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ARTICLE III. - RENTAL HOUSING

DIVISION 1. - GENERALLY

Sec. 20-119. - Purpose.

It is the purpose of this article to ensure that rental housing in the city is ~~decent~~secure, safe and sanitary and is so operated and maintained, ~~as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community.~~ The operation of rental dwelling units is a business enterprise that entails certain responsibilities. Operators are responsible for taking reasonable steps as necessary to ensure that the ~~citizens-residents~~ of the city who occupy such units may pursue ~~the quiet~~ enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary; free from crimes and criminal activity, nuisances or annoyances.

(Code 1986, § 407.01)

Sec. 20-120. - Scope and applicability.

This article applies to all dwelling units that are leased in whole or in part as rental dwelling units. It includes accessory structures such as garages and storage buildings and appurtenances such as sidewalks and retaining walls, which are on the property. This article does not apply to state or county department of health and department of human services licensed rest homes, convalescent care facilities, nursing homes, or hotels or motels or lodging facilities licensed by the state, county or city.

(Code 1986, § 407.03)

Sec. 20-121. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Apartment building means any building or portion thereof that contains three or more dwelling units, sleeping rooms, or a combination thereof but not including condominiums, cooperatives or town homes.

Building official means the building official for the city or ~~his-their~~ duly authorized representatives.

Condominium means a single dwelling unit in a multi-dwelling unit building that is separately owned and may be combined with an undivided interest in the common areas and facilities of the property. Each individual owner may sell or encumber ~~his-their~~ own unit.

Cooperative, Housing Cooperative or co-op means a residential housing option that is a corporation whereby owners do not own their units outright, but are shareholders in the corporation.

Denial means the refusal to grant a license to a new or renewing applicant by the city.

Drug-related illegal activity means the illegal possession, manufacture, sale, distribution, purchase, use, or possession with intent to manufacture, sell, or distribute a controlled substance as defined in the Controlled Substance Act, 21 USC 802, or possession of drug paraphernalia as defined in M.S.A. § 152.092.

Dwelling, single-family means a building or portion thereof containing one dwelling unit. A single-family dwelling unit includes a free standing single-family residence, a single dwelling in a cooperative, an individual condominium or townhouse, a single dwelling unit in a nonresidential structure or a dwelling unit offered for rent in a duplex in which the owner occupies the other dwelling unit.

Dwelling, two-family means a building or portion thereof containing two dwelling units.

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Dwelling unit means a single unit providing complete, independent, living facilities for one or more persons in one common household, including permanent provisions for living, sleeping, eating, cooking and sanitation.~~any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for not more than one family.~~

Efficiency dwelling unit means a dwelling unit containing only one habitable room plus bathroom facilities.

Family (see definition of relative).

Fire Chief means the Fire Chief for the city or their duly authorized representatives

Lease means an oral or written agreement between a dwelling unit owner and a tenant or sub-leaser for temporary use of a rental dwelling unit, usually in exchange for payment of rent.

License means the formal approval of an activity specified on the certificate of license issued by the city.

Nuisance any substance, matter, emission, or thing which creates a dangerous or unhealthy condition or which threatens the public peace, health, safety, or sanitary condition of the city or which is offensive or has a blighting influence on the community and which is found upon, in, being discharged or flowing from any street, alley, highway, railroad right-of-way, vehicle, railroad car, water, excavation, building, erection, lot, grounds, or other property located within the city, see chapter 28.

Rent means the consideration paid by a tenant to the owner of a rental dwelling unit for temporary and exclusive use of the rental dwelling unit by the tenant. The consideration is not limited to cash.

Relative means individuals with legal, financial or shared caregiving responsibilities for each other's welfare including: spouse, domestic partners, parent (including in-laws), child (including biological, step-child, foster child, adopted child, adult child or in-laws), sibling, grandchild (including biological, step-child, foster child, adopted child or adult child), grandparent, any adult with legal guardianship status, custody or those serving loco parentis and other persons operating in a caretaker roles relative to the owner of the property.

Rental dwelling unit means a dwelling unit or sleeping room occupied and leased by a tenant.

Revoke means to take back a license issued by the city.

Sleeping room means any room used or intended to be used by a tenant for sleeping purposes with or without meals and not licensed by the state or county department of health and department of human services.

Suspend means to make a license temporarily inoperative.

Tenant means any adult person granted temporary use of a rental dwelling unit or sleeping room pursuant to a lease with the owner of the rental dwelling unit.

