

ORDINANCE NO. 2022 –
AN ORDINANCE UPDATING RENTAL HOUSING CODE STANDARDS TO BE CONSISTENT WITH CHANGES TO MINNESOTA STATUTES FOR ASSISTED LIVING FACILITIES; ADDING RENTAL LICENSE REQUIREMENTS FOR GROUP HOUSING LICENSED BY THE STATE; ADOPTING THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE BY REFERENCE; UPDATING DWELLING UNIT AND GROUP HOUSING OCCUPANCY LIMITS; ADDING A SIXTY DAY LICENSE APPLICATION LIMIT; UPDATING PROVISIONS FOR REINSPECTION FEES; DELETING CRIME-FREE PROVISIONS; AND MISCELLANEOUS UPDATES FOR CLARITY, THEREBY AMENDING CHAPTERS 9, 14, 15 AND APPENDIX A OF THE CITY CODE.

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 9 of the City Code is hereby amended by deleting those words that are contained in brackets [] with ~~strike through~~ text and adding those words that are underlined, to read as follows:

CHAPTER 9: HOUSING OPPORTUNITY AND PRESERVATION

* * *

ARTICLE XI: AFFORDABLE HOUSING TENANT PROTECTION

§ 9.45 AFFORDABLE HOUSING BUILDING SALE.

(a) *Definitions.* The following definitions apply in this article of the city code. Defined terms remain defined terms, whether or not capitalized.

* * *

(3) **CAUSE** means the tenant or a member of the tenant's household materially violated a term of the lease ~~[or violated a provision of Division D, Crime-Free Rental Housing, of Article VIII of Chapter 14].~~

* * *

Section 2. That Chapter 14 of the City Code is hereby amended by deleting those words that are contained in brackets [] with ~~strike through~~ text and adding those words that are underlined, to read as follows:

CHAPTER 14: LICENSES AND PERMITS

* * *

ARTICLE VIII: RENTAL HOUSING CODE

DIVISION A: GENERAL PROVISIONS

§ 14.566 PURPOSE AND INTENT.

* * *

(6) To provide standards for maintenance of rental housing to prevent blight and nuisance conditions ~~[slums]~~; and

* * *

§ 14.567 ADOPTED BY REFERENCE.

For the purpose of prescribing regulations governing rental housing, the city hereby adopts the 20~~[42]~~21 International Property Maintenance Code. Where differences occur between provisions of this Article VIII and the referenced standards, the provisions of this Article VIII apply. A copy of the 20~~[42]~~21 International Property Maintenance Code will be maintained on file and available to the public to view upon request in the Community Development Department.

§ 14.568 DEFINITIONS.

The following words and terms, when used in this Article VIII have the following meanings, unless the context clearly indicates otherwise. Terms not defined in this Article VIII, which are defined in codes

adopted by reference in §§ 14.567 and 15.01, have the meanings ascribed to them as stated in those codes.

* * *

ACCESSORY DWELLING UNIT. A secondary dwelling unit that is:

- (a) Physically attached to or within a single-family dwelling unit;
- (b) Subordinate in size to the single-family dwelling unit;
- (c) Fully separated from the single-family dwelling unit by means of a wall or floor, with or without a door;
- (d) Uses a separate entrance than the primary dwelling unit; and
- (e) Meets the definitional requirements for a dwelling unit (cooking, living, sanitary and sleeping facilities)[~~as defined in § 19.03~~].

* * *

ASSISTED LIVING FACILITY. An establishment, as defined in M.S. section 144G.08, subd. 7 and subd.8 for assisted living facility with dementia care, providing assisted living services defined in subd. 9, as they may be amended from time to time.

