

REQUEST FOR COUNCIL ACTION

Date: 05/14/2012
Item No.: 9.a

Department Approval



City Manager Approval



Item Description: **Adopt Amendments to Rental Registration Ordinance**

1.0 BACKGROUND

Staff is requesting that the City Council consider adding Group Homes licensed by the State of Minnesota to Section 907.02.1 - Definitions of the Residential Rental Property Registration Ordinance and providing a modification to Section 907.06.1 - Registration Exemptions of that same Ordinance.

On March 17, 2008, the City Council approved an Ordinance requiring the registration of rental properties of 1 to 4 units. In the Ordinance, Section 907.02.1 - Definitions describes properties that must register as well as those that are exempt. As currently written, the definition does not exempt Group Homes licensed by the State of Minnesota.

When this omission came to the attention of the Community Development Director, an administrative decision was made to exempt Group Homes licensed by the State of Minnesota from the Rental Registration Ordinance.

Following is Section 907.02.1 - Definitions with language that would include state licensed group homes as exempt: The term “residential rental property” means any building, structure, room, enclosure, or mobile home with 1 to 4 units including the real property upon which it is located and which surrounds it, which is rented or offered for rent as living quarters. Residential rental property does not mean on-campus college housing, hospital units, nursing home units, state licensed group homes, multiple rental property over 4 units or hotels or motels with daily rental units, all of which shall be specifically exempt from registration under this Chapter.

With regard to the Section 907.06.1 - Registration Exemptions, staff requests the following change to provide clarity for exemptions:

907.06. Registration Exemptions. 1. The owner of a rental dwelling unit is exempted from the registration requirement of this Chapter if all renters residing in the rental property are related to the owner as a parent, child, sibling, grandparent, grandchild, step-parent, step-child, step-grandparent, or step-grandchild and the owner files an affidavit with the City stating that each of the renters are one of these relations. ~~The owner must notify the City in writing within 30 days if the exemption described in~~

~~this Chapter is lost because the renters are not related to the owner as one of the above referenced relations.~~

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

2.0 STAFF RECOMMENDATION

Staff recommend adding state licensed Group Homes to the definition of exempt properties (Section 907.02.1) and adding clarifying language about exemptions (Section 907.06.1) by adopting the amendments to the Ordinance below.

3.0 REQUESTED COUNCIL ACTION

BY MOTION, ADOPT THE FOLLOWING ORDINANCE AMENDING TITLE 9 OF THE CITY CODE, SPECIFICALLY SECTIONS 907.02 AND 907.06

THE CITY OF ROSEVILLE ORDAINS:

SECTION 1. The Roseville City Code, Title 9, Section 907.02 (Definitions) is hereby amended as follows:

907.02: Definitions:

1. The term “residential rental property” means any building, structure, room, enclosure, or mobile home with 1 to 4 units including the real property upon which it is located and which surrounds it, which is rented or offered for rent as living quarters. Residential rental property does not mean on-campus college housing, hospital units, nursing home units, state licensed group homes, multiple rental property over 4 units or hotels or motels with daily rental units, all of which shall be specifically exempt from registration under this Chapter.

SECTION 2. The Roseville City Code, Title 9, Section 907.06 (Residential Exemptions) is hereby amended as follows:

907.06. Registration Exemptions:

1. The owner of a rental dwelling unit is exempted from the registration requirement of this Chapter if all renters residing in the rental property are related to the owner as a parent, child, sibling, grandparent, grandchild, step-parent, step-child, step-grandparent, or step-grandchild and the owner files an affidavit with the City stating that each of the renters are one of these relations. ~~The owner must notify the City in writing within 30 days if the exemption described in this Chapter is lost because the renters are not related to the owner as one of the above-referenced relations.~~

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

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

Passed this 14th day of May, 2012

Prepared by: Jane Reilly, Senior Administrative Assistant, Community Development Department

Attachments: A: Rental Registration Ordinance

ORDINANCE # 1361
AN ORDINANCE AMENDING TITLE 9 BY ADDING CHAPTER 907 TO THE
CITY OF ROSEVILLE CITY CODE REGARDING REGISTRATION OF
RESIDENTIAL RENTAL PROPERTY OF 1 TO 4 UNITS

THE CITY COUNCIL OF THE CITY OF ROSEVILLE ORDAINS:

Section 1. Chapter 907, hereby titled RESIDENTIAL RENTAL PROPERTY REGISTRATION is hereby created as follows:

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

907.02. Definitions.

1. The term “residential rental property” means any building, structure, room, enclosure, or mobile home with 1 to 4 units including the real property upon which it is located and which surrounds it, which is rented or offered for rent as living quarters. Residential rental property does not mean on-campus college housing, hospital units, nursing home units, multiple rental property over 4 units or hotels or motels with daily rental units, all of which shall be specifically exempt from registration under this Chapter.
2. The term “unit” means all or a portion of a residential rental property that is arranged, designed, used, or intended to be used as separate living quarters and which is leased to an individual or group.
3. The term “person” includes natural persons as well as business entities, whether one or more.
4. The term “City” means the City of Roseville, or the person or entity designated by the City to administer and enforce this Chapter.