Townhouse means a single-family dwelling constructed in a group of dwellings attached to each other and where each dwelling unit extends from the foundation to the roof and is separated from other dwelling units by property lines.

(Code 1986, § 407.04)

Sec. 20-122. - Enforcement official.

The building official shall be responsible for enforcement and administration of this article. Authority to take any action authorized under this section may be delegated to the building official of fire chief's authorized designee.

(Code 1986, § 407.11)

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Sec. 20-123. - Penalties.

A person who violates the provisions of this article may be charged with a misdemeanor or be subject to the issuance of an administrative citation or both. Each day that a violation continues shall be deemed a separate offense. The building official or fire chief may post the rental dwelling unit by appropriate signs or notices prohibiting occupancy and may act to cause the rental dwelling unit to be vacated or remain vacant until this Code violations are corrected.

(Code 1986, § 407.17)

Sec. 20-124. - No warranty by city.

By enacting and undertaking to enforce this article, the city, city council, its agents, and employees do not warrant or guarantee the safety, fitness or suitability of any dwelling in the city. Owners and occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare.

(Code 1986, § 407.19)

Sec. 20-125. - Residential tenant's right to summon emergency assistance.

Pursuant to M.S.A. § 504B.205, subd. 2, a landlord may not bar or limit a residential tenant's right to call for police or emergency assistance in response to domestic abuse or any other conduct or impose a penalty on a residential tenant for calling for police or emergency assistance in response to domestic abuse or any other conduct. A residential tenant may not waive and a landlord may not require the residential tenant to waive the residential tenant's right to call for police or emergency assistance.

(Code 1986, § 407.18)

Secs. 20-126—20-148. - Reserved.

DIVISION 2. - LICENSES

Subdivision I. - In General

Sec. 20-149. - Required; exceptions.

- (a) No person shall operate, let or cause to be let, a rental dwelling unit, which has not been properly licensed by the city in the manner required by this article. A license must be obtained for each residential dwelling unit, except that two or more residential dwelling units located within a single building and having a common owner and a common property identification number shall require only a single license. All rental dwelling units shall be licensed before being let, in whole or in part.
- (b) Rental dwelling units must be licensed as a sleeping room, a single-family dwelling, a two-family dwelling, or an apartment building. Any unlicensed rental dwelling units are subject to penalties.
- (c) Rental licenses are not required for dwelling units that an immediate relative occupies. The term "relative" means individuals with legal, financial or shared caregiving responsibilities for each other's welfare including: spouse, domestic partners, parent (including in-laws), child (including biological, step-child, foster child, adopted child, adult child or in-laws), sibling, grandchild (including biological, step-child, foster child, adopted child or adult child), grandparent, any adult with legal guardianship status, custody or those serving loco parentis and other persons operating in a caretaker roles relative

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~~to the owner of the property. husband, wife, father, mother, son, daughter, brother, sister, grandson, granddaughter, grandfather, or grandmother.~~

- (d) Rental dwelling units owned or under the control of the city must be licensed but are exempt from paying license fees.

(Code 1986, § 407.05(1), (6))

Sec. 20-150. - Licensing standards; qualifications for licensure.

The following minimum standards and conditions shall be met in order to hold a rental dwelling license under this article. Failure to comply with any of these standards and conditions shall be adequate grounds for denial, refusal to renew, revocation, or suspension of a rental dwelling license:

- (1) The licensee or applicant shall have paid the required license fee.
- (2) Rental dwelling units shall not exceed the maximum number of dwelling units permitted by city zoning regulations.
- (3) No rental dwelling or rental dwelling unit shall be over occupied or illegally occupied in violation of city zoning regulations or the property maintenance code.
- (4) The rental dwelling shall not have been used or converted to rooming units in violation of city zoning regulations.
- (5) The owner shall not allow weeds, vegetation, junk, debris, or rubbish to accumulate repeatedly on the exterior of the premises so as to create a nuisance condition. If the city is required to abate such nuisance conditions under this Code, or collect, gather up or haul solid waste more than three times during a period of ~~24~~ months or less, it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license.
- (6) The rental dwelling or any rental dwelling unit therein shall not be in substandard condition.
- (7) The licensee or applicant shall have paid the required initial inspection and re-inspection fees.
- (8) The licensee or ~~his~~their agent shall allow the building official, fire chief or authorized representative to perform a rental license review inspection(s).
- (9) There shall be no delinquent property taxes or assessments on the rental dwelling.
- (10) There is no active arrest warrant for a property maintenance code or zoning regulations violation pertaining to any property in which the licensee, applicant or property manager has a legal or equitable ownership interest or is involved in management or maintenance.
- (11) Any persons who has had an interest in two or more licenses revoked or canceled in Hopkins pursuant to this article or a combination of revocations or cancellations shall be ineligible to hold or have an interest in a rental dwelling license for a period of five years.
- (12) No new rental dwelling license shall be issued for the property during the pendency of adverse license action initiated.
- (13) The licensee or applicant must have a current, complete, and accurate rental dwelling application on file with the housing inspector.

