

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 10/21/13

Item No.: 11.a

Department Approval

City Manager Approval



Item Description: Review of drafted Multifamily Rental Licenses 908

1 **BACKGROUND**

2 The RHRA created program guidelines that were reviewed by the City Council at the March 11,
3 2013, joint meeting. The guidelines were updated and then reviewed by the RHRA Board on
4 April 16, 2013. The RHRA then directed staff to draft an ordinance.

5 In addition to the public meetings noted above, the RHRA Board received testimony from the
6 public regarding the guidelines on November 20, 2012, February 19, 2013, and August 13, 2013.

7 RHRA staff worked with the City's Building Codes officials and the City Attorney to draft
8 Ordinance 908 (Attachment A: Draft Ordinance 908), which was reviewed by the RHRA Board
9 on August 13, 2013. Public comment was taken and some modifications were made based upon
10 that meeting.

11 At their September 16, 2013, meeting, Council reviewed and recommended slight modifications
12 to the Draft Ordinance 908. The attached version reflects those recommendations.

13
14 Based upon testimony of rental property owners the following are highlights of the
15 implementation of Ordinance 908:

- 16 • The required licensing of Multi-family Rental properties will become effective
17 January 1, 2015.
- 18 • The inspections will be conducted by the Community Development Department
19 (CDD) staff and will be done by a seasonal code enforcement officer.
- 20 • The cost of the initial inspection will be included in the licensing fee the first year.
- 21 • The proposed fee for the first year is \$20/unit + \$100/building.
- 22 • All costs for the subsequent years of the program will come from the CDD budget.
- 23 • The first-year inspections are estimated to begin in May 2014 and are intended to
24 conclude in September 2014.
- 25 • One third of all rental units will be inspected unless the code enforcement officer
26 deems it necessary to inspect more of the units.
- 27 • The draft ordinance would require owners/managers of Multi-family Rental
28 Dwellings (MRD) to do criminal background checks on all renters, to include a
29 disorderly behavior lease addendum to all leases, to maintain a current occupancy
30 register of all renters, and to ensure that all maintenance/repairs have been completed.
- 31 • The ordinance would require that property owners have a management representative
32 located within the 7-county metro area.

33
34 While the RHRA staff has taken the lead to write the Ordinance and Implementation Plan, it is

35 anticipated that the Building Codes Division of the Community Development Department will
36 take over the Implementation Plan and put together the inspection criteria, inspection manual,
37 and program details (Attachment B: Implementation Plan).

38 **POLICY OBJECTIVE**

39 The intent of the rental licensing program is to ensure that multi-family rental property owners
40 provide and maintain safe and healthy living accommodations. The proposed program will
41 require properties with five (5) or more units to be licensed with the City. The program will
42 require an initial inspection of the rental properties and, depending on the classification of the
43 rental property license, a schedule for reinspection will be determined. The program will also
44 require property owners to attend educational programs hosted by the City.

45 HRA Staff and City Police have again reviewed the Minnesota Crime-Free Multi-Housing
46 Program as it relates to property licensing type. The Minnesota Crime-Free Multi-Housing
47 Program may be incorporated into the memorandum of understanding for correction of nuisance
48 for Type C and D licensings.

49 **BUDGET IMPLICATIONS**

50 The first year rental licensing fees (2014 fees) would cover the cost to implement the program.
51 In subsequent years if the licensing fees do not cover the cost for staff, the costs will come from
52 the Community Development Department's operating budget .

53 **STAFF RECOMMENDATION**

54 Staff recommends taking Public comments.

55 **REQUESTED COUNCIL ACTION**

56 Based upon comments, Council may choose to adopt Ordinance 908.
57

Prepared by: Jeanne Kelsey, Acting Executive Director, 651-792-7086
Attachments: A: Draft Ordinance 908
B: Ordinance Summary
C: Implementation Plan

City of Roseville
ORDINANCE NO. _____

AN ORDINANCE AMENDING
TITLE 9, TO ADD CHAPTER 908 TO REGULATE RENTAL LICENSING FOR
MULTIFAMILY RENTAL DWELLING UNITS

CHAPTER 908
Rental Licensing for Multifamily Rental Properties of 5 or More Units

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1: Purpose: The purpose of adding Chapter 908 is to assure that Multifamily Rental Dwellings (MRDs) with 5 or more units in Roseville are decent, safe, sanitary, and well maintained. The implementation of an MRD licensing program is a mechanism to ensure that rental housing will not become a nuisance to the neighborhood; will not foster blight and deterioration; and/or will not create a disincentive to reinvestment in the community. Operators of MRDs are responsible to assure that residents and children may pursue the normal activities of life in surroundings that meet the following criteria: safe, secure, and sanitary; free from crimes and criminal activity, noises, nuisances, or annoyances; and free from unreasonable fears about safety of persons and security of property.

