

LEGAL AID SOCIETY OF MINNEAPOLIS

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May 5, 2004

Dan Niziolek
350 South Fifth Street
Room 307
Minneapolis MN 55415

Re: Fire Department / Housing Inspections:

Dear Council Member Niziolek:

We and other agencies that work with renters remain concerned about short and long-term issues with the use of the Fire Department for complaint-based housing inspections. The information provided by Chief Forte in his letter to you of April 23 is helpful, but it does not allay our concerns.

Inadequate Staffing

We are still puzzled that the City moved responsibility for buildings with four or more units to the Fire Department in January of this year, when Fire was clearly not close to ready. According to Chief Forte's letter, they hope to make two new hires in May and have their staff of 124 Chiefs and Captains trained by the end of July. In the meantime, they have been making do with a staff of one! One person doing the work of 126 is not a viable plan.

Legal Violation

State law is explicit. "If requested by a residential tenant . . . an inspection **shall** be made by the local authority charged with enforcing a code claimed to be violated." Minn. Stat. 504B.185 (emphasis added). In his letter of April 23, Chief Forte acknowledges that "[t]he statute requires an inspection when a tenant lodges a code violation complaint." Unfortunately, he goes on to say that "[d]epending on the nature of the complaint, an inspector may respond with a letter or telephone call to the landlord." The law does not allow that option; it very simply requires an inspection. Setting up a triage system certainly makes sense if you only have one inspector doing the work of 126; but it does not satisfy the law. Only adequate staffing will bring the City back into compliance with the law.

Examples of Problems

Compliance with the law is not an empty formality; it makes a big difference in successful code enforcement and in the vindication of renters' rights to habitable apartments.

- One renter told us she called with water pouring from the ceiling, a light fixture that had fallen down, and no smoke detectors and was told "we don't come out for things like that."
- Another renter told us she called with repair problems and was advised to write her landlord a letter and call back if that didn't work.

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made and the City is slated to condemn the property the next day. An owner may receive an order and have a question for the person who inspected and wrote it. More generally, complaint-based inspections are a much more difficult, controversial, and personality-dependent type of inspection. It makes much more sense to have Housing Inspectors, whose sole job and expertise is in housing inspections, to handle these more difficult cases. The new system sets all the parties up for frustration, conflict and inefficiency.

The Solution

We believe that the solution to these legal and practical problems is simple. Responsibility for complaint-based inspections should revert to Housing Inspections. Perhaps, eventually, Fire could take on all rental licensing inspections – for smaller and larger buildings. They should start, however, with responsibility only for the licensing inspections of larger buildings, until they have demonstrated a capacity to do more. Obviously, this means that Housing Inspections may need to shift some of its functions, such as licensing inspections, to a lower priority to pick up the complaint-based work again. But, if we are to be sending inspectors into buildings, it certainly makes more sense to send them into buildings about which a renter has complained before sending them into buildings about which no one has complained. Even if the City wants to proceed with Fire handling complaint-based inspections in the long-term, the law and common sense require that Housing Inspections handle them until Fire completes its hiring and training process.

We would like to meet with you and representatives from Fire and Regulatory Services as soon as possible to work out a solution. Thank you.

Sincerely,



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Public Policy Advocate

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cc: PS&RS Committee, Rocco Forte, Dave Dewall, JoAnn Velde, R.T. Rybak