

**City of Roseville
ORDINANCE NO. 1456**

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

THE CITY OF ROSEVILLE ORDAINS:

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

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

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

SECTION:

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

908.01: PURPOSE

It is the purpose of this Chapter to assure that Multifamily Rental Dwellings (MRDs) with 5 or more units in Roseville are decent, safe, sanitary, and well maintained. The implementation of an MRD 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. Building Official: 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. Denial: The refusal to grant a license to a new or renewing applicant by the City.
- F. Dwelling Unit: Any portion of a building thereof that contains living facilities, including provisions for sleeping, eating, cooking, and sanitation.
- G. Lease: An oral or written agreement between an MRD owner and a tenant for temporary use of a rental dwelling unit, usually in exchange for payment of rent.
- H. License: The formal approval of an activity specified on the certificate of license issued by the City.
- I. Local Agent: Owner's representative who resides in any of the following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington.
- J. Multifamily Rental Dwelling (MRD): Any building or portion thereof that contains five (5) or more dwelling units that may be attached side-by-side, stacked floor-to-ceiling, and/or have a common entrance and have a common owner that are being rented out in the City of Roseville. This does not apply to Minnesota Department of Health-licensed rest homes, convalescent care facilities, nursing homes, hotels, motels, managed home-owner associations, cooperatives, or on-campus college housing.
- K. Owner: A person, agent, firm, or corporation having a legal or equitable interest in the property. In any corporation or partnership, the term owner includes general partners and corporate officers.
- L. Permissible Occupant Load: The maximum number of persons permitted to occupy a building or space within a building per City Code.
- M. Reinspection: A follow-up inspection that is a) conducted to determine if a Code violation has been corrected; b) needed because a licensee, owner, or other responsible party fails to attend a scheduled inspection; c) needed because a scheduled inspection does not occur or is prevented due to any act of a licensee, owner, or responsible party; or d) any inspection other than the initial inspection for a license application where one or more violations are found.
- N. Rent: The consideration paid by a tenant to the owner of a rental dwelling unit for temporary and exclusive use of the rental dwelling unit by the tenant. The consideration is not limited to cash.
- O. Repair: To restore to a sound and functional state of operation, serviceability, or appearance.
- P. Revoke: To take back a license issued by the City.

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

908.03: LICENSING REQUIREMENTS

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

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

6. A list of complaints and requests for repair by dwelling unit occupants that relate to the provisions of this Code of Ordinances
 7. A similar list of all corrections made in response to such requests and complaints
- Such register shall be made available for viewing by the Code Enforcement Officer at each routine inspection or upon City receipt of a report of potential occupancy violation.

- E. Application Filed: A license application shall be submitted to the Community Development Department on forms furnished by the City of Roseville and must contain the following information:
1. Name, address, telephone number, and e-mail address of the owner of the rental dwelling units. This is the address that all future correspondence from the City will be sent to. Owner shall indicate if the owner is a corporation, partnership, sole proprietorship, or other business entity.
 2. Name, address, telephone number, and e-mail address of designated local agent responsible for the management of the MRD.
 3. Street address(es) and unit numbers for the MRD.
 4. Number and type of dwelling units including unit size, bedroom size for each building (One [1] Bedroom, Two [2] Bedrooms, etc.) and number of bathrooms.
 5. Description of property listing number of buildings and number of dwelling units in each building.
 6. Owner shall certify compliance with the requirement found in 908.03B for conducting background checks on prospective tenants.
 7. Owner shall certify compliance with the requirement in 908.03C to include disorderly behavior lease provisions.
 8. Owner shall certify compliance with the requirement of 908.03D occupancy register.
- F. Changes in Ownerships and Amended Licenses: A license is not assignable. Any changes occurring in the ownership of an MRD requires a new license. The new owner must obtain a new license within thirty (30) calendar days of acquiring the property. The fee paid for the new license shall be the fee required for an initial license. If any changes occur in any information required on the license application, the owner must submit an amended license application to the City within thirty (30) calendar days of the change. If any rental dwelling units are added to a current license, the additional rental dwelling units must be licensed by amendment of the current license and must be accompanied by the fee required for the additional units.
- G. Complaint-Based Inspection: The City may, upon receipt of creditable third party complaints or complaints of residents with reasonable concerns, require an inspection of a unit. A complaint-based inspection may require additional units to be inspected. Upon the additional unit inspection, the City may require a license category criteria inspection be performed using the same standards as the license renewal inspection.
- H. Additional Requirements. The City may require additional educational training or participation in programs related to the license type.