(Code 1986, § 407.09)

Sec. 20-151. - Application.

A license application shall be submitted to the building official, fire chief or authorized representative on forms furnished by the city and must contain the following information:

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- (1) Name, address, email and telephone number of the owner of the rental dwelling units. This is the address that all future correspondence from the city will be sent to. The owner shall indicate if the owner is a corporation, partnership, or sole proprietorship.
- (2) Name, address, and telephone number of any owner's agent responsible for the management of the rental dwelling units.
- (3) Street address of the rental dwelling units.
- (4) Number and type of dwelling units, including number of sleeping rooms.
- (5) The owner shall certify compliance with the requirement for conducting background checks on prospective tenants.
- (6) The owner shall certify compliance with the requirement to include disorderly behavior lease provisions.

(Code 1986, § 407.05(4))

Sec. 20-152. - Amended applications.

If any changes occur in any information required on the license application, the owner must submit an amended license application to the city within 30 days of the change. If any rental dwelling units are added to a current license, the additional rental dwelling units must be licensed by amendment of the current license and must be accompanied by the fee required for the additional units.

(Code 1986, § 407.05(5))

Sec. 20-153. - Inspection.

Upon receipt of the properly executed initial application for a rental license, the building official, fire chief or authorized representative may cause an inspection to be made of the rental dwelling units to determine whether it is in compliance with this Code and state law. Every rental dwelling unit may be re-inspected after a renewal application is filed to determine if it still conforms to all applicable codes and ordinances.

(Code 1986, § 407.05(1))

Sec. 20-154. - License and inspection fees.

All license and inspection fees required by this section are set forth by city council resolution. License fees must accompany the license application. The license fee is doubled when an application is received more than 30 days after it was due. Inspection fees are due at the time dwelling units are inspected.

(Code 1986, § 407.05(7), (8))

Sec. 20-155. - Criminal background check.

The licensee shall conduct criminal background checks on all prospective tenants. The criminal background check must include the following:

- (1) A statewide (Minnesota) criminal history check of all prospective tenants covering at least three years; the check must be done utilizing the most recent update of the state criminal history files;

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- (2) A statewide criminal history check from the prospective tenant's previous state of residence, if available, 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, if available, covering the last three years if they have not resided in Minnesota for three years or longer;
- (4) A criminal history check of any prospective tenant must be conducted in all seven counties in the metro Twin City area (Hennepin, Ramsey, Anoka, Carver, Dakota, Scott and Washington) covering at least the last three years including all misdemeanor, gross misdemeanor, and felony convictions.

(5) Property Owners have the final decision on accepting a tenant after completion of the background check.

(Code 1986, § 407.05(2))

Sec. 20-156. - Issuance.

The city shall issue a license if the rental dwelling units and the application are found to be in compliance with this article and any required license fees are paid. Posting of rental licenses is not required; however, the property owner or agent for the owner must be able to present the license if asked to do so.

(Code 1986, § 407.06)

Sec. 20-157. - Term, renewal.

Licenses will expire annually at midnight on ~~October 31~~December 31st. The license for each building containing rental dwelling units must be renewed annually on or before ~~October 31~~December 1st.

(Code 1986, § 407.05(1), (6))

Sec. 20-158. - Change in property ownership requires new license.

Licenses are not assignable. Any changes occurring in the ownership of a rental dwelling unit requires a new license. The new owner must obtain a new license within 30 days of acquiring the property. The fee paid for the new license shall be the fee required for an initial license.

(Code 1986, § 407.05(5))

Sec. 20-159. - Records retention.

The license application and all other documents pertinent to a rental dwelling unit shall be kept on file in the office of the building official, fire chief or authorized representative. A copy shall be furnished to the owner or other authorized person upon request.

