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**CITY OF ANOKA,  
MINNESOTA  
ORDINANCE**

**ORD-2024-1798**

**AN ORDINANCE AMENDING CHAPTER 50 PROPERTY MAINTENANCE,  
ARTICLE II, RENTAL LICENSING AND CRIME FREE HOUSING**

THE COUNCIL OF THE CITY OF ANOKA ORDAINS:

Section 1. Pursuant to Minnesota Law, the Anoka City Charter and the Anoka City Code, and upon a review conducted by City staff, Chapter 50, Article II, Rental Licensing and Crime Free Housing, is are hereby amended, by an affirmative vote of a majority of the Anoka City Councilmembers present, to read with stricken text deleted and underlined, red font text inserted into existing code

Section 2. This Ordinance shall be in full force and effective upon passage and seven (7)days after publication.

ATTEST:

  
\_\_\_\_\_  
Phil Rice, Mayor

Introduced: 12.09.2024  
Adopted: 12.16.2024  
Published: Summary Publication 12-20-2024  
Effective: 12-27-2024

  
\_\_\_\_\_  
Amy Oehlers, City Clerk

	Aye	Nay	Abstain	Absent
Rice	<u>X</u>	_____	_____	_____
Scott	<u>X</u>	_____	_____	_____
Skogquist	<u>X</u>	_____	_____	_____
Weaver	<u>X</u>	_____	_____	_____
Wesp	<u>X</u>	_____	_____	_____

## CHAPTER 50 - PROPERTY MAINTENANCE

### ARTICLE II. RENTAL LICENSING ~~AND CRIME FREE HOUSING~~

#### Sec. 50-49. - Purpose and intent.

(a) The operation of rental residential properties is a business enterprise that gives rise to certain responsibilities. Operators are responsible to take reasonable steps, as may be necessary, to ensure that the citizens of the city who occupy such units, and those residing near such units, may pursue the quiet enjoyment of the normal activities of life in surroundings that are:

(1) Safe, secure and sanitary;

(2) Free from crimes and criminal activity, noise, nuisances or annoyances; ~~and~~

~~(3) Free from discrimination on the basis of disability, as prohibited by Title II of the Americans with Disabilities Act of 1990 ("ADA"), 42 U.S.C. §§ 12131–12134, and on the basis of protected characteristics under the Fair Housing Act ("FHA"), 42 U.S.C. § 3601, et seq., including discrimination based on race, color, religion, sex, familial status, national origin, or physical or mental disabilities;~~

~~(4) Free from reasonable fears about safety of persons and security of property.~~

(b) Further, it is the intent of this article to regulate and provide for the inspections of rental housing to ensure that such housing does not become a nuisance or blight to the neighborhood and does not create a disincentive to investment in the community.

(c) This article establishes standards that are applicable to all rental dwellings in the city. It does not apply to the portion of a rental dwelling that is occupied by a personal owner or relatives of the personal owner.

~~(d) The city council finds that repeated police calls to certain rental dwellings in the city occupied by persons with criminal histories have taxed law enforcement resources. The city council also finds that persons residing in rental dwellings who engage in disorderly conduct or cause nuisance conditions create a hostile environment for others living in close proximity, threatening the public safety. To preserve and protect the city's neighborhoods and to promote public safety, the city council enacts a crime free rental program into this Code.~~

~~(d) It is also the intent of this article the city ensure that it does not discriminate against any person in violation of the FHA and the ADA, including individuals with mental health disabilities and those associated with them. The city shall not deny such individuals an equal opportunity to participate in or benefit from its emergency response service or otherwise subject them to discrimination.~~

(Prior Code, § 48-40)

**Sec. 50-50. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Agent* means a person designated by the owner of a rental property to act on behalf of the owner.

~~*Disorderly conduct* means and includes, but is not limited to, the following:~~

