

City Code Chapter 13

Housing

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Article 1. General Conditions

Sec. 13-1. Scope of Chapter.

Every portion of a building or premises used or intended to be used for residential purposes shall comply with the provisions of this Chapter irrespective of when the building was constructed, altered, or repaired. Any alterations or changes of use which may be caused directly or indirectly by the enforcement of this Code shall be done in accordance with applicable sections of the Building Code and Zoning Code. Rest homes, convalescent homes, nursing homes, hotels, and motels shall be exempted from compliance with this Chapter. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-1.1. Assurance of Rental Housing.

It is the purpose of this Chapter to assure that rental housing in the City is decent, safe and sanitary and is so operated and maintained as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration or creates a disincentive to reinvestment in the community. The operation of rental residential properties is a business enterprise that entails certain responsibilities. Operators are responsible to take such reasonable steps as are necessary to assure that the citizens who occupy the units may pursue the quiet enjoyment of the normal activities of life in surroundings that are: safe, secure and sanitary; free from crimes and criminal activity, noise, nuisances or annoyances; free from unreasonable fears about safety of persons and security of property; and suitable for raising children. (Ord. No. 679, 2-13-01)

Sec. 13-2. Pre-Existing Dwellings and Multiple Dwellings.

This Chapter establishes minimum standards for the initial and continued occupancy of all buildings and does not replace or modify standards otherwise established for the construction, repair, alteration, or use of building equipment or facilities. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-3. Definitions.

Terms not defined in this Section shall be as defined in the Building Code or Zoning Code. Further, terms not defined in this Section nor in the Building Code or Zoning Code shall have the ordinary and accepted meanings as the context shall require.

The definitions in this Section shall apply when these words and phrases are used in this Chapter.

- (1) **Approved.** As applied to a material, device, or method of construction as approved by the Enforcement Officer under the provisions of this Chapter or approved by another authority designated by law to give approval in the matter in question.
- (2) **Basement.** The portion of a building between floor and ceiling which is partly below and partly above grade but so located that the vertical distance from grade to floor below is less than the vertical distance from grade to ceiling.
- (3) **Building Code.** The Building Code of the City including any future amendments, the Electrical Code, Plumbing Code, Heating Code, Fire Code, and Zoning Code.
- (4) **Cellar.** The portion of a building between floor and ceiling which is wholly or partly below grade and so located that the vertical distance from grade to floor below is equal to or greater than the vertical distance from grade to ceiling.
- (5) **City Manager.** The City of New Brighton City Manager or his or her designee.
- (6) **Dwelling.** Dwelling means a building or one or more portions of a building occupied or intended to be occupied for residential purposes.
- (7) **Dwelling Unit.** A residential accommodation which includes a complete and permanently installed kitchen facility which is arranged, designed, used, or intended for use primarily as living quarters for one family and not more than an aggregate of two roomers or boarders.
- (8) **Enforcement Officer.** Representative of the City responsible for the enforcement of the provisions of this Chapter.
- (9) **Exterior Property Areas.** Open space on the premises under the control of the owners or operators of the premises.
- (10) **Extermination.** The control and elimination of insects, rodents, or other pests by:
 - A. Eliminating their harborage places.
 - B. Removing or making inaccessible materials that may serve as their feed.
 - C. Poison spraying, fumigating, trapping, or another recognized and legal pest elimination method.
- (11) **Family.** A group of one or more persons occupying a premises and living as a single housekeeping unit as distinguished from a group occupying a boardinghouse, lodging house, hotel, or motel.
- (12) **Grade.** The surface of the ground or surface ground after completion of any change in contour.
- (13) **Gross Floor Area.** The sum of the horizontal areas of the several floors of all buildings on a lot as measured from the exterior faces of exterior walls or from the center line of walls separating two buildings.

- (14) **Habitable Room.** A room occupied by one or more persons used or intended for living, cooking, eating, or sleeping purposes. This definition does not include bathrooms, closets, water closet compartments, laundries, serving and storage pantries, corridors, cellars, and spaces that are not used frequently or during extended periods.
- (15) **Infestation.** The presence of insects, rodents, vermin, or other pests within or contiguous to a multiple dwelling, dwelling unit, rooming house, rooming unit, or premises.
- (16) **Let or rent.** To permit possession or occupancy of a dwelling or portion of a dwelling by a person who is not the legal owner of record thereof, pursuant to the terms of a written or unwritten lease.
- (17) **Licensee.** An owner that operates a rental dwelling and is required to be licensed under this chapter.
- (18) **Manager.** Any person who has charge, care, or control of a rental dwelling. A designated manager of a rental unit shall maintain their permanent residence and office space within the Twin Cities metropolitan service area to ensure adequate response time to issues as they arise.
- (19) **Multiple Dwelling.** A building or portion thereof containing three or more dwelling units.
- (20) **Occupant.** Any person occupying, living, or sleeping or having possession of a space within any dwelling.
- (21) **Openable Area.** That part of a window or door which is available for unobstructed ventilation and which opens directly to the outdoors.
- (22) **Operate.** To charge or receive a rental charge, fee or other form of monetary or non-monetary compensation for the use of a rental dwelling.
- (23) **Operator.** Any person who has charge, care, or control of a multiple residence or rooming house in which dwelling units or rooming units are let or offered for occupancy.
- (24) **Owner.** A person or person holding title to a property or otherwise having control of the property, as recorded in the official state, county, or city records.
- (25) **Person.** An individual, corporation, firm, association, company, partnership, organization or any other group acting as a unit.
- (26) **Plumbing or Plumbing Fixtures.** Water heating facilities, water pipes, gas pipes, garbage disposal units, water closets, waste pipes, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes washing machine, or other similar equipment, catch basins, drains, vents, or other similarly supplied fixtures, together with all connections to water, gas, sewer, or vent lines.
- (27) **Premises.** A lot, plot, or parcel of land including the building or structures thereon.
- (28) **Qualifying relative.** The owner's parent, stepparent, child, stepchild, grandparent, grandchild, brother, sister, uncle, aunt, nephew or niece. This relationship may be either by blood, marriage, or persons involved in a significant romantic relationship or who share a child.
- (29) **Rental dwelling.** Any building or portion of a building which is let or rent to one or more persons who are not the owner or qualifying relative.

(30) **Residence Building.** A building in which sleeping accommodations or sleeping accommodations and cooking facilities as a unit are provided.

(31) **Rooming House.** A residence building or any part thereof containing one or more rooming units in which space is let by the owner or operator to three or more persons who are not the husband, wife, son, daughter, mother, father, sister, or brother of the owner or operator.

(32) **Rooming Unit.** Any room or group of rooms forming a single habitable unit which is used or intended to be used for living and sleeping but not for cooking or eating purposes.

(33) **Short Term Rental.** A dwelling unit or portion of a dwelling unit rented for a period of fourteen (14) consecutive days or less.

(34) **Supplied.** Installed, furnished, or provided by the owner or operator.

(35) **Tenant.** Any person occupying a dwelling unit or having possession of a space within a dwelling unit who provides consideration, in any form, for the right to occupy such space or who has a leasehold right to occupy the dwelling unit.

(36) **Twin Cities metropolitan service area.** Means the seven-county area comprised of Ramsey, Hennepin, Anoka, Washington, Dakota, Scott, and Carver Counties.

(37) **Workmanlike state of maintenance and repair.** Maintenance and repair shall be made in a reasonably skillful manner.

(38) **Yard.** All ground, lawn, court, walk, driveway or other open space constituting part of the same premises as a residence building.

(39) **Ventilation.** The process of supplying and removing air by natural or mechanical means to or from any space. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001; Ord. No. 880, 04-07-2021; Ord No. 892, 10-06-2022)

Sec. 13-4. Enforcement Officer.

City personnel or their designees shall be responsible for enforcement of the provisions of this Chapter. Authorized representatives include the Building Inspector, the Fire Marshal, and the Sanitarian. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-5. Inspection of Dwellings.

(1) The Enforcement Officer shall be authorized to make inspections to determine the condition of dwellings, multiple dwellings, dwelling units, rooming houses, rooming units, and premises in order to safeguard the health, safety, morals, and welfare of the public.

(2) The Enforcement Officer, or the Officer's designated representative, shall be authorized to enter any dwelling, dwelling unit, multiple dwelling, rooming house, or premises at any reasonable time to perform the duties prescribed under this Chapter. The owner, operator, or occupant shall give the Enforcement Officer free access to the entire area for the purpose of completing an inspection, examination, or survey. The license shall be revoked if the Enforcement Officer is not permitted access.

(3) A search warrant may be obtained when the occupant refuses to consent to the inspection where:
A. There is probable cause to believe a violation exists within the particular structure; or
B. A determination has been made to conduct periodic inspections of certain areas of the City.

(4) No warrant is needed for entry where an emergency condition exists which endangers persons or property and insufficient time is available to obtain a warrant and protect endangered persons or property.

(5) Entry under this Section is subject to Minnesota Statutes, Section 504B.211. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001; Ord. No. 679, 2-13-01)

Sec. 13-6. Annual Inspections of Multiple Dwellings.

The Enforcement Officer shall inspect the premises of all multiple dwelling buildings at least once a year to insure compliance with this Chapter. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-7. Access by Owner of Multiple Dwellings.

Every occupant of a dwelling unit or rooming unit shall give the owner or operator access to any part of the dwelling unit, rooming unit, or its premises at reasonable times for inspections, maintenance, and making such repairs or alterations as may be necessary to comply with the provisions of this Chapter. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-8. Notice of Violation.

