



Saint Paul's District Councils

Nov. 3, 2020

To:

Luis Rangel Morales, Chair, Saint Paul Planning Commission
Kristine Grill, Chair, Comprehensive and Neighborhood Planning Committee
Nicole Goodman, Director of Planning and Economic Development
Luis Pereira, Planning Director

From:

Betsy Mowry Voss, Executive Director, Southeast Community Organization
Lisa Theis, Program Director, Greater East Side Community Council
Monica Bravo, Executive Director, West Side Community Organization
Lissa Jones-Lofgren, Interim Executive Director, Dayton's Bluff Community Council
Kerry Antrim, Executive Director, North End Neighborhood Organization
Caty Royce, Co-Executive Director, Frogtown Neighborhood Association
Tia Williams, Co-Executive Director, Frogtown Neighborhood Association
Jens Werner, Executive Director, Summit-University Planning Council
Michael Kuchta, Executive Director, Como Community Council
Kate Mudge, Executive Director, Hamline Midway Coalition
Kathryn Murray, Executive Director, Saint Anthony Park Community Council
Alexa Golemo, Executive Director, Macalester-Groveland Community Council
Kathy Carruth, Executive Director, Highland District Council
Monica Haas, Executive Director, Summit Hill Association
Jon Fure, Executive Director, Capitol River Council

As staff members in Saint Paul's District Council system, we urge you to delay the public hearing and vote you have scheduled for Nov. 13 on the proposed redefinition of "family" in city ordinance. We are troubled by the relative speed with which this change is moving forward. We do not believe city staff and the commission have adequately publicized the proposals, explained the proposals, or discussed the proposals in the city as a whole -- particularly with residents who will be affected most directly, including the many non-traditional, BIPOC families, and other marginalized residents.

From what we can tell, your Comprehensive and Neighborhood Planning Committee received a first look at the supporting study on Aug. 19, 2020. But we cannot find evidence that there was any public outreach or information-gathering beforehand. Further, we -- the designated representatives of the city's designated planning districts -- did not learn about the proposals until Wednesday Oct. 7, when we received an email informing us of the Nov. 13 hearing. Several of us are scheduling Michael Wade for presentations at our boards or committees as soon as we can, in an attempt to get the word out and understand these proposals more fully.

But this short window – roughly five weeks – to discuss such a profound change in city policy is woefully inadequate, especially considering the comprehensive research that has gone into the proposal. It means most of our boards and communities will not have time to review and research the proposals; assess their potential impacts in personal, rather than legalistic, terms; and weigh in before Nov. 13.

We as staff are not taking positions on the need for revising the ordinance, or on the merits of the various proposals under consideration. We understand at least some of the rationale behind the language itself and, as a body, we understand the stated goals of the revisions. However, we do not understand the fast track on which these proposals are proceeding.

The study's charter has no public engagement built into its timeline. Contrast that with recent revisions in zoning density or the new tenant protection ordinance. Both of those initiatives included extensive public education and engagement, before and after final language was drafted. Both of those initiatives included intentional outreach to district councils and other community stakeholders.

This initiative directly affects one of the fundamental cornerstones of our city: family. The public deserves time for transparency, consideration, and feedback before this moves forward.

Again, we urge you to delay your hearing and actions on the proposal until we as a community have a better chance of understanding the proposals, their impacts on real lives, and whether there are alternatives that should be considered.

Public comment submitted via stpaul.gov/family-study

Definition of Family Zoning Study

Name	Benita Warns	Devan Compart	Craig Foster	Cheryl Hanzlik
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Option 1				
Option 2	X	X		
Option 3		X	X	
None of the above				X
Comment	This option allows for groups of adults who have some sort of relationship to each other to be considered a household/family while not allowing groups exceeding four unrelated students from sharing a dwelling.	I would suggest for non-family units the total adults be increased to 6. So for example, "family plus four" or "any six". Also, the total unrelated adults should be case dependent based on unit size.	To me this seems to accommodate the most types of living situations. I am most opposed to option 2, requiring all occupants to be partnered or related.	The problem I see is that there is already too many people living in very small homes. In our neighborhood, we have multi-generational families living in small 3 bedroom homes with only one bathroom. In some cases, there are close to 20 people living in these houses. Many immigrant families have uncles, aunts, grandparents, parents, siblings, plus their children, all living under one roof. Bedrooms are stacked with mattresses on the floor and there is communal sleeping. There can be 6-8 vehicles parked on the street for these homes. These small homes were not made for that many occupants. I don't care if they are related or not, that many people should not be living in 1000 square feet. The law should go by square footage, number of bedrooms and number of bathrooms....right now people are living on top of each other in very small homes.

