

Mai Vang

From: Mai Vang
Sent: Thursday, May 23, 2024 12:14 PM
To: Colin Gulling
Cc: Angie Wiese; Demetrius Sass; Janie Vang; Lynne Ferkinhoff; Marcia Moermond; Nhia Vang; Ayesha Khan
Subject: RE: 1184 Seminary Avenue

Good afternoon Mr. Gulling,

By way of additional explanation on the hearing process, the City Council's public hearing to consider the Legislative Hearing Officer's recommendation is the next available Wednesday. So, if a Legislative Hearing is conducted on a Thursday, the next available is 13 days out. This is only possible if all information is made available at or before the hearing and analysis is complete at that time. If there is additional information, or information provided which requires analysis, a recommendation is delayed. Note that there is no Council meeting July 3rd. Finally, the 45-days is not made up, but rather provides the full measure of appeal time to all potential appellants. City government needs to err on the side of protecting this process in order to ensure the Council's decision on the matter holds up to scrutiny which protects all parties, including future appellants. While I can appreciate the tenant has indicated to you they are ok with the rent increase, we need to ensure, from the City's perspective, that the time is given, as the right to appeal cannot be waived through a 3rd party.

Hopefully this clarifies.

Mai Vang

From: Ayesha Khan <Ayesha.Khan@ci.stpaul.mn.us>
Sent: Wednesday, May 22, 2024 1:48 PM
To: Colin Gulling <colin.gulling@gmail.com>
Cc: Mai Vang <mai.vang@ci.stpaul.mn.us>; Angie Wiese <angie.wiese@ci.stpaul.mn.us>; Demetrius Sass <Demetrius.Sass@ci.stpaul.mn.us>; Janie Vang <janie.vang@ci.stpaul.mn.us>; Lynne Ferkinhoff <Lynne.Ferkinhoff@ci.stpaul.mn.us>; Marcia Moermond <marcia.moermond@ci.stpaul.mn.us>; Nhia Vang <nhia.vang@ci.stpaul.mn.us>
Subject: Re: 1184 Seminary Avenue

Hello Mr. Gulling,

Glad the clarification helped, and on behalf of the city, I apologize for any confusion. I believe someone from the hearing office will answer your questions regarding the timeline, but if not, I will circle back tomorrow, as I am in meetings the rest of today.

Again, while I cannot give you legal advice, may I suggest exploring options alternative to committing to a year long lease during this process? For example, temporarily go month-to-month or extend the lease for one month during the appeal while you await the decision?

Finally, while we do not have the authority to unilaterally change the ordinance, please know your concerns are heard. Thank you.

Ayesha Khan

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From: Colin Gulling <colin.gulling@gmail.com>

Sent: Wednesday, May 22, 2024 1:28:06 PM

To: Ayesha Khan <Ayesha.Khan@ci.stpaul.mn.us>

Cc: Mai Vang <mai.vang@ci.stpaul.mn.us>; Angie Wiese <angie.wiese@ci.stpaul.mn.us>; Demetrius Sass <Demetrius.Sass@ci.stpaul.mn.us>; Janie Vang <janie.vang@ci.stpaul.mn.us>; Lynne Ferkinhoff <Lynne.Ferkinhoff@ci.stpaul.mn.us>; Marcia Moermond <marcia.moermond@ci.stpaul.mn.us>; Nhia Vang <nhia.vang@ci.stpaul.mn.us>

Subject: Re: 1184 Seminary Avenue

Think Before You Click: This email originated outside our organization.

Thank you for the explanation, Ayesha. If someone had explained this to me weeks ago, we could have avoided a lot of negative energy.

To be clear, I have been losing money on the property since the lease began last year. - I must present the new lease (07/01/24-07/01/25) to my tenants by the end of this month and obviously that will not happen with the date options outlined. That ~\$100 loss you are referring to is times 12.

A couple final questions below:

- Can you please clarify the timeline if/when my appeal challenge is accepted? --- ie. When the city council would have their scheduled meeting to accept it?
- Would I be able to apply the acceptance to the following year (07/01/25-07/01/26)?

On Wed, May 22, 2024 at 12:48 PM Ayesha Khan <Ayesha.Khan@ci.stpaul.mn.us> wrote:

Good Afternoon Mr. Gulling,

I am the attorney for the St. Paul specifically assigned to the Rent Stabilization Ordinance (RSO). I cannot give you legal advice. However, I have reviewed your concerns. To clarify, you are correct, there is no "waiting period" for your appeal hearing. The hearings for challenging a requested rent increase determination are held on the 2nd and 4th Thursday of each month. Obviously, one cannot request a challenge to the determination until after said determination is made, so procedurally speaking, there is a "waiting period", though not a prescribed number of days.

