

**RESOLUTION OF BOARD MEMBERS
RECOMMEND ADMINISTRATIVE LAW PROCEDURAL CHANGE
Rental License & Neighborhood Compatibility Standards
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WHEREAS: The goal of each community is to strive for a safe and secure environment, so that residents can enjoy their place of abode, socialize, organize and interact with others to improve their Neighborhood.

WHEREAS: A safe and secure environment is essential for social and cultural activities, increased economic growth and investment.

WHEREAS: Laws are written in accordance with the above goals in mind. But when the current Laws do not adequately address our Community Goals, then the Laws need to be repealed, modified or otherwise changed to provide proper enforcement to achieve our Community Goals.

WHEREAS: The vast majority of our livability issues stem from problem tenants, living in poorly managed rental property units, owned by Absentee Landlords.

WHEREAS: The current Conduct on Licensed Premises Law (Exhibit A) as it pertains to the actions of Tenants on Rental Property, may be effective in the more severe cases, but has proven to be rather ineffective in correcting unacceptable conduct that affect our livability and quality of life. Accordingly, these properties have been known to remain Marginal Rental Properties for an extended period of time, to the detriment of the Community.

WHEREAS: Another level of Compliance is needed to address and correct these Marginal Properties, much earlier in the process, so that unacceptable behavior is not allowed to fester, grow and create more serious problems, putting the safety of other tenants, neighbors, business owners and employees within the Neighborhood at risk.

NOW THEREFORE BE IT RESOLVED: That an additional compliance requirement should be added to the current list of the City of Minneapolis, Department of Regulatory Services, Director's Determination of Noncompliance, as a new Line Item # 21, to read as follows (see Exhibit B):

(21) Rental property does NOT Comply with Neighborhood Compatibility Standards

RESOLVED, FURTHER: The Rental Property Owner would receive this NOTICE, under a Probationary Period, which will put the Rental License under Review, to correct the problems based upon, but not limited to, the following conduct on Premises, with resulting consequences:

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1. A pattern of consistent and ongoing disrespectful behavior, disturbances and disruption of the neighborhood, which have been reported to the Police, including Parties, Loud Music, Inappropriate Behavior, Abusive Language and More.
2. A pattern of consistent and ongoing use of excessive alcohol, drugs and traffic, “Boom Cars” and other conduct, which is disruptive to the Tranquility of the neighborhood and quality of life, which have been duly reported to the Police.
3. A pattern of consistent and ongoing Police Calls that vary in nature, but consume Police resources, time and energy that can be well documented by type and severity, measured and quantified, demonstrating that the Marginal Property has met the criteria to require further investigation and is therefore, in Non-Compliance with Neighborhood Compatibility Standards.
4. A pattern of consistent and ongoing avoidance to cooperate with Neighbors, to respect their right to Quiet Enjoyment of their property, and to bring the problem situation under control in a timely manner.
5. A pattern of consistent and ongoing lack of Control and Response, to resolve the problem, by working with Minneapolis Police Department and/or work in a cooperative manner with other Landlord Resources. Or to seek professional Property Management, or other remedies, as may be suggested by the Crime Prevention Specialist (“CPS”).
6. Lack of Responsibility and Cooperation of the Owner to work with the CPS of the Minneapolis Police Department, to take corrective action, to resolve the ongoing problem in a timely manner, as requested by the CPS.
7. Therefore, the CPS shall recommend to the Department of Regulatory Services that the property be placed on Probation, so that corrective action can be taken in full cooperation with the Director and the CPS, to comply with Neighborhood Compatibility Standards in a timely manner.
8. Therefore, each Neighborhood shall also have the Authority to recommend to the Department of Regulatory Services, via a Resolution by that Neighborhood Board, that the property be placed on Probation, so that corrective action can be taken in full cooperation with the Director and the Neighborhood Board, to comply with Neighborhood Compatibility Standards in a timely manner.
9. Further non-Compliance shall result in Revocation of the Rental License.
10. If the Rental License is revoked for non-Compliance, all Tenants must vacate the premises, or otherwise be Evicted.
11. Further Disciplinary Action may be considered.

