

City of Robbinsdale
4100 Lakeview Ave N
Robbinsdale, Minnesota 55422
763-537-1267

RENTAL PROPERTY OWNER'S HANDBOOK



MARCH 2024

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City Code Requirements

Rental License Required

No person, firm or corporation shall operate a rental dwelling in the city without first having obtained a license. Rental properties currently receive a two-year license valid on the calendar year cycle, January 1 through December 31 (odd or even years). Mid-year application fees can be pro-rated. Also, check the zoning of the property. Duplexes, separate rental units and "mother-in-law" apartments are not permitted in the R-1, single family residential district.

It is the owner's responsibility to apply for the license, arrange and schedule inspections, ensure completion of any corrections that may be required, and to maintain the property in compliance of city code and state law. The city holds the owner responsible regardless of private lease agreements that place expectations upon a renter for some facet of maintenance such as lawn mowing or snow removal, or repairs.

If you do not have a rental license application, visit Robbinsdale's Building Department at City Hall at 4100 Lakeview Avenue North, or request an application by calling 763-531-1267 or visit www.robbinsdalemn.com. The license application can be directly accessed at <https://www.robbinsdalemn.com/city-government/city-departments/community-development/rental-housing-information>. The application must be completed in full and returned with your fee. The license and inspection sequence of events is as follows:

1. Submit your application.
2. Applicant calls to schedule an appointment for an inspection.
3. Inspection is made by the Housing Inspector.
4. Housing inspector either issues rental license, or correction order for repairs to property.
5. Once repairs are completed, Housing Inspector issues rental license, possibly after re-inspection.
6. The license must be posted in a conspicuous location at the rental property.

Your rental unit must comply with the requirements of the City of Robbinsdale Property Maintenance Code and all other applicable laws. When a dwelling is converted to a licensed rental there is a \$750 New Conversion Fee. If the home is currently registered as a rental and there is a new owner, there is a \$500 New Owner Fee.

Renewal notices are mailed (see last paragraph) prior to the expiration of your license. Return the form with any updates and the license fee. Upon change of personal information, such as new address, new phone number or email, please make sure to inform us @ 763-531-1267 or email roce@ci.robbinsdale.mn.us.

Inspections

The City of Robbinsdale has a Housing Maintenance Section in the City Code (Section 425) which can be viewed Online at <https://www.robbinsdalemn.com/city-government/city-code>. This code sets the minimum property maintenance, health, and safety standards for rental housing. Robbinsdale has a full-time inspector who will inspect your rental property every two years. The assigned inspection month may or may not be the same as the application month. Important note: state statute mandates that you provide your renter reasonable notice before an inspection of their unit (recommendation is at least 24 hours). the member benefits call 952-854-8500.



The next step after submission of the application is to contact the office of the Housing Inspector to set an appointment for your rental inspection. Allow up to one hour for inspection of each rental dwelling unit. Your rental unit must comply with the requirements of the Housing Maintenance Code and all other applicable laws.

Robbinsdale

Rental Inspections



Things to check before your rental inspection...

Interior Rooms

- Functional smoke detector is in every bedroom and on each level.
- Functional carbon monoxide detector is placed within ten feet of the bedrooms.
- Condition of stairways, hand and guardrails including height and spacing. Lighting over stairs. Provide proper handrail and guardrails.
- General condition of the floors, walls and ceilings. No peeling paint or holes.
- Heating system, heat distribution. General level of maintenance.
- Water heater, water heater venting, general condition, water pipes and drain lines, leaks, improper repairs, proper venting and general condition of plumbing fixtures.
- Gas fired appliances, their flues and gas lines including yard grills.
- Open gas lines and proper shutoffs.
- Dryer exhaust venting and condition.
- Electrical panel, grounding of system, improper branch wiring, condition and grounding of electrical devices, cover plates.
- General conditions of habitable rooms and proper room sizes. Electrical cover plates, excessive rubbish or storage preventing normal room maintenance. Required heat source for all habitable rooms.
- Compliance with occupancy standards (overcrowding, excessive fire load).
- Kitchen conditions including sanitation, food prep surfaces, range, microwave, refrigerator, walls, cabinets, appliances and floor.
- Bathroom conditions including sanitation, leaks and fixture condition, ventilation, walls and floor.
- Level of attic insulation, if accessible.
- Window operation. Painted shut, broken sash ropes, drop hard, sash locks, clear openings in sleeping rooms (egress windows) etc.
- Storm doors (if present) and condition, missing parts, damage, dead bolts at main entry doors. Patio door locks.

Exterior Grounds

- All exterior surfaces, including but not limited to, siding, roofs, foundations, doors, door and window frames, cornices, porches, trim/fascia, balconies, decks, fences and accessory structures must be maintained in good condition and be structurally sound so as not to pose a threat to health, safety or welfare.
- The most common problem found in rental properties is the accumulation and improper management of trash, refuse or rubbish. Rubbish issues, exterior storage, trash and recycle cart management and their placement. Includes materials between garages or inside window wells, or in the public street right-of-way. Garbage carts have no holes.
- Height and condition of incoming electrical lines, electrical mast head, trees touching electrical lines. Condition of exterior electrical wiring, garage wiring. No extension cords used in-lieu of permanent wiring.
- Grass / weeds over 8” tall. Condition of fences. Improper composting operations, brush piles, lack of “ground cover” such as grass. Trees touching roofs. General grading and pitch of walks, patios to shed water away from the dwelling.
- Condition of walks, driveways, stoops, steps, hand and guardrails, decks, gutters and downspouts. Gutter systems are not required, but minimum standards apply if present.
- Loose, missing or decayed siding, trim on all structures including condition of doors and jambs. Damaged roofing material.
- General level of maintenance at all windows including screens, missing paint / putty, broken, missing, or cracked glass.
- Excessive peeling or missing paint. Condition of chimney.
- Escape access and ladders (if required) at egress wells.

Garages

- Interiors are inspected if renter has access and if there is electrical power in the garage. Two spaces are required if the dwelling is a single-family home, part of a two-family dwelling, or a townhouse. 1.5 (off-street) vehicle parking spaces are required for each apartment rental dwelling.
- Exterior of garages are inspected as described above in exteriors/grounds.

Call the Rental Housing Inspector at 763-531-1261 for specific inquiries about your situation. To schedule a rental inspection, call 763-531-1267
All deficiencies are to be corrected within 30 days of initial or biennial inspection with a re-inspection conducted.

City Code Requirements

The inspector will identify necessary repairs and follow up with a written compliance order. The owner or managing agent must be present for the inspection. Upon request, the Housing Inspector will also provide previous compliance orders if the property had been previously rented.

State law also states that prior to signing a lease, paying rent or paying a security deposit, a prospective renter must be given a copy of all outstanding inspection orders that threaten health or safety. It is advisable to include the date of re-inspection on the notice. State law also mandates that the renter must be made aware that a copy of the inspection form is available for their review at City Hall.

Renewals

The Rental Admin issues renewal applications generally around Labor Day of the license expiration year to the owner's address of record. The renewal license application must be returned with the license fee for the next two-year period a minimum of 60 days prior to December 31, the date of expiration. Changes of address information if applicable must be provided with the renewal application. Failure to submit applications in a timely manner will result in escalating surcharges.

Responsibilities

Those who own, lease, occupy or are in control of property are responsible for maintaining their property. Ultimately, the owner is held responsible for the exterior maintenance of a rental property. All exterior property and premises must be maintained in a clean, safe, and good condition. All vacant structures and land must be kept clean, safe, secured and otherwise properly maintained. Renters are often held responsible for interior "housekeeping" by the property owners; however, the following is excepted from the Robbinsdale City Code:

Section 425.13. Responsibilities of owners and occupants. Subdivision 1. Responsibilities of owners. The owner of a dwelling is responsible for the maintenance of that structure and for meeting the provision of the Housing Maintenance Code (HMC).

(a) A transfer of responsibility. A contract between owner and operator, or owner and occupant, with regard to compliance with the HMC, does not relieve the owner, operator or occupant of any duty imposed by the HMC.

Subd. 2. Responsibilities of occupants and owners.

(a) An owner, agent or occupant of a dwelling unit may not allow the accumulation of dirt or filth on the premises occupied or controlled in a manner that could create a health hazard to the dwelling occupants of the general public.

Landscape Conditions

Exposed areas surrounding (or within) a principal or accessory use, including street boulevards which are not devoted to parking, drives, sidewalks, patios or other such uses, must be landscaped with grass, shrubs, trees, or other ornamental landscape material. Such landscaping must be maintained in good condition and free of noxious weeds. Weeds, including tall grass, may not exceed eight inches in height.

Where a conditional use permit has been granted for the property (a zoning requirement for most apartments, duplexes, townhouses and condominiums), a landscaping plan was prepared and approved by the city as one of the conditions of approval. The landscaping shown on the approved landscaping plan is considered as minimal and must be maintained accordingly. Any deviation of species or material shall be equal to or better than originally approved. In addition, adequate lighting facilities must be provided and operated between the hours of sunset and sunrise. Snow plowing or snow shoveling must be regularly accomplished to maintain all sidewalk and parking areas in a safe and passable condition.



Many older duplexes were in existence prior to the creation of the conditional use permit requirement. These duplexes have been legitimized over time, with "R-2" zoning. However, the owner should check compliance with zoning standards in the event there is an intention to expand the building. Legal non-conforming ("grandfather") status allows for perpetual maintenance and improvements, but not expansion of the building. Contact the Community Development Department at 763-531-1266 with specific questions.

Temporary Sign Requirements

When advertising a licensed rental property, keep in mind that there are restrictions on the type, size and location of signs. Prohibited or illegally placed signs may be confiscated by the City, including off-premises signs.

The following are types of temporary signs allowed by city ordinance that do not require permits:

Section 410.11, Subd. 5. Real estate sale and rental signs. Signs erected for the sole purpose of sales or rental of property, structures, or space therein are permitted in all zoning districts, provided that the sign is erected on the premises to which the sign refers. The sign may not exceed one quarter square foot of sign area for each foot of property frontage, along which the sign is to be erected, up to a maximum size of 25 square feet in area. Only one real estate sign may be erected along each street frontage. If the sign is erected as a free-standing sign, it may not exceed four feet in height and must be securely anchored to prevent its

dislodgement by normal wind pressure. The sign must be removed within seven days of sale or rental. The signs are not included in the maximum number of signs allowed under subsection 410.09.

Location: The signs may not be placed on the public right-of-way or in the public street intersection's 35-foot clear view triangle. Signs must be placed only on the property being sold or leased. In most residential areas the public right-of-way extends fourteen feet behind the curb of the street, or at least one foot behind the sidewalk. For more information regarding real estate and other signs, please call the City Planner in the Community Development Department at 763-531-1266.

Garage Sales

Persons vacating rental property often have "garage sales" to dispose of unwanted items. It is important to note that City Code prohibits more than two garage sales per year. Specifically, City Code Section 1135.03 Subd (a)(4): "the sale of secondhand goods is permitted no more than twice per 12-month period."

Nuisance Ordinance



Repeat Nuisance Fee, Section 927, Robbinsdale City Code

The City of Robbinsdale has a repeat nuisance ordinance which assesses service fees for repeat nuisance calls. This ordinance enables the City to impose a fee to the owner or occupant, or both, of property to which City officials (police officers, community service officers, and code enforcement officials) must repeatedly.

respond for any repeat nuisance activity. Owners and occupants receive warning letters after two documented violations within a 365-day period. The fee is imposed for the third and additional documented violations within a 365-day period.

Definitions of nuisance conduct

For purposes of this Section, the term "nuisance conduct" means any activity, conduct, or condition occurring upon private property within the City that unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any member of the public; or will, or tend to, alarm, anger or disturb others or provoke breach of the peace, to which the City is required to respond, including, but not limited to the following:

(a) Any activity, conduct, or condition deemed as a public nuisance under any provision of the City Code.

Examples include the following:

1. Maintaining an unkempt yard (grass/weeds greater than 8" in height, brush piles, accumulated rubbish and lack of turf or ground cover in unpaved areas).
2. Maintaining a condition of ill-repair on or in the premise (inadequate or deferred maintenance resulting in physical deterioration of the property as above mentioned in the Exterior/ Grounds section).
3. Keeping junk vehicles, or parking vehicles on an unapproved surface (unpaved).

(b) Any activity, conduct, or condition in violation of any provision of Chapter IX of the City Code. Examples include the following:

1. Loud music.
2. Loud parties or gatherings.
3. Unleashed or barking dogs.

(c) Any conduct, activity or condition constituting a violation of any Minnesota state law prohibiting or regulating prostitution, gambling, controlled substances, and use of firearms.

(d) Any conduct, activity, or condition constituting disorderly conduct under Chapter 609 of Minnesota Statutes.

Examples include:

1. Arguing or fighting. This does not include domestic assault as defined by MN State Statute 609.2242.
2. Shouting, yelling, screaming, or using profanity in a manner that disturbs other neighbors or the general public.

This ordinance can be very helpful to landlords attempting to evict problem renters. Including a violation of this code in your Eviction Action demonstrates to the court that the renter's actions jeopardize the landlord's rental license. Therefore, the court is more likely to rule in favor of the landlord.

Any questions related to the repeat nuisance ordinance should be directed to the Robbinsdale Police Department's Police/Community Action Officer at 763-531-1220.

Graffiti Prevention and Enforcement

Graffiti, while more common in commercial areas, can occur in a residential neighborhood making it unappealing to prospective homeowners and tenants. Robbinsdale code requires that graffiti be removed immediately. Studies show that if graffiti is not removed within 24-hours the chances of it happening again increase exponentially. Unresolved graffiti encourages littering, violence and more graffiti.

Removal Tips: Effective graffiti-removal products formulated for a variety of wall surfaces are available at hardware and paint stores. There are professional graffiti removal companies as well. Follow manufacturer's directions when using graffiti-removal products, many are toxic. Wear rubber gloves, safety goggles, and an OSHA approved respirator.

The City holds the property owner responsible at all times, to keep the property clear of graffiti. If caught, the city may require the perpetrator to remove or pay the costs of removal. A perpetrator may be charged civilly, as well as criminally.

Immediately report all graffiti damage by calling 9-1-1.

If you have information on individuals involved with the crime, see graffiti in progress, call 911. Use 9-1-1 for an officer response, not just for dire emergencies. Get a photo of the graffiti, especially if you have to remove it before the police arrive. A photo allows police to link vandals to other cases. Pictures can be provided to insurance companies for making damage assessments. Instruct your renters to immediately report, remove and/or cover graffiti.

Graffiti Prevention

- Watch for suspicious behavior. Call 911 if you see someone vandalizing or about to vandalize with graffiti or any other crime.
- Get organized. Form or participate in your apartment or block club/neighborhood watch.
- Encourage young people to help clean-up the area.
- Consider physical changes to make your property less of a target:
 - On blank walls, use clinging vegetation to eliminate large writing surfaces.
 - Use thorny or thick bushes and fences to keep people out of or away from likely graffiti areas.
 - Install motion detector lights.
 - Choose dark paint colors; they're less attractive to graffiti vandals.
 - Make sure your property is well maintained and cared for.
 - Check the inside of your property for graffiti-it could be one of your renters or a rival tagger or gang member creating the problem.
 - Establish a clear boundary between public property and your property.



Applications and Leases

Application and Lease Basics

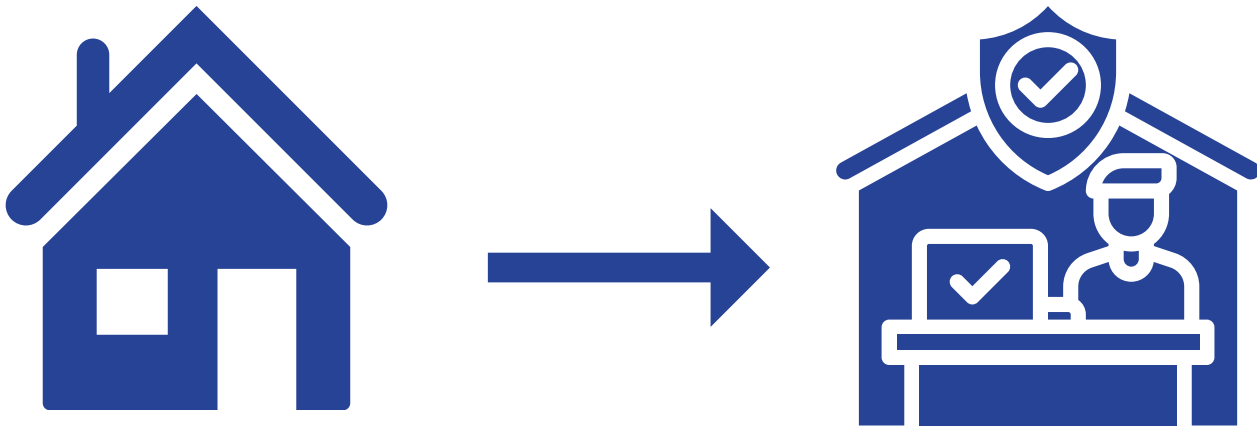
A good application and lease are the building blocks of a good business. The information provided here is just an overview. You may want to attend a class to learn more about your business forms and legal documentation. You absolutely must read the "Landlord and Tenant Rights and Responsibilities" book from the Attorney General's Office (provided in this binder). You are obligated under state statute to notify your renter(s) it is available to them. Copies are free and available on-line at www.ag.state.mn.us.

The City of Robbinsdale strongly recommends you use a current written lease and update that lease on a frequent basis. You can buy leases off the internet or at office supply stores, but these are not specific to Minnesota law and industry standards therefore, and are therefore not recommended. The Minnesota Multi Housing Association sells a "Start-up" Kit that includes leases, applications and all forms needed to rent out a property. These forms are updated regularly by housing professionals, lawyers and fair housing experts. They incorporate specific language to address details of Minnesota's laws and protect you from liability. This kit can be purchased for \$17 for MHA members or \$34 for non-members. Forms are also available individually; see the product catalog for pricing. To purchase, visit www.mmha.com or call 952-854-8500 to order over the phone.

The following are some basic tips regarding the application, lease and enforcement:

- Institute a comprehensive rental application form and check all references and phone numbers given by the applicant. Cross check this information in the phone book or using the internet. Strongly consider using a screening company. If any information is false, you may reject the application. Your application needs to ask enough questions to verify your screening criteria.
- Establish a written code of conduct for all current and future residents. This code should clearly define behavior which will not be tolerated such as excessive noise, unruly behavior by residents' friends, parking violations, damage to lawn, length of time a guest may stay, unsupervised children. After establishing, review with an attorney for the fair housing "smell test".
- A lease should clearly indicate the total number of persons that occupy a unit (see number four on page 19 and City Code limitations on page 24 for more detail).
- Some repairs or maintenance duties (like yard work) can become the duty of the renter if: both parties agree in writing that the renter will do the work; and the renter receives adequate consideration such as a reduction in rent or direct payment from the landlord. Remember, landlords are ultimately held responsible for property maintenance.
- All applicants should supply license and registration information regarding their car. Do not allow vehicle maintenance work in your driveways or in the street in front of your property. An exception to this rule is the changing of a flat tire.
- If you have a problem renter, make sure you serve them with conduct violation notices (certified mail is the best form of delivery). Include a police report (if provided), and a highlighted copy of the signed lease or code of conduct agreement. Be sure you send copies of this notice to any co-signer to the lease. This serves as official written notice that their conduct violates the rules and policies. Keep records of all violations. Most judges in Eviction Action hearings will accept two documented conduct notices as sufficient grounds for removing problem residents if the notices were well documented and served in a timely manner.

- Serve trespass notices on loitering or misbehaving non-resident(s) you ask to leave your property, when allowed by Minnesota State Statutes 609.605 Subd. 1 paragraph 3. These notices may prohibit the unwanted persons from returning to your property for up to one year. See the sample trespassing notice on page 14 or contact the Robbinsdale Police for more information.
- Keep written documentation of all disruptive conduct, failure to pay rent on-time, loud parties, unruly guests, and police calls to your property. Information on police calls to your rental property is available from the Police Department at 763-531-1220.
- Notify the police IMMEDIATELY if you suspect drug dealing on your rental property. Call 9-1-1 and tell the dispatcher as much as you can about the persons and vehicles involved in the suspected sale. Use 9-1-1 even if the incident has passed. This will start the process of investigating a crime. If you have information about possible drug dealing, call the Robbinsdale Police Department at 763- 531-1220. The department will forward information to the Northwest Metro Drug Task Force. Just one sale of drugs that can be documented is grounds for eviction. Under state law your rental property may be subject to forfeiture if you do not take action to evict drug dealing resident(s).
- Use the Lease Addendum for Crime Free/Drug-Free Housing on the following page 13. This document, approved by the Attorney General's Office, Minnesota Multi Housing Association and the City of Robbinsdale, is an effective tool for eliminating problem renters.
- Change all locks after an eviction of any resident, as you should after each move out. While not required by any law, it is a very important safety measure. Should a resident be burglarized by a person holding a key (a past resident or someone the past renter gave a key to) you will most certainly be under investigation, and you may lose a civil case if the victim can prove you failed to change the lock.



Illegal Activity of Residents

Common Indicators of Potential Drug Activity

- Provides false or vague information on rental application
- Reluctant to show identification or provide vehicle license number (helps you determine over-occupancy or unauthorized sub-letting)
- Refuses to allow criminal history check
- Vague or incomplete previous rental history
- Frequent short visits especially in the evening and late night hours
- Tenant is home all the time- no apparent means of support but always has cash
- Tenant receives frequent packages or deliveries
- Large amounts of money seen in apartment or in renter's possession
- Chemical, ammonia like smells or burning marijuana odors detected
- Renter changes all the locks, excessive fortification of the exterior and/or interior (such as deadbolts on bedroom doors)
- Expensive cars owned by the renter or frequently visiting the property
- Blinds always drawn or heavy covers placed over them (including basement windows)
- Screens missing or slashed from windows
- Reluctant to allow repairs or inspections
- Drug residue on coffee tables, etc
- Unusual number of plastic bags/baggies (especially with the comers tom off)
- Unusual residue in sinks, toilets, stove top or laundry areas
- Maroon residue on aluminum trim or windows
- Small pieces of folded paper
- Several pagers or cellular phones
- Unusual amounts of baking soda, tin foil, lithium batteries or solvent containers
- Large numbers of antihistamine or ephedrine-based over the counter meds
- Lab equipment-glass beakers, tubing, chemicals or unusual residue on pots/pans
- Boxes of fabric softener sheets or packages of duct tape
- Towels left at foot of door or near vents
- Drug paraphernalia, scales, weapons, ammunition or safe

Call 9-1-1 to report all suspicious activity.

