

REQUEST FOR COUNCIL ACTION

Date: Feb. 22, 2016
Item No.: 10.b

Department Approval

City Manager Approval



Item Description: Proposed Text Amendments to Chapter 907 Registration of Residential Rental Property of 1 to 4 units

BACKGROUND

On February 8, 2016, the City Council was presented with a report that was completed in the spring of 2015 to review the Roseville Rental Registration Program along with following documents for review:

1. Mailing of basic code requirements for residential properties.
2. Certificate of registration that is required to be posted in each rental unit.
3. Redline of Chapter 907 of the City Registration of Residential Rental Property

The proposed changes to the ordinance address some contradictory language and provide clarity in administering the program:

1. Clarify rental definitions related to what is regulated such as duplex, triplex, fourplex, as well as units in condo buildings.
2. Include the definition of the term “Family”.
3. Establish an expiration date of June 30 for registrations.
4. Provide a fee grace period of 90 days (July 1 through September 30).
5. Establish a fee penalty for registrations received after September 30.
6. Require the registration certificate be posted in the rental unit, which includes a notification to tenants of the availability of the Minnesota Attorney General’s handbook *Landlords and Tenants: Rights and Responsibilities*.
7. Explain fee and posting exemptions.
8. Provide an appeal process.

In addition, staff recognized the difficulty of requiring properties with boarders to register under this ordinance and recommends the removal of the language. Staff uses the Ramsey County property records as ways to identify properties that are not homesteaded, listed as multifamily properties and reviews properties that use differing addresses for the property tax statements to be mailed to in order to discover who to mail out rental registration information. There is no way for staff to determine what properties have boarders in them other than to receive neighborhood complaints. These complaints would be difficult to verify since a, boarder situation could actually be a wide variety of other situations such as common law marriages or other cohabitation, foreign exchange students, relatives on long vacations, etc. In addition, the

32 primary reason for rental registration is to obtain contact information for the property owner of
33 the rental units or dwelling for the purposes of notification if there are problems. With
34 Boarders, the owner is located on-site and therefore there is no difficulty with notification.

35 **POLICY OBJECTIVE**

36 Staff periodically updates City Code and Zoning Ordinance language to eliminate duplicate and
37 contradictory language.

38 **BUDGET IMPLICATIONS**

39 There are no financial impacts from any of the recommended changes. The fees for rental
40 registration are designed to cover the cost of administering it.

41 **STAFF RECOMMENDATION**

42 Staff recommends approval of the proposed text amendments to Roseville's City Code, Chapter
43 907 Residential Rental Property of 1 to 4 units.

44 **REQUESTED COUNCIL ACTION**

45 Adopt an Ordinance amending the text of Roseville's City Code, Chapter 907 Residential Rental
46 Property of 1 to 4 units and pass a motion approving the proposed Ordinance Summary.

Prepared by: Jeanne Kelsey, 651-792-7086
Attachments: A: Ordinance Amending chapter 907
B: Ordinance Summary

ATTACHMENT A

City of Roseville

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE ROSEVILLE CITY CODE CHAPTER 907 REGISTRATION OF REESIDENTIAL RENTAL PROPERTY OF 1 TO 4 UNITS

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. Purpose: The Roseville City Code is hereby amended to modify/clarify specific requirements within the Roseville City Code Chapter 907.

SECTION 2. Roseville City Code Chapter 907 is hereby amended as follows:

907.01. Purpose.

The City recognizes a need for an organized registration program of residential rental property with 1 to 4 units within the City in order ~~to identify and quantify small rental units in the City and provide information and a method to enforce minimum standards to meet City and State safety, health, fire and zoning codes within the City and to provide a more efficient system to ensure that the stock of rental property within the City is properly maintained. The City recognizes that the most efficient system to provide information on the rental status of certain residential properties is through the creation of a program requiring the registration of all residential rental property with 1 to 4 units within the City.~~

1. ~~to gather accurate contact information for property owners of residential rental properties,~~
2. ~~to provide educational materials to property owners and occupants of residential rental properties,~~
3. ~~to identify and quantify these units in the City,~~
4. ~~to provide information and a method to enforce minimum standards to meet City and State safety, health, fire and zoning codes within the City, and~~
5. ~~to provide a more efficient system to ensure that the stock of residential rental property within the City is properly maintained.~~