* * *

DWELLING UNIT. A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.~~[One or more rooms designed for residential use by a single family that contain cooking, living, sanitary and sleeping facilities and that are physically separated from any other rooms or dwelling units which may be in the same structure.]~~

~~[**FAMILY.** One or more persons related by blood, marriage or adoption, including foster children and domestic partners and civil unions recognized under Minnesota law, or a group of not more than four persons (excluding personal care attendants, in accordance with M.S. § 256B.0625, subd. 19a, as it may be amended from time to time, and Minnesota Rules part 9505.0335), occupying a dwelling unit. This definition includes a functional household as defined in this Article VIII of city code, as well as those persons renting rooms.]~~

~~[**FUNCTIONAL HOUSEHOLD.** A household consisting of the owner of the property or a qualifying relative occupant for homestead purposes in the county, in addition to three or fewer other persons living and cooking together with a shared kitchen, whether or not they are related by blood, marriage or adoption.]~~

GROUP HOUSING. A dwelling occupied by ~~[five or more]~~ individuals renting a bedroom or bed and shared living spaces with or without supervision. Group housing includes ~~[housing with services establishments]~~ assisted living and residential care facilities licensed or registered by the Minnesota Departments of Health or Human Services under M.S. Chapters 144G, 157, 245A or 245D. Group housing does not include owner-occupied dwelling units, nursing homes or hospitals~~[meeting the definition of a functional household]~~.

* * *

~~[**HOUSING WITH SERVICES ESTABLISHMENT.** An establishment as defined by M.S. § 144D.01, subd. 4, as it may be amended from time to time.]~~

* * *

RENT. Consideration paid for the use of the premises, including, but not limited to, money, services or a combination thereof; or shared housing expenses~~[with persons not part of the homeowner's immediate family]~~.

* * *

RESIDENTIAL CARE FACILITY. A facility that provides custodial care to persons who, because of physical, mental, or emotional disorders, are not able to live independently.

* * *

DIVISION B: RENTAL HOUSING LICENSING

§ 14.569 LICENSE REQUIRED.

No person is permitted to allow to be occupied, let or offered to let to another for occupancy, or charge, accept or retain rent, for any dwelling unit or group housing unless the owner has first obtained a license

under the terms of this Article VIII. The practice of pre-leasing new rental construction is exempt from the provisions of this section.

§ 14.570 APPLICABILITY AND EXCEPTIONS.

(a) The provisions of this Article VIII apply to all rented multiple-family dwelling units, group housing, two-family dwelling units, single-dwelling units, work/live dwelling units or an accessory dwelling unit within owner-occupied dwellings, as well as to rented condominiums, townhouses and leasehold cooperative dwelling units, as those terms are defined in M.S. § 273.124, subd. 6, as it may be amended from time to time; M.S. Chapters 515A and 515B, as they may be amended from time to time; state law; and this Article VIII.

(b) The provisions of this Article VIII do not apply to:

- (1) Owner-occupied homes;
- (2) Owner-occupied dwelling units in a cooperative, condominium or townhouse building;
- (3) Dwelling units occupied by a qualifying relative occupant for homestead purposes in the county;
- (4) Rooms rented ~~[for up to three persons]~~ when the owner or qualifying relative occupant for homestead purposes resides in the single-family dwelling;
- (5) Lodging establishments such as hotels, motels, kindergarten through grade 12 student dormitories, and bed and breakfasts licensed under § 14.446 of this code. This exemption also applies to hotel manager dwelling units defined in § 19.03;
- (6) Hospitals~~[-]~~ and nursing homes licensed under M.S. chapter 144A or sections 144.50 to 144.56, as they may be amended from time to time~~[or other institutional beds or rooms used for human habitation where medical or mental health treatment services or both are provided and licensed by state or federal agencies concerning the safety of the users or patients];~~
- (7) The city jail, college student dormitories, parsonages, parish houses, nunneries, monasteries, manses and rectories; and
- (8) Residential property that has been sold for contract for deed if the buyer occupies the property and the sale document used to memorialize the sale is a Minnesota uniform conveyancing blank or is recorded with the County Recorder's office and a copy is provided to the city upon request.

* * *

§14.572 ISSUANCE OF LICENSE.

A license will be issued by the issuing authority upon satisfaction of the following conditions:

- (a) The license applicant has completed the rental license application;
- (b) The license applicant has paid the required license fee and any additional fees, if applicable; and
- (c) For all initial license applications, the multiple-family building, two-family dwelling units, single-family dwelling unit, group housing, work/live dwelling unit, or accessory dwelling unit must first be inspected by the Housing Inspector and the Housing Inspector finds that the requirements of the Rental Housing Code, city code and applicable state laws have been met.
- (d) For all initial license applications, if the rental license is not issued within 60 calendar days of the date that both the rental license application and license fee is received, the license application will be cancelled and the license applicant must again complete a rental license application and pay the required license fee and any additional fees, if applicable.
- (e) For all initial license application inspections, if the property owner or agent makes an appointment for an inspection but fails to appear for the inspection or allow access to the dwelling unit for the Housing Inspector, then a reinspection fee will be applied to the license fee. The reinspection fee is in Appendix A.