Landlords must file an eviction when renters are known to engage in drug activity.

Under Minnesota law, all resident(s) in residential property agree not to aid in the making or distribution of drugs any place on the property.

Under State Statute, if illegal drugs or contraband valued at more than \$100 are seized from the property, the landlord upon being notified has 15 days to file to evict the tenant or ask the county attorney to do so (the county attorney's office pays for the filing, represents the landlord in court and arranges any necessary means to remove the tenant from the property). A landlord's failure to take action on a renter may result in the landlord forfeiting the rental property to the state.



Private Data Protection

Protecting Yourself

Simple precautions are recommended when showing a vacant unit to prospective renters. The following precautions can be carried out quickly and unobtrusively, yet may both deter an assault and give the message to a potential renter that you are concerned about the safety and security on your property.

1. Whenever possible, show your property by appointment. **Do not accept walk-ins.**
2. During the initial call, request home, work and cell phone numbers from potential renters. Look up their information in the phone book to verify the applicant's work and home address prior to your appointment. It also makes it easier to call back to verify appointments.
3. Let potential applicants know you require a valid picture identification before you show property. It may serve as a deterrent to an assault and will provide you with proof that the person is the applicant you spoke with over the phone. If possible, keep the I.D. in your possession at a location other than the property being shown (such as your business office). If that isn't an option, check the I.D. and call someone with the applicant's information before handing it back.
4. Conspicuously tell someone where you are - make the applicant aware of this fact. If you've phoned someone to tell them the information from the I.D., make a second call- even if it's just to your own voicemail. State clearly: the address you are showing, the name and phone number of the person you are with, and a time that you'll check back.
5. When showing a unit, try to have another person with you besides the prospective renter.
6. Carry a screech alarm or cellular telephone. Do not hesitate to call the Robbinsdale Police for help. Note- Cellular 911 calls are answered by the State Patrol, immediately tell the dispatcher your address and ask for the Robbinsdale Police.
7. Bring a doorstop with you and prop the door open while you are inside.
8. Stand near the exit. Let the prospective renter(s) look through the unit. Don't let them get between you and the exit. If the unit is still occupied, you may want that resident(s) or someone else present to make sure nothing is disturbed.

Private Data Protection

When a person hands over their information as proof of identity and rentability they are entrusting you with a precious commodity, extremely private and valuable data. It is their key to housing, employment and credit. And it's a thief's ticket to a free ride.

When accepting that information you are also accepting the responsibility of protecting and keeping their identity secure. With the constant changes in technology the key is to be vigilant, review your policies and seek frequent updates on the topic.

Protection of personal information can also be a marketing tool. Show pride in the lengths you go to secure an applicant's personal information, demonstrate great care for their privacy and remind them to protect their information. They may not be aware of their own vulnerability. Learn more about identity theft by visiting the Federal Trade Commission website: www.ftc.gov and search "ID Theft" to link to a great handbook.

Identity theft is not just important for you to know and prevent but also imperative that your renter understands prevention strategies. Should your renter become a victim of identity theft they may not be able to pay you rent, impacting your business.

Tips for Securing Personal Information:

- Keep rental files, including electronic files in a secured location.
- Consider at a minimum a locking file drawer (and use the lock). An even better option is a hidden file cabinet.
- Electronic files should have password protected or saved to a disc rather than your hard drive.
- Destroy information at disposal. Don't just toss documents in the trash - shred them.
- Question persons seeking information on your renter; ask for a signed waiver before releasing any information.
- Have a schedule for destroying denied applications (should keep these for three years).
- Control access to the file storage area, and your computer.



Crime Prevention

TRESPASS WARNING

Minnesota State Statute 609.605 sub. 1(3):

"Whoever intentionally does any of the following is guilty of a misdemeanor;

(3) Trespasses on the premises of another and, without claim of right, refuses to depart from the premises on demand of the lawful possessor thereof;

..... is hereby given notice by
....., an acting agent for the lawful possessor,
..... to leave these premises or any other property owned,
managed, or provided security services by so indicated. Failure to comply with this warning will result in arrest and prosecution under Minnesota State Statute 609.605 sub 1(3), as above.

This notice will remain in effect until one (1) year from the date issued.

DATE: WITNESS(ES)

ISSUED BY:

COMPLAINANT NAME:

ADDRESS:

.....

PHONE:

.....

EXPLANATION OF ISSUANCE:

.....

.....

.....

SIGNATURE OF PER.SON TRESPASSED:

LEASE ADDENDUM FOR CRIME-FREE/DRUG-FREE HOUSING

Per our policy and Police recommendations, the following agreement shall apply for consideration of lease execution or renewal.

In consideration of the execution or renewal of a lease of the dwelling unit identified in the lease, Owner and Resident agree as follows:

- I. Resident, any members of the resident's household or a guest or other person under the resident's control shall not engage in illegal activity, including drug-related illegal activity, on or near the said premises. "Drug-related illegal activity" means the illegal manufacture, sale, distribution, purchase, use or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in Section I 02 or the Controlled Substance Act [21 U.S.C. 802]) or possession of drug paraphernalia.
2. Resident, any member of the resident's household or a guest or other person under the resident's control shall not engage in any act intended to facilitate illegal activity. including drug-related illegal activity, on or near the said premises.
3. Residents or members of the household will not permit the dwelling to be used for. or to facilitate illegal activity. including drug-related illegal activity, regardless of whether the individual engaging in such activity is a member of the household.
4. Resident or members of the household will not engage in the manufacture, sale, or distribution of illegal drugs at any locations, whether on or near the dwelling unit premises or otherwise.
5. Resident, any member of the resident's household, or a guest or other person under the resident's control shall not engage in acts of violence or threats of violence, including but not limited to the unlawful discharge of firearms, prostitution, criminal street gang activity, intimidation, or any other breach of the rental agreement that otherwise jeopardizes the health, safety or welfare of the landlord, his agents or tenants.
6. VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL VIOLATION OF THE LEASE AND GOOD CAUSE FOR TERMINATION OF TENANCY. A single violation of any of the provisions of this added addendum shall be deemed a serious violation and material non-compliance with the lease.

It is understood and agreed that a single violation shall be good cause for termination of the lease. Unless otherwise provided by law, proof of violation shall not require criminal conviction, but shall be by the preponderance of the evidence.

7. In case of conflict between the provisions of this addendum and any other provisions of the lease, the provisions of the addendum shall govern.
8. This LEASE ADDENDUM is incorporated into the lease executed or renewed this day between Owner and Resident.

This addendum is not intended to offend or imply criminal involvement and shall apply to all applicants.

RESIDENT SIGNATURE	DATE	MANAGEMENT SIGNATURE	DATE
RESIDENT SIGNATURE	DATE	PROPERTY NAME	DATE

Resident(s) acknowledge receipt of this addendum by signature of this document.

.....

Crime Prevention

Crime Prevention efforts in the City of Robbinsdale are designed to foster a working partnership between police officers and Robbinsdale residents. Working together, police and residents make Robbinsdale a safer place to live and work. Listed below are some of our crime prevention programs.

1. Neighborhood Watch

Robbinsdale has many active Neighborhood Watch groups composed of residents who are dedicated to keeping their neighborhoods safe. Neighborhood Watch groups send a clear message to potential criminals that crime is not welcomed in the City by providing extra "eyes and ears" in their neighborhoods. Watch groups schedule their own meetings and coordinate with the Robbinsdale Police Department's Crime Prevention Officer.

2. Crime Prevention Association

Residents and property owners are also able to attend regular meetings with the Robbinsdale Crime Prevention Association. The association meets regularly on the first Wednesday of every month in the upstairs training room of the Robbinsdale Police Department. An officer from the Robbinsdale Police Department attends each meeting and participates in discussions involving crime trends and citizen concerns.

3. Crime Free Multi Housing

The Robbinsdale Police Department is also involved in a Crime Free Multi Housing Program (CFMH). Through CFMH, the police department is able to build relationships with property owners and help solve problems that may arise on their rental property.

4. National Night Out

The City of Robbinsdale participates annually in National Night Out. This is a coordinated, national crime prevention effort which takes place the first Tuesday of every August. National Night Out is designed to heighten crime prevention awareness and police-community partnerships. It encourages residents across the country to get out into their neighborhoods and meet their neighbors at block parties. Officers from the Robbinsdale Police Department attend these block parties and discuss any issues or concerns that are considered important by the neighborhood.

As a property owner, you are encouraged to attend a party on your block. This is a great venue for finding out what's going on in the neighborhood, and if there are any issues related to your property. It is also an opportunity to show the neighborhood that you have a vested interest in keeping the City, as well as your property, safe from crime.

Any questions you have regarding our crime prevention programs should be directed to the Robbinsdale Police Department's Crime Prevention Officer at 763-531-1220.

Warning Signs of a Dishonest Applicant

Watch for gross inconsistencies. When an applicant arrives in a brand new, luxury sports car and fills out an application that indicates an income of \$1,000 a month, something is not right. You may deny the applicant for other reasons that common sense would dictate are clearly suspicious (credit reports also can reveal such oddities - for example, if the applicant is paying out much more per month to service credit card debts than the applicant is taking in as income).

You may deny on the basis of many factors provided the effect is not a disproportionate denial of a protected class. If you deny an applicant, record your evidence and the reason for your decision- keep the denial on record for three years. The law is written to prevent discrimination against protected classes. You are not required to look the other way when gross inconsistencies are apparent.

Be aware that people involved in illegal activity may use "fronts" to gain access to your property. You may rent to someone who has an acceptable rental history and no record of illegal activity, yet once that person moves in, boyfriends, 'girlfriends, other acquaintances, or family members may move in and begin committing crimes or nuisances. Make it a point to drive past your property frequently, check license and vehicles in the driveway to those provided on the application- they should match. Tip: Drive past on garbage day, or the night before garbage day; Large amounts of trash indicate over occupancy.

Consider a policy requiring that applications be filled in onsite. Require that all applications to be filled out on-site or in an application interview. Applicants who are unsure of some information should fill in what they can and come back to fill in the rest or provide the necessary materials to complete the application. This policy can hamper the ability of dishonest applicants to fabricate a story and allow for dishonest or dangerous applicants to exit with minimal confrontation. Leaving without an application they are less likely to come back.

If you use such a policy, make sure it includes reasonable accommodation for otherwise qualified people whose particular disability or other protected characteristic would cause this policy to be a barrier to their application.

Watch out for Friday afternoon applicants who say they must move in that very weekend. Drug dealers know that you may not be able to check references until Monday, by which time they will already be in the rental unit. Tell the applicant to find a hotel or a friend to stay with until you can check references.

Observe the way applicants look at the unit. Do they check out each room? Do they ask about other costs, such as heating, garbage service, and others? Do they visualize where the furniture will go, which room the children will sleep in, or how they will best make use of the kitchen? Or did they barely walk in the front door before asking to rent, showing a surprising lack of interest in the details? People who are planning an honest living care about their home and often show it in the way they look at the unit. Some people who rent for illegal operations forget to pretend they have the same interest.



Applicant Screening and Fair Housing

Prevention Officer at the Police Department may provide a summary of police activity in an area, free of charge, over the phone.

- The correct answer to give to questions about the people who live in any adjoining rentals would be, "People who have completed an application, met our rental criteria, and signed our lease paperwork."
- Train people who speak with prospective renters to avoid cross-examining questioners and to avoid questions that challenge your standards. Have a routine process for referring callers who question or challenge your standards. Do not lie or "sugar coat" grounds for rejection. If a tenant screening service has been used, comply with the laws that give the applicant the right to contact that service.
- Be consistent. If you want to make exceptions to your policies, have a written exception policy. If an exception is based on income/money issues, you can require additional security/rent to cover risk of making an exception.

Sample Screening Standards

1. Minimum Income. You cannot get a mortgage without having a certain minimum income. Rental housing should be the same. The trick is picking a standard that will work for you all the time. Sample standards include:

- Household income equal to three times the rent. Standards of two and two and a half times are also common in the Twin Cities area. SEE WARNING BELOW.
- Apartment rent plus some minimum amount of income per adult and a lower amount per child occupant.
- An established amount per apartment such as: \$400 apartments--\$1,000

Income from all sources available to pay rent should be considered. If a person has insufficient income, a rental might be considered with a co-signer, additional security deposit, or payment of the last month's rent. Screen a co-signer the same as you would a renter.

WARNING: The well-established practice of using minimum income standards is occasionally challenged by tenant advocates as discriminating against persons on public assistance and under state and federal laws prohibiting discrimination on the basis of race, familial status, and disability. This is an area where owners and managers should be watchful of potential change and challenge. Consistency of enforcement becomes very important. It is also important that owners show that all applicants (not just those receiving public assistance) are told about minimum income standards. It may help an owner to have an exception policy where persons without sufficient income can qualify (assuming all other screening standards are met) by providing additional security deposit or prepaying rent.

Areas of question and challenge include:

- a. How minimum income requirements are computed where persons receive portions of their rent paid by Section 8.
- b. What counts as "income."? Do food stamps or other non-cash benefits count?

Information on applicant screening provided by:

DONNA E. HANBERY
Hanbery & Carney, P.A
Minneapolis (612) 340-9855
(612)-340 9446 fa,

THE MATERIALS ON APPLICANT SCREENING AND FAIR HOUSING AND SUGGESTED APPLICANT SCREENING CRITERIA THROUGH PAGE 23 ARE USED WITH THE PERMISSION OF DONNA E HANBERY, AN ATTORNEY WHO WORKS WITH PROPERTY OWNERS AND MANAGERS AND REGULARLY CONDUCTS CRIME-FREE AND PROPERTY MANAGER TRAINING.

HANBERY CAUTIONS ALL PROPERTY OWNERS AND MANAGERS TO READ THESE MATERIALS AND TO UNDERSTAND THAT THEY WERE PREPARED FOR GENERAL USE IN MINNESOTA. PLEASE CONSULT THE SPECIFIC ROBBINSDALE CODE MATERIALS THAT APPEAR AT THE END OF THE OUTLINES. HANBERY ALSO CAUTIONS THAT LAWS AND TRENDS MAY CHANGE AND MAY MAKE THESE OUTDATED IN PLACES. IT IS ALWAYS A GOOD IDEA FOR PROPERTY OWNERS AND MANAGERS TO CONSULT THEIR OWN LEGAL ADVISORS BEFORE ADOPTING ANY BUSINESS PRACTICE OR FORM.

How To Avoid Problem Renters and Discrimination Claims

Every time you turn down a potential tenant/applicant that is a member of a "protected class," you run the risk of a discrimination claim. Aggrieved persons who believe they have been discriminated against on the basis of race, creed, color, ancestry, national origin, religion, sex, marital status, familial status, status with respect to receipt of public assistance, disability, and sexual orientation, can file a claim with HUD, the state, or city civil rights department alleging discrimination. (Check your local human rights codes/ordinance for additional requirements/"protected classes." For example, St. Paul includes age; Mankato covers "student status.") When a discrimination claim is filed, the burden is on the owner/management company to prove the tenant was rejected for a valid, nondiscriminatory reason.

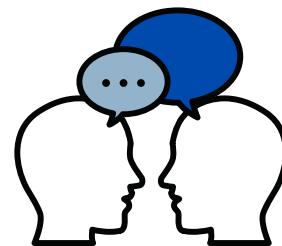
Even a good reason for rejection of a tenant can result in a successful discrimination claim if there is also a discriminatory motive or there is evidence that the owner/management company does not reject other tenants for the same reasons. The damages in discrimination cases can be high.

Demands of \$25,000 to \$50,000 are not uncommon. They can also be costly to defend. Although an owner/management company can represent himself/herself/itself in these cases, this is seldom advisable.

The best way to avoid these claims is to:

1. Have written standardized screening/occupancy standards that are given or made available to all applicants. (This is required in Minneapolis if you charge an application fee.)
2. Train all persons speaking to prospective renters about fair housing laws and your standards. The same general information should be given to all callers and applicants.
3. Take special care in training people that show rentals. Showings should follow a standardized routine for showing common areas, offering all showable units on an equal basis, avoiding any comments about suitability or conduct that could be considered "steering." Be consistent in requesting or holding any photo ID.

Avoid answering any questions about the neighborhood or other people in the community. Invite prospective residents to call the Robbinsdale Police Department at 763-531-1220. For example: Telling an applicant, "Your household size is too large," may avoid legal challenge. Telling an applicant, "You have too many children," invites a discrimination challenge.



2. Application Requirements. It is acceptable to have applicants produce government issued photo identification and to have all applicants sign the application. You can refuse to process an incomplete application, or an application submitted without the required fee. Be sure to do this on an even handed basis with all persons. Many professional screening companies recommend that owners or managers get proof of a validly issued Social Security number in the form of a card, pay stubs, or tax returns. Evidence that a Social Security number is invalid is grounds for rejection. A preliminary verification of the Social Security card can be done looking for security features added to cards issued after October 1983. Hold the card in your hands and feel for raised printing: the pillars and printing are all slightly raised. In addition, the signature line consists of micro-line printing of the words "Social Security Administration" in a repeating pattern- use a magnifying glass to view this security feature.

3. Section 8. WARNING: Until 1998, it was generally accepted that a property owner/manager could refuse to participate in the Section 8 program without committing illegal discrimination. In 1998, Legal Aid began to challenge an owner's right to refuse to participate in the Section 8 program. The position of Legal Aid is that Section 8 constitutes public assistance and even though state and federal agencies have been telling landlords that the program is "voluntary," a landlord cannot choose not to participate without a risk of suit. An unpublished Minnesota Court of Appeals decision, *Babcock v. BBY Chestnut Limited Partnership*, held in July, 2003 that a landlord's refusal to participate in the Section 8 housing program was not an automatic violation of the Minnesota Human Rights Act prohibition of discrimination based on public assistance. This decision was favorable to property owners and managers, but this is still an area where care should be taken and owners and managers are advised to consult with their own attorneys.

4. Other Requirements. Some of the following other requirements can be considered and are acceptable if applied on an even-handed basis:

- Additional pet rent or pet deposit (service or companion animals for the disabled may require a different approach as a reasonable accommodation).
- Minimum lease requirements such as six months or one year.
- Rejection of any application with false/incorrect/missing information.
- Attitude. If an applicant is rude or argumentative, this can be a basis for rejection. Some care is needed. Make sure you tell the truth. If you are rejecting an applicant for being "rude," do not claim it is bad credit. Negative or unverifiable references.
- Prior evictions or a history of problems with prior owners/managers/residents. But if records show a prior eviction was stricken or was not the "fault" of the renter, this may not be good grounds.

Criminal history checks are being advocated by many law enforcement agencies. If you do criminal history screenings, look primarily at convictions (not just an arrest) relating to "relevant" crimes to landlord-tenant issues (i.e., potential to affect safety of persons, property, or drug matters).

Police calls for service are a valuable screening tool. Most police departments provide calls for service free or for a small fee. Be cautious about taking any adverse action against an applicant based upon police calls that are requests for service or help for a domestic. There are laws to protect people from adverse actions by owners or managers when they call the police based upon a "domestic." It could also be discrimination against a person with a disability if they were denied because they called the police for help.

5. Housing History - Rented and/or Owned. Requiring applicants to give 1-2-3 years of verifiable address histories for verification is fair and reasonable. You also may want to obtain references from a landlord once removed. Generally, exclude roommates and relatives as references but you will want continuous address history. Omission of an address is grounds for rejecting application. Carve out exception for first time renters such as students. Screen Co-signers. Use co-signers that are local; it is easier to collect from them should the need arise.

6. Verifiable Income and Credit Records. If application information cannot be checked out, this is valid basis for rejection.

7. Density/Occupancy Limits. Restrictions on numbers of people per unit/bedroom may be acceptable but beware of restrictions that have a negative impact on families. A limitation like the following may be acceptable:

Size	# of People	Limitations based upon sleeping or bedrooms
Efficiencies	1 person	One person must have at least 70 square feet of sleeping space.
1 bedroom	2 persons	Two or more people sharing a sleeping room must have at least 50 square feet per person.
2 bedrooms	4 persons	Could restrict to no more than 2 or 3 adults plus children as long as city code minimum space requirements are met.
3 bedrooms	6 persons	Could restrict to 2 or 3 adults plus children (each person, including children, in a shared bedroom must have at least 50 square feet of space.

Any standard stricter than this is likely to be found to have a negative impact on families UNLESS the sleeping rooms do not meet city code. See provisions on this subject from the City of Robbinsdale's City Code at the end of these materials.

The burden will be on you to show that the standard is not unnecessarily restrictive. Because children generally do not have cars, parking restrictions are not a good enough reason.

Physical limitations of building systems, such as unusually small sewer or septic systems, might be grounds for a more restrictive density standard. Likewise, if a bedroom is so small that a local building or zoning code provides that it can only be occupied by one person, then a stricter standard could be upheld.

Under its investigative guidelines, HUD will not generally pursue an action against an owner for having an occupancy standard no more restrictive than two persons per bedroom. The State of Minnesota and municipal Civil Rights Commissions are not bound by HUD guidelines but may consider them persuasive authority for a landlord's desire to adopt a simple standard. But, keep in mind that circumstances where there is an extra room, such as a den, or unusually large bedrooms and living areas will make it harder to defend a two person per bedroom standard.

Because additional persons do cause extra "wear and tear," rents could be set based on the number of occupants per unit without being "discriminatory" if done across the board. But this is rarely done in Twin Cities area and could invite challenge or encourage "cheating" with undisclosed residents.

This is an area where what is said, rather than what is done and enforced, may make a big difference in a

Never lie about your reason for rejection. If a claim is filed against you and it turns out that your stated grounds for rejection are false, it will suggest that the real reason for rejection was an illegal/discriminatory motive.

Conclusion

If you have any questions about grounds for rejecting a tenant or are challenged about a rejected tenant and you have concerns about a potential discrimination claim, get legal advice. Make sure any persons working for you in showing property or screening applicants understand the requirements of the fair housing laws and your leasing standards. You are responsible for the conduct of anyone working for you whether or not they are an employee or an independent rental agent.

Do not be afraid to apply your standards even handedly to all persons including members of protected classes. If you do not discriminate against members of protected classes, you have no reason to discriminate "for" them. If someone does not pass your rental standards, do not be afraid to turn them down. The best way to avoid problem tenants is upfront and with good tenant screening.

Applicant Screening Criteria

Introduction and Warning. These are examples of tenant screening and rental criteria that Donna Hanbery recommends for clients. Before adopting any of these criteria, consider how they would work in your building and how they would fit into your usual screening process. Don't put it in writing if you aren't prepared to consistently do it! It is strongly recommend that owners and managers consult with legal counsel familiar with these areas before adopting and publishing written screening criteria.

