Request for Council Action

TO: Mayor and City Council
THROUGH: Tim Murray, City Administrator
FROM: Andy Bohlen, Chief of Police
Deanna Kuennen, Com. & Econ Dev Director
MEETING DATE: October 8, 2019
SUBJECT: Ordinance 2019-17 Repealing and Replacing Sec. 7-36 through Sec. 7-45 of Article V of Chapter 7 of the Faribault City Code - First Reading

Background:
The City of Faribault has a Rental Licensing Program – Article V of Chapter 7 of the Code of Ordinances. The purpose of the program is to assure that rental housing in the City of Faribault is decent, safe and sanitary and is operated and maintained so as not to become a nuisance to the neighborhood or to become an influence that fosters blight and deterioration, or creates a disincentive for reinvestment in the community. The most recent version of the Ordinance was adopted in 2017. While the Ordinance has been serving its stated purpose by both reducing criminal activity in the residential rental market, reducing service calls to problem properties, as well as providing the City with a mechanism to assure rental units are properly maintained and operated for the residential tenant – Staff is recommending that additional modification be made to clarify the obligations and procedures of the current ordinance, and add additional standards that reflect current best practice benchmarks and industry standards.

Staff has compiled the attached Memo to provide background and supporting information associated with the existing program and the recommended Ordinance changes. The Memo addresses the history of the elements contained and incorporated within the Ordinance (Crime Free Multi Housing and Rental Licensing and Inspections), policies and standards covered by the program, basis for the program, results of the program, and recommended changes to the rental licensing and crime free ordinance. The recommended changes to the Ordinance focus on:

- Removal or redundant and unnecessary language
- Correction of clerical errors
Clarifications to a landlord’s obligations under the Ordinance as well as the City’s enforcement procedures

**Recommendation:**
Staff recommends the Council adopt Ordinance 2019-17, which clarifies the obligations and procedures of the current ordinance, while retaining all the aspects that led to the positive outcomes described in this report, as well as additional standards reflecting current best practice benchmarks and industry standards. The following summarizes the proposed changes:

**Attachments:**
- Ordinance 2019-17 An Ordinance Repealing and Replacing Sec. 7-36 through Sec. 7-45 of Article V of Chapter 7 of the Faribault City Code.
- Memo – City of Faribault, Rental Licensing Program – Background, History, Standards, Basis, Results, and Recommendations
AN ORDINANCE REPEALING AND REPLACING SEC. 7-36 THROUGH SEC. 7-45
OF ARTICLE V OF CHAPTER 7 OF THE FARIBAULT CITY CODE

THE CITY OF FARIBAULT ORDAINS that the City Code of Ordinances shall be
amended by the repeal in its entirety of Sec. 7-36 through Sec. 7-45 of Article V of Chapter 7 of
the Faribault City Code and replaced with a new Sec. 7-36 through Sec. 7-44 of Article V of
Chapter 7 of the Faribault City Code as follows:

SECTION 1. Sec. 7-36 through Sec. 7-45 of Article V of Chapter 7 of the Faribault City
Code is hereby repealed in its entirety.

SECTION 2. A new Sec. 7-36 through Sec. 7-44 of Article V of Chapter 7 of the Faribault
City Code is hereby created as follows:

ARTICLE V - RENTAL DWELLING LICENSES

Sec. 7-36. - Purpose and scope.

(a) Purpose. It is the purpose of this Article to assure that rental housing in the City of Faribault
is decent, safe and sanitary and is operated and maintained so as not to become a nuisance to
the neighborhood or to become an influence that fosters blight and deterioration or creates a
disincentive for reinvestment in the community. The operation of residential rental properties
is a business enterprise that entails certain responsibilities. Rental dwelling owners, agents,
and property managers are responsible to take necessary reasonable actions to ensure that the
persons who occupy such rental units, as well as neighboring properties, may pursue the quiet
enjoyment of the normal activities of life in surroundings that are safe, secure, and sanitary,
free from noise, nuisances and annoyances, free from unreasonable fears about safety of
persons and property, and free of drugs and crime.

(b) Scope. This article applies to rental dwelling units described herein that are rented or leased
in whole or in part, including apartment buildings, town houses, single family and multifamily
housing, guest and caretaker houses, and condominiums. It also includes any accessory
structures of the rental dwellings, such as garages and storage buildings, and appurtenances
such as sidewalks, driveways, and retaining walls, which are on the property of the rental
dwelling. This article does not apply to on-campus college or university housing units;
Minnesota Department of Health licensed rest homes; convalescent care facilities; licensed
group homes; nursing homes; hotels; motels; or owner-occupied units.

Sec. 7-37. - Definitions.

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

City means the City of Faribault, Minnesota.

City Council means the city council of the City of Faribault, Minnesota.

Compliance Official means the city administrator or the city administrator's designee(s).

Dwelling Unit refers any room or rooms providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Inspector means the person designated by the city administrator to inspect rental dwellings in the city.

Let means to permit possession or occupancy of a rental dwelling by a person who is not the legal owner of record thereof, pursuant to a written or unwritten lease, or pursuant to a recorded or unrecorded agreement whether or not a fee is required by the agreement.

License/rental license means the license required by and issued pursuant to this article.

Licensed Premises means a licensed rental dwelling and all accessory structures of the rental dwellings, such as garages, storage buildings, and appurtenances such as sidewalks, driveways and retaining walls, which are on the property of the rental dwelling.

Licensee/owner means any person, agent, operator, firm or corporation having a legal or equitable interest in the property or rental dwelling; or recorded in the official records of the state, county or municipality as holding title to the property; or otherwise having control of the property or rental dwelling, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court, or any person representing the actual owner, holding a valid rental license from the city.

Modify means a change in license category.

Official order means a written notice stating violation(s) of City Code and corrective action to be taken.

Operate means to let for occupancy or to rent.

Property manager or local agent means a person authorized by the owner to act on the owner's behalf as to the licensed premises.

Property Maintenance Code means the Property Maintenance Code of the City of Faribault as adopted in Section 7-21 of the City Code.

Rental Dwelling means any building containing one or more rental dwelling units.
Rent means to let for occupancy or to let.

Revoke/Revocation means a license action due to noncompliance with the requirements of this Article.

Tenant means a person who is occupying a dwelling unit in a rental dwelling under a lease or contract, whether oral or written, that requires the payment of money or exchange of services.

Sec. 7-38. - Licensing of Rental Units.

(a) License required.

(1) No person shall operate a rental dwelling without first having obtained a license to do so from the City of Faribault. A license shall be granted pursuant to the provisions of this article by the Compliance Official or designee(s).

Exceptions:

a. An owner whose only rental dwelling is a single-family dwelling homesteaded by a relative is exempted. Compliance of this exemption may require written proof from the county.

b. A residential property owned by a "snowbird" where the property is rented to another person for a period of less than one hundred twenty (120) consecutive days while the owner is residing out of the State of Minnesota. The owner must occupy the property during the remainder of the year.

c. Unoccupied dwelling units that have been issued a vacant building registration.

(2) When more than one building containing rental dwelling units exists on one property, a separate license shall be required for each building.

(3) Licenses shall be issued for a single rental dwelling unit in the case of a freestanding dwelling, a condominium, a townhouse, a dwelling in a cooperative, or a dwelling in a nonresidential structure; for a two-unit rental dwelling; or for an apartment building.

(b) License term. Except for a provisional license as identified herein, a rental license issued by the city under this Article will be valid for a two (2) year time period. All licenses may be reviewed at any time by the Compliance Official or designee(s) after the commencement of the license term to determine whether the rental dwelling continues to be in compliance with this Article.

(c) License application and renewal.

The license application or renewal shall be made by the owner or agent. Application forms are available from the city and must be completed in full and accompanied by the appropriate license fee as established by the City Council. Every licensee shall give notice in writing to the city within ten (10) business days after any change of information on the application or if
the licensed premises is sold or otherwise conveyed in any way. Depending on the nature of changes, the city may require a new inspection of the licensed premises. Each license issued by the city under this article will expire two years after the date of issuance unless otherwise suspended or revoked. An application for renewal of a license and the appropriate fee must be filed with the issuing authority at least thirty (30) days prior to the expiration date of an existing license. Any renewal license application and fee not received before the expiration date shall be assessed a late fee as established by the City Council for processing of the application.

Within thirty (30) days of receipt of a completed application and of the license fee required by this article, the inspector shall schedule an inspection. No license shall be granted or renewed until the inspector has determined that all life, health safety violations, or application inconsistencies have been corrected. In cases where a weather deferral for repairs has been granted by the inspector, the license may be granted on conditions of the repairs being completed before a specific date in the future. If the license application is incomplete, or the applicant does not meet the requirements of this section during the term of a provisional license issued under Section 7-39, the application shall be canceled.

(d) License and inspection fees

License fees, as set forth by City Council resolution, shall be due thirty (30) days prior to the license expiration date; in the cases of new unlicensed units, license fees shall be due at time of application.

(1) License fees, delinquent payments. A delinquency penalty of fifteen percent (15%) of the amount of the license fee may be charged to the operators of the dwelling unit. Once issued, a license is nontransferable and the licensee shall not be entitled to a refund of any license fee. Upon revocation or modification of a license, or if the applicant withdraws an application, or in the case of an incomplete application or process, or if an application is canceled, the fee shall be nonrefundable.

(2) Inspection/re-inspection fees. Fees for annual inspections of a rental dwelling are part of paid license fees. Re-inspection fees will only be charged for subsequent inspections after failure to comply with official orders or when the owner or agent fails to keep a scheduled inspection without prior notice to the inspector. All re-inspection fees are set by City Council resolution. If the re-inspection is being performed as part of the licensing process, fees must be paid prior to the time of license issuance or renewal. If a re-inspection fee of any portion is not paid within thirty (30) days after billing, or within thirty (30) days after any appeal becomes final, the City Council may certify the unpaid cost against the rental dwelling.

(e) Minimum Licensing Standards

The following minimum standards and conditions must be met in order for an owner to hold or be granted a rental dwelling license under this article. Failure to comply with any of these standards or conditions shall be adequate grounds for denial, nonrenewal, suspension or revocation of an owner’s rental dwelling license.
(1) The licensee or applicant must have a current, complete, and accurate rental dwelling application on file with the city.

(2) The licensee or applicant shall have paid the required license fee and any other fees required by this article.

(3) The licensee or applicant must be current on the payment of all utility fees, taxes, assessments, fines, penalties, or other financial claims due to the city on the licensed premises and any other rental dwelling in the city owned by the licensee or the applicant. In the event a suit has been commenced under Minnesota Statutes, Sections 278.01—278.03, questioning the amount or validity of taxes, the city may upon request the licensee or applicant waive strict compliance with this provision; no waiver may be granted, however, for taxes or any portion thereof that remain unpaid for a period exceeding one year after becoming due.

(4) The rental dwelling must be in compliance with all federal, state and local laws, including but not limited to all provisions of this article, the Property Maintenance Code as adopted in Section 7-21 of the City Code, and all applicable zoning laws.

Sec. 7-39. - Provisional License

The city may issue a provisional license to the owner of a rental dwelling who has submitted an application, paid the license fee and the Compliance Official or designee has conducted an initial inspection resulting in written orders to correct violations that do not prevent occupancy. A provisional license authorizes the continued occupancy of the rental dwelling unit(s) in actual existence, pending issuance of a rental license. A provisional license is valid for up to 180 days until a license is issued or it is determined that license requirements have not been met and the city will not issue a license.