- ~~(1) Drug related illegal activity;~~
- ~~(2) Acts of violence or threats of violence, including, but not limited to, discharge of firearms, intimidation or any other act that otherwise jeopardizes the health, safety, or welfare of the owner, manager, agent, other tenants, tenant's family members, guests or neighboring property owners;~~
- ~~(3) Creating, or allowing to continue, any hazardous or physically offensive condition which serves no legitimate purpose;~~
- ~~(4) Repeated unfounded calls to police;~~
- ~~(5) Violation of M.S.A. § 609.72 (disorderly conduct);~~
- ~~(6) Violation of M.S.A. §§ 609.66, subd. 1a (dangerous weapons), 609.67 (machine guns and short-barreled shotguns) or 624.713 (certain persons not to possess firearms);~~
- ~~(7) Violation of M.S.A. § 609.50 (obstructing legal process, arrest or firefighting);~~
- ~~(8) Violation of M.S.A. §§ 609.74 (public nuisance) and 609.745 (acts constituting nuisance);~~
- ~~(9) Any activity or failure to act that adversely affects the public health and constitutes a public health nuisance as defined in M.S.A. § 145A.02, subd. 17;~~
- ~~(10) Violation of M.S.A. §§ 609.321 (prostitution and sex trafficking), 609.322 (solicitation, inducement and promotion of prostitution, sex trafficking), and 609.324 (patrons, prostitutes, housing individuals engaged in prostitution);~~
- ~~(11) Violation of M.S.A. §§ 609.282 (labor trafficking), 609.283 (unlawful conduct with respect to documents in furtherance of labor or sex trafficking), and 609.284 (labor and sex trafficking crimes);~~
- ~~(12) Violation of M.S.A. § 609.33 (disorderly house);~~

- ~~(13) Violation of M.S.A. § 609.713 (threats of violence);~~
- ~~(14) Violation of M.S.A. § 609.715 (presence at unlawful assembly);~~
- ~~(15) Violation of M.S.A. § 609.71 (riot);~~
- ~~(16) Violation of chapter 14 pertaining to restrictions on animals;~~
- ~~(17) Violation of chapter 30, article II (noise);~~
- ~~(18) Violation of section 46 111 et seq. (social host);~~
- ~~(19) Violation of section 46 44 (firearms discharge).~~

~~*Drug related illegal activity* means the illegal possession or constructive possession, manufacture, sale, distribution, purchase, use or possession with intent to manufacture, sell, or distribute a controlled substance, as defined in the Controlled Substance Act, 21 USC 301 et seq., or possession of drug paraphernalia per state law.~~

*Licensee* means a person that obtains a rental license from the city. The terms "licensee" and "property owner" may be considered one in the same, and the terms "licensee" and "property owner" may be used interchangeably when it makes sense to do so.

*Major life/safety issues* mean hazardous conditions that pose a risk to the life and safety of occupants, including, but not limited to, faulty or malfunctioning smoke detectors, handrails, guardrails and egress.

~~*Nuisance call* means any instance where law enforcement officers are called to a property in response to a valid complaint related to disorderly conduct.~~

*Rental lease* means a written contract between an owner, agent, or manager and a tenant; the tenant makes rent payments or other form of compensation in order to occupy the rental dwelling. The rental lease also includes language that relates to the obligations of both parties to the contract and has the same meaning as a rental agreement.

*Rental license* means a permit granted by the city that grants the property owner the right to rent.

*Tenants* means a person who rent a rental dwelling.

~~*Valid complaint* means a violation that is visible at the time of inspection or proven by credible, substantial evidence to the satisfaction of the city.~~

(Prior Code, § 48-41)

**Sec. 50-51. - License required.**

(a) *License.* No person shall operate a rental dwelling unit without first having obtained a license to do so from the city as provided for in this article. Each license shall be issued triennially and expire on December 31, three years following the issuance thereof. License renewal applications for the following three years shall be filed on or before November 1 of the year prior to the license expiring. On or before October 1, the city shall notify the operator of the upcoming November 1 deadline within which to file the license renewal application by November 1.

(b) *Exceptions from rental licensing.* The following shall be exempt from the license required under this section:

- (1) Rental property which is licensed as a nursing home, assisted living, or boarding care home by the state department of health. This exception shall not apply if no services are provided to the occupants, or the services are incidental to, or independent of, the landlord/occupant relationship. Notwithstanding the licensure requirements of such facilities, the facilities must register with the city.
- (2) State-licensed residential facilities that do not provide overnight residential services. Notwithstanding the licensure requirements of such facilities, the facilities must register with the city.
- (3) A single-family dwelling or a dwelling unit in a duplex occupied by a property owner for a minimum of six consecutive months per calendar year.
- (4) A residential property owned by a snowbird where the property is rented to another person for a period of less than 120 consecutive days while the owner is residing out of the state. The property owner must occupy the property during the remainder of the year.
- (5) Unoccupied dwelling units that have been issued a vacant building registration.
- (6) A single-family residential property that has been sold on a contract for deed or has been sold as rent to own so long as the purchaser occupies the property and the sale document used to memorialize the sale is in the form of a uniform conveyancing blank or is recorded with the county recorder's office and a copy is provided to the city upon request.
- (7) A single-family residential property that is occupied by the owner and two or less occupants where the owner and the occupants share all living space within the dwelling.
- (8) Single-family residential property that is owned by a member of the armed services who is on active duty and the property is rented to another person during the time of active duty. The owner must provide the city with a copy of the owner's military orders

and must occupy the property when not on active duty as the owner's primary residence.

