

RLH VBR 19-87



# APPLICATION FOR APPEAL

Saint Paul City Council – Legislative Hearings

RECEIVED

310 City Hall, 15 W. Kellogg Blvd.

Saint Paul, Minnesota 55102

Telephone: (651) 266-8585

DEC 16 2019

CITY CLERK

**We need the following to process your appeal:**

- \$25 filing fee (non-refundable) (payable to the City of Saint Paul) (if cash: receipt number 0001816201)
  - Copy of the City-issued orders/letter being appealed
  - Attachments you may wish to include
  - This appeal form completed
  - Walk-In OR  Mail-In
- for abatement orders only:  Email OR  Fax

<b>HEARING DATE &amp; TIME</b> (provided by Legislative Hearing Office) <u>Tuesday, January 2, 2020</u> <u>Thursday</u>
Time <u>2:30 p.m.</u>
Location of Hearing: Room 330 City Hall/Courthouse

## Address Being Appealed:

Number & Street: 603 Edmund Ave City: St. Paul State: MN Zip: 55103

Appellant/Applicant: Chris Samuel, County Auditor Email: chris.samuel@co.washington.mn.us

Phone Numbers: Business (651) 266-2041 Residence \_\_\_\_\_ Cell \_\_\_\_\_

Signature: [Handwritten Signature] Date: 12/11/2019

Name of Owner (if other than Appellant): State of Minnesota Trust Exempt Ramsey County

Mailing Address if Not Appellant's: 90 W. Plato Blvd, St. Paul

Phone Numbers: Business (651) 266-2081 Residence \_\_\_\_\_ Cell \_\_\_\_\_

## What Is Being Appealed and Why?

Attachments Are Acceptable

- Vacate Order/Condemnation/Revocation of Fire C of O
- Summary/Vehicle Abatement
- Fire C of O Deficiency List/Correction
- Code Enforcement Correction Notice
- Vacant Building Registration

Other (Fence Variance, Code Compliance, etc.)

**Comments:**

Items being appealed:

1. Level of required code compliance repairs
2. Process for determining needed repairs
3. Application of vacant building fees

Please see attached

DEPARTMENT OF SAFETY AND INSPECTIONS

Steve Magner, Manager of Code Enforcement



CITY OF SAINT PAUL

375 Jackson Street, Suite 220  
Saint Paul, MN 55101-1806

Telephone: 651-266-8989  
Facsimile: 651-266-1919  
www.stpaul.gov/dsi

October 30, 2019

State Of Mn Trust Exempt/Ramsey Co Tax Forf Land  
Po Box 64097  
St Paul MN 55164-0097

Customer #:1558749

Bill #: 1470353

## VACANT BUILDING REGISTRATION NOTICE

The premises at **603 EDMUND AVE** has been inspected and found to meet the legal definition of a Vacant Building as described in Saint Paul Legislative Code, Chapter 43. You are required by law to register this building with the Department of Safety and Inspections, Vacant Building Division, by filling out and returning the registration form provided with this letter. You are also required to pay the annual Vacant Building Registration Fee of **\$2,127.00**. The fee is due upon receipt of this letter and must be paid no later than thirty (30) days from the date of this letter, as required in Saint Paul Legislative Code, Chapter 43. If this building is vacant due to a fire, complete the enclosed registration form and return it to this office within 30 days.

**Payment must be received by November 30, 2019.**

You may pay this registration fee online by going to [online.stpaul.gov](http://online.stpaul.gov) and selecting the 'Make a Payment' option. You will need your customer number and bill number to process a payment - both can be found on this letter.

To pay this invoice by mail please send this registration form along with payment to:

DEPARTMENT OF SAFETY AND INSPECTIONS

375 Jackson Street, Suite 220  
Saint Paul, MN 55101-1806

**Do Not Mail Cash**

If you wish to pay in person, you may do so from 8:00am to 4:00pm Monday through Friday at the above address.

You may file an appeal to this fee or registration requirements by contacting the City Clerk's Office by calling (651)266-8688. Any appeal of this fee must be made within ten (10) days of the date of this notice.