(1) **Written Notice.** When any violation of this Chapter shall come to the attention of the Enforcement Officer, written notice shall be provided to the licensee or if no license has been issued, notice shall be provided to the owner, operator, or occupant of the premises. Notice shall be by United State mail at the last known address of such person and notice shall also be posted in at least one conspicuous place upon the premises where the violation exists.

(2) **Time to Correct.** The notice shall give the alleged violator a specified number of days, not exceeding thirty days, to correct the violation. The Enforcement Officer shall have the authority to extend the time to correct the violation upon good cause being shown.

(3) **Prosecution.** Prosecution for any violation of this Chapter shall not be commenced unless the notice as provided in this Section has been provided and the cited violation has not been remedied within the time specified. Failure to receive the notice shall not be a defense in any prosecution.

(4) **Reinspection Fee.** A fee shall be charged for all reinspections required because of a violation that is not corrected by the time specified in the written notice. The fee shall be established by ordinance. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001; Ord. No. 679, 2-13-01, Ord. 751, 11-13-2007)

Sec. 13-9--13-29. Reserved. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001; Ord. No. 679, 2-13-01)

Article 2. Minimum Standards

Division 1 - Exterior Property Areas

Sec. 13-30. Compliance.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit, multiple dwelling, rooming house, rooming unit, or portion thereof for the purpose of living, sleeping, cooking, or eating therein which does not comply with the provisions of this Division. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-31. Sanitation.

All exterior property areas shall be maintained in a clean and sanitary condition free from any accumulation of rubbish or garbage. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-32. Grading and Drainage.

All premises shall be graded and maintained to prevent the accumulation of stagnant water on the premises or within any building or structure located thereon. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-33. Noxious Weeds.

All exterior property areas shall be kept free from species of weeds or plant growth that are noxious or detrimental to the public health. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-34. Insect and Rodent Harborage.

(1) Every owner and occupant of a structure containing two or more dwelling units shall be responsible for the extermination of insects, rodents, vermin, or other pests in all exterior areas of the premises. The owner shall be responsible for extermination when infestation exists in the shared or public parts of the premises.

(2) In the case of a single family structure, the occupant shall be responsible for the extermination of insects, rodents, and vermin in all exterior property areas. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-35. Accessory Structures.

All accessory structures including detached garages shall be maintained, structurally sound, and in good repair. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-36. Unoccupied Structure.

The owner of every unoccupied dwelling or multiple dwelling shall be responsible for the maintenance of exterior property areas required under this Division. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Secs. 13-37--13-43. Reserved.

Division 2 - Exterior of Structures

Sec. 13-44. Compliance.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit, multiple dwelling, rooming house, rooming unit, or portion thereof for the purpose of living, sleeping, cooking, or eating therein that does not comply with the provisions of this Division. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-45. Foundations, Walls, and Roofs.

Every foundation, exterior wall, roof, and all other exterior surfaces shall be maintained in a workmanlike state of maintenance and repair.

- (1) The foundation elements shall adequately support the building at all points.
- (2) Every exterior wall shall be free of holes, breaks, loose or rotting boards or timbers, falling or loose stucco or brick, and any other conditions that might admit rain or dampness to the interior portions of the walls or to the exterior spaces of the multiple dwelling.
- (3) The roof shall be tight and have no defects that admit rain. Roof drainage shall be adequate to prevent rain water from causing dampness in the walls. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-46. Stairs, Porches, and Railings.

- (1) Every outside stair, porch, and appurtenance attached thereto shall be constructed so as to be safe for use and capable of supporting a load as determined in the Building Code. These areas shall be kept in sound condition and good repair.
- (2) Every flight of stairs which is more than four risers high shall have hand rails that are located as provided by the Building Code.
- (3) Every porch which is more than eighteen inches above grade shall have rails so located and capable of restraining a horizontal pressure as determined by the Building Code.
- (4) Every rail and balustrade shall be firmly fastened and maintained in good condition. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-47. Windows, Doors, and Hatchways.

Every window, exterior door, and basement hatchway shall be substantially tight and shall be kept in sound condition and repair.

- (1) Every window shall be fully supplied with window panes that are without open cracks or holes.
- (2) Every window sash shall be in good condition and fit reasonably tightly within its frame.
- (3) Every window, other than a fixed window, shall be capable of being easily opened and shall be held in an open or closed position by window hardware.

- (4) Every exterior door, door hinge, and door latch shall be in good condition.
- (5) When closed, every exterior door shall fit reasonably well within its frame.
- (6) Every window, door, and frame shall be constructed and maintained in such relation to the adjacent wall construction as to completely exclude rain and substantially exclude wind from entering the dwelling or multiple dwelling.
- (7) Every basement hatchway shall be constructed and maintained so as to prevent the entrance of rodents, rain, and surface drainage water into the dwelling or multiple dwelling.
- (8) Every door available as an exit shall be capable of being opened easily and without the use of a key from the inside. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Secs. 13-48--13-54. Reserved.

Division 3 - Interior Structures

Sec. 13-55. Compliance.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling, multiple dwelling, rooming house, rooming unit, or portion thereof for the purpose of living, sleeping, cooking, or eating therein which does not comply with the provisions of this Division. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-56. Free from Dampness.

All cellars, basements, and crawl spaces shall be maintained reasonably free from dampness to prevent conditions conducive to decay or deterioration of the structure. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-57. Structural Members.

The supporting structural members shall be maintained structurally sound and show no evidence of deterioration. The load bearing capability shall be as required by the Building Code. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-58. Interior Stairs and Railings.

(1) All interior stairs shall be maintained in sound condition and good repair by replacing treads and risers that evidence excessive wear or are broken, warped, or loose. Every inside stair shall be so constructed and maintained as to be safe to use and capable of supporting a load as determined by the Building Code.

(2) Every stairwell and every flight of stairs that is more than four risers high shall have hand rails or railings as required by the Building Code.

(3) Every hand rail or railing must be firmly fastened and must be maintained in good condition. Properly balustraded railings capable of bearing normally imposed loads as determined by the Building Code shall be placed in the open portions of the stairs, balconies, landings, and stairwells. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-59. Bathroom Floors.

Every toilet room floor surface and bathroom floor surface shall be constructed and maintained to be substantially impervious to water and to permit the floor to be easily kept in a clean and sanitary condition. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-60. Sanitation.

The interior shall be maintained in a clean and sanitary condition and free from accumulation of rubbish or garbage. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-61. Insect and Rodent Harborage.

(1) Every owner of a structure containing two or more dwelling units shall be responsible for the extermination of insects, rodents, vermin, or other pests wherever infestation exists in two or more dwelling units or in the shared or public parts of the structure.

(2) The occupant of a dwelling unit in a dwelling or multiple dwelling shall be responsible for extermination within that unit when it is the only one infested.

(3) Whenever infestation of rodents is caused or permitted by failure of the owner to maintain the dwelling or multiple dwelling in a rodent proof condition, extermination of the rodents shall be the responsibility of the owner. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-62. Interior Walls, Floors, Ceiling, and Woodwork.

All interior walls, floors, ceilings, and associated woodwork or trim must be maintained in a sound condition and workmanlike repair. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Secs. 13-63--13-69. Reserved.

Division 4 - Basic Facilities

Sec. 13-70. Compliance.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling unit, multiple dwelling, rooming house, rooming unit, or portion thereof for the purpose of living, sleeping, cooking, or eating that which does not comply with the provisions of this Division. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-71. Water Closet.

Every dwelling unit shall contain within its walls a room that affords privacy and is equipped with a water closet and is separate from the habitable rooms. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-72. Lavatory.

Every dwelling unit shall contain a lavatory that, when a water closet is required, shall be in the same room with the water closet. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-73. Bathtub or Shower.

Every dwelling unit shall contain a room that affords privacy to a person in the room and that is equipped with a bathtub or shower. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-74. Kitchen Sink.

Every dwelling unit shall contain a kitchen sink apart from the lavatory requirement in Section 13-72. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-75. Connection to Water and Sewer System.

Every required kitchen sink, lavatory basin, bathtub, shower, and water closet shall be properly connected to either a public water and sewer system or to an approved private water and sewer system and shall be supplied with hot and cold running water. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-76. Water Heating Facilities.

Every dwelling or unit shall be supplied with water heating facilities which shall be:

- (1) Installed in an approved manner, properly maintained, and properly connected with hot water lines.
- (2) Capable of heating and delivering 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 130 degrees Fahrenheit (54 degrees Celsius) at any time needed. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-77. Heating Facilities.

(1) Every dwelling and multiple dwelling unit shall have heating facilities.

(2) The owner shall be required to see that the heating facilities are properly installed, safely maintained, and in good working condition.

(3) The owner shall ensure that the facilities are capable of safely and adequately heating all habitable rooms, bathrooms, and toilet rooms to a temperature of at least eighty degrees Fahrenheit (27 degrees Celsius) with an outside temperature of minus twenty degrees Fahrenheit (minus 29 degrees Celsius). The heating facilities shall be capable of maintaining a minimum room temperature of seventy degrees Fahrenheit (21 degrees Celsius) at three feet above the floor in all habitable rooms including bathrooms and toilets at all times when rented. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-78. Operation of Heating Facility and Incinerator.

Every heating or water heating facility must be installed and operated in accordance with the requirements of the Building Code. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Secs. 13-79--13-85. Reserved.

