



CITY OF SAINT PAUL

# ADMINISTRATIVE CITATIONS

CHARTER COMMISSION NOVEMBER 2024



# Agenda

-  Overview
-  Problem Statement
-  Current Tools
-  Opportunities
-  Examples
-  Next Steps



# Overview: Why are we here today?

Council, in alignment with the Administration, passed a resolution to ask the Charter Commission to amend the charter to include the Council's ability utilize administrative citations as a compliance tool.

With this Resolution, the Council is asking the Charter Commission to turn on the ability to add administrative citations to ordinances as a tool for consistent compliance.

What are administrative citations and how do they differ from current tools?

Administrative citations are a penalty for non-compliance rather than a fee for service. Example: The Fire Certificate of Occupancy reinspection fee is a fee for service, not a penalty fee for non-compliance.



# Problem Statement

## Problem

The City of Saint Paul's current tools to achieve compliance are not effective nor appropriate options for all situations.

## Goals

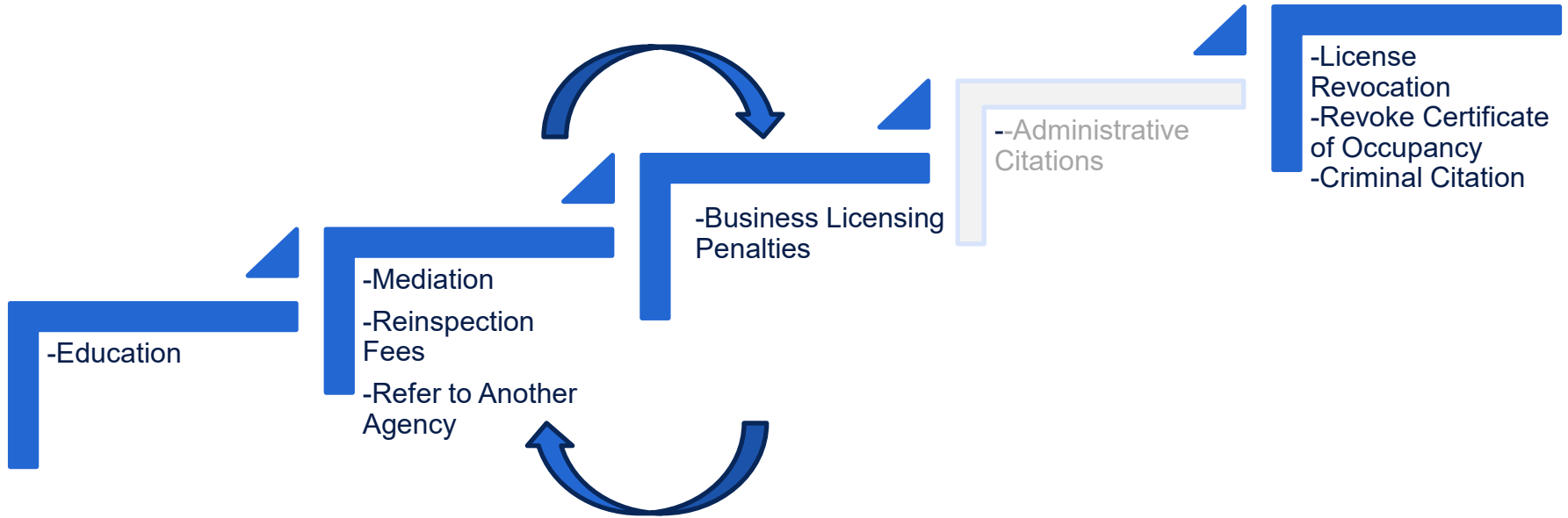
- Compliance with the city's codes that is consistent and timely
- Emphasize education, escalate to penalties only when necessary
- Graduated, appropriate, and effective city response for every situation

## Recommendation

Charter Commission to authorize City Council to include Administrative Citations as a step that can be used in some situations.



# Current Tools for Compliance



Due process is *already* built into all compliance actions of the city.



