
To:	Dan Buchholtz, City Administrator City of Spring Lake Park	From:	Phil Carlson, Lauren Walburg Stantec
File:	Rental Housing Study	Date:	January 29, 2021

Re: Rental Housing Study Update

INTRODUCTION

The Spring Lake Park City Council is exploring the issue of rental housing in single family zoning districts and has asked for Stantec's assistance in a study which focuses on improving Spring Lake Park's current programs and policies for rental properties. The study includes researching and summarizing Spring Lake Park's current policies and regulations, as well as information provided by the City on documented issues with rental properties. This memo summarizes the research conducted to date and provides initial recommendations for next steps.

We have had conversations with City Staff and listened to input from the City Council in initiating this moratorium and study. The summary and recommendations included in this memo focus on the issues from these discussions. City staff also expressed a desire to look at the rental licensing program in the City of Columbia Heights as a model for Spring Lake Park. We suggest using Columbia Heights as a model for rental licensing in Spring Lake Park. This memo responds to the following issues:

- Maintenance issues at rental properties including yard maintenance, trash and parking issues
- Conduct issues at rental properties by residents or their guests including noise complaints and other police calls
- Issues with administering the ordinance, including: follow-through and enforcement of rental inspections, contacting rental managers (especially larger companies) and license renewal process, among others

REVIEW OF NUISANCE/POLICE CALLS

Nuisance Complaints

One of the issues analyzed in this study is maintenance and upkeep of rental vs owner-occupied single-family homes. One indicator of maintenance issues is the record of nuisance complaints and calls per property. The Building Inspector provided Stantec with a summary of nuisance/code enforcement records from 2018-2020 for both owner-occupied and renter-occupied residential properties throughout the City. Stantec reviewed both the number of nuisance calls for each type of property, as well as the type of nuisance complaints received. A few conclusions can be drawn from the information:

- Of all the code enforcement/nuisance complaints throughout the City from 2018-2020, roughly 83% were for owner-occupied properties, while roughly 17% were for renter occupied properties. This correlates with the higher percentage of owner-occupied residential properties in the City.
- Nuisance calls for rental properties included the following categories: Parking (including inoperable and commercial vehicles), rubbish/junk, weeds/grass, driveway repair, garbage cans at street, outdoor storage.
- Of these nuisance calls, few required a second notice. However, this list generally does not capture violations cited during routine rental inspection, which require a follow-up inspection.

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While these types of nuisance complaints are not unique to rental properties, enforcement can be made more difficult by the absence of an on-site property owner/responsible party. These nuisance issues are exacerbated when a rental manager or property owner is difficult to reach, providing few solutions to the City to address the issue. This memo will suggest several ways in which enforcement/administration may be improved to better respond to nuisance complaints.

Police Calls

City Staff also provided Stantec with a random sampling of police calls in three sections of the City. These police calls were provided for both owner occupied and rental properties. Stantec reviewed this information to assess the extent to which conduct/behavioral issues occur at renter occupied vs. owner-occupied properties. Stantec ensured an equal number of owner-occupied and rental properties to provide an “apples-to-apples” comparison for police calls. The following conclusions can be drawn from the information provided:

- In an equal random sample of owner-occupied and renter-occupied properties, there were 151 police calls from owner-occupied properties and 348 police calls from renter-occupied properties.
- There were several properties (both renter and owner-occupied) that had more than 20 police calls per property. Properties with this many calls are relative outliers compared with the rest of the call data. When these outliers were removed, the number of police calls for owner-occupied and renter-occupied properties were essentially equal (104 calls for owner occupied vs. 105 calls for renter-occupied).
- Police calls for renter-occupied properties included the following general categories: medical, welfare check, noise, domestic/civil dispute, narcotics, 911 hang-up, suspicious activity, animal complaint, child custody. Police calls for owner-occupied properties included the same general categories.

The police call data indicates that for the most part, owner-occupied and renter-occupied properties place a similar number of 911 calls and for similar issues. However, as indicated above, there are a few rental properties that have consistent conduct/behavioral issues. This memo proposes stronger mechanisms for the City to address these properties with consistent and repeated conduct issues.

CURRENT POLICIES AND REGULATIONS

The City currently regulates rental housing through Section 12.16 Housing Maintenance and Occupancy in its municipal code. The City provides all property owners seeking a rental license with an application and a guidance document describing the application, fees and inspection process. Additionally, the City has adopted the International Property Maintenance Code (2006 IPMC) by reference, which applies to all residential properties within the City, and is used as a tool for conducting regular rental inspections. During inspection, the City issues a Rental/C.O. (certificate of occupancy) Inspection Report and Compliance Order, which provides rental property owners with a list of inspection criteria, and a timeframe to correct any issues. All of these documents were reviewed by Stantec as part of this study and are analyzed further in the following sections.

Ordinance

Section 12.16 Housing Maintenance and Occupancy includes several sections pertaining to the following broader topic areas: administration of rental license and application procedure, fees, rental unit inspection, compliance/violation of procedures and conduct on rental property. The following summarizes key points in the rental ordinance, Stantec comments are included in *italics*:

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License/Application

- Per City code section 12.16.030, a rental license must be obtained, which is valid for a period of **1 year**. Licenses expire on December 31, and license renewals must be filed by November 1. The code sets a delinquency penalty of 5% of the license fee for each day of operation without a valid license.
Rental licenses are renewed every year, while inspections occur every 2 years. At a minimum, these processes should occur at the same time of the year. It could also help with administration if they were done at the same frequency.
- Application must be completed by the owner of the property or their legally constituted agent (see description below).
- Resident agent – must be designated in writing by the owner of the property. This person must reside in the Twin City area, is the person responsible for maintenance and upkeep and can legally receive notice of violation of city ordinance. City must be notified in writing of any change of agent.
This language ensures that the City has a local contact, which was a stated issue. Ensuring that the contact information for the resident agent (address, not a P.O. box, up-to-date phone number and email, etc) is collected in the application and updated at each renewal period could help with administration.
- Application requirements are listed in section 12.16.050 (B).
The City of Columbia Heights has a much longer list of application requirements, including requiring detailed contact information from property owner, rental manager, agent and emergency contact in the case of a maintenance emergency. Collecting more information in the application and requiring information to be verified at each renewal period could ease administration and contact issues with the rental license and inspection processes. The City of Columbia Heights also collects other pertinent information such as number of parking spaces,
- License is non-transferable

