WORTHINGTON CITY COUNCIL
SPECIAL MEETING

4:00 P.M. - Wednesday, January 26, 2022
City Hall Council Chambers

A. CALL TO ORDER

B. CITY COUNCIL BUSINESS - ADMINISTRATION

1. Rental Housing Draft Ordinance & Program

D. ADJOURNMENT

DRAFT Rental Housing Code

Executive Summary

Purpose

To eliminate unsafe, unhealthy, substandard, and blighted rental housing – to improve the quality of rental housing in Worthington – to protect the health, safety, and welfare of our citizens.

Main Features

- An escalating toolkit of enforcement mechanisms for unsafe housing
- Uses HUD minimum housing standards, without restating requirements
- Reduced inspection frequency for better buildings/landlords *157.08(B)*

Enforcement Tools

- Tiered inspection schedule: Monthly, annual, two-year, or five-year *157.08(B)*
- Administrative penalties – Inspector writes a ticket *157.03(B)*
- Immediate citation for certain life-safety violations – *no time* allowed for compliance *157.03 (E)*
- Citation for petty misdemeanor or misdemeanor *157.03(A)*
- Inspections for cause: For complaints or violations of property maintenance standards *157.08(C)*
- Rent abatement for serious safety and quality of life violations *157.03(F)*
- Conditional license revocation – License revoked unless conditions are met *157.06(B)(9)(d)*
- Administrative search warrant *157.02(C)*
- A violation may be charged for failure to return calls or other obstruction *157.02(C)*
- Prohibits contract-for-deed sale of property under order for improvement *157.03(A)(4)*
- City may revoke a rental license and order a property vacated *157.06(B)(10)*
- City may disconnect utilities *157.02(A)*

Need

- An Administrative Penalty ordinance, also useful for other Code violations
- An Administrative Hearing Officer per §31
- A Schedule of Fees – for registration, inspections, penalties
- A *Rental Housing Manual* – describe consistent and fair procedures using all tools to eliminate unsafe rental housing
- Buy-in from renters that they are safe from retaliation for complaints

CHAPTER 157: RENTAL HOUSING

City of Worthington, Minnesota

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DRAFT

CHAPTER 157: RENTAL HOUSING

City of Worthington, Minnesota

§157.01. GENERAL

(A) Title

These regulations shall be known as the Rental Housing Code of the City of Worthington hereinafter referred to as "this chapter."

(B) Purpose

To eliminate unsafe, unhealthy, substandard, and blighted rental housing – to improve the quality of rental housing in Worthington – to protect the health, safety, and welfare of our citizens.

(C) Scope

The provisions of this chapter shall apply to all residential rental structures and premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

(1) The following residential structures are exempt from the requirements of this chapter:

- (a) Owner-occupied single-family dwellings or the owner-occupied part of a duplex, except as provided in (2);
- (b) Single-family dwellings rented for 12 months or less while being actively marketed for sale, or for less than 155 days in any 12-month period and occupied by the owner the rest of the year;
- (c) Bed and breakfast establishments;
- (d) Transient hotels and transient motels;
- (e) State-licensed health and custodial facilities;
- (f) Residential occupancies specifically regulated and inspected by state or federal authority.

(2) The exemption of owner-occupied dwellings shall not apply to properties where an owner of a rental property is under order to make repairs or corrections but transfers the property before doing so; see "Transfer of ownership" in section 157.04 (A)(4) below.

(D) Adopted standards

(1) The City of Worthington, Minnesota, hereby adopts by reference the housing quality standards promulgated by the United States Department of Housing and Urban Development, Federal Register, July 3, 1995, Part III, under 24CFR, Part 982, Section 401.

(2) The City of Worthington, Minnesota, hereby adopts by reference The International Property Maintenance Code, Chapters 2 through 8, most recent edition, published by the International Code Council, amended as follows:

- (a) Section 302.4. Insert: 6 inches in height.
- (b) Section 304.14. Insert: May 15-October 15.
- (c) Sections 602.3 and 602.4: Insert: September 1-May 31.

(3) The City of Worthington hereby adopts by reference the Minnesota Fire Code, latest edition.

(E) Repeal and amendments

(1) City Code §150.10, Rental Housing Maintenance and Occupancy, shall be and hereby is repealed.

(2) City Code § 31.01, Legislative Hearing Officer, is hereby stricken and replaced with the following:

"In order to hear and decide appeals from a notice of violation or emergency issued by enforcement officers pursuant to Chapters 92, 98, 99, and 157 of the Worthington City Code, there shall be and is hereby created a Legislative Hearing Officer. The Legislative Hearing Officer shall be a person appointed by the City Council. The Legislative Hearing Officer shall also have the authority to conduct hearings on such other matters as directed by the City Council."

(3) City Code §150.02(A) is hereby stricken and replaced with the following:

(a) "(A) The International Property Maintenance Code, Chapters 2 through 8, most recent edition, published by the International Code Council, is hereby adopted by reference as though set forth verbatim herein, amended as follows:

(b) (1) Section 302.4. Insert: 6 inches in height.