The hearing officers' calendars also fill up, as they are responsible for many types of important appeals, such as revocation of a business license or assessment of fees. We cannot shift other hearings on demand because one person believes their matter more pressing than others; therefore, hearing dates are assigned on a first come basis, and you were given the earliest date for the matter you are appealing. In reviewing communication, it seems you have been given the option to move your hearing up by two weeks to June 13th, which you have declined.

Also, you should be aware there is no guarantee that the challenge will lead to your requested increase being approved. The hearing officer will review the evidence you provide, give City a chance to provide their evidence of their determination, then make a recommendation to City Council whether to grant your increase or accept the determination by City staff. I can assure you the City fully supports landlords increasing their rents as allowed by the RSO, but we are also bound to follow the voter-initiated ordinance as it was passed.

Regardless of the determination, you are entitled to a 3% annual increase per the RSO. It does not seem that the difference of approximately \$100 of rent you are losing in June 2024 (the difference between the allowed 3% vs the 8.65% you are requesting at \$1950/month) should lead to an immediate foreclosure, forced sale or eviction.

As all hearings take place during regular government business hours, we cannot accommodate individual work schedules. Please let the staff know if you would like the June 13th hearing, to keep the June 27th hearing as scheduled, or push the date out further. While your frustration is understandable, these are your only three options if you wish to contest the findings regarding your requested rent increase. Thank you.

Best,

Ayesha Lynn Khan

Attorney, Civil Division

St. Paul City Attorney's Office

15 W. Kellogg Blvd. Suite 500

Saint Paul, MN 55102

P: 651.266.8759

ayesha.khan@ci.stpaul.mn.us

www.StPaul.gov



SAINT PAUL
MINNESOTA

From: Colin Gulling <colin.gulling@gmail.com>

Sent: Wednesday, May 22, 2024 10:24 AM

To: Mai Vang <mai.vang@ci.stpaul.mn.us>

Cc: Angie Wiese <angie.wiese@ci.stpaul.mn.us>; Ayesha Khan <Ayesha.Khan@ci.stpaul.mn.us>; Demetrius Sass <Demetrius.Sass@ci.stpaul.mn.us>; Janie Vang <janie.vang@ci.stpaul.mn.us>; Lynne Ferkinhoff <Lynne.Ferkinhoff@ci.stpaul.mn.us>; Marcia Moermond <marcia.moermond@ci.stpaul.mn.us>; Nhia Vang <nhia.vang@ci.stpaul.mn.us>

Subject: Re: 1184 Seminary Avenue

Think Before You Click: This email originated outside our organization.

I work on June 13. I work as a firefighter and am unable to get that day off.

What are my other options?

On Wed, May 22, 2024 at 8:00 AM Mai Vang <mai.vang@ci.stpaul.mn.us> wrote:

Hello Mr. Gulling,

My apologies once again, but we will not be able to schedule your hearing per your request for June 6. I understand that the 30 days would be June 6, but this type of hearing is held on the 2nd and 4th Thursdays so the earliest is June 13.

Mai Vang

(She, her)

Legislative Hearing Coordinator | St Paul City Council

M: (651) 266-8585 ; D: (651) 266-8563

310 City Hall, 15 W. Kellogg Blvd, St Paul, MN 55102



SAINT PAUL
MINNESOTA

From: Colin Gulling <colin.gulling@gmail.com>

Sent: Tuesday, May 21, 2024 1:24 PM

To: Mai Vang <mai.vang@ci.stpaul.mn.us>

Cc: Angie Wiese <angie.wiese@ci.stpaul.mn.us>; Ayesha Khan <Ayesha.Khan@ci.stpaul.mn.us>; Demetrius Sass <Demetrius.Sass@ci.stpaul.mn.us>; Janie Vang <janie.vang@ci.stpaul.mn.us>; Lynne Ferkinhoff <Lynne.Ferkinhoff@ci.stpaul.mn.us>; Marcia Moermond <marcia.moermond@ci.stpaul.mn.us>; Nhia Vang <nhia.vang@ci.stpaul.mn.us>

Subject: Re: 1184 Seminary Avenue

Think Before You Click: This email originated outside our organization.

