

**Appeal of the Department Determination for
934, 938, & 942 Ashland Avenue**

Appellants' Exhibit 1

Expert Report of John Trostle

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Violations of the Covenant of Habitability, Including Conditions that are Hazardous for Tenants' Health and Safety, at 934/938/942 Ashland Avenue

My name is John Trostle. I have been asked by Housing Justice Center to analyze and render an opinion about the condition of the properties located at 934, 938, and 942 Ashland Avenue, St. Paul, MN 55104 (collectively, "the Ashland Apartments"). Specifically, I am rendering an opinion about the habitability of the Ashland Apartments and the presence of any conditions that are hazardous to tenants' health and safety. This is the report of my analysis and opinion.

A. Background and Experience

I have over thirty years of experience as a home inspector and twenty-five years of experience as a Certified Housing Inspector through the U.S. Department of Housing and Urban Development (HUD). Since 1999, I have worked as consultant on HUD's Section 203(k) rehabilitation loan program, which is HUD's primary program for the rehabilitation and repair of single-family properties. From 1986 to 1999, I worked as a rehabilitation advisor for Northside Neighborhood Housing Service, where I inspected homes and coordinated home rehabilitation programs and supervised projects. I have also contracted with the City of Minneapolis as a consultant evaluating condemned buildings and have created city code correction requirements for building rehabilitation. Included as Attachment A is my C.V.

I have extensive experience with hazardous materials such as mold, lead-based paint, and asbestos. In my role as rehabilitation advisor and construction manager, I was responsible for addressing hazardous material issues at clients' homes and properties undergoing rehabilitation. I have researched best practices for dealing with mold issues ranging from relatively minor surface mold to severe inundation of mold in attics and wall cavities, and I have provided consultation to property owners on mold abatement strategies. Additionally, I have participated in cleaning and sealing surface mold and removing materials with more serious mold issues.

B. Conclusion that the Ashland Apartments Have a Severe Lack of General Maintenance, Extensive Habitability Concerns, and Present Dangerous Conditions Across All Three Buildings

Based on my expertise, experience, and review of the evidence, I have reached the following conclusion:

At present, there exist widespread habitability problems at the Ashland Apartments, many of which represent significant hazards to tenants' health and safety. All three buildings show a severe lack of general maintenance and improper repairs. The deferred maintenance appears to be long-term and has created many openings at building exterior envelopes that allow water infiltration into foundations and exterior perimeter walls. The result has been critical damage and settling to the stone and some block foundations.

Additionally, damage at the concrete steps between buildings has contributed to subsequent damage to the foundations and perimeter wall cavities. The moisture in the wall cavities has created areas of visible mold at interior perimeter wall surfaces and likely mold within the wall cavities. There is significant cracking, settling, and loose wall/ceiling components in all tenant units which were inspected. Given the rot and gaps visible at exterior wood, it is likely there are mold issues in unit walls and ceilings at all units. Furthermore, the rear wooden stairs/deck and upper rear wooden balcony both exhibit hazardous conditions for all tenants and visitors who use those features.

Finally, there are numerous issues with plumbing, electrical components, walls, ceilings, doors, flooring, and windows in the inspected tenant units and common areas. Many of these issues result from the instability of the buildings' foundations, and some are independent problems. Critically, the pervasive issues in the eight units that I inspected, or viewed photographs of, lead me to believe that the same or similar problems are very likely present in the four units that I was unable to inspect. In any case, the issues in the common areas (laundry room, hallways, stairways, building exteriors) confirm that hazardous conditions exist for all tenants across the three buildings.

I conclude that the Ashland Apartments show a severe lack of general maintenance and/or improper repairs which have resulted in pervasive habitability issues across all three buildings. These habitability issues impact the livability of the properties, impair tenants' use of the properties and, at times, pose serious health and safety concerns for the tenants.

C. Material Relied Upon in This Report

In addition to my expertise and experience, I have relied on the following material in reaching the conclusions in this report:

- A physical inspection of the Ashland Apartments conducted on June 4, 2025. This inspection included the exteriors and common areas for all three buildings. At the invitation of tenants pursuing this appeal, I also inspected the following units:
 - Within 934 Ashland Ave ("Building #934"):
 - Unit 1
 - Unit 5
 - Within 938 Ashland Ave ("Building #938"):
 - Unit 6
 - Within 942 Ashland Ave ("Building #942"):
 - Unit 9
 - Unit 10
 - Unit 11
 - Unit 12

Unless otherwise noted, all photographs and videos included below were taken by me during my June 4, 2025 inspection.

