

2013-Or-\_\_\_\_

**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

**By: Lilligren**

---

**Amending Title 12, Chapter 240 of the Minneapolis Code of Ordinances  
relating to Housing: Lead Poisoning Prevention and Control.**

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

Section 1. That Section 240.30 of the above-entitled ordinance be amended to read as follows:

**240.30. Enforcement authority.** The environmental health division of ~~regulatory services~~ the Minneapolis Health Department shall have the authority to enforce Minnesota Statutes, Chapter 144 and amendments thereto, and Minnesota Rules, Chapter 4761 and amendments thereto.

Section 2. That Section 240.70 of the above-entitled ordinance be amended to read as follows:

**240.70. Annual report.** ~~The director of regulatory services~~ commissioner of health shall provide an annual report to the appropriate committee of the city council on sources of lead hazards, elevated blood lead levels and general environmental lead levels.

Section 2. That Section 240.100 of the above-entitled ordinance be amended to read as follows:

**240.100. Renovation and remodeling.** Whenever the commissioner of health, the fire chief, ~~the director of regulatory services~~ or a proper designee thereof issues a notice of violation to the owner or other natural person as defined in section 244.1840(3) responsible for the maintenance of a rental dwelling, rooming house or lodging establishment constructed prior to January 1, 1978 ordering the remedial repair of blistered, cracked, flaked, scaled or chalked away interior surface paint the notice shall inform the recipient of the following requirements:

- (1) That a person actually performing or supervising the repair work, or the owner or other natural person as defined in section 244.1840(3) responsible for the maintenance of the premises should that person

perform or actively supervise the repair work, provide proof of certification in renovation and remodeling from an accredited training source pursuant to the Environmental Protection Agency's Lead Renovation Repair and Painting Program, 40 CFR Part 745, prior to or upon completion and inspection of the repair work.

- (2) That the certification requirement imposed by this section shall not apply if the owner or other natural person as defined in section 244.1840(3) responsible for the maintenance of the premises provides a report from a professional risk assessment performed by an independent risk assessor demonstrating that no paint from the area in need of repair contains lead. The report must be approved by the director of inspections or the director's designee.

Section 3. That Section 240.110 of the above-entitled ordinance be amended to read as follows:

**240.110. Lead clearance inspection required.** (a) In addition to the requirements of section 240.100, whenever the ~~director of regulatory services~~ commissioner of health or a proper designee thereof issues a notice of violation to the owner or other natural person as defined in section 244.1840(3) responsible for the maintenance of a one (1) to three (3) unit rental dwelling, rooming house or lodging establishment constructed prior to January 1, 1978 ordering the remedial repair of blistered, cracked, flaked, scaled or chalked away interior surface paint the notice shall inform the recipient of the requirements of this section. A person actually performing or supervising the repair work, or the owner or other natural person as defined in section 244.1840(3) responsible for the maintenance of the premises should that person perform or actively supervise the repair work, shall provide proof of training and licensure pursuant to, and shall ensure in writing to the inspector that all work is performed in compliance with, the Environmental Protection Agency's Lead Renovation Repair and Painting Program, 40 CFR Part 745. If the ~~director or the director's designee~~ commissioner of health or the commissioner's designee has cause to believe that the requirements of 40 CFR Part 745 have not been followed, the responsible party shall obtain and submit a clearance inspection report as defined in Minnesota Rules, Chapter 4761 documenting compliance with all requirements. Alternatively, the responsible party may submit a lead risk assessment report in compliance with Minnesota Rules, Chapter 4761 or an equivalent as approved by the ~~director~~ commissioner of health establishing that the deficient surface coatings do not contain lead. The inspections, measurements and any required mitigation shall be completed in compliance with a protocol that shall be published, maintained and made readily available by the ~~director~~ commissioner. The owner shall submit to the ~~director~~ commissioner of health all applicable and necessary information documenting compliance with this section.

(b) *Effective date.* This section shall become effective on June 1, 2011.

2013-Or-\_\_\_\_

**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

**By: Lilligren**

---

**Amending Title 12, Chapter 242 of the Minneapolis Code of Ordinances  
relating to Housing: Appeals.**

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

Section 1. That Section 242.10 of the above-entitled ordinance be amended to read as follows:

**242.10. Board created; membership, terms, compensation.** A housing board of appeals is hereby created. The board shall consist of the director of ~~inspections regulatory services~~ or designee, ~~chief of fire prevention bureau or designee fire marshal or designee~~, commissioner of health or designee, eight (8) public members, and one (1) alternate who must be residents of Minneapolis, to be appointed by the city council; with the supervisor of housing inspection and an attorney representing the city attorney's office, and the ~~Executive Director of the Minneapolis Community Development Agency~~ Community Planning Economic Development (CPED) Department or designee as ex officio members. All public members shall be appointed in conformance with the open appointments as outlined in Minneapolis Code of Ordinances Title 2, Chapter 14.180. One of the public members shall be a member of the Greater Minneapolis Area Association of Realtors. Each of the eight (8) public members and the alternate shall serve for a term of two (2) years and until a successor has been appointed and qualified. The public member alternate shall serve in the absence of any of the eight (8) public members. Each public member of the board shall be compensated fifty dollars (\$50.00) per meeting attended, not to exceed six hundred dollars (\$600.00) per year.

Section 2. That Section 242.40 of the above-entitled ordinance be amended to read as follows:

**242.40. Members entitled to vote.** Every member of the board, except the city attorney's representative, director of the ~~Minneapolis Community Development Agency~~ Community Planning Economic Development (CPED) Department and Housing Supervisor, shall have the right to vote upon all questions coming before the board.

Section 3. That Section 242.60 of the above-entitled ordinance be amended to read as follows:

**242.60. Right to appeal; procedure.** Any owner of property or other person directly and personally affected by any order or other determination may, either personally or by an authorized agent, make an appeal to the board unless precluded by the provisions of section 242.80. Such appeal shall be made before the deadline date provided by such order or determination, but in no event more than fifteen (15) days after the issuance thereof. Such appeal shall be made in writing through the department of ~~inspections~~ regulatory services on a form provided by the department of ~~inspections~~ regulatory services, and shall be accompanied by a filing fee of one hundred dollars (\$100.00) in the form of a cashier's check or money order payable to the Minneapolis Finance Office. Said filing fee shall be waived from bona fide owner-occupants of a single-family or duplex dwelling. The department of inspections shall at the time such notice of appeal is received or upon request send to the appellant a copy of the complete text of this chapter as amended.

The department shall supply, to any appellant requesting same, copies of all or any portion of the ordinances, codes, rules or regulations which are the basis for the order or other determination from which appeal has been taken; and, at all times during business hours, such ordinances, codes, rules and regulations shall be kept available for public inspection at the office of the department of ~~inspections~~ regulatory services.

2013-Or-\_\_\_\_

**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

**By: Lilligren**

---

**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 244.40 of the above-entitled ordinance be amended to read as follows:

**244.40. Definitions.** The following words and phrases when used in the housing maintenance code shall have the meanings respectively ascribed to them in this section:

*Approved:* Approved by the director of ~~inspections~~ regulatory services or the director's designee pursuant to applicable provisions of this Code of Ordinances and other ordinances and regulations.

*Attic story* is any story situated wholly or partly in the roof, so designed, arranged or built as to be used for business, storage or habitation.

*Basement:* Any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story as defined herein.

*Bath:* A bathtub or shower bath.

*Bedroom:* A habitable room within a dwelling unit which is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen or dining room.

*Block:* A portion of the city, whether occupied by buildings or not, which is enclosed by and bounded by adjoining streets having official street name designations.

~~*Chief of the fire prevention bureau:* The legally designated chief of the fire prevention bureau or authorized representative.~~

*Clean:* The condition of being completely free from readily noticeable dirt, soil, stain, left over food particles, or other material not intended to be a part of the object in question.

*Commissioner of health:* The commissioner of health or authorized representative in the department of health.

*Communal:* Used or shared by, or intended to be used or shared by the occupants of two (2) or more rooming units or sleeping rooms.

*Communicable disease:* The following diseases for the purposes of the housing maintenance code, are deemed communicable: Chicken pox, diphtheria, poliomyelitis, smallpox, tuberculosis, typhoid fever and fevers with rash.

*Dining room:* A habitable room used or intended to be used for the purpose of eating but not for cooking or the preparation of meals.

*Director of ~~inspections~~ regulatory services:* The legally designated director of ~~inspections~~ regulatory services of the city or authorized representative.

*Dwelling:* Any building or structure, or portion thereof, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants.

*Dwelling unit:* Any habitable room located within a dwelling and forming a single habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating.

*Efficiency living unit:* "Efficiency living unit" is any room having cooking facilities used for combined living, dining and sleeping purposes and for the purpose of this Code shall be deemed a dwelling unit.

*Emergency:* Any condition or combination of conditions which in the opinion of the commissioner of health, director of ~~inspections~~ regulatory services or their designee or the ~~chief of the fire prevention bureau~~ fire marshal requires immediate action for the protection of health, safety or welfare of the occupants of a dwelling or of the public.

*Extermination:* The control and elimination of insects, rodents, vermin or other pests.

*Family:* A "family" is an individual or two (2) or more persons related by blood, marriage, domestic partnership as defined in Chapter 142 of the Minneapolis Code of Ordinances, or adoption, including foster children and bona fide domestic servants employed on a full-time basis by the family in the dwelling unit, living together as a single housekeeping unit in a dwelling unit and also including roomers, provided that the family plus the roomers shall not exceed a total of five (5) persons; provided further that

the limit of five (5) persons shall not apply where the entire group living in the dwelling unit consists of persons related by blood, marriage or adoption including foster children and domestic servants.

*Fire escape:* An emergency means of egress. A fire escape shall not constitute a required stairway.

*Fire Marshal: The Fire Marshall of the City of Minneapolis, or any of the fire marshal's designees from the sworn service of the fire department or designees of the director of regulatory services charged with the administration or enforcement of the Minnesota State Fire Code for the City of Minneapolis. The fire marshal's designees may include any sworn member of the Minneapolis Fire Department, regardless of rank or assignment, or any member of the Fire Inspections Services.*

*Fire resistance or fire-resistive construction:* Construction to resist the spread of fire, details of which are specified in section 85.100 and Chapter 87, Article II of this Code.

*Garbage:* Animal or vegetable waste resulting from the handling, preparation, cooking or consumption of food.

*Group residential facility:* A "group residential facility" is one operated by a lawfully established and existing philanthropic or charitable organization or agency and which employs personnel of demonstrated competency in the fields of social, spiritual and physical rehabilitation, and has and operates under its own charter, regulations, rules and standards. In order to qualify, such agency must furnish adequate proof of the soundness of its governing charter, regulations and code and of its prior successful existence and practice.

*Habitable floor area:* An area which has a ceiling height of seven and one-half (7½) feet throughout. However, on floors above the first floor the habitable area shall have a minimum ceiling height of seven and one-half (7½) feet over fifty (50) per cent or more of its area, and no part of any floor having a ceiling height of less than five (5) feet shall be considered as part of the habitable floor area; and further, in dwellings one story and attic in height, attic type bedrooms may be located above the first floor of each dwelling unit if such attic type bedrooms have a minimum ceiling height of not less than seven (7) feet over fifty (50) per cent of their floor area.

*Habitable room:* Any room meeting the requirements of this Code for sleeping, living, cooking or dining purposes excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, recreation rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

*Hazardous heating installations:* All heating installations except those which conform with the applicable laws regulating the installation of such space heating in

effect now or at the time of installation and which have been maintained in good repair and working condition and are being used in a safe manner.

*Hazardous plumbing:* All plumbing except that which conforms with the applicable laws regulating the installation of such plumbing in effect now or at the time of installation and which has been maintained in good condition and which is free of cross connections and siphonage between fixtures.

*Hazardous wiring:* All wiring except that which conforms with the applicable laws regulating the installation of such wiring in effect now or at the time of the installation, and which has been maintained in good condition and is being used in a safe manner.

*Hotel, licensed:* Any dwelling wherein sleeping or rooming accommodations are offered or furnished to the general public for a shorter period of time than one week, with or without meals. It shall not include rooming houses or lodging establishments.

*Hotel unit, licensed:* Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping in a licensed hotel, but not for cooking of meals.

*Infestation:* The presence of any insects, rodents, vermin or other pests within a dwelling or on the dwelling premises.

*Kitchen:* A habitable room used or intended to be used for cooking or the preparation of meals.

*Living room:* A habitable room within a dwelling unit which is used or intended to be used primarily for general living purposes.

*Lodging establishment:* Every building or structure, or any part thereof, kept, used as, maintained as, advertised as, or held out to be a place where sleeping accommodations are furnished regularly to roomers, for periods of one week or more, and having five (5) or more sleeping rooms or five (5) or more beds to let. "Lodging establishment" shall not include that part of a building or structure containing "shared-bath dwellings" as that term is defined in Chapter 244 of the Minneapolis Housing Maintenance Code. The term "lodging establishment" shall include fraternities and sororities as defined in the Minneapolis Zoning Code.

*Lodging establishment with boarding:* A lodging establishment where in meals are prepared and/or served to tenants.

*Motel:* "Motel" shall mean "Hotel, licensed" as defined in this Code.

*Multiple dwelling:* Any dwelling occupied, fitted up or arranged to be occupied as three (3) or more dwelling units and shall also include rooming houses and lodging establishments as defined herein.

*Nondwelling structure:* Any structure, except a dwelling, used or intended to be used for the shelter or enclosure of any animal or property of any kind.

*Occupant:* Any person over one year of age, including an owner or operator, living, sleeping, cooking or eating in, or having actual possession of a dwelling, dwelling unit, rooming unit, or sleeping room or hotel unit.

*Operator:* Any person who has charge, care or control of a building, or part thereof, in which dwelling units, rooming units, sleeping rooms or hotel units are let.

*Owner:* The person who is the last owner of record or the fee owner or the contract purchaser or the agent of the aforementioned person or member resident of a warrant-owned building as defined by Minnesota Statutes, Section 273.124, subdivision 3.

*Plumbing system:* The plumbing system of a building includes the water supply distributing pipes; the fixtures and fixture traps; the soil, waste and vent pipes; the building drain and building sewer; the storm water drainage, with their devices and appurtenances; and connections within the building and outside the building within the property line.

*Premises:* A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or nondwelling structure.

*Professional:* Whenever the words "professional state of maintenance and repair" are used in this Code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.

*Recyclables or recyclable materials:* Recyclables are former items of rubbish which have been cleaned so as not to cause health or nuisance problems and separated into categories as follows for purposes of transportation, processing and final remanufacturing. Recyclables shall include, but not be limited to glass; aluminum, bi-metal, steel or tin cans, and other scrap metals such as brass, copper, lead; paper such as newsprint, corrugated cardboard, magazines, ledger paper, bond, computer printout paper, computer tab cards; housewares such as small and large appliances, furniture, utensils, tools; textiles such as clothing and linen.

Any of the above items which are not properly cleaned, prepared or stored such that they pose the threat of health, environmental or nuisance problems shall remain the responsibility and property of the individuals or household from which the materials originated.

*Roomer:* An occupant of a rooming house or lodging establishment who is not a member of the family of the operator of that rooming house, and shall also mean an occupant of a dwelling unit who is not a member of the family occupying the dwelling

unit. This shall not be construed as to include temporary nonpaying guests of the operator.

*Rooming house:* Any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to five (5) or more roomers, with or without meals. Rooming houses shall be in compliance with the zoning ordinance and the construction requirements for rooming houses created after January 1, 1971, and alterations made to existing rooming houses after January 1, 1971 shall be as required for Group R occupancies in the building code.

*Rooming unit:* Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking of meals.

*Rubbish:* Combustible or noncombustible waste materials, including garbage; and the term shall include, but shall not be limited to, such material as ashes, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, scrap metal, mineral matter, glass, crockery and dust. Rubbish shall not include human excreta, sewage or motor lubricating oils.

*Sanitary:* The condition of being completely free from infective, physically hurtful, diseased, poisonous, unwholesome, or otherwise unhealthful substances or influence and being completely free from rodents or arthropods, from the traces of either, and from an environment conducive to the growth of either.

*Shared bath dwelling:* A dwelling unit which does not contain a water closet and a hand lavatory and a bathtub or shower for the exclusive use of the occupants of the unit.

*Single-family dwelling structure:* A detached building occupied as a dwelling by one family alone.

*Sleeping room:* Any room in a lodging establishment which is used, intended to be used, or offered or held out for use, as a place where roomers sleep.

*Story:* That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused underfloor space is more than six (6) feet above grade, as defined herein, for more than fifty (50) per cent of the total perimeter, or is more than twelve (12) feet above grade, as defined herein, at any point, such basement, cellar or unused underfloor space shall be considered a story.

*Story, first:* The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below

grade, as defined herein, for more than fifty (50) per cent of the total perimeter, or more than eight (8) feet below grade, as defined herein, at any point.

*Superficial floor area:* Clear floor space, exclusive of fixed or built-in cabinets or appliances.

*Supplied:* Furnished, provided by, or under the control of, the owner, operator or agent.

*Temporary housing:* Any tent, trailer or other structure used for human shelter which is designed to be transportable and which is not permanently attached to the ground or to another structure.

*Two-family dwelling:* Any dwelling containing only two (2) dwelling units.

*Water closet:* A toilet, with a bowl and trap made in one piece, which is connected to the city water and sewer system or other approved water supply and sewer system.

*Wood-frame construction:* As applied to dwelling shall mean that type of construction in which the load bearing portions of the exterior walls or a portion thereof are of wood.

Section 2. That Section 244.60 of the above-entitled ordinance be amended to read as follows:

**244.60. Temporary housing prohibited; exception.** (a) Unless otherwise provided in this section, no camp car, house trailer, automobile, tent or other temporary structure may be parked or placed upon any public street or on any public or private premises or street in the city and used as a shelter or enclosure of persons and their effects for the purpose of living therein.

(b) The director of ~~inspections~~ regulatory services may issue a permit to allow for temporary housing when a specified emergency creates the need to allow for such housing. A permit may be issued only when the emergency creating the need is an act of nature, a technological failure or malfunction, a terrorist incident, a public health emergency, an industrial accident, a hazardous material accident, or destruction caused by a civil disturbance.

(c) When the director of ~~inspections~~ regulatory services issues a permit to allow for temporary housing, the director shall provide that the permit will expire after a specific period of time, not to exceed six (6) months. The director shall attempt to set the expiration date to coincide with the elimination of the need for temporary housing. The director may grant one (1) six-month extension of this permit.

(d) The director of ~~inspections~~ regulatory services may set conditions on the use of the permit to mitigate the negative impacts of the permit. These conditions may include compliance with applicable statutes, ordinances and/or rules, including but not limited to the Minneapolis Fire Code, Minneapolis Health Code, Minneapolis Building Code, Minneapolis Housing Maintenance Code, and the Minneapolis Zoning Code. In addition, the director may impose any additional appropriate conditions to the use of the temporary housing permit.

(e) The director of ~~inspections~~ regulatory services may revoke the permit if the need for such temporary housing ends, or if the permit holder fails to comply with the conditions set by the director as to the use of the temporary housing permit.

Section 3. That Section 244.90 of the above-entitled ordinance be amended to read as follows:

**244.90. Powers declared additional.** The powers conferred on the director of ~~inspections~~ regulatory services shall be in addition to the power already conferred upon said director of ~~inspections~~ regulatory services and shall not be construed as in any way limiting these powers.