# Opportunities: Administrative Citations Could Used to Achieve Better Results

## Department of Safety and Inspections (DSI)

- Animal Services - Unlicensed Animals, Dog Bites, Dog at Large
- Construction - Work without proper permits, Work without competency card, Safety violations, Failure to final permits
- Zoning - Compliance with Site Plans, Un-permitted Signs, Unapproved Land Uses, Lighting Violations
- Rent Stabilization- increasing rent above 3% without approval or meeting an exception
- Housing – long term non-compliance

## Human Rights and Equal Economic Opportunity (HREEO)

- Earned Sick and Safe Ordinance
- Minimum Wage Ordinance
- Wage Theft Ordinance

## Public Works Department (PW)

- Right of Way (ROW) permits (all areas)
- Sewer Utility permits
- Encroachment permits
- Illicit discharges to the storm or sanitary sewer systems
- Sidewalk permits
- Ordinance permits
- Unauthorized use of the ROW and other Public Works infrastructure



# Example: DSI



## High Rise Non-Compliance

- Downtown commercial/residential building with local manager, investor-owner
  - Repeat attempts to gain compliance for maintenance items are unanswered
  - Filed criminal citation against local manager
  - Settled out of court with compliance path
- *Unused* alternative, disrupt several businesses and make 200+ families homeless
- Total duration: >3 years

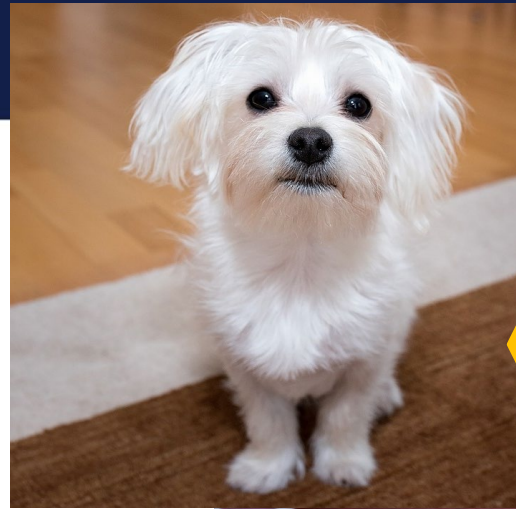


# Example: DSI

## Dog Bite

Single mother trying to get her kids out the door and the dog escaped into the hallway

- Bit a person in the hallway
- Criminal citation issued
- Faced eviction because of the criminal charge
- Through ETHOS, expungement granted
- Being in court made her feel like a criminal
- If no expungement, an isolated incident would have led to many unrelated consequences
- ***She is one of 69 ETHOS participants in the last 4 years in this situation because of a dog bite.***



Criminal Citations







# Example: DSI

## Criminal Citations

### Dog Bite

Resident's licensed dog bit a nearby park property user.

- Criminal citation issued
- Due to the confusing nature of the court system, owner fails to appear before the court for citation
- Warrant issued for arrest
- When the owner learned of the issue, they immediately appeared at Court offices to resolve
- Booked and spent more than 2 hours in jail
- Await their day in court, with the possibility of receiving a gross misdemeanor violation





# Example: DSI

## Criminal History

Resident loses bus driver job because of criminal record

- Finds out it is because of a citation issued by the City for not painting their house in a timely manner

Most people tell the City Attorney's Office that they are looking for expungement because of housing, education, or employment opportunities.

Criminal Citations

Reinspection Fees

Education





# Example: DSI

## Housing Non-Compliance

- Downtown high rise serving mainly residents earning below 50% AMI (known housing shortage for <50% AMI residents)
- Routine Fire Certificate of Occupancy inspection progressing then stalls out
  - Education, reinspections, mediation for months
- Owner essentially abandons responsibility for the building
- City joins the lender in court to have a receiver appointed
  - Likely would still have ended up in court but we could have gotten there sooner, resulting in;
    - Better outcome for residents
    - Better starting point for incoming receiver