Sec. 7-40. - License Requirements

(a) Local agent required. If the owner does not reside in any of the following Minnesota counties: Blue Earth, Carver, Dakota, Dodge, Faribault, Freeborn, Goodhue, Hennepin, Le Sueur, Mower, Nicollet, Olmsted, Ramsey, Rice, Scott, Sibley, Steele, Wabasha, Waseca, Washington, then the owner must provide the city with a local agent that resides within one of the aforementioned counties and who is responsible for maintenance and operation of the rental dwelling and who is legally constituted and empowered to receive service and orders on behalf of the owner and to institute remedial action to effect such orders. The city shall be notified in writing of any change of agent by the owner of the rental dwelling.

(b) Owner Identification. All partnerships, corporations, limited liability companies or other recognized business associations that own a rental dwelling to be licensed under this Article shall submit, upon request of the Compliance Official or the designee(s), the name and address of all partners, shareholders or interest holders. If requested by the Compliance Official or the designee(s), information regarding the names and addresses of all partners, shareholders or interest holders must be submitted in a sworn affidavit to the city.
(c) **Responsibility for acts of manager, operator, or agent.** Licensees are responsible for the acts or omissions of their managers, operators, agents, or other authorized representatives.

(d) **Conformance to laws.** No rental license shall be issued, renewed or allowed to be maintained by the owner unless the rental dwelling conforms to all applicable federal, state, and local laws, rules, and regulations.

(e) **License inspection required.** No rental license shall be issued, renewed or allowed to be maintained unless the owner agrees in the owner's application to permit inspections pursuant to this Article.

(f) **Posting and production of license.** Every licensee of a rental dwelling with four (4) or more units, shall conspicuously post the current rental license certificate issued by the city in the main entryway or other conspicuous location. An owner or agent of a rental dwelling must always produce a copy of the current rental license certificate for a rental dwelling upon the request from a tenant, prospective tenant, police officer or Compliance Official.

(g) **Occupancy register required.** Every licensee shall keep, or cause to be kept, a current register of occupancy for each dwelling unit that provides the following information:

1. Dwelling unit address.
2. Number of bedrooms in dwelling unit and the maximum number of occupants.
3. Legal names and date of birth of adult occupants and number of persons under eighteen (18) years of age currently occupying the dwelling units.
4. Dates renters occupied and vacated dwelling units.
5. A chronological list of complaints and requests for repair by dwelling unit occupants related to this article, and all corrections made in response to such requests and complaints.

Such a register shall be made available for viewing or copying by the City of Faribault at all reasonable times.

(h) **Occupancy standards.**

1. Each rental dwelling must comply with the requirements of the City of Faribault Unified Development Ordinance and Property Maintenance Code.
2. Notwithstanding paragraph (1), any Dwelling Unit may permit the total number of occupants to equal two (2) times the number of legal bedrooms plus one. Occupants under the age of two (2) years shall not be included in the calculations set forth in this paragraph.

(i) **License not transferable**
The rental license issued pursuant to this article is for the property owner and the premises named on the approved license application. No transfer of a license is permitted from place to place or from the owner to another person or entity without complying with the requirements of an original application, except in the case in which an existing licensee is merely changing a business or corporate name or in the case in which an existing non-corporate licensee is incorporating and the incorporation does not affect the ownership or control of the property or the rental business.

Sec. 7-41. - Disorderly conduct prohibited.

(a) Disorderly conduct prohibited. Disorderly conduct is prohibited on all licensed rental dwellings. It shall be the responsibility of the licensee to prevent disorderly conduct by tenants, the tenant’s family and the tenant’s guests in the rental dwelling unit. For purposes of this section, a rental dwelling unit includes the unit which the tenant, family member or guests occupy along with the common areas both inside and outside of the building where the rental dwelling unit is located.

(b) Disorderly conduct defined. For the purposes of this section, disorderly conduct and nuisance conditions may include but not be limited to the following:

1. Drug-related illegal activity occurring in or near the rental dwelling unit. Drug-related illegal activity means the illegal possession or constructive possession, manufacture, sale, distribution, purchase, use or possession with intent to manufacture, sell or distribute a controlled substance, as defined in the Controlled Substance Act (21 U.S.C. § 802), or possession of drug paraphernalia per Minn. Stat. § 152.092.

2. Any act of violence or threat of violence including, but not limited to, the discharge of firearms, prostitution or any other act that otherwise jeopardizes the health, safety or welfare of the owner, agent, manager, other tenants, tenant’s family members, guests or neighboring property owners.

3. Minnesota Statutes, § 609.75 through § 609.76 (prohibiting gambling).


5. Minnesota Statutes, § 152.01 et seq., which prohibits the unlawful sale or possession of controlled substances.

6. Minnesota Statutes, § 340A.401, which prohibits the unlawful sale of alcoholic beverages.

7. Minnesota Statutes, § 340A.503, which prohibits the underage use of alcoholic beverages.

8. Faribault City Code of Ordinances, chapter 17, which prohibit nuisances.
(9) Minnesota Statutes, § 97B.021, Minnesota Statutes, § 97B.045, Minnesota Statutes, § 609.66 through § 609.67 and Minnesota Statutes, § 624.712 through § 624.716 prohibiting the unlawful possession, transportation, sale or use of a weapon.

(10) Minnesota Statutes, § 609.72, which prohibits disorderly conduct, when the violation disturbs the peace and quiet of the occupants of at least one unit on the licensed premises or other premises, other than the unit occupied by the person(s) committing the violation.

(11) Minnesota Statutes, § 609.185 through § 609.205, which prohibit murder and manslaughter.

(12) Minnesota Statutes, § 609.221 through § 609.2231, which prohibit assault.

(13) Minnesota Statutes, § 609.342 through §609.3451, which prohibit criminal sexual conduct.

(14) Minnesota Statutes, §609.52, which prohibits theft.

(15) Minnesota Statutes, § 609.561 through § 609.5632, which prohibit arson.

(16) Minnesota Statutes, § 609.582, which prohibits burglary.

(17) Minnesota Statutes, § 609.595, which prohibit damage to property.

(18) Faribault Code of Ordinances, Chapter 17, prohibiting public disturbances.

(19) Laws relating to contributing to the need for protection or services or delinquency of a minor as defined in Minnesota Statutes, Section 260C et seq.

(20) Minnesota Statutes, Section 609.33, relating to owning, leasing, operating, managing, maintaining or conducting a disorderly house or inviting or attempting to invite others to visit or remain in a disorderly house.

(21) Minnesota Statutes, § 609.50, which prohibits obstructing the legal process.

(22) Minnesota Statutes, § 609.713, which prohibits terroristic threats.

(23) Minnesota Statutes, § 609.715, which prohibits presence of unlawful assembly.

(24) Minnesota Statutes, § 609.71, which prohibits riot.


(26) Minnesota Statutes, §609.78, which prohibits interfering with "911" phone calls.

(27) Minnesota Statutes, § 243.166 (Predatory Offender Registration).
(28) Minnesota Statutes, § 609.229 (Crime committed for benefit of a gang).

(29) Minnesota Statutes, § 609.26, subdivision 1(8) (causing or contributing to a child being a runaway).

(30) Minnesota Statutes, § 609.903 (Racketeering).

(31) Minnesota Statutes, § 609.53 (Possession of Stolen Property).

(32) Minnesota Statutes, § 609.749 which prohibits a violation of a restraining order or order for protection.

(33) Minnesota Statutes, § 609.255 (False Imprisonment) and Minnesota Statutes, § 609.25 (Kidnapping).

(c) **Violations and Resulting Action.** Upon a determination by the Faribault Police Department that disorderly conduct has been committed on a licensed premises, as described in paragraph (a), the city shall take the following actions:

(1) For a first instance of disorderly conduct, a notice describing the specific violation(s) will be sent to the licensee via First Class mail along with a directive for the licensee to take steps to prevent further violations. The licensee shall notify the tenant or tenants within ten (10) days of the notice of disorderly conduct violation.

(2) If a second instance of disorderly conduct occurs within a rolling twelve-month time period for the same tenancy, a second notice describing the specific violation(s) will be sent to the licensee via First Class mail along with a directive for the licensee to submit a written report to the Faribault Police Department within ten (10) calendar days of receipt of the notice of disorderly use of the licensed premises which details all actions taken by the licensee in response to the previous notices of disorderly conduct on the licensed premises. The licensee shall notify the tenant or tenants within ten (10) days of the notice of disorderly conduct violation.

(3) If a third instance of disorderly conduct occurs within a rolling twelve-month time period for the same tenancy, the rental dwelling license for the licensed premises may be suspended, revoked or not renewed by the city. An action to suspend, revoke, or not renew a rental dwelling license under this article shall be initiated by the Compliance Official or designee(s) pursuant to the procedures outlined in Section 7-44 herein. The licensee shall notify the tenant or tenants within ten (10) days of the notice of disorderly conduct violation, and proceed with termination of the tenancy of all tenants occupying the unit.

(4) If the Compliance Official or designee(s) determines that the licensee has proceeded in good faith to secure termination of the tenancy in accordance with this subsection, but was unsuccessful for reasons beyond the licensee's reasonable control, then the licensee shall not be subject to the penalties.
(5) In lieu of revoking, suspending or not renewing the rental license under Section 7-44 herein, the Compliance Official or designee(s) may require an action plan to be completed and complied with by the licensee, manager or local agent within a designated time frame which outlines the steps necessary to be taken and complied with in order to correct identified violations and the measures to be taken to ensure ongoing compliance with the City Code and other applicable laws.

(d) **Determining disorderly conduct.** A determination that a licensed premises or any particular dwelling unit has been the location of a disorderly conduct violation shall be made upon a finding of fact by the Faribault Police Department by a preponderance of the evidence. It shall not be necessary that criminal charges be brought in order to support such finding, nor shall the dismissal or acquittal of such a criminal charge operate as a bar to any action under this section.

(e) **Review of Disorderly Conduct Determination.** Within five (5) days of being notified of an instance of disorderly conduct occurring on the licensed premises under Sections 7-41(c)(1) or (2), the licensee may submit information to the Faribault Police Department and seek reconsideration of the determination that disorderly conduct has occurred in the rental unit in violation of this article. The member of the Faribault Police Department who initially determined the existence of the disorderly conduct shall respond to the licensee’s request for reconsideration within ten (10) days after receipt of the request. Any determination of disorderly conduct which results in the revocation, suspension or nonrenewal of a rental license will be reviewed by the City Council pursuant to the provisions of Section 7-44(e) herein.

(f) **Notices.** All notices given by the city under this article shall be personally served on the licensee or sent by First Class mail to the licensee's address as provided to the city. If neither method of service effects notice, the city may provide notice to the licensee by posting on a conspicuous place on the licensed premises.

(g) **Lease Termination.** In addition to the licensee responsibilities to respond to disorderly conducted as outlined herein, the licensee may also be required to terminate the tenancy of a tenant that violates the crime free/drug free lease addendum as outlined in Section 7-42 herein. No adverse license action shall be imposed by the city where the instance of disorderly conduct on the licensed premises occurred during the pendency of eviction proceedings (unlawful detainer) or within thirty (30) days of notice given by the licensee to a tenant to vacate the premises where the disorderly use was related to conduct by that tenant or by other occupants or guests of the tenant's unit. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. Further, an action to deny, revoke, suspend, or not renew a rental license based on violations of this article may be postponed or discontinued at any time if it appears that the licensee has taken appropriate measures which will prevent further instances of disorderly use.

(h) **Enforcement.** Enforcement actions provided in this article shall not be exclusive, and the city may take any action with respect to a licensee, a tenant, guests, or the licensed premises as is authorized by this Code or state law.
(i) **No retaliation for making an emergency call.** For purposes of verifying instances of disorderly conduct in violation of this section, the following are exceptions:

1. An “emergency call” within the definition of Minnesota Statutes, § 609.78, subd. 3, as it may be amended from time to time, will not be considered an instance of disorderly behavior for purposes of this section where the victim and suspect are “family or household members” as defined in the Domestic Abuse Act (Minn. Stat. § 518B.01, subd. 2(b)) and where there is a report of “Domestic Abuse” as defined therein.