Section 4. That Section 244.120 of the above-entitled ordinance be amended to read as follows:

**244.120. Officers designated.** The director of ~~inspections and authorized representative~~ regulatory services or director's designee shall enforce the provisions of the housing maintenance code. This shall not be construed so as to prohibit the commissioner of health or authorized representative or the ~~chief of the fire prevention bureau~~ fire marshal or authorized representative from the enforcement thereof.

**Cross references:** Director of ~~inspections~~ regulatory services to enforce housing maintenance code, § 28.50.

Section 5. That Section 244.130 of the above-entitled ordinance be amended to read as follows:

**244.130. Inspections required; powers.** Pursuant to provisions of this Code of Ordinances, as set forth herein, the director of ~~inspections~~ regulatory services shall make inspections to determine the condition of dwellings, dwelling units, shared bath dwellings, shared bath units, rooming units, sleeping rooms, hotel units, and premises located within the city for the purpose of enforcing the provisions of the housing maintenance code. The director of ~~inspections, or designated representative~~ regulatory services or the director's designee, may enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units, hotel units, lodging units, lodging establishments, and premises after obtaining consent from an occupant of the premises. In the event that an occupant of the premises does not consent to entry by the director of ~~inspections or designated representative~~ regulatory services or the

director's designee, and if there is probable cause to believe that an inspection is warranted, then application may be made to the court for an administrative or other search warrant for the purpose of inspecting the premises. No person shall refuse entrance or impede the commissioner of health, director of ~~inspections~~ regulatory services, chief of the fire department, or the chief of police, or designated representative, in the performance of emergency duties and in case of emergency every such inspector or officer shall have the right to enter, examine and survey all premises, grounds, erections, structures, dwellings and buildings and every part thereof in the city at all times.

Section 6. That Section 244.150 of the above-entitled ordinance be amended to read as follows:

**244.150. Notice of violations.** Whenever the commissioner of health, the ~~chief of the fire prevention bureau~~ fire marshal or the director of ~~inspections~~ regulatory services determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation, of any provision of this Code, notice of such violation or alleged violation shall be given to the person or persons responsible therefor. Such notice shall:

- (a) Be in writing;
- (b) Include a description of the real estate sufficient for identification;
- (c) Specify the violation which exists and remedial action required;
- (d) Allow a reasonable time for the performance of any act it requires;
- (e) Be served upon the owner, or the operator, or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner, or upon such operator, or upon such occupant if a copy thereof is served upon such owner, operator or occupant personally; or if a copy is left at such owner's, operator's or occupant's usual place of abode with a person of suitable age and discretion then resident therein; or by depositing in the United States Post Office, the notice addressed to such owner's, operator's or occupant's last-known address with postage prepaid thereon; or if service cannot be made by any one (1) of the above means then such notice shall be deemed served if a copy of such notice is posted and kept posted for twenty-four (24) hours in a conspicuous place on the premises affected by such notice.

Notwithstanding the other provisions of this section, a notice of violation shall not be required for violation of sections 227.90, 240.10, 240.20, 240.30, 240.40, 240.50, 240.60, 240.70, 240.80, 240.90, 240.100, 244.60, 244.240, 244.350, 244.410, 244.430,

244.460, 244.590, 244.610, 244.620, 244.640, 244.660, 244.690, 244.700, 244.760, 244.810, 244.820, 244.850, 244.910, 244.915, 244.930, 244.940, 244.945, 244.960, 244.1080, 244.1090, 244.1260, 244.1360, 244.1450, 244.1490, 244.1500, 244.1510, 244.1575, 244.1610, 244.1810, 244.1970, 385.240, 546.80, 547.80, 548.80 and 549.80.

Section 7. That Section 244.160 of the above-entitled ordinance be amended to read as follows:

**244.160. Emergency orders.** Whenever the commissioner of health, the director of ~~inspections~~ regulatory services or the ~~chief of the fire prevention bureau~~ fire marshal finds that an emergency exists in relation to the enforcement of the provisions of the housing maintenance code which requires immediate action to protect the health, safety or welfare of occupants of any dwelling or the public, (s)he 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 provisions of said code. However, when any such emergency shall be declared to exist the office declaring such emergency shall immediately report the same in writing to the city council.

Section 8. That Section 244.170 of the above-entitled ordinance be amended to read as follows:

**244.170. Warning notice of insanitary condition.** All personnel of the sanitation division of the public works department shall take note of any insanitary conditions caused by accumulation of garbage, rubbish or other debris upon any premises serviced by them and shall report such conditions to their supervisors who shall cause a "warning notice" of such conditions to be served upon the owner or occupant of the premises, either by mail or by leaving such notice in a conspicuous place on the premises. Such notice shall be on a form to be prepared by the director of public works and a record of all such notices served shall be transmitted to the director of ~~inspections~~ regulatory services for further inspection and enforcement of the provisions of the housing maintenance code. The service of any notice pursuant to this section shall not in any way supersede or affect any other order, tag or notice of violation duly issued or served pursuant to any other ordinance.

Section 9. That Section 244.180 of the above-entitled ordinance be amended to read as follows:

**244.180. Emergency housing repair.** (a) For the purposes of this section, the following definitions shall apply unless the context clearly indicates otherwise:

- (1) The emergency violation hearing board (hereinafter referred to as "the board") shall consist of the director of ~~inspections~~ regulatory services, the

commissioner of health, and the ~~chief of the fire prevention bureau~~ fire marshal, each of whom may appoint two (2) designees. If designees are appointed, the city council and the mayor shall be informed in writing of the designees.

- (2) The housing maintenance code revolving repair fund (hereinafter referred to as "the fund") shall consist of the "revolving fund for tenants remedies and hazardous buildings act, and an emergency repair ordinance/City of Minneapolis" and any other funds which may be appropriated.

(b) If an emergency is found to exist and a repair order is issued pursuant to section 244.160, the office declaring such emergency shall immediately notify the board, which shall hold a hearing as soon as the deadline date for making the repair has passed. A quorum for this meeting shall be three (3) members, one from each department, but no more than one from each department, and all actions shall require a majority vote of members present.

The owner or person authorized to make or order repairs as registered pursuant to section 244.200(e) and the affected occupant(s) shall be notified of the time and place of the hearing, and shall be allowed to present relevant evidence. Notice shall consist of a reasonable effort by the office declaring the emergency to contact the owner or person authorized to make or order repairs and the occupant, except that such notice need not be in writing and may be given over the telephone. Failure to attend by the owner or the occupant shall not preclude board action.

(c) Every notice of emergency issued pursuant to section 244.160 shall include the following language: "If you do not comply with this order by the above date, the city may remedy the violation and assess the costs to you, or allow the occupants to make the repair and deduct the expense from the occupant's rent, or take such other action it deems appropriate, pursuant to Chapter 244 of the Minneapolis Code of Ordinances."

(d) If the office declaring the emergency finds that the repair has been completed before the time of the hearing, the hearing shall be cancelled and all parties shall be so notified.

Upon finding that the repair has not been completed within the initial time allowed by the office declaring the emergency, that the emergency exists, and that the violation(s) have not been caused by the willful, malicious, negligent, or irresponsible conduct of a complaining occupant or anyone under the occupant's direction or control, the board may in its discretion order one or more of the following:

- (1) Grant an extension for good cause;

- (2) Allow the occupants to remedy the violation pursuant to section 244.180(d)—(h) of this Code; if necessary, the board may guarantee payment of up to two thousand dollars (\$2,000.00) to contractors by the occupant using the fund as the guarantee source; may recommend a higher guarantee payment to the city council for its action; and the city shall recover from the owner any money paid pursuant to this guarantee, including appropriate interest, using such means, including special assessments, as feasible;
- (3) Order the remedy of the violation by the city; monies to perform such repairs shall come from the fund and all costs incurred by the city, including appropriate interest, shall be recovered from the owner, using such means, including special assessments, as feasible;
- (4) Order other such action as it shall deem necessary in order to remedy the emergency condition.

Any repair made pursuant to this section shall discharge the owner's responsibility to comply with any order to repair the emergency to the extent remedied.

(e) If the emergency violation hearing board issued an order pursuant to section 244.180(c)(2) of this Code permitting an occupant to remedy an emergency condition, the occupant of the premises affected may remedy this emergency and deduct the reasonable repair expenses of this remedy from the occupant's rent. The occupant shall include with the first rent payment following the remedy of the emergency a copy of the receipt for repair expenses which differentiates between the cost of materials and the cost of labor. Unless the receipt has been fully paid, the occupant shall also include a copy of any installment payment contract which finances the repairs. If the rent for the period is reduced to zero due to the use of this section, the occupant must deliver a copy of the repair receipt or copies of the repair receipt and installment payment contract in the same manner as the rent payment is usually made. Any such repair expenses shall be considered a deduction from rent owed by the occupant and shall discharge the owner's responsibility to comply with any order to repair the emergency to the extent remedied. If an installment payment contract is involved, an occupant may, during any twelve-month period beginning with the first month of deduction, deduct from the rent due to the owner an amount, including the sum of principal and interest, not to exceed the equivalent of three (3) months' rent.

(f) Any repairs made pursuant to this section must comply with all applicable state laws and the Minneapolis Code of Ordinances, including, but not limited to, the ordinances contained in Title 5, Building Code, relating to permits, licensed contractors, and quality of repair.

(g) The hearing provided for in (b) above shall be in lieu of the appeal provided for in Chapter 242 of this Code. Appeal of any order of the board may be made to Minnesota District Court, Fourth Judicial District.

(h) The rights afforded by this section:

(1) May not be waived or modified; and

(2) Are in addition to and do not limit other rights available to the occupant.

Section 10. That Section 244.185 of the above-entitled ordinance be amended to read as follows:

**244.185. Revolving fund for rental property repair.** The department of ~~inspections~~ regulatory services shall maintain a revolving fund to be known as the housing maintenance code revolving repair fund for tenant remedies actions (hereinafter referred to as "the fund"). The fund may be drawn upon by administrators appointed by a court pursuant to Minnesota Statute Section 504B.425(d) and in the manner prescribed by Minnesota Statute Section 504B.445, Subd. 4(5). Monies to perform such repairs, including approved administrative expenses and fees, shall come from the fund. All costs and fees incurred by the court-appointed administrator, including appropriate interest, shall be recovered from the property owner. If the director of ~~inspections~~ regulatory services determines it is appropriate, disbursements from the fund may be recovered through the special property tax assessment process. The assessment, interest, and any penalties shall be collected in the same manner as are special assessments made for other purposes under state statute or municipal charter. Repairs made pursuant to this section must comply with applicable state law and the Minneapolis Code of Ordinances in such a manner as to achieve minimum compliance with the housing maintenance code. Disbursements from the fund shall not be subject to the provisions and requirements of the procurement process of the city and shall be made on a case by case basis at the discretion of the director of ~~inspections~~ regulatory services.

Section 11. That Section 244.190 of the above-entitled ordinance be amended to read as follows:

**244.190. Reinspection fee.** (a) There shall be no fee charged for an initial inspection to determine the existence of a housing maintenance code violation.

A one hundred dollar (\$100.00) fee shall be charged for each subsequent reinspection finding noncompliance that is conducted after the due date for compliance with an order, as determined by the director of ~~inspections~~ regulatory services or the director's designee.

(b) The reinspection fees prescribed above shall be billed directly to the owner or contact person/agent of the property. Reinspection fees shall be increased by fifty (50) percent when not paid within thirty (30) days after initial billing, to cover administrative costs. Failure to pay such fees shall be grounds for denial, revocation, suspension, or non-renewal of a rental dwelling or lodging house license.

This subsection shall not be considered the exclusive method of collecting reinspection fees and shall not preclude collection by other lawful methods.

(c) Every notice of violation and order to correct housing code violations shall contain a clear and conspicuous explanation of the policy in this section requiring fees for reinspections.

(d) The director of regulatory services, and housing inspection supervisors designated by the director, may waive a reinspection fee in case of error, mistake, injustice, or other good cause.

Section 12. That Section 244.200 of the above-entitled ordinance be amended to read as follows:

**244.200. Required.** No person shall occupy or allow to be occupied any cooperative, condominium or townhouse building for which a registration statement has not been properly filed with the director of ~~inspections~~ regulatory services. The provisions of this article shall not apply to leasehold cooperatives, as defined in Minnesota Statutes, Section 273.124, Subd. 6. The payment of fees set forth in section 244.220 of this chapter shall be a prerequisite to this required registration. Such registration statement shall be made and filed on a form furnished by the director of ~~inspections~~ regulatory services for such purpose and shall set forth the following information:

(a) Name, address, phone number and date of birth of a contact person, a person appointed by the association to be responsible for managing the common areas of the building or complex of buildings, to accept service of process and to receive and give receipt for notices. The contact person shall reside inside of the sixteen-county metropolitan area consisting of the following counties: Hennepin, Rice, Wright, Anoka, Washington, McLeod, Ramsey, Dakota, Scott, Carver, Sherburne, Isanti, Chisago, Sibley, Leseuer and Goodhue. A post office box number or commercial mail service is not acceptable for an address.

(b) Name, address, phone number and position of the board members of the association;

(c) Street address of the building or complex of buildings;

(d) Address of each building within the complex of buildings and the unit numbers of each unit within the building. For each rental dwelling unit within the building or complex of buildings, identify the rental dwelling by address and unit number, and provide the owner's name and address.

(e) The director of ~~inspections~~ regulatory services shall enclose with the registration billing a new application to be completed by the registrant and returned with the proper registration fees. Upon receipt of the proper registration fee and the completed application for registration, the director of ~~inspections~~ regulatory services shall mail to the registrant a certificate of registration indicating the property is registered and proper payment has been made.

Section 13. That Section 244.210 of the above-entitled ordinance be amended to read as follows:

**244.210. Manner of registering.** The registration shall be made by the owner if such owner is a natural person; if the owner is a corporation, by an officer thereof; if a partnership, by one of the partners; and if an unincorporated association, by the manager, or managing officer thereof in the office of the director of ~~inspections~~ regulatory services. Notwithstanding, renewal of registrations as required annually by this code may be made by filling out the required renewal form furnished by the director of ~~inspections~~ regulatory services to the owner, operator or agent of a dwelling and mailing said form together with the required registration fee to the director of ~~inspections~~ regulatory services. Such renewal of registration may only be made where there has not been a change in ownership, operator, agent or type of occupancy as originally registered.

Section 14. That Section 244.230 of the above-entitled ordinance be amended to read as follows:

**244.230. Posting.** Every registrant of a building or complex of buildings shall post a receipted copy of the current registration containing the information required by section 244.200(a) through (e) when received from the director of ~~inspections~~ regulatory services. This item shall be conspicuously posted (in a frame with transparent cover) by the registrant in a public corridor, hallway or lobby of the building for which it is issued. If a public corridor, hallway, or lobby does not exist, the association shall provide dwelling unit owners with a copy of the certificate of registration.

Section 15. That Section 244.275 of the above-entitled ordinance be amended to read as follows:

**244.275. Tenant to be notified of arsenic testing, removal and remediation in South Minneapolis Neighborhood Soil Contamination Site.** (a) For the purpose

of this section, the "South Minneapolis Neighborhood Soil Contamination Site" shall mean the area of South Minneapolis that has been or shall in the future be designated by the United States Environmental Protection Agency for testing, removal and/or remediation of arsenic contamination from residential properties.

(b) Any person allowing to be occupied or letting or offering to let to another for occupancy any dwelling unit located in the South Minneapolis Neighborhood Soil Contamination Site area shall provide to the tenant or lessee copies of all written or electronic information received from the United States Environmental Protection Agency (USEPA) or its agents or contractors concerning arsenic testing results, and removal or remediation activities pertaining to the leased premises. Additionally, any such person shall facilitate, cooperate with and permit the USEPA or its agents or contractors to perform any lawful testing, cleanup, removal or remediation activities at such property as deemed reasonable and necessary by the USEPA. Violation of this section shall constitute good cause for adverse license action pursuant to section 244.1910

(c) Information regarding environmental testing, removal and remediation required to be provided under this section shall be provided to the tenant or lessee at each of the following times:

- (1) Within thirty (30) days after the effective date of this section;
- (2) Within thirty (30) days of receiving new information from the USEPA or its agent or contractor; and
- (3) Prior to signing a lease for the premises or prior to agreement upon a tenancy, if no lease is provided.

(d) The property owner or the owner's representative shall retain an arsenic notification advisory in a format prescribed by the City of Minneapolis, stating that the property owner has complied with all notification requirements under this section, the dates of compliance, and the signature of the tenant or lessee attesting to compliance. If there is a contract or lease for the tenancy, the arsenic notification advisory must be attached thereto.

- (1) The property owner shall provide a copy of the Arsenic Notification Advisory to the department of ~~inspections~~ regulatory services upon request of the director of ~~inspections~~ regulatory services or their designee.

(e) Within ninety (90) days of the date of the last Environmental Protection Agency cleanup in the South Minneapolis Soil Contamination Site, the Environmental Services Division of the Minneapolis Health Department will develop a recommendation on whether to sunset or alter this section.

Section 16. That Section 244.350 of the above-entitled ordinance be amended to read as follows:

**244.350. Solid waste storage.** Every dwelling unit, rooming unit, and shared bath unit shall be provided with an adequate number of containers to hold the solid waste accumulated by such units until said solid waste is removed from the premises. These containers shall be made of metal or approved plastic and be equipped with tight-fitting covers. Where city collection is utilized, pursuant to section 225.600 of this Code, the city engineer shall determine the number of mobile refuse containers (MRC) needed to hold the solid waste accumulated by such units until it is collected for disposal. An owner, operator or agent utilizing private solid waste collection shall provide both the required solid waste containers and the removal service. Approved plastic solid waste containers shall meet the standards of the National Sanitation Foundation Standard No. 21 (as revised 1975). A copy of the standard will be on file at the Minneapolis Department of Health and Family Support.

Unobstructed pedestrian walkways not less than thirty (30) inches in width shall be maintained to the required solid waste containers. Such walkways shall lead from the public way and shall also be accessible to and usable by the occupants of the dwelling for which the containers are provided. Snow, whether natural, piled or accumulated, to a depth greater than six (6) inches shall be deemed to constitute an obstruction if not removed within a twelve-hour time period after snow has ceased to fall.

When in the opinion of the director of ~~inspections~~ regulatory services it has proven necessary to protect the health, safety and welfare of the public, the director may require owners of dwellings at specific addresses to provide large dumpster-type solid waste containers. Said dumpster-type containers must be rodent-proof, well maintained, bear identification of the solid waste hauler supplying the containers, including the phone number, and be provided with metal covers which the tenants can operate with no unusual physical effort. The solid waste haulers providing the dumpster service must provide collection service at least once every week and the dumpster or dumpsters shall be of sufficient size to handle the accumulation of solid waste between pickup periods from the address where the dumpster-type container is required. Large dumpster-type solid waste containers shall be required after conditions at a specific address have resulted in the issuance of two (2) written orders for overflowing solid waste within any twelve-month period.

Section 17. That Section 244.370 of the above-entitled ordinance be amended to read as follows:

**244.370. Rubbish chutes and bins.** No person shall install or use a rubbish chute or a rubbish bin unless such chute or bin has been approved by the persons

charged with the enforcement of the housing maintenance code by section 244.120. This shall not be construed as to prohibit the use of properly connected incinerators which have been approved for use by the director of ~~inspections~~ regulatory services. All openings in rubbish chutes shall be maintained as designed and approved. All openings into flue-fed incinerators which are not in use shall be permanently sealed in an approved manner.

