

Department of Neighborhood Housing and Property Improvement

Rules and Procedures

(August 1, 2002)

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I. Introduction

There are two main reasons for having written rules and procedures. First, to put everyone on notice as to what the rules are and what is expected for compliance. In other words, we want the public to follow the rules. Second, our goal is to have consistent application of the rules by our staff so the public knows what to expect if the rules are not followed. In other words, we want our housing code inspectors to follow these rules.

At the outset it must be noted that the Department of Neighborhood Housing and Property Improvement is responsible for all residential single family homes and duplexes, both for interior and exterior, but only the exterior of commercial property. The Department is not responsible for interior of commercial structures and is not responsible for interiors or exteriors of residential rental buildings containing 3 or more units. The latter is the responsibility of the Fire Department Certificate of Occupancy program.

Having said our goal is consistent application of these rules, it must be noted that it is not possible to have universal application of the housing code to every property, every day. We simply don't have enough inspectors or resources. If we issued a misdemeanor tag for every violation, every time, the court system would not be able to handle the volume.

This means there must be some discretion allowed our inspectors in applying these rules, to decide which cases to get to first, to decide which properties get the closest scrutiny, to sometimes attempt to achieve compliance in other ways than immediately issuing a work order or misdemeanor tag. Sometimes just a conversation with the property owner can achieve quick compliance.

In exercising this discretion, the Department of Neighborhood Housing and Property Improvement has established the following priorities:

1. Serious health and safety cases
2. Cleaning up "problem properties"
3. Garbage and nuisance violations
4. Falling down/dilapidated structures
5. Interior habitability has a higher priority than minor exterior violations
6. Structures with multiple violations get priority

These 6 priorities are not exhaustive, but reflect the type of cases we'll get to first and apply the highest scrutiny. By the end of the week we are usually able to get to all the other cases that have been called to our attention, such as fixing eaves, soffits, or repainting the porch.

Inherent in exercising this discretion, and in applying these priorities, it is not always possible to draw a bright line between where inspector discretion ends and consistent enforcement begins, but having a written set of rules, procedures and priorities is a good starting point. Please let me know your thoughts and comments.

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III Time Lines to Complete Work*

Large accumulation of rotting garbage**	0-24 hrs.
Hazardous waste **	0-24 hrs.
Anything deemed hazardous, potentially dangerous or a serious threat to the public health, welfare or safety**	0-24 hrs.
Drug Paraphernalia**	0-24 hrs.
Rotting animal carcass**	0-24 hrs.
Abandoned property accessible to children or conducive to illegal activity**	0-24 hrs.
A fallen tree or limb with potential of causing damage or harm**	0-24 hrs.
Structure that has collapsed or in threat of collapsing**	0-24 hrs.
Refrigerators, open containers, open holes, jagged pipes or something similar which could injure a child**	0-24 hrs.
Snow or ice on public sidewalks**	48 hours
Vehicles parked on unapproved surface (can only tag, not tow for this violation)	0-4 days
Open sewer connections, broken sewer pipes**	0-4 days
Accumulated dog or other animal feces**	4 days
Garbage violations**	4 days
Uncut tall grass and/or noxious weeds**	4 days
Unsecured, inoperable or dangerous vehicle**	4 days
Raw sewage**	4 days
Standing stagnant water**	4 days
Vermín or pest harborage and infestations**	4 days
Graffiti**	4 days
Discarded appliances which do not pose a hazard**	4 days
Improper storage on the roof of a building**	4 days
Rubbish/junk/yard waste/brush piles/overgrown bushes, trees, vines, etc**	4-7 days
Broken doors, windows, railings, etc. on the exterior	4-7 days
Vehicles not currently licensed **	7-10 days
Unapproved compost storage **	7-10 days
Unapproved storage or excessive storage of materials and goods**	7-10 days
Unapproved piles of firewood **	7-10 days
Deteriorated or dilapidated fences and accessory structures**	7-30 days
Unsound, deteriorated, dilapidated garages & outbuildings which are not hazardous**	7-30 days
Defective retaining walls, private sidewalks, walkways, stairs which are not hazardous**	7-30 days
Lack of approved ground cover	7-30 days
Interior work generally.	1-30 days
All other exterior work, such as eaves, roofs, soffits, painting (generally 7-30 days, but depending upon the season up to 180 days- if we give a long compliance period, in some cases there will be a mid-point reinspection to make sure progress is being made so no extension will be necessary.)	7-180 days

* These time lines were set with the following thoughts in mind. First, the law requires us to give the property owner a reasonable amount of time to complete the work depending upon the seriousness or danger of the situation. 72 hours, not including the day of inspection, is the minimum required by law, except when dangerous. Second, generally things that are due to the fault of the property owner (and should never have happened in the first place) are given a short compliance period, and things that are not due to the property owner's fault (such as damage caused by tenants or trespassers), or things that require a contractor to be hired, are given a longer compliance period. The time lines are also based on the nature and severity of the violation. Basic life-safety violations and nuisance violations are given the shortest time possible.