2. An “emergency call” within the definition of Minnesota Statutes, § 609.78, subd. 3, as it may be amended from time to time, will not be considered an instance of disorderly behavior for purposes of this section where the call is result of a tenant, or a member of the tenant’s household, or guest taking action to seek emergency assistance that is protected by Minn. Stat. § 504B.205, relating to a residential tenant’s right to seek police and emergency assistance.

3. An “emergency call” within the definition of Minnesota Statutes, § 609.78, subd. 3, as it may be amended from time to time, will not be considered an instance of disorderly behavior for purposes of this section where the call is result of a emergency assistance that is protected by Minn. Stat. § 604A.04, relating to a person who is not a health care professional who acts in good faith in administering an opiate antagonist to another person whom the person believes in good faith to be suffering a drug overdose.

4. **Tenant victim.** For purposes of determining disorderly conduct events triggering notice of a violation, the Police Department will evaluate whether the tenant is the alleged victim of the underlying disorderly conduct offense and note the tenant’s victim status when providing notice of a disorderly conduct event to a licensee. The licensee will note any determination of a tenant-victim and except the tenant-victim from any enforcement action by the licensee.

A tenant may not waive and a license holder may not require the tenant to waive the tenant's right under law to call for police or emergency assistance. This section shall not prohibit the eviction of tenants from a dwelling unit for unlawful conduct of a tenant or invitee or violation of any rules, regulations, or lease terms other than a prohibition against contacting law enforcement agencies.

(j) **Falsely reporting violations.** No person shall report a violation of this article or city ordinance knowing or having reason to know that the report is false with the intent to affect the licensing status or inspection schedule of the licensed premises.

(k) **Tenant responsibilities.**

1. **Access to licensed premises.** When required by Minnesota Statutes, each tenant or occupant of a rental dwelling must give the owner, agent, or authorized city official access to any part of such rental dwelling unit at reasonable times for the purpose of inspection, maintenance, repairs, or alterations as are necessary to comply with the provisions of this article.
(2) **Compliance with regulations.** A tenant must comply with applicable City Codes and all applicable local, state, and federal regulations. A tenant is responsible for compliance with all applicable City Code, nuisance, and violations of disorderly conduct as specified in this section that occur in the dwelling unit, including violations committed by household members or guests.

**Sec. 7-42. - Crime free housing program.**

(a) **Purpose.**

The City Council finds that repeated police calls to rental dwelling units in the city related to disturbances or criminal activity have taxed law enforcement resources. The City Council also finds that persons residing in rental dwelling units who engage in disorderly conduct or cause nuisance conditions create an unacceptable environment for others living in close proximity, thereby threatening the public safety and welfare of the community. In order to preserve and protect the city’s neighborhoods and to promote public safety, the City Council enacts this section. For the purpose of this section of the City Code, the crime free housing program shall refer to the Minnesota Crime Prevention Association's Crime Free Multi Housing Program, unless otherwise indicated or amended by this section. The phases of the program include, but are not limited to, the conditions set forth below.

(b) **Crime free housing program overview.**

An owner, agent or property manager of a rental dwelling in the city must comply with the following components of the city’s crime free housing program:

(1) Attend a certified eight-hour crime-free housing course presented by police, fire, public housing and others.

(2) Use a written lease which includes the crime free/drug free housing lease addendum.

(3) Conduct a criminal background of all prospective tenants 18 years and older and, upon request, provide a copy of third party background check procedures for tenants.

(5) Actively pursue the eviction of the tenants or termination of the lease with the tenants who violate the terms of the lease and/or the crime free/drug free housing lease addendum. Nothing in this provision restricts licensees from entering into leases with applicants possessing a criminal history.

(c) **Crime free housing program training.**

(1) Every owner, agent, or property manager of a rental dwelling must attend a crime free housing training program that is either offered by the city or another municipality within the State of Minnesota. Each owner, agent, or property manager will be charged a fee to attend the crime free housing training if attended in the City of Faribault. The owner, agent, or property manager will provide the city with proof of having received such
training to the Faribault Police Department if it is obtained from another city or other source.

(2) All new rental licenses applied for and issued after the adoption of this chapter have two (2) years from the day of license issuance for the owner, agent or property manager to attend and provide proof of completion of the crime free housing training. Licensees with a rental license issued as of January 1, 2015 must attend and provide proof of completion of the crime free housing training by December 31, 2018. Licenses may be considered for revocation, suspension or nonrenewal for failure to attend the crime free housing training and provide proof to the Faribault Police Department within the deadlines proscribed herein.

(d) Tenant background checks. All licensees will conduct criminal background checks on all prospective tenants eighteen (18) years and older. The criminal background check must include the following:

(1) A statewide (Minnesota) criminal history check of all tenants who are eighteen (18) years of age or older and persons subsequently residing in the dwelling unit who are eighteen (18) years of age or older (collectively referred to in this section as "tenants") covering at least the last three (3) years; the check must be done "in person" or by utilizing the most recent update of the state criminal history files;

(2) A statewide criminal history check from the tenants' previous state of residence if the tenant is moving directly from the previous state;

(3) A criminal history check of any tenant in his or her previous states of residence covering the last three (3) years if they have not resided in Minnesota for three (3) years or longer.

(4) Licensees will retain criminal history check information for at least one year after the date of the check or, if the subject of the check becomes a tenant of the licensed premises, one year after the subject of the check has ceased to be a tenant. Such information shall be available for inspection upon request by the city; and

(5) Licensees should have written screening criteria that is provided to the applicant prior to accepting the application or application fee.

(e) Crime free/drug free housing lease addendum requirements.

All tenant leases for rental units governed by this article shall contain the crime free/drug free housing lease addendum. The crime free/drug free housing lease addendum 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. The lease addendum shall contain the following "Crime Free/Drug Free" language or language that is contractual and legal equivalent as follows:

(1) Resident, any members of the resident's household or a guest or other person under the resident's control shall not engage in illegal activity, including drug-related illegal
activity, on or near the said premises. "Drug-related illegal activity" means the illegal manufacture, sale, distribution, purchase, use or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defined in Section 102 of the Controlled Substance Act, 21 U.S.C. 802) or possession of drug paraphernalia.

(2) Resident, any members of the resident's household or a guest or other person under the resident's control shall not engage in any act intended to facilitate illegal activity, including drug-related illegal activity or the storage of stolen property, on or near the said premises.

(3) Resident, any members of the resident's household or a guest or any other person under the resident's control household will not permit the dwelling to be used for, or to facilitate illegal activity, including drug-related illegal activity, regardless of whether the individual engaging in such activity is a member of the household.

(4) Resident, any members of the resident's household or a guest or any other person under the resident's control household will not engage in the manufacture, sale, felony possession or distribution of illegal drugs at any locations, whether on or near the dwelling unit premises or otherwise.

(5) Resident, any members of the resident's household or a guest or any other person under the resident's control household shall not engage in acts of violence or threats of violence, including but not limited to the unlawful discharge of firearms, prostitution, criminal street gang activity, or any other breach of the rental agreement that otherwise jeopardizes the health, safety or welfare of the landlord, his agents or tenants.

(6) Violation of the above provisions shall be a material violation of the lease and good cause for termination of tenancy. A single violation of any of the provisions of this agreement shall be deemed a serious violation and material non-compliance with the lease.

(7) Non-exclusive remedies. 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.

(f) Crime free housing violations.

(1) Upon determination by the Faribault Police Department by a preponderance of the evidence that a licensed premises or dwelling unit within a licensed premises was used in violation of the crime free/drug free lease provisions of this subchapter, the Police Department shall cause notice to be made to the owner, agent, or property manager of the violation. If the violation of the crime free/drug free lease addendum committed on the licensed premises would rise to the level of a felony charge under state or federal law, the Police Department shall cause notice to be made to the owner, agent, or property manager to proceed with termination of the tenancy of all tenants occupying the unit. If the violation of the crime free/drug free lease addendum committed on the licensed premises would rise to the level of a misdemeanor or gross misdemeanor charge under applicable law, the Police Department may cause notice to be made to the owner, agent, or property manager to proceed with termination of the tenancy of all tenants occupying
the unit if the violation threatens the peaceful enjoyment or safety of any other resident or neighbor to the premises.

(2) Written notice, hearing. Any determination by the Police Department for the termination of tenant’s lease based on a violation of the crime free/drug free lease provisions shall be preceded by written notice to the licensee of the grounds therefore. The licensee, agent, or property manager shall notify the tenant or tenants in writing within ten (10) days of the notice of violation of the crime free/drug free lease language and advise the tenant(s) of the termination of the tenancy as directed by the Police Department. The licensee will be given an opportunity to challenge the determination at a hearing conducted before the City Council prior to termination of the tenancy by the licensee. The licensee shall request the hearing within twenty (20) days after receipt of the Police Department’s notification of the termination of the tenancy.

In the event a hearing is requested by the licensee, a determination that a licensed premises or any particular dwelling unit has been the location of a violation of the crime free/drug free lease addendum shall be made upon a finding of fact by the City Council by a preponderance of the evidence. It shall not be necessary that criminal charges be brought in order to support such finding, nor shall the dismissal or acquittal of such criminal charge operate as a bar to any action under this section. Upon completion of the hearing, the City Council shall issue a decision to either uphold or reverse the determination of Police Department to terminate the tenancy only upon written findings and notice to the licensee.

In the event a hearing is not requested by the licensee, the licensee, agent, or property manager shall notify the tenant or tenants within twenty (20) days of the notice of violation of the crime free/drug free lease language and advise the tenant(s) of the termination of the tenancy as determined by the licensee.

(3) The licensee shall not enter into a new lease with an evicted tenant (or with a tenant whose tenancy was otherwise terminated for violating the crime free/drug free lease language) for a period of one year after the eviction or lease termination for a rental dwelling unit that is owned or operated by the licensee in the city.

(4) If the Faribault Police Department determines that the licensee or agent has proceeded in good faith to secure termination of the tenancy in accordance with this subsection, but was unsuccessful for reasons beyond the owner or agent's reasonable control, then the licensee shall not be subject to the penalties.

(5) Any person who violates any part of this Article, upon conviction thereof shall be guilty of a misdemeanor, punishable in accordance with state law which may include up to 90 days in jail. Nothing in this Article however is deemed to limit other remedies or civil penalties available to the city under City Code or state law. Each day that a violation continues is deemed a separate punishable offense.

(6) Tenant Remedies. Nothing in this Article limits a tenant’s rights or remedies under the terms of the lease or other applicable law.
Sec. 7-43. - Enforcement and inspections.

The Compliance Official or designee(s) administers and enforces the provisions of this Article and is hereby authorized to cause inspections on an annual basis for all licensed rental dwellings and also when reasonable grounds exist to believe that a violation of this article has been or is being committed. Inspections shall be conducted during reasonable times, and the Compliance Official or designee(s) shall present evidence of official capacity to the tenant, owner, or agent at the time of inspection of the rental dwelling. Inspections shall include all common areas, utility and mechanical rooms, accessory structures, interiors of each dwelling units, exteriors of all structures and exterior property areas.

(1) Inspection access. Pursuant to Minnesota Statutes, Section 504B.211, the owner or agent shall provide proper notification of an inspection to the tenants after receiving notice of the time and date of the inspection from the Compliance Officer or designee(s). Each tenant of a dwelling unit shall give the owner or agent access to any part of such dwelling unit at reasonable times for the purpose of effecting inspection, maintenance, repairs or alterations as are necessary to comply with the provisions of this subchapter. If any owner, agent or tenant of a dwelling unit fails to provide the tenant with requisite notice of the inspection or otherwise refuses to permit entry to the dwelling unit under its control for an inspection pursuant to this subchapter, the Compliance Official may seek a court order authorizing such inspection.