SECTION 2: Title 9 of the Roseville City Code is amended to include Chapter 908 with the following text:

SECTION:

- 908.01: Purpose
- 908.02: Definitions
- 908.03: Licensing Requirements
- 908.04: Licensing Term
- 908.05: Fees
- 908.05: Local Agent Required
- 908.06: Licensing Suspensions, Revocation, Denial, and Non-Renewal
- 908.08: Appeals
- 908.09: Maintenance of Records
- 908.10: Authority
- 908.11: Rules, Policies, and Procedures
- 908.12: No Warranty by the City
- 908.13: Severability

908.01: PURPOSE

It is the purpose of this Chapter to assure that Multifamily Rental Dwellings (MRDs) with 5 or more units in Roseville are decent, safe, sanitary, and well maintained. The implementation of an MRD

40 licensing program is a mechanism to ensure that rental housing will not become a nuisance to the
 41 neighborhood; will not foster blight and deterioration; and/or will not create a disincentive to
 42 reinvestment in the community. The operation of an MRD is a business enterprise that entails
 43 responsibilities. Operators are responsible to assure that residents and children may pursue the normal
 44 activities of life in surroundings that meet the following criteria: safe, secure, and sanitary; free from
 45 crimes and criminal activity, noises, nuisances, or annoyances; and free from unreasonable fears about
 46 safety of persons and security of property.

47
 48 908.02: DEFINITIONS

49 For the purpose of this Chapter, the following terms shall be defined as set forth below.

- 50
 51 A. Building Official: The designated Building Official for the City of Roseville or his/her duly
 52 authorized representative(s).
 53 B. City: Shall mean the City of Roseville.
 54 C. City Council: Shall mean the City Council of the City of Roseville.
 55 D. City-Approved Inspector's Report or Inspection Report: Shall mean a rental dwelling inspection
 56 report prepared and signed by a City rental housing inspector or inspector contracted by the City
 57 to conduct an inspection and provide a report to the City.
 58 E. Denial: The refusal to grant a license to a new or renewing applicant by the City.
 59 F. Dwelling Unit: Any portion of a building thereof that contains living facilities, including
 60 provisions for sleeping, eating, cooking, and sanitation.
 61 G. Lease: An oral or written agreement between an MRD owner and a tenant for temporary use of
 62 a rental dwelling unit, usually in exchange for payment of rent.
 63 H. License: The formal approval of an activity specified on the certificate of license issued by the
 64 City.
 65 I. Local Agent: Owner's representative who resides in any of the following Minnesota counties:
 66 Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.
 67 J. Multifamily Rental Dwelling (MRD): Any building or portion thereof that contains five (5) or
 68 more dwelling units that may be attached side-by-side, stacked floor-to-ceiling, and/or have a
 69 common entrance and have a common owner that are being rented out in the City of Roseville.
 70 This does not apply to Minnesota Department of Health-licensed rest homes, convalescent care
 71 facilities, nursing homes, hotels, motels, managed home-owner associations, cooperatives, or
 72 on-campus college housing.
 73 K. Owner: A person, agent, firm, or corporation having a legal or equitable interest in the property.
 74 In any corporation or partnership, the term owner includes general partners and corporate
 75 officers.
 76 L. Permissible Occupant Load: The maximum number of persons permitted to occupy a building
 77 or space within a building per City Code.
 78 M. Reinspection: A follow-up inspection that is a) conducted to determine if a Code violation has
 79 been corrected; b) needed because a licensee, owner, or other responsible party fails to attend a
 80 scheduled inspection; c) needed because a scheduled inspection does not occur or is prevented
 81 due to any act of a licensee, owner, or responsible party; or d) any inspection other than the
 82 initial inspection for a license application where one or more violations are found.
 83 N. Rent: The consideration paid by a tenant to the owner of a rental dwelling unit for temporary
 84 and exclusive use of the rental dwelling unit by the tenant. The consideration is not limited to
 85 cash.
 86 O. Repair: To restore to a sound and functional state of operation, serviceability, or appearance.
 87 P. Revoke: To take back a license issued by the City.