**If the registration fee is not received in this office within 45 days of the date of this letter, the full amount owed will be assessed to, and collected with, the taxes for this property as permitted by Saint Paul Legislative Code Chapter 43.**

The Code Enforcement Officer has notified the Building Inspection and Design Section that this property meets the legal definition of a registered vacant building and in accordance with Legislative Code Chapter 33, no permits (except demolition, wrecking and removal permits) will be issued until the requirements of all applicable ordinances are fulfilled.

All category 2 and category 3 vacant buildings must be winterized with gas and water services shut off or, alternately, an excess flow gas valve must be installed in the dwelling, within sixty (60) days of the date of this notice.

**WRITTEN PERMISSION FROM THE CITY OF SAINT PAUL IS REQUIRED BEFORE A CATEGORY 2 OR CATEGORY 3 VACANT BUILDING CAN BE OCCUPIED OR SOLD.**

**Category 2:** Requirements include: 1. register/re-register the building, 2. pay outstanding fee(s), 3. obtain a code compliance report, 4. submit for approval a rehab cost estimate from a licensed contractor and a schedule for completion of all code compliance work, 5. submit proof of financial responsibility acceptable to the City, and 6. obtain Zoning approval of the proposed use.

**Category 3:** All requirements listed for Category 2 vacant buildings, AND obtain a **Certificate of Occupancy OR Certificate of Code Compliance** prior to the sale of the building.

If the use of this building meets the definition of a nonconforming use by the Zoning Code, then the use will lose its nonconforming status 365 days from the date the building was declared vacant.

**You must contact the Enforcement officer , Mike Kalis, at 651- 266- 1929 to find out what must be done before this building can be legally reoccupied.**

The Enforcement Officer may declare this building to constitute a Nuisance Building subject to demolition and issue an Order to Abate under authority of Legislative Code Chapter 45. In the event this building is declared a Nuisance Building, subject to demolition, the Enforcement Office will notify all owners and interested parties of the Order to Abate as provided in the Legislative Code Chapter 45.

If you have questions about this annual registration fee or other vacant building requirements, please contact the District Inspector, Mike Kalis, at 651- 266- 1929.

This registration form and fee is required by law. Your prompt attention to this matter is appreciated.

Steve Magner  
Vacant Buildings Program Manager

Enclosures: Regulations Requirements Information  
Vacant Building Registration Form

SM: mk  
vb\_registration\_notice 11/14

## **Attachment – Vacant Building Appeal for 603 Edmund Ave, Saint Paul**

### **Background**

This property is a duplex that forfeited to the State of Minnesota for non-payment of property taxes on August 8, 2019. The statutory forfeiture process makes this trust exempt property managed by Ramsey County, specifically the Ramsey County Auditor.

Subsequent to forfeiture, a fire inspection was performed by the City of Saint Paul which identified a deficiency list which led to condemnation, revocation of the fire certificate of occupancy and designation as a vacant building under the City's Vacant Building Ordinance. The previous owner and other occupants vacated the property as ordered on October 28, 2019.

The previous owner, with assistance from his family, has requested to repurchase the property. The City recommended approval of the repurchase request and the Ramsey County Board authorized the previous owner to repurchase the property on November 26, 2019. Historically the County has required that a repurchased property be brought to full code compliance within twelve months as a condition of fulfilling the repurchase contract and before title to the property is returned to the previous owner. Based, in part, on discussions with Ricardo Cervantes, the Director of DSI and the designated enforcement officer under the Vacant Building Ordinance, a lesser level of code compliance is recommended for this property. The County has modified this requirement to instead allow the City of Saint Paul to determine the level of code compliance necessary to provide for safe habitation of the property.

There is agreement that the items identified in the fire certificate of occupancy deficiency list need to be corrected to provide for safe occupancy of the property. There is also recognition that there are likely to be additional items beyond this list that need to be remedied to provide for safe habitation. As an alternative to a full code compliance review performed by DSI staff, Mr. Cervantes has suggested that DSI can generate a list of critical systems that need to be reviewed and that this review could be done by a qualified third party such as NeighborWorks or staff at or under contract to Saint Paul Planning and Economic Development or similar group as approved by DSI. This suggestion recognizes that a full code compliance is likely to be prohibitively expensive and would include items beyond the scope of what is necessary to provide for safe habitation. Upon successful completion of repairs, the City would issue a fire certificate of occupancy and/ or a certificate of code compliance as deemed necessary by the City.

