



[Crystal \(Minn.\).](#)
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COUNCIL AGENDA

761

April 30, 1991

Pursuant to due call and notice thereof, the Special Work Session of the Crystal City Council was held on April 30, 1991, at 7:00 P.M., at 4141 Douglas Drive, Crystal, Minnesota.

The Secretary of the Council called the roll and the following were present:

Councilmembers

P Carlson
P Grimes
P Herbes
P Irving
P Joselyn
P Langsdorf
P Moravec 7:12 p.m.

Staff

P Dulgar
P Norris
P Kennedy
W Monk
P Barber
P George
P Jones.

The Mayor led the Council and the audience in the Pledge of Allegiance to the Flag.

1. *Dave Kiser of N.W. Community Television appeared*
~~Appearance by Cable TV personnel~~ to give Council tips for Cable TV viewing.

2. The City Council considered the Housing Maintenance Code.

C/G to delete "cooling" from ^{Section 425.11} Subd. 3.(C)

Aye: G, H, C

No: M, I, L, J

(Motion failed)

By Consensus the City Council directed staff to make the following changes:

1. 425.11, Subd. 4 - Change heat from 65° to 70°.
2. 425.16, Subd. 4 - delete penalty provision - attorney study ordinance language regarding penalty provision for all licenses.
3. 425.17, Subd. 2 (a) and (b) "exchangers", not "exchanges".
4. 425.17, Subd. 3 - eliminate "after consultation with Environmental Quality Commission".
5. 425.27 - Remove Board of Appeals - use staff and Council - attorney to change wording of entire section.
- Staff was directed to review method of determining number of people allowed in a dwelling.
- Staff was directed to review point of sale on multiple dwellings.

3. The City Council *discussed staff action if a resident completes* ~~considered what happens if someone does not obtain a building permit to work.~~ *proceeds with and completes building alterations without obtaining a permit.*

✓ Rosemary Knutson, Chairwoman of Government Affairs Committee for the Minneapolis Area Association of Realtors appeared and was heard regarding Point Of Sale inspections.

4. The City Council discussed the Tax Plans before the Legislature (Legislative Contact Alert).

5. *The Building Inspector gave an update on Shake-A-Home, with Elderly project. - staff was directed put together a policy for same.*

Moved by Councilmember C and seconded by Councilmember L to adjourn the meeting.

Motion Carried.

Meeting adjourned at 10:03 p.m.

Darlene

AGENDA - SPECIAL WORK SESSION

APRIL 30, 1991

1. Appearance by Cable TV personnel to give Council tips for Cable TV viewing
2. Housing Maintenance Code
3. What happens if someone does not obtain a building permit to work
4. Tax Plans before the Legislature (Legislative Contact Alert)

**SUGGESTIONS FOR COUNCIL MEMBERS AND STAFF TO
HELP IMPROVE MEETING CABLECASTS FOR VIEWERS**

1. Speak into microphones and speak at or just above your normal conversational level.
2. Insist that all audience speakers come to the podium mic.
3. Avoid:
 - a) tapping microphones or table top,
 - b) clicking pens
 - c) moving papers on or around microphones
4. Do not place pop cans, coffee pots, or other objects in front of you.
5. Avoid wearing white or red clothing.
6. When using an overhead projector or material on an easel:
 - a) Allow a few extra seconds for cameras to get set before you start pointing or talking,
 - b) Don't stand in front of overhead or between camera and screen/easel,
 - c) Use as large of type as possible when producing materials for meetings,
 - d) Make sure you place the easel/screen so a camera can shoot it.
7. Be aware that a camera may at times be on you even when you are not talking.
8. Check appearance in mirror prior to meeting - not on camera.
9. Work with director for cues regarding meeting start and breaks
10. Do not rock or swivel in chairs when talking.
11. Ignore cameras and talk directly to audience - RELAX.

If you have questions or comments regarding this information please contact Dave Kiser at Northwest Community Television - 533-8196.

HOLMES & GRAVEN

CHARTERED

470 Pillsbury Center, Minneapolis, Minnesota 55402

(612) 337-9300

DAVID J. KENNEDY

Attorney at Law

Direct Dial (612) 337-9232

April 5, 1991

Ms. Ann Norris
Community Development Director
City of Crystal
4141 Douglas Drive North
Crystal, Minnesota 55422

Re: Housing Maintenance Code

Dear Ann:

Enclosed is a new draft of the code. In reviewing it I found a number of drafting errors primarily in the numbering of the sections. I have also added a section about fees.

You might note in your memo to the Council (i) that the first draft they received was marked to show changes recommended by the Planning Commission, and (ii) that the ordinance is in fact an amendment to the existing Section 425 of the City Code that adds a) the point of sale procedure, b) the rental licensing procedure, and c) the appeal procedure. All of the underlined material is new and relates to those three procedures.

Yours very truly,


David J. Kennedy

DJK:caw

Enclosure

cc: Jerry Dulgar

ORDINANCE NO. 91-_____

AN ORDINANCE
RELATING TO HOUSING: LICENSING RENTAL
HOUSING UNITS: REQUIRING DISCLOSURE AT
TIME OF SALE: AMENDING CRYSTAL
CODE, SECTION 425

THE CITY OF CRYSTAL ORDAINS:

Section 1. Crystal City Code, Section 425 is amended to read:

Section 425 - Housing Maintenance Code

425.01. Short Title. This section may be cited as "The City of Crystal Housing Maintenance Code", or the "Housing Code".

425.03. Policy: Purpose: Intent. Subdivision 1. Policy. It is the policy of the City of Crystal to enhance the supply of safe, sanitary and adequate housing for its citizens and to prevent the deterioration of existing housing in the City.

Subd. 2. Purpose. The purpose of the Housing Maintenance Code is to carry out the policy stated in Subdivision 1 by establishing minimum standards, and procedures for their enforcement consistent with the right to personal privacy, for the protection of life, limb, health, property, safety, and welfare of the general public and the owners and occupants of residential buildings.

Subd. 3. Objectives. The objectives of this Code include, but are not limited to, the following:

- (a) Protection and preservation of the stability and residential character of residential areas in the City.
- (b) The prevention and correction of housing conditions ~~which~~ that adversely affect the life, safety, health and general well being of persons occupying dwellings in the City.
- (c) The establishment of minimum standards for light, ventilation, cooling, heating and sanitary equipment necessary to insure the health and safety of occupants of dwellings.
- (d) The establishment of minimum standards for the maintenance of residential dwellings, both owner occupied and rental dwellings.
- (e) The prevention of the emergence of blighted and deteriorating housing in the City.
- (f) The prevention of overcrowding of rental dwellings.
- (f) (g) The preservation of the value of land and buildings in the City.

Subd. 4. Intent: Relation to the Provisions of City Code. The City Council intends that the Housing Maintenance Code be an integral part of the City's program of health, safety, building, and land use regulation. This Code is to be construed liberally in conjunction with other provisions of the City Code to give effect to the policy, purpose, and objectives of this section, but is not to be construed to modify, amend or otherwise alter the provisions of the City Code relating to health, safety, building or land use regulation.

425.05. Adoption of Uniform Housing Code by Reference. Subdivision 1. Code Adopted. Chapters 4, 5, 6, 7, 8, 9 and 10 of the Uniform Housing Code, 1976 1988 Edition (the "Uniform Housing Code") published by the International Conference of Building Officials is, except as modified or amended herein, adopted by reference and is made a part of this Code as if fully set out at length.

Subd. 2. Copy on File. One copy of the Uniform Housing Code, together with a copy of this Code, each marked "Official Copy", ~~shall~~ must be kept on file in the office of the City Clerk and available for public inspection. The Clerk and the Building Inspector ~~shall~~ must keep a reasonable number of additional copies of the Uniform Housing Code and this Code available for use and inspection by the public at reasonable times.

425.07. Definitions. Subdivision 1. General. For purposes of this Code the terms defined in this section have the meanings given them.

