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# CITY OF SPRING LAKE PARK CODE ENFORCEMENT

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## HOUSING MAINTENANCE INSPECTION POLICY

EFFECTIVE - **May 10, 2021**

### **PURPOSE:**

This policy is intended to guide the administration of all housing maintenance, licensing and inspections.

### **POLICY:**

It shall be the policy of the City of Spring Lake Park to conduct housing maintenance licensing and inspections according to the procedures outlined in this document, City Ordinances, State Fire Code and the State Building Code.

### **SCOPE:**

The provisions of this policy shall apply to all currently existing and later established residential structures and all currently existing and later established premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

## **PROCEDURE:**

**Inspection Hours.** Subject only to exceptional circumstances, as determined by the Code Enforcement Division, hours for conducting both scheduled and non-scheduled inspections shall be Monday through Friday, 9:00 am – 3:30 pm. (Exterior inspections will not be scheduled)

The owner or the owner's representative is required to attend all inspections. The tenant is not considered to be the owner's representative.

## **LICENSING:**

Licensing procedure is as follows:

**Residential Rental Property.** The license shall be issued for a period of one year, with every operating license expiring on December 31 of each year. License renewals must be filed by December 31 of each year.

License applications will be sent out to the owner 45 days prior to the licensing date. Licensing requires that a signed, updated application be returned along with required fees prior to the re-licensing date.

**All applications shall be filled out completely and signed to be considered compliant with the licensing requirement. Any incomplete application will be sent back.**

A reminder letter will be sent out 15 days prior to the re-licensing date reminding the owner to return the owner's application and fees.

On the first of the year, the re-licensing date, all properties that have not submitted their application and fees will be placed on the 1<sup>st</sup> City Council meeting agenda in January for revocation of license, or at a regularly scheduled meeting as soon as possible thereafter.

## HOUSING MAINTENANCE CODE LICENSING PROCEDURE

	<b>RESIDENTIAL WITH INTERIOR INSPECTION</b>	<b>RESIDENTIAL WITHOUT INTERIOR INSPECTION</b>
Registration	45 days prior to license date, a license application will be mailed out.	45 days prior to license date, a license application will be mailed out.
Registration	After 30 days, if a license application and fees are not received, a reminder letter is sent.	After 30 days, if license application and fees are not received, a reminder letter is sent.
Registration	After 45 days, if the license application and fees are not received the property is scheduled for a revocation hearing at the first City Council meeting in January.	After 45 days, if the license application and fees are not received the property is scheduled for a revocation hearing at the first City Council meeting in January.
Inspection	November 1, a final letter will be mailed out. The initial inspection and all corrections shall be completed by December 31. If all inspections and corrections are not complete the property is scheduled for a revocation hearing.	November 1, a final letter will be mailed out. The initial inspection and all corrections shall be completed by December 31. If all inspections and corrections are not complete the property is scheduled for a revocation hearing.

## LICENSE FEES:

All licensed properties will be assessed a license fee. The fee will cover the length of time of the license only. As with the license, the license fee is not transferable.

Proposed licensing fees are as follows:

\*See attached fee schedule for current fees. Fees are set by ordinance.

## INSPECTIONS:

All licensed properties are required to have periodic inspections as per this chart:

Occupancy Type	Interior Required	Exterior Required
Single Family	Every other year	Annually
Duplex/Triplex	Every other year	Annually
Multi Family (4+ Units)	(Units) Every other year (Common areas) Annually	Annually

\*The Code Enforcement Division has the right to make systematic inspections of properties as individuals, blocks, or areas of the City.

Rental properties that require inspections of the individual tenant units are required to schedule an inspection with the Code Enforcement Division. Tenants shall be notified, by the owner, of the inspection at least **24** hours prior to the scheduled inspection. The Code Enforcement Division will not inspect individual units that have not met the minimum 24 hours notice. It is the right of the tenant to refuse to let the Code Enforcement Division conduct an inspection of their individual tenant space. The Code Enforcement Division may acquire an Administrative Search Warrant to conduct the inspection. The Code Enforcement Division reserves the right to inspect a randomly picked sampling of units based on the size of the building and past inspection history.

The owner or owner's representative is required to attend all inspections. The tenant is not considered to be the owner's representative.

All licensed residential properties with three or more units are required to have an inspection of the exterior and common areas every year.

## **Violation Correction:**

When violations are found by inspectors, the owner of rental properties shall be given a reasonable amount of time to correct the violations. The following is the schedule to be used by the Code Enforcement Division:

<b>TYPE OF VIOLATION</b>	<b>TIME TO FIRST REINSPECTION</b>	<b>DISPOSITION</b>
Priority Violations (Significant life safety violations). Trash, Outside Storage, Vegetation, etc.	10 days*	Citation, Abatement or License Revocation**
All Other Violations	30 days*	Citation, Abatement or License Revocation**
*These time frames are used unless a different time is specified in the ordinance or referenced ordinance.  **License revocation does not apply to non-licensed properties, i.e. owner-occupied single-family homes.		

If violations are not corrected, the property may be put on the agenda of a City Council meeting for a possible license revocation hearing or an abatement hearing.