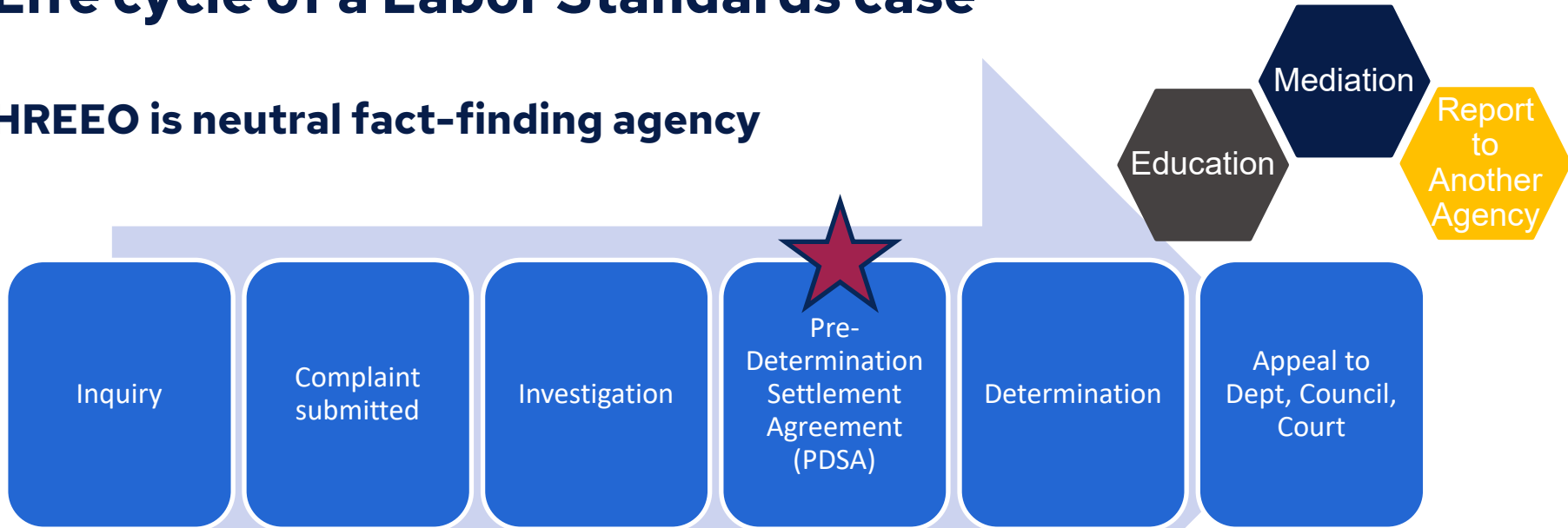




# Example: HREEO

## Life cycle of a Labor Standards case

HREEO is neutral fact-finding agency



We work to mediate a settlement for employees' back pay.



# Example: HREEO

Mediation

Education

Report to Another Agency

## Minimum Wage: Negotiate with Employees' Real Wages

	Total Hours Worked 2023	2023 Hourly Pay Rate up to 7/1/23	2023 Hourly Pay Rate after 7/1/23	City Minimum Wage 2023, Large Business Size: July 1, 2022	City Minimum Wage 2023, Large Business Size: July 1, 2023	2023 Re-Calculated Wages: July 1, 2021 (1/2 Total Hours Worked 2022 x City MW July 1, 2021)	1st Half 2023 Actual Wages Paid (1/2 Total Hours Worked 2022 x Actual Hourly Payrate 2022)	Total 2023 Back Pay (2023 Re-Calculated Wages - 2023 Actual Wages Paid)
1	1412.77	\$13.33	\$15.00	\$13.50	\$15.00	\$9,536.20	\$9,416.11	\$120.09
2	1096.50	\$12.08	\$15.00	\$13.50	\$15.00	\$7,401.38	\$6,622.86	\$778.51
3	1336.03	\$11.00	\$15.00	\$13.50	\$15.00	\$9,018.20	\$7,348.17	\$1,670.04
4	774.78	\$12.08	\$15.00	\$13.50	\$15.00	\$5,229.77	\$4,679.67	\$550.09
5	1043.15	\$12.08	\$15.00	\$13.50	\$15.00	\$7,041.26	\$6,300.63	\$740.64
6	392.02	\$11.79	\$15.00	\$13.50	\$15.00	\$2,646.14	\$2,310.96	\$335.18
7	560.70	\$12.08	\$15.00	\$13.50	\$15.00	\$3,784.73	\$3,386.63	\$398.10
8	\$610.27	\$12.00	\$15.00	\$13.50	\$15.00	\$4,119.32	\$3,661.62	\$457.70
							<b>Total</b>	<b>\$5,050.34</b>



