

ROSEVILLE
REQUEST FOR COUNCIL ACTION

Date: 3-20-17
Item No.: 7.b

Department Approval



Kari Collins
Community Development Director

City Manager Approval



Item Description: **Receive update on Rental Licensing Program.**

1 **BACKGROUND**

2 Roseville’s Multifamily Rental License Ordinance (Chapter 908) was approved by City Council
3 on October 21, 2013. To date, Community Development Department staff implemented the
4 ordinance, completed the initial inspection/licensing cycle, and conducted renewal inspections
5 according to each property’s inspection schedule.

6
7 **GOALS OF THE PROGRAM**

8 The intention of the program is to assure that multi-family rental dwellings are safe, sanitary and
9 well maintained, thereby providing a minimum level of health and safety for residents renting
10 apartments in Roseville. Also, to assure that residents and children may pursue activities free
11 from criminal activity, noises, nuisances, and fears of safety and security. While maintaining a
12 minimum level of physical appearance of rental properties in order to maintain property values
13 and the livability of neighborhoods. This program also intends to create greater awareness,
14 understanding and compliance with city codes and ordinances through education, cooperation
15 and enforcement.

16 **2016 PROGRAM RESULTS**

17 A detailed description of program activities is included with this RCA as Attachment A.

18 **PROPOSED ORDINANCE TEXT AMENDMENTS AND PROCESS CHANGES TO THE RENTAL**
19 **LICENSE PROGRAM**

20 In reviewing comments and suggestions made during the September 2016 Rental Property
21 Owners and Managers meeting and along with observations by staff, certain ordinance and
22 process revisions are proposed for consideration. These suggested revisions include:

- 23 • Propose current annual Fire Department inspections of Multifamily buildings replace
24 Community Development inspections to reduce redundancy of inspections and disruption to
25 property owners and tenants.
- 26 • Annual inspections will include site, building exterior, common areas and mechanical rooms.
- 27 • Propose individual unit inspections every three years with approximately 25% of units
28 inspected and previously inspected units with violations re-inspected (similar to current
29 three-year rated properties).
- 30 • Propose altering the fee structure to an annual fee.

31
32

33 **STAFF SUGGESTED PROGRAM CHANGES TO THE RENTAL REGISTRATION PROGRAM**

34 The Community Development Department currently operates the Rental Registration Program
35 (Chapter 907 – Roseville City Code), which registers rental properties of one to four units with a
36 \$35.00 annual fee. Staff is proposing to add an inspection component to these properties. In
37 response to the feedback from the Property Manager’s meeting (September 2016), Community
38 Development staff proposes that the Fire Department assume management of the Multifamily
39 Rental licensing. This shift would allow Code Enforcement staff to begin developing a more
40 comprehensive program for rental registration. A brief program overview might include:

- 41 • Staff inspecting approximately 1/3 of the 800+ known rental properties annually over a
42 three year period (which allows current staff to conduct the program).
- 43 • A fee structure similar to the Multifamily Rental License Program (Attachment C).

44 For Council consideration, a revised Chapter 908 (Attachment B) of City Code is attached for
45 review.

46 **FINANCIAL IMPACTS**

47 There are no financial impacts to the City of Roseville, as the proposed programs are intended to
48 be revenue neutral. Minor fee increases will be assigned to property owners who previously were
49 part of the Rental Registration Program, if approved by Council.

50
51 **STAFF RECOMMENDATION**

52 Based on the comments provided in this report, staff recommends approval to explore further the
53 possible shift of responsibility of the current Multifamily Rental License Program to the Fire
54 Department and the creation of an inspection component to the Rental Registration Program and
55 the combining of both programs into Chapter 908 Licensing of Rental Dwellings.
56

57 **REQUESTED COUNCIL ACTION**

58 Consider the shift of responsibility related to Rental Licensing of Multifamily Rental Dwellings
59 from Community Development to the Fire Department. Direct staff to compile a proposed
60 combined inspection program and implementation plan for Council review.

61
62 Prepared by: Dave Englund, Codes Coordinator

63
64 Attachments: A: 2016 Rental License Program Results
65 B: Chapter 908 with proposed revisions
66 C: Proposed Fee Schedule

Rental License Program 2016 Year End Update



Background:

- The Rental License Program was proposed by Roseville's Economic Development Authority.
- The program was approved by City Council in 2013 for implementation in 2014 by the Code Enforcement Division of the Community Development Department.
- The program applies to multifamily buildings containing 5 or more dwelling units.
- The program is partially funded by fees and partially by the Community Development Department.

Goals of the Program:

- To assure that multifamily rental dwellings are safe, sanitary and well maintained, thereby providing a minimum level of health and safety for residents renting apartments in Roseville.
- To assure that residents and children may pursue activities free from criminal activity, noises, nuisances, and fears of safety and security.
- To maintain a minimum level of physical appearance of rental properties in order to maintain property values and the livability of neighborhoods.
- To create greater awareness, understanding and compliance with city codes and ordinances through education, cooperation and enforcement.

What is being Inspected:

- Site conditions:
 - Trip hazards, parking lot conditions, dead vegetation, outside storage, inoperable vehicles, etc.
- Building exteriors:
 - Peeling paint, rotted trim, broken windows/doors, damaged garage doors, etc.
- Common areas and mechanical rooms:
 - Condition of doors, walls, carpet, railings, gas lines, furnace venting, appliances, equipment, etc.
- Individual Units (25% are inspected):
 - Condition of doors, walls, carpet, appliances, smoke and CO detectors, egress windows, etc.

