

St. Louis Park City Code of Ordinances
Chapter 8 BUSINESSES AND LICENSES
Article II. Licenses, Division 3. Businesses
Subdivision VIII. Rental Housing

Sec. 8-326. License required.

(a) The owner of a residential building or portion thereof operated as rental housing with one or more dwelling units must obtain a rental housing license. The license shall contain a statement that the tenant or tenants may contact the attorney general for information regarding the rights and obligations of owners and tenants under state law. The statement shall include the telephone number and address of the attorney general.

(b) The term “rental housing” means any dwelling unit that is not owner occupied. The term includes any dwelling unit which is either unoccupied or occupied by a relative of the owner.

(c) Exceptions. No license shall be required under the following circumstances:

- (1) A dwelling unit occupied by the owner for a minimum of six months per calendar year.
- (2) Rented rooms within an owner occupied dwelling unit.
- (3) Unoccupied dwelling units being offered for sale which have been issued a Certificate of Property Maintenance that remains in effect.

(d) The term “Owner” means the owner as determined by an examination of record title to the property at the office of the Hennepin County Recorder.

(Ord. No. 2181-00, § 4(16-309A.), 11-6-2000, Ord. No. 2282-04, 11-15-2004, Ord. No. 2334-07, 08-10-2007; Ord. No. 2361-08, 1-1-2009)

Sec. 8-327. Required Application Information.

The owner must identify a designated property manager responsible for operation and maintenance of each licensed property. Contact information for the owner and property manager must be provided on the license application, and the owner must provide the city with any changes occurring within the license period. The owner may be the designated property manager. The owner must submit verification with the license application that the designated property manager has attended required training as specified in this section and that the Crime Free/Drug Free and Disorderly Use language required by this section is contained in the licensed property tenant lease or leases.

(Ord. No. 2334-07, 08-10-2007; Ord. No. 2361-08, 1-1-2009)

Sec. 8-328. Crime Free/Drug Free Training.

The owner or property manager must have attended an approved training program in The Minnesota Crime Free Multi-Housing Program before any rental license is issued. A Provisional License may be issued for six months to accommodate the training schedule. An owner whose only rental housing is either unoccupied or a dwelling unit homesteaded by a relative is exempted from the training program.

(Ord. No. 2334-07, 08-10-2007; Ord. No. 2361-08, 1-1-2009)

Sec. 8-329. Maintenance.

The owner of a residential building or portion thereof operated as rental housing must maintain all dwelling units, common space and exteriors of such buildings within the owner's control in compliance with the City Code, and state and federal laws and regulations. The owner of such rental housing shall perform a periodic assessment of all portions of the building and correct any inadequacies to ensure the building is maintained in good repair.

(Ord. No. 2334-07, 08-10-2007; Ord. No. 2361-08, 1-1-2009)

Sec. 8-330. City Inspections.

(a) The owner of rental housing shall permit access by the City to perform a minimum of one inspection every two years of every dwelling unit and common space within the owner's control. The City may perform or require additional inspections if deemed necessary by the City or by the request of a tenant. The owner shall notify the tenant or tenants of the time when the City inspection will be conducted and provide access to the units.

(b) The owner's rental housing license may be suspended, revoked or denied renewal for failing to maintain the licensed building in compliance with the property maintenance code as set forth in chapter 6, article V of this Code or otherwise failing to comply with the requirements of the City Code or applicable state or federal law.

(Ord. No. 2334-07, 08-10-2007; Ord. No. 2361-08, 1-1-2009)

Sec. 8-331. Crime Free/Drug Free and Disorderly Use Lease Requirements.

(a) All tenant leases, except for state licensed residential facilities and subject to all preemptory state and federal laws, shall contain the following Crime Free/Drug Free and Disorderly Use language:

(1) Crime Free/Drug Free.

