

SPECIAL CITY COUNCIL WORK SESSION
July 20, 2021
After the City Council Meeting that takes place at 7pm
In-Person at Robbinsdale City Hall
4100 Lakeview Avenue North

A G E N D A

1. CITY COUNCIL WORK SESSION CALLED TO ORDER BY MAYOR PRO TEM
2. ROLL CALL: Kline, Webb, Selman, Backen, Mayor Blonigan
3. Continued Discussion: Council Chambers/Deps Wall Shift
4. Continued Discussion: Crime Free Housing Moratorium Study
5. ADJOURNMENT



City of Robbinsdale

MEMORANDUM

To: Mayor and Council Members
Date: July 20, 2021
Re: Council Chambers/Deputy Registrar Project

Overview:

In the 2021 Capital Improvement plan the City budgeted \$495,000 for the Council Chamber and Deputy Registrar renovations. Of that \$420,000 is from the Cable Grant fund and those funds are restricted to be only spent on Council Chamber upgrades. The other \$75,000 was set aside when the Deputy Registrar received a grant from the State for the MNLARS software.

This project will update all the audio/video equipment and add drywall to the bricks behind the Council dais for better sound and video quality. The project will also add lobby and counter space to the Deputy Registrar. The Deputy Registrar is seeing an up tick in transactions for motor vehicle and passports will be soon to follow as the world begins to return to a pre-covid19 normalcy.

The intent of an additional position would be to handle passport applications and pictures. A rough calculation by the Deputy Registrar Manager estimates in a year this position would produce \$151,000 of revenue. The wages and benefits for this position would be around \$60,000. Therefore, the Deputy Registrar would pay back the use of the grant received from the State in less than 1 year.

Continued Discussion – Crime Free/Drug Free – Excessive Nuisance Eviction Moratorium

The packet includes the following:

- Information from 7.13.21 work session
- City Attorney Memo- Review of Crime-Free Housing Regulations from November, 2020
- Golden Valley Code Changes – deletes all references November, 2020
- Brooklyn Center Current Code – More specificity and different requirements for 4+ units
- Mark up of Robbinsdale's Code plus Disorderly House statute

Property Maintenance Code, Rental Property Licensing, Nuisance Fees, and Crime Free Housing

The intention of the Rental Property Licensing and Crime Free Housing expectations is to hold rental property owners responsible for operating their business in a manner that doesn't require city oversight. Fees assessed to both rental and non-rental property owners for city response for 3rd + incident within 12 months. When multiple incidents are close together, the initial warning letter needs to be received before next steps.

Property maintenance code & rental property licensing are closely connected. The property owner is the party responsible for maintenance – if a tenant does not maintain the property it is the property owners responsibility to address. Codes set out minimum expectation for exterior maintenance: assuring garbage removal, ice/snow removal from public sidewalks, keeping structure water tight and rodent proof and in good repair based on what is observable. Rental properties are inspected every other year to assure that basic services and utilities are in good working order. Access to the interior of non-rental properties may require an administrative search warrant.

In the late 2000s when people who were unable to sell their properties for what they owed, many opted to rent their properties. There was also an uptick in opportunists entering the rental property business picking up foreclosures. To address issues with individuals that were lacking experience in property management, Robbinsdale followed other cities in requiring training on property manager responsibilities (for those who had not had similar training) and also provide resources. We also added an intensive first inspection for any non-rental home converting to rental assuring understanding of non-compliance ahead of next license inspection. Components of training include information on what professional property owners do to assure successful rental experiences and to be able to take action if tenants are damaging their property or conducting illegal activities. Training also reviews property owner responsibilities including utility bills, garbage collection requirements, monitoring the property for violations, nuisance service fees for excessive calls for service.

Crime Free/Drug Free housing lease addendums allow a property owner to evict a tenant engaging in criminal activity. They are common in multi-family rentals and required by 'section 8' funded rentals. Robbinsdale's lease language includes criminal activity by tenant on or near the premises, facilitation of these acts, using the dwelling unit for the acts, and specifically addressing unlawful manufacturing, selling, using, storing, keeping controlled substance anywhere.

The language highlighted below allows activity off-premises to impact the ability to lease.
Crime free/drug free addendum **Lease language Not required by city during moratorium::**

- (1) Tenant, any members of the tenant's household or a guest or other person affiliated with tenant shall not engage in criminal activity, including drug-related criminal activity, on **or near** the premises;

- (2) Tenant, any members of the tenant's household or a guest or other person affiliated with tenant shall not engage in any act intended to facilitate criminal activity, including drug related criminal activity, on **or near** the premises;
- (3) Tenant or members of the household will not permit the dwelling unit to be used for, or to facilitate criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest;
- (4) Tenant, any members of the tenant's household or a guest, or other person affiliated with the tenant shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance **at any locations, whether on or near the premises or otherwise.**

Requirements for license suspension or revocation:

- Failure to permit inspection, failure to operate or maintain units consistent with city and state laws.
- Four or more repeat nuisance service calls involving the same tenancy within 12 month period
- Suspension or revocation of a rental license does not result in tenant eviction unless the property is deemed unfit for human habitation.

Requirement to evict responsible tenants for Crime-free housing lease violation/excessive calls (4+) – subject to appeal. **Eviction not required by city during moratorium:**

Appeal process is initiated by the owner. Tenant could ask owner to appeal related to crime free violation or excessive calls.

Fee charged for each month that owner fails to proceed

After three months, license may be subject to suspension/revocation – (this doesn't evict tenant)

If owner initiated and pursued eviction, but court did not approve, no fees or revocation.

Nuisance Service Fees -Applies to all properties - not subject to moratorium:

Definition of nuisance conduct. For purposes of this section, the term “nuisance conduct” means any activity, conduct, or condition occurring upon private property within the city that unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any member of the public; or will, or tend to, alarm, anger or disturb others or provoke breach of the peace, to which the city is required to respond, including, but not limited to the following:

- (a) Any activity, conduct, or condition deemed as a public nuisance under any provision of the city code;
- (b) Any activity, conduct, or condition in violation of any provision of chapter IX of the city code;
- (c) Any conduct, activity or condition constituting a violation of any Minnesota state law prohibiting or regulating prostitution, gambling, controlled substances, use of firearms; and
- (d) Any conduct, activity, or condition constituting disorderly conduct under chapter 609 of Minnesota Statutes.

1st instance – verbal warning at time of occurrence

2nd instance – written warning, dates and information on the two instances, notice that 3rd instance will include a fee, information on appeal process.

3rd instance – service fee, information on appeal process, fee that will be imposed for 4th..etc

Eviction history

2017 – 5 evictions (city); 23 owner initiated

2018 – 6 evictions – all from apartment units.

- Narcotics arrest
- 4 nuisance violations- tampering with motor vehicle, unwanted party/warrant arrest, disturbance/warrant arrest, obstructing with force
- Narcotics arrest
- Reckless discharged of firearm
- Arrest of person wanted for 1st degree burglary
- Narcotics arrest

Appeals – granted

- tenant not aware that ex had a key using apt while at work– changed lock
- 3rd service call, father-in-law arguing with cab, tenant moving in 2 weeks

2019 – 3 evictions

- 6 verified nuisance violations at a home 34xx Grimes- unwanted person/civil, search warrant/narcotics, fleeing police, dog at large, stolen vehicle recovery, dog at large
- Narcotics/weapons 39xx 36th
- Apartment- illegal narcotics – appeal granted provided that property owner enforces the ‘Eviction Prevention Plan’ which included health assessment, ceasing illegal narcotics use. Property owner taking reasonable steps to prevent continued use of illegal narcotics on premises. Plan was not successful; tenant evicted.

2020-2021 COVID eviction moratorium plus City moratorium on Crime Free/Excessive Evictions and Crime Free component on property owner training.

Nuisance and Eviction History

	Nuisances	Written Warning	Fine Letters	Appeals	Evict City	Owner Eviction	Excessive Service Fee
2018	76	5	8	3	5	3	10
2019	69	11	9	1	3	0	5
2020	40	4	4	0	0	1	3 1-held (moratorium)
2021	28	7	6		City and COVID moratorium		

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MEMORANDUM

To: Honorable Mayor and City Council
Marcia Glick, City Manager

From: Andrew Biggerstaff, City Attorney

Date: November 5, 2020

Re: Review of Crime-Free Housing Regulations

This memorandum is intended to outline the provisions of the existing City Code (the "Code") which comprise what is commonly referred to as the "crime-free" policies of the city of Robbinsdale (the "City"). This document is not intended to provide an in-depth analysis or critique of the current regulations, but instead to provide a general overview in order to allow the City Council to consider whether, or to what extent, changes to the existing Code may be necessary to align with the City Council's various policy goals.

1. Property Maintenance Code Generally

a. Purpose

Section 425 of the Code is known as the "Property Maintenance Code" (the "PMC"). Because much of the regulation related to "crime-free housing" is included in the PMC, a brief review of the stated purpose of that section is warranted. Section 425.01 provides the legislative findings. As noted in the legislative findings, the overarching goal of the PMC is to ensure that the available housing stock within the City meets basic standards for the health, safety, and welfare of both the residents and the community-at-large. Further, Section 425.05 sets forth several policy goals of the PMC, which include a number of provisions related to health, safety, and general welfare.

Many of the provisions contained in the PMC are related primarily to the condition of the buildings themselves, as opposed to the conduct that occurs within or upon any given property.

In contrast, the “crime-free” provisions discussed below are largely focused on conduct which occurs within or upon a property.

b. Owner-Occupied versus Rental Properties

It is worth noting that the PMC treats owner-occupied and rental properties differently in some respects. Pursuant to Section 425.09, “[e]nforcement action, under the PMC, against owner occupied dwellings ... is limited to violations of subsections 425.13, 425.15, and 425.33.” That section goes on to state that “[t]his limitation does not apply to rental dwellings, rented portions of dwellings and common areas, including utility areas ... shall comply with chapter 425 in its entirety and shall be licensed and inspected for compliance with the PMC.”

For reference, the sections noted above are:

425.13 – Responsibilities of owners and occupants. This section lays out the general obligations of all owners and occupants, and does not generally differentiate between owner-occupied or rental premises.

425.15 – Minimum exterior building standards. This section outlines certain standards which must be maintained for all buildings within the City.¹

425.33 – Inspection and Enforcement. This section addresses administration and enforcement provisions related to the PMC.

It is also noteworthy that Section 425.13 imposes a comprehensive list of responsibilities which apply to both owners and occupants. With respect to the items listed in that section, an owner-occupied and rental property would be treated the same.

2. Rental License Required

Section 425.31 of the City Code imposes a rental license requirement on any person who wishes to offer property within the City for rent. In order to obtain a license, the applicant is required to submit an application to the City and allow the City’s enforcement officer to conduct an inspection of the rental dwelling to determine whether it complies with the PMC. In addition to the physical inspection, the City may also withhold a rental license until all fees, including property taxes and city fees, are paid in full.

Upon converting any property within the City to be used for rental purposes, the owner is also required to attend a training session offered by the City. The training is intended to address the various code provisions which apply to rental properties, including but not limited to, owner and occupant obligations, utility billing, and repeat nuisance call fees. According to the City Code,

¹ Notably, this section only addresses exterior conditions. Minimum conditions related to other aspects of properties are located elsewhere, such as plumbing and utilities (425.17) and structural standards (425.19), as two examples. Under the existing ordinance, an owner-occupied structure would not be eligible for enforcement action under the PMC if it failed to meet these minimum standards while a rental dwelling would be, given the enforcement limitations contained in Section 425.09, quoted above.

the property may not be operated as a rental dwelling until this training has been scheduled.² A full list of the training curriculum is found in Section 425.31, subd. 3, para. (b) of the City Code.

3. “Crime-Free” Regulations

a. Crime Free Lease Addenda

The City Code, Section 425.31, subd. 5 requires all rental housing leases to include “crime free/drug free language.” In situation where there is no lease, landlords are required to have tenants sign an acknowledgement form indicating an awareness and understanding of these regulations.

i. Terms and Conditions & Violation

Section 425.31, subd. 5, para. (a) outlines the general parameters of the required “crime free/drug free language.” The following is a summary of the terms of the crime-free language:

- (1) Tenant shall not engage in criminal or drug-related activity;
- (2) Tenant shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity, at or near the rental premises;
- (3) Tenants shall not use the dwelling unit to facilitate criminal activity, including drug-related activity; and
- (4) Tenant shall not engage in the unlawful manufacture or sale of a controlled substance on or near the premises.

These restrictions also apply to members of the tenant’s “household or a guest,” or “other person affiliated with the tenant.” Those terms are not defined.

