



Request for City Council Committee Action from the Department of

Date: December 12, 2007

To: Honorable Don Samuels, Chairperson Public Safety & Regulatory Services
Committee

Referral to: City Council

Subject: Rental Dwelling License Revocation- 1060 23rd Ave SE - Owner Davood
Raboodan.

Recommendation:

On October 23, 2007 this item was heard by the Rental License Board of Appeals. Pursuant to Section 244.1960 (f) of the Minneapolis Code of Ordinances, the Rental Licensing Board Members are requesting approval from the City Council for the revocation of the Rental Dwelling Licenses held by Davood Raboodan.

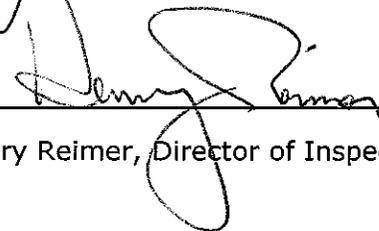
The Director of Inspections recommends that the City Council revoke, deny, non-renew the rental dwelling licenses held by Davood Raboodan for property at 1060 23rd Ave SE, pursuant to MCO 244.1910(13). (See enclosed Recommendation to Revoke Rental Dwelling License, and supporting documentation packet.)

Previous Directives None

Prepared or Submitted by Janine Atchison, District Supervisor 673-3715

Approved by: 
JoAnn Velde, Deputy Director Housing Inspection Services

12-4-07
Date

Approved by: 
Henry Reimer, Director of Inspections

12/4/07
Date

Approved by: Rocco Forte

Rocco Forte, Assistant City Coordinator

12/6/07

Date

Permanent Review Committee (PRC) Approval _____ Not Applicable XX

Note: To determine if applicable see <http://insite/finance/purchasing/permanent-review-committee-overview.asp>

Policy Review Group (PRG) Approval _____ Date of Approval _____ Not Applicable XX

Note: The Policy Review Group is a committee co-chaired by the City Clerk and the City Coordinator that must review all requests related to establishing or changing enterprise policies.

Presenters in Committee (name, title)

Financial Impact (Check those that apply)

XX No financial impact (If checked, go directly to Background/Supporting Information).

___ Action requires an appropriation increase to the ___ Capital Budget or ___ Operating Budget

___ Action provides increased revenue for appropriation increase.

___ Action requires use of contingency or reserves.

___ Business Plan: ___ Action is within the plan. ___ Action requires a change to plan.

___ Other financial impact (Explain):

___ Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact (use any categories that apply) Not Applicable

Neighborhood Notification

City Goals

Comprehensive Plan

Zoning Code

Other

Supporting Information: See Findings of Fact

**CITY OF MINNEAPOLIS
RENTAL DWELLING LICENSE BOARD OF APPEALS**

**In the matter of the Rental
 Dwelling License held by
 Davood Raboodan for the
 Premises at 1060 23rd Avenue SE,
 Minneapolis, Minnesota.**

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

This matter came on for hearing before the Rental Dwelling License Board of Appeals at 1:30 p.m. on October 23, 2007 in Room 014 of the Minneapolis Public Service Center. Board Chair Brian Bushay presided. Other board members present included Clinton Blaiser, Daisy Barton, Steve Schachtman and Wayne Jensen. Board members Paul Thomas Kjornes and Fathia Warsame were not present. Assistant City Attorney Joel Fussy was present as *ex officio* counsel to the board. Lee Wolf, Assistant City Attorney, represented the Inspections Division. The owner of the licensed premises, Davood Raboodan, was present and was not represented by legal counsel. The owner's son, Omid Raboodan, was also present.

FINDINGS OF FACT

1. Davood Rabodan holds a rental dwelling license (No. 526770) for the property located at 1060 23rd Avenue SE in the City of Minneapolis, Minnesota. The rental dwelling license issued to Mr. Raboodan indicates on its face that the property is single family and that the license therefore authorizes a single rental dwelling unit at the subject property.

2. This matter was commenced by the Inspections Division seeking revocation of the rental dwelling license held by Mr. Raboodan for the referenced property under M.C.O. § 244.1910, *Licensing standards*. The Inspections Division seeks revocation based on the following minimum licensing standard:

244.1910. Licensing standards. 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.

(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.

