

SUBSTITUTE ORDINANCE

2012-Or-____

**AN ORDINANCE
Of the
CITY OF
MINNEAPOLIS**

By Glidden

Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 244.1810 of the above-entitled ordinance be amended as follows:

244.1810. License required. No person shall allow any dwelling unit to be occupied, or let or offer to let to another any dwelling unit for occupancy, any dwelling unit or charge, accept or retain rent for any dwelling unit unless the owner has ~~first obtained~~ a valid license or provisional license under the terms of this article. The practice of pre-leasing new rental construction shall be exempt from the provisions of this section.

Section 2. That Section 244.1910 of the above-entitled ordinance be amended to read as follows:

244.1910. Licensing standards. (a) The following minimum standards and conditions shall be met in order to hold a rental dwelling license under this article. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation, or suspension of a rental dwelling license or provisional license.

- (1) The licensee or applicant shall have paid the required license fee.
- (2) Rental dwelling units shall not exceed the maximum number of dwelling units permitted by the Zoning Code.
- (3) No rental dwelling or rental dwelling unit shall be over occupied or illegally occupied in violation of the Zoning Code or the Housing Maintenance Code.
- (4) The rental dwelling shall not have been used or converted to rooming units in violation of the Zoning Code.

- (5) The owner shall not suffer or allow weeds, vegetation, junk, debris, or rubbish to accumulate repeatedly on the exterior of the premises so as to create a nuisance condition under section 227.90 of this Code. If the city is required to abate such nuisance conditions under section 227.100 or collect, gather up or haul solid waste under section 225.690 more than three (3) times under either or both sections during a period of twenty-four (24) months or less, it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license.
- (6) The rental dwelling or any rental dwelling unit therein shall not be in substandard condition, as defined in section 244.1920.
- ~~(7) The licensee or applicant shall have paid the required reinspection fees.~~
- (~~8~~7) The licensee or his or her agent shall allow the director of inspections and his or her designated representative to perform a rental license review inspection as set forth in section 244.2000(c).
- (~~9~~8) The licensee shall maintain a current register of all tenants and other persons with a lawful right of occupancy to a dwelling unit and the corresponding floor number, and unit number and/or letter and/or designation of such unit within the building. The register shall be kept current at all times. The licensee shall designate the person who has possession of the register and shall inform the director of the location at which the register is kept. The register shall be available for review by the director or his or her authorized representatives at all times.
- (~~40~~9) The licensee shall submit to the director of inspections or an authorized representative of the director, at the time of application for a rental dwelling license and for just cause as requested by the director, the following information: the number and kind of units within the dwelling (dwelling units, rooming units, or shared bath units), specifying for each unit, the floor number, and the unit number and/or letter and/or designation.
- (~~44~~10) a. There shall be no delinquent property taxes or assessments on the rental dwelling, nor shall any licensee be delinquent on any financial obligations owing to the city under any action instituted pursuant to Chapter 2, Administrative Enforcement and Hearing Process.

b. The licensee or applicant shall have satisfied all judgments duly entered or docketed against the licensee or applicant by any court of competent jurisdiction arising out of the operation of a rental property business. This subsection shall not be found to have been violated if the licensee or applicant demonstrates that the underlying case or action leading to the entry of judgment is being properly and timely removed to district court or otherwise appealed, or when the judgment is being paid in compliance with a payment plan accepted by either a court possessing jurisdiction over the judgment or the judgment creditor or during any period when the enforcement of the judgment has been duly stayed by such a court. This subsection shall become effective January 1, 2008.

~~(12) There is no active arrest warrant for a Minneapolis Housing Maintenance Code or Zoning Code violation pertaining to any property in which the licensee, applicant or property manager has a legal or equitable ownership interest or is involved in management or maintenance.~~

~~(13) a. Any person(s) who has had an interest in two (2) or more licenses revoked pursuant to this article or canceled pursuant to section 244.1925 or a combination of revocations or cancellations shall be ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of five (5) years.~~

~~b. Any person(s) who has had an interest in a license revoked pursuant to this article or canceled pursuant to section 244.1925, shall be ineligible from obtaining any new rental dwelling licenses for a period of three (3) years.~~

~~(14) No new rental dwelling license shall be issued for the property during the pendency of adverse license action initiated pursuant to section 244.1940.~~

~~(4511)~~ The licensee or applicant must have a current, complete, and accurate rental dwelling application on file with the director of inspections in accord with the provisions of section 244.1840.