According to the City Code, a violation of the included provisions “shall be a material and irreparable violation of the lease and good cause for immediate termination.” It is important to note that despite this language, the City itself does not process lease violations. Instead, this language is likely intended to bolster the City’s ability to require landlords to evict tenants that the City believes have violated the crime-free requirements of the Code.³

Also important is the fact that the City Code does not specify what constitutes a violation. Given that the activity outlined is criminal in nature, the presumption would be that the party is innocent until proven guilty. However, as discussed in more detail below, the City Code appears to allow for an eviction proceeding, which is civil in nature, to begin without such a finding of guilt. This distinction has been raised in other communities with respect to the fairness and appropriateness of similar crime-free programs.

² The Code contains some inconsistency on this point. Section 425.31, subd. 3 requires the training to be completed prior to the property being rented, but Section 425.31, subd. 4 provides for a monetary penalty if the training is not completed “within six months.” Presumably, that section refers to six months from the date the property is first offered for or used as a rental dwelling.

³ As noted below, failure of a landlord to take action to remove a tenant who violates this lease addendum could be a basis for the City to revoke the landlord’s rental license.

It is also critical to highlight the distinction between the City's action and a landlord's action, as that point has been raised in preliminary discussions on this topic. The City, as part of its licensing program, requires landlords to include this "crime-free/drug-free language" in all residential leases. Failure to do so would amount to failure to comply with the conditions on a license, and the City could take action to suspend or revoke the owner's rental license. In other words, the requirement that this language be included in residential leases is a requirement on the owner, not the tenant.

It is also not generally accurate to say that this language is a "tool" for the landlord, except insofar as the landlord would not include this language in their own lease agreements to protect their own interests.⁴ If these provisions were removed from the City Code, the City could no longer take adverse action on the owner's license for failure to comply with the crime-free requirements. Nonetheless, owners would still remain free to include the provisions in their leases, and to seek eviction if and when a tenant violated the terms of those lease agreements.

By and large, the inclusion of the crime-free language serves as a check on landlords, and it allows the City to step in when it feels that landlords are not doing enough to police problem behavior which would constitute a violation under the crime-free language. As noted in Section 425.35, "upon determination by the police department that a licensed rental dwelling was used in violation of the 'crime-free/drug-free lease addendum' ... the police department **shall** cause written notice to the owner." (emphasis added). That notice is required to "direct the owner to proceed with the termination of tenancy of all responsible tenants occupying the units", among other things. Notably, the Code language does not offer discretion on this point, and it directs that the City shall take action if a determination is made that there has been a violation.

ii. Hearing

As has been noted previously, there is an opportunity for a hearing when the City issues a violation notice which, according to the City Code, must include a direction to initiate an eviction. However, under the current City Code language, it is only the owner who has a right to a hearing under Section 425.32, subd. 3. The tenant, who is the party accused of having violated the lease and who is ultimately the subject of the removal action, is not afforded hearing rights under the City Code.

The hearing process is expressly directed to be an informal matter handled by the city manager. Further, the city manager has the authority to authorize the owner to seek specific terminations, or to forego the termination altogether in situations where "it is unlikely that an action to terminate the tenancy would be successful" or where "the expense of such action is not justified given the probable outcome."

⁴ It is also worth noting that Minnesota Statutes, section 504B.171 creates, as a matter of law, several covenants which are added into every written or oral residential lease in the state. Included in that statute are several items which closely mirror the crime-free provisions of the City Code, and the statute provides that a violation is a basis for a loss of a right to possession, which would entitle the Owner to recover the premises through an eviction action without relying on the City Code. It is also important to note that by law, neither the landlord or tenant may waive or modify these statutory covenants.

b. Repeat Nuisance Calls

In addition to the crime-free language, Section 425.31, subd. 15 also provides for the suspension or revocation of a rental license if there are “excessive” nuisance service calls involving the same tenancy within a continuous 12-month period. For all intents and purposes, the administrative process for providing notice of a violation, seeking termination of the tenancy, and affording an opportunity for a hearing are the same for both the crime-free addenda and repeat nuisance calls.

The PMC refers to Section 927 to identify what are considered repeat nuisance service calls. As noted in Section 927.01, subd. 2, every property in the City is subject to the repeat nuisance call fees, regardless of whether it is owner-occupied or rented. Section 927.03 defines “nuisance conduct.” Generally speaking, it is defined as any conduct or condition which would unreasonably annoy or injure the safety or general welfare of the public-at-large. Noted items include things that would qualify as public nuisances under state law or the City Code, certain criminal activities related to prostitution, gambling, controlled substances, or firearms, and any conduct which constitutes disorderly conduct under state law.

The Code provides that the City *may* impose a repeat service call fee on an owner or occupant (or both) if City services have been rendered to the property on more than three occasions in the past 365-day period. Before the fee may be imposed, the City is required to notify the owner or occupant that a fee may be imposed if the City is required to respond to the conduct or condition on another occasion. Upon mailing a summary of charges which includes a repeat nuisance fee charge, the City must notify the owner or occupant of their right to a hearing related to the imposition of such fee.⁵ Finally, Section 927.13 of the City Code expressly provides that a repeat nuisance service call fee may not be charged for a police response “relating to emergency assistance, including but not limited to, domestic, spousal and child abuse.”

As noted above, under Section 425 of the City Code, the City must notify an owner of rental property when there have been four or more repeat nuisance calls, as defined by Section 927, to the rental property. Further, the City is required, based on the language of the ordinance, to direct the property owner to begin taking steps to end the tenancy of the occupant.

4. Conclusion

The City Council should review the broad parameters of the current crime-free rental regulations and determine whether they still align with the City’s policy goals. As noted previously, it is important to properly define the City’s relationship to these issues as a licensor, not as a landlord. As such, the City’s activity in this regard acts largely to control the action or inaction of landlords, not the criminal behavior itself. It is also worth pointing out that, to the extent that criminal conduct occurs at any property within the City, the determination of whether it is a rental or owner-occupied property is not applicable to the City’s ability to rely on any other process, including the criminal justice system, to address problem behavior.

⁵ Notably, the hearing rights for a repeat nuisance fee do provide a hearing right to an occupant who is the subject of a potential fee.

Some preliminary questions that have been raised that the Council may wish to consider:

- A. Is it still appropriate for the City to require landlords to include the crime-free housing addenda, or should the City rely solely on landlords taking those actions on their own initiative and the inclusion of the statutory covenants? One option may be to continue requiring landlords to actively police their tenants' behaviors, but leaving the decision about which particular tenants to evict to the landlord. Another may be to further refine the categories of violations which will lead to the City ordering a termination action commenced.
- B. Should the regulations be clarified to allow some discretion as to when the City will direct a landlord to initiate termination proceedings?
- C. Should the regulations be triggered upon "a violation," or would it be appropriate to require some form of criminal conviction or plea before the City takes steps to require landlords to initiate termination proceedings?
- D. Should hearings related to the crime-free or repeat nuisance call ordinances be held by a neutral third party?
- E. In the case of crime-free violations, should the tenant(s) be afforded an opportunity to request a hearing to challenge the City's action directing landlords to initiate termination proceedings? If so, what bases should be used to determine when a violation should be sustained or overruled?

ARTICLE III. - RENTAL HOUSING LICENSING

Sec. 16-53. - Purpose.

It is the purpose of this article to provide minimum standards to safeguard life, limb, health, property and public welfare by regulating and controlling the use and occupancy, construction and maintenance of all residential rental units, buildings and structures within the City. The provisions contained herein are in addition to other applicable provisions of the City Code and not in lieu thereof.

(Code 1988, § 6.29(1))

Sec. 16-54. - Scope.

The provisions of this article shall apply to all rental dwellings, including rented single-family homes, rented duplexes and rental dwellings within owner-occupied buildings, as well as to rented condominiums, rented townhouses and leasehold cooperative dwelling units, as those terms are defined in Minn. ~~StateStat.~~ § 273.124, subd. 6, Minn. ~~StateStat.~~ ch. 515A, and this article.

(Code 1988, § 6.29(2))

Sec. 16-55. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Annual Renewal Date: The date each year by when a rental license must be renewed, according to the schedule of fiscal years for rental licenses and fees established by the City Council pursuant to Section 16-24. The City Council may establish a different annual renewal date for different types of rental dwellings and/or types of building in which rental dwellings may be located (e.g., single-family homes, duplexes, townhomes, condominiums, homes with services, etc.).

Apartment Building: A building in which four or more rental dwellings are located and all such rental dwellings are owned by the same owner.

Code Official: The City Manager or ~~his/her~~their designee.

Disorderly Conduct: ~~Shall have the meaning given such term in Section 16-57.~~

Dwelling Unit: A single dwelling space providing independent living facilities for one or more persons, including permanent provisions for sleeping, eating, cooking, and sanitation.

Operate: To charge a rental charge or other form of compensation for the use of a rental dwelling.

Owner: The person owning or holding title to a rental dwelling as determined by an examination of record title to the property at the office of the County Recorder - Registrar of Titles. If more than one person owns or holds title to an individual rental dwelling, such persons shall collectively be an owner for purposes of this article.

Qualifying Relative: Spouse, parent, child, sibling, grandparent, grandchild, aunt, uncle, niece or nephew. The relationship may be either by blood or marriage. The Code Official may require sufficient written proof to establish whether someone is a qualifying relative.

Person: A natural person or legal entity.

Property Manager: A person authorized to manage and/or operate a rental dwelling on behalf of an owner.

Renewal License: A rental license that is a renewal of an existing rental license granted under this article, which renewal is granted to the same owner and for the same rental dwelling as the existing rental license.

Rental License: The license required under this article, including any renewal thereof.

Rental Dwelling: A dwelling unit in the City to which a tenant has been granted the right to use. A rental dwelling includes accessory structures such as garages and storage buildings and appurtenances such as sidewalks and retaining walls which are on the premises on which a rental dwelling is located.

Tenant: Any person granted temporary use of a rental dwelling, other than the owner of the dwelling unit and/or qualifying relative of that owner, pursuant to a lease or other agreement, whether or not reduced to writing.

(Code 1988, § 6.29(3))

Sec. 16-56. - License Required.

(a) *When Required.*

(1) No person shall operate a rental dwelling unless the owner thereof shall have first obtained a rental license for such rental dwelling as provided for in this article. Any rental license received under this article shall commence upon the date of issuance and, unless revoked or suspended, shall remain valid until the next applicable annual renewal date, provided no rental license shall extend for more than a 12-month period. A person who is operating a rental dwelling after the rental license has expired is operating an unlicensed rental dwelling.

(2) *Exceptions:*

a. A rental dwelling is not subject to this article if it is within a hotel, motel, hospital or a nursing home, assisted living, and other residential facilities or portions thereof licensed and inspected by the State for compliance with State building or fire codes or the City of Golden Valley Property Maintenance Code. A rental dwelling within any of the following types of facilities is subject to this article unless the facility has a facility license issued by the State and is inspected by the State for compliance with State building or fire codes or the City of Golden Valley Property Maintenance Code: group homes, independent living facilities, assisted living facilities, board and lodging homes, and other residential facilities or portions thereof, including those facilities that provide support services for their residents or that receive program reimbursement or financial assistance.

b. A room temporarily leased to a natural person within a dwelling unit while the owner of that dwelling unit resides in the dwelling unit shall not be subject to this article, provided no more than three persons shall so lease a room within a dwelling unit at one time.

(b) *What the Rental License Covers.* There shall be one rental license for each rental dwelling, provided when a building on a single premises contains two or more rental dwellings and all the rental dwellings within such building are owned by the same owner, only one rental license shall be required for such building. The City shall have authority to exercise its licensing powers under this article, including the power to issue, renew, deny, revoke, and suspend rental licenses, with respect to an entire building or only a portion of a building.

(c) *Fees.* There shall be annual license fee for each rental license. Such fee shall be in the amount established by the City Council pursuant to Section 16-24. There shall be no proration of rental license fees for a rental license that extends for less than 12 months. The amount of the rental license fee may vary based on the type of rental dwelling, the type of building in which the rental dwelling is located, and/or the number of rental dwellings located in the building that is the subject of a rental license, and the owner or property manager's participation in the STAR program (or similar program) as provided in paragraph (h) of this section. There shall be no fee charged for an initial

inspection to determine the existence of any violations of the City Code at a rental dwelling. The City Council shall establish a fee for any reinspections necessary to determine whether identified violations have been corrected, to restore a rental license that has been revoked or suspended, or for any other reason a reinspection may be required under this article. The Code Official may waive the reinspection fee in event of an error or other reasonable cause determined by the Code Official, including extension of time granted for compliance.