Inspection

- A certificate of inspection must be obtained prior to operating a rental dwelling. The certificate is valid for a period of **2 years**. Certificate expires on the anniversary of its issuance and is non-transferable.
The building inspector has stated that the inspection procedures and enforcement could be stronger.
- Property owner must agree to allow inspection

Fees

- A conversion fee is required for converting a single-family home to a rental property and is in addition to the first year registration fee. This is a one-time fee.

Conformance to laws

- City Code Section 12.16.070 says that an operating license may not be issued or renewed if the rental dwelling and its premises fail to follow City and State law.
In addition to complying with all City and State laws, rental property owners could also be required to include crime/drug-free language in their leases and to perform criminal background checks prior rental.

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Compliance Order

- A compliance order is issued whenever a violation of the ordinance is discovered (typically during inspection). The ordinance states that the compliance order must be in writing, describe the location and nature of violation, provide reasonable time for correction of violation and be served to the property owner or designated agent.
This language could provide more specific guidance to City staff regarding compliance procedures. Specifically, in the event that a property owner does not correct a violation, specific recourse could be included to provide for additional enforcement of the ordinance. This could also be addressed in a separate inspection policy, such as the Columbia Heights example provided in the recommendations.

License Suspension or Revocation

- The City Council has the right to suspend or revoke a rental license should the owner or resident agent fail to comply with city ordinances or state law. Should a license be revoked/suspended, the owner or agent is barred from receiving a rental license for any new occupancies until the license is restored by the City Council.
The revocation language could be clearer about the situations (nuisance/conduct issues) under which a license would be revoked/suspended. The process could also be clearer. Suspension/revocation example language from the City of Columbia Heights is included in the recommendations below.

Responsibility For a Licensee Relating to the Conduct of Occupants or Guests

- The ordinance specifies a list of Minnesota State Statutes and Spring Lake Park city ordinances describing a variety of conduct issues. The ordinance states that it shall “be the responsibility of the licensee to take appropriate action following conduct by occupant(s) or guest(s) of the occupants in violation of the statutes and ordinances. A specific enforcement and administration procedure is described, to be carried out by the Chief of Police, which provides for written notice of violation and revocation or suspension by the City Council after three violations within 12 months, following appropriate notice and opportunity for hearing.
This language provides a mechanism for suspension/revocation of license for conduct issues, the recommendations below give the City Council further options and tools to manage behavioral/conduct issues at rental properties.

Application

Stantec reviewed the application and supplemental information provided to property owners/agents upon request for rental license. The application and supplemental information provides clear guidance on the expectations for rental licensing and inspection within the City, including information on fees. As indicated in the ordinance section above, the information collected in the application could be enhanced to ease administration and enforcement. If not already done, the applicant could also be provided with the inspection checklist so that expectations for maintenance and upkeep are clear from the start and provided in writing. Overall, the application appears to serve the City well, and any updates would likely be minor.

Inspection Checklist

City staff provided Stantec with the inspection checklist used during routine rental inspections. The inspection checklist provides clear guidance to property owners/rental agents on the expectations for maintenance and upkeep. As mentioned above, this checklist could be provided early in the process, prior to the first inspection to ensure that expectations are clear. Stantec does not propose any updates to the inspection checklist itself, as this document appears to be serving the City well.

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RECOMMENDATIONS

The goal of this study was to provide the City with targeted recommendations for updates to their ordinance/policies/practices for single-family rental properties. The following information provides recommendations for best practices related to rental properties, generally using the City of Columbia Heights as a model. Stantec would propose as a next step to prepare a strikethrough version of the ordinance, providing for specific modifications based on feedback from City staff and the City Council on the proposed recommendations below.

Nuisance

- To address maintenance and nuisance complaints, as well as inspection administration, the City could adopt a similar policy to the Columbia Heights Property Maintenance Inspection Policy (attached). While this policy would not be part of the official ordinance, Stantec would work with the City to update the ordinance with necessary language to correspond with this policy. The Columbia Heights Policy is included as an attachment to this memo and was vetted and recommended by the building official.
- The City of Columbia Heights requires that property owners take responsibility for the inspection process, rather than tenants. This ensures clear communication with property owners and ensures that the responsible party handles all corrections to violations. We recommend that the City adopt language that explicitly requires property owners (or their formally designated agent) to conduct the inspection and reinspection process with the building official. This language could also be listed in bold on the license application to ensure that it is clear to the owner/designated agent that they must be present for inspection and reinspection.
- Columbia Heights also uses abatement as an option for handling nuisance issues at rental properties. The City of Spring Lake Park has an existing abatement policy for specific public nuisances in section 9.20.020 of the municipal code. The City could choose to apply this policy to rental properties for specific nuisance concerns, or after several correction orders are served in writing.

Conduct/Behavioral Issues

- To address behavioral/conduct issues, the City could consider requiring that all single-family rental properties include a crime-free/drug-free addendum in their tenant leases. This is common practice in many cities across the Twin Cities Metro Area, including Columbia Heights. However, several cities have begun to move away from this requirement based on equity issues and a lack of due process for tenants. City staff is doing additional research on cities that have recently removed this language from their ordinances and will share that information with the Council. Sample language from the City of Columbia Heights is included as an example below:
 - (1) Crime Free/Drug Free.
 - a. Resident, any members of the resident's household or a guest or other person affiliated with resident shall not engage in criminal activity, including drug-related criminal activity, on or near the premises.
 - b. Resident, any member of the resident's household or a guest or other person affiliated with resident shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity, on or near the premises.
 - c. Resident or members of the household will not permit the dwelling unit to be used for, or to facilitate criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest.