(Code 1986, § 407.05(9))

Secs. 20-160—20-186. - Reserved.

Subdivision II. - Suspension, Revocation and Denial

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Sec. 20-187. - Authority.

The city council may revoke, suspend, deny or decline to renew any license issued under this section. In buildings containing more than one rental dwelling unit, the revocation, suspension, denial or declination may apply to one or more rental dwelling units at the discretion of the council.

(Code 1986, § 407.14(1))

Sec. 20-188. - Grounds.

The basis for revocation, suspension, denial or non-renewal includes, but is not limited to, any of the following circumstances:

- (1) The license was procured by misrepresentation of material facts with regard to the rental dwelling unit or the ownership of the rental dwelling unit.
- (2) The applicant or one acting in ~~his~~their behalf made oral or written misstatements accompanying the application.
- (3) The applicant has failed to comply with any condition set forth in any other permits granted by the city.
- (4) The activities of the owner or agent create or have created a danger to the public health, safety or welfare.
- (5) The rental dwelling unit contains conditions that might injure or endanger the safety, health or welfare of any member of the public.
- (6) Failure to pay any application, penalty or reinstatement fee required by this article and city council resolution.
- (7) Failure to correct violations of the property maintenance code in the time period specified in the notice of violation and correction.
- (8) Three instances of disorderly behavior that is not subject to an exception or exemption under this article.
- (9) Violation of any regulation or provision of the code applicable to the activity, to which the license has been granted, or any regulation or law of the state so applicable.
- (10) Failure to continuously comply with any condition required of the applicant for the approval or maintenance of the license.
- (11) Any violation of this article.

(Code 1986, § 407.14(1))

Sec. 20-189. - Notice.

- (a) The building official, fire chief or authorized representative shall notify the owner or the owner's agent in writing of the basis for the revocation, suspension, denial or non-renewal and the date of the hearing under this subdivision. The notice shall be served upon the owner or the owner's agent at least 20 days before the hearing. A copy of the notice will also be sent to the rental unit addressed general to "renter or current occupant".
- (b) Service shall be deemed sufficient if the notice is sent to the owner ~~or~~, the owner's agent and the address of the rental unit addressed to "renter or current occupant" by first class mail at the address provided in the license application. ~~It shall be the responsibility of the owner or the owner's agent to notify the tenant in writing of the hearing date, time and place.~~

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(Code 1986, § 407.14(2))

Sec. 20-190. - Hearing.

The owner or the owner's agent and the building official, fire chief or authorized representative shall be given an opportunity to be heard. The owner may be represented by counsel. Both sides may be permitted to examine the other side's witnesses. The council shall hear all relevant evidence and arguments and shall review all testimony, documents, and other evidence submitted. The council shall record the hearing and keep a record of documentary evidence submitted.

(Code 1986, § 407.14(3))

Sec. 20-191. - Final determination; written decision.

- (a) The city council shall make findings based on the evidence and shall make a decision on the recommendation to revoke, suspend, deny, or non-renew a license based on the findings.
- (b) The city council shall issue a written decision regarding the recommendation of the building official, fire chief or authorized representative within 30 days following the date of the hearing and shall notify the appellant of the decision by first class mail with a duplicate copy to the building official, fire chief or authorized representative. The decision shall specify the rental dwelling unit to which it applies, the duration of the revocation, suspension, denial or non-renewal, and the conditions that must be met before the license may be reissued or reinstated. A copy of the notice will also be sent to the rental unit addressed general to "renter or current occupant" and include materials necessary to assist the renter in understanding the impact of the decision.
- (c) Thereafter, and until a license is reissued or reinstated, the rental dwelling units affected may not be rented or occupied.

(Code 1986, § 407.14(4))

Sec. 20-192. - Requirements for license after revocation, suspension, denial or non-renewal.

- (a) After the city council revokes, suspends, denies or declines to renew a license, no license will be issued for the affected rental dwelling units until the building official, fire chief or authorized representative determines that the applicant/licensee has remedied the conditions identified by the city council as the basis for its action.
- (b) An application to obtain a license for a rental dwelling unit after the city council has revoked, suspended, denied or declined to renew a license for the same rental dwelling units must be accompanied by all fees required by this section.

(Code 1986, § 407.14(5))

Sec. 20-193. - Effect of revocation, suspension, denial, or non-renewal.

