

# Community Development & Regulatory Services Committee

---

## In the Matter of the Rental License Denial Action

**OWNER, MARGOTS KAPACS**  
**5420 – 44<sup>th</sup> Avenue South**

---

### INDEX

	Page
Letter of Appeal Hearing to Owner	2
Hennepin County Property Information Record	3
Hennepin County Treasurer Report of Delinquent Taxes	4
Summary of Property Information from CNAP	
• Rental License History	5
• Housing Violations	6-7
• Special Assessments	8-9
• Police Calls for Service	10
Rental License Application	11
Rejection Letter	12
Letter from Owner	13-14
Directors Determination of Non-Compliance to Owner Violation MCO 244.1910 sub. 13b	15
Notice of Denial of Rental License to Owner Violation MCO 244.1910 sub. 13b	16-17
Copy of Previous Revocation Action on 3324 – 23rd Avenue South	
Final Decision Letter to Owner	18
Copy of Findings of Fact for Revocation Action	19-24
Full City Council Decision Count	25
MN State Court of Appeals Decision	26-29
Appeal Application from Owner	30-31
Copy of City of Minneapolis Ordinance: 244.1910, 244.1930, 244.1940	32-36

June 13, 2016

**Property Address: 5420 – 44<sup>th</sup> Avenue South**

Margo Kapacs  
3324 23<sup>rd</sup> Avenue S  
Minneapolis, MN 55407

Margots Kapacs  
P.O. Box 6274  
Minneapolis, MN 55407

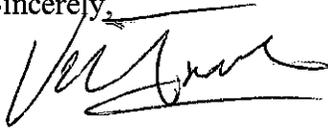
Dear Mr. Kapacs:

A hearing for your Minneapolis Rental License Denial Appeal is scheduled for Wednesday, June 29<sup>th</sup>, 2016, at 9:30 a.m. in Room 310 of Minneapolis City Hall located at 350 South 5<sup>th</sup> Street. Attorney, Fabian Hoffner will be the Administrative Hearing Officer.

At this hearing, you will be given an opportunity to state your reason(s) for appealing and challenging the licensing action, to present witnesses and evidence under oath, and to cross-examine opposing witnesses under oath. You must bring the original and 4 copies of any documents you plan to submit as evidence.

If you do not appear, the hearing officer will act upon your appeal with only the facts as presented in your original application.

Sincerely,



Vu Tran  
Administrative Enforcement Supervisor  
Housing Inspections  
612-673-5295

[Subscribe](#) [Jobs](#) [Employees](#) [Media](#) [Contact](#)

[Home](#)

 **Residents**  
Information and services

 **Business**  
Regulations and opportunities

 **Your government**  
Leadership and engagement

 **Online services**  
Transactions and applications

[Search tips](#)

## Property information search result

The Hennepin County Property Tax web database is updated daily (Monday - Friday) at approximately 9:15 p.m. (CST)

Search By:

2016 Assessment (For Taxes Payable 2017)

[Tax information](#)

[Property ID](#)

Property ID: 19-028-23-11-0064

[Address](#)

Address: 5420 44TH AVE S

[Addition name](#)

Unit No.:

[Interactive map](#)

Municipality: MINNEAPOLIS

Owner: MARGOTS KAPACS

Property ID:

Taxpayer Name / Address:

MARGOTS KAPACS

1902823110064

3324 23RD AVE S

MINNEAPOLIS MN 55407

[Search](#) [Clear](#)

Subrecord No. 1

Improvement Amount: \$0

Property Type: RESIDENTIAL

Homestead Status: NON-HOMESTEAD

Exempt or Deferred:

Values	Estimated
Land:	\$31,100
Building:	\$86,400
Machinery:	\$0
Totals:	\$117,500
Less Qualified Improvement:	\$0
Less Veterans Exclusion:	\$0
Less Homestead Market Value Exclusion:	\$0
<a href="#">Learn more</a>	
<b>Total Taxable Market Value:</b>	<b>\$117,500</b>

Called 5/26/16

Owner has COJ.

Hennepin County, MN

Hennepin County Treasurer

A600 Government Center  
Minneapolis MN 55487- 0060

Property ID number: 19-028-23-11-0064 NON - HOMESTEAD  
Property address: 5420 44TH AVE S  
Owner name: MARGOTS KAPACS  
Taxpayer name and address: MARGOTS KAPACS  
3324 23RD AVE S  
MINNEAPOLIS MN 55407

Property has prior year delinquent taxes. Call (612) 348-3011 for amount due.

2016 taxes	Tax	Penalty	Totals
1st half tax (due 05/16/2016)	\$1,783.19		
2nd half tax (due 10/17/2016)	\$1,783.19		
Penalty		\$71.33	
<b>Total payable</b>	<b>\$3,566.38</b>	<b>\$71.33</b>	<b>\$3,637.71</b>
Net paid - year to date	\$0.00	\$0.00	\$0.00
<b>Total Due</b>	<b>\$3,566.38</b>	<b>\$71.33</b>	<b>\$3,637.71</b>

Property ID number: 19-028-23-11-0064	1st half tax due through 05/16/2016	<input type="checkbox"/>	\$1,854.52
<i>Note: If you are using this page in lieu of Hennepin County payment stub to remit payment; after printing the page, please check the box in front of the payment amount that you are remitting.</i>	2nd half tax due through 10/17/2016	<input type="checkbox"/>	\$1,783.19
	<b>Total due - 2016 tax</b>	<input type="checkbox"/>	<b>\$3,637.71</b>

Property has prior year delinquent taxes. Call (612) 348-3011 for amount due.