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- d. Resident, any member of the resident's household or a guest, or other person affiliated with the resident shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance at any locations, whether on or near the premises or otherwise.
 - e. VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY.
 - (2) Disorderly Use.
 - a. Resident, members of the resident's household, guests, or other persons under the resident's control shall not engage in the following Disorderly Use activities: violations of state law relating to alcoholic beverages, trespassing or disorderly conduct; and violation of the Columbia Heights City Code relating to prohibited noise.
 - b. THREE DISORDERLY USE VIOLATIONS INVOLVING THE SAME TENANCY WITHIN A CONTINUOUS TWELVE MONTH PERIOD SHALL BE A SUBSTANTIAL AND MATERIAL VIOLATION OF THE LEASE AND GOOD CAUSE FOR TERMINATION OF THE TENANCY.
 - (3) Definitions.
 - a. The term "criminal activity" means prostitution, gambling, maintaining or conducting a disorderly house, unlawful possession, transportation, sale or use of a weapon, domestic assault, delinquency of a minor, criminal street gang activity, threatening, intimidating or assaultive behavior, the unlawful discharge of firearms, or any other criminal activity on or near the premises that jeopardizes the health, safety and welfare of the landlord, his agent, other resident, neighbor or other third party, or involving imminent or actual serious property damage.
 - b. The term "drug related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance or any substance represented to be drugs (as defined in Section 102 of the Controlled Substance Act [21 U.S.C. 802]).
 - (4) Non-Exclusive Remedies. The Crime Free/Drug Free and Disorderly Use provisions are in addition to all other terms of the lease and do not limit or replace any other provisions. The City could also consider requiring rental property owners to conduct criminal background checks on all tenants. This information could be made available to the City upon request. This is also a fairly typical requirement across metro-area cities.
 - The City could also consider requiring rental property owners to conduct criminal background checks on all tenants. This information could be made available to the City upon request. This is also a fairly typical requirement across metro-area cities, including the City of Columbia Heights. Similar to the Crime-free/drug-free language, several cities have begun to move away from this requirement based on equity issues. City staff is doing additional research on cities that have recently removed this language from their ordinances and will share that information with the Council. Example language from the City of Columbia Heights is included below:
 - (1) A statewide (Minnesota) criminal history check of all prospective tenants covering at least the last seven years. The checks must be done by utilizing the most recent update of the Minnesota Bureau of Criminal Apprehension's criminal history files;
 - (2) A statewide criminal history check from the prospective tenant's previous state of residence shall be conducted if the tenant is moving directly from the previous state;
 - (3) A criminal history check of any prospective tenant in their previous states of residence shall be conducted covering the last seven years if they have not resided in Minnesota for three years or longer;
 - (4) A statewide (Minnesota) court history check of all prospective tenants covering at least the last seven years. This check, which includes Unlawful Detainer actions, can be done utilizing the most recent update of the Minnesota Judicial Branch Trial Court Public Access database.

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- (5) Any company that the licensee contract with to conduct criminal history checks must meet the same standards as established above.
 - (6) Documentation of the criminal background checks must be kept on file by the property owner for the length of the tenant's lease. The lessor must display documentation of the background check upon request by the Police Department.
 - (7) If the licensee fails to comply with the requirements of this section, the rental dwelling license for the premises may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the City Council at the request of the Police Department in the manner described in § [5A.408](#).
- Finally, some cities require landlords (especially those with multiple rental properties within the City) to take a Phase 1 of the Crime Free Multi Housing (CFMH) training. This is an 8-hour class which covers crime prevention/working with police, crime prevention through environmental design principals, lease agreements and evictions, applicant screening and fair housing, terrorism awareness and prevention. Most cities that require this class will offer it at least once per year through their local police department. The City of Columbia Heights does not require this class as part of their rental licensing policy. For more information about the Crime Free Multi Housing training, visit: <https://www.mncpa.net/what-we-do/crime-free-multi-housing>

Administration

- The City could consider targeted improvements to the application requirements to help to alleviate some of the issues with contacting property owners/management companies.
 - The City has a section in their municipal code that addresses revocation of rental licenses. This section should be reviewed, and further guidance provided on the situations in which revocation would be appropriate and to clarify the process. Example suspension/revocation language from the City of Columbia Heights is included below:
- (A) A license issued or renewed under this section may be revoked or suspended upon a finding of noncompliance with the provisions of this chapter. Reinstatement of a suspended or revoked license shall be accompanied by a fee in an amount set by Council Resolution. Issuance of a new license after suspension or revocation shall be made in the manner provided for obtaining an initial license.
 - (B) The Council may, for cause, revoke or suspend a license, or take other action restricting the privileges of a license subject to the following requirements:
 - a. The city, through its Property Maintenance Enforcement Officer, provides the licensee with a written statement or reasons or causes for the proposed Council action together with a notice for public hearing.
 - b. The Council shall conduct a public hearing on the proposed action and provide findings of fact and citations to any ordinances or regulations that have been violated, together with a statement of action taken and the conditions of any resulting revocation, suspension, or other action restricting the privileges of the licensee.
 - c. The Property Maintenance Enforcement Officer shall forward the findings and statement of action taken to the person in whose name said license was issued by mailing the same to the mailing address indicated on the license application.
 - (C) A violation of any provision of this chapter or of state law, prescribing standards of conduct or regulations governing a licensee; the particular type of business or commercial activity or trade or occupation that is licensed; or the premises where the licensed activity is conducted; shall be a prima facie showing of cause for revocation, suspension, or other action restricting the privileges of a licensee as the Council may determine.

