



CITY OF SAINT PAUL

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December 15, 2020

Saint Paul City Council  
15 West Kellogg Blvd  
Saint Paul MN 55102

Re: Ordinance 20-37 – Creating Chapter 194 of the Legislative Code entitled Smoking Policy Disclosure to require the completion of a smoking sale disclosure report for sale of units within a common interest community

Dear Council President Brendmoen, Councilmember Noecker and members of the City Council:

The members of the Truth-in-Sale of Housing (TISH) Board individually reviewed the proposed ordinance introduced by Councilmember Noecker. The Board members are a bit perplexed as to the introduction of this ordinance since the Board discussed this matter at length at its October 9, 2019 and January 8, 2020 meetings (see attached meeting minutes). At the October 9, 2019 meeting, the Board voted to oppose any measure to include a smoking disclaimer on TISH reports involving multi-dwelling units. At the request of Councilmember Noecker, the Board reexamined the matter with members of ANSRMN present and Jeff Tentinger, a resident of Gallery Towers, present via teleconference. Taina Maki, Legislative Aide to Councilmember Noecker, was also present. After careful consideration of the testimony received, the Board voted in favor to add a disclosure statement to all TISH reports involving multi-dwelling buildings; that buyers contact the current owner or building management concerning a buildings smoking policy (see attached report example).

The Board has concerns with the proposed ordinance since they were never given the opportunity to thoroughly review and discuss the matter at a formal TISH Board meeting. The language contained in the ordinance is very problematic under 194.02 as it is very vague on the development and implementation of the disclosure report and who will ultimately be responsible for collecting any such report. The Board is of the belief that additional work needs to be developed prior to any adoption by the City Council. The Board is also requesting that this matter be referred to the TISH Board for review and comment at a formal meeting.

Submitted by:  
Vicki Sheffer, TISH Program Manager  
on behalf of the TISH Board

Attachments

**Minutes**  
**Truth-in-Sale of Housing Board Meeting**  
**October 9, 2019**  
**3:30 pm – 5:30 p.m.**  
**375 Jackson Street – DSI Conference Room 2E**

Board Members: Man Huynh, Chair; Vicki Baucom; John Kennedy; Mike Moser; and Justin Reuter

Excused: Rebekah Spinler

Absent: Tom McCarthy

Staff Members: Steve Magner, DSI-Code Enforcement Manager; Vicki Sheffer, TISH Program Manager

Chair Huynh called the meeting to order at 3:40 p.m.

4. New Business.

Proposal to add a Smoking Disclosure for Condo Units on TISH Reports: A memo regarding second-hand smoke and July 11, 2018 Star Tribune article re: smoke-free condo building was sent to the board members prior to the meeting.

Mr. Magner spoke on behalf of Deputy Director Bistodeau, on a proposal being brought forward by Councilmember Noecker, to add a notice on TISH reports if smoking was or was not allowed in condominium buildings. The issue had been raised by new owners of condo units and by the Association for Nonsmokers-MN. Possible scenarios could be: 1) evaluators requesting information from a condo association or unit owner on whether smoking was permitted in the building; and/or 2) evaluators discovering whether there was a shared ventilation system and suggesting the buyer contact the condo association to find out whether smoking was permitted in the building. Mr. Bistodeau assured that he would communicate the Board's wishes back to the councilmember in a follow up meeting and no additional action would be taken without the Board's support.

Mr. Moser acknowledged that second-hand smoke was an issue; however, he believed this should be addressed under the Certificate of Occupancy Program. There could also be a statement at the entrance of the building indicating that it was not a smoke-free building; that smoking was allowed in individual units. There was already an over-abundance of information contained on the TISH report and a buyer would not likely read a statement regarding smoking in a condo building. He also argued that evaluators are self-insured and there is a liability issue if this information is not correctly conveyed on a report; this was also beyond the scope of an evaluation done on a property. If a building had a shared ventilation system, it could also be argued that cooking odors from individual units was an issue. Should this be included on a TISH report as well?

Mr. Huynh stated this information would already be contained in the condo documents and a buyer had the right to rescind the purchase of a property based on a review of those documents. It was his opinion that any statement on a TISH report would be duplicative information contained in the condo documents. The board members further discussed the inclusion of a smoking statement on TISH reports. Mr. Moser made a motion that the inclusion of any smoking statement was not relevant to the TISH Program. Seconded by Mr. Reuter; motion approved 5 – 0.



**MINUTES**  
**Truth-in-Sale of Housing Board Meeting**  
**January 8, 2020**  
**3:30 pm – 5:30 p.m.**  
**375 Jackson Street – DSI Conference Room 2E**

Board Members: Man Huynh, Chair, Vicki Baucom; Tom McCarthy; Mike Moser; and Justin Reuter

Excused: John Kennedy

Staff Members: Vicki Sheffer, TISH Program Manager; Steve Magner, DSI-Code Enforcement Manager; Travis Bistodeau, DSI-Deputy Director

Others Present: Taina Maki, Legislative Aide -Ward 2; Kara Skahen, Association for Nonsmokers-MN (ANSRMN); Rose Hauge, ANSRMN; Jackie Siewert, ANSRMN; Khayree Duckett, Government Affairs, St Paul Area Association of Realtors; Pa Shasky, Health Educator, Ramsey County; and Scott Hansing, TISH Evaluator

Ms. Skahen distributed the following handouts to all participants prior to the start of the meeting: 1) PowerPoint Presentation – Disclosure of Smoke-Free Policies in Condos: a Smart Investment; 2) Disclosure of Smoking Policies in Multi-Unit Housing by the tobacco control Legal Consortium; 3) A Warning Label for your Apartment Building: Disclosing Smoking Policies for Multi-Unit Buildings by the Hennepin Lawyer; and 4) Basic Overview of all Local Smokefree Multi-Unit Housing Ordinances by the American Lung Association. All materials are made a part of these minutes.

