



Request for City Council Committee Action from the Department of Regulatory Services

Date: January 28, 2014

To: Council Member Lisa Goodman, Chair – Community Development & Regulatory Services Committee

Subject: Rental Dwelling License Revocation – 2731 16th Avenue South - Owner Mohamed Mohamud

Recommendation: Revocation of the Rental Dwelling License at 2731 16th Avenue South - Owner Mohamed Mohamud

Previous Directives: None

Department Information

Prepared by: Kathy Zierke, Administrative Analyst II, 673-5846

Approved by:

Nuria Rivera-Vandermyde, Director of Regulatory Services

Presenters in Committee: Cynthia Gagnier

Financial Impact

- No financial impact

Community Impact

- City Goals

Supporting Information

On August 19th, 2013, notice was sent to the owner, Mohamed Mohamud indicating that a recommendation to revoke the rental license for the property listed above would be sent to the City Council. The owner Mohamed Mohamud did not appeal this recommendation. Assistant City Attorney, Lee Wolf has found this property has failed to meet the licensing standard under Minneapolis Code of Ordinance 244.1910 subd. 5

(See enclosed Evidence Packet and Findings of Fact)

**CITY OF MINNEAPOLIS
FOR THE DEPARTMENT OF
REGULATORY SERVICES**

In the matter of the Rental

**Dwelling License held by
Mohamed Mohamud for
the Premises at 2731 16th Avenue S.
Minneapolis, Minnesota**

**FINDINGS OF FACT,
CONCLUSIONS, AND
RECOMMENDATION**

FINDINGS OF FACT

Mohamed Mohamud is listed as the owner of the property located at 2731 16th Avenue S. in the City of Minneapolis. Mohamed Mohamud's listed address is 2716 Portland Avenue S., Minneapolis, MN.

On January 17, 2012, Mohamed Mohamud applied for a rental license for the property at 2731 16th Avenue S. Mohamed Mohamud was listed on the rental license application as the owner of the property as well as the appointed agent/contact person, with a listed address of 2716 Portland Avenue S., Minneapolis, MN.

This matter was commenced by the Regulatory Services Department to revoke the rental dwelling license for the property located at 2731 16th Avenue S. under Minneapolis City Ordinance (M.C.O.)§ 244.1910. Section 244.1910 (5), "**Repeated accumulation of weeds,**

vegetation, junk, debris, or rubbish", requires a rental licensee to not allow weeds, vegetation, junk, debris, or rubbish to accumulate repeatedly on the exterior of the premises so as to create a nuisance condition under M.C.O. § 227.90. If the city is required to abate such nuisance conditions under § 227.100, or collect, gather, or haul solid waste under M.C.O. § 225.690 more than three (3) times under either or both sections during a period of twenty four (24) months or less, there shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license.

The Department records show two dates where loose trash and other nuisance items were found at the Solid Waste & Recycling collection point at 2731 16th Avenue S. during city garbage pickups on May 4, 2012 and August 17, 2012. A blue tag directing the owner to abate the nuisance condition within one week was left on the garbage container on each date along with a letter sent to the owner and the tenant notifying each of the need to abate the nuisance condition. In each case the following week the city abated the nuisance condition by removal of the nuisance items from the property.

Besides the violations found by the sanitation workers, housing inspectors also found additional violations of section 244.1910 (5) at 2731 16th Avenue S. On June 8, 2012, an inspector issued an order to cut the grass at 2731 16th Avenue S. The owner was given until June 15, 2012, to cut the grass at the property. On June 18, 2012, housing inspectors returned to the property and found that the grass had not been cut and the City contractor was called and proceeded to cut the grass at the property. On August 9, 2012, housing inspectors issued orders to the owner to remove all brush branches, limbs and dead vegetation in the rear of the property. The owner was given until August 20, 2012, to remove the nuisance items from the property. On August 28, 2012, inspectors returned to the property and found that the nuisance items had not been removed from the property. The City contractor was called and abated the nuisance condition on August 28, 2012.

On February 1, 2013 the Department sent Notice of Director's Determination of Noncompliance to the owner of 2731 16th Avenue S., Mohamed Mohamud. This notice was based on the four violations which occurred in the previous twenty four (24) month period. The notice further informed Mr. Mohamud that if another nuisance condition occurred the city council may proceed to deny, revoke, or suspend Mr. Mohamud's rental license.

On April 8, 2013 housing inspectors issued orders to the owner to remove all the loose trash throughout the rear yard and along the alley of the property. The owner was given until April 16, 2013, to remove the loose trash. On April 29, 2013, a re-inspection occurred at the property and the loose trash had not been removed and the City contractor was required to abate the condition on April 29, 2013.

On August 19, 2013, **Notice of Revocation, Denial, Non-Renewal, or Suspension of Rental License or Provisional License** was sent to Mohamed Mohamud at 2716 Portland Avenue S., Minneapolis, MN as the owner and contact person for the property located at 2731 16th Avenue S. by certified mail. The notice advised that the Inspections Division would recommend to the city council that the rental dwelling license for 2731 16th Avenue S. be revoked. The recommendation was made pursuant to M.C.O. § 244.1910 and §244.1940, based on the repeated accumulation of weeds, vegetation, junk, debris, rubbish. The notice was served via certified mail and receipts were returned confirming the delivery and receipt of the notice by Mohamed Mohamud. The property at 2731 16th Avenue S. was also posted with a notice of license revocation, non-renewal or suspension on August 21, 2013. The notice gave the owner fifteen (15) days to appeal the notice of revocation. The owner failed to file a notice of appeal within the fifteen (15) days.

CONCLUSIONS

Five (5) instances of a nuisance condition occurred at 2731 16th Avenue S. in a twenty four (24) month period between May 14, 2012 and April 8, 2013. The owner and licensee failed

to take timely, appropriate action in response to notices from the city concerning the nuisance conditions causing the city to take action to abate the nuisance conditions.

The solid waste and the regulatory services departments followed appropriate steps and provided the necessary notices as required under the Minneapolis Code of Ordinances.

The large number of nuisance conditions abated by the city demonstrates that the owner licensee has failed to comply with the provisions of M.C.O. § 244.1910 (5) which prohibits the repeated accumulation of weeds, vegetation, junk, debris, or rubbish. This failure provides a basis for adverse license action, specifically inclusive of revocation against the rental license held by the licensee and any interest in the rental license at 2731 16th Avenue S.

The rental dwelling license held by Mohamed Mohamud as owner of the property, for 2731 16th Avenue S. is subject to revocation or suspension under M.C.O. § 244.1910. Revocation of the referenced rental dwelling license is the appropriate adverse license sanction.

RECOMMENDATION

That the rental dwelling license held by Mohamed Mohamud as owner of the property, for 2731 16th Avenue S., in Minneapolis, Minnesota be revoked.