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Dakota County housing court coming to an end

Property citations to be handled differently

By Nick Ferraro

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After a six-year run, Dakota County is throwing out its community court.

The court is an alternative to criminal court for residents of South St. Paul, West St. Paul and Inver Grove Heights who have been cited for housing violations — such as dilapidated roofs, foundations or garages; peeling paint; stored junk cars or unkempt property.

The start of a new county drug court in September means something had to give, said Dakota County District Judge Leslie Metzen, who started the community court in 2002.

"It probably would have continued on if I had been willing to do it," said Metzen, who will preside over the drug court, which will provide intensive supervision for repeat offenders. "But I think it was valuable, and I'm glad we gave it a try."

Community court is held once a month, usually from March to October, at the Northern Service Center in West St. Paul. The last court calendar is scheduled for Oct. 1.

As a replacement for the court, South St. Paul and West St. Paul officials are considering an administrative citation process with hearings, said Kori Land, who represents both cities as city attorney.

Community court has been unique to the Twin Cities, Metzen said, adding that the next closest thing is Hennepin County Housing Court, which handles cases involving landlord and tenant disputes.

"I think it's been a different kind of court experience," she said. "It's a little more back and forth, give and take, with individuals than you

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would normally see in a court proceeding."

An important part of the court has been judicial monitoring, Land said, adding that Metzen stays involved with the progress of resolving the offenses and reviews compliance of offenders.

"The goal of this is to solve the problem," Metzen said. "It's not the traditional 'You did wrong and committed an offense so you've got some payback

of a fine, community service, jail sentence or whatever it is.' "

In community court, Metzen usually gives the accused property owner two options, Land said.

The first is to plead guilty, agree to fix the problem by a deadline and pay a \$50 fine to cover court costs. If the fine is paid and the problem is resolved on time, the guilty plea will not be accepted and the case is dismissed.

The second is to plead not guilty, setting the stage for a trial and a much stiffer fine — up to \$1,000 — if the person is found guilty of not making the

necessary repairs.

According to the most recent available statistics, community court handled 318 cases between 2002 and 2005, with 70 being dismissed and 214 — or 67 percent — ending in compliance.

Homeowners ordered to appear before Metzen have been cited by city inspectors — often repeatedly, sometimes more than a year earlier. And by the time they get to court, they're not happy, Metzen said.

"They've been harassing me since I bought the place," a South St. Paul man said to Metzen on Aug. 6 while appearing before the judge for keeping too many cars outside his Southview Boulevard house.

In another case, an elderly South St. Paul woman was before Metzen for failing to remove a stack of pallets from her back yard. "What do you people want, my blood?" the woman asked Metzen just before accepting an offer to get rid of the pallets within two weeks.

Metzen said she sent someone to jail just once. The 2005 case involved an 88-year-old South St. Paul man who was sentenced to 30 days in jail after missing several court dates.

"I've been a judge for I think 22 years, and the most publicity I ever received was from a community court case," she said. "I led the 6 and 10 p.m. news for about three days running."

Robert George Schulze got into hot water with the city over code violations that included the rickety condition of a back porch, rips in a back screen door and stacks of lumber in the back yard.

His story led to an outpouring of support from the community, with dozens gathering to help clear his yard. He served just four days in jail.

"Maybe some people would think that was kind of harsh, but the law applies to all of us — young and old — and I didn't see that there was any good reason not to comply other than he was just kind of stubborn," Metzen said.

The proposed administrative citations for South St. Paul and West St. Paul would allow housing violations to continue to be addressed in a civil process rather than criminal court, Land said.

Ideally, the process would be speedier than criminal court because specific timeframes would be set for cases that are contested, she said.

Several letters would be sent to residents before a citation was issued and offenders could request a hearing — led by an independent arbitrator — to challenge it.

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