



CITY OF SAINT PAUL
OFFICE OF THE CITY COUNCIL
310 CITY HALL
15 WEST KELLOGG BOULEVARD
SAINT PAUL, MN 55102-1615
Marcia Moermond, Legislative Hearing Officer
EMAIL: legislativehearings@ci.stpaul.mn.us
PHONE: (651) 266-8585 FAX: (651) 266-8574

May 31, 2019

Thomas Gilbertson
254 Maria Ave
St Paul MN 55106

VIA EMAIL: tommygilby@hotmail.com

Re: Appeal for Property at 254 Maria Avenue

Dear Mr. Gilbertson:

From my previous letter sent, Ms. Moermond has reviewed the record of the hearing and the Saint Paul Legislative Code as it pertains to this property. She has 2 key findings which lead her to a preliminary recommendation for the City Council. First, this property does not actually meet the definition of owner-occupied. The only information presented to document this property is a “principle residence” is the fact the property tax statement is directed to this address. It is not homesteaded. Additionally, the tenant communicated in a written statement that this is not your permanent address and she provided a copy of the lease showing rent checks are to be sent to your Wilmar address. This finding is different than her original assessment during the hearing on May 28th. The second finding is that there was insufficient evidence to demonstrate this property should be classified as a “rooming house,” as defined by the Saint Paul Legislative Code. The code specifies there must be more than 4 unrelated adults to meet that definition. In the hearing you indicated there were 4 at the property. It is not clear that these were 4 unrelated adults including yourself, or in addition to yourself.

Because of these findings, she is inclined to recommend that the Council deny your appeal. However, as these findings are different than anticipated in the conduct of your hearing, she would like to give you the opportunity to add information to the record. Please share any additional information no later than June 11th. I will schedule your case for a hearing on that day at 1:30 p.m., in Room 330 City Hall should you wish to further discuss the matter. If you simply wish to enter additional information into the record for consideration and not attend a hearing, she will review the information then and put her final recommendation into the record.

The relevant code sections are as follows:

Chapter 40. - Fire Certificate of Occupancy

...

Sec. 40.02. - Exception, certain residential dwelling units.



An owner-occupied single-family house, duplex, or condominium unit shall be exempted from the requirement to have and maintain a fire certificate of occupancy. "Owner-occupied" means the house, duplex or condominium dwelling unit for which the exemption is **claimed is the owner's principle residence**. For the purposes of this exception, "owner" means a natural person and does not include a corporation, partnership, or other entity.

Sec. 40.03. - Definitions.

Unless otherwise expressly stated, the following terms shall, for the purpose of this chapter, have the meanings indicated in this section.

...

Owner-occupied. Dwellings which are the **principal residence** of the owner of record of the building and in which the owner resides. "Owner," for the purposes of this definition, means a natural person and does not include a corporation, partnership, or other entity.

Chapter 321. - Rooming and Boardinghouses; Dormitories

Sec. 321.01. - Definitions.

For the purposes of this chapter, the terms defined in this section shall have the meanings ascribed to them by this section:

...

Dwelling unit. A building, or portion thereof, designed for occupancy by one **(1) family** for residential purposes used or intended to be used for living, sleeping and cooking or eating purposes.

Roominghouse. "Roominghouse" means any residential structure or dwelling unit, supervised or not, which provides living and sleeping arrangements for **more than four (4) unrelated individuals** for periods of one (1) week or longer, any residential structure or dwelling unit which provides single room occupancy (SRO) housing as defined in federal regulations (CFR 882.102) to more than four (4) unrelated individuals, or any building housing more than four (4) unrelated individuals which has any one (1) of the following characteristics shall be considered and regulated as a roominghouse:

- (1) Rental arrangements are by the rooming unit rather than the dwelling unit.
- (2) Rooming unit doors are equipped with outer door locks or chains which require different keys to gain entrance.
- (3) Kitchen facilities are provided for joint or common use by the occupants of more than one (1) rooming unit.
- (4) Rooming units are equipped with telephones having exclusive phone numbers.
- (5) Rooming units are equipped with individual intercom security devices.
- (6) Each rooming unit has a separate assigned mailbox or mailbox compartment for receipt of U.S. mail.

...

Sec. 321.02. - License required.

(a) No person shall operate any boardinghouse or roominghouse, whether supervised or not, as herein defined, in Saint Paul without a license. No license shall be required under this chapter for a college dormitory, fraternity or sorority house operated by a college or university in accordance with regulations promulgated by the school.

...

Sec. 321.05. - Regulations.

(a) *Applicable laws, rules and regulations.* No persons shall be granted a license nor shall any person operate a business licensed under this chapter that is not in compliance with all applicable laws, rules and regulations, including this chapter and Chapter 33, Building Code; Chapter 34, Minimum Housing Standards; Chapter 35, Safety to Life Requirements; Chapter 55, Fire Code; Chapter 60, Zoning Code; and Chapter 331A, Food. Also Minnesota Statutes Chapter 327 and Minnesota Rules 4625 as amended from time to time. For good cause shown, the department of safety and inspections may grant a variance from the equipment standards provided for in Chapter 331 A when ten (10) or fewer residents are served.

If you have any questions, please contact me at 651-266-8563.

Sincerely,

/s/

Mai Vang
City Council Offices

c: Matt Dornfeld
Fire Supervisors

Efrayn Franquiz
Meredith.bruster@gmail.com