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- (D) Nondisclosure, misrepresentation or misstatement of a material fact in any application for a license under this chapter shall be a prima facie showing of cause for revocation, suspension, or other such action restricting the privileges of a licensee as the Council may determine.
- (E) Any person or owner who has had an interest in two or more licenses revoked pursuant to this code shall be ineligible to hold or have an interest in an occupancy license for a period of five years.
- If these recommendations are adopted, it will likely increase the staff time required to administer the ordinance and enforce the inspection policy. The Council could consider increasing fees for the rental license program to pay for the additional staff time needed to enforce the ordinance. This could be handled during the regular budget and fee discussions, which would give the City time to assess the increase in staff time needed to enforce the ordinance. For reference, the current fee structure is as follows:
 - Single Family: \$150/year
 - Duplex: \$200/year
 - Apartment: \$250 per building plus \$25 per Unit (per year)
 - Rental Conversion Fee: \$750 (one-time fee)

**SPRING LAKE PARK
ORDINANCE 473**

**AN ORDINANCE AMENDING CHAPTER 12 OF THE SPRING LAKE PARK CODE
OF ORDINANCE RELATING TO BUILDING REGULATIONS; CONSTRUCTION**

NOW THEREFORE, be it ordained by the Council of Spring Lake Park, in the State of Minnesota, as follows:

SECTION 1: **AMENDMENT** “12.16.010 Definitions - Housing Maintenance And Occupancy” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.16.010 Definitions - Housing Maintenance And Occupancy

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONVERSION. Property conversion shall include all existing residential property that has not previously been registered as rental property in Spring Lake Park.

RENTAL PROPERTIES. All residential properties where the owner of record does not reside at the property and is used as a primary residence by a person or persons, related or not, to the owner of record, or when a room or rooms are rented out for a fee.

RESIDENTIAL. All properties located within an R-1, R-2, and R-3, ~~R-4, R-5, and R-6~~ zones.

SECTION 2: **AMENDMENT** “12.16.030 Rental Units; Operating License Required” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.16.030 Rental Units; Operating License Required

No person shall operate a rental dwelling without first obtaining a license to do so from the city as hereinafter provided and outlined in the Housing Maintenance Inspection Policy, as amended from time to time. The license shall be issued for a period of one year. Each operating license shall expire on December 31 of each year. License renewals must be filed by November 1 of each year. A delinquent penalty of 5% of the license fee for each day of operation without a valid license shall be charged to owners of rental dwellings.

SECTION 3: AMENDMENT “12.16.050 License Application” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.16.050 License Application

- A. License application or renewal shall be made by the owner of rental units or his or her legally constituted agent. Application forms may be acquired from and subsequently filed with the City Administrator, Clerk/Treasurer.
- B. The applicant shall supply:
 - 1. The name, address, and telephone number of the dwelling owner, owning partners if a partnership, or corporate officers if a corporation;
 - 2. The name, address, and telephone number of the designated resident agent, if any;
 - 3. The name, address, and telephone number of the vendee, if the dwelling is being sold through a contract for deed;
 - 4. The legal address of the dwelling; ~~and~~
 - 5. The number of dwelling units within the dwelling;
 - 6. Owner, agent or manager to whom notices of violation should be directed pursuant to this ordinance (the "Licensee's Designee" herein); and
 - 7. A list of all rental units owned by applicant, including address.
- C. Failure to complete, in full, the required license application shall be grounds for denial of the license.
- D. Licensee is deemed to have been notified of any violations the notice of which is provided to the Licensee's Designee.

SECTION 4: AMENDMENT “12.16.140 License Suspension Or Revocation” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

A M E N D M E N T

12.16.140 License Suspension Or Revocation

- A. A license issued or renewed under this section may be revoked or suspended upon a finding of noncompliance with the provisions of this chapter. Reinstatement of a suspended or revoked license shall be accompanied by a fee in the amount set under SLPC 3.16.030. Issuance of a new license after suspension or revocation shall be made in the manner provided for obtaining an initial license.
- B. The City Council may, for cause, revoke or suspend a license, or take other action restricting the privileges of a license subject to the following requirements:
 - 1. The City, through its Building Official, or designee, provides the licensee with a written statement of reasons or causes for the proposed City Council action together with a notice for public hearing.
 - 2. The City Council shall conduct a public hearing on the proposed action and provide findings of fact and citations to any ordinances or regulations that have been violated, together with a statement of action taken and the conditions of any resulting revocation, suspension or other action restricting the privileges of the licensee.
 - 3. The Building Official, or designee, shall forward the findings and statement of action taken to the license by mailing the same to the mailing address indicated on the license application or to any other address provided by the licensee.
- C. A violation of any provision of this chapter or of state law, prescribing standards of conduct or regulations governing a license, the particular type of business or commercial activity or trade or occupation that is licensed or the premises where the licensed activity is conducted shall be a prima facie showing of cause for revocation, suspension, or other action restricting the privileges of a licensee as the City Council may determine.
- D. Nondisclosure, misrepresentation or misstatement of a material fact in any application for a license under this chapter shall be a prima facie showing of cause for revocation, suspension or other such action restricting the privileges of a licensee as the City Council may determine.
- E. Any person or owner who has an interest in two or more licenses revoked pursuant to this code shall be ineligible to hold or have an interest in an occupancy for a period of five years.

