

ORDINANCE NO. ____

**AN ORDINANCE ESTABLISHING RENTAL
LICENSING REQUIREMENT FOR RENTAL DWELLINGS**

The City Council of the City of Maplewood ordains as follows:

Section I. The Maplewood City Code, Chapter 12-Buildings and Building Regulations is hereby amended by adding Article XIII-Licensing of Rental Dwellings:

ARTICLE XIII - LICENSING OF RENTAL DWELLINGS

Sec. 12-600. - Purpose.

It is the purpose of this Chapter to protect the public health, safety and welfare of the City by adopting a rental dwelling licensing, inspection, and maintenance program that corrects substandard conditions, maintains standards for existing and newly constructed rental dwellings, and ensures neighborhood stability in the City. The operation of rental properties is a business enterprise that includes certain responsibilities. Rental dwelling owners and managers are responsible to take such reasonable steps as are necessary to ensure that the residents who occupy such rental units, as well as neighboring properties, may pursue the quiet enjoyment of the normal activities of life in surroundings that are safe, secure, sanitary, free from noise, nuisances and annoyances, and free from unreasonable fears about safety of persons and property.

Sec. 12-601. - Definitions.

Words used in this Chapter shall have the following meanings unless otherwise defined in this Chapter.

- (1) *City Manager* means the City of Maplewood City Manager or his or her designee.
- (2) *Dwelling* means a building or one or more portions of a building occupied or intended to be occupied for residential purposes.
- (3) *Let or Rent* means to permit possession or occupancy of a dwelling by a person who is not the legal owner of record thereof, pursuant to the terms of a written or unwritten lease.
- (4) *Licensee* means an Owner that operates a rental dwelling and is required to be licensed under this Chapter.
- (5) *Manager* means any person who has charge, care, or control of a rental dwelling.
- (6) *Occupant* means any person occupying, living, or sleeping or having possession of a space within any dwelling.
- (7) *Operate* means to charge a rental charge, fee or other form of monetary or non-monetary compensation for the use of a rental dwelling.
- (8) *Owner* means a person or person holding title to a property or otherwise having control of the property, as recorded in the official State, County, or City records.
- (9) *Person* may be an individual, corporation, firm, association, company, partnership, organization or any other group acting as a unit.

- (10) *Qualifying Relative* means the owner's parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew or niece. This relationship may be either by blood or by marriage.
- (11) *Rental Dwelling* means any building or portion of a building which is let or rent to one or more persons who are not the owner or qualifying relative.
- (12) *Rental Dwelling Inspection Certificate* means a certificate issued by the City Manager after the rental dwelling has passed a rental dwelling inspection.
- (13) *Tenant* means any person occupying a dwelling unit or having possession of a space within a dwelling unit who pays, in any manner, for the right to occupy such space or who has a leasehold right to occupy the dwelling unit.

Sec. 12-602. - License Required.

- (1) General Rule. No person may operate a rental dwelling in the City without a license from the City.
- (2) Exceptions.
 - (a) These rental licensing requirements do not apply to a residential dwelling that is occupied by the Owner or the Owner's qualifying relatives.
 - (b) These rental licensing requirements do not apply to a residential dwelling when the dwelling is rented for a period of less than 120 consecutive days and the Owner occupies the property during the remainder of the year.
 - (c) These rental licensing requirements do not apply to Minnesota Department of Health–licensed rest homes, convalescent care facilities, group homes, nursing homes, hotels, motels, or cooperatives.
 - (d) These rental licensing requirements do not apply to a facility for which a reasonable accommodation has been granted by the city under the Federal Fair Housing Amendments Act of 1988.
- (3) Application Requirements. An Owner of a rental dwelling must complete an application on an official application form provided by the City and submit the required application fee. Renewal applications may be submitted by an Owner on a simplified renewal form provided by the City. The City Manager must be notified in writing within 30 days of any changes to the information provided on the application. Applications must include the following information at a minimum:
 - (a) The name, address, telephone number, e-mail address, and date of birth of the property Owner.
 - (b) The name, address, telephone number, e-mail address, and date of birth of a designated local Manager if the Owner resides outside of the Twin Cities metropolitan service area.
 - (c) The local address of the rental dwelling and the number of units and types of units (condominium, apartment, townhome, etc.) within the rental dwelling.
 - (d) Property Contact Information. The license applicant must provide 24 hour contact information for the following people:

- i. At least one Owner of the rental dwelling;
- ii. At least one Manager, if different from the Owner, who is responsible for managing the property in compliance with this and any other Code requirement pertaining to the rental dwelling who must reside in the Twin Cities metropolitan service area; or
- iii. If the Owner uses a property management company for management of the rental dwelling, the name and contact information of the person at the property management company responsible for managing the rental dwelling.

(4) Fees. There shall be a licensing fee as established by the City's Fee Schedule. All fees and fines shall be charged to and payable by the Owner.

Sec. 12-603. - Rental Dwelling Inspection Certificate.

Prior to operating a rental dwelling, the Licensee must obtain a rental dwelling inspection certificate from the City. Rental dwellings will be inspected on a schedule between one and three years as determined by the City Manager. The City Manager will adopt an inspection policy for rental dwellings taking into account the property's inspection history, history of compliance with Federal, State and Local Law, and the history of inspections, property maintenance violations, and other code enforcement violations at the property.

Sec. 12-604. - Written Tenant Application and Lease Agreement Required.

The Licensee must screen all potential tenants using a written tenant application. The Licensee must use a written lease agreement for all tenants. The Licensee must have all tenants execute a Minnesota Crime Free Housing Lease Addendum. The written tenant application must include sufficient information so that the Licensee can conduct an appropriate criminal background check on prospective tenants. The written tenant application and written lease agreement and the Minnesota Crime Free Housing Lease Addendum for each tenant must be part of the Licensee's files. Upon request the Licensee must show proof, satisfactory to the City, that the Licensee is maintaining the documents required by this section. Failure to use, maintain, or provide these documents to the City upon request is a violation of this Chapter.

Sec. 12-605. - Changes in Ownership.

A license is non-transferable. If there is a change in the ownership of the rental dwelling the license automatically expires. The new owner must apply for a license under this Chapter prior to the change in ownership.

Sec. 12-606. - Changes in the Rental Dwelling.

If changes are made in the number or type of units within the licensed premises, the Licensee shall file an application to amend the rental license. Depending on the nature of the changes, the City may require a new property inspection.

Sec. 12-607. - Annual License.

Licenses issued under this division shall have a duration period of one year. The expiration date of the license is as may be imposed, set, established and fixed by the Building Official. A license renewal application must be submitted to the city prior to the expiration date.

Sec. 12-608. - Tenant Background Checks and Roster.

As a condition of the license, the Licensee must, as a continuing obligation, conduct a criminal background check on all prospective tenants and maintain a current roster of tenants and other persons who have a lawful right to occupy the rental dwelling. The Licensee must designate the name of the person or persons who will have possession of the roster and must promptly notify the City Manager of any change in the identity, address or telephone numbers of the designee. The roster must be available for inspection by City officials upon request. If a person under investigation by the City claims a lawful right to occupy a rental dwelling or be present on the rental property, the City Manager may request to inspect the lease for the unit in which the person claims to reside. Upon such request, the Licensee shall provide the lease for inspection.

Sec.12-609. - Notification Requirements for Public Hearings.

The Licensee must, as a continuing obligation of the license, provide written notice to tenants or in the alternative, post the written notice in the lobby or common area of the rental dwelling for any public hearing notice received by the Licensee that pertains to the rental dwelling, the property on which the rental dwelling is located, or any adjacent rights of way.

Sec. 12-610. - Display of License Certificate.