Division 5 - Installation and Maintenance

Sec. 13-86. Compliance.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling, multiple dwelling, rooming house or rooming unit, or portion thereof for the purpose of living, sleeping, cooking, or eating therein that does not comply with the provisions of this Division. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-87. Plumbing Fixtures.

Every water line, plumbing fixture, and drain shall be:

- (1) Properly installed, connected, and maintained in working order;
- (2) Kept free from obstructions, leaks, defects; and
- (3) Capable of performing the function for which it was designed.
- (4) Repairs and installations shall be made in accordance with the provisions of the Building Code. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-88. Plumbing Systems.

Every stack, waste, and sewer line shall be installed and maintained so as to function properly and be kept free from obstructions, leaks, and defects to prevent structural deterioration or a health hazard. All repairs and installations shall be made in accordance with provisions of the Building Code. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-89. Heating Equipment.

Every space heating, cooking, and water heating device located in a dwelling or multiple dwelling shall be properly installed, connected, maintained, and capable of performing the function for which it was designed in accordance with the provisions of the Building Code. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-90. Electrical Service, Outlets, and Fixtures.

- (1) All residential structures and dwelling units shall be supplied with electrical service that is adequate to safely meet the electrical needs of the structure and dwelling units in accordance with the provisions of the Building Code.
- (2) Every electrical outlet and fixture shall be installed, maintained, and connected to the source of electrical power in accordance with the provisions of the Building Code. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-91. Maintenance of Facilities and Equipment.

(1) All required equipment and all building space and parts in all dwelling units shall be constructed and maintained to properly and safely perform their intended function in accordance with the provisions of the Building Code.

(2) All housing facilities shall be maintained in a clean and sanitary condition so as to not breed insects and rodents or produce dangerous or offensive gases or odors. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Secs. 13-92--13-98. Reserved.

Division 6 - Light and Ventilation

Sec. 13-99. Light and Ventilation.

No person shall occupy as owner-occupant or let to another for occupancy any dwelling, multiple dwelling, rooming house, or rooming unit, or portion thereof for the purpose of living, sleeping, cooking, and eating therein that does not comply with the provisions of this Division. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-100. Natural Light in Habitable Rooms.

(1) Every habitable room shall have at least one window of approved size facing directly to the outdoors or to a court. If the room is connected to a room or area used seasonally, such as a porch, then adequate daylight must be possible through this inter-connection.

(2) The minimum total window area measured between stops for every habitable room shall be ten percent of the floor area of the room.

(3) Whenever walls or other portions of like obstructions are located less than three feet from the window and extend to a level above that of the ceiling of the room, the window shall not be deemed to face directly to the outdoors and shall not be included as contributing to the minimum total window area. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-101. Natural Light in Non-Habitable Rooms.

Every room, other than a habitable room, used or occupied by persons shall comply with the provisions of this Section. This Section shall not apply to a room with infrequent occupancy.

(1) The room shall be provided with at least one window opening directly onto a street, court or be equipped with ventilating skylights which comply with the requirements of this Article; or

(2) The room shall be provided with an approved means of mechanical ventilation. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-102. Light in Non-Habitable Work Space.

Every laundry, furnace room, and similar non-habitable work space shall have at least one functioning electric light fixture available at all times. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-103. Light in Public Halls and Stairways.

Every public hall and inside stairway shall be adequately lighted at all times with an illumination of at least five lumens per square foot in the darkest portion of the normally traveled stairs and passageways. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-104. Electric Outlets Required.

Every habitable room, kitchen, public hall, water closet compartment, bathroom, laundry room, and furnace room shall have the minimum number of electrical outlets and electrical lighting fixtures as provided for in the Building Code. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-105. Adequate Ventilation.

Every habitable room shall have at least one window which can be easily opened or such other device as will adequately ventilate the room. A total openable window area in every habitable room shall be equal to at least fifty percent of the minimum window area size required in Section 13-100 except where mechanical ventilation is provided in accordance with the provisions of the Building Code. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-106. Bathrooms and Water Closets.

Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in Sections 13-100 and 13-105 except that no window shall be required in bathrooms or water closet compartments equipped with an approved ventilation system. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Secs. 13-107--13-113. Reserved.

Division 7 - Fire Safety

Sec. 13-114. Compliance.

No person shall occupy as owner-occupant or shall let to another for occupancy any dwelling, multiple dwelling, rooming house, rooming unit, or portion thereof for the purpose of living, sleeping, cooking, or eating therein that does not comply with the applicable provisions of the City's Fire Prevention Code and the following additional standards for safety. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-115. Flammable Liquid Prohibited.

No residence building or rooming unit shall be located within a building containing a business that handles, dispenses or stores flammable liquids with a flash point of 110 degrees Fahrenheit (43 degrees Celsius) as defined by the National Board of Fire Underwriters. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-116. Exits.

Compliance with the exit provisions of the Building Code is required. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-117. Cooking and Heating Equipment.

All cooking and heating equipment, components, accessories, and devices shall be maintained free from leaks and obstructions and kept functioning properly to be free from fire, health, and accident hazards. All installations and repairs shall be made in accordance with the regulations of the Building Code. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Secs. 13-118--13-124. Reserved.

Division 8 - Occupant's Responsibilities

Sec. 13-125. Cleanliness.

Every occupant of a dwelling unit shall keep that part of the dwelling unit and premises which the occupant occupies, controls, or uses in a clean and sanitary condition. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-126. Disposal of Rubbish.

Every occupant of a dwelling unit shall dispose of all rubbish in a clean and sanitary manner. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-127. Use and Operation of Supplied Plumbing Fixtures.

Every occupant of a dwelling unit shall keep the supplied plumbing fixtures clean and sanitary and shall be responsible for the exercise of reasonable care in the proper use and operation of the fixtures. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-128. Plumbing Fixtures Furnished by Occupant.

Every plumbing fixture furnished by the occupant shall be properly installed and maintained in good working condition. The fixtures shall be clean, sanitary, and free from defects, leaks, or obstructions. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Secs. 13-129--13-135. Reserved.

Division 9 - Rooming Houses

Sec. 13-136. Compliance.

No person shall operate a rooming house or shall occupy or let to another for occupancy a rooming unit in a rooming house except in compliance with the provisions of this Division. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-137. Water Closet, Hand Lavatory, and Bath Facilities.

(1) At least one water closet, lavatory basin, and bathtub or shower shall be supplied for each four rooms within a rooming house wherever these facilities are shared.

(2) The facilities shall be properly connected to an approved water and sewer system and shall be maintained in good working condition.

(3) Every lavatory basin and bathtub or shower shall be supplied with hot and cold water at all times.

(4) All shared facilities shall be located within the residence building being served and shall be directly accessible by all persons sharing the facilities from a common hallway or passageway. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-138. Bathroom Enclosures.

Every water closet, flush urinal, lavatory basin, and bathtub or shower required by Section 13-137 shall be located within the rooming house in a room or area that:

(1) Affords privacy and is separate from the habitable rooms.

(2) Is accessible from a common hall without going outside the rooming house. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-139. Minimum Floor Area for Sleeping Purposes.

Every room occupied for sleeping purposes by one person shall contain at least seventy square feet of floor area. Every room occupied for sleeping purposes by two or more persons shall contain at least fifty square feet of floor area for each occupant. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-140. Bed Linens and Towels.

The operator of a rooming house shall change the supplied bed linens and towels at least once a week and prior to the letting of any room to another occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-141. Window Coverings.

The window of each rooming unit shall be supplied with shades, drawn drapes, or other devices or materials that will afford privacy to the occupant of the rooming unit when properly used. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Sec. 13-142. Responsibilities of Operator.

The operator of a rooming house shall be responsible for:

- (1) The sanitary maintenance of all walls, floors, and ceilings and every other part of the rooming house.
- (2) The sanitary maintenance of the entire premises when the entire structure or building is leased or occupied by the operator. (Code 1966; Ord. No. 301, 6-13-72; Code of 1988; Code of 2001)

Secs. 13-143--13-153. Reserved.

Article 3. Licenses

Sec. 13-154. Purpose

It is the purpose of this Article to protect the public health, safety, and welfare of the city by adopting a rental dwelling licensing, inspection, and maintenance program that corrects substandard conditions, maintains standards for existing and newly constructed rental dwellings, protects the safety of residents and the community, and ensures neighborhood stability in the city. The operation of rental properties is a business enterprise that includes certain responsibilities. Rental dwelling owners and managers are responsible to take reasonable steps as necessary to ensure that residents who occupy rental units, as well as those on neighboring properties, may pursue the quiet enjoyment of the normal activities of life in surroundings that are safe, secure, sanitary, free from noise, nuisances and annoyances, and free from unreasonable fears about safety of persons and property.

Sec. 13-155. License Required

- (1) ***In General.*** No person may operate a rental dwelling in the city without a license from the city.
- (2) ***Exemptions.*** Rental licensing requirements do not apply to residential dwellings in the following circumstances:
 - (A) The dwelling is occupied by the owner or the owner's qualifying relatives.
 - (B) The dwelling is rented for a period of less than 120 consecutive days and the owner occupies the property during the remainder of the year.
 - (C) The dwelling has been sold on a contract for deed provided the buyer occupies the property and the sale document used to memorialize the sale is a Minnesota uniform conveyancing blank or is recorded with the Ramsey County Recorder's office and a copy is provided to the City upon request.
 - (D) The dwelling qualifies as a short term rental and is therefore governed by the regulations in Chapter 13, Article 7.
 - (E) The dwelling is already licensed and inspected by another government agency for uses including but not limited to a rest home, convalescent care facility, group home, nursing home, hotel, motel, etc.
- (3) ***What the Rental License Covers.*** A rental license shall be applicable to an individual unit, or to all units under the same ownership within a building on a single premises containing two or more rental dwellings. The City shall have authority to exercise its licensing powers under this Article, including the power to issue, renew, deny, revoke, provisionally amend, and suspend rental licenses, with respect to an entire building or only a portion of a building.