If a license is revoked, suspended, denied or not renewed by the city council, it shall be unlawful for the owner or the owner's agent to thereafter permit the occupancy of the then vacant or, thereafter vacated, rental dwelling units, until such time as a valid rental license is obtained for the rental dwelling units. Issuance of a new license after revocation, suspension, denial or non-renewal shall be made in the manner provided for in subdivision 1 of division 2 of this article.

(Code 1986, § 407.15)

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Sec. 20-194. - Continuing duty of owner regarding occupied units.

Revocation, suspension, denial, or non-renewal of a license shall not excuse the owner from compliance with all terms of this section for as long as any rental dwelling units in the building are occupied.

(Code 1986, § 407.14(4))

Sec. 20-195. - Posted to prevent occupancy.

Whenever any rental dwelling unit has been denied an initial license, had its license revoked, suspended, denied or not renewed it shall be posted by the building official, fire chief or authorized representative to prevent further occupancy. No person, other than the building official, fire chief or authorized representative shall remove or alter any posting. The building official, fire chief or authorized representative will post the date the rental dwelling unit shall be vacated and no person shall reside in, occupy or cause to be occupied that rental dwelling unit until the building official, fire chief or authorized representative permits it.

(Code 1986, § 407.16)

Secs. 20-196—20-213. - Reserved.

DIVISION 3. - PERIODIC INSPECTIONS

Sec. 20-214. - Policy and guidelines to be established by building official, fire chief or authorized representative.

The building official, fire chief or authorized representative shall prepare a policy for inspecting all rental dwellings that are required to be licensed under this article. The policy shall contain objectives for the systematic inspection of all rental dwellings and priorities for the use of scarce inspection resources. The guidelines may be based upon any of the following factors and any other factors deemed by the community services director, fire chief or authorized designee to promote an efficient inspections program:

- (1) ~~_Geographic distribution and concentration of rental dwellings.~~
- (2) Rental dwellings with delinquent property taxes, utility bills or other charges.
- (3) Property identified by the inspections division as having an excessive number of housing code violations or a history of noncompliance or slow compliance with housing inspection orders.
- (4) Rental dwellings for which no license has been obtained.
- (5) Rental dwellings with an excessive number of police calls for drug offenses, prostitution, crimes of force or violence, and loud disturbances or parties.
- (6) Sale of the equitable interest in a rental dwelling property.
- (7) Conversion of homesteaded dwelling units to rental dwelling units.

(Code 1986, § 407.08)

Sec. 20-215. - Periodic inspection schedule may be established by building official, fire chief or authorized representative.

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The building official, fire chief or authorized representative may set up a schedule of periodic inspections to ensure compliance with this article.

(Code 1986, § 407.12)

Sec. 20-216. - Notice of intent to inspect; access for inspection.

The building official, fire chief or authorized representative shall provide reasonable notice to the owner or the owner's agent as to the date and time of the inspection.

(Code 1986, § 407.12)

Sec. 20-217. - Access for inspection.

Each occupant of a rental dwelling unit shall give the owner or the owner's agent access to any part of such rental dwelling unit at reasonable times for the purpose of effecting inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this article. If any owner, owner's agent or tenant of a rental dwelling unit fails or refuses to permit entry to the rental dwelling unit under ~~his~~ their control for an inspection pursuant to this article, the building official, fire chief or authorized representative may seek a court order authorizing such inspection.

(Code 1986, § 407.12)

Sec. 20-218. - Minimum inspection standards.

- (a) The minimum standard to be used for inspections for compliance with the property maintenance code shall include the inspection of the building exterior and the common areas and the basement. In addition:
- (1) If there are ~~ten-24~~ or fewer individual dwelling units in the building, minimum inspection requirements include inspecting ~~50-25~~ percent of the individual dwelling units, with a minimum of at least one dwelling unit.
 - ~~(2) If there are between 11 and 24 individual dwelling units, inclusive, in the building, minimum inspection requirements include inspecting five individual dwelling units in the building.~~
 - (23) If there are 25 or more individual dwelling units in the building, minimum inspection requirements include inspecting 20 percent of the individual dwelling units.
 - (4) The specific individual dwelling units to be chosen for inspection shall be determined pursuant to inspection division policy.
- (b) If the rental dwelling structure is considered to be substandard, the building official, fire chief or authorized representative may inspect additional units, up to all of the units in the building.

(Code 1986, § 407.07)

Secs. 20-219—20-244. - Reserved.