* * *

§ 14.577 ILLEGAL RENTALS, OCCUPANCY LIMITS AND NO SUBLETTING.

An owner may adopt standards that reduce the maximum allowed occupancy of a dwelling unit or group housing from the standards set forth herein. The maximum permissible occupancy of any licensed rental dwelling unit or group housing is determined according to the 20~~[42]~~21 International Property Maintenance Code and as follows.

- (a) ~~[Not more than one family, except for temporary guests, is allowed to occupy a licensed rental dwelling unit.~~
- ~~—(b) No person is allowed to lease, license or agree to allow the occupancy, possession or tenancy of a licensed rental dwelling unit to more than four unrelated persons.~~
- (e) Tenants of a licensed rental dwelling unit must not lease or sublet the dwelling unit to another without the prior approval of the property owner.

([e]b) No person is allowed to lease, license or agree to allow the use of a dwelling unit, or portion thereof, for transient lodging unless the use is specifically approved by the City.

([e]c) No person is allowed to lease, license or agree to allow the occupancy, possession or tenancy of a licensed or registered group housing dwelling to more persons than specifically licensed or registered under M.S. Chapters 144[~~D~~]G, 157, 245A or 245D, licensed under City Code Chapter 14, and permitted under City Code Chapter 21.

* * *

DIVISION C: REGULATIONS

§ 14.580 ADDITIONAL REGULATIONS FOR HEALTH, SAFETY AND MAINTENANCE.

This Division C specifically adopts the following additional requirements for health, safety and maintenance to the ~~[2012]~~2021 International Property Maintenance Code. Where differences occur between provisions of this Division C and the referenced standards, the provisions of this Division C apply.

* * *

~~[DIVISION D: CRIME-FREE RENTAL HOUSING]~~

§ 14.581 ~~[PURPOSE]~~RESERVED.

~~[The City Council finds that repeated police calls to certain rental housing in the city occupied by persons with criminal histories have taxed law enforcement resources. The City Council also finds that persons residing in rental housing who engage in disorderly conduct or cause nuisance conditions create a hostile environment for others living in close proximity, thereby threatening the public safety. In order to preserve and protect the city's neighborhoods and to promote public safety, the City Council enacts this Division D of the city code.]~~

§ 14.582 ~~[CRIMINAL HISTORY INQUIRIES REQUIRED]~~RESERVED.

~~[An owner of rental property licensed under this Article VIII must conduct a criminal history inquiry of all prospective tenants and maintain documentation of the inquiry as long as the tenant resides at the property. Documentation of the tenant criminal history inquires such as a receipt demonstrating an inquiry was conducted must be made available for inspection upon request by the police or the Housing Inspector. Criminal history inquires must include the following:~~

- ~~—(a) A statewide (Minnesota) criminal history check of all prospective tenants covering at least seven years including all misdemeanor, gross misdemeanor and felony convictions; the check must be done utilizing the most recent update of the state criminal history files;~~
- ~~—(b) A statewide criminal history check from the prospective tenant's previous state of residence covering at least seven years including all misdemeanor, gross misdemeanor and felony convictions, if available, if the tenant is moving directly from the previous state; and~~
- ~~—(c) A criminal history check of any prospective tenant in their previous states of residence, if available, covering the last seven years including all misdemeanor, gross misdemeanor and felony convictions if they have not resided in the state for seven years or longer.]~~

§ 14.583 TENANT REGISTER REQUIRED.

The owner of a rental property licensed under this Article VIII must, as a continuing obligation of the rental license, maintain a current register of tenants and other persons who have a lawful right to occupy a specific licensed dwelling unit within the multiple-family building, two-family building, single-family dwelling, work/live dwelling unit, or a specific bed or bedroom within group housing. ~~[In the rental license application, the applicant must designate the person or persons who will have possession of the register, and must promptly notify the issuing authority of any change of the identity, address or telephone numbers of such persons.]~~The register must be available for inspection by the police or Housing Inspector at all times.