Fair Housing Statement. All resident selection criteria should contain a fair housing statement like the following: "We are a fair housing provider. We do not discriminate against persons on the basis of race, color, religion, national origin, sex, familial status, disability, creed, marital status, public assistance, ancestry, and sexual or affectional orientation. "

Application Requirements. Your application must be filled out completely and accurately. An incomplete application may be rejected or not processed. Any misstatements or omissions made on your application, whether or not discovered before you move into the building, is grounds for denial of an application or termination of an existing lease. Information must be legible and verifiable. If information given on the application cannot be checked out and verified, this is a reason for rejection. Omission of information, such as an address or employer, may be grounds for rejection.

Identification and Application Process. Every person over 18 must be screened and must provide a government-issued photo ID.

Housing History. Applicants must have a positive housing history. As a guide, require the name and last known telephone number of each landlord/property manager/mortgage or contract for deed payee for each address you have had for the last three years. Roommate references are not acceptable. A positive housing history is one of the most important things considered in screening an application. The refusal of a prior landlord to give a reference, or a negative reference, may be grounds for rejection. In the case of first time renters, young people, or students, this requirement may be varied subject to additional requirements of management.

Eviction Filings. Eviction Actions (formally known as Unlawful Detainers) may be a basis for rejection of an application.

Credit. A positive credit history is required. An adverse bank or credit reference, neglect, past due or dishonored debt, or the absence of a credit history may be grounds for rejection. In addition, you may want to check for any pending civil actions on the applicant, usually found in an advance credit check, searching public records at county courts, or using a screening company.

Income. Income from all sources must be sufficient to pay the applicant's rent and other predictable living expenses. To be counted as household income, amounts must be verifiable, reliable, and predictable. Some owners like to adopt mathematical standards such as "household income must be equal to three times the amount of monthly tenant rent and utilities for the apartment." (Other standards such as income must equal 2.5 times the amount of monthly tenant rent, or more specific standards for Section 8 voucher holders may be stated, see page 16 for more details).

Business Relationship. The relationship between a landlord and tenant is a business relationship. A courteous and businesslike attitude is required from both parties. Reserve the right to refuse rental to anyone who is verbally abusive, swears, is disrespectful, makes threats, has been drinking, is argumentative, or in general displays an attitude at the time of the unit showing and application process that causes management to believe there will not be a positive business relationship. Document the behavior and keep it with the rejected application. (Denied applications should be kept for three years.)

Occupancy. Recommendation is a maximum of two persons per bedroom. City Code requires seventy square feet of bedroom for one person, or for two persons, fifty square feet per person (including children). Familial status laws would generally prohibit or question anything more restrictive than one person per bedroom unless the facilities of the building, such as exceptionally small bedrooms or restricted water capacity, justify a more restrictive standard. The two person per bedroom standard does not prevent owners from restricting the number of adult roommates. Restrictions on adults may be justified because they do not limit housing opportunities for families with children. Adults are not a "protected class." Accordingly, a standard of two persons per bedroom but no more than three adults in a two or three bedroom dwelling could be accepted.

Criminal History. Applicants who have a criminal history may be rejected. Criminal history generally should focus on convictions rather than arrests. Owners may want to distinguish between felony convictions and convictions for misdemeanors or vehicle offenses. Arrests can clue you in to behavior, but are just a suspicion; our criminal justice system is based on one being innocent until proven guilty. A conviction is proof that the person convicted committed the crime.

Conclusion. These criteria were developed by Donna Hanbery working with professional property owners and managers that conduct their application and screening process on a fairly routine and professional basis. This level of detail in selection criteria may not be desirable for all owners. Another approach to simply state in very general terms that tenants will be screened on criteria that include the following: positive housing history, positive credit references, sufficient income, criminal history and other.



City of Robbinsdale City Code and Zoning Excerpts

The Robbinsdale City Code includes restrictions on numbers of people per unit/bedroom as well as available space:

- **Minimum space:** For the first two occupants, 220 square feet of habitable room floor space and each additional occupant requires 100 sq. ft. of habitable room area.
- **Maximum occupancy:** The total number of occupants may not exceed two times the number of habitable rooms, less kitchen, in the dwelling unit.
- **Occupancy of sleeping rooms:** In every dwelling unit of two or more rooms, every room occupied for sleeping purposes shall have the following minimum habitable room floor space:

- o 70 square feet for one person.
- o 90 square feet for two persons.
- o 50 additional square feet for each occupant in excess of two persons.
- o The maximum occupancy may be increased by one person if all occupants are under the age of two years.

Roommates. In accordance with Robbinsdale City Code, no more than four unrelated persons may occupy a single family house or dwelling unit unless they are members of a single family.

Section 505.09, Subd. 48. "Family" means one or more persons each related to the other by blood, marriage, or adoption, or a group of not more than four persons not all so related maintaining a common household and using common cooking and kitchen facilities.

Parking requirements

All residential property is required to have off-street parking. This applies to rental housing as well.

Robbinsdale Zoning standards require that:

- Sufficient off-street fee-free parking is provided for all tenants.
- Single and two-family rental units (single family houses, duplexes and townhouses) require two spaces per unit.
- Multiple family' rental units (apartments) require one and one half spaces per unit.

**Questions? Contact the Robbinsdale Community Development Department at
763-531-1269**

Acceptable Identification

Acceptable Identification information provided by:

Tony Karels
RHR Information Services Inc.
Minnetonka, 952-545-3953
www.rhris.com

Acceptable Identification

Acceptable Identification - What documents to ask for:

Although there is no standard for the "legally" acceptable identification allowed, there are better and worse documents to consider when processing an application. The best sources include:

- Driver's License or State ID card
- Social Security Card
- Resident Alien / Visa Card

(check to insure useable purpose of card includes residency)



Sources not recommended include:

- Credit Card / Debit Card
- Student ID
- Passport
- Employer ID card
- Library Card



Recognizing Valid vs. Counterfeit Documents

A. MN Driver's License (released Dec 15, 2004)

Features:

- Each card is the size and shape of a standard credit card but is more flexible and has a somewhat different texture.
- On the front of the card, a virtual image of a loon appears to float above or sink below the surface of the card as the viewing angle changes.
- A digital image of the cardholder is fused with heat into the card plastic. Fine line printing over the image reveals tampering attempts. The image always appears on the left.
- A holographic state seal that appears of the front of the card is visible only under ultraviolet light.
- A red border around the image indicates "Under 21."
- If the cardholder is under 18, the date of 8th birthday appears in red.
- The new cards have a rainbow print pattern.

B. Resident Alien Card/ Permanent Resident Card:

The Resident Alien Card, Form I-551 was introduced in January 1977 and phased in over a period of time. In addition to the photograph, the I-551 will contain the bearer's signature and fingerprint.

The Permanent Resident Card, Form I-551, was introduced December 1997. Noticeable differences on the front of the card include: Change of card title from Resident Alien Card to Permanent Resident Card, three line machine readable zone and a hologram and expiration date. The modified version is the card currently being issued.

Resources to verify legitimacy of Travel Documents:

- Bureau of Citizenship & Immigration Services at (800) 375- 5283. Obtain document reference guide #93R-01 "What Color Is Your Green Card?"
- U.S. Dept. of Justice "Guide to Travel Documents" www.fels.org/insforms/insdocs.htm

C. Social Security Card:

Social Security cards have been issued since 1936 and have been revised more than 20 times. The seal on the social security card should read "Social Security Administration". In October 1983, security features were added to the card. All social security cards issued since then have been printed with raised (intaglio) printing and the signature line consists of micro-line printing of the words "SOCIAL SECURITY ADMINISTRATION" in a repeating pattern.

Social Security Fraud / Identity Theft Concerns:

Identity theft, normally as a result of Social Security Number fraud, has become almost an epidemic over the past 5 years. The going rate for a fake SSN card is between \$75 - \$300 and advertisements can be found just about anywhere, including the local church. It is also considered the fastest growing area of fraud being committed on rental applications. There are five primary types of fraud that exist. These include:

1. SSN does not exist
2. SSN belongs to a deceased individual
3. Issued prior to applicant's date of birth
4. SSN issued within previous 6 months
5. Does not match the number in the credit bureau's database

Many credit bureaus and/or screening agencies provide a social security fraud protection package at a reasonable price, and the investment is well worth the cost. If you suspect someone of committing fraud: call 9-1-1 to report the suspicion, and contact the Social Security Administration at (612) 870-2004 or www.ssa.gov.



Undocumented Residents & Citizenship Issues:

Processing applications on newly immigrating citizens is an area of growing concern in recent years for many property managers, as they are uncertain about what information is available and how to find it. What is most important to remember is that all applications must be processed exactly the same way. The truth is that foreign countries are far more hesitant to release credit and criminal information because of two reasons. First, the data is not considered public record in many nations and second, the automated infrastructure to track and manage the large volume of information doesn't exist. Some things to consider:

- It is difficult to pull a credit report or criminal history from foreign countries, but not impossible.
- Police officials typically do not deal in matters of illegal citizenship.
- Renting to an illegal alien is a choice, but a business risk you must be willing to live with.

Immigration Resources:

- Bureau of Citizenship & Immigration Services- (800)375-5283
- Obtain document reference guide #93R-01 "What Color Is Your Green Card?" www.immigration.gov

Terrorist Screening:

The USA Patriot Act requires landlords to check the OFAC/SDN list (Office of Foreign Assets Control/Specially Designated Nationals). The OFAC/SON is a list of: countries, persons, groups and businesses considered to be terrorists (or their associates) or narcotics traffickers whose property and interests in property are "blocked" and may not be "transferred, paid, exported, withdrawn or otherwise dealt in".

"Transfer" means any transaction whose purpose is to create, convey or alter, directly or indirectly, any property or property interest. This includes making, executing, delivering or conveying any assignment, check, deed, lease, mortgage, contract, gift, sale, making any payment, giving any credit, or providing any service. In short, federal law prohibits any direct or indirect business, transaction, service or credit to or with anyone on the SON List.

Check the OFAC/SDN List:

- Manual searches are difficult, you may wish to hire a service for this.
- Check with a screening company. They should be able to provide this service as a stand alone product or as a part of your screening package.
- Visit the website frequently at: www.treas.gov/offices/enforcement/ofac/sdn/

Civil enforcement:

These are "strict liability" statutes and regulations. Unintentional and inadvertent violations can be punished by civil penalties ranging from \$11,000 to \$275,000.

Criminal enforcement:

Intentional violations can be criminally prosecuted to 10 years in jail and/or \$50,000 to \$1 million fine. Under the Foreign Narcotics Kingpin Designation Act the penalties are substantially higher.

What to do if you get a hit:

- How much of the name matches?
- Compare all information you have
- Call OFAC's Compliance Hotline 800-540-6322

Selecting A Screening Company

Selecting a Screening Company.

With all the considerations and liabilities involved in applicant screening, many landlords choose to hire a third party screening service. A screening company can help to distance you from the decision handling disputes and help you meet fair housing guidelines. They reveal information that is public record, they know where to get the pertinent information that you need and follow all laws pertaining to data collection and privacy. Screening companies charge for their service but it is customary for the prospective renter to pay this fee.

The following are some questions to consider when selecting your screening company.

- Is the company a member of the NAPBS (National Association of Professional Background Screeners) which exists to promote ethical business practices, promote compliance with the Fair Credit Reporting Act and foster awareness of issues related to consumer protection and privacy rights within the background screening industry?
- Are they a member of Minnesota Multi Housing Association?
- Does the company follow the Minnesota Crime Prevention Association-Crime Free Multi Housing guidelines for criminal history checks? (A statewide criminal history check covering at least the last five years; including other states if necessary. The check must be conducted in-person or by utilizing the most recent update of the Minnesota Bureau of Criminal Apprehension criminal history files. In addition, a check of the seven county metro area covering at least the last five years including all misdemeanor, gross misdemeanor, and felony convictions. This is a minimum; ideally your company should check all County Clerk of Courts records in Minnesota and states of last residents.)
- Is the data fresh, updated at least once every three months?
- Does the company offer multiple report transmission methods (i.e. fax, internet, mail) in the event your primary method fails or isn't available?
- Is it a local company or do they have a local office (or at minimum a local representative) that can be consulted if necessary?
- Does the company charge any sign-up, annual, monthly, or other fees beyond the cost of the reports being ordered?
- Is the company bonded, insured, and carrying all appropriate licenses necessary to provide personal consumer information that is being requested?
- Can the company provide manual verifications including landlord references, income and employment verification, etc. in addition to data verifications?
- Can/will they provide references from your local area to contact and see how they like the service?



Turning Down an Applicant

How To Turn Down an Applicant

In general, if you have posted fair rental criteria and you screen all applicants against those criteria, you may safely reject an applicant who does not meet your guidelines. Opinions vary regarding the amount of information that is required to be given to an applicant who is denied a rental unit. At minimum, follow the guidelines for denial of credit defined by the Federal Government in the Fair Credit Reporting Act (FCRA). If you are using a screening company, you must provide the prospective renter with their contact information prior to screening.

If the rejection is based on information, in whole or in part, from non-paid sources (the word of a previous landlord, for example) you are not required to disclose immediately your reason for rejecting applicants. You are required to advise applicants of their right to submit, within 60 days, a written request for that information and their right to a response from you, within a reasonable period of time, disclosing the nature of the information upon which the adverse decision was made.

Sample wording: *"Based on a check of information you provided in your application, you do not meet our posted rental criteria. If you have questions about this decision, you may submit a request in writing to (your name and address) within 60 days, and we will explain the basis for the decision within a reasonable period of time. "*

Of course, if you receive such a request, you should report the nature of the information used in the denial. Note this small additional requirement if the rejection is based on information from a person who is your "affiliate" (e.g., a coworker or co-owner): The process is identical to that described above, except that the required response time is specifically stated as 30 days or less from the date the landlord receives the rejected applicant's written request.

When possible, keep the wording to a minimum and keep it simple. Or, if one look at the application indicates that the person doesn't have nearly enough income to rent the unit, don't make the applicant pay the fee and wait a week to find out.

If the rejection is based on information from a credit report, screening company, or other organization that you pay to provide screening information the Fair Credit Reporting Act requires that very specific information be provided. While the information may be provided orally, it is a good idea to give written notification to make sure you are in full compliance with the Act. The following is intended only as a brief orientation. The screening company or other consumer reporting agency you work with should be able to answer your questions and provide you with a simple, written form.



In situations where adverse decisions are based, in whole or in part, on information from a consumer credit report, a landlord is required to provide the rejected applicant all of the following information:

- Notice of the rejection. Sample wording:

"Based on information we have received from your credit report (or other paid source) you do not meet our written rental criteria and we have therefore chosen to deny your application for tenancy."

- The name, address, and telephone number (including a toll-free number if the agency is one that keeps nationwide consumer files) of the consumer reporting agency used that furnished the information. Explain that the consumer reporting agency did not make the decision to reject the applicant and therefore it is likely that they will not be able to explain the reason for the adverse decision.
- The applicant has the right to contact the consumer reporting agency within 60 days to receive a free copy of his or her report.
- The applicant has the right to dispute the accuracy or fairness of information in a consumer report furnished by the consumer reporting agency. (Note: Have applicants get a copy of their consumer report directly from the credit reporting agency, rather than, for example, providing the applicant with a photocopy of the report you received.)

The State of Minnesota strictly prohibits the discrimination of people based on their:

- Age
- Sex Race
- Color
- Creed
- Religion
- Ancestry
- Disability
- Marital Status
- Familial Status
- National Origin
- Sexual Orientation
- Receipt of Public Assistance

These are protected classes.

Bad credit, criminal histories, bad rental histories, past nuisance violations, or poor references are not protected classes. Your criteria needs to be in writing and your reason for denial must be documented in your business files.



Additional Tips

Lead Paint

Housing built before 1978 may contain lead-based paint. Lead from paint, paint chips and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Before renting pre-1978 housing, landlords must provide a federally mandated lead-based paint disclosure form, and the pamphlet "Protecting Your Family from Lead in the Home." These mandatory forms are available from MN Multi Housing Association. Website: www.mmha.com

Moving In

Before signing the rental agreement, walk through the property with the tenant and make a visual inspection together. Some landlords use move-in/move-out forms (available from Minnesota Multi Housing Association) developed for this purpose; others take photographs, which are then signed by both parties; still others make a videotape. Regardless of the approach, agree on what repairs need to be made. Write an agreement and have both parties sign it. Make any repairs agreed upon, document and obtain signatures indicating completion. Keep signed and dated copies in your file.

If your renter damages the property, you have a way to prove the damage happened after the tenant took possession of the unit. A walk through or check-in inspection is also a good time to identify what constitutes excessive wear and tear on a unit and explain to your renter that this may be grounds for withholding the security deposit.

The inspection can reduce the likelihood of tenants damaging the premises. The inspection also can protect you against the rare case of a renter who may attempt to block a legitimate eviction attempt by damaging the premises and then claiming that the damage was preexisting.

Trade Phone Numbers with Neighbors

Landlords of single-family residential housing sometimes don't hear of dangerous or damaging activity on their property until neighbors are enraged and the police are involved. Often such a situation could have been prevented if the landlord and area neighbors had established better communication.

Find neighbors who seem responsible, concerned, and reliable. Trade phone numbers and ask them to advise you of serious concerns. You will know you have found the right neighbors when you find people who seem relieved to meet you and happy to discover you are willing to work on problems. Conversely, if neighbors seek you out, work with them and solicit their help in the same way. Encourage them to first call the police, 9-1-1 to report suspicious activity, and then place a call to you.

Police Calls for Service

The Robbinsdale Police Department can provide you a copy of the police calls for service to your property. Contact the Crime Prevention Officer at 763-531-1220. Obtaining the police calls to your property is strongly recommended prior to a lease renewal.

Successful Evictions

Common Mistakes Made By Landlords

Michael L. Czarnik, Esq

- **Improper service of process: Named plaintiff serves papers.** The landlord/ owner may not serve the Summons & Complaint. Minn. R. of Civ. Proc. 4.02 A more difficult issue is when a manager, maintenance person or caretaker serves the Summons & Complaint. In general, it is not advisable to have any person in position of authority with in the management company or corporate owner serve the Summons & Complaint. It is safer to have the sheriff or an independent process server serve the documents, or at least someone unrelated to the plaintiff.
- **Improper service of process: Served to minor.** It is improper to process service on a person who is not of "suitable age and discretion". Even though there is no minimum age of a person receiving service, a person over 14 years of age is usually deemed to be of suitable age and discretion. In *Holmen vs. Miller*, 206 N.w.2d 916,919-920(1973) the court held that service by the sheriff on a thirteen-year old was prima facie evidence of proper service.
- **Improper service of process: Served on a legal holiday.** The court papers must not be served on a Sunday or legal holiday§ 624.04, 645.44.
- **Improper service of process: No affidavit of service with summons.** The plaintiff must satisfy the requirement of service of process on defendant. And affidavit of service must be filed with the Summons & Complaint by 3p.m. three business days prior to the hearing or the matter may be stricken. Minn. Gen. R. Prac. 605
- **Improper service of process: Nail and mail or is it mail and nail?** To accurately accomplish this type of service, the server must follow the correct procedures. Server must attempt personal service twice on different days, once between the hours of 6:00pm and 10:00pm. Server must then sign and file an Affidavit of Not Found with the court. Server then mails a copy of the Summons & Complaint to defendant, signs an Affidavit of Mailing and files it with the court. Server must then post the Summons & Complaint in a conspicuous place on the premises for not less than one week and, of course, sign and file an Affidavit of Posting. § 504B.331 (old 566.06)
- **Power of authority not filed with court.** A person suing on behalf of the plaintiff must file a power of authority with the court. Minn. Gen. R. Prac. 603.
- **No "right of re-entry" clause in the lease.** To recover the premises for a breach of a lease term, the landlord/owner must have a "right of re-entry" clause in the lease. *Bauer vs. Knoble*, 51 Minn. 358, 359, 53 N.W. 805, 805 (1892). This clause will allow the landlord/owner to file an eviction action to recover the premises for breach of lease. Oral leases typically do not have "rights of re-entry" clauses in them. Note: Some covenants and "rights of re-entry" are implied in every lease, whether oral or written, and can be used to recover the premises upon sufficient evidence (prostitution, drugs, guns, stolen goods). Minn. Stat. § 504B.171.
- **No posting of owner or manager name or contact on premises.** At least thirty days before the filing of an eviction action, the landlord/owner must post the names and addresses at which they can be served. This address can not be a post office box. Minn. Stat. § 504B.181 (old 504.22).
- **Assumed trade name: Secretary of State.** If the landlord/owner conducts business under an assumed name, it must be registered with the secretary of state. Minn. Stat. § 333.01. If the plaintiff has violated that statute, the eviction action must be stayed until the plaintiff has complied with that statute and completed the registration. Defendant is entitled to \$250.00 costs regardless of who prevails in the eviction action. Minn. Stat. § 333.06.

