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AUDIO RECORDING
CITY OF SAINT PAUL, MINNESOTA
CITY COUNCIL MEETING
IN RE: APPEAL OF JAMES W. BUSH AND LINDA D. DEAR,
TENANTS, TO A RENT STABILIZATION
JANUARY 15, 2025
EXCERPTS - 2:03:56 - 2:29:40

TRANSCRIBED BY: MELISSA EICKEN

1 UNIDENTIFIED FEMALE: Legislative hearing
2 consent agenda Items 39 through 54 before you, for
3 your consideration.

4 COUNCIL PRESIDENT JALALI: All right. So
5 we are welcoming Ms. Moermond for the rest of our
6 agenda, number 39 to 54 to see which of these items
7 need to be taken separately for say.

8 Good evening, Ms. Moermond. I turn it over
9 to you.

10 MARCIA MOERMOND: There are two items that
11 I'm aware of that we need to pull for today. The
12 first is Item 39.

13 UNIDENTIFIED FEMALE: Item 39 is RLH RSA
14 24-12. Appeal of James W. Bush and Linda D. Dear,
15 tenants, to a rent stabilization determination at 1391
16 Hazelwood Street, Apartments 10 and 11.

17 COUNCIL PRESIDENT JALALI: All right. So
18 let's -- let's take a staff report first. Go ahead.

19 MARCIA MOERMOND: Council president,
20 council members, this was a rent increase application
21 made to the Department of Safety & Inspections seeking
22 an 8 percent increase with the self-certification.
23 What happens is, one goes online, fills out the basic
24 numbers, and it gets very brief staff review, and it
25 is approved, if that brief review comes -- you know,

1 matches what numbers it should be to come up with
2 that. When an appeal is filed, as happened in this
3 case, we ask for the full set of numbers, and that's
4 called the MNOI, the maintenance net operating income
5 worksheet, and that is a part of the -- the record
6 that is reviewed by staff individually, so not unlike
7 a staff determination.

8 When staff reviewed it, they said, well,
9 this is an ask for 8 percent, but if we were to treat
10 it like a staff determination, they would qualify for
11 a little over 9 percent. That wasn't asked for.
12 That's not what's going to go out. What was asked for
13 was 8. I -- I worked with staff. I reviewed the
14 numbers, and the application for the rent increase,
15 and it is my recommendation that the council allow up
16 to an 8 percent rent increase.

17 **A couple of notes for your background.**
18 **First, this is a -- an application that was made not**
19 **all that long ago. The thing is, is it would apply to**
20 **the next lease. This isn't going inside an existing**
21 **lease. There's some back and forth in the**
22 **attachments, in the minutes, where there isn't clarity**
23 **on that point. The most recent lease which for one of**
24 **the appellants was executed at the beginning of August**
25 **included a 3 percent rent increase which is allowable**

1 without going through the city and included a -- an
2 increase for the garage parking. What is in front of
3 you is that -- and there's some discussion in the
4 hearing, like should those have come through
5 separately? Or is that really something that should
6 come through together? And it is my recommendation
7 that those things be considered together. What I have
8 in the letter that's attached to your record, we have
9 a revised letter dated January 7th. That does include
10 estimates on what the current rent is and what the
11 parking is. There's some estimates that came back
12 from the appellant with different numbers. I look at
13 them again and learn from the landlord that the rent
14 increase went into effect for the garage space on
15 August 1st, so we have a different set of starting
16 numbers to tell you the truth. The numbers are great
17 to know, and they give context, and what they really
18 tell us at the bottom line, the way I look at it is,
19 these are extremely affordable apartments. You know,
20 this is -- when I calculated it out, affordable at 30
21 to 35 percent regional median income. So I think
22 that -- that is kind of the mark that I would use in
23 just evaluating it.

24 Again, what is in your resolution allows
25 for the 8 percent increase, and that is inclusive of

1 all housing services including parking, so. What is
2 set forward as two different documents are counted
3 together when the rent increase's calculated. But
4 there was a question that came up if -- if an
5 8 percent rent increase is allowed, does this change
6 my 3 percent lease? It does not. That is a lease
7 that has been signed. It's in place and unless the
8 tenant and landlord agree to something else, that is
9 the lease. This action that you would take today says
10 that the next lease would allow up to an 8 percent
11 rent increase, and in this case, it would be the lease
12 that comes forward in August. So that is a difference
13 that you should be aware of also.

