

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

ADMINISTRATIVE HEARING OFFICER

**In the matter of the Property
Located at 1162 14th Avenue S.E.
Minneapolis, Minnesota, Owned
By Mei Jen Chen**

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

The above entitled matter came on for hearing before Administrative Hearing Officer Fabian Hoffner on September 27, 2011, at 10:00 p.m. at Room 3414A of the Minneapolis Public Service Center, 250 South 4th Street, Minneapolis, Minnesota. The City of Minneapolis was represented by Lee C. Wolf, Assistant City Attorney, Janine Atchison, District Manager Department of Housing. Mei Jen Chen, owner of the property located at 1162 14th Avenue S.E.. was present.

FINDINGS OF FACT

Mei Jen Chen is the listed owner of the property located at 1162 14th Avenue S.E. (the "Property) in the City of Minneapolis. Ms. Chen has owned the property for a number of years and prior to 2006, Ms. Chen held a rental license for the property. In early 2006, the Minneapolis City Council revoked Ms. Chen's rental license for the property located at 1162 14th Avenue S.E. as well as four other properties owned by Ms. Chen.

Pursuant to Minneapolis, Minn. Code of Ordinances (M.C.O.) § 244.1910 (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. As a result of the revocation actions in 2006, Ms. Chen was ineligible to hold a rental license in the City of Minneapolis for a period of five years. Additionally, the properties were required to be vacated pursuant to M.C.O. § 244.1970, which states: 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an application for rental dwelling license has been denied, or a rental dwelling license or provisional license has been revoked, suspended, or not renewed, or when the owner has not obtained a current rental dwelling license or provisional license upon proper application as required by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 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.

Pursuant to M.C.O. § 244.1810, a property can not be occupied as a rental unit without the owner first obtaining a rental license and M.C.O. § 244.1980 provides that it is a misdemeanor offense to allow the occupancy of a property, as a rental unit, without having obtained a rental license as required by M.C.O. § 244.1810.

On August 3, 2006, the property located at 1162 14th Avenue S. was vacated, pursuant to M.C.O. § 244.1970, after the City Council action to revoke the rental license for the property became final.

On April 23, 2007, Minneapolis Housing Inspector Farrokh Azmoudeh along with Minneapolis Police Officer Kurt Mencil conducted an inspection at the Property and found the Property occupied. The Property appeared to have been illegally converted to a shared bath occupancy, with five persons renting rooms at the property. Three of the five tenants were contacted and admitted that they had signed a lease with the owner, Mei Jen Chen to rent rooms at the Property.

On October 23, 2007, Minneapolis Housing Inspector Bryan Starry conducted an inspection at the Property and found that there were five individuals residing at the Property which was being illegally used as a rooming house. Inspector Starry issued orders to vacate the property by October 29, 2007.

On May 8, 2009, Inspector Starry, responding to a complaint regarding the Property, conducted an inspection and found that the property was again occupied as a rental property and posted a notice at the Property that it needed to be vacated by May 11, 2009.

On September 16, 2009, Inspector Starry along with Minneapolis Police Officer Adam Harmon conducted an inspection of the Property and found two individuals at the Property who admitted to renting rooms at the Property from the owner, Mei Jen Chen. Inspector Starry issued orders on September 22, 2009, to vacate the property by October 1, 2009, and issued a \$200.00 administrative citation to the owner, Mei Jen Chen for illegally occupying the property without a rental license.

On January 29, 2010, Inspector Starry along with Officer Harmon, inspected the Property and again found the property to be occupied by persons who admitted that they had rented rooms from the owner, Mei Jen Chen. Inspector Starry issued orders and placarded the property with notice to vacate the property by January 31, 2010. Inspector Starry also issued the owner a \$400.00 administrative citation for illegally occupying the property without a rental license. On February 3, 2010, Inspector Starry and Officer Harmon went to the Property to determine if the tenants had vacated the property. Inspector Starry and Officer Harmon found that the property was vacant but found that the tenants that had been residing in the Property on January 29, 2010, had been moved into a property located at 1038 19th

Avenue S.E., which was also owned by Mei Jen Chen and had its rental license revoked by City Council in 2006.

On June 6, 2011, Mei Jen Chen, as owner of the Property, applied for reinstatement of the rental license for the Property. On July 8, 2011, the Housing Inspections Division of the Minneapolis Department of Regulatory Services issued a Notice of Denial of Rental License or Provisional License. The Notice stated that the rental license application was being denied pursuant to M.C.O. § 244.1910 (19), which states: 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. The Notice specifically stated that the good cause relied upon was the occupancy of the Property on multiple occasions after revocation of the rental license in violation of M.C.O. §§ 244.1810, 244.1940 and 244.1980.

On July 11, 2011, Mei Jen Chen filed an appeal to the Notice of Denial and on September 27, 2011, a license revocation hearing was held. Ms. Chen testified that at times she had put individuals into the Property but did so due to the fact that she needed the money as her husband has a disability and they needed money to cover the Vacant Building Registration fee that they were being charged on the Property.

CONCLUSIONS

The City of Minneapolis revoked the rental licenses held by Mei Jen Chen in 2006, and as the matters were not appealed the City Council decision was final. Pursuant to M.C.O. § 244.1910 (13) (a) Ms. Chen was prohibited from holding a rental license in the City of Minneapolis for a period of five years.

M.C.O. § 244.1910 (19), provides that adverse license action may be based upon good cause. M.C.O. § 244.1810, provides that a property can not be occupied as a rental unit without the owner first obtaining a rental license. Ms. Chen, on multiple occasions after the rental license for the Property was revoked, allowed individuals to occupy the Property as a rental unit in violation of M.C.O. § 244.1810.

The Department followed proper procedure in issuing violation notices after finding the Property occupied as a rental property without a valid rental license. In spite of these violation notices, Ms. Chen continued to re-occupy the Property, in blatant violation of the City Council decision to revoke the rental license and the Code provision prohibiting Ms. Chen from operating a rental property for a period of five years. Consequently, the City has shown good cause to Deny the rental license application of Mei Jen Chen for the property located at 1162 14th Avenue S.E., Minneapolis, MN.

RECOMMENDATION

That the rental license application for the property located at 1162 14th Avenue S.E., Minneapolis, MN., filed by Mei Jen Chen, be denied.

Dated _____ 2011

FABIAN HOFFNER
ADMINISTRATIVE HEARING
OFFICER