



## City of Hutchinson

### Rental Housing Registration / Inspection – Q & A

**Q. How come we have never heard about this ordinance until just now?**

**A.** The process to pass a rental registration/inspection ordinance started in August 2007; the ordinance was finally passed by the council in February 2008. Information about the ordinance was presented in several newspaper articles, the radio, and cable television. The passage of the ordinance was even postponed to allow the council to appoint a rental property owner “focus group” to study the ordinance. That focus group made several changes to the ordinance during that time. The city then sent out a mailing to all **known** rental property owners advising them of the “revised” ordinance and the date that the item would appear on the agenda.

**Q. What is the purpose of this ordinance?**

**A.** The goal of this program is to form a working partnership between the owner and the renter. The owner provides a safe – healthy place to live; the renter takes care of the owner’s investment. In the long run, it hopefully will limit the amount of time dealing with rental complaints by city staff and just maybe prevent a tragedy.

**Q. Who must register and be inspected?**

**A.** **ALL** residential rental property (apartments, boarding houses, group homes) in the city of Hutchinson; **EXCEPT** hospital rooms, nursing home rooms, or other similar rental space as long as it is registered by the State of Minnesota or the City of Hutchinson and that **100%** of the units are inspected annually by a qualified state inspector (I.e. State Fire Marshal). It is believed that **only** the Hutchinson Hospital and Burns Manor currently qualify for this exemption.

**Q. How long do we have to register?**

**A.** The first year you will have until May 1, 2008; subsequent years you will have until March 1<sup>st</sup>. The city will mail out new registration forms on or about January 1st of each year from the previous years list. (Registration forms will also be handed out and questions answered regarding completion during this meeting)

**Q. Is all rental property going to be registered in Hutchinson?**

**A.** That is our goal. We are confident that some will be missed the first year or maybe even two, but through word of mouth, notification from other city agencies, etc. we expect to eventually “find” them all. It should be noted that failure to register can be a misdemeanor charge for **each day** they failed to register past the deadline!

**Q. How long are my 2008 registration / license good for?**

**A.** The 2008 registration / license are good until March 1, 2009. This coincides with the dates described in Section 5 of the ordinance.

**Q. What happens when I sell my rental property?**

A. The new owner must notify the city and provide the name, address, and phone number. NO new registration fee will be assessed the year of the sale providing that all registration fees were paid prior to the sale and that no changes in the number of units are contemplated.

**Q. What is “Posting of Registration”?**

A. The city will provide a sticker of some sort to the registration holder of each building on an annual basis **after** all of the fees are paid and the units pass the inspection process. This will indicate to the current renters and to potential renters that this building has been inspected for life safety issues and has been found safe to live in.

**Q. What is the fee? How will the fee money be used by the city?**

A. The fee for 2008 is \$10.00 per rental unit. The fee will be determined on an annual basis by the city council when they review all of the other city fees. Currently, the fee money will be used to offset a small portion of the registration – inspection costs.

**Q. What is the “Apartment Building Checklist” mentioned in Section 9?**

A. That is merely a copy of the inspection checklist the fire inspector will be using. It should be noted that all inspection forms will be in triplicate; a copy of the completed inspection form will go to the owner/manager, a copy to the renter, and one for the FD. (The fire inspector will provide examples of the inspection forms)

**Q. In Section 10 it mentions a bunch of codes and ordinances, isn’t this program just about life safety issues?**

A. All of the ordinances and codes mentioned are guidelines, the fire inspector will be looking at the most severe issues regarding life safety. The fire inspector is not a policeman, social worker, or a health inspector. However, the inspector will be watching items affecting children.

**Q. Who will be doing the inspections?**

A. Expect to see the city fire inspector, Jim Popp. However, it is possible that the city building inspector Kyle Dimler, or even the fire chief might assist if time permits or the schedule for completion is falling behind.

**Q. How can the fire inspector enter a “private” residence?**

A. As part of the license process the owner/registration holder must agree to allow the fire inspector to enter the units. The owner/registration holder **shall** include this condition in any lease or rental agreement. **FYI** - The FD will be scheduling inspections at least two weeks out; we recommend that you in-turn give your tenants at least a seven day notice (our interpretation of the “reasonable” notice addressed in MN Statute 504B.211 and Section 11 - subdivision 3 of the ordinance) that their unit will be inspected. (The fire inspector will have a hand-out regarding this issue)

**Q. Is the plan going to be to inspect each unit annually?**

A. The answer is we do not know. The first year plan is to inspect every unit, gather the data, and then make a recommendation to the council as how to proceed. It should be noted that under Section 11 – subdivision 1 it states that all properties should be inspected at least every three years.

**Q. Section 14 (Interim Housing) indicates that as the registration holder, you will have to place the tenants up in suitable interim housing if the apartment is uninhabitable?**

**A.** This is a very tricky section of the ordinance to interpret. It is NOT our intent to have you go broke paying for hotel accommodations for every violation! Take a deep breathe and think about this section.

1. If the rental unit is **so** bad due to YOUR (property owner) action or YOUR (property owner) inaction to do the proper maintenance necessary, so bad that it can not be “fixed” in a reasonable amount of time; yes, it will be red tagged (meaning not livable) and if they have a lease, you (property owner) will have some legal responsibility to the tenant.

2. **HOWEVER** ... if the rental unit is **so** bad due to the action of the TENANT or the inaction of the TENANT (to keep it clean-neat-orderly) that it can not be “fixed” in a reasonable amount of time; the unit will be red tagged and the tenant is “out of luck”.

Note: We very much intend to work with the registration holders, and to have a reasonable understanding of issues facing the owners, and to be patience in this “first” year learning curve for all of us.

**Q. Is there a penalty phase?**

**A.** As indicated, we intend to work with the property owner. However, if we run into consistent disregard for the inspection process the penalty phase will look like this:

1. If the rental unit is absolutely uninhabitable, and we have seen them in Hutchinson, the parties involved will not be allowed to live in the rental unit. We however do not expect to find many cases of that;

2. The first inspection and one follow-up inspection are included in your registration / inspection fee of \$10.00 annually;

3. A third required follow-up inspection will cost an additional \$50.00;

4. A fourth required follow-up inspection will cost an additional \$100.00;

5. If a fifth follow-up inspection is required you could be charged \$200.00; or be charged with a misdemeanor.

**Q. What is going to happen if rental units are located in areas of the city that are not zoned for multi-family property?**

**A.** Some properties may be grandfathered in; **however**, each case will have to be addressed separately by the Planning, Zoning, and Building Department.