1902823110064

## City of Minneapolis PropertyInfo

[Home](#)   [Contact Us](#)   [Help](#)

Property Address:

Property ID: **1902823110064**

[Map](#)

**5420 44th Ave S   Minneapolis, MN 55417**

**RENTAL LICENSE & LODGING HOUSE LICENSE**

**Permit Type**

**Contact**

--No Rental Licenses found for this property --

**PropertyInfo** - Property Information System 7.1 rev: 3

Minneapolis Information Technology

For assistance, contact [Minneapolis 311](#) at 3-1-1 or (612) 673-3000

## City of Minneapolis PropertyInfo

[Home](#) [Contact Us](#) [Help](#)

Property Address:

**5420 44th Ave S Minneapolis, MN 55417**

Property ID: 1902823110064

[Map](#)

Current Inspector: Nicole

Last Inspection: 04/18/2016 by Nicole

HOUSING VIOLATIONS				
Year	Total	Open	Closed	Tags
<a href="#">2016</a>	1	0	1	0
<a href="#">2015</a>	2	2	0	0
<a href="#">Prior</a>	14	0	14	0
<b>All</b>	17	2	15	0

[Hide Details.](#)

### 2016

INCIDENT: <a href="#">16-1168178</a> (HOUSING COMPLAINTS)					
Violation	RFS Status	Initiated Date	Due Date	Division	Tag
	DONE				

### 2015

INCIDENT: <a href="#">15-1108686</a> (HOUSING COMPLAINTS)					
Violation	RFS Status	Initiated Date	Due Date	Division	Tag
Obtain Rental License; Mco 244.1810	OPEN	05/08/2015	06/08/2015	INSP	
Assessment For Admin Citation Fee	OPEN				

### 2011

INCIDENT: <a href="#">11-0846068</a> (TRUTH IN SALE OF HOUSING)					
Violation	RFS Status	Initiated Date	Due Date	Division	Tag
Assessment Of Unpaid Ccs	DONE	02/25/2013	02/25/2013	CIS	

<b>Citation (1125)</b>					
Tish Required Repairs Not Completed	DONE	02/25/2013	03/25/2013	CIS	
<b>Assessment Of Unpaid Ccs Citation (1125)</b>					
Tish Required Repairs Not Completed	DONE	06/13/2012	06/13/2012	CIS	
Tish Required Repairs Not Completed	DONE	06/13/2012	07/11/2012	CIS	
Tish Required Repairs Not Completed	DONE	12/22/2011	01/05/2012	CIS	
Tish Required Repairs Not Completed	DONE	08/17/2011	09/14/2011	CIS	
Tish 30 Days Left To Complete Orders	DONE	07/01/2011	07/31/2011	CIS	

**2009**

<b>INCIDENT: <u>09-0689902</u> (HOUSING)</b>					
<b>Violation</b>	<b>RFS Status</b>	<b>Initiated Date</b>	<b>Due Date</b>	<b>Division</b>	<b>Tag</b>
Paint Garage/shed	DONE	05/12/2009	06/11/2009	INSP	

**2005**

<b>INCIDENT: <u>05-0435915</u> (ENV COMBINED SEWER OVERFLOW)</b>					
<b>Violation</b>	<b>RFS Status</b>	<b>Initiated Date</b>	<b>Due Date</b>	<b>Division</b>	<b>Tag</b>
	DONE				

<b>INCIDENT: <u>05-0382836</u> (HOUSING)</b>					
<b>Violation</b>	<b>RFS Status</b>	<b>Initiated Date</b>	<b>Due Date</b>	<b>Division</b>	<b>Tag</b>
Inoperable Vehicle	DONE	04/13/2005	04/24/2005	INSP	

**2003**

<b>INCIDENT: <u>03-0238725</u> (HOUSING)</b>					
<b>Violation</b>	<b>RFS Status</b>	<b>Initiated Date</b>	<b>Due Date</b>	<b>Division</b>	<b>Tag</b>
Required Water	DONE	01/28/2003	01/30/2003	INSP	

**1998**

# City of Minneapolis PropertyInfo

[Home](#)   [Contact Us](#)   [Help](#)

Property Address:

Property ID: **1902823110064**

[Map](#)

**5420 44th Ave S   Minneapolis, MN 55417**

**Warning - IMPORTANT INFORMATION CONCERNING SPECIAL ASSESSMENTS!**

City of Minneapolis property data is updated nightly, Monday – Friday. While efforts are made to ensure that the information on our website is complete and accurate, Special Assessments data could be up to 72 hours old due to data systems refresh cycles.

The Special Assessment information herein does not include Public Works, Minneapolis Park Board, Hennepin County assessments.

If you are concerned about the accuracy or timeliness of an item and would like to contact the department responsible for the data, please contact [Minneapolis 311](#) so that a 311 Customer Service Agent can direct you to the appropriate department. From within the City, dial 3-1-1; outside Minneapolis, dial (612) 673-3000. TTY/TDD users dial (612) 673-2157.

For more information, see the [Special Assessments website](#) or [Special Assessment Contacts](#).