§ 14.584 ~~[DISORDERLY BEHAVIOR AND NUISANCE CONDITIONS]~~WRITTEN LEASE PROVISIONS REQUIRED.

Owners of rental housing licensed under this Article VIII must only allow occupancy of the rental housing pursuant to a written tenant lease with a term of at least 30 days, which has been signed by both the owner or owner's designee and the tenant.~~[All tenant leases must include a disorderly behavior and~~

nuisance conditions addendum prohibiting disorderly behavior and nuisance conditions identified in § 14.585. The disorderly behavior and nuisance conditions addendum must be incorporated into every new or renewed lease for a tenancy beginning January 1, 2015.]

§ 14.585 [DISORDERLY BEHAVIOR AND NUISANCE CONDITIONS AT LICENSED RENTAL HOUSING]RESERVED.

~~[(a) It is the owner's responsibility to ensure the tenants, the tenant's family members and the guests of any tenant or tenant's family member do not engage in disorderly behavior or create nuisance conditions in the rental housing. For the purposes of this section, **RENTAL HOUSING** includes the unit the tenant, family member or guest occupy and the common areas in and outside of the building where the rental housing is located.~~

~~—(b) For the purposes of this section, disorderly behavior and nuisance conditions may include, but are not limited to, the following:~~

~~— (1) Drug-related illegal activity in the rental dwelling unit. **DRUG-RELATED ILLEGAL ACTIVITY** means the illegal possession or constructive 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 U.S.C. § 802), or possession of drug paraphernalia per M.S. § 152.092, as it may be amended from time to time;~~

~~— (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 owner, manager, agent, other tenants, tenant's family members, guests or neighboring property owners.~~

~~— (3) Violation of M.S. § 609.72 (Disorderly conduct), as it may be amended from time to time;~~

~~— (4) Violation of M.S. §§ 609.66, subd.1a, 609.67 or 624.713 (Unlawful use or possession of a firearm or weapon), as they may be amended from time to time;~~

~~— (5) Violation of M.S. § 609.50 (Obstructing legal process), as it may be amended from time to time;~~

~~— (6) Violation of M.S. § 609.74 and 609.745 (Public nuisance), as they may be amended from time to time;~~

~~— (7) Violation of M.S. § 145A.02, subd. 17 (Public health nuisance), as it may be amended from time to time;~~

~~— (8) Violation of § 10.30 of this city code (Nuisance noise);~~

~~— (9) Violation of § 12.03 of this city code (Public nuisances: subsections (5) storage of dangerous substances; (18) clandestine lab; (19) improper sewage disposal; (22) animal carcasses; to include, but not limited to (23), (24), (25) and (26) for grossly unsanitary dwellings; and (27) infestations of vermin);~~

~~— (10) Violation of §§ 12.11.06 and 12.11.07 of this city code (Unlawful gatherings and disorderly house);~~

~~— (11) Violation of § 12.35 of this city code (Firearms and weapons); and~~

~~— (12) Violation of § 12.89.01 of this city code (Social host).~~

~~—(c) For the purposes of verifying instances of disorderly conduct in violation of this section, the following are exceptions:~~

~~— (1) An "emergency call," within the definition of M.S. § 609.78, subd. 3, as it may be amended from time to time, will not be considered an instance of disorderly behavior for purposes of determining whether a license will be denied, suspended, non-renewed or revoked where the victim and suspect are "[family or]household members" as defined in the Domestic Abuse Act, M.S. § 518B-01, subd. 2(b), as it may be amended from time to time, and where there is a report of "Domestic Abuse" as defined in the Domestic Abuse Act, M.S. § 518B-01, subd. 2(a), as it may be amended from time to time; and~~

~~— (2) An "emergency call," within the definition of M.S. § 609.78, subd. 3, as it may be amended from time to time, will not be considered an instance of disorderly behavior for purposes of determining whether a license will be denied, suspended, non-renewed or revoked where the call is a result of a tenant, a member of a tenant's household, or guest taking action to seek emergency assistance that is protected by M.S. § 504B.205, residential tenant's right to seek police and emergency assistance, as it may be amended from time to time.]~~

§ 14.586 [DISORDERLY BEHAVIOR AND NUISANCE CONDITIONS VIOLATION NOTICES]RESERVED.