Section 18. That Section 244.435 of the above-entitled ordinance be amended to read as follows:

**244.435. Heating facilities performance inspection and energy audit required.** (a) The owner of any dwelling or dwellings required to possess a rental dwelling, rooming house, or lodging establishment license shall obtain at the owner's expense, a heating facilities performance inspection from a city-licensed mechanical or gas contractor or a boiler operator licensed by the State of Minnesota. The inspection shall verify that any combustion fuel heating plant in excess of ten (10) years of age complies with the "Heating, Ventilation and Cooling Performance Safety Check" requirements published, maintained and made readily available by the director of regulatory services. In addition to any other requirements adopted by the director, it shall be required that combustion make up air with a properly functioning air trap be installed for all combustion water heaters and heating plants in compliance with standards established by the Minnesota Fuel Gas Code. Should the initial inspection indicate that the dwelling or dwellings fail to meet any standard required pursuant to this section, the owner shall take necessary remedial action to abate the deficiency and obtain a reinspection documenting compliance with all requirements. Proof of a satisfactory inspection occurring within the previous two (2) years shall be required upon the occurrence of the regularly-scheduled periodic rental licensing inspection for the property. If proof of a satisfactory inspection is not provided upon the occurrence of the regularly-scheduled periodic rental licensing inspection, the owner shall be ordered to provide such documentation or to obtain and submit proof of a satisfactory inspection within a reasonable timeframe, not less than thirty (30) days, as established by the director of regulatory services, and may not be deemed to have violated this section nor be subject to any penalties until the expiration of such time. The owner shall submit upon request to the director of regulatory services all applicable and necessary information documenting compliance with this section. This section shall not apply to any combustion fuel heating plant or boiler system already required to undergo periodic inspection by any agency of the State of Minnesota.

(b) Whenever the director of regulatory services or a proper designee thereof issues a notice of violation to the owner or other natural person responsible for the maintenance of a single family dwelling required to possess a rental dwelling license ordering the remedial repair of a condition enumerated in this subsection, the notice

shall inform the recipient of the energy audit and blower door test requirements of this subsection. The owner of such a rental dwelling shall obtain at the owner's expense an energy audit including a blower door test and thermal (infrared) scan from a state-approved utility-administered conservation improvement program or from a home energy auditor otherwise recognized by the director of regulatory services. The inspection shall verify that the calculated house air leakage values are within levels established and adopted by the director. Should the initial blower test inspection indicate that the dwelling or dwellings fail to meet the standard adopted pursuant to this subsection, the owner shall take necessary remedial action in conformance with Minn. Statute Section 504B.161(1)(a)(3) to abate the deficiency and obtain a reinspection documenting compliance with all requirements. The audit, testing, measurements, and inspection and any required mitigation shall be completed in compliance with a protocol that shall be published, maintained and made readily available by the director. The owner shall submit to the director all applicable and necessary information documenting compliance with this subsection and shall, upon the request of any current or prospective tenant, provide a complete and accurate copy of any energy audit obtained pursuant to this subsection. After any qualifying dwelling establishes initial compliance with this subsection the director may not order any subsequent audit for a period of ten (10) years unless for good cause. This subsection shall not apply to condominium, cooperative or townhouse dwellings. The requirements of this subsection shall be triggered by any notice of violation duly and properly issued ordering the remedial repair of a violation of sections 244.520 or 244.530 involving:

- (1) Lack of weather stripping around windows or exterior doors;
- (2) Loose-fitting windows;
- (3) Water damaged surfaces that appear to be caused by loose-fitting windows or doors or holes or breaches in the foundation or roof; or
- (4) Lack of or loose-fitting storm windows or storm doors.

(c) *Effective date.* This section shall become effective June 1, 2011.

Section 19. That Section 244.550 of the above-entitled ordinance be amended to read as follows:

**244.550. Stairways and porches.** (a) [*Construction and maintenance generally; live load.*] Every inside and all outside stairways , every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in a professional state of maintenance and repair. Normal use live load shall be the uniform load as set out in the state building code, one hundred (100) pounds per square foot.

(b) [*Handrails.*] Every inside and all outside stairways that have four (4) or more risers shall have at least one (1) handrail, and all such stairways which are forty-four (44) inches or more in width, or which are open on both sides, shall have a handrail on each side. If a stairway is open on one (1) side, the required handrail shall be placed on the open side, when required by the director of ~~inspections~~ regulatory services. Stairways required to be more than eighty-eight (88) inches in width shall be provided with an intermediate handrail. However, only one (1) handrail shall be required when such an outside stairway serves a one- or two-family dwelling and the stairway is not more than forty-two (42) inches above the adjacent surface. All handrails shall be not less than thirty (30) inches nor more than thirty-four (34) inches vertically above the nose of the stair treads or stairway platforms.

(c) *Exception.* Outside stairways attached to owner-occupied single-family dwellings are exempt from the handrail requirements of this section unless such outside stairways are more than forty-two (42) inches above the adjacent surface or are remodeled pursuant to a permit as required by Chapter 89 of this Code of Ordinances.

(d) [*To be kept clean of snow, etc.*] Required means of egress that are exposed to the elements shall be kept clear at all times of rubbish, snow, ice or other obstructions when such egress serves a multiple dwelling.

Section 20. That Section 244.555 of the above-entitled ordinance be amended to read as follows:

**244.555. Guardrails.** All accessible doorways, unenclosed floor and roof openings, open stairs, porches, balconies, walkways and landings which are more than thirty (30) inches above grade or the surface below shall be protected by an approved guardrail. The guardrail shall be not less than thirty-six (36) inches in height and, when in the opinion of the director of ~~inspections~~ regulatory services, it is necessary to protect the public safety, intermediate rails, balusters, or other approved members shall be provided so that no object nine (9) inches in diameter can pass through the guardrails. New installations or replacements of guardrails shall be in compliance with the state building code.

Section 21. That Section 244.590 of the above-entitled ordinance be amended to read as follows:

**244.590. Discontinuance of required services.** (a) No owner or operator shall cause any service, facility, equipment or utility which is required to be supplied under the housing maintenance code to be removed, shut off, or discontinued in any occupied rooming unit, hotel unit, dwelling or dwelling unit let or occupied by said owner, or operator, except for such temporary interruption as may be necessary while actual repairs, replacements or alterations are in process of being made.

(b) An administrative fee of fifty dollars (\$50.00) shall be charged to the bill payer of a property where water services have been shut off for a period of forty-eight (48) hours for non-payment. An additional one hundred dollars (\$100.00) administrative fee shall be charged to the bill payer of a property where the property is placarded with a letter of intent to condemn for lack of utilities resulting from the water services being shut off for non-payment.

(c) Administrative fees charged for water shut off for non-payment shall be added to the property's utility services bill as set forth in section 509.870

Utility companies supplying service through a single meter to equipment or facilities that are required by the housing maintenance code shall post, on or near the front and rear entrances of a multiple dwelling or duplex containing such equipment or facilities, a notice of delinquency in payment of utility bills after the utility bills are sixty (60) days in arrears, or a notice of intent to discontinue such service for failure to pay utility bills not less than fifteen (15) calendar days prior to the actual discontinuance of the service. Said notice shall inform tenants of their right to make rent payments directly to the utility company. When the discontinuance of the service is done by said utility, they shall notify the director of inspections' regulatory service's authorized designee, ~~the supervisor of housing,~~ either by mail, phone, or hand delivery within forty-eight (48) hours after the discontinuance of the service.

After a utility company has posted either notice described above, the tenants in the building may pay any rents owing to the owner or operator of the building directly to the utility company. The utility company shall make available to any requesting tenant or tenant's representative the utility account of the multiple dwelling or duplex housing which has been posted pursuant to this article. Any such payment shall be considered a reduction of rent owed by the tenant and a reduction of the utility bill owed by the owner or operator of the building.

A utility company shall not discontinue service if it has received payments from the tenants sufficient to:

- (1) Cover one hundred (100) per cent of the current bill and one-third (1/3) of the past-due bill within thirty (30) days after posting the original notice.
- (2) Cover one hundred (100) per cent of the current bill and two-thirds (2/3) of the past-due bill within sixty (60) days after posting the original notice.
- (3) Cover one hundred (100) per cent of the current bill and one hundred (100) per cent of the past-due bill within ninety (90) days after posting the original notice.

The utility company may discontinue service without further notice if it has not received the payments specified above.

No person shall deface or remove any notice posted by a utility company pursuant to this section. Such notice shall be removed only by the utility company which posted the notice or with its consent.

For the purposes of this section only, the term "utility company" shall include the water and sewer department of the City of Minneapolis.

Section 22. That Section 244.600 of the above-entitled ordinance be amended to read as follows:

**244.600. Pest extermination.** Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for the extermination of insects, rodents, vermin or other pests on the premises. Whenever infestation exists in any dwelling, or in the shared or public parts of any building containing two (2) or more dwelling units, extermination thereof shall be the responsibility of the owner. The director of ~~inspections~~ regulatory services may order the extermination done by a person licensed to do such work by the provisions of Chapter 325 when in the director's opinion the infestation is widespread and severe.

Section 23. That Section 244.675 of the above-entitled ordinance be amended to read as follows:

**244.675. Secured egress and ingress to be provided for certain multiple dwellings.** All multiple dwellings containing four (4) or more dwelling units or ten (10) or more rooming units existing now or hereafter created shall provide the following security measures: all doorways leading to the exterior or to an exterior vestibule or entry must be secured by a locking device approved by the director of ~~inspections~~ regulatory services. The locking devices provided for required egress doorways shall be of a type that will engage and lock automatically when the door is in the closed position within the frame provided. Further, locks on such required egress doors shall be openable from the exterior by the use of a key or other approved device. All doors, whether required egress doors or auxiliary, shall be openable from the inside without the use of a key or any special knowledge or effort.

All locking devices required by this section shall be kept in a professional state of maintenance and repair. The security locks and devices required by this section shall be provided not later than January 1, 1987. However, when, in the opinion of the director of ~~inspections~~ regulatory services, conditions exist which warrant the installation of said security devices and locks within a shorter time period than previously set out, the

director shall be empowered to order and secure the installation of such security and locking devices within a reasonable time period.

Section 24. That Section 244.820 of the above-entitled ordinance be amended to read as follows:

**244.820. Dwelling unit to be occupied by one family.** No dwelling unit shall be occupied by more than one family. However, unrelated persons may occupy a dwelling unit when such occupancy is permitted and authorized.

When, in the opinion of the director of ~~inspections~~ regulatory services, it is necessary for the protection of the health, safety and welfare of the occupants, the owner or agent of dwelling units let to another may be required to post in a conspicuous place, with a transparent cover, a card issued by the director of ~~inspections~~ regulatory services setting forth the maximum number of persons who may lawfully occupy such a dwelling unit. Said card shall be posted inside the dwelling unit at eye level on, or within four (4) feet of, the main entrance door.

Section 25. That Section 244.960 of the above-entitled ordinance be amended to read as follows:

**244.960. Egress.** Dwellings erected after July 1, 1972, shall have and shall maintain the egress facilities required by the Minnesota State Building Code at the time of erection. Dwellings existing prior to July 1, 1972, shall be provided with egress facilities as required by said Minnesota State Building Code or in compliance with the following regulations: Every habitable unit shall have a safe unobstructed means of egress. Every dwelling unit located above the first floor and every rooming house where three (3) or more roomers occupy one or more rooming units or hotel units located above the first floor and every basement dwelling or hotel unit shall have at least two (2) independent egress stairways which shall be located remote from each other, and one of such stairways shall be an inside stairway. Every such egress shall comply with the following requirements:

(a) Every dwelling with an occupant load of ten (10) persons or fewer shall have one approved means of egress. Dwellings located on the second story shall have at least one approved means of egress if the occupant load of the entire story does not exceed ten (10) persons. Second stories having an occupant load of more than ten (10) persons and all other stories and basements shall have not less than two (2) approved means of egress. Exception: Only one approved means of egress shall be required from a basement within an individual dwelling unit when the occupancy load of such basement is ten (10) or fewer.

(b) All required egress stairs shall be easily accessible from every dwelling or dwelling unit without passing through any room other than public, shared or communal areas. Egress shall lead directly to grade, and such grade shall have an unobstructed path of travel to a public way.

(c) All inside egress stairways located in multiple dwellings more than two (2) stories in height shall be enclosed with materials and doors approved and acceptable to the director of ~~inspections~~ regulatory services now or at the time of their installation or materials having a one-hour fire-resistant rating with self-closing doors rated as Type B. The rated materials and doors shall be tested and approved and listed as such in the files of the director of ~~inspections~~ regulatory services. Smoke barriers of record, approved by the director of ~~inspections~~ regulatory services and the city fire marshal, shall be deemed an acceptable alternate and be allowed to remain and be maintained.

(d) The minimum width of all required egress stairways shall be thirty-six (36) inches measured at the face of the tread. Private stairways serving an occupancy of fewer than ten (10) persons may be thirty (30) inches wide.

(e) Risers of stairs serving habitable space shall not exceed eight (8) inches in height and the treads shall be not less than nine (9) inches in depth. Stair nosing shall not project more than one inch.

(f) All stairways which have four (4) or more risers, inside or attached to a dwelling shall have at least one handrail. All such stairways which are required to be forty-four (44) inches or more in width or which are open on both sides shall have a handrail on each side. If a stairway is open on one side, the required handrail shall be placed on the open side, when required by the director of ~~inspections~~ regulatory services. Stairways required to be more than eighty-eight (88) inches in width shall be provided with an intermediate handrail. Only one handrail shall be required for exterior stairs of one- and two-family dwellings when such stairs do not exceed forty-two (42) inches above the adjacent ground or surface.

(g) All handrails shall be installed not less than thirty (30) inches nor more than thirty-four (34) inches measured vertically above the nose of the stair treads or stairway platforms. Handrails projecting from a wall or other similar surface shall have a space of not less than one and one-half (1½) inches between said wall or surface and the handrails shall be so installed, located, and be of such size and shape that an adult person can grasp and hold onto the same. Handrails hereafter installed or replaced shall be in compliance with the state building code as to location and size.

(h) All dwellings in a multiple dwelling shall have an approved exit within forty (40) feet from the exit of every dwelling above the first story if such building is of

nonfireproof construction, and within fifty (50) feet if such building is of fireproof construction.

(i) Egress doors connected to public, shared or communal areas must be easily opened from the inside along the path of egress and remain unlocked or be of a type which can be unlocked without the use of a key or any special skill or knowledge. Where multiple dwellings have more than five (5) dwelling units, or more than ten (10) rooming units sharing the same means of egress, the doors serving such egress shall swing in the direction of travel and be selfclosing and latching. All stair tower doors located in multiple dwellings which are four (4) or more stories in height, and where the dwelling units are not individually owned, shall be openable from the inside of the stair tower without the use of a key or any special skill or knowledge when such stair tower doors open into a public, shared or communal area. No person shall lock, fasten closed, block open or in any other way tamper with the operation of selfclosing fire doors so that said doors do not function as required by this section.

(j) Any required means of egress exposed to the elements shall be kept clear of rubbish, snow, ice and other such obstructions at all times. All vertical ladders and other emergency fire escapes not recognized as a required means of egress shall be maintained in good order and repair.

Section 26. That Section 244.1030 of the above-entitled ordinance be amended to read as follows:

**244.1030. "Regulatory authority" defined for the code.** Wherever the term "regulatory authority" is used in the Minnesota Lodging Code, or in chapter 244, article X, rooming houses and lodging establishments, it shall be held to mean the ~~environmental health division of the city department of regulatory services~~ Minneapolis Health Department.

Section 27. That Section 244.1110 of the above-entitled ordinance be amended to read as follows:

**244.1110. Keeping of register.** Every person licensed as a rooming house or lodging establishment operator shall at all times keep a register within the rooming house or lodging establishment, in which shall be written the names of all occupants renting or occupying rooming units or sleeping rooms in such rooming house or lodging establishment. After the name or names of persons renting or occupying any rooming unit the operator, or operator's agent, shall write the number of the room or rooms which each person is to occupy, together with the date and hour when such room or rooms are rented, all of which shall be done before such person is permitted to occupy such room or rooms. The register shall be open to inspection within twenty-four (24) hours of request by the chief of police, commissioner of health, director of ~~inspections~~ regulatory

services or ~~chief of the fire prevention bureau~~ fire marshal, or their authorized representatives.

Section 28. That Section 244.1145 of the above-entitled ordinance be amended to read as follows:

**244.1145. Expiration; renewal.** All licenses issued under this article shall expire on November first of each year, subject to renewal year to year thereafter. All licensees shall apply for renewal of their licenses on a form provided by the ~~director of inspections~~ commissioner of health. The renewal application may be in such abbreviated form as deemed sufficient by the director to verify current information on file concerning the licensee. An application for renewal shall be filed in the department at least thirty (30) days before expiration of the license. No license or provisional license shall be granted without payment of the required annual license fee. An individual who is operating a lodging establishment after the license has expired is operating an unlicensed lodging establishment.

Section 29. That Section 244.1155 of the above-entitled ordinance be amended to read as follows:

**244.1155. Application for license.** Within ninety (90) days after the effective date of this article, the owner of each lodging establishment shall make written application to the ~~director of inspections~~ commissioner of health for a license to carry on the business of renting lodging establishment property. Such application shall be made on a form furnished by the ~~director of inspections~~ commissioner of health for such purpose and shall set forth the following information:

- (1) Name, business or residence address, telephone number, and date of birth of the owner of the lodging establishment. If the owner is a partnership, the name of the partnership, the name, residence address, and date of birth of the managing partner. If the owner is a corporation, the name and address of the corporation, and the name of the chief operating officer; in cases where the owner of a dwelling resides outside of the sixteen-county metropolitan area consisting of the following counties: Hennepin, Rice, Wright, Anoka, Washington, McLeod, Ramsey, Dakota, Scott, Carver, Sherburne, Isanti, Chisago, Sibley, Le Sueur and Goodhue; the owner's agent/contact person shall reside within the sixteen-county metropolitan area.
- (2) If the owner has appointed an agent authorized to accept service of process and to receive and give receipt for notices, the name, business or residence address, telephone number, and date of birth of such agent.

- (3) Every applicant, whether an individual, partnership, or corporation, shall identify in the application, by name, residence or business street address, telephone number, and date of birth, a natural person who is actively involved in, and responsible for, the maintenance and management of the premises. Said natural person shall, if other than the owner, affix his or her notarized signature to the application, thereby accepting joint and several responsibility with the owner (including any potential criminal, civil, or administrative liability) for the maintenance and management of the premises. A post office box or commercial mail receiving service are not acceptable as an address for such person. The individual designated herein may also be the owner of the dwelling or an agent identified in subsection (2) above.
- (4) Street address of the dwelling.
- (5) Number and kind of units within the dwelling (sleeping rooms and or beds provided as applicable).
- (6) Any other information deemed necessary to regulate the operations of a lodging establishment.
- (7) In the event that any of the information required to be provided by this section changes, the applicant or licensee shall, within fourteen (14) days, notify in writing the ~~director of inspections~~ commissioner of health, or an authorized representative of the ~~director~~ commissioner, of the change. However, if the natural person designated in subsection (3) changes, the licensee or applicant shall file an entirely new application within fourteen (14) days. Furthermore, for just cause, the ~~director of inspections~~ commissioner of health, or an authorized representative of the ~~director~~ commissioner, may request that an applicant or licensee complete and file a new or replacement application for any rental dwelling, giving the licensee or applicant a minimum of fourteen (14) days to comply.