SPECIAL ASSESSMENTS						
Year	Total	Assessed	Pending	Cancelled	Paid	Other
<a href="#">2016</a>	0	0	0	0	0	0
<a href="#">2015</a>	2	2	0	0	0	0
<a href="#">Prior</a>	3	3	0	0	0	0
<b>All</b>	5	5	0	0	0	0

[Hide Details.](#)

## 2015

SPECIAL ASSESSMENTS						
RS NUM	Levy #	Levy Year	Project	Project Description	Status	Total
15-1108686	1089	2015	H-admin Cit	Assessment For Admin Citation Fee Ent 02-sep-2015 Unpaid Admin Citation \$1000	Assessed	\$1,100.00
15-1108686	1089	2015	H-admin Cit	Assessment For Admin Citation Fee Ent 15-jun-2015 Unpaid Admin Citation \$500 Issued 11-may-2015	Assessed	\$550.00

## 2013

### SPECIAL ASSESSMENTS

RS NUM	Levy #	Levy Year	Project	Project Description	Status	Total
11-0846068	1125	2013	Ccs900	Assessment Of Unpaid Ccs Citation (1125) Unpaid Admit Adcit And Late Fee Of \$440. For Viol 31-jul-2011 Ent Bsl 25-feb-2013	Assessed	\$440.00

## 2012

### SPECIAL ASSESSMENTS

RS NUM	Levy #	Levy Year	Project	Project Description	Status	Total
11-0846068	1125	2012	Ccs900	Assessment Of Unpaid Ccs Citation (1125) Unpaid Adcit Of \$220.00 For Violation On 31-jul-2011 Ent: 13-jun-2012 Bsl	Assessed	\$220.00

## 2005

### SPECIAL ASSESSMENTS

RS NUM	Levy #	Levy Year	Project	Project Description	Status	Total
05-0382836	1086	2005	839	Inoperable Vehicle Pontiac, Grand Am, Mn Lic # 390-pjy, Tabs Expired 4/03; Datsun, Lic # Coh-515, Tabs Expired 7/86	Assessed	\$75.00

PropertyInfo - Property Information System 7.1 rev: 3

Minneapolis Information Technology

For assistance, contact Minneapolis 311 at 3-1-1 or (612) 673-3000

## City of Minneapolis PropertyInfo

[Home](#) [Contact Us](#) [Help](#)

Property Address:

Property ID: 1902823110064

[Map](#)

**5420 44th Ave S Minneapolis, MN 55417**

Police Precinct: 3

Last Incident Date: 04/29/2016

POLICE INCIDENTS		
Year	Incidents	No. Reports Filed
<a href="#">2016</a>	4	1
<a href="#">2015</a>	1	0
<a href="#">Prior</a>	3	0
<b>All</b>	8	1

[Hide Details.](#)

### 2016

44 AV S/5420				
Incident	Nature	Disposition	Date	Time
16-151757	Burglary Dwlng - Report (P)	RPT-Report	04/29/2016	11:41 PM
16-0013488	Outside Fire (F)		04/23/2016	10:59 PM
16-122345	Tenant Trouble (P)	INF-Information	04/08/2016	00:10 PM
16-113043	Unwanted Person (P)	ADV-Advised	04/01/2016	01:21 PM

### 2015

44 AV S/5420				
Incident	Nature	Disposition	Date	Time
15-198501	Neighbor Trouble (P)	AOK- All OK	06/01/2015	07:38 PM

### 2010

44 AV S/5420				
Incident	Nature	Disposition	Date	Time
10022869	Unconscious	Patient(s) Transported	05/15/2010	06:56 PM
10-0012173	Unconscious (FE)		05/15/2010	06:56 PM

**Section 1 Rental Property Information**

Rental Property Address 5420 44<sup>th</sup> Ave S, Mpls MN 55407

Single Family  Duplex \_\_\_\_\_ Triplex \_\_\_\_\_ Fourplex \_\_\_\_\_ Condo \_\_\_\_\_ ADU \_\_\_\_\_ Townhome \_\_\_\_\_ Other \_\_\_\_\_

List how is each unit addressed Unit# \_\_\_\_\_ Unit# \_\_\_\_\_ Unit# \_\_\_\_\_ Unit# \_\_\_\_\_ (If a unit is occupied by Licensee please indicate that unit)

Example of how a unit is addressed: Lower/Upper, Unit #1, #2, Unit A, B etc. Property ID Number: \_\_\_\_\_

**Section 2 Owner Information**

Business Name (if applicable) \_\_\_\_\_  
(Submission of Articles of Organization listing the Shareholder is required at time of application)

Name of Owner/Shareholder Margot Kapacs  
 First MI Last

Address of Owner 3324 23<sup>rd</sup> Ave S  
(Address cannot be a P.O. Box or commercial mailing service)

City Mpls County Hennepin State & Zip Code MN 55404 Phone 612-231-9406

Date of Birth 7-25-80 E-mail makapacs@hotmail.com

The owner shall notify the Department of Regulatory Services in writing within 10 days of any changes in the names, addresses and other information concerning the persons listed in the last license application filed with the department. (MCO 244.2010)

[Signature] Date 1-29-16

**Section 3 Appointed Agent/Contact Person (If different from Owner)**

This person must reside within the 16 county metropolitan area of: Anoka, Carver, Chisago, Dakota, Goodhue, Hennepin, Isanti, Le Sueur, McLeod, Ramsey, Rice, Scott, Sherburne, Sibley, Washington, or Wright

Name of Appointed Agent/Contact Person \_\_\_\_\_  
 First MI Last

Address of Agent/Contact Person \_\_\_\_\_  
(Address cannot be a P.O. Box or commercial mailing service)