~~(4612)~~ a. Before taking a rental application fee, a rental property owner must disclose to the applicant, in writing, the criteria on which the application will be judged.

b. Application forms must allow the applicant to choose a method for return of the application fee as either 1) mailing it to an applicant's chosen address as stated on the application form, 2) destroying it 3) holding for retrieval by the tenant upon one (1) business-day's notice.

c. If the applicant was charged an application fee and the rental property owner rejects the applicant, then the owner must, within fourteen (14) days, notify the tenant in writing of the reasons for rejection, including any criteria that the applicant failed to meet, and the name, address, and phone number of any tenant screening agency or other credit reporting agency used in considering the application.

d. The landlord must refund the application fee if a tenant is rejected for any reason not listed in the written criteria.

e. Nothing in this section shall prohibit a rental property owner from collecting and holding an application fee so long as the rental property owner provides a written receipt for the fee and the fee is not cashed, deposited, or negotiated in any way until all prior rental applicants either have been screened and rejected for the unit, or have been offered the unit and have declined to take it. If a prior rental applicant is offered the unit and accepts it, the rental property owner shall return all application fees in the manner selected by the applicant, pursuant to section (b).

f. Violation of this subsection, 244.1910(~~46~~ 12), may result in an administrative citation, or may contribute to the denial or revocation of a rental license.⁵⁰

g. This subdivision shall become effective December 1, 2004.

(~~17~~13) An owner shall not have any violations of Minnesota Rule Chapter 1300.0120 subpart 1, related to required permits, at any rental dwelling which they own or have an ownership interest. A violation of Minnesota Rule Chapter 1300.0120 subpart 1 shall result in a director's determination of noncompliance notice being sent, pursuant to 244.1930 to the owner regarding the rental dwelling where the violation occurred. A second violation, at any rental dwelling in which the owner has an ownership interest, of Minnesota Rule Chapter 1300.0120 subpart 1, related to required permits, shall result in the issuance of a director's notice of denial, non-renewal, or suspension of the license or provisional license, pursuant to 244.1940 of the Code, for the rental dwelling where the second violation occurred.

- (~~18~~14) The owner, where the owner pays the water bill for a rental dwelling, shall not allow the water to be shut off for non-payment. If water to a rental dwelling has been turned off, for lack of payment by the owner it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license or provisional license.
- (~~23~~15) The licensee or applicant shall not have any unpaid fines or fees owing to the City of Minneapolis related to their rental property.
- (~~20~~16) A licensee or owner/landlord shall not be in violation of section 244.265 of this Code, which requires owner/landlords to notify tenants and prospective tenants of pending mortgage foreclosure or cancellation of contract for deed involving the licensed property.
- ~~(21) Any person(s), having an ownership or management interest in any property, upon a second violation of section 244.1810 by allowing to be occupied, letting or offering to let to another for occupancy, any dwelling unit without having first obtained a license or provisional license, shall be ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of two (2) years.~~
- (~~22~~17) The owner or licensee shall not be in violation of section 225.780, which requires every owner of a building containing two (2) or more dwelling units to provide for recycling services.
- (~~19~~18) The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.

Section 3. That Chapter 244 of the Minneapolis Code of Ordinances be amended by adding thereto a new Section 244.1915 to read as follows:

244.1915. Effects of License Revocation. a. Any person(s) who has had an interest in a license revoked pursuant to this article or canceled pursuant to section 244.1925, shall be ineligible from obtaining any new rental dwelling licenses for a period of three (3) years. Any such person who retains an interest in two (2) or more rental dwelling licenses shall provide proof of attendance and successful completion by the owner or other natural person as defined in section 244.1840 (3) of a recognized fundamentals of rental property management course approved by the director of regulatory services within three (3) months of the date of revocation or cancelation.

b. It shall be adequate grounds to find a person ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of five (5) years, if the person(s) has, in a five (5) year period, had an interest in two (2) or more licenses revoked pursuant to section 244.1910 (2), (3), (4), (5), (6),(7), (13) or (18), revoked pursuant to 244.2020, or canceled pursuant to section 244.1925 or a combination of revocations or cancellations.