For dwellings containing four or more dwelling units, the rental license certificate must be displayed in the lobby or other common area visibly accessible to all tenants of the licensed dwelling. The license certificate must be encased in a frame with a clear glass or plastic surface over the certificate and must be mounted securely to a wall. For dwellings containing fewer than four dwelling units, the Licensee must provide a copy of the rental license certificate to each tenant by attaching the copy to the Tenant's copy of the executed lease agreement.

Sec. 12-611. - Compliance with Minn. Stat. §211B.20.

Licensee must comply with the requirements of Minn. Stat. §211B.20 and allow access to candidates who have filed for election to public office and seek admittance to the rental dwelling solely for the purpose of campaigning.

Sec. 12-612. - Crime-Free Rental Housing Phase I Training Required.

The Licensee or the Manager with control over the rental dwellings must attend, at a minimum, the Phase I crime-free rental housing educational course or similar course as approved by the City Manager as a condition of receiving or renewing a license. The cost of attending the educational requirements under this section shall be paid in addition to any license and inspection fees. Course attendance will be required on a schedule to be determined by the City Manager.

Sec. 12-613. - Responsibility for Acts of Manager.

Licenses are responsible for the acts or omissions of their Managers as it pertains to the rental dwelling.

Sec. 12-614. - Maintenance Standards.

(1) It is the responsibility of the Licensee to assure that every rental dwelling is maintained in compliance with all City Ordinances and State and Federal laws. A violation of any of the following City Code Titles or Chapters constitutes a public nuisance and may be abated under the provisions of the Nuisances Chapter (18-26) or Administrative Offenses Chapter (Sec 1-17) of City Code:

- a. Building and Building Regulations Code (Chapter 12),

- b. Zoning Code (Chapter 44),
 - c. Animals Code (Chapter 10),
 - d. Fire Prevention and Protection Code (Chapter 20),
 - e. Offenses and Miscellaneous Provisions (Chapter 24).
 - f. Environment (Chapter 18).
- (2) Snow and Ice Removal. Rental dwellings containing four or more dwelling units must remove snowfalls of one inch or more, or successive snowfalls accumulating to a depth of one inch or more, from all walkways, sidewalks and steps within 12 hours of cessation of the snowfall. Rental dwellings containing four or more dwelling units must remove snowfalls of three inches or more, or successive snowfalls accumulating to a depth of three inches or more from parking aisles, parking areas, and drives within 72 hours of cessation of the snowfall.
- (3) Inspections. The Building Official, Fire Chief, Police Chief and their respective representatives are authorized to make inspections reasonably necessary to enforce this Chapter. All authorized inspectors have the authority to enter any rental dwelling at all reasonable times. Pursuant to Minnesota Statutes, Section 504B.211, the Licensee is responsible for scheduling the inspection and notifying any existing tenant of the inspection. The Licensee must provide access to the requesting City Official at the date and time of the scheduled inspection. Failure to provide access for any reason may result in a re-inspection fee, in addition to any other sanctions imposed for noncompliance.
- (4) Access by Occupant. Each occupant of a rental dwelling shall give the Licensee or Manager or authorized City Official access to any part of such rental dwelling at reasonable times for the purpose of inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this Chapter.
- (5) Solid Waste. Rental dwellings must comply with the Solid Waste Management ordinance (Chapter 30) for trash and recycling collection.

Sec. 12-615. - License Denial, Suspension, or Revocation.