~~Every operating license issued under the direction of this chapter is subject to suspension or revocation by the City Council should the licensed owner or his or her duly authorized resident agent fail to operate or maintain licensed rental dwellings and units therein consistent with the provisions of the ordinances of the city and the laws of the state. In the event that an operating license is suspended or revoked by the City Council for just cause, it shall be unlawful for the owner or his or her duly authorized agent to thereafter permit any new occupancies of vacant or thereafter vacated rental units until such time as a valid operating license may be restored by the City Council.~~

SECTION 5: AMENDMENT “12.16.180 Responsibility For A Licensee Relating To The Conduct Of Occupants Or Guests” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

12.16.180 Responsibility ~~For~~Of A Licensee Relating To The Conduct Of Occupants Or Guests

- A. *Conduct on licensed premises.* It shall be the responsibility of the licensee to take appropriate action following conduct by occupant(s) or guest(s) of the occupants which is in violation of any of the following statutes or ordinances:
1. M.S. §§ 609.75 through 609.76, as they may be amended from time to time, which prohibit gambling;
 2. M.S. §§ 609.321 through 609.324, as they may be amended from time to time, which prohibit prostitution and acts relating thereto;
 3. M.S. §§ 152.01 through 152.025 and 152.027, subs. 1 and 2, as they may be amended from time to time, which prohibit the unlawful sale or possession of controlled substances;
 4. M.S. § 340A.401, as it may be amended from time to time, which regulates the unlawful sale of alcoholic beverages;
 5. M.S. § 609.33, as it may be amended from time to time, 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;
 6. M.S. §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, as they may be amended from time to time;
 7. M.S. §§ 609.71, 609.713, and 609.715, as they may be amended from time to time, regarding riots, terroristic threats and presence at unlawful assembly;
 8. M.S. § 609.72, as it may be amended from time to time, which prohibits disorderly conduct;
 9. SLPC 9.20.020 Paragraphs A through F, SLPC 13.04.010 Paragraphs A and B, SLPC 13.04.020 Paragraphs A through F, SLPC 13.04.030 Paragraph A, SLPC 13.04.020 Paragraph G and SLPC 13.08 regulating nuisances, disorderly conduct, prostitution, weapons violations and similar conduct; or
 10. M.S. §§ 609.221, 609.222, 609.223, 609.2231, and 609.224, as they may be amended from time to time, regarding assaults in the first, second, third, fourth and fifth degree.
- B. *Enforcement and administration.*
1. The Chief of Police or his/her designee shall be responsible for enforcement and administration of this section.
 2. Upon determination by the Chief of Police that a licensed premises or dwelling unit was involved in a violation of Paragraph A, the Chief of Police

shall notify the licensee by first class mail of the violation and direct the licensee to take steps to prevent further violations. A copy of the notice shall be sent by first class mail to the occupant in violation of Paragraph A.

3. Upon a second violation within 12 months of Paragraph A involving the same occupant, or a guest of the same occupant of a dwelling unit, the notice provided under Paragraph B,2 shall require the licensee to submit a written report of the action taken to prevent further violations on the premises. This written report shall be submitted to the Chief of Police within ten business days of request of the report and shall detail all actions taken by the licensee in response to all notices regarding violations to Paragraph A within the preceding 12 months. If the licensee fails to comply with the requirements of this paragraph, the rental dwelling license for the individual rental unit, may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the City Council at the request of the Chief of Police in a manner described in this chapter providing that licensees shall have notice requirements and opportunity for hearing as provided under the Administrative Procedures Act.
4. If a third or subsequent violation of Paragraph A involving the same occupant, or a guest of the same occupant, of a dwelling unit occurs within 12 months after any two previous instances for which notices (pursuant to this section) were sent to the licensee regarding the same dwelling unit, the rental dwelling license for the individual rental unit, may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the City Council at the request of the Chief of Police in a manner described in this chapter providing that licensees shall have notice ~~requirements~~ and an opportunity for hearing as provided under the Administrative Procedures Act.
5. All notices sent by the city to the licensee shall be by first class mail to the address given by the licensee to the city in the license application process or any update thereto provided by the licensee. The city shall retain affidavits of service by first class mail in its file for each violation notice.
6. No adverse license action shall be imposed if the violation to Paragraph A occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days of notice given by the licensee to an occupant to vacate the premises, where the violation was related to conduct by that occupant, other occupants, or the occupant's guests. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. 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 if it appears that the licensee has taken appropriate measures which will prevent further violations to Paragraph A.
7. A determination that the licensed premises or dwelling unit has been used in violation of Paragraph A shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges be brought to support a determination of violation to Paragraph A, nor shall the fact of

dismissal or acquittal of criminal charges operate as a bar to adverse license action under this section. Further, imposition of other enforcement actions, penalties, administrative offense tickets, criminal charges, or other actions on a license shall not operate as a bar to any other action on a license pursuant to this chapter.

SECTION 6: ADOPTION “12.16.190 Background Checks” of the Spring Lake Park Municipal Code is hereby *added* as follows:

ADOPTION

12.16.190 Background Checks(*Added*)

- A. *Criminal Background Check Required.* The City is interested in rental property owners being well informed about a prospective renter's past criminal and rental history, regardless of whether or not the owner decides to enter into a lease with the prospective tenant. Therefore, 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 seven years. The checks must be done by utilizing the most recent update of the Minnesota Bureau of Criminal Apprehension's criminal history files;
 2. A statewide criminal history check from the prospective tenant's previous state of residence shall be conducted if the tenant is moving directly from the previous state;
 3. A criminal history check of any prospective tenant in their previous states of residence shall be conducted covering the last seven years if they have not resided in Minnesota for three years or longer;
 4. A statewide (Minnesota) court history check of all prospective tenants covering at least the last seven years. This check, which includes Unlawful Detainer actions, can be done utilizing the most recent update of the Minnesota Judicial Branch Trial Court Public Access database.
- B. Any company that the licensee contracts with to conduct criminal history checks must meet the same standards as established above.
- C. Documentation of the criminal background checks must be kept on file by the property owner for the length of the tenant's lease. The lessor must display documentation of the background check upon request by the Police Department.
- D. If the licensee fails to comply with the requirements of this section, the rental dwelling license for the premises may be denied, revoked, suspended or not renewed. An action to deny, revoke, suspend or not renew a license under this section shall be initiated by the City Council at the request of the Police Department in the manner described in [SLPC 12.16.140](#).