(2) Official order. Whenever the Compliance Official or designee(s) determines that any rental dwelling or portion thereof, or the premises surrounding any of these, fails to meet the provisions of this Article or City Code, an official order setting forth the violations and ordering the owner or agent to correct such violations shall be issued. This official order shall:

a. Be in writing.

b. Describe the location and nature of the violations of this article.

c. Establish a reasonable time for the correction of such violation and right to appeal.

d. Identify the implications of noncompliance with the official order, including but not limited to being cited by the city and prosecuted, as well as the possible revocation, suspension or nonrenewal of the rental license for the dwelling unit or licensed premises. Actions limiting the owner’s ability to rent will be brought to City Council.

e. Be provided to the owner or agent as the case may require. Such notice shall be deemed to be properly provided upon the owner or agent if a copy thereof is:

i. Served upon owner or agent personally; or

ii. Sent by First Class mail to his/her last known address on file with the city; or
iii. Upon failure to effect notice through subsections (i) or (ii) as set out in this section, posted at a conspicuous place in or about the rental dwelling, or portion thereof, that is affected by the notice.

iv. Communications with the owner or agent may also be by electronic mail.

f. Be provided to the tenant(s) residing in the licensed premises that is the subject of the official order. Such notice shall be deemed to be properly provided the tenant(s) if a copy is properly posted on the dwelling unit or at a conspicuous place in or about the rental dwelling.

(3) Action plan. The Compliance Official or designee(s) may require an action plan to be completed by the licensee or agent in a designated time frame that indicates the steps taken to correct identified violations and the measures to be taken to ensure ongoing compliance with city ordinances and all applicable codes.

(4) Unfit for human habitation.

a. Any rental dwelling or portion thereof that is damaged, decayed, dilapidated, insanitary, unsafe, vermin or rodent infested, or that 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 tenants or of the public may be declared unfit for human habitation. Whenever any rental dwelling or licensed premises has been declared unfit for human habitation, the Compliance Official or designee(s) shall order the same vacated within a reasonable time and shall post a placard on same indicating that it is unfit for human habitation as adopted by City Council Chapter 7, Sec. 7-1 (Minnesota State Building Code), and any license previously issued for such rental dwelling units shall be revoked or modified pursuant to Section 7-44 herein.

b. It shall be unlawful for such rental dwelling or portion thereof to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the city. It shall be unlawful for any person to deface or remove the declaration placard from any such rental dwelling.

(5) Hazardous building declaration. In the event that a rental dwelling has been declared unfit for human habitation and the owner or agent has not remedied the defects within a prescribed reasonable time, the rental dwelling may be declared a hazardous building and treated consistent with the provisions of Minnesota Statutes.

(6) Right of appeal. When it is alleged by any person to whom an official order is directed that such official order is based upon erroneous interpretation of this article, such person may appeal the official order to the City Council sitting as a Board of Appeals. Such appeals must be in writing, must specify the ground for the appeal, must be accompanied by a filing fee as set forth per City Council resolution, in cash or cashier's check, and must be filed with the city within ten (10) business days after receipt of the compliance order.
The filing of an appeal shall stay all proceedings in furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, or property.

(7) **Board of Appeals decision.** Upon at least ten (10) business days' notice to the appellant of the time and place for hearing the appeal, and within thirty (30) calendar days after said appeal is filed, the Board of Appeals shall hold a hearing thereon, receive evidence, and consider any advice and recommendation from the compliance officer. The Board of Appeals may reverse, modify, or affirm, in whole or in part, the compliance order and may order return of all or part of the filing fee if the appeal is upheld.

(8) **Restrictions on transfer of ownership.** It shall be unlawful for the owner of any rental dwelling, or portion thereof, upon whom a pending compliance order has been served to sell, transfer, mortgage, lease, or otherwise dispose thereof to another person until the provisions of the compliance order have been complied with, unless such owner shall furnish to the grantee, lessee, or mortgagee a true copy of any notice of violation or compliance order and shall obtain and possess a receipt of acknowledging and file a copy of the same with the city within ten (10) days of receipt. Anyone securing an interest in the rental dwelling, or portion thereof, who has received notice of the existence of a violation tag or compliance order shall be bound by same without further service of notice and shall be liable to all penalties and procedures provided by this article.

(9) **Failure to correct official orders.** Any person who fails to comply with an official order and any person who fails to comply with a modified compliance order within the time set therein, upon conviction thereof shall be guilty of a misdemeanor, punishable in accordance with state law. Nothing in this article however is deemed to limit other remedies or civil penalties available to the city under this Code or state law. Each day of such failure to comply may constitute a separate punishable offense.

(10) **Execution of official orders.** Upon failure to comply with an official 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 may, by resolution, following a hearing upon not less than ten (10) days' notice to the owner and agent cause the cited deficiency to be remedied as set forth in the compliance order. The cost of such remedy shall be 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, (the assessment shall be payable in a single installment) and the owner and agent hereby consent to the levy of such special assessments without notice or hearing and waive their rights to appeal such assessments pursuant to Minnesota Statutes, provided the amount levied does not exceed the expenses actually incurred by the city. Further, the city may, at its option, as an additional remedy, recover expenses actually incurred by the city, in the manner provided by Minnesota Statutes, Section 415.01, 366.011 and 366.012, and the owner and agent hereby consent to the levy of such assessments without notice or hearing and waive their rights to appeal such assessments pursuant to such Minnesota Statutes, provided the amount levied does not exceed the expenses actually incurred by the city.

(11) **Alternative sanctions.** Notwithstanding the availability of the foregoing compliance procedures and the penalties, whenever the city determines that any rental dwelling, or
portion thereof, or the premises surrounding any of these fails to meet the requirements set forth in this Article, the city may request the issuance of a criminal complaint and arrest warrant.

Sec. 7-44. License denial, suspension, nonrenewal or revocation.

(a) Applicability. Every application for a license, renewal for a license or an existing license issued under the provisions of this article are subject to denial, suspension, nonrenewal, or revocation by the Compliance Official or designee(s).

(b) Unoccupied or vacated rental units. In the event that a license is revoked, or not renewed by the Compliance Official or designee(s), it shall be unlawful for the owner or agent to rent the rental dwelling.

(c) Grounds for license action. The Compliance Official or designee(s) may revoke, suspend, decline to renew or impose reasonable conditions or restrictions upon any license issued under this article upon any of the following criteria:

1. False statements, misrepresentations, or fraudulent statements on any application or other information or report required by this article to be given by the applicant or licensee.

2. Failure to pay any fee, fine or penalty, special assessments, real estate taxes, or other financial claims due to the city as required by this article and City Council resolution.

3. Failure to continuously comply with any property maintenance, zoning, health, building, nuisance, or other City Codes; or failure to correct deficiencies noted in an official order in the time specified in the order.

4. Failure to comply with the provisions of an approved mitigation plan or failure to submit a required action plan.

5. Excessive police calls for service, based on the number and nature of the calls when, after owner notification, the owner fails to submit an appropriate written action plan to reduce the police calls for service.

6. Failure to actively pursue the eviction of a tenant or otherwise terminate the lease with a tenant who has violated the provisions of this article or crime free/drug free lease addendum or has otherwise created a public nuisance in violation of city, state, or applicable laws.

7. The failure to eliminate imminent health and life safety hazards as determined by the city Compliance Official or designee(s), or its authorized representatives after issuance of the compliance order.

8. The abandonment of the licensed premises by the owner as determined by the inability to make contact with the owner or his/her agent due to inaccurate contact information.
(9) Failure to operate or maintain the licensed premises in conformity with all applicable federal, state and local laws, rules, regulations, and ordinances.

(10) Any person(s) who has had an interest in two (2) or more licensed properties that have been revoked, suspended or denied pursuant to this Article, shall be ineligible to hold or have any interest in a rental dwelling license or provisional license for period of (3) years.

(d) License action sections. A license revocation, suspension, nonrenewal or imposition of reasonable conditions or restrictions on a license may be brought under any applicable provision of this Article.

(e) Notification, hearing, and decision basis.

(1) Written notice, hearing. A recommendation to revoke, deny, suspend, not renew or impose reasonable conditions or restrictions on a license shall be preceded by written notice to the applicant or licensee of the grounds therefore and the applicant or licensee will be given an opportunity to challenge the recommendation at a hearing conducted before the City Council before final action to revoke, deny, not renew or impose reasonable conditions or restrictions on a license.

(2) Decision basis. The City Council shall give due regard to the frequency and seriousness of violations, the ease with which such violations could have been cured or avoided and good faith efforts to comply. The City Council shall issue a decision to deny, suspend, not renew, revoke or impose reasonable conditions or restrictions on a license only upon written findings.

(f) Written decision, compliance. Written decisions to revoke, deny, not renew or impose reasonable conditions or restrictions on a license or application shall specify the part or parts of the rental dwelling to which it applies. Thereafter, and until a license is reissued or reinstated, no rental units becoming vacant in such part or parts of the rental dwelling may be re-let or occupied. Revocation or non-renewal of a license shall not excuse the owner from compliance with all terms of state laws and codes and this City Code for as long as any units in the rental dwelling are occupied. Failure to comply with all terms of this section during the term of revocation, or nonrenewal is a misdemeanor and grounds for extension of the term of such revocation, or nonrenewal and as otherwise set forth in this section. Further license action such as revoking a license may also be taken for failure to comply.

(g) Notification of Decision. The city shall cause a notice of the City Council’s decision of a revocation, suspension, nonrenewal or the imposition of reasonable conditions or restrictions on a rental license shall be provided to the licensee or applicant either by personal delivery or by First Class mail. In addition, notice of the City Council’s decision calling for the revocation, suspension or nonrenewal of a rental license shall also be mailed to each tenant in the licensed premises and prominently posted on the rental dwelling. The notice provided to the tenant(s) shall indicate the date upon which the tenants must vacate the licensed premises and clearly indicate which dwelling units are impacted by the City Council’s decision. Tenants of an unlicensed rental unit will be provided a reasonable time to arrange for alternative housing and remove their possessions.
(h) **License actions, reapplication.**

1. **Revocation, denial, nonrenewal.** Licenses that are revoked will not be reinstated until the owner has applied for and secured a new license and complied with all conditions imposed at the time of revocation, denial, or nonrenewal. Upon a decision to revoke, deny or not renew a license, no approval of any application for a new license for the same rental dwelling is effective until after the period of time specified in the City Council's written decision, which shall not exceed one year. The City Council shall specify in its written decision the date when an application for a new license will be accepted. A decision not to renew a license may take the form of a revocation. A decision to deny an initial application shall state conditions of reapplication.

2. **Reinstatement fees.** All reapplications must be accompanied by a reinstatement fee, as specified by City Council resolution, in addition to all other fees required by this article.

(i) **New licenses prohibited.** A person who has a rental license revoked may not receive a rental license for another rental dwelling within the city for a period of one year from the date of revocation. The person may continue to operate other currently licensed rental dwellings if maintained in compliance with City Codes and other applicable laws, rules, and regulations.

(j) **Misdemeanor.** Any person who violates any part of this Article, upon conviction thereof shall be guilty of a misdemeanor, punishable in accordance with state law. Nothing in this Article however is deemed to limit other remedies or civil penalties available to the city under City Code or state law. Each day that a violation continues is deemed a separate punishable offense.

(k) **Severability.** Every section, provision, or part of this Article is declared severable from every other section, provision, or part to the extent that if any section, provision or part of the article shall be held invalid, it shall not invalidate any other section, provision or part thereof.

