

Request for City Council Committee Action from the Department of

Date June 1, 2006

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

Referral to City Council

**Subject Rental Dwelling License Revocation- 1162 14th Ave SE, 1038 19th Ave
SE and 1049 24th Ave SE, Owner Mei Jen Chen**

Recommendation: On May 9, 2006 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 Mei Jen Chen, at 1162 14th Ave SE, a single family residence; 1038 19th Ave SE, a single family residence; and 1049 24th Avenue SE, a two-family residence. The Rental Dwelling License issued to Mei Jen Chen for the property at 719 24th Ave NE was revoked by City Council Action May 28, 2004. The Rental Dwelling License issued to Mei Jen Chen for the property at 1045 24th Ave SE was revoked by City Council action on February 24, 2006. Mei Chen Chen has been found to be in violation of licensing standards per Minneapolis code of Ordinances 244.1910(13).

The Director of Inspections recommends that the City Council approve the Rental Licensing Board of Appeals findings and revoke the rental dwelling license held by Mei Jen Chen for the premises at 1162 14th Ave SE, 1038 19th Ave SE, and 1049 24th Avenue SE. (See enclosed findings of Fact, Conclusions and Recommendations.)

Previous Directives None

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

Approved by: Rocco Forte by Brett Osborne JTO
Rocco Forte, Assistant City Coordinator

Approved by: Henry Reimer
Henry Reimer, Director of Inspections

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

Background/Supporting Information Attached

See: Findings of Fact

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

**In the matter of the Rental
Dwelling Licenses held by
Mei Jen Chen for the
Premises at 1049 24th Ave. SE,
1038 19th Ave. SE, and
1162 14th Ave. SE in
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 May 9, 2006 in Room 14 of the Minneapolis Public Service Center. Board chair Brian Bushay presided. Other board members present included Clinton Blaiser, Daisy Barton, Paul Thomas Kjornes and Wayne Jensen. Board members Steve Schachtman and Fathia Warsame were not present. Assistant City Attorney Joel M. Fussy was present as *ex officio* counsel to the board. Steven E. Heng, Assistant City Attorney, represented the Inspections Division. The Licensee, Mei Jen Chen, was present and was not represented by counsel. The services of a translator were offered and provided to Ms. Chen.

FINDINGS OF FACT

1. Mei Jen Chen holds rental dwelling licenses for the buildings at 1049 24th Avenue SE, 1038 19th Avenue SE, and 1162 14th Avenue SE, in the City of Minneapolis. The rental license applications filed by Ms. Chen list herself as the owner of the buildings as well as the property manager responsible for the maintenance and management of the rental properties. The applications filed by Ms. Chen list her preferred contact address as 618 14th Avenue North, Minneapolis, Minnesota, 55411.

2. This matter was commenced by the Inspections Division to revoke the rental dwelling licenses held by Ms. Chen for the properties at 1049 24th Avenue SE, 1038 19th Avenue SE, and 1162 14th Avenue SE, under Minneapolis Code of Ordinances (M.C.O.) § 244.1910(13). Additionally, the Department of Inspections seeks to declare Ms. Chen to be ineligible to hold an interest in any rental dwelling license for a period of five years. Section 244.1910, "Licensing standards", provides in Subsection 13 "*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.*"

3. Notices of Revocation, Denial, Non-Renewal, or Suspension of Rental License or Provisional License were mailed to Mei Jen Chen on April 11, 2006. The notices were mailed to the contact address that Ms. Chen personally supplied on her rental license applications – 618 14th Avenue North, Minneapolis, Minnesota, 55411 – and certified mail return receipts were obtained confirming delivery of the respective notices.

4. On May 28, 2004 the Minneapolis City Council approved the recommendation of its Public Safety & Regulatory Services Committee and its Rental Dwelling License Board of Appeals to revoke a separate rental dwelling license held by Mei Jen Chen for a rental property she owned at 719 24th Avenue NE, Minneapolis, Minnesota. The revocation recommendation was based upon over-occupancy and illegal occupancy violations as established in written findings adopted by the Rental Dwelling License Board of Appeals after a duly-contested appeal hearing held on February 10, 2004. The Mayor of the City of Minneapolis approved the Council's revocation action on June 2, 2004 and the revocation

became official, effective and vested upon publication on June 4, 2004. No judicial appeal of the revocation by application for a writ of certiorari or other method was filed by Ms. Chen challenging the revocation. This constituted Ms. Chen's first rental dwelling license revocation.