SECTION 7: **AMENDMENT** “12.36.010 Adoption Of International Property Maintenance Code” of the Spring Lake Park Municipal Code is hereby *amended* as follows:

AMENDMENT

12.36.010 Adoption Of International Property Maintenance Code

The *International Property Maintenance Code*, ~~2006~~2018 edition, as published by the International Code Council, is hereby adopted by reference as the Property Maintenance Code of the City of Spring Lake Park, in the State of Minnesota for regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical features and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use, and the demolition of such existing structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Property Maintenance Code on file in the office of the City of Spring Lake Park are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in SLPC 12.36.020. A copy of the ~~2006~~2018 *International Property Maintenance Code* is on file at the Office of Administration at Spring Lake Park City Hall.

SECTION 8: **REPEALER CLAUSE** Ordinance 468, Enacting a Moratorium on the Conversion of Residential Property to Rental Property in the City of Spring Lake Park, and Ordinance 469, Extending a Moratorium on the Conversion of Residential Property to Rental Property in the City of Spring Lake Park, are hereby repealed.


SECTION 9: **EFFECTIVE DATE** This Ordinance shall be in full force and effect upon its passage and publication.

PASSED AND ADOPTED BY THE SPRING LAKE PARK COUNCIL ON THIS 3RD DAY OF MAY, 2021.


	AYE	NAY	ABSENT	ABSTAIN
Councilmember Wendling	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Delfs	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Goodboe-Bisschoff	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Councilmember Dircks	<u> X </u>	<u> </u>	<u> </u>	<u> </u>
Mayor Nelson	<u> X </u>	<u> </u>	<u> </u>	<u> </u>

Presiding Officer

Attest



Robert Nelson, Mayor, Spring Lake Park



Daniel R. Buchholtz, Administrator,
Clerk/Treasurer Spring Lake Park

12.16 HOUSING MAINTENANCE AND OCCUPANCY

[12.16.010 Definitions - Housing Maintenance And Occupancy](#)

[12.16.020 Required Inspections](#)

[12.16.030 Rental Units; Operating License Required](#)

[12.16.040 Fees](#)

[12.16.050 License Application](#)

[12.16.060 Resident Agent Required](#)

[12.16.070 Conformance To Laws](#)

[12.16.080 Inspection Condition](#)

[12.16.090 License Not Transferable](#)

[12.16.100 Enforcement And Inspection Authority](#)

[12.16.110 Inspection Access](#)

[12.16.120 Compliance Order](#)

[12.16.130 \(Reserved\)](#)

[12.16.140 License Suspension Or Revocation](#)

[12.16.150 Restrictions On Ownership Transfer](#)

[12.16.160 Compliance Orders; Remedies](#)

[12.16.170 Violations](#)

[12.16.180 Responsibility Of A Licensee Relating To The Conduct Of Occupants Or Guests](#)

[12.16.190 Background Checks](#)

12.16.010 Definitions - Housing Maintenance And Occupancy

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONVERSION. Property conversion shall include all existing residential property that has not previously been registered as rental property in Spring Lake Park.

RENTAL PROPERTIES. All residential properties where the owner of record does not reside at the property and is used as a primary residence by a person or persons, related or not, to the owner of record, or when a room or rooms are rented out for a fee.

RESIDENTIAL. All properties located within an R-1, R-2, and R-3 zones.

HISTORY

Amended by Ord. [473](#) on 5/3/2021

12.16.020 Required Inspections

No person shall operate a rental dwelling without first obtaining a certificate of rental inspection from the city as hereinafter provided. The certificate of rental inspection shall be issued for a period of two years. Each certificate of rental inspection shall expire on the anniversary of the certificate of rental inspection issuance. Once issued, a certificate of rental inspection is non-transferable.

12.16.030 Rental Units; Operating License Required

No person shall operate a rental dwelling without first obtaining a license to do so from the city as hereinafter provided and outlined in the Housing Maintenance Inspection Policy, as amended from time to time. The license shall be issued for a period of one year. Each operating license shall expire on December 31 of each year. License renewals must be filed by November 1 of each year. A delinquent penalty of 5% of the license fee for each day of operation without a valid license shall be charged to owners of rental dwellings.

HISTORY

Amended by Ord. [473](#) on 5/3/2021

12.16.040 Fees

A conversion fee shall be paid for a single-family home that is converted to a rental property. The conversion fee shall be established by ordinance of the City Council. The conversion fee shall be in addition to the first year rental registration fee. Any fees and/or fines associated with rental conversion or registration, and remain unpaid after 90 days, may be specially assessed to the property in the manner prescribed by law. Any existing residential property that has converted to rental and has failed to register with the City of Spring Lake Park is subject to an additional fee which is set forth by Council ordinance.

12.16.050 License Application

1. License application or renewal shall be made by the owner of rental units or his or her legally constituted agent. Application forms may be acquired from and subsequently filed with the City Administrator, Clerk/Treasurer.
2. The applicant shall supply:
 1. The name, address, and telephone number of the dwelling owner, owning partners if a partnership, or corporate officers if a corporation;
 2. The name, address, and telephone number of the designated resident agent, if any;
 3. The name, address, and telephone number of the vendee, if the dwelling is being sold through a contract for deed;
 4. The legal address of the dwelling;
 5. The number of dwelling units within the dwelling;
 6. Owner, agent or manager to whom notices of violation should be directed pursuant to this ordinance (the "Licensee's Designee" herein); and
 7. A list of all rental units owned by applicant, including address.
3. Failure to complete, in full, the required license application shall be grounds for denial of the license.
4. Licensee is deemed to have been notified of any violations the notice of which is provided to the Licensee's Designee.