Subd. 2. "Dwelling" means a building or a portion of a building designed for residential occupancy: the term includes single family, two family and multiple family dwellings but does not include hotels, motels and boarding houses.

Subd. 3. "Dwelling unit" means (i) a single family dwelling and (ii) a discrete portion of a dwelling designed for occupancy by one family.

Subd. 4. "Common Areas" means halls, corridors, passageways, utility rooms, recreational rooms and extensive landscaped areas, not under the exclusive control of one person or family, in or adjacent to a multiple dwelling.

Subd. 5. "Owner", "owner-operator", or "operator" means any person, firm or corporation who alone or jointly or severally with others is in actual possession of or has charge, care or control of ~~any a~~ a dwelling or dwelling unit ~~within in~~ in the City as owner, employee or agent of the owner or as trustee or guardian of the estate or the person of the title holder, and such person is bound by the provisions of this Code to the same extent as the owner.

Subd. 6. "Repair" means to restore to a sound acceptable state of operation, serviceability or appearance.

Subd. 7. "Replace" means to remove an existing item or portion of a system and to construct or install a new item of similar or new quality as an existing item when new when repair of the item is impractical.

Subd. 8. "Code" or "this Code" means the Housing Maintenance Code; "City Code" means the Crystal City Code of Ordinances; "Building Code" means Chapter IV of the City Code; "Zoning Code" means the City Code, Appendix I, Section 515.

Subd. 9. "Housing Official" means the City officer or officers in the Department of Protective Inspection and other City departments designated by the City Manager to administer this Code.

Subd. 10. The terms "compliance official" and "corporation counsel" where those terms are used in the Uniform Housing Code mean the City Manager and the City Attorney, respectively.

Subd. 11. Relation to Other Code Definitions. Except as expressly provided in this Code, words, terms, and phrases used in this Code have the meanings given them by the City Code. In cases where conflicting definitions of a word, term, or phrase make its precise meaning unclear in its application to particular facts, the City Manager is authorized to resolve the conflict subject to the provisions of Subsection 425.27 relating to appeals.

425.09. Application. Subdivision 1. General. This Code applies to buildings, their premises, accessory structures thereto, and dwelling units therein, used or designed to be used for human habitation.

Subd. 2. Existing Buildings. A building lawfully existing under the Building Code ~~shall~~ must conform to this Code. A building need not be altered or changed to exceed the requirements of the Building Code in effect at the time of its construction, except in the following cases:

- (a) if the building is altered or enlarged pursuant to the Building Code;
- (b) if the building is moved or relocated; or
- (c) if the building is determined to be unsafe or hazardous by the Building Inspector pursuant to the Building Code or State Law.

Occupancy in buildings lawfully existing under the Building Code may be continued under this Code.

425.11. Duties of Owners and Occupants. Subdivision 1. Sanitation. The occupant of a dwelling or dwelling unit ~~shall~~ must maintain in a clean and sanitary condition that part of the dwelling, dwelling unit and yard ~~which he~~ that the occupant occupies and controls; and ~~shall be~~ is responsible for ~~his~~ the occupant's own misuse of areas and facilities available in common. The owner or operator of a two-family dwelling or multiple dwelling ~~shall~~ must maintain in a clean and sanitary condition the shared or public areas of the dwelling and yard. The occupant of a dwelling unit ~~shall~~ must keep all supplied facilities, including plumbing fixtures and cooking equipment, in a clean and sanitary condition and is responsible for the exercise of reasonable care in their proper use and operation.

Subd. 2. Removal of Waste Matter. The occupant of a dwelling unit ~~shall~~ must dispose of ~~all~~ rubbish, ashes, garbage and other organic waste in a clean and sanitary manner as provided by Section 605 of the City Code. The owner or operator of a multiple dwelling is responsible for the clean and sanitary maintenance of common storage or disposal facilities and ~~shall~~ must dispose of rubbish in a clean and sanitary manner as provided in Section 605 of the City Code.

Subd. 3. Pest Extermination. The occupant of a single dwelling unit is responsible for the extermination of vermin infestations or rodents on the premises. The occupant of a dwelling unit in a building containing more than one dwelling unit is responsible for such

extermination when the dwelling unit is infested. When infestation is caused by the failure of the owner or occupant to maintain a building containing dwelling units in a reasonably rodent-resistant or reasonably vermin-resistant condition, pest extermination is the responsibility of the owner or operator. After extermination, it is the responsibility of the owner or occupant, as the case may be, to correct such maintenance or other problems as designated by appropriate City officials to eliminate the source of the infestation. If infestation exists in two or more dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, pest extermination is the responsibility of the owner or operator.

Subd. 4. Heat. The owner or operator of ~~every~~ ¹⁰⁰ a building containing two or more dwelling units ~~shall~~ must supply facilities capable of providing adequate heat to every habitable room therein; for purposes of this subdivision "adequate heat" means heat sufficient to maintain a temperature of 65° Farenheit at a height of three feet above the floor in all habitable rooms, bathrooms, and water closet compartments.

Subd. 5. Utilities. Except as otherwise provided by law, ~~no~~ ¹⁰⁰ ~~an~~ owner, operator or occupant ~~shall~~ may not cause ~~any~~ service equipment or utility service ~~which that~~ is required ~~pursuant to by~~ this Code to be removed, shut off or discontinued for any occupied dwelling let or occupied by ~~him~~ that person, except for such temporary interruption as may be necessary while actual repairs or alterations are in process or during temporary emergencies.

Subd. 6. Transfer of Responsibility. A contract between owner and operator, operator and occupant, or owner and occupant, with regard to compliance with this Code, does not relieve the owner or operator of ~~any~~ a duty imposed by this Code.

Subd. 7. Notice of Maximum Occupancy. An owner or operator ~~shall~~ must advise the occupant, in writing, by insertion in the lease between the parties or otherwise, of the maximum number of occupants permitted in occupied premises subject to this Code.

425.12. Sale of Property: Certificate of Inspection. Subdivision 1. Application. The owner of a dwelling must, prior to the execution of a document providing for the conveyance of the dwelling, furnish to the prospective buyer thereof, and obtain from the buyer a signed receipt therefor, a copy of a Certificate of Compliance issued by the Housing Official within one year preceding the date of the execution of the document of conveyance.

Subd. 2. Form of Certificate. The Housing Official must issue a Certificate of Compliance to the owner within 15 days after gaining access to the interior of all structures on the subject property when:

- (a) the owner or the owner's authorized agent has applied in writing to the Housing Official, giving consent to such inspection, and the owner or agent has agreed to a time during normal City working hours at which the subject property will be available for inspection, and has paid the inspection fee set forth in Appendix IV; and
- (b) the Housing Official has inspected the structure and grounds and has noted any conditions found during the inspection which are in violation of the City Code.

Subd. 3. Compliance. The Certificate of Compliance must contain a Compliance Order if the Housing Official has determined that the issuance of an order is required. The owner is responsible for the corrections required by the Compliance Order.

Subd. 4. Alternative Procedure; Disclosure. As an alternative to the Certificate of Compliance described in Subdivision 1, the owner of a single or two-family dwelling may provide to a prospective buyer at the date of execution of any document providing for the conveyance of such a building a written disclosure statement on a form provided and completed by the Housing Official, setting forth those conditions in the building which, if not corrected, will constitute a major structural defect or an immediate danger to the health and safety of the occupant, or which if not corrected will constitute a violation of this Code. In such a case, the buyer is presumed to have purchased with notice of such condition and is responsible for the corrective action required by a Compliance Order.

Subd. 5. Certificates: Disclosure Statements: Filing. A copy of the Certificate of Compliance or disclosure statement must be filed with the Housing Official. A prospective buyer may not occupy a dwelling unit that is the subject of a Compliance Order until the filing has been made. If the owner or buyer files an affidavit with the Housing Official setting forth the date by which the corrective action directed by the Compliance Order will be completed, occupancy is permitted pending completion of the corrective action specified in the Compliance Order unless the dwelling unit has been declared unfit for human habitation pursuant to Subsection 425.25.