(l) **No warranty by city.** By enacting and undertaking to enforce this Article, the city, City Council, its agents, and employees do not warrant or guaranty the safety, fitness or suitability of any rental dwelling in the city. Owners, agents, and tenants of rental dwellings should take whatever steps they deem appropriate to protect their interests, health, safety and welfare.

(m) **Applicable laws.** Licenses are subject to all of the ordinances of the city and the laws, rules, and regulations of the State of Minnesota and the United States relating to rental dwellings; this article shall not be construed or interpreted to supersede or limit any other such applicable law.

**SECTION 3.** This ordinance shall take effect and be in force after its passage and publication in accordance with Section 3.05 of the City Charter.

First Reading:
Second Reading:
Publication Date: 21
Faribault City Council

Attest:

______________________________
Kevin F. Voracek, Mayor

______________________________
Timothy C. Murray, City Administrator
MEMO

TO: Mayor and City Council
THROUGH: Tim Murray, City Administrator
FROM: Andy Bohlen, Chief of Police
        Deanna Kuennen, Com. & Econ Dev Director
SUBJECT: City of Faribault, Rental Licensing Program –
          Background, History, Standards, Basis, Results, and
          Recommendations

Background:
The City of Faribault has a Rental Licensing Program – Article V of Chapter 7
of the Code of Ordinances. The purpose of the program is to assure that rental
housing in the City of Faribault is decent, safe and sanitary and is operated
and maintained so as not to become a nuisance to the neighborhood or to
become an influence that fosters blight and deterioration, or creates a
disincentive for reinvestment in the community. The most recent version of
the program was adopted in 2017. The following provides background
information on the history of the elements contained and incorporated within
the program, policies and standards covered by the program, basis for the
program, results of the program, and recommended changes to the rental
licensing and crime free ordinance.

- History of the CFMH Program:

  The City of Faribault has incorporated Crime Free Rental Housing into
  its Rental Licensing program. The City’s Crime Free Rental Housing
  Program is based on the Minnesota Crime Prevention Association’s
  Crime Free Multi-Housing (“CFMH”) program, which in turn is based on
  the International Crime Free Association’s CFMH Program. CFMH is a
  crime-prevention initiative designed to help rental property owners,
  managers, residents, police and other agencies work together to
  eliminate illegal and dangerous activity from rental properties.
The first CFMH program was developed in 1992 by Reserve Officer Timothy Zehring, a crime prevention specialist with the Mesa, Arizona, Police Department. The Mesa Police Department needed an effective strategy to reduce criminal activity both in and outside of rental properties, as well as to increase the safety and sense of security for all residents, and Zehring was tasked with designing a program to address these concerns. Zehring researched the rental properties with the highest calls for service and found the police department was having difficulty preventing crime in and around rental properties because rental properties attracted non-residents with criminal intent, and some tenants, owners, or landlords did not care about the property they lived in, and would not or could not maintain the safety and security of the rental property. Using research-based crime prevention strategies, Zehring developed what has become the Crime Free Multi-Housing approach to crime prevention.

**Key Aspects of the CFMH Program**

**Training**
Landlords and/or property managers are required to attend a day long training, which is focused on teaching them about crime prevention. Law enforcement is generally limited to taking a reactive approach to fighting crime, i.e., responding to a call for service regarding a crime in progress and investigating who is responsible. Crime prevention, however, is focused on taking a proactive approach to fighting crime. This is a more desirable approach because it addresses the potential for crime before it becomes a serious problem.

As such, the required training is focused on making it clear to landlords and property managers that they have a key role to play in preventing crime on their properties and ensuring their tenants are safe and secure in their homes. The theme of the training is landlords and property managers must take an active role in managing their properties by being present as opposed to absent. The objective of the training is to learn active management principles and techniques that assist in keeping illegal and dangerous activities off the property.

**Improving the Physical Environment**
Crime Prevention Through Environmental Design, or “CPTED”, is a crime prevention philosophy based on the theory that proper design and effective use of a built environment can lead to a reduction in the fear and incidence of crime, as well as an improvement in the quality of life.
The goal of CPTED is to address any weaknesses in the built environment that could be exploited by a potential criminal, thereby preventing the opportunity for crime to occur. CPTED can reduce crime and fear by decreasing criminal opportunity and fostering positive social interaction among those who are using a space for its intended purpose.

**Community Awareness**
The third key feature of CFMH is community awareness. Many programs accomplish this feature through social meetings, which include management, residents, and law enforcement, where general safety principles and crime prevention tips are discussed.

**The City of Faribault’s Crime Free Rental Housing Program:**

In 2007 and 2008 the City began exploring implementing a Crime Free Rental Housing Program aimed at reducing crime and service calls to problem properties within the City. At that time, the City Council was supportive of the concept and directed staff to work towards implementing the program.

Due to budget constraints and cuts in the Faribault Police Department personnel, specifically the full-time Community Service Officer Supervisor position, the program was not implemented.

Nevertheless, the Police Department maintained the program was a necessary and beneficial crime prevention effort. The program continued to have administrative support during the tenure of Former Police Chief Dan Collins and Interim Police Chief Don Gudmundson, and it was a key recommendation of a 2012 Best Practices Assessment commissioned by the City.

In the spring of 2013, the City Council held its Annual Strategic Planning session with the department directors and determined that due to the number of new directors and Council Members, an outside consultant would be hired. The City hired Dave Unmacht to facilitate the planning session and prepare a draft strategic plan.

The resulting Strategic Plan identified four priorities, which represented the most important policy issues facing the City at the time as well as into the immediate future. Each priority included a list of objectives focused on achieving the City’s priorities through specific projects and
activities. Among these objectives was the implementation of the CFMH Program.

The City Council approved the 2013 Strategic Plan in the summer of 2013 and staff began working toward accomplishing the objectives noted in the Strategic Plan, including reestablishment of the CFMH Program, within the next year.

Since that time the City has implemented two different variations of the CFMH Program and has witnessed both tangible and intangible benefits as a result of the program, which are further detailed below.

**Relationship to the CFMH Program:** The City’s Crime Free Rental Housing Program incorporates each of the key aspects of a traditional CFMH program in a variety of different ways.

**Training**
City staff continues to educate local rental property owners on the Crime Free Rental Housing Program. Since January of 2015, 225 rental property owners have completed the crime free training offered through the Police Department. The experience of City staff has validated this training is needed and beneficial. Many landlords and property managers have entered the training with a belief they are not responsible for the criminal conduct on their premises if they remain willfully unaware of what is happening. Yet they leave with a clear understanding they will be held accountable if they refuse to take an active role in managing their properties, and a better understanding of the tools they have at their disposal to make their communities more safe and secure for the inhabitants.

**Community Awareness**
Since 2009, the City has promoted, and the Police Department has actively participated in, the Night to Unite Program. This program corresponds with the community awareness aspect of the CFMH model because Faribault’s Night to Unite was developed to help restore a sense of unity, strengthen neighborhood spirit, and promote community dialogue and positive relations with the police department.

As Mayor Voracek stated in his July 23rd Proclamation, Night to Unite “is designed to get to know one another in your neighborhood, build neighborhood involvement by bringing police and communities together; and to bring an awareness to crime prevention and local law
Night to Unite supports the idea that crime prevention is an inexpensive, effective tool in strengthening police and community partnerships. Night to Unite provides opportunities to celebrate the ongoing work of law enforcement and neighborhoods in Faribault by working together to fight crime and victimization and increase public safety for all citizens. The City continues to encourage citizens to participate in Night to Unite, in recognition that the citizens of Faribault play an important role in assisting the Faribault Police Department through joint crime, drug and violence prevention efforts.

**Improving the Physical Environment**

Since its inception, the City’s Crime Free Rental Housing Program has been directly tied to the City’s Rental licensing and inspection program. As noted above, this connection is key to a successful CFMH Program because rental properties failing to meet minimum code standards are easy targets for would-be criminals. More importantly, individuals who are subjected to sub-standard living conditions are more likely to develop mental health issues such as depression and increased hostility and are less inclined to care about the property they live in or take steps to maintain the safety and security of the rental property.

- **City’s Rental Licensing and Inspection Program:**

  According to the Comprehensive Plan, “[t]he provision of safe and decent housing is an essential objective of” the City. Additionally, the Comprehensive Plan recommends attaining this objective by encouraging the maintenance of the existing housing stock and the prevention of blight, as well as through the provision of a sufficient supply of adequate, safe, and sanitary dwellings in order to protect the health, safety, morals, and welfare of the citizens of our community. These compelling goals are realized through the City’s adoption and implementation of the Rental Licensing and Inspection Program.

  The City requires every dwelling unit being rented must have a rental license prior to renting. The City’s local housing stock is one of its most important assets and the rental license and inspection program helps to prevent poor living conditions, maintenance issues, and other livability issues that can affect both quality of life and the local tax base.

  The focus of the Rental Licensing and Inspection Program is to promote the health, safety, and welfare of residents living in rental property.
Rental housing conditions that adversely affect or are likely to adversely affect the life, safety, general welfare and health of renters can be corrected and prevented by enforcing minimum standards within the city.

Additionally, it provides a mechanism for the City to maintain property values and ensure the quality of the community’s housing supply. By maintaining the quality and stability of rental dwelling units, the City preserves the value of land and buildings throughout Faribault.

Staff biennially inspects both the interior and exterior of all rental dwelling units within the City for compliance with the City’s Property Maintenance Code. They also respond to complaints concerning rental properties and systematically inspect the exterior of rental units throughout the year.

**Policies and Standards Covered by the Rental Inspection and Licensing Program**

The following is an overview of issues addressed through the City’s Rental Licensing and Inspection Program

**General Requirements**

The general requirements contained in the City’s Property Maintenance Code are intended to maintain a minimum level of safety and sanitation for both the general public and the occupants of a structure, and to maintain a building’s structural and weather-resistance performance. Included within the general requirements are specific criteria for regulating the installation and maintenance of specific building components; maintenance requirements for vacant structures and land; requirements regulating the safety, sanitation and appearance of the interior and exterior of structures and all exterior property areas; accessory structures; and, vehicle storage regulations. Importantly, the general requirements of the City’s Property Maintenance Code also contain standards relating to building security, door locks, and premise identification.

These requirements also establish the responsible parties for exterminating insects and rodents and maintaining sanitary conditions in all types of occupancies. Concerns about insect and rodent infestations were one of the driving concerns behind the initial adoption of the program, and staff’s experience inspecting rental properties
validated these concerns are real. Since 2015 significant steps have been made to eliminate infestation issues in Faribault’s rental properties.

**Light, Ventilation, and Occupancy Limitations**
The City’s Property Maintenance Code contains requirements establishing the minimum environment for occupiable and habitable buildings, by establishing the minimum criteria for light and ventilation and identifying occupancy limitations including minimum room width and area, minimum ceiling height and restrictions to prevent overcrowding.

According to HUD, overcrowded housing is housing that does not provide adequate space and privacy for all intended household members. The result of overcrowded housing, according to HUD, is unsafe and substandard living conditions. This conclusion is supported by academic and scientific research, which indicates overcrowding is associated with depression, increased aggression and hostility, social withdrawal, and poor maintenance of supportive relationships. Overcrowding has been shown to be especially harmful to the growth, development, and wellbeing of children exposed to such living conditions. Children subject to unsafe and substandard overcrowded living conditions are at increased risk of poor educational performance, poor physical and mental health, and increased feelings of helplessness and distress. Importantly, the effects of overcrowding are not easily reversed, as research indicates these negative outcomes persist well into adulthood. As such, overcrowding is an issue with the potential to significantly impact the health, safety, and welfare of Faribault citizens, and it is why the City has adopted the International Property Maintenance Code, which represents the industry standard and best practices benchmark for how issues such as these should be regulated.

