

**CITY OF
BROOKLYN CENTER
ORDINANCE NO. _____
AN ORDINANCE
AMENDING CHAPTER 12
OF THE CITY CODE OF
ORDINANCES REGARDING
RENTAL LICENSING**

Notice is hereby given that a public hearing will be held on the 8th day of October, 2018, at 7:00 p.m. or as soon thereafter as the matter may be heard at City Hall, 6301 Shingle Creek Parkway, to consider an ordinance related to rental licensing.

Auxiliary aids for handicapped persons are available upon request at least 96 hours in advance. Please notify the City Clerk at 763-569-3306 to make arrangements.

THE CITY COUNCIL OF THE CITY OF BROOKLYN CENTER DOES ORDAIN AS FOLLOWS:

Article I. Brooklyn Center City Code, Section 12-901(7) is hereby amended as follows:

7. License Category Criteria. License type will be determined on the basis of established criteria based on Police incidents and property Code and nuisance violations as recommended by the City Manager and approved by the City Council as City policy. A copy of the City policy shall be distributed to each licensee.

Article II. Brooklyn Center City Code, Section 12-910(3)(f) is hereby amended as follows:

f. excessive police calls for service in accordance with criteria determined by the City Manager and approved by the City Council as City policy, based on the number and nature of the calls when, after owner notification, the owner has failed to supply an appropriate written action plan to reduce the police calls for service

Article III. Brooklyn Center City Code, Section 12-910(4) is hereby amended as follows:

4. License Action Sections. Revocation, suspension, and non-renewal may be brought under either this Section or Section 12-911, or both. Each Section provides an independent basis on which to take a license action and only the procedures required of the particular Section being relied upon must be followed to pursue the action.

Article IV. Brooklyn Center City Code, Section 12-913 is hereby amended as follows:

Section 12-913. TYPE IV PROVISIONAL LICENSES.

1. Eligibility. Rental properties that meet the provisional licensing criteria as described in Section 12-901 are eligible only for provisional licenses.

2. Monthly Report. The City will provide by mail to each licensee a monthly report of any police and fire calls and incidents and applicable property Code violations as described in Section 12-901.

3. Mitigation Plan. The applicant for a provisional license must submit for Council Compliance Official review and approval a mitigation plan for the license period. The mitigation plan shall describe steps proposed by the applicant to reduce the number of police and fire calls and/or the property Code issues described in Section 12-901 and 12-911 to a level that qualifies for a Type I, II, or III license. The mitigation plan may include such steps as changes in tenant screening procedures, changes in lease terms, security measures, rules and regulations for tenant conduct, security personnel, and time frame to implement all phases of the Crime Free Housing Program. The Compliance Official may require modifications to the proposed mitigation plan to ensure it effectively addresses the issues that resulted in the applicant not being eligible for a different type of license. An applicant may appeal the Compliance Officer's decision regarding the mitigation plan by filing a written appeal within 10 days of the date of the decision. The appeal must state the reasons for the appeal, the alleged error, and the relief being sought from the appeal.

4. Council Consideration. The Council shall act on whether to approve the application. Approval of the license shall be conditioned on compliance with the mitigation plan as approved by the Compliance Official. If the applicant filed a timely appeal of the Compliance Official's decision regarding the mitigation plan, the Council shall hear the appeal and may uphold, overturn, or amend the Compliance Official's decision.

~~The application with a proposed mitigation plan will be presented to the City Council together with a recommendation by the City Manager or the Manager's designee as to the disposition thereof. After giving the applicant an opportunity to be heard and present evidence, the Council shall approve, disapprove, or approve with conditions the application and the mitigation plan. If the Council disapproves an application and mitigation plan or approves it with conditions, it shall state its reasons for so doing in writing. In evaluating a mitigation plan, the Council will consider among other things, the facility, its management practices, the nature and seriousness of causes for police and fire incidences and/or property Code issues and the expected effectiveness of measures identified in the plan to reduce the number of police and fire incidences and/or property Code violations. In evaluating a mitigation plan submitted by an applicant already under a provisional license, the Council will also consider the effectiveness of measures identified in the applicant's previous mitigation plan and the need for different or additional measures to reduce police and fire incidences and/or property Code violations.~~

5. Compliance with Mitigation Plan. The licensee shall comply with the mitigation plan as approved or as modified by the Council as a result of an appeal. Failure to implement and comply with the mitigation plan shall constitute sufficient grounds for a license action under Section 12-910. ~~Not later than the tenth day after each calendar month, the licensee shall mail or deliver to the City Manager a written report describing all steps taken in furtherance of the mitigation plan during the preceding month.~~

Article V. Brooklyn Center City Code, Section 12-914 is hereby amended as follows:

Section 12-914. CRIME FREE HOUSING PROGRAM. For the purpose of this Chapter, the Crime Free Housing Program shall mean the nationally recognized program, unless otherwise indicated. The phases of the program include, but are not limited to, the conditions set forth below.

1. Phase I. For license categories other than Type I, an owner, manager, or local agent responsible for the operation of the rental property must complete the Phase I training of the Crime Free Housing Program or a similar course approved by the City Manager. Certification as a rental property manager may also satisfy this requirement. Phase I includes the following:

a. Attend an eight-hour crime-free housing course presented by police, fire, public housing and others.

b. Use a written lease including the Minnesota Crime Free Housing Lease Addendum.

c. Check the criminal background of all prospective tenants and, upon request, provide a copy of Third Party Background Check procedures for Tenants.

d. Actively pursue the eviction of tenants who violate the terms of the lease and/or the Crime Free Lease Addendum.

2. Phase II. Includes Phase I plus the following:

a. Complete a Security Assessment and complete the security improvements recommended. This phase will certify that the rental property has met the security requirements for the tenant's safety.

~~b. Attend a minimum of 25 percent of Owners/Managers Association Meetings.~~

3. Phase III. Includes Phases I and II plus the following:

a. For properties with more than four units, conduct resident training annually for the residents where crime watch and crime prevention techniques are discussed.

b. For properties with more than four units, hold regular resident meetings.

~~c. Attend a minimum of 50 percent of Owners/Managers Association Meetings.~~

~~d. Have no City Code violations that were not resolved in accordance with compliance orders within the past year. For a property that has received consecutive Type IV rental licenses, the applicant, owner, or local agent is required to schedule and attend an inspection consultation at the property.~~

Article VI. Brooklyn Center City Code, Section 12-915 is hereby amended as follows:

Section 12-915. CRIME FREE/ DRUG FREE HOUSING LEASE ADDENDUM REQUIREMENTS. All tenant leases, except for state licensed residential facilities, shall contain the Crime Free/Drug Free Housing Lease Addendum in a form approved by the City. The Crime Free/Drug Free provisions are in addition to all other terms of the lease and do not limit or replace any other provisions. These lease provisions shall be incorporated into every new and renewed lease for a tenancy beginning April 1, 2010. Failure of a licensee to enforce a single violation of the terms of the addendum shall constitute sufficient grounds for action on a license under Section 12-910.

Article VII. This Ordinance shall become effective after adoption and upon thirty (30) days following its legal publication.

Adopted this day of _____, 2018.

By: /s/ Mayor

ATTEST: By:

City Clerk

Date of Publication

Effective Date

(Strikeout indicates matter to be deleted, double underline indicates new matter.)

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