### **COMPLAINT INSPECTION.**

The Code Enforcement Division shall respond to all complaints. Complaints will be accepted either verbally or in writing. A written record of the complaint will be made.

Complaints will be included as a scheduled inspection unless it is determined that it is a Priority Inspection. Priority Inspections will be responded to as soon as feasible.

Complaints of individual residential rental units will follow the above policy with some

differences. Complaints must originate from a tenant of the unit. Except for Priority Violations, complaint inspections will not be made for tenants who are under an unlawful detainer, part of an eviction process, or who have already moved out of a property.

If a complaint is in regards to the exterior of a property the inspectors may, based on the type of violations and the condition of neighboring properties, inspect those neighboring properties that have similar violations or are of similar condition.

## **EXTENSION PROCEDURE:**

Extensions to the violation correction schedule above may be granted by the inspection staff, office staff or the Housing Maintenance Inspector subject to the following guidelines.

Extensions will only be granted if requested during the initial 30-day time to the first re-inspection. Extensions will not be granted for 10-day violations.

Requests for extensions received for non-priority violations can be granted routinely by inspection staff or office staff for up to a maximum of 14 days. Any length of time longer than this requires the approval of the Property Maintenance Enforcement Officer.

Seasonal extensions for exterior work, which cannot be completed due to cold weather, may be granted to no later than June 1 of the following year. Examples include: exterior painting, siding replacement, roofing, concrete, or asphalt work, retaining walls, landscaping or other work that cannot be completed with soil that is frozen.

Special extensions may be granted for large projects that require more time or are a financial hardship. Requests for these extensions are to be in writing with an explanation as to the hardship. The request must include a completion date. Only one special extension will be granted for a violation.

Extensions involving heating violations require the approval of the Housing Maintenance Inspector. Generally, the property owner will be granted reasonable extensions provided that significant efforts are being made by the property owner to comply and circumstances beyond the control of the property owner exist.

A re-inspection of extension items will be made to verify compliance. If the violation is not completed the property may be given a citation and/or the property will be put on the agenda of a City Council meeting for a license suspension or revocation hearing or an abatement hearing.

## **SPECIAL SITUATIONS:**

There may be times that deadlines cannot be made due to special situations beyond the control of the City and its staff. An example may be a missed inspection due to an

emergency call. The inspection office has the right to deviate from this policy as long as the intent of the policy is met.

## **REVOCACTION PROCESS:**

When the property has not met the above requirements, licensed properties may have their license suspended or revoked. The license can only be suspended or revoked by the City Council as part of a revocation hearing. Property owners and tenants are to be notified of the suspension or revocation hearing by either certified mail or first class mail. The owner's notification will also include the **Statement of Cause**.

The revocation hearing will be set by the City's Executive Assistant. Staff will schedule the hearing to give the owner and tenants at least 14 days notice.

A final pre-revocation inspection will be performed, if needed, prior to the hearing. If violations are corrected and all other requirements are met, the hearing will be cancelled.

At the suspension or revocation hearing, the owner and all tenants will be given an opportunity to be heard by the City Council.

The City Council has the right to revoke or suspend the license, grant an extension, table the motion, or refuse revocation.

If the license is suspended or revoked, the owner and tenants will be notified by regular and certified mail of the suspension or revocation. The property will also be posted. The posting gives 60 days to vacate.

Sixty days after the original posting of the property, an **Unlawful to Occupy** posting will be put on the building. The Code Enforcement Division may write the owner and/or occupants an Administrative Offense Citation or begin the process with Anoka County Courts to have the occupants removed.

To re-license a revoked property, all requirements of this policy and the Housing Maintenance Code ordinance shall be met. This includes payment of all outstanding fees.

## **ABATEMENT PROCEDURE:**

City Ordinance 9.20.020 F 1-5 allows for the abatement of Housing Maintenance violations that the City Council deems a nuisance affecting public safety. The Code Enforcement Division will follow the procedures outlined in the ordinance.

The violation letter sent to property owners/tenants will advise that abatement may be one of the options used if the violations are not completed by the re-inspection date.

If the violations are not completed by the re-inspection date, and the Code Enforcement Division decides to use this option, the property owner/tenant will be scheduled for an abatement hearing at a future City Council Meeting.

## **ADMINISTRATIVE OFFENSE CITATION:**

The Code Enforcement Division is allowed, by City Ordinance, to write Administrative Citations. The Code Enforcement Division will follow the procedures outlined in the ordinance.

The violation letter sent to property owners/tenants will advise that an Administrative Citation may be one of the options used if the violations are not completed by the re-inspection date.

If the violations are not completed by the re-inspection date, and the Code Enforcement Division decides to use this option, the property owner/tenant will be given an Administrative Offense Citation.

Collection and payment of the Administrative Citation will have a date noted on the Citation. Failure to correct violations could result in a double fine. Failure to pay the Administrative Citation will result in the amount due, certified to the property taxes.

## **REMEDIES NOT EXCLUSIVE:**

All enforcement actions contemplated in this policy shall be cumulative. The implementation or imposition of any of the remedies, corrective actions, or license actions set forth in this policy shall not be exclusive and will not prohibit the implementation or imposition of any other remedies, corrective actions, or license actions deemed necessary by the Code Enforcement Division or the City Council.