HISTORY

Amended by Ord. [473](#) on 5/3/2021

12.16.060 Resident Agent Required

No operating license shall be issued or renewed for a non-resident owner of rental dwelling units unless the owner designates in writing to the City Administrator, Clerk/Treasurer the name of his or her resident agent, or non-resident agent located within the Twin City area, who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provisions of city ordinances, to receive orders, and to accept all service of process pursuant to law. The Administrator, Clerk/Treasurer shall be notified in writing of any change of resident or non-resident agent.

12.16.070 Conformance To Laws

No operating license shall be issued or renewed unless the rental dwelling and its premises conform to the ordinances of the city and the laws of the state.

12.16.080 Inspection Condition

No operating license shall be issued or renewed unless the owner of rental units agrees in his or her application to permit inspections, at all reasonable times, pursuant to this chapter.

12.16.090 License Not Transferable

No operating license shall be transferable to another person or to another rental dwelling. Every person holding an operating license shall give notice in writing to the Administrator, Clerk/Treasurer within ten days after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. This notice shall include the name and address of the person succeeding to the ownership or control of the rental dwelling or dwellings.

12.16.100 Enforcement And Inspection Authority

The Administrator, Clerk/Treasurer and his or her designated agents shall be the compliance official who shall administer and enforce the provisions of this chapter and who is hereby authorized to cause inspections on a scheduled basis for rental units, or otherwise when reason exists to believe that a violation of this chapter has been or is being committed. Inspections shall be conducted during reasonable daylight hours and the compliance official shall present evidence of official capacity to the occupant in charge of the respective dwelling units.

12.16.110 Inspection Access

Any owner, occupant, or other person in charge of a dwelling or dwelling unit may refuse to permit free access and entry to the structure or premises under his or her control for inspection pursuant to this chapter, whereupon, the compliance official may seek a court order authorizing the inspection.

12.16.120 Compliance Order

1. When the compliance official determines that any dwelling, dwelling unit, or rooming unit, or the premises surrounding any of these, fails to meet the provisions of this chapter, he or she shall issue a compliance order setting forth the violations of the code provisions and ordering the owner, occupant, operator, or agent to correct the violations.
2. This compliance order shall:
 1. Be in writing;
 2. Describe the location and nature of the violation of this chapter;
 3. Establish a reasonable time for the correction of the violation, and notify of appeal recourse; and
 4. Be served upon the owner, or his or her agent, or the occupant, as the case may require.

12.16.130 (Reserved)

12.16.140 License Suspension Or Revocation

1. A license issued or renewed under this section may be revoked or suspended upon a finding of noncompliance with the provisions of this chapter. Reinstatement of a suspended or revoked license shall be accompanied by a fee in the amount set under [SLPC 3.16.030](#). Issuance of a new license after suspension or revocation shall be made in the manner provided for obtaining an initial license.
2. The City Council may, for cause, revoke or suspend a license, or take other action restricting the privileges of a license subject to the following requirements:
 1. The City, through its Building Official, or designee, provides the licensee with a written statement of reasons or causes for the proposed City Council action together with a notice for public hearing.
 2. The City Council shall conduct a public hearing on the proposed action and provide findings of fact and citations to any ordinances or regulations that have been violated, together with a statement of action taken and the conditions of any resulting revocation, suspension or other action restricting the privileges of the licensee.
 3. The Building Official, or designee, shall forward the findings and statement of action taken to the licensee by or to any other address provided by the licensee mailing the same to the mailing address indicated on the license application.

3. A violation of any provision of this chapter or of state law, prescribing standards of conduct or regulations governing a license, the particular type of business or commercial activity or trade or occupation that is licensed or the premises where the licensed activity is conducted shall be a prima facie showing of cause for revocation, suspension, or other action restricting the privileges of a licensee as the City Council may determine.
4. Nondisclosure, misrepresentation or misstatement of a material fact in any application for a license under this chapter shall be a prima facie showing of cause for revocation, suspension or other such action restricting the privileges of a licensee as the City Council may determine.
5. Any person or owner who has an interest in two or more licenses revoked pursuant to this code shall be ineligible to hold or have an interest in an occupancy for a period of five years.

HISTORY

Amended by Ord. [473](#) on 5/3/2021

12.16.150 Restrictions On Ownership Transfer

It shall be unlawful for the owner of any dwelling, dwelling unit, or rooming unit upon whom a pending compliance order has been served to sell, transfer, mortgage, or otherwise dispose thereof to another person until the provisions of the tag or compliance order have been complied with, unless the owner shall furnish to the grantee, lessee, or mortgage a true copy of any notice of violation or compliance order and shall obtain and possess a receipt of acknowledgment. Anyone securing an interest in the dwelling, dwelling unit, or rooming unit who has received a notice of the existence of a violation tag or compliance order shall be bound by same without further service of notice upon him or her and shall be liable to all penalties and procedures provided by this chapter.

12.16.160 Compliance Orders; Remedies

Upon failure to comply with the compliance order within the time set therein and no appeal having been taken, or upon failure to comply with a modified compliance order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council may by resolution cause the cited deficiency to be remedied as set forth in the compliance order. The cost of the remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by M.S. Ch. 429, as it may be amended from time to time, that the assessment shall be payable in a single installment.

12.16.170 Violations

Any person who fails to comply with a compliance order after right of appeal has expired, and any person who fails to comply with a modified compliance order within the time set therein, upon conviction therefor shall be punished as for a misdemeanor. Each day of failure to comply shall constitute a separate punishable offense.

