

RENTAL DWELLING LICENSING

1401 PURPOSE, SCOPE, AND DEFINITIONS

1401.010 Purpose and Scope. It is the purpose of this Chapter to assure that rental housing in the City of Willernie is decent, safe, and sanitary and is operated and maintained in accordance with the City's regulations and ordinances. The implementation of a rental dwelling 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 rental housing entails certain responsibilities. Owners of rental housing are responsible to take the reasonably necessary steps to ensure that the citizens who occupy rental dwelling units and the surrounding neighborhoods may pursue the quiet enjoyment of the normal activities of life in the surrounding area that are safe, secure, and sanitary, free from crimes and criminal activity, noise, nuisances or annoyances, free from unreasonable fears about safety of persons and security of property, and suitable for raising children.

1401.020 Definitions. For the purposes of this Chapter, the following terms shall be defined as set forth below:

- A. Agent. A person designated in writing by the Owner as the Owner's representative.
- B. Certificate of Compliance. A document issued by the City, stating that the dwelling unit has been inspected and is in compliance with applicable property maintenance codes, regulations and ordinances.
- C. City Designated Agent. City Building Inspector.
- D. Dwelling. A building or one or more portions thereof occupied or intended to be occupied for residential purposes; not including hotels, tents, and recreational vehicles.
- E. Rental Dwelling Unit. Any individual dwelling, or any portion thereof, occupied, or available for occupancy as a home or residence by one or more persons, other than the owner of record, under a lease or rental agreement, whether written, oral or implied, with or without compensation, whether the rental dwelling be a multiple dwelling, single family detached, single family attached or single family semi-detached.
- F. Occupant. A person who lives or sleeps in a dwelling unit.
- G. Owner. A person who is the recorded or unrecorded owner

of the dwelling unit.

- H. Person. An individual, firm, corporation, association, partnership, business, government agency or any other legal entity.
- I. Rent. To permit occupancy of a dwelling unit by a person other than the legal Owner thereof, or members of the Owner's immediate family, pursuant to a written or unwritten agreement, whether or not a fee is required by the agreement.

1402 GENERAL LICENSING PROVISIONS

1402.010 General Licensing Provisions.

- A. License Required. No person shall allow to be occupied, let, or offer to let to another for occupancy any dwelling unit unless the City has issued a rental license for the dwelling unit. The application for a dwelling unit rental license will be reviewed by the City Clerk in accordance with the provisions of this Chapter and other applicable regulations of the municipal code.
- B. License Application. The Owner of a rental dwelling unit shall submit an application for a rental dwelling license on forms provided by the City Clerk. A person who had been issued a rental dwelling license shall give notice, in writing, to the City Clerk, within five (5) business days of any change in the information contained on the license application.
- C. License Fees. Licensing fees shall be prescribed, from time to time, by Council Resolution, and maintained on file in the office of the City Clerk. The required fees shall be submitted along with the application for a new or renewal license. Applications for a renewal license submitted after the license term expiration are subject to a penalty fee as prescribed, from time to time, by Council Resolution.
- D. License Terms. The term of a dwelling unit rental license under this Chapter shall be two years. All dwelling unit rental licenses shall expire on June 1st of the second year following the application, subject to renewal except as otherwise provided herein or in cases of suspension or revocation.
- E. Issuance of License. The City may issue a rental dwelling license only if the dwelling unit is in compliance with the provisions of this Chapter, and the real estate taxes and municipal utility bills for the dwelling unit have been paid. Real estate taxes will not be considered to be due and payable for the purposes of this Section while a proper and timely appeal of such taxes is pending and is diligently pursued to completion by the licensee.