- **Corporation and need for attorney, unless you're a LLP or LLC.** If the landlord/owner's company is a corporation, or similar entity, the courts may force them to be represented by an attorney. *Nicollet Restorations, Inc. vs. Turnham*, 486 N.W. 2d 753 (Minn. 1992).
- **Improper notice to vacate.** Look to the lease terms to identify the correct notice to vacate. A month-to-month lease may require one full month's notice for a notice to vacate to be valid. One full month is defined as a calendar month plus one day, not as 30 days. (Note, this period may be as little as 29 days, February)
- **Tenant has rent money, stay and pay.** Minnesota statute allows a tenant, whom has an eviction action filed against them for non-payment of rent, the automatic right to pay the rent plus court costs to the plaintiff and remain in their rental unit. Minn. Stat. § 504B.291 Subd. 1 (a) (old 504.02). The court may stay the writ to allow the tenant to pay the costs involved in the eviction action, including the usurious \$5.00 attorney fee, (this is the maximum a landlord can charge for, attorney's fees).
- **Waiver by acceptance of rent.** Two issues here. One is the acceptance of rent AFTER the filing of an eviction action for material breach. *Kenny vs. Sue Si Lun*, 101 Minn. 253, 256-58, 112 N... W 220,221-22 (1907). The other is the acceptance of partial payment of rent before OR after the eviction action was filed. Minn. Stat § 504B.291 Subd. 1 (c) (old 504.02). "Prior to or after commencement of an action to recover possession for nonpayment of rent, the parties may agree only in writing that partial possession for nonpayment of rent, the parties may agree only in writing that partial payment. . . ." Use a standard form to cover this possibility, or state it in the lease.
- **Retaliation.** It is an Affirmative Defense to an eviction action for holding over if the notice to vacate was intended in whole or in part as a penalty for the tenant's good-faith attempt to enforce the tenant's rights, the good-faith report to a governmental authority of code violations, the good-faith attempt to enforce the laws of the state or any of its governmental subdivisions or of the United States. Minn. Stat. § 504B.285 Subd. 2 (old 566.03). It is a rebuttable presumption that the notice to vacate is retaliatory if served within 90 days of the tenant's good-faith effort. The landlord/owner can provide evidence that the notice to vacate was given for a substantial non-retaliatory reason.
- **Facts not stated clearly on court papers.** When bringing an eviction action for material breach of the lease, the plaintiff must be specific in their allegations on the Complaint in order to give the defendant sufficient notice of the breach. Courts will often dismiss eviction action where the information on the material breach is not specific enough to allow the defendant time or information to defend the claim.
- **No material breach of lease.** This one is a tough one. Landlords/owner will argue that any breach of the lease allows them opportunity to bring an eviction action for breach of lease. Tenant attorneys will argue that the breach needs to be material breach. A Minnesota Court of Appeals case may help the tenant's point of view. *Cloverdale Foods of Minnesota, Inc. vs. Pioneer Snacks*, 580 N.W.2d 46 (Minn. App. 1998) Also see, *Kotsakes vs. Daly*, 2246 Minn. 312, 75 N.W. 2d 19 J (1956)
- **Withheld rent or rent escrow.** *Fritz vs. Rent Escrow*. If a tenant contends that the landlord/owner had failed to comply with the covenants of habitability (Minn. Stat. §504B.161), the tenant can withhold their rent and use this defense at an eviction action (*Fritz vs. Warthen*, 213 N.W.2d 69, 74 (1959)). Or proactively, file a Rent Escrow and deposit their rent money with the court (Minn. Stat. § 504B.385). In either case, the court will usually set the matter for trial to allow the tenant to prove their allegations.
- **Improper late fees.** For a landlord/owner collect lease fees, the lease must provide for these late fees and the fees cannot be penalties or be usurious. *Gorco Const. Co. V. Stein*, 256 Minn. 476, 481-82, 99 n.w.2d 69, 774 (1959). Make sure that the fees collected bear some relationship to the out of pocket expense born by the tenant paying the rent in an untimely manner (ie., late mortgage payment, more paperwork, etc.)



- **Discrimination/ADA.** A tenant may claim as an Affirmation Defense that the landlord/owner discriminated against them on the basis of race, color, creed, religion, sex, familial and/or marital status, disability, ancestry, sexual preference, age, national origin or status with respect to receipt of public assistance. Add on some local preference for your respective cities to round out these categories. The best defense is a good offense. Good, clear tenant screening and eviction action policies should be set up and **adhered to strictly**.
- **Fair Debt Collection Practices Act.** Hard to tell where the future of this Act lies in terms of Landlord/Tenant Law. If your company uses an attorney to collect late rent payments or files eviction actions for non-payment of rent, there may be requirements you need to follow under this Act.

Understanding Section 8

What is Section 8

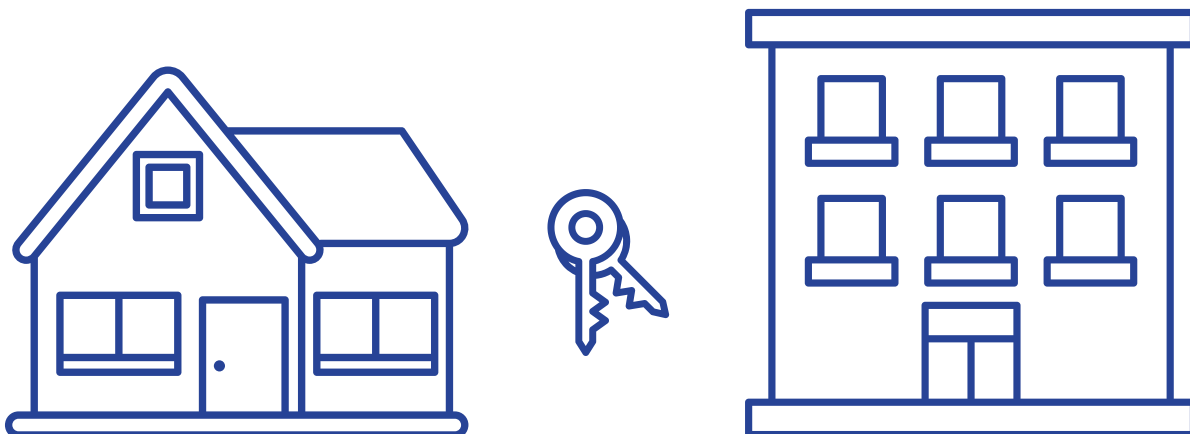
Section 8 is a federal housing assistance program funded by the Department of Housing and Urban Development (HUD) and administered by local agencies. In Robbinsdale, the Metropolitan Council Housing and Redevelopment Authority or Metro HRA administers the program. There are two types of Section 8 assistance: Voucher Based (flexible assistance that stays with the renter) and Project Based (fixed assistance to a specific apartment). Project based is not covered here since it does not apply. The goal of both programs is to offer affordable housing opportunities to low income renters in order to foster economic growth and provide stability for our communities and neighborhoods. Renters who qualify and receive Section 8 benefits pay 30-40% of their monthly income for rent Section 8 pays the remainder.

Metro HRA has a successful program due in part to the willingness and cooperation of more than 2,000 property owners and managers. Without this participation, the program would not exist. Just remember, the burden of screening the renter falls on the landlord; screen a Section 8 renter the same as you would any other renter.

Who is Eligible?

The program is limited to US citizens and specified categories of non-citizens who have eligible immigration status. Each Housing Authority determines eligibility based on the total annual gross income and family size. In general, the family's income may not exceed 50% of the median income for the county or metropolitan area in which the family chooses to live. By law, a Housing Authority must provide 75% of its vouchers to applicants whose incomes do not exceed 30% of the area median income. Median income levels are published by HUD and vary by location.

Under the Housing Choice Voucher Program Metro HRA issues an eligible person/family a voucher and the person/family selects a unit of their choice (as long as it meets criteria listed in the landlord section). The person/family goes through the same application process at the apartment just as any other renter would (Metro HRA does not conduct any rental screening on their recipients, it is the responsibility of the landlord). Once approved, a renter will move in and pay their portion of the rent and utilities (not to exceed 40% of their income), Section 8 pays the remainder. If the family moves (at the end of the lease) the contract with the owner ends, the family takes their voucher and can move to another qualified rental unit. If the family is evicted, in addition to losing their housing they may also lose their Section 8 benefits. TIP: if a Section 8 renter does violate the lease, copy Metro HRA on the lease violation notice. Anything sent to the renter should also be sent to Metro HRA.



How does a landlord or a unit qualify for Section 8?

Once a renter qualifies for a Section 8 Voucher, they need to find a housing unit that meets the program criteria and accepts Section 8. Typically Section 8 renters will phone a landlord and ask if they accept Section 8. If a landlord doesn't, it is rather easy. If a landlord chooses to accept Section 8, they must take these steps:

- A Section 8 participant expresses an interest in the available rental unit.
- The landlord screens the prospective renter using their established screening criteria.
- The renter supplies the landlord with "Request for Tenancy Approval" (RTA) form for completion. The RTA form is an inquiry of the rent amount, mailing address for payment, address of the unit, utility responsibility, etc.
- Renter returns completed RTA by the 15th of the month.
- Metro HRA "approves" rent and tenancy.
- Metro HRA schedules and performs housing quality standards inspection.
- Metro HRA staff mails contract documents to the owner.
- Owner reviews documents, signs and returns to Metro HRA.
- Upon return of necessary contract documents and passed inspection, Metro HRA issues rent assistance payment to landlord.

In addition to the above criteria, the unit must fall within the rent limit. Maximum rent limits are based on three factors:

1. **Payment Standard:** A payment standard is set by Metro HRA and reasonably limits the rent. The payment standard differs for bedroom size but the vast majority of Robbinsdale rental properties meet this standard.
2. **Utility Allowances:** The amount a household pays for utilities will factor into determining the unit's total cost. The utility allowances are set by Metro HRA. They vary by bedroom size, residence type, and utility.
3. **Household Income:** Metro HRA will verify the renter's income when a voucher is issued. In general, the higher their income, the more they can spend on rent and the less Metro HRA will pay in rent assistance.

The payment standard, utility allowances, and household income, are established and determine the participant's budget. If the unit rent is greater than the payment standard the renter is required to pay the additional amount. By law, a renter will not be allowed to rent an apartment if more than 40% of their adjusted monthly income is used for rent and utilities.

Affordable housing is essential to foster economic growth in the region and provide stability for our communities. By participating in the Section 8 Program, owners/landlords can benefit from incentives and help lay the foundation for a more competitive region and healthy communities.

Financial Resources

Financial Resources

The following financial resources are not administered or available through the city. The Center for Energy and Environment (CEE) is an independent, nonprofit organization that provides energy, environmental and housing rehabilitation services to cities, neighborhoods, utilities, and private corporations for over 25 years.

CEE services include home improvement financing, building audits, technical research, program design and delivery, and evaluations. To date, CEE has provided over \$115 million in energy and rehabilitation financing to over 20,000 homes and buildings. The following programs are offered through CEE in cooperation with Minnesota Housing Finance Agency.

Contact (612) 335-5884 or www.mncee.org for more information on these loan programs and loan applications.

Homeowner Loan Program

Single Family Home Energy Loan

The Home Energy loan offers single-family, owner-occupied homeowners financing to complete energy related home improvements. This loan does not carry income limitations.

Eligible Improvements:

Insulation, furnace or boiler replacement, replacement A/C, doors and windows, weather stripping and caulking, and water heaters.

Terms:

Minimum Loan Amount \$1,000 Maximum Loan Amount \$10,000 Interest Rate 6.5 %* APR. Maximum Term 5 years

Energy loans must be secured with a mortgage.

Fix-up Fund:

If you are interested in making improvements to your home and your annual household income is \$93,100* or less, you can fix-up your home through CEE Financial Resources' Community Fix-up Fund. Center for Energy & Environment, a non-profit home improvement lender, serves as the lending institution for this and several other home improvement programs. The fix-up fund was established to improve the basic livability and/or energy efficiency of the borrower's home.

Eligible Improvements:

Most projects are eligible, including but not limited to: room additions or alterations, roofing, siding, electrical, plumbing, painting, garage repair or replacement, kitchen or bathroom remodels, concrete work, fences, landscaping, windows, doors and other energy-related improvements.

* Income restrictions and interest rate are subject to change.

Terms:

Minimum Loan Amount \$500 Maximum Loan Amount \$35,000

Interest Rate 6.5 % APR (call for current rate) Maximum Term 20 years

* Fix-up fund loans over \$10,000 must be secured with a mortgage.

Rental Property Loan Programs

Rental Energy Loan

The Rental Energy Loan provides low interest loans to owners of residential rental property in order to make cost effective energy conservation improvements. The program is designed to assist owners in bringing the property into compliance with the Rental Energy Efficiency Standards. This program is only offered by CEE. Eligible borrowers may include individuals, partnerships, corporations or other business entities that own eligible property.

Eligible Improvements:

Insulation, furnace or boiler replacement, doors and windows, water heater, weather stripping and caulking, and high efficiency lighting.

Terms:

Minimum Loan Amount: \$500 Maximum Loan Amount: \$10,000 Interest Rate 4% APR

Maximum Term 5 years

* Rental Energy loans must be secured by a mortgage.

Rental Rehabilitation Program

The Rental Rehab Loan offers owners of residential rental properties low-interest financing to complete improvements that increase the livability of the property.

Eligible Improvements:

Most projects are eligible, including but not limited to: structural additions and alterations, energy improvements, roofing, siding, interior/exterior painting, appliances, plumbing, electrical, fences, and landscaping.

Terms:

Minimum Loan Amount \$1,000

Maximum Loan Amount \$10,000/unit; \$100,000/structure Interest Rate 6.0% APR

Maximum Term 15 years

* Rental Rehab loans over \$5,000 must be secured by a mortgage.

The Minnesota Multi Housing Association is the state's non-profit trade organization for multi-housing owners and managers. If you are involved in the multi-housing industry at any level, you benefit daily from the work that is done by the Minnesota Multi Housing Association (MHA). You are invited to join and participate in the MHA programs benefit from:

- Two full-time lobbyists at the State Legislature and city governments working specifically for the multi-housing industry.
- Seminars targeted at owners, managers, and developers involved with 1 - 10,000 units.
- Monthly Multi Housing Advocate magazine containing information on industry trends, taxes, legislation, maintenance and other timely facts and tips.
- Certified plain language rental forms.
- Awareness of industry trends.
- Use of the HOTLINE (952-858-8222) for problems or general information questions.
- State certified management and maintenance courses (CRM and CRMT).
- Monitoring city ordinances throughout the state with intervention when needed.
- Information on products/services available to the multi-housing industry.

- Learning money-saving techniques.
- Partial tax-deductible business expense.
- Bi-annual products show one-stop shopping with discount prices.
- For more information on becoming an individual member of the Minnesota Multi Housing Association and enjoying all the member benefits call 952-854-8500.

Minnesota Multi Housing Association 1600 W. 82nd Street, Suite 110

Bloomington MN 55431

Telephone#: 952-854-8500

Fax#: 952-854-3810

MHA Hotline: 952-858-8222

Website: www.mmha.com

Appendices

Solid Waste Stickers

To dispose of extra garbage, simply purchase and attach the appropriate number of solid waste stickers. The cost of these stickers is \$1.50 each. \$7.50 stickers are available for larger items and appliances. Solid waste stickers can be purchased at City Hall, 4100 Lakeview Avenue North, Monday through Friday, 8:00 a.m. to 4:30 p.m. Stickers can also be purchased and charged to your credit card or utility bill by calling the Utility Billing Department at 763-531-1288.

Listed below are some general guidelines for stickers:

1 Sticker	Box, bag or bundle or item under 30 pounds, tiny furniture - i.e. stool, kitchen chair.
5 Stickers	Non-appliance items - small furniture - chair, small end table, twin or full mattress, twin or full box spring, window, door, sink, lawn mowers (gas and oil must be drained), gas grilles (no propane tanks), bicycle, waterbed mattress (bundled)
10 Stickers	Non-appliance items - large furniture, sofa/loveseat, recliner, queen or king mattress, queen or king box spring, water softener, bathtub, toilet
25 Stickers	Appliances*** - stove, washer, dryer. Dishwasher, water heater, microwave, dehumidifier, furnace, trash compactor, window A/C, refrigerator, freezer

*** For appliances, it is necessary to call 952-890-1100 (Waste Management) to arrange for pickup.

Batteries

Household batteries (AAA through D, 6 volt, 9 volt, etc.) and "button" batteries can be brought to the recycling bin at City Hall during business hours. Many stores that sell batteries will also accept used batteries for recycling.

Medical Supplies

If you need to dispose of medical supplies such as needles and syringes, please put them in a fully sealed, heavy plastic container (such as a liquid laundry detergent bottle) to ensure the safety of the drivers. Or you may contact your pharmacy or healthcare provider for disposal options.

Yard waste Disposal

Grass clippings, leaves, pine needles, pine cones, acorns, small hedge shavings, twigs under ½ inch in diameter and under 3 inches long, weeds, flowers and garden waste (compost) are collected by a compost truck mid-April through mid-November (call City Hall, 763-537-4534 for exact dates). Bags must weigh under 30 pounds, not contain large sticks or refuse, and be placed 3 feet away from the regular garbage cart. Reasonable amounts of yard waste from your yard are allowed to be set out each week. Yard waste collection is included as part of your regular monthly service. Stickers are not required for compost.

Branches

Brush, hedge clippings and branches must be bundled and are collected by the compost truck from mid-April through mid-November. Branches must be under 3 inches in diameter, weigh under 30 pounds per bundle and be under 5 feet in length. Stickers are not required. For tree, tree limb and trunk disposal, call a tree service or the Maple Grove Yard waste drop-off site (763-420-4886).

Yard Waste Pickup Dates

Waste Management provides yard waste collection services to our residents as part of their contract. The pickup dates typically range from April 15 through November 15. However, due to uncertainties with the weather, these dates are subject to change. Please plan ahead as much as possible when doing your yardwork. Once Waste Management discontinues collection for the season, it will be your responsibility to get rid of your yard waste. For alternate drop-off sites, please call the City of Robbinsdale at (763) 531-1288.

Information regarding alternate disposal methods is also available at the Hennepin County Website.

<http://www.co.hennepin.mn.us/environmental/household/YardWaste.PDF>.

Is it Recyclable?

Yes!

- Glass bottles and jars
- Metal beverage and food cans
- Plastic bottles with narrow necks
- Paper from news, magazines, junk mail, dry non-coated food paper boxboard (4C's chips, cake, cereal, cracker), small flat pieces (2 ft by 2 ft) of corrugated cardboard box material

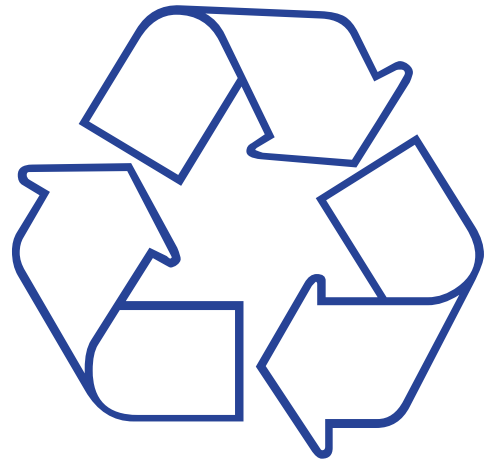
NO NEED TO REMOVE LABELS!

Please remove lids and caps!

Place these items together co-mingled in your recycling cart!

No!

- Garbage, food waste, diapers, paper plates
- Meat or dairy plastic or paper packaging
- Wax or plastic or bags
- Freezer food packaging
- Plastic deli, product or take-out packaging or utensils
- Plastic bags or wrapping film
- Formed of pallet Styrofoam packaging
- Window glass, ceramics or dislware, mirrors, light bulbs
- No TV Guide or Readers Digest



Florescent and HID Lamps

By law, fluorescent lamps and high intensity discharge lamps cannot be placed in the household trash because of the hazardous mercury contained within the lamps. The Hennepin County (HC) Recycling and Transfer Station in Brooklyn Park (612-348-3777) accepts these lamps free of charge. Xcel Energy (612-282-1200) can be contacted for information about their retail recycling program also.

Telephone Directories

Under state law, residents of Minnesota may not put phone books into their household trash. Waste Management will collect used phone directories year-round with your recyclables. The HC Recycling and Transfer Station in Brooklyn Park will also accept used telephone directories year-round free of charge.

Scrap Metal and Corrugated Cardboard Drop-off

Scrap metal and corrugated cardboard may be recycled in bins that are located at the City Shop, 4601 Toledo Avenue North. The hours of operation are 8:00 a.m. to 3:30 p.m. Monday through Friday.

There is no charge for this drop-off. Appliance drop-off is not allowed. Metal items must not have any non-metallic components

Directions to Hennepin County Recycling Station

Travel North on Highway 169, exit on 77th Avenue North, go west (left) over the 169 bridge to the shop sign at Jefferson Highway. Then travel north (right) ¼ mile to the facility.

Important Phone Numbers

Robbinsdale Utility Billing: 763-531-1211

Hennepin County Recycling & Transfer Station: 612-348-3777

Waste Management: 952-890-1100

Robbinsdale Chapter 4- City Codes

Robbinsdale City Code

425.01 (Rev. 2014)

Section 425 – Property Maintenance Code

425.01. Legislative finding. It is found that there exist in the City, properties, structures, site improvements, landscaping and buildings used for commercial enterprise and human habitation which are now, or may become in the future, substandard with respect to structure, equipment, or maintenance, and further that such conditions, together with inadequate provisions for light and air, insufficient protection against fire hazards, blight, lack of proper heating and other utilities, unsanitary conditions, and overcrowding, constitute a menace to public health, safety, and welfare. It is found therefore that adequate protection of public health, safety, and welfare requires the establishment and enforcement of minimum property maintenance standards. (Amended, Ord. No. 10-13; Ord. 14-02)

425.03. Title. This section may be known, cited, and referred to as "the Robbinsdale Property Maintenance Code" or "the PMC." (Amended, Ord. No. 03-06; Ord. No. 10-13; 14-02)

425.05. Purpose. The purpose of the PMC is to protect, preserve, and promote the public health, safety, and general welfare of the people of the City; to prevent property conditions that adversely affect or are likely to adversely affect the life, safety, general welfare, and health, including the physical, mental, and social well-being of persons occupying dwellings or other structures within the City; to provide minimum standards for basic equipment and facilities for light, ventilation, and thermal conditions, for safety from fire, for the use and location and amount of space for human occupancy and for an adequate level of maintenance; to preserve the value of land and buildings throughout the City; reduce or eliminate the effects of blight, and to provide for the administration and enforcement thereof. (Amended, Ord. No. 03-06; 14-02)

425.07. Discrimination and privacy. The PMC is to be enforced exclusively for the purpose of promoting public, as opposed to private, welfare. Except as may be specifically provided herein or incidental to the enforcement hereof, the PMC is not intended to interfere with personal privacy or with private legal rights and liabilities, including without limitation landlord/tenant and lessor/lessee relationships. In enacting and enforcing the PMC, the City neither expressly nor by implication assumes any obligations or liabilities respecting such private rights or disputes, including those which involve or arise out of the non-conformity of any premises in the City to the provisions of the PMC. (Amended, Ord. No. 03-06; Ord. No. 10-13; Ord. No. 14-02)

425.09. Applicability. A building and its premises used in whole or in part as a residence or as an accessory structure thereof, for a single family or person, and every building used in whole or in part as a residence for two or more persons or families living in separate units, except rest homes, convalescent homes, nursing homes, boarding houses, hotels, and motels, and a building and its premises used in whole or in part for assembly, commercial or office uses must conform to the requirements of the PMC, irrespective of when such building may have been or may be constructed, altered, or repaired. Every residential rental dwelling and its premises shall be inspected on a regular basis as a requirement for licensing. Enforcement action, under the PMC, against owner occupied dwellings, buildings with assembly, commercial or office uses is limited to violations of subsections 425.13, 425.15, and 425.33. This limit does not apply to rental dwellings, rented portions of dwellings or their common areas, including utility areas. These rental dwellings, portions of dwellings and common areas, including utility areas, shall comply with chapter 425 in its entirety and shall be licensed and inspected for compliance with the PMC. Condominium and cooperative housing public areas shall be subject to inspection and licensing if one or more dwellings in such a building is a rental dwelling. The PMC establishes minimum standards for erected dwelling units, accessory structures, and related premises. (Amended, Ord. No. 03-06; 14-02)

425.11. Definitions. Subdivision 1. For purposes of the PMC, the terms defined in this subsection have the meanings given them. (Amended, Ord. No. 03-06; Ord. No. 14-02)

Subd. 2. Accessory building or use means a subordinate building or subordinate use which is located on the same premises on which the main building or use is situated and which is incidental to the conduct of the primary use of such building or main use.