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WE THE UNDERSIGNED AGREE AND RECOMMEND: That this change in Administrative Procedure, as it pertains to Rental Licensing Ordinances, shall be recommended to our City Council Ward Representative, to be approved by the Minneapolis City Council.

PASSED AND APPROVED ON THIS 14th Day of August by the Midtown Phillips Neighborhood Association (“MPNA”).

OFFICIAL NEIGHBORHOOD REPRESENTATIVES - SIGNATURE & TITLE



Daniel Wilder, President



Charles Steddom, Events Chairman/Board Member



Jennifer Naglak, Secretary & Housing Chairman

Respectfully submitted by William E. Bryant, Resident
Midtown Phillips Neighborhood

CONDUCT ON LICENSED PREMISES

Minneapolis Code of Ordinances 244.2020 - SUMMARY

It's the responsibility of the licensee (owner or authorized representative) to take appropriate action, with the assistance of the Crime Prevention Specialist and other units of the Minneapolis Police Department, when the **conduct of tenants and/or their guests on the licensed premises** is in violation of any of the following statutes or ordinances which:

- (1) **prohibit gambling** Minnesota Statutes, Sections 609.75 through 609.76
- (2) **prohibit prostitution and related acts** Minnesota Statutes, Section 609.321 through 609.324
- (3) **prohibit the unlawful sale or possession of controlled substances**
Sections 152.01 through 152.025, and Section 152.027, Subdivisions 1 and 2,
- (4) **prohibit the unlawful sale of alcoholic beverages** Minnesota Statutes, Section 340A.401
- (5) **prohibit noisy assemblies** Section 389.65 Mpls Code of Ordinances
- (6) **prohibit the unlawful possession, transportation, sale or use of a weapon** Minnesota Statutes, Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and section 393.40, 393.50, 393.70, 393.80, 393.90 and 393.150 Mpls Code of Ordinances
- (7) **prohibit disorderly conduct**, when the violation disturbs the peace and quiet of the occupants of at least two (2) units on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.
Minnesota Statutes, Section 609.72 and Section 385.90 Mpls Code of Ordinances

Upon determination **THAT A VIOLATION HAS OCCURRED**; based upon substantial evidence supporting the violation; the Crime Prevention Specialist shall notify the owner or authorized representative by mail of the violation and direct them to take appropriate action to prevent further violations. The Crime Prevention Specialist can provide assistance in determining what remedial actions are appropriate.

If the violations involved conduct related to:

- o **prostitution and related acts**
- o **unlawful sale or possession of controlled substances**
- o **unlawful possession, transportation, sale or use of a weapon**

..... the owner or authorized representative shall **submit a satisfactory written management plan to the Crime Prevention Specialist within ten (10) days of receipt of the notice of the violation**. The written management plan must detail all actions taken and proposed to be taken by the owner or authorized representative to prevent further violations of the ordinance on the premises. Contact your Crime Prevention Specialist for assistance and resources in creating the management plan.

*** Failure to submit a written management plan may result in the city council taking action to deny, refuse to renew, revoke, or suspend the rental license.**

IF A SECOND VIOLATION OCCURS

..... ***within eighteen (18) months of the first violation, if the premises contains between one (1) and six (6) distinct and separate residential units, or within twelve (12) months of the first violation, if the premises contains more than six (6) distinct and separate residential units,*** the Crime Prevention Specialist shall notify the owner or authorized representative by mail, of the violation. The owner or authorized representative shall **submit a satisfactory written**

management plan to the CPS within (10) days of receipt of the notice of the violation. The written management plan shall:

- o *detail all actions taken by the owner or authorized representative in response to all notices of disorderly use of the premises within the preceding twelve (12) months.*
- o *detail all actions taken and proposed to be taken by the owner or authorized representative to prevent further disorderly use of the premises.*

*** As with the first violation, failure to submit a written management plan may result in the city council taking action to deny, refuse to renew, revoke, or suspend the rental license.**

*** Rental Property Owners Workshop Requirement:** When a **second violation** occurs, the owner or authorized representative must attend a City of Minneapolis sponsored Rental Property Owner Workshop (RPOW). Any costs associated with that workshop will be the sole responsibility of the owner or authorized representative.