- (4) ***Application requirements.*** Applications for a rental license shall be submitted on the appropriate official application form identified and provided by the city. At a minimum, applications must include the following to be considered complete:
- (A) The name, address, telephone number, 24-hour cell number (if different), e-mail address, and date of birth of the property owner seeking a rental license. If the owner identified in the application is a legal entity, the applicant shall submit the name, address, e-mail address, and phone number for all partners, shareholders, or interest holders.
 - (B) The following specific information regarding the rental:
 - 1. The legal address of the rental dwelling(s)
 - 2. The number of units and types of units (condominium, apartment, townhome, etc.) owned by the applicant on the premises for which a rental license is sought.
 - 3. The total area provided on the premises for off-street parking specific to the unit(s) being licensed.
 - 4. If applicable, the number of toilet and bath facilities shared by the occupants of two or more units.
 - (C) If the identified owner resides at a location outside of the Twin Cities metropolitan service area or will not be acting as the 24-hour manager of the property, the application must also include at least one of the following:
 - 1. The name, address, telephone number, 24-hour cell number (if different), e-mail address, and date of birth of a designated local manager who must reside in the Twin Cities metropolitan service area.
 - 2. If the owner uses a property management company, the name and contact information of the person at the property management company responsible for managing the rental dwelling(s) for which a rental license is sought.
 - (D) ***Fees.*** The required licensing fee(s) as established by the city's fee schedule. All fees and fines shall be charged to and payable by the owner.
- (5) ***Inspection Required.*** Every rental unit for which a rental license is sought or for which a rental license has been previously issued is at all times subject to inspection by authorized City officials to determine whether the rental unit is in compliance with City Code and State or Federal standards as may be applicable. The City Manager will adopt an inspection policy for rental dwellings to be followed by his/her staff which takes into account the property's inspection history; history of compliance with federal, state, and local law; and the history of inspections, property maintenance violations, and other code enforcement violations at the property.

- (6) ***Access for Inspection.*** Officials as designated by the City Manager or their respective representatives are authorized to make inspections deemed reasonably necessary to enforce this chapter. All authorized inspectors have the authority to enter any rental dwelling at all reasonable times. Pursuant to Minn. Stats. § 504B.211, the licensee is responsible for scheduling the inspection and notifying any existing tenant of the inspection. The licensee must provide access to the requesting city official at the date and time of the scheduled inspection. Failure to provide access for any reason may result in a re-inspection fee, in addition to any other sanctions imposed for noncompliance.
- (7) ***Access by occupant.*** Each occupant of a rental dwelling shall give the licensee, manager, or authorized city official access to any part of the rental dwelling at reasonable times for the purpose of inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this Chapter.
- (8) ***License Issuance and Posting.***
- (A) Applications for a rental license which are complete, and for which all rental units have been authorized for occupancy following the required inspection, will be issued a rental license provided that all real estate taxes and municipal utility bills for the premises 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.
- (B) The rental license shall be conspicuously posted (in a frame with a glass covering), in a common area, hallway, or lobby of a multiple dwelling building if such an area exists. For all other rental dwellings or in a multiple dwelling building without common areas, each rental dwelling shall have a copy of the rental license on the premises.
- (9) ***Changes in Information.*** It is the responsibility of the licensee to inform the City within 30 days of any changes to the information provided on the application and/or license. Depending on the change and the policy set by the City Manager, the licensee may be required to file an application to amend the rental license and the City may require a new property inspection.
- (10) ***Changes in Ownership.*** A rental license is non-transferable. If there is a change in the ownership of the rental dwelling, the license automatically expires. The new owner must apply for a license under this Article prior to the change in ownership.
- (11) ***Applicable Laws.*** Rental licenses shall be subject to the applicable provisions of Local, State, and Federal laws related to rental dwellings including but not limited to City Code, the Minnesota Human Rights Act, and the Fair Housing Act.
- (12) ***Duration of License.*** Licenses issued under this Article shall have a duration period of one year unless otherwise specifically stated on an officially issued rental license or in this Article.

- (13) **Renewal.** A license renewal application must be submitted to the city prior to the expiration date of an existing license. By policy as set by the City Manager, failure to initiate renewal prior to expiration of the existing permit may require a licensee to secure a new license and may trigger a new property inspection.

Sec. 13-156. General Licensee Obligations

(1) ***Written Tenant Application and Lease Agreement Required***

- (A) Prospective tenants shall be required to fill out an application and enter into a lease agreement in accordance with the following minimum standards:
1. The licensee must utilize a written application for prospective tenants.
 2. The licensee must use a written lease agreement for all tenants.
 3. The written tenant application(s) and written lease agreement(s) for each tenant must be maintained within the licensee's files.
- (B) All written lease agreements shall include the following language with the correct contact information specific to the rental property:
- “City of New Brighton Notice. If you identify issues with the living conditions of this unit during your lease, please contact <manager’s name> at <manager’s phone number> to report the problem. If the reported issues are not satisfactorily resolved within a reasonable time frame, please call City Hall at 651-638 2100.”*
- (C) Upon request, the licensee must show proof, satisfactory to the city, that the licensee is maintaining the documents required by Section 13-156(1)(A) above. Failure to use, maintain, or provide these documents to the city upon request is a violation of this Article.

(2) ***Notification requirements for public hearings***

The licensee must, as a continuing obligation of the license, provide written notice to tenants or in the alternative, post the written notice in the lobby or common area of the rental dwelling for any public hearing notice received by the licensee that pertains to the rental dwelling, the property on which the rental dwelling is located, or any adjacent rights of way.

(3) ***Compliance with Minn. Stats. § 211B.20.***

Licensee must comply with the requirements of Minn. Stats. § 211B.20 and allow access to candidates who have filed for election to public office and seek admittance to the rental dwelling solely for the purpose of campaigning.

(4) ***Responsibility for acts of manager***

Licensees are responsible for the acts or omissions of their managers as it pertains to the rental dwelling.

Sec. 13-157. Maintenance standards.

- (1) *In General.*** It is the responsibility of the licensee to assure that every rental dwelling is maintained in compliance with all city ordinances and state and federal laws. A violation of any City Code titles or Zoning Code provisions constitutes a violation of this Article and a public nuisance, and may be abated under the provisions of the Nuisances Chapter 17.
- (2) *Snow and ice removal.***

 - (A)** Rental dwellings containing three or more dwelling units shall:

 1. Remove snowfalls of one inch or more, or successive snowfalls accumulating to a depth of one inch or more, from all walkways, sidewalks and steps within 12 hours of cessation of the snowfall.
 2. Remove snowfalls of three inches or more, or successive snowfalls accumulating to a depth of three inches or more from parking aisles, parking areas, and drives within 72 hours of cessation of the snowfall.
 - (B)** Rental dwellings containing one or two dwelling units shall adhere to all general City Code requirements regarding snow removal from residential properties.
- (3) *Solid waste.*** All rental dwellings shall comply with the Garbage and Trash Chapter of City Code (Chapter 11) for trash and recycling collection.
- (4) *Recycling Services Required.*** Owners of multiple dwellings licensed under this Article shall provide recycling collection services to all residents of the dwelling. Such collection services must include acceptance of all materials designated as “recyclable” as defined in City Code Section 11-1. Licensees must ensure that all recyclables are delivered to a recycling facility for the purpose of recycling. Licensees must provide information regarding recycling collection services as required by the City sanitarian.
- (5) *Inspections.*** Inspections to enforce this Chapter shall be allowed by the licensee in accordance with the provisions of Section 13-155(6).
- (6) *Access by occupant.*** Access to rental units for inspections shall be allowed by each occupant of a rental dwelling in accordance with the provisions of Section 13-155(7)

Sec. 13-159. Summary action.

- (1) **Emergency.** The Building Official has authority, under the Minnesota State Building Code, to summarily condemn or close areas of a rental dwelling as the Building Official deems necessary, or may take other actions to protect the residents and general public as deemed necessary, when an emergency state exists. For the purposes of this Section, an emergency state shall include condition of the licensed property; that gives rise to a nuisance, fire hazard, or other unsafe or dangerous condition that poses and imminent threat to the public health, sanitation, safety, or general welfare of the community.
- (2) **Notice.** Upon determination that a Summary Action will be taken, the Building Official will immediately contact the Manager by the telephone number provided in the application and by email. Notice of summary action is also to be mailed to the licensee by certified mail and posted at the dwelling units or areas affected, and must describe the dwelling units or areas affected. No person shall remove the posted notice other than the Building Official or their designated representative. The Notice shall include:

 - a. That the premises must be immediately vacated.
 - b. The basis and supporting evidence for the summary action.
 - c. The reason emergency action was necessary.
 - d. A list of any steps that may be taken in order to re-occupy.
 - e. The right, method, and timeline to request a hearing.
- (3) **Posted to prevent occupancy.** Whenever any rental dwelling is found to be in an emergency state, it shall be posted by the Building Official or their designated representative on the door of the rental dwelling to prevent further occupancy. No person, other than the Building Official or their designated representative, shall remove or alter any posting. The Building Official or their designated representative will post the date the rental dwelling shall be vacated and no person shall reside in, occupy, or cause to be occupied that rental dwelling until the Building Official or City Council permits it.
- (4) **Costs.** The costs of any services performed by the city to address a condition which poses an immediate and serious hazard to the public health, safety or welfare, will be billed to the Owner and the amount shall be immediately due and payable. If the Owner fails to pay the bill, the total charges may be specially assessed in accordance with Minnesota Statutes Sections 429.101 and 429.061, whichever may be applicable.