Subd. 3. Basement means that level of a building where the vertical distance from average grade to the floor below is more than the vertical distance from average grade to the floor next above.

Subd.4. Blighted means more than 50 percent of the building ore related premises is structurally substandard. (Added, Ord. No. 14-02)

Subd. 5. Boarding house means a building or structure or enclosure, or any part thereof, used as, maintained as, or advertised as, or held out to be an enclosure where meals or lunches are furnished to five or more regular boarders, whether with or without sleeping accommodations, for periods of one week or more.

Subd. 6. Building means a structure erected for the support, shelter, or enclosure of persons, animals, chattel, or movable property of any kind.

Subd. 7. Common areas means halls, corridors, passageways, utility rooms, recreational rooms and extensively landscaped areas in or adjacent to a multiple dwelling or building, not under the exclusive control of one person or family. (Amended, Ord. No. 10-13; 14-02)

Subd. 8. Condominium means a form of individual ownership within a multifamily building which entails joint responsibility for maintenance and repairs; in the condominium each apartment or townhouse is owned outright by its occupant.

Subd. 9. Cooperative housing means a multiple family dwelling owned and maintained by the residents: the entire structure and real property is under common ownership as contrasted to a condominium dwelling where individual units are under separate individual occupant ownership.

Subd. 10. Dwelling means a building, or portion thereof, designed or used for residential occupancy, including one-family dwellings, two-family dwellings, and multiple-family dwellings. Whenever the word "dwelling" is used in the PMC, it shall be construed as though it was followed by the words "or any part thereof." (Amended, Ord. No. 03-06; Ord. No. 14-02)

Subd. 11. Dwelling, single-family means a dwelling designed exclusively for occupancy by one family. (Amended, Ord. No. 03-06)

Subd. 12. Dwelling, two-family means a dwelling designed exclusively for occupancy by two families living independently of each other.

Subd. 13. Dwelling, multiple family means a dwelling or portion thereof containing three or more dwelling units.

Subd. 14. Dwelling units means a room or rooms connected together, constituting a separate, independent housekeeping unit for owner occupancy, or rental or lease on a weekly, monthly or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking, toilet and sleeping facilities. Whenever the term "dwelling unit" is used in the PMC, it is to be construed as though it was followed by the words "or any part thereof." (Amended, Ord. No. 03-06; Ord. No. 14-02)

Subd. 15. Enforcement officer means a person designated by the City Manager to administer and enforce the PMC. (Amended, Ord. No. 03-06; Ord. No. 14-02)

Subd. 16. Excessive calls means four or more substantiated nuisance conduct service calls occurring within any 365-day period. (Added, Ord. No. 10-13; Amended, No. Ord. 21-12)

Subd. 17. Exit means a continuous and unobstructed means of egress to the outdoors and includes intervening doors, doorways, corridors, ramps, stairways, smokeproof enclosures, horizontal exists, exit passageways, exit courts and yards.

Subd. 18. Family means one or more persons each related to the other by blood, marriage, or adoption, or a group of not more than four persons not all so related maintaining a common household in a dwelling unit and using common cooking and kitchen facilities.

Subd. 19. Floor area, gross means the sum of the gross horizontal area of the several floors of a structure or structures measured from the exterior faces and exterior walls or from the center line of common walls separating dwelling units and other building types. Basements devoted to storage and off-street parking or either of them are not included. (Amended, Ord. No. 14-02)

Subd. 20. Flush water closet means a toilet bowl flushed with water under pressure with a water sealed trap above the floor level.

Subd. 21. Garbage means putrescible animal and/or vegetable wastes, including those resulting from the handling, preparation, cooking, and consumption of food. (Amended, Ord. No. 10-13)

Subd. 22. Group homes means any group quarter or other residential facility that is licensed by any governmental agency or as determined by the City of Robbinsdale. (Amended, Ord. No. 03-06)

Subd. 23. Habitable room means a room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes, but excluding bathrooms, water closet compartments, laundries, furnace rooms, pantries, utility rooms, foyers, corridors, stairways, closets, storage spaces, workshops, hobby and recreation areas, and basements lacking required ventilation, required electrical outlets, or required exit facilities.

Subd. 24. Hotel or motel means a building or structure or enclosure, or any part thereof, kept, used as, maintained as, or advertised as, or held out to the public to be an enclosure where sleeping accommodations are furnished to the public and furnishing accommodations for periods of less than one week: the term includes any facility licensed as a hotel or motel by Hennepin County.

Subd. 25. Kitchen means a space used or intended to be used for food preparation, which contains a sink, adequate space for installing cooking and refrigeration equipment, and space for the storage of cooking utensils.

Subd. 26. Nuisance means:

- (a) A public nuisance known as such under common law or in equity or recognized by Minnesota Statutes or the City code.
- (b) A public nuisance which may prove detrimental to children whether in a building, on the premises of a building, or upon an unoccupied lot. This includes, but is not limited to, any abandoned wells, shafts, basements, or excavations; abandoned refrigerators in a hazardous condition; unlicensed or inoperable motor vehicles; or any structurally unsound fences or structures; or any lumber, garbage, rubbish, fences or debris which may become a hazard for inquisitive minors.

- (c) Overcrowding a room or dwelling with occupants. (Amended, Ord. No. 03-06)
- (d) Insufficient ventilation or illumination.
- (e) Inadequate or unsanitary sewage or plumbing facilities.
- (f) Uncleanliness.
- (g) Any situation or activity which renders air, food, or drink unwholesome or detrimental to the health of human beings.
- (h) Any other activity or situation that is dangerous to human life or is detrimental to health.
- (i) Overcrowding a room or portion of dwelling with long-term storage so as to prevent upkeep, maintenance or regular housekeeping. A room may be considered overcrowded when storage covers an excessive amount of the floor area of a room, constitutes a potential excessive fire load, prevents access to windows or doors, prevents access to or obstructs mechanical systems or air movement, effectively eliminates use and access to required electrical devices, impedes access and movement of emergency personnel, blocks hallways, limits the operation of doors or provides potential pest harborage. (Added, Ord. No. 03-06)
- (j) An illegal occupancy by a person of any residential, or non-residential structure, building, or premises, or portion thereof, that is not in compliance with all applicable building codes, fire codes, local laws and ordinances. (Added, Ord. No. 16-07).
- (k) Discharge onto a public right-of-way, sidewalk or alley from a sump pump or drain tile which can result in hazardous ice conditions, standing water that could create a possible insect breeding area and or erosion that would degrade a public right-of-way. (Added, Ord. No. 16-15).

Subd. 27. Nuisance conduct shall have the meaning given in section 927 of the code to the extent the call involves police services. (Added, Ord. No. 10-13; Amended, Ord. No. 21-12)

Subd. 28. Occupant means a person (including owner or operator) living, sleeping, cooking, eating or working in a building. (Amended, Ord. 14-02)

Subd. 29 . Openable area means that part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.

Subd. 30. Operator means the owner or owner's agent who has charge, care, control, or management of a building, or part thereof, including but not limited to those buildings in which dwelling units or rooming units are let or offered for occupancy. (Amended, Ord. No. 14-02)

Subd. 31. Owner or owner of record means the fee owner of the building, dwelling, dwelling unit or rooming unit, and includes vendees under a recorded contract for deed. For purposes of this section the term includes any agent of owner designated in writing by owner for such purposes. (Amended, Ord. No. 03-06; 10-13; 14-02)

Subd. 32. Owner-occupied dwelling means a dwelling unit occupied by the property owner, including for purposes of the PMC, a single-family dwelling or the discrete portion of any two-family or multi-family dwelling where the owner resides in one dwelling unit. (Amended, Ord. No. 03-06; Ord. No. 14-02)

Subd. 33. Paint blistered means a surface area where paint is cracked, flaked, chipped, or loose.

Subd. 34. Plumbing means the following supplied facilities and equipment in a dwelling: gas pipes, gas burning equipment, water pipes, steam pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents, and any other similar fixtures and the installation thereof, together with all connections to water, sewer, or gas lines.

Subd. 35. Premises means platted lot(s) or unplatted parcel(s) of land, or any portion thereof, either occupied or unoccupied by any dwelling or nondwelling structure, including such building, accessory structure, or other structure thereon.

Subd. 36. Proper connection to an approved sewer system means a functioning sewer connection free from defects, leaks, illegal modifications or obstructions with sufficient capacity to drain all fixtures or appliances which feed into it. The sewer system (be it municipal or private) must be capable of disposing of sewage in a safe, legal, sanitary, and adequate manner. (Amended, Ord. No. 03-06)

Subd. 37. Proper connection to an approved water system means a functioning plumbing connection free from defects, leaks, or obstructions providing an uncontaminated, controlled flow of water.

Subd. 38. Public areas means those areas which are normally open to the general public or the occupants of more than one dwelling unit of a multiple family dwelling.

Subd. 39. Public hall means a corridor, or passageway for providing egress from a commercial, office, or dwelling unit to the outdoors and not within the exclusive control of one business or family. (Amended, Ord. 14-02)

Subd. 40. Refuse means putrescible and nonputrescible waste solids including garbage and rubbish.

Subd. 41. Rental dwelling or rental dwelling unit means any dwelling unit not occupied by the owner of record regardless of familial relationship or whether rent or other compensation is paid to the owner. (Amended, Ord. No. 03-06; Ord. No. 10-13)

Subd. 42. Retaining wall means a wall or structure constructed of stone, concrete, wood, or other materials, used to retain soil, as a slope transition, or edge of a planting area.

Subd. 43. Rodent harborage means a place where rodents are liable to live, nest, or seek shelter.

Subd. 44. Rodent-proof means a condition where a structure and all parts thereof are protected from rodent, insect and vermin infestation by eliminating ingress and egress openings such as cracks in walls and holes in screens. For the purpose of the PMC the term "rodent-proof" shall be construed as though it included "insectproof" and "vermin-proof." (Amended, Ord. No. 03-06; Ord. No 14-02)

Subd. 45. Rooming unit means a room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking and eating purposes.

Subd. 46. Rubbish means nonputrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, grass and shrubbery clippings, wood, glass, brick, plaster, bedding, crockery, and similar materials.

Subd. 47. Story means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above or the ceiling or roof next above such floor. A basement shall not be counted as a story.

Subd. 48. Structurally substandard means a building

- (1) that was inspected by the applicable governing body and cited for one or more housing, maintenance, or building code violations involving one or more of the following:
 - (a) a roof and roof framing element;
 - (b) support walls, beams and headers;
 - (c) foundation, footings and subgrade conditions;
 - (d) lights and ventilation;
 - (e) fire protection, including egress;
 - (f) internal utilities including electricity, gas and water;
 - (g) flooring and flooring elements; or
 - (h) walls, insulation and exterior envelope; and
- (2) where such housing, maintenance or building code violation(s) have not been corrected after two notices to correct the violation(s) and the cost to correct the violation(s) exceeds 50 percent of the estimated market value of the building, excluding land value as determined under Minnesota Statutes, Section 273.11 for property taxes payable in that year. (Added, Ord. No. 14-02)

Subd. 49. Structure means anything erected, the use on which requires more or less permanent location of the ground; or attached to something having a permanent location on the ground. Whenever the word "structure" is used in the PMC, it shall be construed as though it was followed by the words "or any part thereof." (Amended, Ord. No. 03-06; Ord. No. 10-13; Ord. No. 14-02)

Subd. 50. Tenant means any individual named as such in any lease, or in non-lease situations, any individual obligated to owner for the payment of rent. If there is no lease, and no rent is payable, the term means all occupants of the rental dwelling. (Added, Ord. No. 10-13)

Subd. 51. Townhome means a single family dwelling unit constructed in a group of three or more attached units in which each unit extends from foundation to roof and with open space on at least two sides. (Added, Ord. No. 08-08)

Subd. 52. Use means the purpose or activity for which the land or building is designated, or intended, or for which it is occupied, utilized, or maintained, including the performance of such activity as defined by the performance standards of this chapter.

Subd. 53. Ventilation means the process of supplying and removing air by natural or mechanical means to or from any space.

Subd. 54. Waste system means that part of the plumbing system which drains waste water from individual fixtures to the sewer system.

Subd. 55. Yard means all ground, lawn, court, walk, driveway, or other open space constituting part of the same premises.

425.13. Responsibilities of owners and occupants. Subdivision 1. Responsibilities of owners. The owner of a building is responsible for the maintenance of that structure and for meeting the provisions of the PMC. (Amended, Ord. No. 03-06; 14-02)

(a) No transfer of responsibility. A contract between owner and operator, or owner and occupant, with regard to compliance with the PMC, does not relieve the owner, operator or occupant of any duty imposed by the PMC. (Added, Ord. No. 03-06; Ord. 14-02)

Subd. 2. Responsibilities of occupants and owners.

- (a) An owner, agent or occupant of a building may not allow the accumulation of dirt or filth on the premises occupied or controlled in a manner that could create a health hazard to the dwelling occupants or the general public. (Amended, Ord. No. 14-02)
- (b) An owner, agent or occupant of a building may not allow the accumulation of rubbish or garbage on the premises occupied or controlled in a manner that could create a health hazard to the dwelling occupants or the general public. (Amended, Ord. No. 14-02)
- (c) Rodent harborages in occupied areas. An owner, occupant or agent may not allow formation of rodent harborages in or about the premises occupied or controlled. (Amended, Ord. No. 10-13)
- (d) The occupant of a dwelling containing a single dwelling unit is responsible for the extermination of rodents, insects or vermin on the premises. Every occupant of a dwelling unit in a dwelling containing more than one dwelling unit is responsible for such extermination whenever the dwelling unit is the only one infested. Notwithstanding, however, whenever infestation is caused by the failure of the owner to maintain a dwelling in a reasonable rodent-proof condition, extermination is the responsibility of the owner. Whenever infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof is the responsibility of the owner.
- (e) An owner, agent or occupant of any building may not allow the formation or presence of any nuisance in or about the premises. (Amended, Ord. No. 14-02)
- (f) Leasing, subleasing or subletting a residential, or non-residential structure, building, or premises or portion thereof, by an occupant to another occupant or third party is prohibited. (Amended, Ord. No. 16-07)

425.15. Minimum standards. Subdivision 1. Exterior standards. The foundation, exterior walls, and exterior roof shall be water tight, rodent-proof, and kept in sound condition and repair. Every window, exterior door, and hatchway shall be substantially tight and kept in sound condition and repair. The foundation must adequately support the building at all points. Exterior walls shall be maintained and kept free from decay, dilapidation by cracks, tears or breaks and from deteriorated plaster, stucco, brick, wood or other material that is extensive and gives evidence of long neglect. The protective surface on exterior walls of a building above ground level must be maintained in good repair so as to provide a sufficient covering and protection of the structural surface underneath against its deterioration. Without limiting the generality of this section, a protective surface of a building shall also be deemed to be out of repair if: (Amended, Ord. No. 03-06)

- (a) The protective surface is paint which is blistered, cracked, flaked, scaled or chalked away including window trim, cornice members, porch railings and other such areas. (Amended, Ord. No. 16-07)
- (b) The pointing of any chimney or the pointing of any brick or stone wall is loose or has fallen out. (Amended, Ord. No. 16-07)
- (c) The finish coat of a stucco wall is worn through or chipped away or broken or damaged stucco revealing metal lath must be repaired; or (Amended, Ord. Nos. 03-06; 16-07)
- (d) Any boarding of openings that do not comply with the requirements of subsection 425.33, subdivision 6(e). (Amended, Ord. Nos. 03-06; 16-07)

An exterior surface or plane required to be repaired under the provisions of this section must be repaired in its entirety, or such repair must be consistent and uniform with surrounding surfaces. If a weather resistant surface such as brick, plaster or metal is covered with paint that is blistered, cracked, flaked, scaled or chalked away, it must be repainted unless the defective paint covering is removed in its entirety. (Amended, Ord. No. 16-07)

Subd. 2. Accessory structure maintenance. Accessory structures supplied by the owner, agent, or tenant on the building premises must be structurally sound, securable and maintained in good repair. Exterior walls of accessory structures must be maintained in accordance with the standards set forth for principal structures in subdivision 1. (Amended, Ord. No. 03-06; Ord. No. 07-18; Ord. No. 14-02)

Subd. 3. Fence maintenance. Fences must be maintained in good condition structurally, and be kept free of significant decay. Wood material, other than decay resistant varieties, shall be protected against decay by use of paint or other preservatives. If of the painted surface of a fence is determined by the enforcement officer to be paint blistered, cracked, flaked, scaled or chalked away, the surface must be properly scraped and repainted. (Amended, Ord. Nos. 07-18, 16-07)

Subd. 4. Retaining walls. Retaining walls must be kept in good condition, repair, and appearance. A retaining wall is deemed out of repair when it has substantially shifted or slumped out of its intended position.

Subd. 5. Yard cover. Exposed areas surrounding (or within) a principal or accessory use, including street boulevards which are not devoted to parking, drives, sidewalks, patios or other such uses, must be landscaped with grass, shrubs, trees, or other ornamented landscape material. Such landscaping shall be maintained in good condition and free of noxious weeds. Weeds, including tall grass, may not exceed eight inches in height. Perennial native prairie vegetation including grasses and/or wildflowers as identified by the city Forester, installed as a primary component of an approved raingarden or a restored prairie, is excluded from this rule on a case-by-case basis. The enforcement policy for this subdivision, and at section 820.15, shall be set and amended from time to time by resolution of the City Council. (Amended, Ord. No. 91-05, Sec. 1; Ord. No. 17-15, Sec. 1)

Subd. 6. Gutters and downspouts. Existing gutters, leaders and downspouts must be maintained in good working condition as to provide proper drainage of storm water. In no case may storm water be channeled into the sanitary sewer system. Storm water, ice, or snow may not be directed onto, or channeled across walkways or streets where it is likely to be a hazard to life or health.

Subd. 7. Exterior lighting. For multiple family dwellings, all exterior parking areas and walkways must be provided with an average, maintained, horizontal illumination of six-tenths (0.6) foot-candles. Parking lot illumination must not cause excess amounts of light to be cast on a public street or adjoining property. (See Zoning Code, subsection 510.25, subdivision 5.)

Subd. 8. Snow and ice removal. Snow must be removed from abutting public sidewalks within 12 hours after cessation of snowfall.

Subd. 9. Walks, drives, lawn steps, decks and stoops. Walks, drives, lawn steps, decks and stoops must be maintained in good repair. (Added, Ord. No. 03-06; Ord. No. 14-02)

425.17. Minimum standards for basic services and utilities. Subdivision 1. Minimum plumbing standards. Plumbing in dwelling units and shared or public areas must be properly installed and maintained in a sanitary, safe, and functioning condition, and must be connected to an approved utility system.

- (a) A fixture, facility, or piece of equipment requiring a sewer connection must have a functioning and vented connection, be free from cracks, defects, leaks, or obstructions, and shall possess sufficient capacity to drain all other fixtures, facilities, or pieces of equipment which feed into it. The sewer system, whether municipal or private, must be capable of conveying and disposing of the sewage in a legal, safe, sanitary, and adequate manner. (Amended, Ord. No. 03-06)
- (b) A fixture, facility, or piece of equipment requiring a water connection shall have a functioning connection, free from defects, leaks, or obstructions. Each water connection must possess sufficient capacity to adequately supply all fixtures, facilities, or pieces of equipment to which connected with an uncontaminated, controllable flow of water.
- (c) Fixtures that cannot be made clean or sanitary due to cracks, delamination, or deterioration shall be repaired or replaced. (Added, Ord. No. 07-18)

Subd. 2. Minimum heating standards.

- (a) Equipment provided. All dwelling units must have a furnace or other heating facilities which are properly installed, and which are maintained in safe and good working condition, and which are capable of safely and adequately providing heating to all habitable rooms, bathrooms, and water closet compartments in every dwelling unit located therein to a temperature of 70 degrees Fahrenheit at a distance of three feet above floor level and three feet from exterior walls at an outside temperature of minus 20 degrees Fahrenheit. Heating facilities shall be turned on and maintained in an operable condition from October 1st to May 1st. Gas or electric appliances designed primarily for cooking or water heating purposes and portable heating units shall not be considered as heating facilities within the meaning of this section. Portable heating equipment employing a flame that is not vented in an approved manner is prohibited. Heating facilities over 20 years of age, or those of an age that cannot be determined by permit record or by manufacturers label, must be posted with a dated indication of a service or maintenance check by a licensed mechanical or heating contractor during the previous three years. Heating facilities that have not been so serviced and posted may be required to undergo such service within a specified period of time. (Amended, Ord. No. 03-06)

- (b) Minimum temperature standards for rental properties.
 - (1) For all senior housing (defined in section 505.09, subdivision 40), it is the responsibility of the owner that a minimum temperature of 70 degrees Fahrenheit (measured as described in this subsection) be maintained year round. (Amended, Ord. No. 08-01)

 - (2) In all other units whenever the occupant lacks direct control over the supplied heat to a dwelling unit or rooming unit, it is the responsibility of the owner that a minimum temperature of 68 degrees Fahrenheit be maintained at all times between October 1st to May 1st. (Amended, Ord. No. 99-07)

Subd. 3. Water heating facilities. A dwelling unit must have supplied water heating facilities which are installed in an approved manner, properly maintained, and which are capable of heating water to such a temperature as to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub, shower, and laundry facilities or other similar units at a temperature of not less than 115 degrees Fahrenheit, 46 degrees Celsius, at any time needed.

