

Chapter 3 - Licenses and Regulations

Section 335 – Residential Rental Unit Registration (*revised 6/8/09*)

335.01 Purpose and Scope. The City recognizes a need for an organized registration program for residential rental properties with less than five dwelling units in order to identify and quantify rental units and to provide information and a method to enforce standards to meet City and State safety, health, fire, and zoning codes. The implementation of a rental registration program is a mechanism to help ensure that rental units will not become a nuisance to the neighborhood; will not foster blight and deterioration; and/or will not create a disincentive to reinvestment in the community. Furthermore, the operation or rental units entails certain responsibilities. Owners of rental units are required to take the reasonable necessary steps to ensure that the citizens who occupy rental units may pursue the quiet enjoyment of the normal activities of life in the surrounding area that are: safe, secure, and sanitary; free from crimes and criminal activity, noise, nuisances or annoyances; free from unreasonable fears about safety of persons and security of property; and suitable for raising children.

335.02 Definitions. For the purpose of this Chapter, the following terms shall be defined as set forth below.

- Agent. A person designated in writing by the Owner as the Owner's representative.
- City Administrator. The City Administrator or the City Administrator's designated agent.
- Dwelling Unit. Any residential building, or portion thereof that contains living facilities, including provisions for sleeping, eating, and sanitation.
- Occupant. A person(s) who lives or sleeps in a dwelling unit.
- Owner. A person who is the record owner of the dwelling unit.
- Rent. To permit occupancy of a dwelling unit or portion of a dwelling unit by a person other than the legal Owner thereof, pursuant to a written or unwritten agreement, whether or not a fee is required by the agreement.
- Rental Unit. A dwelling unit which has been leased by the owner to a tenant.
- Tenant. Any person granted temporary use of a rental dwelling pursuant to a lease with the owner of the dwelling unit.
- 335.03 General Registration Provisions.

Subd. 1 Rental Unit Registration Required. Except as hereinafter provided, it is unlawful for any person to rent to another person for occupancy any dwelling unit unless such dwelling unit has been issued a Rental Unit Certificate registered pursuant to this Chapter. The following uses shall be exempt from the registration requirement:

- A. Structures with five or more dwelling units (i.e. apartment buildings).
- B. On-campus student housing, off-campus student housing operated by a college or university in structures with five or more dwelling units, nursing home units, and hotels/motels.
- C. Dwelling units where the owner occupies the unit along with the tenant.
- D. Group residential housing as defined in Minnesota Statute 2561 as amended from time to time.

Subd. 2 Registration Application. The owner of a rental unit shall file an application for a Rental Unit Certificate on forms provided by the City Administrator. The form shall include at least the following information:

- A. Name, address, phone number, birth date, and driver's license/identification number of the property owner. If the owner is not a natural person (i.e., a partnership, corporation, or other similar business entity), the name, address, phone number, and driver's license/identification of a designated agent for the owner shall be provided.
- B. Owners who do not reside within the counties of Anoka, Carver, Chisago, Dakota, Hennepin, Ramsey, Scott, or Washington Counties (the "Metropolitan Area") shall appoint an agent who resides within the Metropolitan area to be responsible for maintenance of the structure and property, receipt of violation notices, receipt of compliance orders, institution or remedial action to effect such orders, and acceptance of all service of process pursuant to law. The name, address, phone number, birth date, and driver's license/identification number of the agent shall be provided.
- C. The street address of the rental property.
- D. The number and type of rental units on the property (sleeping room(s), single family, duplex, triplex, or fourplex).
- E. Number of bedrooms, bedroom size in square feet, and bathrooms in each dwelling unit.
- F. The number of people living in the rental unit.

Subd. 3 Registration of Existing Rental Units. An owner of an existing rental unit must apply for a Rental Unit Certificate pursuant to this Chapter no later than 120 days following the effective date of this Chapter.

Subd. 4 Duration of Rental Unit Certificate. All Rental Unit Certificates shall expire on midnight of December 31 of each year unless otherwise suspended or revoked prior thereto.

Subd. 5 Fees. Registration fees and penalty fees shall be prescribed by ordinance by the City Council. The required fees shall be submitted along with the application for a new or renewal Rental Unit Certificate.

Subd. 6 Renewal of Registration. An Owner or its Agent may continue to rent a dwelling unit after the expiration date of the rental registration provided that the Owner or its Agent has filed with the City Administrator, on or before the expiration date, the appropriate renewal registration application and fee.

Subd. 7 Changes in Ownership and Amended Unit Certificate. A Rental Unit Certificate shall not be transferable to another person, to another rental unit, or to a new property owner. Any changes occurring in the ownership of a rental unit shall require a new Rental Unit Certificate. The new owner must obtain a new Rental Unit Certificate within thirty (30) days of acquiring the property. The fee paid for the new Rental Unit Certificate shall be the fee required for an initial Rental Unit Certificate. If any changes occur in any information required on the registration application, the owner must submit an amended registration application to the City within thirty (30) days of the change.