In a departure from past practice and upon repurchase activation, the County has authorized construction loans/liens to be secured by the property not to exceed 80% of the market value of the property net of any outstanding amounts owed on the repurchase contract. NeighborWorks can provide either the loan origination services (income qualification, Loan processing, loan closing, etc...) or the construction management services (inspections, scope writing, escrowing funds, interim inspections/progress payments/escrow disbursement and tracking, other project management services, etc...) or both. They are interested in helping and have the staff capacity and expertise to fill either/both roles. They have also approached PED about alternative funding sources which is a current internal discussion at the City.

It is important for the family to know the scope of the inspection and consequently the scope of items and associated costs that need to be repaired to put together a plan and determine the best path forward for this property (either repair or sell) and for the prior occupants. Before NeighborWorks, PED and the family can determine available and needed financing, the level of needed repair needs to be determined. The request here is for the City to review and enact the alternative compliance processes that have been suggested to allow this project to reasonably move forward. We hope that if the property meets the requirements of the alternative approach being suggested here, then if the property has a fire certificate of occupancy, a certificate of code compliance will be granted or not required.

### **Items being Appealed**

#### 1. Level of required code compliance repairs

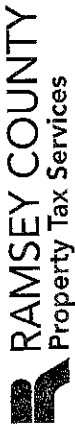
Allow an alternative to full code compliance as has been suggested by the enforcement officer under the Vacant Building Ordinance, the Director of DSI. Section 43.03 (c) refers to code compliance in conjunction with section 33. Section 43 and 33 generally gives the enforcement officer discretionary authority to determine needed code compliance inspections. Section 33.06 (d) specifically provides that "The building official may, without further inspection, issue a certificate of compliance for any building or structure which has been issued a fire certificate of occupancy, which issuance was based on an inspection under chapter 40 of the Legislative Code, within the previous twelve-month period." While the City code allows this resolution, we are not suggesting that the inspection stop at the fire inspection but rather that some midpoint between fire inspection and full code compliance review be allowed. This would appear to still meet the requirements of the City ordinance while recognizing the enforcement officer's authority to determine what is necessary and to get to a better solution for this property, while providing for the health and safety of the occupants.

#### 2. Process for determining needed repairs

Allow a qualified third party, as authorized by DSI, to review critical systems as determined by DSI to identify additional repairs needed beyond the fire C of O deficiency list as has been suggested by the enforcement officer under the Vacant Building Ordinance. DSI to provide list of critical systems to be covered and the scope and benchmarks of the inspection to be done by the third party.

#### 3. Application of vacant building fees

The current annual registration fee is \$2,127. The County through the tax forfeited land program pays a reduced fee of \$525. The County would pay the reduced fee and include it in the repurchase costs. We have had some issues in the past where the City has charged the full annual fee when the County sells a property and after the reduced rate has already been paid. The argument is that this is an annual fee so the County has already paid for a year. After a year and if the property is still classified as a vacant building, the higher rate would apply to the following year. The City should not apply the higher fee until a year has passed.



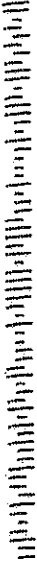
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Saint Paul, MN 55164

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**SAINT PAUL CITY COUNCIL – LEGISLATIVE HEARINGS**  
**310 CITY HALL**  
**15 W KELLOGG BLVD**  
**SAINT PAUL, MN 55102**



55102-161585

## **Naylor, Racquel (CI-StPaul)**

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**From:** Naylor, Racquel (CI-StPaul)  
**Sent:** Monday, December 16, 2019 11:48 AM  
**To:** Samuel, Chris  
**Cc:** \*CI-StPaul\_LegislativeHearings  
**Subject:** 603 Edmund - RLH VBR 19-87

Chris Samuel,

Your legislative Hearing is scheduled for Thursday, January 2, 2020, at 2:30 p.m. The location is Room 330 City Hall, 15 Kellogg Boulevard West, Saint Paul, MN 55102.

