



Legislation Text

File #: RLH VO 20-52, **Version:** 1

Granting an additional stay of enforcement of Council File RLH VO 20-47, a decision on an appeal of a Fire Correction Notice-Complaint Inspection, including condemnation, at 1544 BEECH STREET.

AMENDED 11/18/20

WHEREAS, on October 14, 2020, the Saint Paul City Council adopted Council File RLH VO 20-47, which granted to October 20, 2020 for owner to come into compliance on all ordered corrections, noting that if the heat is not restored by this date, under permit required by law, the property must be vacated; and

WHEREAS, on October 15, 2020 Jowana Cyrus, tenant, requested an emergency hearing to stay enforcement of the Vacate Order pending the outcome of an Emergency Tenant Remedy Action (ETRA) being considered in Housing Court October 22, 3030; and

WHEREAS, a Legislative Hearing was conducted October 20, 2020 to review this matter to develop a recommendation for the Council on a potential stay of enforcement; and

WHEREAS, tenant Jowana Cyrus, her attorney Thuzong Xiong (Southern Minnesota Regional Legal Services), property owner Natosha Carney and Fire Inspections Supervisor Leanna Shaff participated in the Legislative Hearing; and

WHEREAS, the Legislative Hearing Officer found that there was no operational heating plant (furnace/boiler) at the property and the house's temperature is being maintained at approximately 70 degrees with the use of space heaters inspected by the city October 20, 2020; and

WHEREAS, the Legislative Hearing Officer recommended that the City Council stay the Order to Vacate the property for 2 weeks, to November 4, 2020, to allow for the potential repair or replacement of the heating plant under court order on the condition that the space heaters continue to be operated per manufacturer's instructions, with proper clearances and only with people present and attending to their operation; and

WHEREAS, the Legislative Hearing Officer recommended that the stay be reviewed November 3, 2020 at 11:30 AM to determine whether the matter has been resolved or if the Council if the stay should be extended because of imminent reinstatement of heat to the property, noting this work will need to be performed under permit from the City of Saint Paul; and

WHEREAS, the City Council accepted the findings of the Legislative Hearing Officer on October 21, staying enforcement of the Order to Vacate 1544 Beech Street, and directing that a Legislative Hearing be conducted November 3, 2020 to conclude this matter; and

WHEREAS, a Legislative Hearing was conducted including all the parties involved in the October 20 Legislative Hearing; and

WHEREAS, the Legislative Hearing Officer found that the hearing system was replaced by an unlicensed person without the benefit of permit, introducing gas and electric connection hazards, as well as venting hazards; and

WHEREAS, the November 2 district court hearing was continued to November 17, the records thereof being attached to this resolution; and

WHEREAS, the Legislative Hearing Officer recommended the Council grant an additional 2 week stay of enforcement of the vacate order, allowing additional time for the repair or replacement of the heating system, under permit under the same condition as previous stay: that the space heaters continue to be operated per manufacturer's instructions, with proper clearances and only with people present and attending to their operation; and

WHEREAS, the Legislative Hearing Officer recommended that the stay of enforcement also be conditioned on not using the heating system installed without a permit because of the hazards presented; and

WHEREAS, the Saint Paul City Council accepted the findings of the Legislative Hearing Officer and stayed enforcement of the Order to Vacate 1544 Beech Street to November 18 in order that the heat may be restored under permit; and

WHEREAS, The City Council conditioned the stay on 1) the space heaters continuing to be operated per manufacturer's instructions, with proper clearances and only with people present and attending to their operation; and 2) the furnace installed not being used until it is found to be safe by the appropriate City of Saint Paul trades inspectors; and

WHEREAS, the City Council will consider the merits of granting an additional stay, pending a report from the Legislative Hearing Officer and reviewing her findings and recommendations; and

WHEREAS, the Legislative Hearing Officer's recommendation on a further stay of the Order to Vacate is forthcoming to extend the Stay of Enforcement on the Order to Vacate the 1544 Beech Street to December 1, 2020 as the property owner has 1) taken no demonstrable steps to repair or replace the house's heating system under permit; and 2) failed to appear in District Court November 17, 2020 to provide any explanation or plans to correct this critical life safety violation; and

WHEREAS, the Legislative Hearing Officer recommends that this extension on the Order to Vacate the property continues to be conditioned on 1) the occupants not using the heating system installed without a permit until it is found to be safe by the appropriate City of Saint Paul trades inspectors, because of the hazards presented; and 2) the space heaters continuing to be operated per manufacturer's instructions, with proper clearances and only with people present and attending to their operation; Now, Therefore, Be It,

RESOLVED, that the Saint Paul City Council ~~extends/declines to extend~~ the stay on the Order to Vacate 1544 Beech Street to December 1, 2020 on the conditioned on 1)) the occupants not using the heating system installed without a permit until it is found to be safe by the appropriate City of Saint Paul trades inspectors, because of the hazards presented; and 2) the space heaters continuing to be operated per manufacturer's instructions, with proper clearances and only with people present and attending to their operation.