(c) (2) Section 304.14. Insert: May 15-October 15.

(d) (3) Sections 602.3 and 602.4: Insert: September 1-May 31."

(F) Applicability

(1) *General.* The provisions of this chapter shall apply to all matters affecting or relating to structures and premises, as set forth in this chapter. In the event that different sections of this chapter specify different requirements, the more protective of health and safety shall govern.

(2) *Maintenance.* Equipment, systems, devices and safeguards required by this chapter or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. No owner, operator or occupant shall cause any service, facility, equipment or utility which is required under this chapter to be removed from or shut off from or discontinued for any occupied dwelling, except for such temporary interruption as necessary while repairs or alterations are in progress. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

(3) *Workmanship.* Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of this chapter shall be executed and installed in a workmanlike manner and installed in accordance with the manufacturer's installation instructions.

(4) *Existing remedies.* The provisions in this chapter shall not be construed to abolish or impair existing remedies of the City of Worthington or its officers or agencies relating to the removal or demolition of any structure which is dangerous, unsafe or unsanitary.

(5) *Referenced codes and standards.* The codes and standards referenced in this chapter shall be those that are adopted by the City of Worthington and shall be considered part of the requirements of this chapter to the prescribed extent of each such reference. Where differences occur between provisions of this chapter and the referenced standards, the provisions of this chapter shall apply.

(6) *Requirements not covered by this chapter.* Requirements necessary for the strength, stability or proper operation of an existing fixture, structure or equipment, or for the public safety, health and general welfare, not specifically covered by this chapter, shall be determined by the Housing Official.

(7) *Severability.* If any provision of this chapter or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions that can be given effect without the invalid provision or application.

(8) *No warranty by City.* By enacting and undertaking to enforce this chapter, the city council, its agents, and employees do not warrant or guarantee the safety, fitness or suitability of any dwelling in the city. Owners and occupants should take whatever steps they deem appropriate to protect their interests, health, safety and welfare.

(G) Definitions

(1) Where the term "this chapter" is used, it may also refer to codes, ordinances, or standards referenced in this chapter.

(2) Wherever reference is made to other chapters or sections of City Code or Minnesota Statues, it shall be interpreted as though it is followed by "or subsequent legislation."

(3) The following definitions shall apply in the interpretation and enforcement of this chapter:

CITY CODE. The City of Worthington Code of Ordinances.

DUPLEX or DUPLEX DWELLING. A building containing two separate dwelling units.

EFFICIENCY APARTMENT. An apartment in which one room contains the kitchen, living, and sleeping quarters, with a separate bathroom.

EMERGENCY. A condition arising from actual or imminent building or building system failure that causes a health or safety hazard to occupants or the general public.

HOUSING OFFICIAL. Any City employee or contract employee charged by the City Administrator with enactment of this chapter.

IPMC means the most recent edition of the International Property Maintenance Code, Chapters 2 through 8, published by the International Code Council.

INSPECTION CYCLE means the period between scheduled inspections.

LANDLORD means an owner of real property, a contract for deed vendee, receiver, executor, trustee, lessee, agent, operator, or other person directly or indirectly in control of rental property.

LIFE SAFETY. Provisions of this chapter for fire safety, emergency egress, venting of fuel-burning heaters, dangerous and illegal wiring, carbon monoxide monitoring, or any provision the violation of which could result in urgent danger to any person.

MINOR VIOLATION means a violation of this chapter that does not pose an imminent health or safety hazard, but does warrant correction.

MULTIPLE DWELLING. A building containing more than two separate dwelling units.

OWNER-OCCUPIED. Occupied as a dwelling by the owner or owner's relative within the second degree of consanguinity or affinity (or the same degree by adoption).

RENT. Payment of money, goods, labor, service or otherwise for use of a dwelling.

RENTAL PROPERTY. Any dwelling not owner-occupied, and its premises and auxiliary buildings, regardless of whether rent is paid.

RENTAL UNIT means a room in a rooming house or dormitory, a housekeeping unit, or a dwelling unit, in a rental property.

SCHEDULE OF FEES. A list of services provided by the City, with the associated fees for each service, adopted by resolution and updated from time to time by the City Council.

TENANT means a person occupying a dwelling that is not owner-occupied, or a resident of a manufactured home

park.

(H) Fee schedule

The City Council will adopt a schedule of fees which may be updated from time to time to defray the cost of inspection, enforcement, and administration of the provisions of this chapter.

(I) Rental Housing Code Manual

The City Council will adopt a Rental Housing Code Manual which may be updated from time to time. The Manual will delineate policies, principles, and penalties to be followed so that administration and enforcement of this chapter is reasonably effective, consistent, and just.

§157.02. DUTIES AND POWERS OF THE HOUSING OFFICIAL

The housing official is hereby authorized and directed to enforce all of the provisions of this chapter.

(A) Authority

The housing official shall have authority as necessary in the interest of public health, safety and general welfare, to adopt procedures and to interpret and implement the provisions of this chapter, to secure the intent thereof.