- (1) Grounds for Denial, Suspension or Revocation. The City Manager may deny or not renew a license and the City Council may revoke or suspend a license for any of the following reasons that shall also constitute a violation of this Chapter:
- (a) The property does not conform to City Code;
 - (b) The property does not comply with a health, building, maintenance, or other provisions of the City Code or State Law;
 - (c) The Licensee has failed to pay the license fee, inspection fees, or a fine that has been imposed;
 - (d) The Licensee has made fraudulent statements, misrepresentations, or false statements in the application or investigation or in any information required by this Chapter;

- (e) The Licensee has been convicted of a background check crime as defined in Minnesota Statutes Section 299C.67, subd.2, as may be amended from time to time, or any crime related to the licensed business, and failure to show, by competent evidence, rehabilitation and present fitness to perform the duties of the business;
 - (f) Operating or allowing the rental property to be used in such a manner as to constitute a breach of the peace, a menace to the health, safety, and welfare of the public, or a disturbance of the peace or comfort of the residents of the City, upon recommendation of the Chief of Police;
 - (g) Actions unauthorized or beyond the scope of the license granted;
 - (h) The Licensee's rental license to operate another rental dwelling in the City of Maplewood or in another jurisdiction has been denied, revoked, or suspended within the past year;
 - (i) Failure to schedule or allow inspections of the licensed premises for the purpose of ensuring compliance with rental licensing requirements, City Code requirements, State building codes, or other applicable State or Federal law;
 - (j) Failure to continuously comply with all conditions required in the approval of the license;
 - (k) Real estate taxes or city fees for the property are delinquent
 - (l) Violation of any regulation or provision of the City Code applicable to the activity for which the license has been granted, or any regulation or State or Federal law that may be applicable;
 - (m) Excessive calls for service as determined by the Chief of Police under Section 1-15.5, based on the number and nature of the calls compared to the number of dwelling units on the property when the Licensee has been notified of the calls by the Chief of Police and the Licensee has failed to supply an appropriate written action plan for reducing the calls for service, or when the calls for service exceed an established threshold a second time within 12 months of completing an action plan for previously exceeding the threshold.
 - (n) Failure to actively pursue the eviction of tenants who have violated the provisions of the crime free lease addendum or who have otherwise created a nuisance in violation of the provisions of the written lease; or
 - (o) Other good cause as determined by the City Council after conducting a public hearing.
- (2) The City Council may revoke a license or suspend a license for a set period of time or until violations of City Code, or State or Federal law are corrected and, in addition, impose a civil penalty for each violation or impose a combination of these sanctions.
- (3) Temporary Suspension. The City Council may temporarily suspend a license pending a hearing on the suspension or revocation when, in its judgment, the public health, safety, and welfare is endangered by the continuance of the licensed activity.
- (4) Notice. Before the suspension or revocation of the rental license, the City must provide written notice informing the Licensee of the right to a hearing. The notice must provide at least 20 calendar days notice of the time and place of the hearing and must state the grounds for the proposed suspension or revocation of the license. The notice may be served upon the Licensee

personally, by leaving the notice at the licensed premises with the designated Manager, or by certified mail to the address listed on the license application.

- (5) Hearing. A hearing will be conducted before the City Council at a public meeting. The Licensee shall have the right to be represented by Counsel, the right to respond to the charged violations, and the right to present evidence through witnesses. The rules of evidence do not apply to the hearing and the City Council may rely on all evidence it determines to be reasonably credible. The determination to suspend or revoke the license shall be made upon a preponderance of the evidence. It is not necessary that criminal charges be brought in order to support a suspension or revocation of a license violation nor does the dismissal or acquittal of such a criminal charge operate as a bar to suspension or revocation.
- (6) Final Decision. Following the hearing, the Council may revoke or suspend the license for all or any part of the licensed premises, may stay the revocation or suspension upon such terms and conditions as it deems reasonable and necessary to accomplish the purposes of this Chapter, or grant or continue the license. If the Council suspends or revokes the rental license, the Council may also order that any rent payable during the suspension or revocation period be paid into an escrow account to be maintained by the City. The City may use the escrowed funds to pay for the cost of abating violations at the property. Funds that remain in the escrow account after paying for abatement items shall be returned to the Licensee upon the Licensee receiving a valid rental license or upon the sale of the rental to an unrelated purchaser and after the rental dwelling has been brought into full compliance with City Code. The decision by the City Council following a hearing is final. Upon a decision to suspend a license, no new application from the current Licensee for the same rental dwelling will be accepted for a period of time specified in the Council's decision, not exceeding one year. A decision to revoke a license will result in no new application being accepted from the same Licensee for a minimum of one year.
- (7) Appeal of Decision to Deny or not Renew License. If the City Manager denies or does not renew a license, the Licensee shall be notified in writing, specifying the reasons for denying or not renewing the license. If the Licensee corrects the conditions leading to the denial or non-renewal within seven days, the City Manager shall issue the license. A Licensee whose license has been denied or not renewed by the City Manager may appeal the decision by filing with the City Manager a written notice of appeal within seven days of receiving notice of the City Manager's decision. The hearing will be conducted pursuant to Section 12-615(5).
- (8) Notification to Tenants. Upon denial, suspension, revocation or other enforcement action of a license, the City will notify all affected tenants of the action against the license. If the license is revoked or suspended the Licensee may not let, rent or allow to be occupied any vacant dwelling units, or dwelling units that become vacant during the revocation or suspension period.