(1) It shall be adequate grounds to find a person ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of three (3) years, if the person(s) has, in a five (5) year period, had a second violation of section 244.1810 by allowing to be occupied, letting or offering to let to another for occupancy, any dwelling unit without having first obtained a license or provisional license.

Section 4. That Section 244.1920 of the above-entitled ordinance be amended to read as follows:

244.1920. Substandard dwelling. A rental dwelling structure shall be considered substandard if:

- (a~~1~~) At least one dwelling unit within the structure scores twenty-five (25) or more points; or
- (b~~2~~) The entire structure scores more than the points shown below based on the number of units within the structure:

TABLE INSET:

Number of Units	Total Points
1	25
2	30
3	35
4	40
5 or more	10 points per unit; or

- (e~~3~~) Any major housing maintenance or fire code violation within the dwelling remains uncorrected. Any single violation scoring six (6) or more points is considered a major violation.

For purposes of the point calculation in this section, any combination of four (4) rooming units or shared bath units shall constitute one (1) dwelling unit. Points for a violation in a common area of the structure outside a dwelling unit will not be cumulative on a unit by unit basis. However, twenty-five (25) or more points in the common areas of a structure, including, but not limited to, the entryways, corridors, community rooms, exterior walls and roof, will constitute a substandard structure.

The director of ~~inspections~~ regulatory services or the director's designee shall cause to be prepared and shall keep on file for public inspection an accurate, complete, and detailed description and schedule of each violation used in the point calculation procedure set forth herein, along with the assigned point value for each such violation. The director shall publish, maintain and make available to the public via all readily available means, including posting to the city's designated Internet site, the description and schedule of all such violations and their assigned point values. Such description and schedule shall be titled the substandard rental dwelling violation schedule. The substandard rental dwelling violation schedule shall be subject to adjustment as deemed necessary and appropriate by the director or the director's designee and any amendments shall be published and made available to the public at least thirty (30) days prior to their effective date. The inspecting ~~officer~~ code official shall assign points according to the severity of each code violation on a scale from one up to the maximum ten (10) points possible for such violation. Except when otherwise provided by state law, conditions in the design or structure of a building, such as, but not limited to, the size and dimension of rooms and windows and the electrical and plumbing systems, that were legal under existing codes when built shall not be violations as long as they are maintained in good repair. A violation shall receive maximum points when a required item is completely absent, completely fails to perform its function, or is imminently hazardous to the health or safety of the occupants.

For any dwelling declared substandard pursuant to this section, the owner or other natural person as defined in section 244.1840 (3) shall provide proof of attendance and successful completion of a recognized healthy housing workshop or course approved by the director of regulatory services within three (3) months of the date of declaration. Failure to comply with this requirement shall constitute good cause pursuant to section 244.1910 to deny, refuse to renew, revoke, or suspend a rental dwelling license or provisional license and shall otherwise be subject to enforcement through any other available means provided by this Code.

Each code violation shall have the following maximum points:

TABLE INSET:

Computer Index Number	Violation	Maximum Points
EXTERIOR VIOLATIONS		
051	Ground cover	2
053	Drainage	2
059	Address numbers	2
<u>111</u>	Repairs/remove garage	2
<u>113</u>	Paint garage	2
<u>115</u>	Repair garage	2
<u>117</u>	Graffiti	4
119	Secure garage	4
121	Repair/replace retaining wall	6
123	Repair/remove/paint fence	4
127	Fence height	4
<u>128</u>	Fence supports	4
129	Fence hazard	3
131	Repair/replace chimney	2
133	Repair/replace roof	4
135	Repair/remove gutters	4
136	Repair/replace exterior walls	6
137	Repair/replace foundation	6
<u>139</u>	Rain water drainage	4
<u>141</u>	Repair/replace exterior steps	3
<u>142</u>	Paint trim	2
143	Repair/replace exterior stairs	3
144	Paint siding	3
145	Repair/replace hatchway	2
147	Porch	4
148	Exterior doors	2
149	Repair cornice	4