- (d) *Application.* Application for a rental license shall be made in writing on forms promulgated by the City Manager or his/her designee Code Official and accompanied by the fee amount. In the case of a license renewal, such application shall be submitted at least 30 days prior to the expiration date of the then-existing rental license. If the application for a license renewal is not received by the City at least 30 days prior to the expiration date of the existing rental license, the applicant shall pay a late fee in the amount established by the City Council. The Code Official may waive the late fee in event of an error or other reasonable cause determined by the Code Official. All applications shall specify the following:
- (1) Name, address, and telephone number of the owner of the rental dwelling, including name of the contact person if the owner is a legal entity.
 - (2) Name, address, and telephone number of any property manager actively managing said rental dwelling.
 - (3) Name and address of the vendee if the rental dwelling is owned or being sold on a contract for deed.
 - (4) Legal address of the rental dwelling.
 - (5) Number of rental dwellings that are the subject of the application if the application involves a building in which two or more rental dwellings are located and all such rental dwellings are owned by the same owner.
 - (6) Name, address and telephone number of on-site operating manager, if any.
 - (7) Any other information requested by the Code Official to establish compliance under this article.
 - (8) If the owner identified in the application is a legal entity, the applicant shall submit, upon request of the Code Official, the name and address of all partners, shareholders or interest holders.
- (e) *Inspections Required.* Each rental license application and rental license is at all times subject to the Code Official's right to inspect the affected rental dwelling to determine whether it is in compliance with the City Code and State law. The Code Official shall determine the schedule of periodic inspections. Inspections may include all common areas, utility and mechanical rooms, garages, exterior of structures and exterior property areas.
- (f) *Access for Inspection.* No rental license shall be issued under this article unless the owner of the rental dwelling agrees to permit inspections, upon reasonable notice from the Code Official to the owner, to determine compliance with the City Code and State law. The submission of a rental license application or the possession of a rental license issued by the City shall constitute such agreement by the owner identified in the application or on the rental license. Each tenant shall grant access to any part of its rental dwelling at reasonable times for the purpose of effecting inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this article. If any owner, owner's agent, property manager or tenant fails or refuses to permit entry to a rental dwelling under its control for an inspection pursuant to this article, the Code Official may pursue any remedy at law or under the City Code, including, but not limited to, securing an administrative search warrant for the rental dwelling, issuing an administrative citation, denying a rental license application, revoking or suspending a rental license, or denying a renewal license. Without limiting the foregoing, should an owner, owner's agent, or property manager fail to keep a scheduled inspection without reasonable cause or refuse to permit entry to the rental dwelling, a reinspection fee may be charged.
- (g) *Resident Agent Required.* No rental license shall be issued for a rental dwelling unless:
- (1) The owner thereof resides within the Counties of Hennepin, Ramsey, Anoka, Carver, Dakota,

Scott, Washington, Sherburne or Wright; or

- (2) The owner designates in writing an agent or property manager residing or located within such counties who is responsible for maintenance and upkeep of the rental dwelling and who is authorized to provide the Code Official access to the rental dwelling, to receive service of notice of violations of the City Code, to receive orders from the Code Official and to institute remedial action to effect such orders and to accept all service of process pursuant to law.
- (h) Crime-Free Landlord Training. An owner or property manager ~~who~~that owns or manages more than one rental dwelling in the city must complete a crime-free training may qualify for a discounted license fee by participating in the Safer Tenant and Rental (STAR) program (or similar program) approved by the City's Police Department. No renewal license shall be granted unless the owner (and property manager, if any) identified on the rental license application has completed such training within the three-year period immediately preceding the date of such application. If a rental dwelling owned by a person who is not required to complete this training pursuant to the foregoing and that rental dwelling is the subject of three or more events of disorderly conduct within a 365-day period, that person must complete the training before a renewal license may be granted for that rental dwelling. Council.
- ~~(i) Crime-Free/Drug-Free Lease Addendum Requirements.~~
 - (1) ~~Subject to any preemptory State and Federal laws, all signed tenant leases, including any lease renewal, for a rental dwelling executed after January 1, 2017, shall contain the following crime-free addendum language or equivalent language:~~
 - a. ~~Tenant, any members of the tenant's household or a guest or other person affiliated with the tenant shall not engage in illegal activity, including drug-related illegal activity, on or near the premises.~~
 - b. ~~Tenant, any member of the tenant's household or a guest or other person affiliated with the tenant shall not engage in any act intended to facilitate illegal activity, including drug-related illegal activity, on or near the premises.~~
 - c. ~~Tenant, any member of the tenant's household or a guest or other person affiliated with the tenant shall not permit the rental dwelling to be used for, or to facilitate illegal activity, including drug-related illegal activity, regardless of whether the individual engaging in such activity is a member of the household or a guest.~~
 - d. ~~Tenant, any member of the tenant's household or a guest, or other person affiliated with the tenant shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 USC 802]) on or near the premises.~~
 - e. ~~Violation of the above provisions shall be a material and irreparable violation of the lease and good cause for immediate termination of tenancy.~~
 - f. ~~The term "drug-related illegal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in Section 102 of the Controlled Substance Act [21 USC 802]).~~
 - (2) ~~Non-exclusive remedies. The crime-free/drug-free addendum is in addition to all other terms of the lease and do not limit or replace any other provisions.~~
- (i) Reserved.
- (j) Posting. All apartment buildings shall post the rental license issued for that building. The rental license shall be conspicuously posted (in a frame with a glass covering), in a common area, hallway or lobby. All other rental dwellings shall have a copy of the rental license on the premises.
- (k) Applicable Laws. Rental licenses shall be subject to the applicable provisions of the City Code and State law relating to rental dwellings.
- (l) Transfer of License. No rental license under this article is transferable:

- (1) If any owner holding a rental license transfers ownership or legal control of the rental dwelling that is the subject of the rental license
- (2) If the owner appoints or changes the agent required under Subsection (g) of this section; and/or
- (3) If the owner authorizes a property manager to manage the rental dwelling (other than a property manager identified in the application for the rental license), then the owner shall provide the Code Official written notice of such event within 72 hours thereafter. Such notice shall include, as applicable:
 - a. The name and address of the person succeeding to the ownership or control of such rental dwelling
 - b. The name and address of the appointed agent; and
 - c. The name and address of the authorized property manager.

Any new owner shall apply for a new rental license within three days after its acquisition of the rental dwelling.

(Code 1988, § 6.29(4))

Sec. 16-57. ~~Conduct on Licensed Premises~~ Reserved.

~~It shall be the responsibility of an owner holding a rental license to take appropriate action to prevent conduct at the licensed rental dwelling by tenants or their guests constituting disorderly conduct. A violation of any of the following statutes or Code provisions shall be deemed disorderly conduct:~~

- ~~(1) Minn. Stats. §§ 609.75 through 609.76, and Article XV of this chapter, which prohibit gambling~~
- ~~(2) Minn. Stats. §§ 609.321 through 609.324, which prohibits prostitution and acts relating thereto~~
- ~~(3) Minn. Stats. §§ 152.01 through 152.025, and 152.027, subds. 1 and 2, which prohibit the unlawful sale or possession of controlled substances~~
- ~~(4) Minn. Stats. § 340A.401, which prohibits the unlawful sale of alcoholic beverages~~
- ~~(5) Minn. Stats. § 340A.503, which prohibits the underage use of alcoholic beverages~~
- ~~(6) Minn. Stats. § 609.72 and Sections 10-1, 18-2, and 18-4, which prohibits disorderly conduct when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person committing the violation; and~~
- ~~(7) Minn. Stats. §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, which prohibit the unlawful possession, transportation, sale or use of a weapon~~

~~(Code 1988, § 6.29(5))~~

Sec. 16-58. ~~Disorderly Conduct Violations~~ Reserved.

- ~~(a) Disorderly conduct at a rental dwelling shall be determined and handled by the Police Department.~~
- ~~(b) A determination that disorderly conduct has occurred at a rental dwelling shall be made upon substantial evidence to support such a determination and shall be subject to Minn. Stats. § 504B.205, subd. 3. It shall not be necessary that criminal charges be brought to support a determination of disorderly conduct, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this article based on such~~

~~disorderly conduct.~~

- ~~(c) Upon notification from the Police Department to the Code Official that there have been three or more events of disorderly conduct at a rental dwelling within a 36-month period, the Code Official shall send a written warning to the owner of such rental dwelling, notifying the owner that:~~
- ~~(1) If there is an additional event of disorderly conduct at the identified rental dwelling within the 12-month period following the date of the warning, such disorderly conduct shall constitute a violation of this article and shall entitle the City to the remedies set forth herein, including the revocation, suspension, non-renewal or denial of a rental license.~~
 - ~~(2) Within 10 days after the Code Official's issuance of the written warning, the owner shall submit to the Code Official and the Police Department a written management plan detailing the actions taken and proposed to be taken by the owner to prevent further disorderly conduct at the identified rental dwelling.~~
 - ~~(3) Within 20 days after the acceptance of the management plan by the Code Official and the Police Department, the owner shall implement all the provisions of the management plan; and~~
 - ~~(4) If the owner fails to submit or implement a management plan as required, such failure shall constitute a violation of this article and shall entitle the City to the remedies set forth herein, including the revocation, suspension, non-renewal or denial of a rental license.~~
- ~~(d) If the owner fails to provide or implement a management plan within the period required, or there is an event of disorderly conduct at the rental dwelling within 12 months after the written warning, such failure shall be a violation under this article.~~

~~(Code 1988, § 6.29(6))~~

Sec. 16-59. - Revocation or Suspension of Rental License.

- (a) In addition to its powers under Section 16-23, the City Council may revoke, suspend, deny or decline to renew any rental license applied for or issued under this article based on any of the following circumstances:
- (1) The rental license was procured by misrepresentation of material facts with regard to a rental dwelling or the ownership of a rental dwelling.
 - (2) The applicant, or one acting in the applicant's behalf, made oral or written misstatements accompanying the application.
 - (3) The applicant has failed to comply with any condition set forth in any other permits/licenses granted by the City.
 - (4) The activities of the owner create or have created a danger to the public health, safety or welfare.
 - (5) The rental dwelling, the building of which such dwelling is a part, or any portion thereof, contains conditions that might injure, or endanger the safety, health or welfare of any member of the public.
 - (6) Failure to correct violations of the City's Property Maintenance Code in the time period specified in the notice of violation and correction.
 - (7) Failure to continuously comply with any condition required of the applicant for the approval or maintenance of the rental license.
 - ~~(8) Failure to include the crime-free/drug-free lease addendum in all leases as required by Section 16-56(i).~~
 - ~~(9) A violation under Section 16-58(d).~~
 - ~~(10)~~
 - (8) Any other violation of this article.

- (b) Prior to any revocation, suspension, denial or declination by the City Council under this article, the Code Official shall send written notice to the owner specifying the ordinance or law violations with which they are accused and the affected rental dwelling. The notice shall also specify the date for the hearing before the City Council, which shall not be less than 10 days from the date of the notice. At the hearing before the City Council, the owner or their representative may submit and present evidence on their behalf. After the hearing, the City Council may revoke, suspend, deny or decline to renew the rental license.
- (c) If the affected rental dwelling is within a building containing more than one rental dwelling owned by the same owner, the revocation, suspension, denial or declination may apply to one or more rental dwellings within that building, at the discretion of the City Council.
- (d) If a rental license is suspended, revoked or not renewed pursuant to this article, then until such time as a valid rental license has been restored it shall be unlawful for the owner to thereafter permit any occupancy of the formerly licensed rental dwelling by a tenant. The affected rental dwelling shall be vacated by all tenants, giving tenants a reasonable time to arrange new housing and to move their possessions.
- (e) Rental licenses may be suspended for up to 120 days and may, after the period of suspension, be reinstated subject to compliance with this article and any conditions imposed by the City at the time of suspension. Rental licenses that are revoked shall not be reinstated for a period of up to 120 days and until the owner has applied for and secured a new rental license and complied with all conditions imposed at the time of revocation and all applicable sections of the City Code.

(Code 1988, § 6.29(7))

Sec. 16-60. - Maintenance Standards.

Every rental dwelling shall be maintained in accordance with the minimum standards set forth in State law and the City Code, in addition to any other permits issued by the City or by the State.

(Code 1988, § 6.29(8))

Sec. 16-61. - Conflicts.

Where there are conflicts between this article and any other provision of the City Code or other State or Federal laws, regulations, or rules, the more restrictive shall govern.

(Code 1988, § 6.29(9))

Sec. 16-62. - Enforcement.

The Code Official is hereby authorized and directed to enforce all of the provisions of this article and all the provisions of the City's Property Maintenance Code with respect to rental dwellings.

(Code 1988, § 6.29(10))

Sec. 16-63. - Owner and Tenant Responsibilities.

(a) *Owner.*

- (1) Owners of rental dwellings shall construct and maintain said dwellings in accordance with the requirements of the City Code.
- (2) No person shall lease to another for occupancy any rental dwelling which does not comply with the applicable fire prevention provisions of the City Code.

(b) *Tenant.*

- (1) Each tenant of a rental dwelling shall keep in a clean and sanitary condition that part of the

dwelling and related premises which that person occupies or controls.

- (2) No person shall occupy any rental dwelling which does not comply with the applicable fire prevention provisions of the City Code.

(Code 1988, § 6.29(11))

Sec. 16-64. - Notices and Orders of Code Official.