Sec. 12-616. - Summary Action.

- (1) Emergency. When the conduct of any Licensee, Manager, or Tenant, or the condition of the rental dwelling, or the property in or on which it is located, is detrimental to the public health, sanitation, safety and general welfare of the community, or residents of the rental dwelling so as to constitute a nuisance, fire hazard, or other unsafe or dangerous condition and thus give rise to an emergency, the Building Official has the authority to summarily condemn or close areas of the rental dwelling as the Building Official deems necessary, or may take other action to protect the residents and general public as deemed necessary.
- (2) Notice. Notice of summary action will be mailed to the Licensee by certified mail and posted at the dwelling units or areas affected and will describe the dwelling units or areas affected. No person shall remove the posted notice other than the Building Official or a designated representative.

- (3) Costs. If the dwelling or dwelling unit is not condemned or closed pursuant to this section, the costs of any services performed by the City to prevent the condemnation or closure of the dwelling or dwelling unit may be levied against the property as a special assessment.
- (4) Appeal. Any person aggrieved by a summary action of the Building Official shall be entitled to appeal to the City Council by filing a notice of appeal with the City Manager within five days of the summary action. The City Manager must schedule a date for hearing before the City Council and notify the aggrieved person of the date. The hearing will be conducted pursuant to Section 12-615(5).

Sec. 12-617. - Posted to Prevent Occupancy.

Whenever any rental dwelling is found to be hazardous or unfit for human habitation, it shall be posted by the Building Official or designee on the door of the rental dwelling to prevent further occupancy. No person, other than the Building Official or designee, shall remove or alter any posting. The Building Official or designee will post the date the rental dwelling shall be vacated and no person shall reside in, occupy or cause to be occupied that rental dwelling until the Building Official or City Council permits it.

Sec. 12-618. - Falsely Reporting Violations.

No person shall report a violation of this Chapter knowing or having reason to know that the report is false with the intent to affect the licensing status or inspection schedule of the rental dwelling.

Sec. 12-619. - Violations.

In addition to any other sanctions or administrative penalties imposed, any violation of this Chapter shall constitute a misdemeanor offense, punishable as defined by State law. Each day of violation constitutes a separate offense.

Sec. 12-620. - Rules, Policies, and Procedures.

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

Sec. 12-621. - No Warranty by City.

By enacting and undertaking to enforce this Chapter, neither the City nor its Council, agents or employees warrant or guaranty the safety, fitness or suitability of any rental dwelling in the City. Licensees and occupants should take appropriate steps to protect their interests, health, safety and welfare.

Sec. 12-622. – Fair Housing Act

Licensee shall adhere to the requirements of the Fair Housing Act.

Section II. This ordinance shall be effective January 1, 2020.

Approved by the City Council of the City of Maplewood this 23rd day of September, 2019.

Marylee Abrams, Mayor

ATTESTED:

Andrea Sindt, City Clerk