- F. Renewal of License. A licensee may continue to rent a dwelling unit after the expiration date of the rental license provided the Owner or its Agent had filed with the City Clerk, on or before the expiration date, the appropriate renewal license application and license fee.
- G. Transfer of License. A rental dwelling license shall not be transferable to another person or to another rental dwelling unit.
- H. Resident Agent Required. Owners who do not reside within the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Ramsey, Scott, Washington Counties (the "Metro Area") must appoint an agent who does reside within the Metropolitan area to be responsible for the maintenance of the rental dwelling unit, receipt of service of notice of violation, receipt of compliance order, institution or remedial action to effect such order, and acceptance of all service of process pursuant to law, the City Clerk shall be notified in writing of any change in the identification of the agent within five (5) business days of such change.

1403.010 Condition of License.

- A. Conformance to Laws. No dwelling unit rental license shall be issued or renewed unless the rental dwelling unit and the premises conform to all applicable ordinances of the City. The City Building Inspector is authorized to conduct inspections of rental dwelling units to determine the compliance with the rental housing standards adopted by the City and in accordance with Minnesota law.
- B. Inspections. No Rental dwelling license shall be issued or renewed unless the Owner of the rental unit(s) agrees to permit the inspection of said unit. It shall be the responsibility of the owner or owner's agent to inform tenants of any scheduled inspections. The City reserves the right to perform or require additional inspections if deemed necessary by the City or at the reasonable request of the Tenant.
 - 1. Initial and Routine Inspections. Upon receipt of a complete application for a rental dwelling license, an inspection of the premises shall be conducted thereafter by the City Building Inspector to ensure that the rental dwelling unit and premises is in substantial compliance with all applicable City and State regulations. Prior to conducting an inspection, the City Clerk shall mail notification to the Owner or its Agent and provide reasonable notice of the scheduled inspection date.
 - 2. Complaint-Initiated Inspections. Inspections may be scheduled based on complaints received by the City. The City may conduct inspections based on a complaint

received by the City if the substance of the complaint can be verified by a city designated agent or law enforcement.

- a. Written notification of a complaint-initiated inspection of a property shall be mailed to the owner of the property and/or its agent stating the proposed date and time of the inspection. Such notification shall give a minimum of seven (7) working days' advance notice and the reason for said inspection. Notification shall be sent to the owner and/or its agent of the property via regular mail.
 - b. If the owner and/or agent of the property request a change in proposed date of inspection, such requests must be made within seventy-two (72) hours in advance of the proposed inspection date. It shall be the responsibility of the owner and/or owner's agent to notify the occupants of the property of the scheduled inspection.
 - c. Owner or its agent must be on site at the time of inspection for entry and security purposes.
- C. Access to Premises. Every occupant of a rental dwelling unit shall, upon reasonable notice, give the owner or agent and the City Building Inspector or authorized representative access to any part of the rental dwelling unit or its associated properties at all reasonable times for the purpose of making inspections, repairs, or alterations as are necessary to effect compliance with the provisions of this Code. If any owner, its agent or occupant, or other person in charge of the dwelling refuses to permit free access and entry to the structure or premises under his control for inspection pursuant to this Ordinance, whereupon, the City may seek a court order authorizing such inspection.
- D. Reinspection Fee. There is no fee for an initial inspection to determine the existence of a housing maintenance code violation, nor any fee for the first reinspection to determine compliance with an order to correct a code violation. A fee shall be charged for all subsequent re-inspections when the violation is not corrected by the time specified in the written notice. The fee shall be established by resolution from time to time by the City Council.
- E. Tenant Register. The Owner or its Agent shall keep or cause to be kept, a current register of occupancy for each dwelling unit which shall be provided to the City Clerk, as requested. Said register shall provide, at a minimum, the following information.
1. Address of dwelling unit;

2. Number of bedrooms in dwelling unit;
3. Number of adults and children (under 18 years of age) currently occupying the dwelling unit.