(c) *Owner/manager training required.*

- (1) Prior to receiving or renewing a license, operators of rental dwellings must attend, at a minimum, ~~the phase I crime free housing educational course or similar course as a~~ training approved by the city manager, designated employee, or agent, as a condition of receiving or renewing a license. The cost of attending the educational requirements under this subsection shall be paid by the operator, in addition to any license and inspection fees.
- (2) All training courses must contain information regarding Titles II and V of the Americans with Disabilities Act (ADA), the Fair Housing Act (FHA), and disability discrimination in general; the city's revised policies, practices, and procedures related to this section; and the roles and responsibilities of the city's ADA Compliance Officer. The training materials will also highlight that the city's Rental Licensing Program will not be implemented or enforced in a manner which penalizes or punishes tenants, residents, or landlords for calls for emergency service, including calls that arise from medical or disability-related reasons.
- (3) All training courses must also include information about how to file a complaint and appeal a determination with the city. They must also provide information on the United States Department of Justice's ADA Information Line and how to contact or file a complaint with the United States Department of Housing and Urban Development (HUD).
- (4) The city may require an operator to re-attend the course if ~~their rental property produces nuisance calls in a number that would violate this article or if~~ repeated criminal activity is documented at the property. The city may allow an operator to attend the course within six months of receiving or renewing a license, provided that the operator submits documentation of course registration for a date within the following six months.

(Prior Code, § 48-42)

**Sec. 50-52. - Rental density for detached single-family rental dwellings.**

- (a) The purpose of this section is the limitation of rental licenses issued to detached single-family residential dwelling units located on single-family lots.
- (b) In any R-1, R-2, R-3, R-4, MS zoning district, no more than ten percent of the single-family lots on any block shall be eligible to obtain a rental license, unless a temporary license is granted by the city council as provided herein. Table 1 indicates how many single-family lots per

block are able to be licensed as a rental property based on the number of lots that exist in a block.

TABLE 1

Lots/Block	Rental Units Allowed
1-14	1
15-24	2
25-34	3
35-44	4
45-54	5
55-64	6
65-74	7
75-84	8
85-94	9

(c) The following guidelines shall apply to determine eligible blocks and lots:

- (1) For the purposes of this section, a block shall be defined as an area of land enclosed within the perimeter of streets, watercourses, public parks, municipally owned lots and city boundaries and further defined by an official map maintained by the city.
- (2) This section shall apply to legally conforming lots of record and legally nonconforming lots of record. For the purposes of this section, lots of record may also be referred to as properties, property or lots.
- (3) If a block contains more than one type of zoning district, only R-1, R-2, R-3, R-4, MS zoning district lots shall be included in the calculation of the total number of lots per block.
- (4) Business/commercial, institutional, industrial uses located in an R-1, R-2, R-3, R-4, MS zoning district shall not be included in the calculation of the total number of lots per block.

(d) If the number of rental properties meets or exceeds the permitted number of rental properties per defined block on the effective date of the ordinance from which this section is derived, no additional rental licenses shall be approved for the block, unless a temporary license is granted by the city council as provided herein. Existing rental licenses may be renewed; however, should a rental license not be renewed, terminated due to the sale of a property by the current license holder, transfer of property ownership occurs, or if the rental license is revoked or lapses, the rental license shall not be reinstated unless it is in conformance with this section and other applicable sections of this Code.

- (e) If the number of rental properties meets or exceeds the permitted number of rental properties per defined block on the effective date of the ordinance from which this section is derived, a property owner may request a temporary license to allow an additional rental property for that block. The city council may grant or deny a temporary license in its sole discretion. Circumstances justifying consideration of a temporary license may include such situations as the homeowner's deployment for military purposes or temporary relocation out of state for employment-related reasons, where the homeowner's absence from the state is expected to last for at least one year. Persons requesting a temporary license must make an annual application to the city. No property owner shall hold a temporary rental license for the same property for more than two consecutive years, and it is expected that the homeowner will reestablish residency in the property upon the termination of the temporary license.
- (f) For the purposes of this section, sober house licenses issued to single-family homes pursuant to [section 50-189](#) shall be considered rental dwelling licenses when determining the number of eligible licenses available per block as regulated by this section. If the number of licensed rental properties meets or exceeds the permitted number of rental properties per defined block, no additional sober house licenses shall be approved for the block.

