

Landlords grumble; St. Paul listens

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Posted: 02/07/2012 12:01:00 AM CST

Updated: 02/07/2012 11:19:13 AM CST

Mark Nedoroski got a troubling call from the St. Paul Department of Safety and Inspections last winter. A tenant had complained about mold on the front steps of one of his 21 apartment buildings.

Nedoroski was incredulous. Mold? In late February? He met with a city inspector at his Feronia Avenue property to review the complaint from the unidentified tenant, but as he anticipated, they found nothing.

"That's an outrage to taxpayers, that kind of allocation of resources," said Nedoroski, one of several longtime St. Paul landlords active in what's been a year-long effort to get City Hall to ease up on building owners.

The landlords say the city instead should use its limited resources to focus on problem properties, such as two Westminster Street apartment buildings where some 600 code violations were found recently. Given St. Paul's older housing stock, they say a little more leeway should be in order when infractions are relatively minor. They also claim inspections are inconsistent from one inspector to the next.

City officials say they're open to dialogue but ultimately have a duty to enforce building codes and protect residents and taxpayers.

"We're upholding the standards that have been put in place by either the state or the city, and to do that effectively, we have to provide good communication," said Ricardo Cervantes, director of the safety and inspections department.

The divide between St. Paul landlords and the department has been dissected in the past year by a real estate committee of the Capital City Business Council, which has been meeting with Cervantes every few weeks.

Committee members will meet with him again today, this time to review feedback cards that the department began giving landlords in January alongside written copies of inspection reports. The cards allow landlords to grade the department's 12 inspectors after each visit. Twenty-three cards have been returned to the department.

Landlords say it's a small but hopeful step and a way of documenting concerns with City Hall. After a tense meeting with Cervantes last February, committee members say subsequent meetings in the past year have been more cordial and informative.

Still, the landlords' complaint list remains long and follows a series of high-profile lawsuits challenging the city's stepped-up housing enforcement. The suits, which date back years, have been consolidated into one (Magner vs. Gallagher) and will be heard this month by the U.S. Supreme Court.

Among concerns, some landlords say the department's fire and building inspectors appear to have less experience in the building trades than in years past and go through an inspection checklist almost robotically, instead of focusing on life-safety issues.

Building owner Pat Votel once saw an inspector order a tenant to unplug an alarm clock from an electrical cord.

"They shouldn't be wasting their time on something that's just silly," he said.

The committee requested earlier notice about rule changes and a head's-up when inspectors adopt a new focus, such as dryer vents, Cervantes said.

"There were a lot of questions raised in the very first meeting about dryer venting and whether or not dryer venting was important," Cervantes said.

Those discussions have led to training, Cervantes said, allowing inspectors to better explain during visits why they focus on a particular concern - a focus that some landlords might perceive as nitpicking.

Business Council President Eva Ng praised Cervantes for listening.

"Ricardo was courageous enough to stay in the ring, even though he heard all those gripes," she said.

Still, the issues are myriad. Participating landlords have said privately that meetings with Cervantes and Assistant Fire Marshal Phil Owens are a hopeful sign of improving relations with City Hall, but they haven't noticed much change in their day-to-day experiences with inspections department.

A big concern is what they consider a lack of consistency. Different inspectors seem to have different points of expertise, they say, and a property that received a mostly all-clear from one might receive poor marks during another inspector's visit.

"The difference between one inspector and another seems to be light years," said Votel, who has owned and managed buildings in St. Paul for 30 years.

He said inspectors sometimes seem unaware that some buildings have been grandfathered into housing codes. What's more, landlords say, an inspector might point to a handful of building concerns in an initial visit - such as egress windows - then focus on a different aspect of the property, such as plumbing, in a follow-up visit. That forces landlords to restart the process of hiring a contractor to make repairs.

Cervantes said feedback has led to internal discussions and training within his department with the emphasis that inspectors should be making thorough inspections at each visit.

Related concerns soon may reach the nation's highest justices. The U.S. Supreme Court is expected to hear the suit against the city (*Magner vs. Gallagher*) brought by a group of landlords of federally subsidized apartments. They claim that stepped-up housing code enforcement from 2002 to 2005 violated the federal Fair Housing Act by having unintended consequences on minority tenants.

The suit states that "because a disproportionate number of renters are African-American, and (the landlords) rent to many African-Americans, requiring them to meet the housing code will increase their costs and decrease the number of units they make available to rent to African-American tenants."

Lower courts have rejected that argument, but the 8th Circuit Court of Appeals reversed the decision, allowing the case to proceed.

The appeals court noted that former inspections director Andy Dawkins had "raised inspection standards by directing...inspectors to 'code to the max' - that is, writing up every violation - not just what was called in." He also had them inspect surrounding properties that were not part of the alleged violation.

Jill Henricksen, director of the Greater Frogtown CDC, a nonprofit housing developer and home improvement lender, said the landlords may be over-reaching in some of their demands.

"In this neighborhood in particular, I know that relationships between tenants and landlords can be tenuous at best," she said. "We have a very old housing stock that has not been maintained over the years, and so it does concern me when...you've got plumbing leaks, you've got a roof that's leaking," she said.

"I guess I do want DSI (the Department of Safety and Inspections) to be strict and to be thorough, because tenants don't have any other protection in terms of the conditions that they're living in," she said.

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