

Chapter 4.03

Multi-Housing Ordinance

SUBD. 1. PURPOSE. It is the purpose of this Ordinance to protect the public health, safety and welfare of the community at large and the residents of rental dwellings in the City of Howard Lake. The operation of rental residential properties is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to ensure that the citizens 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 noise, nuisances or annoyances; and free from unreasonable fears about safety of persons and security of property. The general objectives of this Ordinance include the following:

- A. Ensuring that rental housing in the city is operated and maintained so as not to become a nuisance to the neighborhood.
- B. Protecting the character and stability of residential areas within the City.
- C. Correcting and preventing housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare, and living conditions of persons occupying dwellings within the City of Howard Lake.

SUBD. 2. INTENT. It is the intent of this Ordinance that a permanent mode of protecting and regulating the living conditions of citizens of the city be established; and that uniform standards be established and applicable for all rental dwellings in the city. This Ordinance is not to be construed or interpreted to supersede or limit any other such applicable ordinance or law.

SUBD. 3. DEFINITIONS. For the purpose of this subchapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Dwelling. A building or one or more portions thereof occupied or intended to be occupied for residence purposes, providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation, including mobile homes; but not including rooms in motels, hotels, nursing homes, boarding houses, trailers, tents, cabins or trailer coaches.

General Housing Unit. A dwelling, including but not limited to a townhouse, condominium, double bungalow, residential zero lot line (split double), single family or tri-plex.

Hotel/Motel. A building or one or more portions thereof occupied or intended to be occupied for residence purposes, which may or may not provide complete, independent living facilities for one or more persons, including provisions for the occupants that may include living, sleeping, eating, cooking and sanitation, which may be occupied on a temporary, semi-permanent, or long-term basis.

Let for Occupancy or To Let. To permit possession or occupancy of a rental dwelling by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, or pursuant to a recorded or unrecorded agreement whether or not a fee is required by the agreement.

Multi-Housing Unit. A community, complex, or building having a common owner and containing 4 or more living units, excluding mobile home parks.

Operator/Manager. Any person who has charge, care or control of a structure or premises which is let or offered for occupancy.

Owner. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, or any person representing the actual owner.

Rental Dwelling. Any Dwelling, General Housing Unit, or Multi-Housing Unit let for occupancy.

SUBD. 4. MULTIT-HOUSING REGISTRATION REQUIRED. No person shall hereafter occupy, allow to be occupied, or let to another person for occupancy, any Rental Dwelling contained in a Multi-Housing Unit within the City, for which a rental unit registration for the property has not been issued by the City Administrator of the City. Registration is required annually and shall be done no later than January 31st of each year. An application for registration shall be made upon forms furnished by the City for such purpose and shall specifically require the following minimum information:

- A. Name, address, phone number and FAX number (if the owner has one) of the property owner.
- B. Name, address, phone number, FAX number (if the Operator/Manager has one), email address (if the Operator/Manager has one), of the Operator/Manager of the designated local property.
- C. The street address of the Multi-Housing Unit
- D. The number and types of units within the Multi-Housing Unit
- E. The name, phone number, FAX number (if available) and address of the person authorized to make or order made repairs or services for the property if in violation of City or State codes, if the person is different than the Owner or Operator/Manager.

SUBD. 5. REGISTRATION RECOMMENDED. Each Owner of any Rental Dwelling that is not considered part of a Multi-Housing Unit as herein defined, is encouraged to register their property as a Multi-Housing Unit as outlined Subdivision 4. Owners who voluntarily register their Rental Dwelling are required to comply with the requirements of this section during their active period of registration.

Any Owner who voluntarily registers their property as a Multi-Housing Unit as outlined in Subdivision 4, may withdraw from the program by providing a 30-day notice to the Howard Lake Police Department of their intent to do so. There will be no reimbursement of fees collected when a voluntary separation from the program occurs.

SUBD. 6. TRANSFER OF PROPERTY. Every new owner of a Multi-Housing Unit shall be required to furnish to the City Administrator or their designee, the registration information as required in Subdivision 4, before taking possession of the Multi-Housing

Unit upon closing of the transaction. No registration fee shall be required of the new owner during the year in which possession takes place, provided that the previous owner has paid all registration fees and has complied with all requirements of this Chapter.