Kyle P Eichenberger	Ali Johnson	Jamie Stolpestad	Kayla Battles	Robert Wales
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X		X	X	
	X			
				X
This option is the clearest and most concise. Please avoid reference to code as not everyone has access to lookup that info easily or without help.	I think Option 3 best adheres to a more modern and accurate definition of family.	I applaud your effort to clean up and modernize an antiquated and biased provision. I would encourage you to go further and remove all references to "family" and all references to "owner-occupancy" in the St. Paul zoning code. Familial status is a protected class under MN state and Federal statute, and I see no legitimate public purpose in any reference to these terms in the code. And anything tied to "owner-occupancy" serves to perpetuate historic racial segregation and discrimination in land use policy, which created impediments to land ownership and occupancy for BIPOC members of our community. Any further restrictions tied to owner-occupancy simply perpetuate those racially biased policies and serve no legitimate purpose. The owner-occupancy provisions are especially burdensome on the adoption of ADU's in the city.	=	Including the language such that "together with minor children in their care" is part of the definition you are trying to define that a family includes children which just isn't the case. My wife and I have no children. We're a family. Similarly partners, same-sex marriages, and a variety of other units that consider themselves a family wouldn't be determined as such by any of these definitions. Why not eliminate and use "household consisting of up to ___ number of adults and any minor children in their care" instead.

Micheal Foley	Ian R Buck	Jean Jansen	Sherry P Johnson
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	X	X	X
X			
There shouldn't be any restrictions on housing based on any definition of "family." This requirement exists only for the city to discriminate against how low-income individuals live in the city, and it's used to create entire districts of areas zoned to keep low-income people out. It shouldn't be legal to openly discriminate against students and other low-income groups when it comes to housing. It's just wrong.	Whether or not a group of people are related to each other should not affect whether or not the city allows them to live together.	When I look at the size of homes on the east side of Saint Paul, many of them small one level or bungalow style, I .don;'t know how more than six people could live in them safely. Many probably have only one bathroom. With the City assure that people are living in these small homes safely with limited of use of basements as bedrooms, or families providing egress windows for fire safety. The side streets on the east side of Saint Paul are loaded with cars with makes navigating these side streets difficult, especially in the winter time with snow piles on the side. Many of these streets have driveways off the street which are also loaded with cars. For example, Ivy Ave off Prosperity have an apartment building on the corner, followed by cars lining both sides of the street. Very difficult to get through, especially when meeting an oncoming car. There is sometimes not place to pull over and be a courteous driver.	We absolutely need to allow for creative approaches to householding in this time of housing affordability and global climate crises. The current zoning code is ridiculously out of alignment with the needs of our world and cultural and generational interpretations of "family."

Tyler	Kevin Dahm	Bryn Knatterud	Michael Sonn	Audrey Hendrickson
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X			X	X
	X	X		
X				
Families come in all shapes and forms, any reference to blood or marriage should be omitted in any case. Should instead say "any children in their care", not just minors, to allow for additional flexibility.	I think the 3rd option provides the most flexibility. In option 1 or 2 I see the potential for a temporary houseguest (1-6 months) putting a family in noncompliance of the ordinance. For example: 2 grandparents, mother and father and 2 adult children age 18+ wouldn't be able to have an additional houseguest (like an exchange student, divorced or out of work friend etc.) stay with them without being over the limit. Option 3 is least likely to be used against non-nuclear families as a weapon.	I would be in favor of letting as many adults as want to live in the same house together. Some houses are large some are big, it is best if the people that choose to live there determine what is best for them.	St Paul should be permissive as possible. St Paul should definitely not legislate Euro-centric Hetero-normative lifestyles on our citizens.	Any 6 is the most inclusive of the options, but any of the above is preferred to the current outdated and exclusive definition of what it means to be a household!

Jack Byers, PPCC	Richard Fundakowski	Laura Oyen	JANNA STEIDL	Patty McDonald
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		X	X	
X	X			X
See letter...	I would rather see an extension of the current family to include parents of the "parents." At the point where we have any six people, I don't see a single family as having any useful meaning. If you plan to have a single family home have any six people or any 4 plus 4 related by blood, there is little value to the definition for zoning purposes.	What are the penalties if someone exceeds these definitions. When are these definitions enforced and who does the enforcement? Thank you!	No comment other than who cares if people who choose to live together are related to each other? I don't understand the need to define "family" for purposes of living arrangements at all.	Why do we need to say anything about Family? What does it matter who lives together? Isn't the real issue just about safety? It seems to me that the city has no business deciding who can live together and imposing this "rule" on people. For example - what does it matter if 4 young couples want to live together and share expenses, so long as they are not violating the occupancy limits. Or if someone has an 7 bedroom house - why can't they have unrelated borders? This addition of the word Family seems antiquated and discriminatory.

