



# City of Saint Paul

15 West Kellogg Blvd.  
Saint Paul, MN 55102

## Minutes - Final

### Legislative Hearings

**Marcia Moermond, Legislative Hearing Officer**  
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Tuesday, January 28, 2020

9:00 AM

Room 330 City Hall & Court House

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8      [SR 20-2](#)      Request additional extension to an Appeal of Anthony Cruz and Maria Baez o/b/o Alina Cruz to a Fire Inspection Correction Notice at 1818 FIFTH STREET EAST.

**Sponsors:**      Prince

*Grant extension to March 1, 2020 for completion of repairs, or property must be vacated. CPH February 12, 2020.*

*Marcelo Skapino, interpreter, appeared*  
*Alina Cruz, owner, appeared*  
*Gabrielle Mendez NeDA*  
*Anthony Suero, son of owner, appeared*  
*Maria Baez, sister of owner, appeared*

*Moermond: we left things last week where you were going to work on what was necessary to get financing for repairs with NeDA, also because their financing on depending on you being an owner occupant you were going to take steps to reclaim your house. I made a referral for you to talk to an attorney at SMRLS and I understand you went and did an intake with them to talk about qualifying, I heard this morning from Munier the attorney on your case, and I understand that you don't qualify financially for their services because you own the house and it is too large of an asset to get free legal services, is that what they told you?*

*Cruz (through interpreter): I don't remember, I have issues where I can't remember.*

*Moermond: Muneer also shared with me you said you weren't interested in filing an eviction of the folks living there currently, that wasn't the direction you wanted to go, you wanted to let them live there?*

*Cruz: yes.*

*Suero: we are going to get rid of them*

*Moermond: but the attorney said she said she didn't want to evict them.*

*Cruz: I didn't say that.*

*Moermond: ok, that's what the understanding was. If you want to go forward on your own that's fine. I think it might be—*

*Cruz: I want them to move out as quickly as possible.*

*Moermond: legally and enforcement wise lets lay out where the City is at with this property. The City was not seeing that the big repairs were being done, they were being left for a long period of time, Duane Carlson didn't repair the property, and because that wasn't done the City revoked the Certificate of Occupancy for the property and ordered it vacated.*

*Cruz: even if I as the owner want to live there?*

*Moermond: no, but you can't have renters without one.*

*Cruz: because he didn't have any place to go, he asked to stay in the house. Duane Carlson changed my address everything.*

*Moermond: where I'm going with this is that if you don't have a certificate, the City is going to order that people get moved out of there. I don't know that that's a bad thing. One of the problems we talked about last time was that it gave you deadlines for things to be taken care of, but didn't give a vacate date if things weren't repaired. I want to put a date on the record today.*

*Cruz: I understand that there's too much time, he said not to worry to me every time the City came. Every time he used to remove the walls in the basement and broke everything.*

*Moermond: Mr. Neis, lets say I put a recommendation in front of Council that gives to March 1 for the repairs to be completed or the certificate is revoked and the building vacated. What happens March 1 if the work isn't done?*

*Neis: if the order was to have everything in compliance by March 1 and it was not done, and the C of O had not been revoked, we would then take enforcement action and revoke the C of O, and require the building be vacated within 30 days typically. Which then is subject to appeal.*

*Moermond: right now we already have a revocation and they haven't granted an appeal on the revocation, they just gave extensions.*

*Neis: then where the C of O has already been revoked, if the work is not done by the deadline, our enforcement action would be to send it to vacant buildings to enforce the vacate.*

*Moermond: so vacant buildings would take responsibility for making sure the building was emptied?*

*Neis: yes that is correct.*

*Moermond: if the owner wanted to move in after that, would there be any impediment from the Fire C of O side? Would it be forwarded to Code Cnforcement?*

*Neis: so the step would then be for us to essentially transfer it to Vacant Buildings and depending on what category it was, the owner could have the option of moving back in, but any orders would be sent to code enforcement. For example, if it was Category 1, they could move right back in and let Vacant Buildings know and be reoccupied. If it's*

a Category 2 or 3, then they would have to let code enforcement in and make sure repairs were made before reinspection and re-occupancy.