DIVISION 4. - SUBSTANDARD UNITS

Sec. 20-245. - Deficiency point system to be established by building official, fire chief or authorized representative.

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- (a) The building official, fire chief or authorized representative shall cause to be prepared and shall keep on file for public inspection a rental licensing inspection deficiency point system used in the point calculation procedure provided in this article. He shall assign points according to the severity of each code violation on a scale from one up to the maximum points possible for such violation.
- (b) Except when otherwise provided by state law, conditions in the design or structure of a building, such as, but not limited to, the size and dimension of rooms and windows and the electrical and plumbing systems that were legal under existing codes when built shall not be violations as long as they are maintained in good repair.
- (c) A violation shall receive maximum points when a required item is completely absent, completely fails to perform its function, or is imminently hazardous to the health or safety of the occupants.

(Code 1986, § 407.10)

Sec. 20-246. - Determining whether dwelling is substandard; points required; major violations.

- (a) A rental dwelling structure shall be considered substandard if at least one dwelling unit within the structure scores 25 or more points or the entire structure scores more than the points shown below based on the number of units within the structure:

<i>Number of Units</i>	<i>Points</i>
1	25
2	30
3	35
4	40
5 or more	10 per unit; or

- (b) Any single violation scoring six or more points is considered a major violation.
- (c) For the purposes of the point calculation in this section, any combination of four rooming units or shared bath units shall constitute one dwelling unit. Points for a violation in a common area of the structure outside a dwelling unit will not be cumulative on a unit-by-unit basis. However, 25 or more points in the common areas of a structure, including, but not limited to, the entryways, corridors, community rooms, exterior walls and roof, will constitute a substandard structure.

(Code 1986, § 407.10)

Secs. 20-247—20-270. - Reserved.

DIVISION 5. - DISORDERLY BEHAVIOR

Sec. 20-271. - Licensee's responsibility to prevent.

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It shall be the licensee's responsibility to ensure that the tenants, the tenants' family members and the guests of any tenant or tenant's family member not engage in disorderly behavior in the rental dwelling unit. For the purposes of this section, the term "rental dwelling unit" shall include common areas in the building where the rental dwelling unit is located.

(Code 1986, § 407.13(1))

Sec. 20-272. - Lease provision required.

All tenant leases shall contain crime-free and drug-free provisions or the equivalent that prohibits the disorderly behavior identified in this division.

(Code 1986, § 407.05(3))

Sec. 20-273. - Acts constituting disorderly behavior.

Disorderly behavior under this division includes, but is not limited to, the following:

- (1) Drug-related illegal activity in the rental dwelling unit. A tenant shall be deemed to be in possession of a controlled substance if any amount is located in the tenant's rental dwelling unit even if the tenant claims not to know the controlled substance was present unless the tenant provides a sworn statement by a person, other than another tenant or tenant's family member, that the controlled substance was theirs and the tenant had no knowledge of the controlled substance.
- (2) Acts of violence or threats of violence, including, but not limited to, discharge of firearms, prostitution, intimidation, or any other act that otherwise jeopardizes the health, safety or welfare of the licensee, ~~his~~their agents or tenants.
- (3) Violation of M.S.A. § 609.72, disorderly conduct.
- (4) Violation of M.S.A. §§ 609.74 and 609.745, public nuisance.
- (5) Violation of M.S.A. § 609.66, subd. 1(a), 609.67 or 624.713, unlawful use or possession of a firearm or weapon.
- (6) Violation of M.S.A. § 609.50, obstructing legal process.
- (7) Violations of this Code related to firearms, noise or nuisances.

(Code 1986, § 407.13(2))

Sec. 20-274. - Emergency calls.

An emergency call, as defined in M.S.A. § 609.78, subd. 3, is not to be considered an instance of disorderly behavior under this article if:

- (1) The victim and suspect are family or household members, as defined in M.S.A. § 518B.01, subd. 2(b) and where there is a report of domestic abuse as defined in M.S.A. § 518B.01, subd. 2(a).
- (2) The call is a result of a tenant, a member of a tenant's household or a guest taking action to seek emergency assistance that is protected by M.S.A. § 504B.205.

(Code 1986, § 407.13(2))

Sec. 20-275. - Enforcement procedure.