Subd. 6. Effect of Certificate or Statement. Nothing in the Certificate of Compliance or the disclosure statement described in Subdivision 4 is to be construed as a representation by the City or the Housing Official that the dwelling meets minimum housing and building standards of the City.

Subd. 7. Prohibition. It is unlawful for an owner to convey a dwelling without providing to the buyer a Certificate of Compliance or a disclosure statement as required by this section. This section does not apply to conveyances to a public body, conveyances by a public or court officer in the performance of the officer's duties, or conveyances by a person acting under the direction of court order, except for conveyances ordered by a probate court.

425.13. Administration, Enforcement; Inspection. Subdivision 1. Administration and Enforcement. The City Manager is responsible for the administration and enforcement of this Code and the supervision of the Housing Official.

Subd. 2. Compliance. When the Housing Official determines that there exists in a building or any a portion thereof conditions which that constitute a violation of this Code, he may issue a compliance order setting forth the nature of the violations and ordering the owner or occupant as the case may be to correct the conditions. A compliance order shall:

- (a) be in writing;
- (b) be served personally or by certified mail, or if the address of the owner or occupant cannot be determined, posted in a conspicuous place in or about the building involved;
- (c) describe in specific terms the location and nature of condition in need of correction and the nature of corrective action needed; and
- (d) state that the condition is to be corrected within a reasonable time as set forth in the notice.

~~If upon the expiration of the time for compliance set forth in the notice the required corrective action has not been taken, the Housing Official shall may enforce the order as in the case of violations of the Building Code.~~

the Housing Official may begin enforcement procedures under Subsection 425.25.

425.15. (Repealed: Ord. No. 79-4, Sec. 1)

425.16. Licensing of Rental Units. Subdivision 1. General Rule. It is unlawful to operate a rental dwelling without first having obtained a license. The license is issued each year and expires on the anniversary date of issuance. An application for license renewal must be filed at least 90 days prior to license expiration date.

Subd. 2. Application. This subsection establishes minimum standards for maintaining rental dwellings, dwelling units, accessory structures and related premises. A building and its premises used in whole or in part as a home or residence, or as an accessory structure thereto, for a single family or person, and a building used in whole or in part as a home or residence of two or more persons or families living in separate units must conform to the requirements of this section without regard to when the building may have been constructed, altered, or repaired. This subsection is intended to provide standards for licensed rental housing and to provide standards to allow resolution of complaints regarding licensed rental housing.

Subd. 3. License. Subdivision 1. Fees. License fees are due 60 days prior to the license expiration date. In the cases of new unlicensed dwellings, license fees are due upon issuance of the certificate of occupancy. In the cases of licensing periods of less than two years, license fees are prorated monthly. License fees are set in Appendix IV.

Subd. 4. Conditions. A delinquency penalty of 5% of the license fee for each day of operation without a valid license will be charged operators of rental dwellings. A license is nontransferable. The license fee is not refundable upon revocation or suspension. The license fee is refundable, prorated monthly, upon proof of transfer of legal control or ownership.

Subd. 5. Licensing Phase-In Policy. Commencing on _____, 1991, initial licensing inspections will begin according to inspection areas established by the Housing Official. Rental properties will receive initial inspections to receive licensing no later than _____, 1992.

Subd. 6. Application. Subdivision 1. Information. Applications for a license or renewal of a license must be made by the owner of a rental unit. Application forms are filed with the Housing Official. The applicant must supply:

- (a) name, address, and telephone number of dwelling owner, owning partners if a partnership, corporate officers if a corporation;
- (b) name, address and telephone number of designated resident agent, if any;
- (c) name, address and telephone number of vendee, if the dwelling is being sold through a contract for deed;
- (d) legal address of the dwelling;

- (e) number of dwelling units within the dwelling; and
- (f) description of procedure by which tenant inquiries and complaints are to be processed.

Subd. 7. Notice of Change. The licensee must give notice in writing to the Housing Official within five business days after any change of the information in the application. Notice of transfer of ownership is governed by Subdivision 12.

Subd. 8. Resident Agent Required. An operating license will not be issued or renewed for a nonresident owner of rental dwelling units (an owner who does not reside in any of the following Minnesota Counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, or Washington) unless the owner designates in writing the name of a resident agent (an agent who does reside in any of the following Minnesota Counties: Hennepin, Ramsey, Anoka, Carver, Dakota, Scott, or Washington) who is (i) responsible for maintenance and upkeep, (ii) legally constituted and empowered to receive service of notice of violation of the provisions of the City ordinances, to receive orders and to institute remedial action to effect such orders, and (iii) to accept service or process pursuant to law. The Housing Official must be notified in writing by the owner of a change of resident agent.

Subd. 9. Conformance to Laws. An operating license will not be issued or renewed unless the rental dwelling unit and its premises conform to this section, the ordinances of the City and the laws of the State of Minnesota.

Subd. 10. Inspection Condition. An operating license will not be issued or renewed unless the owner of the rental unit agrees in the application to permit inspections pursuant to Subdivision 16.

Subd. 11. Posting of License. The licensee of a building containing three or more dwelling units must conspicuously post the current license in the main entry way or other conspicuous location in a frame with a glass or plastic cover.

Subd. 12. Transfer. The licensee must give notice in writing to the Housing Official within five business days after having legally transferred or otherwise disposed of the effective control of licensed rental dwelling. The notice must include the name and address of the person succeeding to the ownership or control of the rental dwelling or dwellings. For purposes of this subsection the term "effective control" means that control exercised over property by a business proprietor, whether as owner or lessee or by an owner or lessee of other property.

Subd. 13. Occupancy Register Required. The owner of a licensed rental dwelling containing one or more dwelling units must keep a current register of occupancy for each dwelling unit. The register must provide the following information:

- (a) dwelling unit address;
- (b) number of bedrooms in dwelling unit;
- (c) names of adult occupants and number of adults and children (under 18 years of age) currently occupying the dwelling units;
- (d) dates renters occupied and vacated dwelling units;

- (e) a chronological list of complaints and requests for repair by dwelling unit occupants, which complaints and requests are related to the provisions of this section; and
- (f) a similar chronological list of corrections made in response to requests and complaints.

The register must be available for viewing or copying by the Housing Official at reasonable times.

Subd. 14. License Suspension or Revocation. An operating license is subject to suspension or revocation by the Council if the licensed owner fails to operate or maintain licensed rental dwellings and units therein consistent with this section and the law. If an operating license is suspended or revoked by the Council, it is unlawful for the owner to permit new occupancy of vacant rental units until a valid operating license is issued by the Council.

Subd. 15. Enforcement: Inspection Authority. The Housing Official administers and enforces the provisions of this subsection. The Housing Official may inspect on complaint, change in ownership, or otherwise when reason exists to believe that a violation of this subsection has been or is being committed. Inspections must be conducted during reasonable daylight hours. The Housing Official must present evidence of official authority to the occupant in charge of a licensed dwelling unit.

Subd. 16. Inspection Access. If an owner, occupant, or other person in charge of a dwelling unit licensed under this section fails or refuses to permit free access and entry for inspection purposes, the Housing Official may, upon a showing of probable cause, obtain orders from a court of competent jurisdiction for the inspection.

425.17. Minimum Requirements; Implementation Standards; Policies. Subdivision 1. Minimum Requirements. The minimum requirements imposed by this Code include those standards or requirements in effect on the date of the construction of a building subject to this Code. and It is not the intention of this Code to require all buildings to be upgraded to meet all requirements of the present Building Code.