1. Resident, any members of the resident's household or a guest or other person affiliated with resident shall not engage in criminal activity, including drug-related criminal activity, on or near the premises.
2. Resident, any member of the resident's household or a guest or other person affiliated with resident shall not engage in any act intended to facilitate criminal activity, including drug-related criminal activity, on or near the premises.
3. Resident or members of the household will not permit the dwelling unit to be used for, or to facilitate criminal activity, including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household, or a guest.
4. Resident, any member of the resident's household or a guest, or other person affiliated with the resident shall not engage in the unlawful manufacturing, selling, using, storing, keeping, or giving of a controlled substance at any locations, whether on or near the premises or otherwise.
5. VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY.

(2) Disorderly Use.

1. Resident, members of the resident’s household, guests, or other persons under the resident’s control shall not engage in the following Disorderly Use activities: violations of state law relating to alcoholic beverages, trespassing or disorderly conduct; and violation of the St. Louis Park City Code relating to zoning, nuisance and prohibited noise.
2. THREE DISORDERLY USE VIOLATIONS INVOLVING THE SAME TENANCY WITHIN A CONTINUOUS TWELVE MONTH PERIOD SHALL BE A SUBSTANTIAL AND MATERIAL VIOLATION OF THE LEASE AND GOOD CAUSE FOR TERMINATION OF THE TENANCY.

(3) Definitions.

1. The term “criminal activity” means prostitution, criminal street gang activity, threatening, intimidating or assaultive behavior, the unlawful discharge of firearms, or any other criminal activity on or near the premises that jeopardizes the health, safety and welfare of the landlord, his agent, other resident, neighbor or other third party, or involving imminent or actual serious property damage.
2. The term “drug related criminal activity” means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance or any substance represented to be drugs (as defined in Section 102 of the Controlled Substance Act [21 U.S.C. 802]).

(4) Non-Exclusive Remedies. The Crime Free/Drug Free and Disorderly Use provisions are in addition to all other terms of the lease and do not limit or replace any other provisions.

(b) These lease provisions shall be incorporated into every new lease for a tenancy beginning January 1, 2008 and all renewed leases by January 1, 2009.

(c) Upon determination by the Police Department that a licensed premises or unit within a licensed premise was used in violation of the Crime Free/Drug Free provisions of Subsection (a) (1) herein, the Police Department shall cause notice to be made to the owner and property manager of the violation. The owner or property manager shall notify the tenant or tenants within ten days of the notice of violation of the Crime Free/Drug Free lease language and proceed with termination of the tenancy of all tenants occupying the unit. The owner shall not enter into a new lease for a unit located in the licensed property with an evicted tenant for a period of one year after the eviction.

(d) Upon determination by the Police Department that a licensed premises or unit within a licensed premises was used for Disorderly Use activities as set forth in Subsection (a)(2) herein, the Police Department shall cause notice to be made to the owner and property manager of the violation and direct the owner and property manager to take steps to prevent further Disorderly Use violations.

(e) If a second Disorderly Use violation as determined by the Police Department occurs within a continuous twelve month period involving the same tenancy, the Police Department shall cause notice to be made to the owner and property manager of the second violation. The owner or property manager shall respond in writing within ten (10) days of receipt of the notice with an action plan to prevent further Disorderly Use violations.

(f) If a third Disorderly Use violation as determined by the Police Department occurs within a continuous twelve month period involving the same tenancy, the Police Department shall cause notice to be made to the owner and property manager of the third violation. The owner or property manager shall notify the tenant or tenants within ten days of the Notice of Disorderly Use violation of the Crime Free/Drug Free lease language within the lease and proceed with termination of the tenancy of all tenants occupying the unit. The owner shall not enter into a new lease for a unit located in the licensed property with an evicted tenant for a period of one year after the eviction.

(g) The provisions of Subsections (c), (d), (e), and (f) herein do not apply if the determination that the premises have been used in violation of the Crime Free/Drug Free provisions of Subsections (a)(1) and (a)(2) herein originates from a call from or at the request of one or more of the tenants occupying the premises for police or emergency assistance, or in the case of domestic abuse, from a call for assistance from any source. The term “domestic abuse” has the meaning given in Minn. Stat. § 518B.01, subd. 2.