Anna Waugh	Abdulrahman Wako	Kati	Lanya Ross	Stephanie Laitala-Rupp
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			X	
X	X	X		X
I believe that you should allow more students to live together. When I was in college, the 4 person limit created higher rent than was necessary and I was forced to take on additional student loans because of it. Many houses have 5 or even 6 bedrooms. I think that the limiting factor for students should be set at no more than 2 students/bedroom of the dwelling unit.	thats all!	Family plus four appears to give the most flexibility. Affordable housing is dependent on people being able to work together and live together in a variety of ways. I am a landlord and I'll never forget the young couple I was forced to evict by the City of Rochester, MN because their baby turned one and according to their rules the studio they lived in couldn't have 3 people living there. Babies become "people" at age 1 per their housing rules. I lost a good tenant, they lost their home and lost a chance to save money and get ahead in life. Why do we force people to live in large, expensive homes? One upon a time I was a renter and poor college student too. Sharing bedrooms and apartments with as many people as possible was how I was able to save money and get ahead in life. I support the government allowing as many people to live somewhere as a property manager sees as appropriate. Usually it's not the number of people that matter, but the habits and house keeping of people that matter when figuring appropriate "densities" of people. Very happy the definition of a household or family is being expanded.	I don't think the city has any business or the resources to evaluate households' relatedness. Also, I think that the COVID-19 pandemic highlighted the value in allowing non-related people to form households based on resource sharing, independent of relatedness. Also, while I appreciate the goal of minimizing nuisances from large households, I would like to know more about where the data support the conclusion "Nuisances occur when occupants are very greatly removed from the accountability for the property" came from. Is it the number of unrelated people in a household, or other factors that increase the likelihood of nuisances? I'm intrigued.	Since fire code occupancy levels mandate almost always less than this (unless a very large dwelling) this is the least restrictive and allows for the most unique of situations.

Debora Slee	HJ Schmidt	Kristi	John Miller	michael lozinski	Steve Tuckner
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X		X	X		X
				X	
	X				
It should not be the business of the city to determine "relationships" among adults, as it is totally irrelevant to the public interest. Health and safety should be the only concerns.	The government has no role, or need, in defining "family" to begin with. It does have the authority to limit occupancy of a building for public health and safety concerns. My suggestion is that the local government adopt terminology similar to that used in aviation: a specific building may have its occupancy limited to "x souls", with no regard to what kind of humans are involved.	As long as there is the space for it, more than 4 adults should be able to live together if they want to.	The government should not be allowed to limit who I allow to live in my household except when its a "safety" issue. Any limitation strictly based on the relation of the home owner and the occupant can be used to discriminate against for any number of reasons. In the (at a previous residence, and at different times) I've had a friend stay with me, my father, my sister and her sub family, my cousin and his family. Based what I read, my dad and sister were fine, but my friend or cousin may have to find some government program or go homeless if they couldn't find a parent or sibling with housing during their immediate need. That seems illogical, and un-ethical.	leave as is	How about dropping family altogether and just defaulting to safety codes to determine occupancy?

Phil Duran (JustUs Health)	Gabrielle Pillmann	cheryl hanzlik (Second comment, not counted)
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	X	
X		
		X
JustUs Health sees stable housing as a critical component to a person's ability to achieve and maintain health. We support policies which facilitate people's ability to secure stable housing. Consequently, we support option 3, as it appears to provide maximum flexibility in terms of making housing available in St. Paul.	Option 1 is the least restrictive.	The occupant size for a household should be based on how many square feet the house is and the number of bedrooms/bathrooms. With each of these options, you could have at least 8 adults and an unlimited number of children living in a very small house. The homes in my neighborhood are around 1000 square feet each, usually 3 bedrooms and 1 bathroom. It would be VERY unsanitary and unsafe for 15 or more people to live in one of these homes. It is a tight squeeze for a family of 4 to live in one of these homes, let alone a multitude of adults and children all living together. I thought there was a law already on the books about how many people can live in a certain number of square feet. If there isn't, there should be! Along with the excess of adults/children living in these homes, there is also the consideration of the number of vehicles that these "families" park in the street. Sometimes there can be 6-8 cars parked on the street per household.