- Photographs and videos from tenants regarding lack of maintenance and hazardous building conditions, specifically photographs from Units 5 and 8.

- Conversations with tenants and Housing Justice Center regarding lack of maintenance hazardous building conditions at the Ashland Apartments.

D. There are Numerous Health and Safety Hazards in All Areas of the Three Buildings due to the Present Condition of the Ashland Apartments

My inspection of the Ashland Apartments confirmed that there are pervasive building condition issues that pose hazards to tenants living in these properties. There are significant habitability concerns at the Ashland Apartments due to the long-term issues of deferred maintenance and various improper repairs visible at all three buildings, as well as the unsafe conditions in the tenant units, common areas, and exterior components. While some problems are relatively minor, many issues are dangerous hazards for the building tenants, which I describe in detail below. Most hazardous are the foundation settling problems, flooding, the presence of mold, improper electrical and plumbing, and treacherous exterior stairways and balconies. These conditions affect all tenants in the three buildings at the Ashland Apartments because they are present in common areas and also likely exist in units that I was unable to inspect.

I have included photos below as examples of the dangers to tenant health and safety that I documented during my inspection of the property. These photos do not represent all problematic conditions that I describe in the following sections, but rather illustrate some that I consider to be most concerning.

1. The Building Exteriors Exhibit Dangerous Conditions like Rotting Wood that Allows Further Water Damage, Peeling Paint That Likely Contains Lead, and Unsafe Decks/Balconies.

Exterior Wood, Siding, Paint, and Balconies

All three building exteriors have areas of wood rot and peeling paint in the siding as well as the wood trim at the doors and windows (see pictures 1-4, below). The gaps at the wood trim and casings cause ongoing water penetration and have contributed to the visible damage in the walls and ceiling cavities (as evidenced by conditions like wall cracks and bulging ceilings—examples of which are documented in pictures 26-28 later in this report). These gaps also present the significant danger of mold developing, or having already developed, in wall and ceiling cavities at common areas and tenant units, which may not yet be visible at the surface. Furthermore, there are gaps present at some upper eaves to the buildings where metal fascia has pulled away from the bottom edge of the roofing.

As for the peeling paint at the stucco, siding, and trim, this represents a danger due to the likelihood that it is lead-based paint. I understand that the three buildings were constructed in 1904, and thus there is a presumption that lead-based paint was used. The peeling flakes of presumed lead-based paint on the exterior of the Ashland Apartments pose a health risk.



1: Rotting/peeling exterior trim



2: Rotting/peeling exterior trim and cavity



3: Rotting/peeling exterior trim



4: Rotting/peeling exterior trim and cavity

Additionally, Building #938 features a rear stairway that has a broken step, loose handrail, damaged stringer support, and separation at the entrance to the adjoining unit. Building #942 features another rear wooden balcony that is extremely wobbly and separating at the adjoining unit entry. See pictures 5-7 for examples of these conditions. A video of the condition of Building #942 balcony is included with this appeal as “Trostyle: shaking upper rear balcony video.”



5: Wooden balcony separating from siding



6: Broken step at rear stairs to unit entry



7: Cracked wood at top step for rear stairs to unit entry

Building Foundations

The foundations of each of the three buildings comprising the Ashland Apartments are stone, with some areas of concrete block. My inspection revealed significant wear and large openings at the stone foundations and parge coats (see pictures 8-11). Because the stone contains lime, the mortar joints tend to deteriorate over the many decades after the buildings were constructed, and simply repairing the visible worn mortar areas will likely not completely correct the water infiltration issues. This is due to the visible damage at the concrete step pathways between buildings and mortar wear not presently exposed (see pictures 13-14).

I strongly recommend that the foundations of all three buildings be evaluated by a contractor specializing in foundation and structural issues. It is clear that the buildings are actively settling and a patchwork approach to the repairs to the foundation and concrete steps between buildings will not correct the water infiltration problems. Importantly, the foundation settling poses a risk to tenants through its perpetuation of existing issues like water seepage causing flooding and mold, cracks in walls and ceilings, and uneven floors. Picture 12, below, demonstrates the flooding that regularly occurs during rainstorms in the basement of Building #934 (in the storage area serving Unit 5) due to the severe foundation issues.