(Ord. No. 2018-1698, 9-17-2018; Ord. No. 2018-1702, 11-19-2018)

**Sec. 50-53. - Application for license.**

- (a) The rental property owner or the owner's designated agent shall submit a written application for a rental license on forms provided by the city.
- (b) Prior to issuance or renewal of a rental license, the following information shall be submitted:
- (1) Name, address, email address, and phone number of the property owner;
  - (2) Name, address, email address, and phone number of the property manager if different from the property owner;
  - (3) Name, address, email address, and phone number of the designated agent;
  - (4) The street address and property identification number of the property;
  - (5) Description of the number of units and number of bedrooms in each unit offered for rent;
  - (6) An acknowledgement that the owner or designated agent has received a copy of this article;
  - (7) A description of the procedure through which occupant inquiries and complaints are to be processed;

(8) Certification to the city that there are no delinquent utility fees due upon the parcel of land to which the rental housing license application relates;

(9) A blank copy of any written lease to be used for occupants, including the following lease addendums:

a. ~~Crime free/drug free addendum;~~ Information regarding Titles II and V of the ADA, and the protections of the FHA;

and

b. Lead-free informational materials for pre-1978 properties, including all information as may be required by federal law;

(10) Documentation showing that any criminal background ~~checks are check~~ conducted on prospective occupants ~~prior to letting of a property is done in compliance with the ADA, and FHA, as well as § 50-62(c) below.~~

(Prior Code, § 48-43)

**Sec. 50-54. - Agent required.**

Any property owner who does not live in the state shall appoint, on the license application, an agent residing within 50 miles of the rental property upon whom the city may serve notices pertaining to the licensed dwelling units.

(Prior Code, § 48-44)

**Sec. 50-55. - Initial license issuance.**

No license shall be issued under this article unless the rental dwelling and its premises conform to the ordinances of the city and state law. An inspection of the dwelling unit shall be conducted prior to issuance of an initial rental license.

(Prior Code, § 48-45)

**Sec. 50-56. - Renewal of license.**

(a) All renewed and new rental licenses shall be valid for a period of up to three years.

(b) All rental license renewal applications and required fees shall be submitted to the city on a triennial basis and prior to the issuance of a renewed rental license.

(c) Information on the rental license renewal form must be updated to reflect current conditions.

(d) No license shall be renewed under this article unless the rental dwelling and its premises conform to the ordinances of the city and state law. An inspection of the dwelling unit may be conducted prior to issuance of a renewed rental license.

(Prior Code, § 48-46)

**Sec. 50-57. - Transfer of license.**

A rental license is nontransferable and shall automatically terminate within 30 days of closing on the sale of the licensed building unless, within 30 days of the closing, the new owner applies for and is granted a rental license for the building in accordance with this article.

(Prior Code, § 48-47)

**Sec. 50-58. - Inspections of dwellings, generally.**

(a) *New licenses.* Upon receipt of a properly executed new application for licensing and receipt of the appropriate fee, the property maintenance coordinator or his designee shall conduct an initial inspection of the premises to ensure compliance with this Code.

(b) *License renewal.* Any rental dwelling may be reinspected after a renewal application is filed to determine compliance. The property maintenance coordinator, or his designee, at his discretion, may determine that a renewal inspection of a premises may be deferred based on results of previous inspections, in conjunction with criteria and processes as established by the property maintenance coordinator and approved by the city manager. Previous inspections must indicate the premises:

- (1) Has not received notice of violations of this Code for property maintenance;
- (2) Meets or exceeds rental compliance criteria; and
- (3) Has not required corrections for major life/safety issues.

(c) *Additional inspections.* The city shall inspect every rental unit at least once every three years. The city may inspect any rental unit if it falls within one or more of the following criteria:

- (1) The unit has been abandoned by the owner or the owner of such unit cannot be found;
- (2) Water, gas, or electric service to such unit has been discontinued as a result of nonpayment for more than 30 continuous days;
- (3) The unit is on a parcel of land that is on the county's delinquent tax list;
- (4) The city has probable cause to believe that there exists within such unit one or more violations of the requirements of this chapter;

- (5) The property owner of the rental unit has, within the preceding six months, renewed a license after suspension or revocation;
- (6) The unit is the subject of a pending notice of the city's intent to suspend or revoke the rental license;
- (7) An occupant or neighboring property owner files a formal complaint with the city relative to the condition of the unit or premises;
- (8) The unit has not been inspected in the preceding three years.

(d) *Access for inspections.*

- (1) The property maintenance coordinator, or his designee, shall be authorized to make or cause to be made 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 property maintenance coordinator, or his designee, shall be authorized to enter any dwelling, multiple-dwelling, dwelling unit, ~~roominghouse~~ rooming house, rooming unit, or premises at any reasonable time for the purpose of performing his duties under this article;
- (3) The owner, operator, or occupant of every dwelling, multiple-dwelling, dwelling unit, ~~roominghouse~~ rooming house, rooming unit, and premises, or the person in charge thereof, shall give the property maintenance coordinator, or his designee, free access to such dwelling, multiple-dwelling, dwelling unit, ~~roominghouse~~ rooming house, rooming unit and premises on which it is located at all reasonable times for the purpose of such inspection, examination and survey.