Wade, Michael (CI-StPaul)

From: James Wilkinson <jewilkinsoniii@gmail.com>
Sent: Sunday, November 29, 2020 7:02 PM
To: Wade, Michael (CI-StPaul)
Subject: Planning Commission proposal on family definition

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

I support changes in the definition to permit more flexibility in living arrangements. I have not enough information to choose among the three options at this time.

Some people object due to traffic, overcrowding, etc. Other standards should cover these issues directly and are minor in comparison to problems of homelessness and lack of affordable housing.

1388 Goodrich Av.
St. Paul, MN 55105

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James E. Wilkinson



Virus-free. www.avast.com



North End Neighborhood Organization (District 6)
171 Front Avenue
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651-488-4485
ed@nenostpaul.org

November 10, 2020

Luis Rangel Morales, Chair
City of Saint Paul, City Planning Commission
1400 City Hall Annex, 25 Fourth Street West
Saint Paul, MN 55102

RE: Definition of Family

Chair Morales, Planning Commission Members:

The North End Neighborhood Organization had this item on its board and committee agendas four times. Our Land Use & Housing Committee met on September 22, 2020 and heard a presentation regarding the study by Michael Wade. The board met on October 5, 2020 and could not come to a resolution regarding the study. Land Use and Housing met again on October 27, 2020 and unanimously decided on a recommendation to the board. The board of directors ratified the recommendation on November 2, 2020.

The recommendation was to remove the current definition of family from the zoning code. Family is a value and zoning codes by way of the government should not presume to define for our residents what constitutes a family.

To have zoning code define for individuals of the many cultures and backgrounds of the people who make up Saint Paul does not serve any purpose but rather attempts to mandate relationships by and between people. To do so is counterproductive in relation to the City and neighborhood's goals of equitable inclusion to all facets of policy and governance.

Further, substituting the word occupant for family in the zoning code will allow for residents living in a unit to have the freedom to define for themselves what constitutes their family without the City regulating it. Any number of occupants will fall under State occupancy regulations and that should be sufficient.

Finally, the North End Neighborhood Organization while not contributing fault to the department of Planning and Economic Development, hope that any future changes to the zoning code be brought to the neighborhood organizations in a timely manner. We need ample time to engage our neighbors and allow time to conduct authentic engagement. In looking to the future we hope that NENO and PED continues to have the working relationship we do and both will work towards increasing our communication.

Thank-you for your consideration of the North End Neighborhood's position regarding the zoning change. If you have questions please contact NENO at the numbers above.

Regards:

A handwritten signature in brown ink that reads "Karin Groening". The signature is written in a cursive style with a large, looping "G" at the end.

Karin Groening
Board Chair

Cc: Council President Amy Brendmoen
Councilmember Dai Thao
Nicolle Goodman, Director, Planning and Economic Development
Luis Pereira, Planning Director
Michael Wade, City Planner
Sonja Butler, Planning Commission Secretary



Payne-Phalen

COMMUNITY COUNCIL

567 Payne Avenue, St. Paul MN 55130 www.paynephalen.org 651-774-5234 district5@paynephalen.org

Luis Rangel Morales, Chair
City of Saint Paul, City Planning Commission
1400 City Hall Annex, 25 Fourth Street West
Saint Paul, MN 55102

Sent via e-mail
c/o Michael Wade, City Planner

October 30, 2020

Re: Definition of Family Study

Dear City Planning Commission,

I am writing to you on behalf of the Board of Directors of the Payne-Phalen Community Council. The Board of Directors met in regular session with our communities to discuss the Definition of Family Study – first on Tuesday evening, September 22nd and again on Tuesday evening, October 27th. The published agenda for both meetings included items detailing the Study. In the September meeting, we were joined by Michael Wade of the Planning and Economic Development Department. Michael made a presentation, shared graphics, and responded to questions. In both meetings, our Board discussed the matter with members of the community. Because the Study had not yet been released for public comment at the time of PPCC's September meeting, the Board took the matter up again in October to review the updated materials published by the City and to finalize the Board's recommendations.

Based on the community conversation and subsequent deliberations in both meetings, on October 27th, the Board of the Payne-Phalen Community Council voted unanimously to make the following recommendations to the Saint Paul City Planning Commission:

(1) Strike the current definition of family from the Zoning Code and all related city ordinances.