The housing official has the authority to:

(1) Issue or revoke a rental license;

(2) Charge an owner, operator, or occupant with a petty misdemeanor or misdemeanor;

(3) Issue an administrative citation with penalties for a violation;

(4) Order abatement of rent;

(5) Proceed to cause repairs or abatement required by this chapter to be done and charge the costs thereof against the property or its owner;

(6) Suspend or terminate city utility services to the property;

(7) Grant specific limited waivers of requirements of this chapter and will state and record the reasons for such waivers;

(8) Enforce provisions of Minnesota Statutes Chapter 504B;

(9) Prepare or acquire and promulgate informational material to landlords and tenants;

(10) Make lawful inspections as provided in this chapter, or to cause inspections to be made by other approved agencies or individuals; and

(11) Exercise other authority stated or implicit in this chapter.

(B) Enforcement of other chapters of City Code

The housing official has the authority to enforce other chapters of City Code as they pertain to rental properties, including without limitation Chapter 92: Health and Safety, Nuisances; Chapter 96: Weeds; Chapter 97: Abandoned and Inoperable Vehicles; Chapter 98: Minimum Maintenance Standards for All Structures and Premises; and Chapter 99: Outside Parking of Vehicles.

(C) Right of entry

The housing official is authorized to enter the structure or premises at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures. Refusal of the landlord or tenant to give the housing official access to a rental property is a violation of this chapter. If entry is

refused or not obtained, the housing official is authorized to pursue recourse as provided by law, including application to the court for an administrative search warrant.

A landlord's failure to respond to housing official's attempt to communicate using the contact information provided in the rental registration application constitutes refusal of entry and is a violation of this chapter.

(D) Duties

The housing official will:

(1) Issue all necessary notices or orders to ensure compliance with this chapter;

(2) Prepare, issue, and record a report of each inspection;

(3) Keep official records of activities under this chapter;

(4) Perform other duties stated or implicit in this chapter.

§157.04. VIOLATIONS AND ENFORCEMENT

(A) Violations

(1) It is a violation of this chapter for any person, be they owner, operator, or occupant, to do any act forbidden or fail to perform any act required by this chapter, to permit a code violation to exist after the time set by the housing official for correcting the violation, or to permit another person to occupy any premises that does not comply with the requirements of this chapter.

(2) Each day of a violation constitutes a separate violation.

(3) Unless otherwise declared in this chapter with respect to particular offenses, a violation of this chapter is a petty misdemeanor; except that:

(a) A violation which is committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property is a misdemeanor.

(b) A violation of any of the provisions of this chapter, classified therein as a petty misdemeanor, when preceded by two or more petty misdemeanor convictions, or administrative citations that could have been charged as petty misdemeanors, within the immediately preceding 12-month period is a misdemeanor.

(c) A second instance of a landlord or owner renting or attempting to rent any dwelling unit without a rental license (not necessarily at the same location) within five years is a misdemeanor.

(d) A landlord who willfully fails to comply with an order to remedy a violation is guilty of a gross misdemeanor if it is the third or subsequent time that the landlord has willfully failed to comply with an order to remedy a violation within a three-year period.

(4) *Transfer of ownership.* It shall be unlawful, and a misdemeanor, for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee ("new owner") a true copy of any compliance order or notice of violation issued by the housing official and shall furnish to the housing official a signed and notarized statement from the new owner, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance

order or notice of violation, and that failure of the new owner to make such repairs and corrections is a violation of this chapter and a misdemeanor.

(B) Administrative penalty

An administrative penalty may be imposed for a violation of any provision of this chapter, in amounts not to exceed the statutory penalties for the same action if it were prosecuted as a petty misdemeanor, misdemeanor, or gross misdemeanor.

(C) Notices and orders

(1) *Notice to person responsible.* Whenever the housing official determines there has been a violation of this chapter or has grounds to believe that a violation has occurred, notice will be given to the person responsible for the violation. Notices will:

(a) Be in writing; and
(b) Include a sufficient description of the property; and
(c) Include a statement of the violation(s); and
(d) (Where applicable) include a correction order allowing a reasonable time to make the repairs and improvements required to bring the rental unit into compliance with this chapter; and
(e) Inform the person receiving the notice of legal remedies that the City may pursue; and
(f) Inform the person receiving the notice of their right to appeal.

(2) *Method of service.* Such notice shall be deemed to be properly served if a copy thereof is delivered personally, or sent by certified or first-class mail addressed to the last known address. If the notice is returned showing that the letter was not delivered, a copy thereof will be posted in a conspicuous place in or about the structure affected by such notice.

(3) The owner who has been served notice under this chapter shall take action to bring the condition into compliance by the date provided in the housing official's notice.

(D) Abatement by City

(1) The housing official may cause the abatement of the following specified code violations, and the City may assess the costs of abatement in the manner provided pursuant to Minnesota Statutes 429.101 and/or City Code §92.07:

(a) Tall grass and weed control;
(b) Accumulation and disposal of refuse, garbage, and waste;
(c) Outdoor storage;
(d) Other public health or safety hazards.