Numbers of Rental Properties Inspected during 2016:

- Staff inspected:
 - 36 buildings.
 - 320 units - 256 new units, 64 re-inspections

City Code Violations Observed:

- 233 building maintenance and city code violations.
- Most common violations observed:
 - Interior surfaces: walls, floors, and ceilings in disrepair.
 - Exterior paint, siding, and trim in disrepair.
 - Doors and windows in disrepair.
 - Egress windows blocked by furniture.
 - Missing/disabled Smoke and Carbon Monoxide Detectors.

Building 'Type' Assigned:

- Buildings are classified as Three Year, Two Year, One Year, and Six Month Renewal License Type (based upon the numbers of violations observed, with Three Year having the fewest violations and Six Month having the most).
 - 12 – Three Year License Type Buildings – 34%.
 - 10 – Two Year License Type Buildings -29%
 - 3 – One Year License Type Buildings – 8%
 - 10 - Six Month License Type Buildings – 29%

Miscellaneous Observations:

- Staff has noticed general acceptance of the program. Several property managers expressed appreciation for the program and our insights.
- Staff has noted a high level of cooperation and open communication with property managers and owners. Several interested parties contacted City staff proactively to prepare for inspections.
- One property manager noted that frequent inspections from multiple agencies such as the City, HUD, Section 8, etc. lead to frequent disruptions for his tenants, and he inquired about combining or coordinating inspections to minimize the number of times management enters each unit in a year.
- Staff observed that some commonly observed violations from 2014 such as exposed electrical wires, trip hazards, bare soil and erosion issues were far less common this year. This indicates an increased awareness and attention technical violations that were explained at previous inspections.
- Wear and tear on floors, walls, windows, and doors continues to account for a large percentage of total violations.
- Staff was able to educate both property managers and tenants about egress requirements from sleeping rooms. Furniture blocking bedroom egress windows accounted for 5% of total violations in 2016.
- Staff have received many questions, but only few complaints about the program.
- Many apartment building owners have made improvements to their buildings prior to inspection in order to obtain a higher rating.
- A number of managers have fixed violations in a matter of days after their inspection.
- Some property maintenance cases will take additional time to resolve due to financial/physical hardship by the property owner.
- The program is opening the eyes of many building maintenance personnel to safety issues they were not familiar with or aware of.
- Eight buildings were under new ownership this year. In October, two buildings were purchased by Mid Continent, which owns other buildings in the City of Roseville and is familiar with Roseville's Rental License Process. Those buildings received Three Year Licenses at their November inspection. In June, BBH Management Co. purchased six buildings. They are new owners in the City of Roseville, and had no prior experience with our rental program. At the inspection in September, those six buildings had 65 violations, accounting for 28% of the total violations among all 35 buildings inspected in 2016.

Completed to Date:

- Created forms, letters, brochures and mailing packets for the program.
- Streamlined processes and procedures for program maintenance.
- Maintained and improved spreadsheets, paper files, computer files, various reports, and financial accounts.
- Informed and educated property owners about the program (and advised them of most common violations so they can self-inspect and obtain a higher rating).
- Implemented the program; scheduling inspections, performing inspections, documenting outcomes, assigning license types, issuing licenses, and, processing license fees.
- Coordinated with Fire Inspectors and Police.
- Many code requirements are of a technical nature and not widely known. This results in more violations identified and lowers the scores of some properties.
- The City wishes to work cooperatively with property owners; which is one of the stated goals of the program.
- Completed Initial, One Year and Two Year renewal cycles.

Current and Future Actions:

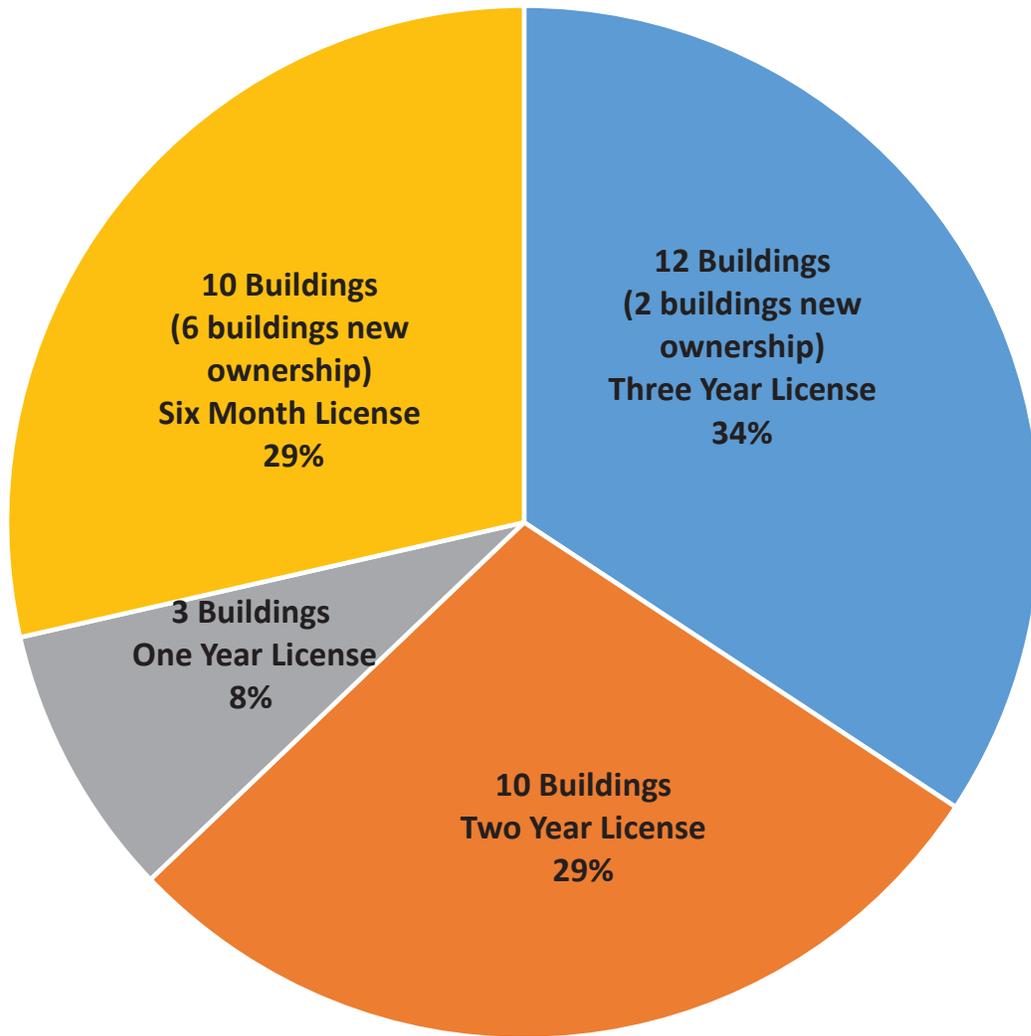
- Continue scheduling inspections, performing inspections, documenting outcomes, sending results/notification and invoices, issuing licenses and processing license fees, etc.
- Perform follow up inspections.
- Distribute reports.
- 11 buildings will be inspected in May of 2017
- 82 buildings will be inspected in October 2017
- One MOU remains active among all rental properties, the rest have been completed.
- Maintain a cooperative working relationship with property owners and managers.
- Continue looking for process improvements and necessary revisions/clarifications to the ordinance.
- Code Enforcement assumed responsibility of the Rental Registration Program.

Highlights:

- During the initial inspections for the buildings under new ownership:
 - 2 of 8 buildings received Three Year License Types.
 - 6 of 8 buildings received 6 month licenses. The previous owners of 4 of the 6 buildings had MOU's in place. Staff is meeting with the property owner to discuss maintenance plans and improvements.
- The Two Year License Type renewals had the following results:
 - 10 buildings reduced the number of violations, and elevated their license types to Three Year Licenses.
 - 10 of the buildings maintained a Two Year License Type.
 - 7 buildings had an increase in number of violations and received 1 Year or 6 Month License Types.
 - 8 Buildings were under new ownership.
- Since the beginning of the program, staff estimates an additional 2,751 smoke detectors have been installed predominately in bedrooms throughout the apartment buildings in the city.
- Maintenance personnel are now more aware of what is considered a violation.
- In September, staff held a meeting open to all rental property owners, managers, and interested parties. Speakers from Roseville's Community Development, Police, and Fire Departments and the International Institute of Minnesota's Refugee Services program presented information and answered audience questions.

2016 One Year Renewal Rental License Program Totals			
Inspection Statistics	Number of Violations	Renewal Cycle Rating	Comments
Number of Buildings Inspected: 1 Buildings Number of Units Inspected: 16 Total Number of Inspections: 17	4	1 Building 3 Year Renewal 7/1/16-6/30/19	<ul style="list-style-type: none"> • Staff observed a variety of violations • Management was able to correct the violations within the given timeframe
2016 Two Year Renewal Rental License Program Totals			
Inspection Statistics	Number of Violations	Renewal Cycle Rating	Comments
Number of Buildings Inspected: 27 Number of Units Inspected: 271 Total Number of Inspections: 298	164	10 Buildings 3 Year Renewal 1/1/17-12/31/19 10 Buildings 2 Year Renewal 1/1/17-12/31/18 3 Buildings 1 Year Renewal 1/1/17-12/31/17 4 Buildings 6 Month Renewal 1/1/17-6/30/17	<ul style="list-style-type: none"> • Majority of buildings that received Three Year licenses did proactive inspections and repairs. • Violations that were common in 2014, have been significantly reduced – exposed wires, erosion issues- education is working • Expensive items such as deck repair and window replacement continue to be items that require more time to address.
2016 Initial Cycle (New Ownership) Rental License Program Totals			
Inspection Statistics	Number of Violations	Renewal Cycle Rating	Comments
Number of Buildings Inspected: 8 Number of Units Inspected: 32 Total Number of Inspections: 40	65	2 Buildings 3 Year Renewal 1/1/17-12/31/19 8 Buildings 6 Month Renewal 1/1/17-6/30/17 (Staff is working with ownership on maintenance plan)	<ul style="list-style-type: none"> • A wide range of violations were observed, many related to wear and tear on building floors and walls. • Windows and garages need significant work. • BBH purchased the McCarron's Apts in June 2016, our inspection was in September 2016. They are new owners to Roseville. Staff is meeting with ownership to review maintenance plan. • Mid-Continent Purchased Skillman Flats in October, and we inspected in November. They have participated in Roseville's rental program with other buildings they own.