City \_\_\_\_\_ County \_\_\_\_\_ State & Zip Code \_\_\_\_\_

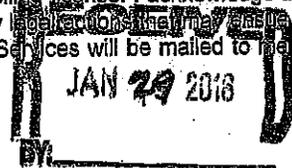
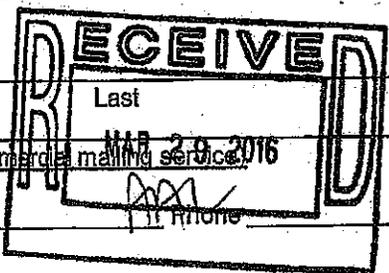
Date of Birth \_\_\_\_\_ E-mail \_\_\_\_\_

I \_\_\_\_\_ affirm by my signature below that I am in compliance with all rental licensing standards outlined in Minneapolis Code of Ordinances, Title 12, Chapter 244. I understand that failure to comply with any of these standards and/or conditions shall be adequate grounds for the denial, refusal to renew, revocation, or suspension of my rental dwelling license. I acknowledge that the Department of Regulatory Services will hold me responsible for the maintenance, management, and any liability of the rental property for the above listed rental property. I agree that all correspondence sent from the Department of Regulatory Services will be mailed to me as the appointed agent/contact person as listed in this section.

[Signature] Date \_\_\_\_\_

Subscribed and sworn to before me on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Notary Public, \_\_\_\_\_ County \_\_\_\_\_ **Space Reserved for Notary Stamp**



**For Office Use Only:** RLIC #: \_\_\_\_\_ DATE REC'D: \_\_\_\_\_ DATE PROCESSED: \_\_\_\_\_

FEE: 1070 TYPE: \_\_\_\_\_

Flags: CONV  CHOWN  FISINSP

\$1000 + \$70 Item 1

T5699 rev. 06/15



Regulatory Services  
250 S. Fourth St. - Room 401  
Minneapolis, MN 55415  
TEL 612.673.3000

www.minneapolismn.gov

DATE: 03/30/16

RE: Rental License Application T5639  
Property Address 5420 44<sup>TH</sup> Ave S

Margots Kapacs  
3324 23<sup>rd</sup> Ave S  
Minneapolis, MN 55407

Upon review of the submitted rental license application and fee, it cannot be processed and is being returned for the following reason(s):

- Hennepin County Property Record search does not identify you as the owner of record. Resubmit with proof of ownership (i.e. Closing Disclosure; Warranty Deed with Hennepin County receipt)
- Ownership records changed more than 60 days ago. Proof of tenant occupancy dates required
- Applicant is a business or corporation. Lack of Articles of Organization.
- The property is being converted to a rental business. The conversion fee of \$1000 is required in addition to the license fee
- The property has changed ownership. The change of ownership inspection fee of \$450.00 is required in addition to the license fee. Any previous license is no longer valid
- Owner address outside 16 county metro. Local contact/agent is required
- Use of commercial mail box address
- Lack of signature of owner or notarized signature of contact/agent
- Lack of Truth in Sale of Housing Certificate of Approval or Certificate of Completion. Please call 612-673-5840 for more information.
- Incorrect Fee. Correct fee is \_\_\_\_\_
- Property has a current condemned status
- Property/owner previously involved in Rental License Revocation action *Contact Katelyn Zeeke 612.673.5846*
- Property/owner involved in Just Cause action

Other: \_\_\_\_\_

Additional Comments: \_\_\_\_\_

Regulatory Services  
Rental License Division  
612-673-2324 Wendy.Stepanchak@MinneapolisMN.gov

April 1, 2016

City of Minneapolis Regulatory Services  
Public Service Center  
250 South 4th Street, Room 400  
Minneapolis, MN 55415

Regarding: Rental license of property at 5420 44th Ave S

To Whom It May Concern:

I am writing to request show cause for the actions of city of Minneapolis Regulatory Services on March 31, 2016 to stick evacuation sign on front door of property located at 5420 44th Ave S, Minneapolis, MN 55406 and falsely accusing me, the owner.

I have been compliant with all of the inspector Scott Mann requests while spending in excess of \$8000 in changes to comply with the Regulatory Services in past 9 months. I filed for rental license on June 16, 2015, January 29, 2016 and last time on on March 29, 2016 (Exhibit 1). I have not been notified that my last request for rental license is denied. Therefore, your actions on March 31, 2016 is in violation of my constitutional right of due process and equal protections of law guaranteed by US Constitution, specifically 5th and 14th Amendments and your actions exhibit violation of civil rights 42 U.S.C. § 1983. Please, provide cause for such arbitrary and capricious actions in writing in 10 days of receipt of this letter.

A handwritten signature in black ink that reads "Margots Kapacs". The signature is written in a cursive style with a large, stylized "M" at the beginning.

Sincerely,

Margots Kapacs  
PO. Box 6274,  
Minneapolis, MN 55407  
e-mail: [makapacs@hotmail.com](mailto:makapacs@hotmail.com)  
ph.612-231-9406

Enclosed:

- Exhibit 1- Receipt of Application for Rental License on March 29, 2016

Cc: Andrew Johnson, member of City Council,  
Inspector Scott Mann

## NOTICE OF DIRECTOR'S DETERMINATION OF NONCOMPLIANCE

April 8, 2016

Owner  
Margots Kapacs  
3324 – 23<sup>rd</sup> Avenue South  
Minneapolis, MN 55407

Owner  
Margots Kapacs  
PO Box 6274  
Minneapolis, MN 55407

**Property Address: 5420 – 44<sup>th</sup> Avenue South**

This is to notify you that the above property fails to meet the rental licensing standard listed below.

- 244.1910 (13b) Any person(s) who has had an interest in a license revoked pursuant to this article or canceled pursuant to section 244.1925, shall be ineligible from obtaining any new rental dwelling licenses for a period of three (3) years.