~~The City recognizes that the most efficient system to provide information on the rental status of certain residential properties is through the creation of a program requiring the registration of residential rental property with 1 to 4 units within the City.~~

907.02. Definitions.

1. The term "residential rental property" means any building, structure, room, enclosure, or mobile home with 1 to 4 units including the real property upon which it is located and which surrounds it, ~~intended to be used as habitable space in which is rented or offered for rent as living quarters. In multi-unit properties, where the owner occupies one of the units, all units must be registered except for the unit occupied by the owner. For the purposes of this section, condominium properties are considered to be single unit dwellings, no matter how many units may be located within the overall building, which is rented or offered for rent as living quarters. This term also includes any residential dwelling or unit occupied by relatives of the owner and residential rental dwellings operated as group homes.~~ Residential rental property does not mean on-campus college housing, hospital units, nursing home units, multiple rental property over 4 units or hotels or motels with daily rental units, all of which shall be specifically exempt from registration under this Chapter.

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2. The term “unit” means all or a portion of a residential rental property that is arranged, designed, used, or intended to be used as separate living quarters ~~and which is leased to an~~ for individuals or ~~group a family.~~
3. The term “person” includes natural persons as well as business entities, whether one or more.
4. The term “City” means the City of Roseville, or the person or entity designated by the City to administer and enforce this Chapter.
5. For the definition of the term “Family” see Roseville City Code Section 1001.10.
- 4.6. The term “rent” includes money or services in exchange for occupation of the unit.

907.03. Registration Requirements.

Except as provided in Sections 907.065(14) and 907.068, it is unlawful for any person to hereafter occupy, allow to be occupied, ~~advertise for occupancy, solicit occupants of,~~ or let to another person for occupancy any residential rental property of 1 to 4 units within the City for which an application for registration has not been properly made and filed with the City or after the time that a registration is suspended or revoked. Initial registration shall be made upon forms furnished for such purpose and shall specifically require the following minimum information:

1. Name, street address and phone number of the property owner and, if the owner is not a natural person, the name, street address and phone number of a designated agent for the owner. In cases where the owner of the dwelling lives outside of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington counties, the owner must also provide the name, street address, and phone number of an agent authorized by the owner to make or order repairs or services for the property if in violation of City or State Codes. The designated local agent must live or work in Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington counties.
2. The name, street address, and phone number, ~~and address~~ of any person authorized to make or order ~~made~~ repairs or services for the property, if in violation of City or State Codes, if the person is different than the owner.
3. The street address of the rental property.
4. The ~~number and~~ types of units within the rental property (single family, twinhome, townhome, condo, duplex, triplex or fourplex).
5. ~~If the rental unit is occupied by the property owner and rooms are rented to boarders, the number of boarders and bedrooms.~~
5. The Number of bedrooms and bathrooms in the rental dwelling unit.
6. The number of renters in the unit. (Per Roseville City Codes 906.06D and 1001.10), the maximum occupancy per unit is 4 unrelated adults or one family.

907.04 Expiration of Registration.

7. 1. All registrations shall expire at midnight on June 30 each year. All renewal registration application materials for the next year shall be received before the expiration date.
8. 2. Any renewal registrations received between July 1 and September 30 will be considered late, but will not receive any fee penalties (fee grace period).
9. 3. Any renewal registrations received after September 30 will be considered late and subject to fee penalties (fee penalty period).
- 1001- 4. Any registration not renewed by October 31 will be considered in violation of this ordinance (violation period). Renters will not be allowed to occupy a property if the renewal registration is not received by October 31.

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907.054. Fees.

1. There shall be a registration fee to recoup the costs of administering the program. -All fees shall be established annually by the City Council. All fees and fines shall be charged to and payable by the property owner.
2. The fee for registrations renewed during the fee penalty period shall be twice the normal registration fee.
3. The fee for registrations renewed during the violation period shall be twice the normal registration fee in addition to any other fees or penalties per Section 907.10.

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907.056. Manner of Registration.