(e) *Refusal of access for inspection.* If the owner, operator, person in charge, or occupant shall refuse to consent to the inspection, an administrative search warrant may be obtained:

- (1) Where there is probable cause to believe a violation exists within the particular structure; or
- (2) Where a determination has been made to conduct periodic inspections of certain areas of the city to ensure ongoing compliance with this chapter relative to major life/safety issues.

(f) *Emergency conditions.* No administrative search warrant is needed where an emergency condition exists which endangers persons or property and insufficient time is available to obtain the warrant and protect such endangered persons or property.

(g) *Police and fire access.* The owner of any multifamily rental property shall install police and fire lock boxes near exterior entrance doors. This requirement shall only apply to multifamily properties that are required by this chapter to maintain security systems on building entrances.

(h) *Subject to occupant's right to privacy.* Entry under this section is subject to M.S.A. § 504B.211 (residential tenant's right to privacy).

(i) *Costs of obtaining warrant.* If the city finds it necessary to obtain an administrative search warrant to enter the property for inspection due to the property owner, operator, person in charge, or occupant's lack of cooperation, the person may also be charged with all costs of obtaining the warrant, including court costs and attorneys' fees.

(Prior Code, § 48-48)

**Sec. 50-59. - License suspension, revocation, denial and nonrenewal.**

(a) *Process for consideration of license suspension, revocation, denial or nonrenewal.*

(1) No action will be taken by the city council to revoke, suspend, deny, or not renew a rental license without a public hearing, and written notice of that hearing shall be sent to the property owner and affected occupants a minimum of ten days prior to the hearing.

(2) The city council shall give due regard to the frequency and seriousness of the violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply.

(3) The city council shall issue a decision to revoke, suspend, deny or not renew a rental license only upon written findings.

(4) Upon a decision to revoke, suspend, deny or not renew a license, no new application for the same facility will be accepted for a period of time specified in the city council's written decision, not exceeding one year. Such new applications shall be accompanied by a reinstatement fee as required by this section.

(5) The city council may suspend, revoke, deny or not renew a license for part or all of a facility.

(6) A written decision to revoke, suspend, deny or not renew a license or application for part of a facility shall specify the parts of the facility to which it applies. Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in such parts of the facility may be re-let or occupied.

- a. Revocation, suspension, denial or nonrenewal 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;
- b. Failure to comply with all terms of this article during the term of revocation, suspension, denial or nonrenewal is a misdemeanor and grounds for extension of the term of such revocation or suspension or continuation of nonrenewal, or for a decision not to reinstate the license, notwithstanding any limitations on the period of suspension, revocation, denial or nonrenewal specified in the city council's written decision.

*(b) Suspension.*

(1) The city council may suspend a rental license under the following circumstances:

- a. Failure to correct deficiencies noted in notices of violation within the time specified in the notice;
- b. Failure to pay any license, inspection or reinstatement fee required by this section;
- c. Any other violation of the building code or the property maintenance, zoning, environmental or utility chapters of this Code;
- d. Any specific provisions of the city ordinances that include suspension as a remedy ~~(i.e., nuisance calls, etc.)~~.

(2) Additional standards related to suspension of a rental license.

- a. A reinstatement fee as established by the city council shall be paid prior to reinstatement of a rental license that has been suspended.
- b. In addition to the reinstatement fee, the city may issue a citation for the applicable violations.
- c. While under suspension, the property owner cannot lease the affected unit or facility to a new occupant.
- d. The suspension shall be for a period of up to six months unless otherwise regulated by this article.

*(c) Revocation.*

(1) The city council may revoke a rental license under the following circumstances:

- a. When a property owner has not complied with reinstatement criteria;

- b. When it is found that a property owner has given false statements on any application or other information or report required by this article to be given by the applicant or licensee;
- c. When it has been determined through an inspection that major life/safety issues exist on the property;
- d. When the property owner or designated agent has been convicted of a crime related to the type of business licensed and failure to show, by competent evidence, rehabilitation and present fitness to perform the duties of the business;
- e. Operating or allowing the rental property to be used in such a manner as to constitute a breach of the peace, a menace to health, safety and welfare of the public or a disturbance of the peace or comfort of the residents of the city, upon recommendation by the police chief;
- f. Failure to schedule or allow rental or building inspections of the licensed premises, for the purpose of ensuring compliance with rental licensing requirements, requirements of this Code, state building codes, or other applicable state or federal law;
- g. Real estate or personal property taxes on the business have become delinquent and the property owner and the applicant are the same person or entity, or have any common ownership where they are a different person or entity;
- h. ~~Failure to actively pursue the eviction of occupants who have violated the Any specific provisions of the crime free lease addendum city ordinances that include revocation as a remedy;~~
- i. ~~Any specific provisions of the city ordinances that include revocation as a remedy (i.e., nuisance calls, etc.);~~
- ji. Other good cause as determined by the city council.