*Copy of Official Proceedings 5-15-2015*

**CD&RS - Your Committee, having under consideration the Rental Dwelling License held by Margot Kapacs for property at 3324 23rd Ave S, Minneapolis, and a hearing having been held before an Administrative Hearing Officer who issued Findings of Fact, Conclusions and a Recommendation that the rental dwelling license be revoked, now recommends approval of the recommendation to revoke said license for failure to meet licensing standards pursuant to Section 244.1910 of the Minneapolis Code of Ordinances, and that said Findings on file in the office of the City Clerk be adopted and made a part of this report by reference.**

A license proceeding may commence against you because the building has been found to be in violation of the housing maintenance code. You have 10 days to bring the building into compliance. Hazards may need to be corrected sooner. After this date the City Council may proceed to deny, revoke, or suspend the rental dwelling license for the building. If the City Council denies, revokes, or suspends the license, the affected dwellings therein must be vacated and shall not be re-occupied until a new license is granted by the City Council.

Sincerely,



Kathy Zierke  
Administrative Analyst II  
612-673-5846

## NOTICE OF DENIAL OF RENTAL LICENSE OR PROVISIONAL LICENSE

April 28, 2016

**Property Address: 5420 – 44<sup>th</sup> Avenue South**

Owner  
Margots Kapacs  
3324 – 23<sup>rd</sup> Avenue South  
Minneapolis, MN 55407

Owner  
Margots Kapacs  
PO Box 6274  
Minneapolis, MN 55407

Dear Mr. Kapacs:

This is to notify you that the above property fails to meet one or more of the rental licensing standards below: (Minneapolis Code of Ordinances 244.1910 and 244.1940). The Director of Inspections is referring this matter to the City Council with a recommendation to deny the rental license application.

- (1) Required License fee not paid
- (2) Rental dwelling units exceed maximum number allowed by Zoning
- (3) Rental dwelling unit(s) over occupied or illegally occupied
- (4) Rental dwelling unit(s) used or converted to rooming units in violation of Zoning Code
- (5) Repeated accumulation of weeds, vegetation, junk, debris, or rubbish
- (6) Rental dwelling unit(s) are in a substandard condition
- (7) Licensee has not paid required reinspection fees
- (8) Licensee has not allowed required inspection of unit(s) MCO 244.2000(c)
- (9) Licensee has failed to maintain and keep written register of tenants
- (10) Licensee has failed to submit a building scheme
- (11) Property taxes delinquent or pending assessments for administrative citations
- (12) Responsible party has bench warrant(s) pursuant to the Housing/Zoning Code
- (13) **Owner/licensee/manager has had a rental license revoked in the past 3 years.**
- (14) Licensee has adverse license action in progress
- (15) Rental License application is not current per section 244.1840
- (17) Licensee failed to obtain required permits MN Rule CH 1300.0120
- (18) Licensee allowed water shut for non-payment 244.1910
- (19) Good Cause – chapter 4, section 16 of the Charter
- (20) Notice to tenant of pending foreclosure/cancellation of Contract for Deed
- (21) 2<sup>nd</sup> violation of letting/offering to let unlicensed rental
- (22) Property with Rental Dwelling Units of 2+ must provide Recycling Services.
- (23) The licensee or applicant shall not have unpaid fines or fees owing the City.
- (24) The licensee or applicant shall not have any violations of Chapter 240, Lead Poisoning

Documentation is attached which refers to the above checked standard(s) in violation.

In addition, defects that create an imminent hazard to health or safety may be cause for the immediate denial, non-renewal, revocation, or suspension of the rental license or provisional license (Section 244.1940). Also, licensing procedures are in addition to and do not supersede or preempt such other remedies such as condemnation or legal action.

If you do not appeal this action within 15 days from the date of this notification, the City Council may take action to deny your license(s).

If the City Council denies the Rental License(s), the affected dwellings therein must be vacated, and shall not be re-occupied until a new license is granted by the City Council.

An appeal form and a copy of appeal procedures (MCO 244.1960) are enclosed.

Sincerely,



Vu Tran  
Administrative Enforcement Supervisor  
Housing Inspections  
612-673-5295

Enclosure

**NOTICE TO OWNER & CONTACT PERSON  
FINAL DECISION FOR RENTAL LICENSE REVOCATION**

June 1, 2015

Margo Kapacs  
5420 44<sup>th</sup> Avenue S  
Minneapolis, MN 55407

Margots Kapacs  
P.O. Box 6274  
Minneapolis, MN 55406

Dear Mr. Kapacs:

The final decision of the Minneapolis City Council has been to revoke your rental license for the property at 3324 – 23<sup>rd</sup> Avenue South.

**The property must be vacated by: July 29<sup>th</sup>, 2015**

**244.1910 Licensing Standards (13) (b)**

**(13) b. Any person(s) who has had an interest in a license revoked pursuant to this article or canceled pursuant to section 244.1925, shall be ineligible from obtaining any new rental dwelling licenses for a period of three (3) years.**

The rental unit(s) shall not be occupied until a Rental License has been reinstated by the City Council. The reinstatement process is in accordance with Minneapolis Code of Ordinances 244.1940 and 244.1945

Sincerely,

Joann Velde  
Deputy Director  
Housing Inspections  
612-673-5850

**CITY OF MINNEAPOLIS  
FOR THE DEPARTMENT OF  
REGULATORY SERVICES**

**ADMINISTRATIVE HEARING OFFICER**

---

**In the matter of the Property  
Located at 3324 23<sup>rd</sup> Avenue S.  
Located in Minneapolis, MN and  
owned by Margots Kapacs**

**FINDINGS OF FACT,  
CONCLUSIONS, AND  
RECOMMENDATION**

---

The above entitled matter came on for hearing before Administrative Hearing Officer Fabian Hoffner on April 21, 2015, at 9:00 a.m. at Room 310, Minneapolis City Hall, Minneapolis, Minnesota. The City of Minneapolis was represented by Lee C. Wolf, Assistant City Attorney and JoAnn Velde, Deputy Director Housing Inspections of the Department of Regulatory Services. Margots Kapacs, owner of the property was not present nor was any representative of the owner.