### Administrative Fines

- ✓ Minimum Wage First Violation: \$500 (payment to City)
- ✓ Possible Retaliation Under MW: 8 Employees x \$1,000 = \$8,000 (payment to Employees)
- ✓ Possible Retaliation Under MW: 8 Employees x \$1,000 = \$8,000 (payment to City)
- ✓ Lack of MW Notice & Posting: \$1,000 (payment to City)
- ✓ Insufficient Minimum Wage Records: \$1,000 (payment to City)

Total Admin Fines = Up to \$18,500



# Example: HREEO

**ESST Case, Homecare industry, complaint filed in July 2020, 114 employees, average hourly rate \$11.56. Total backpay owed \$32,942.15. Finally paid to employees Fall 2024.**

**Complainant stated they were not paid for time taken off to take care of a family member in December 2018.**

- I always made up missed time because I needed the pay.
- I switched shifts to cover time, but I have never called in sick because there is no pay.
- I took unpaid leave for medical and childcare closure reasons.
- I did not know we were eligible to receive any paid sick leave and have gone into work when sick.
- I called in for time off but did not get paid.
- We do not get paid if we call in sick for work. I stopped asking because I knew we would not get paid.
- If I had paid sick time I would have used it. I requested time off and was allowed to take it unpaid.
- There is no vacation pay or sick leave. We were allowed to work and makeup hours.





# Example: Public Works

## Right of Way Car/Ped/Bike Access Violations

- **Now:** When a contractor does not comply with access requirements (for cars/peds/bikes), our only remedy is to place them on probation or issue a misdemeanor ticket.
  - This impacts their fees (2x) but not necessarily their subcontractors.
  - Compliance is delayed or ineffective.
- **With Admin Cites:** Fines would apply to anyone using the right of way (contractor or subcontractor).
  - Fine process would have to be established.
  - Compliance would be greater



# Recommendation

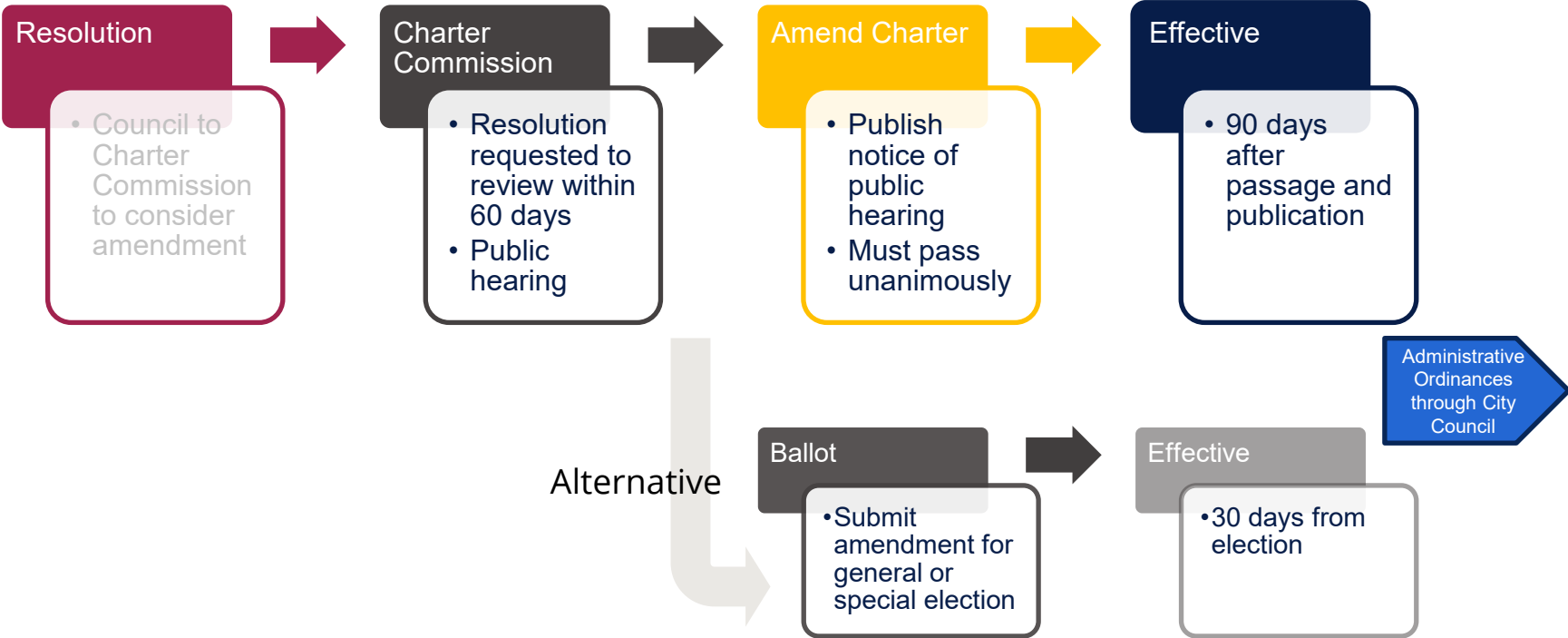
**Amend charter to allow the City Council to utilize administrative citations as a fair and effective tool to obtain compliance with city ordinances**