1. An owner who has an existing rental property as defined by this Chapter that is not already registered must apply for registration pursuant to this Chapter no later than 60 days following the effective date of this Chapter.
2. An owner of a non-rental property that after the effective date of this Chapter wishes to convert the property into a rental property, shall apply for and register the property prior to its conversion.
3. If there is a change in the type of occupancy from the type stated on the registration form statement, a new registration form statement shall be filed within 30 days of the change.
4. When property is sold, the new owner shall register within 30 days of the sale.

907.07. Notice to Tenant, Requirement to Post.

The owner or its agent must post, in accordance with the instructions provided by the City, in each rental unit a current copy of the Registration Certificate provided by the City upon registration. This certificate shall specifically include the following minimum information:

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1. the street address of the registered property.
2. the name, street address, and telephone number of either the owner or the designated agent,
3. the expiration date of the registration, and

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information about how to access the *Landlord and Tenants Rights and Responsibilities Handbook* provided by the Minnesota Attorney General.

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907.068. Registration Fee and Posting Exemptions.

All owners of residential rental properties are required to register their properties according to Section 907.06, however, the following property owners are exempt from the registration fee and the requirement to post a registration certificate.

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1. The owners of a rental dwelling unit is exempted from the registration requirement of this Chapter if residential rental properties where all renters residing in the rental property are related to the owner as a parent, child, sibling, grandparent, grandchild, step-parent, step-child, step-grandparent, or step-grandchild and the owner or agent affirms in the registration files a notarized affidavit with the City stating that each of the renters are is one of these relations.
2. The owners of a rental dwelling unit is exempted from the registration requirement of this Chapter if the residential rental property is licensed by the State of Minnesota as a Group Home and used as such, and the owner or agent must provides the current license number on the registration form.

In all cases, an owner must notify the City in writing within 30 days if an exemption, as described in this Chapter, is no longer applicable.

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907.079. Registration Suspensions and Revocation.

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A rental ~~Property~~ registration may be revoked or suspended at any time under this provision of this chapter by the Community Development Director~~during the life of said registration~~ for grounds including, but not limited to, the following:

1. False or misleading information given or provided in connection with a registration application.
2. Failure to maintain the residential rental property in a manner that meets pertinent provisions of City Code including, but not limited to, Code Chapters 407 and 906.
3. Violations committed or permitted by the owner or the owner's agent, or committed or permitted by the tenant or the tenant's guests or agents, of any rules, codes, statutes and ordinances relating to, pertaining to, or governing the premises including, but not limited to, the following:
 - A. Minn. Stat. 609.75 through 609.76, which prohibit gambling;
 - B. Minn. Stat. 609.321 through 609.324, which prohibit prostitution and acts relating thereto;
 - C. Minn. Stat. 152.01 through 152.025 and 152.027, subds. 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
 - D. Minn. Stat. 340A.401, which regulates the unlawful sale of alcoholic beverages;
 - E. Minn. Stat. 609.33, which prohibits owning, leasing, operating, managing, maintaining, or conducting a disorderly house, or inviting or attempting to invite others to visit or remain in a disorderly house;
 - F. Minn. Stat. 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716 and Chapter 103 of the City Code, which prohibit the unlawful possession, transportation, sale or use of weapon;
 - G. Minn. Stat. 609.72, which prohibits disorderly conduct;
 - H. Roseville City Code Section 407, prohibiting public nuisances, Section 405, noise control, Section 906, property maintenance, Sections 1004 and 1005, land use and Section 1018, parking; and
 - I. Minn. Stat. 609.221, 609.222, 609.223, 609.2231 and 609.224, regarding assaults in the first, second, third, fourth and fifth degree.

A suspended or revoked rental registration may be reinstated when the circumstances leading to the suspension or revocation have been remedied.