335.04 Condition of Use. The registration approval shall be contingent upon the following:

Subd. 1 Conformance to Laws. Owners of registered dwelling units shall comply with applicable City Codes, including but not limited to Chapter 14, Property Maintenance. A dwelling unit may not be rented to, nor occupied by, more than one family, as defined in Chapter 13.

Subd. 2 Real Estate Taxes and Utility Bills. The real estate taxes and municipal utility bills for the property shall be in good standing prior to issuing a rental registration certificate. Real estate taxes will not be considered to be due and payable for the purposes of this Chapter while a proper and timely appeal of such taxes is pending and is diligently pursued to completion by the registrant.

Subd. 3 Inspections. The Building Official, Building Inspector, Fire Department personnel, law enforcement officers and their respective representatives are authorized to make inspections reasonably necessary to enforce this Chapter and its subsections. All authorized inspectors have the authority to enter any rental unit at all reasonable times. Each occupant shall give the owner, the owner's agent or authorized City official access to any part of such rental unit at reasonable times for the purpose of inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this Chapter. If any owner, owner's agent or occupant of a rental unit fails or refuses to permit entry to a rental unit for an inspection pursuant to this Chapter, the inspector may seek an administrative search warrant authorizing such inspection.

Subd. 4 Tenant Register. The Owner or its Agent shall keep or cause to be kept, a current register of occupancy for each dwelling unit which shall be made available to the City upon request.

335.05 Registration Suspension or Revocation. A Rental Unit Certificate may be suspended or revoked by the City Council as provided herein. Prior to suspension or revocation, the Owner or its Agent shall be notified in writing at least seven (7) days prior to the City Council's consideration of such action. In the event that a Rental Unit Certificate is suspended or revoked by the City Council, it shall be unlawful for the Owner or its Agent to thereafter permit any new occupancies for vacant, or thereafter vacated rental units, until the Rental Unit Certificate has been reinstated. Issuance of a new Rental Unit Certificate after suspension or revocation shall be made in the manner provided for obtaining an initial registration. A Rental Unit Certificate may be suspended or revoked for any of the following reasons:

Subd. 1 Failure of Owner or its Agent to operate or maintain the rental units in compliance with the provisions of the City's regulation.

Subd. 2 The registration was procured by misrepresentation of material facts, by fraud, by deceit or by bad faith.

Subd. 3 The Owner or its Agent made oral or written misrepresentations of material facts in or accompanying the application.

Subd. 4 The Owner or its Agents has failed to comply with any condition set forth in any other permits granted by the City for the property.

Subd. 5 The activities of the Owner or its Agent create or have created a serious danger to the public health, safety or welfare.

Subd. 6 The Owner or its Agent manages and operates the dwelling unit in a manner that creates a public nuisance; creates a nuisance affecting health, safety and welfare; or violates any of the following rules or regulations:

A. Violation of laws relating to the possession of controlled substances as defined in Minnesota Statute 152.01 et seq.

B. Violation of laws relating to disorderly conduct as defined in Minnesota Statutes 609.72.

C. Violation relating to the sale of intoxicating liquor as defined in Minnesota Statutes 340A.701, 340A.702 or 340A.703.

D. Violation of laws relating to prostitution or acts relating to prostitution as defined in Minnesota Statutes 609.321.

E. Violation of laws relating to unlawful use or possession of a firearm as defined in Minnesota Statute 609.66 et seq. on the registered premises.

F. Violation of laws relating to assault, including domestic assault as defined in Minnesota Statute 609.2242.

G. Violation of laws relating to contributing to the need for protection or services or delinquency of a minor as defined in Minnesota Statute 260C, etc. seq.

H. Violation of laws which prohibit gambling as defined in Minnesota Statute 609.75 through 609.76.

335.06 Violation. Except as provided in Section 335.03, Subd. 1 A-C, any person that maintains a rental unit without having the required Rental Unit Certificate or after the Rental Unit Certificate for the property has been revoked or suspended, or who permits new occupancy in violation of this Chapter is guilty of a misdemeanor.

335.07 Authority. Nothing in this Chapter shall prevent the City from taking action under any applicable rule, standard, statute or ordinance for violations thereof and to seek either injunctive relief or criminal prosecution for such violations as therein provided.

335.08 No Warranty by the City. By enacting and undertaking to enforce this Ordinance, neither the City, its designees, the City Council, or its officers, agents or employees warrant or guarantee the safety, fitness or suitability of any dwelling in the City. Owners or occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare. A warning in substantially the foregoing language shall be printed on the face of the rental registration.

335.09 Severability. If any provision of this Chapter or amendment thereto, or the application thereof to any person, entity or circumstance, is held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Chapter shall remain in full force and effect and the application thereof to other persons, entities or circumstances shall not be affected thereby.

335.10 Non-City Regulations. Nothing in this Chapter shall prevent owners or homeowner associations from enacting regulations more restrictive than those adopted by the City. The City shall not be responsible for verifying any of the requirements adopted by owners or homeowner associations and Rental Unit Certificates shall not be contingent upon conformance to non-City regulations.