**FINDINGS OF FACT**

Margots Kapacs owns the property located at 3324 23<sup>rd</sup> Avenue S. in the City of Minneapolis.

The property located at 3324 23<sup>rd</sup> Avenue S. is listed as a duplex according to Hennepin County and City of Minneapolis property records.

A rental license application was completed for the property located at 3324 23<sup>rd</sup> Avenue S. On the rental license application, the applicant was listed as Margots Kapacs, Mr. Kapacs was also listed as the person responsible for the maintenance and management of the property.

On July 21, 2014, Minneapolis Housing Inspections received a complaint regarding the basement occupancy of the property located at 3324 23<sup>rd</sup> Avenue S.

On July 22, 2014, Minneapolis Housing Inspector Kelley Umhoefer attempted to conduct an inspection at 3324 23<sup>rd</sup> Avenue S. Inspector Umhoefer spoke with the tenant in unit 1 of the property but could not access the basement of the property. Inspector Umhoefer contacted the owner to request access to inspect the basement and the owner stated that an inspection would only be allowed if the request was in writing.

On July 24, 2014, an appointment letter was sent to the basement occupant and the owner setting an inspection for August 8, 2014, at 9:00 a.m.

On August 6, 2014, the owner sent an e-mail to Inspector Umhoefer requesting the inspection be rescheduled to August 18, 2014. On August 7, 2014, Inspector Umhoefer received an e-mail from the basement tenant requesting that the inspection take place on August 8, 2015, as originally scheduled due to concerns regarding the lack of egress in the unit.

On August 8, 2014, Inspector Umhoefer performed an inspection at the property noting that the property contained an illegal third unit in the basement with illegal plumbing facilities and appliances, ceiling height varying from 6 feet 1 inches to 7 feet, lack of egress window and a second form of escape. An unlawful Occupancy Placard was posted giving the occupant until September 30, 2014, to vacate the basement unit. Orders were issued to the owner giving the owner until September 30, 2014, to correct the violations at the property including illegal occupancy, illegal basement unit and unlawfully installed plumbing.

On October 2, 2014, Inspector Umhoefer attempted to inspect the property to verify basement occupancy. There was no answer at the doors and the owner did not return

Inspector Umhoefer's phone calls. The unlawful occupancy placard had been removed so Inspector Umhoefer re-placarded the property for illegal occupancy.

On October 9, 2014, Inspector Umhoefer again attempted to verify basement occupancy at the property but could not gain entry. The unlawful occupancy had been removed again, so Inspector Umhoefer re-placarded the property for illegal occupancy.

After failing to gain entry to conduct a re-inspection of the property Inspector Umhoefer obtained an administrative search warrant allowing her entry to conduct the re-inspection of the property. Inspector Umhoefer left a message for the owner that the search warrant would be served on October 21, 2014, at 11:00 a.m.

On October 21, 2014, Inspector Umhoefer, along with Supervisor Paul Meyers and Minneapolis Police Officers Dave Menter and Frank Kutz, served the search warrant and were able to conduct a re-inspection of the property. Inspector Umhoefer observed that the basement unit was not occupied but that it was still constructed and contained facilities to be used as a 3<sup>rd</sup> unit. Inspector Umhoefer issued an administrative citation for the illegal unit.

On October 30, 2014, Inspector Umhoefer sent an appointment letter to the occupants of the property and to the owner, to set an appointment for re-inspection to occur on November 18, 2014 at 11:00 a.m.

On November 18, 2014, Inspector Umhoefer arrived at the property to conduct a re-inspection but the owner failed to appear and no tenants were home to allow entry. Inspector Umhoefer then sent a re-inspection appointment letter to the owner and occupants setting a re-inspection for December 4, 2014 at 1:45 p.m.

On December 4, 2014, Inspector Umhoefer arrived at the property to conduct a re-inspection but the owner did not appear nor were any tenants at home to allow entry.

On December 5, 2014, Inspector Umhoefer issued a Director's Determination of Non-Compliance, pursuant to Minneapolis Code of Ordinances (M.C.O.) § 244.1930, notifying the owner and tenants that the property failed to meet the licensing standards set out in M.C.O. § 244.1910. Specifically the Notice indicated that the property did not meet the licensing standard in subdivision 8 for the owner not allowing the required inspections of the unit(s). The owner was given until December 18, 2014, to bring the property into compliance by allowing the required inspection.

The owner failed to contact Inspector Umhoefer to allow the required inspection of the property and on January 5, 2015, a Notice of Revocation of Rental License or Provisional License was issued to the owner pursuant to M.C.O. § 244.1940. The Notice informed the owner that the Inspection Division was recommending revocation of the rental license for the property for a violation of M.C.O. § 244.1910(8) for not allowing required inspections. The owner was given 15 days to file an appeal of the recommendation. The property was also placarded with the Notice of Revocation.