SUBD. 7. FEES. The registration fee and background check fees shall be in the amount set by the City Council from time to time by resolution.

SUBD. 8. REGISTERED MULTI-HOUSING UNIT REQUIREMENTS. All Owners and Operator/Managers of all Registered Multi-Housing Units are required to comply with the following:

- A. Require all prospective tenants 18 years of age or older to complete a tenant application, and Authorization for Release of Information waiver, as provided by the Howard Lake Police Department;
- B. Require that all lessee's present proper photo identification at the time of application;
- C. Provide written rental criteria to each prospective tenant, which indicates that rental will be denied if the prospective tenant misrepresents information on the application;
- D. Conduct Local and State criminal background checks on all prospective tenants through the Howard Lake Police Department;
- E. Conduct Out Of State or National background checks on all prospective tenants through the Howard Lake Police Department on all tenant applicants who have resided in Minnesota for less than three (3) years;
- F. Assist in conducting resident crime prevention meetings when requested by the Howard Lake Police Department;
- G. Include in its leases the lease addendum for crime-free, drug-free housing as defined by the Minnesota Attorney General's Office, and as approved by the Howard Lake Police Department;
- H. Maintain a current register of tenants and other persons who have a lawful right to occupancy of any Rental Dwelling;
- I. Pay all associated fees for background checks to the Howard Lake Police Department, as set by the City Council by resolution.

SUBD. 9. CONDUCT ON REGISTERED PREMISIS. It shall be the responsibility of the licensee to see that persons occupying the licensed premises conduct themselves in such a manner as not to cause the premises to be disorderly. For purposes of this section, a premises is considered to be disorderly whenever any of the following activities occur, whether or not formal charges are sought:

- A. Conduct that constitutes a violation of the City Code relating to the City Public Nuisance Ordinance;
- B. Conduct which constitutes a violation of laws relating to the possession of controlled substances, as defined in State Statute;
- C. Conduct which constitutes a violation of the City Code relating to disorderly conduct, or creating a breach of the peace, or violation of laws relating to disorderly conduct as defined in State Statute MS 609.72;

- D. Conduct which constitutes a violation of City Code or State Statutes relating to minor possessing or consuming alcohol, relating to providing alcohol to minors, or violation of State Statutes related to sales of intoxicating liquors;
- E. Conduct which constitutes a violation of City Code or State Statutes relating to prostitution and indecent exposure;
- F. Conduct, which constitutes a violation of City Code or State Statutes relating to weapons.
- G. Conduct which constitutes a violation of City Code or State Statutes relating to assaults, including domestic assaults, unless the original call for service is made by the victim of a domestic assault;
- H. Conduct which constitutes a violation of laws relating to contributing to the need for protection or services or delinquency of a minor, as defined in State Statute.
- I. Conduct which constitutes a violation of any other Federal Law, State Law, or Local Ordinance, which would be likely to threaten, annoy or harass other tenants, or other neighbors to the residential rental unit.

SUBD. 10. RESPONSE TO IMPROPER CONDUCT ON REGISTERED PREMISES. The City Administrator or their designee, is responsible for enforcement and administration of this Chapter.

- A. Upon determination by the City Administrator or their designee that a Registered Rental Dwelling was used in a disorderly manner as described in Subdivision 9 of this Chapter, the City Administrator or their designee shall give notice to the Operator/Manager of the Registered Rental Dwelling and the renters of the Rental Dwelling, of the violation, and direct the Operator/Manager to take steps to prevent further violations.
- B. If another instance of disorderly use of the Registered Rental Dwelling occurs within three (3) months of an incident for which a notice was previously given under Clause A of this subdivision, the City Administrator or their designee, shall notify the Operator/Manager of the Registered Rental Dwelling and the renters of the Rental Dwelling, of the violation, and direct the Operator/Manager to take action to prevent further occurrences. The Operator/Manager is required to provide a written notice to the City Administrator or their designee, detailing all actions taken by the Operator/Manager in response to all notices of disorderly use of the premises within the preceding three (3) months.
- C. If another instance of disorderly use of the Registered Rental Dwelling occurs within three (3) months after any two (2) previous instances of disorderly use for which notices were given to the Operator/Manager and the Renter of the Rental Dwelling, and the Operator/Manager has not “taken action to prevent disorderly use of the premises”, the City Administrator or their designee shall make demand to the Operator/Manager that the Renters of the affected Rental Unit be evicted.