Subd. 4. Minimum electrical standards. A dwelling unit and all public and common areas must be supplied with electric service, functioning overcurrent protection devices, electric outlets, and electric fixtures which are properly installed, which must be maintained in good and safe working condition. The minimum capacity of such electric service and the minimum number of electric outlets and fixtures is as follows:

- (a) Dwellings containing one or two dwelling units must have at least the equivalent of 60 ampere, electric service per dwelling unit.
- (b) Dwelling units must have at least one 15 ampere branch electric circuit for each 600 square feet of dwelling unit floor area.
- (c) Every habitable room must have at least one floor or wall-type electric convenience outlet for each 60 square feet or fraction thereof of total floor area, and in no case less than two such electric outlets. Temporary wiring, extension cords or drop cords may not be used as permanent wiring. In cases where more than two outlets are required, one ceiling or wall-type light fixture may be substituted for one required outlet. Required outlets must, insofar as possible, be spaced equal distances apart.
- (d) Every water closet compartment, bathroom, kitchen, laundry room, and furnace room must contain at least one supplied ceiling or wall-type electric light fixture and every bathroom and laundry room must contain at least one electric convenience outlet.
- (e) Public halls and stairways in multiple family dwellings must be adequately lighted by natural or electric light so as to provide illumination having an intensity of not less than one foot candle at floor level to all parts thereof. Hallways and stairwells in one and two family rental dwellings shall have electric lighting, which shall be operated by switch. (Amended, Ord. No. 03-06)
- (f) A convenient switch for turning on a light in each dwelling unit must be located near the principal points of entrance to such unit. A patio door entrance may be exempt if it is not a principal entrance.
- (g) Electrical wiring installed at accessory use structures, which are accessible to the occupants of rental dwellings, shall be properly installed in accordance with the applicable code in effect at the time of construction of that structure, and shall be maintained in good and safe working condition. (Added, Ord. No. 03-06)

Subd. 5. Minimum natural light and ventilation. Every habitable room shall have window area of no less than 8% of the floor area and at least one window facing directly outdoors which can be opened easily. At minimum, the total openable window area of every habitable room shall be 4% of the floor area of the room, and in no case less than four square feet. In lieu of natural ventilation, a mechanical ventilating system may be provided which is capable of providing two air changes per hour, with 20% of the air supply taken from the outside. Every non-habitable room (bathroom, water closet compartment, laundry room, and utility room) shall have at least 50% of the openable window requirement otherwise appropriate for the floor area, except that no windows shall be required if such rooms are equipped with a functioning exhaust fan connected directly to the outside, capable of providing five air changes per hour. For the purpose of determining light and ventilation requirements, any room may be considered as a portion of an adjoining room when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or 25 square feet whichever is greater. Windows are not required in kitchens of dwelling units when such kitchen has an opening of at least 20 square feet into an adjoining habitable room and when such kitchen is provided with an approved mechanical ventilation system. In addition, the window area of the adjoining habitable room referred to above must be of sufficient size so as to provide for the light and ventilation requirements of the kitchen area as well as for the adjoining habitable room. (Amended, Ord. No. 03-06)

Subd. 6. Discontinuance of basic services or utilities. An owner, operator, or occupant may not permit any service or utility which is required under the PMC to be shut off from or discontinued for any occupied dwelling or dwelling unit let or occupied, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies. (Amended, Ord. No. 03-06; Ord. No. 14-02)

425.19. Minimum structural standards. Subdivision 1. Floors, interior walls, and ceilings. Floors, interior walls, and ceilings must be adequately protected against the passage and harborage of vermin, rodents and insects. Floors must be free of loose, warped, protruding or rotted flooring materials and all floor covering shall be maintained in good condition. Interior walls and ceilings must be free of holes and large cracks, loose plaster, and blistered paint, and shall be maintained in good condition. Toxic paint and materials may not be used where readily accessible to children. Every toilet room, bathroom and kitchen floor surface must be easily cleanable and maintained in good condition.

Subd. 2. Stairways, porches, decks, stoops and balconies. Stairways, inside or outside of a dwelling and porches, decks and balconies must be kept in safe condition and sound repair. Every flight of stairs and every porch, deck, entry stoop and balcony floor and supports shall be free of deterioration. Every stairwell and every flight of stairs which is more than four risers high shall have at least one handrail approximately 30 to 38 inches high, measured vertically from the nose of the stair tread to the top of the handrail. All unenclosed floor and roof openings, open and glazed sides of landings and ramps, balconies or porches which are more than 30 inches above grade or floor below, and roofs used for other than service of the building shall be protected by a guardrail; guardrails shall be not less than 36 inches in height. Open guardrails and open stair railings on unenclosed stairways shall have intermediate rails such that a sphere nine inches in diameter cannot pass through. Every handrail and balustrade shall be firmly fastened and maintained in good condition. No flight of stairs or entry stoop shall have settled out of its intended position or have pulled away from the supporting or adjacent structures enough to cause a hazard. No flight of stairs or deck may have rotting, loose, or deteriorating supports. Excepting spiral and winding stairways, the treads and risers of every flight of stairs shall be uniform in width and height. Stairways shall be capable of supporting loads that normal use may cause to be placed thereon. Existing stairways shall not have a rise exceed eight inches or a run of treads less than nine inches. A stairway which does not meet these rise and run requirements will be considered a built-in deficiency under the provisions of subsection 425.33, subdivision 8. Exterior landings for entry stoops and stairs shall have no dimensions less than three feet. (Amended, Ord. Nos. 03-06, 16-07)

Subd. 3. Windows, doors, and screens. Windows, exterior doors, and hatchways must be substantially tight and kept in sound condition and repair. Every window, other than a fixed window or storm window, shall be capable of being easily opened. Every window or other device with openings to outdoor space which is used or intended to be used for ventilation to meet the minimum ventilation requirements of subsection 425.17, subdivision 4 must be supplied with 16 mesh screens. All doors, thresholds, door and window frames shall be free of blistered paint, missing putty and shall be maintained in good condition. All door and window hardware and locks shall be functional and be maintained in good condition. Operable windows shall be supplied with mechanical sash locks manufactured for that use. No door at the top of a stairway may swing open over the stairs. (Amended, Ord. No. 03-06)

Subd. 4. Safe building elements. Every roof, floor, every porch, deck and balcony, and every appurtenance thereto, must be safe to use and capable of supporting loads that normal use may cause to be placed thereon. (Amended, Ord. No. 03-06)

Subd. 5. Access to dwellings. Access to and egress from each dwelling shall be provided by at least one doorway that is a minimum of 36 inches wide and 80 inches high.

Subd. 6. Minimum ceiling height. The ceiling height of any habitable room shall be at least seven feet; except that in any habitable room under a sloping ceiling at least one-half of the floor area shall have a ceiling height of at least seven feet, and the floor area of that part of such a room where the ceiling height is less than five feet shall not be considered as part of the room for the purpose of determining the maximum permissible occupancy.

Subd. 7. Rooms below grade. A room located partly or wholly below grade may be used as a habitable room of a dwelling unit provided all of the requirements of the PMC are met. (Amended, Ord. No. 03-06; Ord. No. 14-02)

Subd. 8. Sleeping rooms. A sleeping room must have at least one window or exterior door approved for emergency exit or rescue. Required emergency exit or rescue openings shall be maintained in accordance with the code and the following: Required emergency exit and rescue openings shall be operational from the inside of the sleeping room without the use of keys or tools. Bars, grilles, grates or similar devices are permitted to be placed over emergency exit and rescue openings provided the minimum net clear opening size complies with the code that was in effect at the time of construction and such devices shall be releaseable or removable from the inside without the use of a key, tool or force greater than that which is required for normal operation of the escape and rescue opening. (Amended, Ord. No. 14-02)

425.21. Minimum interior standards. Subdivision 1. Kitchen facilities. A kitchen in a dwelling unit must include the following:

- (a) A kitchen sink in good working condition and properly connected to an approved water supply system. It shall provide at all times an adequate amount of heated and unheated running water under pressure, and be connected to an approved sewer system.
- (b) Cabinets and shelves for the storage of eating, drinking, and cooking equipment and utensils and of food that does not require refrigeration for safekeeping; and counters or tables for food preparation. Said cabinets and shelves and counters or tables shall be adequate for the permissible occupancy of the dwelling unit and shall be of sound construction furnished with surfaces that are easily cleanable and that will not impart any toxic or deleterious effect to food. They shall be maintained in good condition. (Amended, Ord. No. 03-06)
- (c) A stove and a refrigerator which are properly installed with all necessary connections for safe, sanitary and efficient operation; provided that such stove, refrigerator or similar devices need not be installed when a dwelling unit is not occupied and when the occupant is expected to provide same on occupancy, in which case sufficient space and adequate connections for the installation and operation of said stove, refrigerator or similar device must be provided.

Subd. 2. Toilet facilities. Within every dwelling unit there must be a nonhabitable room with an entrance door which affords privacy to a person within said room and which room is equipped with a flush water closet in good working condition, and solidly mounted. The flush water closet shall be equipped with easily cleanable surfaces, shall be connected to an approved water system that at all times provides an adequate amount of running water under pressure to cause the water closet to be operated properly, and shall be connected to an approved sewer system. (Amended, Ord. No. 03-06)

Subd. 3. Lavatory sink. Within every dwelling unit there must be a lavatory sink. The lavatory sink may be in the same room as the flush water closet, or if located in another room, the lavatory sink shall be located in close proximity to the door leading directly into the room in which said water closet is located. The lavatory sink and any cabinet or device supporting it must be in good working condition and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated running water under pressure, and shall be connected to an approved sewer system. (Amended, Ord. No. 03-06)

Subd. 4. Bathtub or shower. Within every dwelling unit there must be a room which affords privacy to a person within the room and which is equipped with a bathtub or shower in good working condition. Walls, windows and partitions adjacent to the tub or shower and their finishes must be kept watertight, free from damage and maintained in readily cleanable condition. The bathtub or shower may be in the same room as the flush water closet, or in another room, and shall be properly connected to an approved water supply system and shall provide at all times an adequate amount of heated and unheated water under pressure, and shall be connected to an approved sewer system. (Amended, Ord. No. 03-06)

Subd. 5. Door locks. A door that is designed to provide ingress or egress for any rental dwelling unit must be equipped with a lock that has a deadlocking bolt that cannot be retracted by end pressure and provided, however, that such be openable from the inside without the use of a key or any special knowledge or effort except in existing single-family homes, town houses, and first floor duplexes. Sliding entry doors must be provided with a mechanical locking device, hook and eye lock, wood or metal bar or an approved equivalent locking system. Doors providing access to a dwelling unit from an attached garage may be exempt from the dead bolt requirement if all garage doors and windows are provided with acceptable locking devices. (Amended, Ord. No. 03-06; Ord. No. 07-18)

Subd. 6. Removal of basic equipment or facilities. An owner, operator, or occupant may not cause any facility or equipment which is required under the PMC to be removed from or shut off from any occupied dwelling or dwelling unit let or occupied by them, except for such temporary interruptions as may be necessary while actual repairs or alterations are in process, or during temporary emergencies. (Amended, Ord. No. 03-06; Ord. No. 14-02)

Subd. 7. Appliance installation. The owner is responsible for the proper installation of gas fired and electrical appliances such as cook stoves and clothes dryers. The owner is responsible for proper venting of gas fired appliances and clothes dryers. Clothes dryer exhaust ducts shall have a smooth interior finish and shall be constructed of metal a minimum of 0.016 inch (0.4 mm) thick. The exhaust duct size shall be a minimum of 4 inches (102 mm) in diameter. Transition ducts used to connect the dryer to the exhaust duct system shall be a single length that is listed and labeled in accordance with UL 2158A. Transition ducts shall be a minimum of 8 feet (2438 mm) in length, and shall not be concealed within construction. (Added, Ord. No. 03-06, Amended, Ord. No. 16-07)

425.23. Minimum standards for rodent control. Subdivision 1. General rule. Every building must be maintained in a rodent-proof condition. (Amended, Ord. No. 14-02)

Subd. 2. Openings in the exterior walls, foundations, basements, ground or first floors, and roofs must be rodent-proofed in a manner approved by the enforcement officer.

Subd. 3. Windows used or intended to be used for ventilation, all other openings, and all exterior doorways which might provide an entry for rodents and insects, must be supplied with adequate screens or such other devices as will effectively prevent the entrance of rodents and insects into the structure.

Subd. 4. Sewers, pipes, drains, or conduits and openings around such pipes and conduits must be constructed to prevent the ingress or egress of rodents and insects to or from a building.

Subd. 5. Interior floors of basements, cellars, and other areas in contact with the soil shall be rodent-proofed in a manner approved by the enforcement officer.

425.25. Minimum fire protection standards. No person may let to another for occupancy any building or dwelling unit which does not comply with the applicable provisions of the fire prevention code. Rental dwelling units must be provided with a smoke detector on each level of the dwelling unit. A smoke detector must be located within 15 feet of each bedroom. Smoke detectors improperly located or mounted may be required to be relocated or remounted. (Amended, Ord. No. 03-06; Ord. No. 14-02)

425.27. Occupancy standards. Subdivision 1. One family per dwelling unit. Not more than one family may occupy a dwelling unit.

Subd. 2. Permissible occupancy of a dwelling unit. The maximum permissible occupancy of a rental dwelling unit is determined as follows:

- (a) Minimum space. For the first two occupants, 220 square feet of habitable room floor space and for every additional occupant thereof, at least 100 square feet of habitable room floor space.
- (b) Maximum occupancy. The total number of occupants may not exceed two times the number of habitable rooms, less kitchen, in the dwelling unit.
- (c) Occupancy of sleeping rooms. In every dwelling unit of two or more rooms, every room occupied for sleeping purposes shall have the following minimum habitable room floor space: 70 square feet for one person; 90 square feet for two persons; and the required habitable room floor space will be increased at the rate of 50 square feet for each occupant in excess of two. The maximum occupant load of a sleeping room may be increased by one person if all occupants are under the age of two years.

425.29. Energy standards. Subdivision 1. Weatherization requirements. Dwellings which are rented or occupied during all or a portion of the months of November through April must comply with the weatherization requirements of this subsection.

Subd. 2. Install and maintain weather-stripping between exterior operable window sash and frames and between exterior doors and frames. Weather-stripping is not required on storm doors or storm windows. (Amended, Ord. No. 03-06)

Subd. 3. Caulk, gasket or otherwise seal accessible exterior joints between foundation and rim joist; around window and door frames; between wall and roof; between wall panels; at penetrations for utility services through walls, floors and roofs and all other openings in the exterior envelope.

Subd. 4. Install and maintain storm windows on all single glazed exterior window units enclosing conditioned space. (Amended, Ord. No. 03-06)

Subd. 5. Install and maintain storm doors on all exterior door openings into conditioned spaces unless a single door, enclosed porch, vestibule or other appurtenance provides a double door effect or provides an "R" value of two or more. (Amended, Ord. No. 03-06)

Subd. 6. Install positive shut-offs for all fireplaces or fireplace stoves, unless an existing damper provides a positive shut-off.

Subd. 7. Install insulation in accessible attics to achieve a minimum total "R" value of the insulation of R-19. If there is insufficient space for the installation of the recommended "R" value, then the available space shall be insulated to capacity.

Subd. 8. Install insulation in accessible walls and floors enclosing conditioned spaces to achieve a minimum total "R" value of the insulation of R-11 when there is no insulation in a substantial portion of the exterior walls or floors over an unconditioned space. Accessible walls shall not include above grade foundation walls of basements. If there is insufficient space for the installation of the recommended "R" value, then the available space must be insulated to capacity.

425.31. Inspection and licensing of rental dwellings. Subdivision 1. Rental dwelling license. No person may operate, let, or cause to be let, a rental dwelling without first having obtained a license to do so from the City as hereinafter provided. Upon receipt of a properly executed application for licensing, the enforcement officer shall cause an inspection to be made of the premises to determine whether the structure is in compliance with the PMC, other City ordinances, and the laws of the state. No operating license may be issued or renewed unless the rental dwelling and its premises conform to the ordinances and law. In addition, no license shall be issued or renewed until such time as all real estate taxes and City utility bills for the premises which are due have been paid. Real estate taxes will not be considered to be due and unpaid for purposes of this section while a proper and timely appeal of such taxes is pending and is diligently pursued to completion by the landowner. Each such operating license shall be issued biennially and shall expire at the end of the second year. A license renewal application shall be filed at least 60 days prior to license expiration date. Every rental dwelling will be reinspected after a renewal application. If a structure or dwelling unit is not in compliance, a reinspection may be ordered to verify that conditions and any corrections conform to the provisions of this section or any other applicable ordinance. (Amended, Ord. No. 03-06; Ord. No. 08-10; Ord. No. 10-13; Ord. 14-02)

Subd. 2. Initial/conversion rental housing owner training required. All property owners converting any single unit to rental use must attend a training session within six months of obtaining a rental license. This training shall review rental property regulations and owner obligations including, but not limited to, utility billing which can be assessed to the property and repeat nuisance call fees. Where the owner designates a local manager representative to attend the meeting, written materials will be sent to the owner who must certify that the material has been read and understood. (Added, Ord. No. 10-13)

Subd. 3. Training/certification required. The owner of a rental dwelling may not operate, let, or cause to be let, a rental dwelling without first having scheduled the required housing owner/manager training program offered by the City. A shorter training session will be available to those who have completed a comparable program containing all of the components in subdivision 3(b) of this section in another Minnesota municipality but not Robbinsdale-specific training. Any owner who has completed a comparable program containing all of the components in subdivision 3(b) of this section in another Minnesota municipality and who has completed the initial/conversion rental housing owner training (subdivision 2 of this section) may be excused from this training. Failure to start or complete required training is not an excuse for failure to follow requirements under city code or applicable law. (Added, Ord. No. 10-13; Amended, Ord. No. 21-12)

- (a) Training schedule. The community development department and the police department shall provide quarterly training session opportunities. (Added, Ord. No. 10-13; Amended, Ord. No. 21-12)
- (b) Training curriculum. The training will be a course, not to exceed four hours, which is approved by the city manager. Components of the program shall include, but not be limited to, the following subject matter: (Added, Ord. No. 10-13)
 - (1) Rental applications and housing discrimination;
 - (2) Screening and background checks;
 - (3) Lease and lease addendums;
 - (4) Unlawful detainer and eviction;
 - (5) Manager/owner policies and roles;
 - (6) Data privacy;
 - (7) Narcotics and organized groups engaging in criminal activity;
 - (8) Section 8 housing;
 - (9) Rental licensing; and
 - (10) Repeat nuisance service fees.

(Added, Ord. No. 10-13; Amended, Ord. No. 21-12)

- (c) Mandatory training certification. Upon successful completion of training, the community development department shall make note of this fact and satisfactory completion of the training shall remain valid until such time a new owner and/or operator becomes responsible for managing the property. (Added, Ord. No. 10-13; Amended, Ord. No. 21-12)

Subd. 4. Failure to complete training. Failure to complete the required initial/conversion rental housing owner training within six months shall subject the owner to a service fee (set forth in Appendix B) for each month that training is not completed for a maximum of three months. If the training has not been completed within this timeframe, the rental license(s) is subject to suspension or revocation by the City Council. (Added, Ord. No. 10-13; Amended, Ord. No. 21-12)

Subd. 5. License fees. The license fees are due 60 days prior to the license expiration date; in the cases of new unlicensed dwellings, license fees are due upon issuance of the certificate of occupancy; in the cases of licensing periods of less than two years, license fees will be pro-rated monthly. A license fee paid later than ten working days after the prescribed date is subject to an additional administrative service charge set by Appendix B. Once issued, a license is nontransferable and the licensee is not entitled to a refund of any license fee upon revocation or suspension; however, within 72 hours after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling, and submission of the transfer and the name and address of the person or entity succeeding to the ownership or control of such rental dwelling or dwellings on a form supplied by the City, the licensee shall be entitled to a license fee refund, prorated monthly, less a \$50.00 administrative fee. The license fee is set by appendix B. (Amended, Ord. No. 06-02; Ord. No. 07-18; Ord. No. 08-10; Ord. No. 10-13)

Subd. 6. Owner or agent to apply. License application or renewal must be made by the owner of rental units. A new owner must register a building within ten days after acquiring it. Licenses are not transferable. The enforcement officer must be notified of any address change or other contact information changes including primary phone number(s), within ten days. Application forms may be acquired from and subsequently filed with the enforcement officer. The applicant must supply: (Amended, Ord. No. 03-06; Ord. No. 07-18; Ord. No. 10-13)

- (a) Name, address, and telephone number of dwelling owner, owning partners if a partnership, corporate officers if a corporation;
- (b) Name, address, and telephone number of designated resident agent, if any;
- (c) Name, address, and telephone number of vendor, if the dwelling is being sold through a contract for deed;
- (d) Legal address of the dwelling;
- (e) Number of dwelling units within the dwelling;
- (f) At least one emergency telephone number; and
- (g) Copy of Training Certification (425.31, subd. 3) (Added, Ord. No. 10-13; Amended, Ord. No. 21-12)

Subd. 7. Resident agent required. An operating license may not be issued or renewed for a nonresident owner of rental dwelling units (one who does not reside in any of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, Washington or Wright) unless such owner designates in writing to the enforcement officer the name of owner's resident agent (one who does reside in any of the following Minnesota counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, Washington or Wright) who is responsible for maintenance and upkeep and who is legally constituted and empowered to receive service of notice of violation of the provisions of the City code and to receive orders or process pursuant to law. The enforcement officer must be notified in writing within ten days of the following changes: resident agent, agent address, and/or agent phone number(s). This requirement may be waived if, in the enforcement officer's determination, the owner not living in one of the above specified counties, is nonetheless sufficiently accessible for the purposes of the PMC. (Amended, Ord. No. 03-06; Ord. No. 07-18; Ord. No. 10-13; Ord. No. 14-02)

Subd. 8. Conformance to laws. An operating license will not be issued or renewed unless the rental dwelling and its premises conform to City ordinances and state law. This requirement includes responsible operation of the property rental business as evidenced by addressing nuisance conduct at the property. (Amended, Ord. No. 10-13; Amended, Ord. No. 21-12)

Subd. 9. Inspection condition. An operating license may not be issued or renewed unless the owner of rental units agrees in the application to permit inspections pursuant to subsection 425.33. The owner or agent is required to accompany the enforcement officer at either the inspection or a reinspection of the property at least once during the license period. It is the responsibility of the owner or agent to schedule the required rental inspection with the City of Robbinsdale and to notify the renter of the inspection in a reasonable period of time at least 24 hours prior to all inspections or reinspections. (Amended, Ord. No. 03-06; Ord. No. 10-13)

Subd. 10. Posting of license. The licensee of a multiple dwelling must cause to be conspicuously posted in the main entry way or other conspicuous location therein, the current license for the respective multiple dwelling. In the case of one and two family dwellings, a copy of the license shall be given to the renter also. (Amended, Ord. No. 03-06; Ord. No. 10-13)

Subd. 11. Provision of information to tenants. The licensee shall provide each new tenant a copy of the City of Robbinsdale's solid waste program information (for those in 1 to 4 unit dwelling units) and a copy of the repeat nuisance call for service fee (City code section 927). (Added, Ord. No. 10-13)

Subd. 12. License not transferable. An operating license is not transferable to another person or to another rental dwelling. Every person holding an operating license must give notice in writing to the enforcement officer within 72 hours after having legally transferred or otherwise disposed of the legal control of any licensed rental dwelling. The notice must include the name and address of the person succeeding to the ownership or control of such rental dwelling or dwellings. (Amended, Ord. No. 10-13)

Subd. 13. License suspension or revocation. An operating license is subject to suspension or revocation, for the entire rental dwelling or for individual rental dwelling units, by the City Council if the licensed owner or duly authorized resident agent fails to permit any rental inspection required under this code, or fails to operate or maintain the licensed rental dwellings and units therein consistent with the provisions of the City code and the laws of the state of Minnesota.