Section 30. That Section 244.1230 of the above-entitled ordinance be amended to read as follows:

**244.1230. Inspection; recommendation to council.** The ~~director of inspections~~ commissioner of health shall inspect each hotel for which a license application is filed. The ~~director~~ commissioner shall transmit to the city council a recommendation relative to such hotel license application. If the ~~director~~ commissioner recommends that such application be denied, the reasons for such recommendation shall be set forth by the ~~director~~ commissioner.

Section 31. That Section 244.1260 of the above-entitled ordinance be amended to read as follows:

**244.1260. Register to be kept.** Every person to whom a hotel license has been issued shall at all times keep a hotel register within the hotel, in which shall be written the names of all occupants renting or occupying hotel units in such hotel. The register shall be signed by the persons renting a hotel unit. After the name or names of persons renting or occupying any hotel unit the operator, or the operator's agent, shall write the number of the room or rooms which each person is to occupy, together with the date and hour when such room or rooms are rented, all of which shall be done before such person is permitted to occupy such room or rooms. The register shall be at all times open to inspection by the chief of police, commissioner of health, the director of ~~inspections~~ regulatory services and the ~~chief of the fire prevention bureau~~ fire marshal or their authorized representatives.

Section 32. That Section 244.1290 of the above-entitled ordinance be amended to read as follows:

**244.1290. Numbering of units.** Every licensed hotel operator shall number in a plain conspicuous manner every hotel unit and any tenement units and dwelling units if any such tenement units and dwelling units exist within the hotel. No two (2) units shall bear the same number. No number on any hotel unit, tenement unit, or dwelling unit shall be changed without first notifying the ~~director of inspections~~ commissioner of health so the occupancy record cards can be changed to agree with the unit numbering.

Section 33. That Section 244.1450 of the above-entitled ordinance be amended to read as follows:

**244.1450. Condemnation authorized; requiring vacating.** Whenever the commissioner of health, the director of ~~inspections~~ regulatory services, or the ~~chief of the fire prevention bureau~~ fire marshal finds that any dwelling, multiple dwelling or dwelling unit constitutes a hazard to the health, safety or welfare of the occupants or to the public because it lacks maintenance, or is dilapidated, unsanitary, vermin-infested, or rodent-infested, because it lacks the sanitary facilities and equipment required by the housing maintenance code, or because it violates residential storage standards, he or she may condemn such dwelling or dwelling unit as unfit for human habitation. If any dwelling or any part thereof is occupied by more families than provided by this code, or is erected, altered or occupied contrary to law, such dwelling shall be deemed an unlawful structure and the director of ~~inspections~~ regulatory services may cause such dwelling to be vacated. It shall be unlawful to again occupy such dwelling until it or its occupation, as the case may be, has been made to conform to the law.

Section 34. That Section 244.1460 of the above-entitled ordinance be amended to read as follows:

**244.1460. Placarding.** Any dwelling or dwelling units condemned shall be posted with a placard of condemnation by the director of ~~inspections~~ regulatory services. The placard of condemnation shall include the following:

- (a) Name of the city;
- (b) The name of the authorized department having jurisdiction;
- (c) The chapter and section of this Code of Ordinances or other ordinance under which it is issued;
- (d) Street address of building, dwelling number if applicable;
- (e) A statement of reason or reasons for condemnation;
- (f) A statement of time when occupants must vacate the dwelling or dwelling unit (not less than twenty-four (24) hours or more than thirty (30) days except in cases of emergency);
- (g) The date that the placard of condemnation is posted;
- (h) A statement of the penalty for defacing or removal of the placard.

Section 35. That Section 244.1470 of the above-entitled ordinance be amended to read as follows:

**244.1470. Notice of condemnation required.** Whenever the director of ~~inspections~~ regulatory services, commissioner of health or ~~director of the fire prevention bureau~~ fire marshal intends to condemn a dwelling or dwelling unit, notice shall be given to the owner of such condemnation and placarding of the dwelling or dwelling unit. Such notice shall:

- (a) Be in writing;
- (b) Include the street address of the building, dwelling number if applicable;
- (c) Include a statement of the reason or reasons why it is being issued;
- (d) Set a date to bring the conditions herein set out into compliance with the housing maintenance code and as notice that after said date the building or dwelling will be condemned.

Section 36. That Section 244.1490 of the above-entitled ordinance be amended to read as follows:

**244.1490. Duty to vacate.** Any dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation by the director of ~~inspections~~ regulatory services, commissioner of health or ~~director of the fire prevention bureau~~ fire marshal shall be vacated within a reasonable time as required by said director, or commissioner and it shall be unlawful for any owner or operator to let or allow any person to occupy said dwelling or dwelling unit. No person shall occupy any dwelling or dwelling unit which has been condemned and placarded by said director or commissioner after the date set forth in the placard of condemnation. The director of ~~inspections~~ regulatory services, commissioner of health or ~~director of the fire prevention bureau~~ fire marshal may allow a security or fire guard to occupy the condemned dwelling when, in the opinion of said director or commissioner such action best serves public interest.

Section 37. That Section 244.1500 of the above-entitled ordinance be amended to read as follows:

**244.1500. Condemned dwellings not to be occupied.** No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from the director of ~~inspections~~ regulatory services, commissioner of health or ~~director of the fire prevention bureau~~ fire marshal. The director of ~~inspections~~ regulatory services, commissioner of health or ~~director of the fire prevention bureau~~ fire marshal shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated, as evidenced by proper issuance of a certificate of code compliance as set forth in Chapter 87, except where such certificate of code compliance is not required under the provisions of section 89.15 of this Code.

Section 38. That Section 244.1570 of the above-entitled ordinance be amended to read as follows:

**244.1570. Grading and drainage.** All premises shall be graded and maintained so as to prevent the accumulation of stagnant water on said premises or within any building or structure located thereon, and every premises shall be continuously maintained in a sanitary, erosion-free, and dust-free condition by suitable landscaping with grass, trees, shrubs, or other planted ground cover, or by paving with asphalt, concrete, or by such other suitable means as shall be approved by the director of ~~inspections~~ regulatory services. Where a premises is occupied or shared by fewer than three (3) dwelling units, the continued maintenance of the premises in the above conditions shall also be the responsibility of the occupants.

Whenever a premises is not in compliance with this section and presents an immediate hazard to public health and welfare, the director of ~~inspections~~regulatory services shall give fifteen (15) days' notice to the owner or owners or the agent of such owners and occupant or tenant of premises in the city to correct the violation. In the event said violation is not corrected, the director of ~~inspections~~ regulatory services shall take the necessary actions to secure compliance with this section. Premises shall be considered hazardous when it becomes a potential source of filth and cause of sickness, when stagnant water or dust is left to accumulate or stand on the premises, or when erosion of the soil causes the same to spill over onto the sidewalk, street or the adjoining property.

Section 39. That Section 244.1580 of the above-entitled ordinance be amended to read as follows:

**244.1580. Weeds, other vegetation.** No owner, operator or occupant shall allow to remain on any portion of the premises occupied or controlled by such person any accumulation of hay, grass, straw, weeds, vines, bushes, other plant growth or dead trees or dead tree limbs which in the opinion of the director of ~~inspections~~ regulatory services constitutes a health, safety or fire hazard. Further, no person shall allow any bushes, trees or other vegetation to remain on any portion of private property which that person controls, when such vegetation is overhanging public premises unless said vegetation is cut back so as to maintain the following clearances: A clearance of seven (7) feet shall be maintained over pedestrian walkways and a clearance of fourteen (14) feet shall be maintained over vehicular passageways.

"Public premises" for the purpose of this chapter shall mean those areas where the city has exercised its easement rights to provide either pedestrian walkways or vehicular passageways.

Section 40. That Section 244.1720 of the above-entitled ordinance be amended to read as follows:

**244.1720. Enforcement.** The director of ~~inspections~~ regulatory services is authorized and directed to administer and enforce the provisions of this article. The director of ~~inspections~~ regulatory services may disapprove locking devices that do not meet the requirements of this article.

Section 41. That Section 244.1840 of the above-entitled ordinance be amended to read as follows:

**244.1840. Application for license.** Within ninety (90) days after the effective date of this article, the owner of each rental dwelling shall make written application to the director of ~~inspections~~ regulatory services for a license to carry on the business of

renting residential property. In addition, the owner of each such rental dwelling constructed after the effective date of this article shall make written application to the director of ~~inspections~~ regulatory services for a license as herein provided prior to initial occupancy. Such application shall be made on a form furnished by the director of ~~inspections~~ regulatory services for such purpose and shall set forth the following information:

- (1) Name, business or residence address, telephone number, and date of birth of the owner of the dwelling. If the owner is a partnership, the name of the partnership, the name, residence address, and date of birth of the managing partner, and the full name and address of all partners. If the owner is a corporation, the name and address of the corporation, and the name of the chief operating officer; in cases where the owner of a dwelling resides outside of the sixteen-county metropolitan area consisting of the following counties: Hennepin, Rice, Wright, Anoka, Washington, McLeod, Ramsey, Dakota, Scott, Carver, Sherburne, Isanti, Chisago, Sibley, Le Sueur and Goodhue; the owner's agent/contact person shall reside within the sixteen county area.
  - a. All partnerships, corporations, limited liability companies or other recognized business associations which own a dwelling required to be licensed under this chapter shall submit, upon request of the director of ~~inspections~~ regulatory services or the director's designee, the name and address of all partners, shareholders or interest holders. If requested by the director of ~~inspections~~ regulatory services or the director's designee, information regarding the names and addresses of all partners, shareholders or interest holders must be submitted in a sworn affidavit. Failure to provide this information upon request and in proper form may result in a \$500.00 fine or other appropriate enforcement action.
- (2) If the owner has appointed an agent authorized to accept service of process and to receive and give receipt for notices, the name, business or residence address, telephone number, and date of birth of such agent.
- (3) Every applicant, whether an individual, partnership, or corporation, shall identify in the application, by name, residence or business street address, telephone number, and date of birth, a natural person who is actively involved in, and responsible for, the maintenance and management of the premises. Said natural person shall, if other than the owner, affix his or her notarized signature to the application, thereby accepting joint and several responsibility with the owner (including any potential criminal, civil, or

administrative liability) for the maintenance and management of the premises. A post office box or commercial mail receiving service are not acceptable as an address for such person. The individual designated herein may also be the owner of the dwelling or an agent identified in subsection (2) above. The phone number herein required shall be of a phone number that shall be normally answerable twenty-four (24) hours a day, seven (7) days a week, not subject to normal business hours. The person designated as the person responsible for the maintenance and management of the premises, whether that person is also the owner of the property or a designee of the owner, shall be required to respond to inquiries from the department of regulatory services or the environmental health division of the Minneapolis Health Department within a reasonable period of time. Failure to respond in a reasonable period of time may lead to adverse license action pursuant to Section 244.1910(19) of this Code.

- (4) Street address of the dwelling.
- (5) Number and kind of units within the dwelling (dwelling units, rooming units, or shared bath units). For each unit, specify the floor number, and the unit number and/or letter and/or designation.
- (6) In the event that any of the information required to be provided by this section changes, the applicant or licensee shall, within fourteen (14) days, notify in writing the director of ~~inspections~~ regulatory services, or an authorized representative of the director, of the change. However, if the natural person designated in subsection (3) changes, the licensee or applicant shall file an entirely new application within fourteen (14) days. Furthermore, for just cause, the director of ~~inspections~~ regulatory services, or an authorized representative of the director, may request that an applicant or licensee complete and file a new or replacement application for any rental dwelling, giving the licensee or applicant a minimum of fourteen (14) days to comply.

Section 42. That Section 244.1850 of the above-entitled ordinance be amended to read as follows:

**244.1850. Provisional licenses.** The director of ~~inspections~~ regulatory services may issue a provisional license to the owner of a rental dwelling who has submitted an application and paid the license fee required by this article. A provisional license shall authorize the continued occupancy of rental dwelling units in actual existence on the effective date of this article, pending issuance of a rental dwelling license. A provisional license shall authorize the continued occupancy of dwelling units converted to rental

usage after the effective date of this article, which shall be inspected pursuant to section 244.1870 of this article. A provisional license indicates only that the owner has submitted an application for a license and paid the required fee, and that the license shall be issued or denied after the building has been inspected for compliance with the minimum standards set forth in section 244.1855 of this article. A provisional license is not a determination that the building complies with the housing maintenance code or the minimum standards set forth in this article.

As a condition of a provisional license or annual renewal of such license, the applicant shall sign a statement affirming that the licensee meets the standards of section 244.1910, subsections (11) through (14).

Section 43. That Section 244.1860 of the above-entitled ordinance be amended to read as follows:

**244.1860. Expiration; renewal.** All licenses and provisional licenses issued under this article shall expire on August thirty-first of each year, subject to renewal year to year in the manner provided in this article. All licensees and provisional licensees shall apply for renewal of their licenses on a form provided by the director of inspections regulatory services. The renewal application may be in such abbreviated form as deemed sufficient by the director to verify current information on file concerning the licensee. No license or provisional license shall be granted without payment of the required annual license fee. An individual who is operating a rental dwelling after the license has expired is operating an unlicensed rental dwelling.

Section 44. That Section 244.1870 of the above-entitled ordinance be amended to read as follows:

**244.1870. Point-of-conversion or change of ownership inspection.** (a) A license or provisional license issued hereunder is nontransferable. A new license application shall be required for each change of ownership of a rental dwelling and whenever a dwelling is converted to rental usage.

(b) Whenever a dwelling is converted to rental usage or when a rental dwelling changes ownership, the dwelling or dwellings shall be promptly inspected for compliance with the minimum standards set forth in section 244.1855 of this article. The fee for the inspection required by this section shall be one thousand dollars (\$1,000.00) for the inspection of any dwelling converted to rental usage and four hundred fifty dollars (\$450.00) for the inspections of a rental dwelling which has a change of ownership and which has not been inspected in the past six (6) months. This fee shall be in addition to the annual license fee. If, upon application for a license for any dwelling converted to rental usage, the owner or other natural person as defined in section 244.1840(3) provides proof of prior attendance and successful completion within five (5)

years prior to the date of application of a recognized fundamentals of rental property management course approved by the director of regulatory services, the fee for the inspection required by this section shall be reduced to seven hundred fifty dollars (\$750.00). This provision shall not apply to condominium buildings containing six (6) or more dwelling units nor to any rental building containing more than four (4) dwelling units, nor to any rental dwelling owned by a nonprofit entity, as that term is defined in this title. The director of ~~inspections~~ regulatory services may waive this provision if a property received a certificate of occupancy within three (3) years of the application date.

(1) Conversion shall be defined as single dwelling buildings and buildings/units with separate PID numbers (condominium or townhouse with two (2) to five (5) dwelling units) that have been unlicensed for the previous twelve (12) months for which the owners are applying for a rental dwelling license.

(c) Noncompliance with written orders duly issued pursuant to the inspection required under this section shall constitute cause for the imposition of adverse license action, including but not limited to license denial.

(d) If the licensee discontinues rental use and re-occupies the converted dwelling as an owner occupant within twelve (12) months of paying the inspection fee, the owner may be eligible for a fifty (50) percent refund of the inspection fee, upon written application. The provisions of this section shall apply to any property re-converted to rental use after application for this refund.

Section 45. That Section 244.1890 of the above-entitled ordinance be amended to read as follows:

**244.1890. Inspection guidelines.** The director of regulatory services shall adopt a policy for inspecting all rental dwellings which are required to be licensed under this article, consistent with inspection procedures set forth in section 244.130 or section 244.1855. The policy shall contain objectives for the systematic inspection of all rental dwellings and priorities for the use of scarce inspection resources. The guidelines shall be based upon the following factors and any other factors deemed by the director to promote an efficient inspections program:

(a) Geographic distribution and concentration of rental dwellings.

(b) Designation of rental dwellings as Category 4 or 5 in the records of the city assessor.

(c) Rental dwellings with delinquent property taxes.

(d) Property identified by the housing inspections department division as having an excessive number of housing code violations or a history of noncompliance or slow compliance with housing inspection orders.

(e) Rental dwellings for which no license or provisional license has been applied, or which were unregistered under former Article III of this chapter.

(f) Rental dwellings with an excessive number of police calls for drug offenses, prostitution, crimes of force or violence, and loud disturbances or parties.

(g) Sale of the equitable interest in a rental dwelling property.

Section 46. That Section 244.1900 of the above-entitled ordinance be amended to read as follows:

**244.1900. Issuance of license.** When, upon completion of an inspection of a building and rental dwellings therein, the director of ~~inspections~~ regulatory services finds that the minimum standards for licensing set forth in this article have been met, a rental dwelling license may be issued.

Section 47. 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, or for the imposition of reasonable conditions or restrictions upon such a license pursuant to section 259.165

- (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) The licensee or his or her agent shall allow the director of ~~inspections~~ regulatory services and his or her designated representative to perform a rental license review inspection as set forth in section 244.2000(c).
- (9) 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~~ their authorized representatives at all times.
- (10) The licensee shall submit to the director of ~~inspections~~ regulatory services 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.
- (11) 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
- (15) The licensee or applicant must have a current, complete, and accurate rental dwelling application on file with the director of ~~inspections~~ regulatory services in accord with the provisions of section 244.1840
- (16) 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(16), may result in an administrative citation, or may contribute to the denial or revocation of a rental license.
  - g. This subdivision shall become effective December 1, 2004.
- (17) 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) 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.
- (19) 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.

- (20) 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) 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.
- (23) The licensee or applicant shall not have any unpaid fines or fees owing to the City of Minneapolis related to their rental property.

Section 50. 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~~ regulatory services 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 (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~~ regulatory services 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~~ regulatory services shall send copies of the notice of noncompliance and the notice to tenants to the housing services office.

Section 51. That Section 244.1960 of the above-entitled ordinance be amended to read as follows:

**244.1960. Appeals procedure.** (a) Any person wishing to appeal a determination of the director recommending denial, nonrenewal, revocation, or suspension of a license or provisional license, or that conditions or restrictions be placed on a license or provisional license, shall file a written notice of appeal with the department of ~~inspections~~ regulatory services within fifteen (15) days after receipt of the notice of denial, nonrenewal, revocation, suspension, or determination recommending conditions or restrictions. The notice shall contain a statement of the grounds for the appeal. The notice of appeal shall be accompanied by a fee of three hundred dollars (\$300.00). All appeals shall be heard by an administrative hearing officer pursuant to Title 1, Chapter 2 of this Code.

(b) At the hearing, the hearing officer shall hear all relevant evidence and argument. The hearing officer may admit and give probative effect to evidence that possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The hearing officer shall record the hearing and keep a record of documentary evidence submitted.

(c) The hearing officer shall render a decision in writing within thirty (30) days after the close of the hearing. The decision shall determine whether the building, or dwelling units therein, meets the licensing standards of sections 244.1910, 244.1920, or 244.2020, and shall specify the factual and legal basis for the determination.

(d) The hearing officer shall mail a copy of the decision to the license holder or applicant and to each licensed dwelling unit.

(e) The hearing officer shall refer the decision to the city council, which shall have final authority to issue, deny, renew, revoke, or suspend the license. The city council may hear argument from the license holder/applicant, but shall take no further evidence. The city council may affirm, modify, or reverse the decision of the hearing officer.

(f) The final decision of the city council shall be mailed to the license holder or applicant.

(g) A notice to tenants of the final decision shall be mailed to each occupant and prominently posted on the building. The notice shall indicate the date upon which tenants must vacate the building and shall clearly indicate which dwelling units are affected. The notice shall indicate that further information and relocation assistance can be obtained from the City of Minneapolis Housing Services Office.

