



Sept. 6, 2022

St. Paul City Council  
Legislative Hearings  
310 City Hall  
15 W. Kellogg Blvd.  
St. Paul MN 55102

Re: Additional material showing owner directly receives tenant utility payments;  
Appeal by Angela Wilheight of City approval of rent increase in violation of City Rent  
Stabilization Ordinance at 261 5<sup>th</sup> St. E., St., St. Paul

To City Staff and Hearing Officer:

Please include this letter and the attachment in the file for this appeal, scheduled for hearing on  
Thursday, Sept. 8.

The owner has shifted the cost of four utilities from the owner to tenants as their leases are renewed in 2022 at an estimated \$130-\$150/month. The owner claims this payment is not a rent increase because "That money is paid to a third party provider." Attached is the utility statement for Ms. Wilhight's neighbor Sarah Davis for September. Ms Davis' lease was renewed in April, with the same utility terms as Ms. Wilhight is appealing. The statement clearly shows that the payment for the tenant's allocated portion of four utilities "is to be made to Rayette Lofts," the Landlord, not to Conservice, the entity which allocated the payments, nor directly to any of the four utilities. Furthermore, the statement shows charges for Parking, Rent, and Utilities summed into a number for "total current charges." Ms. Davis in fact pays just this one, lump sum number, to the Landlord, on the Rayette Apartments portal. Once the utilities, which were formerly paid by the landlord, are shifted to the tenants under the new lease, the tenants make no separate payments for utilities, and no payment to any third party, but simply a lump sum payment to the owner that includes rent, parking, and utilities which the owner formerly paid for. The Ordinance defines rent as "all monetary consideration charged or received by a Landlord concerning the use or occupancy of a Rental Unit pursuant to a Rental Agreement." The tenant's new utility payments are paid directly to the landlord in exactly the same way that rent is, as part of a lump sum payment in return for occupancy. In addition to a 3% rent increase, the Landlord seeks to require Ms. Wilhight and other tenants to pay for an operating expense which was, until current leases expired, paid by the Landlord out of the tenants' rent. And this payment, which will add an estimated \$130-\$150 per month, over the rent charged to Ms. Wilhight through August 2022, is a rent increase, under the Ordinance's definition, that is subject to, and dramatically exceeds, the 3% limit under the ordinance.

**Jack Cann, Attorney**  
1774 Portland Avenue • St. Paul, MN 55104 • 651-645-7378

*Dedicated to expanding and preserving the supply of affordable housing in Minnesota and nationwide*

Yours truly,

A handwritten signature in cursive script, appearing to read 'Jack Cann', with a long horizontal flourish extending to the right.

Jack Cann

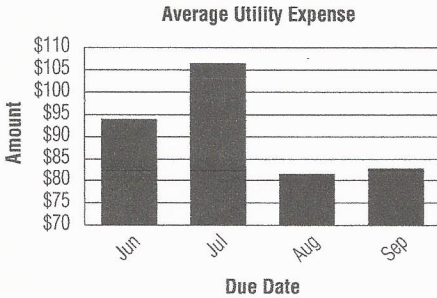


Balance Inquiries & Payment Options  
 Leasing Office: 1-612-225-9456

Customer Service  
 Chat Us: www.utilitiesinfo.com  
 Toll Free: 1-866-947-7379

Service Problems with Utilities  
 Leasing Office: 1-612-225-9456

Account #: [REDACTED]  
 Account Name: Sara Davis  
 Due Date: 09/01/2022  
 Statement Date: 08/17/2022  
 Total Charges: \$2655.77  
 Service Address: 261 5th St E # 501  
 Saint Paul, MN 55101  
 Web Pin: [REDACTED]



*Separate drying loads into heavy and lightweight items. The lightweight items take less time to dry, so the dryer doesn't have to run as long.*

**Utility Statement for Rayette Lofts**

**CURRENT RENT AND LEASE CHARGES**

SERVICE TYPE	SERVICE PERIOD	CHARGES
Parking	09/01/2022 - 09/30/2022	\$185.00
Rent	09/01/2022 - 09/30/2022	\$2,388.00
<b>Rent and Leasing Charges Due 09/01/2022</b>		<b>\$2,573.00</b>

**CURRENT UTILITY CHARGES**

SERVICE TYPE	SERVICE PERIOD	CHARGES
Gas	06/28/2022 - 07/27/2022	\$16.95
Sewer	06/28/2022 - 07/27/2022	\$18.84
Trash	06/28/2022 - 07/27/2022	\$26.54
Water	06/28/2022 - 07/27/2022	\$15.94
Service Fee	Conservice is a service provider contracted to prepare monthly statements and provide conservation resources.	\$4.50
<b>Current Charges due 09/01/2022</b>		<b>\$82.77</b>
<b>Total Current Charges</b>		<b>\$2,655.77</b>
Prior Balance as of 08/16/2022		\$0.00
<b>Grand Total Due 09/01/2022</b>		<b>\$2,655.77</b>

Please see reverse for charge explanations and messages



PO BOX 4717 LOGAN, UT 84323-4717  
 ry029

Account #..... 27433772 Rayette Lofts  
 Amount Due..... \$2655.77  
 Due Date..... 09/01/2022

This statement reflects the balance due as of the date of the statement date. Rayette Lofts reserves the right to correct billing errors and the resident is responsible for payment in full of the actual amount due. Additional charges may apply as the result of late payments or other applicable resident fees including those resulting from renewals or the addition of rentable items.

SARA DAVIS  
 261 5TH ST E # 501  
 SAINT PAUL, MN 55101

Your payment should be made out to:  
**Rayette Lofts**  
 261 5th St E  
 Saint Paul MN 55101

Service Type	Description
<b>Gas</b>	Gas service is provided by Xcel Energy. Service provider issues bill, amount is allocated to residents using a formula based on the unit's square footage.
<b>Rent</b>	Your rent charges have been included with your utility bill as a courtesy. Your lease with the management will still serve as the control document for all applicable rent charges.
<b>Sewer</b>	Sewer service is provided by Saint Paul Regional Water Services. Service provider issues bill, amount is allocated to residents using a multiplier based on the number of occupants in the unit. Your multiplier is 1.
<b>Trash</b>	Trash service is provided by AWS Service Center 3050 and Ramsey County MN. Service provider issues bill, amount is allocated equally by number of units.
<b>Water</b>	Water service is provided by Saint Paul Regional Water Services. Service provider issues bill, amount is allocated to residents using a multiplier based on the number of occupants in the unit. Your multiplier is 1.

***Multiplier - A value of 1 has been assigned to the first occupant; add a value of .6 for the second, and add a value of .3 for each additional occupant on the lease.***

***This bill is not from your local utility provider or from any other provider.***

## Message Center

### Put Waste in its Place

Do not use the toilet as an ashtray or wastebasket. Each unnecessary flush wastes up to 5 gallons.