14 The property owner is still here. Yes.
15 They are here, and I do believe we have one of the
16 tenants, two -- maybe two tenants, yes, here to
17 testify as well. I would add that this is a request
18 that the landlord made. She is intending to sell this
19 holding, and I believe one or two other holdings that
20 she has. She has similar buildings in the
21 neighborhood, two others I believe, and she is doing
22 this because she is long -- long past what other
23 people have as their retirement age, and she wants to
24 hang up her whole -- you know, her spurs and move on
25 to the next chapter in her life, so.

1 The tenants also -- one at least had
2 complaints about some housing quality issues. What I
3 would note is that the fire certificate of occupancy
4 which was conducted most recently in April of '23 gave
5 it a class A rating. And, so the -- the information I
6 saw does not indicate that there should be any change.
7 Some complaints were filed the week prior to the
8 hearing by certified mail, and I don't believe those
9 have been investigated. I think that those need
10 separate investigation. One had to do with low heat,
11 and there wasn't in the photos that are in your
12 record, I think, adequate documentation to make a
13 finding that those temperatures were taken where they
14 should be taken if you're -- of a fire inspector
15 checking it. And honestly, I -- I'm not that fire
16 inspector to make that finding, and the council isn't
17 in that place either. That's something that would
18 need to be taken into account separately given the
19 class A rating. I think that is adequate to say this
20 building is in good shape and has been in good shape
21 for a while.

22 I -- the last note that I would make is
23 that there was a comment in some of the correspondence
24 that the letter that talks about the background, the
25 letter I generated on January 7th, has numbers in it

1 to clear up what those changes would be, and I
2 specifically put that in there. I don't normally do
3 that, but to illustrate how the parking and the rent
4 would be combined together to come up with an
5 8 percent addition. The concern on the part of the
6 appellant was that the council would be adopting those
7 specific numbers by reference when adopting this
8 resolution, and the resolution in no way, shape or
9 form references the documents that are attached to it.
10 Those are attachments and for information purposes as
11 you consider the matter in front of you. This is not
12 like a zoning map that's attached to a zoning
13 ordinance, for example, where you are attach -- you
14 know, you are voting on that by reference. This is
15 not that situation. If you have any questions, I'm
16 happy to answer them now or after testimony.

17 COUNCIL PRESIDENT JALALI: Any questions
18 for Ms. Moermond? So one question I have right now
19 for you, just generally, about what the ordinance says
20 is that it's my understanding -- I guess, I just tried
21 to reread it. I'm literally in the rent stable -- I'm
22 in the ordinance right now. I'm reading that thing.
23 So I thought that housing services is defined as and
24 there's a number of things in it and within it, it
25 does have vehicle parking spaces. So it is captured

1 definitionally. Rent is defined as this is how much
2 your rent is. That is defined in a lease. Rent is
3 rent. And I remember when we adopted those
4 definitions, it was important so that we could ensure
5 that it was really clear that every expense that a
6 landlord is charging is made visible whether that is,
7 you know, utilities or other services or parking and
8 that those are separate from rent, so.

9 My question is, if they're separated in the
10 ordinance, why are they able to be combined in the
11 exception process? Is that -- does that question make
12 sense?

13 MARCIA MOERMOND: Yeah, it does. Two
14 things. One is that when housing services is defined
15 in the ordinance, it does include parking, vehicle
16 parking spaces, as a part of it. So that is of a
17 piece with that. I think this case, in particular, is
18 complicated because the rented space is a garage
19 rental. It is not cost that's associated with the
20 parking lot. A tenant would choose to rent the
21 garage, and I would say that might be in a fashion
22 like one would pay a pet deposit, if one were having a
23 pet in the apartment, and I think that, that was the
24 understanding people were operating with. You got
25 free parking over here. But if you want garage

1 parking, then there's this extra amount. That parking
2 has been a part of what the tenants have had forever,
3 many, many years. I would say that the reading of the
4 ordinance in my slew is not clear that it
5 differentiates between a parking lot and a garage, so.
6 I would say call -- make that ambiguity called on
7 behalf of the tenant include that in the calculation,
8 so that -- that is where I'm coming from with the
9 recommendation.