Subd. 2. Implementation Standards. In administering this Code, the Housing Official shall will treat the following as conditions constituting an immediate hazard to health and safety:

- (a) heating systems that are unsafe due to: burned out or rusted out heat exchangers (fire box); burned out or plugged flues; not being vented; being connected with unsafe gas supplies; or being incapable of adequately heating the living space;
- (b) water heaters that are unsafe due to: burned out or rusted out heat exchangers (fire box); burned out, rusted out, or plugged flues; not being vented; being connected with unsafe gas supplies; or lack of temperature and pressure relief valves;
- (c) electrical systems that are unsafe due to: dangerous overloading; damaged or deteriorated equipment; improperly tapped or spliced wiring; exposed uninsulated wires; distribution systems of extension cords or other temporary methods; ungrounded systems; ungrounded appliances in contact with earth;

- (d) plumbing systems that are unsanitary due to: leaking waste systems fixtures and traps; lack of a water closet; lack of washing and bathing facilities; or cross connection of pure water supply with fixtures or sewage lines;
- (e) structural systems, walls, chimneys, ceilings, roofs, foundations, and floor systems, that will not safely carry imposed loads;
- (f) refuse, garbage, human waste, decaying vermin or other dead animals, animal waste, other materials rendering it unsanitary for human occupancy, including lack of light and air;
- (g) infestation of rats, insects, and other vermin.

Subd. 3. Implementation Policies. The City Council ~~shall~~ will, upon recommendation of the City Manager after consultation with the Environmental Quality Commission, adopt by resolution policies and guidelines for the implementation and administration of this Code. These policies and guidelines ~~shall~~ must include, but are not limited to, standards and guidelines relating to:

- (a) procedures for housing inspections;
- (b) proper disposition of information gathered in connection with housing inspections;
- (c) conditional occupancy of housing during periods needed for compliance;
- (d) methods of encouraging the correction of deficiencies by cooperation between owner and proposed and current occupants.

425.19. Reporting: Forms: Records. The Housing Official ~~shall~~ must prepare ~~such~~ forms and certificates ~~as are~~ necessary to carry out the provisions of this Code. ~~He shall~~ The Housing Official must, in cooperation with the City and the Crystal Economic Development Housing and Redevelopment Authority (EDA) staffs, design appropriate systems of accumulating or organizing and cataloging data relating to the condition, adequacy, and availability of residential housing in the City and ~~shall~~ must report on these matters from time to time to the Authority EDA and at its request. The Official's report ~~shall~~ must also contain his recommendations for modifications in the provisions of this Code and its administration.

425.21. Hazardous Conditions: Built-In Deficiencies: Procedure. Subdivision 1. Procedure. ~~When If~~ the Housing Official determines that there exists in any a building a condition ~~which~~ that constitutes an immediate hazard to the health and safety of its occupants, ~~he~~ the official may:

- (a) issue a compliance order requiring immediate compliance if the condition can reasonably be corrected;
- (b) proceed against the building pursuant to applicable state laws relating to hazardous or unsafe structures; or
- (c) recommend that the City Council proceed to correct the condition by abating it as a nuisance under Minnesota Statutes, Section 429.101, and this ~~section shall~~ clause is to be construed as authorizing the imposition and billing of charges for the cost thereof and the assessment of ~~any such~~ unpaid charges against the property on which the building is located in the manner provided by Minnesota Statutes, Section 429.101.

Subd. 2. Built-In Deficiencies. It is hereby determined that certain conditions within existing buildings, lawful at the time of the construction of the building, may not comply with the minimum requirements of this Code. Such conditions are herein referred to as "built-in deficiencies", and the Housing Official, in administering this Code, shall must consider the following built-in deficiencies as being beyond reasonable correction:

- (a) Ceiling Heights: An existing habitable room with less than a 7 seven foot 6 six inch ceiling height.
- (b) Superficial Floor Area: An existing habitable room of less than 90 square feet.
- (c) Natural Light and Ventilation: An existing habitable room with window area less than 10% of the floor area; provided, however, that in no case may the required area of light and ventilation be less than 5% of the floor area.

~~425.23. Appeals: Stay of Compliance Order. Subdivision 1. Procedure. Any A person aggrieved by a compliance order issued pursuant to this Code may appeal the order to the Board of Adjustments and Appeals established by Section 305 _____ of the City this Code pursuant to rules and procedures established by the Board pursuant to that section. Except in cases where the compliance order requires immediate compliance, the appeal shall stay the effect of the order until determination of the appeal.~~

~~Subd. 2. Action on Appeal. The Board of Adjustments and Appeals may affirm the compliance order or it may modify the order in any particular way and attach such conditions to the order as it deems necessary and reasonable to carry out the policy, purpose and objectives of this Code. The Board may consider evidence as to financial hardship, the availability of governmental grants or loans to the appellant for compliance, or any other mitigating facts presented to it.~~

425.25. Inspections. Subdivision 1. Records. Inspections must be conducted during reasonable hours. The Housing Official must present evidence of authority to the owner or occupant in charge of a dwelling unit. Subject to the provisions of law, the Housing Official must keep evidence, exclusive of the inspection records, discovered or obtained in the course of an inspection confidential.

Subd. 2. Unfit for Human Habitation. A dwelling, dwelling unit or rooming unit or portion thereof that is damaged, decayed, dilapidated, unsanitary, unsafe, vermin or rodent infested or which lacks provision for basic illumination, ventilation or sanitary facilities to the extent that the defects create a hazard to the health, safety or welfare of the occupants or of the public may be declared unfit for human habitation. If a dwelling, dwelling unit or rooming unit has been declared unfit for human habitation, the Housing Official must order the same vacated within a reasonable time and post a placard on same indicating that it is unfit for human habitation. A operating license previously issued for such dwelling will be revoked pursuant to law.

Subd. 3. Correction. It is unlawful for a dwelling, dwelling unit or rooming unit or portion thereof to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the Housing Official. It is unlawful to deface or remove the declaration placard from a dwelling, dwelling unit or rooming unit.

Subd. 4. Secure Unfit and Vacated Dwellings. The owner of a dwelling, dwelling unit, or rooming unit that has been declared unfit for human habitation or that is otherwise vacant for a period of 60 days or more must make the same safe and secure so that it is not

hazardous to the health, safety and welfare of the public and does not constitute a public nuisance. A vacant dwelling open at doors, windows, or wall opening, if unguarded, is deemed to be a hazard to the health, safety and welfare of the public and a public nuisance within the meaning of this Section.

Subd. 5. Hazardous Building Declaration. If a dwelling has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the dwelling may be declared a hazardous building and may be removed, razed or corrected pursuant to the provisions of Minnesota Statutes, Sections 463.15 to 463.26.

Subd. 6. Compliance Procedure. Subdivision 1. Order. If the Housing Official determines that a rental dwelling, rental dwelling unit or rooming unit or portion thereof is in violation of an order or this Code, the Housing Official may issue a Compliance Order setting forth the violations of such and ordering the owner occupant, operator or agent to correct such violation. The Compliance Order must:

- (a) be in writing;
- (b) describe the location and nature of the violations of this section;
- (c) establish a reasonable time for the correction of the violation and notify the owner of appeal procedures;
- (d) be served upon the owner, the owner's agent, or the occupant, as the case may be: the notice is deemed to be properly served upon owner or agent, or upon any such occupant, if a copy thereof is:
 - (i) served upon the owner or agent; or
 - (ii) sent by registered mail to the owner or agent's last known address; or
 - (iii) upon failure to effect notice through (a) or (b) as set out in this section, service may be made pursuant to Minnesota Statutes, Section 463.17, Subd. 2, which reads as follows:

"Service. This order shall be served upon the owner of record, or his agent if an agent is in charge of the building, and upon the occupying tenant, if there is one, and upon all lien holders of record, in the manner provided for service of a summons in a civil action. If the owner cannot be found, the order shall be served upon them by posting it at the main entrance to the building and by four weeks' publication in the official newspaper of the municipality if it has one, otherwise in a legal newspaper in the county"; or
 - (iv) pursuant to Minnesota Statutes, Section 145A.04.

425.27. Appeals. Subdivision 1. Board of Appeals. There is created a Board of Appeals (Board) to hear appeals authorized by this subsection. The Board consists of five members who are residents of the City and are appointed by the Council as follows:

- (a) one member who is actively engaged in the building trades;
- (b) one member who is a real estate agent or real estate broker but who is not an owner of residential rental property;

- (c) one member who is an owner of residential rental property;
- (d) one member who is a tenant in residential rental property; and
- (e) one member who is a homeowner.