Section 52. 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~~ regulatory services shall order the dwelling or the affected dwelling units therein vacated, giving tenants a reasonable time to arrange new housing and to move their possessions.

Section 53. That Section 244.2000 of the above-entitled ordinance be amended to read as follows:

**244.2000. Duties of licensee.** Every holder of a rental dwelling license or provisional license shall:

(a) Post his or her license certificate, along with any other required informational posting as approved by the director of ~~inspections~~ regulatory services, when the certificate or required informational posting is received from the director of ~~inspections~~ regulatory services. If the informational posting is provided in a color format, the posting or any replacement posting must also be in color and the posting and license shall at all

times be clearly and readily legible and visible. In multiple dwelling buildings, the certificate and required informational posting shall be conspicuously posted in a frame or frames with transparent cover in the common area immediately adjoining the front or principal entrance of the building. If there exists no such qualifying common area in the multiple dwelling building, the certificate and required informational posting shall be prominently posted within each dwelling unit, at or near the front or principal entrance. For other than multiple dwellings, the certificate and required informational posting shall be prominently posted at or near the front or principal entrance of the building.

(b) 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, within the building. The register shall be kept current at all times. The licensee shall designate the person who has possession of the register. The register shall be available for review by the director or ~~his or her~~ their authorized representatives at all times.

(c) Permit the director of ~~inspections~~ regulatory services and ~~his or her~~ the director's authorized representatives, either voluntarily or pursuant to an administrative or other warrant, to enter upon the premises for the purpose of conducting inspections to verify compliance with the housing maintenance code, and the fire, health, zoning and building codes of the city. Such inspections shall be made at such frequencies as the director in ~~his or her~~ their sole judgment shall deem appropriate and necessary, and when practical shall provide reasonable advance notice to the license holder or a managing agent.

(d) The owner of any dwelling which is required to be licensed by this chapter shall, prior to the time of sale of said dwelling, notify the buyer in writing of all unabated orders and violation tags issued by the department of ~~inspections~~ regulatory services pertaining to said dwelling, as well as the requirement of law that said dwelling, upon acquisition by a new owner, must be licensed with the director of ~~inspections~~ regulatory services. A copy of the notification shall be mailed to the director of ~~inspections~~ regulatory services within five (5) days of furnishing the notification to the buyer. If the dwelling is owned by a corporation, an officer of said corporation shall carry out the notification required by this section. If the property is owned by more than one person, a notification by one of the owners shall satisfy this section. For the purposes of this section, "time of sale" shall be construed to mean when a written purchase agreement is executed by the buyer or, in the absence of a purchase agreement, upon the execution of any document providing for the conveyance of a dwelling required to be licensed.

(e) Upon written order of the director of ~~inspections~~ regulatory services or an authorized representative of the director, the licensee shall provide the director or

authorized representative, within the ten (10) days, the following information: the number of dwelling, rooming, and shared bath units in the building, specifying for each unit, the floor number, and unit number and/or letter and/or designation.

(f) Submit current application information as required by section 244.1860 of this chapter.

Section 54. That Section 244.2010 of the above-entitled ordinance be amended to read as follows:

**244.2010. Notices.** Whenever a notice is required to be sent to or served upon the licensee of a rental dwelling under this article, notice shall be deemed sufficient if sent by first class mail to the owner or owner's designated agent at the address specified in the last license application filed in the department of ~~inspections~~ regulatory services under section 244.1840. If a notice sent to the address specified in the last license application is returned, and the owner or owner's agent cannot be found, then notice shall be sent to the person designated in the last license application, under subsection 244.1840(3), as responsible for the maintenance and management of the premises, or any other known caretaker or manager, and a notice shall also be posted on the building.

Every licensee shall notify the ~~inspections division~~ department of regulatory services within ten (10) days of any changes in the names, addresses, and other information concerning the persons listed in the last license application filed with the ~~division~~ department. Whenever notice is required to be sent or delivered to tenants of a dwelling unit under this article, notice shall be sufficient if sent by first class mail to the tenants or occupants of each licensed dwelling unit at the address specified in the license application or the register that the licensee maintains pursuant to section 244.2000(b).

Section 55. That Section 244.2020 of the above-entitled ordinance be amended to read as follows:

**244.2020. Conduct on licensed premises.** (a) It shall be the responsibility of the licensee to take appropriate action, with the assistance of crime prevention specialists or other assigned personnel of the Minneapolis Police Department, following conduct by tenants and/or their guests on the licensed premises which is determined to be disorderly, in violation of any of the following statutes or ordinances, to prevent further violations.

- (1) Minnesota Statutes, Sections 609.75 through 609.76, which prohibit gambling;

- (2) Minnesota Statutes, Section 609.321 through 609.324, which prohibits prostitution and acts relating thereto;
- (3) Minnesota Statutes, Sections 152.01 through 152.025, and Section 152.027, Subdivisions 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
- (4) Minnesota Statutes, Section 340A.401, which prohibits the unlawful sale of alcoholic beverages;
- (5) Section 389.65 of this Code, which prohibits noisy assemblies;
- (6) Minnesota Statutes, Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and section 393.40, 393.50, 393.70, 393.80, 393.90 and 393.150 of this Code, which prohibit the unlawful possession, transportation, sale or use of a weapon; or
- (7) Minnesota Statutes, Section 609.72, and Section 385.90 of this Code, which prohibit disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least two (2) units on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.

(b) The police department and the ~~inspections division~~ department of regulatory services shall be jointly responsible for enforcement and administration of section 244.2020

(c) Upon determination by a crime prevention specialist, or other assigned police department employee, utilizing established procedures, that a licensed premises was used in a disorderly manner, as described in subsection (a), the responsible crime prevention specialist or other assigned police department employee shall notify the licensee by mail of the violation and direct the licensee to take appropriate action with the assistance of the Minneapolis Police Department to prevent further violations. If the instance of disorderly use of the licensed premises involved conduct specified in paragraphs (a)(2), (a)(3) or (a)(6) of this section the licensee shall submit a satisfactory written management plan to the police department within ten (10) days of receipt of the notice of disorderly use of the premises. The written management plan shall comply with the requirements established in paragraph (d) of this section. The licensee shall implement all provisions of the written management plan within twenty (20) days after acceptance of the management plan by the crime prevention specialist or other assigned police department employee. The notice provided to the licensee of the violation shall inform the licensee of the requirement of submitting a written management plan. That notice shall further inform the licensee that failure to submit a

written management plan or failure to implement all provisions of the management plan within twenty (20) days after its acceptance may result in the city council taking action to deny, refuse to renew, revoke, or suspend the license. The established procedures manual is available to the public from the Minneapolis Police Department.

(d) If another instance of disorderly use of the licensed premises occurs within eighteen (18) months, if the premises contains between one (1) and six (6) distinct and separate residential units, or within twelve (12) months, if the premises contains more than six (6) distinct and separate residential units, of an incident for which a notice in subsection (c) was given, the crime prevention specialist or other assigned police department employee shall notify the licensee by mail of the violation. The licensee shall submit a satisfactory written management plan to the police department within ten (10) days of receipt of the notice of disorderly use of the premises. The written management plan shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding twelve (12) months. The written management plan shall also detail all actions taken and proposed to be taken by the licensee to prevent further disorderly use of the premises. The licensee shall implement all provisions of the written management plan within twenty (20) days after acceptance of the management plan by the crime prevention specialist or other assigned police department employee. The notice provided to the licensee of the violation shall inform the licensee of the requirement of submitting a written management plan. That notice shall further inform the licensee that failure to submit a written management plan or failure to implement all provisions of the management plan within twenty (20) days after its acceptance may result in the city council taking action to deny, refuse to renew, revoke, or suspend the license. The licensee or the listed agent/contact person for the licensee shall also successfully complete a property owner's workshop at the direction of and in accordance with a schedule set forth by the police department. Any costs associated with that workshop will be the sole responsibility of the licensee. The notice provided to the licensee of the violation shall inform the licensee of the requirement of the licensee or the listed agent/contact person for the licensee of the requirement to successfully complete a property owner's workshop. That notice shall further inform the licensee that failure to successfully complete the property owner's workshop may result in the city council taking action to deny, refuse to renew, revoke, or suspend the license.

(e) When required by paragraph (d), the rental dwelling license for the premises may be denied, revoked, suspended, or not renewed if the licensee fails to submit a written management plan that satisfies the requirements set forth in paragraph (d), or if the licensee fails to timely implement all provisions of an accepted written management plan, or if the licensee or the listed agent/contact person for the licensee fails to successfully complete a property owner's workshop after a minimum of two (2) approved workshops have been scheduled, offered and held. An action to deny, revoke,

suspend, or not renew a license under this section shall be initiated by the director of ~~inspections~~ regulatory services in the manner described in section 244.1940, and shall proceed according to the procedures established in sections 244.1950, 244.1960, and 244.1970

(f) If another instance of disorderly use of the licensed premises occurs within eighteen (18) months, if the premises contains between one (1) and six (6) distinct and separate residential units, or within twelve (12) months, if the premises contains more than six (6) distinct and separate residential units, after the second of any two (2) previous instances of disorderly use for which notices were sent to the licensee pursuant to this section, 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 director of ~~inspections~~ regulatory services in the manner described in section 244.1940, and shall proceed according to the procedures established in sections 244.1950, 244.1960, and 244.1970

(g) 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 after a notice is given by the licensee to a tenant to vacate the premises, where the disorderly use was related to conduct by that tenant or his/her guests. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. A notice to vacate shall not be a bar to adverse license action unless a copy of the notice is submitted to the crime prevention specialist or other assigned police department employee within ten (10) days of receipt of the violation notice. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued by the director of ~~inspections~~ regulatory services at any time if it appears that the licensee has taken appropriate action to prevent further instances of disorderly use.

(h) A determination that the licensed premises have been used in a disorderly manner as described in subsection (a) shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges be brought 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.

2013-Or-\_\_\_

**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

**By: Lilligren**

---

**Amending Title 12, Chapter 246 of the Minneapolis Code of Ordinances relating to Housing: Residential Rehabilitation Grants.**

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

Section 1. That Chapter 246 of the Minneapolis Code of Ordinances be repealed.

~~**246.10. Findings and policy.** (a) The city council finds that many houses in the city do not meet the applicable housing code, that there is a need for a comprehensive housing rehabilitation program in the city which will complement any statewide housing rehabilitation program, and that some homeowners are unable to afford any rehabilitation expenses.~~

~~(b) Pursuant to the authority of Laws of Minnesota 1974, Chapter 285, the city has adopted a rehabilitation loan and grant program to aid in accomplishing such needed housing rehabilitation. Grants under such program shall be subject to the provisions of this chapter. (Code 1960, As Amend., § 91.010; Ord. of 7-26-74, § 1)~~

~~**246.20. Eligible properties.** The following requirements shall apply to any property for which a rehabilitation grant is made:~~

~~(a) The property must be a permitted use or have a conditional use permit under the city's zoning ordinance, and the use must be currently permitted under the urban renewal plan or development plan if located in such an area.~~

~~(b) A property shall not be eligible if it has been identified for public acquisition for which funding is presently available, unless that property is being formally reexamined for potential retention in which case waivers shall be considered. Properties which are identified for conditional or possible acquisition will be eligible.~~

~~(c) The property shall be used exclusively for residential purposes, and shall contain no more than three (3) dwelling units.~~

~~(d) — After rehabilitation, the property must be insurable through an established public or private property insurance program. (Code 1960, As Amend., § 91.020; Ord. of 7-26-74, § 1; 76-Or-090, § 1, 6-25-76; 76-Or-246, § 1, 12-30-76)~~

~~**246.30. Eligible applicants.** (a) To be eligible for a rehabilitation grant, an applicant must be an owner-occupant or contract-for-deed purchaser with limited assets available to pay for repairs and a gross annual income not exceeding the income limits as shall be established by the city council as part of the administrative guidelines for the program, a copy of which shall be on file with the city clerk. The administering body shall review this income limit from time to time to determine potential adjustment. A tenant of a life estate shall be deemed an owner for the purposes of this chapter.~~

~~(b) — Absentee owners shall not be eligible for grants.~~

~~(c) — Grants may be issued to applicants who are not occupants of the property at the time of application and approval but who will become occupants once rehabilitation work has progressed sufficiently to allow occupancy. In cases where the Minneapolis Community Development Agency (MCDA) is selling the property, fee title must pass concurrently with the closing of the grant or else upon the completion of the work in accordance with guidelines of the MCDA. (Code 1960, As Amend., § 91.030; Ord. of 7-26-74, § 1; Ord. of 5-30-75, § 1; 82-Or-117, § 1, 6-25-82)~~

~~**246.40. Rehabilitation grant utilization.** (a) Rehabilitation grants can be used to finance the repair of code violations. In all cases, however, code violations that represent an immediate threat to health and safety ("hazards") must be repaired before "nonhazards," except as provided in contracts between homeowners and contractors which were executed prior to June 25, 1976, with the approval of the [Minneapolis Community Development Agency] MCDA. In addition, the installation of weatherization and/or other cost-effective, energy conservation improvements as designated by the MCDA executive director can be financed.~~

~~(b) — The maximum amount of a rehabilitation grant shall be twelve thousand dollars (\$12,000.00) per property for properties located in "priority/target" areas as designated by the Minneapolis City Council and eight thousand dollars (\$8,000.00) per property for properties located elsewhere in the city. This maximum figure shall take into consideration grants previously provided through this program or other CDBG-funded grants (unless specifically provided otherwise), the federal Section 115, and/or Minnesota Housing Finance Agency (MHFA) programs (including the MHFA's rehabilitation loan program). In the event that a property has been repaired with financing received through a Section 115 grant, a grant through this city program (or other CDBG-funded grant), or a "grant" provided by the MHFA and the ownership of the property has changed, and a period of at least two (2) years has transpired since the grant had been provided, the MCDA may provide a grant for eligible work (subsection (a) above), up to the maximum amount as applicable.~~

~~(c) — The aggregate of all such grants shall not exceed the limitation prescribed by Laws of Minnesota 1974, Chapter 285.~~

~~(d) — All grants shall be secured by a repayment instrument to be invoked in the event of (1) incomplete work or misused funds, or (2) change of the property's status within seven (7) years, as hereafter provided.~~

~~(1) — All grant work shall be completed within nine (9) calendar months from the date that the grant is provided. In the month immediately following the nine-month construction period, the MCDA shall conduct a completion inspection. If the work has not been completed due to owner negligence, terms of the repayment agreement converting the grant to a loan bearing interest at the rate indicated by city guidelines may be invoked. If funds have been misused, the MCDA may seek total repayment of the grant in a lump sum and/or refer the case to appropriate legal authorities. This paragraph (1) shall apply only to such category of grants where deemed necessary by the MCDA.~~

~~(2) — If a property is sold, transferred or otherwise conveyed or ceases to be the grant recipient's principal place of residence within seven (7) years from the date that a grant is provided, all or part of the grant shall be repaid to the MCDA. The MCDA shall have a lien as security for repayment of these funds. The grant repayment shall be on a prorated basis: Sale within three (3) years, one hundred (100) per cent repayment; sale within fourth year, seventy-five (75) per cent repayment; sale within fifth year, fifty (50) per cent repayment; sale within sixth year, twenty-five (25) per cent repayment; sale after sixth full year, no repayment. In the event of a hardship, the MCDA may waive the repayment provision or reduce the amount which the property owner is required to repay. Where transfer of title is caused by the death of the recipient, and the heirs to the property are income-eligible and agree to be owner-occupants, the new owners may assume the obligations of the original recipient under the terms of the repayment agreement with no immediate repayment of the grant funds required. For grant recipients with a household member sixty-five (65) years of age or older at the date of application, the first four thousand dollars (\$4,000.00) of grant funds received will be treated as an immediate, nonrepayable grant; all other repayment provisions shall apply. (This "elderly bonus" provision shall only apply for grants approved prior to June 25, 1982.)~~

~~(e) — Rehabilitation grants shall not be approved in conjunction with rehabilitation loans which include financing for general property improvements unless the property is being brought into full compliance with city codes.~~

~~(f) — Grant recipients shall be required to maintain the improved property in at least the condition to which it was improved.~~

~~(g) — The following shall apply only for rehabilitation grants funded through community development block grants (CDBG), except for special purpose grant programs~~

administered under separate regulations as otherwise provided by contracts between the MCDA and the city:

(1) — ~~The provisions of section 246.30 shall apply; provided, however, that applicants whose "adjusted gross income" exceeds the income limits established pursuant to subsection 246.30(a) shall also be eligible if the applicant's household monthly housing related expenses before or after rehabilitation are in excess of twenty-five (25) per cent of the applicant's household monthly gross income provided that the applicant's combined household annual "adjusted gross income" does not exceed the maximum amount allowable under the Minnesota Housing Finance Agency home improvement loan program. For applicants whose only sources of income for the entire household are from retirement or disability annuities (or other fixed amounts), it will not be required that twenty-five (25) per cent of their monthly gross income be used for housing related expenses. "Adjusted gross income" shall not include income from the spouse not residing in the property in a marriage for which the petition of dissolution of marriage has been filed, except that child support, maintenance, or other such payments, shall be considered in income calculations.~~

(2) — ~~Rehabilitation grants that are being funded through CDBG to be administered as supplements to federally funded Section 115 grants or "grant" funded by the MHFA shall be administered in conformance with the respective program's regulations.~~

(3) — ~~The provisions of subsections (a), (b), (d), (e), (f) and (i) shall also apply, and the provisions of subsections (c) and (h) shall not apply.~~

(h) — ~~For this city program, as a general rule, the grant shall not be approved if the total of the existing indebtedness in the property plus the total value of the grant would exceed the after-rehabilitation fair market value of the property. In making the determination of the after-rehabilitation value, consideration shall be given to the extent of the improvements being conducted elsewhere in the neighborhood.~~

(i) — ~~In the event that a grant intended for funding by the MHFA must be provided from the resources of the city program, the terms and conditions of that grant shall not be altered. (Code 1960, As Amend., § 91.040; Ord. of 7-26-74, § 1; Ord. of 1-31-75, § 1; Ord. of 5-30-75, § 2; 76-Or-090, § 2, 6-25-76; 77-Or-225, § 1, 11-10-77; 78-Or-223, §§ 1, 2, 10-27-78; 82-Or-117, § 2, 6-25-82; 85-Or-141, §§ 1, 2, 7-26-85)~~

**246.50. Procedures.** ~~(a) The rehabilitation grant program shall be administered by the Minneapolis Community Development Agency, pursuant to the provisions of a cooperation agreement with the city for the administration of the city's rehabilitation loan and grant program.~~

(b) — ~~In reviewing and making the determination on each application, the following factors shall be considered:~~

(1) — ~~The availability of other governmental programs affordable by the applicant;~~

- ~~(2) — The availability and affordability of private market financing;~~
- ~~(3) — Whether the housing is required, pursuant to an urban renewal program or a code enforcement program to be repaired, improved or rehabilitated;~~
- ~~(4) — Whether the housing is required, pursuant to a court order issued under Minnesota Statutes, Section 566.25, Clauses (b), (c) and (e), to be repaired, improved or rehabilitated;~~
- ~~(5) — Whether the housing has been determined to be uninsurable because of physical hazards after inspection pursuant to a statewide property insurance plan approved by the United States Department of Housing and Urban Development under Title XII of the National Housing Act;~~
- ~~(6) — Whether the housing unit is a single-family dwelling or homesteaded unit; and~~
- ~~(7) — Whether the applicant is a person of low income, as defined herein. (Code 1960, As Amend., § 91.050; Ord. of 7-26-74, § 1; 82-Or-117, § 3, 6-25-82)~~

~~**246.60. Principal reduction grants.** Principal reduction grants will be administered in conjunction with home improvement loans funded by the MHFA in accordance with program regulations adopted by both the MCDA board of commissioners and the Minneapolis city council. The regulations for those grants shall take precedence over other terms, conditions and eligibility requirements stated in this chapter. (85-Or-141, § 3, 7-26-85)~~

2013-Or-\_\_\_\_

**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

**By: Lilligren**

---

**Amending Title 12, Chapter 247 of the Minneapolis Code of Ordinances relating to Housing: Housing Finance Program.**

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

Section 1. That Chapter 247 of the Minneapolis Code of Ordinances be repealed.

