

**CITY OF MINNEAPOLIS
FOR THE DEPARTMENT OF
REGULATORY SERVICES**

ADMINISTRATIVE HEARING OFFICER

**In the matter of the Rental
Dwelling License held by
Azzam Sabri for the
Premises at 1903 Girard Avenue S.,
Minneapolis, Minnesota**

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

The above entitled matter came on for hearing before Administrative Hearing Officer Fabian Hoffner on February 22, 2010, at 1:30 p.m. at Room 310, Minneapolis City Hall, Minneapolis, Minnesota. The City of Minneapolis was represented by Lee C. Wolf, Assistant City Attorney, Janine Atchison, District Manager Department of Housing Inspections and Housing Inspector Dick Warwick. Azzam Sabri, owner of 1903 Girard Avenue S., was present with his attorney Keith Hanratty, Esq. 2600 Morgan Avenue N. were present.

After considering all of the evidence presented at the hearing and the arguments presented by both parties before, during and after the hearing, the Administrative Hearing Officer makes the following:

FINDINGS OF FACT

Azzam Sabri holds a current rental dwelling license for the building at 1903 Girard Avenue South, in the City of Minneapolis. The rental license application personally filed by Mr. Sabri lists himself as the owner of the building as well as the property manager responsible for the maintenance and management of the rental property.

This matter was commenced by the Minneapolis Housing Inspections Division to revoke the rental dwelling license held by Azzam Sabri for the property at 1903 Girard Avenue S. under Minneapolis Code of Ordinances (M.C.O.) § 244.1910 (2), (3) and (4). 2020. Section 244.1910 (2) states that "Rental dwelling units shall not exceed the maximum number of dwelling units permitted by the zoning code". Section 244.1910 (3) states that "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." Section 244.1910 (4) states that "The rental dwelling shall not have been used or converted to rooming units in violation of the zoning cod."

Notice of the recommendation to revoke the rental dwelling license was mailed to Azzam Sabri on July 15, 2009. This notice was mailed to the contact address that Mr. Sabri personally supplied on his rental license renewal – 1903 Girard Avenue S., Minneapolis, MN 55403.

In November of 2008, the Department of Inspections received a tenant complaint regarding lack of heat at the property located at 1903 Girard Avenue N., Minneapolis, MN. Housing Inspector Dick Warwick was assigned to inspect the property based upon the complaint of no heat.

On November 26, 2008, Inspector Warwick completed an inspection of the property located at 1903 Girard Avenue S. Inspector Warwick found that the heat to one of the units was below the required 68 degrees required by ordinance and issued an order for the low heat. During the inspection Inspector Warwick also observed what appeared to be five separate units at the property which would violate zoning code as the building was zoned for a maximum of two units. Inspector Warwick observed that Mr. Sabri occupied one of the units

in the building and that an additional five units existed based upon a finding of five doors off the center hallway which were locked by keyed deadbolts and were not available for use as a common area and were separately controlled by separate individuals. Inspector Warwick also observed mailboxes at the property that did not align with the owner's unit or with the tenants of the unit Inspector Warwick was inspecting for low heat, the mailboxes had additional names and unit numbers. On November 26, 2008 Inspector Warwick sent out orders to restore adequate heat to the unit and a letter of intent to condemn the unit for lack of heat. The due date of the orders was November 30, 2008.

Inspector Warwick set an appointment to conduct a re-inspection of the property for December 4, 2008. At the re-inspection on December 4, 2008, Inspector Warwick found that the low heat issue at the property had not been abated but observed that the owner was doing significant work to heating system to get it in proper working order. During the re-inspection Inspector Warwick observed that the basement was occupied by someone other than the owner and was told by tenants that the attic was being occupied. Inspector Warwick personally spoke with two tenants who had opened their doors and let him into their units. Inspector Warwick also observed mailboxes at the property, the mailboxes had names on them that corresponded to the names of tenants of additional units Inspector Warwick was not able to gain access to. The names of the additional tenants were confirmed by the tenants Inspector Warwick was able to talk with. Based upon his re-inspection Inspector Warwick was able to determine that there were six separate units at the property, a property that was legally a duplex. Inspector Warwick issued orders on December 4, 2008, to Mr. Sabri which directed the owner to revert the building to its legal use as a duplex, to discontinue the unlawful occupancy of the basement unit and to discontinue the unlawful occupancy of the

attic. In addition, Inspector Warwick sent a "Notice of Director's Determination of Non-Compliance" pursuant to M.C.O. § 244.1930, specifically noting that the property failed to meet the rental licensing standards under M.C.O. § 244.1910 (2), (3) and (4). Both the written orders and the "Notice of Non-Compliance" gave Mr. Sabri until January 4, 2009, to bring the building into compliance.

