



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

Date: March 18, 2014

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

Subject: Amending Title 12, Chapter 244 of Minneapolis Code of Ordinances relating Housing: Subsection 244.275 Tenant to be notified of environmental contamination testing, abatement removal or remediation in designated sites.

Recommendation: That the Community Development & Regulatory Services Committee approves the recommended amendments for 244.275.

Previous Directives: None

Department Information

Prepared by: JoAnn Velde, Deputy Director - Housing Inspection Services – (612) 673-5850

Approved by:

Nuria P. Rivera-Vandermyde, Director of Regulatory Services

Presenters in Committee: JoAnn Velde

Financial Impact

- No financial impact

Community Impact

- City Goals

Supporting Information:

The amendments provide Regulatory Services the authority to address the requirements for rental property owners to cooperate with the testing or cleanup efforts of any designated contamination site identified within our City. The acting authority agencies are the United States Environmental Protection Agency (USEPA) and the State Minnesota Pollution Control Agency (MPCA).

Rental Property Owners Requirements within 244.275:

Property owners must notify the tenant or future tenants of the environmental contamination abatement, removal or remediation. This notification includes copies of all written or electronic information received from the authority agencies, or their agents or contractors concerning the environmental contamination testing results, and any associated abatement.

Property owners must facilitate and cooperate with the authority agencies or their agents or contractors to perform any lawful testing, cleanup, abatement, removal or remediation activities at such property deemed reasonable and necessary. Violation of this section shall constitute good cause for adverse license action pursuant to section 244.1910.

AN ORDINANCE
of the
CITY OF
MINNEAPOLIS

By Gordon

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:

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

244.275. Tenant to be notified of arsenic environmental contamination testing, removal abatement, removal and or remediation in South Minneapolis Neighborhood Soil Contamination Site designated sites. (a) For the purpose of this section, the ~~"South Minneapolis Neighborhood Soil Contamination Site"~~ a "designated site" shall mean ~~the~~ a defined area of ~~South the~~ the City of Minneapolis that has been or shall in the future be designated by the United States Environmental Protection Agency, the Minnesota Pollution Control Agency, or other related or appropriate governmental agency for testing, ~~removal abatement, removal~~ and/or remediation of ~~arsenic~~ environmental contamination from residential properties.

(b) Upon the establishment of any qualifying designated site, the director of regulatory services or the director's designee shall provide written notice to any person holding a license issued pursuant this Title of the establishment of the designated site and the duties and requirements imposed pursuant to this section. 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~~ a designated 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), the Minnesota Pollution Control Agency (MPCA), or any other identified governmental agency or ~~its~~ their agents or contractors concerning ~~arsenic~~ environmental contamination testing results, and any associated abatement, removal or remediation activities pertaining to the

leased premises. Additionally, any such person shall facilitate, cooperate with and permit the USEPA, the MPCA, or any other identified governmental agency or its agents or contractors to perform any lawful testing, cleanup, abatement, removal or remediation activities at such property as deemed reasonable and necessary by the USEPA, the MPCA or any other identified governmental agency. Violation of this section shall constitute good cause for adverse license action pursuant to section 244.1910 or as appropriate.

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

(1) Within any reasonable time specified in any notification from the director of regulatory services or the director's designee ~~thirty (30) days after the effective date of this section;~~

(2) Within thirty (30) days of receiving new information from the USEPA, the MPCA, or other identified governmental agency or its agents or contractors; 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 environmental contamination 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~~ environmental contamination notification advisory to the department of ~~inspections~~ regulatory services upon request of the director of ~~inspections~~ regulatory services or their the director's 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.~~