IF A THIRD VIOLATION OCCURS

*.....**within eighteen (18) months of the second violation**, if the premises contains between one (1) and six (6) distinct and separate residential units, **or within twelve (12) months of the second violation**, if the premises contains more than six (6) distinct and separate residential units.....*

The city can deny, revoke, suspend, or not renew the rental license. The owner or authorized representative will be notified and has 30 days to appeal.

NO ADVERSE LICENSE ACTION (i.e. Conduct Violation notice or Rental License Revocation Action) SHALL BE IMPOSED WHEN:

- o *the violation occurred during the pendency of eviction proceedings (unlawful detainer)*
- o *if the tenant responsible for the violation had been given notice to vacate within 30 days prior to the date of the violation.*
- o *If a previous documented violation has occurred within less than 30 days of the next violation.*

The Director of Inspections can **postpone or discontinue** an action to deny, revoke, suspend, or not renew a license if it appears that the owner or authorized representative has taken appropriate action to prevent further instances of disorderly use.

ADVERSE LICENSE ACTIONS CAN PROCEED:

- o if the owner or authorized representative fails to diligently pursue the eviction action or follow through with his/her intention to have the tenant move out of the property.
- o if the owner or authorized representative fails to provide the Crime Prevention Specialist with a copy of the tenants notice to vacate, within 10 days of receipt of the violation notice.
- o regardless of whether or not criminal charges have been initiated concerning the violation, dismissal or acquittal of a criminal charge is not a bar to adverse license action.

The complete ordinance is available on the City of Minneapolis Website at <http://www.ci.minneapolis.mn.us/government/ordinances.asp>
244.2020 Conduct on Licensed Premises

CITY OF MINNEAPOLIS
DEPARTMENT OF REGULATORY SERVICES
INSPECTIONS DIVISION
HOUSING INSPECTION SERVICES
NOTICE OF DIRECTOR'S DETERMINATION OF NONCOMPLIANCE

[Date]

[Property Address]

Owner: Contact/Manager

[Name of Property Owner and Property Manager]

This is to notify you that the above property fails to meet one or more of the rental licensing standards below: (Minneapolis Code of Ordinances 244.1910, 244.1920, and/or 244.1930,244.1840)

- (1) Required License fee not paid
- (2) Rental dwelling units exceed maximum number allowed by Zoning
- (3) Rental dwelling unit(s) over occupied or illegally occupied
- (4) Rental dwelling unit(s) used or converted to rooming units in violation of Zoning Code
- (5) Repeated accumulation of weeds, vegetation, junk, debris, or rubbish
- (6) Rental dwelling unit(s) are in a substandard condition
- (7) Licensee has not paid required reinspection fees
- (8) Licensee has not allowed required inspection of unit(s) Mea 244.2000(c)
- (9) Licensee has failed to maintain and keep written register of tenants
- (10) Licensee has failed to submit a building scheme ~ (11) Property taxes are delinquent or assessments for administrative citations
- (12) Responsible party has bench warrant(s) pursuant to the Housing/Zoning Code
- (13) Owner/licensee/manager has had 2 or more licenses revoked within last 5 years
- (14) Licensee has adverse license action in progress
- (15) Rental License application is not current per section 244.1840
- (17) Licensee failed to obtain required permits MN Rule CH 1300.0120
- (18) Licensee allowed water shut off for non-payment 244.1910(18)
- (19) Other Cause -chapter 4, section of the Charter
- (20) 2nd violation of letting/offering to let unlicensed rental
- (21) **Rental Property does NOT Comply with Neighborhood Compatibility Standards**

A license proceeding has been commenced against you because the building has been found to be in violation of the housing maintenance code. You have until [Date] to bring the building into compliance. After this date the City Council may proceed to deny, revoke) or suspend the rental dwelling license for the building. If the City Council denies, revokes, or suspends the license, the affected dwellings therein must be vacated and shall not be re-occupied until a new license is granted by the City Council.

Sincerely, [Name of Housing Inspector II]