(2) Abatement may be made without notice if it is necessary in the interest of public health and safety.

(E) Citations without time allowed for correction

Violations may result in citations for a violation or levying of administrative penalties, without a requirement to allow time for correction. These include without limitation:

(1) Renting a dwelling unit without a rental license;

(2) A landlord failing to respond to housing official attempts to contact the landlord using the contact information provided in the registration/license application;

(3) Inhabiting a space in which the smoke alarm, carbon monoxide alarm, or any part of a life-safety system is absent, not maintained, or disabled, or allowing such habitation;

(4) Sleeping, or allowing sleeping, in a space that is not a habitable space;

(5) Using, or allowing the use of, unvented fuel-burning space heaters;

(6) Completing electrical work without a permit, or allowing the existence of electrical work completed without a permit;

(7) Occupying or allowing occupancy of a unit that was placarded and ordered vacated, or for which the license has been revoked, or for which the license has lapsed without being renewed;

(8) Any violation that is persistently observed at the same property or at properties managed by the same landlord.

(F) Abatement of rent

(1) The housing official may order rent abated when the housing official determines that the landlord has, after issuance of a notice of violation of this chapter:

(a) Failed to provide water, hot water, sewer, electricity, or heat;
(b) Failed to remedy a condition that poses a substantial risk to the health or safety of the tenant;
(c) Rented a dwelling unit without a valid rental license; or,
(d) Failed to make corrections as required in the inspection report.

(2) Rent abatement means that the landlord may not recover rent from the tenant. Rent shall be abated until the condition for which rent abatement was ordered has, in the judgment of the housing official, been remedied.

(3) The housing official may order rent to be abated in whole or only partially. For landlord's failure to provide an essential service or failure to remedy a condition that poses a substantial risk to the health or safety of the tenant, the housing official may order rent abated retroactively from the time such failure started.

(4) The housing official will order the landlord to refund rent that is ordered abated under this chapter (if it is already paid); failure to do so within 30 days constitutes a violation of this chapter.

(5) The housing official will provide a copy of the rent abatement order to the landlord at the address on the rental permit and to the tenant by U.S. mail and by posting on the entrance door to the building or to the rental unit, but may also be deemed effective if given by phone or email. Notice of termination of the rent abatement will be given in the same manner.

(G) Means of appeal

(1) *Application for appeal.* Any person directly affected by a decision of the housing official or a notice or order issued under this chapter shall have the right to appeal. An appeal request shall be made in writing and be filed no later than 14 days after the date the notice or order was issued. An application for appeal shall be based on the claim that:

(a) The true intent of this chapter or the rules legally adopted hereunder have been incorrectly interpreted; or
(b) The provisions of this chapter do not fully apply; or
(c) The requirements of this chapter are adequately satisfied by other means, and the specific proposed alternative action will provide an equivalent degree of code compliance; or
(d) There are specific fixed conditions that make strict compliance with this chapter impracticable; or
(e) Required actions cannot be completed within the time limit specified by the housing official.

(2) *Appeals.* There is hereby created a two-tiered appeals process. All appeals decisions and findings shall be made part of the public record:

(a) Step 1. The housing official will schedule an administrative conference with the appellant for reconsideration of such notice or order. The conference will be scheduled within 7 days of the filing of an appeal. The appellant may request, and the housing official may grant, a brief extension of the hearing date for good cause. Upon conclusion of said administrative conference, the housing official will, within 7 days, prepare a summary of the conference and state the decision reached.

(b) Step 2. If the appeal is not settled in Step 1 of the process, any person aggrieved by a notice of the housing official issued in connection with any alleged violation of this chapter, or of any applicable rule or regulation issued pursuant thereto, or by any order requiring repair or demolition, may appeal to the Legislative Hearing Officer for a reconsideration of such notice or order provided such application is made within ten days after the date of the decision reached in Step 1. The appeal shall then proceed as provided in Chapter 31. If no notice of appeal is filed within 10 days, the decision of the housing official shall be final.

(3) *Stay of enforcement.* Appeals of a notice and order (other than an order to vacate a dangerous building) will stay the enforcement of the notice and order until the appeal is heard by the City Council.

(4) *Filing fees.* Rental property owners are entitled to file one appeal per structure, per inspection cycle, at no fee. Successive appeals filed on the same property within the same inspection cycle will be charged at the standard rate established by City Council, as set forth in the schedule of fees.

§157.06. RENTAL REGISTRATION AND LICENSE

(A) Rental registration

(1) No person shall rent any rental unit for use in whole or in part for human habitation, unless it has been registered with the City of Worthington.