- 88 Q. Safety: The condition of being reasonably free from danger and hazards that may cause
 89 accidents or disease.
 90 R. Suspend: To make a license temporarily inoperative.
 91 S. Tenant: Any adult person granted temporary use of a rental dwelling unit pursuant to a lease
 92 with the owner of the MRD.
 93

94 908.03: LICENSING REQUIREMENTS

95 General Rule. No person shall operate, let, or cause to be let an MRD that has not been properly
 96 licensed by the City of Roseville in the manner required by this Ordinance. A license must be obtained
 97 for each MRD. Upon receipt of the properly executed initial application for a rental license, the
 98 Community Development Department shall cause an inspection to be made of the MRD to determine
 99 whether it is in compliance with Chapter 906 (Building Maintenance and Preservation Code), other
 100 Roseville ordinances, and the laws of the State of Minnesota. Every rental dwelling unit shall be re-
 101 inspected after a renewal application is filed to determine if it still conforms to all applicable codes and
 102 ordinances.
 103

- 104 A. Licensing: A license will be granted as Type A, Type B, Type C, or Type D based on nationally
 105 recognized standards recommended by the Building Official and adopted by the City Council.
 106 All rental dwelling units shall be licensed before being let, in whole or in part. Licenses will
 107 expire annually or semi-annually as determined by the license type and City.
 108
 109 B. Criminal Background Check: The licensee shall conduct criminal background checks on all
 110 prospective tenants. The criminal background check must include the following:
 111 1. A statewide (Minnesota) criminal history check of all prospective tenants covering at
 112 least the last three years; the check must be done utilizing the most recent update of the
 113 state criminal history files.
 114 2. A criminal history check of any prospective tenant in their previous states of residence,
 115 unless not allowed, covering at least the last three years if they have not resided in
 116 Minnesota for three years or longer.
 117 3. A criminal history check of any prospective tenant must be conducted in all seven (7)
 118 counties in the metro Twin Cities area: (Anoka, Carver, Dakota, Hennepin, Ramsey,
 119 Scott and Washington) covering at least the last three years, including all misdemeanor,
 120 gross misdemeanor, and felony convictions.
 121 C. Disorderly Behavior Lease Provisions: All tenant leases shall contain crime-free, drug-free
 122 provisions as on file with the City or equivalent that prohibit disorderly behavior identified in
 123 City Code Section 511.02 These lease provisions shall be incorporated into every new lease for
 124 a tenancy beginning January 1, 2015, and all renewed leases by such date.
 125 D. Occupancy Register: Every owner of a licensed rental dwelling shall keep, or cause to be kept, a
 126 current register of occupancy for each dwelling unit that provides the following information:
 127 1. Dwelling unit address
 128 2. Number of bedrooms in dwelling unit and size of each bedroom, including the maximum
 129 number of occupants allowed
 130 3. Legal names and dates of birth of adult occupants
 131 4. Number of adults and children (under 18 years of age) currently occupying each
 132 dwelling unit
 133 5. Dates renters occupied and vacated dwelling units
 134 6. A list of complaints and requests for repair by dwelling unit occupants that relate to the
 135 provisions of this Code of Ordinances

136 7. A similar list of all corrections made in response to such requests and complaints
 137 Such register shall be made available for viewing by the Code Enforcement Officer at each
 138 routine inspection or upon City receipt of a report of potential occupancy violation.
 139

140 E. Application Filed: A license application shall be submitted to the Community Development
 141 Department on forms furnished by the City of Roseville and must contain the following
 142 information:

- 143 1. Name, address, telephone number, and e-mail address of the owner of the rental dwelling
 144 units. This is the address that all future correspondence from the City will be sent to.
 145 Owner shall indicate if the owner is a corporation, partnership, sole proprietorship, or
 146 other business entity.
- 147 2. Name, address, telephone number, and e-mail address of designated local agent
 148 responsible for the management of the MRD.
- 149 3. Street address(es) and unit numbers for the MRD.
- 150 4. Number and type of dwelling units including unit size, bedroom size for each building
 151 (One [1] Bedroom, Two [2] Bedrooms, etc.) and number of bathrooms.
- 152 5. Description of property listing number of buildings and number of dwelling units in each
 153 building.
- 154 6. Owner shall certify compliance with the requirement found in 908.03B for conducting
 155 background checks on prospective tenants.
- 156 7. Owner shall certify compliance with the requirement in 908.03C to include disorderly
 157 behavior lease provisions.
- 158 8. Owner shall certify compliance with the requirement of 908.03D occupancy register.

159 F. Changes in Ownerships and Amended Licenses: A license is not assignable. Any changes
 160 occurring in the ownership of an MRD requires a new license. The new owner must obtain a
 161 new license within thirty (30) calendar days of acquiring the property. The fee paid for the new
 162 license shall be the fee required for an initial license. If any changes occur in any information
 163 required on the license application, the owner must submit an amended license application to the
 164 City within thirty (30) calendar days of the change. If any rental dwelling units are added to a
 165 current license, the additional rental dwelling units must be licensed by amendment of the
 166 current license and must be accompanied by the fee required for the additional units.

167 G. Complaint-Based Inspection: The City may, upon receipt of creditable third party complaints or
 168 complaints of residents with reasonable concerns, require an inspection of a unit. A complaint-
 169 based inspection may require additional units to be inspected. Upon the additional unit
 170 inspection, the City may require a license category criteria inspection be performed using the
 171 same standards as the license renewal inspection.

172 H. Additional Requirements. The City may require additional educational training or participation
 173 in programs related to the license type.
 174

175 908.04: LICENSING TERM

176 Licenses will be issued for a time period according to the license type as indicated in Diagram 1. All
 177 licenses may be reviewed at any time after the beginning of the license term to determine whether the
 178 property continues to have the appropriate License Type.
 179

180 Diagram 1

Requirement →	Attend Roseville Multifamily Property Owners Quarterly Meetings	Inspections and Licensing Fee	Memorandum of Understanding for correction of nuisance	Monthly Updates
License Type* ↓				
Type A	Attend 25%	Once every 3 years	N/A	N/A
Type B	Attend 50%	Once every 2 years	N/A	N/A
Type C	Attend 75%	Once a year	May be required	N/A
Type D	Attend 100%	Once every 6 months	Required (<i>Shall be brought to Council</i>)	Required

181

182

A. New Licenses: MRDs that have legally not been required to have a rental license due to new construction will qualify for a Type B License and must be filed with the City thirty (30) calendar days from the issuance of a Conditional or Permanent Certificate of Occupancy.

183

184

185

B. Operating without Valid License: Properties found operating without a valid rental license from the City, properties failing to meet City Code requirements, or properties that have been the subject of enforcement actions such as criminal prosecution or civil penalties for violation of this chapter will only qualify for a Type C license.

186

187

188

C. License Renewals: All rental properties are subject to review and may be required to apply and qualify for a different license type based on the level of compliance with City Codes and applicable regulations.

189

190

191

D. Chronic Code Violations: For properties having chronic code violations that are not being resolved in a timely manner, the City Council may pursue any and all remedies under Minnesota Statutes sections 504B.395 through 504B.471 in addition to any other legal or equitable relief.

192

193

194

E. License Category Criteria: License type will be determined by the number of property Code and nuisance violations as recommended by the City Manager and approved by the City Council.

195

196

1. Property Code and Nuisance Violations. Standards for property maintenance will be based on compliance with City and other applicable Codes or other nationally recognized standards as adopted by the City Council.

197

198

199

F. License Process and Renewal:

200

201

1. Initial application of existing MRDs in the City must have completed a full application and paid the license fee by December 31, 2014.

202

2. Code enforcement officers will notify applicant of the inspection date approximately thirty (30) calendar days prior to inspection.