- (a) *Notice.* Whenever the Code Official determines that a rental dwelling, a building of which such dwelling is a part, or any portion thereof violates any section of the City Code or that there are reasonable grounds to believe that a violation exists, notice shall be given in the manner set forth in Section 107 of the City's Property Maintenance Code, provided in all instances such notice shall also be provided to the applicable owner, if such Section 107 does not require such notice to be sent to the owner.
- (b) *Emergency Orders.* Whenever the Code Official finds that an emergency exists in relation to the enforcement of the provisions of this article which requires immediate action to protect the health, safety or welfare of occupants of any rental dwelling, a building of which such dwelling is a part, or any portion thereof, the Code Official may issue an order reciting the existence of such emergency and requiring that such action be taken as deemed necessary to meet the emergency, notwithstanding any other provision of this article.

(Code 1988, § 6.29(12))

Sec. 16-65. - Administrative Citation.

The Code Official may issue one or more administrative citations under Section 1-9, to enforce any provision in this article and, in addition to imposing monetary fines, such citations may require corrective actions.

(Code 1988, § 6.29(13))

Sec. 16-66. - Appeal Process.

Any person directly affected by an administrative citation, decision or order issued by the Code Official pursuant to this article shall have the right to appeal to a hearing officer in an administrative hearing as provided for in Section 2-4. The City Council may establish by ordinance a fee that must accompany any such appeal under this article.

(Code 1988, § 6.29(14))

Sec. 16-67. - No Warranty By City.

By enacting and undertaking to enforce this article of the City Code, neither the City nor its Council, agents, or employees warrant or guaranty the safety, fitness or suitability of any rental dwelling or dwelling unit in the City and any representation to the contrary by any person is a misdemeanor. Owners, their agents, property managers and tenants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare.

(Code 1988, § 6.29(15))

Sec. 16-68. - Violation a Misdemeanor.

Every person who violates a section, paragraph or provision of this article when such person performs an act thereby prohibited or declared unlawful or fails to act when such failure is thereby prohibited or declared unlawful, and upon conviction thereof shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.

Section 12-900. PURPOSE. It is the purpose of this Chapter to assure that rental housing in the City is decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of rental residential properties is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to assure that the citizens of the City who occupy such units may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary; free from noise, nuisances or annoyances; free from unreasonable fears about safety of persons and security of property; and suitable for raising children.

Section 12-901. LICENSING OF RENTAL UNITS.

1. License Required.

- a. No person shall operate a rental dwelling without first having obtained a license to do so from the City of Brooklyn Center. A license will be granted as Type I, Type II, Type III, or Type IV Provisional based on criteria recommended by the City Manager and approved by the City Council.
- b. Exceptions. No license shall be required under the following circumstances:
 - 1) A single family dwelling or a dwelling unit in a duplex occupied by the building owner for a minimum of six months per calendar year.
 - 2) Rented rooms within an owner occupied dwelling unit.
 - 3) A residential property owned by a "snowbird" where the property is rented to another person for a period of less than 120 consecutive days while the owner is residing out of the State of Minnesota. The owner must occupy the property during the remainder of the year.
 - 4) Unoccupied dwelling units that have been issued a Vacant Building Registration.

2. License Term. Licenses will be issued for a time period according to the license type as indicated in Diagram I. All licenses may be reviewed at any time after the beginning of the license term to determine whether the property continues to have the appropriate Type license.

Diagram I

Licensing Category	Licensing Period	Min. Inspection Frequency	Crime Free Housing	Plans
Type I	3 year	Min. 1 time in 3 years, upon request, or as needed as determined by City	Phase I Recommended	
Type II	2 year	Min. 1 time in 2 years, upon request, or as needed as determined by City	Phase I Required	
Type III	1 year	Min. 1 time per year, upon request, or as needed as determined by City	Phase I, II Required	Action Plan Required
Type IV Provisional	6 months	Min. every 6 months, upon request, or as needed as determined by City, or as otherwise specified by Mitigation Plan	Phase I, II, and III Required	Mitigation Plan Required

3. **New Licenses.** Properties that have legally not been required to have a rental license due to new construction or a change from owner-occupied to rental will qualify for a Type II License. Properties found operating without a valid rental license from the City or failing to meet City Code requirements or that have been the subject of enforcement actions such as criminal prosecution or civil penalties for violation of this Chapter, will only qualify for a Type III License.
4. **License Renewals.** All rental properties are subject to review and may be required to apply and qualify for a different license Type based on the level of compliance with City Codes and applicable regulations.
5. **Failure to Meet License Category Requirements.** At any time during a license period, if a rental property does not meet or exceed the criteria established for the current license Type, the license may be brought forth to the City Council for consideration of license suspension, revocation, and/or license Type review.
6. **Type IV Provisional Licenses.** Rental properties under Type IV Provisional Licensing must meet the requirements set forth in Section 12-913.
7. **License Category Criteria.** License type will be determined on the basis of established criteria based on Police incidents and property Code and nuisance violations as recommended by the City Manager and approved by the City Council as City policy. A copy of the City policy shall be distributed to each licensee.
 - a. **Police Incidents.** Frequency of police calls will be based on the average number of valid police calls per unit. Police incidences for purposes of determining licensing categories shall include disorderly activities and nuisances as defined in Section 12-911 and events categorized as Part I

crimes in the Uniform Crime Reporting System including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft, and arson. Calls will not be counted for purposes of determining licensing categories where the victim and suspect are "Family or household members" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (b) and where there is a report of "Domestic Abuse" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (a).

- b. Property Code and Nuisance Violations. Standards for property maintenance will be based on compliance with City and other applicable Codes as determined through inspections and investigations.

8. License Process and Renewal.

- a. Renewals. License renewals shall be filed at least 90 days prior to the license expiration date. Within two weeks of receipt of a complete application and of the license fee required by Section 12-902, the Compliance Official shall schedule an inspection.
- b. Inspection. No application for an initial license shall be submitted to the City Council until the Compliance Official has determined that all life, health safety violations, or discrepancies have been corrected. In cases where a weather deferral for repairs has been granted by the Compliance Official, the license may be brought forward for consideration of granting a license conditioned on completing repairs.
- c. Transfer of Ownership. The new owner of a rental dwelling is required to obtain a rental permit from the City in order to continue renting the rental dwelling. When ownership of an affordable housing building is transferred, the new owner is required to obtain a new rental license for the property under this Section. The new owner shall include in its application for a new license the affidavit of having provided notice to the tenants and, if required, having paid relocation assistance in accordance with Section 12-912D. The new owner shall not be eligible for a new rental license if it failed to provide the notice or failed to pay, if required, relocation benefits in accordance with Section 12-912D.
- d. Incomplete Applications or Process. If the license application is incomplete, or the applicant does not meet the requirements of the licensing process within 120 days of the submittal date, the application will be canceled.

- 9. Condition of License. Licensees with three or more units must be current on the payment of all utility fees, taxes, assessments, fines, penalties, or other financial claims due to the City on the licensed property and any other rental real property in the City owned by the license holder at all times. Licensees with less than three

units must be current on the payment of all utility fees, taxes, assessments, fines, penalties, or other financial claims due to the City on the licensed property and any other rental real property in the City owned by the license holder prior to issuance or renewal of a license. In the event a suit has been commenced under Minnesota Statutes, Section 278.01-278.03, questioning the amount or validity of taxes, the City Council may on application waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof that remain unpaid for a period exceeding one (1) year after becoming due.

Section 12-902. LICENSE FEES. License fees, as set forth by City Council resolution, shall be due 90 days prior to the license expiration date; in the cases of new unlicensed dwellings, license fees shall be due at the time of application.

1. Residential Rental Conversion Fee. When a residential single family home or single family attached property is converted to a rental property, the owner or applicant shall pay a conversion fee as established by City Council resolution. The rental conversion fee also applies to residential properties registered as vacant properties.
2. License Fees, Delinquent Payments. A delinquency penalty of 5% of the license fee for each day of operation without a valid license shall be charged operators of rental dwellings. Once issued, a license is nontransferable and the licensee shall not be entitled to a refund of any license fee. Upon revocation or suspension or if the applicant withdraws an application, or in the case of an incomplete application or process, or if an application is canceled, the fee is nonrefundable.
1. Reinspection Fees. All reinspection fees are set by City Council resolution. If the reinspection is being performed as part of the licensing process, fees must be paid prior to the time of license issuance or renewal for the property, in the case of rental housing and at the time of recertification of occupancy for nonresidential properties. If a reinspection fee or any portion is not paid within 60 days after billing, or within 60 days after any appeal becomes final, the City Council may certify the unpaid cost against the property in accordance with the process set forth in Section 19-105 of this Code.

Section 12-903. OWNER OR AGENT TO APPLY. License application or renewal shall be made by the owner of rental units or the owner's legally constituted agent. Application forms may be acquired from and subsequently filed with the Compliance Official. The applicant shall supply:

1. First, middle (if any), and last name, address, date of birth, telephone number and e-mail address of dwelling owner, owning partners if a partnership, corporate officers if a corporation.
2. Name, address, telephone number, and e-mail address of designated local agent, if any.

3. Name, address, and telephone number of vendee, if the dwelling is being sold through a contract for deed.
4. Legal address of the dwelling.
5. Number of dwelling units within the dwelling.
6. Description of procedure through which tenant inquiries and complaints are to be processed.
7. Status of utility fees, property taxes, and other assessments on the dwelling and other rental real property in the city owned by the applicant.
8. The number of tenants.
9. The legal name of the designated local agent.
10. At least one 24-hour property contact information for an available property owner, local agent, or other designated responsible agent.
11. Any other information as requested by the City.

Every person holding an operating license shall give notice in writing to the Compliance Official within ten business days after any change of this information. Depending on the nature of changes, the City may require a new property inspection. Notice of transfer of ownership shall be as described in Section 12-908.

Section 12-904. LOCAL AGENT REQUIRED.

1. Local Agent. No operating license shall be issued or renewed for a nonresident owner of rental dwelling units (one who does not reside in any of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, or Washington) unless such owner designates in writing to the Compliance Official the name of the owner's local agent (one who does reside in any of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, or Washington) who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provisions of the City Code of Ordinances, to receive orders and to institute remedial action to effect such orders and to accept all service or process pursuant to law. The Compliance Official shall be notified in writing of any change of resident agent.
2. Responsibility for Acts of Manager, Operator, or Local Agent. Licensees are responsible for the acts or omissions of their managers, operators, local agent, or other authorized representative.

Section 12-905. CONFORMANCE TO LAWS. No operating license shall be issued or renewed unless the rental dwelling and its premises conform to the Code of Ordinances of Brooklyn Center and the laws of the State of Minnesota.

Section 12-906. LICENSE INSPECTION REQUIRED. No operating license shall be issued or renewed unless the owner of rental units agrees in his application to permit inspections pursuant to Section 12-1001.

Section 12-907. POSTING OF LICENSE. Every licensee of a rental dwelling with more than four units shall conspicuously post the current license certificate in the main entryway or other conspicuous location. For rental dwellings of four or fewer units, the licensee must provide a copy of the license certificate to each tenant by attaching a copy to the tenant's copy of the executed lease agreement.

Section 12-908. LICENSE NOT TRANSFERABLE. No operating license shall be transferable to another person or to another rental dwelling. Every person holding an operating license shall give notice in writing to the Compliance Official within ten (10) business days after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. Such notice shall include the name and address of the person succeeding to the ownership or control of such rental dwelling or dwellings.

Section 12-909. OCCUPANCY REGISTER REQUIRED.

1. Every owner of a licensed rental dwelling shall keep, or cause to be kept, a current register of occupancy for each dwelling unit that provides the following information:
 - a. Dwelling unit address.
 - b. Number of bedrooms in dwelling unit and the maximum number of occupants.
 - c. Legal names and date of birth of adult occupants and number of adults and children (under 18 years of age) currently occupying the dwelling units.
 - d. Dates renters occupied and vacated dwelling units.
 - e. A chronological list of complaints and requests for repair by dwelling unit occupants, which complaints and requests are related to the provisions of this Code of Ordinances.
 - f. A similar chronological list of all corrections made in response to such requests and complaints.

Such register shall be made available for viewing or copying by the Compliance Official

at all reasonable times.

2. All nonresidential properties (commercial, industrial, and similar) shall keep, or cause to be kept, a current register of occupancy for each building that provides the following:
 - a. Building address.
 - b. List of all tenants occupying building.
 - c. Nature of business conducted by each tenant in building.
 - d. Contact person for each tenant.
 - e. Gross floor area leased by each tenant.

Such register shall be made available for viewing or copying by the Compliance Official at all reasonable times.

Section 12-910. LICENSE SUSPENSION, REVOCATION, DENIAL AND NON-RENEWAL.