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- (a) *First offense.* Upon determination by the building official, fire chief or authorized representative that a rental dwelling unit was the location of disorderly behavior, the building official, fire chief or authorized representative shall notify the licensee and tenant by first class mail of the violation and direct the licensee to take steps to prevent further violations.
- (b) *Second offense.* If a second instance of disorderly behavior occurs at a rental dwelling unit within 12 months of the time a notice was sent for previous disorderly behavior at the same unit, the building official, fire chief or authorized representative shall notify the licensee and the tenant by first class mail of the violation and direct the licensee to submit, within ten days of the date of the notice, a written report of all actions taken by the licensee since the first violation notice and actions the licensee intends to take to prevent further disorderly behavior.
- (c) *Third offense.* If a third instance of disorderly behavior occurs at a rental dwelling unit within 12 months after the first of two previous notices of disorderly behavior at the same unit, the rental dwelling unit license may be revoked, suspended or not renewed by the city council upon the recommendation of the building official, fire chief or authorized representative. The building official, fire chief or authorized representative shall make his-their decision to recommend revocation, suspension or non-renewal of the license and submit his-their recommendation to the city council within 15 days of the third instance of disorderly behavior.
- (d) *Determination of repeat offenses.* For the purposes of this section, second and third instances of disorderly behavior shall be those that:
 - (1) Occur at the same rental dwelling unit;
 - (2) Involve tenants at the same rental dwelling unit;
 - (3) Involve guests or invitees at the same rental dwelling unit;
 - (4) Involve guests or invitees of the same tenant; or
 - (5) Involve the same tenant.

(Code 1986, § 407.13(3)—(6))

Sec. 20-276. - Postponing license action.

- (a) No adverse license action shall be imposed when an instance of disorderly behavior occurred during pending eviction proceedings (unlawful detainer) or within 30 days of notice given by the licensee to a tenant to vacate the rental dwelling unit. However, adverse license action may proceed when the licensee fails to diligently pursue the eviction process.
- (b) 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 the licensee has taken appropriate measures which will prevent further instances of disorderly behavior which may include a failed eviction process.

(Code 1986, § 407.13(7))

Sec. 20-277. - Burden of proof.

A determination that the rental dwelling unit has been the location of disorderly behavior shall be made by a preponderance of the evidence. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly behavior, nor shall the fact or dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section.

(Code 1986, § 407.13(8))

Sec. 20-278. - Other remedies.

6.7 Revision

Enforcement actions provided in this article shall not be exclusive, and the city council may take any action with respect to a licensee, a tenant, or the licensed rental dwelling units as is authorized by this article or state law.

(Code 1986, § 407.13(9))

Secs. 20-279—20-304. - Reserved.

DIVISION 6. - AFFORDABLE RENTALS

Sec. 20-305. - Purpose.

It is the purpose of this section to provide housing stability and protection to tenants in affordable rental housing units who are facing displacement when there is a transfer of ownership of an affordable housing building. This section requires, upon such a transfer, notice to the tenants and the city and the payment of tenant relocation assistance when affordable housing is converted and tenants are required, through direct or indirect means, to move without adequate time to find new housing. This section is to be interpreted broadly to ensure the tenants of affordable housing units are afforded the protections intended by this section.

(Ord. No. 2019-1141, § 1(460.00), 5-7-2019)

Sec. 20-306. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Affordable housing building means a multi-family rental housing building having three or more housing units, where at least 15 percent of the units rent for an amount that is affordable to households at or below 60 percent of area median income, as median income was most recently determined by the United States Department of Housing and Urban Development for the Minneapolis-St. Paul-Bloomington, Minnesota-Wisconsin Metropolitan Statistical Area, as adjusted for household size and number of bedrooms.

Affordable housing unit means a rental unit in an affordable housing building that rents for an amount that is affordable to households at or below 60 percent of area median income, as median income was most recently determined by the United States Department of Housing and Urban Development for the Minneapolis-St. Paul-Bloomington, Minnesota-Wisconsin Metropolitan Statistical Area, as adjusted for household size and number of bedrooms.

Cause means the tenant or a member of the tenant's household materially violated a term of the lease or rental agreement, or violated an applicable federal, state, or local law or regulation.

Relocation assistance means a payment in the amount equal to three months of the current monthly contract rent.

Tenant protection period means the period that commences on the date when a real estate closing transfers ownership of an affordable housing building and ends on the last day of the third calendar month following the date in which written notice of the transfer is sent to each affordable housing unit tenant pursuant to section 20-307.

