Given the importance of this decision, I previously concluded that the prudent course was to limit subsequent extensions to 30-day increments and seek the Executive Council's approval of such extensions. I continue that course today.

For these reasons, I order as follows:

1. I have determined that the COVID-19 pandemic, an act of nature, continues to endanger life and property in Minnesota, and local resources are inadequate to address the threat. The COVID-19 Peacetime Emergency must therefore continue.
2. The COVID-19 Peacetime Emergency is extended through May 14, 2021, until this Executive Order is rescinded by proper authority, or until it is terminated by a

majority vote of each house of the Legislature pursuant to Minnesota Statutes 2020, section 12.31, subdivision 2(b), whichever occurs earlier.

3. The COVID-19 Peacetime Emergency may be further extended by an executive order on or before May 14, 2021.

Pursuant to Minnesota Statutes 2020, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on April 14, 2021.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Approved by the Executive Council on April 14, 2021:

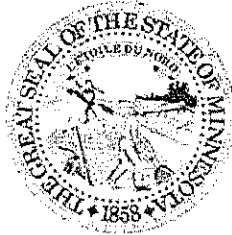


Alice Roberts-Davis
Secretary, Executive Council

Filed April 14, 2021
Office of the Minnesota
Secretary of State
Steve Simon

STATE OF MINNESOTA

Executive Department



Governor Tim Walz

Emergency Executive Order 20-14

Suspending Evictions and Writs of Recovery During the COVID-19 Peacetime Emergency

I, **Tim Walz, Governor of the State of Minnesota**, by the authority vested in me by the Constitution and applicable statutes, issue the following Executive Order:

The COVID-19 pandemic presents an unprecedented challenge to our State. Minnesota has taken proactive steps to ensure that we are ahead of the curve on COVID-19 prevention and response. On March 13, 2020, I issued Executive Order 20-01 and declared a peacetime emergency because this pandemic, an act of nature, threatens the lives of Minnesotans, and local resources are inadequate to address the threat. In Executive Order 20-01, I directed all state agencies to submit proposed orders and rules to protect and preserve public health and safety.

In Minnesota Statutes 2019, section 12.02, subdivision 1(2), the Minnesota Legislature recognized the "existing and increasing possibility of the occurrence of natural and other disasters of major size and destructiveness" and conferred upon the Governor the emergency and disaster powers provided in Chapter 12 to "ensure the preparations of this state will be adequate to deal with disasters" to "generally protect the public peace, health, and safety" and to "preserve the lives and property of the people of the state." Pursuant to Minnesota Statutes 2019, section 12.21, subdivision 1, the Governor has general authority to control the state's emergency management as well as carry out the provisions of Minnesota's Emergency Management Act. Pursuant to subdivision 3 of that same section, the Governor may "make, amend, and rescind the necessary orders and rules to carry out the provisions" of Minnesota Statutes, Chapter 12. When approved by the Executive Council and filed in the Office of the Secretary of State, such orders and rules have the force and effect of law during the pendency of a peacetime emergency. Any inconsistent rules or ordinances of any agency or political subdivision of the state are suspended during the pendency of the emergency. Any person who willfully violates such an order or rule is guilty of a misdemeanor.

Housing insecurity because of involuntary unemployment, extended sickness, or required quarantine as a result of a public health emergency in Minnesota is a subject of general concern. Losing a home is catastrophic at any time, and during the COVID-19 peacetime emergency in particular, losing housing endangers the public peace, health, and safety of all Minnesotans.

Public health and safety are promoted by stabilizing households which, through no fault of their own, may suddenly have the inability to afford rent. Providing a temporary moratorium on eviction actions allows these households to remain stably housed as they safeguard the health of themselves, their families, and other Minnesotans. Current laws and rules do not allow for cessation of notices to terminate tenancies, eviction actions, or issuing of writs of recovery during the COVID-19 pandemic.