8: Settling and holes in foundation



9: Deteriorating foundation at basement window



10: Flaking paint and worn foundation



11: Settling foundation with holes



12: Water infiltration and flooding in entry/storage to Unit 5 due to deteriorating foundation
(photograph taken by Mr. Cornell on June 16, 2025)

Exterior Concrete Steps

Cracks, damage, and gaps at wall joints to exterior concrete steps are contributing to water infiltration (see pictures 13-15).

As shown in pictures 16-17, the entryway to Unit 5 in Building #934 (the basement unit) experiences upwards of several inches of flooding during rainstorms due to the infiltration of water through the foundation and cracks in the steps, as well as the lack of drainage at the base of the steps. Picture 16 illustrates the active streams of water coming through gaps in the wall and pooling at the entryway. This flooding—along with the subsequent standing water at the unit entry and the water infiltration into the unit, causing mold and flooring damage—constitutes a danger to tenants and visitors' health and safety, including children who are present in the basement unit.



13: Cracks at concrete steps to Unit 5



14: Mortar gaps at concrete steps to Unit 5



15: Mortar gaps at concrete steps to Unit 5



16: Flooding resulting from gaps and cracks at concrete outside entry to Unit 5
(photograph taken by Mr. Cornell on June 16, 2025)



17: Several inches of water from flooding at entry to Unit 5
(photograph taken by Mr. Cornell on June 16, 2025)

Exterior Doors

Due to settling, the exterior door to the laundry room and several individual units with primary doors to the exterior have gaps which must be corrected to seal properly (see picture 18).

Additionally, the door to the rear landing at Unit 6 within Building #938 does not properly lock. The door to Unit 1 within Building #934 also does not properly lock—both the deadbolt component and the doorknob are loose to the extent that they can be jostled up and down, and the doorknob does not lock at all. These problems raise safety and security concerns for the tenants living in the apartments, including children living in Unit 6.



18: Gaps at glass above exterior door to Unit 5

2. The Building Interiors Exhibit Pervasive Hazards for All Tenants, Including Dangerous Mold, Bulging and Cracking in Walls and Ceilings, Broken Flooring, Insecure Windows, Plumbing Issues that Allow Sewer Gas Leakage, and Uncovered Electrical Components.

Walls and Ceilings

During my physical inspection of the Ashland Apartments, I observed many problems involving the interior walls and ceilings of the three buildings. Many of these problems appear to stem from the settling of the neglected foundation, which results in water infiltration and ongoing building shifting.

In the laundry room within Building #942, which serves all tenants, there exist highly concerning areas of mold spotting (see pictures 19-20). This appears to be black mold, which poses

a severe threat to tenants' safety when they are using the laundry room and breathing in spores present in the air. In addition to the mold, the walls of the laundry room are otherwise damaged and stained. These are plainly dangerous conditions and some of the most concerning within the buildings.

In other common areas, I observed bulging and cracking of various walls and ceilings in the halls and stairways (see picture 21). There is also general damage, staining, and paint wear in these areas that have been left unrepaired (see picture 22). The holes such as that shown in picture 21 may allow rodents and other pests to enter the building.

Tenant units accessed in all buildings have various problems related to their walls and ceilings. For one, I observed multiple instances of mold inside units, including on baseboards and in unit showers (see pictures 23-26). There are also many settling cracks and bulging within units, likely due to the buildings' foundation problems (see pictures 27-29). I observed other instances of neglect like peeling paint and staining. I also discovered loose wall panels in tenant units in areas like behind the stove, in bedroom closets, and in shower tubs.

With specific regard to the mold issue, it is my professional opinion that the Ashland Apartments will remain in their current dangerous condition without moisture/mold testing in all exterior wall cavities as well as significant abatement efforts for all visible mold in tenant units and common areas like the laundry rooms. I do not believe that this pervasive issue will be resolved without such property-wide efforts by a qualified professional.