- (5) **Appeal.** Any person aggrieved by a summary action of the Building Official shall be entitled to appeal to the City Council by filing a notice of appeal with the City Manager or their designated representative within five days of the summary action. The City Manager or their designated representative must schedule a date for a hearing before the City Council and notify the aggrieved person of the date. The hearing will be conducted pursuant to the provisions of Section 13-165.

Sec. 13-160. No Retaliation.

No licensee shall evict, threaten to evict, or take any other punitive action against any tenant by reason of good faith calls made by such tenant to law enforcement agencies relating to criminal activity, suspected criminal activity, suspicious occurrences, or public safety concerns. This Section shall not prohibit the eviction of tenants from a dwelling unit for unlawful conduct of a tenant or invitee or violation of any rules, regulations, or lease terms other than a prohibition against contacting law enforcement agencies.

Sec. 13-161. Falsely reporting violations.

No person shall report a violation of this Article knowing or having reason to know that the report is false with the intent to affect the licensing status or inspection schedule of the rental dwelling.

Sec. 13-162. Violations.

In addition to any other sanctions or administrative penalties imposed, any violation of this Article shall constitute a misdemeanor offense, punishable as defined by state law. Each day of violation constitutes a separate offense.

Sec. 13-163. Conduct on a Licensed Premises.

- (1) **Disorderly Premises.** All licensees (single-family homes, duplexes, multiple dwellings, and rooming houses) shall be responsible for ensuring that persons occupying the licensed premises conduct themselves in such a manner as not to cause the premises to be disorderly. For purposes of this Section, a premises is disorderly at which any of the following activities occur:
- (A) Violation of laws relating to the possession of controlled substances as defined in Minnesota Statutes Section 152.01, Subdivision 4.
 - (B) Violation of Section 18-3 (Disorderly Conduct) of the City Code or Minnesota Statutes, Section 609.72.
 - (C) The unlawful sale of intoxicating liquor or 3.2 percent malt liquor.
 - (D) Violation of laws relating to gambling.
 - (E) Violation of laws relating to prostitution as defined in Minnesota Statutes, Section 609.321, Subdivision 9, or acts relating to prostitution.
 - (F) Unlawful use or possession of a firearm or weapon in violation of Chapter 18, Article 2 of the city Code or Minnesota Statutes, Section 609.66, Subdivision 1a, 609.67 or 624.713.
 - (G) Violation of Section 18-2 of the City Code (Threatening a Public Officer).

- (H) Violation of Minnesota Statutes, Section 609.705 (Unlawful Assembly).
 - (I) Violation of Minnesota Statutes, Section 609.71 (Riot).
 - (J) Violation of Minnesota Statutes, Section 609.713 (Terrorist Threat).
 - (K) Violation of Minnesota Statutes, Section 609.715 (Presence at Unlawful Assembly).
- (2) **Evidence of Disorderly Manner.** Determination that a licensed premises has been used in a disorderly manner as described in Section 13-163(1) shall be made upon substantial evidence to support the determination. It shall not be necessary that criminal charges be brought in order to support a determination of disorderly use, nor shall the fact or dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this Section.
- (3) **Notice of Violation.** Upon determination by the City that a licensed premises was used in a disorderly manner as outlined in Section 13-163(1), notice of the violation(s) shall be given to the licensee. The notice shall include a directive for the licensee to take steps to prevent further violations.
- (4) **Repeat Violations.** For the purposes of subsections (5) and (6) below, the following will be considered repeat violations:
- (A) Incidents occurring at the same rental unit;
 - (B) Incidents involving tenants at the same rental unit;
 - (C) Incidents involving guests or invitees at the same rental unit;
 - (D) Incidents involving guests or invitees of the same tenant;
 - (E) Incidents involving the same tenant.
- (5) **Second Violation Notice.** If a repeat violation occurs within three months of the initial notice given under Section 13-163(3), the City shall notify the licensee of the latest violation(s) and shall require the licensee to submit a written report of the actions taken and proposed to be taken by the licensee to prevent further disorderly use of the premises. This written report shall be submitted to the Public Safety Department within five days of receipt of the second violation notice, and shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding three months.

- (6) **Third Violation.** If a repeat violation occurs a third time within three months of the initial notice given under Section 13-163(3), staff shall initiate the procedures of Section 13-165 to give Council authority to suspend or revoke the rental license, or take other actions with respect to a licensee, a tenant, or the licensed premises as may be authorized by the City Code or State Law, subject to the following:
- (A) *Eviction Proceedings.* No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty days of notice given by the licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's unit. Eviction proceedings shall not be a bar to adverse license action unless such proceedings are diligently pursued by the licensee. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this Section may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly use.
 - (B) *Council Action Not Exclusive.* Enforcement actions provided in this Section shall not be exclusive. The City Council may take any action with respect to a licensee, a tenant, or the licensed premises as is authorized by the City Code or State law.

Sec. 13-164. Provisional License – Licensed Multiple Dwellings (3+ units)

- (1) **Transition Required.** Licensed multiple dwellings that have generated an average of over 0.5 police or fire calls per dwelling unit in a preceding six month period as specified in this Section shall be required to transition to a provisional license.
- (A) *Qualifying police and fire calls.* Police and fire calls that are counted in determining whether a provisional license is required include the following types of calls or events:
 1. Violations which indicate the rental constitutes a disorderly premises as outlined in Section 13-163(1);
 2. Calls or events categorized as part one crimes in the Uniform Crime Reporting System, including homicide, rape, robbery, aggravated assault, burglary, theft, auto theft and arson.
 3. Calls or events categorized by the Public Safety Department: miscellaneous juvenile status crimes, liquor offenses or curfew violations, disturbing the peace or harassing communications, property damage, criminal damage to property or trespass, domestic incidents, fire alarms, public disturbance or disorderly conduct, loud party or noise complaints, disorderly juveniles, assault in the fifth degree, or non-domestic related assaults. The Director of Public Safety shall maintain for public inspection a description of the coding system and a list of the codes and crimes included within each of these categories of calls or events.
 4. The Director of Public Safety may use discretion to determine that multiple incidents be counted as a single call in appropriate cases.

- (B) *Exemptions.* Calls will not be counted for purposes of triggering a provisional license where the victim and suspect are “Family or household members” as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subdivision 2(b) and where there is a report of “Domestic Abuse” as defined in the Domestic Abuse Act, Minnesota Statutes, Section 518B.01, Subdivision 2(a).
 - (C) *Timeframes.* The periods of time used to determine whether a provisional license is required for buildings with three or more units shall be the six month period between January 1st and June 30th of each calendar year, and the six month period between July 1st and December 31st of each calendar year.
 - (D) *Status Reports.* The Public Safety Department will provide, by mail, a monthly status report of police and fire calls described in Section 13-164(1)(A) above.
- (2) ***Licensee Action Required.*** Upon being notified by the Public Safety Department that transition to a provisional license has been triggered, and subject to the licensee’s right to request a hearing, the licensee shall submit an application for a provisional license within seven (7) calendar days or by a specific deadline established by the Public Safety Department. Failure to apply for a provisional license by the applicable deadline will be grounds for revocation or suspension of the license pursuant to the provisions of Section 13-165.
- (3) ***Provisional License Prerequisites.*** The following minimum standards must be met by all multiple dwellings applying for a provisional license:
- (A) *Resident Manager.* Provisional licenses shall only be issued for facilities that have a manager or managers certified in accordance with subsection (B) below. Managers must be resident managers or on site managers who are on-site or available 24 hours a day.
 - (B) *Manager Certification.* The applicant must provide and maintain at least one resident manager or on-site manager(s) who are on-site or available 24-hours a day who successfully complete a training program provided by the City or specified by the City. A provisional license may be granted to an applicant who does not currently have a certified resident or on site manager, and a license may continue in effect following the departure of a certified resident manager, provided the resident manager or on site manager shall register for and complete the training program within a timeframe as agreed to with the Department of Public Safety.
- (4) ***Provisional License Application.*** Applications for a provisional rental license shall be submitted on the appropriate official application form identified and provided by the city. At a minimum, applications must include the following to be considered complete:
- (A) The name, address, telephone number, 24-hour cell number (if different), e-mail address, and date of birth of the property owner seeking the provisional rental license. If the owner identified in the application is a legal entity, the applicant shall submit the name, address, e-mail address, and phone number for all partners, shareholders, or interest holders.