10 COUNCIL PRESIDENT JALALI: Yeah. I --

11 MARCIA MOERMOND: Does that answer your
12 question, I'm sorry?

13 COUNCIL PRESIDENT JALALI: I -- I am -- I
14 lost it in the code that I'm looking at, but in the
15 housing services definitions, it says vehicle parking
16 spaces and --

17 MARCIA MOERMOND: Yes.

18 COUNCIL PRESIDENT JALALI: I read that as a
19 reasonable person to --

20 MARCIA MOERMOND: Yep.

21 COUNCIL PRESIDENT JALALI: -- to be the
22 space is the space. And, so I understand in the real
23 world that creates different things, so I'm just -- I
24 am still hearing this case. I'm learning all this in
25 realtime, so I'm simply thinking out loud with you.

1 MARCIA MOERMOND: Yeah.

2 COUNCIL PRESIDENT JALALI: I want to make
3 sure we can do our public hearing, and I also want to
4 make sure that at least for my own understanding with
5 the ordinance and the changes that we added to it that
6 I am grounded in that.

7 So with that, are there any other questions
8 for Ms. Moermond right now? Okay. So we are going to
9 move to the public hearing portion, and I believe each
10 part -- party who wants to give input on this gets two
11 minutes, so let's go to the public hearing. This is a
12 public hearing for Item Number 39, and if you'd like
13 to testify on this item, we welcome you to come give
14 your public comment.

15 All right. Welcome. Come on up, and
16 you're here for number 39? Okay. Great. And if you
17 could also just -- you'll stand between the two
18 microphones. Let us know your name, and then your
19 connection to the situation, and then we welcome your
20 input and feedback for two minutes. Go ahead.

21 JAMES BUSH: May it please the council. My
22 name is Jim Bush. I am a tenant at 1391 Hazelwood
23 Street, and I've been there for 23 years. When I
24 first rented the apartment, it was combined discussion
25 negotiation for a garage space and the apartment and

1 it's -- and they were both contained in the lease that
2 started my tenancy. The security deposit isn't broken
3 out. It covers both. And for the last nearly quarter
4 century, I've been paying one check for the combined
5 rent for the apartment and the garage. The housing
6 services ordinance is really strong. It starts by
7 saying includes but not limited to, and then provides
8 18 examples, one of which is vehicle parking space.
9 And if that wasn't sufficient, the ordinance goes
10 further to state, any other benefit privilege or
11 facility connected with the use or occupancy of any
12 rental unit. Frankly, I would not be -- so there's
13 three -- recommendation letter, and that is, one, the
14 August 1st -- the August 1st rent increase had a
15 3 percent rent -- rent increase for the garage. Our
16 argument is that they should be combined before the
17 3 percent was -- was applied. And indeed, we've been
18 paying the excess ever since. We suggest -- ask the
19 council to reimburse us for the excess charge since
20 we've been paying.

21 Secondly, the recommendation letter also
22 indicates that without rationale or explanation, a \$25
23 increase or 33 percent increase on the garage while
24 adding it in the new example that she provides in the
25 recommendation letter. That's -- that is a -- a

1 problem because it essentially ratifies the earlier
2 wrongdoing.

3 COUNCIL PRESIDENT JALALI: All right.

4 JAMES BUSH: I see my time is up, but I'd
5 like to comment further, but if not, I understand.

6 COUNCIL PRESIDENT JALALI: Do we -- do
7 people get five minutes or two?

8 UNIDENTIFIED FEMALE: Two.

9 COUNCIL PRESIDENT JALALI: Two. Okay. All
10 right. So it sounds like your ask is -- can you just
11 restate your ask in one sentence? I want to make sure
12 we get that for the record.

13 JAMES BUSH: I'm sorry, I did not hear
14 that.

15 COUNCIL PRESIDENT JALALI: Could you
16 restate what your request is in one sentence? I heard
17 you say you want them separated, not combined. Can
18 you just say that one more time?

