

CHAPTER 116: RENTAL HOUSING

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§ 116.01 DEFINITION.

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

RENTAL HOUSING UNIT. Any building or structure, or portion thereof, which is designed, built, remodeled, rented, leased, let or hired out to be occupied, or which is occupied as a home or residence of a person or persons other than the owner or purchaser of record. This definition does not apply to dormitories owned and/or controlled by an established educational institution nor motel or hotel rooms customarily rented on a daily basis.

(`86 Code, § 4.93) (Am. Ord. 705, passed 10-7-97; Am. Ord. 803, passed 8-20-02; Am. Ord. 907, passed 8-2-06; Am. Ord. 937, passed 11-20-07)

§ 116.02 INSPECTION AND LICENSING.

It shall be unlawful for any person to conduct or operate or cause to be operated either as owner, lessee, agent or in any other capacity within the city any rental housing, as defined in § 116.01, without having first obtained a license to do so as hereafter provided. It shall be unlawful for an owner, designated agent or operator, after notice has been sent by first class mail, to continue operation of a rental dwelling unit without submitting an application for a license under this chapter, along with the necessary fee. Inspection of a rental dwelling shall be done prior to issuance of an initial rental housing

license, prior to rental housing license renewal, and upon a rental housing tenant's filing of a complaint with the city of rental housing conditions that are subject to the standards herein.

(`86 Code, § 4.93) (Am. Ord. 705, passed 10-7-97; Am. Ord. 803, passed 8-20-02; Am. Ord. 907, passed 8-2-06; Am. Ord. 937, passed 11-20-07) Penalty, see § 10.99

§ 116.03 APPLICATION PROCEDURE.

(A) (1) Owners of rental property must conduct a criminal history of every prospective tenant through the Waseca Police Department or other entity approved by the city. The applicant shall pay an investigation fee as established by resolution of the City Council.

(2) Failure to conduct a criminal history of a prospective tenant as provided in this chapter shall be considered a violation of this chapter. The owner of the rental housing unit shall be subject to suspension or loss of rental license as determined by the City Council after hearing. The suspension or revocation may be for all units in a given building or complex of buildings. Notice of the intent to suspend a rental license shall be given by the city to the owner of the rental housing unit a minimum of ten days prior to a hearing to be held before the City Council.

(B) The owner of each rental housing unit shall make written application to the city for a license on a form to be supplied by the city and containing information as necessary to administer and enforce the provisions of and to ensure compliance with the provisions of this chapter, and the minimum standards of the Uniform Housing Code. The legal owner of record of the rental housing unit shall make written application to the city for a license as herein provided prior to any initial occupancy, and, prior to license renewal. Every applicant for a license shall assist the city in making the inspection of the premises. This includes notifying the occupants of the building of the time when the inspection will be conducted and requesting their cooperation in the inspection.

(`86 Code, § 4.93) (Am. Ord. 705, passed 10-7-97; Am. Ord. 803, passed 8-20-02; Am. Ord. 907, passed 8-2-06; Am. Ord. 937, passed 11-20-07)

§ 116.04 LICENSE TERMS AND CONDITIONS; VIOLATION.

(A) (1) If upon completion of the inspection of the building and habitable portions thereof, it is found that the minimum requirements of the Uniform Housing Code have been met, and the property as a whole is in compliance with this code, a license shall be issued. If the Housing Inspector finds code deficiencies, he or she shall list the deficiencies, note necessary corrections and give these findings to the building owner and no license shall be issued until the deficiencies are corrected. Upon reinspection of licensed premises, if the Inspector finds violations of the applicable codes, the owner shall be notified of the violations and ordered to correct them within a reasonable time. Failure to correct the violations as ordered may be grounds for revocation of the license.

(2) The Inspector may suspend the license if the Inspector determines that a violation constitutes an immediate hazard to the public health or safety, or the health or safety of the tenant. Upon

suspension of the license, a public hearing shall be scheduled within 15 days, before the City Council which may revoke the license, rescind the suspension or set other conditions as may be deemed reasonable. The units within a structure which are in compliance with the Uniform Housing Code minimal requirements may continue on condition that units in other portions of the structure in noncompliance do not create an immediate hazard to the health and safety to the persons in the occupied units. The extended occupancy may continue until final action of the City Council.

(3) The suspended license may be revalidated upon meeting the requirements of the code with payment of 50% of the applicable license and inspection fee. Issuance of a new license after revocation shall be subject to a payment of the full amount of the applicable license and inspection fee.