907.0810. Violation.

Except as provided in Sections 907.056(1) and 907.068, any person ~~who~~~~that~~ maintains a residential rental ~~property dwelling unit~~ without having the property registered, or after the registration for the property has been revoked or suspended, or who permits new occupancy in violation of Section 907 is guilty of a misdemeanor and, upon conviction, is subject to a fine and imprisonment as prescribed by state law. In addition to, or in lieu of, charging a misdemeanor, the City may impose administrative fees in an amount set in the City Fee Schedule. Upon the failure to pay an administrative fee, the City may post the dwelling unit as illegal for habitation. Thereafter, the dwelling unit may not be occupied by anyone other than the primary homestead owner and that person's immediate family until (a) the administrative fee has been paid; (b) a rental registration is obtained or the City is satisfied that the dwelling unit will not be used as a rental dwelling unit, and (c) completion of any abatement, written compliance order, legal action from a citation or action per City Code Sections 407.06, 407.07 and 407.08. Each day of each violation constitutes a separate offense.

907.11. Appeals.

An Appeal pertaining to any violation, suspension, or revocation decision addressed in this Chapter may be filed by a residential rental property owner.

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1. The appeal shall be submitted to the City Manager within ten (10) calendar days after the making of the order or decision being appeals.
2. The appeal shall state the specific grounds upon which the appeal is made.
3. The appeal shall be accompanied by the fee set forth in Chapter 314.

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When an appeal is filed, a public meeting regarding the matter shall be held before the City Council, acting as the Board of Adjustments and Appeals, at a regular meeting held within thirty (30) calendar days of the receipt of the appeal. The Board of Adjustments and Appeals may consider any of the evidence that had previously been considered as part of the formal action that is the subject of the appeal. New or additional information from the appealing applicant(s) may be considered by the Board of Adjustments and Appeals at its sole discretion if that information serves to clarify information previously considered by the Community Development Director.

907.1299. Maintenance of Records.

All records, files, and documents pertaining to the Rental Registration Program shall be maintained in the office of the City and made available to the public as allowed or required by applicable laws, rules, codes, statutes, or ordinances.

907.130. Authority.

Nothing in this Chapter shall prevent the City from taking action under any applicable rule, standard, statute or ordinance for violations thereof and to seek either injunctive relief or criminal prosecution for such violations as therein provided. Nothing contained in this Chapter shall prevent the City from seeking injunctive relief against a property owner or designated agent who fails to comply with the terms and conditions of this Chapter on registration including an order prohibiting the occupancy of such rental units until violations of this Chapter have been remedied by the property owner or designated agent.

907.144. Applicable Laws.

Residential Rental Property shall be subject to all applicable rules, standards, statutes, and ordinances governing use, maintenance, and occupancy of the dwelling or dwelling unit; and this Chapter shall not be construed or interpreted to supersede any other such applicable rules, standards, statutes, or ordinances.

907.12. Notice to Tenant.

~~The owner, or its agent, must provide each tenant with a Resident Maintenance Handbook provided by the City and Tenant Rights and Responsibilities Handbook provided by the Attorney General's office.~~

907.135. Rules, Policies and Procedures.

The City Council may adopt from time to time, by resolution, 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.

907.146. No Warranty by the City.

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

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907.157. Severability.

If any provision of this Chapter or amendment thereto, or the application thereof to any person, entity or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall remain in full force and effect and the application thereof to other persons, entities, or circumstances shall not be affected thereby.

SECTION 3. Effective Date. This ordinance amendment to the Roseville City Code shall take effect upon passage and publication.

Passed this 22nd day of February, 2016.

BY:

Daniel J. Roe, Mayor

ATTEST:

Patrick Trudgeon, City Manager

ATTACHMENT B

City of Roseville

ORDINANCE SUMMARY NO. ____

**AN ORDINANCE AMENDING SELECT TEXT OF THE ROSEVILLE CITY CODE 907,
REGISTRATION OF RESIDENTIAL RENTAL PROPERTY OF 1 TO 4 UNITS.**

The following is the official summary of Ordinance No. ____ approved by the City Council of
Roseville on February 22, 2016:

The Roseville City Code is hereby amended to modify/clarify specific requirements within the
Roseville City Code 907, Registration of Residential Rental Property of 1 to 4 units.

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 shall also be posted at the
Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue
North, and on the Internet web page of the City of Roseville (www.ci.roseville.mn.us).

BY:

Daniel J. Roe, Mayor

ATTEST:

Patrick Trudgeon, City Manager