~~[(a) *First instance.* Upon determination by the police or Housing Inspector that a rental housing was the location of disorderly behavior or nuisance conditions in violation of this Division D, the police or Housing~~

Inspector will notify by first class mail the owner and tenant of the violation and direct the owner to take steps to prevent further disorderly behavior or nuisance conditions. Civil fines may also be issued.

~~—(b) *Second instance.* If a second instance of disorderly behavior or nuisance conditions occurs at a rental housing within 24 months after the first instance of disorderly behavior or nuisance conditions at the same unit for the same tenant or guest of the same tenant, the police or Housing Inspector will notify by first class mail the owner and tenant of the violation and direct the owner to submit, within ten days of the date of the notice, a written report of all actions taken by the owner since the violation notice and actions he/she intends to take to prevent further disorderly behavior or nuisance conditions. Civil fines may also be issued.~~

~~—(c) *Third instance.* If a third instance of disorderly behavior or nuisance conditions occurs at a rental housing within 24 months after the second notice of disorderly behavior or nuisance conditions at the same unit for the same tenant or guest of the same tenant, the rental housing license may be revoked, suspended or not renewed by the City Council upon the recommendation of the police or Housing Inspector. The police or Housing Inspector makes the decision to recommend revocation, suspension or non-renewal of the license and submit the recommendation to the City Council within 15 days of the third instance of disorderly behavior or nuisance conditions. Civil fines may also be issued.]~~

§ 14.587 [POSTPONING LICENSE ACTIONS]RESERVED.

~~[No adverse license action will be imposed where the instance of disorderly behavior or nuisance conditions occurred during pending eviction proceedings or within 30 days of notice given by the owner to a tenant to vacate the rental housing. However, adverse license action may proceed when the owner fails to diligently pursue the eviction process. Further, an action to deny, revoke, suspend or not renew a license based upon violations of this Division D may be postponed or discontinued at any time if the owner has taken appropriate measures, which will prevent further instances of disorderly behavior and nuisance conditions, which may include a failed eviction process.]~~

§ 14.588 [DETERMINING DISORDERLY BEHAVIOR OR NUISANCE CONDITIONS]RESERVED.

~~[A determination that the rental housing has been the location of disorderly behavior or nuisance conditions is based upon a preponderance of the evidence and is not dependent upon the filing or conviction of criminal charges. Civil enforcement actions provided in this Division D are non-exclusive. Nothing in this Division D may be construed to limit the city's other available legal remedies for any violation of the law, including without limitation, license sanctions, criminal, civil and injunctive actions. In addition, violations or failure to pay civil fines may result in future license ineligibility.]~~

DIVISION [E]D: INSPECTIONS AND ENFORCEMENT

§ 14.589 SANCTIONS AND PENALTIES.

(a) *License suspension or revocation.* Any license granted pursuant to this [Division E]Article VIII may be suspended or revoked for cause upon reasonable notice and hearing before the City Council. Grounds for suspension or revocation of the license include, but are not [be]limited to:

* * *

§ 14.590 POSTING TO PREVENT OCCUPANCY.

Whenever any rental housing has no license; has been denied an initial license; had its license revoked, suspended, denied or not renewed; or the unit has been condemned as unfit for occupancy, the unit [will]may be posted by the Housing Inspector to prevent further occupancy. No person, other than the Housing Inspector, may remove or alter any posting. The Housing Inspector will post the date the rental housing must be vacated and no person may reside in, occupy or cause to be occupied that rental housing until the Housing Inspector permits it.

* * *

§ 14.592 ENFORCEMENT AND RE-INSPECTION FEES.

If the owner or agent makes an appointment for a routine or follow-up inspection but fails to appear for the inspection or allow access to the dwelling unit for the Housing Inspector, then a reinspection fee will be applied to the license fee. The reinspection fee is in Appendix A.

