

ORDINANCE
By Chavez and Stevenson

Amending Title 12, Chapter 244 of the Minneapolis Code of Ordinances relating to Housing: Maintenance Code.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 244.2020 of the above-entitled ordinance be amended to read as follows:

244.2020. Conduct on licensed premises. (a) *Purposes and qualifying incidents.* For the purposes of enhancing the livability of residential communities inclusive of both homeowners and tenants, appropriately and effectively addressing and preventing instances of disruptive criminal and nuisance conduct in such communities, ensuring that rental dwellings are managed and occupied in a responsible manner, and discouraging unnecessary tenant displacement, the city shall implement a conduct on licensed premises program as specified in this section. It shall be the responsibility of the holder of a rental dwelling license to take appropriate action, with the assistance of crime prevention specialists, regulatory services staff and other assigned personnel of the city, following conduct by tenants and/or their guests on the licensed premises which is determined to be in violation of any of the following statutes or ordinances, to prevent further violations.

- (1) Minnesota Statutes, Sections 609.75 through 609.76, which prohibit gambling;
 - (2) Minnesota Statutes, Section 609.321 through 609.324, which prohibits prostitution, sex trafficking and acts relating thereto;
 - (3) Minnesota Statutes, Sections 152.01 through 152.025, and Section 152.027, Subdivisions 1 and 2, which prohibit the unlawful sale or possession of controlled substances;
 - (4) Minnesota Statutes, Section 340A.401, which prohibits the unlawful sale of alcoholic beverages;
 - (5) Section ~~389.65~~ 389.310 of this Code, which prohibits noisy assemblies;
 - (6) Minnesota Statutes, Sections 97B.021, 97B.045, 609.66 through 609.67 and 624.712 through 624.716, and sections 393.40, 393.50, 393.70, 393.80, 393.90 and 393.150 of this Code, which prohibit the unlawful possession, transportation, sale or use of a weapon; or
 - (7) Minnesota Statutes, Section 609.72, and section 385.90 of this Code, which prohibit disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least two (2) units on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation; or when at least two (2) distinct violations, separated by no more than sixty (60) days, disturb the peace and quiet of at least one (1) unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation, and the violations are reported by distinct and separate complaints.
- (b) *Collaborative enforcement and administration responsibility.* The department of regulatory services, with assistance from crime prevention and community navigation and outreach staff of the police

department and other designated or participating city staff, shall be responsible for enforcement and administration of this section.

(c) *Notifications to licensees and tenants.* Upon determination by a crime prevention specialist, based on a review of an applicable police report, that a licensed premises was used in a qualifying manner, as described in subsection (a), a crime prevention specialist shall notify the licensee and tenants by mail of the qualifying incident. The notices shall, at a minimum, describe the nature of the qualifying incident, the address and/or unit involved, and a case number.

(1) The notice to the licensee shall provide the contact information for the assigned crime prevention specialist along with a request for the licensee to contact the crime prevention specialist to provide any relevant additional or follow-up information or to discuss possible services or strategies to address the qualifying incident or any current or continuing issues at the rental property. The notice shall also describe the requirement of subsection (f) regarding the licensee's duty to report any eviction actions or notices to vacate. Should the crime prevention specialist deem it appropriate to require that the licensee contact or meet with any city officials, the notification may contain such a requirement, providing a reasonable time not less than ten (10) calendar days for such contact, discussion or meeting to occur. A failure of the licensee to contact or meet with the crime prevention specialist if required shall be a violation of this section and may be subject to adverse license action, administrative enforcement, or an intervention plan as described in subsection (d)(6).

(2) The notice to the tenant shall include a copy of the notice sent to the licensee and may also provide information on how the tenant may submit to the city any voluntary follow-up information regarding the qualifying incident or any current and continuing issues being experienced at the rental property. The notice may also describe available services, programs or resources or other relevant information of potential assistance to the tenant.

(d) *Interdisciplinary review panel.* All rental dwelling properties at which a qualifying incident occurs and a notice is sent shall be referred by crime prevention specialists to an interdisciplinary review panel.

(1) The panel shall be convened at regular intervals or as needed at the call of the director of regulatory services or the director's designee, who shall host, coordinate and convene the panel. The city council, through subsequent legislative or budgetary action, may designate a different city department or official to host, coordinate and convene the panel.