Chair Huynh called the meeting to order at 3:40 p.m.

1. Approval of Minutes from the October 9, 2019 meeting.

A motion to approve was made by Mr. Moser; seconded by Ms. Baucom. Minutes were approved 5-0.

2. Presentation regarding a “Smoking Disclosure” on TISH reports for condo units:

Chair Huynh introduced the invited speakers: Jeff Tentinger, resident of Gallery Towers, via teleconference; Kara Skahen, ANSRMN; Taina Maki, Legislative Aide to Councilmember Noecker - Ward 2 City Council.

Mr. Bistodeau stated that the proposal to add a disclaimer regarding smoking on TISH reports for multi-family dwellings came from the Ward 2 City Council Office, Rebecca Noecker. The TISH Board had reviewed the matter at the October meeting and voted against adding language to TISH reports. There was a subsequent meeting between TISH staff, members of ANSRMN, Mr. Tentinger and Councilmember Noecker in December with a request to bring the proposal back to the TISH Board for reconsideration. He presented a memo with the proposed language to be added to reports for the Board’s consideration.

Ms. Skahen reviewed her PowerPoint presentation.

Mr. Tentinger stated that he owned a condo unit in Gallery Towers. When he purchased his condo, he was unaware smoking was allowed in the building and if he had known, he would not have purchased the property. He had made many improvements to prevent tobacco smoke, from a neighboring unit, to enter his dwelling unit. He expressed dissatisfaction with the City of St Paul for not banning smoking in multi-dwelling buildings because he believed more should be done. He urged the Board to reconsider their previous decision and add a disclosure on TISH reports regarding smoking in buildings.

Mr. Moser stated that he did not believe the TISH evaluator should be responsible for gathering information regarding smoking in multi-unit buildings. It was too great a liability and would not be covered by an evaluator’s insurance if they had given incorrect information on a report.

Ms. Baucom believed buyer education was key and suggested the Association of Realtors could address this with their realtors as a “buyer beware” when looking at properties for purchase.

Mr. Magner believed this was an issue that should be addressed by the state, the same as radon, lead paint, etc. He did not believe this should be the responsibility of the city.

Further discussion regarding this topic was conducted during the closed portion of the meeting.

7. Closed Meeting Discussion.

“Smoking Disclosure” on TISH reports for condo units: After much discussion, the Board agreed to add the following language to the first page of the TISH report “This is a multi-unit building, and buyers should inquire with management or current owners about building smoking policies.” A motion to approve was made by Mr. McCarthy; seconded by Mr. Moser; motion approved 5-0.





CITY OF SAINT PAUL, MN

DEPARTMENT OF SAFETY AND INSPECTIONS

Steve Wagner, Manager of Code Enforcement

Vicki Sheffer, Truth-in-Sale of Housing Manager

### Truth-in-Sale of Housing Report

This is a visual disclosure report based on the current City of Saint Paul Truth-in-Sale of Housing Evaluator Guidelines and is valid for one year from the date of issuance and for the owner named.

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Phone: 651-266-8989

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**Property Address:** 580 SNELLING AVE S UNIT 3

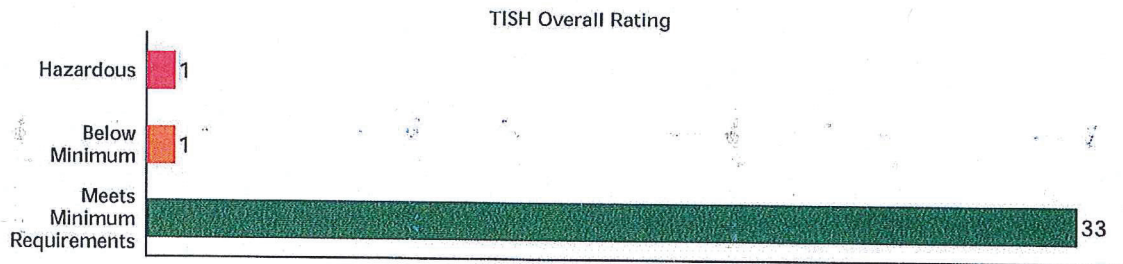
**Date of Evaluation:** Oct 2, 2020

**Date of Expiration:** Oct 02, 2021

This report is intended to provide basic information to the home buyer and seller prior to the time of sale.

This report WILL NOT be used to enforce the requirements of the Legislative Code; however, it will be used to determine if there is compliance with the requirements for sale within the City of Saint Paul, MN.

**This is a multi-unit building, and buyers should inquire with management or current owners about building smoking policies.**



### MAJOR NOTIFICATIONS AND WARNINGS

For questions on these items, call the City's Information and Complaint Line at 651-266-8989

- Residential Type: **Condo**
- **Smoke Detectors:**
  - Smoke Detector Present: Y
  - Smoke Detector Properly Located: Y
  - Smoke Detector Hard Wired (required in Single Family Homes): Y
  - Smoke Detector Comments:

• **Open Permits:**

*This property has No Open Permits.*