19 JAMES BUSH: Sure. I believe that the \$25
20 increase imposed by the hearing officer for the garage
21 before -- is -- should be stricken. And it really
22 should be 8 percent on both the apartment and the
23 garage together.

24 COUNCIL PRESIDENT JALALI: I understand.

25 JAMES BUSH: It's like this. I can provide

1 a real quick example.

2 COUNCIL PRESIDENT JALALI: I actually can't
3 because I want to enforce the public hearing fairly.

4 JAMES BUSH: Okay.

5 COUNCIL PRESIDENT JALALI: I did -- I just
6 wanted to make sure I understood your request, and
7 could you make sure that you sign in so that we can
8 capture that, too?

9 JAMES BUSH: All right. Thank you.

10 COUNCIL PRESIDENT JALALI: I really
11 appreciate your time and thank you for clarifying.

12 JAMES BUSH: Thank you.

13 COUNCIL PRESIDENT JALALI: Okay. We are
14 here to take our next comment on this, and so welcome
15 to the public hearing. Thank you for being hear.

16 LINDA DEAR: Thank you. My name is Linda
17 Dear. I live across the hall from Jim, and when we
18 went to the first hearing, my impression was that it
19 would be combined, 3 percent from when it was raised
20 August 1st, and an additional 5 percent increase in
21 the rent to equal the 8 percent, not two separate
22 3 percent and additional 8 percent for 11 percent
23 total in the rent.

24 Yes, the garage did go up 33 percent, and
25 if the garage is allowed to go up an additional

1 33 percent, in less than a year's time, that means our
2 rent will be increased 77 percent in a year. This is
3 how I'm looking at it. 33 percent twice on a garage,
4 and another 8 percent, 11 percent increase in rent.
5 To me, that's equaling 77 percent in one year.

6 COUNCIL PRESIDENT JALALI: So -- so you
7 still have about a minute, but. What is your request
8 to the council today? What would you like us to do?

9 LINDA DEAR: That was a point that I wanted
10 to make, not that it was 3 percent and 5 percent to
11 equal the 8 percent for the combined. Just that it
12 was going to be 11 percent -- 8 percent and the
13 additional 3 percent.

14 COUNCIL PRESIDENT JALALI: So...

15 LINDA DEAR: Thank you.

16 COUNCIL PRESIDENT JALALI: So you simply
17 want us -- you just wanted to bring that to our
18 attention? Okay. Thank you. All right.

19 LINDA DEAR: Thank you.

20 COUNCIL PRESIDENT JALALI: Thank you. And
21 make sure you sign in. I appreciate it. All right.
22 We are still on the public hearing for this item, so
23 is there anything else -- are any other members of the
24 public who want to comment?

25 JENNIFER BROWN: (Inaudible).

1 COUNCIL PRESIDENT JALALI: Yeah. Welcome.
2 Come on up. All right. Welcome. And we appreciate
3 you being here. You can just stand right there
4 between the two mics like you are.

5 JENNIFER BROWN: Okay.

6 COUNCIL PRESIDENT JALALI: And it'll pick
7 up your sound, and then just let us know your name
8 and --

9 JENNIFER BROWN: All right.

10 COUNCIL PRESIDENT JALALI: -- where you're
11 coming from today, and you'll have two minutes, if we
12 could restart the timer.

13 JENNIFER BROWN: Okay. Hi. My name is
14 Jennifer Brown. I'm Penelope Brown's mother.

15 COUNCIL PRESIDENT JALALI: You know what?
16 Do you mind if -- I just want to make sure you get
17 your time.

18 JENNIFER BROWN: Oh.

19 COUNCIL PRESIDENT JALALI: So let's make
20 sure the clock is with you, and then -- sorry about
21 that. Go ahead.

22 JENNIFER BROWN: Do I touch it?

23 COUNCIL PRESIDENT JALALI: She's got it for
24 you, but it wasn't fixed. So now you can go. Go
25 ahead. Sorry about that.