(2) Additional standards related to revocation of a rental license.

- a. A reinstatement fee as established by the city council shall be paid prior to reinstatement of a rental license that has been revoked.
- b. In addition to the reinstatement fee, the city may issue a citation for the applicable violations.

- c. While under revocation, the property owner cannot extend the lease of an existing occupant and cannot lease the affected unit to a new occupant.
- d. The revocation shall be for a period of up to one year.

(Prior Code, § 48-49)

**Sec. 50-60. - Display of license.**

Licenses issued under this article must be conspicuously posted in a frame with a transparent cover in a public corridor or front entrance of rental dwellings with four or more units. All rental property owners must produce a copy of the rental license upon demand of a prospective occupant or city official.

(Prior Code, § 48-50)

**Sec. 50-61. - Fees.**

(a) *License fees.*

- (1) *Fees established and due date.* Rental license fees and reinstatement fees shall be set by the city council and shall be due with submission of a new or renewal application. Upon request by the property owner, license fees may be rebated on a prorated basis if a property ceases to operate as a rental dwelling before the end of the license period.
- (2) *Filing due date and penalty.* If a renewal application is made less than 60 days before the beginning date of the renewal license period applied for, then the fee shall be accompanied by an additional amount equal to 100 percent of such license fee. The additional amount shall be a penalty for a late application. In no case shall there be a lapse in the license period.

(b) *Reinspection fees.*

- (1) An initial inspection shall be required at the time of application, the cost of which shall be included in the license application fee. A reinspection to verify compliance will be conducted at no charge. A fee, as set by the city council, may be charged for any subsequent reinspection necessitated by receipt of a valid complaint or as a result of a previous unsatisfactory inspection.
- (2) The reinspection fee shall be billed directly to the owner or contact person/agent of the property. Reinspection fees shall be increased by 50 percent to cover administrative costs if not paid within 30 days after initial billing.

(Prior Code, § 48-51)

## Sec. 50-62. - Tenant background checks and roster.

(a) As a condition of the license, the licensee must, as a continuing obligation, ~~conduct criminal background checks on all prospective tenants and~~ maintain a current roster of tenants and other persons who have a lawful right to occupy the rental dwelling or rental dwelling units. ~~If the criminal background check results in the discovery of an active warrant, the licensee must notify the city police department.~~ The licensee must designate the name of the person who will have possession of the roster and must promptly notify the property maintenance coordinator, or his designee, of any change in the identity, address or telephone numbers of this person. The roster must be available for inspection by city officials upon request.

(b) If a person under investigation by the city claims a lawful right to occupy a rental dwelling unit or be present on the rental property, the property maintenance coordinator, or his designee, may request to inspect the lease for the unit in which the person claims to reside. Upon such request, the licensee, or his designee, shall provide the lease for inspection.

(c) Tenant background checks. All licensees who choose to conduct criminal background checks on prospective tenants eighteen (18) years and older must do so in compliance with the following two-step procedure. Licensee must provide the written copy of this two-step criminal background check policy, provided by the City, to the applicant prior to accepting the application or application fee.

(1) Step One: Limited Criminal Background Screening. A licensee may conduct a limited criminal background screening either for the applicant or for all individuals age 18 and older who will reside in the rental dwelling, as long as the policy is applied to all applicants consistently. The limited criminal background screening will consider only:

- (i) Felony criminal convictions related to the following categories of offenses: (1) property offenses,<sup>1</sup> (2) fraud offenses,<sup>2</sup> (3) major violent offenses against persons,<sup>3</sup> and (4) sex offenses.<sup>4</sup> Any other category of offense will not be considered. These categories were identified because they involve conduct by a person whose tenancy may present a current direct threat of harm to others or the risk of substantial damage to the property of others.
- (ii) Only those felony criminal convictions in the above listed categories where the conviction occurred within the last five years.

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<sup>1</sup> Property offenses include theft, burglary, vandalism, arson and other criminal damage to property.

<sup>2</sup> Fraud offenses include identify theft, use of stolen checks, writing bad checks, counterfeiting, and forgery.

<sup>3</sup> Major violent offenses include assault, battery, and homicide.