Members serve for a term of three years and until their successors are appointed and qualify. The decisions of the Board are advisory to the City Council.

Subd. 2. Right of Appeal. When it is alleged by a person to whom a Compliance Order is directed that the Compliance Order is based upon erroneous interpretation of this Section or upon a misstatement or mistake of fact, that person may appeal the Compliance Order to the Board of Appeals. The Board must forward their recommendation to the City Council. The appeal (i) must be in writing, (ii) must specify the grounds for the appeal, and (iii) must be filed with the Housing Official within five business days after service of the Compliance Order. The filing of an appeal stays proceedings in furtherance of the action appealed from unless such a stay in the judgment of the Housing Official would cause imminent peril to life, health or property.

Subd. 3. Board of Appeal's Decision. Upon at least ten days' notice to the appellant of the time and place for hearing the appeal and within 30 days after the appeal is filed the Board of Appeals must hold a hearing thereon. The Board of Appeals may recommend to the City Council that the order be reversed, modified or affirmed in whole or in part. The Council's disposition of this appeal is final.

425.29. Restrictions on Transfer of Ownership. It is unlawful for the owner of a dwelling, dwelling unit or rooming unit upon whom a Compliance Order has been served to sell, transfer, mortgage or lease or otherwise dispose the dwelling, dwelling unit or rooming unit to another person until the Compliance Order has been complied with, unless the owner furnishes to the grantee, lessee or mortgagee a true copy of any notice of violation or Compliance Order and obtains and possess a receipt of acknowledgement. A person obtaining an interest in the dwelling, dwelling unit or rooming unit who has received notice of the existence of a Compliance Order is bound by the order without further notice and is subject to the penalties and procedures provided by this section.

425.31. Execution of Compliance Orders. Upon failure to comply with a compliance order within the time set therein, and no appeal having been taken, or upon failure to comply with a modified compliance order within the time set therein, the criminal penalty established hereunder notwithstanding, the City Council after due notice to the owner may by resolution cause the cited deficiency to be remedied as set forth in the Compliance Order. The cost of such remedy is a lien against the subject real estate and may be levied and collected as a special assessment in the manner provided by Minnesota Statutes, Chapter 429, for any of the reasons set forth in Section 429.101, Subdivision 1, and specifically for the removal or elimination of public health or safety hazards from private property. The assessment will be payable in a single installment. It is the intent of this section to authorize the City to utilize all of the provisions of Section 429.101 to promote the public's health, safety and general welfare.

~~425.29.~~ 425.33. Violations: Penalties. Subdivision 1. General. ~~No person may~~ It is unlawful to erect, construct, enlarge, alter, repair, move, improve, equip, use, occupy or maintain any building or structure within the City contrary to the provisions of this Code.

Subd. 2. Non-Compliance. Failure to comply with a lawfully issued compliance order is a violation of this Code.

Sec. 2. The fees for the various licenses and permits required by this ordinance are embodied in Resolution 91-_____. The Clerk is authorized and directed to include those fees in Appendix IV to the City Code.

Sec. 3. This ordinance is effective on _____, 1991. Subsection 425.16 is effective on _____, 1991; Subsection 425.17 is effective on _____, 1991.

Mayor

Attest:

City Clerk

M E M O R A N D U M

DATE: April 24, 1991

TO: Jerry Dulgar, City Manager

FROM: Bill Barber, Building Inspector
Anne Norris, Community Development Director *an*

SUBJECT: Housing Code

Enclosed is the latest draft of the Housing Maintenance Code Ordinance. This draft is essentially in the form recommended by the Planning Commission. Where words are underlined, they are additions to the original ordinance and where words are crossed out, the original language was recommended to be deleted.

As you recall, the Environmental Quality Commission drafted the original version of this ordinance. Their proposed draft was forwarded to the Planning Commission. The Planning Commission reformatted this draft so that it conformed to the format of existing Section 425 of the City Code. The Planning Commission spent months reviewing on the draft code and held several public informational meetings on both the rental licensing and point of sale inspection requirements of the code. The Economic Development Authority Advisory Commission also reviewed the proposed ordinance and recommended its adoption. The three main areas that have been included in the ordinance are:

- a. Inspections required at the time of sale for all residential structures in the City;
- b. Licensing (this includes an annual inspection) for all rental properties in the City; and
- c. An appeal process applicable to any portions of the Housing Maintenance Code.

Below is a brief outline of the components of the ordinance.

Section 425.03, Subd. 3 outlines the objectives of the code regarding both point of sale inspections and rental licensing.

Section 425.07 contains definitions of dwelling, dwelling units, common areas, housing official, and related items regarding compliance orders.

Section 425.09 explains that the ordinance requires existing buildings to conform to the codes that were in effect at the time the building was constructed or most recently altered.

Section 425.11 outlines the duties of both the owners and occupants of residential property. This section addresses issues of sanitation, removal of waste matter, pest extermination, heat, and utilities. This section also addresses maximum occupancy for rental properties only.

Section 425.12 establishes point of sale inspections for all residential properties.

Subdivision 4 provides an alternative whereby required repairs may be disclosed by the seller and completed by the buyer within a specific time period.

Subdivision 7 of this section prohibits the sale of a residential structure without a point of inspection by the housing official.

Section 425.13 addresses issues of administration and enforcement of the point of sale inspections.

Section 425.16 establishes annual licensing of all rental units in the City.

Subdivision 5 of this section addresses the phasing in of rental licensing. At this point there is no schedule for phasing in licensing of rental units. I anticipate that phasing in would occur over a one year period beginning January 1, 1992.

Subdivision 13 of this section requires all owners of rental dwelling units to maintain a register of all occupants residing in the rental units.

Section 425.17 contains minimum requirements and implementation standards for the code.

Subdivision 2 of this Section specifies conditions that all buildings must meet regarding heating systems, water heaters, electrical systems, plumbing systems, structural systems, cleanliness and pest control.

Section 425.19 addresses forms and keeping records of inspections and compliance.

Section 425.21 addresses how the housing official is to handle buildings that have deficiencies which constitute hazardous conditions.

Section 425.27 creates a Board of Appeals to hear appeals to any portions of the code. The proposed Board would consist of five (5) members who are residents of the City and are appointed by the Council. The members include a person who is actively engaged in the building trades, a person who is a real estate agent or broker but is not an owner of residential rental property, a person who is an owner of residential rental property, a person who is a tenant in residential rental property, and a person who is a home owner. All five members would serve for a term of three (3) years and the Board would be advisory to the City Council.

The Planning Commission felt that this Board was too cumbersome and would not be able to meet to respond promptly to appeals. The Planning Commissioners also were concerned by potential costs and time required by creating and staffing an additional advisory board. The Planning Commission recommended the Appeal Process occur with City staff and the final decision be at the City Council level to allow for prompt resolution of disputes and appeals. The Planning Commission recommended that any appeals or disputes first be presented to the housing official's immediate supervisor and/or the head of the department (Community Development). If no satisfaction occurs at that level, the appeal would be referred on to the City Manager and City Council for final action. The Economic Development Authority Advisory Commission endorsed the Planning Commission's proposed appeal process and also suggested the Council could always create a Board of Appeals at a later date if it determines a need for such a body.

The Planning Commission also noted if the Council feels strongly that there needs to be a formal Board to handle these appeals that an existing Board be used rather than creating a new one.

Section 425.29 prohibits the transfer of property without resolution of the compliance order by either the buyer or seller.

Section 425.31 addresses execution of compliance orders.

Section 425.33 addresses violations and penalties for violating provisions of the Code.

Section 3 establishes fees for the licenses and inspections required by this Code.

The Planning Commission recommended that the Housing Maintenance Code program be self-supporting. The Planning Commission also suggested that, if possible, Crystal cooperate with adjacent communities to perform and provide the inspections.