5. On February 24, 2006 the Minneapolis City Council approved the recommendation of its Public Safety & Regulatory Services Committee and its Rental Dwelling License Board of Appeals to revoke a second rental dwelling license held by Mei Jen Chen for a rental property she owned at 1045 24th Avenue SE, Minneapolis, Minnesota. The revocation recommendation was based upon substandard dwelling violations as established in written findings adopted by the Rental Dwelling License Board of Appeals after a duly-contested appeal hearing held on January 10, 2006. The Mayor of the City of Minneapolis approved the Council's revocation action on February 28, 2006 and the revocation became official, effective and vested upon publication on March 4, 2006. No judicial appeal of the revocation by application for a writ of certiorari or other method was filed by Ms. Chen challenging this second revocation. This constituted Ms. Chen's second rental dwelling license revocation within a nine-month time frame.

6. The two separate revocations of rental dwelling licenses held by Mei Jen Chen referenced in Findings 4 and 5, above, proceeded regularly and in accordance with the adverse rental license procedures prescribed in Chapter 244 of the Minneapolis Code of Ordinances.

7. On April 21, 2006 Ms. Chen filed a due and proper appeal of each revocation recommendation. The Licensee, in her appeal, submitted a five-page letter outlining her disagreement with the revocation recommendations. Ms. Chen, in her appeal letter and

through her testimony at the hearing before the Board in this matter, did not dispute the existence or procedural propriety of the two previously-established license revocations, but focused instead on re-addressing the underlying factual basis for the two previous revocation actions.

8. The two previous rental dwelling license revocations of licenses held by Ms. Chen constitute qualifying incidents under M.C.O. § 244.1910(13): *“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.”*

CONCLUSIONS

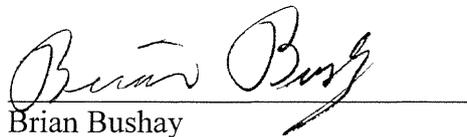
1. Mei Jen Chen has previously had interests in two rental dwelling licenses revoked pursuant to Chapter 244, Article XVI of the Minneapolis Code of Ordinances. Specifically, Ms. Chen had rental dwelling licenses revoked for rental properties she owned at 719 24th Avenue NE and 1045 24th Avenue SE, in Minneapolis, Minnesota. These revocations proceeded according to applicable legal and procedural requirements and became effective on June 4, 2004 and March 4, 2006, respectively.

2. 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 recommendations to revoke the rental dwelling licenses currently held by Mei Jen Chen at 1049 24th Avenue SE, 1038 19th Avenue SE, and 1162 14th Avenue SE, in the City of Minneapolis.

3. The rental dwelling licenses held by Mei Jen Chen for 1049 24th Avenue SE, 1038 19th Avenue SE, and 1162 14th Avenue SE are subject to revocation under M.C.O. § 244.1910(13). Revocation of the referenced rental dwelling licenses is appropriate under this provision. Additionally, by operation of the ordinance Mei Jen Chen is ineligible to hold or have an interest in any subsequent rental dwelling license issued by the City of Minneapolis for a period of five years as measured from the effective date of her second qualifying license revocation.

RECOMMENDATION

That the rental dwelling licenses held by Mei Jen Chen for the premises at 1049 24th Avenue SE, 1038 19th Avenue SE, and 1162 14th Avenue SE, in Minneapolis, Minnesota be revoked. Additionally, that by operation of M.C.O. § 244.1910(13) Ms. Chen be deemed ineligible to hold or have an interest in a rental dwelling license issued by the City of Minneapolis until March 4, 2011.



Brian Bushay
Chair,
Rental Dwelling License Board of Appeals