**Plumbing Facilities and Fixture Requirements**
Sanitary and clean conditions in occupied buildings are dependent upon certain basic plumbing principles, including providing potable water to a building, providing the basic fixtures to effectively utilize that water and properly removing waste from the building. The City’s Property Maintenance Code establishes the minimum criteria to verify that these principles are maintained throughout the life of a building by specifying standards for the installation, maintenance and location of plumbing
systems and facilities, including the water supply system, water heating appliances, sewage disposal system and related plumbing fixtures.

**Mechanical and Electrical Requirements**
The City’s Property Maintenance Code contains requirements establishing minimum performance requirements for heating, electrical, and mechanical facilities and establishes minimum standards for the safety of these facilities.

**Fire Safety Requirements**
Many fire safety regulations are established through the City’s Fire Code. The City’s Property Maintenance Code supplements these standards with requirements for means of egress in existing buildings, including path of travel, required egress width, means of egress doors and emergency escape openings, as well as minimum requirements for fire safety facilities and fire protection systems, as these are essential fire safety systems. These requirements are intended to address those fire hazards that arise as the result of a building's occupancy, as well as provide minimum requirements for fire safety issues that are most likely to arise in older buildings.

**Basis for the City of Faribault’s Crime Free Rental Housing Program and Results:**
In late-2012, the City hired Andy Bohlen to serve as the City’s Police Chief. Prior to coming to Faribault, Chief Bohlen worked in law enforcement for nearly 23 years in other jurisdictions and had familiarity with the positive community impacts of the CFMH Program. For instance, as the Commander of the Dakota County Drug Task Force, Chief Bohlen supervised a group of agents who served nearly 500,000 residents within 12 communities. They executed 226 high risk warrants in a year and quickly recognized communities that had repeat problems at the same rental properties. On the other hand, the cities that participated in the CFMH Program were proactive, had better cooperative relationships with law enforcement, and improved quality of life on rental properties by reducing calls for service.

Prior to enacting the Rental Licensing Ordinance, Chief Bohlen publicly referenced a few properties where officers repeatedly responded over the course of a year. These calls were often volatile and resulted in
considerable expense. Many times, the landlords were unaware their tenants were disrupting the harmony of other neighboring rental properties and adjacent owned properties. In 2014, Chief Bohlen also noted the City’s overall crime rate was much higher than similarly-sized cities within Minnesota. The City’s crime rate was in the top 10-15% in the State. In cities with a population of 15,000 to 30,000, the City was ranked number 5 in the entire state. Additionally, the theft rate was higher than the state and national average. That placed the City in the top 10% of crime rate per capita. These statistics were unacceptable and detrimental to the quality of our community and rental base.

The implementation of the Crime Free Rental Housing Program has had a significant positive impact on the City. There has been a notable reduction in the crime rate and a reduction in calls-for-service to the same problem properties where drug and violent criminal activity was rampant.

Since adoption of the crime free housing program, the City’s overall crime rate has dropped nearly 13%. Today, the City is rated number 107 out of all reporting 278 cities reporting crime data in the State. That places the City in the top 38.5%, a significant reduction in crime. Today, the City once listed at number 5 has reduced its crime rate and moved down to number 14 in the same similar-sized cities in the four years of the program’s existence. The reduction in the City’s overall crime rate is reflected by the more detailed statistics below.

**Burglary**

Burglary is a crime that affects renters to a greater degree than homeowners. According to the Bureau of Justice Statistics the risk of burglary is drastically higher for individuals living in rental properties than for individuals who owned or were in the process of buying their homes.
As such, burglary is a key crime statistic to consider in judging the efficacy of the Crime Free Rental Housing Program. A review of the City’s crime statistics reveals that since the implementation of the Crime Free Rental Housing Program, the City has achieved an unprecedented reduction in the amount of burglaries both on rental properties and city wide.
The crime data from 2012-2014 has been included to put these statistics in the proper context. Viewing the statistics from 2012-2015 (the first year the Crime Free Rental Housing Program) alone might lead to the impression that the Crime Free Rental Housing Program actually caused an increase in burglary in the City. But, as is the case with any proactive policing effort, the crime rate will get worse before it gets better because more resources and additional efforts are put toward addressing crime. Such is the case here, as the minor spike in 2015 yielded major reductions in 2016 and 2017, which far outpaced the previous trend.

In the four years prior to the implementation of the Crime Free Rental Housing Program, the City averaged roughly 157 burglaries per year citywide, and roughly 41 burglaries per year on rental properties. Since the implementation of the Crime Free Rental Housing Program, the City
has consistently had less than 100 burglaries citywide and has cut the incidence of burglaries on rental properties in half. Given the importance of burglary in judging the efficacy of the Crime Free Rental Housing Program, it is clear from these statistics the program has had a significant effect on crime in the City. It should be obvious any reduction in crime attributable to the program is beneficial and should warrant a continued commitment to the program. Nevertheless, burglary is not the only crime which has been reduced as a result of the program.

**Vandalism**

Vandalism is another statistic that can provide valuable insight into the efficacy of the Crime Free Rental Housing Program. In 2012, Interim Chief Don Gudmundson publicly discussed the importance of vandalism, and mentioned that by reducing vandalism, the City could reduce other crimes by improving the quality of life in our community. This is part of a broader theory on policing, which suggests that failure to control minor offenses destabilizes neighborhoods by creating a sense of public disorder. This makes people more likely to turn to crime in neighborhoods where toleration of petty crimes—such as graffiti and vandalism—indicated a lack of effective social control. Aggressively policing minor crimes not only reduces neighborhood fear, but it substantially reduces other crimes, including more serious violent crimes. Academic research has validated this method of policing leads to statistically significant reductions in crime in general, but also significant decreases in violent crime.
<table>
<thead>
<tr>
<th></th>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Vandalism (Citywide)</td>
<td>366</td>
<td>392</td>
<td>247</td>
<td>384</td>
<td>271</td>
<td>198</td>
</tr>
<tr>
<td>Vandalism (Rental Properties)</td>
<td>81</td>
<td>85</td>
<td>54</td>
<td>83</td>
<td>70</td>
<td>46</td>
</tr>
</tbody>
</table>

It is extremely encouraging—given vandalism’s important implications—that the Crime Free Rental Housing Program has led to a reduction of vandalism citywide and on rental properties specifically.

**Other Crimes**
In addition to reducing the incidence of burglary and vandalism, the Crime Free Rental Housing Program has also led to reductions in theft, disturbances, and sex offenses. These statistics display that the Crime Free Rental Housing Program has not only effectively reduced property crimes, but also violent crimes which lead to serious injuries and are offensive to the dignity of our citizens.
<table>
<thead>
<tr>
<th>Crime Category</th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td>Theft (Citywide)</td>
<td>713</td>
<td>461</td>
<td>430</td>
</tr>
<tr>
<td>Theft (Rental Properties)</td>
<td>89</td>
<td>50</td>
<td>74</td>
</tr>
</tbody>
</table>
### Crime Category

<table>
<thead>
<tr>
<th></th>
<th>2015</th>
<th>2016</th>
<th>2017</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sex Offenses (Citywide)</strong></td>
<td>52</td>
<td>48</td>
<td>40</td>
</tr>
<tr>
<td><strong>Sex Offenses (Rental Properties)</strong></td>
<td>14</td>
<td>9</td>
<td>10</td>
</tr>
</tbody>
</table>
Controlled Substance Crimes and other Intangible benefits of the Crime Free Rental Housing Program:

While the previously discussed statistics reveal a correlation between the implementation of the Crime Free Rental Housing Program and the significant reduction of a number of important crimes, the statistics do not support a reduction in the number of controlled substance crimes within the City. This, however, is attributable to the City’s role as one of the leading members of the Cannon River Drug and Violent Offender Task Force. The creation of the Drug Task Force coincided with a shift from what was primarily reactive policing, to proactive policing of drug crimes. The success of the Drug Task Force has been so great that it was recently named the Task Force of the Year by the Minnesota State...
Association of Narcotics Investigators. As noted, proactive policing efforts can yield a statistical increase in crime, even though the negative effects of the crime are being reduced. This is supported by the experience of the officers on the ground.

The Police Department no longer responds to the same rental properties 50-100 times per year and problem tenants respond quickly to a concern that they could potentially be violating the crime free/drug free lease addendum they signed as responsible renters.

- **Results of the Rental Inspection and Licensing Program**

Since the initial implementation of the Rental Licensing Ordinance in 2015, 2,804 inspections have been completed, City staff identified 531 rental dwellings in violation of the Property Maintenance Code, and 100% of these violations have been corrected. In other words, the countless individuals and families living in these 531 rental dwellings now have a decent, safe, and sanitary home to live in, when they might not have before the adoption of the Rental Licensing Ordinance. While this alone justifies continuation of the Rental Licensing Program, a closer look at the numbers reveals that landlords and property managers are now taking their obligations to their tenants seriously and addressing issues before they ever result in a code violation.

<table>
<thead>
<tr>
<th>Year</th>
<th>Scheduled Insp.</th>
<th>Complaint Insp.</th>
<th>Total Int. Insp.</th>
<th>Violations (Reinsp.)</th>
<th>Violation %</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>512</td>
<td>35</td>
<td>547</td>
<td>109</td>
<td>19.93%</td>
</tr>
<tr>
<td>2016</td>
<td>344</td>
<td>37</td>
<td>381</td>
<td>139</td>
<td>36.48%</td>
</tr>
<tr>
<td>2017</td>
<td>468</td>
<td>33</td>
<td>501</td>
<td>132</td>
<td>26.35%</td>
</tr>
<tr>
<td>2018</td>
<td>345</td>
<td>40</td>
<td>385</td>
<td>72</td>
<td>18.70%</td>
</tr>
<tr>
<td>2019 (thru 9/25)</td>
<td>436</td>
<td>23</td>
<td>459</td>
<td>79</td>
<td>17.21%</td>
</tr>
</tbody>
</table>

From 2015-2017, City staff identified, on average over 126 rental dwellings with one or more code violations per year, and a total of 380 rental dwellings with one or more code violations during the same three-year period. During 2018 and 2019, however, City Staff identified, on average roughly 75 rental dwellings with one or more code violations per year, and a total of 151 rental dwellings with one or more code violations from the beginning of 2018 through September 25, 2019. This
represents a more than 40% decrease in the number of total code violations in rental dwellings.

There are still more than three months left in 2019, which could affect these numbers. It is important to note, however, in addition to a decrease in the total number of violations, the code violation rate has decreased as well.

<table>
<thead>
<tr>
<th>Year</th>
<th>Total Int. Insp.</th>
<th>Violations (Reinsp.)</th>
<th>Violation %</th>
<th>Violation Rate (per 500 Insp.)¹</th>
</tr>
</thead>
<tbody>
<tr>
<td>2015</td>
<td>547</td>
<td>109</td>
<td>19.93%</td>
<td>100</td>
</tr>
<tr>
<td>2016</td>
<td>381</td>
<td>139</td>
<td>36.48%</td>
<td>182</td>
</tr>
<tr>
<td>2017</td>
<td>501</td>
<td>132</td>
<td>26.35%</td>
<td>132</td>
</tr>
<tr>
<td>2018</td>
<td>385</td>
<td>72</td>
<td>18.70%</td>
<td>93</td>
</tr>
<tr>
<td>2019 (thru 9/25)</td>
<td>459</td>
<td>79</td>
<td>17.21%</td>
<td>86</td>
</tr>
</tbody>
</table>

¹ Rounded to the nearest whole number.
Although the remaining 2019 inspections may change the total number of code violations identified, the rate at which rental dwellings are found to be in violation of the code is not expected to increase. Rather staff anticipates the code violation rate will continue to decrease as the same rental dwellings are re-inspected during each two-year cycle (we are currently in the first year of the third inspection cycle).
As evidenced by the above, the Rental Licensing and Inspection program has been tremendously successful in encouraging maintenance of existing rental housing and correcting code violations that threaten the quality of life for citizens in our community. The provision of decent, safe, and sanitary housing is one of the City’s essential objectives, as recognized in the Comprehensive Plan, and the Rental Licensing and Inspection Program has helped to realize this compelling objective for the betterment of the local tax base and, more importantly, the health, safety, and welfare of Faribault citizens.