1. Applicability. Every license issued under the provisions of this Chapter is subject to suspension or revocation by the City Council.
2. Unoccupied or Vacated Rental Units. In the event that a license is suspended, revoked, or not renewed by the City Council, it shall be unlawful for the owner or the owner's duly authorized agent to thereafter permit any new occupancies of vacant or thereafter vacated rental units until such time as a valid license may be restored by the City Council.
3. Grounds for License Action. The Council may revoke, suspend, or decline to renew any license issued under this Chapter upon any of the following grounds:
 - a. false statements, misrepresentations, or fraudulent statements on any application or other information or report required by this Chapter to be given by the applicant or licensee.
 - b. failure to pay any application fee, fine or penalty, reinspection fees, reinstatement fee, special assessments, real estate taxes, or other financial claims due to the City as required by this Chapter and City Council resolution.
 - c. failure to continuously comply with any property maintenance, zoning, health, building, nuisance, or other City Codes; or failure to correct deficiencies noted in Compliance Notices in the time specified in the notice.

- d. failure to comply with the provisions of an approved mitigation plan or not submitting an action plan as required.
 - e. failure to qualify for the type of license held or applied for.
 - f. excessive police calls for service in accordance with criteria determined by the City Manager and approved by the City Council as City policy, based on the number and nature of the calls when, after owner notification, the owner has failed to supply an appropriate written action plan to reduce the police calls for service
 - g. failure to actively pursue the eviction of tenants who have violated the provision of this Chapter or Crime Free Lease Addendum or have otherwise created a public nuisance in violation of City, state, or applicable laws.
 - h. the failure to eliminate imminent health and life safety hazards as determined by the City, or its authorized representatives.
 - i. conviction of any crime related to the business or entity licensed and failure to show by competent evidence the rehabilitation and ability to perform the duties of the business.
 - j. the abandonment of the property by the property owner as determined by the inability to make contact with the owner or his/her manager or local agent due to inaccurate or invalid contact information.
 - k. failure to operate or maintain the licensed premises in conformity with all applicable state and local laws and Ordinances.
4. License Action Sections. Revocation, suspension, and non-renewal may be brought under either this Section or Section 12-911, or both. Each section provides an independent basis on which to take a license action and only the procedures required of the particular Section being relied upon must be followed to pursue the action.
5. Notification, Hearing, and Decision Basis.
- a. Written Notice, Hearing. A decision to revoke, suspend, deny, or not renew a license shall be preceded by written notice to the applicant or licensee of the alleged grounds therefor and the applicant or licensee will be given an opportunity for a hearing before the City Council before final action to revoke, suspend, deny, or not renew a license.
 - b. Decision Basis. The Council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have

been cured or avoided and good faith efforts to comply and shall issue a decision to deny, not renew, suspend or revoke a license only upon written findings.

6. Affected Facility. The Council may suspend or revoke a license or not renew a license for part or all of a facility.
7. License Actions, Reapplication.
 - a. Suspension. Licenses may be suspended for up to ninety (90) days and may, after the period of suspension, be reinstated subject to compliance with this Chapter and any conditions imposed by the City Council at the time of suspension.
 - b. Revocation, Denial, Nonrenewal. Licenses that are revoked will not be reinstated until the owner has applied for and secured a new license and complied with all conditions imposed at the time of revocation. Upon a decision to revoke, deny or not renew a license, no approval of any application for a new license for the same facility will be effective until after the period of time specified in the Council's written decision, which shall not exceed one year. The Council shall specify in its written decision the date when an application for a new license will be accepted for processing. A decision not to renew a license may take the form of a suspension or revocation. A decision to deny an initial application for a new facility will not take the form of a suspension or revocation unless false statements have been made by the applicant in connection with the application. A decision to deny an initial application shall state conditions of reapplication.
 - b. Reinstatement Fees. All new applications must be accompanied by a reinstatement fee, as specified by Council resolution, in addition to all other fees required by this Chapter.
8. Written Decision, Compliance. A written decision to revoke, suspend, deny, or not renew a license or application shall specify the part or parts of the facility to which it applies. Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in such part or parts of the facility may be re-let or occupied. Revocation, suspension or non-renewal of a license shall not excuse the owner from compliance with all terms of state laws and Codes and this Code of Ordinances for as long as any units in the facility are occupied. Failure to comply with all terms of this Chapter during the term of revocation, suspension or non-renewal is a misdemeanor and grounds for extension of the term of such revocation or suspension or continuation of non-renewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation or non-renewal specified in the City Council's written decision or in paragraph 6 of this Section.
9. New Licenses Prohibited. A person who has a rental license revoked may not

receive a rental license for another property within the City for a period of one year from the date of revocation. The person may continue to operate other currently licensed rental properties if the properties are maintained in compliance with City Codes and other applicable regulations.

Section 12-911. CONDUCT ON LICENSED PREMISES.

1. Conduct, Disorderly Activities, Nuisances Defined. It shall be the responsibility of the licensee to see that persons occupying the licensed premises conduct themselves in such a manner as not to cause the premises to be disorderly. For purposes of this Chapter, disorderly activities are considered nuisances and defined as follows:
 - a. Noise – cats/dogs City Code Section 1-110; horns/radios – City Code Sections 19-1201, 1202, and 1203
 - b. Violation of City Code Section 19-1121 (Unlawful Possession, Delivery, or Purchase) or violation of laws relating to the possession of controlled substances as defined in Minnesota Statutes, Section 152.01, Subdivision 4, and drug paraphernalia as defined in Minnesota Statutes, Section 152.092.
 - c. Public disturbance – City Code Section 19-202.
 - d. The unlawful sale of intoxicating liquor or 3.2 percent malt liquor.
 - e. Violation of laws relating to gambling.
 - f. Violation of laws relating to prostitution as defined in Minnesota Statutes, Section 609.321, Subdivision 9, or acts relating to prostitution.
 - g. Unlawful use or possession of a weapon. Violation of Minnesota Statutes, Sections 609.66, Subdivision 1a; 609.67; 609.02, Subdivision 6; or 624.713; and City Code Section 19-402.
 - h. Loud parties/persons – City Code Section 19-1201.
 - i. Fights – City Code Section 19-203.
 - j. Allowing curfew/status offenses/underage drinking – City Code Sections 19-301 and 19-304.
 - k. Disorderly conduct (Minnesota Statutes, Section 609.72).
 - l. Property damage – City Code Section 19-211.
 - m. Assaults 5th degree non-domestic – City Code Section 19-204.
 - n. Interference with a peace officer (Minnesota Statutes, Section 609.50).

- o. Unlawful assembly (Minnesota Statutes, Section 609.705) – City Code Section 19-1105.
 - p. Presence at unlawful assembly (Minnesota Statutes, Section 609.175).
 - q. Terrorist threats (Minnesota Statutes, Section 609.713).
 - r. Loitering – City Code Section 19-201.
2. Violations, Actions. Upon determination by the City Manager or the Manager's authorized designee that a licensed premises was used in a disorderly manner, as described in paragraph 1, the City Manager shall take the following actions:
- a. For a first instance of disorderly use of licensed premise a notice shall be provided to the licensee of the violation directing the licensee to take steps to prevent further violations.
 - b. If a second instance of disorderly use of the licensed premises occurs within a twelve (12) month time period for the same tenancy, the City Manager or the Manager's authorized designee shall notify the licensee of the violation and require the licensee to submit a written report of the actions taken, and proposed actions to be taken by the licensee to prevent further disorderly use of the premises. The licensee shall submit a written report to the City Manager or the Manager's authorized designee within five (5) days of receipt of the notice of disorderly use of the premises and shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises.
 - c. If a third instance of disorderly use of the licensed premises occurs within a twelve (12) month time period from the first disorderly violation for the same tenancy, the rental dwelling license for the premises may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this Section shall be initiated by the City Manager or the Manager's authorized designee who shall give the licensee written notice of a hearing before the City Council to consider such denial, revocation suspension, or nonrenewal. The written notice shall specify all violations of this Section, and shall state the date, time, place, and purpose of the hearing.
3. Hearing. The hearing shall be held no less than ten (10) days and no more than forty-five (45) days after giving such notice.

Following the hearing, the Council may deny, revoke, suspend, or decline to renew the license for all or any part or parts of the licensed premises or may grant a license

upon such terms and conditions as it deems necessary to accomplish the purposes of this Section.

4. Eviction Actions. No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's unit. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this Section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly use.
5. Determining Disorderly Conduct. A determination that the licensed premises have been used in a disorderly manner as described in paragraph 1 shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this Section.
6. Notices. All notices given by the City under this Section shall be personally served on the licensee, sent by First Class mail to the licensee's last known address or, if neither method of service effects notice, by posting on a conspicuous place on the licensed premises.
7. Enforcement. Enforcement actions provided in this Section shall not be exclusive, and the City Council may take any action with respect to a licensee, a tenant, guests, or the licensed premises as is authorized by this Code or state law.

Section 12-912A. NO RETALIATION. No licensee shall evict, threaten to evict, or take any other punitive action against any tenant by reason of good faith calls made by such tenant to law enforcement agencies relating to criminal activity, suspected criminal activity, suspicious occurrences, or public safety concerns. This Section shall not prohibit the eviction of tenants from a dwelling unit for unlawful conduct of a tenant or invitee or violation of any rules, regulations, or lease terms other than a prohibition against contacting law enforcement agencies.

Section 12-912B. FALSELY REPORTING VIOLATIONS. No person shall report a violation of this Chapter or City Ordinance knowing or having reason to know that the report is false with the intent to affect the licensing status or inspection schedule of the property.

Section 12-912C. TENANT RESPONSIBILITIES.

1. Access to Premise. When required by Minnesota Statutes, each tenant or occupant of a rental dwelling must give the owner, owner's representative or authorized City official access to any part of such rental dwelling at reasonable times for the

purpose of inspection, maintenance, repairs, or alterations as are necessary to comply with the provision of this Chapter.

2. Compliance with Regulations. A tenant must comply with applicable City Codes and all applicable local, state, and federal regulations. A tenant is responsible for applicable property Code, nuisance, and violations of disorderly conduct as specified in Section 12-911 that occur on the property, including violations committed by household members or guests.

Section 12-912D. TENANT PROTECTIONS.

1. Purpose. It is the purpose of this Section to provide housing stability and protection to tenants in affordable rental housing units who are facing displacement when there is a transfer of ownership of an affordable housing building. This Section requires, upon such a transfer, notice to the tenants and the City and the payment of tenant relocation assistance when affordable housing is converted and tenants are required, through direct or indirect means, to move without adequate time to find new housing. This Section is to be interpreted broadly to ensure the tenants of affordable housing units are afforded the protections intended by this Section.
2. Transfer of Ownership.
 - a. Notice. Within 30 days after the transfer of ownership of an affordable housing building, the new owner shall give written notice to each affordable housing unit tenant of the building that the property is under new ownership. The notice must, at a minimum, include the following information:
 - (1) The name, mailing address, and telephone number of the new owner;
 - (2) The following statement: Brooklyn Center City Code, Section 12-912D provides for a three-month tenant protection period for affordable housing unit tenants after an affordable housing building is transferred to a new owner. Under Section 12-912D, affordable housing unit tenants are entitled to relocation assistance from the new owner if, during the tenant protection period, the new owner:
 - (i) Without cause, terminates or does not renew the tenant's lease;
 - (ii) Raises the rent and the tenant submits a written notice of termination of their lease;

- (iii) Requires existing affordable housing unit tenants to comply with new residency screening criteria and the owner or tenant terminates or does not renew the tenant's lease; or
 - (iv) Imposes, without the tenant's consent, a material change in the terms of the lease and the owner or tenant terminates or does not renew the tenant's lease.
 - (3) Whether there will be any rent increase during the tenant protection period, the amount of the rent increase, and the date the rent increase will take effect;
 - (4) Whether the new owner will require existing affordable housing unit-tenants to comply with new residency screening criteria during the tenant protection period and, if so, a copy of the new screening criteria;
 - (5) Whether the new owner will, without the tenant's consent, impose a material change in the terms of the lease during the tenant protection period and, if so, the language of the material change and an explanation of its effect;
 - (6) Whether the new owner will, without cause, terminate or not renew the tenant's lease during the tenant protection period, and if so, the date the lease will terminate and the amount of relocation assistance that will be provided;
 - (7) The date the tenant protection period will expire; and
 - (8) Whether the new owner, within 30 days following the tenant protection period, intends to: increase rent; require existing affordable housing unit tenants to comply with new residency screening criteria; impose a material change in the terms of the lease; or, without cause, terminate or not renew affordable housing unit leases.
- b. Language Requirement. Each notice required by this Section shall contain an advisory that reads as follows: "This is important information about your housing. If you do not understand it, have someone translate it for you now, or request a translation from your landlord." This advisory must be stated in the notice in the following languages: English, Spanish, Somali, and Hmong. Upon written request by a tenant that identifies the tenant's native language, the owner must provide a written translation of the notice in that language.

- c. Affidavit. The new owner shall prepare and execute an affidavit of having provided the notice required by this Section that, at a minimum, identifies each tenant to which the notice was provided, the date on which it was provided, and the method of delivery. A copy of the notice provided shall be attached to the affidavit.
- d. Copy of Notices to City. The new owner shall provide a copy of the notices and of the affidavit required by this Section to the City within three days of having provided the notice to the tenants.
- e. Copy of Rent Roll to City. If the new owner claims the building or the unit does not meet the definition of an affordable housing building or an affordable housing unit, the owner shall, upon request, provide the City a copy of the rent roll, including the amount of lease rents paid by tenants.