(2) The membership of the panel may include representatives or designees of the departments of regulatory services, health, and the city attorney, as well as crime prevention specialists or community navigators of the police department and other appropriate city staff, as well as representatives from public or private community, business or social service organizations and entities. The director of regulatory services, or other designated city official, shall keep records of the membership of the panel and the actions and determinations made by the panel.

(3) The panel shall hear reports regarding, and consider appropriate actions to be offered or taken, related to all referred properties. The panel shall operate informally and endeavor to make its determinations and recommendations in collaboration and by consensus and shall not be required to operate pursuant to parliamentary procedure. In the event the panel is unable to reach consensus, the director of regulatory services or the director's designee may make any required determination or recommendation. The city

council, through legislative or budgetary action, may designate a different city department or official to make any required determination or recommendation as required by this subsection.

(4) The panel may take the following actions upon review of case files referred to it, after consideration of the record and any input received from the licensee or the tenants, and with due regard given to the nature and severity of the qualifying incident, the size of the building and any other relevant circumstances:

a. Upon a review of the case file, the panel may designate any qualifying property as resolved, thereby terminating the property's current inclusion in the conduct on licensed premises program subject to reentry as necessary should additional qualifying incidents occur.

b. Upon a review of the case file, the panel may also designate any qualifying property as subject to additional monitoring by crime prevention specialists for a period not to exceed one (1) year, and no further action under this section shall be taken unless another qualifying incident occurs within the prescribed time frame. The licensee or tenants of any such property may be offered any appropriate identified services, resources or referrals.

c. Upon a review of the case file, the panel may designate any other qualifying property for an intervention plan. Such a plan may prescribe reasonable required actions to be taken by the licensee, including, but not limited to, participation in designated meetings, consultations, programs or mediations, submission of management or incident response plans to be approved by the city, or attendance at city-approved or city-provided rental property management workshops or classes. An intervention plan may also propose conditions or restrictions to be placed upon continued maintenance, renewal or issuance of the licensee's rental dwelling license or licenses, subject to the appeal provisions of section 259.165. An intervention plan may also recommend adverse license action, inclusive of rental dwelling license revocation, denial, nonrenewal or suspension, provided that at least three (3) separate qualifying incidents under this section have occurred within a three (3) year period for buildings between one (1) and six (6) distinct and separate residential units, or a two (2) year period for buildings between seven (7) and fifty (50) distinct and separate residential units, or a one (1) year period for buildings larger than fifty (50) distinct and separate residential units. Any intervention plan proposal shall be served upon the licensee by mail or in-person and shall afford the licensee twenty (20) days to appeal any mandatory requirements of the proposal. Any appeal of a mandatory intervention plan shall be heard pursuant to the process provided by section 259.255.

(e) *Compliance with applicable law required.* All actions taken in the administration and enforcement of the conduct on licensed premises program by any participant, inclusive of city staff and rental dwelling license holders, shall conform with all applicable law, specifically including the provisions of Minnesota Statutes, Chapter 504B, Landlord and Tenant and Section 504B.205, Residential Tenant's Right to Seek Police and Emergency Assistance. No adverse action shall be taken pursuant to this section against a licensee for an instance of conduct in which police or other emergency services respond to a report of domestic violence, domestic abuse, a health-related emergency, or any other similar tenant assistance response.

(f) *Duty to report any eviction actions or notices to vacate.* Any time that a licensee who becomes subject to the provisions of this section initiates an eviction action or issues a notice to vacate in relation to any qualifying incident the licensee shall notify the crime prevention specialist assigned to the matter within ten (10) calendar days. It shall be the policy of the City of Minneapolis to refrain from encouraging or

directing the eviction, vacation or displacement of any subject residential rental tenant as part of the conduct on licensed premises program; instead such actions shall be entirely in the discretion of the licensee and shall be undertaken in strict conformance with all applicable laws.

(g) *Evidentiary standard.* A determination that the licensed premises have been used in a qualifying manner as described in subsection (a) shall be made upon substantial evidence to support such a determination and must be supported by an official police report. It shall not be necessary that criminal charges be brought to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this section.