- "Family" is a social construction – something that people may develop and use in the context of their own lives and their own relationships. For government to

- define or continue to define “family” for the purposes of local code enforcement is highly fraught.
- When the City endeavors to formulate or update a “definition” of “family” as a stand-in for the actual spatial concerns that it aims to regulate, it risks perpetuating a silent code that subverts, discriminates, and is ultimately at odds with the manner in which humans choose, define, and build social and cultural relationships with one another.
 - Such definitions run the risk of being euphemistic or stereotypical in some or all cases. At worst, such definitions perpetuate a silent or unseen system of discrimination forged years ago – a system that favors some residents over others.

(2) The Zoning Code and all other related City ordinances should *not* attempt to define “family” at all.

- Attempting to define “family” for the purpose of zoning and other regulations is archaic and no longer serves a valid purpose for the many diverse communities of Payne-Phalen. It is a hold-over from earlier times when local regulations were developed and used as a subtle means of social control.
- By their nature, ordinances are adopted for the purpose of regulation. Regulations related to zoning, safety, fire, and building standards are appropriate for maintaining public health, safety, and well-being in any city. Because such protections are a function of *numbers of people in relation to an amount of physical space*, regulations concerning households should be based on spatial and quantitative measures such as numbers of persons in relations to square footage, density, number of rooms, or dwelling units.
- The size of residential units varies widely across neighborhoods, districts, and the city. Measuring occupancy by spatial measures is more realistic than measuring occupancy by “family.” The size and square footage of dwelling units is public data collected and maintained by County and City Assessors. As such, it could be and should be made available for use as needed by local government officials working in the field. A so-called definition of family is *not* a necessary tool for regulating numbers of occupants.
- By creating artificial or convoluted proxy definitions of human relationships – definitions that do *not* resonate with regular people – the City has the effect of prolonging past practices of bias that are confusing, alienating, disrespectful and discriminatory.

The Payne-Phalen Community Council is grateful to the City of St. Paul for being pro-active about updating policies, ordinances, and programs to better embrace the rich, cultural

Luis Rangel Morales, Chair
October 30, 2020
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Diversity of our city, to enhance and strengthen the bonds between us, and to end bias and discrimination. We share in the City's intentions to build a city that works - for all of us! In order to fully comply with its adopted human rights policies, the City *should not* attempt to define or govern human relationships formed by humans through social constructs and cultural value systems of our own making. Any attempt to create some sort of proxy definition for the purposes of regulating people is at counter-purposes to the City's policies, programs, and practices of equity and inclusion for all.

We appreciate you including this letter in the record related to this proposed ordinance change. And thank you in advance for taking the position of the Payne-Phalen Community Council into consideration as you make your decision. Please feel free to contact me if you have any questions or require further clarification.

Respectfully submitted,



Jack Byers
Executive Director

- cc. Council President Amy Brendmoen, Ward 5
- Councilmember Nelsie Yang, Ward 6,
- Councilmember Jane Prince, Ward 7
- Nicolle Goodman, Director, Planning and Economic Development
- Toni Newborn, Chief Equity Officer and Director of Human Resources
- Noel Nix, Deputy Director of Intergovernmental Relations and Community Engagement
- Valerie Jensen, Director, Human Rights and Equal Opportunity
- Ricardo Cervantes, Director, Safety and Inspections
- Luis Pereira, Planning Director
- Michael Wade, City Planner
- Bill Dermody, City Planner
- Sonja Butler, Planning Commission Secretary
- Athena Hollins, Board President
- Rebecca Nelson, Board Secretary
- Payne-Phalen Community Council Board of Directors

November 12, 2020

Saint Paul Planning Commission
15 Kellogg Blvd W
Saint Paul, MN 55102



Honorable Planning Commissioners:

The Southeast Community Organization’s Land Use Committee has deliberated the content of the zoning study to create a new definition of “family” in the Zoning Code. We had the opportunity to host City Planner Michael Wade at our November meeting to get background on the study and to ask questions that have come up in our deliberations. While we greatly appreciate the assistance that Mr. Wade has provided, we have serious concerns with the underlying efforts to produce a new definition of “family” instead of the preferable option of removing it altogether from the Zoning Code.

It has been well-documented that zoning and other regulatory tools used by local government have been used throughout the 20th Century to codify and enforce racist and exclusionary practices. The very concept of “neighborhood character” and all the effort to preserve such character came about as racially-restrictive covenants were adjudged illegal and new tools had to be concocted to maintain the white, middle- and upper-class “character” of certain neighborhoods. The rise of single-family zoning accompanied these efforts which gave a need to define what a family is with the subtext that certain family structures were acceptable and some were not.