Multifamily Rental License Program 2017 Renewal Inspection Results



City of Roseville

ORDINANCE NO. _____

AN ORDINANCE AMENDING SELECTED TEXT OF THE ROSEVILLE CITY CODE, TITLE 9, CHAPTER 908, TO REGULATE ~~RENTAL~~ LICENSING FOR ~~MULTIFAMILY~~ RENTAL DWELLINGS ~~OF 5 OR MORE 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, Title 9, Chapter 908, to Regulate ~~Rental~~ Licensing for ~~Multifamily~~ Rental Dwellings ~~of 5 or More Units~~.

SECTION 2. Sections 908.01, 908.02, 908.03, 908.04, 908.06, 908.07, 908.08, 908.09, and 908.12 is hereby amended as follows:

CHAPTER 908 TO REGULATE ~~RENTAL~~ LICENSING FOR ~~MULTIFAMILY~~ RENTAL PROPERTY DWELLINGS OF 5 OR MORE UNITS

908.01: PURPOSE

It is the purpose of this Chapter to assure that ~~Multifamily~~ Rental ~~Dwellings property~~ (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. The operation of an MRD is a business enterprise that entails responsibilities. Operators 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.

908.02: DEFINITIONS

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

- A. Codes Coordinator: The designated Building Official for the City of Roseville or his/her duly authorized representative(s).
- B. City: Shall mean the City of Roseville.
- C. City Council: Shall mean the City Council of the City of Roseville.
- D. City-Approved Inspector’s Report or Inspection Report: Shall mean a rental dwelling inspection report prepared and signed by a City rental housing inspector or inspector contracted by the City to conduct an inspection and provide a report to the City.
- E. Code Compliance Officer: City of Roseville rental ~~housing property~~ inspector as designated by the Codes Coordinator.

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- 45 F. Denial: The refusal to grant a license to a new or renewing applicant by the City.
- 46 G. Dwelling Unit: Any portion of a building thereof that contains living facilities, including
- 47 provisions for sleeping, eating, cooking, and sanitation.
- 48 H. Family: Shall mean one of the following: (City Code Section 1001.10)
- 49 a. Any group of people living together as a single housekeeping unit in an owner occupied
- 50 dwelling unit, all of whom are related by blood, marriage, or adoption plus children who are
- 51 under foster care; or
- 52 b. Up to four people not so related, living together as a single housekeeping unit; or
- 53 c. Any group of people living together as a single housekeeping unit, if no more than two adult
- 54 members function as the heads of the household group and the remaining members are
- 55 dependent upon them for care and direction due to age, physical disability, a mental
- 56 incompetency, or for other reasons; or
- 57 d. Any individual, who is the owner, living and maintaining a common household and using a
- 58 common cooking and kitchen facility.
- 59 ~~H.~~ I. Fire Chief: The Chief of the Roseville Fire Department or his/her duly authorized
- 60 representative(s).
- 61 ~~I.~~ J. Fire Inspector: City of Roseville rental property inspector as designated by the Fire Chief.
- 62 ~~J.~~ K. Lease: An oral or written agreement between an MRD owner and a tenant for temporary use of
- 63 a rental dwelling unit, usually, but not limited to, in exchange for payment of rent.
- 64 ~~K.~~ L. License: The formal approval of an activity specified on the certificate of license issued by the
- 65 City.
- 66 ~~L.~~ M. Local Agent: Owner's representative who resides in any of the following Minnesota counties:
- 67 Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.
- 68 ~~M.~~ N. Memorandum of Understanding: A document outlining the terms and details of an agreement
- 69 between parties, including each parties requirements and responsibilities.
- 70 ~~N.~~ O. Multifamily Rental Dwelling (MRD): Any building or portion thereof, including
- 71 the real property upon which it is located and which surrounds it, that contains five (5) or more
- 72 dwelling units that may be attached side-by-side, stacked floor-to-ceiling, and/or have a
- 73 common entrance and have a common owner that are being rented out in the City of Roseville.
- 74 This does not apply to: Minnesota Department of Health licensed rest homes, convalescent care
- 75 facilities, nursing homes; hotels, motels, managed home-owner associations, cooperatives, or
- 76 on-campus college housing.
- 77 ~~L.~~ M. Owner: A person, agent, firm, or corporation having a legal or equitable interest in the
- 78 property. In any corporation or partnership, the term owner includes general partners and
- 79 corporate officers.
- 80 ~~M.~~ N. Permissible Occupant Load: The maximum number of persons permitted to occupy a building
- 81 or space within a building per City Code.
- 82 ~~N.~~ O. Person: Includes natural persons as well as business entities, whether one or more.
- 83 ~~O.~~ P. Re-inspection: A follow-up inspection that is a) conducted to determine if a Code violation has
- 84 been corrected; b) needed because a licensee, owner, or other responsible party fails to attend a
- 85 scheduled inspection; c) needed because a scheduled inspection does not occur or is prevented
- 86 due to any act of a licensee, owner, or responsible party; or d) any inspection other than the
- 87 initial inspection for a license application where one or more violations are found.
- 88 ~~P.~~ Q. Rent: The consideration paid by a tenant to the owner of a rental dwelling unit for temporary
- 89 and exclusive use of the rental dwelling unit by the tenant. The consideration is not limited to
- 90 cash.
- 91 ~~Q.~~ R. Repair: To restore to a sound and functional state of operation, serviceability, or