150	Second floor doors	4
151	Repair/replace balcony	4
155	Repair/replace or provide guardrail	4
157	Repair/replace deck/patio	4
<u>158</u>	Provide exterior handrail	4
159	Repair/exterior handrails	4
161	Provide screens	4
162	Provide screen door	4
163	Provide storms	4
164	Provide storm door	4
<u>165</u>	Repair screens	4
<u>167</u>	Repair glass	4
<u>171</u>	Repair/replace	4
<u>175</u>	Registration	4
<u>176</u>	Post registration	4
180	Licensing	4
182	Post licensing	4
OCCUPANCY AND PUBLIC VIOLATIONS		
209	Security doors	2
211	Buzzers	4
212	Repair buzzer	4
<u>214</u>	Repair public area	4
<u>215</u>	Number units	4
<u>216</u>	Clean halls	4
<u>217</u>	Hall-exit lights	4
218	Interior handrails	3
<u>219</u>	Repair interior handrails	3
220	Room(s) too small	6
<u>221</u>	Illegal building	6
222	Unlawful occupancy	6
<u>223</u>	Attic occupancy	6
<u>225</u>	Basement occupancy	6
<u>226</u>	Garage occupancy	6
<u>227</u>	Remove illegal appliance	5

<u>228</u>	Seal garbage chutes	4
<u>229</u>	Seal transoms	2
<u>230</u>	Over occupancy	4
<u>231</u>	Required gas disconnected	10
<u>233</u>	Required water disconnected	10
<u>235</u>	Required electrical disconnected	10
<u>241</u>	Ceiling height	3
<u>243</u>	Minimum 150 sq. ft.	3
<u>245</u>	Minimum 220 sq. ft.	3
<u>251</u>	Repair support system	6
<u>253</u>	Interior stairs	6
<u>261</u>	Fire exits	7
<u>262</u>	Fire egress	7
<u>263</u>	Repair/replace fire door	4
<u>264</u>	Provide closers	4
<u>265</u>	Provide latches	4
<u>267</u>	Blocked fire doors	4
<u>269</u>	Tents and trailers	1
FIRE		
<u>309</u>	Hall door closers	2
<u>310</u>	Exit signs	4
<u>311</u>	10-minute doors	3
<u>313</u>	Flammable liquids	5
<u>315</u>	Repair fire doors	4
<u>317</u>	Clean basement	5
<u>319</u>	Unlock fire doors	4
<u>321</u>	Smoke detectors	10
<u>323</u>	Owner occupant smoke detector	10
<u>325</u>	Repair smoke detector	5
<u>331</u>	8" tread/9" rise	5
<u>333</u>	<u>36"</u> stair width	5
<u>335</u>	Combustible storage	5
<u>341</u>	Provide fire extinguisher	5
<u>343</u>	Recharge fire extinguisher	5

<u>345</u>	Replace old extinguisher	5
371	Stop cooking	2
373	Post no cooking	4
375	Lav/bath facility	4
377	Community kitchen	2
379	Clean rooming house	2
381	No shared bath	5
ELECTRICAL		
411	Outlets	5
412	Faceplates	4
413	Repair outlets	2
<u>415</u>	Panel access	2
<u>417</u>	Illegal wiring	6
<u>421</u>	Extension cords	2
<u>423</u>	Basement fixtures	3
<u>425</u>	Repair/replace fixtures	4
<u>429</u>	Metal pull chains	3
<u>431</u>	Grounded bathroom	3
PLUMBING		
504	Open gas line	10
<u>505</u>	Sagging pipes	2
<u>511</u>	Plumbing repairs	5
513	Clogged	3
514	Plastic gas piping	6
515	Sewer required	10
516	Water to fixtures	10
517	Hot water	6
518	Pressure	5
519	Water heater	6
<u>521</u>	Fixtures required	10
522	Bathroom floor	3
523	Ballcocks	3
524	Faucets	5
<u>525</u>	Toilet seat	2