Transfer of ownership means any conveyance of title to an affordable housing building resulting in a transfer of control of the building, effective as of the earlier of the date of delivery of the instrument of conveyance or the date the new owner takes possession.

(Ord. No. 2019-1141, § 1(460.01), 5-7-2019)

6.7 Revision

Sec. 20-307. - Notice.

- (a) Within 30 days after the transfer of ownership of an affordable housing building, the new owner shall give written notice to each affordable housing unit tenant of the building that the property is under new ownership. The notice must include the following information:
 - (1) The name, mailing address, and telephone number of the new owner.
 - (2) The following statement: "Hopkins City Code section 460 provides for a tenant protection period for affordable housing unit tenants after an affordable housing building is transferred to a new owner. Under section 460, affordable housing unit tenants may be entitled to relocation assistance from the new owner if, during the tenant protection period, the new owner:
 - a. Terminates or does not renew the tenant's rental agreement without cause;
 - b. Raises the rent and the tenant submits a written notice of termination of their rental agreement;
 - c. Requires existing affordable housing unit tenants to comply with existing or modified residency screening criteria and the owner or tenant terminates or does not renew the tenant's rental agreement."
 - (3) Whether there will be any rent increase within the tenant protection period, the amount of the rent increase, and the date the rent increase will take effect.
 - (4) Whether the new owner will require existing affordable housing unit tenants to comply with existing or modified residency screening criteria during the tenant protection period, and if so, a copy of the screening criteria.
 - (5) Whether the new owner will terminate or not renew rental agreements without cause during the tenant protection period and if so, the date the rental agreement will terminate and the amount of relocation assistance that will be provided.
 - (6) The date the tenant protection period will expire.
 - (7) Whether the new owner, on the day immediately following the tenant protection period, intends to: increase rent, require existing affordable housing unit tenants to be comply with existing or modified residency screening criteria, or terminate or not renew affordable housing unit rental agreements without cause.
 - (8) Each notice required by this subsection shall contain an advisory that reads as follows: "This is important information about your housing. If you do not understand it, have someone translate it for you now, or request a translation from your landlord." This advisory must be stated in the notice in the following languages: Spanish and Somali. Upon request by a tenant, the owner must provide a written translation of the notice in the tenant's native language.
- (b) The new owner shall provide a copy of the notice required by this section to the city at the same time notice is provided to the tenant or tenants. The new owner of an affordable housing building shall not terminate or not renew a tenant's rental agreement without cause, raise rent, or require existing affordable housing unit tenants to comply with existing or modified residency screening criteria without giving the notice required by this section.

(Ord. No. 2019-1141, § 1(460.02), 5-7-2019)

Sec. 20-308. - Relocation assistance.

- (a) *When required.* A new owner of an affordable housing building must pay relocation assistance to affordable housing unit tenants when, during the tenant protection period, the new owner:
 - (1) Terminates or does not renew the tenant's rental agreement without cause;

6.7 Revision

- (2) Raises the rent and the tenant submits a written notice of termination of their rental agreement;
or
 - (3) Requires existing affordable housing unit tenants to comply with existing or modified residency screening criteria and the owner or tenant terminates or does not renew the tenant's rental agreement.
- (b) *When paid.* The new owner must pay the relocation assistance to the tenant within 30 days after receiving tenant's written notice of termination of the rental agreement or within 30 days after the owner notifies the tenant that the rental agreement will be terminated or not renewed.

(Ord. No. 2019-1141, § 1(460.03), 5-7-2019)

Sec. 20-309. - Penalty.

- (a) A violation of section 20-308 is an administrative offense that may be subject to an administrative citation and civil penalties as provided in section 2-154. Notwithstanding any provision of section 2-154, the penalty for a violation of section 20-308 shall be the sum of the applicable amount of relocation assistance plus \$500.00.
- (b) A violation of section 20-307 is an administrative offense that may be subject to an administrative citation and civil penalties as provided in section 2-154.
- (c) A violation of this ordinance as to each dwelling unit shall constitute a separate offense.

(Ord. No. 2019-1141, § 1(460.04), 5-7-2019)

Sec. 20-310. - Payment by city to displaced tenant.

Within 30 days after a person pays the penalty provided for in section 20-309(a) to the city, the city shall pay the applicable amount of relocation assistance to the displaced tenant of the affordable housing unit for which the violation occurred.

(Ord. No. 2019-1141, § 1(460.05), 5-7-2019)

Secs. 20-311—20-326. - Reserved.