Upon receipt of the demand for eviction notice, the Owner or Operator/Manager may request a hearing before a Hearing Officer to consider the eviction demand. The request for the hearing must be made within 14 days after the notice of eviction demand is made to the Owner or Operator/Manager. Eviction Demand notices shall be deemed to have been received after passage of five (5) business

days following the date the notice was mailed. When a request for a hearing is made by the Owner or Operator/Manager, the hearing shall be held no less than thirty (30) days after the City Administrator or their designee receives such a request. Following the hearing, the Hearing Officer may uphold or rescind the eviction demand, as they deem necessary to accomplish the purposes of this Chapter.

No adverse action shall be taken or imposed against the Owner or Operator/Manager of any Rental Dwelling while a hearing before the Hearing Officer is pending, or while eviction proceedings (unlawful detainer) are pending, or within thirty (30) days of notice given by the Owner, or Operator/Manager to a tenant to vacate the premises.

Eviction proceedings shall not be a bar to adverse action taken against the Owner or Operator/Manager of any Rental Dwelling unless they are being diligently pursued. Further, an action to demand eviction under this section may be postponed or discontinued at any time if it appears that the Owner or Operator/Manager has taken appropriate action, which will prevent further instances of disorderly use.

- D. A determination that the registered premises have been used in a disorderly manner as described in Subdivision 9 shall be made upon a fair preponderance of the evidence to support such a determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly use, but the incident must have resulted in the police being called to the Rental Dwelling Unit premises, and a police report being prepared.
- E. For purposes of this Ordinance, disorderly use of the Rental Dwelling Unit shall mean disorderly use in the particular rental unit by the renters, occupants, or guests, or conduct by the tenants, which constitutes disorderly use anywhere on the property of the Multi-Housing Unit.
- F. Enforcement actions provided in this section are not exclusive, and the City Council may take any action with respect to any Rental Dwelling as is authorized by the City Code, State or Federal Law.
- G. If an Owner or Operator/Manager fails to initiate eviction proceedings in response to a lawful demand made under this Section, the Owner of the property shall be subject to a Repeat Nuisance Service Call Fee, as outlined in Chapter 6.02 of City Code, for each additional violation of Subdivision 9 of this Chapter. For purposes of this Section, each day a violation of Subdivision 9 occurs will constitute a separate violation.

SUBD. 11. EFFECTIVE DATE. All provisions of this Chapter shall become effective June 18, 2019.

SUBD. 12. NO RETALIATION. No Owner, or Operator/Manager shall evict, threaten to evict, or take any other punitive action against any tenant by reason of good faith calls made by such tenant to law enforcement agencies relating to criminal activity, suspected

criminal activity, suspicious occurrences or public safety concerns. This section shall not prohibit the eviction of tenants for unlawful conduct of a tenant or invitee of the tenant for violation of any rules, regulations or lease terms other than a prohibition against contacting law enforcement agencies.

SUBD. 13. RESPONSIBILITY FOR ACTS OF OPERATOR/MANAGER. Owners are responsible for the acts or omissions of their Operator/Manager(s).

SUBD. 14. MAINTENANCE STANDARD. Every Rental Dwelling shall be maintained in accordance with the building standards of the City of Howard Lake and the State of Minnesota, and in a manner so as not to create a nuisance pursuant to City Code.

SUBD. 15. PENALTIES. Failure to register a Multi-Housing Unit as required in Subdivision 4 of this Chapter, shall constitute a misdemeanor violation.

SUBD. 16. SEVERABILITY. If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Chapter.

Adopted by the Howard Lake City Council this 18th day of June, 2019.