Have a good day.

-Racquel

**From:** Samuel, Chris <Chris.Samuel@CO.RAMSEY.MN.US>  
**Sent:** Monday, December 16, 2019 11:04 AM  
**To:** Naylor, Racquel (CI-StPaul) <racquel.naylor@ci.stpaul.mn.us>  
**Cc:** \*CI-StPaul\_LegislativeHearings <LegislativeHearings@ci.stpaul.mn.us>  
**Subject:** Re: 603 Edmund - Legislative Hearing Date?

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

January 2nd - please

Get [Outlook for iOS](#)

**From:** Naylor, Racquel (CI-StPaul) <racquel.naylor@ci.stpaul.mn.us>  
**Sent:** Monday, December 16, 2019 10:58:35 AM  
**To:** Samuel, Chris <Chris.Samuel@CO.RAMSEY.MN.US>  
**Cc:** \*CI-StPaul\_LegislativeHearings <LegislativeHearings@ci.stpaul.mn.us>  
**Subject:** 603 Edmund - Legislative Hearing Date?

We received your fee.

What day would you like for your Legislative Hearing at 2:30 p.m.: January 2 or January 7? -Racquel

**From:** Naylor, Racquel (CI-StPaul)  
**Sent:** Thursday, December 12, 2019 9:53 AM  
**To:** Samuel, Chris <Chris.Samuel@CO.RAMSEY.MN.US>  
**Cc:** \*CI-StPaul\_LegislativeHearings <LegislativeHearings@ci.stpaul.mn.us>  
**Subject:** RE: 603 Edmund - Application for Appeal on Vacant Building Registration Notice dated 1/30/19

Sounds good.

Please send it to the address at the top of the application. (For some reason, the checks are sometimes sent to DSI.)

Thank you.

Racquel Naylor  
City Council Offices  
Suite 310 City Hall  
15 Kellogg Boulevard West  
Saint Paul, MN 55102  
Phone: 651-266-8585  
Fax: 651-266-8574

**From:** Samuel, Chris <[Chris.Samuel@CO.RAMSEY.MN.US](mailto:Chris.Samuel@CO.RAMSEY.MN.US)>  
**Sent:** Thursday, December 12, 2019 9:47 AM  
**To:** Naylor, Racquel (CI-StPaul) <[racquel.naylor@ci.stpaul.mn.us](mailto:racquel.naylor@ci.stpaul.mn.us)>  
**Cc:** \*CI-StPaul\_LegislativeHearings <[LegislativeHearings@ci.stpaul.mn.us](mailto:LegislativeHearings@ci.stpaul.mn.us)>  
**Subject:** Re: 603 Edmund - Application for Appeal on Vacant Building Registration Notice dated 1/30/19

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

The application and check payment will be going into the mail today.

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**From:** Naylor, Racquel (CI-StPaul) <[racquel.naylor@ci.stpaul.mn.us](mailto:racquel.naylor@ci.stpaul.mn.us)>  
**Sent:** Thursday, December 12, 2019 9:44:47 AM  
**To:** Samuel, Chris <[Chris.Samuel@CO.RAMSEY.MN.US](mailto:Chris.Samuel@CO.RAMSEY.MN.US)>  
**Cc:** \*CI-StPaul\_LegislativeHearings <[LegislativeHearings@ci.stpaul.mn.us](mailto:LegislativeHearings@ci.stpaul.mn.us)>  
**Subject:** 603 Edmund - Application for Appeal on Vacant Building Registration Notice dated 1/30/19

**External message alert:** This message originated from outside the Ramsey County email system. **Use caution** when clicking hyperlinks, downloading pictures or opening attachments.

Chris Samuel,

I am in receipt of your Application for Appeal on 603 Edmund. There is a \$25 fee for this appeal. It can be payable two ways: 1) check made out to the City of Saint Paul through the mail, 2) check or cash in our office.

How will my office be receiving this payment?

Racquel Naylor  
City Council Offices  
Suite 310 City Hall  
15 Kellogg Boulevard West  
Saint Paul, MN 55102  
Phone: 651-266-8585  
Fax: 651-266-8574