We believe this zoning study attempts to address matters of fundamental human rights. We continue to assert that housing is a human right and that barriers to housing must be broken down in Saint Paul and beyond. Additionally, the notion of family, and of whom people choose to make a home with, is a deeply personal set of values and customs that cannot be uniformly defined and prescribed for all people of all backgrounds living in the city.

When looking within the lens of the zoning study itself, if we were forced to support any of the options, we prefer Option 3 using the broadest way of defining relatedness possible. We also would support any efforts to broaden that option to allow more people under more family structures to inhabit a housing unit. Again, we question the underlying purposes of the zoning study itself. We are fully in support of making changes to the Zoning Code to address any potential fair housing concerns, but we feel that coming up with a new definition of “family” does not meet the needs of Saint Paul residents today or into the future. Consequently, we wanted to discuss some of the issues surrounding the purported need for a definition.

One issue raised is that “family” needs to be defined so that residential zoning uses that do not concern one-family, two-family, and multiple-family dwellings can establish thresholds for various dimensional and use characteristics. A cursory review of Chapter 65 of the Zoning Code finds few uses of “family” in the context of a group of people. The definition of such residential uses could easily be updated to not use “family” while still comprehensively defining the use. What is much more prevalent in that chapter is references to “one-family structures” or “multiple-family structures” which relies on certain characteristics of such buildings but does not in any way require “family” to be defined to implement these ordinances. We do not find a compelling argument that defining “family” is necessary for the operation of the rest of the Zoning Code.

Alternatively, we question whether the underlying need for a definition of “family” can be satisfied based on the physical characteristics of residential buildings. This would eliminate a need to regulate how people choose to organize their households. For example, Section 34.13 of the Housing Code regulates the square footage of livable space in a unit per occupant, as well as aspects such as ceiling height and ability to escape in an emergency. We are supportive of such standards, provided that they exist to promote residential safety and do not set unnecessarily high standards that would exclude occupants, and view it as a more morally-neutral method for regulating density. Also, other sections of code regulate a housing unit as containing at least one bedroom and bathroom and not more than one kitchen. Such a definition better differentiates how many housing units are in a structure without regulating who can live in the units.

Related to these alternative regulatory approaches is the process of enforcement. We have grave concerns about the potential effects of City inspectors enforcing a definition of “family.” This is exceptionally so if the enforcement is solely initiated by complaints. We already know that a regulatory environment benefits those that have higher wealth and education, and also benefits those that are white and white-passing. Adding a layer to that environment where neighbors are allowed to complain to inspectors about their neighbors adds significant racial bias to the process and aggravates disproportionate access to housing by race. By shifting regulation to residential structures themselves (square footage of structure, number of kitchens, etc.), the inspection and enforcement of code happens when structures are built or remodeled or when a certificate of occupancy is first applied for. Additionally, that interaction is between the City and the property owner, not the residents.

An additional issue that has been raised in this zoning study surrounds the regulation of parking. We historically and currently support relaxing parking standards in the city. The imposition of required parking increases the cost of housing and is not sound policy, particularly near transit, when we are facing the existential crisis of climate change. Tying the number of required parking spaces to the number of “families” or the number of adults in a structure should be removed from the Zoning Code.

A final issue that has been raised has been about whether changing the definition of “family” or the changing regulation of the concept would incentivize landlords to take advantage of their renters, especially renters in large households. We are always concerned that rental housing is safe and fair for renters. As more of the City Code gets amended to address housing issues, we ask the City to consider a landlord licensing system. Such a system could more uniformly educate landlords on what current rental laws are in place locally and statewide so that better compliance can be facilitated. Additionally, a licensing system would allow the City to track more information about all rental units in the City and monitor for when predatory behaviors are being practiced with a disciplinary system in place for predatory landlords.

Finally, we ask, as we asked when reviewing the 2040 Comprehensive Plan back in 2018, for the City to move away from exclusionary single-family zoning so that neighborhoods can support varying housing types including the construction of “missing middle” structures. The creation of neighborhoods with only single-family homes creates an expectation that all homes should fundamentally be constructed the same way with the same types and numbers of people. Neighborhoods with a diversity of housing types better reflects the reality that all types of people choosing countless ways to organize a home live in our city. As Saint Paul continues to grow into the future, this flexibility and diversity will be critical in allowing growth without displacement.

We thank you for considering our comments and hope that this study opens the door to broader changes that will ease access to housing in Saint Paul.