# Legislative Process and Timeline





# Due Process – Some examples

- ✓ DSI -- Fire Certificate of Occupancy, Code Enforcement, Vacant Building orders go to the Council's Legislative Hearing Officer then to City Council.
  - Can be further appealed to the District Court of Appeals.
- ✓ DSI, PW, Water -- Property Assessments go to the Council's Legislative Hearing Officer then to City Council to be ratified before going to Ramsey County Property Records
- ✓ PED, DSI -- Zoning issues are appealable to the Planning Commission or Board of Zoning appeals before going to City Council.
  - Can be further appealed to the District Court of Appeals.
- ✓ DSI -- Business License adverse actions go to an Administrative Law Judge then to City Council.
  - Can be further appealed to the District Court of Appeals.
- ✓ DSI -- Building Code appeals go to the Building Official and can be further appealed to the MN Department of Labor and Industry.
- ✓ HREEO – Neutral fact-finding agency. After an investigation -- appeal to Department, City Council, and Court of Appeals

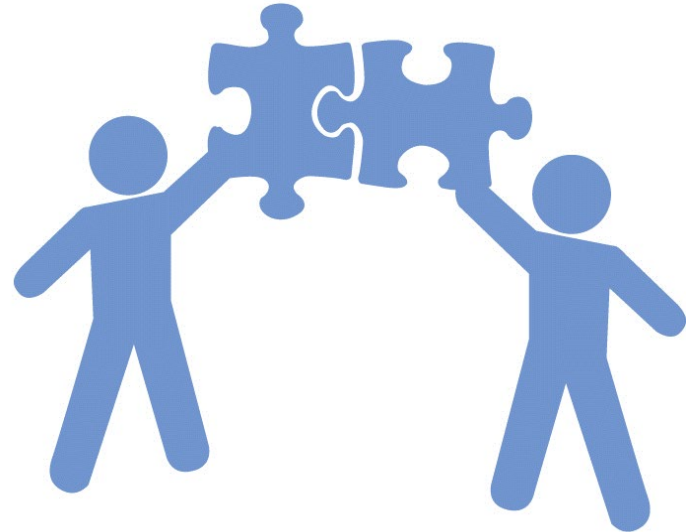
*In all situations, you have a right to be heard, present evidence, be representative.*



# After Charter Commission Amends Language

## Council & Administration

- Propose changes to ordinances one at a time
  - Engagement on proposed ordinance change
  - Every ordinance change requires three readings including one public hearing
- Implementation
- Training and education





# Questions?