On March 18, 2020, the President announced that the U.S. Department of Housing and Urban Development will suspend all foreclosures and evictions until April 30, 2020. As of March 18, 2020, more than 24 other states, counties, cities, and judicial districts across the nation had issued directives suspending evictions. Restricting evictions is a vital tool to keep Minnesotans in their homes to mitigate the community spread of COVID-19 in Minnesota and nationwide.

For these reasons, I order as follows:

1. Beginning no later than March 24, 2020 at 5:00 pm, and continuing for the duration of the peacetime emergency declared in Executive Order 20-01 or until this Executive Order is rescinded, for property owners, mortgage holders, or other persons entitled to recover residential premises after March 1, 2020 because a household remains in the property after a notice of termination of lease, after the termination of the redemption period for a residential foreclosure, after a residential lease has been breached, or after nonpayment of rent, the ability to file an eviction action under Minnesota Statutes 2019, section 504B.285 or 504B.291 is suspended. This suspension will allow households to remain sheltered during the peacetime emergency. Nothing in this Executive Order relieves a tenant's obligation to pay rent. This suspension does not include eviction actions based on cases where the tenant seriously endangers the safety of other residents or for violations of Minnesota Statutes 2019, section 504B.171, subdivision 1.
2. Beginning no later than March 24, 2020 at 5:00 pm, and continuing for the duration of the peacetime emergency declared in Executive Order 20-01 or until this Executive Order is rescinded, all residential landlords must cease terminating residential leases during the pendency of the emergency, except where the termination is due to the tenant seriously endangering the safety of other residents or for violations of Minnesota Statutes 2019, section 504B.171, subdivision 1.
3. Beginning no later than March 24, 2020 at 5:00 pm, and continuing for the duration of the peacetime emergency declared in Executive Order 20-01 or until this Executive Order is rescinded, all officers who hold a writ of recovery of premises and order to vacate must cease executing such writs as required by Minnesota Statutes 2019, section 504B.365, subdivision 1, with the exception of writs of recovery designated as a priority execution under Minnesota Statutes 2019, section 504B.365, subdivision 2, for any order to vacate that is based on an eviction under Minnesota Statutes 2019, section 504B.171, or on the basis that the tenant seriously endangered the safety of other residents.

4. Financial institutions holding home mortgages are requested to implement an immediate moratorium on all pending and future foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in income or substantial out of pocket medical expenses caused by the COVID-19 pandemic, or any local, state or federal governmental response to COVID-19. Financial institutions are also strongly urged not to impose late fees or other penalties for late mortgage payments related to the COVID-19 pandemic.
5. Pursuant to Minnesota Statutes 2019, section 12.45, a person who willfully violates paragraphs 1, 2, or 3 of this Executive Order is guilty of a misdemeanor and upon conviction must be punished by a fine not to exceed \$1,000, or by imprisonment for not more than 90 days. The Attorney General may also seek any relief available pursuant to Minnesota Statutes 2019, section 8.31.
6. This Executive Order does not apply to properties on federal tribal trust land.
7. Nothing in this Executive Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

Pursuant to Minnesota Statutes 2019, section 4.035, subdivision 2, and section 12.32, this Executive Order is effective immediately upon approval by the Executive Council. It remains in effect until the peacetime emergency declared in Executive Order 20-01 is terminated or until it is rescinded by proper authority.

A determination that any provision of this Executive Order is invalid will not affect the enforceability of any other provision of this Executive Order. Rather, the invalid provision will be modified to the extent necessary so that it is enforceable.

Signed on March 23, 2020.



Tim Walz
Governor

Filed According to Law:



Steve Simon
Secretary of State

Approved by the Executive Council on March 23, 2020:

A handwritten signature in black ink that reads "ARoberts-Davis". The signature is written in a cursive style with a large, looped "A" and "D".

Alice Roberts-Davis
Secretary, Executive Council

Filed March 23, 2020
Office of the Minnesota
Secretary of State,
Steve Simon