

**City of South St. Paul
Dakota County, Minnesota**

Ordinance No. 1402

**AN ORDINANCE AMENDING ARTICLE VII
REGARDING RESIDENTIAL RENTAL HOUSING**

The City Council of the City of South St. Paul does ordain:

SECTION 1. AMENDMENT. South St. Paul City Code Article VII is hereby amended as follows:

Sec. 106-231. - Definitions.

Words used in this article shall have the following meanings unless otherwise defined in this article.

Alternative inspection report means a rental dwelling inspection report that the applicant obtains from an independent building inspector or for insurance-related or mortgage-related purposes, or another inspection report deemed acceptable by the city's building official. An alternative inspection report is valid for a period of twelve months.

Apartment means a community, complex or building having a common owner and containing at least one rental dwelling unit.

Boardinghouse means a building other than a motel or hotel where, for compensation and by prearrangement for definite periods, meals or lodging are provided for more than three unrelated persons.

City approved inspector's report or inspection report means a rental dwelling inspection report prepared and signed by a housing evaluator. A city approved inspector's report is valid for a period of thirty-six months.

City administrator means the South St. Paul City Administrator or his or her designee.

Dwelling means a building or one or more portions of a building occupied or intended to be occupied for residential purposes.

Family means those persons legally related to each other in a linear relationship such as spouses, grandparents, parents, children, grandchildren and siblings. Family does not include branching relationships such as aunts, uncles or cousins.

Housing evaluator means an independent inspector who is licensed by the city as an evaluator, pursuant to section 106-181.

Let for occupancy or to let or to rent means to permit possession or occupancy of a dwelling or rental dwelling unit by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease.

Licensed rental property means the residential rental building for which a rental license is needed, including, but not limited to the building containing the residential dwelling units, common areas for the benefit of its tenants, such as parking lots, playgrounds, social gathering areas, yards and open space.

Occupant or tenant means any person living or sleeping in a dwelling unit, or having possession of a space within a dwelling unit.

Operate means to rent, lease or grant the use and possession of a rental dwelling unit, whether or not compensation is paid.

Operator or manager means any person who has charge, care or control of a structure or premises that is let or offered for occupancy.

Owner or licensee means any person, agent, or operator having a legal or equitable interest in the property or recorded in the official state, county or city records as holding title to the property or otherwise having control of the property.

Person may be an individual, corporation, firm, association, company, partnership, organization or any other group acting as a unit.

Rental dwelling unit means any room or rooms, or space, in any rental dwelling designed or used for residential occupancy by one or more persons who are not the owner or a member of the owner's family.

Sec. 106-232. - License required.

(a) *General rules.*

- (1) No person shall operate a rental property or rental dwelling unit in the city without a license pursuant to City Code chapter 18, article II.
- (2) No person shall operate a boardinghouse in any zoning district within the city, which means that no more than three unrelated persons may reside in one rental dwelling unit.

(b) *Applications.* An application for a license shall be made on a form provided by the city. The license application shall include:

- (1) *Property owner information.*
 - a. The name, address, and complete information of the property owner, if the property owner is an individual.
 - b. The name, address and complete information of at least one officer, manager or director, if the property owner is a business entity.
- (2) *Property contact information.* For single-family residential dwellings, the license applicant must provide 24-hour contact information for one person in any of the following categories, which shall be kept current for the term of the license. For all other types of dwellings, the license applicant must provide 24-hour contact information for two people in any of the following categories:
 - a. At least one owner of the rental property or rental dwelling unit.
 - b. At least one person, if different from the owner, who is responsible for compliance with this and any other code requirement pertaining to the rental dwelling or rental dwelling unit, such as a manager.
 - c. Any of the owner's agents responsible for management of the rental property or rental dwelling unit, such as a property management company and the name and contact information of a person at the property management company.
 - d. Any vendors and all vendees, if the rental dwelling or rental dwelling unit is being sold pursuant to a contract for deed.
- (3) *Number and type of units.* The license application must contain the number of units and types of units (condominium, apartment, townhome, etc.) within the rental property.
- (4) *Inspection report.* The license application must be accompanied by a satisfactory city approved inspector's report or an alternative inspection report.
- (5) *Notification of changes.* The city clerk must be notified in writing of any changes to the information provided on the application.

Sec. 106-237. - Conditions of the license.

As conditions of the license, the licensee agrees to do the following and upon request by the City, shall provide copies of the documents listed below:

- (1) Written Lease. Use a written lease with each tenant that includes the Minnesota Crime-Free Lease Addendum, or its equivalent.