12.16.180 Responsibility Of A Licensee Relating To The Conduct Of Occupants Or Guests

1. *Conduct on licensed premises.* It shall be the responsibility of the licensee to take appropriate action following conduct by occupant(s) or guest(s) of the occupants which is in violation of any of the following statutes or ordinances:
 1. M.S. §§ 609.75 through 609.76, as they may be amended from time to time, which prohibit gambling;
 2. M.S. §§ 609.321 through 609.324, as they may be amended from time to time, which prohibit prostitution and acts relating thereto;
 3. M.S. §§ 152.01 through 152.025 and 152.027, subds. 1 and 2, as they may be amended from time to time, which prohibit the unlawful sale or possession of controlled substances;
 4. M.S. § 340A.401, as it may be amended from time to time, which regulates the unlawful sale of alcoholic beverages;
 5. M.S. § 609.33, as it may be amended from time to time, 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;
 6. M.S. §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, as they may be amended from time to time;
 7. M.S. §§ 609.71, 609.713, and 609.715, as they may be amended from time to time, regarding riots, terroristic threats and presence at unlawful assembly;
 8. M.S. § 609.72, as it may be amended from time to time, which prohibits disorderly conduct;
 9. SLPC 9.20.020 Paragraphs A through F, SLPC 13.04.010 Paragraphs A and B, SLPC 13.04.020 Paragraphs A through F, SLPC 13.04.030 Paragraph A, SLPC 13.04.020 Paragraph G and SLPC 13.08 regulating nuisances, disorderly conduct, prostitution, weapons violations and similar conduct; or
 10. M.S. §§ 609.221, 609.222, 609.223, 609.2231, and 609.224, as they may be amended from time to time, regarding assaults in the first, second, third, fourth and fifth degree.
2. *Enforcement and administration.*
 1. The Chief of Police or his/her designee shall be responsible for enforcement and administration of this section.
 2. Upon determination by the Chief of Police that a licensed premises or dwelling unit was involved in a violation of Paragraph A, the Chief of Police shall notify the licensee by first class mail of the violation and direct the licensee to take steps to prevent further violations. A copy of the notice shall be sent by first class mail to the occupant in violation of Paragraph A.

3. Upon a second violation within 12 months of Paragraph A involving the same occupant, or a guest of the same occupant of a dwelling unit, the notice provided under Paragraph B,2 shall require the licensee to submit a written report of the action taken to prevent further violations on the premises. This written report shall be submitted to the Chief of Police within ten business days of request of the report and shall detail all actions taken by the licensee in response to all notices regarding violations to Paragraph A within the preceding 12 months. If the licensee fails to comply with the requirements of this paragraph, the rental dwelling license for the individual rental unit, may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the City Council at the request of the Chief of Police in a manner described in this chapter providing that licensees shall have notice requirements and opportunity for hearing as provided under the Administrative Procedures Act.
4. If a third or subsequent violation of Paragraph A involving the same occupant, or a guest of the same occupant, of a dwelling unit occurs within 12 months after any two previous instances for which notices (pursuant to this section) were sent to the licensee regarding the same dwelling unit, the rental dwelling license for the individual rental unit, may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this section shall be initiated by the City Council at the request of the Chief of Police in a manner described in this chapter providing that licensees shall have notice and an opportunity for hearing as provided under the Administrative Procedures Act.
5. All notices sent by the city to the licensee shall be by first class mail to the address given by the licensee to the city in the license application process. or any update thereto provided by the licensee The city shall retain affidavits of service by first class mail in its file for each violation notice.
6. No adverse license action shall be imposed if the violation to Paragraph A occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days of notice given by the licensee to an occupant to vacate the premises, where the violation was related to conduct by that occupant, other occupants, or the occupant's guests. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. 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 if it appears that the licensee has taken appropriate measures which will prevent further violations to Paragraph A.

7. A determination that the licensed premises or dwelling unit has been used in violation of Paragraph A shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges be brought to support a determination of violation to Paragraph A, nor shall the fact of dismissal or acquittal of criminal charges operate as a bar to adverse license action under this section. Further, imposition of other enforcement actions, penalties, administrative offense tickets, criminal charges, or other actions on a license shall not operate as a bar to any other action on a license pursuant to this chapter.

HISTORY

Amended by Ord. [473](#) on 5/3/2021

12.16.190 Background Checks

1. *Criminal Background Check Required.* The City is interested in rental property owners being well informed about a prospective renter's past criminal and rental history, regardless of whether or not the owner decides to enter into a lease with the prospective tenant. Therefore, 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 seven years. The checks must be done by utilizing the most recent update of the Minnesota Bureau of Criminal Apprehension's criminal history files;
 2. A statewide criminal history check from the prospective tenant's previous state of residence shall be conducted if the tenant is moving directly from the previous state;
 3. A criminal history check of any prospective tenant in their previous states of residence shall be conducted covering the last seven years if they have not resided in Minnesota for three years or longer;
 4. A statewide (Minnesota) court history check of all prospective tenants covering at least the last seven years. This check, which includes Unlawful Detainer actions, can be done utilizing the most recent update of the Minnesota Judicial Branch Trial Court Public Access database.
2. Any company that the licensee contracts with to conduct criminal history checks must meet the same standards as established above.
3. Documentation of the criminal background checks must be kept on file by the property owner for the length of the tenant's lease. The lessor must display documentation of the background check upon request by the Police Department.
4. If the licensee fails to comply with the requirements of this section, the rental dwelling license for the premises may be denied, revoked, suspended or not renewed. An action to deny, revoke, suspend or not renew a license under this section shall be initiated by the City Council at the request of the Police Department in the manner described in [SLPC 12.16.140](#).

HISTORY

Adopted by Ord. [473](#) on 5/3/2021

CITY OF SPRING LAKE PARK CODE ENFORCEMENT



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 1st 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

	RESIDENTIAL WITH INTERIOR INSPECTION	RESIDENTIAL WITHOUT INTERIOR INSPECTION
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:

TYPE OF VIOLATION	TIME TO FIRST REINSPECTION	DISPOSITION
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.