While these statistics and figures are important in understanding how the Rental Licensing and Inspection program has helped remedy code violations, it is important not to lose sight of what these code violations represent. Every code violation represents a concrete threat to the safety of a citizen within our community. To emphasize this point, we have included the following real-life examples of violations that might not have been corrected had the City not adopted the Rental Licensing Ordinance.

**General Disrepair**

General disrepair issues negatively effect tenant quality of life and take a toll on the mental health of the residents who have to deal with them every day.
Aside from the stress and strain of living in an environment of general disrepair, the inability to effectively clean surfaces create health issues through the fostering of mold, mildew, and bacteria.

**Insect and Rodent Infestations**

*Mice* Though common, mice infestations can lead to serious health effects by contaminating food and other household areas.
Cockroaches
Aside from being disgusting, cockroaches pose serious health risks.

Cockroaches live in sewer environments and come up into homes in search of food and warmth, leaving behind bacteria, parasites and pathogens, all of which can affect humans.

Bed Bugs
While bed bugs are not carriers of harmful diseases or parasites, they can have serious psychological effects. Additionally, their bites cause rashes, scars and lesions.
Operable Windows and Doors

As noted above, ensuring windows and doors are operable is a simple measure a landlord can take to ensure a rental dwelling is safe and secure from break-ins. Operable windows and doors are not only effective at keeping people from getting in, they are also essential to allowing people out in case of emergencies.

Electrical Hazards

Exposed wires and uncovered electrical panels present a threat of electrocution to anyone who encounters them.
Just as dangerous is the threat that exposed electrical systems can cause a fire, harming everyone in the building.

**Fire**

In addition to being subjected to potential fire hazards, some tenants may not realize their homes are improperly equipped to respond to a fire. Without the rental inspection program, these issues may not have been realized until it was too late.
Water and Mold

Unaddressed water leaks present an obvious danger to a tenant’s property.

More importantly, it creates an environment where mold can grow and flourish, which can significantly affect the health and welfare of tenants.
Plumbing and Waste Disposal

Inoperable plumbing systems and exposed waste lines can lead to significant health effects from methane exposure.

HVAC
The safe and efficient operation of HVAC equipment prevents carbon monoxide poisoning. Carbon monoxide, even in small quantities, can cause serious health problems, particularly in children and the elderly. Vent lines incapable of venting carbon monoxide creates extreme health issue. The residents of the dwelling where these photos were taken are lucky to be alive.

**Recommended Changes to the Rental Licensing and Crime Free Ordinance**

The Ordinance has been serving its stated purpose by both reducing criminal activity in the residential rental market, reducing service calls to problem properties, as well as providing the City with a mechanism to assure rental units are properly maintained and operated for the residential tenants.

Staff recommends the Council adopt Ordinance 2019-17, which clarifies the obligations and procedures of the current ordinance, while retaining all the aspects that led to the positive outcomes described in this report, as well as additional standards reflecting current best practice benchmarks and industry standards. The following summarizes the proposed changes:

**Removal of Redundant and Unnecessary language**

In 2014 the City adopted the 2006 Edition of the International Property Maintenance Code (“IPMC”) in conjunction with the Rental Licensing Ordinance. The 2006 Edition of the IPMC met most of the City’s needs; however, there was one section Staff found deficient. The Section governing occupancy limits contained ambiguous and arguably
unenforceable language, which read as follows: “The number of persons occupying a dwelling unit shall not create conditions that, in the opinion of the code official, endanger the life, health, safety or welfare of the occupants.”

Prior to the 2006 Edition, the IPMC determined “overcrowding” (see discussion above) through the use of a square footage table, which was based upon reasonable and normal household conditions that account for live and dead loading. In most cases, the numbers in the table are very liberal but are effective at dealing with true overcrowded rooms and structures. The reason the language was stricken from the code was to allow for a couple and their small child(ren) to occupy a single room less than 150 square feet.

While the objective behind the change was justifiable, the method the International Code Council used to reach that end was not. Code officials need objective criteria in which to draw conclusions and make educated and calculated decisions. In staff’s opinion the language of the 2006 IPMC afforded the code officials too much discretion. As such, staff recommended the City include a square footage calculation, which was even more liberal than the square footage table previously utilized by the IPMC, in the rental licensing ordinance. While the square footage calculation was preferable over the vague language used by the IPMC, questions were raised about how the square footage method would affect the City’s resources. Specifically, requiring code officials to measure every sleeping room they inspected was thought to be an inefficient allocation of the City’s limited code inspection resources. As such, staff recommended the City include in the Rental Licensing Ordinance clear and unambiguous language, which could also be easily and efficiently enforced. The standard staff recommended, and which the Council ultimately adopted, was an occupancy policy of two persons per bedroom, plus one (“2+1”). The 2+1 standard was based upon the guidance handed down by HUD, which found that “an occupancy policy of two persons in a bedroom, as a general rule, is reasonable under the Fair Housing Act.” Consistent with the City’s practice of establishing minimum standards that are more liberal than best practice guidelines, the City revised this occupancy standard to allow one additional occupant per sleeping room. This standard had the added benefit of allowing a couple and their child to occupy a single room. Nevertheless, this standard was viewed as too restrictive on a family’s ability to occupy the same room as their small children. Thus, staff recommended, and
the Council agreed, an exception should be added to the Rental Licensing Ordinance that allowed the occupant load of a sleeping room to be increased by one for every child under the age of two.

The pending adoption of the 2018 IPMC renders much of the language in current § 7-40(h) nugatory, as the 2018 IPMC replaces the ambiguous language in the 2006 IPMC with clear enforceable language. In addition to the best practices benchmark established by the 2018 IPMC, the current proposed ordinance retains 2+1 in order to efficiently allocate the City’s limited code inspection resources. A licensee who can meet either standard will be found to be compliant with the City Code. In other words, if a unit contains a sleeping room, which under the IPMC standard, is not large enough to accommodate three occupants, three occupants may still inhabit the room because they are entitled to no less than three occupants under the 2+1 standard. On the other hand, if a unit contains a sleeping room large enough to accommodate four or more occupants, the 2+1 standard will not prevent the increased occupant load if the room meets the requirements of the 2018 IPMC best practice benchmark. Lastly, the under two exception has been retained (and rephrased for added clarity) to continue to allow a family to occupy the same room as their small children.

**Correction of Clerical Errors**

Both previous iterations of the ordinance contained minor drafting errors that are now corrected in the new ordinance. When the City adopted the 2006 Edition of the International Property Maintenance Code, the Faribault Uniform Housing Code was renamed the Faribault Property Maintenance Code. The language in the Rental Licensing Ordinance, however, still referred to the Property Maintenance Code as the Uniform Housing Code. This draft ordinance corrects that clerical error for additional clarity.

In 2017, the entire ordinance was revised and reorganized to improve the clarity of a landlord’s obligations under the Ordinance as well as the City’s rights and procedures for enforcing the Ordinance provisions. While the revisions improved the clarity of the Ordinance in general, Section 7-41 mistakenly contained two subdivisions labeled paragraph (c). This error has been corrected in the current draft ordinance.

**Additional Changes to Improve Clarity**
As in the 2017 revision, the proposed ordinance contains a number of revisions intended to clarify a landlord’s obligations under the Ordinance as well as the City’s enforcement procedures.

**Rental Applicants with Criminal History**

Since the initial adoption in 2014, each iteration of this Ordinance required landlords to conduct a criminal background check on all potential tenants. This requirement was never intended to prevent landlords from renting to applicants with a criminal history. Nor was it intended to prevent applicants with a criminal history from renting a residential dwelling within the City. Rather, the purpose of the criminal background check requirement is to promote active management and ensure landlords are making informed decisions regarding who they rent to. Landlords can be derelict in their duty to ensure their decisions advance the goal of resident and neighborhood safety. The Ordinance, by requiring criminal background checks, ensures willful ignorance is no longer an excuse.

A landlord who takes their obligation seriously will use this information to open a dialogue with the prospective tenant, gather additional relevant information, and take a more active role in the operation of their facilities. In this way they can ensure they are making thoughtful housing decisions, which do not threaten the health, safety, or welfare of other residents or neighbors, while at the same time making the City’s goal of decent, safe, and sanitary housing a reality for all who live in the City. The criminal background check requirement does not preclude a landlord from renting to an individual with a criminal history, and merely allows the landlord to make an informed decision, including taking into consideration any positive lifestyle changes the individual may have made. This aspect of the Crime Free Rental Housing program is explicitly stated in the Ordinance to avoid any confusion.

In order to ensure landlords are complying with their obligations under the Fair Housing Act, the City has posted HUD’s guidance document, entitled, *Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions*, dated April 4, 2016, on the City’s website and has incorporated it into the training manual landlords receive after attending the crime free training session.
**Tenant Victim**

Since the initial Ordinance was implemented in 2015, the Police Department has made a conscious effort to protect tenants from experiencing any negative consequences under the ordinance as a result of crimes which they fell victim to. In most cases this involves making an explicit reference to the tenant who is responsible for the violation. The proposed Ordinance makes clear it is a landlord’s obligation to pay attention to the determination of a tenant-victim and exempt the tenant-victim from any resulting enforcement action.

**Appeal Timelines**

The Crime Free Rental Housing program requires the Crime Free/Drug Free Lease addendum be included in all residential rental agreements in the City. While the Police Department can notify a landlord about circumstances violating the lease, the City is not a party to the agreement and cannot enforce the lease itself. Therefore, the landlord must also conclude the lease addendum has been violated before a tenant can be evicted. In the same vein, if the City notifies a landlord the lease addendum has been violated, and the tenant disagrees with that assessment, the tenant’s first right of appeal is always to the landlord him/herself. If the landlord agrees with the tenant, the landlord can appeal the lease termination directive to the City Council. Staff is not aware of any situations in which the current appeal timelines in the ordinance have hindered this process. Nevertheless, the proposed ordinance adjusts the appeal timelines to better accommodate this process.

**Tenant Remedies**

In addition to appealing to the landlord him/herself, a tenant is not prohibited from exercising any other rights they may have under state and federal law, as well as the lease agreement itself. This fact is further clarified in the proposed Ordinance.

**Attachments:** *Cover pages attached - the complete attachments are available upon request*


The Impact of Overcrowding on Health & Education:

A Review of Evidence and Literature

May 2004
An estimated 3.7 million household burglaries occurred each year on average from 2003 to 2007. In about 28% of these burglaries, a household member was present during the burglary. In 7% of all household burglaries, a household member experienced some form of violent victimization (figure 1).

These estimates of burglary are based on a revised definition of burglary from the standard classification in the National Crime Victimization Survey (NCVS). Historically, burglary is classified as a property crime except when someone is home during the burglary and a household member is attacked or threatened. When someone is home during a burglary and experiences violence, NCVS classification rules categorize the victimization as a personal (rape/sexual assault, robbery, and aggravated and simple assault) rather than a property crime (household burglary, theft, and motor vehicle theft). In this report, the definition of household burglary includes burglaries in which a household member was a victim of a violent crime (see Methodology).