(2) *Application.* Registration and license application shall be made by the owner or operator on forms provided by the City, and submitted to the housing official. Applications cannot be approved without submittal of all required information, and payment of required fees. Information included in the application shall include without limitation:

(a) The address of the dwelling;
(b) The number and type of dwelling units in the dwelling structure;
(c) The mailing address for each unit to be rented;
(d) The number of tenants occupying, or intended to occupy each dwelling unit at time of registration;
(e) Owner contact information;
(f) Contact information for a second contact:

- Second contact must have a different phone number and home address, and must not normally be absent from Worthington at the same time as the owner
- Second contact must live within 35 road miles of Worthington
- Second contact must be authorized and empowered to have responsible charge of the property in the owner's absence, such as a contracted property manager, local agent, or on-site manager

(g) Owner certification that there is fire and liability insurance on the rental property.

(3) *Duty to report changes.* The landlord shall inform the housing official of changes to any registration information within 30 days of such change.

(4) License application and fees due.

(a) For properties not previously licensed as a rental unit, an application is due 60 days before the first date of occupancy of the covered unit as a rental unit; fees are due with the application.

(b) For a change of ownership for an existing licensed rental unit, application and fees are due within 30 days of the transfer of ownership.

(c) Rental license application and fees shall be due at a time stated in the Registration Notice sent by the City.

(d) *Renewals.* License renewal applications and fees shall be due by the date of expiration of an existing rental license.

(5) Failure to pay required fees shall constitute a violation of this chapter, and may result in penalties in the form of revocation of rental license and/or issuance of municipal infraction citations or administrative penalties.

(6) *Registration transferable.* Registration may be transferred from one owner to another in the event of property sale. The current owner (seller) shall inform the housing official of the buyer's name and contact information within 30 days of the transfer; failure of the seller to provide the information in the time allotted is a violation of this chapter. The buyer shall register the property and pay a transfer fee within 45 days of the transfer; failure to do so constitutes renting an unregistered/unlicensed property.

(B) Rental license

(1) Rental license required.

(a) No person shall rent, or offer for rent, any rental unit for use in whole or in part for human habitation, unless a valid rental license has been issued by the City of Worthington. When a rental license has been denied, revoked or expired, it shall be unlawful for an owner or operator to rent, or offer for rent, any dwelling unit for use in whole or in part for human habitation.

(b) No person shall occupy, nor shall the owner or operator allow any person to occupy, any dwelling unit more than 45 days after the effective date of the denial, revocation, or expiration of a rental license for that dwelling unit.

(c) During the initial period of enactment of this chapter, a rental license is not required until one has been given or denied by the housing official.

(2) The housing official will issue or deny a rental license within 30 days after completion of registration and payment of required fees.

(3) For a rental unit in use before adoption of this chapter, a license will initially be issued without prior inspection being required, unless a violation is found between application and issuance. The housing official will inspect the property, if possible, within the term of the license. A rental unit not previously registered as a rental unit will be inspected before a license is issued. The registration/licensing fee shall cover the cost of 1 inspection and 1 reinspection.

(4) *Denial.* If a dwelling unit is found in violation of any requirements of this chapter, the housing official will notify the operator of the deficiencies in writing. All code deficiencies must be

corrected within the time limits specified in the housing official's notice. The rental license will be denied if the dwelling is not in compliance at the end of the period specified by the housing official.

(5) *New construction.* A five-year rental license will be issued without a housing inspection to each newly-constructed rental dwelling for which a building permit and a Certificate of Occupancy have been issued.

(6) *Term.* A license will have a term of five years unless revoked.

(7) *Expiration.* A rental license issued shall be effective until expiration of its term, or until it is revoked by the housing official.

(8) The housing official may extend a rental license for a year at a time if resources are not available to conduct an inspection. A rental license will be extended for a year at a time, without charge to the owner, if the housing official fails to inspect the property during the term of the license.

(9) Revocation.

(a) A rental license may be revoked:

- When a verified incident of over-occupancy or sleeping in a non-habitable space occurs which is not corrected within 30 days of receipt of notice of the violation; or three such incidents occur within a 24-month period; or
- When the time period imposed by the housing official for correction of a code violation has been exceeded for the same violation two or more consecutive times; or
- When a code violation has not been corrected after a third reinspection; or
- When the landlord fails to fulfill landlord responsibilities in Minnesota Statues 504B; or
- For any serious or repeated violation of this chapter or other law, rule or regulation related to use or maintenance of the property.

(b) The property owner shall be given notice and an opportunity for a hearing before a license is revoked.

(c) No refund will be given for the unexpired term of a revoked rental license.

(d) *Conditions in lieu of revocation.* For a property that meets the criteria for revocation in (a), the housing official may allow continued occupancy of all or part of the property and impose conditions, including without limitation increased inspection or specific permanent repairs, for continuing the license unrevoked. The conditions shall be tailored to prevent recurrence of the same or similar violations at the subject property or other properties of the same owner. The owner may reject the conditions imposed, in which case the housing official will proceed with revocation subject to (b) above.

(10) *Notice of denial or revocation.* Upon denial or revocation of the rental license, the housing official will notify the operator and the occupants in writing. The notice will state the reason for revocation, statement of required corrective actions, that the dwelling must be vacated within 45 days of the date of notice unless compliance is achieved prior to that date, and that the owner may appeal in accordance with provisions of this chapter.