- 92 appearance.
- 93 ~~R.~~ S. Residential Rental Property (RRP): Any building, structure, room, enclosure, or mobile
- 94 home with 1 to 4 units, including the real property upon which it is located and which
- 95 surrounds it, which is rented or offered for rent as living quarters. This does not apply
- 96 to: on-campus college housing, hospital units, nursing home units, Multifamily Rental
- 97 Dwellings, or hotels / motels with daily rental units.
- 98 ~~S.~~ T. Revoke: To take back a license issued by the City.
- 99 ~~T.~~ U. Safety: The condition of being reasonably free from danger and hazards that may cause
- 100 accidents or disease.
- 101 V. Suspend: To make a license temporarily inoperative.
- 102 W. Tenant: Any adult person granted temporary use of a rental dwelling unit pursuant to a lease
- 103 with the owner of the MRD.

104

105 **908.03: LICENSING REQUIREMENTS**

106

107 General Rule. No person shall operate, let, or cause to be let ~~an~~ a Multifamily Rental Dwelling

108 (MRD) or Residential Rental Property (RRP) that has not been properly licensed by the City of

109 Roseville in the manner required by this Ordinance. A license must be obtained for each MRD and RRP.

110 Upon receipt of a properly executed initial or renewal application for a rental license, the Community

111 Development Department shall cause an inspection to be made for all RRP's and the Roseville Fire

112 Department shall cause an inspection to be made of the all MRD properties to determine ~~whether it is in~~

113 compliance with all applicable codes and ordinances. The standards for compliance shall include with

114 Chapter 906 (Building Maintenance and Preservation Code), City of Roseville Ordinances and other

115 applicable Codes or other nationally recognized standards and the laws of the State of Minnesota, as

116 adopted by the City Council. RRP's shall be inspected no less than every three years, MRD properties

117 shall be inspected annually with A a minimum of twenty-five percent (25%) of ~~all rental individual~~

118 dwelling units ~~shall be~~ inspected every three years to determine if they comply compliance with all

119 applicable codes and ordinances. Also, during renewal inspections, previously inspected units with

120 noted violations shall be re-inspected to verify correction of noted violations.

121 A. Licensing: A license will be granted ~~as Three Year, Two Year, One Year or Six Month~~ based on

122 nationally recognized standards recommended by the Codes Coordinator and adopted by the City

123 Council. All rental dwelling units shall be licensed before being let, in whole or in part. Licenses

124 will expire as determined by the license property type and City.

125

126 B. Criminal Background Check: The licensee shall conduct criminal background checks on all

127 prospective tenants. The owner shall acknowledge and comply with the Kari Koskinen Manager

128 Background Check Act in Minnesota State Statutes 299C.66 to 299C.71. Proof of background

129 checks shall be made available upon City request.

130 The criminal background check must include the following:

- 131 1. A statewide (Minnesota) criminal history check covering at least the last three years; the
- 132 check must be done utilizing the most recent update of the state criminal history files.
- 133 2. A criminal history check in their previous states of residence, unless not allowed,
- 134 covering at least the last three years if they have not resided in Minnesota for three years
- 135 or longer.
- 136 3. A criminal history check shall be conducted in accordance with the standards of the
- 137 Federal Fair Housing Act.

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- 139 C. Disorderly Behavior Lease Provisions: All tenant leases shall contain crime-free, drug-free
140 provisions as on file with the City or equivalent that prohibit disorderly behavior identified in
141 City Code Section 511.02. These lease provisions shall be incorporated into every new or
142 renewing lease for a tenancy.
143
- 144 D. Occupancy Register: Every owner of a licensed rental dwelling shall keep, or cause to be kept, a
145 current register of occupancy for each dwelling unit. Such register shall be made available for
146 viewing by an authorized City representative or upon City receipt of a report of potential
147 occupancy violation. The Occupancy Register must contain the following information:
148 1. Dwelling unit address.
149 2. Number of bedrooms in dwelling unit and size of each bedroom, including the maximum
150 number of occupants allowed.
151 3. Legal names and dates of birth of adult occupants.
152 4. Number of adults and children (under 18 years of age) currently occupying each
153 dwelling unit.
154 5. Dates renters occupied and vacated dwelling units.
155 6. A list of complaints and requests for repair by dwelling unit occupants that relate to the
156 provisions of this Code of Ordinances.
157 7. A similar list of all corrections made in response to such requests and complaints.
158
- 159 E. Application Submittal: A license application shall be submitted to the **Community**
160 **Development Department City of Roseville** on forms furnished by the City **of Roseville** and must
161 contain the following information:
162 1. Name, address, telephone number, and e-mail address of the owner of the **RRP or MRD**.
163 This is the address that all future correspondence from the City will be sent to. The
164 owner shall indicate if the business entity is a corporation, partnership, sole
165 proprietorship, or other.
166 2. Name, address, telephone number, and e-mail address of designated local agent
167 responsible for the management of the **RRP or MRD**, if applicable.
168 3. Street address (es) and unit numbers for the **RRP or MRD**.
169 4. Number of dwelling units including: unit size, bedroom size (One [1] Bedroom, Two [2]
170 Bedrooms, etc.) and number of bathrooms.
171 5. Owner shall certify compliance with the requirement found in 908.03B for
172 conducting background checks on prospective tenants.
173 6. Owner shall certify compliance with the requirement in 908.03C to include
174 disorderly behavior lease provisions.
175 7. Owner shall certify compliance with the requirement of 908.03D occupancy
176 register.
177
- 178 F. Changes in Ownership or Property Status: A license is not assignable. Any changes occurring
179 in the ownership of an **RRP or MRD** requires a new license. The new owner must submit an
180 application for a new license within thirty (30) calendar days of acquiring the
181 property. **Conversion of owner-occupied property to rental property shall be subject to a**
182 **conversion fee pursuant to Section 908.05**. The applicant shall be responsible for compliance to
183 all sections listed herein under City Code Chapter 908.
184
- 185 G. Amended Licenses: If changes occur to any information required on the application for a current