1404 CONDUCT, FIRE SAFETY, AND RETALIATION

1404.10 Conduct on License premises. It shall be the responsibility of the licensee to see that persons occupying the licensed premises conduct themselves in such a manner as not to cause the premises to be disorderly. For purpose of this Section, a premise is deemed “disorderly” at such time that any of the following activities occur:

1. Minnesota Statute 152.01 et seq. relating to the possession, manufacture, or distribution of controlled substances.
2. Minnesota Statutes 609.72 relating to disorderly conduct.
3. Minnesota Statutes 340A.701, 340A.702 and 340A.703 relating to the sale of intoxicating liquor.
4. Minnesota statutes 609.321, Subdivision 9, relating to prostitution or acts of prostitution.
5. Minnesota Statutes 609.66 et seq. relating to the unlawful use or possession of firearms.
6. Minnesota Statute 609.2242 relating to assault.
7. Minnesota Statute 260C, et seq. relating to contributing to the need for protection or services or delinquency of a minor.
8. Minnesota statute 609.75 through 609.76 relating to gambling.
9. A violation of the Willernie City Code.

1404.20 Fire Safety. The Owner or its Agent is responsible to comply with the provisions of State and local Fire Codes.

1404.21 Retaliation. No licensee shall evict, threaten to evict or take any other punitive action against any tenant by reason of good faith calls made by such tenant to law enforcement agencies relating to criminal activity, suspected criminal activity, suspicious occurrences or public safety concerns. This section shall not prohibit eviction of tenants from a dwelling unit for unlawful conduct of a tenant or invitee or violation of any rules, regulations or lease terms other than a prohibition against the lawful contact of law enforcement agencies.

1405 RENTAL DENSITY LIMITATION

1405.010 Rental Density Limitation on Residential Dwelling Units

- A. The purpose of this section is to limit the number of rental licenses issued in the City.
- B. No more than ten percent (10%) of the single-family homes in the City shall be eligible to obtain a rental license, unless a temporary license is granted by the City Council as provided herein.

- C. If the number of rental properties meets or exceeds the permitted number of rental properties per this Section on the effective date of this ordinance, no additional rental licenses shall be approved by the City, unless a temporary license is granted by the City Council as provided herein. Existing rental licenses may be renewed; however, should a rental license not be renewed, terminated due to the sale of a property by the current license holder, transfer of property ownership occurs, or if the rental license is revoked, suspended, or lapses, the rental license shall not be reinstated unless it is in conformance with this Section and other applicable sections of this Code.

1405.020 Temporary Rental Licenses

A temporary license may be granted by the City for unlicensed properties to an owner of a property for a period not to exceed 90 days if the property has changed ownership, and the previous owners reside in the dwelling unit.

1406 License Suspension, Revocation, Denial, and Non-Renewal

1406.010 Suspension and Violation of this Chapter

- A. Every license issued under the provisions of this Article is subject to suspension and/or revocation by the Building Official.
- B. In the event that a license is suspended or revoked by the Building Official, it shall be unlawful for the owner or the owner's duly authorized agent to thereafter permit any new occupancy of vacant or thereafter vacated rental units until such time as the Building Official has restored a valid license.
- C. Any person violating this Chapter shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not more than one thousand dollars (\$1000) or by imprisonment not to exceed ninety (90) days or both, together with the costs of prosecution. Each day of each violation shall constitute a separate punishable offense.

1406.020 Suspension, Revocation, Non-Renewal, and Compliance Orders

- A. The Building Official or City Council may suspend, revoke, or decline to renew any license issued under this Chapter upon any of the following grounds:
 - 1. False statements on any application or other information or report required under this Chapter to be given by the applicant or licensee.
 - 2. Failure to pay any application, penalty, re-inspection or other fee required by this Chapter and City Council resolution.
 - 3. Failure to correct deficiencies noted on a Compliance Order in the time specified in that notice.
 - 4. Failure to operate or maintain the licensed premises in conformity with all applicable state laws and codes and this Code of Ordinances.
 - 5. Any other violation of this Chapter.
- D. Suspension, revocation, or non-renewal may be under either this section or a violation of the Conduct on Premises section, or both.
- E. A decision to suspend, revoke, deny or not renew a license shall be preceded by written notice to

the applicant or licensee specifying the grounds for such suspension, revocation, denial or non-renewal. The applicant or licensee will be given an opportunity for a hearing before the City Council before final action to suspend, revoke, deny or not renew a license. Provided, the applicant or licensee has submitted a written application for appeal within 10 days after the decision, notice or order was served. The City Council shall give due regard to the frequency and seriousness of the violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply and shall issue a decision to suspend, revoke, deny, or not renew a license.