<sup>4</sup> Sex offenses include rape, taking indecent liberties with a minor, pandering, sex trafficking, and sexual battery. Not included are victimless crimes such as prostitution or solicitation.

(iii) The property's limited criminal background screening will not consider arrests, charges, expunged convictions, convictions reversed on appeal, vacated convictions, offenses where adjudication was withheld or deferred, pardoned convictions, and sealed juvenile records for any applicant or tenant. It will not treat people differently based on whether the applicant is on probation or parole.

(2) **Step Two: Individual Assessment.** If an applicant is identified as having a felony criminal conviction in one of the specified categories of offenses within the five years prior to the application ("covered criminal conduct"), the property will provide an individual assessment of the applicant's current situation. The purpose of the assessment is to determine whether the applicant is able to fulfill the obligations of tenancy at the property.

(i) The property will first send a written notice to each applicant identified as having covered criminal conduct that includes specific information from the background check that creates a concern. The notice will inform the applicant that covered criminal conduct was identified in the limited criminal background screening and will invite the applicant an opportunity to provide additional information within seven (7) days of receipt of the written notice for the property to consider. The requested information could include, for example, letters from parole officers, case workers, counselors, family members, or community organizations commenting on the applicant's responsible conduct and rehabilitation efforts.

(ii) Based on the information received from the applicant, as well as the information provided by the property's criminal background screening provider, the property will then conduct an individual assessment of each applicant identified as having covered criminal conduct. The property will consider all applicants equally and render decisions in a fair and consistent manner. The property will consider the following factors in determining whether to approve or reject the application:

- (1) The facts or circumstances surrounding the criminal conduct;
- (2) The age of the applicant at the time of the occurrence of the criminal offense;
- (3) Evidence of a good tenant or employment history before or after the conviction or conduct;
- (4) Evidence of rehabilitation efforts;
- (5) The time that has elapsed since the occurrence of the conduct;
- (6) Any information about the applicant that indicates good conduct since the offense occurred;
- (7) Whether the conduct/conviction arose from the applicant's status as a survivor of domestic violence, sexual assault, stalking, or dating violence;
- (8) Whether the conduct/conviction arose from an applicant's disability, including mental illness; and

(9) Any other information related to whether the applicant’s specific criminal history creates the potential that the property’s current residents, employees, or property will be exposed to a heightened risk of crime.

(3) If an applicant does not provide information for the property’s consideration within seven (7) days of the date of receipt of the “REQUEST FOR ADDITIONAL INFORMATION” letter, the property will assess the applicant based upon available information obtained during the application process, including the information received from the property’s credit and criminal background screening provider.

(Prior Code, § 48-52)

**Sec. 50-63. - Fee for conversion of a single-family residential property from owner-occupied to rental.**

A one-time fee, in addition to the annual rental license fee, will be charged for a single-family dwelling or single-family attached dwelling (townhouse) that is converted from owner-occupied to rental property. A conversion fee will not be required for single-family rentals that are managed by a professional property management company that is licensed by the city. The city must be notified of any change in management during the license term.

(Prior Code, § 48-53)

~~• **Sec. 50-64. — Disorderly conduct and nuisance police calls for service.**~~

~~During the term of the rental license, and any re-licensure, nuisance calls related to the property occurring in any consecutive 12-month period following the first nuisance call, the following shall apply:~~

- ~~(1) *First nuisance call.* Upon determination by the police or building official that a rental dwelling was the location in violation, the property owner or agent may be notified of the violation.~~
- ~~(2) *Second nuisance call.* If a second instance of disorderly conduct or nuisance conditions occur at the same unit, the property owner or agent will be notified of the violation.~~
- ~~(3) *Third nuisance call.* Upon a third nuisance call, the property owner will be notified of the violation. Notification may occur through acknowledged email correspondence or by mail, with a copy to the occupant. The property owner must respond within ten days from the date of the letter with a written report of actions taken to abate further nuisances on the property. If the property owner fails to respond, the property owner will be assessed a nuisance fee.~~