203

204

3. Notice of licensing type will be sent to the applicant. The licensing fee will be due and payable within thirty (30) calendar days of notice of licensing type. A license will be issued for each MRD. Every Owner of an MRD shall conspicuously post the current license certificate within fourteen (14) calendar days of receipt in the main entryway or other conspicuous location within the MRD. For MRDs that do not have a shared common area or entrance, the Owner must provide a copy of the license certificate to each tenant by attaching a copy to the tenant's copy of the executed lease agreement.

205

206

207

208

209

210

211

- 212 4. License renewals shall be filed with the Community Development Department by the
 213 MRD between 90 and 120 days prior to the license expiration date.
- 214 G. Issuance of License: The City shall issue a license once the City deems the property to not have
 215 any unsafe, unsanitary, or dilapidated conditions as defined in Section 906.03H or elsewhere in
 216 Roseville's City Code and all City fees and fines have been paid.
- 217
- 218 908.05: FEES
- 219 There shall be a licensing fee as established by the City Fee Schedule in Section 314.05. All fees and
 220 fines shall be charged to and payable by the property owner.
- 221
- 222 908.06: LOCAL AGENT REQUIRED
- 223 A. Local Agent: No operating license shall be issued or renewed for a nonresident owner of an
 224 MRD (one who does not reside in any of the following Minnesota counties: Anoka, Carver,
 225 Dakota, Hennepin, Ramsey, Scott, or Washington) unless such owner designates in writing to the
 226 Building Official the name of the owner's local agent (one who does reside in any of the
 227 following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or
 228 Washington) who is responsible for maintenance and upkeep and who is legally constituted and
 229 empowered to receive notice of violations of the provisions of the City Code of Ordinances, to
 230 receive and to effect such orders, and to accept all service or process pursuant to law.
- 231 B. Responsibility for Acts of Manager, Operator, or Local Agent: Licensees are responsible for the
 232 acts or omissions of their managers, operators, local agent, or other authorized representative.
- 233
- 234 908.07: LICENSING SUSPENSIONS, REVOCATION, DENIAL, AND NONRENEWAL
- 235 A. Applicability: Every license issued under the provisions of this Chapter is subject to suspension
 236 or revocation by the City Council.
- 237 B. Unoccupied or Vacated Rental Units: In the event that a license is suspended, revoked, or not
 238 renewed by the City Council, it shall be unlawful for the owner or the owner's duly authorized
 239 agent to thereafter permit any new occupancies of vacant or thereafter vacated rental units until
 240 such time as a valid license may be restored by the City Council.
- 241 C. Grounds for License Action: The Council may revoke, suspend, or decline to renew any license
 242 issued under this Chapter upon any of the following grounds:
- 243 1. False statements, misrepresentations, or fraudulent statements on any application or other
 244 information or report required by this Chapter to be given by the applicant or licensee.
- 245 2. Failure to pay any application fee, fine, penalty, reinspection fees, reinstatement fee, special
 246 assessments, real estate taxes, or other financial claims due to the City as required by this
 247 Chapter and City Council resolution.
- 248 3. Failure to continuously comply with any property maintenance, zoning, health, building,
 249 nuisance, or other City Codes; or failure to correct deficiencies noted in Compliance Notices
 250 in the time specified in the notice.
- 251 4. Failure to comply with the provisions of an approved memorandum of understanding (MOU)
 252 with the City that addresses the underlying causes for the nuisance conduct and provides a
 253 course of action to alleviate the nuisance conduct.
- 254 5. Failure to actively pursue the eviction of tenants who have violated the provision of this
 255 Chapter or Lease Addendum on file with the City or have otherwise created a public
 256 nuisance in violation of City, state, or applicable laws.
- 257 6. Failure to eliminate imminent health and life safety hazards as determined by the City or its
 258 authorized representatives.