3. On January 3, 2006 Minneapolis License Inspector Sarah Maxwell conducted a rental license inspection of the subject property. Inspector Maxwell holds the promotional rank of License Inspector II and has in excess of fifteen years of experience with the Inspections Division. Her inspection of the subject property found that the single dwelling unit was occupied by four unrelated adult tenants, in excess of the maximum of three such unrelated occupants provided for in such R1A zoning districts per M.C.O. § 546.50. Based on this over occupancy, Inspector Maxwell issued a Notice of Director's Determination of Noncompliance citing the over occupancy and issued an order to the license holder to discontinue the illegal use of the property. Inspector Maxwell's March 21, 2006 reinspection indicated that the illegal over occupancy issue had been abated and that only one tenant resided in the unit. All notices and orders were duly and properly issued.

4. On April 11, 2007 Minneapolis License Inspector Sarah Maxwell conducted a subsequent rental license inspection of the subject property. Her inspection of the subject property found that it was illegally occupied as two separate dwelling units, inclusive of a basement unit being occupied in addition to the primary unit. Inspector Maxwell was granted entry into the primary unit by the tenant and the tenant specifically informed her that the owner's son was living in the basement. Such occupancy constitutes illegal occupancy as the property is zoned single family and the basement does not possess the required attributes of a habitable dwelling unit, including proper egress. Inspector Maxwell observed a man present in the

basement unit watching television. Upon being allowed entry into the basement unit by the man—who was a younger son of the owner—Inspector Maxwell was told by the occupant that he had stayed there the previous evening. She further observed a mattress propped against a wall, clothes on the floor, a functioning television, a computer and a kitchen with used dishes present. Upon explaining that the basement unit was not a legal dwelling unit, the occupant became agitated so that Inspector Maxwell chose to leave without being able to photograph the premises. Based on this illegal basement occupancy, Inspector Maxwell issued a Notice of Revocation, Denial, Non-Renewal, or Suspension of Rental License on May 4, 2007.

5. The revocation recommendation was made pursuant to M.C.O. §§ 244.1910(3) & 244.1940. On May 10, 2007 Mr. Raboodan filed a due and proper appeal of the revocation recommendation.

6. The evidence adduced at the hearing in this matter indicates that the subject property was over-occupied in January 2006 and illegally-occupied in April 2007, both in violation of the licensing standard specified in M.C.O. § 244.1910(3). The license holder conceded that four unrelated tenants resided at the subject property in January 2006, but claimed that his managerial ability was incapable of preventing the over-occupancy. The license holder claimed that no one was occupying the illegal basement unit on April 11, 2007 despite the testimony from the experienced inspector, who was told by the lawful tenant that the owner's son was living in the basement and despite the substantial and numerous indicia of (at least) intermittent occupancy occurring in the basement as reflected in her reports and testimony. Despite being specifically notified on the appeal form that the license holder had a right to be represented by counsel, to present witnesses and evidence and to challenge and respond to the City's evidence at hearing, the license holder failed to present any tangible documentary or

witness evidence supporting his position that illegal occupancy did not occur on the two referenced occasions.

CONCLUSIONS

1. The Inspections Division followed the appropriate procedural steps and provided the necessary notices as required under the Minneapolis Code of Ordinances with regard to its recommendation to revoke the rental dwelling license currently held by Davood Raboodan for the single family residence located at 1060 23rd Avenue SE in the City of Minneapolis.

2. The illegal occupancy violations which form the basis of this action have the potential to severely and adversely affect public health and safety as well as neighborhood livability. Adequate protection of public health, safety and welfare therefore requires the establishment and enforcement of minimum rental housing and zoning standards. *See* M.C.O. §§ 244.30 & 520.30.

3. The referenced rental dwelling license held by Davood Raboodan is subject to revocation under M.C.O. § 244.1910(3), which establishes minimum standards for retention of a rental dwelling license prohibiting any form of illegal or over occupancy and M.C.O. § 244.1940, which allows for the commencement of revocation proceedings upon a second established illegal or over occupancy violation.

RECOMMENDATION

That the rental dwelling license held by Davood Raboodan for the premises at 1060 23rd Avenue SE in Minneapolis, Minnesota be revoked.

Brian Bushay
Chair,
Rental Dwelling License Board of Appeals