Sincerely,

/s/Paul Sawyer

Paul Sawyer
Chair, Southeast Community Organization Land Use Committee
On Behalf of the Board of Directors



Dear Planning Commission,

Thank you for the opportunity to comment. We appreciate the work that has been done to study the existing definition of family in the Saint Paul Zoning Code and its impacts, and to prepare three optional definitions to replace the existing language. We are glad that the City of Saint Paul is preparing to make this change; it is long overdue.

We recommend that the City of Saint Paul adopt both Option 1 and Option 3: “Six (6) or fewer adults, together with minor children in their care, living as a single housekeeping unit; OR any number of adults who are all related to each other by blood, marriage, guardianship, or domestic partnership as defined by Chapter 186 of the Saint Paul Legislative Code and up to four (4) additional adults, together with minor children in their care, living as a single housekeeping unit.”

Of the given options, Option 3 provides the most flexibility for households with different cultural norms for sharing shelter, for unrelated persons who like the economic and social benefits of shared living arrangements, and for multigenerational households whose members may not all be officially related according to the definitions in Chapter 186 of our Legislative Code. All of these households deserve to be legally recognized as cohabitants or “families” in our city. Furthermore, Option 3 best supports housing affordability in our city, by enabling more adults to share their housing costs.

The only shortcoming of Option 3 is that it would not change the current limit of four unrelated adults who can live together. Adopting Option 1 alongside Option 3 would raise this limit from four unrelated adults to six. It is increasingly common in St. Paul and across the country for unrelated adults to live together and our zoning code should recognize this change.

We believe that the best way to redefine “family” in our Zoning Code is to set the definition as broadly as possible by adopting both options 1 and 3 to support the widest range of living arrangements for the familial, social, and economic needs of Saint Paul’s residents. The Zoning Code’s definition of family was never intended to regulate minimum acceptable standards for residential buildings, or to prevent hazardous living situations; rather, there are other sections of city codes and state building code that accomplish this. We trust that those regulations will continue to ensure safe living conditions in Saint Paul.

Thank you for considering these comments and for your more holistic view of households.

Sincerely,

Elizabeth Wefel,
Sustain Saint Paul, Co-Chair
444 Warwick Street, Saint Paul, 55105

St. Anthony Park Community Council/District 12
P.O. Box 8124
Saint Paul, MN 55108



To: Michael Wade, City Planner
Planning & Economic Development
25 West Fourth St., Suite 1400
Saint Paul, MN 55102

December 14, 2020

Dear Mr. Wade,

After much consideration regarding the Definition of Family Study, the St. Anthony Park Community Council has opted to recommend:

Option 3: "Family plus four"

Any number of adults who are all related to each other by blood, marriage, guardianship, or domestic partnership as defined by Chapter 186 of the Saint Paul Legislative Code and up to four (4) additional adults, together with minor children in their care, living as a single housekeeping unit.

This decision was not made lightly as we understand the implications regarding this definition effect households, surrounding communities, landlords and enforcing agencies alike. The SAPCC Board approved this definition unanimously with two (2) abstentions.

Thank you for your consideration.

Sincerely,

A handwritten signature in cursive script that reads "Kathryn Murray".

Kathryn Murray, Executive Director
kathryn@sapcc.org | 651-649-5992
www.sapcc.org



860 St Clair Ave
St Paul MN 55105

651.222.1222
SummitHillAssociation.org

Date: December 14, 2020

To: Rebecca Noecker, City Council
Michael Wade, City Planner
Emma Siegworth, City Planner
Luis Rangel Morales, Chair, Saint Paul Planning Commission
Nicolle Goodman, Director of Planning and Economic Development
Luis M. Pereira, Planning Director
Noel Nix, Deputy Director of Intergovernmental Relations and Community Engagement

RE: Definition of Family Study

Members of the Summit Hill Association's Zoning & Land Use Committee (ZLU), Neighborhood Comprehensive Plan Committee, and others met on 10/27/20 to discuss the draft Definition of Family Study. We thank Michael Wade (study author and City Planner) and Emma Siegworth (City Planner) for presenting to us and for the constructive conversation that subsequently took place.

The Summit Hill Association's full Board of Directors finds that the practice of defining 'family' in municipal zoning codes creates a risk of harm. Unless a clear public policy reason to retain a definition of 'family' can be articulated, it should be eliminated from the zoning code altogether.

Definitions of Family Carry Inherent Potential for Discrimination

Definitions of 'family' in American municipal zoning codes have a loaded history. Many, including Saint Paul's, privilege those with living arrangements or family structures that resemble the American 'nuclear' family of the 1950s.