** This item can be subject to a summary abatement. A Summary Abatement is used for anything that constitutes a nuisance and is where the City can send a work crew out to do the work if the property owner does not complete the work within the time line. Generally, summary abatements are allowed for things that can be removed or eliminated, but not for improvements, such as painting, etc.

IV. A. When Do We Tag

A misdemeanor criminal tag can have serious penalties, up to \$1,000 fine and 90 days in jail. The St. Paul City Attorney and the Ramsey County District Court have agreed to treat our tags as serious offenses. In part V. there is a "Sanctions Schedule" that the Court will use in our cases.

It is important to remember that even though you may be given a certain amount of time to complete the work from an inspection, you can still be tagged for having the problem in the first place. The Judge may inquire if you have rectified the problem, but you still can be found guilty even though you cleaned it up.

Here are the situations when we will issue a misdemeanor tag:

1. When there is a prior history of code violations. If this is the second time we've had to write you a correction order within the past 2 years for the same or a similar problem, you will be tagged. If this is the third time we've had to write a correction order in the past 2 years, it doesn't matter if it's the same or a similar thing.
2. When there has been non-compliance with a correction order or when compliance is not likely and the problem constitutes a nuisance.
3. When the violation is serious or egregious and future such problems must be deterred.
4. When the subject property or another property of your's has been determined to be a "problem property", we will issue tags regardless of past history or compliance. A problem property can be defined as where there are both building maintenance issues and nuisance behavior issues.
5. When you are caught up in a "sweep". Every so often different neighborhoods will be flyered announcing that we will be doing a "sweep" in a few days. If you don't take care of the problems before we show up on "sweep" days, you will be tagged.
6. When your neighborhood is part of a community cleanup program and you ignore your neighbors request to voluntarily cleanup. (Good Neighbor Program, etc.)
7. Other specific situations that result in tags: we also issue tags for other violations of the city's legislative code, such as
 - a) occupancy of a condemned building and/or occupying a vacant registered building
 - b) allowing occupancy of a condemned building
 - c) failure to register residential rental buildings with 1 or 2 units
 - d) failure to post ownership notice
 - e) failure to pay the annual vacant building fee

IV. C. When Do We Give Extensions

An extension can be granted when there has been a good faith attempt to comply with the correction order, but circumstances beyond your control have kept you from completing the work. An extension may also be granted when you have made substantial progress on completing the work.

Common reasons for granting an extension include:

- (1) Inability to comply due to health reasons or other family emergencies and you have a reasonable alternative plan for getting the work done.
- (2) Inability to comply due to the weather.
- (3) You've hired a contractor but the contractor has had a delay. We may give a short reasonable extension for this reason upon verification from the contractor confirming the delay.
- (4) Inability to comply due to lack of financial resources. We may give a short reasonable extension for this reason but only upon a reasonable belief that your financial situation will improve in the near future and a written agreement between the violator and inspector. A tag will be issued if non compliant at the end of the extension.

Common reasons for not granting an extension:

- (1) severity of the violation.
- (2) initial time was ample.
- (3) length of time owner knew of the violation.
- (4) history of property.
- (5) the effect on other agencies.
- (6) unlikely owner will comply even with extension.

All extensions must be in writing and the reason for the extension must appear in the "Inspector's notes" section of the inspection report.

IV. D. When Do We Deviate From These Rules

We will rarely, if ever, deviate on these rules. Time line extensions are not considered a deviation; we will grant extensions in accordance with extensions policy. A deviation is not tagging when these rules indicate a tag should be issued or starting with a different time line than these rules indicate.

The reason for any deviation on the time lines must be entered in the “inspector’s notes” section of inspection report and reported to inspector’s supervisor.

We will occasionally deviate on when we tag and when we do summary abatements. Again, the reason for any deviation must be included in “inspector’s notes” and reported to supervisor.

If supervisory staff notice that we are having a significant amount of deviations, this may indicate that the rules need to be adjusted to reflect the circumstances of why we we’re deviating so much.