On December 18, 2008, Inspector Warwick re-inspected the property and abated the no-heat orders as proper repairs had been made to the heating system and adequate heat was being supplied to the building. On January 18, 2009, Inspector Warwick conducted another re-inspection and was able to gain access to the basement, the attic and the second floor south-unit and observed that they were all vacant and that the deadbolt keyed locks had been removed and that the building appeared to be in compliance with the City's code. Inspector Warwick informed Mr. Sabri that he would need a copy of the written lease to verify that the tenants in the property were on the same lease to show that the unit was being used as one unit. On April 9, 2009, Inspector Warwick returned to the property and abated the order based upon an interior inspection and also a review of the signed lease with the two tenants who were residing in the second unit of the property.

On July 2, 2009, Inspector Warwick returned to 1903 Girard Avenue S. on a tenant complaint for a leak in the ceiling, missing screens and windows not working. Upon arriving at the property Inspector Warwick met with a tenant who lived in the basement of the building. The tenant had a key to a deadbolt lock for a door at the top of the basement stairs outside of the second unit of the building; the tenant also had a lease for the basement unit that was separate from the second floor unit. Inspector Warwick then proceeded to the second floor of the building and observed that two of the rooms on the second floor had keyed

deadbolt locks, locks similar to the deadbolt locks that were observed on the second floor in December 2008 and which had been removed in April of 2009. Based upon his observations of three separate units at the property, one in the basement, one on the second floor and the owner's unit, Inspector Warwick issued orders on July 17, 2009 to return the building to its lawful use as a duplex.

On July 15, 2009, a Notice of Revocation, Denial, Non-Renewal, or Suspension of Rental License or Provisional License was sent to Mr. Sabri as the owner and holder of the rental dwelling license at 1903 Girard Avenue S. The Notice of Revocation was based upon violations of M.C.O. § 244.1910 (2), (3), (4) and (19). Section 244.1910 (2), states: Rental dwelling units shall not exceed the maximum number of dwelling units permitted by the zoning code. Section 244.1910 (3), states; 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. Section 244.1910 (4), states: The rental dwelling shall not have been used or converted to rooming units in violation of the zoning code. Section 244.1910 (19), states: The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations. Mr. Sabri was given 15 days to appeal the Notice of Revocation and on July 30, 2009, Mr. Sabri filed a timely appeal.

CONCLUSIONS

The City of Minneapolis Department of Housing Inspections issued valid orders, for a violation of M.C.O. § 244.1910 (2), (3) and (4) which require that rental properties in the City of Minneapolis not exceed the maximum number of dwelling unit allowed by the zoning

code, that they not be over-occupied or illegally occupied in violation of the zoning code or the housing maintenance code, and that rental properties not be converted to rooming units in violation of the zoning code. The Department followed proper procedure in issuing a Notice of Non-Compliance, pursuant to M.C.O. § 244.1930 (b), which gave the owner fifteen days to bring the property into compliance with licensing standards M.C.O. § 244.1910 (2), (3) and (4).

On a second occasion, within a year of the first violation, the City of Minneapolis Department of Housing Inspections issued valid orders, for a violation of M.C.O. § 244.1910 (2), (3) and (4) which require that rental properties in the City of Minneapolis not exceed the maximum number of dwelling unit allowed by the zoning code, that they not be over-occupied or illegally occupied in violation of the zoning code or the housing maintenance code, and that rental properties not be converted to rooming units in violation of the zoning code.

M.C.O. § 244.1940 states: "If after any period for compliance under section 244.1930 has expired, the director determines that the dwelling fails to comply with any of the licensing standards in sections 244.1910 or 244.1920, or the director has initiated an action to deny, revoke, suspend, or not renew a license pursuant to section 244.2020, the director shall mail the owner a notice of denial, non-renewal, revocation, or suspension of the license or provisional license." In this matter the property at 1903 Girard Avenue S. was found to be in violation of M.C.O. § 244.1910 (2), (3) and (4) on December 4, 2008. After the period for compliance had expired the property was again found to be in violation of M.C.O. § 244.1910 (2), (3) and (4) on July 2, 2009.

The Department followed proper procedure in issuing a Notice of Revocation, Denial, Non-Renewal, or Suspension based upon the second violation of M.C.O. § 244.1910 (2), (3) and (4).

M.C.O. § 244.1910 (19) states: "The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. The Department followed proper procedure in issuing a Notice of Revocation, Denial, Non-Renewal, or Suspension based upon M.C.O. § 244.1910 (19) based upon the continued violations of the housing maintenance code that have occurred and continue to occur at 1903 Girard Avenue S. and the amount of un-permitted work that has occurred at 1903 Girard Avenue S. It appears that the owner simply does what he wants at the property and will only make corrections or comply with the maintenance code or obtain the proper permits after violations have been detected by Department staff.

RECOMMENDATION

That the rental dwelling licenses held by Azzam Sabri for the premises located at 1903 Girard Avenue S., Minneapolis, Minnesota be revoked.

Dated April 9 2010


FABIAN HOFFNER
ADMINISTRATIVE HEARING
OFFICER