1 JENNIFER BROWN: That's okay. My name is
2 Jennifer Brown. And I'm Penelope Brown's daughter.
3 And, so I do all of the maintenance at all of our
4 buildings, and I've done it for about 24 years now,
5 and I just wanted to say how much I love my job, how
6 much I'm dedicated to my job. I've learned every
7 aspect I could from like appliances to woodworking to
8 boilers to -- I mean, you name it, I learned it
9 because I wanted to pass those savings on to the
10 tenants and that was our goal. Our whole goal is to
11 be a servant to mankind to help people have beautiful
12 homes, things they can be proud of.

13 So I spent the last 23, roughly 24 years,
14 restoring these buildings, apartment by apartment, and
15 they're very beautiful. I brought pictures that I
16 have going back years of every turn that I've ever
17 done. I -- I brought -- I went the day -- I was so
18 concerned about his heating, when I was having surgery
19 on the 12th, so I couldn't be here with my mother, but
20 I was so concerned about his heating that I -- after
21 my operation, I went there the very next today, which
22 I brought -- I went and took pictures of the heating
23 because I can't allow the pipes to freeze in the
24 building. That would cause great destruction that I
25 just would never want to happen to this building. But

1 I just (inaudible) my body is giving out. My mother
2 is 81 years old, and it's just sometimes you want to
3 know that the next people can take care of these
4 people that -- that if I have to hire somebody, that I
5 can hire somebody. I'm carrying this load by myself
6 with my best friend and -- and we work so diligently,
7 and we want nothing but the best for our tenants. We
8 do. We have class A ratings at all of our buildings.
9 We've been 18 percent under market value for as long
10 as we could, and we thought we'd ask for help. We
11 can't know this inflation was going to happen. We had
12 somebody drive through our building.

13 COUNCIL PRESIDENT JALALI: Can I just --
14 ma'am, I want to make sure I capture what you want us
15 to do.

16 JENNIFER BROWN: Okay.

17 COUNCIL PRESIDENT JALALI: So since you are
18 at your time could you tell us what you want us to do,
19 just --

20 JENNIFER BROWN: I just want you to know
21 that we care about them, and we want the best for
22 helping us. We desperately needed it. We're at that
23 point. We needed to ask for help, so.

24 COUNCIL PRESIDENT JALALI: I understand.
25 All right. Thank you so much. I appreciate that

1 and --

2 JENNIFER BROWN: Thank you all.

3 COUNCIL PRESIDENT JALALI: And if you could
4 just sign in, we really appreciate you being here and
5 give your public comment.

6 JENNIFER BROWN: Yeah. So thank you.

7 COUNCIL PRESIDENT JALALI: So we are still
8 in our public hearing for number 39. Is there anyone
9 else here to speak to this item? Looking around. So
10 if not, I'll take a motion from Ms. Yang to close
11 public hearing. All in favor say aye.

12 (All said aye.)

13 COUNCIL PRESIDENT JALALI: Any opposed?
14 Okay. Let's go first to Ms. Yang for direction, and
15 then I did see members have some questions. So let's
16 start with Ms. Yang. Go ahead.

17 COUNCIL MEMBER YANG: Thank you. Well, I
18 first just want to say that I am not prepared to make
19 a decision today on this, so I'm interested in laying
20 this over to next week. I do have a question for
21 Marcia, though. I see her in the -- the letter
22 from -- for the key points from the appellants that
23 they wrote here that the appellants are asking that
24 the city council to order that the rent for
25 appellants' garage, vehicle parking space, be combined

1 with the rent of the rental units before application
2 of the maximum rent percentage allowed. So can you
3 just clarify for us? Is that something that this city
4 council can determine at all? Like, can we -- can we
5 deter from your recommendation at all? You explained
6 your decision making. And, so I'm trying to
7 understand like, basically, what we, as a council, are
8 able to do when it comes to the ordinance.

9 MARCIA MOERMOND: I was hearing two
10 different things. But they were being conflated.
11 First is a complaint about the rent increase and
12 garage space that was the -- effectively discussed
13 August 1st. And saying that, that was not in
14 compliance with the city ordinance.

