



## CITY OF MARSHALL AGENDA ITEM REPORT

<b>Presenter:</b>	Ilya Gutman
<b>Meeting Date:</b>	Tuesday, January 24, 2023
<b>Category:</b>	PUBLIC HEARING
<b>Type:</b>	INFO/ACTION
<b>Subject:</b>	Conduct Public Hearing of the new Article VIII Residential Rental Code
<b>Background Information:</b>	<p>In the summer of 2021, the City received a complaint about a VRBO rental property in town. The current ordinance does not address short-term rentals, such as VRBO's and AirBnB's. At the Council meeting discussing the situation, staff received direction to develop an ordinance addressing the short-term rentals. However, at the Legislation and Ordinance Committee meeting discussing the first draft, it was suggested that short-term rentals should be handled like in most other cities, that regulate them through a rental ordinance along with other rental properties.</p> <p>At the subsequent L&amp;O meeting in December 2021, a draft rental ordinance was presented and discussed, receiving generally positive review. Staff presented the Ordinance to the Council in February 2022 and requested an authorization to set up a meeting with local landlords/property owners prior to finalizing the Ordinance and its implementation program.</p> <p>Two meetings, necessary to accommodate many rental properties and their owners in the City, took place at the end of March. There were close to 100 people attending who asked a lot of questions and shared their input. A list of proposed inspections was presented and discussed, and all questions and comments were documented and considered.</p> <p>At the L&amp;O meeting on June 28, 2022, the final draft was presented and approved. However, at the W&amp;M meeting on August 29, 2022, while discussing rental ordinance fee, a suggestion was made to have another meeting with property owners before presenting to the Council.</p> <p>Conversation was, again, separated into two meetings that took place at the end of October. The first meeting included mostly multiple family owners with attendance of about 25 people, who complained about high cost of the program, especially inspections. However, they offered a suggestion of, and expressed support for, a registration program backed by significant negative repercussions for Housing Code violations reported to the City by tenants. The second meeting was attended by about 20 people, mostly single-family houses owners, who voiced their strong agreement with the registration plan that was mentioned by staff.</p> <p>The City of Marshall is the only city among comparable cities (and one of very few cities of similar size in the State of Minnesota) that does not have a rental ordinance. It is home to a four-year college, which increases demand for rental properties, and, with 44% of the population renting, Marshall is near the top of the list for such percentage in Minnesota. The City has a Housing Code that has been in place for several decades, and is enforced on a complaint basis only. However, many people are unaware of this code, on one hand, and the City is unaware of many rental properties, on the other hand. It may be noted that city staff never met with any groups representing tenants, even though tenants are also stakeholders in this matter. However, we do have strong indication that tenants support some form of rental housing code.</p>

	<p>The proposed Rental Ordinance is generally based on similar ordinances from comparable cities, but it has been revised now to become a registration program only. Mandatory registration with a nominal one-time fee and no mandatory regular inspections will reduce owners' expenses. Registration process will require property owners to sign a statement that their properties meet current Housing Code. Valid complaints and concerns – the ones that are made about items covered by the Housing Code and which have been brought up to the owner/manager – will be investigated by staff during inspections. These inspections will review the entire unit for other violations though, and the owner will have to pay inspection fees for these inspections. Revocation of the registration is possible in cases when cooperation is lacking and/or rental units become non-compliant.</p> <p>Short-term rentals, including Bed and Breakfast, are addressed as a separate section within this new Ordinance so a Conditional Use Permit for a B&amp;B will no longer be required. Staff would also recommend amending the ordinance by allowing renting to more than three unrelated adults, which would expand rental opportunities for college students living in single family houses.</p> <p>The license term is proposed to be two years considering that there are no required inspections and there are no renewal fees, and the first term will start in 2023.</p> <p>At the meeting on November 22, 2022, Legislative and Ordinance Committee voted to recommend to City Council approving the new Article VIII Residential Rental Code.</p> <p>An ordinance summary, a sample of a Registration Certificate, and staff inspection lists are attached for reference.</p> <p>The new Article VIII Residential Rental Code was introduced and called for Public Hearing at the December 13, 2022, City Council meeting.</p>
<b>Fiscal Impact:</b>	None.
<b>Alternative/ Variations:</b>	None.
<b>Recommendations:</b>	<p>that the Council close the public hearing on Article VIII Residential Rental Code</p> <p>that the Council adopt Article VIII Residential Rental Code</p>