- (B) The name, address, telephone number, 24-hour cell number (if different), e-mail address, and date of birth of a designated local manager who resides on the property or at a location within the Twin Cities metropolitan service area, who is on-site or is available 24 hours a day, and who is willing and able to go through required manager certification.
 - (C) A mitigation plan indicating how the license will be brought out of provisional status. The mitigation plan shall describe steps proposed by the applicant to reduce the number of qualifying police and fire calls to a level that qualifies for a regular license. The mitigation plan may include but is not limited to actions amending tenant screening procedures, changes in lease terms, addition of security measures, adoption of rules and regulations for tenant conduct, and hiring of security personnel.
 - (D) The required provisional licensing fee as established by the city's fee schedule.
- (5) **Review by the City Council.** The provisional license application and proposed mitigation plan shall be presented to the City Council together with a disposition recommendation by the City Manager following notice and hearing requirements outlined in Section 13-165. After giving the applicant an opportunity to be heard and present evidence, the City Council shall approve, approve with conditions, or deny the provisional license application and mitigation plan. If the City Council denies the provisional license or approves it with conditions, it shall state its reasons for so doing in writing via resolution that day or at a subsequent meeting. Denial of a requested provisional license may immediately allow Council to proceed to revocation or suspension of the rental license subject to the provisions of Section 13-165 without the need for an additional hearing.
- (6) **Approved Provisional License.** Approval of a provisional license shall require the licensee to:
- (A) Comply with the approved mitigation plan; and
 - (B) No later than the tenth day after each calendar month, the licensee shall mail or deliver to the City a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.

Sec. 13-165. License denial, suspension, or revocation.

- (1) **Grounds for denial, suspension or revocation.** The City Manager or their designated representative may deny or not renew a license application, and the City Council may revoke or suspend an issued license for any of the following reasons that shall also constitute a violation of this Article:
- (A) The property does not conform to City Code;
 - (B) The property does not comply with a health, building, maintenance, or other provision of the City Code or state law;
 - (C) The licensee has failed to pay the license fee, inspection fees, or a fine that has been imposed;
 - (D) The licensee has made fraudulent statements, misrepresentations, or false statements in the application or investigation or in any information required by this chapter;

- (E) The licensee has been convicted of a background check crime as defined in Minn. Stats. § 299C.67, subd. 2, as may be amended from time to time, or any crime related to the licensed business, and failure to show, by competent evidence, rehabilitation and present fitness to perform the duties of the business;
- (F) Operating or allowing the rental property to be used in such a manner as to constitute a breach of the peace; a menace to the health, safety, and welfare of residents or the public; or a disturbance of the peace, comfort or safety of the residents or the public, upon recommendation of the Public Safety Director;
- (G) Actions unauthorized or beyond the scope of the license granted;
- (H) The licensee's rental license to operate another rental dwelling in the City of New Brighton or in another jurisdiction has been denied, revoked, or suspended within the past two years;
- (I) Failure to schedule or allow inspections of the licensed premises for the purpose of ensuring compliance with rental licensing requirements, City Code requirements, state building codes, or other applicable state or federal law;
- (J) Failure to continuously comply with all conditions required in the approval of the license;
- (K) Real estate taxes or city fees for the property are delinquent;
- (L) Violation of any regulation or provision of the City Code applicable to the activity for which the license has been granted, or any regulation or state or federal law that may be applicable;
- (M) Failure to remedy a disorderly premises under the provisions of Section 13-163;
- (N) Excessive calls for service as determined by the Public Safety Director which mandate that provisional license requirements and procedures of Section 13-164 be followed;
- (O) Failure of the licensee to provide a copy of the lease or otherwise cooperate with the City Manager or their designated representative in identifying individuals with a lawful right to occupy a rental dwelling or to be present on the rental property; or
- (P) Other good cause as determined by the City Council after conducting a public hearing.

(2) *Revocation and Suspension Options.*

- (A) The City Council may revoke a license or suspend a license for a set period of time, or until violations of all applicable laws are corrected.
- (B) The City Council may temporarily suspend a license when, in its judgment, the public health, safety, and welfare is endangered by the continuance of the licensed activity.

- (3) **Notice.** Before suspending or revoking a rental license, the city must provide written notice informing the licensee of the right to a hearing. The notice must provide at least 10 calendar days' notice of the time and place of the hearing and must state the grounds for the proposed suspension or revocation of the license. The notice may be served upon the licensee personally, by leaving the notice at the licensed premises with the designated manager, or by certified mail to the address listed on the license application. If none of the identified methods of service is anticipated to provide notice, the City may post notice of the hearing in a conspicuous place on the licensed premises.
- (4) **Hearing.** A hearing will be conducted before the City Council at a public meeting. A hearing in this context is not an official public hearing subject to the requirements of Minn. Stats. § 394.26. The licensee shall have the right to be represented by counsel, the right to respond to the charged violations, and the right to present evidence through witnesses. The rules of evidence do not apply to the hearing and the City Council may rely on all evidence it determines to be reasonably credible. The determination to suspend or revoke the license shall be made upon a preponderance of the evidence. It is not necessary that criminal charges be brought in order to support a suspension or revocation of a license violation, nor does the dismissal or acquittal of such a criminal charge operate as a bar to suspension or revocation.
- (5) **Final decision.** Following the hearing, the council may revoke or suspend the license for all or any part of the licensed premises, may stay the revocation or suspension upon such terms and conditions as it deems reasonable and necessary to accomplish the purposes of this Article, or grant or continue the license. If the Council suspends or revokes the rental license, the Council may also order that any rent payable during the suspension or revocation period be paid into an escrow account to be maintained by the city. The city may use the escrowed funds to pay for the cost of abating violations at the property. Funds that remain in the escrow account after paying for abatement items shall be returned to the licensee upon the licensee receiving a valid rental license or upon the sale of the rental to an unrelated purchaser and after the rental dwelling has been brought into full compliance with City Code. The decision by the City Council following a hearing is final. Upon a decision to suspend a license, no new application from the current licensee for the same rental dwelling will be accepted for a period of time specified in the council's decision, not exceeding one year. A decision to revoke a license will result in no new application being accepted from the same licensee for a minimum of one year.
- (6) **Appeal of decision to deny or not renew license.** If the City Manager or their designated representative denies or does not renew a license, the licensee shall be notified in writing, specifying the reasons for denying or not renewing the license. If the licensee corrects the conditions leading to the denial or non-renewal within seven days, the City Manager or their designated representative shall issue the license. A licensee whose license has been denied or not renewed may appeal the decision by filing with the City Manager or their designated representative a written notice of appeal within seven days of receiving notice of the City Manager or their designated representative decision. The hearing will be conducted pursuant to the provisions of Section 13-165.

- (7) **Notification to tenants / No new rentals.** Upon denial, suspension, revocation or other enforcement action of a license, the city will notify all affected tenants of the action against the license. If the license is revoked or suspended, the licensee may not let, rent, or allow to be occupied any vacant dwelling units, or dwelling units that become vacant during the revocation or suspension period. Revocation, suspension, or non-renewal of a license shall not excuse the owner from compliance with all terms of this Article for as long as any units in the facility are occupied.
- (8) **Failure to Comply.** If an Owner allows occupancy of a Rental Dwelling during the term of a revocation, suspension, or non-renewal of that rental dwelling, then, notwithstanding the term specified in the City Council's written decision or in Section 13-165(5), the Council may extend the term of such revocation, suspension, or non-renewal.

Sec. 13-166. No warranty by city.

By enacting and undertaking to enforce this Article, neither the city nor its council, agents or employees warrant or guaranty the safety, fitness or suitability of any rental dwelling in the city. Licensees and occupants should take appropriate steps to protect their interests, health, safety and welfare.

Sec. 13-167. Enforcement Authority.

The City Manager shall be responsible for enforcement and administration of this Article. Authority to take any action authorized by this Article may be delegated by the City Manager to an authorized designee.

Sec. 13-168. Rules, policies, and procedures.

By resolution the City Council may adopt, from time to time, rules, policies, and procedures for the implementation of this chapter. Violation of any such rule, policy, or procedure by a property owner shall be considered a violation of this article.

Sec. 13-169. Reserved.

(Ord No. 892, 10-06-2022)

Article 4. Security Devices

Division 1 - Key Boxes

Sec. 13-170. Purpose.

In cases of fire, medical or public safety emergencies, it is vital that police officers be able to gain access to locked areas of multiple dwelling buildings whether or not a caretaker is present. In an emergency response situation there is insufficient time to locate a person serving as a key holder. Use of key boxes will minimize the damage to doors and windows and provide a more efficient means of emergency access to locked buildings by public safety personnel, thereby enhancing the safety and security of the building's occupants.

Sec. 13-171. Requirements.

Where access to a multiple dwelling building is restricted because of secured entrances, the Department of Public Safety is authorized to require a key box to be properly installed and maintained in an accessible location as close as possible to the main entrance door. The key box must not be located at a height over six (6) feet above the finished grade but high enough to prevent water and snow from entering or blocking it. The key box installation must be approved by the Department of Public Safety. The key box shall be of an approved type and shall contain keys to gain access as required by the Director of Public Safety.

Sec. 13-172. Effective Date and Enforcement

The provisions of this Division shall be effective thirty (30) days after publication for all new construction. All existing buildings within the City to which this Division applies must be in compliance with its terms within six (6) months of its effective date.
(Ord. No. 710, 12-8-03)

Sec. 13-173—179 Reserved (Ord. No. 878, 10-27-20)

**Article 5. Access to Multi-Unit Housing Structures by
United States Census Bureau Employees.**

Sec 13-180. Declaration; Purpose.