Enclosed is a draft fee structure for both point of sale inspections and rental licensing. The inspection fees are based on estimated time for an average inspection (an initial inspection, one follow-up inspection and time for processing the necessary paperwork). The cost and revenues of both the point of sale inspections and rental licensing will have to be monitored to ensure that the programs are self-supporting.

The proposed fees for both point of sale inspections and rental licensing are:

\$65.00 for single family homes
\$80.00 for duplexes and triplexes
\$90.00 per building for multi-dwelling units
plus \$5.00 per unit.

The costs and revenues of the programs will have to be monitored to ensure the programs are self-supporting.

If the code is adopted, it is recommended that several informational meetings be held before the code is in effect. The purpose of these meetings is to explain the elements of the code and try to answer any questions about requirements of the code.

For your information, enclosed is a letter from the Minneapolis Area Association of Realtors opposing the point of sale inspection provision of the draft code.

ALN:jt

cc: Bill Barber, Building Inspector
Encl.

POINT OF SALE INSPECTIONS & RENTAL LICENSING/INSPECTIONS

PROPOSED FEES

Single Family Homes	\$65.00
Duplexes, Triplexes	80.00
Multiples	90.00 per building plus \$5 per unit.

PROPOSED BUDGET

	<u>Expenses</u>	<u>Revenues</u>
Inspector*	\$43,779.00	
Clerk**	11,837.00	
Admin. Expenses***	4,000.00	
Point of Sale Inspections		
Single Family		\$19,045.00
Duplexes, Triplexes		560.00
Multiples		240.00
Rental Licensing		
Single Family		\$19,500.00
Duplexes, Triplexes		5,800.00
Multiples		14,540.00
<hr/>		
Total	\$59,616.00	\$59,725.00

* Inspector's Hourly Rate (includes benefits) \$25.00

**Clerk's Hourly Rate (includes benefits) 15.00

***Administrative Costs including printing,
training, mileage, etc.

ASSUMPTIONS

Single Family Structure Inspections:

2 hours inspector's time (initial & follow-up inspections)
1 hour clerk's time

Duplexes, Triplexes Inspections:

2.5 hours inspector's time (initial & follow-up inspections)
1.3 hours clerk's time

Multiple Family Structure Inspections:

1 hour/building plus 10 minutes per unit
inspector's time
1.6 hours clerk's time

1990 Sales - Residential Structures

293 Single Family
7 Duplexes, Triplexes
1 Multiples

Rental Units in Crystal

300 Single Family
73 Duplexes, Triplexes
59 Multiples (1,8.46 total Units)



MINNEAPOLIS AREA ASSOCIATION OF REALTORS®

5750 Lincoln Drive, Minneapolis, Minnesota 55436-1694 • 612/933-9020

April 11, 1991

Anne Norris
Community Development Director
Crystal City Hall
4141 Douglas Drive
Crystal, MN 55422

Dear Ms. Norris:

The Minneapolis Area Association of REALTORS® has considered the issue of maintaining a safe and healthy housing stock the past several years. Our members originally testified before your Environmental Quality Commission in 1989. We have followed the issue through the Crystal Planning Commission. We have written to members of the Planning Commission, the City Council and Mayor Herbes explaining our position. See attached position statement.

The Association believes in maintaining a healthy housing stock as a strong component of our quality of life in the Minneapolis area. We are aware of the aging of the housing stock and the changing demographics. However, we do not believe that mandatory code compliance when tied directly to time of sale is an equitable method for correcting housing problems.

Only a small percentage of homes are offered for sale in any given year. For example in 1990 264 homes were sold in Crystal out of a total of 7,446 single family housing units, a 3.5% turnover rate. At this rate it would take more than 28 years to inspect Crystal's housing stock even assuming the unlikely situation where each housing unit turns over only once.

The Association does recognize the need to eliminate specific health and safety hazards at the time of sale. We can understand and support the concept of mandatory code compliance at the time of sale for specified health and safety hazards as long as the list of these items is well defined and code compliance is limited to these items.

The city of Hopkins is considering a truth in sale ordinance by independent truth in housing inspectors at time of sale with mandatory code compliance for those items considered to be health or safety violations. We recommend that an ordinance of this type be seriously considered by Crystal.

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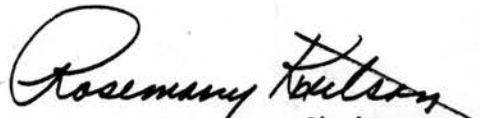
We are interested in sharing our concerns about your present proposal and our reasons for preferring the Hopkins proposal with you.

Please contact either Rosemary Knutson, Chairwoman of the Governmental Affairs Committee (545-5000) or Bill Gerst, staff vice president at the Association (933-9020) to discuss this matter further.

Sincerely,



Sandy Patterson
President



Rosemary Knutson, Chairwoman
Governmental Affairs Committee

enc: Association position statement on time of sale housing ordinances



REALTOR®

MINNEAPOLIS AREA ASSOCIATION OF REALTORS®

Organized In 1987

5750 Lincoln Drive, Minneapolis, Minnesota 55436-1694 • 612/933-9020

The Board of Directors of the Minneapolis Area Association of REALTORS® has approved the following policy concerning local truth in housing/code compliance issues.

"A primary concern of the Minneapolis Area Association of REALTORS® is a healthy housing stock. This is especially true at a time when the majority of housing in our cities and inner ring suburbs shows increasing signs of age.

However, the Association does not believe that point of sale housing inspections/requirements effectively assist the community in maintaining a healthy, affordable housing market. Point of sale inspections affect only the small percentage of homes that are sold each year (3%-5% in most areas). Most problems houses are not for sale at any given time. To increase its effectiveness, the city should direct its efforts at these problem properties, rather than only focus on point of sale inspections.

This can be accomplished by general inspection sweeps of housing exteriors, responding to individual complaints about problem properties, and setting up a revolving loan fund to assist homeowners with city maintenance requirements resulting from these inspections. Homeowners would need to qualify for these loans and could repay them when the property is sold unless the homeowner continued to live in the property for a specified time before selling the property.

If there is a point of sale inspection program in the municipality, the Association recommends that it be a truth in housing report by a certified private inspector with mandatory repairs for health and safety hazards identified by the truth in housing report. Either the seller or the buyer could pay for these required repairs at the time of sale. If this proved to be a hardship, the party agreeing to make the repairs would be given a specified period of time to do so."

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Exec. Vice President
William Gerst
Staff Vice President
Judy Puhl
Staff Vice President





Legislative Contact Alert

April 22, 1991

TO: Legislative Contacts

FROM: Nicole Debevec, Communications & Research Director
Roger Peterson, Legislative Affairs Director

RE: Tax plans before the Legislature, Legislative Coordinating Committee action

Please be aware that the situation at the Capitol is very fluid regarding tax programs at this time.

House of Representatives Tax Committee Chair Rep. Paul Ogren, DFL-Aitkin, has floated a tax proposal that would dedicate 1.5 cents of the current 6-cent sales tax to local units of government, provided that the local units approve a 0.5 cent additional local tax increase. The local tax increase is presented as an option, but Ogren has indicated that the areas that do not pass a local tax would not get any of the 1.5 cent pooled money.

Counties would decide whether to establish a two cent local sales tax, which would be collected starting July 1, 1991. The two cents would be placed into the Homestead Credit Trust Fund (HCTF), and is expected to generate about \$1.45 billion in 1992-93. This is a separate fund that would not be invaded for -- or enriched by -- state expenditure.

Because of this dedicated fund, the state would no longer fund city, county and township HACA, LGA, disparty and equalization aids.

During the first year, HCTF dollars would be distributed to local governments based on a formula that combines current aid and property tax relief programs. The 1992 Legislature, using existing research and further analysis, will design a formula for future years.

Local units get the growth in two-cent sales tax trust fund. Local governments manage their finances to see themselves through the swings in the economy. In other words,

when times are good, budgets are good; when times are bad, budgets will not be funded as well.

Counties would have the option not to participate in the HCTF, with an allowance for a 50 percent property tax levy back to make up the difference in lost HCTF revenue.