**~~CHAPTER 247. HOUSING FINANCE PROGRAM~~**

**~~ARTICLE I. IN GENERAL~~**

~~**247.10. Authority.** Pursuant to Laws of Minnesota 1975, Chapter 188, the City of Minneapolis has been authorized to establish programs to finance housing and to provide the needed mortgage credits and promulgate regulations therefor, and in establishing housing finance programs thereunder the city council is acting in all respects for the benefit of the citizens of the City of Minneapolis to serve a public purpose in improving and otherwise promoting their health, welfare and prosperity. (78-Or-207, § 2, 10-13-78)~~

~~**247.20. Purpose.** The city council finds and determines that preservation of the quality of life in the city as a major metropolitan city is dependent upon the maintenance, provision and preservation of an adequate housing stock; that accomplishing this is a public purpose; that there are many housing units in the city that do not meet the applicable housing codes, some of which need to be destroyed, and some of which can be rehabilitated; that a need exists to replace housing which is destroyed; that a need exists for mortgage credit to be made available for new construction of housing; that refinancing existing mortgages will allow owners of housing units which need rehabilitation to take advantage of existing rehabilitation programs; that many owners, would be purchasers or providers of housing units are either unable to afford mortgage credit at market rates of interest or obtain mortgage credit because the mortgage credit market is severely restricted; that a need exists for adequate, decent, safe and sanitary housing, especially at prices which primarily persons of low and moderate income can afford; that a need exists for public assistance to provide such housing in addition to the available governmental programs and private market financing; and that a need exists for additional mortgage credit for new construction of housing and rehabilitation of~~

~~existing housing and to encourage the purchase of housing units, including housing units located on property which governmental bodies or agencies have acquired and made suitable for housing construction. (78-Or-207, § 2, 10-13-78)~~

~~**247.30. Definitions.** The following terms when used in this chapter shall have the following meanings, respectively:~~

~~(a) — *Act* shall mean Laws of Minnesota 1975, Chapter 188, as now in effect and as the same may be from time to time amended.~~

~~(b) — *Agency* shall mean the housing and redevelopment authority in and for the City of Minneapolis, a public body corporate and politic created pursuant to the Municipal Housing and Redevelopment Act of 1947, as amended, and appearing as Minnesota Statutes, Chapter 462, as amended.~~

~~(c) — *City* shall mean the City of Minneapolis, County of Hennepin, State of Minnesota.~~

~~(d) — *City council* shall mean city council of the city.~~

~~(e) — *Programs* shall mean the housing finance programs authorized by the act and subject to the regulations.~~

~~(f) — *Regulations* shall mean the regulations for the programs promulgated by ordinance of the city council, as then in effect. (78-Or-207, § 2, 10-13-78)~~

~~**247.40. Agency powers.** Except as otherwise expressly provided herein, the agency is hereby authorized to administer the programs. In the making or purchase of loans or other securities in furtherance of the programs, and in the issuance of revenue bonds or other obligations pursuant to the act, the agency as an existing agency is hereby authorized to exercise, within the corporate limits of the city, any and all of the same powers as the Minnesota Housing Finance Agency is authorized to exercise under the provisions of Minnesota Statutes, Chapter 462A, except that all bond sales by the agency shall be approved by resolution of the city council. (78-Or-207, § 2, 10-13-78) Special law reference--For special act authorizing creation of independent development and redevelopment agency or authority, see Laws 1980, Ch. 595, as amended by Laws 1985, Ch. 194; Laws 1988, Ch. 572 (accepted by 88-R-197 on May 27, 1988); and Laws 1988, Ch. 594 (accepted by 88-R-198 on May 27, 1988).~~

~~**247.45. Housing and redevelopment authority authorized to issue mortgage revenue bonds.** (a) The housing and redevelopment authority in and for the City of Minneapolis, (the "HRA") is hereby authorized to exercise, on behalf of the City of Minneapolis all powers conferred by Minnesota Statutes, Sections 462C.01 to 462C.08 with respect to single-family housing, as defined in Minnesota Statutes, Section 462C.02, Subdivision 4, including, but not limited to, the power to issue and sell single family housing mortgage revenue bonds in an aggregate amount not to exceed three hundred million dollars (\$300,000,000.00).~~

~~(b) — The HRA shall, upon request of the city council, make periodic status reports to the city council regarding housing programs and bond issues carried out pursuant to the authorization contained in subsection (a) hereof. (80-Or-144, §§ 1, 2, 6-27-80)~~

~~**247.50. Administrative costs.** The agency will make every effort to ensure that the revenues generated from the programs are sufficient to retire the revenue bonds or obligations issued by the agency or the city to finance the programs and to provide for the administrative costs of the programs. (78-Or-207, § 2, 10-13-78)~~

~~**247.60. Rules and regulations.** The city council shall, by ordinance, promulgate regulations for the programs. The city council shall not amend the regulations in effect at the time any bonds or obligations authorized by the act are issued to the detriment of the holder of such bonds or obligations. (78-Or-207, § 2, 10-13-78)~~

~~**247.70–247.90. Reserved.**~~

## ~~**ARTICLE II. HOUSING OWNERSHIP PROGRAMS REGULATIONS**~~

~~**247.100. Definitions.** The following terms when used in this article shall have the following meanings, respectively:~~

~~(a) — *Adjusted annual income* shall mean the gross annual income from all sources and before taxes or withholding of any member of the primary income recipient's family residing with the primary income recipient after deducting the following:~~

~~(1) — The income of any resident (except the primary income recipient) who is under eighteen (18) years of age or is a full-time student, and who is related by blood, adoption or marriage to a resident income recipient or his/her spouse;~~

~~(2) — Nonrecurring income as determined by the program director;~~

~~(3) — An amount equal to seven hundred fifty dollars (\$750.00) for each resident of the housing unit who is eighteen (18) years of age or over (maximum of two (2)), and five hundred dollars (\$500.00) for each additional dependent of the primary income recipient.~~

~~(b) — *Gross annual income* shall mean on an annual basis, salary, commissions, bonuses, interest, dividends, tips, gains on sales of securities, annuities, pensions, farm rental, partnership, estate or trust income, and miscellaneous income.~~

~~(c) — *Housing ownership programs* shall mean the housing financing programs authorized by the act and administered in accordance with this article.~~

~~(d) — *Housing unit* shall mean a private detached owner-occupied dwelling for one, two (2), three (3) or four (4) families, or a townhouse dwelling unit or dwelling unit under condominium ownership occupied or to be occupied by but one family alone.~~

~~(e) — *Loan committee* shall mean a committee of three (3) persons consisting of the program director, the executive director of the agency, and the controller of the agency.~~

~~(f) — *Members* shall mean the board of commissioners of the agency.~~

~~(g) — *Mortgage insurer* shall mean the Federal Housing Administration, Veterans Administration, or any reputable private mortgage insurer authorized to engage in such business in the State of Minnesota.~~

~~(h) — *Persons and families of low and moderate income* shall mean those persons and families whose adjusted annual income does not exceed one hundred ten (110) per cent of the median family income from time to time established by the United States Department of Housing and Urban Development for the Minneapolis-Saint Paul standard metropolitan statistical area.~~

~~(i) — *Program director* shall mean the chief administrative officer of the housing ownership programs as designated by regulation of the agency.~~

~~(j) — *Substantially rehabilitated* shall mean with regard to a housing unit the improvement thereof to a decent, safe and sanitary condition requiring more than routine or minor repairs or improvements and which may vary in degree from gutting and extensive reconstruction to cosmetic improvements coupled with cure of substantial accumulation of deferred maintenance. (78-Or-207, § 2, 10-13-78; 79-Or-238, § 1, 11-21-79; 80-Or-267, § 1, 11-14-80)~~

~~**247.110. Income limits.** Housing units financed under the housing ownership programs shall be occupied primarily by persons and families of low and moderate income at the time the loan is made; provided, however, that to achieve economic integration, the agency may permit occupancy by persons and families who are not persons and families of low and moderate income. (78-Or-207, § 2, 10-13-78)~~

~~**247.120. Administration.** The loan committee and the program director shall make recommendations to the members regarding the administration of the housing ownership programs and shall perform such other duties as may be directed by the agency in carrying out the housing ownership programs. (78-Or-207, § 2, 10-13-78)~~

~~**247.130. Forms and procedures.** The agency shall prepare guides setting forth uniform procedures by which applications for loans under the housing ownership programs shall be submitted and processed and the contents thereof, and for determining eligibility of borrowers and for issuing commitments and other procedures necessary or desirable to assist the agency in carrying out the housing ownership programs. Such guides shall become effective upon the approving votes of the members. The program director may, in the program director's discretion and from time to time, prescribe and amend forms to be used by an applicant for applying for financing under the housing ownership programs. (78-Or-207, § 2, 10-13-78)~~

~~**247.140. Eligible applicants.** Any individual, partnership, corporation or other business entity shall be eligible to make application for loans under the housing ownership programs in accordance with this article. (78-Or-207, § 2, 10-13-78)~~

~~**247.150. Authorization of mortgage loans.** Under the housing ownership programs, no loan shall be made or purchased until the loan committee has reviewed the application relating to the loan and has approved such loan, and neither the purchase price nor the mortgage loan for a housing unit shall exceed three (3) times the income limitation established by section 247.100, clause (h) except that the agency may permit the purchase price and mortgage loan of a home purchased pursuant to a program intended to achieve economic integration to equal four (4) times the income limitation established by section 247.100 clause (h) or seventy-three thousand five hundred dollars (\$73,500.00) in the case of an owner-occupied two-family dwelling, or eighty-five thousand dollars (\$85,000.00) in the case of an owner-occupied three-family dwelling, or one hundred thousand dollars (\$100,000.00) in the case of an owner-occupied four-family dwelling. (78-Or-207, § 2, 10-13-78; 79-Or-238, § 2, 11-21-79; 80-Or-267, § 2, 11-14-80)~~

~~**247.160. Evidence of mortgage loans.** The program director shall not permit any disbursement of an approved mortgage loan until such loan is evidenced by a fully executed note or other evidence of indebtedness, a mortgage and such other instrument as the program director may deem necessary or appropriate. (78-Or-207, § 2, 10-13-78)~~

~~**247.170. Residential mortgage loans.** Residential mortgage loans shall be made to finance the acquisition of an existing, newly constructed or substantially rehabilitated housing unit and shall satisfy the following requirements:~~

- ~~(a) — The borrower must be an individual fee owner-occupant of the housing unit.~~
- ~~(b) — The borrower must be an acceptable credit risk with the ability to pay the loan obligation as determined by the loan committee under the guides established and approved pursuant to section 247.130 hereof.~~
- ~~(c) — The property must be used for residential purposes. Mobile homes and trailers shall not be eligible for loans.~~
- ~~(d) — Construction loans shall not be eligible.~~
- ~~(e) — The housing unit to be purchased, constructed or substantially rehabilitated must not be in violation of applicable zoning ordinances or other applicable land use guides including any urban renewal plan or development district plan if located in such an area.~~
- ~~(f) — At the time of application, financing must not be available from private lenders or other governmental programs upon terms and conditions which are affordable by the~~

~~applicant. Other financing shall be deemed to be not affordable by the applicant if the applicant has been turned down on the basis of affordability by a lending institution for a mortgage loan in the same amount for which the applicant applies to the agency or, if private financing is available, only on terms such that payments of principal, interest, taxes, insurance and, in the case of a condominium unit, common expenses (as that term is defined in subdivision 8 of Section 515.02, Minnesota Statutes), on an annualized basis with respect to that unit are greater than one-fifth of the adjusted annual income of the eligible borrower.~~

~~For purposes of this subsection, interest is assumed to be at the rate and for a term then available in the conventional mortgage market as determined by the agency from time to time.~~

~~(g) — A residential mortgage loan shall be insured by a mortgage insurer or shall have a loan-to-value ratio, as determined by the agency, less than eighty (80) per cent.~~

~~(h) — A residential mortgage for a substantially rehabilitated housing unit shall be made only when the loan committee determines that a minimum of twenty-five (25) per cent of the amount of the residential mortgage loan is attributable to improvements made or to be made; provided, however, that a residential mortgage loan may not be made for a substantially rehabilitated housing unit for which improvements have been completed at the time of application therefor, unless the improvements were completed within one year next preceding the date of application. (78-Or-207, § 2, 10-13-78; 79-Or-110, § 1, 5-25-79; 80-Or-267, § 3, 11-14-80; Pet. No. 252271, § 38, 5-11-90)~~

~~**247.180. Housing ownership programs goals.** The agency will submit from time to time to the city council a statement of goals for the housing ownership programs and at least once quarterly will submit to the city council a report as to the progress toward such goals. (78-Or-207, § 2, 10-13-78)~~

~~**247.190. Reserved.**~~

### **ARTICLE III. HOUSING DEVELOPMENT REGULATIONS**

~~**247.200. Definitions.** The following terms when used in this article shall have the following meanings, respectively:~~

~~(a) — *Adjusted annual income* shall mean the gross annual income from all sources and before taxes or withholding of all residents of a housing development unit after deducting the following:~~

~~(1) — The income of any resident (except the primary income recipient) who is under eighteen (18) years of age or a full-time student and who is related by blood, adoption or marriage to a resident income recipient or his/her spouse;~~

~~(2) — Nonrecurring income as determined by the program director and sums received for foster child care;~~

~~(3) — Extraordinary medical or other expenses as the program director approves for exclusion;~~

~~(4) — Income of each additional income recipient eighteen (18) years of age or older, other than the primary income recipient, but not exceeding the amount of seven hundred fifty dollars (\$750.00);~~

~~(5) — An amount equal to seven hundred fifty dollars (\$750.00) for each resident of the housing development unit who is eighteen (18) years of age or over (maximum of two (2) persons) and five hundred dollars (\$500.00) for each additional resident;~~

~~(6) — An amount up to seven hundred fifty dollars (\$750.00) for child care expenses that are eligible for deduction under United States Internal Revenue Service Tax Regulations, but not exceeding the amount of seven hundred fifty dollars (\$750.00).~~

~~(b) — *Cooperative housing corporation* shall mean those corporations that qualify as cooperative housing corporations pursuant to Section 216 of the Internal Revenue Code of 1954, as amended.~~

~~(c) — *Development area project* shall mean a housing development available for occupancy by persons and families without regard to adjusted annual income and located in a redevelopment project area or tax increment project area established pursuant to Minnesota Statutes, Chapter 462; a city development district established pursuant to Minnesota Statutes, Chapter 472A; a neighborhood strategy area or neighborhood emphasis area approved by the city council for concentrated use of community development block grant funds pursuant to the Housing and Community Development Act of 1974; or a housing development which is substantially rehabilitated without regard to location.~~

~~(d) — *Eligible borrower* shall mean a nonprofit entity, a limited dividend entity or a cooperative housing corporation engaged in developing or operating a housing development, except that "eligible borrower" shall mean any individual, partnership, corporation or other business entity engaged in developing or operating a housing development if:~~

~~(1) — The housing development is a development area project located in a redevelopment project area, or in a tax increment project area or in a city development district, or is a housing development which is substantially rehabilitated without regard to location.~~

~~(2) — The mortgage loan is to be insured by the Federal Housing Administration.~~

For purposes of subdivision (3), section 247.230(f) of this article, an "eligible borrower" shall mean an individual who purchases a unit in a housing development under condominium or cooperative ownership for occupancy by that individual or that individual's family.

(e) — ~~Gross annual income shall mean, on an annual basis, salary, commissions, bonuses, interest, dividends, tips, gains on sales of securities, annuities, pensions, farm rental, partnership, estate or trust income, and miscellaneous income.~~

(f) — ~~Housing development shall mean a project consisting of four (4) or more dwelling units, each of which is available for occupancy by but one family alone, whether as a rental unit or under condominium or cooperative ownership.~~

(g) — ~~Housing development program shall mean the housing financing program authorized by the act and administered in accordance with this article.~~

(h) — ~~Housing development unit shall mean a dwelling unit in a housing development.~~

(i) — ~~Limited dividend entity shall mean an individual, partnership, joint venture or corporation that:~~

(1) — ~~By its organizational documents or by agreements or otherwise complies with limitations established by the agency or by any other governmental agency on the rate of return that such individual, partnership, joint venture or corporation may realize on investments in a housing development; and~~

(2) — ~~In the case of a corporation, is in compliance with all provisions of Minnesota Statutes, Chapter 301 or Chapter 303, whichever is applicable.~~

(j) — ~~Low and moderate income project shall mean a housing development intended primarily for occupancy by persons and families of low and moderate income at the time the mortgage loan is made, provided that in order to encourage economic integration, the city council of the city may permit occupancy of up to twenty-five (25) per cent of the housing development units in a low and moderate income project by persons and families who are not persons and families of low and moderate income.~~

(k) — ~~Members shall mean the board of commissioners of the agency.~~

(l) — ~~Mortgage loan shall mean a loan purchased or made to an eligible borrower out of proceeds of revenue bonds or obligations issued pursuant to the act, or out of any other available funds, for the purpose of providing construction financing, long-term financing, or both, for a housing development.~~

(m) — ~~Nonprofit entity shall mean those partnerships, joint ventures, corporations and associations that:~~

~~(1) — Are established for a purpose not involving pecuniary gain to the members, partners or shareholders thereof;~~

~~(2) — Pay no dividends or other pecuniary remuneration, directly or indirectly, to the members, partners or shareholders thereof; and~~

~~(3) — In the case of private, nonprofit corporations, are established under and pursuant to Minnesota Statutes, Chapter 317, and are in compliance with all the provisions thereof.~~

~~In no event shall a limited dividend entity be deemed a nonprofit entity.~~

~~(n) — *Persons and families of low and moderate income* shall mean those persons and families whose adjusted annual income does not exceed the greater of twenty-four thousand dollars (\$24,000.00) or six hundred fifty (650) per cent of the annual gross rental for the housing development unit to be occupied; provided that the monthly gross rentals for all housing development units to be occupied by persons and families of low and moderate income shall not exceed one hundred twenty (120) per cent of the monthly fair market rents for new construction in the Minneapolis-St. Paul Market Area, as determined and adjusted from time to time by the United States Department of Housing and Urban Development with respect to the Section 8 Housing Assistance Payments Program--New Construction.~~

~~(o) — *Program director* shall mean the chief administrative officer of the housing development program, as designated by resolution of the agency.~~

~~(p) — *Project* shall mean a development area project or a low and moderate income project.~~