- 259 7. Failure to operate or maintain the licensed premises in conformity with all applicable state
 260 and local laws and ordinances.
- 261 D. License Action Sections: Revocation, suspension, and non-renewal may be brought under either
 262 this Section or any other Section of Chapter 908.
- 263 E. Notification, Hearing and Decisions Basis:
- 264 1. Written Notice, Hearing: A decision to revoke, suspend, deny, or not renew a license shall
 265 be preceded by written notice to the applicant or licensee of the alleged grounds, and the
 266 applicant or licensee will be given an opportunity for a hearing before the City Council
 267 before final action to revoke, suspend, deny, or not renew a license.
- 268 2. Decision Basis: The Council shall give due regard to the frequency and seriousness of
 269 violations, the ease with which such violations could have been remedied or avoided, and the
 270 good faith efforts to comply. The Council shall issue a decision to deny, not renew,
 271 suspend, or revoke a license only upon written findings.
- 272 F. Affected MRD: The Council may suspend or revoke a license or not renew a license for part or
 273 all of an MRD.
- 274 G. License Actions, Reapplication:
- 275 1. Suspension: Licenses may be suspended for up to ninety (90) calendar days and may after
 276 the period of suspension be reinstated subject to compliance with this Chapter and any
 277 conditions imposed by the City Council at the time of suspension.
- 278 2. Revocation, Denial, Nonrenewal: Licenses that are revoked will not be reinstated until the
 279 owner has applied for and secured a new license and complied with all conditions imposed at
 280 the time of revocation. Upon a decision to revoke, deny, or not renew a license, no approval
 281 of any application for a new license for the same facility will be effective until after the
 282 period of time specified in the Council's written decision, which shall not exceed one (1)
 283 year. The Council shall specify in its written decision the date when an application for a
 284 new license will be accepted for processing. A decision not to renew a license may take the
 285 form of a suspension or revocation. A decision to deny an initial application for a new
 286 facility will not take the form of a suspension or revocation unless false statements have been
 287 made by the applicant in connection with the application. A decision to deny an initial
 288 application shall state conditions of reapplication.
- 289 3. Reinstatement Fees: All new applications must be accompanied by a reinstatement fee, as
 290 specified by Council resolution, in addition to all other fees required by this Chapter.
- 291 4. Written Decision, Compliance: Written decisions to revoke, suspend, deny, or not renew a
 292 license or application shall specify the part or parts of the facility to which it applies.
 293 Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in
 294 such part or parts of the facility may be re-let or occupied. Revocation, suspension, or non-
 295 renewal of a license shall not excuse the owner from compliance with all terms of state laws
 296 and Codes and this Code of Ordinances for as long as any units in the facility are occupied.
 297 Failure to comply with all terms of this Chapter during the term of revocation, suspension, or
 298 non-renewal is a misdemeanor and grounds for extension of the term of such revocation or
 299 suspension or continuation of non-renewal, or for a decision not to reinstate the license,
 300 notwithstanding any limitations on the period of suspension, revocation, or non-renewal
 301 specified in the City Council's written decision or in paragraph 6 of this Section.
- 302 5. New License Prohibited: A property owner who has a rental license revoked may not receive
 303 a new rental license for another property within the City for a period of one (1) year from the
 304 date of revocation. The property owner may continue to operate currently licensed MDRs if
 305 the properties are maintained in compliance with City Codes and other applicable
 306 regulations.

- 307 6. The Council may postpone or discontinue an action to deny, not renew, revoke, or suspend a
 308 registration certificate, or to fine a licensee or applicant, if the licensee or applicant has taken
 309 appropriate measures to correct the violation.
 310

311 908.08: APPEALS

- 312 A. An appeal pertaining to any licensing decision addressed in this Chapter may be filed by an
 313 MRD property owner.
 314 1. The appeal shall be submitted to the City Manager within ten (10) calendar days after
 315 the making of the order or decision being appealed.
 316 2. The appeal shall state the specific grounds upon which the appeal is made.
 317 3. The appeal shall be accompanied by the fee set forth in Chapter 314.
 318 B. When an appeal is filed, a public meeting regarding the matter shall be held before the City
 319 Council, acting as the Board of Adjustments and Appeals, at a regular meeting held within
 320 thirty (30) calendar days of the receipt of the appeal. The Board of Adjustments and Appeals
 321 may consider any of the evidence that had previously been considered as part of the formal
 322 action that is the subject of the appeal. New or additional information from the appealing
 323 applicant(s) may be considered by the Board of Adjustments and Appeals at its sole discretion
 324 if that information serves to clarify information previously considered by the Building
 325 Official.
 326

327 908.09: MAINTENANCE OF RECORDS

328 All records, files, and documents pertaining to the Licensing of MRDs shall be maintained in the
 329 office of the City and made available to the public as allowed or required by laws, rules, codes,
 330 statutes, or ordinances.
 331