(11) *Posting to prevent occupancy.* Whenever any rental dwelling unit has been denied a license, or had its license revoked, it shall be posted by the housing official to prevent further occupancy. It shall be unlawful for any person other than the housing official to remove or alter any posting. The housing official will post the date the rental dwelling unit shall be vacated and no person shall

occupy, or allow to be occupied, that rental dwelling unit until the housing official permits it.

§157.08. RENTAL INSPECTIONS

(A) Responsibility

(1) *Notification of landlord.* The housing official will attempt to contact the landlord, using the contact information provided with the rental unit registration, before making an inspection. If an attempt to contact the landlord is not successful within a reasonable time, the housing official may conduct an inspection without notifying the landlord.

(2) *Landlord to accompany.* The landlord shall accompany the housing official at each inspection. For purposes of this section, a tenant shall not be considered an authorized representative of the landlord. (If the landlord is not available or declines, the housing official is authorized to conduct an inspection. This paragraph is a requirement placed on the landlord, not an impediment placed on the housing official.) The housing official may waive this requirement by agreement with the owner.

(3) *Landlord shall respond.* A landlord's failure to respond to housing official communication is a violation.

(4) *Landlord failure to appear for scheduled inspection.* A landlord's failure to appear at a scheduled inspection is a violation. The landlord will be charged a fee for the missed inspection, and an additional inspection will be scheduled.

(5) *Landlord to notify tenant.* The housing official will schedule inspections with the landlord. The landlord is responsible to provide tenants a minimum 24-hour advance notice of the inspection. The housing official will not perform the inspection if it is discovered the tenants have not received the required advance notice; a reinspection will be scheduled, and the landlord will be charged a reinspection fee.

(6) *Tenant or occupant may provide access.* A residential tenant or occupant may provide access to the housing official for inspection or reinspection.

(7) *Report.* The housing official will issue a report of the inspection.

(B) Scheduled inspections

Scheduled inspections will be conducted monthly, annually, or every two or five years, as determined by the housing official based on the following criteria:

(1) *Monthly:* Any dwelling in which:

(a) Occupancy limitations were exceeded at the last inspection;
(b) Sleeping in a space that is not a habitable space was determined at the last inspection;
(c) Certain life safety violations were found at the last inspection that are likely to recur, such as unsafe use of space heaters, disabled smoke alarms, or others described in the rental housing code manual.

(2) *Annually:* Any dwelling that was on a monthly inspection schedule immediately previously, and any dwelling:

(a) In which occupancy limitations were exceeded during the previous year;
(b) In which sleeping in a space that is not a habitable space was determined during the previous year;
(c) In which a smoke alarm or carbon monoxide alarm has been deliberately disabled within the

previous year;

(d) That has been subject to two or more reinspection fees in the previous year, due to owner or operator failure to correct deficiencies in a specified time period;

(e) That has been the subject of two or more verified property maintenance complaints within the previous year;

(f) In which additional inspection is required due to a documented history of neglect and lack of maintenance;

(g) Owned partly or wholly by the owner of a property on a monthly inspection schedule.

(3) *Every two years:* Any dwelling that was on an annual inspection schedule immediately previously, and:

(a) Any dwelling in which violation of life safety provisions, including broken/inoperable doors, improper fire-safety construction or practices, or others listed in the rental housing code manual, have been found during the previous inspection cycle;

(b) Any dwelling in which provided alarm or fire sprinkler systems have not been continuously maintained.

(4) *Every five years:* All dwellings which are found to have only minor code violations (of a cosmetic rather than life safety nature, or deemed minor by the housing official) which are found to be corrected at the first reinspection, or with no code violations at the time of initial inspection.

(5) Self-certification for properties on a five-year inspection cycle.

(a) The housing official may extend the inspection schedule for a property on a five-year inspection schedule by one year at a time in the interest of conserving inspection resources, in consideration of the age and condition of the property, previous performance of the property, and the performance of similar properties of the same ownership.

(b) The housing official will state and record the reason such an extension.

(c) The housing official will provide the landlord with a self-certification checklist, which the landlord shall complete and return along with any required fee for such an extension.

(6) Reduced inspections for multiple dwellings.

(a) The housing official will inspect rental units in multiple dwellings with more than two rental units at a reduced rate, as follows: For complexes with 3-12 rental units, 30% of rental units will be inspected per inspection cycle, rounded to the nearest whole number, but not fewer than 2 units. For complexes with more than 12 rental units, 25% of rental units will be inspected per inspection cycle, rounded to the nearest whole number, but not fewer than 4 units. Here "complex" means buildings of the same ownership, on the same or adjacent parcels, of the same construction date and methods.

(b) The specific units to be inspected will be selected at random by the housing official. Different units will be inspected in each inspection cycle.

(c) If life safety violations or numerous minor violations are discovered in rental units inspected under this provision, the housing official may inspect additional units at the housing official's discretion. An inspection fee will be charged for such additional inspections.

(d) The rental registration fee will reflect this reduced rate of inspections.

