Section 5.09 – **Landlord Responsibility**

Subd. 1. The remedial measures described in this Section 5.09 shall be imposed upon the Owner of a Residential Rental Unit registered under Section 5.08 of this Code if any of the following violations occur upon the Residential Rental Unit’s Premises: (a) Animal control, noise or nuisance control violations as set forth in Section 9 of the Alexandria City Code; (b) Disorderly conduct as set forth in M.S. §609.72; (c) Illegal gambling as set forth in M.S. §§609.75 -609.76; (d) Prostitution as set forth in M.S. §§609.321-609.324; (e) Unlawful sale or possession of controlled substances as set forth in M.S. §§152.01-152.025 and §152.027 Subd. 1 and 2; (f) Unlawful sale of alcoholic beverages as set forth in M.S. §340A.401; (g) Unlawful possession, transportation, sale or use of a weapon as set forth in M.S. §97B.021, §97B.045, §§609.66-609.67 and §624.716. For the purposes of this Section 5.09, a “violation” means any administrative order issued by the City or any arrest, citation, criminal complaint or indictment relating to any of the city code or statutory sections listed in this subdivision; and “Owner” is defined to include corporations, limited liability companies, partnerships and any other legally-recognized entities as well as natural persons.

Subd. 2. The Community Development Department (hereinafter referred to as “City”) is charged with the responsibility of enforcing and administering this Section and with developing and administering the Landlord Responsibility Training described in Subdivision 12 hereof. Provided, however, that the Alexandria Police, Fire and Building Departments and their designees are charged with the responsibility of disclosing to the City any known or suspected violations as described in Subdivision 1 of this Section.

Subd. 3. First Violation: Upon determination by the City that any of the violationenumerated in Subdivision 1 have occurred, the City will notify the Owner and Local Property Manager, if any, of the violation and will direct the owner and Local Property Manager to take steps to prevent further violations at the Premises.

Subd. 4. Second Violation: If a second violation occurs upon the Premises within 12 months of an incident for which notice provided in Subd. 3 of this section was given, the Owner and Local Property Manager, if any, will be notified by the City , and the Owner will be required to submit a written report of actions taken by the Owner and/or Local Property Manager to eliminate future violations. This written report must be submitted to the City within 15 days, excluding intervening weekends and legal holidays, of receipt of the notice of violation, and it must detail all actions taken by the Owner and/or the Local Property Manager in response to all notices of violations at the Premises within the preceding 12 months.

Subd. 5. Third Violation: If a third violation occurs upon the Premises within 12 months of an incident for which notice provided in Subd. 3 or Subd. 4 of this section was given, the Owner and Local Property Manager, if any, will be notified by the City, and a civil fine of $500.00 will be imposed against the Owner. The City may also, at its discretion, require the Owner to take the Landlord Responsibility Training outlined in Subdivision 12 upon a third or subsequent violation.

Subd. 6. Additional Violations: If any further violations occur upon the Premises within 12 months of imposition of a $500.00 civil fine, the Owner and Local Property Manager, if any, will be notified by the City, and the residential rental registration issued under Section 5.08 of the City Code shall be revoked or suspended for such Rental Unit or Premises for a period of not less than 30 days, and, in addition, a civil fine of $1,000.00 will be imposed against the Owner. The property may also be subject to a revocation of the residential rental registration pursuant to City Code § 5.08 Subd. 12 if the violations all occurred within a 12 month period of time. The City may, at its discretion, impose such other terms and conditions on a continued residential rental unit registration as are reasonable, necessary and consistent with the purposes of this Section.

Subd.7. City Council Review: Any Owner aggrieved by a determination of the City under this Section may request an administrative appeal of the determination pursuant to City Code § 2.36. Provided, however, that any such appeal must be filed with the City Administrator within 15 days, excluding intervening weekends and legal holidays, of receipt of the notice of violation. The appeal will then be considered by the City Council at its next meeting which is at least five (5) after the appeal is received, and at such hearing both the owner and the City may present the witnesses, exhibits and other evidence they deem pertinent to the appeal. Following the appeal hearing, the City Council shall decide, based upon a preponderance of the evidence, whether to reject or uphold the Community Development Director’s findings and recommendations.