332 908.10: AUTHORITY

333 Nothing in this Chapter shall prevent the City from taking action under any applicable rule,
 334 standard, statute, or ordinance for violations thereof and to seek either injunctive relief or
 335 criminal prosecution for such violations as therein provided. Nothing contained in this Chapter
 336 shall prevent the City from seeking injunctive relief against a property owner or designated agent
 337 who fails to comply with the terms and conditions of this Chapter on licensing.
 338

339 908.11: RULES, POLICIES, AND PROCEDURES

340 By resolution the City Council may adopt, from time to time, rules, policies, and procedures for
 341 the implementation of this Chapter. Violation of any such rule, policy, or procedure by a
 342 property owner shall be considered a violation of this Ordinance.
 343

344 908.12: NO WARRANTY BY THE CITY

345 By enacting and undertaking to enforce this Chapter, neither the City, its designees, the City
 346 Council, or its officers, agents, or employees warrant or guarantee the safety, fitness, or suitability
 347 of any MRD in the City. Owners or occupants should take whatever steps they deem appropriate
 348 to protect their interests, health, safety, and welfare. A warning in substantially the foregoing
 349 language shall be printed on the face of the rental license.
 350

351 908.13: SEVERABILITY

352 If any provision of this Chapter or amendment thereto, or the application thereof to any person,
 353 entity, or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction,

354 the remainder of this Chapter shall remain in full force and effect and the application thereof to
355 other persons, entities, or circumstances shall not be affected thereby.

356

357

358 **SECTION 3:** Effective date. This ordinance shall take effect upon its passage and publication.

359 Passed by the City Council of the City of Roseville this 21st day of October 2013.

360

361

**CITY OF ROSEVILLE
OFFICIAL SUMMARY OF ORDINANCE NO. _____**

**AN ORDINANCE ADDING CHAPTER 908:
RENTAL LICENSING FOR MULTIFAMILY RENTAL PROPERTIES OF 5 OR MORE
UNITS TO TITLE 9, BUILDING REGULATIONS, OF THE ROSEVILLE CITY CODE**

The City Council of the City of Roseville adopted Ordinance No. _____ on _____, which is summarized as follows:

The Roseville City Code, Title 9, Building Regulations, has been amended to include Chapter 908: Rental Licensing for Multifamily Rental Properties of 5 or More Units. The purpose of this Chapter is to assure that Multifamily Rental Dwellings (MRDs) with 5 or more units in Roseville are decent, safe, sanitary, and well maintained. The implementation of an MRD licensing program is a mechanism to ensure that rental housing will not become a nuisance to the neighborhood; will not foster blight and deterioration; and/or will not create a disincentive to reinvestment in the community. Operators of MRDs are responsible to assure that residents and children may pursue the normal activities of life in surroundings that meet the following criteria: safe, secure, and sanitary; free from crimes and criminal activity, noises, nuisances, or annoyances; and free from unreasonable fears about safety of persons and security of property.

The Roseville City Code is amended by

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary is also posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2160 Hamline Avenue, Roseville, Mn. 55113, and on the internet web page of the City of Roseville (www.ci.roseville.mn.us).

36 *Ord – Chapters 1017 & 1019*

37

38

39

40

41

42

43 Attest: _____

44 Patrick Trudgeon, Interim City Manager

45

46

Date: _____

Multifamily Rental Dwelling License Implementation Plan

The purpose of this program is to protect the public health, safety and welfare of citizens of the City who occupy rental units in Multi-family properties. This is achieved by adopting a Rental Dwelling inspection program to provide minimum maintenance standards for existing and newly constructed Multi-family rental properties in Roseville, MN.

The Multifamily Rental Dwellings (MRD) licensing program would be required for any building or portion thereof that contains five (5) or more dwelling units that may be attached side-by-side, stacked floor to ceiling and/or have common entrance and have a common owner that are being rented out in the City of Roseville. This does not apply to Minnesota Department of Health licensed rest homes, convalescent care facilities, nursing homes, hotels, motels, managed home-owner associations or on-campus college housing.

