

**CITY OF MINNEAPOLIS
FOR THE DEPARTMENT OF
REGULATORY SERVICES
BEFORE THE
ADMINISTRATIVE HEARING OFFICER**

**In the matter of the Rental
Dwelling License held by
Azzam Sabri for the
Property located 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 October 29, 2009, at 1:00 p.m. in courtroom 310, Minneapolis City Hall, Minneapolis, Minnesota. The City of Minneapolis was represented by Lee C. Wolf, Assistant City Attorney and Janine Atchison, District Manager Department of Housing Inspections. Azzam Sabri owner of the property was not present nor was any representative of the owner.

After considering all of the evidence presented at the hearing and the arguments presented, the Administrative Hearing Officer makes the following:

FINDINGS OF FACT

Azzam Sabri and Samar Toumala own the property located at 1903 Girard Avenue S., Minneapolis, Minnesota. Pursuant to their ownership the owners applied for and obtained a rental dwelling licenses for the building located at 1903 Grand Avenue S. Minneapolis, Minnesota

This matter was commenced by the Minneapolis Department of Housing Inspections to revoke the rental dwelling license held by Mr. Azzam Sabri for the building located at 1903 Grand Avenue S., Minneapolis, Minnesota, under Minneapolis Code of Ordinances (M.C.O.)

§ 244.1910 (2), (3) & (4). 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.

On December 4, 2008, Housing Inspector Dick Warwick conducted an inspection of the property at 1903 Girard Avenue S. and issued written orders to the Owner, Azzam Sabri. The written orders required the owner to revert the dwelling to its legal use as a duplex as Inspector Warwick had observed five separate rooming units in the building with separate deadbolts separating the rooming units from the common hallway. The written orders also required the owner to discontinue the unlawful occupancy of the non-habitable basement space as a habitable room or dwelling unit. The written orders further required the owner to discontinue the unlawful occupancy of the attic as a habitable room or dwelling unit.

Inspector Warwick, after issuing orders to the owner to make the required corrections at the building, issued a Notice of Director's Determination of Non-Compliance. The Notice informed the owner that the building at 1903 Girard Avenue S. was in violation of M.C.O. § 244.1910, Licensing Standards, and specified subsections (2) - exceeding the maximum number of dwelling units, (3) - over/illegal occupancy, and (4) - dwelling units used or converted to rooming units in violation of the zoning code. The owner was given until January 4, 2009, to bring the building into compliance with the licensing standards.

On January 4, 2009, Inspector Warwick met with the tenants in the basement and the second floor to discuss the legal occupancy of the building. On January 18, 2009, Inspector

Warwick conducted an inspection and observed that the basement, the 2nd floor south unit and the attic unit were vacant. Inspector Warwick also noted that there was no separation between the units. Inspector Warwick was waiting on signed lease agreements with the tenants of the property to verify legal occupancy. On April 9, 2009, Inspector Warwick abated the orders after conducting an inspection and observing the occupancy and obtaining the lease agreements with all the tenants' signatures.

On July 2, 2009, Inspector Warwick completed an inspection of the property located at 1903 Girard Avenue S. based upon a tenant complaint regarding a leak in the ceiling, missing screens and windows not working. Inspector Warwick met the tenant at the property to conduct the inspection and was informed that the tenant was living in the basement of the property. Inspector Warwick observed that the tenant had keys that worked on a deadbolt lock at the top of the basement stairs outside of the second unit of the building. Inspector Warwick also observed that the building was being illegally occupied as more than three unrelated persons were occupying the north unit of the building.

On July 17, 2009, Inspector Warwick issued written orders to Samar Toumala, an owner of the building. The orders required the owner to revert the building back to its legal occupancy as a duplex, to discontinue the unlawful occupancy of the building and to discontinue the unlawful occupancy of the non-habitable basement space as a habitable room or dwelling unit. The building was also placarded for the unlawful occupancy. The owner was given until July 31, 2009, to make the required corrections at the property.

On July 15, 2009, the Department of Housing Inspections issued a Notice of Revocation, Denial, Non-Renewal, or Suspension of Rental License or Provisional License to Mr. Azzam Sabri for the property located at 1903 Girard Avenue S. The Notice of

Revocation was based upon a 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 and appeal. The matter was set for hearing on September 21, 2009. Prior to that hearing Mr. Sabri requested a continuance of the hearing due to an emergency family medical matter. Pursuant to Mr. Sabri's continuance request, the matter was continued to October 29, 2009 with notice being sent to Mr. Sabri on September 29, 2009. On the hearing date of October 29, 2009, Mr. Sabri failed to appear at the hearing and the matter was submitted to the Hearing Officer as a default.

CONCLUSIONS OF LAW

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 Dec 2 2009


FABIAN HOFFNER
ADMINISTRATIVE HEARING
OFFICER