- (4) ~~Fourth nuisance call.~~ Upon a fourth nuisance call, or if the nuisance fee is not paid from the third call within ten days of being issued, the city council may consider suspension of the rental license.
- a. ~~If the city council suspends the rental license, the property owner must pay a reinstatement fee as established by the city council.~~
  - b. ~~The suspension may be for a period of up to three months.~~
- (5) ~~Additional nuisance call.~~ If another nuisance call occurs, following the action taken in subsection (4) of this section, the city council may consider revocation of the license. The revocation may be for a period of up to one year.
- (6) ~~Nuisance fee.~~ The nuisance fee shall be as established by the city council.
- (7) ~~Definition of second, third and subsequent nuisance calls.~~ For the purposes of this section, second, third and subsequent nuisance calls shall be those which:
- a. ~~Occur at the same rental dwelling unit;~~
  - b. ~~Involve occupants at the same rental dwelling unit;~~
  - c. ~~Involve guests or invitees at the same rental dwelling unit;~~
  - d. ~~Involve guests or invitees of the same occupant; or~~
  - e. ~~Involve the same occupant.~~
- (8) ~~Postponing license action.~~
- a. ~~No adverse license action shall be imposed where:~~
    1. ~~The nuisance calls occurred during pending eviction proceedings (unlawful detainer) or within 30 days of notice given by the licensee to an occupant to vacate the rental dwelling unit. However, adverse license action may proceed when the licensee fails to diligently pursue the eviction process; or~~
    2. ~~The calls are placed by a residential occupant for police or emergency assistance in response to medical calls, domestic abuse or any other conduct.~~
  - b. ~~An action to deny, revoke, suspend, or not renew a license based upon violation 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 nuisance calls.~~

(Prior Code, § 48-54)

**Sec. 50-~~6564~~. - Trash removal for rental properties.**

- (a) Rental properties must have regularly scheduled recycling and trash pickup.
- (b) If the trash or recycling has not been removed within seven days of the normally scheduled pickup, the trash will be removed under emergency abatement procedures.
- (c) If the lack of trash or recycling removal becomes a recurring problem, refuse service will be authorized by the city and will be assessed on the property's utility bill.

(Prior Code, § 48-55)

**Sec. 50-~~6665~~. - No retaliation.**

No licensee shall evict, threaten to evict, or take any other punitive action against any occupant who, by reason of good faith, calls city officials related to public safety, mental health or property maintenance concerns, or to seek law enforcement or emergency assistance on their own behalf or on behalf of another person in need of assistance. This section shall not prohibit the eviction of occupants from a rental dwelling for unlawful conduct of an occupant or invitee for violations of any rules, regulations, or lease terms ~~other than a prohibition against contacting city officials~~. In addition, the city shall not threaten or impose fines, adverse license actions, or any other penalty or punitive action on a licensee or any occupant due to individuals with mental health disabilities seeking emergency services related to their disabilities or others seeking emergency services on their behalf. The city shall not retaliate against or coerce any licensee or occupant who seeks to exercise their rights or assist individuals with mental health disabilities in doing so or engages in protected activity under the ADA or FHA.

(Prior Code, § 48-56)

**Sec. 50-~~6766~~. - Summary action.**

When the conduct of any licensee or their agent, representative, employee or lessee or the condition of their dwelling is detrimental to the public health, safety and general welfare as to constitute a nuisance, fire hazard, or other unsafe or dangerous condition and thus give rise to an emergency, the city shall have the authority to summarily condemn or post for no occupancy such area of the rental dwelling.

(Prior Code, § 48-57)

**Sec. 50-~~6867~~. - Violations and penalties.**

Any person violating any provision of this article is guilty of a misdemeanor and upon conviction shall be subject to the penalties set forth in state law.

(Prior Code, § 48-59)

**Sec. 50-68. - Reasonable Modifications or Accommodations.**

The city shall make reasonable modifications to its code, rules, policies, practices, and procedures when necessary to avoid discrimination on the basis of disability under the ADA and shall also make reasonable accommodations in accordance with the FHA. This includes reasonably modifying policies, practices, and/or procedures of classifying conduct arising from mental health disabilities, or the treatment of mental health disabilities, as a nuisance. The city will respond promptly, and no later than ten business days, to disability-related requests for modifications or accommodations to this Article. If the City needs additional information to respond to the request, the City will notify the requestor of the need for additional information within ten business days and will respond to the request within ten business days of receiving the requested additional information. Trained city staff shall properly evaluate such requests. If the city denies a request, the city will inform the individual that they may appeal to the ADA Compliance Officer, who must respond to the appeal within ten business days of the appeal.

*Confidentiality of Medical Information.* The city may not publicize, broadcast, expose, or otherwise make public the disability, medical, and health information of individuals with mental health disabilities through any notifications permitted or required under this section or in any manner while implementing or enforcing this Article.

#### **Section 50-69. - Complaints and Appeals.**

The city will ensure that formal and informal complaints and appeals by individuals who allege disability discrimination, or other violation of the FHA, are promptly reviewed and addressed by appropriate action. Trained city staff shall properly evaluate such complaints. The city will take appropriate corrective actions to address substantiated allegations. If the city denies a complaint, the city will inform the individual that they may appeal to the ADA Compliance Officer, who must respond to the appeal within seven calendar days of the appeal.

**Secs. 50-~~6970~~—50-94. - Reserved**