19: Mold at laundry room walls



20: Mold at laundry room walls



21: Ceiling flaking and cracking in hallway



22: Wall deterioration at stairway



23: Mold/rot at baseboards and flooring



24: Mold and deterioration in unit shower



25: Mold at glass block window in unit shower



26: Mold/rust on exposed pipe



27: Wall cracks in tenant unit



28: Cracking near light fixture in tenant unit



29: Wall cracks in tenant unit

Flooring

My inspection revealed problems with the flooring in all observable units. Specifically, I found flooring that was significantly damaged, settled, cracked, or completely missing in some corners (see pictures 30-32). There are also instances of shoddy repairs using duct tape (see picture 33), and loose hardwood flooring in all units. Additionally, there are loose and damaged kitchen floor tiles present in Unit 6 within Building #938.



30: Damaged flooring in tenant unit



31: Crack in floor under radiator in tenant unit



32: Missing flooring in tenant unit



33: Tape to repair flooring in tenant unit

Windows

I observed many windows in tenant units that have problems closing, sealing, and locking. This increases tenants' exposure to rain and varying temperatures unless they are able to devise a makeshift method to keep the windows closed, as several tenants at the Ashland Apartments have done. These conditions further pose a safety risk to tenants, especially those living on the first floor or in units accessible by one of the rear balconies.

In Unit 11 within Building #942, the upper sash of a living room window is slipping (see picture 34). This means that the upper portion of the window is unable to stay up and closed, and this tenant has had to wedge a wooden post in the window to ensure that it remains closed. I observed other units where tenants have had to use wooden posts to keep their windows closed, such as Unit 9 within Building #942 in which the upper sashes of the bedroom windows are slipping (see picture 35). Additionally, the upper sashes of windows in the living room and kitchen are sagging in Unit 1 in Building #934, though the tenant has not used posts to keep them up.

In Unit 6 within Building #938, the living room window glass is cracked and the rear bedroom windows have damaged tilt pins. The laundry room window in Building #942 is also cracked with a small hole that indicates an apparent BB-gun shot or similar incident (see picture 36). In Unit 10 within Building #942, the kitchen includes one window with a large hole in the broken glass (see picture 37), as well as another window with an upper sash that slams down and will not stay closed.

As a general matter, living room and bedroom windows in tenant units across the three buildings include slipping sashes and missing screens. Units also include windows that are off their tracks and do not seal properly (see picture 38).



34: Tenant window held up by wooden post



35: Tenant window held up by wooden post



36: Cracked window in laundry room



37: Hole in tenant window



38: Tenant window off track

Plumbing

I observed plumbing problems in tenant units and common areas that represent another risk to tenants' health and safety, primarily due to hazardous sewer gas that may escape from plumbing elements without proper components.

In the laundry room common space, the floor drain is clogged and the clean-out plug is missing (see picture 39). The lack of a clean-out plug means that sewer gas may enter the room, which is dangerous for tenants' using the laundry facilities. It also allows sewer smells to seep into the space. Additionally, the lack of a clean-out plug can allow rodents to enter through the pipes, as evidenced by rodent feces that were present in the floor drain shown in picture 39.

The floor drain in the basement area of Building #934 (which serves as a storage and gym area for Unit 5, seen above with flooding in picture 12) has another clogged floor drain with missing clean-out plug (see picture 40). Again, the lack of a clean-out plug allows sewer gas and smells to enter the space, posing a risk to the health of the Unit 5 tenant who regularly uses this area and has children. I also observed an uncapped plumbing vent pipe sealed with a rag in this room.

Other various plumbing issues that I observed include the following, which were all present within Building #942: the hot and cold faucets are reversed in Unit 9; there is no trap in the bath sink in Unit 10; and there is a feed valve missing and one shut-off missing in Unit 11.



39: Laundry room floor drain missing clean-out plug, with rodent feces present



40: Unit 5 storage area floor drain missing clean-out plug

Electrical

My inspection revealed various electrical issues contributing to my conclusion that there are habitability issues with the Ashland Apartments in their present condition.

In the laundry room and other basement spaces open to tenants, I observed missing covers at electrical boxes, resulting in exposed wires (see pictures 41-42). In Unit 11 within Building #942, there are open ground 3-prongs at the electrical receptacles in the living room, front bedroom and dining room, which can pose a risk of electrical shock to tenants and damage to electrical appliances (see picture 43). Unit 11 also requires smoke and carbon monoxide detectors in the hallway. In Unit 9 within Building #942, the living room fan light severely wobbles when the fan is running, and is missing a globe cover (see picture 44). Many lights within tenant units have missing covers and globes (pictures 44-45).



