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To: The Saint Paul City Council
RE: Appeal the Vacant Building Registration of Property Address
1615 Darlene Street, St. Paul, MN 55119

To whom it may concern,

This letter is submitted to be used as written testimony for the record of the City Council Public Hearing scheduled for June 9, 2021. The purpose of this testimony is to appeal the inclusion of 1615 Darlene Street, St. Paul (The Property) as a Category 2 Registered Vacant Building.

Facts

On February 24, 2020, Realty Pros LLC (RP) purchased the Property at a Sheriff's auction subject to the owner's redemption rights of 6 months following the auction date.

On March 24, 2021, the redemption period expired.

RP worked with the owner on a move out plan and allowed her to stay in the property for three weeks beyond the end of the redemption period.

On April 12, 2021, the former owner moved out. At the time she moved out, the property was secured.

Upon the occupant moving out and over the next few days, RP began cleaning out the property and developing its renovation plan, which was to commence as soon as possible.

Sometime on April 27th, 2021, Police responded to a report of the "door being open." As a result of that dispatch police ordered the door to be secured. Upon information and belief, a St. Paul city staff member secured the property that same day (St. Paul Police Case# 21-084-241). No notice was posted on the property after it was secured.

On May 4, 2021, a letter from the St. Paul Dept. of Safety and Inspections was sent to RP notifying it that the property had been ordered secured.

On May 4, 2021, police were again dispatched to the property because of a broken windowpane. Police again ordered the window secured which was again completed by city staff (St. Paul Police Case# 21-088-927). No Notice was posted on the property after it was secured.

On May 5, 2021, a Notice of Registered Vacant Building was posted on the property.

On May 7, 2021, a letter from the St. Paul Dept. of Safety and Inspections was sent to RP notifying it that the property had been ordered secured.

On May 7, 2021, RP received a Vacant Building Registration Notice indicating that the property was now a registered Vacant Building and outlining a process for an appeal. Shortly thereafter, RP filed for an appeal which was scheduled for May 25, 2021.

Sometime prior to the appeal, a representative from RP contacted Joe Yannarely, who is the St. Paul enforcement officer assigned to this building. Mr. Yannarely suggested RP pursue the appeal because, although the building technically qualifies as a vacant building, given the circumstances and timing, it may have a higher probability of being overturned.

On May 25, 2021, the appeal hearing was held. At the hearing, RP explained that the occupant had just moved out and that RP had obtained the property via foreclosure redemption and was in the process of planning the renovation when it received the notices. At the conclusion of the hearing, hearing officer Joana Jimmy, Denied the appeal. The stated reason for the denial was that "the building fit the requirements of a vacant building."

Discussion

St. Paul's Vacant Building Registration (VBR) policy is established and controlled by the Saint Paul Code of Ordinances - Part II, Title VI, Chapter 43. The stated purpose of the policy is "to protect the public health, safety and welfare."

Many large urban cities enact similar programs under a theory that chronically vacant buildings tend to become nuisances and attract crime (HUD: Office of Policy Development and Research, 2014). I cannot speak to Saint Paul's reason for adopting its VBR policy but, based on the stated purpose contained within it, one can assume that it is similarly intended to prevent chronic vacancies and the problems associated with them.

Here, Because of the short duration of time that the building was vacant (less than two weeks) the Property arguably fails to qualify as a chronically vacant property that would lead to the kind of issues the ordinance presumably seeks to reduce. Given the circumstances, it seems completely unnecessary to subject RP to the expense and burden associated with owning and rehabilitating a registered vacant building.

Further, RP did not have possession of the property until April 12, 2021, when the former owner moved out. Prior to the moveout, RP had no way to assess the condition of the property. Once RP took possession, it immediately began cleaning out the property and assessing its repair and renovation needs. While in possession of the Property, RP worked to ensure that it was secured. It is unclear how the door was open while nobody was working at the property and, but for the unwavering diligence of a single neighbor, the door would likely have been discovered ajar by RP the next morning and resecured. it is unreasonable that a home can be placed on such a costly list, simply for the door being left open for one night.

DSI claims that there are multiple building code violations found on the Property, a claim that RP does not dispute. However, it was through no negligence of RP that the Property fell into its current state of disrepair. The former owner owned the property from 1995 to March 24, 2021, when she, unfortunately, lost her home through foreclosure. RP was a late-stage junior creditor that was able to redeem the property at the end of the redemption period. It did not have possession of the Property until April 12, 2021.

Given the circumstances, timeline, and intent of RP, it is arbitrarily punitive and unnecessary to “protect the public health, safety, and welfare” to so quickly, upon the move out of the former owner, subject RP to the excessive costs and requirement of registration. As such, my client, Realty Pros, LLC, asks the Council to overturn the Vacant Building classification of the Property and waive any fees accrued to this point.

Sincerely,

/s/ Andrew Dibble, Attorney
On Behalf of Realty Pros LLC.