<u>527</u>	Bathroom door	5
528	Light/ventilation	4
<u>529</u>	Flex lines	5
<u>530</u>	Vent shaft	4
<u>531</u>	Basement toilet	3
HEATING		
611	68-degrees	6
613	One-hour rating	6
621	Makeup air	4
623	Service equipment	6
625	Bleed radiators	1
HOUSING		
710	Repair/replace windows	2
711	Window locks	1
712	Openable windows	3
713	Sash cords	1
714	Doors, locks, hinges	3
715	Repair/replace door	4
716	Shades	1
717	Deadbolt—multiple dwelling	4
718	Deadbolt-single-dx	4
719	Replace lock/double-key	4
726	Weather-strip window	1
727	Weather-strip doors	1
729	Rem previous occupancy junk	2
733	Roaches	2
735	Mice	2
737	Roaches contractor	4
739	Mice contractor	4
749	Repair/replace	4
751	Repair floors	4
753	Repair walls	4
755	Repair ceilings	4
759	Wall surfaces	3

771	Exit windows	8
773	Provide window	6
777	Provide keys	3
779	Mailboxes	2
821	Permitted uses	6
836	Maintain drive	2

Section 5. That Section 244.1930 of the above-entitled ordinance be amended to read as follows:

244.1930. Director's determination of noncompliance; notice. (a) If the director of inspections determines that a building or dwelling unit fails to meet the licensing standards set forth in section 244.1910, or section 244.1920, he or she shall mail a notice to the owner and the person designated by the owner as the person responsible for the maintenance and management of the building or dwelling unit. The notice shall specify the reasons why the building or unit fails to meet the licensing standards in section 224.1910 or section 244.1920 and shall include a copy of the inspection report if applicable. However, if a building or dwelling unit fails to meet licensing standards 244.1910(2), (3), (4), ~~(13)(a), (18)~~ or ~~(14) (21)~~, for a second time under the same owner/licensee, a notice of director's determination of noncompliance shall not be required to be sent as the building or dwelling unit may be subject to an action for denial; non-renewal; revocation or suspension pursuant to section 244.1940.

(b) If the rental dwelling fails to meet one (1) or more of the standards set forth in section 244.1910, the notice shall indicate that the license holder or applicant has ten (10) days to correct the defects, after which the city council will take action to deny, refuse to renew, revoke, or suspend the license or provisional license.

(c) If the rental dwelling fails to meet the standards set forth in section 244.1920, the notice shall indicate that the license holder or applicant has sixty (60) days to correct the defects causing the building to be substandard, after which the city council will take action to deny, refuse to renew, revoke, or suspend the license or provisional license. The director may for good cause authorize additional time to correct defects causing a building to be substandard. If the defects create an imminent hazard to health or safety, the director may proceed immediately for denial, nonrenewal, revocation, or suspension under section 244.1940, or may shorten the deadline for compliance to less than sixty (60) days.

(d) Whenever a notice of noncompliance is issued under this section, the director of inspections shall also cause a notice to tenants to be prominently posted on the building. The notice shall indicate that a license proceeding has been commenced against the owner because the building has been found to be in violation of the housing maintenance code; that after a stated period of time allowed to bring the building into compliance, the city council may proceed to deny, revoke, or suspend the rental dwelling license for the building; that if the city council denies, revokes, or suspends the license, tenants may be required to vacate the building; that further information can be obtained from the City of Minneapolis Housing Services Office.

(e) The director of inspections shall send copies of the notice of noncompliance and the notice to tenants to the housing services office.