41: Electrical box missing cover



42: Electrical box missing cover



43: Testing unit showing open ground outlet



44: Wobbly fan in tenant unit w/o cover



45: Light in tenant unit w/o cover

Heating

The final area in which I found noncompliance with general habitability standards is the heating of the three buildings comprising the Ashland Apartments. The boiler units show no indication of regular servicing. I also observed numerous loose radiators, including one shown below in the living room of Unit 6 within Building #938 (see picture 46).



46: Loose radiator in tenant unit

E. Conclusion

After considering my inspection results and other materials relied upon for this report, I conclude that there are significant habitability problems at the Ashland Apartments that impact all tenants due to hazardous conditions present in observable tenant units and common areas. These conditions result from longstanding problems with these buildings that appear to have remain unaddressed for extended periods of time. The most dangerous conditions are the problems with the foundation that are causing the buildings to shift and settle, the resulting water infiltration and mold (particularly the extensive mold areas in the laundry room), improper electrical and plumbing conditions that pose health and safety risks to tenants, and dangerous exterior stairways and balconies. As described above, the habitability issues are significant to the extent that extensive assessment and repairs would need to be completed by licensed professionals in order to address the habitability concerns.

Under Minn. Stat. § 358.116, I declare under penalty of perjury that everything I have stated in this report is true and correct to the best of my knowledge.

Signed in Washington County, Minnesota
July 7, 2025

s/John Trostle

John Trostle

John Trostle Consulting
709 Elm St. W.
Stillwater, MN 55082
Ph. 612-715-0251

Certification

HUD-Certified Housing Inspector for 25 years through May 2022

Experience

1999-present:

- Self-employed as homebuyer inspector.
- Consultant on HUD "Section 203(k)" rehabilitation loans (The Section 203(k) loan program is HUD's primary program for the rehabilitation and repair of single-family properties.)
- Facilitate presentation of state sponsored homebuyer workshops.
- Consult with various local not for profit housing agencies, cities and individual homeowners.
- Consult with homeowners and attorneys involved in arbitration and court cases involving construction issues.

1986-1999:

- Worked for Northside Neighborhood Housing Service as rehab advisor. Inspecting client homes, coordinating rehab programs, supervising projects. Evaluated distressed properties, created work scopes for rehabilitation and supervised bidding, construction, contractor payouts.
- Received training for lead paint mitigation supervisor, construction laws and practices, housing quality standards.
- Developed and administered homebuyer training workshops for first time buyers, through state of Minnesota Housing Finance Agency.
- Contracted with the City of Minneapolis as consultant evaluating condemned buildings, creating cost analysis/code correction requirements for rehabilitation. Testified as expert witness in numerous hearings to determine viability of associated properties.
- Performed home inspections for buyers.
- Became certified at request of HUD as rehab consultant/fee inspector for their 203k rehab loan program.

1984-1985:

- Worked with local, small general contractor bidding and supervising projects.

1981-1983:

- Moved to Minneapolis and worked for alternative energy company bidding passive and active solar energy projects. Also was consultant with the Minnesota Housing Finance Agency's Neighborhood Stabilization Program assisting in development of appliance rebate program.

1971-1980:

- Worked in Denver doing roofing, framing, general carpentry and building of single-family homes.

Mold Expertise

While employed by Northside Neighborhood Housing Service in Minneapolis from 1986 – 1999, attended various training sessions which included information on the recognition and recommendations for dealing with hazardous materials and conditions. This included lead paint, asbestos and mold.

In the role of rehab advisor and construction manager, was responsible for addressing hazardous material issues at clients' homes and properties being rehabilitated. This included lead paint, asbestos and mold.

While working with the city of Minneapolis on condemnation cases and doing buyer inspections, researched best practices for dealing with mold issues ranging from relatively minor surface mold to severe inundation of mold in attics and wall cavities.

While working in the construction industry, participated occasionally in cleaning and sealing surface mold and removing materials with more serious mold issues.

As a legal consultant, encountered rental property disputes which included mold issues and made recommendations for mold abatement.