908.04: LICENSING TERM

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

Diagram 1

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

- A. New Licenses: MRDs that have legally not been required to have a rental license due to new construction will qualify for a Type B License and must be filed with the City thirty (30) calendar days from the issuance of a Conditional or Permanent Certificate of Occupancy.
- B. Operating without Valid License: Properties found operating without a valid rental license from the City, properties failing to meet City Code requirements, or properties that have been the subject of enforcement actions such as criminal prosecution or civil penalties for violation of this chapter, will only qualify for a Type C or D license.
- C. License Renewals: All rental properties are subject to review and may be required to apply and qualify for a different license type based on the level of compliance with City Codes and applicable regulations.
- D. Chronic Code Violations: For properties having chronic code violations that are not being resolved in a timely manner, the City Council may pursue any and all remedies under Minnesota Statutes sections 504B.395 through 504B.471 in addition to any other legal or equitable relief.
- E. License Category Criteria: License type will be determined by the number of property Code and nuisance violations as recommended by the City Manager and approved by the City Council.
 - 1. Property Code and Nuisance Violations. Standards for property maintenance will be based on compliance with City and other applicable Codes or other nationally recognized standards as adopted by the City Council.
- F. License Process and Renewal:
 - 1. Initial application of existing MRDs in the City must have completed a full application and paid the license fee by December 31, 2014.
 - 2. Code enforcement officers will notify applicant of the inspection date approximately thirty (30) calendar days prior to inspection.
 - 3. Notice of licensing type will be sent to the applicant. The licensing fee will be due and payable within thirty (30) calendar days of notice of licensing type. A license will be issued for each MRD. Every Owner of an MRD shall conspicuously post the current license certificate within fourteen (14) calendar days of receipt in the main entryway or other conspicuous location within the MRD. For MRDs that do not have a shared common area or entrance, the Owner must provide a copy of the license certificate to each tenant by attaching a copy to the tenant's copy of the executed lease agreement.

4. License renewals shall be filed with the Community Development Department by the MRD between 90 and 120 days prior to the license expiration date.
- G. Issuance of License: The City shall issue a license once the City deems the property to not have any unsafe, unsanitary, or dilapidated conditions as defined in Section 906.03H or elsewhere in Roseville's City Code and all City fees and fines have been paid.

908.05: FEES

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

908.06: LOCAL AGENT REQUIRED

- A. Local Agent: No operating license shall be issued or renewed for a nonresident owner of an MRD (one who does not reside in any of the following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington) unless such owner designates in writing to the Building Official the name of the owner's local agent (one who does reside in any of the following Minnesota counties: Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, or Washington) who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive notice of violations of the provisions of the City Code of Ordinances, to receive and to effect such orders, and to accept all service or process pursuant to law.
- B. Responsibility for Acts of Manager, Operator, or Local Agent: Licensees are responsible for the acts or omissions of their managers, operators, local agent, or other authorized representative.