Section 6. That Section 244.1940 of the above-entitled ordinance be amended to read as follows:

244.1940. Denial; non-renewal; revocation; suspension. (a) If after any period for compliance under section 244.1930 has expired, the director determines that the dwelling fails to comply with any of the licensing standards in sections 244.1910 or 244.1920, or the director has initiated an action to deny, revoke, suspend, or not renew a license pursuant to section 244.2020, or if the director determines that a building or dwelling unit fails to meet licensing standards 244.1910(2), (3), (4), ~~(13)(a)~~, ~~(18)~~ or (14) ~~(21)~~, for a second time, under the same owner/licensee, the director shall mail the owner and the person designated by the owner as the person responsible for the maintenance and management of the building or dwelling unit, a notice of denial, non-renewal, revocation, or suspension of the license or provisional license. The notice shall state:

- (1) That the director has determined that the building fails to comply with the licensing standards for rental dwellings in section 244.1910 and section 244.1920, that the licensee has failed to take appropriate action following conduct by tenants and/or their guests on the licensed premises under section 244.2020, or that the licensee has failed to submit a written management plan that satisfies the requirements set forth in 244.2020(d).
- (2) The specific reasons why the building fails to meet licensing standards, including copies of applicable inspection reports, or notices sent to licensee of conduct on licensed premises.
- (3) That the director has referred the matter to the city council with a recommendation to deny, not renew, revoke, or suspend the license or provisional license.

- (4) That the city council will deny, refuse to renew, revoke, or suspend the license or provisional license unless the owner appeals the determination within fifteen (15) days after receipt of the notice, in the manner provided in section 244.1960.
- (5) That after denial, nonrenewal, revocation or suspension, the dwelling or the affected dwelling units therein must be vacated, and shall not be reoccupied until all violations are corrected and a license is granted by the city council, (except where an extension of time has been granted by the director of inspections due to weather). Further, no license will be granted by the city council until an approved plan to control conduct on premises has been presented and accepted by the city council if the denial, non-renewal, revocation or suspension was under section 244.2020.
- (6) The notice shall describe how an appeal may be filed under section 244.1960.
- (7) The director shall cause a notice to tenants to be mailed or delivered to each licensed dwelling unit and prominently posted on the building. The notice shall indicate that the rental dwelling license for the building has been denied, revoked, or suspended, whichever is applicable; that the action will become final on a specific date unless the building owner appeals and requests a hearing; that tenants may be required to vacate the building when the action becomes final; that further information can be obtained from the City of Minneapolis Housing Services Office.
 - (b) *Lapsed licenses.* If a license lapses, or is surrendered, withdrawn, terminated, or otherwise becomes ineffective, the director may proceed, pursuant to subdivision (a), with an action to deny, non-renew, revoke or suspend if the action was commenced prior any lapse, surrender, withdraw, termination or other loss of license.
 - (c) Any action taken under this section shall be instituted against the rental dwelling license held by the owner(s), licensee and the person designated by the owner as the person responsible for the maintenance and management of the licensed property.
 - (1) No new rental dwelling license shall be issued for the property during the pendency of adverse license action initiated pursuant to this section.

Section 7. That Section 244.1945 of the above-entitled ordinance be amended to read as follows:

244.1945. Reinstatement fee requirements. A fee of one thousand dollars (\$1,000.00) must accompany any application for reinstatement of any license or provisional license that has been denied, revoked or suspended pursuant to 244.1940, if the applicant is a new owner of the property. If the applicant for reinstatement was the owner of the property when the license or provisional license was denied, revoked or suspended under 244.2020, a fee of three thousand dollars (\$3,000.00) must accompany any application for reinstatement. This reinstatement fee is in addition to the license fees imposed pursuant to section 244.1880. If the applicant for reinstatement was the owner of the property when the license or provisional license was denied, revoked or suspended pursuant to section 244.2020, the owner or other natural person as defined in section 244.1840 (3) shall provide proof of prior attendance and successful completion within one (1) year prior to the date of application of a recognized fundamentals of rental property management course approved by the director of regulatory services.

Section 8. That Section 244.1970 of the above-entitled ordinance be amended to read as follows:

244.1970. Vacation of affected dwelling units. When an application for rental dwelling license has been denied, or a rental dwelling license or provisional license has been revoked, suspended, or not renewed, or when the owner has not obtained a current rental dwelling license or provisional license upon proper application as required by this chapter, the director of inspections shall order the dwelling or the affected dwelling units therein vacated, giving tenants a ~~reasonable time~~ minimum of sixty (60) days to arrange new housing and to move their possessions, however the director of inspections shall retain the authority to require the vacation of tenants prior to the sixty (60) day minimum, for good cause.