On March 5, 2015, the owner, Margots Kapacs filed an appeal of the revocation recommendation stating: "inaccurate factual basis".

On April 3, 2015, notice was sent to Margots Kapacs informing him that the rental license revocation hearing would take place on April 21, 2015, at 9:00 in Courtroom 310 in Minneapolis City Hall. The letter also informed the owner that if he failed to appear at the hearing, the administrative hearing officer would act upon the appeal only with the facts presented in the original appeal application.

## CONCLUSIONS

M.C.O. § 244.1910. states: Licensing standards. (a) The following minimum standards and conditions shall be met in order to hold a rental dwelling license under this article. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation, or suspension of a rental dwelling license or provisional license.

Subdivision 8 of M.C.O. § 244.1910 states: The licensee or his or her agent shall allow the director of regulatory services and his or her designated representative to perform a rental license review inspection as set forth in section 244.2000(c).

On November 18, 2014, and December 4, 2014, the owner, Margots Kapacs, failed to appear for a re-inspection of the property and failed to request that the re-inspection be rescheduled.

On December 5, 2014, a valid Notice of Director's Determination of Non-Compliance for violations of M.C.O. § 244.1910(8) for not allowing the required inspections at 3324 23<sup>rd</sup> Avenue S.

The owner failed to allow the required inspection by the time allotted in the Notice of Director's Determination of Non-Compliance.

M.C.O. § 244.1940 states: Denial; non-renewal; revocation; suspension. (a) If after any period for compliance under section 244.1930 has expired, the director determines that the dwelling fails to comply with any of the licensing standards in sections 244.1910 or 244.1920, or the director has initiated an action to deny, revoke, suspend, or not renew a license pursuant to section 244.2020, or if the director determines that a building or dwelling unit fails to meet licensing standards 244.1910(2), (3), (4), (13)(a), (18) or (21), for a second

time, under the same owner/licensee, the director shall mail the owner and the person designated by the owner as the person responsible for the maintenance and management of the building or dwelling unit, a notice of denial, non-renewal, revocation, or suspension of the license or provisional license.

On January 5, 2014, the Housing Inspections Division of the Minneapolis Department of Regulatory Services issued a valid Notice of Revocation, Denial, Non-Renewal, or Suspension order, for violations of M.C.O. § 244.1910 (8), for not allowing the required inspections at 3324 23<sup>rd</sup> Avenue S.

**RECOMMENDATION**

That the rental license for the property located at 3324 23<sup>rd</sup> Avenue S., Minneapolis, MN., held by Margots Kapacs be revoked.

Dated \_\_\_\_\_ 2015

\_\_\_\_\_  
FABIAN HOFFNER  
ADMINISTRATIVE HEARING OFFICER

**CD&RS** - Your Committee, having under consideration the Rental Dwelling License held by Margot Kapacs for property at 3324 23rd Ave S, Minneapolis, and a hearing having been held before an Administrative Hearing Officer who issued Findings of Fact, Conclusions and a Recommendation that the rental dwelling license be revoked, now recommends approval of the recommendation to revoke said license for failure to meet licensing standards pursuant to Section 244.1910 of the Minneapolis Code of Ordinances, and that said Findings on file in the office of the City Clerk be adopted and made a part of this report by reference.

Certified as an official action of the City Council: *SM*

RECORD OF COUNCIL VOTE (X INDICATES VOTE)													
COUNCIL MEMBER	AYE	NAY	ABSTAIN	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN	COUNCIL MEMBER	AYE	NAY	ABSTAIN	ABSENT	VOTE TO OVERRIDE	VOTE TO SUSTAIN
Reich	X						Glidden	X					
Gordon	X						Cano	X					
Frey	X						Bender	X					
B Johnson	X						Quincy	X					
Yang	X						A Johnson	X					
Warsame	X						Palmisano	X					
Goodman	X												

ADOPTED MAY 15 2015

ATTEST *Jackie Hanson*  
CITY CLERK

APPROVED  NOT APPROVED  VETOED

25 *[Signature]* MAY 21 2015  
MAYOR HODGES DATE

STATE OF MINNESOTA  
IN COURT OF APPEALS

**FILED**

October 20, 2015

OFFICE OF  
APPELLATE COURTS

---

In the Matter of the Rental Dwelling  
License held by Margots Kapacs for  
the Premises at 3324 23rd Avenue South,  
Minneapolis, Minnesota.

**ORDER**

**A15-1541**

---

Considered and decided by Cleary, Chief Judge; Rodenberg, Judge; and Smith,  
Judge.

**BASED ON THE FILE, RECORD, AND PROCEEDINGS, AND FOR THE  
FOLLOWING REASONS:**

This certiorari appeal was filed on September 21, 2015. Relator Margots Kapacs seeks review of the final decision of the Minneapolis City Council to revoke relator's rental license for a duplex that relator owns in South Minneapolis. On June 1, 2015, respondent City of Minneapolis served relator notice by mail of the final revocation decision.

This court questioned whether the appeal is timely. The parties filed informal memoranda.

**I.**

Absent a statute or appellate rule to the contrary, a writ of certiorari under Minn. Stat. ch. 606 is the exclusive method to seek review of a municipality's quasi-judicial

decision. *County of Washington v. City of Oak Park Heights*, 818 N.W.2d 533, 539 (Minn. 2012). In a certiorari appeal, the appeal period and the acts required to invoke appellate jurisdiction are governed by the applicable statute. Minn. R. Civ. App. P. 115.01.