- (a) Suspension or revocation with continued occupancy by current tenants. In the event that an operating license is suspended or revoked by the City Council, other than as further specified in subdivision 14(b) or 14(c), it is unlawful for the owner or owner's duly authorized agent, with respect to the rental dwellings subject to such revocation or suspension, to thereafter permit any new occupancies of vacant or thereafter vacated rental units until such time as a valid operating license may be restored by the City Council. An accurate, current list of such vacant dwelling units shall be provided to the City and maintained onsite by the owner of the property, suitable for the purposes of identification and inspection under section 425.33 by the enforcement officer until such time as a valid operating license may be restored by the City Council. Whenever any multiple-dwelling or dwelling unit has been denied a license, has had its operating license suspended or revoked, it shall be posted with a placard by the city manager to prevent further occupancy. No person, other than the city manager, shall remove or tamper with any placard used for posting. The city manager will post on the placard the date that the vacancy shall become effective. On or after the placard vacancy date, no person shall reside in, occupy, or cause to be occupied any dwelling or dwelling unit which has been posted to prevent occupancy. Any person violating this provision is guilty of a misdemeanor, and upon conviction is subject to a fine and imprisonment as prescribed by state law. Each day of each violation constitutes a separate offense. (Amended, Ord. No. 07-18; Ord. No. 10-13; Amended, Ord. No. 21-12)
- (b) Suspension or revocation due to property being unfit for human habitation. In the event that an operating license is suspended or revoked by the City Council due to being unfit for human habitation, it is unlawful for the owner or owner's duly authorized agent, with respect to the rental dwellings subject to such revocation or suspension, to thereafter permit any new or continued occupancies of said rental units until such time as a valid operating license may be restored by the City Council. Whenever any multiple-dwelling or dwelling unit is unfit for human habitation, it shall be posted with a placard by the city manager to prevent further occupancy. No person, other than the city manager, shall remove or tamper with any placard used for posting. The city manager will post on the placard the date that the vacancy shall become effective. On or after the placard vacancy date, no person shall reside in, occupy, or cause to be occupied any dwelling or dwelling unit which has been posted to prevent occupancy. Any person violating this provision is guilty of a misdemeanor, and upon conviction is subject to a fine and imprisonment as prescribed by state law. Each day of each violation constitutes a separate offense. (Added, Ord. No. 10-13; Amended, Ord. No. 21-12)

- (c) License suspension or revocation for excessive calls. An operating license for individual rental dwelling units is subject to suspension or revocation by the City Council if there have been excessive calls (as outlined in City code sections 927 and 425.32, subd. 2.) within a 365-day period (Added, Ord. No. 10-13; Amended, Ord. No. 21-12)

425.32. Excessive call violation notice and procedures.

Subd. 1. Notice.

Upon determination by the city manager that a licensed rental dwelling was used in violation of the excessive call provisions listed in sections 425.31, subdivision 14(c), the city manager shall cause written notice to be made to the owner of the violation(s). The written notice must be given as specified in Section 927.07 (including right to appeal as specified in Section 927.09). (Added, Ord. No. 10-13; Amended, Ord. No. 21-12)

Subd. 2. In addition to procedural requirements specified in Section 927.07, property owners must take action to resolve nuisance conduct at their rental properties as follows:

- (a) After the first and second occurrence of nuisance conduct within any 365-day period at the same unit or involving the same tenant, the city shall notify the owner and tenant of the nuisance conduct by first class mail and by sending an email to the property manager contact. Such notice shall direct the owner to take steps to prevent further nuisance conduct.
- (b) After the third occurrence of nuisance conduct within any 365-day period at the same unit or involving the same tenant, the city shall notify the owner and the tenant of the nuisance conduct by first class mail and by sending an email to property manager contact. Within 10 days of the date of the notice, the owner must supply a written report of all actions taken by the owner since the first and second occurrence of nuisance conduct and actions the owner intends to take to prevent further nuisance conduct.
- (c) After the occurrence of excessive calls at the same unit or involving the same tenant, if the property owner fails to diligently pursue correction of the situation, the City Council may fine, suspend, revoke, or not renew the rental license for the rental unit. The hearing before the City Council after the occurrence of excessive calls is a civil hearing, and the Council will make its determination based on a "fair preponderance of the evidence." It is not necessary that criminal charges be filed in order for the city to fine, suspend, revoke, or not renew a rental license and a dismissal or acquittal of criminal charges does not prohibit the city from taking action against a license. (Added, Ord. No. 21-12)

Additional nuisance service fees as outlined in section 927 (repeat nuisance service calls) shall be assessed to the property, if applicable, as well as any other legal remedies as noted in Section 927.11. Any outstanding fees must be paid prior to the City renewing a rental license for the licensed property. Special assessment of the prior year's fees as a result of non-payment does not qualify as a fee payment. (Added, Ord. No. 10-13; Amended, Ord. No. 21-12)

Subd. 3. Recovery of fees. Any unpaid fees resulting from violations of this section, may be collected by appropriate legal means. (Added, Ord. No. 10-13; Amended, Ord. No. 21-12)

425.33. Inspection and enforcement. Subdivision 1. Administration and enforcement. The enforcement officer administers and enforces the provisions of the PMC and may cause inspections on rental dwelling units on all classes of property within the City on a scheduled basis, whether on rental dwelling units or owner-occupied residential units on all classes of property when reason exists to believe that a violation of the code exists, has been or is being committed. The enforcement officer may cause inspections on non-residential buildings and structures when reason exists to believe that a violation of the code exists, has been or is being committed. (Amended, Ord. No. 03-06; Ord. No. 14-02)

Subd. 2. Authority. In the absence of a timely appeal under the PMC or any other applicable provision of law, the enforcement officer is the final authority in the determination of a violation under the PMC. (Amended, Ord. No. 03-06; Ord. No. 14-02)

Subd. 3. Inspection access. The occupant of any property must give the owner or operator thereof, or agent or employee, access to any part of such building, or its premises, at reasonable times for the purpose of effecting inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this section. If any owner, occupant, or other person in charge of a building or related premises fails or refuses to permit free access and entry to the structure or premises under control of that person for an inspection pursuant to the PMC, the enforcement officer take appropriate legal action including but not limited to the issuance of a citation and a court order authorizing such inspection. (Amended, Ord. No. 03-06; Ord. No. 14-02)

Subd. 4. Compliance order. Whenever the enforcement officer determines that any building, dwelling, dwelling unit, or rooming unit, or the premises surrounding any of these, fails to meet the provisions of the PMC, the officer may issue a compliance order setting forth the violations of the code and ordering the owner, occupant, operator, and/or agent to correct such violations. The compliance order must: (Amended, Ord. No. 03-06; Ord. No. 14-02)

- (a) Be in writing;
- (b) Describe the location and nature of the violations of the PMC; (Amended, Ord. No. 03-06; Ord. No. 14-02)
- (c) Establish a time for the correction of such violations;
- (d) Include information regarding the owner's right to appeal the order and the procedure to be followed in filing such an appeal pursuant to subsection 425.35;
- (e) Be served upon the owner or owner's agent or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner or agent, or upon any such occupant, if a copy thereof is:
 - (1) Served personally, or
 - (2) Deposited in the U.S. Post Office addressed to the owner at owner's last known address with postage prepaid, or
 - (3) Upon failure to effect notice by personal service or by mail, posted at a conspicuous place in or about the building or dwelling which is affected by the notice. (Amended, Ord. No. 14-02)

Subd. 5. Emergency cases. When a violation of the PMC constitutes an imminent peril to life, health, or property, the enforcement officer may specify an immediate and exact time for the correction of the violation. When this is the case, no stay of proceedings in furtherance of action will be granted on appeal. Situations which constitute an imminent peril to life, health, or property include, but are not limited to the following: (Amended, Ord. No. 03-06; Ord. No. 14-02)

- (a) Heating systems that are unsafe due to: burned out or rusted out heat exchanges (fire box); burned out, or plugged flues; not being vented; being connected with unsafe gas supplies; or being incapable of adequately heating the living space.
- (b) Water heaters that are unsafe due to: burned out or rusted out heat exchanges (fire box); burned out, rusted out, or plugged flues; lack of proper venting; being connected with unsafe gas supplies; or lack of temperature and pressure relief valves.
- (c) Electrical systems that are unsafe due to: dangerous overloading; damaged or deteriorated equipment; improperly tapped or spliced wiring; improper or overloaded fuses; expose uninsulated wires; distribution systems of extension cords or other temporary methods; ungrounded appliances in a hazardous condition. If overloading is suspected, the enforcement officer may require inspection and certification of all or part of the electrical system by a state licensed electrician.
- (d) Plumbing systems that are unsanitary due to: leaking waste systems fixtures and traps; lack of a water closet; lack of washing and bathing facilities; or cross connection of pure water supply with fixtures or sewage lines.
- (e) Structural systems, walls, chimneys, ceilings, roofs, foundations, and floor systems, that will not safely carry imposed loads.
- (f) Refuse, garbage, human waste, decaying vermin or other dead animals, animal waste, other materials rendering it unsanitary for human occupancy, including lack of light and air.
- (g) Infestation of rodents, insects, and other vermin.
- (h) Lack of operational smoke detectors. (Added, Ord. No. 07-18)

Subd. 6. (Deleted, Ord. No. 07-18)

Subd. 7. Execution of compliance orders by public authority. Upon failure to comply with a compliance order within the time set therein and no appeal having been taken, the criminal penalty established hereunder notwithstanding, the City Council may by resolution direct the enforcement officer to remedy the deficiency (deficiencies) cited in the compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, chapter 429. Such action will not be taken, however, without a good faith effort on the part of the City to provide the property owner with advance notice of its intention to proceed with repairs and assessment of the costs of repairs to taxes.

Subd. 8. Built-in deficiencies. Certain specific deficiencies may be deemed to be beyond reasonable correction by the enforcement officer and therefore waived from meeting the requirements of this section. Deficiencies which will be waived will be those that the enforcement officer finds to have been in conformance with all existing applicable codes at the time that the work was done and that are not causing adverse affects on the health or safety of the occupants of the unit. Other deficiencies which will be waived from meeting the requirements of this section shall be limited to the following:

- (a) Ceiling heights. Any existing habitable room with a ceiling height of between six feet six inches to seven feet shall be considered a built-in deficiency which is beyond reasonable correction.
- (b) Superficial floor area. Any existing habitable room of less than 70 square feet shall be considered a built-in deficiency and beyond reasonable correction.
- (c) Natural light and ventilation. Any existing habitable room with window area less than 8% of the floor area shall be considered a built-in deficiency beyond reasonable correction but in no case shall the required window area be less than 5% of the floor area, or less than required for sleeping rooms by subsection 425.27.
- (d) Entry doors. Any existing dwelling which does not have at least one doorway that is at least 36 inches wide and at least 80 inches high, providing access to and egress from said dwelling, shall be considered a built-in deficiency, provided there is at minimum, one access/egress doorway is at least 32 inches wide and at least 80 inches high.
- (e) Stairways. An existing stairway that does not meet the standards for maximum rise and minimum run may be considered a built-in deficiency if it is not considered hazardous by the enforcement officer.
- (f) Landings. An existing stair landing that does not meet the minimum required length and width of three feet may be considered a built in deficiency if it is not considered hazardous by the enforcement officer. (Added, Ord. No. 03-06)

Subd. 9. Reinspection. At the end of the period allowed for the correction of a violation specified in the compliance order, the enforcement officer may reinspect the premises to determine whether those corrective actions have been sufficient to bring the violations into compliance. If the premises are in substantial compliance with requirements of this section as of the time of the inspection or reinspection, the enforcement officer may issue the license in accordance with the requirements of section 425.31. (Amended, Ord. No. 03-06)

Subd. 10. Reinspection-non-compliance. If after the period allowed for compliance has elapsed, the enforcement officer determines on the basis of a reinspection that the violation has not been corrected, the enforcement officer may issue a citation or may file a formal complaint summoning the responsible party into court. The citation shall reiterate the charge and the section(s) violated. The City may also take action to correct violations under the provisions of subdivision 7. Fees for reinspection may apply as outlined in appendix B. (Amended, Ord. 99-13)

Subd. 11. No warranty by City. By enacting and undertaking to enforce the PMC neither the City nor its council, agents or employers warrant or guarantee the safety, fitness or suitability of any building in the City, and any representation to the contrary by any person is a misdemeanor. 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 dwelling license. (Amended, Ord. No. 03-06; Ord. No. 14-02)

Subd. 12. Administrative Fee. An administrative fee shall be due and payable by the property owner for when a required rental inspection when more than 30 days has elapsed without a required rental inspection during the inspections assigned month. This fee is in addition to any other fee or fine that may result from uncorrected PMC violations. Fees shall be as established by Appendix B. (Added, Ord. No. 07-18; Ord. No. 14-02)

425.35. Appeals. Subdivision 1. Right of appeal. Any person aggrieved by a compliance order may appeal the compliance order to the City Council. Such appeals must be in writing, must specify the grounds for the appeal, must be accompanied by a filing fee in cash or cashier's check, and must be filed with the City Clerk within ten business days after service of the compliance order. The filing fee is set forth in Appendix B. The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, property or public safety. (Amended, Ord. No. 2018-02)

Subd. 2. Board of appeals decision. Upon at least five business days notice to the appellant of the time and place for hearing the appeal, and within 30 days after said appeal is filed, the City Council must hold a hearing thereon, at which the applicant may appear and present evidence as to why the compliance order, or any portion thereof, should not be issued. The City Council may reverse, modify or affirm, in whole or in part, the compliance order and shall order return of all or part of the filing fee if the appeal is upheld. The City Council may postpone a meeting and hold hearing at a later date, not to exceed 60 days after the appeal is filed, when it is necessary to do so.

425.37. Penalties. Any person who fails to comply with a compliance order within the time limits specified therein and any person who violates any of the provisions of the PMC by doing any act or omitting to do any act which constitutes a breach of any section of the PMC shall, upon conviction thereof, be guilty of a misdemeanor and subject to a fine or imprisonment, and may be subject to administrative penalties and civil action as prescribed by state law and city code. Each day of such failure to comply constitutes a separate offense. (Amended, Ord. No. 03-06; Ord. No. 14-02)

425.39. Access to multi-unit housing structures by United States census bureau employees.

Subdivision 1. Declaration and Purpose.

- (a) The United States Constitution directs a decennial census count of all persons living in the United States.
- (b) Complete, accurate census data is of critical importance to all residents of Robbinsdale for equal political representation, fair distribution of federal and state funding, and sound planning and investment in infrastructure, real estate, business development, and public policies and programming.
- (c) During the decennial census, the United States Census Bureau conducts Non-Response Follow-Up Operations (NRFU), when employees of the United States Census Bureau visit households that have not yet submitted a completed census form.
- (d) Renters and others who live in multi-unit housing structures have historically been at a higher risk of being undercounted in the decennial census, with the number of renter households in an area being the most influential variable affecting the area's census self-response rate; in other words, the more renters in an area, the lower the self-response rate of that area tends to be.
- (e) The risk of an undercount is compounded in areas with high concentrations of communities that have been consistently undercounted in the past and who are more likely to be renters, including low income households, communities of color, Native American/American Indian communities, immigrants and refugees, and young people.
- (f) Multi-unit housing structures can be difficult for Census Bureau employees to enter due to security barriers.
- (g) It is critical that Census Bureau employees have access to multi-unit housing structures during the decennial census, so they can reach households that have not yet participated.
- (h) 13 U.S. Code § 223 authorizes Census Bureau employees to access "any hotel, apartment house, boarding or lodging house, tenement, or other building."

Subd. 2. Access required. It is unlawful for a person, either directly or indirectly, to deny access to an apartment building, nursing home, or other multi-unit structure which is used as a residence, or any area in which one or more single-family dwellings are located on private roadways, to employees of the United States Census Bureau who displays current, valid Census Bureau credentials and who are engaged in official census counting operations during the Census Bureau's standard operational hours of 9:00 a.m. to 9:00 p.m. (local time) during the decennial census.

Subd. 3. Written materials. Census Bureau employees granted access must be permitted to leave census materials in an orderly manner for residents at their doors, except that the manager of a nursing home may direct that the materials be left at a central location within the facility. The census materials shall not be removed by anyone other than the residents or their agent for: 1) if left at the door, at least three (3) days; or 2) if left at a central location in a nursing home, at least five (5) days.

Subd. 4. Permitted denial. This section does not prohibit: 1) denial of admittance into a particular apartment, room, or personal residential unit; 2) denial of permission to visit certain persons for valid health reasons, in the case of a nursing home or a registered housing with services establishment providing assisted-living services meeting the requirements of Minnesota Statutes, section 1440.03, subdivision 2; 3) limiting visitors to a reasonable number of census employees; 4) requiring a prior appointment or notification to gain access to the structure; or 5) denial of admittance to or expulsion of an individual employee from a multi -unit housing structure for good cause.

(Added, Ord. No. 20-02)

Section 430 – Graffiti
(Added, Ord. No. 08-11)

430.01. Findings and purpose. Subdivision 1. The Robbinsdale city council is enacting this section to help prevent the spread of graffiti vandalism and to establish a program for the removal of graffiti from public and private property.

Subd. 2. The city council finds that graffiti is a public nuisance and destructive of the rights and values of property owners as well as the entire community. Graffiti perpetrators are often associated with other criminal activities, including violent crimes. Unless the city acts to remove graffiti from public and private property, the graffiti tends to remain. Other properties then become the target of graffiti and entire neighborhoods are affected and become less desirable places in which to be, all to the detriment of the city.

Subd. 3. The city council intends, through the adoption of this section, to provide additional enforcement tools to protect public and private property from acts of graffiti vandalism and defacement of public and private property. The council does not intend for this chapter to conflict with any existing anti-graffiti state laws or “criminal damage to property” laws.

430.03. Definitions. For the purposes of this section, the terms defined in this subsection have the meanings given them.

“Aerosol paint container” means any aerosol container that is adapted or made for the purpose of applying spray paint or other substances capable of defacing property.

“Broad-tipped marker” means any felt tip indelible marker or similar implement with a flat or angled writing surface that, at its broadest width, is greater than one-fourth of an inch, containing ink or other pigmented liquid that is not water soluble.

“Etching equipment” means any tool, device, or substance that can be used to make permanent marks on any natural or man-made surface.

“Graffiti” means any unauthorized inscription, word, figure, painting, symbol, or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or despite advance authorizations otherwise deemed a public nuisance by the city council.

“Graffiti implement” means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or man-made surface.

“Paint stick or graffiti stick” means any device containing a solid form of paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure and leaving a mark of at least one-fourth of an inch in width.

“Person” means any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee, or any other legal entity.

430.05. Prohibited acts. Subdivision 1. Defacement. It is unlawful for any person to apply graffiti to any natural or human-made surface on any publicly owned property or, without the permission of the owner or occupant, on any privately owned property.

Subd. 2. Possession of graffiti implements. Unless otherwise authorized by the owner or occupant, it is unlawful for any person to possess any graffiti implement while:

- (a) Within 200 feet of any graffiti located in or on a public facility, park, playground, swimming pool, recreational facility, bridge, or other public building or structure owned or operated by a governmental agency; or
- (b) Within 200 feet of any graffiti located in any public place or on private property, between the hours of 10:00 p.m. and 5:00 a.m.

Subd. 3. Minors at or near school facilities. It is unlawful for any person under the age of 18 years to possess any graffiti implement while on or in any school property, grounds, facilities, buildings, or structures, or in areas immediately adjacent to those specific locations upon public property, or upon private property without the prior written consent of the owner or occupant of such private property. The provision of this subsection does not apply to the possession of broad-tipped markers by a minor attending or traveling to or from a school at which the minor is enrolled if the minor is participating in a class at the school that formally requires the possession of broad-tipped markers. The burden of proof in any prosecution for violation of this subsection is upon the minor student to establish the need to possess a broad-tipped marker.

430.07. Graffiti as nuisance. Subdivision 1. Declaration. The existence of graffiti on public or private property in violation of this chapter is expressly declared to be a public nuisance and, therefore, is subject to the removal and abatement provisions specified in this chapter.

Subd. 2. Duty of property owner. It is the duty of both the owner of the property to which the graffiti has been applied and any person who may be in possession or who has the right to possess such property to at all times keep the property clear of graffiti.

Subd. 3. Repeat violations. If a property is subject to three or more occurrences of graffiti within a year, application of anti-graffiti material of a type and nature that is acceptable to the city may be required for each of the publicly viewable surfaces after notification by the city, or imposed during improvements or construction activities to the site as determined by the city.

430.09. Removal of graffiti. Subdivision 1. By perpetrator. The city may require any person applying graffiti on public or private property to either remove or pay for all costs for removal of the graffiti within 24 hours after notice by the city or property owner. The removal must be performed in a manner prescribed by the city, with materials and colors compatible with existing surfaces, and to a comparable or improved condition before the graffiti application as determined by the city. Where graffiti is applied by a person under 18 years old, the parents or legal guardian will also be responsible for such removal or for payment for the costs of removal. Failure of any person to remove graffiti or pay for the removal will constitute an additional violation of this chapter.

Subd. 2. By property owner or city. In lieu of the procedure set forth in subdivision 1, the city may order that the graffiti be removed by the property owner or any person who may be in possession or who has the right to possess such property, pursuant to the nuisance abatement procedure herein. Graffiti removal and corrections must be performed with materials and colors compatible with existing surfaces as determined by the city. If the property owner or responsible party fails to remove offending graffiti within the time specified by the city, the city may commence abatement and cost recovery proceedings for the graffiti removal in accordance with this section.

Subd. 3. Right of entry on private property. Prior to entering upon private property or property owned by a public entity other than the city for the purpose of graffiti removal, the city must attempt to secure the consent of the property owner or responsible party and a release of the city from liability for property damage or personal injury. If the responsible party fails to remove the offending graffiti within the time specified by this section, or if the city has requested consent to remove or paint over the offending graffiti and the property owner or responsible party has refused consent for entry on terms acceptable to the city and consistent with the terms of this section, the city will commence abatement and cost recovery proceedings for the graffiti removal according to the provisions specified below.

430.11. Abatement procedure. Subdivision 1. Abatement by city. If the owner, occupant, or other responsible party does not comply with the notice within the time specified, the city may abate the public nuisance.