~~(q) — *Substantially rehabilitated* shall mean with regard to a housing development the improvement thereof to a decent, safe and sanitary condition, or to improve the energy efficiency thereof, requiring more than routine or minor repairs or improvements, which may vary in degree from gutting and extensive reconstruction to cosmetic improvements coupled with cure of substantial accumulation of deferred maintenance. (78-Or-207, § 2, 10-13-78; 79-Or-238, § 3, 11-21-79; 83-Or-151, §§ 1-3, 6-24-83; Pet. No. 252271, § 39, 5-11-90)~~

~~**247.210. Administration.** The program director shall make recommendations to the members regarding the administration of the housing development program and shall perform such other duties as may be directed by the agency in carrying out the housing development program. (78-Or-207, § 2, 10-13-78)~~

~~**247.220. Forms and procedures.** The city shall prepare guides setting forth uniform procedures by which applications for mortgage loans shall be submitted and processed and the contents thereof, eligibility of borrowers [shall be] determined and commitments~~

issued and other procedures necessary or desirable to assist in carrying on the housing development program. (78-Or-207, § 2, 10-13-78)

**247.230. Applications for mortgage loans.** ~~Any individual, partnership, corporation or other business entity may apply for a mortgage loan to be made to an eligible borrower under the housing development program in accordance with this article. In the application for a mortgage loan, the applicant shall represent that each of the following conditions exist with respect to the mortgage loan which is the subject of the application:~~

~~(a) — Not less than ninety (90) per cent of the mortgage loan will be used to provide residential real property for family units and other property functionally related and subordinate thereto.~~

~~(b) — The housing development is not in violation of applicable zoning ordinances or other applicable land use guides including any urban renewal plan or development district plan if located in such an area.~~

~~(c) — Revenues to be produced by the housing development will be sufficient to meet payments when due on the mortgage loan.~~

~~(d) — If the eligible borrower is a limited dividend entity, the rate of return on the investment in the proposed housing development is reasonable in light of then existing conditions in the housing industry and financial markets and rate of return then prescribed by other governmental agencies.~~

~~(e) — If the mortgage loan is for a substantially rehabilitated housing development, at least twenty five (25) per cent of the amount of the mortgage loan is attributable to improvements to be constructed or which were completed within one year preceding the date of the application.~~

~~(f) — As of the date of the application, financing is not available from private lenders upon terms and conditions which are affordable by the eligible borrower. Other financing shall be deemed to be not affordable by the eligible borrower if:~~

~~(1) — As to any housing development not under condominium or cooperative ownership, it is reasonably projected by the applicant that annual gross effective rental income from the housing development after completion of construction, based upon a reasonable occupancy factor, plus other income incidental to the housing development, will be less than operating expenses calculated on an annualized basis, reasonably required reserves, debt service requirements and, in the case of an eligible borrower other than a nonprofit entity, a reasonable rate of return;~~

~~(2) — As to any housing development proposed to be under condominium or cooperative ownership, other financing is available only at a rate which would, when combined with the cost of acquisition, construction or substantial rehabilitation and other costs incidental to the construction or substantial rehabilitation of the housing development as well as noneconomic factors, impair marketability of the units; and~~

~~(3) — As to any unit in a housing development under condominium or cooperative ownership, other financing is available only on terms such that payments of principal, interest, taxes, insurance and common expenses (as that term is defined in subsection 8 of Section 515.02, Minnesota Statutes) on an annualized basis with respect to that unit are greater than one-fifth ( 1/5) of the adjusted annual income of the eligible borrower.~~

~~For purposes of this subsection, interest is assumed to be at the rate and for a term then available in the conventional mortgage market as determined by the agency from time to time. (78-Or-207, § 2, 10-13-78)~~

~~**247.240. Evidence of mortgage loans.** Each mortgage loan shall be evidenced by a fully executed note or other evidence of indebtedness, a mortgage and such other instruments as the city or the agency may deem necessary or appropriate. (78-Or-207, § 2, 10-13-78)~~

2013-Or-\_\_\_\_

**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

**By: Lilligren**

---

**Amending Title 12, Chapter 248 of the Minneapolis Code of Ordinances  
relating to Housing Code: Truth in Sale of Housing.**

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

Section 1. That Section 248.20 of the above-entitled ordinance be amended to read as follows:

**248.20. Required acts.** (a) Any owner or representative of the owner who makes available for sale any single- or two-family dwelling, townhouse, first time condominium conversion that is not condemned requiring a code compliance, by implementing any of the following actions including, but not limited to, advertising the sale of the dwelling, entering into a listing agreement to sell the dwelling or posting a sign that the dwelling is for sale, shall, within three (3) calendar days of any such action, have an evaluation by a licensed evaluator.

(1) A disclosure report shall be prepared only by persons licensed as truth-in sale of housing evaluators under section 248.200

(b) Any owner or representative of the owner who makes available for sale any single- or two-family dwelling, townhouse, first time condominium conversion that is condemned requiring a code compliance, by implementing any of the following actions, including, but not limited to, advertising the sale of the dwelling, entering into a listing agreement to sell the dwelling or posting a sign that the dwelling is for sale, shall, within three (3) calendar days of any such action, have a valid certificate of code compliance as set forth in section 89.15 of this Code or a copy of the orders issued as a result of a code compliance inspection.

(1) A code compliance certificate or orders of code compliance shall be prepared as directed by the City of Minneapolis ~~inspections division~~  
building official.

(c) All required repair/replace items identified on a truth-in-sale of housing disclosure report must be completed by the buyer within ninety (90) days after the date of closing. The city does not assume any responsibility or liability if the buyer's funds are not sufficient to cover the costs of all required work. If the property is not sold, this section does not require the seller to complete the repairs. If the certificate of approval is not presented at closing, the buyer must sign the acknowledgement of responsibility agreement.

Section 2. That Section 248.70 of the above-entitled ordinance be amended to read as follows:

**248.70. Disclosure report.** The city shall prepare or authorize the use of such form or forms as it may deem appropriate to constitute a disclosure under section 248.20 and this section.

- (1) The disclosure report shall provide information concerning minimum code requirements applicable to existing single- and two-family dwellings, townhouses, first time condominium conversion units which, when not complied with, constitute:
  - a. A major structural defect.
  - b. An immediate danger to the health and safety of the occupant.
  - c. A violation of the minimum housing code.
- (2) The information shall indicate, with appropriate comments, whether the condition at the time and date of the evaluation:
  - a. Meets minimum city requirements.
  - b. Is below minimum city requirements.
  - c. Is a suggested correction; repair/replace is recommended but not required.
  - d. Is a required repair/replace item as specified in section 248.80
  - e. Is not applicable/does not apply.
- (3) It shall be assumed that any concealed facilities and installations that are not viewed are adequate, based on the functional operations of the facilities and installations and the condition of the equipment that is viewed.

- (4) Nothing in the disclosure report shall indicate, or shall be deemed to indicate, that such dwelling meets all minimum housing and building standards. No warranty is expressed or implied.
- (5) The disclosure report shall also indicate:
- a. Whether or not there are housing orders pending regarding the property issued by the ~~inspections division~~ department of regulatory services, City of Minneapolis.
  - b. Whether the property is condemned or not.
  - c. The dwelling's current zoning status.
  - d. A discrepancy with city records regarding number of units.
  - e. Whether the property is conforming or nonconforming.
- (6) The disclosure report shall include certification that a professional opinion prepared by a professional architect or engineer, licensed in this state, describing the following was available to prospective purchasers in first time condominium conversions:
- a. Present condition of all structural components, including the age and condition of the roofing system.
  - b. Present condition of all common mechanical, electrical, heating, water, gas, plumbing, and fire safety installations located in the building, including systems located in and/or servicing the common areas of first time condominium conversions.
  - c. A statement regarding the expected useful life of each installation, system, or structure, or facility noted above.

Section 3. That Section 248.110 of the above-entitled ordinance be amended to read as follows:

**248.110. Issuance of certificate of approval.** (a) If after the evaluation the dwelling is found to be in compliance with the requirements of this chapter, or after all required repairs/replacements are completed and approved, a certificate of approval shall be issued to the owner or owner's representative.

- (1) The certificate shall state the address of the property evaluated, the owner or owner's representative, and the owner or owner's representative

address, report number, and issue date, that the structure has been inspected and is in compliance with the requirements of this section. The report shall be signed by the ~~director of inspections, or the director's designee~~ building official or building official's designee.

(b) If the city finds that circumstances following the issuance of a certificate of approval involve new violations of repair/replace items a new inspection may be required in order to satisfy the requirements of section 248.80

(c) The certificate of approval shall be valid only with the original truth-in-sale of housing evaluation.

Section 4. That Section 248.120 of the above-entitled ordinance be amended to read as follows:

**248.120. Appeals board, appointment, terms.** (a) Appeals board shall be established with members appointed by the city council, and shall consist of ten (10) members. The membership shall include the director of ~~inspections~~ regulatory services, or the director's designee, the ~~executive~~ director of the community planning and development agency (CPED), or the executive director's designee, an attorney representing the city attorney's office, and a public representative from each of the following: the financial community, the real estate business, a person experienced in construction, one (1) member each from the Minnesota Society of Housing Inspectors (MSHI) and the American Society of Home Inspectors (ASHI), and two (2) from the general public.

(b) The director of ~~inspections~~ regulatory services, or the director's designee, the ~~executive~~ director of the community planning and development agency (CPED), or the executive director's designee, and an attorney representing the city attorney's office shall serve in a nonvoting capacity.

(c) Each appointment shall be for a period of two (2) years and shall continue until a replacement has been duly appointed and qualified.

(d) Each public member shall be compensated fifty dollars (\$50.00) per meeting attended, not to exceed six hundred dollars (\$600.00) per year.

(e) Public members of the board must reside in the city.

Section 5. That Section 248.140 of the above-entitled ordinance be amended to read as follows:

**248.140. Duties of the board.** (a) The appeals board shall elect a chair who shall preside over meetings of the board and a vice-chair who shall preside in the absence of the chair.

(b) The director of ~~inspections~~ regulatory services, or the director's designee, shall act as secretary to the board and shall have the duty to keep all records.

(c) The following shall be the duties of the board:

(1) Adopt rules and procedures for appeals.

(2) Make available copies of such rules and procedures .

(3) Hear and act upon all appeals. The board may modify, sustain, or quash all or any portion of any order, interpretation, requirement, decision, or other determination made by the director of ~~inspections~~ regulatory services, or the director's designee. The board may not grant exceptions to the code or act on other unrelated appeals.

(d) The secretary shall keep minutes of the board meetings including a record of votes, findings, and decisions, official actions, and appeals.

Section 6. That Section 248.150 of the above-entitled ordinance be amended to read as follows:

**248.150. Right to appeal, procedures.** (a) Any applicant or evaluator aggrieved by any administrative decision of the ~~director of inspections~~ building official, or the ~~director's~~ building official's designee, in accepting or rejecting any application for examination; in any determination of whether the person is qualified; in any issue related to the testing process; in accepting or rejecting educational credits; or to deny, revoke, suspend or not renew an evaluator's license may make an appeal to the board.

(b) Any owner of property or other person directly and personally affected by any required repair/replace order may, either personally or through their representative, make an appeal to the board.

(c) Any appeal must be by written notice filed with the ~~inspections division~~ building official within thirty (30) days of the decision.

(1) The payment of a fee in the amount of one hundred dollars (\$100.00) will accompany the submission of the appeal from owners or their representative to cover administration and handling costs. Evaluators and design professionals appealing a disciplinary action by the city are exempt from this fee.

(d) The board shall hear the appeal and render its decision within forty-five (45) days of the filing of the notice of appeal.

(1) Written notice of the time and place of the hearing shall be given at least ten (10) days prior to the date of the hearing to the appellant by mail, addressed to the appellant at the appellant's address shown on the appeal.

Section 7. That Section 248.160 of the above-entitled ordinance be amended to read as follows:

**248.160. Hearings and decisions.** (a) All meetings before the board shall be public and shall be posted.

(b) A record shall be kept of the proceedings.

(c) The board may, at its option, make specific findings and/or conclusions in connection with any decision upon any appeal.

(d) All decisions by the board shall become final when notice is communicated to the appellant or representative in writing and shall become effective and enforceable at such time or at such alternative time as specified therein.

(e) Decision of the appeals board, with respect to these duties shall be final, subject to appeal to the Minneapolis City Council. Any board decision or order to an evaluator or owner or their representative filing the appeal, shall include a written statement notifying them of the right to appeal that order or decision to the city council.

(f) Any applicant, evaluator, owner or their representative aggrieved by a decision of the board may appeal such decision to the city council by filing a written request with the city clerk within fifteen (15) days of receipt of the board's decision.

(1) If an appeal is filed, the city clerk shall, within two (2) weeks, fix a date for a public hearing.

(2) The city clerk shall mail a notice of the date, time, place and subject of the hearing to the person requesting the appeal and to the board and to the ~~director of inspections~~ building official, or the ~~director's~~ building official's designee.

(g) All such appeals shall be on the record and shall be heard by the ~~Public Safety and Regulatory Services~~ Regulatory, Energy and Environment Committee. The ~~Public Safety and Regulatory Services~~ Regulatory, Energy and Environment Committee shall then make a recommendation to the city council.

(1) At the time of the ~~Public Safety and Regulatory Services~~ Regulatory, Energy and Environment Committee public hearing, the committee shall hear from the person requesting the appeal, any board member or their designee, and any other party who wishes to be heard regarding the appeal.

(h) The ~~Public Safety and Regulatory Services~~ Regulatory, Energy and Environment Committee may reverse, confirm, or modify the board's order or decision and shall then make a recommendation to the city council.

(i) The city clerk shall mail a copy of the city council's decision of the appeal to the person making the appeal, the board chair, and the ~~director of inspections~~ building official, or the ~~director's~~ building official's designee.

Section 8. That Section 248.170 of the above-entitled ordinance be amended to read as follows:

**248.170. Denial, revocation, suspension or cancellation of license.** (a) Any evaluator's license issued or proposed to be issued under this chapter may be denied, revoked, suspended, cancelled or not renewed by an administrative decision by the ~~director of inspections~~ building official, or the ~~director's~~ building official's designee, if the applicant or evaluator:

- (1) Is convicted of any crime related to the licensed occupation, pursuant to Minnesota Statutes, Section 364.03, Subd. 2, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of the licensed occupation, pursuant to Minnesota Statutes, Section 364.03, Subd. 3.
- (2) In the application process for issuance or renewal of a license knowingly falsifies, conceals, misrepresents or misstates any material fact or matter bearing upon the holder's eligibility or competency.
- (3) Obtains, attempts to obtain, or assists another in obtaining or attempting to obtain an evaluator's license through fraudulent or other improper means.
- (4) Fails to provide satisfactory proof of insurance insuring the applicant/evaluator and the city or allows such insurance to laps.
- (5) Fails to pay the required fees.
- (6) Fails to promptly file any disclosure report.

- (7) Has been the subject of substantiated complaints from residents using the applicant's evaluations services.
- (8) Has demonstrated incompetency or inefficiency in conducting evaluations.
- (9) Violates any of the provisions of this chapter or any conditions provided for in the license issued pursuant to this chapter.
- (10) For just cause.

(b) If the ~~director of inspections~~ building official, or the ~~director's~~ building official's designee, determines that a truth-in-sale of housing evaluator's license should be denied, suspended, revoked, canceled or not renewed under this section, the ~~director of inspections~~ building official, or the ~~director's~~ building official's designee, shall send the applicant or evaluator a notice of denial, suspension, revocation, cancellation or nonrenewal.

- (1) The notice shall state the proposed action to be taken and a summary statement of the reason or reasons that such action is recommended.
- (2) The notice shall state that the proposed action will become final unless the applicant or evaluator files an appeal pursuant to sections 248.160 and 248.170.

Section 9. That Section 248.180 of the above-entitled ordinance be amended to read as follows:

**248.180. Application fees, requirements and examination.** (a) Each person desiring an evaluator license shall file with the city at least ten (10) business days prior to the date of examination, an application to take the required examination and shall pay the nonrefundable sum of one hundred dollars (\$100.00) as an application fee.

(b) Each application shall contain the following information: name, address, place of current employment, time and place of schools attended and studies completed, together with a chronological record of the candidate's previous employment, with complete information regarding duties and type of work performed.

(c) The ~~inspections division~~ building official shall set standards regarding requirements to be met before applicants may take the examination. These requirements shall be given to each applicant upon request.

- (1) Applicants not meeting these requirements will have their application and fee returned.

(d) The ~~inspections division~~ building official shall determine when and how often the examination shall be offered.

(e) The applications are public data under the Minnesota Data Practices Act and available to any person upon request.

Section 10. That Section 248.220 of the above-entitled ordinance be amended to read as follows:

**248.220. Report filing and filing fees.** (a) Each evaluator shall submit to the city, a true legible copy of each disclosure report within five (5) business days after the evaluation has been made. The copy shall be of the final report as furnished to the seller. The report shall be filed in a medium and format as approved by the ~~director of inspections~~ building official. A filing fee of twenty-five dollars (\$25.00) made payable to the Minneapolis Finance Department shall be required with each disclosure report submitted to the city.

(1) Information page(s) required by the city to be attached to the report do not have to be filed with the report as long as the evaluator signs the statement that these pages have been attached and given to the owner or representative of the owner.

(b) When the disclosure report is not filed or the required filing fee is not paid within the five (5) business day time limit set forth in this section, a late fee of fifty dollars (\$50.00) shall be due along with the filing fee.

(c) Failure to comply with the provisions of the timely filing of reports or to pay the required filing fees is just cause to suspend, cancel, revoke or fail to renew the license of a truth-in-sale of housing evaluator.

Section 11. That Section 248.225 of the above-entitled ordinance be amended to read as follows:

**248.225. Acknowledgement of responsibility.** (a) The buyer, buyer's agent, and closer shall be jointly responsible for filing a completed acknowledgement of responsibility form with the ~~inspections division~~ building official within one (1) business day after closing.

(b) The acknowledgement of responsibility form shall be available from the ~~inspections division~~ building official. The form shall require information deemed appropriate by the ~~director of inspections~~ building official, including:

(1) A statement that the buyer is required to complete all repair/replace items on the disclosure report within ninety (90) days after closing.

- (2) The date(s) of sale and closing.
- (3) The address of the property.
- (4) The name(s), residential address(es) and signature(s) of all buyers.
- (5) The name(s) and address(es) of any representative of a buyer, including real estate agents.
- (6) The name(s) and address(es) of all seller(s).
- (7) The name(s) and address(es) of any representative of a seller, including real estate agents.
- (8) The name(s) and address(es) of the closer(s).
- (9) The form shall be accompanied by a copy of the disclosure report.

(c) An acknowledgement of responsibility form need not be filed if a certificate of approval has been issued to the seller pursuant to section 248.110 prior to closing.

(d) Failure to comply with this section shall constitute a violation by the buyer, buyer's agent and the closer

2013-Or-\_\_\_\_

**AN ORDINANCE  
of the  
CITY OF  
MINNEAPOLIS**

**By: Lilligren**

---

**Amending Title 12, Chapter 249 of the Minneapolis Code of Ordinances relating to Housing Code: Vacant Dwelling or Building, Nuisance Condition.**

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

Section 1. That Section 249.25 of the above-entitled ordinance be amended to read as follows:

**249.25. Securing vacant buildings.** (a) In general, if any building becomes vacant or unoccupied and is deemed hazardous due to the fact that the building is open to trespass and has not been secured and the building could be made safe by securing the building, the director of ~~inspections~~ regulatory services may order the building secured and shall cause notice of the order to be served upon the owner of the premises. Such notice may be served personally or by mail. Service by mail is complete upon mailing a copy of the order to the owner at the last known address. If the owner fails to comply with the order within six (6) days after the order is served, the director of ~~inspections~~ regulatory services shall cause the building to be boarded up or otherwise properly secured. Whenever a building is boarded up pursuant to the authority of this chapter, the director of ~~inspections~~ regulatory services may cause all openings to the building to be boarded and secured.