(C) Inspection for cause

(1) *Complaints.* If requested by a residential tenant, or a housing-related neighborhood organization with the written permission of a residential tenant, the housing official will make an inspection of

the claimed violation.

(a) The housing official will normally require the complainant to make the complaint to the landlord and allow a reasonable time for response, but may waive this and will record the reason.
(b) The housing official will normally contact the landlord before a complaint-based inspection, but may waive this and will record the reason.
(c) The landlord will be charged an inspection fee if the complaint is substantiated, and not if not.
(d) The complainant may be charged an inspection fee if the complaint is not substantiated.

(2) *Inspection for apparent violation.* The housing official may inspect a property if:

(a) Violations of City Code chapters 92, 96, 97, 98, or 99 are observed;
(b) Conditions are observed that violate the minimum standards adopted in this chapter;
(c) Construction is observed that would have required a building permit, but no building permit was obtained;
(d) An occupied property is not an "owner-occupied property" or other property exempted from this chapter, but the property is not registered as a rental property.

The landlord will be charged an inspection fee if violations are substantiated, and not if not.

(3) *Reinspection.* Reinspections are required to verify correction of code deficiencies identified at a prior inspection. If code deficiencies are found in an inspection, and reinspection is required to verify repairs or corrections, there is no additional charge for the first reinspection. If repairs or corrections are not complete (or if additional code deficiencies that were not evident at the previous inspection are uncovered), and an additional, second reinspection is required to accomplish code compliance, then a fee will be charged for the second reinspection, and additionally, each succeeding reinspection, if necessitated, until code compliance is verified.

(4) Reinspections and complaint-based inspections will not necessarily be limited to the previous or reported code deficiencies, or to the dwelling unit in which the previous or reported violation occurred.

(5) *Requested inspections.* An owner or prospective owner, or a prospective tenant, of a rental property in Worthington, may request an inspection for informational purposes. The housing official may perform such inspections, without objection from the current owner or landlord, as time permits, for a fee.

§157.10. RENTAL HOUSING PHYSICAL STANDARDS

(A) General

(1) Except as provided herein, rental housing structure, maintenance, and function shall conform to the referenced standards.

(2) *Responsibility.* The landlord shall maintain the structures and exterior property in compliance with these requirements, except as otherwise provided for in this chapter. Tenants of a dwelling unit, rooming unit or housekeeping unit are responsible for keeping in a clean, sanitary and safe condition that part of the dwelling unit, rooming unit, housekeeping unit or premises which they occupy and control.

(B) Pre-existing noncompliant conditions

(1) For rental dwellings in use before adoption of this chapter, the following noncompliant conditions,

if granted a building permit at the time of construction, may be noted in an inspection but are not required to be abated:

(a) Egress windows above grade. The use of pre-existing noncompliant egress windows in above-grade openings may continue, provided that, when a pre-existing egress window is replaced, the new egress must fit all the requirements detailed elsewhere in this chapter.

(b) Stairways and ramps. The housing official may provisionally approve the continued use of pre-existing nonconforming stairways and ramps, partially or wholly, with or without conditions, based on an assessment of their suitability for the purpose they will be used for, provided they are of sound construction and in good conditions and meet the uniformity requirements of the State Fire Code.

(2) Prior approvals will not continue for inadequate second egress capability below grade, but pre-existing below grade and basement windows that are compliant in all regards except window sill height above the floor will, upon owner request, be reviewed on an individual case basis and may be approved by the housing official.

(C) Grounds and building exterior

(1) *Storm windows.* Storm windows shall be provided between November 1 and the subsequent May 1 for any window that is not at least double-glazed.

(2) *Screens on openable windows; screen doors.* During the period from May 15 to October 15, every window and other outside opening required for ventilation of habitable rooms, and food preparation and service areas such as kitchens and dining rooms, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.

(3) *Rain gutters and downspouts* are required for any habitable structure with a basement, and shall direct precipitation away from the foundation and be maintained in good repair and free of obstructions, unless other means of keeping rainwater away from foundation walls are provided. Rainwater from other buildings shall be directed away from habitable structure foundations.

(D) Stairways and ramps

Stairways and ramps shall conform to the Minnesota Fire Code.

(E) Outdoor storage

It is a violation of this chapter to leave unattended (or allow to be left unattended) any of the following items outdoors: Any refrigerator, freezer, washing machine, clothes dryer, dishwasher, kitchen range, other large household appliance, kitchen sink or fixture, bathroom fixture; any household appliances, household furniture, or household furnishings, unless such items are designed for outdoor use and are used on the premises for purposes of the household. The term "outdoors" includes a porch, unless the porch is completely enclosed by fully intact glass or fully intact screens.

(F) Occupancy limitations

Occupancy limitations shall conform to §98.08 of the City Code.

(G) Plumbing, mechanical, and electrical requirements

(1) Plumbing shall meet the requirements of IPMC §§501-506 and the latest Minnesota Plumbing Code. The landlord shall provide and maintain all plumbing facilities and fixtures in compliance with these requirements. Plumbing systems lawfully in existence at the time of adoption of this

chapter may have their use, maintenance, or repair continued if the use, maintenance, or repair is in accordance with the original design and location and no hazard to life, health, or property has been created by such plumbing system. New plumbing work shall comply with current City Code requirements.