Subd. 8. The Owner’s rental registration may be reinstated by the Community Development Department after suspension or revocation, upon payment to the City of the fine imposed by the City Council and completion of any other terms and conditions imposed by the City. No rental registration will be renewed for the subsequent year until all outstanding civil fines and other conditions imposed under this section have been paid or satisfied in full.

Subd. 9. No fine, suspension, or revocation will be imposed for a violation of Subd. 1 which occurred during the pendency of eviction (unlawful detainer) proceedings or within 30 days, or such other time period required by the lease, of notice given by the Owner or Local Property Manager to a tenant to vacate the premises, where the violation related to or occurred in the unit for which eviction proceedings were undertaken or notice to vacate was given. Eviction proceedings are not a bar to remedial measures pursuant to this section unless a certified copy of the pleadings commencing such action is provided to the City .

Subd. 10. No action will be taken under this section against an owner who was personally, or through a designated agent, the complainant on the underlying violation of Subd. 1. For the purpose of this Subdivision 10 a designated agent is any individual identified as such by the owner or Local Property Manager on a list provided to and maintained at the Community Development Department and signed by the designated agent. Provided, however, that any such designated agent may revoke his or her designation at any time and with or without the owner’s or Local Property Manager’s consent, by notifying the City in writing. Any owner or managing agent who does not maintain a current list of all Local Property Managers and other managers, or designated agents for a licensed premises with the Community Development Department will not be afforded an exemption under this subdivision for a designated agent being the complainant on the underlying violation of Subd. 1. The identity of any individual who registers a complaint with the City concerning any violation of state law or local ordinances concerning the use of real property shall be classified as confidential data, pursuant to Minnesota Statutes, Section 13.02, subdivision 3.

Subd. 11. It is irrelevant that the dwelling owner or others were not criminally prosecuted or were acquitted of criminal charges for the incidents serving as the basis for taking any of the remedial measures outlined in this Section. Any change in ownership of a registered premises will not prevent the escalation of remedial measures set forth in this Section.

Subd. 12. Landlord Responsibility Training.

(a) The Community Development Director shall develop a Landlord Responsibility Training course which shall not exceed four hours in length and which shall include the following elements: (i) the requirements of this Ordinance; (ii) the rental registration requirements of Section 5.08; (iii) fire safety; and (iv) general landlord-tenant rights and responsibilities.

(b) The Landlord Responsibility Training course shall be provided by the City and made available free of charge to landlords and prospective landlords at least three times in 2017 and at least four times per calendar year each year thereafter.(c) No landlord who owns any residential rental unit that is, as of the effective date of this Ordinance, registered with the City pursuant to Section 5.08 may obtain a renewal of their registration without providing proof of their completion of Landlord Responsibility Training.

(d) No landlord may register a residential rental unit pursuant to Section 5.08 without providing proof of their completion of Landlord Responsibility Training. Provided, however, that the City may grant a residential rental unit registration conditioned on the landlord completing the Landlord Responsibility Training within three months after registration.

(e) Completion of Landlord Responsibility Training by a landlord shall satisfy that landlord’s training requirements set forth in this section for all future residential rental unit registrations and renewals thereof by the same landlord. Provided, however, that additional training may be required by the City as set forth in Subdivision 5.

Subd. 13. For the purposes of this Section, whenever notice of a violation is to be provided to an Owner or Local Property Manager, it shall be mailed via regular mail to the Owner and the Local Property Manager, if any, at the most recent address or addresses provided to the City per City Code § 5.08, Subd. 3. Any such notice will be deemed to have been received three days after mailing.

Subd. 14. Effective Date. This ordinance shall be effective upon its passage and publication. Provided, however, that none of the remedial measures described in Subdivisions 3, 4, 5 and 6 of this Section may be imposed until after December 31, 2017.