For participating counties and their cities and special taxing districts in 1992, all levies except Social/Human Services and debt levy would be frozen. Cities under 1,000 population would be exempt. After 1992, levy freezes/limits would be lifted and local units of government would be answerable to their property owners for property tax levy changes. (Some population/household growth may be allowed for 1992.)

The revenues set aside for the HCTF would be about \$1.45 billion in 1992-93, compared to \$1.4 billion spent in state money for non-school property tax relief in 1990-91.

Cities and townships, and counties only for unorganized townships would be able to:

- * levy an additional 1.5 percent on alcoholic beverages;
- * levy up to 6 percent in undedicated lodging taxes;
- * undedicate the local lawful gambling tax; and,
- * allow utility franchise fees.

Before HCTF revenues would be disbursed, the trust fund would:

- * reduce rates on high value homes to 2.5 percent in pay-1992 and 2.0 percent in pay-1993 (\$24 million in '92);
- * reduce rates on high value C/I to 4.85 percent in pay-1992 and 4.75 percent in pay-1993 (\$18 million in '93); and,
- * pay for the governor's \$47 million K-12 education levy (one time only).

All new excess levy referenda would be levied on market value rather than tax value. This would amount to a reduction in excess levy referenda from an estimated \$50 million statewide in 1992 to \$10 million. This would encompass all referenda, including bond elections.

The Legislative Coordinating Committee met April 22, 1991, to decide what AMM's response/reaction should be to Ogren's tax proposal. ***The committee decided to support the concept of the Ogren plan. The committee's support includes concerns about three areas: homestead and C/I buydowns, 1992 levy freeze and future formula rewriting.***

Members said of the various tax plans currently moving through the Legislature, Ogren's plan is the most friendly to cities. Others would involve massive cuts in aid. The committee noted that the Ogren plan monetarily is satisfactory because it does not increase property taxes and has longterm structural changes, such as the dedication of a portion of the revenue stream and the buydown concept. The LCC also noted that this proposal probably would be harder to manipulate in future legislative sessions because it removes the trust fund money from the state budget; and, by allowing counties to enact a new 0.5 cent tax (and its inherent link to the 1.5 cent set-aside), sets up a circumstance in

which local units of government can argue that the Legislature did not create the tax, therefore it cannot touch it.

This plan also directly accomplishes several AMM policy positions. It would eliminate the third tier homestead class without spreading the levy to other property; it would set up a dedicated stream of property tax relief that would rise and fall with the economy; it would maintain a property tax relief system and it would continue the repeal of levy limits for pay-1993 and thereafter.

Although one of the main concerns was the flat levy concept, the inclusion of increases for bonded debt needs and some increase for population or household growth tends to take the sharp edge off when compared to the massive cuts proposed in the other plans.

The LCC directed staff and outside lobbyists to be guided by the committee's concerns and comments when discussing the various tax plans as they work their way through the Capitol.

NORTH METRO MAYORS ASSOCIATION LEGISLATIVE ALERT

THE OGREN TAX PROPOSAL

Information from the press and our lobbyists tell us that the budget balancing situation at the Capitol is very uncertain. The House side appears to be much more flexible and creative at this stage of the process.

Please review the attached Ogren Tax Proposal plan. Request that you share this information with your Mayor and City Council members ASAP and contact the NMMA office by Tuesday, April 30th with your comments and recommendations.

In general, the Ogren proposal is the kindest to cities out of any that have been suggested to date. It's elements include the following:

1. Dedication of 1.5 cents of the current 6 cent sales tax to local units of government - provided that the county pass an additional 0.5 cent sales tax.
2. This new tax would begin being collected July 1, 1991. Two cents of the sales tax would be placed in the Homestead Credit Trust Fund (HCTF). This fund would maintained on a separate basis and would not be invaded for, or enriched by, state expenditure.
3. As a result of this fund, the state would no longer fund city, county and township HACA, LGA, disparity and equalization aids.
4. During the first year, HCTF dollars would be distributed to local governments based on a formula that combines current aid and property tax relief programs. The 1992 Legislature will design the formula for future years.
5. Local units would receive the benefit on any growth in the two-cents sales tax trust fund. Local governments would be responsible for their own financial requirements and would have to see themselves through swings in the economy. For your information, sales tax revenue collections have never suffered a decrease since the initial sales tax law was enacted. In fact, even during recessionary years (1981-82, 1985-86 and current 1991) revenues grew at more then 1.4 percent. This suggests a fairly stable revenue source for local units of government vis-a-vis other alternatives that have been recommended.
6. Counties have the option not to participate in the HCTF. The difference in lost HCTF revenue would be made up with an allowance of a fifty percent property tax levy. (This really isn't an option in the opinion of most people.)

7. In 1992, all levies except Social Services and debt levy would be frozen for participating counties, cities and special taxing districts. Cities under 1,000 would be exempt. After 1992, levy freeze/limits would be lifted and local units of government would be answerable to their respective property owners for property tax levy changes.
8. The revenues from the Ogren proposal would be about \$1.45 billion in 1992-1993, compared to \$1.4 billion spent in state money for non-school property tax relief in 1990-1991.
9. Cities, townships and counties with unorganized townships would be able to:
 - levy up to 6 percent in undedicated lodging taxes, and
 - allow utility franchise fees.
10. Before HCTF revenues would be distributed, the trust fund would:
 - reduce rates on high value homes to 2.5 percent in payable 1992 and 2.0 percent in payable 1993 (\$24 million in 1992),
 - reduce rates on high value C/I to 4.85 percent in payable 1992 and 4.75 percent in payable 1993 (\$18 million in 1993), and
 - pay for the Governor's \$47 million K-12 education levy (one time only).
11. All new excess levy referenda would be levied on market value rather than tax value. This would amount to a reduction in excess levy referenda from an estimated \$50 million statewide in 1992 to \$10 million. This would encompass all referenda, including bond elections.

As many of you know, AMM's Legislative Coordinating Committee, the Summit Group and the League support the basic concept of the Ogren bill. There still are some concerns, namely: homestead and C/I buy-downs, 1992 levy freeze and future formula rewriting. Reality however, is that the Ogren bill is the most friendly towards cities. It would definitely be harder to manipulate in future legislative sessions.

REQUESTED ACTION:

Consult your mayor and city council members for their support for the Ogren bill. Call our office by noon on Tuesday, April 30th, 1991. Upon a majority of our members responding in the affirmative, NMMA will communicate with our legislative delegation and request their active support. Also, our lobbyists will be advised to make direct contact in both the House and the Senate with our delegation.

Various of our members have been contacted by Rep. Ogren over the past several days and have suggested a number of changes in his proposal. Some of these suggestions have already been incorporated in Ogren's bill.

PARK AND RECREATION ADVISORY COMMISSION

Agenda

May 1, 1991

Crystal Community Center

* Committee Meetings - 6:15 p.m. *
* 1. Long Range Planning *
* 2. Public Relations *

1. Call meeting to order 7:00 p.m.
2. Approval of minutes
3. Review monthly report
4. Report from chairperson
5. Discuss Honored Senior Program - Liz
6. Review Pathway/Trailway System - Twin Lake
7. Review Pathway/Trailway System - citywide
8. Review Frolics Committee meeting - Liz
9. Discuss dog problems in city parks
10. Update marketing efforts on pool/waterslide
11. Discussion on fees and charges for 1992 budget
12. Other business
13. Adjournment

DATE: April 30, 1991
TO: Jerry Dulgar, City Manager
FROM: Bill Barber, Building Inspector
SUBJECT: Sharing A Home with Elderly

I have contacted all of our neighboring communities as you asked and found that our ordinance is basically the same as the others. All inspectors which I spoke with would classify a home with two families and two kitchens being used as a 2 family use. All definitions were basically the same except for the number of persons not related by blood, marriage, or adoption used in defining family. That number ranged from 3 to 5.