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186 license, the owner must submit an amended license application to the City within thirty (30)
 187 calendar days of the change. If any rental dwelling units are added to a current license, the
 188 additional rental dwelling units must be licensed by amendment of the current license and must
 189 be accompanied by the fee required for the additional units.
 190

191 H. Complaint-Based Inspection: The City may, upon receipt of a creditable third party complaint or
 192 a complaint by residents with reasonable concerns, require an inspection. A complaint-based
 193 inspection may require additional units to be inspected. As a result of the additional inspection,
 194 the City may require a license category criteria inspection be performed using the same standards
 195 as the license renewal inspection.
 196

197 I. Additional Requirements. The City may require additional educational training or
 198 participation in programs related to the license property type.
 199

200 J. Exceptions. Rental licensing requirements do not apply to residential property that is owner
 201 occupied.
 202

908.04: LICENSING TERM

203
 204
 205 Licenses will be issued for a time period according to ~~the License Type as indicated in~~ Diagram 1. All
 206 licenses may be reviewed at any time after the beginning of the license term to determine whether the
 207 property continues to have the appropriate license ~~type~~ term.
 208

209 Diagram 1

Requirement →	Renewal of License, Inspections and Payment of Licensing Fee	Memorandum of Understanding for correction of nuisance	Monthly Updates
License Term <u>By property type</u> ↓			
<u>RRP</u> <u>Three-Year</u>	Once every 3 years	Optional	N/A
<u>MRD/</u> <u>MRD individual</u> <u>units</u> <u>Two-Year</u>	Once a year Once every 3 <u>years (25% of units)</u> Once every two years	Optional	N/A
<u>One-Year</u>	<u>Once a year</u>	<u>Optional</u>	<u>N/A</u>
<u>Six-Month</u>	<u>Once every 6 months</u>	<u>Required</u>	<u>Required</u>

210
 211 A. New Licenses: ~~MRDs that have legally not been required to have a rental license due to new~~
 212 ~~construction or conversion to rental, will qualify for a Two-Year License. must submit A a~~ rental
 213 license application ~~must be submitted~~ to the City within thirty (30) calendar days from the

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- 214 issuance of a Conditional or Permanent Certificate of Occupancy or date of change to rental
215 status. The applicant shall be responsible for compliance to all sections listed herein under City
216 Code Chapter 908.
- 217
- 218 B. Operating without Valid License: Properties found operating without a valid rental license from
219 the City, properties failing to meet City Code requirements, or properties that have been the
220 subject of enforcement actions such as criminal prosecution or civil penalties for violation of this
221 chapter, will only qualify for a One Year or Six Month license. may be subjected to other
222 enforcement measures as allowed under City Code.
- 223
- 224 C. License Renewals: All licensed rental properties shall be required to submit a renewal
225 application. After renewal inspection, the license type term may be reassigned based on the total
226 number of violations noted. The level of compliance with City Codes and applicable regulations
227 may also affect license type term.
- 228
- 229 D. Chronic Code Violations: For properties having chronic code violations that are not being
230 resolved in a timely manner, the City Council may pursue any and all remedies under Minnesota
231 Statutes sections 504B.395 through 504B.471 in addition to any other legal or equitable relief.
- 232
- 233 E. License Category Criteria: License type term will be determined may be reduced due to by the
234 number of property code and nuisance violations as recommended by the City Manager and
235 approved by the City Council.
- 236 1. Property Code and Nuisance Violations. Standards for property maintenance will be
237 based on compliance with City and other applicable Codes or other nationally recognized
238 standards, as adopted by the City Council.
- 239
- 240 F. License Process and Renewal:
- 241 1. All owners or owner's representatives of RRPs and MRDs in the City must submit a full
242 application to the Community Development Department City of Roseville. The Community
243 Development Department City of Roseville will notify the applicant of the inspection date,
244 approximately thirty (30) calendar days prior to inspection.
- 245 2. After the inspection has been completed an notice of licensing type and inspection report will
246 be sent to the applicant. The licensing fee will be due and payable by the license renewal
247 date.
- 248 5. After City Council approval, a license may be issued for each RRP or MRD.
- 249 6. A renewal application packet will be sent to the owner of each licensed RRP or MRD.
250 License renewal applications shall be submitted to the Community Development
251 Department City of Roseville by the MRD owner/agent between 90 and 120 days prior to the
252 license expiration date.
- 253
- 254 G. Issuance of License: The City shall issue a license once the City deems the property to not have
255 any unsafe, unsanitary, or dilapidated conditions (as defined in Section 906.03H or elsewhere in
256 Roseville's City Code), or a Memorandum of Understanding (MOU) has been signed and
257 submitted, and all City fees and fines have been paid. Every Owner of an RRP or MRD shall
258 conspicuously post the current license within fourteen (14) calendar days of receipt in the main
259 entryway or other conspicuous location within the RRP or MRD. For MRDs that do not have a
260 shared common area or entrance, the Owner must provide a copy of the license to each tenant by

