

CITY OF MINNEAPOLIS

Rental Dwelling License Board of Appeals

**In the matter of the Rental
Dwelling License held by
Mei Jen Chen for the
Premises at 719 24th Avenue N.E.
Minneapolis, Minnesota**

**FINDINGS OF FACT,
CONCLUSIONS, AND
RECOMMENDATION**

This matter came on for hearing before the Rental Dwelling License Board of Appeals on February 10, 2004 in Room 14, Public Service Center, board chair Brian Bushay presiding. Other board members present were Paul Thomas Kjornes, Daisy Barton, Clinton T. Blaiser, and Wayne Jensen. Assistant City Attorney Henry T. Reimer was present. Steven E. Heng, Assistant City Attorney, represented the Department of Inspections. The Licensee, Mei Jen Chen was present and was not represented by an attorney.

FINDINGS OF FACT

1. Mei Jen Chen holds a rental dwelling license for the building at 719 24th Avenue Northeast, in Minneapolis.
2. This matter was commenced by the Department of Inspections to revoke the rental dwelling license for the property at 719 24th Avenue Northeast, under Minneapolis Code of Ordinances, Sections 244.1910 through .1940.
3. Notice of the recommendation to revoke the license was mailed by certified mail to Mei Jen Chen on January 13, 2004. Ms. Chen filed an appeal of the proposed revocation on January 23, 2004.
4. The property located at 719 24th Avenue NE is zoned R2B – two family district. The property is categorized as a single family detached by the Assessor.

5. On October 2, 2003 Minneapolis Inspectors Bryan Starry and Patrick Hilden inspected the building at 719 24th Avenue NE in response to a tenant complaint. The inspectors noticed numerous code violations including over occupancy and illegal use of the building. The single family home had been broken up into six or more rooming units. It was determined that an illegal number of unrelated individuals were living in and occupying the building. Additionally, the basement was being illegally used for habitation. The inspectors issued six correction orders. One of the orders required the installation of operational smoke detectors no later than October 12, 2003. The building was placarded for unlawful occupancy and vacation of the building by December 1, 2003 was ordered.

6. On October 17, 2003 Inspectors Starry and Hilden returned to find that Ms. Chen had not complied with the order requiring the installation of operational smoke detectors.

7. On December 2, 2003 Housing Inspectors Starry and Melanie Pogatchnik re-inspected the building. The inspectors determined that illegal and hazardous wiring in the basement, illegal use of extension cords, illegal hasp locks on sleeping room doors, smoke detector and kitchen door violations had not been corrected. The building had not been reverted back to its authorized construction and use. Ms. Chen had obtained a rental dwelling license for a one dwelling unit - single family home. The inspectors also determined that Ms. Chen had moved in three additional tenants into her illegal rooming house, bringing occupancy of the house up to nine (9) unrelated persons.

8. On December 11, 2003, Inspector Starry issued a Notice of Director's Determination of Noncompliance to Ms. Chen. The notice stated that the property was

over occupied and illegally occupied. The notice stated that Ms. Chen had 10 days to bring the occupancy of the building into legal compliance.

9. On January 5, 2004, Inspectors Starry and Hilden returned to inspect the property. The inspectors determined that the house continued to be illegally and over occupied. Illegal occupancy of the basement had resumed. Nine (9) unrelated individuals continued to reside at the house. The separate rooming units had been maintained and the property had not been converted back to its legal use. Numerous other code violations had not been abated.

CONCLUSIONS

1. Minneapolis Code of Ordinances (M.C.O.) section 244.1910 provides that a rental dwelling license may be revoked for violation of standards including: “(2) Rental dwelling units shall not exceed the maximum number of dwelling units permitted by the zoning code. (3) No rental dwelling or rental dwelling unit shall be over occupied or illegally occupied in violation of the zoning code or the housing maintenance code. (4) The rental dwelling shall not have been used or converted to rooming units in violation of the zoning code.

2. M.C.O. 546.50 of the zoning code provides for a maximum occupancy of one family plus two unrelated persons up to a maximum total of five persons. The zoning code also prohibits the conversion or use of this property as a rooming house, and limits the total number of legal dwelling units to two.

3. Ms. Chen operated her rental building in violation of each code provision listed in paragraphs 1 and 2. After given notice of the violations, Ms. Chen stepped up her illegal operation by allowing new, additional, tenants to move into the building.

4. The rental dwelling license of Mei Jen Chen for 719 24th Avenue NE is subject to revocation.

RECOMMENDATION

That the rental dwelling license held by Mei Jen Chen for the premises at 719 24th Avenue Northeast, Minneapolis be revoked.

Brian Bushay
Chair