(b) *Emergency.* When it is determined by the director of ~~inspections~~ regulatory services or the chief of police, or the fire chief that an emergency exists with respect to the health or safety of persons in the community, and immediate boarding and securing of a building is required, and where danger will exist to children, transients or others in the absence of an immediate boarding or securing of the building, the director of ~~inspections~~ regulatory services or the chief of police, or the fire chief may waive all requirements herein and immediately board or otherwise secure the building, provided that:

- (1) The conditions showing the existence of an exigency are documented in writing by the director of ~~inspections~~ regulatory services or the chief of police or the fire chief or their designees.

- (2) Notice be mailed immediately by the department invoking this section to the address of the owner and taxpayer, and, if recorded on the assessors rolls, the address of the mortgage holder, of the date of boarding or otherwise securing and the reasons therefor.

(c) After a vacant or unoccupied building has been boarded or otherwise secured under this section, should the owner fail to maintain the building in a secured condition until such time as it has been repaired and reoccupied, the director of ~~inspections~~ regulatory services shall resecure any openings into the building whenever it again becomes open to trespass, without further notice to the owner. An administrative fee of one hundred dollars (\$100.00) and all other costs incurred by the city for boarding or otherwise securing a building under this chapter, including, but not limited to the actual costs for boarding, inspecting, posting and monitoring the building, shall be assessed as provided in section 227.100. "Owner," for the purposes of this section, shall mean the person who is listed as the contact person on the current rental licensing application on file with the city, if any; or, if none, the person listed as owner by the city assessor on the homestead record; or, if none, the taxpayer as shown by the records of the city assessor. "Owner" shall not include a community development agency organized pursuant to the Laws of Minnesota 1980 Chapter 595.

(d) After a vacant or unoccupied building has been boarded or otherwise secured under this section for a period of 60 days, the owner of the building shall have the gas to the building turned off and the building winterized. If the owner fails to have the gas to the building turned off the director of ~~inspections~~ regulatory services may order the utilities company to shut off the gas to the building. The director of ~~inspections~~ regulatory services shall then require the building to be winterized to prevent the water pipes from freezing and damaging the building. The costs incurred by the city for winterizing the building shall be assessed as provided in section 227.100.

Section 2. That Section 249.30 of the above-entitled ordinance be amended to read as follows:

**249.30. "Nuisance condition" defined; waiver of waiting period.** (a) A building within the city shall be deemed a nuisance condition if:

- (1) It is vacant and unoccupied for the purpose for which it was erected and for which purpose a certificate of occupancy may have been issued, and the building has remained substantially in such condition for a period of at least six (6) months; or
- (2) The building is unfit for occupancy as it fails to meet the minimum standards set out by city ordinances before a certificate of code compliance could be granted, or is unfit for human habitation because it fails to meet the minimum standards set out in the Minneapolis housing maintenance code, or the doors, windows and other openings into the building are boarded up or otherwise secured by a means other than the

conventional methods used in the original construction and design of the building, and the building has remained substantially in such condition for a period of at least sixty (60) days; or

- (3) Evidence, including but not limited to neighborhood impact statements, clearly demonstrates that the values of neighborhood properties have diminished as a result of deterioration of the subject building; or
- (4) Evidence, including but not limited to rehab assessments completed by CPED, clearly demonstrates that the cost of rehabilitation is not justified when compared to the after rehabilitation resale value of the building.

(b) When it is determined by the director of ~~inspections~~ regulatory services or the city fire marshal that a building constitutes an immediate hazard to the public health and safety, and after approval by the city council, the sixty-day waiting period set out in this section may be waived and the other procedures, as set out in this chapter, may be implemented immediately.

(c) Notwithstanding the foregoing provisions, accessory buildings such as garages, barns and other similar structures, not intended to be used for human habitation, shall be deemed to constitute a nuisance condition when such buildings are in violation of section 244.1560 of the housing maintenance code which regulates nondwelling structures or when such accessory buildings are structurally unsound in the opinion of the director of ~~inspections~~ regulatory services.

Section 3. That Section 249.40 of the above-entitled ordinance be amended to read as follows:

**249.40. Abatement of nuisance condition.** Buildings determined to be a nuisance condition may be rehabilitated or razed by order of the director of ~~inspections~~ regulatory services.

- (1) Before any action is taken to abate a nuisance condition, except as provided in section 249.25 relating to securing vacant buildings, the director of ~~inspections~~ regulatory services shall examine the building to ascertain whether the nuisance condition should be ordered for rehabilitation or demolition. Among the criteria to be considered are the following:
  - a. The need for neighborhood housing;
  - b. The historic value of the building;
  - c. The impact on the neighborhood and the ability of the neighborhood to attract future residents;

- d. The capacity of the neighborhood to use the property;
  - e. The zoning and comprehensive plan classifications for the property use;
  - f. The market potential for the property;
  - g. The estimated cost of rehabilitation;
  - h. The severity and the history of neglect;
  - i. The availability of funds for rehabilitation to the owner;
  - j. The structural condition of the building.
- (2) If the director of ~~inspections~~ regulatory services determines that the building is a nuisance condition, the director of ~~inspections~~ regulatory services shall order the building to be demolished, or rehabilitated. The director may impose any and all conditions deemed appropriate to ensure compliance with the order.
- (3) The ~~division of inspections~~ department of regulatory services shall give notice of the director's order to demolish or rehabilitate the building to the owner and other persons shown to have an interest in the building deemed to create a nuisance condition. Proper notice shall be sufficiently given when mailed by certified mail return receipt requested, postage prepaid, addressed to the owner to whom the building is registered with the ~~division of inspections~~ department of regulatory services or, if not registered, to the owner or other persons shown to have an interest in the property as ascertained by the files and records of the register of deeds or registrar of titles in and for Hennepin County. Such notice shall also be given to such persons that the director of ~~inspections~~ regulatory services has actual knowledge of having an interest in the said property. In addition, such notice shall be served by three (3) weeks' published notice in any newspaper of general circulation in the City of Minneapolis as provided for in Minnesota Rules of Civil Procedure and by posting such notice at the street entrance to such building. The notice shall state:
- a. That the director has determined that the building is a nuisance condition as defined by section 249.30 and that the building is to be demolished or rehabilitated. If the director is ordering that the building be rehabilitated, the notice shall state all of the conditions that are to be imposed.
  - b. The specific reasons the building has been determined to constitute a nuisance condition.

- c. That unless the notice is appealed within twenty-one (21) days of the date the notice was mailed, in the manner provided in section 249.45, the ~~division of inspections~~ department of regulatory services will proceed to demolish the building or that the ~~division of inspections~~ department of regulatory services will impose the conditions of rehabilitation on the property.
  - d. The notice shall describe how an appeal may be filed under section 249.45
  - e. The notice shall state that the owner of the property will be responsible for the payment of all costs incurred by the city in razing or rehabilitating the building, as well as an administrative fee of fifteen (15) percent of the cost. The notice shall state that if the costs are unpaid, the costs and the administrative fee shall be levied and collected as a special assessment against the property as provided for under section 227.100
- (4) If no appeal is received within twenty-one (21) days of the notice being mailed, the department of ~~inspections~~ regulatory services may proceed with the director's determination to demolish the building by razing the building, or may proceed with the director's determination to rehabilitate the building by imposing the conditions set forth in the notice.
- (5) When the owner of a property, that has received a director's order to demolish or rehabilitate the property, intends to sell an interest in the property, the owner must disclosure to the purchaser that a director's order to demolish or rehabilitate the property has been previously issued.

Section 4. That Section 249.45 of the above-entitled ordinance be amended to read as follows:

**249.45. Abatement of nuisance condition appeals.** (a) There is hereby created a nuisance condition process review panel. The panel shall consist of the ~~director of operations, licenses and environmental services~~ building official, the fire marshal, the director of ~~housing policy and development~~ community planning and economic development, and the city assessor or their designees. Three (3) members of the panel shall constitute a quorum. The panel shall make decisions by a majority vote. The director of ~~inspections'~~ regulatory services' order, as set forth in the notice, shall be upheld if the panel is deadlocked.

(b) The panel shall have authority to hear and decide all appeals from the director of inspections' order to demolish or rehabilitate a nuisance condition building. The panel shall uphold or overturn the director's determination that the building is a nuisance condition as defined by section 249.30 and shall uphold or overturn the

director's determination that the building should be demolished or rehabilitated. If the director of ~~inspections~~ regulatory services imposes conditions on an order to rehabilitate the building, the panel shall have the authority to uphold, modify or overturn those conditions.

(c) Any person wishing to appeal a determination of the director of ~~inspections~~ regulatory services ordering demolition or rehabilitation shall file a written notice of appeal with the department of ~~inspections~~ regulatory services within twenty-one (21) days after receipt of the director's order. The notice shall contain a statement of the grounds for the appeal. The notice of appeal shall be accompanied by a fee of three hundred dollars (\$300.00).

(d) The panel shall meet at the call of the chair to hear appeals. The panel shall notify the owner and any other person known to have an interest in the property in writing of the time and place of the hearing. In addition, notice of the hearing shall be sent to all property owners within three hundred fifty (350) feet of the subject property and to any neighborhood organization in which the property is located.

(e) Notice to the owners, or other parties with an interest in the property, shall inform the owner and parties of (1) the right to appear individually or through a representative or to submit a written statement, (2) the right to examine witnesses at the hearings and offer such evidence as may bear on the decision to demolish or rehabilitate the building, and (3) that the hearing will be recorded. Neighborhood organizations and owners of property within three hundred fifty (350) feet of the subject property shall be entitled to present joint or individual neighborhood impact statements to the panel. The neighborhood impact statements shall specifically address the items contained in section 249.40 (1) a., b., c. and d., and such other relevant material as may be offered.

(f) At the hearing, the panel shall hear all relevant evidence and argument. The panel may admit and give probative effect to evidence that possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The panel shall record the hearing and keep a record of documentary evidence submitted.

(g) At the hearing, the ~~division of inspections~~ department of regulatory services shall present an oral summary of the background and reasons for its recommendation. A report, including any pertinent documents and photos shall be filed as part of the record. All parties having an interest in the property may review department documents, subject to restrictions in the Government Data Practices Act, prior to the hearing, and shall be permitted to present evidence in support of their position. Parties having an interest in the property shall have the right to question witnesses at the hearing.

(h) The panel shall render its decision in writing within thirty (30) days after the close of the hearing. The panel shall determine whether the building meets the definition of nuisance condition as set forth in section 249.30 and whether the director of ~~inspections~~ regulatory services' order to demolish or rehabilitate the building should be

upheld or overturned and shall specify the factual and legal basis for the determination. The panel shall make its determination based upon the preponderance of the evidence.

(i) The panel shall mail a copy of its decision to the appellant.

(j) The panel shall refer its decision to the city council, which shall have the final authority to determine whether the building is a nuisance condition as set forth in section 249.30 and whether the building should be rehabilitated or razed. The panel's findings shall include the date and time of the hearing before the public safety and regulatory services committee. ~~The public safety and regulatory services committee~~ Regulatory, Energy and Environment Committee may hear arguments from the appellants and from the Department of Regulatory Services, but shall take no further evidence unless the committee determines that the new evidence is relevant, not duplicative, will aid the committee in making its determinations and has been submitted in a timely manner. The committee may, in lieu of hearing the new evidence, refer the matter back to the panel to hear the new evidence and develop the record. If the committee hears new evidence from the appellant or the Department it shall ensure that the adverse party has an opportunity to respond to and, if appropriate, rebut such evidence and may, as appropriate, continue the matter in order to do so.

Section 5. That Section 249.50 of the above-entitled ordinance be amended to read as follows:

**249.50. Alternatives to demolition.** (a) The city council may consider as an alternate to demolition:

- (1) Ordering the owner of any nuisance condition to rehabilitate the building and specifying the time within which such rehabilitation shall occur. If rehabilitation is the alternative required by the city council, the owner shall present a plan for rehabilitation to the director of inspections that shall contain a commitment of funds to accomplish the plan. If the plan required herein is not received by the director of ~~inspections~~ regulatory services within the time ordered by the council, the city shall proceed to demolish the building.
- (2) If the owner is, for any reason, unwilling or unable to immediately rehabilitate the building, the city may elect to rehabilitate and assess the cost thereof provided that the estimated cost may not exceed fifty (50) percent of the estimated after-rehabilitation market value of the property. Such costs shall be assessed against the property, in the manner provided for in section 249.60
- (3) Notwithstanding the limitations of section 249.50(a)( 2), and in order to make funds available for rehabilitation, the city may, to the extent neighborhood action plans of the neighborhood revitalization program allow, create a revolving fund for housing purposes to be used in the

neighborhood for which the funds have been earmarked. The city may receive applications and consider, where appropriate, loans to owners for housing rehabilitation purposes.

(b) The city council shall order demolition or rehabilitation of the building. The city council shall make such order as it deems appropriate based upon the evidence and record of the appeal hearing. The city council may also impose any and all conditions it deems appropriate. These conditions may include the posting of a performance bond in an amount not to exceed the estimated cost of rehabilitation. The ~~public safety and regulatory services committee~~ Regulatory, Energy and Environment Committee may postpone its decision and order the owner to update the committee at a future date on the progress of rehabilitation. The order shall be mailed to the last known address of the owner to whom the building is registered with the division of inspections or, if not registered, to persons shown to have an interest in the property as ascertained by the files and records of the registrar of deeds or registrar of titles in and for Hennepin County.

(c) The owner of the subject property shall comply with the city council's decision and order. If the owner fails to abide by the order, the director of ~~inspections~~ regulatory services shall immediately notify the city council which may then order immediate demolition or otherwise amend its order.

Section 6. That Section 249.60 of the above-entitled ordinance be amended to read as follows:

**249.60. Collection of costs.** The director of ~~inspections~~ regulatory services shall notify the owner of the cost incurred in razing or rehabilitating the building, under section 249.50, and the owner shall be responsible for the payment of the same, together with an administrative fee of fifteen (15) percent of the cost, within thirty (30) days of such notification. Upon default of payment after the said thirty (30) days, the cost of such razing or rehabilitating and the administrative fee shall be levied and collected as a special assessment against the property as provided for under section 227.100 of this Code, with interest at the rate of eight (8) per cent per annum on the unpaid balance thereof.

Section 7. That Section 249.65 of the above-entitled ordinance be amended to read as follows:

**249.65. Revolving fund for abatement of buildings in a nuisance condition.** The department of ~~inspections~~ regulatory services shall maintain a revolving fund to be known as the nuisance building abatement fund (hereinafter referred to as "the fund"). The fund may be drawn upon to perform abatement of buildings within the city that have been deemed to be a nuisance condition pursuant to Chapter 249. All costs and fees incurred abating buildings that are a nuisance condition, including appropriate interest, shall be recovered from the property owner pursuant to section 249.60 and 227.100. The fund shall be credited with the collection of the costs and fees recovered.

Disbursements from the fund shall not be subject to the provisions and requirements of the procurement process of the city.

Section 8. That Section 249.80 of the above-entitled ordinance be amended to read as follows:

**249.80. Vacant building registration.** (a) The owner of a building shall register the building with the director of ~~inspections~~ regulatory services within five (5) days after it becomes a vacant building. In this section, a "vacant building" is one that is:

- (1) Condemned; or
- (2) Unoccupied and unsecured for five (5) days or more; or
- (3) Unoccupied and secured by means other than those normally used in the design of the building for thirty (30) days or more; or
- (4) Unoccupied and has multiple housing maintenance, fire or building code violations existing for thirty (30) days or more; or
- (5) Unoccupied for a period of time over three hundred sixty-five (365) days and during which time an order has been issued to correct a nuisance condition pursuant to section 227.90; or
- (6) A vacant commercial or residential building or structure, which is unable to receive a certificate of occupancy due to expired permits, or demonstrated work stoppage of one hundred eighty (180) days or more as determined by the building official.

(b) The owner of a commercial building or structure designated as vacant pursuant to this section may appeal such designation within twenty-one (21) days after receipt of the designation or a billing statement therefore to the nuisance condition process review panel pursuant to the procedures established in section 249.45. The notice of designation or billing statement shall notify the building owner of such appeal rights.

(c) The registration shall be submitted on forms provided by the director of ~~inspections~~ regulatory services and shall include the following information supplied by the owner:

- (1) A description of the premises;
- (2) The names and addresses of the owner or owners;
- (3) The names and addresses of all known lienholders and all other parties with an ownership interest in the building;

(4) The period of time the building is expected to remain vacant; and a plan and timetable for returning the building to appropriate occupancy or for demolition of the building.

(d) The owner shall submit a plan and timetable that must comply with the guidelines adopted by the director of ~~inspections~~ regulatory services. The guidelines are adopted for purposes of preventing nuisance conditions and maintaining compliance with this code. These guidelines shall be made available to building owners. The plan shall be submitted at the time of registration, or within a reasonable period of time thereafter to be determined by the director of ~~inspections~~ regulatory services.

(e) The owner shall comply with all applicable laws and codes. The owner shall notify the director of ~~inspections~~ regulatory services of any changes in information supplied as part of the vacant building registration within thirty (30) days of the change. If the plan or timetable for the vacant building is revised in any way, the revisions must meet the approval of the director of ~~inspections~~ regulatory services.

(f) The owner and the subsequent owners shall keep the building secured and safe and the building and grounds properly maintained until the rehabilitation or demolition has been completed.

(g) Failure of the owner or any subsequent owner to maintain the building and premises that result in abatement completed by the city shall be grounds for revocation of the approved plan and shall be subject to any applicable penalties provided by law.

(h) The new owner(s) shall register or re-register the vacant building with the director of ~~inspections~~ regulatory services within thirty (30) days of any transfer of an ownership interest in a vacant building. The new owner(s) shall comply with the approved plan and timetable submitted by the previous owner until any proposed changes are submitted and meet the approval of the director of ~~inspections~~ regulatory services.

(i) The director of ~~inspections~~ regulatory services shall include in the file any property-specific written statements from community organizations, other interested parties or citizens regarding the history, problems, status or blighting influence of a vacant building.

(j) Vacant building fees:

(1) The owner of a vacant building shall pay an annual fee as established ~~in the director's fee schedule~~ pursuant to section 91.70. The fee is imposed to recover all costs incurred by the city for monitoring and regulating vacant buildings, including nuisance abatement, enforcement and administrative costs. This fee may be waived or suspended for the current year as a term or condition of a written

restoration agreement or order issued pursuant to section 249.50. This fee may be waived for the current year and previous years if the property is acquired by the Community Planning and Economic Development (CPED) Department.

- (2) The first annual fee shall be paid no later than five (5) days after the building becomes vacant. Subsequent annual fees shall be due on the anniversary date of initial vacancy. The fees shall be paid in full prior to the issuance of any building permits, with the exception of a demolition permit.
  - (3) Unpaid fees shall be levied and collected as a special assessment against the property as provided for under section 227.100, with interest at the rate of eight (8) percent per annum on the unpaid balance thereof. Upon transfer of ownership, the new owner(s) shall be responsible for all unpaid and subsequent annual fees.
- (k) A building owner shall provide access to all interior portions of an unoccupied building in order to permit a complete inspection for the purpose of enforcing and assuring compliance with the provisions of this chapter.