Hello Mai and All,

I have not received a response to my previous question about alternate options to ensure a hearing prior to June 1. --- As I have pointed out repeatedly for weeks, there is nothing in the written law that requires a 45 day wait period.

It seems that no one cares that this 45 day wait period is being made up and I am left with no options other than consulting a lawyer or the local news if I choose to continue to fight this wrong. I have already spoken with the tenants and they are fine with the raise of 8.65% to bring the rent total to \$1950 a month. --- This hearing is the only thing standing in the way of my right to do this and keep my house.

You stated that Ms. Moermond would allow for 30 days (rather than the contrived 45 days). I received my denial letter from Safety and Inspections (attached) on May 7. --- 30 days from May 7 would be June 6.

May I please have my hearing on June 6?

On Wed, May 15, 2024 at 2:05 PM Colin Gulling <colin.gulling@gmail.com> wrote:

Hi Mai,

This is not a matter of inconvenience. This is a matter of me losing my house and displacing citizens of Saint Paul.

Is there someone other than Ms. Moermond who can oversee my hearing? - For example, can I go directly to my city council person?

Colin Gulling

Phone: 651-245-5069

On Wed, May 15, 2024 at 1:51 PM Mai Vang <mai.vang@ci.stpaul.mn.us> wrote:

Mr. Gulling,

We are sorry for the inconvenience but the hearing date remains unchanged.

Mai Vang

(She, her)

Legislative Hearing Coordinator | St Paul City Council

M: (651) 266-8585 ; D: (651) 266-8563

310 City Hall, [15 W. Kellogg Blvd, St Paul, MN 55102](#)



SAINT PAUL
MINNESOTA

From: Colin Gulling <colin.gulling@gmail.com>

Sent: Wednesday, May 15, 2024 11:23 AM

To: Mai Vang <mai.vang@ci.stpaul.mn.us>

Cc: Lynne Ferkinhoff <Lynne.Ferkinhoff@ci.stpaul.mn.us>; Demetrius Sass <Demetrius.Sass@ci.stpaul.mn.us>; Angie Wiese <angie.wiese@ci.stpaul.mn.us>; Marcia Moermond <marcia.moermond@ci.stpaul.mn.us>; Ayesha Khan <Ayesha.Khan@ci.stpaul.mn.us>; Janie Vang <janie.vang@ci.stpaul.mn.us>; Nhia Vang <nhia.vang@ci.stpaul.mn.us>

Subject: Re: [1184 Seminary Avenue](#)

Think Before You Click: This email originated outside our organization.

Hi Mai and All,

I disagree with this determination to postpone my hearing as I have stated several times over the phone this past week.

1) There is nothing in 193A.07(g)1 stating there is a 45 day wait period for a hearing. Rather, this section states that I must file the appeal within 45 days (which I have done). See copied bullet point below:

• (g)

Appeal process. The landlord or tenant shall have the right to appeal the department determination.

(1)

Any appeals must be filed with the legislative hearing officer within forty-five (45) days of the department's determination.

I am obligated to have a new lease to my tenants by June 1 and this timeline you have offered will not work. I'm certain that Ms. Moermond is busy and I'm positive I am a small annoying fish in her lake right now. The fact is, I am losing money on this property based on terrible advice from Renters Warehouse (who never advised me on this law). I knew, when I started this process back in March, if I cannot raise my rent more than 3% (and have that determination by June 1), I will have to sell the home and the tenants would be displaced anyway. I don't want this, they don't want this, and the spirit of the law, as it was intended to protect tenants, should not want this.

Given the language of 193A.07(g)1 stated above, can you please explain to me why I can't have a hearing next week or the following?

On Wed, May 15, 2024 at 9:59 AM Mai Vang <mai.vang@ci.stpaul.mn.us> wrote:

Hello Mr. Gulling,

Ms. Moermond stated that she will not be having a conversation with you prior to the appeal. You had requested that this hearing be heard prior to the 45-days; however, Ms. Moermond is not willing to grant an immediate hearing date, but rather the 45 days be reduced to 30 days. See attached letter regarding the hearing date. I am also attaching Chapter 193A.07(g)1 which is related to the 45 days and the resolution adopted by Council. Also, you had indicated that you will be reaching out to Ward4. Please note this would be ex parte communication; therefore, you may want to wait until the outcome of this hearing and if you disagree with the recommendation, you may appeal before the City Council.

Mai Vang

(She, her)

Legislative Hearing Coordinator | St Paul City Council

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310 City Hall, [15 W. Kellogg Blvd, St Paul, MN 55102](#)



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MINNESOTA

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