3. Relocation Assistance.

- a. When Required. A new owner of an affordable housing building must pay relocation assistance to affordable housing unit tenants if any of the following occur during the tenant protection period:
 - (1) The new owner, without cause, terminates or does not renew the tenant's lease;
 - (2) The new owner raises the rent and the tenant submits a written notice of termination of their lease;
 - (3) The new owner requires existing tenants to comply with new residency screening criteria and the owner or tenant terminates or does not renew the tenant's lease; or
 - (4) The new owner imposes, without the tenant's consent, a material change in the terms of the lease and the owner or tenant terminates or does not renew the tenant's lease.
- b. When Paid. The new owner shall, when required, pay relocation assistance to the tenant of an affordable housing unit within 30 days after receiving tenant's written notice of termination of the lease or within 30 days after the owner notifies the tenant that the lease will be terminated or not renewed.
- c. Affidavit. The new owner shall prepare and execute an affidavit that, at a minimum, indicates the date of the notice of termination, identifies each tenant to which relocation assistance was paid, the amount paid, the check number for each payment, the payment date, and the address used to mail the payment.

4. Notice of Violation. A tenant of an affordable housing unit who believes the new owner of the affordable housing building has not provided the tenant the protections required under this Section 12-912D may submit a notice of violation to the City. The purpose of the notice is to inform the City of an alleged violation of this Section to assist the City in determining whether to impose an administrative penalty provided for in this Section, not issue a rental license to the new owner as provided in Section 12-901(8), or to take action on the rental license as provided in Section 12-910. The City is not required to take any particular action in response to a notice of violation and any enforcement action it does take shall be on behalf of the City, not the tenant. Filing a notice of violation does not prohibit the tenant from pursuing any remedy available to the tenant under law.
5. Penalties.
 - a. Administrative Penalty. Failure to provide the notice of transfer or to pay relocation assistance when required under this Section is an administrative offense for which a citation may be issued and a civil penalty imposed as provided in Chapter 18 of this Code.
 - b. Separate Offenses. A violation of this Section as to each dwelling unit shall constitute a separate offense.

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Eligibility. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.
2. Monthly Report. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.
3. Mitigation Plan. The applicant for a provisional license must submit for Compliance Official review and approval a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program. The Compliance Official may require modifications to the proposed mitigation plan to ensure it effectively addresses the issues that resulted in the applicant not being eligible for a different type of license. An applicant may appeal the Compliance Official's decision regarding the mitigation plan by filing a written appeal within 10 days of the date of the decision. The appeal must state the reasons for the appeal, the alleged error, and the relief being sought from the appeal.

4. Council Consideration. The Council shall act on whether to approve the application. Approval of the license shall be conditioned on compliance with the mitigation plan as approved by the Compliance Official. If the applicant filed a timely appeal of the Compliance Official's decision regarding the mitigation plan, the Council shall hear the appeal and may uphold, overturn, or amend the Compliance Official's decision.
5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or as modified by the Council as a result of an appeal. Failure to implement and comply with the mitigation plan shall constitute sufficient grounds for a license action under Section 12-910.

Section 12-914. CRIME FREE HOUSING PROGRAM. For the purpose of this Chapter, the Crime Free Housing Program shall mean the nationally recognized program, unless otherwise indicated. The phases of the program include, but are not limited to, the conditions set forth below.

1. Phase I. For license categories other than Type I, an owner, manager, or local agent responsible for the operation of the rental property must complete the Phase I training of the Crime Free Housing Program or a similar course approved by the City Manager. Certification as a rental property manager may also satisfy this requirement. Phase I includes the following:
 - a. Attend an eight-hour crime-free housing course presented by police, fire, public housing and others.
 - b. Use a written lease including the Minnesota Crime Free Housing Lease Addendum.
 - c. Check the criminal background of all prospective tenants and, upon request, provide a copy of Third Party Background Check procedures for Tenants.
 - d. Actively pursue the eviction of tenants who violate the terms of the lease and/or the Crime Free Lease Addendum.
2. Phase II. Includes Phase I plus the following:
 - a. Complete a Security Assessment and complete the security improvements recommended. This phase will certify that the rental property has met the security requirements for the tenant's safety.
3. Phase III. Includes Phases I and II plus the following:
 - a. For properties with more than four units, conduct resident training annually for the residents where crime watch and crime prevention techniques are discussed.

- b. For properties with more than four units, hold regular resident meetings.
- c. For a property that has received consecutive Type IV rental licenses, the applicant, owner, or local agent is required to schedule and attend an inspection consultation at the property.

Section 12-915. CRIME FREE/DRUG FREE HOUSING LEASE ADDENDUM REQUIREMENTS. All tenant leases, except for state licensed residential facilities, shall contain the Crime Free/Drug Free Housing Lease Addendum in a form approved by the City. The Crime Free/Drug Free provisions are in addition to all other terms of the lease and do not limit or replace any other provisions. These lease provisions shall be incorporated into every new and renewed lease for a tenancy beginning April 1, 2010. Failure of a licensee to enforce a single violation of the terms of the addendum shall constitute sufficient grounds for action on a license under Section 12-910.

Section 12-916. TENANT BACKGROUND CHECKS.

- 1. All licensees will conduct criminal background checks on all prospective tenants 18 years and older and any subsequent persons 18 years or older residing in the dwelling unit. The criminal background check must include the following:
 - a. A statewide (Minnesota) criminal history check of all tenants who are 18 years of age or older and persons subsequently residing in the dwelling unit who are 18 years of age or older (collectively referred to in this Section as “tenants”) covering at least the last three years; the check must be done “in person” or by utilizing the most recent update of the state criminal history files;
 - b. A statewide criminal history check from the tenant’s previous state of residence if the tenant is moving directly from the previous state;
 - c. A criminal history check of any tenant in his or her previous states of residence covering the last three years if they have not resided in Minnesota for three years or longer;
 - d. A criminal history check of any tenant must be conducted in all seven counties in the metro Twin City area covering at least the last three years including all misdemeanor, gross misdemeanor, and felony convictions;
 - e. Licensees will retain criminal history check information for at least one year after the date of the check or, if the subject of the check becomes a tenant of the licensed premises, one year after the subject of the check has ceased to be a tenant. Such information shall be available for inspection upon request by the City Manager or the City Manager’s designee; and
 - f. Licensees must have written screening criteria that is provided to the applicant.

Section 12-1001. ENFORCEMENT AND INSPECTION AUTHORITY. The City Manager and the Manager's designated agents shall be the Compliance Official who shall administer and enforce the provisions of this Chapter and who is hereby authorized to cause inspections on a scheduled basis for rental dwelling units, and other buildings when reason exists to believe that a violation of this Chapter has been or is being committed. Inspections shall be conducted during reasonable times, and the Compliance Official shall present evidence of official capacity to the occupant in charge of a respective dwelling unit.

Section 12-1002. INSPECTION ACCESS. Pursuant to Minnesota Statutes, Section 504B.211, the owner, manager, or local agent is responsible for scheduling the inspection and notifying any existing tenant of the inspection. The owner, manager, or local agent, must provide access to the requesting City authorized agent at the scheduled inspection time or as requested. Any owner, occupant, or other person in charge of a building may refuse to permit free access and entry to the structure or premises under that person's control for inspection pursuant to this Chapter, whereupon the Compliance Official may seek a court order authorizing such inspection.

Section 12-1101. UNFIT FOR HUMAN HABITATION.

1. Any building or portion thereof, that is damaged, decayed, dilapidated, insanitary, unsafe, vermin or rodent infested, or that lacks provision for basic illumination, ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety or welfare of the occupants or of the public may be declared unfit for human habitation. Whenever any building or premises has been declared unfit for human habitation, the Compliance Official shall order same vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human habitation, and any operating license previously issued for such dwelling units shall be revoked.
2. It shall be unlawful for such building or portion thereof to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Compliance Official. It shall be unlawful for any person to deface or remove the declaration placard from any such building.

Section 12-1103. HAZARDOUS BUILDING DECLARATION. In the event that a building has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the building may be declared a hazardous building and treated consistent with the provisions of Minnesota Statutes.

Section 12-1201A. COMPLIANCE ORDER. Whenever the Compliance Official determines that any building or portion thereof, or the premises surrounding any of these, fails to meet the provisions of this Chapter, a compliance order setting forth the violations of the Chapter and ordering the owner, occupant, operator, or agent to correct such violations shall be issued. This compliance order shall:

1. Be in writing.

2. Describe the location and nature of the violations of this Chapter.
3. Establish a reasonable time for the correction of such violation and notify of appeal recourse.
4. Be served upon the owner or agent or occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon any such occupant, if a copy thereof is:
 - a. Served upon owner, agent or occupant personally; or
 - b. Sent by 1st class mail to his/her last known address; or
 - c. Upon failure to effect notice through (a) and (b) as set out in this Section, posted at a conspicuous place in or about the building, or portion thereof, that is affected by the notice.

Violations may be cited by the City and prosecuted, and license suspension, revocation or non-renewal may be undertaken by the City whether or not a compliance order has been issued.

Section 12-1201B. ACTION PLAN. The Compliance Official may require an action plan to be completed by the licensee, manager, or local agent in a designated time frame that indicates the steps taken to correct identified violations and the measures to be taken to ensure ongoing compliance with City Ordinances and applicable Codes.

Section 12-1202. RIGHT OF APPEAL. When it is alleged by any person to whom a compliance order is directed that such compliance order is based upon erroneous interpretation of this Chapter, such person may appeal the compliance order to the City Council sitting as a board of appeals. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee as set forth per council resolution, in cash or cashier's check, and must be filed with the department of planning and inspection within five (5) business days after service of the compliance order. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, or property.

Section 12-1203. BOARD OF APPEALS DECISION. Upon at least five (5) business days notice to the appellant of the time and place for hearing the appeal, and within thirty (30) days after said appeal is filed, the board of appeals shall hold a hearing thereon, taking into consideration any advice and recommendation from the advisory housing commission. The board of appeals may reverse, modify, or affirm, in whole or in part, the compliance order and may order return of all or part of the filing fee if the appeal is upheld.

Section 12-1204. RESTRICTIONS ON TRANSFER OF OWNERSHIP. It shall be unlawful for the owner of any building, or portion thereof, upon whom a pending compliance order has been served to sell, transfer, mortgage, lease or otherwise dispose thereof to another person until the provisions of the tag or compliance order have been complied with, unless such owner shall furnish to the grantee, lessee, or mortgagee a true copy of any notice of violation or

compliance order and shall obtain and possess a receipt of acknowledging. Anyone securing an interest in the building, or portion thereof, who has received notice of the existence of a violation tag or compliance order shall be bound by same without further service of notice and shall be liable to all penalties and procedures provided by this Chapter.

Section 12-1205. FAILURE TO CORRECT COMPLIANCE ORDERS. Any person who fails to comply with a compliance order and any person who fails to comply with a modified compliance order within the time set therein, upon conviction therefor shall be guilty of a misdemeanor, punishable in accordance with state law. Nothing in this Chapter however is deemed to limit other remedies or civil penalties available to the City under this Code or state law. Each day of such failure to comply shall constitute a separate punishable offense.

Section 12-1206. EXECUTION OF COMPLIANCE ORDERS BY PUBLIC AUTHORITY. Upon failure to comply with a compliance order within the time set therein and no appeal having been taken, or upon failure to comply with a modified compliance order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council may, by resolution, following a hearing upon not less than ten (10) days notice to the landowner cause the cited deficiency to be remedied as set forth in the compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Chapter 429, but the assessment shall be payable in a single installment.

Section 12-1301. ALTERNATIVE SANCTIONS. Notwithstanding the availability of the foregoing compliance procedures and the penalties, whenever the Compliance Official determines that any building, or portion thereof, or the premises surrounding any of these fails to meet the requirements set forth in this Chapter, the Compliance Official may issue a violation tag summoning the responsible person into court or request the issuance of a criminal complaint and arrest warrant.

Section 12-1302. PENALTIES. Any person or responsible party who violates Sections 12-101 through 12-1402 is subject to the penalty provided under Section 12-1205 of this Code. Nothing in this Chapter however is deemed to limit other remedies or civil penalties available to the City under this Code or state law. Each day that a violation continues shall be deemed a separate punishable offense. No provision of this Chapter designating the duties of any official or employee of the City shall be so construed as to make such official or employee liable for the penalty provided in this Section because of failure to perform such duty, unless the intention of the City Council to impose such penalty on such official or employee is specifically and clearly expressed in the Section creating the duty.

Section 12-1401. SEPARABILITY. Every Section, provision, or part of this Ordinance is declared separable from every other Section, provision, or part to the extent that if any Section, provision or part of the Chapter shall be held invalid, it shall not invalidate any other Section, provision or part thereof.

