



Legislation Details (With Text)

File #: RLH VO 20- 51 **Version:** 2

Type: Resolution LH Vacate Order **Status:** Passed
In control: City Council
Final action: 11/4/2020

Title: 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.

Sponsors: Jane L. Prince

Indexes: Vacate Order, Ward - 7

Code sections:

Attachments: 1. 1544 Beech St.Cyrus Ltr.10-21-20, 2. 1544 Beech.Carney email and docs.11-3-20, 3. 1544 Beech St.Court Order.10-28-20, 4. 1544 Beech St.Court Order.11-2-20

Date	Ver.	Action By	Action	Result
11/5/2020	2	Mayor's Office	Signed	
11/4/2020	2	City Council	Adopted	Pass
11/3/2020	1	Legislative Hearings	Referred	

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.

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 recommends that the stay be reviewed November 3, 2020 at 11:30

AM to determine whether the matter has been resolved or if the Council may wish to extend the stay 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

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;

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 recommends 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 recommends that the stay of enforcement also be conditioned on not using the heating system installed without a permit because of the hazards presented; Now, Therefore, Be It,

RESOLVED, that the Saint Paul City Council hereby accepts the findings of the Legislative Hearing Officer, stays enforcement of the Order to Vacate 1544 Beech Street to November 18 in order that the heat may be restored under permit, and Be It

RESOLVED that this stay is conditioned 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.