

Request for City Council Committee Action from the Department of

Date June 14, 2006

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

Referral to Ways & Means/Budget Committee, The Honorable Paul Ostrow, Chairperson

Subject: Proposed Repealing Title 13, Chapter 298 of the Minneapolis Code of Ordinances relating to Licenses and Business Regulations

Subject: Proposed Amendments to Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to: Housing Maintenance Code

Subject: Proposed Amendment to Appendix J of the Minneapolis Code of Ordinances relating to: License Fees Schedule

Recommendation: That the City Council adopt the proposed ordinance amendments

Prepared or Submitted by: JoAnn Velde, Deputy Director 612-673-5850

Approved by: _____

Rocco Forte, Assistant City Coordinator, Regulatory Services

Henry Reimer, Director of Inspections

Presenters in Committee: JoAnn Velde, Deputy Director Housing Inspection Services

Financial Impact (Check those that apply)

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

Community Impact (use any categories that apply)

City Goals

Background/Supporting Information Attached

Regulatory Services is recommending a transfer of the management of these facilities to be consolidated within Housing Inspection Services. Historically the enforcement efforts and the application and fee collection for these facilities have been managed by Business Licensing for application and fee collection; the enforcement of the facilities have been managed by Housing Inspection Services on the Lodging facilities; Board & Lodging

facilities have been inspected by the Food Inspectors in Environmental Services and a Fire Inspector has been involved in inspecting a portion of the Fire Code for both types of facilities.

Consolidated the administration and inspection activities in Housing Inspections Services ensures a more effective and more controlled environment for these facilities and limits the need to have numerous inspectors regulating the properties. Housing Inspections has reclassified a current FTE with a position title of Board & Lodging Inspector. This inspector will be trained and certified in four inspection disciplines food code, health codes, fire codes and housing maintenance code.

Repealing Title 13 Chapter 298 and transferring authority to Title 12 Chapter 244. Additional housekeeping amendments have been made along with adopting the rental licensing standards to assist in our regulating of these facilities. Board & Lodging facilities are regulated also by current local and State Statutes adding the rental licensing standard provide additional tools if needed for enforcement.

Summary of changes by section number which includes Chapter 298 sections transferred into Chapter 244:

New Ordinance proposed amendments to Title 12 Chapter 244 of the MCO

Repealing Title 13, Chapter 298 of MCO:

- Sections 1 through 13 completely repeal all Business Licensing sections pertaining to Lodging Houses.
- Section 1: 244.40 Definitions.**
 - New: *Sleeping room* is a new definition.
 - New: *Lodging establishments* is a new definition.
 - New: Sleeping rooms or beds are both able to be let.
 - New: *Lodging establishment with boarding* is a new definition.
 - New: *Group Residential Facility* replaces Rehabilitation center from 244.40. The requirement of the property to be run by a national or statewide agency was removed.
- Section 2: 244.50 Meaning of certain words.**
- From 244: Adds in lodging establishment and sleeping room which shall be construed as though followed by "or any part thereof".
- Section 3: 244.130 Inspections required; powers.**
 - From 244: Adds in lodging establishment and sleeping room in the list of required inspections and outlines what powers allow for entry if there is no consent given.
- Section 4: 244 Article X.**
 - New: Renamed 244 Article X Rooming Houses and "Lodging Establishments"
- Section 5: 244.1035. No modification of zoning code intended.**
 - Same as 298.15: This section keeps out unintended modifications or expansions of use.
- Section 6: 244.1040. Compliance required.**
 - From 244: New terms of lodging establishment and sleeping room inserted.
- Section 7: 244.1045. License required.**
 - Same as 298.20, 298.25 & 298.30: Establishes the need for a license.
- Section 8: 244.1050. Lavatory and bath facilities.**
 - From 244: Establishes number of people using lavatory and bath facilities.
 - New: Provisions for general toilet rooms in a one sex building have been deleted.
 - New: Requirements for a water closet and hand lav for guests have been deleted.

- **Section 9: 244.1060. Communal kitchens**
 - From 244: Establishes rules of a communal kitchen.
 - New: The need for a separate food and drink license has been eliminated since a separate license category of “lodging with boarding” has been defined in 244.40.
- **Section 10: 244.1070. No-cooking signs.**
 - From 244: Cooking is not allowed in sleeping rooms.
- **Section 11: 244.1080. Bed linens and towels.**
 - From 244: This section has been deleted and operators no longer have to provide bed linens, towels, bedding, mattresses, and springs.
- **Section 12: 244.1090. Sanitary maintenance.**
 - From 244: Operator must keep all parts of building in a sanitary manner.
- **Section 13: 244.1100. Reporting of communicable disease.**
 - From 244: This section has been deleted and operators no longer have to report communicable diseases to the commissioner of health.
- **Section 14: 244.1105. Inspection.**
 - Same as 298.90: Allows inspectors access to inspect.
- **Section 15: 244.1110. Keeping of register.**
 - From 244: Operators must keep a current register of tenants and sleeping rooms.
- **Section 16: 244.1120. Entry of true name in register.**
 - From 244: Tenants must register under their true name.
- **Section 17: 244.1125. Dwelling units in same building.**
 - New: New language requires operators to hold a separate rental dwelling license for any dwelling units in the lodging establishment.
- **Section 18: 244.1130. Hotel units in same building.**
 - Same as 298.60: This requires operators to hold a separate hotel license for any hotel units in the lodging establishment.
- **Section 19: 244.1135. Conditions.**
 - From 298.80: Licensees must comply with all Minneapolis. Fire, Health, Building, HMC, and Zoning codes.
 - New: Language states that licensees must now also comply w/ MN Rules Chapter 4625.
- **Section 20: 244.1140. Rehabilitation centers.**
 - From 244: This section is being repealed since Rehabilitation centers have been replaced with Group Residential Facilities in 244.40.
- **Section 21: 244.1145. Expiration; renewal.**
 - From 298.40: This section establishes the expiration dates and renewal requirements.
 - New: It establishes a new expiration date of Oct. 1st each year rather than Nov. 1st.
- **Section 22: 244.1150. License fees.**

- From 298.50: This section establishes the license fees in Appendix J, new license surcharges, late fees, prorated fees, and unlicensed lodging establishment administrative citation amounts.
- New: Lodging with boarding has its own fee schedule rather than a combined fee with food.
- New: Fifty percent late penalty if 15 calendar days late.
- New: Prorated fees for half year rather than quarterly.
- New: Administrative citations add \$10 per sleeping/bed in addition to the standard \$250 fine for unlicensed operations.

□ **Section 23: 244.1155. Application for license.**

- From 298.70: This section establishes the information required on an application.
- New: Dates of birth required for owner, managing partner, agent, and/or contact person.
- New: If owners live outside of the 16 county metro area, they are required to have the agent/contact person live within the 16 county metro area.
- New: Post office box or commercial mail receiving service are not acceptable addresses.
- New: The number of sleeping rooms and beds must be indicated.

Section 24: 244.1160. Licensing Standards.

- New: This section replaces 298.100 which outlined procedures to take adverse action against a property. The new language treats lodging establishments the same as rental properties by applying the standards (244.1910) and conduct on licensed premises (244.2020) to lodging establishments and uses the director's determination of noncompliance (244.1930) and vacation of affected dwelling units (244.1970) when taking adverse action.

Amending Appendix J of the MCO

Cost recovery for the administration and inspection services of these facilities have increased slightly for Board & Lodging and Lodging establishments these changes are reflected in the changes of the attached Appendix J table.