Subd. 2. Notice and hearing. The following notification must be conducted prior to city abatement of the public nuisance. Whenever it is determined that a public nuisance is being maintained or exists on a property, the city manager or authorized designee must give ten days' written notice through service by mail, by posting a notice on the property, or by personal delivery to the owner of or person in control of the property on which the public nuisance is located. When the property is occupied, service upon the occupant is deemed service upon the owner. Where the property is unoccupied or abandoned, service may be by mail to the last known owner of record of the property or by posting on the property and upon all lienholders of record if so required by state law. The notice must state:

- (a) A description of the public nuisance;
- (b) That the public nuisance must be corrected within ten days of the service of the notice;
- (c) That if the public nuisance is not properly removed or corrected as ordered, the public nuisance will be abated by the city and the costs of abatement will be specially assessed to the property taxes; and
- (d) That the owner of or person in control of the property on which the public nuisance is located may in writing request a hearing before the city manager or authorized designee.

Subd. 3. Hearing, action. If a hearing is requested during the ten-day period, the city manager or authorized designee must promptly schedule the hearing, and no further action on the abatement of the public nuisance may be taken until the city manager's decision is rendered. The property owner or responsible party may present evidence and argue the property does not constitute a public nuisance. At the conclusion of the scheduled hearing, the city manager or authorized designee may cancel the notice to remove or correct the public nuisance, modify the notice, or affirm the notice to remove or correct the public nuisance. If the notice is modified or affirmed, the public nuisance must be disposed of in accordance with the city's written order. Any written order shall be served upon the property owner or responsible party in the same manner as set forth in subsection 430.11, subdivision 2.

Subd. 4. Use of public funds. Whenever the city becomes aware or is notified and determines that graffiti is located on publicly or privately owned property viewable from a public or quasi-public place, the city is authorized to use public funds for the removal of the graffiti, or for the painting or repairing of the graffiti, but will not authorize or undertake to provide for the painting or repair of any more extensive area than that where the graffiti is located, unless the city manager or the designee of the city manager determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community, or unless the property owner or responsible party agrees to pay for the costs of repainting or repairing the more extensive area.

430.13. Summary abatement. Subdivision 1. The enforcing officer may provide for abating a public nuisance without following the procedure required in subsection 431.11, subdivisions 2 and 3 when:

- (a) There is an immediate threat to the public health or safety;
- (b) There is an immediate threat of serious property damage;
- (c) A public nuisance has been caused by private parties on public property; or
- (d) Any other condition exists that violates state or local law and that is a public health or safety hazard.

Subd. 2. A reasonable attempt must be made to notify the owner, occupant, or other responsible party of the intended action and the right to appeal the abatement and cost recovery at the next regularly scheduled city council meeting.

Subd. 3. Right of entry on private property. For summary abatement proceedings, the city may enter upon private property or property owned by a public entity other than the city and commence abatement and cost recovery proceedings for the graffiti removal.

430.15. Cost recovery. Subdivision 1. The owner of property on which a nuisance has been abated by the city, or a person who has caused a public nuisance on property not owned by that person, is personally liable to the city for the cost of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, city staff will prepare a bill for the cost and mail it to the owner or other responsible party. The amount is immediately due and payable to the city.

Subd. 2. Assessment. If the cost, or any portion of it, has not been paid within 30 days after the date of the bill, the council may certify the unpaid cost against the property to which the cost is attributable in accordance with the process set forth in subsection 2021.01, subdivision 3 of this code.

430.17. Penalties. Subdivision 1. Any violation of this section is a misdemeanor, punishable in accordance with state law.

Subd. 2. Any violation of this section may be subject to civil penalties in accordance with section 306 of this code.

Subd. 3. Minors. In the case of a minor, the parents or legal guardian is jointly and severally liable with the minor for payment of all fines. Failure of the parents or legal guardian to make payment will result in the filing of a lien on the parents' or legal guardian's property that includes the fine and administrative costs.

Subd. 4. This chapter is not intended to prohibit a private property owner from seeking additional penalties or remedies.

Section 435 – Point of Sale Housing Disclosure
(Added, Ord. No. 08-15)

435.01. Purpose. The City of Robbinsdale has determined that it is in the interest of protecting the public health, safety and welfare to maintain, preserve and improve residential housing by requiring the disclosure of housing information and defects as a condition of the sale of housing. The City Building Official may use this information to require the correction of code violations.

435.02. Definitions. For the purpose of this section, the following terms shall have the meanings set forth below:

Subd. 1. “Building Official” is the building official of the city of Robbinsdale.

Subd. 2. “Buyer” is a person who acquires real estate by means other than descent or inheritance and usually for money or the equivalent.

Subd. 3. “Certified evaluator” is an individual who holds a current certified evaluator license as issued by the city of Robbinsdale.

Subd. 4. “Owner” is a person who owns, occupies or operates by deed or other instrument of conveyance any premises; the term includes a person employed for the purpose of selling or otherwise conveying or managing such premises, including a guardian, administrator, executor, trustee or other agency acting on behalf of the owner; the term includes a person or committee supervising, policing or maintaining any cooperative or other common building area, dwelling units, or any condominium unit owners association.

Subd. 5. “Purchase agreement” is an agreement, deed, contract for deed or any other instrument of transfer or conveyance of residential premises; the term does not include the transfer of a document made solely for perfecting title.

Subd. 6. “Point of sale” is the time when a written agreement is executed by the buyer, or, in the absence of a purchase agreement, prior to the execution of any document providing for the conveyance of any condominium or townhouse or any building containing one, two or three dwelling units.

Subd. 7. “Point of sale disclosure report” consists of forms provided by the city of Robbinsdale that provide information concerning code requirements applicable to existing condominiums or townhouses or any building containing one, two or three dwelling units and the disclosures referenced in this section.

435.03. Applicability. This section shall not apply to any newly constructed housing or residential building when the title is conveyed to:

- (a) The first owner, except that no owner shall convey or contract to convey a newly constructed housing unit or residential building without first providing to the buyer:
 - (1) A list of names, addresses and telephone numbers of all contractors and subcontractors who constructed the building.
 - (2) The items referred to in section 430.07, subdivision 2D of the disclosure report.
- (b) A federal, state or local governmental unit when the title is transferred to the first owner following construction.

- (c) For one year from the date of the final inspection or certificate of occupancy of a newly constructed condominium, townhouse or any building or structure containing one, two or three dwelling units.
- (d) From an owner to a relative. For purposes of this exception, relatives shall be defined as a husband, wife, father, mother, son, daughter, brother, sister, grandson, granddaughter, grandfather or grandmother.

435.04. License. Subdivision 1. No person shall fill out a point of sale disclosure report in the city without having a valid license. The city will only approve people as certified evaluators who are licensed as point of sale evaluators in Bloomington, Minneapolis or St. Paul. The evaluators must submit a copy of their point of sale license and any certification papers to the city from the City of Bloomington, the City of Minneapolis or the city of St. Paul. Every certified evaluator who works in the city must have a city license. The city will automatically revoke or cancel a certified evaluator's license if it is revoked or cancelled for violation of law or violation of the certified evaluator's code of ethics in either Minneapolis or St. Paul. The city may require the passing of a test that shows the evaluator's knowledge of the housing code. The city may then issue a license which is valid for one year. The city may issue renewals of all such licenses. If a license lapses for one year or more, the person who held such license shall reapply to the city for renewal. No holder of a license or license from the city for a certified evaluator shall allow another person to use such license.

Subd. 2. The City Council may revoke the license of a certified evaluator for cause. At least ten days before the hearing, the city shall send written notification to the mailing address used in the evaluator's application. The notice shall list the date, time and place of the hearing and of the specific reasons for the suspension. The city manager may, at the manager's discretion, suspend the license of a housing evaluator pending a suspension hearing.

435.05. Insurance. Subdivision 1. No license shall be issued or renewed without satisfactory proof of insurance insuring the evaluator.

- (a) The city shall be included as a named insured on the required insurance, and any additional cost for including the city shall be at the expense of the evaluator.
- (b) The evaluator's insurance shall remain in force continuously thereafter, and no license shall be deemed to be in effect during any period of time when such insurance and proof thereof are not also in effect.
- (c) Each evaluator shall have an individually named insurance policy.
- (d) The insurance policy shall provide coverage of not less than \$250,000.00 per claim and \$500,000.00 per year, aggregate, against any and all liability imposed by law resulting from the performance of the duties as a certified point of sale evaluator.

435.06. Housing evaluation fees. The fee for the filing of point of sale disclosure reports shall be set forth in Appendix B. (Amended, Ord. No. 2018-02)

435.07. Disclosure report. Subdivision 1. An owner shall not show a housing unit or residential building to a prospective buyer without publicly displaying and making available a point of sale disclosure report. This report shall be at the housing unit or residential building at the time of showing and within three days of listing. A copy of the disclosure report must be filed within 15 days with the city to be valid. A double filing fee shall be collected by the city if the report is not filed within 15 days.

Subd. 2. A point of sale disclosure report shall be on forms provided by the City. It shall include the following:

- (a) An evaluation by the certified evaluator providing information concerning code requirements applicable to existing condominiums or townhouses or any building containing one, two or three dwelling units and the disclosures referenced in this section. This evaluation shall include, but not be limited to, items addressed in the Point of Sale Uniform Guidelines which are periodically updated and adopted by the City Council by resolution.
- (b) For each area of the dwelling evaluated, the certified evaluator shall categorize the condition of the area and provide additional explanation in the comment section for all of the following:
 - (1) Meets city requirements.
 - (2) Below city requirements.
 - (3) Repair/replace items shall be deemed to pose an immediate danger to the health and safety of the occupant.
 - (4) Suggested correction shall mean an optional repair that should be disclosed to the buyer.
 - (5) Not applicable.
 - (6) Comments providing additional information as to the item of concern, location and source cause, if known.
 - (7) Not visible/not able to view.
- (c) The form shall include a signed disclosure by the certified evaluator indicating whether or not there are housing orders pending on the property issued by the building department.
- (d) The form shall include the following signed disclosures by the owner acknowledging:
 - (1) Any damage to the building or its contents by flooding or sewer backup and any evidence of chronic water seepage of which the owner has knowledge.
 - (2) The nature, extent and cause of any water seepage or flooding of any portion of the property.
 - (3) Any abandoned, unused or uncapped wells.
 - (4) Any discharge of storm water, ground water, roof runoff, yard drainage, foundation drains, or sump pumps into the sanitary sewer.
 - (5) Whether or not there are any pending housing or rental inspection orders from the city about the property.
 - (6) Any other known defects or problems that are not visible.

435.08. Limitations. Subdivision 1. In making an evaluation pursuant to this section, the certified evaluator shall consider any concealed facilities to be adequate. The evaluator shall base the evaluation on the functional operation of the facility and the condition of the equipment that is viewed. No other warrant is expressed or implied.

Subd. 2. No one shall consider anything in a point of sale disclosure report to imply that a residential building or housing unit meets all minimum building standards. In addition, no one shall consider anything in the report to imply a warrant of the condition of the housing evaluated. The certified evaluator warrants that they have used reasonable care and diligence in inspecting and evaluating the building.

435.09. Mandatory correction of repair/replacement items. Items shall be identified by the certified evaluator as repair/replace and be marked as such in the point of sale disclosure report as referred to in the Point of Sale Uniform Guidelines.

435.10. Correction of repair/replace items. Subdivision 1. The owner shall promptly correct all items marked as repair/replace by the certified evaluator. The owner shall obtain all necessary permits from the city and the premises shall be subject to inspection by the building official prior to sale and occupancy of the dwelling. If there are no items marked as repair/replace or when all items marked repair/replace have been corrected, and inspected by the building official, the city will issue a certificate that will serve as proof of compliance with the section.

Subd. 2. The buyer, designated in a purchase agreement, may elect to correct the items marked as repair/replace in the point of sale disclosure report. Such corrections may be undertaken by a buyer only upon the written consent of the building official and subject to such terms and conditions, including, but not limited to, conditions related to occupancy, as may be required by the building official.

Such terms shall include but are not limited to a signed agreement on behalf of the city from the buyer accepting the responsibility of correction of the repair/replace items, reasonable completion dates acceptable to the city and financial evidence of ability to perform the corrections.

Subd. 3. Appeals of the point of sale disclosure reports. An owner or buyer aggrieved by a point of sale disclosure report may appeal from the action of the certified evaluator to the city manager who shall make a ruling on the appeal.

435.11. Violations. Any person failing to meet and follow the requirements of this section shall be subject to an administrative penalty in accordance with section 117 of the Robbinsdale City Code. (Amended, Ord. No. 14-16)

Robbinsdale City Code- Nuisance Service Calls

Robbinsdale City Code

927.01
(Revised 2022)

Section 927 – Repeat Nuisance Service Call Fee (Added, Ord. No. 07-14, Sec. 1)

927.01. Repeat nuisance call service fee.

Subd. 1. Purpose. The purpose of this section is to protect the public safety, health and welfare, and to prevent and abate repeat service response calls by the city to the same property or location for nuisance conduct, as defined herein, which prevent police or public safety services to other residents of the city. It is the intent of the city by the adoption of this section to impose and collect service call fees from the owner or occupant, or both, of property to which city officials must repeatedly respond for any repeat nuisance event or activity that generates extraordinary costs to the city. The repeat nuisance service call fee is intended to cover that cost over and above the cost of providing normal law or code enforcement services and police protection city-wide. It is not the City's intent to limit the rights of individuals to request police assistance for bona fide emergencies and victim-related crimes, including but not limited to calls related to domestic, spousal, or child abuse. The city shall not impose a repeat nuisance service call fee against an owner or occupant for a police response relating to such bona fide calls. (Amended, Ord. No. 21-12)

Subd. 2. Scope and application. This section applies to all owners and occupants of private property which is the subject or location of the repeat nuisance service call by the city. This section applies to any repeat nuisance service call made by a city of Robbinsdale peace officer; part-time peace officer; community service officer; and/or code enforcement officers. (Amended, Ord. No. 21-12)

927.03. Definition of nuisance conduct.

For the purpose of this chapter "nuisance conduct" means conduct under any of the following statutes or ordinances occurring upon private property within the city, to which the city is required to respond:

- (a) Minn. Stat. § 609.75 through Minn. Stat. § 609.76, which prohibit gambling.
- (b) Laws relating to prostitution or acts relating to prostitution as defined in Minn. Stat. §§ 609.321, subd. 9 and 609.324, housing individuals engaged in prostitution.
- (c) Robbinsdale city code, section 2000 (drug abuse and control) or laws relating to the possession of and/or sales of controlled substances, as defined in Minn. Stat. §§ 152.01 et seq.
- (d) Robbinsdale city code, Chapter XII (sale, consumption and display of liquor and beer) or laws relating to the sale of intoxicating liquor as defined in Minn. Stat. §§ 340A.401, 340A.503, 340A.701, 340A.702, or 340A.703.
- (e) Robbinsdale city code, section 925 (firearms and weapons) or laws relating to unlawful use, possession, transportation, sale or use of a firearm as defined in Minn. Stat. §§ 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716.

- (f) Laws relating to murder and manslaughter as defined in Minn. Stat. §§ 609.185, 609.19, 609.195, 609.20, and 609.205.
- (g) Laws relating to assault (1st, 2nd, 3rd, 4th-assault on a police officer and 5th degree assault) as defined in Minn. Stat. §§ 609.221, 609.222, 609.223, 609.2231 and 609.224, excluding domestic assaults, spousal or child abuse.
- (h) Laws relating to criminal sexual conduct as defined in Minn. Stat. §§ 609.342, 609.343, 609.344, 609.345, and 609.3451.
- (i) Laws which prohibit indecent exposure as defined in Minn. Stat. § 617.23.
- (j) Laws which prohibit theft as defined in Minn. Stat. § 609.52.
- (k) Laws which prohibit arson as defined in Minn. Stat. §§ 609.561, 609.562, 609.563, 609.5631, and 609.5632.
- (l) Laws which prohibit burglary as defined in Minn. Stat. § 609.582.
- (m) Laws which prohibit criminal damage to property as defined in Minn. Stat. § 609.595.
- (n) Laws which prohibit interference with a police officer as defined in Minn. Stat. § 609.50.
- (o) Laws which prohibit terroristic threats as defined in Minn. Stat. § 609.713.
- (p) Law relating to contributing to the need for protection or services or delinquency of a minor as defined in Minn. Stat. § 260C, et. seq.
- (q) Laws relating to owning, leasing, operating, managing, maintaining, or conducting a disorderly house or inviting or attempting to invite others to visit or remain in a disorderly house, as defined in Minn. Stat. § 609.33.
- (r) Robbinsdale city code, section 2000.07 (public nuisances).
- (s) Robbinsdale city code, section 605 (garbage and refuse).
- (t) Robbinsdale city code, section 915 (dog control, animals) and Minn. Stat. § 609.226 and Minnesota Statutes Chapter 347 relating to dangerous dogs.
- (u) Robbinsdale city code, section 1150 (fireworks) and Minn. Stat. § 624.20.

(v) Robbinsdale city code, section 2005.15 (noise control).

(w) Laws relating to disorderly conduct as defined in Minn. Stat. § 609.72.

(x) Laws relating to false emergency calls and interference with emergency calls as defined in Minn. Stat. § 609.78.

(Amended, Ord. No. 21-12)

927.05. Repeat nuisance service call fee. Subdivision 1. The city may impose a repeat nuisance service call fee upon the owner or the occupant, or both, of private property if the city has rendered services or responded to the property on three or more occasions within a period of 365 days in response to or for the abatement of nuisance conduct. The city may impose an administrative penalty pursuant to city code section 117 upon the owner or the occupant, or both, of private property if the city has rendered services or responded to the property on five or more occasions within a period of 730 days in response to or for the abatement of nuisance conduct. The City may take additional adverse action related to rental licenses in accordance with Section 425. (Amended, Ord. No. 15-05; Amended, Ord. No. 21-12)

Subd. 2. The repeat nuisance service call fee will be as set forth in the city's fee schedule (appendix B of the city code, as amended). An additional amount may be imposed to reflect the salaries of police officers while responding to or remaining at the nuisance event, the pro rata cost of equipment, the cost of repairing city equipment and property damaged as a result of the nuisance call, and the cost of any medical treatment of injured officers.

Subd. 3. A repeat nuisance service call fee imposed under this section will be deemed delinquent if it is not paid within ten calendar days after the city mails the billing statement for the fee. If said fee, or any portion thereof, is unpaid, then a late payment fee will also be charged per the schedule of fees as set forth on Appendix B. (Amended, Ord. No. 13-01)

927.07. Notice. Subdivision 1. No repeat nuisance service call fee may be imposed against an owner or occupant of property without first providing the owner or occupant with written notice of the two previous nuisance service calls which are the basis for the fee. The written notice must:

Subd. 2. Identify the nuisance conduct that previously occurred on the property, and the dates of the previous nuisance conduct; and

Subd. 3. State that the owner or occupant may be subject to a nuisance call service fee if a third nuisance service call is rendered to the property for the same nuisance conduct; and

Subd. 4. State that the city has the right to seek other legal remedies or actions for abatement of the nuisance conduct or compliance with the law; and (Amended, Ord. No. 21-12)

Subd. 5. Be served personally in the manner required by the Minnesota Rules of Civil Procedure or be served by U.S. Mail upon the owner or occupant at the last known address.

927.09. Right to appeal. Subdivision 1. When the city mails the billing statement for the repeat nuisance service call fee, the city will inform the owner or occupant of their right to request a hearing.

Subd. 2. The owner or occupant upon whom the fee is imposed must request a hearing within ten business days of the mailing of the billing statement, excluding the day the statement is mailed. The request for a hearing must be in writing and delivered to the city clerk. The hearing will occur within 14 calendar days of the date of the request. If the owner or occupant fails to request a hearing within the time and in the manner required under this section, the right to a hearing is waived. (Amended, Ord. No. 13-01)

Subd. 3. The hearing will be conducted by third-party designee in an informal manner. The Minnesota Rules of Civil Procedure and Rules of Evidence will not be strictly applied. After considering all evidence submitted, the third-party designee will make written Findings of Fact and Conclusions regarding the nuisance conduct and the imposition of the repeat nuisance service fee. The third-party designee will serve the Findings of Fact and Conclusions upon the owner or occupant and the city clerk by U.S. Mail within five calendar days of the hearing. (Amended, Ord. No. 13-01; Amended, Ord. No. 21-12)

Subd. 4. The right to a hearing is waived if the appellants fail to appear at the scheduled hearing date, unless prior contact is made to the city clerk requesting reschedule at least 24 hours prior to the hearing. (Amended, Ord. No. 21-12)

Subd. 5. Upon waiver of the right to hearing under subdivision 2 or 4 or upon service of the hearing officer's Findings of Fact and Conclusions that the repeat nuisance call service fee is warranted, the owner or occupant must pay the fee imposed within ten calendar days of service in the manner required by Minnesota Rules of Civil Procedure or service by U.S. Mail upon the owner or occupant at the last known address. (Amended, Ord. No. 13-01; Amended, Ord. No. 21-12)

927.11. Legal remedies nonexclusive. Nothing in this section will be construed to limit the city's other available legal remedies, including criminal, civil, injunctive or others, for any violation of the law which may constitute nuisance conduct.

927.13. Applicability of repeat nuisance service call fee. The city may not impose a repeat nuisance service call fee against an owner or occupant for a police response relating to emergency assistance, including, but not limited to, domestic, spousal and child abuse.

927.15. Recovery of fee. Subdivision 1. If a repeat nuisance service fee is not paid within 30 calendar days after the billing statement is sent by the city, it will constitute: (Amended, Ord. No. 13-01)

- (a) a lien on the real property where the violation occurred; or
- (b) a personal obligation of the owner or occupant in all other situations.

Subd. 2. A lien may be assessed against the property and collected in the same manner as taxes.

Subd. 3. A personal obligation may be collected by appropriate legal means.

Robbinsdale Police Department



Request for Information

Please allow a minimum of 72 hours for processing all requests.

Fees may apply to all printed materials/reports/video footage

Requested By:

Name: _____

Address: _____

Phone: _____

Email: _____

Information Requested:

Name of Party Involved _____

Case Number (if applicable) _____

Type of Incident _____

Location of Incident _____

Date/Time Reported _____

Other Information Requested _____

For internal use only: Date Received: _____ Amount Due: \$ _____
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WRITTEN REPORT _____ BODY CAMERA FOOTAGE _____ CONTINUOUS DATA REQUEST _____

WAIVER TO RELEASE INFORMATION TO ANOTHER ENTITY

I (name) _____ hereby authorize the Robbinsdale Police Department to disclose the following information to the party listed below.

Information to be released: _____

Release information to: _____

Authorizing signature: _____