Relevant Sections Robbinsdale Code

Robbinsdale City Code

425.11, Subd. 9
(Rev. 2014)

Subd. 9. Cooperative housing means a multiple family dwelling owned and maintained by the residents: the entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

Subd. 10. Criminal activity means prostitution, criminal street gang activity, threatening, intimidating or assaultive behavior, the unlawful possession and/or discharge of firearms, or any other activity on or near the premises that jeopardizes the health, safety and welfare of the owner, the owner's agent, other resident, neighbor or other third party, or involving imminent or actual serious property damage. (Added, Ord. No. 10-13)

Subd. 11. Crime free/drug-free housing lease addendum means the addendum to written leases required by section 425.31, subdivision 5, and shall also include the written tenant acknowledgement required under section 425.31, subdivision 5 in situations where there is no written lease. (Added, Ord. No. 10-13)

Subd. 12. Dwelling means a building, or portion thereof, designed or used for residential occupancy, including one-family dwellings, two-family dwellings, and multiple-family dwellings. Whenever the word "dwelling" is used in the PMC, it shall be construed as though it was followed by the words "or any part thereof." (Amended, Ord. No. 03-06; Ord. No. 14-02)

Subd. 13. Dwelling, single-family means a dwelling designed exclusively for occupancy by one family. (Amended, Ord. No. 03-06)

Subd. 14. Dwelling, two-family means a dwelling designed exclusively for occupancy by two families living independently of each other.

Subd. 15. Dwelling, multiple family means a dwelling or portion thereof containing three or more dwelling units.

Subd. 16. Dwelling units means a room or rooms connected together, constituting a separate, independent housekeeping unit for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet and sleeping facilities. Whenever the term "dwelling unit" is used in the PMC, it is to be construed as though it was followed by the words "or any part thereof." (Amended, Ord. No. 03-06; Ord. No. 14-02)

Subd. 17. Enforcement officer means a person designated by the City Manager to administer and enforce the PMC. (Amended, Ord. No. 03-06; Ord. No. 14-02)

Subd. 18. Excessive calls means four substantiated repeat nuisance service calls occurring within any 12 month period. (Added, Ord. No. 10-13)

Subd. 2. Initial/conversion rental housing owner training required. All property owners converting any single unit to rental use must attend a training session within six months of obtaining a rental license. This training shall review rental property regulations and owner obligations including, but not limited to, utility billing which can be assessed to the property and repeat nuisance call fees. Where the owner designates a local manager representative to attend the meeting, written materials will be sent to the owner who must certify that the material has been read and understood. (Added, Ord. No. 10-13)

Subd. 3. Crime-free housing training/certification required. The owner of a rental dwelling may not operate, let, or cause to be let, a rental dwelling without first having scheduled the required ~~crime-free housing~~ owner/manager training program offered by the City. A shorter training session will be available to those who have completed a comparable program containing all of the components in subdivision 3(b) of this section in another municipality but not Robbinsdale-specific training. Any owner who has completed a comparable program containing all of the components in subdivision 3(b) of this section in another municipality and who has completed the initial/conversion rental housing owner training (subdivision 2 of this section) may be excused from this training. (Added, Ord. No. 10-13)

(a) Training schedule. The police department shall provide quarterly training session opportunities. (Added, Ord. No. 10-13)

(b) Training curriculum. The training will be a course, not to exceed four hours, which is approved by the Chief of Police. Components of the program shall include, but not be limited to, the following subject matter: (Added, Ord. No. 10-13)

- (1) Introduction to crime free multi-housing;
- (2) Phases I-III of CFMH;
- (3) Rental applications and housing discrimination;
- (4) Screening and background checks;
- (5) Lease and lease addendums;
- (6) Unlawful detainer and eviction;
- (7) Manager/owner policies and roles;
- (8) Data privacy;
- (9) ~~Narcotics and gangs;~~
- (10) ~~Section 8~~ housing; *update name*
- (11) Rental licensing; and
- (12) Repeat nuisance service fees.

(includes utility bills)

(Added, Ord. No. 10-13)

(c) Mandatory training certification. Upon successful completion of training, the police department shall make note of this fact and satisfactory completion of the training shall remain valid until such time a new owner and/or operator becomes responsible for managing the property. (Added, Ord. No. 10-13)

Subd. 4. Failure to complete training. Failure to complete the required initial/conversion rental housing owner training or crime free housing training/certification training within six months shall subject the owner to a service fee (set forth in Appendix B) for each month that training is not completed for a maximum of three months. If after three months (9 months total) the training has not been completed the rental license(s) may be subject to suspension or revocation by the City Council. (Added, Ord. No. 10-13)

Subd. 5. Lease addendum required. All rental housing leases, except for state licensed residential facilities and subject to all preemptory state and federal laws, shall contain crime free/drug free language for all new lease agreements beginning January 1, 2011 or upon lease renewal as set forth in paragraph (a) of this subdivision below. In situations where there is no written lease, the owner shall have the tenant execute a written agreement containing all of the regulations contained in paragraph (a) of this subdivision and acknowledging that violation of those regulations will result in termination of the tenancy. (Added, Ord. No. 10-13)

- (a) Crime free/drug free housing lease addendum language. The following text meets the requirement for the lease addendum. Similar or equivalent language may be substituted, subject to review and prior approval by the City Manager.

Crime free/drug free addendum:

- (1) Tenant, any members of the tenant's household or a guest or other person affiliated with tenant shall not engage in criminal activity, including drug-related criminal activity, on or near the premises; (Added, Ord. No. 10-13)
- (2) Tenant, any members of the tenant's household or a guest or other person affiliated with tenant shall not engage in any act intended to facilitate criminal activity, including drug related criminal activity, on or near the premises; (Added, Ord. No. 10-13)
- (3) Tenant or members of the household will not permit the dwelling unit to be used for, or to facilitate criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest; (Added, Ord. No. 10-13)
- (4) Tenant, any members of the tenant's household or a guest, or other person affiliated with the tenant shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance at any locations, whether on or near the premises or otherwise. (Added, Ord. No. 10-13)

Violation of crime free/drug free addendum. Violation of the above provision shall be a material and irreparable violation of the lease and good cause for immediate termination of tenancy. (Added, Ord. No. 10-13)

- (b) Review of lease addendums. The owner and/or operator of a rental dwelling shall make available to the police department upon request copies of rental housing lease addendums. The police department shall make the request via U.S. Mail to the owner and/or operator. Said person is deemed to have received the request three days after the request is mailed. Upon receiving the written request from the police department, the owner and/or operator shall provide the requested lease addendums within ten business days of the written request. Failure to provide the required documents within the allotted time shall subject the owner and/or operator to an administrative service fee (set forth in Appendix B). If after one month, the lease addendums are not received, or do not exist, the rental license is subject to suspension or revocation by the City Council. (Added, Ord. No. 10-13)

Subd. 6. License fees. The license fees are due 60 days prior to the license expiration date; in the cases of new unlicensed dwellings, license fees are due upon issuance of the certificate of occupancy; in the cases of licensing periods of less than two years, license fees will be pro-rated monthly. A license fee paid later than ten working days after the prescribed date is subject to an additional administrative service charge set by Appendix B. Once issued, a license is nontransferable and the licensee is not entitled to a refund of any license fee upon revocation or suspension; however, within 72 hours after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling, and submission of the transfer and the name and address of the person or entity succeeding to the ownership or control of such rental dwelling or dwellings on a form supplied by the City, the licensee shall be entitled to a license fee refund, prorated monthly, less a \$50.00 administrative fee. The license fee is set by appendix B. (Amended, Ord. No. 06-02; Ord. No. 07-18; Ord. No. 08-10; Ord. No. 10-13)

Subd. 11. Posting of license. The licensee of a multiple dwelling must cause to be conspicuously posted in the main entry way or other conspicuous location therein, the current license for the respective multiple dwelling. In the case of one and two family dwellings, a copy of the license shall be given to the renter also. (Amended, Ord. No. 03-06; Ord. No. 10-13)

Subd. 12. Provision of information to tenants. The licensee shall provide each new tenant a copy of the City of Robbinsdale's solid waste program information (for those in 1 to 4 unit dwelling units) and a copy of the repeat nuisance call for service fee (City code section 927). (Added, Ord. No. 10-13)

Subd. 13. License not transferable. An operating license is not transferable to another person or to another rental dwelling. Every person holding an operating license must give notice in writing to the enforcement officer within 72 hours after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. The notice must include the name and address of the person succeeding to the ownership or control of such rental dwelling or dwellings. (Amended, Ord. No. 10-13)

Subd. 14. License suspension or revocation. An operating license is subject to suspension or revocation, for the entire rental dwelling or for individual rental dwelling units, by the City Council if the licensed owner or duly authorized resident agent fails to permit any rental inspection required under this code, or fails to operate or maintain the licensed rental dwellings and units therein consistent with the provisions of the City code and the laws of the state of Minnesota.

- (a) Suspension or revocation with continued occupancy by current tenants. In the event that an operating license is suspended or revoked by the City Council, other than as further specified in subdivision 14(b) it is unlawful for the owner or owner's duly authorized agent, with respect to the rental dwellings subject to such revocation or suspension, to thereafter permit any new occupancies of vacant or thereafter vacated rental units until such time as a valid operating license may be restored by the City Council. An accurate, current list of such vacant dwelling units shall be provided to the City and maintained onsite by the owner of the property, suitable for the purposes of identification and inspection under section 425.33 by the enforcement officer until such time as a valid operating license may be restored by the City Council. Whenever any multiple-dwelling or dwelling unit has been denied a license, has had its operating license suspended or revoked, it shall be posted with a placard by the City Manager to prevent further occupancy. No person, other than the City Manager, shall remove or tamper with any placard used for posting. The City Manager will post on the placard the date that the vacancy shall become effective. On or after the placard vacancy date, no person shall reside in, occupy, or cause to be occupied any dwelling or dwelling unit which has been posted to prevent occupancy. Any person violating this provision is guilty of a misdemeanor, and upon conviction is subject to a fine and imprisonment as prescribed by state law. Each day of each violation constitutes a separate offense. (Amended, Ord. No. 07-18; Ord. No. 10-13)

→ Suspension or revocation for failure to operate rental property business by allowing a disorderly house as defined by M.S. 609.33 - next page

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2020 Minnesota Statutes

Authenticate  PDF**609.33 DISORDERLY HOUSE.**

Subdivision 1. **Definition.** For the purpose of this section, "disorderly house" means a building, dwelling, place, establishment, or premises in which actions or conduct habitually occur in violation of laws relating to:

- (1) the sale of intoxicating liquor or 3.2 percent malt liquor;
- (2) gambling;
- (3) prostitution as defined in section 609.321, subdivision 9, or acts relating to prostitution; or
- (4) the sale or possession of controlled substances as defined in section 152.01, subdivision 4.

Subd. 2. **Prohibiting owning or operating disorderly house.** No person may own, lease, operate, manage, maintain, or conduct a disorderly house, or invite or attempt to invite others to visit or remain in the disorderly house. A violation of this subdivision is a gross misdemeanor.

Subd. 3. **Mandatory minimum penalties.** (a) If a person is convicted of a first violation of subdivision 2, in addition to any sentence of imprisonment authorized by subdivision 2 which the court may impose, the court shall impose a fine of not less than \$300 nor more than \$3,000.

(b) If a person is convicted of a second violation of subdivision 2, in addition to any sentence of imprisonment authorized by subdivision 2 which the court may impose, the court shall impose a fine of not less than \$500 nor more than \$3,000.

(c) If a person is convicted of a third or subsequent violation of subdivision 2, in addition to any sentence of imprisonment authorized by subdivision 2 which the court may impose, the court shall impose a fine of not less than \$1,000 nor more than \$3,000.

Subd. 4. **Evidence.** Evidence of unlawful sales of intoxicating liquor or 3.2 percent malt liquor, of unlawful possession or sale of controlled substances, of prostitution or acts relating to prostitution, or of gambling or acts relating to gambling, is prima facie evidence of the existence of a disorderly house. Evidence of sales of intoxicating liquor or 3.2 percent malt liquor between the hours of 1:00 a.m. and 8:00 a.m., while a person is within a disorderly house, is prima facie evidence that the person knew it to be a disorderly house.

Subd. 5. **Local regulation.** Subdivisions 1 to 4 do not prohibit or restrict a local governmental unit from imposing more restrictive provisions.

Subd. 6. **Pretrial release.** When a person is charged under this section with owning or leasing a disorderly house, the court may require as a condition of pretrial release that the defendant bring an eviction action against a lessee who has violated the covenant not to allow drugs established by section 504B.171.