- (2) *Tenant register.* Maintain a current register of tenants and other persons who have a lawful right to occupancy of rental property or rental dwelling units. For purposes of this section, “current” means that the register is updated every 30 days.
- (3) *Fire certification.* Execute a statement that the smoke detectors are properly installed and operable and that the fire exits are accessible.
- (4) *Tenant screening certification.* Execute a statement that includes the description of the screening process the licensee uses during the approval process of each tenant to attempt to ensure quality tenants occupy the rental dwelling.

Sec. 106-242. - Conduct in rental dwelling or rental dwelling unit.

- (a) *Provisions.* It shall be the responsibility of the licensee to ensure that persons occupying a licensed rental property conduct themselves and cause their guests to conduct themselves in such a manner as not to cause the licensed rental property or surrounding neighborhoods to be disorderly. For the purposes of this section, a licensed rental property is disorderly at any time that any of the following activities occur involving:
 - (1) Noise complaints;
 - (2) Disorderly conduct;
 - (3) Controlled substances;
 - (4) Violations of city code chapter 6 article III regarding intoxicating liquor or 3.2 percent malt liquor ;
 - (5) Falsely reporting a crime;
 - (6) Prostitution or acts relating to prostitution;
 - (7) The unlawful use of a firearm or unlawful possession of a firearm;
 - (8) Terroristic threats, not including domestic assault; assault,;
 - (9) Contributing to the need for protection or services or delinquency of a minor, child abuse/child endangerment;
 - (10) Violations of subsection 106-241 (maintenance standards for rental dwellings);
 - (11) Murder;
 - (12) Rape, indecent exposure, other sex crimes;

- (13) Robbery, burglary or theft (including Auto Theft);
 - (14) Arson, negligent fires;
 - (15) Property damage (including criminal damage to property);
 - (16) Trespass;
 - (17) Warrant arrests;
 - (18) Public health violations;
 - (19) Unlawful eviction in violation of Minnesota Statute Chapter 504B.
 - (20) Aiding and abetting the commission of a violation contained herein.
- (b) *First incident.* Upon a determination by the city that a licensed rental property was used in a disorderly manner, as described in section 106-242, the city shall give written notice to the licensee, and the tenant of the incident if the City deems applicable, and direct the licensee to take steps to prevent further incidents. Such notice shall comply with the requirements of a compliance letter issued pursuant to section 38-105 and notify the licensee that if another disorderly incident occurs within six months of the first incident, an administrative citation may be issued.
- (c) *Second incident (two incidents within six months).* If a second incident of disorderly use of the licensed rental property occurs within six months of the first notice, the city may issue an administrative citation pursuant to section 38-106.
- (d) *Third incident (three incidents within 12 months).* If a third incident of disorderly use of the rental dwelling unit occurs within 12 months after the first incident noted above, the city shall issue an administrative citation.

Sec. 106-244. - License denial, suspension, or revocation and administrative penalties.

- (a) *Grounds for denial, suspension or revocation.* Regardless of whether any administrative citations are issued pursuant to Section 106-242, the city council may deny, revoke or suspend a license for any of the following:
- (1) Any of the reasons enumerated in city code section 18-47(b) (revocation, suspension or denial of a business license).
 - (2) Any uncorrected violations of section 106-241 (maintenance standards).
 - (3) Violations of subsection 106-242(a) (code of conduct).
 - (4) Any other violation of this article or Minnesota Statute Chapter 504B.

Any temporary suspension, suspension or revocation shall comply with section 18-47(c) and (d).

- (b) *Nonexclusive remedy.* Enforcement actions provided in this section are not exclusive, and the council may take any action with respect to a licensee, a tenant or the licensed premises as is authorized by the city code, state or federal law.
- (c) *Reapplication.* Upon suspension or revocation of a license, the owner may not reapply for a license for a period of six months. Upon expiration of the six-month period, the applicant must re-apply by complying with all the provisions of section 106-232.
- (d) *Notification to tenants.* . Upon receipt of notice of a hearing to be held by the city council to consider the denial, suspension or revocation of the rental license, the property owner will notify all affected tenants of the license hearing by providing a copy of the notice of hearing to all tenants. Following the hearing, upon the suspension, revocation or denial of a license, the property owner will notify all affected tenants that the license has been revoked, suspended or denied.

SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

The ordinance amends current rental code to ensure rentals are safe, well-maintained dwellings for residents and neighbors.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: February 21, 2023

Published: February 23, 2023



Deanna Werner, City Clerk