261 attaching a copy to the tenant’s copy of the executed lease agreement.

262

263 **908.05: FEES**

264

265 There shall be a licensing fee as established by the City Fee Schedule in Section 314.05. All fees and
266 fines shall be charged to and payable by the property owner.

267

268 **908.06: LOCAL AGENT REQUIRED**

269

270 A. Local Agent: No operating license shall be issued or renewed for a nonresident owner of an **RRP**
271 **or MRD** (one who does not reside in any of the following Minnesota counties: Anoka, Carver,
272 Dakota, Hennepin, Ramsey, Scott, or Washington) unless such owner designates in writing to the
273 Codes Coordinator **or Fire Chief**, the name of the owner’s local agent (one who does reside in
274 any of the following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or
275 Washington) who is responsible for maintenance and upkeep and who is legally constituted and
276 empowered to receive notice of violations of the provisions of the City Code of Ordinances, to
277 receive and to effect such orders, and to accept all service or process pursuant to law.

278

279 B. Responsibility for Acts of Manager, Operator, or Local Agent: Licensees are responsible for the
280 acts or omissions of their managers, operators, local agent, or other authorized representative.

281

282 **908.07: LICENSING SUSPENSIONS, REVOCATION, DENIAL, AND NONRENEWAL**

283

284 A. Applicability: Every license issued under the provisions of this Chapter is subject to suspension,
285 revocation or nonrenewal by the City Council.

286

287 B. Unoccupied or Vacated Rental Units: In the event that a license is suspended, revoked, or not
288 renewed by the City Council, it shall be unlawful for the owner or the owner’s duly authorized
289 agent to thereafter permit any new occupancies of vacant or thereafter vacated rental units until
290 such time as a valid license may be restored by the City Council.

291

292 C. Grounds for License Action: The City Council may revoke, suspend, or decline to renew any
293 license issued under this Chapter upon any of the following grounds:
294 1. False statements, misrepresentations, or fraudulent statements on any application or other
295 information or report required by this Chapter to be given by the applicant or licensee.
296 2. Failure to pay any application fee, fine, penalty, re-inspection fees, reinstatement fee, special
297 assessments, real estate taxes, or other financial claims due to the City as required by this
298 Chapter and City Council resolution.
299 3. Failure to continuously comply with any property maintenance, zoning, health, building,
300 nuisance, or other City Codes; or failure to correct deficiencies noted in an Inspection Report
301 or other compliance notices within the time specified.
302 4. Failure to comply with the provisions of an approved memorandum of understanding (MOU)
303 with the City that addresses noted deficiencies and violations of any property maintenance,
304 zoning, health, building, nuisance, or other City Codes.
305 5. Failure to comply with the provisions of an approved memorandum of understanding (MOU)
306 with the City that addresses the underlying causes for the nuisance conduct and provides a
307 course of action to alleviate the nuisance conduct.

ATTACHMENT B

- 308 6. Failure to actively pursue the termination of the tenancy of tenants who have violated the
309 provision of this Chapter or Lease Addendum on file with the City or have otherwise created
310 a public nuisance in violation of City, state, or applicable laws.
- 311 7. Failure to eliminate imminent health and life safety hazards as determined by the City or its
312 authorized representatives.
- 313 8. Failure to operate or maintain the licensed premises in conformity with all applicable state
314 and local laws and ordinances.
- 315
- 316 D. License Action Sections: Revocation, suspension, and non-renewal may be brought under either
317 this Section or any other Section of Chapter 908.
- 318
- 319 E. Notification, Hearing and Decisions Basis:
- 320 1. Written Notice, Hearing: A decision to revoke, suspend, deny, or not renew a license shall
321 be preceded by written notice to the applicant or licensee of the alleged grounds, and the
322 applicant or licensee will be given an opportunity for a hearing before the City Council
323 before final action to revoke, suspend, deny, or not renew a license.
- 324 2. Decision Basis: The City Council shall give due regard to the frequency and seriousness of
325 violations, the ease with which such violations could have been remedied or avoided, and the
326 good faith efforts to comply. The City Council shall issue a decision to deny, not renew,
327 suspend, or revoke a license only upon written findings.
- 328
- 329 F. Affected RRP or MRD: The City Council may suspend, revoke or not renew a license for part or
330 all of an RRP or MRD.
- 331
- 332 G. License Actions, Reapplication:
- 333 1. Suspension: Licenses may be suspended for up to ninety (90) calendar days and may after
334 the period of suspension be reinstated subject to compliance with this Chapter and any
335 conditions imposed by the City Council at the time of suspension.
- 336
- 337 2. Revocation, Denial, Nonrenewal: Licenses that are revoked will not be reinstated until the
338 owner has applied for and secured a new license and complied with all conditions imposed at
339 the time of revocation. Upon a decision to revoke, deny, or not renew a license, no approval
340 of any application for a new license for the same facility will be effective until after the
341 period of time specified in the City Council's written decision, which shall not exceed one
342 (1) year. The City Council shall specify in its written decision the date when an application
343 for a new license will be accepted for processing. A decision not to renew a license may take
344 the form of a suspension or revocation. A decision to deny an application for a new facility
345 will not take the form of a suspension or revocation unless false statements have been made
346 by the applicant in connection with the application. A decision to deny an application shall
347 state conditions of reapplication.
- 348
- 349 3. Reinstatement Fees: All new applications must be accompanied by a reinstatement fee, as
350 specified by City Council resolution, in addition to all other fees required by this Chapter.
- 351
- 352 4. Written Decision, Compliance: Written decisions to revoke, suspend, deny, or not renew a
353 license or application shall specify the part or parts of the facility to which it applies.
354 Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in