Baez: will there be a cost for doing that Category 1 if she moves in? He said before it would be \$2,500 if the house was vacant.

Moermond: step by step, I am inclined to say right now the work has to be done by March 1 or the property vacated. That means on March 1, unless its done which it doesn't sound like it will be, it will go to Vacant Building. The very act of being in the Vacant Building program is an appealable order from the City, and that is some place we could discuss whether there would be a fee, whether it can be waived, level of repairs necessary, and we could consider that on its own in March after the property was emptied, about what it takes to get her to move back in. That is one path she can take. I think that's the path we're headed towards. She would need to file an appeal of the Vacant Building registration but it's a common discussion to be having. Will this way of approaching it work for NeDA Ms. Mendez?

Mendez: as long as she lives in the property, yes.

Moermond: the other way we could go that I'm struggling with is to say you could try and get the people evicted this month, whatever it is and move yourself back in, and it will never end up in the Vacant Building program if you move back in.

Baez: It is getting ugly. I called the Son, Elijah Carlson, and asked him if he could move out without us proceeding with court. He said I don't care, I'm not moving out. You guys lied about everything he said. He doesn't want to move.

Moermond: if our records had been clear to begin with it would have been vacated already, which makes me inclined to have a clear deadline to get it done and we can move onto the next step. Can we put this on for February 5, and ask them to give an extension to complete everything and if it isn't done that will be the vacate date for the property. If the Council agrees with that, Mr. Neis and his staff will make sure the door is placarded. What does that say?

Cruz: can you send a letter straight to him?

Moermond: right now the paperwork you filled out says Mr. Suero her Power of Attorney and responsible party. It will be with Ms. Cruz and Mr. Suero so any communication needs to be done by them. The legal thing we do is put the placard on the door.

Neis: after the public hearing and if the recommendation is upheld, then the next business day the inspector will hang a revocation placard on the building with a vacate date of March 1, 2020 to comply with all the repairs or vacate. On March 1, then our vacant building division will post placards indicating it's a registered vacant building and everyone must be out of the property and cannot live there.

Moermond: nothing in this action stops you from trying to remove the tenants before then. Mr. Suero do you understand? Do you have questions?

Suero: why do we have to deal with this when we did a favor for this person. I just want to go out and put them out by myself. Its not nice that we have to pay rent for that long, we don't make that kind of money.

Moermond: it is a lot. I will tell you the reason I chose the date I did is because this is

*an administrative way to empty the property. There's not something making it unsafe for humans to live there, like no water or gas, I'm not seeing that. I have a harder time with a closer deadline.*

*Suero: if it wasn't for that supervisor who came that day, he was going to move that day. Now we have to pay for this when he could have just not talked to him. Now we have to wait another two months. There's no way to put the vacate day tomorrow?*

*Moermond: the facts don't support that kind of a move. You can go to District Court and start an eviction action. This is up to you guys on how you want to pursue it. Nothing the City is doing stops you from taking other action. I don't have a lot of options here.*

*Suero: its about money.*

*Moermond: what is being done right now would take away her having to pay for an eviction, though if she wanted to she could tell the court she's too poor to pay and people do that all the time.*

*Baez: this is getting way too much. She hasn't even received any letters, because he's sending it back.*

*Moermond: Ms. Cruz will get the letters from our office and we can make sure they go both to Ms. Cruz and Mr. Suero, she didn't have the letters because she had signed paperwork saying Mr. Carlson was her representative for the property. That was a situation she created, she may have not understood, but that's the way that works. This would have been years ago.*

*Suero: what about other bills? How does she know what to pay? Everything that goes to the house he sends it back or throws it away.*

*Moermond: we have your address and hers from this point on. Mr. Neis, there should be time to have the orders translated too. They will go to the address on file for you, but you can trust your son is getting it as well. Reach out to my office with any question. I think this is the cleanest solution and doesn't take away your ability to act more quickly.*

*Baez: if he gets out before March 1, then you won't have to take the placard down?*

*Moermond: the placard came come down, she will need to reach out to Fire and let them know.*

*Medez: I want to give a copy of my paperwork, we can't move on until she is in the property.*

**Received and Filed**