The program would be set as follows:

- Notice of ordinance adoption in fall 2013 to all MRD property owners.
- Building codes to hire one temporary seasonal code enforcement officer (SCEO) as contract employee to do inspections in 2014.
- Notice in beginning of 2014 to all MRD properties to apply for licensing. Application due by April 15, 2014.
- Community Development or the SCEO will send 14-30 day notice to schedule inspection. Inspections will be conducted in the months of May, June, and July.
- A third 1/3 of all units in MRD will be initially inspected. If upon initial inspection SCEO may determine that additional units need to be inspected.
- Reinspection of code violations may need follow-up. First reinspection is free additional reinspection fees will be \$25.00 a unit and \$100 per building.
- Notice sent by October 1, 2014 License Type A, B, C, or D to MRD.
- Rental licensing fee is due and payable within 45-60 days of notice.
- Fee for licensing is \$100 per building and \$20 per unit. The license will be effective based upon the classification of the property. Property owners who fail to obtain or renew a license within 30 days of expiration will result in a \$500 penalty; the penalty will double every 2 weeks it remains unpaid.
- For properties that have chronic code violations that are not being resolved in a timely manner the City may use the "Tenant Remediation Act."
- The City may, upon receipt of a creditable third party complaint or residents with reasonable concerns, require an inspection of a unit. Upon a complaint based inspection the city may require additional units to be inspected. Upon that inspection, the City may require a license category criteria inspection be performed using the same standards as the license renewal inspection.
- Quarterly Property Owner's meetings start in 2015. Dates to be determined for the meetings and notices going out in fall of 2014 through e-mail notices from applications.

Property Licensing Requirements

The type of license (A, B, C, or D) a property owner receives will be determined by the overall number of property code violations identified during the inspection. (see table below).

Requirement →	Attend Roseville Multifamily Property Owner's Quarterly meetings	Inspections and Licensing Fee	Mitigation Plan	Monthly Updates
License Type ↓				
Type A	Recommended	Once every 3 years	-	-
Type B	Attend 25%	Once every 2 years	-	-
Type C	Attend 50 %	Once a year	May be required	-
Type D	Attend 75 %	Once every 6 months	Required and shall be brought to Council.	Required

Multifamily Property Owner's Quarterly Meetings

The Roseville HRA staff and the Roseville Police Community Relations Coordinator will provide quarterly educational outreach meetings and will provide topics that property owners will give input on. These meetings will be either recommended or required based upon level of property license received.

Violation Rate Calculation

Inspection criteria will be based upon the Building Maintenance and Preservation Code (906) or other nationally recognized standards that has been adopted by City Council. Inspection criteria and evaluators guidelines will be provided to owners and posted on the City's website. The license type will be based on the average number of code violations per inspected property. *(The City may choose upon the initial inspections to change the below criteria).*

Proposed Property Code Violations Criteria (Property Code Only)	
License Category	Property Code Violations per Inspected Unit
Type A – 3 Year	0-.50
Type B – 2 Year	Greater than .50 but not more than 1.0
Type C – 1 Year	Greater than 1.0 but not more than 1.5
Type D – 6 Months	Greater than 1.5

Example

Based on the table above, an 11-unit property would be required to have 4 units inspected ($33\% \times 11 = 3.63$)

To receive a Type A License, the 4 units could have no more than 2 violations averaged for the units inspected ($4 \times .50 = 2$)

To receive a Type B License, the 4 units could have no more than 4 violations averaged for the units inspected ($4 \times 1 = 4$)

To receive a Type C License, the 4 units could have no more than 6 violations averaged for the units inspected ($4 \times 1.5 = 6$)

Fees and Repeat Nuisance Service Code Violations

Property owners who fail to meet the requirements under the Type of license criteria may be subject to doubled fees for rental and/or change of rental licensing type and Repeat Nuisance Ordinance (RNO), Chapter 511. Enforcement of that ordinance will be coordinated between departments on a monthly basis.

Cost implications to the City

- To assist with implementation, process manual and coordinating this new program, a consultant may need to be hired.
- The city will have to hire a Seasonal Code Enforcement Officer. Fees from rental licensing should cover cost for the first year of implementation.
- If council would like the police to implement the Minnesota Crime Free Multifamily program and to make it part of the licensing type criteria than additional police staff will need to be hired.

This Multi-Family Rental Housing Implementation Plan is intended to provide program concepts and is draft for discussion purposes.