- F. The City Council may suspend, revoke, deny or not renew a license for part of or the entire rental dwelling unit.
- G. Licenses may be suspended for up to ninety (90) days and may, after the period of suspension, be re-instated subject only to compliance with this Chapter and any other conditions imposed by the Building Official or City Council at the time of the suspension. Licenses that are revoked will not be re-instated until the owner has re-applied with licensing and displayed compliance with all relevant requirements to the level required under this Chapter, including all conditions imposed at the time of revocation. A decision not to renew a license may take the form of a suspension or revocation. A decision to deny an initial application for a new rental dwelling facility will not take the form of a suspension or revocation unless the applicant in connection with the application has made false statements. A decision to deny an initial application shall state the conditions of re-application. All new applications must be accompanied by a re-instatement fee, as specified by City Council resolution, in addition to all other fees required under this Chapter.

1406.060 **Compliance Order.** If the initial, routine or complaint-initiated inspection or tenant conduct incidents indicates that the Owner is not in compliance with this Section, the City shall send a compliance order to the Owner and/or its Agent.

- A. **Content of Order.** The Compliance Order shall:
 - 1. Be in writing.
 - 2. Describe the location and nature of the violations of this code.
 - 3. Establish a reasonable time period for the correction of such violation.
 - 4. Be served upon the Owner or its Agent and/or occupant, as the case may require. Such notice shall be deemed to be properly served if a copy thereof is:
 - a. Personally served on Owner or its Agent, or
 - b. Sent by registered or certified mail to Owner's or its Agent's last known address, or
 - c. Upon failure to affect notice through (a) or (b) above, notice may be posted at the main entrance to the dwelling unit.
- B. **Tenant Conduct Violations.** If the compliance order specifies tenant conduct violations, the following additional regulations shall apply:

1. Upon determination by the City that a rental dwelling unit on the licensed premises was used in a disorderly manner, as described in this ordinance, the City shall give written notice to the Owner or its Agent of the violation as provided in this Section and direct the owner/licensee to take steps to prevent further violations. An action to deny, revoke, suspend, or not renew a license under this section may be initiated by the City who must give the Owner or its agent written notice of a hearing before the City Council to consider such denial, revocation, suspension or non-renewal, as set forth in this Section.

1406.080 **Conduct Pending Eviction.** No adverse license action shall be imposed where the instance or disorderly use of a licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the Owner or its Agent to a tenant to vacate the premises, where the disorderly use was related to conduct by the tenant or by other occupants or guests of the tenant's unit. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the Owner or its Agent. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued at any time it appears that the Owner or its Agent has taken appropriate measures which will prevent further instances of disorderly use.

1406.090 **Posted to Prevent Occupancy.** Whenever any rental dwelling unit has not obtained the required rental dwelling license, or has been denied a license, or has had its rental dwelling license suspended or revoked or is deemed unfit for human habitation, it shall be posted with a placard by the City to prevent further occupancy.

1406.100 **Failure to Obtain License.** If the city determines that a rental dwelling unit is being operated without a valid license, the City reserves the right to conduct an immediate inspection with proper notice in accordance with this section. It shall be unlawful for an owner, designated agent or operator, after notice, to continue operation of a rental dwelling unit without submitting an application for a license under this Chapter, along with the necessary license fee. Once an application has been made, it shall be unlawful for the owner or its duly authorized agent, to permit any new occupancies of vacant, or thereafter vacated rental units until such time as the license is issued.

1406.110 **Liability.** Neither the City nor its employees or agents shall be deemed liable for damages to a third person or property by reason of this Chapter.