907.03. Registration Requirements. Except as provided in Sections 907.05(1) and 907.06, it is unlawful for any person to hereafter occupy, allow to be occupied, advertise for occupancy, solicit occupants of, or let to another person for occupancy any residential rental property of 1 to 4 units within the City for which an application for registration has not been properly made and filed with the City or after the time that a registration is suspended or

revoked. Initial registration shall be made upon forms furnished for such purpose and shall specifically require the following minimum information:

1. Name, address and phone number of the property owner and, if owner is not a natural person, the name, address and phone number of a designated agent for the owner.
2. The name, phone number, and address of any person authorized to make or order made repairs or services for the property, if in violation of City or State Codes, if the person is different than the owner.
3. The street address of the rental property.
4. The number and types of units within the rental property (single family, duplex, triplex or fourplex).
5. If the rental unit is occupied by the property owner and rooms are rented to boarders, the number of boarders and bedrooms.
6. Number of bedrooms and bathrooms in the rental dwelling unit.

907.04. Fees. There shall be a registration fee. All fees shall be established annually by the City Council. All fees and fines shall be charged to and payable by the property owner.

907.05. Manner of Registration.

1. An owner of an existing rental property as defined by this Chapter must apply for registration pursuant to this Chapter no later than 60 days following the effective date of this Chapter.
2. An owner of a non-rental property that after the effective date of this Chapter wishes to convert the property into a rental property, shall apply for and register the property prior to its conversion.
3. If there is a change in the type of occupancy from the type stated on the registration statement, a new registration statement shall be filed within 30 days of the change.
4. When property is sold, the new owner shall register within 30 days of the sale.

907.06. Registration Exemptions.

1. The owner of a rental dwelling unit is exempted from the registration requirement of this Chapter if all renters residing in the rental property are related to the owner as a parent, child, sibling, grandparent, grandchild, step-parent, step-child, step-grandparent, or step-grandchild and the owner files an affidavit with the City stating that each of the renters are one of these relations. The owner must notify the

City in writing within 30 days if the exemption described in this Chapter is lost because the renters are not related to the owner as one of the above-referenced relations.

907.07. Registration Suspensions and Revocation. Property registration may be revoked or suspended at any time during the life of said registration for grounds including, but not limited to, the following:

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

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

907.08. Violation. Except as provided in Sections 907.05(1) and 907.06, any person that maintains a rental dwelling unit without having the property registered, or after the registration for the property has been revoked or suspended, or who permits new occupancy in violation of Section 907 is guilty of a misdemeanor and, upon conviction, is subject to a fine and imprisonment as prescribed by state law. In addition to, or in lieu of, charging a misdemeanor, the City may impose administrative fees in an amount set in the City Fee Schedule. Upon the failure to pay an administrative fee, the City may post the dwelling unit as illegal for habitation. Thereafter, the dwelling unit may not be occupied by anyone other than the primary homestead owner and that person's immediate family until (a) the administrative fee has been paid; (b) a rental registration is obtained or the City is satisfied that the dwelling unit will not be used as a rental dwelling unit, and (c) completion of any abatement, written compliance order, legal action from a citation or action per City Code Sections 407.06, 407.07 and 407.08. Each day of each violation constitutes a separate offense.

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

907.10. 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 registration including an order prohibiting the occupancy of such rental units until violations of this Chapter have been remedied by the property owner or designated agent.

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

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

907.13. Rules, Policies and Procedures. The City Council may adopt from time to time, by resolution, rules, policies and procedures for the implementation of this Chapter. Violation of any such rule, policy or procedure by a property owner shall be considered a violation of this Ordinance.

907.14. No Warranty by the City. By enacting and undertaking to enforce this Ordinance, neither the City, its designees, the City Council, or its officers, agents or employees warrant or guarantee the safety, fitness or suitability of any dwelling in the City. Owners or occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare. A warning in substantially the foregoing language shall be printed on the face of the rental registration.

907.15. 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 2. Effective Date. This Ordinance amendment to the City Code shall take effect on March 17, 2008, after passage and publication.

Passed this 17th day of March, 2008.