15 The second thing I heard was discussing
16 what comes forward for August 4th -- 1st of '25, and
17 this would be setting a maximum amount that would be
18 allowable as a percentage for 2025. It is that
19 decision that's in front of you today, going backwards
20 in time to discuss the garage and the rent and
21 decisions that were made in August. If they are in
22 violation of the city's rent stabilization ordinance,
23 that is appropriately investigated by the Department
24 of Safety & Inspections should that be requested, but
25 that isn't something that's in front of the city

1 council today to deal with. The language specifically
2 in the ordinance also is that legislative hearing
3 officer recommends denial of the appeal allowing an
4 8 percent increase in rent inclusive of parking as a
5 housing service, so. Those are -- I believe that
6 language says count them together, so.

7 COUNCIL PRESIDENT JALALI: All right. Any
8 other questions for Ms. Moermond right now? Go ahead,
9 Ms. Johnson.

10 COUNCIL MEMBER JOHNSON: Yeah. I just have
11 a quick clarifying question, Ms. Moermond. Okay. So
12 the recommendation from the legislative hearing
13 officer is to allow the -- is to deny the appeal
14 because the decision at hand was 8 percent of a rental
15 increase inclusive of parking; is that correct? Kind
16 of what I'm hearing you say as well per the ordinance
17 that, like, it was inclusive of parking because I
18 think one of the questions that I heard was, is that
19 included, like, is the parking fee, and as well as so
20 the increase and all that, there's a lot of different
21 percentage points, but I think overall, it's that --
22 from this previous lease to the next one is, there's
23 an 8 percent increase inclusive of whatever increases
24 would be made to the parking.

25 MARCIA MOERMOND: I can definitely --

1 about -- for example, if the -- and this is not -- if
2 the tenants' rent is \$750 --

3 COUNCIL MEMBER JOHNSON: Uh-huh.

4 MARCIA MOERMOND: -- and the parking is
5 \$100, we have 850 as the current rent, the current
6 base of housing services. The 8 percent increase
7 would be applied to that amount of money. So that is
8 the total. And that would -- boy, off the top of my
9 head, I can't do that.

10 COUNCIL MEMBER JOHNSON: Sure. From the
11 750.

12 MARCIA MOERMOND: Exactly. 750 plus the
13 parking at 100, 850, and then to get the accurate
14 percentage, you multiply it by 1.08, so. Yeah.

15 COUNCIL MEMBER JOHNSON: Okay.

16 COUNCIL PRESIDENT JALALI: All right. Any
17 other questions for Ms. Moermond right now?

18 Okay. So Ms. Yang, it sounds like you
19 would like to consider a layover. Do you have a
20 opinion or desire amount of time to lay this matter
21 over?

22 COUNCIL MEMBER YANG: We can lay it over to
23 next week.

24 COUNCIL PRESIDENT JALALI: Okay. So you
25 just want a week?

1 COUNCIL MEMBER YANG: Yeah.

2 COUNCIL PRESIDENT JALALI: Okay. All
3 right. So a motion for Ms. Yang to lay this matter
4 over for one week. I would support that. I think
5 there are some unique facts to this situation that
6 would give us all time to really absorb, and also, for
7 our councilwoman's ward who this is happening in to
8 really dig into those details, so.

9 With that motion for Ms. Yang to lay this
10 over for one week, all in favor say aye.

11 (All said aye.)

12 COUNCIL PRESIDENT JALALI: Any opposed?

13 UNIDENTIFIED FEMALE: Seven in favor, no
14 one opposed. The resolution is laid over to January
15 22nd.

16 (Audio ended.)

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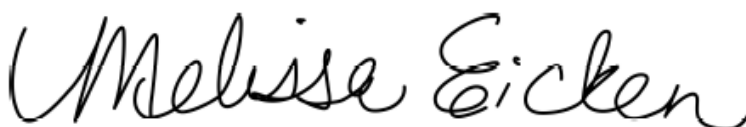
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1 CERTIFICATE OF REPORTER

2
3 I, Melissa J. Eicken, Certified Court
4 Reporter of Missouri, Certified Shorthand Reporter of
5 Illinois and Registered Professional Reporter, do
6 hereby certify that I was asked to prepare a
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8 case, which proceedings were held with no court
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11 I further certify that the foregoing pages
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19 Melissa J. Eicken, CCR, CSR, RPR
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21
22
23

24 Date: 04/24/25
25

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