908.07: LICENSING SUSPENSIONS, REVOCATION, DENIAL, AND NONRENEWAL

- A. Applicability: Every license issued under the provisions of this Chapter is subject to suspension or revocation by the City Council.
- B. Unoccupied or Vacated Rental Units: In the event that a license is suspended, revoked, or not renewed by the City Council, it shall be unlawful for the owner or the owner's duly authorized agent to thereafter permit any new occupancies of vacant or thereafter vacated rental units until such time as a valid license may be restored by the City Council.
- C. Grounds for License Action: The Council may revoke, suspend, or decline to renew any license issued under this Chapter upon any of the following grounds:
 1. False statements, misrepresentations, or fraudulent statements on any application or other information or report required by this Chapter to be given by the applicant or licensee.
 2. Failure to pay any application fee, fine, penalty, reinspection fees, reinstatement fee, special assessments, real estate taxes, or other financial claims due to the City as required by this Chapter and City Council resolution.
 3. Failure to continuously comply with any property maintenance, zoning, health, building, nuisance, or other City Codes; or failure to correct deficiencies noted in Compliance Notices in the time specified in the notice.
 4. Failure to comply with the provisions of an approved memorandum of understanding (MOU) with the City that addresses the underlying causes for the nuisance conduct and provides a course of action to alleviate the nuisance conduct.
 5. Failure to actively pursue the termination of the tenancy of tenants who have violated the provision of this Chapter or Lease Addendum on file with the City or have otherwise created a public nuisance in violation of City, state, or applicable laws.

6. Failure to eliminate imminent health and life safety hazards as determined by the City or its authorized representatives.
 7. Failure to operate or maintain the licensed premises in conformity with all applicable state and local laws and ordinances.
- D. License Action Sections: Revocation, suspension, and non-renewal may be brought under either this Section or any other Section of Chapter 908.
- E. Notification, Hearing and Decisions Basis:
1. Written Notice, Hearing: A decision to revoke, suspend, deny, or not renew a license shall be preceded by written notice to the applicant or licensee of the alleged grounds, and the applicant or licensee will be given an opportunity for a hearing before the City Council before final action to revoke, suspend, deny, or not renew a license.
 2. Decision Basis: The Council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have been remedied or avoided, and the good faith efforts to comply. The Council shall issue a decision to deny, not renew, suspend, or revoke a license only upon written findings.
- F. Affected MRD: The Council may suspend or revoke a license or not renew a license for part or all of an MRD.
- G. License Actions, Reapplication:
1. Suspension: Licenses may be suspended for up to ninety (90) calendar days and may after the period of suspension be reinstated subject to compliance with this Chapter and any conditions imposed by the City Council at the time of suspension.
 2. Revocation, Denial, Nonrenewal: Licenses that are revoked will not be reinstated until the owner has applied for and secured a new license and complied with all conditions imposed at the time of revocation. Upon a decision to revoke, deny, or not renew a license, no approval of any application for a new license for the same facility will be effective until after the period of time specified in the Council's written decision, which shall not exceed one (1) year. The Council shall specify in its written decision the date when an application for a new license will be accepted for processing. 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 facility will not take the form of a suspension or revocation unless false statements have been made by the applicant in connection with the application. A decision to deny an initial application shall state conditions of reapplication.
 3. Reinstatement Fees: All new applications must be accompanied by a reinstatement fee, as specified by Council resolution, in addition to all other fees required by this Chapter.
 4. Written Decision, Compliance: Written decisions to revoke, suspend, deny, or not renew a license or application shall specify the part or parts of the facility to which it applies. 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. The Council may postpone or discontinue an action to deny, not renew, revoke, or suspend a registration certificate, or to 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 MRD property owner.
 1. The appeal shall be submitted to the City Manager within ten (10) 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 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 Building Official.

908.09: MAINTENANCE OF RECORDS

All records, files, and documents pertaining to the Licensing of 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 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 licensing.

908.11: 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.

908.12: NO WARRANT BY THE CITY

By enacting and undertaking to enforce this Chapter, neither the City, its designees, the City Council, or its officers, agents, or employees warrant or guarantee the safety, fitness, or suitability

of any MRD 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 license.

908.13: 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 shall take effect upon its passage and publication.

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