If the Housing Inspector determines that the licensed rental housing violates any requirements of this Article VIII or any other article, division or section of this code or applicable state laws, the Housing Inspector provides written notice to the owner or agent or both of the licensed rental housing in violation stating the nature of the violations and a deadline for correcting the violations. ~~[If upon re-inspection of the licensed premises it is determined that compliance with the notice to correct conditions was not achieved and that a second follow-up inspection is necessary, the Housing Inspector will issue a civil citation in the amount of the re-inspection fee as set forth in the city's civil fine schedule. Failure to pay the fee will result in a late fee subject to assessment pursuant to § 1.19 of this city code.]~~The Housing Inspector may also issue ~~[orders to correct conditions followed by]~~an administrative citation pursuant to §§ 1.10 through 1.19 of this city code to the owner or agent or both of the property in violation. In addition, the city may initiate appropriate civil or criminal or both actions upon failure of an owner to correct any violation of the city code or applicable state laws, rules or regulations. Failure to pay outstanding civil fines or fees may result in future license ineligibility.

* * *

§ 14.594 PENALTIES AND SEVERABILITY.

~~[Unless otherwise specifically noted herein, a]~~A violation of any provision of this Article VIII of this code is a misdemeanor~~[-under state law]~~. Civil penalties may also be issued pursuant to § 12.15 of the city charter and § 1.19 of this city code. However, nothing in this article shall be construed to limit the city's other available legal remedies for any violation of the law, including without limitation, criminal, civil and injunctive actions. ~~[In addition, the provisions of this Article VIII are subject to enforcement by administrative citations and subject to civil fines pursuant to the civil hearing process set forth in Chapter 4, Article II of this code, as well as by civil district court action.]~~

If any section, subsection, sentence, clause or phrase of this Article VIII is for any reason held to be invalid, such decision will not affect the validity of the remaining portions of this Article VIII. The City Council hereby declares that it would have adopted the ordinance in each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

* * *

Section 3. That Chapter 15 of the City Code is hereby amended by deleting those words that are contained in brackets [] with ~~strike through~~ text and adding those words that are underlined, to read as follows:

CHAPTER 15: BUILDINGS AND STRUCTURES

ARTICLE I: BUILDING CODE

§ 15.01 ADOPTION OF THE MINNESOTA STATE BUILDING CODE AND INTERNATIONAL BUILDING CODES.

* * *

(a) *Mandatory enforcement provisions.* The following chapters of Minnesota Rules shall be enforced and administered without change by the city as mandatory provisions of the Minnesota State Building Code:

* * *

(19) Adoption of the 20[42]21 International Property Maintenance Code.

(b) *Optional enforcement provisions adopted.* The following chapters of Minnesota Rules, representing optional provisions of the Minnesota State Building Code as provided in part 1300.0060, are hereby adopted by the city without change and shall be enforced and administered by the city as a part of the State Building Code for the city:

* * *

(4) International Property Maintenance Code 20[42]21.

* * *

Section 4. That Appendix A of the City Code is hereby amended by deleting those words within brackets and ~~stricken through~~ and adding those words that are underlined, to read as follows:

APPENDIX A: FEE SCHEDULE

This appendix contains the various fees adopted by ordinance in the listed sections of the City Code.

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Chapter 14: Licenses and Permits			
CODE SECTION	CROSS-REF	DESCRIPTION	FEE
§14.03	§14.569	Rental Housing	
		(A) Multiple-family dwelling, 5 or more units (apartment buildings and townhouse complexes; includes <u>state registered</u> housing with services <u>or licensed residential care facilities</u>)	
		* * *	
		(B) Group housing [or other housing with shared living spaces]; includes <u>state registered</u> housing with services units <u>or licensed residential care facilities and single-family dwellings</u>	
		(1) Group housing, small: [5] <u>1</u> to 10 beds	\$126
		* * *	
		<u>(l) Rental reinspection fee, property owner or agent makes an appointment for an inspection but fails to appear for the inspection or allow access to the dwelling unit.</u>	<u>\$100</u>

Passed and adopted this 25th day of April 2022.

Mayor

ATTEST:

Secretary to the Council

APPROVED:

City Attorney