(B) All licenses issued under this chapter shall be for a period of three years. The license period shall begin on January 1 and shall expire on December 31. The issuance of a temporary certificate preceding the actual issuance of a license shall not extend the expiration date of the license.

(C) (1) A license issued hereunder is transferable, for a fee in an amount determined by City Council resolution, to any person who has acquired ownership of a licensed building for the unexpired portions of the three-year term for which it was issued or reissued, provided that the application to transfer the license is filed with the city for change of ownership and the licensed building and dwelling units are in compliance with the Uniform Housing Code. The license shall terminate upon failure to apply for its transfer within 30 days of the date of sale or transfer of ownership of the building.

(2) The suspended license may be revalidated upon meeting the requirements of the code with payment of 50% of the applicable license and inspection fee. Issuance of a new license after revocation shall be subject to a payment of the full amount of the applicable license and inspection fee.

(D) Licenses issued under this section shall be prominently and publicly displayed on the premises of the structure, wherever feasible, or produced on demand by a tenant or prospective tenant, and shall be available at reasonable times for inspection by an authorized inspector of the city.

(E) It shall be unlawful for any lessor to rent a housing unit to a tenant in violation of this section, whether the occupancy is for a tenancy at will or by written lease.

(`86 Code, § 4.93) (Am. Ord. 705, passed 10-7-97; Am. Ord. 739, passed 11-16-99; Am. Ord. 803, passed 8-20-02; Am. Ord. 907, passed 8-2-06; Am. Ord. 937, passed 11-20-07) Penalty, see § 10.99

§ 116.05 SCHEDULE OF FEES.

(A) At the time of application for the license or for license renewal required by this section, the Housing Inspector shall collect the appropriate license fee and inspection fee in accordance with the annual fee resolution.

(B) The license and inspection fees shall be paid upon application on or before date of initial license issuance or license renewal. The license fee shall be subject to a 10% penalty per month, or any portion

thereof, beyond the date due and payable. Except as provided for the transfer of license, no refund of license and inspection fees shall be made to those discontinuing operation or who sell, transfer, give away or otherwise dispose of a licensed building to another person. In the event it is determined by the City Manager that an application must be denied due to legal restrictions that prohibit the issuance of the license, the applicant's tendered fees will be returned. The City Manager shall review the fee schedule annually and recommend changes as the Manager deems appropriate to the City Council. If the application is made after July 1, the fee shall be 50% of the fee otherwise due.

(`86 Code, § 4.93) (Am. Ord. 705, passed 10-7-97; Am. Ord. 803, passed 8-20-02; Am. Ord. 907, passed 8-2-02; Am. Ord. 937, passed 11-20-07)

§ 116.06 CONDUCT ON LICENSED PREMISES.

(A) The license holder shall be responsible to prevent repeat instances of disorderly conduct by tenants, members of a tenant's household and guests. For the purposes of this section, "disorderly conduct" means the following:

- (1) Violations of the city code;
- (2) M.S. § 609.72, as it may be amended from time to time;
- (3) Prostitution or prostitution-related activity committed within the building;
- (4) Gambling or gambling-related activity committed within the building;
- (5) Keeping or permitting a disorderly house within the building;
- (6) Unlawful sale, possession, storage, delivery, giving, manufacture, cultivation or use of controlled substances committed within the building;
- (7) Unlicensed sales of alcoholic beverages committed within the building in violation of M.S. § 340A.401, as it may be amended from time to time;
- (8) Unlawful sales or gifts of alcoholic beverages by an unlicensed person committed within the building in violation of M.S. § 340A.503(2), as it may be amended from time to time;
- (9) Unlawful use or possession of a firearm in violation of M.S. §§ 609.66(1)(A), 609.67 or 624.713, as they maybe amended from time to time, committed within the building.

(B) (1) Upon determination by the Police Department, Housing Inspector or Health Inspector that the licensed premises were used in a disorderly manner, the city shall notify the license holder by mail of the violation and direct the license holder to provide a written plan of corrective action to address the violations to the City Manager.

(2) If a building contains more than one rental unit, two or more incidents of disorderly conduct must consist of conduct:

(a) Anywhere in the building by the same tenant or lessee, or persons acting in conjunction with or under the control of the same tenant or lessee; or

(b) By any persons within the same rental unit while occupied by the same tenant or lessee or within two or more rental units while occupied by the same tenant or lessee.

