



CITY OF SAINT PAUL  
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DATE: November 18, 2016

TO: City of Saint Paul Mayor and Council Members

FROM: Ricardo Cervantes-Director of the Department of Safety and Inspections (DSI)

SUBJECT: Chapter 34 of the Saint Paul Legislative Code (SPLC)

Rulings from the Supreme Court of Minnesota and the Minnesota Court of Appeals have determined that municipalities cannot require existing buildings to meet property maintenance/building code standards that were not in effect at the time the property was constructed (*Morris v. Sax Invs. Inc. 2008, Builders Assoc. of Minnesota v. City of Saint Paul 2012*). These court rulings were published in 2008 and 2012.

In response to these rulings, DSI inspection staff have adopted policies/practices to ensure that inspectors are only requiring property owners to correct deficiencies based upon the code requirements that were in place at the time the building was constructed. However, Chapter 34 of the SPLC has not been updated to reflect these court rulings or DSI practices.

The City Attorney's office, Legislative Hearing Officer's office, and DSI have partnered to develop the attached amendment to Chapter 34 of the SPLC to reflect those court rulings among other modifications. Specifically, the proposed amendment includes the following changes:

- Requires property owners to ensure their property meets code provisions that were in place only at the time of construction.
- Provides clarifying and consistent language throughout the chapter.
- Allows pre-existing driveways to be maintained as currently constructed (including gravel) unless they are expanded upon.

For additional questions, please contact me at 651-266-9101 or Deputy Director Travis Bistodeau at 651-266-1922.