(h) The owner may appeal the Notice of Violation of the Subsection (c) Crime Free/Drug Free lease language or the Subsection (f) Notice of Disorderly Use Violation by making a written request to the City Manager for a hearing within ten (10) days of receipt of the Notice. The owner shall have the right to appear at the hearing and present any relevant evidence, including the right to challenge the validity of all three incidents forming the basis for a disorderly use notice pursuant to Subsection (f). The City Manager or designee shall promptly conduct the hearing and issue the decision either affirming or reversing the Notice of Violation. If the Notice of Violation is affirmed, the owner will have ten (10) days from receipt of the decision to proceed with termination of the tenancy as required by Subsection (c) or (f).

(Ord. No. 2334-07, 08-10-2007; Ord. No. 2361-08, 1-1-2009; Ord. No. 2407-11, 01-13-2012)

Sec. 8-332. Administrative License Violation Fee.

An owner failing to proceed with an action to terminate the tenancy after Police Department notification in accordance with a Crime Free/Drug Free violation or the third Disorderly Use violation shall pay an administrative license violation fee of \$750.00 for each calendar month that the owner fails to proceed. Any outstanding fees must be paid prior to the city renewing a rental license for the licensed premises. The owner may appeal the imposition of the fee to the City Manager or designee by making a written request for a hearing within ten (10) days of receipt of the Notice of Imposition of the administrative fee.

(Ord. No. 2334-07, 08-10-2007; Ord. No. 2407-11, 01-13-2012)

Sec. 8-333. Provisional Licenses.

(a) A licensed premises is only eligible for a provisional license under the following circumstances:

- (1) a licensed premises with between three and eleven dwelling units has generated an average of 1.0 or more police contacts per dwelling unit in the preceding twelve (12) month period; or
 - (2) a licensed premises with twelve or more dwelling units that has generated an average of 0.7 or more police contacts per dwelling unit in the preceding twelve (12) month period; or
 - (3) the existence of substantial on-going public safety concerns; or
 - (4) licensee's consistent failure to maintain compliance with property maintenance and other City Code requirements.
- (b) Police contacts counted to determine whether a provisional license is required include disorderly use activities, criminal activity and drug related criminal activity defined in Section 8-331. The police contact shall be counted if it involves an incident that occurs anywhere on the licensed premises regardless of who is involved, or near the licensed premises if the contact involves tenants or guests of the licensed premises and the incident is connected to the licensed premises.
- (c) Police contacts will not be counted for purposes of determining whether a provisional license is required where the victim and suspect are "family or household members" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (b) and where there is a report of "Domestic Abuse" as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subd. 2 (a).
- (d) The period of time used to determine whether a provisional license is required based upon the number of police contacts is the twelve (12) month period ending two months before the expiration of the existing license. Additionally, upon sixty (60) days notice to the licensee, a regular license may be converted to a provisional license if substantial on-going public safety concerns exist.
- (e) The existence of substantial on-going public safety concerns that make a licensed premises only eligible for a provisional license even though the number of police calls does not meet the above threshold shall be determined by the Chief of Police. Factors that will be considered include the nature and severity of the incidents giving rise to the police contacts, any evidence that tenants are being discouraged or intimidated from making police contacts, the level of community policing activity compared to similar properties, the number of unauthorized guests and other non-tenants at the premises and the licensee's timeliness and diligence in evicting or otherwise addressing public safety concerns.
- (f) If a licensee is determined to be only eligible for a provisional license, the licensee must submit to the City manager or designee for review a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police contacts and public safety concerns to a level that qualifies for a regular license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct and security personnel. If there has been a consistent failure to promptly meet property maintenance and other code requirements, the mitigation plan shall describe the steps to eliminate the problem.
- (g) In addition to an approved mitigation plan, a provisional license will only be issued if the following conditions are also met:

- (1) Owner and manager or managers have all successfully completed, or will promptly complete, a training program provided or specified by the City.
 - (2) Managers must be resident managers or on-site managers who are on site or available 24 hours a day.
 - (3) The licensee must provide the City with a current Certificate of Insurance providing proof of property and general liability coverage. The City may notify the insurer of the license status of the property.
- (h) After giving the applicant an opportunity to be heard, the City Manager or designee shall approve, disapprove, or approve with conditions the application and the mitigation plan.