It is easy to assume that this discriminatory effect is merely a question of language, and therefore that a broader definition that excludes fewer familial arrangements is all that's needed. But merely amending the language is not enough. The reality is that definitions of family are *inherently* problematic. This is because they necessarily seek to impose at least some form of social regulation, over and above basic safety rules such as occupancy limits.

In other words, the very act of defining what is – and is not – a 'family' requires taking a moral view as to whose private living arrangements are permissible, and whose are not. Whatever definition is adopted, some people will meet it and be allowed to live in peace, whereas others who may have perfectly functional living situations will be made subject to civil penalties or enforcement action.

This creates a risk of harm, especially for the BIPOC, low-income, disabled and marginalized communities most likely to find themselves in such living situations. Avoiding such harm should be the central concern of a study of this nature. Yet no real assessment of current or future harm – let alone the extent to which each of the three options presented would mitigate it – is apparent in the draft study.



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The focus is instead squarely on identifying a formula that is sufficiently neutral to minimize legal exposure and sufficiently straightforward to enforce. This is perhaps an inevitable consequence when the principal stakeholders identified in the study are the City Attorney's office and DSI rather than the individuals and communities mentioned above.

Any Definition of Family Must Have a Clear and Defensible Public Policy Purpose

The starting point here should be the removal of the definition of family from the zoning code altogether. If we are to define 'family' at all, there must be a good, defensible public policy justification to keep it. On the evidence we have seen to date, no positive case has been made.

The sole paragraph in the 44-page study to address the topic (p.23) states:

“Land uses that consist of larger numbers of adult occupants tend to come with special programming that is [sic] should be addressed uniquely in the Zoning Code through the congregate living section. Special requirements regarding spacing, permitting, minimum lot area, or parking, *when triggered by occupancy in excess of the definition of family*, can be tailored to best accommodate these land uses and their effect on surrounding land uses.” (Emphasis added.)

That argument is fundamentally about limiting the total *number* of occupants. Yet all the options under consideration variously allow for *any* number of people to live together, so long as they are relations, children, or (in the case of the current definition) domestic servants. They principally regulate familial *composition*, not total numbers.

Legitimate concerns relating to excess numbers of occupants in a single household are already addressed by statute. The fire and building codes already limit the total number of people that may share a dwelling of a given square footage or number of rooms for safety and public health reasons. Likewise, the City's existing police powers are more than sufficient to address any public nuisance that may arise. So – what further public policy purpose does regulating the *composition* of a housekeeping unit through a definition of 'family' actually achieve?

Unless and until a legitimate basis to regulate the composition of a housekeeping unit over and above existing legislation can be stated, we cannot support any of the options under consideration.

Procedural Concerns Preclude Reasonable Evaluation of the Three Options

We appreciate the outreach that the City has conducted via the District Council system. After engaging with City staff and reviewing the proposals, we believe the importance of proactively engaging with BIPOC, low-income, disabled and marginalized communities likely to be disproportionately affected by the current definition cannot be overstated.



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We understand there is little available data at the local and national level that can be applied to help make even a ballpark prediction of the effects of revising the definition. This is what makes the lack of targeted engagement of such communities during the development of this study, or the release afterwards, all the more problematic.

The study itself makes no recommendation, and indeed recommendations on such a complicated and sensitive issue can be difficult to make. Interviewing more residents, especially those who would be most affected by this regulatory change, would potentially put staff in a better position to make a clear recommendation having properly considered the potential impact of the three options presented or indeed eliminating the definition altogether.

Providing this context up front would likewise allow for far more meaningful community engagement and discussion of the study at the District Council level.

Recommendation

The lack of meaningful engagement with affected communities means that none of the potential options can be recommended at present with an adequate degree of confidence that they will achieve a legitimate public policy purpose while avoiding disproportionate harm to families that do not fit traditional kinship definitions or other non-conformant but perfectly functional living situations that exist today in Saint Paul.

We therefore request:

1. The addition of a **fourth option** for consideration that would **eliminate the definition of family** from the zoning code altogether.
2. An **extension to the study period**, in line with the request made by every District Council Executive Director, for the purpose of conducting adequate, appropriate outreach to the communities and households most likely to be affected.
3. An **assessment** of the likely positive and negative outcomes for the communities and households identified above under each of the proposed options, including elimination.

We look forward to engaging in further public outreach and discussion within our neighborhood with the benefit of the crucial context and perspectives that the aforementioned consultation period will bring to the discussion.

Kind regards,

Monica Haas
Executive Director

Peter Rhoades
President

Simon Taghioff
Chair, Zoning & Land Use Committee