(2) Mechanical and electrical systems shall meet the requirements of IPMC §§601-607, the latest Minnesota Mechanical and Fuel Gas Code, and City Code Chapter 150 and referenced standards. The owner of the structure shall provide and maintain all mechanical heating, air conditioning and ventilation appliances and appurtenances in compliance with these requirements. Mechanical items repaired or replaced shall comply with current City Code requirements.

§157.12. FIRE SAFETY REQUIREMENTS

(A) Standards.

Fire safety shall conform to the Minnesota State Fire Code and the IPMC.

(B) Responsibility

(1) The landlord shall provide and maintain all fire safety facilities and equipment in compliance with these requirements.

(2) The tenant shall inform the landlord is if a fire extinguisher is used; failure to do so is a violation.

(C) Means of egress

(1) *Means of egress* shall comply with the Minnesota State Fire Code.

(2) *Locked doors.* All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge, or effort. No bolt, latch, or bar may be installed on the outside (the side to which egress is to be made) of such door and not readily openable as above, even when it is unused, incomplete, or in disrepair.

(3) Pre-existing below grade and basement windows that are compliant in all regards except window sill height above the floor shall, upon owner request, be reviewed on an individual case basis by the housing official.

(D) Fire protection systems

(1) *General.* All systems, devices, and equipment to detect a fire, actuate an alarm, or suppress or control a fire, or any combination thereof shall be maintained in an operable condition at all times in accordance with the Minnesota Fire Code.

(2) Smoke detectors.

(a) Smoke alarm placement and connections shall conform with or exceed Minnesota State Fire Code requirements in effect at the time bedrooms were installed in the building, and at a minimum:

- For structures completed before July 10, 2007, smoke alarms are required on the ceiling or wall at a point centrally located in the corridor or area giving access to each separate sleeping area; where sleeping areas are on an upper level, the detector shall be placed in the center of the ceiling directly above the stairway; and in the basement of any dwelling units having a stairway that opens from the basement into the dwelling.
- For structures completed on or after July 10, 2007, one working smoke alarm is required on each level of the residence, not including crawl spaces and uninhabitable attics; one

working smoke alarm is required adjacent to each bedroom or group of bedrooms on each floor; and one working smoke alarm is required in each sleeping room.

- For structures completed before August 1, 1989, smoke alarms may be battery powered. For structures completed on or after August 1, 1989; smoke alarms must receive their power from the home's permanent primary wiring without a disconnecting switch and be equipped with a battery backup.

(b) Smoke detectors shall be maintained in compliance with the Minnesota Fire Code.

(c) Landlord shall test and maintain smoke alarms in accordance with manufacturer's instructions. Smoke alarms shall be replaced when they fail to respond to operability tests, or when they exceed 10 years from the date of manufacture.

(3) *Carbon monoxide alarms* shall be installed and maintained in an operable condition at all times in accordance with the Minnesota Fire Code.

(4) *Portable fire extinguishers.* At a minimum, all dwelling units shall have one charged and operable 1-A: 10-BC rated fire extinguisher; or, there shall be one charged and operable 2-A: 10-BC rated fire extinguisher supplied and kept on each floor of a dwelling within 75 feet of any unit individual apartment entrance, located in conspicuous locations where they will be readily accessible and immediately available for use.

(a) Fire extinguishers must meet the requirements of the Minnesota State Fire Code.

(b) Fire extinguishers shall be inspected at intervals of not more than 1 year and shall be serviced by a professional fire extinguisher service company or replaced at least every 6 years. A record of each inspection and service shall be affixed to the fire extinguisher.

(5) Violations.

(a) It is a violation of this chapter to disable or disconnect a required smoke alarm or carbon monoxide alarm, or to occupy or allow another person to occupy a dwelling in which a required smoke alarm or carbon monoxide alarm has been disabled or disconnected, except momentarily.

(b) It is a violation of this chapter to discharge a fire extinguisher and then not to take effective measures within 72 hours to cause it to be recharged.

(E) Space heaters

(1) Portable space heaters shall not be used as the primary source of heat in a dwelling. Permanently-installed heating equipment in working condition shall be capable of meeting the heating needs of a dwelling.

(2) Unvented fuel-burning spaces heaters shall be UL labeled for unvented use.

(3) No more than 4 watts (rated) per square foot of floor space (not counting unheated spaces) of portable electric space heaters shall be used in a rental dwelling.

(4) Required clearance of a space heater from any combustible material: Manufacturer's listed clearance, or, lacking such information, 24 inches front, top, and sides.

(5) No space heaters without a tip-over shutoff shall be used or stored in a habitable or non-habitable space within a dwelling.

(6) Space heaters shall have a thermostatic control.

(7) An electric space heater shall be directly plugged into the receptacle or, if an extension cord is necessary, it shall have adequate capacity (wire gage and condition) for the electrical load.