In evaluating a mitigation plan, the City Manager or designee will consider, among other things, the facility, its management practices, the nature and seriousness of the causes for police contacts and general public safety concerns, and the expected effectiveness of measures identified in the plan to reduce the number of police contacts or incidents of property maintenance and other code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the City Manager or designee will also consider the effectiveness of measures identified in any previous mitigation plan and the need for different or additional measures to reduce police contacts, address overall public safety concerns or reduce property maintenance and other code violations.

- (i) The licensee shall comply with the mitigation plan as approved or modified by the City Manager or designee. No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager or designee a written report describing all steps taken in furtherance of the mitigation plan during the preceding month. A provisional license will be issued for up to a maximum of twelve months.
- (j) The fee for a provisional license shall be established by ordinance. The licensee having a regular license converted to a provisional license within the regular license term must pay the license fee difference.

(Ord. No. 2393-10, 11-12-10)

Sec. 8-334. License Suspension, Revocation, Denial and Non-Renewal.

- (a) Every regular or provisional rental housing license issued under the provisions of Section 8-326 to 8-333 is subject to suspension, revocation or non-renewal pursuant to Section 8-36.
- (b) The City may revoke, suspend or decline to renew any regular or provisional rental housing license issued pursuant to Sections 8-326 to 8-333 upon any of the following grounds:
 - (1) False statements on any application or other information or report required by this Chapter to be given by the applicant or licensee.
 - (2) Failure to pay any application, penalty, re-inspection or reinstatement fee required by this Chapter and City Council resolution.

- (3) Failure to correct deficiencies identified in violation notices within the specified time for maintaining the building and property in compliance with Sec. 8-329 or failure to accommodate inspections are required by Sec. 8-330.
 - (4) Failure to comply with the provisions of an approved mitigation plan in the case of provisional licenses.
 - (5) Failure to operate or maintain the licensed premises in conformity with all applicable state laws and regulations and this Code of Ordinances.
 - (6) Actions by the licensee which constitute either intimidation of or retaliation against a tenant relating to the initiation of a police contact, the reporting of a potential property maintenance violation or other communication to any public official or other third party about the condition of the property or activities occurring on or near the licensed premises.
 - (7) Any other violation of this Chapter.
- (c) Licenses may be suspended for up to six (6) months and may, after the period of suspension, be reinstated subject to compliance with this Chapter and any conditions imposed by the City at the time of suspension. Licenses that are revoked will not be reinstated until the owner has applied for and secured a new license and complied with all conditions imposed at the time of revocation.
- (d) In the event that a license is suspended, revoked or not renewed, it shall be unlawful for the owner or the owner's duly authorized agent to thereafter permit any new occupancies of vacant or thereafter vacated rental units until such time as a valid license may be restored. Revocation, suspension or non-renewal of a license shall not excuse the owner from compliance with all state laws and regulations and this Code of Ordinances for as long as any units in the facility are occupied. Failure to comply with all terms of this Chapter during the term of revocation, suspension or non-renewal is a misdemeanor and grounds for extension of the term of such revocation or suspension or continuation of non-renewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation or non-renewal.
- (e) Nothing in this section shall permit occupancy of a licensed premises or individual dwelling unit if the Certificate of Occupancy is revoked or the licensed premises or unit is posted uninhabitable.

(Ord. No. 2393-10, 11-12-10)

Sec. 8-335. Provisional License Fee

The fee for a provisional license shall be twice the amount of an equivalent regular license, with such fee being set by ordinance by the City Council and codified as part of Appendix A to the City Code. (Ord. No. 2393-10, 11-12-10)