such part or parts of the facility may be re-let or occupied. Revocation, suspension, or non-renewal of a license shall not excuse the owner from compliance with all terms of state laws and Codes and this Code of Ordinances for as long as any units in the facility are occupied. Failure to comply with all terms of this Chapter during the term of revocation, suspension, or non-renewal is a misdemeanor and grounds for extension of the term of such revocation or suspension or continuation of non-renewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation, or non-renewal specified in the City Council’s written decision or in paragraph 6 of this Section.

- 5. New License Prohibited: A property owner who has a rental license revoked may not receive a new rental license for another property within the City for a period of one (1) year from the date of revocation. The property owner may continue to operate currently licensed MDRs if the properties are maintained in compliance with City Codes and other applicable regulations.
- 6. Council Action: The City Council may postpone or discontinue an action to deny, not renew, revoke, suspend a license, or fine a licensee or applicant, if the licensee or applicant has taken appropriate measures to correct the violation.

908.08: APPEALS

- A. An appeal pertaining to any licensing decision addressed in this Chapter may be filed by an RRP or MRD property owner.
 - 1. The appeal shall be submitted to the City Manager within thirty (30) calendar days after the making of the order or decision being appealed.
 - 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.
- B. 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 ninety (90) 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 Codes Coordinator or Fire Chief.

908.09: MAINTENANCE OF RECORDS

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

908.10: 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

402 such violations as therein provided. Nothing contained in this Chapter shall prevent the City from
403 seeking injunctive relief against a property owner or designated agent who fails to comply with the
404 terms and conditions of this Chapter on licensing.

405
406 **908.11: RULES, POLICIES, AND PROCEDURES**

407
408 By resolution the City Council may adopt, from time to time, rules, policies, and procedures for the
409 implementation of this Chapter. Violation of any such rule, policy, or procedure by a property owner
410 shall be considered a violation of this Ordinance.

411
412 **908.12: NO WARRANTY BY THE CITY**

413
414 By enacting and undertaking to enforce this Chapter, neither the City, its designees, the City Council, or
415 its officers, agents, or employees warrant or guarantee the safety, fitness, or suitability of any RRP or
416 MRD in the City. Owners or occupants should take whatever steps they deem appropriate to protect
417 their interests, health, safety, and welfare. A warning in substantially the foregoing language shall be
418 printed on the face of the rental license.

419
420 **908.13: SEVERABILITY**

421
422 If any provision of this Chapter or amendment thereto, or the application thereof to any person, entity, or
423 circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of
424 this Chapter shall remain in full force and effect and the application thereof to other persons, entities, or
425 circumstances shall not be affected thereby.

426 Passed by the City Council of the City of Roseville this day of , 2017.

427
428
429 (SEAL)

CITY OF ROSEVILLE

433 BY: _____
434 Daniel J. Roe, Mayor

435 ATTEST:
436
437
438 _____
439 Patrick Trudgeon, City Manager
440

Excerpt from City of Roseville 2017 Fee Schedule
Building Permit and Plan Review Fees

Fee Description	City Code	2016 Amount	2017 Amount	Proposed 2018 Fee Change	Comments
Multi-Family Rental Licensing:	908				
<u>Multifamily Rental Dwelling</u>					
Multifamily Rental License fee (per building)		102.00	102.00		
Multifamily Rental License fee (per unit)		20.00	20.00		
<u>Residential Rental Property</u>					
<u>Condominium</u>				<u>61.00</u>	
<u>Single Family/ADU/Townhome</u>				<u>122.00</u>	
<u>Two Family/Duplex</u>				<u>142.00</u>	
<u>Triplex</u>				<u>162.00</u>	
<u>Fourplex</u>				<u>182.00</u>	
Reinstatement fee			102.00		
<u>Conversion to rental fee</u>				<u>500.00</u>	
Re-inspection fee (per unit)		66.00	66.00		After 1 st reinspection
Failure to submit license application within 60 days of license expiration		500.00	500.00		
Failure to renew license within 30 days of <u>license</u> expiration		500.00	500.00		See Comments
Appeal to City Council			50.00		

Comments: (a) Fee will double every two weeks until license is paid.