

**CITY OF MINNEAPOLIS
NUISANCE CONDITION PROCESS REVIEW PANEL**

**In the matter of the Appeal of
Director's Order To
Demolish the Property
Located at 1004 Irving Ave. N
Minneapolis, Minnesota.**

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

This matter came on for hearing before the Nuisance Condition Process Review Panel at Rental Dwelling License Board of Appeals on July 12, 2007 in City Council Chambers located in Minneapolis City Hall. Board Chair Burt Osborne presided. Other board members present included Patrick Todd, and Brad Schmoll. Assistant City Attorney Lee C. Wolf was present as *ex officio* counsel to the board. Wayne Murphy represented the Inspections Division. Charles Salaam, the owner of 1004 Irving Ave. N., was present. Based upon the Board's consideration of the entire record, the Board makes the following:

FINDINGS OF FACT

1. Charles Salaam owns the property located at 1004 Irving Avenue N., Minneapolis, Minnesota. The structure is a two-story, wood-framed single-family house built in 1910. The house has three bedrooms and one full bathroom, it sits on an irregularly shaped lot measuring 40 ft by 118 ft. The property received a Letter of Intent to Condemn for Lack of Maintenance on May 31, 2002.

2. The Inspections Division of the City of Minneapolis determined that the property at 1004 Irving Avenue N. met the definition of a Nuisance under Minneapolis Code of Ordinances (hereinafter "M.C.O.") § 249.30. The applicable sections of M.C.O. § 249.30. provide that *(a) A building within the city shall be deemed a nuisance condition if:*

(1) *It is vacant and unoccupied for the purpose for which it was erected and for which purpose a certificate of occupancy may have been issued, and the building has remained substantially in such condition for a period of at least six (6) months; or*

(2) *The building is unfit for occupancy as it fails to meet the minimum standards set out by city ordinances before a certificate of code compliance could be granted, or is unfit for human habitation because it fails to meet the minimum standards set out in the Minneapolis housing maintenance code, or the doors, windows and other openings into the building are boarded up or otherwise secured by a means other than the conventional methods used in the original construction and design of the building, and the building has remained substantially in such condition for a period of at least sixty (60) days.*

(4) *Evidence, including but not limited to rehab assessments completed by CPED, clearly demonstrates that the cost of rehabilitation is not justified when compared to the after rehabilitation resale value of the building.*

3. Pursuant to M.C.O. § 249.40(1) the building was examined by the Department of Inspections to ascertain whether the nuisance condition should be ordered for rehabilitation or demolition. Considering the criteria listed in M.C.O. § 249.40(1) the Inspections Department found:

a. The estimated cost to rehabilitate the building is \$153,900 to \$186,300, based on the MEANS square footage estimate. The estimated value after rehab according to the appraisal obtained from Minneapolis Community Planning and Economic Development staff is \$129,600. The assessed value of the property is \$119,500 (2006) and \$109,500 (2007). The Assessor rates the condition of the

building as poor and uninhabitable. The property has no architectural or historic value/designation.

b. Taxes are delinquent for the years 2004, 2005 and 2006 in the amount of \$5377.03 plus penalties and interest. Taxes for 2007 in the amount of \$3,829.96 are not paid.

c. The Northside Residents Redevelopment Council and the owners of properties within 350 feet of 1004 Irving Avenue N. were mailed a request for a community impact statement. The Inspections Division received two impact statements in return. One recommended demolition and commented that the property had a negative impact on the community and one recommended repair/renovate commenting that the property had a positive effect on the neighborhood.

d. In 2000, Near North had 2,325 housing units, 2,201 were occupied and 124 were vacant. The total number of housing units decreased between 1990 and 2000, as did the number of vacant units. The recent foreclosures in North Minneapolis have caused a dramatic increase in vacant units from 2000. The exact number of vacancies is unknown. Of the approximately 513 houses on the city's Vacant Building Registration, 26 are in the Near North neighborhood alone, a neighborhood of approximately 2,325 housing units.

4. Taking into account the criteria listed in § 249.40(1) a notice of the Director's Order to Demolish was mailed to Charles A. Salaam, New Century Mortgage Corporation and Wells Fargo Bank Minnesota, N.A. as a Trustee on May 3, 2007 in mid October 2006.

5. On May 22, 2007 Charles Salaam filed an appeal of the Director's order to demolish pursuant to M.C.O. § 249.45(c) and this appeals hearing was commenced on July 12, 2007.

6. Charles Salaam purchased 1004 Irving Avenue N in June, 2001. The property received a Letter of Intent to Condemn for Lack of Maintenance on May 31, 2002. The property did not have a Code Compliance Inspection to bring the property into compliance until June 13, 2007. There are 28 open housing violations on the property, most open since 2002. Orders arising out of the June 13, 2007 Code Compliance Inspection include: replace shingles on roof, replace siding and floor on porch as necessary, provide egress windows as required by code, provide a window in each bedroom, provide handrails, repair/replace all broken and rotting windows, repair all floors/walls/ceilings/doors, repair/replace exterior wall of the dwelling, prepare and paint exterior trim and siding, provide screens and storm windows, free all window sashes, repair/replace all door locks/hinges/latches/knobs, repair/replace cabinets and counters, repair missing tiles, torn carpeting, install proper parking surface, install plumbing meters and valves as necessary, check boiler and replace if necessary to meet code.

7. On July 12, 2007 Charles Salaam appeared and requested time to enter into a restoration agreement with the Department of Inspections. Mr. Salaam met with Department of Inspections' staff on July 10th and did not have a plan in place to rehabilitate the property. Mr. Salaam has not shown that he has available financing to fund the extensive rehabilitation nor has he lined up any contractors who could do the rehabilitation.

CONCLUSIONS

1. The building located at 1004 Irving Avenue N. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(1) as the building is vacant and unoccupied for the purpose for which it was erected and the building has remained in such a condition for a period of at least six months.

2. The building located at 1004 Irving Avenue N. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(2) as the building is unfit for occupancy as it fails to meet the minimum standards set out by city ordinances before a certificate of code compliance could be granted, or is unfit for human habitation because it fails to meet the minimum standards set out in the Minneapolis housing maintenance code.

3. The building located at 1004 Irving Avenue N. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(4) as evidence, including but not limited to rehab assessments completed by CPED, clearly demonstrates that the cost of rehabilitation is not justified when compared to the after rehabilitation resale value of the building.

4. Pursuant to M.C.O. § 249.40 *Abatement of nuisance condition*, The Director of Inspection's order to demolish the building located at 1004 Irving Avenue N. is appropriate. The building meets the definition of a nuisance condition as defined by M.C.O. § 249.30 and a preponderance of the evidence, based upon the criteria listed in M.C.O. § 249.40, demonstrates that demolition of the building is appropriate. The building has been in a state that has being unfit for human habitation by failing to meet the minimum standards set out in the maintenance code for five years and the owner did not have a Code Compliance Inspection completed until he was sent notice that the building had been declared a nuisance condition and possibly subject to

demolition. The property is in need of extensive repairs and the owner has no plan or financing in place to make these repairs. Without a plan in place to rehabilitate this property the property will continue to be vacant and in disrepair and continue to have a negative impact on the neighborhood.

RECOMMENDATION

That the Director of Inspections' Order to Raze the building located at 1004 Irving Avenue N., Minneapolis, Minnesota be upheld.

Burt Osborne
Chair,
Nuisance Condition Process Review Panel