

September 10, 2025

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Re: Response to Appellants Attorneys' Letter of September 8, 2025 – Rent Stabilization
Determination at 934 Ashland Avenue, 938 Ashland Avenue, and 942 Ashland Avenue

Dear Saint Paul Councilmembers:

We represent Judith Day, the owner of the above properties and the applicant for a rental increase at the above properties under the City's rent stabilization program. This letter is intended to respond and refute the key factual statements in correspondence from appellants attorneys, dated September 8, 2025. There are a number of erroneous statements that do not correctly reflect the current condition of the buildings and misrepresent the owner's intent to fully address any and all orders from the Department of Safety and Inspections (DSI).

Discussion

On page 1, in the table listing tenants and the approved rent increase, appellants attorneys list three tenants who have either moved or given notice of their intent to move. Specifically, Autumn Buell has moved out of Unit 10 and taken a new job out of state. She also texted Scott Day to state that his mother, Judith Day was a good landlord. Elanor Rowen has moved out of Unit 12. Kayla Simonson has given notice of her plan to move out of Unit 8 on October 31.

Perhaps the most egregious errors are in the deliberate misrepresentation of the state of the buildings. Over the last three months, my client has spent over \$70,000 to address repairs to the building. Still, the attorneys for the appellants have provided Councilmembers outdated photos showing mold, broken windows and water intrusion that have either been fully addressed or in the process of being repaired.

Here is a quick summary of actions that the owner has taken in the last 30 days and has either completed or will complete within the next 30 days:

- All smoke detectors checked and in working condition in all three buildings.
- Outside window sills on the front side all three buildings are repaired or in the final stages of repair

934 Ashland Avenue

- Hanging eave post replaced.
- Unit 1 Deadbolt replaced. Windows repaired.
- Unit 2 Windows repaired.
- Unit 3 Mostly painted, one room scheduled. Windows repaired. New Blinds. Plumbing work on tub/shower done. New faucet in kitchen.
- Unit 4 Windows repaired.
- Unit 5 Hardwood floor repaired. Gap on floor sealed. Gap along window sealed. Per City inspectors request, plumbing under sink replaced.

938 Ashland Avenue

- New boiler in the process of being installed.
- Stairway and balcony completely repaired. Masonry work on foundation (rear corner) done.
- Unit 6 Ceramic floor repaired. Windows repaired.
- Unit 7 Windows repaired. Plumbing repairs.

942 Ashland Avenue

- Stairway and balcony completely repaired.
- Laundry Room wall with mold removed, replaced, and painted. All Laundry machines are repaired and now in working order. Masonry work on cracked wall at rear of building done.
- Unit 8 Windows repaired. Broken window from vandalism incident ordered.
- Unit 9 Windows repaired.
- Unit 10 Windows repaired. Broken windows from vandalism incident ordered. New blinds.
- Unit 11 Windows repaired.
- Unit 12 Windows repaired. Plumbing leak stopped.

Let me be clear, the owner takes seriously the obligations to repair and maintain these buildings. The remaining orders are minor in nature and mostly involve paint and window replacement. However, it is not productive or fair to misrepresent the state of these buildings or the owner's diligence in addressing concerns as they are identified by tenants.

I will remind Councilmembers that the hearing officer noted, on page 3 of her report, that "Appellants confirmed that they had not shared information evidencing potential code violations with DSI." In fact, no such notices were provided to owner prior to the rent stabilization application. This is a fact in the record.

In addition, the hearing office noted, on page 3 of her report, "Mr. Torstle's [appellants' expert] testimony failed to show that the units were in violation of the warranty of habitability." She also noted that Mr. Trostle "is not credentialed as a housing inspector, mold, asbestos or lead abatement professional, structural engineer, certified fire inspector or certified building official."

DSI has since inspected the buildings and provided a list of orders for each building which are relatively minor and are in the process of being addressed. The most significant order regarding the stairway and balcony at 942 Ashland Avenue has been completely addressed by the repair and replacement of the stairway and balcony.

Conclusion

On behalf of the applicant, we completely reject the habitability claims made by the appellants and the defamatory characterizations of the owner. City staff approved the rent increase and was affirmed by the hearing officer. Not only has the owner been responsive to her tenants for more than 25 years, Mr. Day representing his mother, has responded to all reasonable tenant requests since he took over management of the properties.

The request for a rent increase is largely due to the lack of any significant increases within the subject period. Now that family members have taken on that responsibility for Judith Day, they need to stabilize the rent, make capital improvements to the building, and keep up with payment of ever increasing costs for taxes, maintenance, insurance, and utilities. It is notable that the focus of appellants' attorneys has been on creating a trail of minor deficiencies, rather than focusing on the economic findings that are required by the City Code.

Again, we ask you to accept the findings of the hearing officer, deny the pending appeals and approve the rent increase request of Judith Day.

Thank you.

Sincerely,



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Larkin Hoffman

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cc: Office of the Legislative Hearing Officer (via RentAppeals@ci.stpaul.mn.us)
Mr. Day (via email)