- (1) The United States Constitution directs a decennial census count of all persons living in the United States.
- (2) Complete, accurate census data is of critical importance to all residents of New Brighton for equal political representation, fair distribution of federal and state funding, and sound planning and investment in infrastructure, real estate, business development, and public policy and programming.
- (3) 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 census form.
- (4) Renters and others who live in multi-unit housing structures have historically been at higher risk of being undercounted in the decennial census, with the number of renter households in an area being the most influential variable affecting an area's census self-response rate; in other words, the more renters in an area, the lower the self-response rate of that area.
- (5) 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.
- (6) Multi-unit housing structures can be difficult for Census Bureau employees to enter due to security barriers.
- (7) 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.
- (8) 13 U.S. Code § 223 authorizes Census Bureau employees to access "any hotel, apartment house, boarding or lodging house, tenement, or other building".
- (9) The City of New Brighton finds and determines that it is in the best interest of the City and its inhabitants to provide additional enforcement to ensure Census Bureau employees have access to multi-unit housing within the City. (Ord. No. 872, 2-11-20)

Sec 13-181. Census Bureau Access.

- (1) It is unlawful for a person, either directly or indirectly, to deny access to an apartment building, dormitory, nursing home, manufactured home park, other multi-unit structure used as a residence, or an area in which one or more single-family dwellings are located on private roadways, to employees of the United States Census Bureau who display 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.
- (2) Chapter 13, Article 5, only applies to sworn decennial census workers and no other governmental agency at the federal, state, or city level. (Ord. No. 872, 2-11-20)

Sec 13-182. Census 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. (Ord. No. 872, 2-11-20)

Sec 13-183. Exceptions

This Article does not prohibit:

- (1) Denial of admittance into a particular apartment, room, manufactured home, 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 144G.03, subdivision 2;
- (3) Limiting visits 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. (Ord. No. 872, 2-11-20)

Sec. 13-184—199 Reserved (Ord. No. 878, 10-27-20)

Article 6. Tenant Notification and Notice of Potential Sale

Sec. 13-200. Purpose.

The purpose of this Article is to provide housing stability, protection, and notification to tenants in rental housing during an ownership transition. This Article requires notice to both tenants and the City whenever title to property containing three or more rental housing units is conveyed or otherwise transferred. Under this Article, an owner of a housing building is required to pay resident relocation benefits if the owner takes certain actions during a required three-month tenant notification period, and the resident of the building needs to move as a result of the owner's action(s). In addition, this Article requires that when rental properties affordable to lower income households become available for sale, the City must receive notice of the potential sale so that it can make such information available to parties interested in purchasing the property with a goal of keeping rents affordable for lower income households. (Ord. No. 878, 10-27-20)

Sec. 13-205. Definitions.

The following definitions in this Section apply in Article 5. Defined terms remain defined terms, whether or not capitalized.

(1) Affordable Housing Building. A multiple-family rental housing building having five or more dwelling units where at least 20 percent of the units rent for an amount that is affordable. Affordable shall mean no more than 30 percent of income to households at or below 80 percent of area median income, as most recently determined by the United States Department of Housing and Urban Development for Low Income Housing Tax Credit (LIHTC) purposes, as adjusted for household size and number of bedrooms.

(2) Available for Sale. The earliest implementation of any of the following actions: negotiating to enter into a purchase agreement that includes an affordable housing building, advertising the sale of an affordable housing building, entering into a listing agreement to sell an affordable housing building, or posting a sign that an affordable housing building is for sale.

(3) Cause. The tenant or a member of the tenant's household materially violated a term of the lease or rental agreement, or violated an applicable federal, state, or local law or regulation.

(4) Housing Building. A building with three or more rental units.

(5) Housing Unit. A rental unit within a housing building.

(6) Material Change. A change in the terms of a lease that significantly limits or restricts the tenants' use and enjoyment of a housing unit or the housing building.

(7) Tenant Notification Period. The period that commences on the date when a written notice of the transfer of ownership of a housing building is sent to each housing unit tenant pursuant to Section 13-215 and ends on the last day of the third full calendar month following the date on which the notice was sent. In no case shall the tenant notification period be less than 90 days.

(8) Transfer of Ownership. Any conveyance of title to an affordable housing building, whether legal or equitable, voluntary or involuntary, resulting in a transfer of control of the building, effective as of the

earlier of the date of delivery of the instrument of conveyance or the date the new owner takes possession. (Ord. No. 878, 10-27-20)

Sec. 13-210. Notice to the City of Proposed Sale.

(1) **Notice to the City.** Any owner or representative of the owner who intends to make available for sale any affordable housing building shall notify the Director of the Department of Community Assets and Development of the proposed sale by providing the notice required in this Section. The notice shall be on a form prescribed by the City stating the owner's intent to make available for sale the affordable housing building and which may include, at the City's sole discretion, some or all of the following information:

(A) Owner's name, phone number, and mailing address;

(B) Address of the affordable housing building that will be made available for sale;

(C) Total number of dwelling units in the building; and

(D) Number and type (e.g., efficiency, one bedroom, two bedrooms, etc.) of each of the affordable housing dwelling units in the building and the contract rent for every dwelling unit in the building.

(2) **Manner and Timing of Notice.** The notice shall be mailed or hand delivered to the Director of the Department of Community Assets and Development no later than 90 days prior to the affordable housing building being made available for sale. The notice shall also be delivered directly to all affected tenants and include the following language requirement: *"This is important information about your housing. If you do not understand it, have someone translate it for you now, or request a translation from your landlord."* This advisory must be stated in the notice in the following languages: English, Spanish, Somali, Karen, and Hmong. This notice shall be delivered to all affected tenants no later than 90 days prior to the affordable housing building being made available for sale. Upon request by the tenant, the owner must provide a written translation of the notice into the tenant's preferred language if the language is listed above.

(3) **Exclusions.** This notice of potential sale requirement shall not apply to the sale or transfer of title of an affordable housing building already subject to federal, state, or local rent or income restrictions that continue to remain in effect after the sale or transfer; or with respect to the sale or transfer of a residential rental building in which the buyer contracts with the City to maintain the property in compliance with the definition of an "affordable housing building" as defined in this Article, for a period of no less than 10 years. (Ord. No. 878, 10-27-20)

Sec. 13-215. Post Sale Notice.

(1) **Notice to Tenants.** Whenever title to property containing a housing building is conveyed or otherwise transferred, as a condition of receipt of a rental license, the new owner must within 30 days after the real estate closing, deliver written notice to each housing unit tenant that the housing building is under new ownership. The notice must include, at a minimum, the following information:

(A) The name, mailing address, and telephone number of the new owner.

(B) The following statement: "New Brighton City Code Section 13-215 provides for a three month tenant notification period to housing unit tenants when new ownership takes control of a property. A

tenant may be entitled to relocation assistance from the new owner if, during the three month tenant notification period, the new owner:

1. Terminates or does not renew the tenant's rental agreement without cause;
2. Raises the rent and the tenant terminates his or her rental agreement due to the rent increase;
3. Requires existing tenants to be re-screened or comply with new screening criteria, and the owner or tenant terminates the tenant's lease based on that re-screening or failure to meet those new screening criteria;
4. Imposes a material change in the terms of the lease, and the owner or tenant terminates or does not renew the tenant's lease because of those material changes; or
5. Engages in construction activity at the property that would trigger federal, state, or local law regarding lead paint or asbestos safety."

(C) Whether there will be any rent increase within the three month tenant notification period and, if so, the amount of the rent increase and the date the rent increase will take effect.

(D) Whether the new owner will require existing housing unit tenants to be re-screened or comply with new screening criteria during the three month tenant notification period and, if so, a copy of the applicable screening criteria.

(E) Whether the new owner will, without the tenant's consent, impose a material change in the terms of the lease during the three month tenant notification period and, if so, the language of the material change and explanation of its effect.

(F) Whether the new owner will terminate or not renew rental agreements without cause during the three month tenant notification period and, if so, notice to the affected housing unit tenants whose rental agreements will terminate and the date the rental agreements will terminate.

(G) Whether the new owner intends to increase rent, require existing tenants to be rescreened to determine compliance with existing or modified residency screening criteria, terminate or not renew housing unit rental agreements, or impose a material change in the terms of the lease without cause within 30 days immediately following the tenant notification period.

(H) Whether the new owner intends to engage in construction activity at the property that would trigger federal, state, or local law regarding lead paint or asbestos safety.

(I) The date that the tenant notification period will expire.

(2) **Language requirement.** Each notice required by this Section shall contain an advisory that reads as follows: "This is important information about your housing. If you do not understand it, have someone translate it for you now, or request a translation from your landlord." This advisory must be stated in the notice in the following languages: English, Spanish, Somali, Karen, and Hmong. Upon written request by a tenant that identifies the tenant's native language, the owner must provide a written translation of the notice in that language.

(3) **Notice to the City.** The new owner must deliver a copy of the notice required by this Section to

the City of New Brighton Community Assets and Development Department at the same time that the notice is delivered to tenants.

(4) **Required tenant notification period.** The new owner of a housing building must not terminate or not renew a tenant's rental agreement without cause, raise rent, re-screen existing tenants, or impose a material change to the terms of the lease during the tenant notification period without providing the notices required by this Section. (Ord. No. 878, 10-27-20)

Sec. 13-220 Relocation Assistance.

(1) **When Required.** A new owner of a housing building must pay relocation assistance to housing unit tenants if, during the three month tenant notification period, the new owner:

- (A) terminates or does not renew the tenant's rental agreement without cause;
- (B) raises the rent and the tenant terminates his or her rental agreement due to the rent increase;
- (C) requires existing tenants to be re-screened or comply with new screening criteria and the owner or tenant terminates the tenant's lease; or
- (D) imposes a material change in the terms of the lease and the owner or tenant terminates or does not renew the tenant's lease.

(2) **Amount.** Relocation assistance shall be in an amount equal to three months of the monthly rent pursuant to the current lease.