Highlights

- An estimated 3.7 million burglaries occurred each year on average from 2003 to 2007.
- A household member was present in roughly 1 million burglaries and became victims of violent crimes in 266,560 burglaries.
- Simple assault (15%) was the most common form of violence when a resident was home and violence occurred. Robbery (7%) and rape (3%) were less likely to occur when a household member was present and violence occurred.
- Offenders were known to their victims in 65% of violent burglaries; offenders were strangers in 28%.
- Overall, 61% of offenders were unarmed when violence occurred during a burglary while a resident was present. About 12% of all households violently burglarized while someone was home faced an offender armed with a firearm.
- Households residing in single family units and higher density structures of 10 or more units were least likely to be burglarized (8 per 1,000 households) while a household member was present.
- Serious injury accounted for 9% and minor injury accounted for 36% of injuries sustained by household members who were home and experienced violence during a completed burglary.

Figure 1. Number and percent distribution of household burglaries, 2003–2007
Depressive Symptomology and Hostile Affect among Latinos Using Housing Rental Assistance: the AHOMÉ Study

Earle C. Chambers, Damaris Fuster, Shakira F. Suglia, and Emily Rosenbaum

ABSTRACT Studies show that those residing in households subsidized with federal housing vouchers exhibit fewer mental health problems than residents of public housing. The role of housing conditions and neighborhood quality in this relationship is unclear. This study investigated the relationship between rental assistance, housing and neighborhood conditions, and the risk of depressive symptomology and hostile affect among low-income Latino adults living in the Bronx, NY. Latino adults participating in the Affordable Housing as an Obesity Mediating Environment (AHOMÉ) study were used for analysis. All AHOMÉ participants were eligible for federal low-income housing rental assistance (n=385) and living in the Bronx, New York (2010–2012). Housing (crowding and structural deficiencies) and neighborhood (physical disorder and social cohesion) were measured by questionnaire during in-home interview. Depressive symptomology was measured using the Center for Epidemiologic Studies Depression Scale Short Form, CES-D 10 (score ≥10). Hostile affect was measured using items from the Cook-Medley Hostility Scale (score ≥4). Results suggest residents of Section 8 housing have similar levels of depressive symptomology and hostility compared to residents in public housing or those receiving no federal housing assistance. However, depressive symptomology was significantly associated with maintenance deficiencies [OR=1.17; CI 1.02, 1.35] and social cohesion [OR=0.71; CI 0.55, 0.93]. Hostility was significantly associated with perceived crowding [OR=1.18; CI 1.16, 2.85], neighborhood physical disorder [OR=1.94; CI 1.12, 3.40], and social cohesion [OR=0.70; CI 0.50, 0.98]. Low-income housing assistance did not have an independent effect on mental health outcomes. However, characteristics of the housing and neighborhood environments were associated with depressive symptomology and hostility.

KEYWORDS Housing assistance, Latinos, Hostility, Depression, Psychological stress

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What is it about moving to a lower-poverty neighborhood that improves health and well-being among low-income families? Ever since Gautreaux v. the Chicago Housing Authority in 1966, policymakers, residents, and others have believed that helping low-income people move out of high-poverty neighborhoods could dramatically improve their lives. Most recently, for example, the Moving to Opportunity (MTO) program found that moving to a lower-poverty neighborhood led to better mental and physical health for low-income mothers. But what about moving leads to these and other improvements? Is it higher-quality housing? More cohesive neighborhoods? Fewer worries about crime? Or something else entirely?

This brief examines three factors in the link between housing and mental health—housing quality, neighborhood conditions, and social cohesion among neighbors. The study focuses on 371 low-income Latino families in the Bronx who lived in public housing or rented a home in the private sector using a housing voucher to subsidize the cost. The findings show that regardless of whether they lived in public or private housing, the quality of that housing and the surrounding neighborhood mattered to their mental health.

Housing Quality Contributes to Depression and Hostility

Homes with problems weigh on residents. Rodents, holes in the walls, broken windows, lack of heat take their emotional toll. The current study finds that poor housing conditions are associated with more depressive symptomology and hostility among the residents. The same is true for overcrowding: residents are at higher risk for depressive symptomology and hostility when they feel that they have no time or space to themselves or that people in the home are constantly in each other’s way. The risk is similar for those living in public housing and in subsidized private rentals and after controlling for education, gender, and existing physical health.

Neighborhood Cohesion Supports Mental Health

Outside the home, neighborhood conditions also matter. An abundance of vacant lots or buildings, vandalism, graffiti, trash or broken glass are all associated with greater hostility. On the other hand, greater social cohesion, or the sense that people are willing to help their neighbors and that theirs is a close-knit neighborhood, is associated with less hostility and depressive symptomology.
Measuring the Benefits of Homeowning: Effects on Children

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In this paper we examine whether homeowning benefits children by testing whether children of homeowners stay in school longer than children of renters and whether daughters of homeowners are less likely to have children as teenagers than daughters of renters. We use both probit models and a bivariate probit technique which takes account of possible selection bias due to differences between parents who choose to own versus rent. We find in several data sets that both effects are statistically significant and quantitatively important—particularly for low-income households. We also estimate that the dollar benefit per low-income household of parents being homeowners rather than renters is at least $31,000. © 1997 Academic Press

At least as far back as the 1920s, it has been an article of faith among policymakers that homeowning is desirable and should be encouraged. These quotations are illustrative: Herbert Hoover: “A family that owns its own home takes pride in it and has a more wholesome, healthful, and happy atmosphere in which to bring up children”; Franklin D. Roosevelt: “A nation of homeowners is unconquerable”; and Lyndon B. Johnson: “Owning a home can increase responsibility and stake out a man’s place in his community.” More recent policymakers continue to believe in the value of homeowning, although they are less specific about its benefits: former H.U.D. Secretary Jack Kemp: “Democracy can’t work without the compo-
Do Police Matter?  
An Analysis of the Impact of New York City’s Police Reforms

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HOUSING CROWDING EFFECTS ON CHILDREN'S WELLBEING

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Abstract

The degree to which children grow up in crowded housing is a neglected but potentially important aspect of social inequality. Poor living conditions can serve as a mechanism of social stratification, affecting children’s wellbeing and resulting in the intergenerational transmission of social inequality. This paper reports an investigation of housing crowding on children’s academic achievement, behavior, and health in the U.S. and Los Angeles, a city with atypically high levels of crowding. We use data from the Panel Study of Income Dynamics’ Child Development Supplement and the Los Angeles Family and Neighborhood Survey to explore the effect of living in a crowded home on an array of child wellbeing indicators. We find that several dimensions of children’s wellbeing suffer when exposed to crowded living conditions, particularly in Los Angeles, even after controlling for socioeconomic status. The negative effects on children raised in crowded homes can persist throughout life, affecting their future socioeconomic status and adult wellbeing.

Keywords

housing crowding; child wellbeing; residential effects

One’s housing relates to many aspects of social life including privacy, location, health, security, social relations, and community resources. One aspect of housing quality is the quantity of housing that is available to each member of a household. For a given household size, the size of the dwelling unit determines the degree of housing crowding experienced by the persons who live there. Living in crowded housing conditions can create stress in the home and have negative consequences for its inhabitants. Children may be particularly vulnerable to this type of poor housing quality because they use the space in the home to do homework, interact with family members, develop an identity, practice skills, and sleep. Because the environments in which children are raised vary substantially across socioeconomic groups, these environments may also contribute to the intergenerational transmission of social inequality. Variation in housing crowding may be a key aspect of children’s physical environments. This paper is based on an analysis of representative data for the U.S. and for a large metropolitan area with atypically high levels of housing crowding on the academic achievement, behavior problems, and physical health of children.

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SIDS and Other Sleep-Related Infant Deaths: Updated 2016 Recommendations for a Safe Infant Sleeping Environment

TASK FORCE ON SUDDEN INFANT DEATH SYNDROME

Approximately 3500 infants die annually in the United States from sleep-related infant deaths, including sudden infant death syndrome (SIDS; International Classification of Diseases, 10th Revision [ICD-10], R95), ill-defined deaths (ICD-10 R99), and accidental suffocation and strangulation in bed (ICD-10 W75). After an initial decrease in the 1990s, the overall death rate attributable to sleep-related infant deaths has not declined in more recent years. Many of the modifiable and nonmodifiable risk factors for SIDS and other sleep-related infant deaths are strikingly similar. The American Academy of Pediatrics recommends a safe sleep environment that can reduce the risk of all sleep-related infant deaths. Recommendations for a safe sleep environment include supine positioning, the use of a firm sleep surface, room-sharing without bed-sharing, and the avoidance of soft bedding and overheating. Additional recommendations for SIDS reduction include the avoidance of exposure to smoke, alcohol, and illicit drugs; breastfeeding; routine immunization; and use of a pacifier. New evidence is presented for skin-to-skin care for newborn infants, use of bedside and in-bed sleepers, sleeping on couches/armchairs and in sitting devices, and use of soft bedding after 4 months of age. The recommendations and strength of evidence for each recommendation are included in this policy statement. The rationale for these recommendations is discussed in detail in the accompanying technical report (www.pediatrics.org/cgi/doi/10.1542/peds.2016-2940).
Operating Guidance

Healthy Home Rating System – Operating Guidance

Department of Housing and Urban Development
Office of Healthy Homes and Lead Hazard Control
Measuring Overcrowding in Housing

U.S. Department of Housing and Urban Development
Office of Policy Development and Research
April 4, 2016

Office of General Counsel Guidance on Application of Fair Housing Act Standards to the Use of Criminal Records by Providers of Housing and Real Estate-Related Transactions

I. Introduction

The Fair Housing Act (or Act) prohibits discrimination in the sale, rental, or financing of dwellings and in other housing-related activities on the basis of race, color, religion, sex, disability, familial status or national origin. HUD’s Office of General Counsel issues this guidance concerning how the Fair Housing Act applies to the use of criminal history by providers or operators of housing and real-estate related transactions. Specifically, this guidance addresses how the discriminatory effects and disparate treatment methods of proof apply in Fair Housing Act cases in which a housing provider justifies an adverse housing action—such as a refusal to rent or renew a lease—based on an individual’s criminal history.

II. Background

As many as 100 million U.S. adults—or nearly one-third of the population—have a criminal record of some sort. The United States prison population of 2.2 million adults is by far the largest in the world. As of 2012, the United States accounted for only about five percent of the world’s population, yet almost one quarter of the world’s prisoners were held in American prisons. Since 2004, an average of over 650,000 individuals have been released annually from federal and state prisons, and over 95 percent of current inmates will be released at some point. When individuals are released from prisons and jails, their ability to access safe, secure and affordable housing is critical to their successful reentry to society. Yet many formerly incarcerated individuals, as well as individuals who were convicted but not incarcerated, encounter significant barriers to securing housing, including public and other federally-subsidized housing.

1 42 U.S.C. § 3601 et seq.
4 Id.
SUBJECT: Providing Assistance to Non Low-Income Indian families under the Native American Housing Assistance and Self-Determination Act of 1996

1. PURPOSE: This notice describes the exception to the low-income requirement whereby non low-income Indian families may receive assistance under the Native American Housing Assistance and Self-Determination Act of 1996 (NAHASDA) and under the Notice of Transition Requirements from the United States Housing Act of 1937 to NAHASDA. This notice also describes the method for determining and documenting when housing need cannot reasonably be met without NAHASDA assistance. The process for recipients to request HUD approval to assist non low-income Indian families is also described.

2. BACKGROUND: One of the national objectives of NAHASDA is to assist and promote affordable housing activities to develop, maintain, and operate affordable housing in safe and healthy environments on Indian reservations and in other Indian areas for occupancy by low-income Indian families.

Section 201(b)(1) of NAHASDA, Eligible Families, states that except as provided under paragraph (2), assistance under eligible NAHASDA housing activities shall be limited to low-income Indian families on Indian reservations and other Indian areas.

Paragraph (2) of section 201(b) describes the exception to the low-income requirement. It states that a recipient may provide assistance for homeownership activities under section 202(2) (development activities), model activities under section 202(6), or loan guarantee activities under