History: 1967 c 507 s 10; 1984 c 628 art 3 s 11; 1985 c 277 s 1; 1989 c 77 s 1; 1991 c 193 s 3; 1991 c 249 s 31; 1999 c 199 art 2 s 33; 2003 c 2 art 2 s 18

- (b) Suspension or revocation due to property being unfit for human habitation. In the event that an operating license is suspended or revoked by the City Council due to being unfit for human habitation, it is unlawful for the owner or owner's duly authorized agent, with respect to the rental dwellings subject to such revocation or suspension, to thereafter permit any new or continued occupancies of said rental units until such time as a valid operating license may be restored by the City Council. Whenever any multiple-dwelling or dwelling unit is unfit for human habitation, it shall be posted with a placard by the City Manager to prevent further occupancy. No person, other than the City Manager, shall remove or tamper with any placard used for posting. The City Manager will post on the placard the date that the vacancy shall become effective. On or after the placard vacancy date, no person shall reside in, occupy, or cause to be occupied any dwelling or dwelling unit which has been posted to prevent occupancy. Any person violating this provision is guilty of a misdemeanor, and upon conviction is subject to a fine and imprisonment as prescribed by state law. Each day of each violation constitutes a separate offense. (Added, Ord. No. 10-13)

Subd. 15. License suspension or revocation for excessive calls. An operating license for individual rental dwelling units is subject to suspension or revocation by the City Council; (i) if there have been four substantiated repeat nuisance service calls (as outlined in City code section 927) involving the same tenancy within a continuous 12 month period, and (ii) ~~the owner does not terminate the tenancies of the responsible tenants as provided in subdivision 2(c) of section 425.32.~~ (Added, Ord. No. 10-13)

425.32. Crime-free housing/excessive call violation notice and procedures. Subdivision 1. Notice. Upon determination by the police department that a licensed rental dwelling was used in violation of the crime free/drug free lease addendum provisions and/or excessive call provisions listed in sections 425.31, subdivision 15, the police department shall cause written notice to be made to the owner of the violation(s). The written notice must: (Added, Ord. No. 10-13)

- (a) Identify the lease addendum violation(s) or the excessive calls that occurred at the property, and the dates of any previous violation(s); (Added, Ord. No. 10-13)
- (b) Inform the owner that owner shall notify the responsible tenant(s) within ten days of the lease addendum violation(s) and/or the repeat nuisance service calls; (Added, Ord. No. 10-13)
- (c) Direct the owner to proceed with the termination of the tenancy of all responsible tenants occupying the units; and (Added, Ord. No. 10-13)
- (d) Be served personally in the manner required by the Minnesota Rules of Civil Procedure or be served by U.S. Mail upon the owner and/or operator at the last known address. (Added, Ord. No. 10-13)
- (e) Notify the owner of the right to appeal the lease addendum violation and/or the excessive calls as further specified in subdivision 3 below. (Added, Ord. No. 10-13)

Subd. 2. Crime-free housing violation and/or repeat nuisance service call license suspension/revocation – termination of tenancy. (Added, Ord. No. 10-13)

- (a) Upon a violation of the ~~crime-free/drug-free lease addendum~~, and/or excessive calls, owners shall terminate tenancy of all responsible tenants occupying the unit in a reasonable amount of time to account for applicable court proceedings and for other considerations not to exceed 60 days. The owner shall not offer any unit within the City for rent to any tenant removed under this paragraph for at least one year after the date of removal. (Added, Ord. No. 10-13)
- (b) Owners shall notify the police in writing of tenant termination proceedings and provide copies of any applicable documents within ten days of receiving initial notice of the violation(s) from the police department. (Added, Ord. No. 10-13)
- (c) Any owner who fails to proceed with an action to terminate the tenancy after police department notification in accordance with a ~~crime-free/drug-free violation~~ and/or excessive calls shall be assessed an administrative fee (set forth in Appendix B) for each calendar month that the owner fails to proceed. If after three months the responsible tenant has not been evicted, the rental license(s) may be subject to suspension or revocation by City Council. Owner's action to take appropriate measures, including a failed eviction process, may be presented as a defense during the hearing. If the evidence establishes that the owner initiated and pursued the eviction process in good faith, but failed neither the fee nor a rental license sanction shall apply. If the City Manager is satisfied that the owner proceeded in good faith to secure termination of the tenancy, but was unsuccessful for reasons beyond the owners reasonable control, then the owner will not be subject to the penalties contained in this paragraph as to such violation and/or excessive calls. (Added, Ord. No. 10-13)

Additional nuisance service fees as outlined in section 927 (repeat nuisance service calls) may also be assessed to the property, if applicable. Any outstanding fees must be paid prior to the City renewing a rental license for the licensed property. (Added, Ord. No. 10-13)

Subd. 3. Crime-free housing/excessive call violation right to appeal lease addendum violation(s) and/or right to appeal imposed service fees. (Added, Ord. No. 10-13)

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- (a) The owner who received notice of the violation or imposed service fee must request a hearing within ten business days of the mailing of the police department notice, excluding the day the notice is mailed. The request for a hearing must be in writing and delivered to the City Clerk. The hearing will occur within 14 days of the date of request. If the owner fails to request a hearing within the time and in the manner required under this section, the right to a hearing is waived. (Added, Ord. No. 10-13)
 - (b) The hearing will be conducted by the City Manager in an informal manner. The Minnesota Rules of Civil Procedure and Rules of Evidence will not be strictly applied. After considering all evidence submitted, the City Manager will make written Findings of Fact and Conclusions regarding the excessive calls, lease addendum violation(s) and/or imposed service fees. The City Manager will serve the Findings of Fact and Conclusions upon the owner and/or operator by U.S. Mail within five business days of the hearing. Upon a finding that a crime free housing violation and/or excessive calls have occurred, the City Manager shall refer the matter to the City Council for consideration of suspension or revocation of the license. (Added, Ord. No. 10-13)
 - (c) If the appeal involves a request by the owner that it be excused from its obligation to proceed with termination of the tenancy, and if the City Manager determines: (i) that it is unlikely that an action to terminate the tenancy would be successful; and (ii) that the expense of such action is not justified given the probable outcome, the owner will be relieved from any further obligation under subdivision 2 as to the violation notice. (Added, Ord. No. 10-13)
 - (d) If the appeal involves a request by the owner that it be allowed to seek termination of the tenancies of less than all of the responsible tenants, and the City Manager determines: (i) that the responsible tenant(s) sought to be released from termination were not directly involved in the conduct, (ii) that any non-tenant occupants of the same rental dwelling involved in the conduct are no longer occupying the unit; and (iii) that the objective sought to be served by termination would be achieved by granting owner's request, the owner will be relieved from any obligation to terminate the tenancy of the responsible tenants so released. (Added, Ord. No. 10-13)
 - (e) If the owner fails to appear at the scheduled hearing the right to a hearing is waived. (Added, Ord. No. 10-13)

Subd. 4. Crime-free housing recovery of fees. Any unpaid fees resulting from violations of crime free housing requirements in sections 425.31, subdivision 4; 425.31, subdivision 5(b); or 425.32, subdivision 2(c), may be collected by appropriate legal means. (Added, Ord. No. 10-13)

Section 927 – Repeat Nuisance Service Call Fee
(Added, Ord. No. 07-14, Sec. 1)

927.01. Repeat nuisance call service fee. Subdivision 1. Purpose. The purpose of this section is to protect the public safety, health and welfare and to prevent and abate repeat service response calls by the city to the same property or location for nuisance service calls, as defined herein, which prevent police or public safety services to other residents of the city. It is the intent of the city by the adoption of this section to impose and collect service call fees from the owner or occupant, or both, of property to which city officials must repeatedly respond for any repeat nuisance event or activity that generates extraordinary costs to the city. The repeat nuisance service call fee is intended to cover that cost over and above the cost of providing normal law or code enforcement services and police protection city-wide.

Subd. 2. Scope and application. This section applies to all owners and occupants of private property which is the subject or location of the repeat nuisance service call by the city. This section applies to any repeat nuisance service call made by a city of Robbinsdale peace officer; part-time peace officer; community service, animal control and/or code enforcement officers.

927.03. Definition of nuisance conduct. For purposes of this section, the term “nuisance conduct” means any activity, conduct, or condition occurring upon private property within the city that unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any member of the public; or will, or tend to, alarm, anger or disturb others or provoke breach of the peace, to which the city is required to respond, including, but not limited to the following:

- (a) Any activity, conduct, or condition deemed as a public nuisance under any provision of the city code;
- (b) Any activity, conduct, or condition in violation of any provision of chapter IX of the city code;
- (c) Any conduct, activity or condition constituting a violation of any Minnesota state law prohibiting or regulating prostitution, gambling, controlled substances, use of firearms; and
- (d) Any conduct, activity, or condition constituting disorderly conduct under chapter 609 of Minnesota Statutes.

927.05. Repeat nuisance service call fee. Subdivision 1. The city may impose a repeat nuisance service call fee upon the owner or the occupant, or both, of private property if the city has rendered services or responded to the property on three or more occasions within a period of 365 days in response to or for the abatement of nuisance conduct. The city may impose an administrative penalty pursuant to city code section 117 upon the owner or the occupant, or both, of private property if the city has rendered services or responded to the property on five or more occasions within a period of 730 days in response to or for the abatement of nuisance conduct. (Amended, Ord. No. 15-05)

Subd. 2. The repeat nuisance service call fee will be as set forth in the city’s fee schedule (appendix B of the city code, as amended). An additional amount may be imposed to reflect the salaries of police officers while responding to or remaining at the nuisance event, the pro rata cost of equipment, the cost of repairing city equipment and property damaged as a result of the nuisance call, and the cost of any medical treatment of injured officers.

Subd. 3. A repeat nuisance service call fee imposed under this section will be deemed delinquent if it is not paid within ten calendar days after the city mails the billing statement for the fee. If said fee, or any portion thereof, is unpaid, then a late payment fee will also be charged per the schedule of fees as set forth on Appendix B. (Amended, Ord. No. 13-01)

927.07. Notice. Subdivision 1. No repeat nuisance service call fee may be imposed against an owner or occupant of property without first providing the owner or occupant with written notice of the two previous nuisance service calls which are the basis for the fee. The written notice must:

Subd. 2. Identify the nuisance conduct that previously occurred on the property, and the dates of the previous nuisance conduct; and

Subd. 3. State that the owner or occupant may be subject to a nuisance call service fee if a third nuisance service call is rendered to the property for the same nuisance conduct; and

Subd. 4. State that the city has the right to seek other legal remedies or actions for abatement of the nuisance or compliance with the law; and

Subd. 5. Be served personally in the manner required by the Minnesota Rules of Civil Procedure or be served by U.S. Mail upon the owner or occupant at the last known address.

927.09. Right to appeal. Subdivision 1. When the city mails the billing statement for the repeat nuisance service call fee, the city will inform the owner or occupant of their right to request a hearing.

Subd. 2. The owner or occupant upon whom the fee is imposed must request a hearing within ten business days of the mailing of the billing statement, excluding the day the statement is mailed. The request for a hearing must be in writing and delivered to the city clerk. The hearing will occur within 14 calendar days of the date of the request. If the owner or occupant fails to request a hearing within the time and in the manner required under this section, the right to a hearing is waived. (Amended, Ord. No. 13-01)

Subd. 3. The hearing will be conducted by the ~~city manager~~ ^{ALJ} in an informal manner. The Minnesota Rules of Civil Procedure and Rules of Evidence will not be strictly applied. After considering all evidence submitted, the city manager will make written Findings of Fact and Conclusions regarding the nuisance conduct and the imposition of the repeat nuisance service fee. The city manager will serve the Findings of Fact and Conclusions upon the owner or occupant by U.S. Mail within five calendar days of the hearing. (Amended, Ord. No. 13-01)

Subd. 4. If the owner or occupants fail to appear at the scheduled hearing date, the right to a hearing is waived.

Subd. 5. Upon waiver of the right to hearing under subdivision 2 or 4 or upon service of the hearing officer's Findings of Fact and Conclusions that the repeat nuisance call service fee is warranted, the owner or occupant must pay the fee imposed within ten calendar days of service in the manner required by Minnesota Rules of Civil Procedure or be served by U.S. Mail upon the owner or occupant at the last known address. (Amended, Ord. No. 13-01)

927.11. Legal remedies nonexclusive. Nothing in this section will be construed to limit the city's other available legal remedies, including criminal, civil, injunctive or others, for any violation of the law which may constitute nuisance conduct.

927.13. Applicability of repeat nuisance service call fee. The city may not impose a repeat nuisance service call fee against an owner or occupant for a police response relating to emergency assistance, including, but not limited to, domestic, spousal and child abuse.

927.15. Recovery of fee. Subdivision 1. If a repeat nuisance service fee is not paid within 30 calendar days after the billing statement is sent by the city, it will constitute: (Amended, Ord. No. 13-01)

- (a) a lien on the real property where the violation occurred; or
- (b) a personal obligation of the owner or occupant in all other situations.

Subd. 2. A lien may be assessed against the property and collected in the same manner as taxes.

Subd. 3. A personal obligation may be collected by appropriate legal means.