



CITY OF SAINT PAUL
OFFICE OF THE CITY COUNCIL
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November 25, 2015

Fred Kueppers, by email at fkueppers@kuepperslaw.com
by U.S. Mail at 101 Fifth Street East, Ste. 2300; St. Paul, MN 55101

Re: Follow-Up on November 24, 2015 Hearing for 1659 – 1669 Grand Avenue

Dear Mr. Kueppers:

During the hearing on Tuesday of this week, I indicated I wanted to review how mixed-use buildings are regulated as to sales or other transactions of the property under Chapter 33 of the City's Legislative Code. I have done that and also consulted with the City Attorney in this matter. We concur that 1659-1669 Grand Avenue may not be transferred, sold, marketed, etc. until the nuisance/dangerous conditions are abated. In this case, abatement of the nuisance building would be via rehabilitation and issuance of a certificate of occupancy or demolition. The relevant section of the code is excerpted below:

Saint Paul Legislative Code, Chapter 33 Building Code and Inspection, 33.03. (6)

In order to maintain and improve decent, safe and sanitary residential housing and for the purpose of protecting the health, welfare and safety of the public, no person shall sell, purchase, give or transact a change in title or property ownership of any building, dwelling or dwelling unit, structure, or any portion thereof, which is intended for residential occupancy and has been designated as a dangerous structure under Leg. Code § 43.02(1), a vacant building under Leg. Code § 43.02(7), (c), (d), (e) or (f), or a nuisance building under Leg. Code § 45.03, without first obtaining the appropriate certificate of occupancy or compliance from the building official required under this chapter or fire certificate of occupancy from the fire marshal required under Leg. Code Chap. 40. (emphasis added)

Transfer of ownership in certain vacant buildings classified under Leg. Code § 43.02(7.1) as a Category I or a Category II building may be exempt from the provisions of this section provided that the prospective buyer of a Category I building:

- a. Pays all outstanding vacant building fees;
- b. Submits for approval a complete vacant building registration form;
- c. Obtains a truth in sale of housing report meeting the requirements of Leg. Code Chap. 180.

And further provided that the prospective buyer of a Category II building:

- d. Complies with all the requirements under subsections a - c under this subdivision for Category I buildings; and
- e. Either posts a performance bond in the amount estimated as necessary to cover the estimated costs of repairs or deposits with the department of safety and inspections that sum of money necessary to cover the estimated costs of repairs. This bond or

cash deposit shall be in addition to any other bond or deposit required under subdivision (f) of this section.

- f. Submits for approval a schedule for completion of the repairs.
- g. Obtains a vacant building rehabilitation permit.

Transfer of ownership in Category I, II, or III buildings and structures shall be exempt from the provisions of this section where the acquisition of such buildings or structures is transacted by the Housing and Redevelopment Authority for the City of Saint Paul (the "HRA") or by a person acting in conjunction with and for the convenience of the HRA.

I look forward to talking to you more about plans for nuisance abatement at 1659-1669 Grand Avenue in 2 weeks, on December 8, 2015 at 9:00 a.m. The City Council's Public Hearing is scheduled for December 16, 2015 at 5:30, as indicated in previous notices. The hearing will occur in City Council Chambers, Room 300 City Hall. You may contact my office with questions at 651-266-8563.

Sincerely,

Marcia Moermond

Marcia Moermond
Legislative Hearing Officer

cc: Steve Magner, DSI Code Enforcement/Vacant Buildings Mgr. steve.magner@ci.stpaul.mn.us