Based on the research that has been done, I might suggest that instead of writing an ordinance to cover a sharing of a home with the elderly, that we work with the City Attorney to develop a standard letter which the owner and the person or persons sharing the home would sign. This could be a "Letter of Understanding." It would specify that the property is R-1 (single family) and that when this sharing situation ceases, that the property cannot be rented out as a two family dwelling.

Our proposed housing code for point of sale would also give us another tool with which to control these situations. Normally if the sharing of a home ceases to exist, the person or family would probably be selling the home which would require an inspection.

kk

Bill Barber

RECEIVED
CITY OF
MAY 1 1991
CLERK

4-29-91

CITY	DEFINITION OF FAMILY (Regarding Unrelated Persons)	ACCESSORY APTS. PERMITTED IN SINGLE FAMILY DISTRICTS	ROOMERS PERMITTED
Brooklyn Center	Up to 5 unrelated persons maintaining a common house- hold.	Not Permitted	
Brooklyn Park		Not Permitted	
Columbia Heights	Group of not more than 4 persons not related by blood, marriage or adoption or group care maintaining a common household and sharing common kitchen facilities.	If family (blood/ marriage related) - permitted. Otherwise, licensed as rental property.	Yes, up to two.
Fridley	Maximum of 5 unrelated persons maintaining a common household.	Not permitted (considering an ordinance to permit, see attached)	
Golden Valley	No more than 5 unrelated persons.	Not Permitted	Yes, no more than two for lodging purposes only.
New Hope	Not more than 4 persons not related by blood, marriage, adoption or foster care, maintaining a common house- hold and using common kitchen facilities.	Not Permitted	
New Brighton		Not Permitted	Up to two permitted.
Richfield	No more than 3 persons who are not related.	Not Permitted	Permitted, provided they share kitchen facilities.

CITY	DEFINITION OF FAMILY (Regarding Unrelated Persons)	ACCESSORY APTS. PERMITTED IN SINGLE FAMILY DISTRICTS	ROOMERS PERMITTED
Robbinsdale	4 or more unrelated adults.	Not Permitted	
Roseville	Up to 4 unrelated individ- uals maintaining common household.	Not Permitted	

Edina Realty^{Inc.}

FROM THE DESK OF Rosemary Knutson
Park West 591-6320

1. Home SOLD - 3/5/91
2. INITIAL INSPECTION - 3/25/91
3. CLOSING DATE - 4/20/91
4. REINSPECTION - 4/24/91
 - a. ALL WORK ORDERS COMPLETED
AS PER 1ST INSPECTOR.
 - b. 4 NEW WORK ORDERS.
SELLER REC'D VERBALLY
4:30 P.M. 4/24/91
 - c. PLUMBER CALLED IN
4/25/91.
 - d. SELLER GIVEN 5TH NEW
ITEM VERBALLY ON 4/25/91.
 - e. 4/26/91 - PLUMBER ON
PREMISES 2 DAYS + NO
CERTIFICATE OF COMPLIANCE.
5. SELLER CALLED MAYOR.
CERTIFICATE ISSUED AFTERNOON
OF 4/26/91.



April 24, 1991

Minneapolis, MN 55442

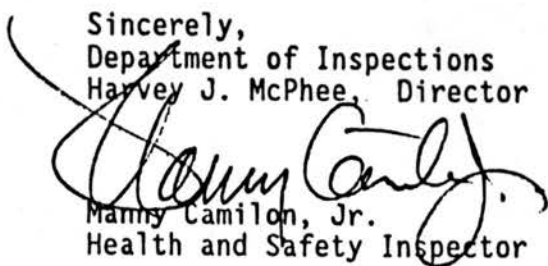
Dear

This letter confirms a discussion with Mr. Don Anderson, Heating Inspector for St. Louis Park regarding his reinspection of the furnace. At the time of the inspection, he noted heating code violations to which he has already contacted you about them. The additional items must be corrected to code and can be reinspected at the time of the housing reinspection:

- 1) Thermo damper which you installed on the hot water heater vent is illegal and must be removed.
- 2) Hot water heater is not vented into the metal liner and only empties into the clay liner. This vent must be vented through a 45 degree saddle vent into the furnace flue and secured with sheet metal screws. Insure an upward grade of the pipes toward the stack.
- 3) Install a drip leg on the metal liner.
- 4) Replace the improper gas valve on the hot water heater with an approved ball valve.

When all work has been completed, and the housing orders have been complied with, please call for a reinspection.

Sincerely,
Department of Inspections
Harvey J. McPhee, Director


Manny Camilon, Jr.
Health and Safety Inspector

cc: Housing file
D. Anderson, Heating Inspector

*Received
4/25/91
6:30 PM*

HOUSING CONDITION REPORT

Address 2617 Toledo Ave S

The housing inspection does not indicate compliance with any inspectional program other than that of the City of St. Louis Park. The inspection has been made by the City as a public service and does not constitute any representation, guarantee, or warranty to any person as to the conditions of the building inspected. The City does not assume any responsibility or liability in connection with the inspection and issuance of the Certificate of Housing Maintenance Compliance. The City conducts only a visual inspection of the premises; for example, an inspector will make only a ground level visual inspection of the roof and a visual examination of the heating system. Buyers, sellers and renters are cautioned to make their own inspections. These inspections are meant to improve and maintain the overall housing in the City and are not intended for the specific benefit of any individual buyer, seller or renter.

I have this day inspected these premises, under the authority of the St. Louis Park Housing Code, and the following conditions pertaining to minimum housing standards were observed:

EXTERIOR Replace bare-bulb light fixture over rear door with an enclosed light type fixture. (I called Water Dept. to have the shut-off casing pipe

driven back into ground) **GARAGE** Install 3" high address numbers on the alley side of the garage. Also patch with patching cement the cracked area in the front of the garage floor. **BASEMENT** Remove all exposed styrofoam on

exterior wall or cover all exposed styrofoam with Type X 5/8" fire-rated sheetrock. **ELECTRICAL** Current 60 amp service has exceeded load calculations

by having more than 1 - 220 amp circuit (Range & Dryer) To meet code, install a new 100 amp circuit, including a separate 20 amp circuit for the laundry and a separate 20 amp circuit for the kitchen. OR remove one of the 220 circuits and its wiring all the way back to the electrical panel and provide gas piping with shutoff ball valve to removed appliance, either range or dryer. If 60

amp circuit stays, then replace laundry glass fuses with proper 20 amp laundry

HEATING New furnace needs final inspection and orsat test by Don Anderson (924-2583) and should be completed before housing reinspection. **WATER HEATER**

Install a full flow water shut-off on the cold water feed line side to water heater.

When corrections have been made, please call for re-inspection. Telephone: 924-2588

Date March 25, 1991

Camden

Department of Inspections

The Board of Directors of the Minneapolis Area Association of REALTORS® has approved the following policy concerning local truth in housing/code compliance issues.

"A primary concern of the Minneapolis Area Association of REALTORS® is a healthy housing stock. This is especially true at a time when the majority of housing in our cities and inner ring suburbs shows increasing signs of age.

However, the Association does not believe that point of sale housing inspections/requirements effectively assist the community in maintaining a healthy, affordable housing market. Point of sale inspections affect only the small percentage of homes that are sold each year (3%-5% in most areas). Most problems houses are not for sale at any given time. To increase its effectiveness, the city should direct its efforts at these problem properties, rather than only focus on point of sale inspections.

This can be accomplished by general inspection sweeps of housing exteriors, responding to individual complaints about problem properties, and setting up a revolving loan fund to assist homeowners with city maintenance requirements resulting from these inspections. Homeowners would need to qualify for these loans and could repay them when the property is sold unless the homeowner continued to live in the property for a specified time before selling the property.

If there is a point of sale inspection program in the municipality, the Association recommends that it be a truth in housing report by a certified private inspector with mandatory repairs for health and safety hazards identified by the truth in housing report. Either the seller or the buyer could pay for these required repairs at the time of sale. If this proved to be a hardship, the party agreeing to make the repairs would be given a specified period of time to do so."