(3) **When Paid.** The new owner shall, when required, pay relocation assistance to the tenant of a housing unit within 30 days after receiving tenant's written notice of termination of the lease or within 30 days after the owner notifies the tenant that the lease will be terminated or not renewed. (Ord. No. 878, 10-27-20)

Sec. 13-225 Tenant Complaints.

A tenant of a housing unit who believes the new owner has not provided the tenant the notifications required under this Article may submit a notice of violation to the City. The purpose of the notice is to inform the City of an alleged violation of this Article to assist the City in determining whether to impose an administrative penalty provided for in this Section. The City is not required to take any particular action in response to a notice of violation, and any enforcement action it does take shall be on behalf of the City, not the tenant. Filing a notice of violation does not prohibit the tenant from pursuing any remedy available to the tenant under law. (Ord. No. 878, 10-27-20)

Sec. 13-230 Penalty.

(1) **Violations.** A violation of this Article is an administrative offense that may be subject to an administrative citation and civil penalties as provided in Article 5 of the City Code. Notwithstanding any provision of Article 5 of the City Code, the penalty for a violation of Sections 13-215 or 13-220 shall be the sum of the applicable amount of relocation assistance plus \$500.

(2) **Number of Offenses.** A violation of this Article shall constitute a separate offense for each dwelling unit affected.

(3) ***Transfer of Funds.*** Within 30 days after a person pays the penalty in Section 13-230 (1) to the City, the City shall pay to the displaced tenant of the housing unit in which the violation occurred an amount equal to the relocation assistance amount specified in Section 13-220 (2).

(4) ***Additional Redress.*** In addition, any tenant aggrieved by a landlord's noncompliance with this Chapter may seek redress in any court of competent jurisdiction to the extent permitted by law. (Ord. No. 878, 10-27-20)

Sec. 13-231—249 Reserved (Ord. No. 878, 10-27-20)

Article 7. Short Term Rentals

Sec. 13-200. Purpose.

The purpose of this Article is to ensure that the short-term rental of a permitted dwelling unit is conducted, operated, and maintained so as not to become a nuisance to the surrounding neighborhood, or an influence that fosters blight and deterioration, or creates a disincentive for others to reinvest in the community.

Sec. 13-210. Scope.

This Article applies to any dwelling unit or portion of a dwelling unit proposed to be used as a short-term rental.

Sec. 13-220. Permit Required.

The short-term rental of any dwelling unit, or advertisement of a dwelling unit for short-term rental, shall be prohibited unless a permit authorizing short-term rental has been approved in accordance with this Article.

Sec. 13-230. Short Term Rental Permit Application.

Applications for a short-term rental permit shall be made by the fee owner or authorized representative of the fee owner of the residence proposed for use as a short-term rental. All applications for a short-term rental permit shall include:

- (1) A completed City of New Brighton application form for short-term rental permits;
- (2) Verification of authority to file the application (i.e., proof of ownership or control of the property; if not the owner of the property, the signature of the fee owner of the property);
- (3) A fee in an amount that is set forth in the City's fee schedule;
- (4) Contact information for both the owner and any authorized agent involved with the short-term rental;
- (5) The short-term rental property's address, number of bedrooms, total livable square feet, and number of off-street parking spaces;
- (6) A site plan identifying the location and number of off-street parking spaces;
- (7) Confirmation that the applicant:
 - a. Has read and understands City Code Chapter 13, Article 7;
 - b. Will post an easily accessible list of emergency contacts at the short-term rental; and
 - c. Will post an easily accessible copy of rental rules and regulations at the short-term rental.
- (8) Any other information that may be reasonably required by the City to evaluate the application.

Sec. 13-240. Short Term Rental Permit Application Review and Issuance

- (1) Approval of a short-term rental application will be granted by City staff upon confirmation that all required information and the required fee has been submitted.
- (2) If City staff determines that an application is incomplete, the applicant shall be notified of the

deficiencies in the application and the date by which all deficiencies must be rectified.

- a. The permit will be issued if all deficiencies are addressed prior to the deadline.
- b. Failure to address all deficiencies by the deadline will result in denial of the permit and forfeiture of the application fee. Reapplication shall require submittal of a new application and payment of an additional fee.

(3) If an applicant disagrees with City staff that an application is incomplete, he or she may appeal the decision to the City Council. Said decision shall be heard by the City Council at its next regular meeting.

Sec. 13-250. Reasonable Conditions.

In approving a short-term rental permit, the City may impose such reasonable conditions and requirements as it deems necessary and appropriate to ensure compliance with short-term rental requirements.

Sec. 13-260. Requirements of All Short Term Rentals

(1) Resident Agent.

- a. No short-term rental permit shall be issued without designation of a local resident agent.
- b. The resident agent must live and work within 30 miles of the dwelling unit being offered as a short term rental.
- c. The resident agent may, but is not required to be, the owner.
- d. One person may be the resident agent for multiple dwelling units.
- e. At all times, the resident agent shall have on file with the City a primary and a secondary phone number as well as a current address. The resident agent or a representative of the resident agent shall be available 24-hours a day at the primary or secondary phone number during all times that the dwelling unit is being rented to respond immediately to complaints or issues relating to the dwelling unit.
- f. The City shall be notified in writing of any change of resident agent prior to the change occurring.
- g. The resident agent shall be responsible for the activities of the tenants and maintenance and upkeep of the dwelling unit; and shall be authorized and empowered to receive the notice of violation of the provisions of City ordinances and state law, to receive orders, and to institute remedial action to effect such orders, and to accept all service of process pursuant to law.

(2) *Documentation of Renters.* The resident agent shall maintain a list of all occupants authorized to use the short-term rental during any given rental period. The resident agent shall make the list of occupants available to City staff and/or law enforcement upon request.

(3) *In-Unit Posting.* The following information shall be posted in a conspicuous place within the short term rental:

- a. Name and contact information for the resident agent in charge of monitoring the property while renters are present.
- b. Street address of the subject property.

c. Floor plan indicating fire exits and escape routes.

(4) Compliance with Local Ordinances. No owner shall undertake or allow the short-term rental of a dwelling unit in a manner that does not comply with the City Zoning Code, the City Code, including but not limited to this Article and state and federal laws and regulations.

Sec. 13-270. Effect of Short Term Rental Permit Approval.

- (1) Effective Dates.** Issuance of a short term rental permit shall authorize use of the property as a short term rental per the following guidelines:
- a. All short term rental permits issued between January 1st and October 31st of any given calendar year shall expire at midnight on December 31st of that same calendar year.
 - b. Short term rental permits issued between November 1st and December 31st of any given calendar year shall authorize use of the property as a short term rental through December 31st of the following calendar year.
- (2) Non-transferable.** Sale of a property or transfer of ownership rights to a non-permit holder shall invalidate an issued short term rental permit. The new owner must apply for and receive a new short term rental permit to re-establish short term rental rights. Prospective owners wishing to establish short term rental rights on a property prior to acquisition may apply for a permit jointly with the present property owner.
- (3) Renewal.** To ensure existing permit holders can avoid a lapse in eligibility, permit holders are encouraged to apply for renewal of their permit after November 1st for the following calendar year.

Sec. 13-280. Permit Suspension or Revocation.

Any short-term rental found to be out of compliance with the requirements of Section 13-260 shall be subject to permit suspension or revocation

- (1) First Offense.** Upon determining a short-term rental property is out of compliance with any provision of Section 13-260, the property owner shall be ordered by City staff to correct the violation and take any/all appropriate actions necessary to prevent further violations. If the property owner disagrees with the order, he or she may appeal the decision to the City Council. Said decision shall be heard by the City Council at its next regular meeting.
- (2) Second Offense.** Upon determining that a second offense has occurred within 365 days of an initial offense, the permit shall be immediately suspended and directed to the City Council for reinstatement, amendment, or revocation.
- (3) Council Review.** The City Council may take action to reinstate, amend, or revoke a short term rental permit upon finding that any of the conditions set forth in Section 13-260 have been violated twice in any 365 day period. The City shall notify the short term rental permit holder, in writing, of the violations triggering the review, and the date upon which a public hearing will be held by the City Council to consider the matter. Written notice of the public hearing shall be

provided to the short term rental permit holder and to all property owners within 350 feet of the property subject to the permit. Such notice shall be mailed to the last known address of the owners at least 10 days prior to the hearing. Following the hearing and subsequent discussion, the City Council may reinstate the permit, make amendments to the permit conditions including but not limited to establishing a maximum occupancy, or revoke the permit by adopting a resolution with findings of fact that include the basis for the revocation.

(4) Effect of Revocation.

- a. No person who has had a permit revoked under this Section shall be issued a short-term rental permit for one year from the date of revocation.
- b. A property that has had its permit revoked shall not be issued another short-term rental permit for one-year from the date of revocation.

(5) Enforcement.

- a. An owner, operator, tenant, or occupant of any building or property in violation of the provisions of this Article may be charged and found guilty of a misdemeanor and may be held responsible for the cost of enforcement in addition to penalties.
- b. The City may exercise any and all remedies at law or in equity to ensure compliance with this Article. All unpaid costs, charges, and penalties may be certified to the property for collection with the property taxes.
- c. The City hereby further declares that the short-term rental of a dwelling or dwelling unit in violation of this Article may constitute a public nuisance pursuant to Chapter 17 of the City Code and the City may exercise its authority to abate such nuisances.

Sec. 13-290—299 Reserved (Ord. No. 880, 04-07-2021)