(C) If another instance of disorderly use of the premises occurs within 12 months of an incident for which notice provided in division (A) above was given, the license holder shall be notified of the instance of disorderly use and shall also be required to submit a written report of actions taken by the landlord to eliminate future disorderly use of the premises. This written report shall be submitted to the city within five days of the notice of disorderly use of the premises and shall detail all actions taken by the license holder in response to all notices of disorderly use of the premises within the preceding 12 months.

(D) (1) If another instance of disorderly use of the premises occurs within 12 months after receipt of notices as pursuant to divisions (A) and (B) above, the rental housing unit license may be revoked or suspended by the City Council for the dwelling unit. The suspension or revocation may be for all units in a given building or complex of buildings.

(2) After suspension or revocation, the City Council may reissue the license if substantial improvements are made to correct problems causing the suspension or revocation and a license holder shall pay to the city a reinstatement fee as outlined in § 116.04(A). A suspension may be stayed by the City Council subject to payment of the applicable reinstatement fees and no further violations of this section for a period of 12 months.

(E) No suspension or revocation shall be imposed where the instance of disorderly use of the premises occurred during the pendency of eviction proceedings (unlawful detainer) or within 30 days of notice given by the license holder to a tenant to vacate the premises where the disorderly use was related to and occurring in the unit for which eviction proceedings were undertaken or notice to vacate was given. Eviction proceedings shall not be a bar to sanctions however unless they are diligently pursued by the license holder.

(⁸⁶ Code, § 4.93) (Am. Ord. 705, passed 10-7-97; Am. Ord. 803, passed 8-20-02; Am. Ord. 907, passed 8-2-06; Am. Ord. 937, passed 11-20-07)

§ 116.07 VIOLATION.

Any violation of this chapter shall be considered a misdemeanor. Punishment shall be \$1,000 fine/90 days in jail. In addition to bringing criminal charges for violation of this chapter, the city may seek a civil injunction against any licensee or occupant who violates any terms of this chapter. (Ord. 803, passed 8-20-02; Am. Ord. 937, passed 11-20-07)

9. Section 8 housing; and

10. Rental licensing.

(b) Compliance with environmental crime prevention requirements by owners for the rental properties that are located within the city, or in the case of a property manager, for all rental properties located within the city that are managed by that property manager. Compliance shall be indicated by completion of the following requirements:

1. Single cylinder deadbolt locks installed in each entry door for the dwelling unit. All egress doors shall be readily openable from the side from which egress is to be made without the use of a key or special knowledge or effort.

2. High security strike plate with 3-inch screws installed on each entry door for the dwelling unit.

3. A 180 degree door viewer installed in primary entry door for each dwelling unit.

4. Anti-lift/slide (Charlie bar) device installed on sliding glass doors and adequate locks on all windows.

5. At least one wall-switch-controlled lighting outlet shall be installed to provide illumination on the exterior side of each outdoor egress door having grade level access.

6. Landscaping in a manner that provides for visual sight lines to the outside.

7. *Premises identification.* Approved numbers or addresses shall be provided for all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property.

8. Compliance with all Fire and Building Code requirements.

(c) The Inspector for the city may review to verify and ensure compliance with environmental crime prevention requirements. The Inspector may conduct these compliance checks as part of the rental housing ordinance.

(d) At least once every 12 months make available, in cooperation with City of Waseca Police Department training for tenants in respect to the following subject areas:

1. Crime free multi-housing program together with the concept of partnerships and sharing responsibility.

2. Crime concerns and prevention awareness techniques.

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(e) Include, implement and enforce, as part of all written leases, the lease addendum for crime free/drug free housing provided by the City of Waseca Police Department.

(2) Following successful completion of the program components described in (A), attend annual retraining/recertification sessions and maintain compliance with all program components.

(3) Rental property owners or rental property managers who acquire additional rental properties following the successful completion of the program described in division (A) above must bring those properties into compliance within one year from the date of acquisition or within one year of the date of assumption of management responsibilities. The Inspector for the City of Waseca may inspect the property for compliance during the issuance of an initial rental housing license described in the rental housing ordinance.

(4) Rental property owners and managers must comply with all Rental Housing Regulations as specified in §§ 116.01 through 116.07.

(C) Decertification.

(1) Rental property owners or property managers, who do not maintain compliance with the certification requirements as set for above, will lose their certification. Violations of rental housing regulations as set forth in §§ 116.01 through 116.07, resulting in suspension/revocation will result in decertification.

(2) An owner or property manager who is decertified shall not be eligible to reapply for crime free multi-housing certification for a period of one year following decertification.
(Ord. 906, passed 8-2-06)