No writ of certiorari shall be issued to correct any proceeding unless such writ shall be issued within 60 days after the party applying for such writ shall have received due notice of the proceeding sought to be reviewed thereby. Minn. Stat. § 606.01 (2014). The writ must be served on the adverse party within the 60-day period. Minn. Stat. § 606.02 (2014).

Relator does not dispute that he received the June 1, 2015 notice in the mail. In the appeal papers, relator argues that the notice was ineffective because it does not specify the date of the city council's final decision.

"Due notice" under Minn. Stat. § 606.01 requires, at a minimum, that the notice be given in writing and that it be reasonably calculated to reach the recipient. *Bahr v. City of Litchfield*, 420 N.W.2d 604, 607 (Minn. 1988). Respondent previously notified relator that the Minneapolis City Council would review the hearing officer's recommendation to revoke the rental license at the council's meeting on May 15, 2015. Although the June 1, 2015 notice does not specify the date that the final decision was made, the notice does state that the city council had made a final decision to revoke relator's rental license for the property in question. The June 1, 2015 notice contains enough information about the final decision to constitute "due notice" as defined in Minn. Stat. § 606.01.

Relator also argues that the 60-day appeal period did not begin until July 29, 2015, which relator claims was the effective date of the city council's decision.

Quasi-judicial decisions determine the rights of the contending parties and are binding upon them. *Meath v. Harmful Substance Comp. Bd.*, 550 N.W.2d 275, 280 (Minn. 1996). The June 1, 2015 notice advises relator that the property must be vacated by July 29, 2015. The deadline for vacating the property specified in the June 1, 2015 notice did not affect the finality of the city council's decision to revoke the rental license.

## II.

In a certiorari appeal under Minn. Stat. ch. 606, if the writ of certiorari is not timely issued or served, the writ must be discharged for lack of jurisdiction. *In re Ultraflex Enters. Appeal*, 494 N.W.2d 89, 90-91 (Minn. App. 1992). It is undisputed that relator did not file or serve the writ of certiorari within 60 days after he received the June 1, 2015 notice of the revocation decision. Because the writ of certiorari was filed after the 60-day appeal period expired, we must dismiss the appeal. *See* Minn. R. Civ. App. P. 126.02 (prohibiting appellate court from extending the time prescribed by law for securing review of a decision or order of an administrative agency, board, commission, or officer).

### **IT IS HEREBY ORDERED:**

1. The writ of certiorari is discharged.

2. This appeal is dismissed.

Dated: October 20, 2015

**BY THE COURT**



---

Edward J. Cleary  
Chief Judge



**Minneapolis**  
City of Lakes

## Rental Dwelling License Revocation Appeals Application

Any person wishing to file an appeal must prepare this form and submit this form along with a certified check or money order in the amount of \$300.00, payable to the Minneapolis Finance Department as an appeal filing fee. Submit the appeal form and filing fee to:

Regulatory Services  
Minneapolis Housing Inspections  
250 South 4<sup>th</sup> Street, Room 300  
Minneapolis, MN 55415

Office hours are 8:00-4:30, Monday through Friday.

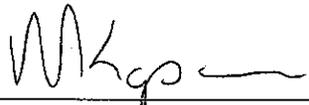
**Any appeal must be filed within 15 days of receipt of the notice of license or provisional license denial, non-renewal, revocation or suspension or the appeal will be denied.**

I hereby appeal the determination of my license and request a hearing.

Reason: please, see attached

Date: 5-11-16 Property Address: 5420 44<sup>th</sup> Ave S

Owner/Appellant's Name, Address, City, State, Zip:  
Margot Kapacs  
PO. Box 6274  
Mpls, MN 55406

Signature: 

You will be notified of the time and place of the appeals hearing. At the hearing you may be represented by an attorney if you so desire or you may represent yourself. You will have an opportunity to respond and to challenge the licensing action, to present witnesses and evidence under oath, and to cross-examine opposing witnesses under oath.

*\$300 paid  
OK #5210 by 5/17/16  
Minneapolis Loft's, LLC  
AAZ*

Appeal of Rental Dwelling License Revocation for property 5420 44th Ave S

Reason:

The previous revocation of rental license for property of 3324 23rd Ave S in 2015 as the stated cause for denying me rental license for property of 5420 44th Ave S today has no legal force and is void because it was entered outside the city of Minneapolis Regulatory Services's jurisdiction and in absence of law. The evidence of returned mail in the records of the city of Minneapolis Regulatory Services(RS) on Nov. 12, 2014 is *prima facie* evidence for RS failure to effectuate service onto me with the notice for inspection but entitled to do so pursuant to the MN Ordinance 244.000(c) (“*[.]shall provide reasonable advance notice to the license holder or a managing agent*”). For failure following MN Ordinances, RS had acted outside its official capacity and had trespassed MN ordinances when revoking my previous rental license for failure accommodating inspection I am unaware, currently reviewed in US Courts. Without valid cause, my new rental license for property of 5420 44th Ave S has been denied in error.

**244.1910. - Licensing standards.**

(a) The following minimum standards and conditions shall be met in order to hold a rental dwelling license under this article. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation, or suspension of a rental dwelling license or provisional license, or for the imposition of reasonable conditions or restrictions upon such a license pursuant to section 259.165.

- (1) The licensee or applicant shall have paid the required license fee.
- (2) Rental dwelling units shall not exceed the maximum number of dwelling units permitted by the Zoning Code.
- (3) No rental dwelling or rental dwelling unit shall be over occupied or illegally occupied in violation of the Zoning Code or the Housing Maintenance Code.
- (4) The rental dwelling shall not have been used or converted to rooming units in violation of the Zoning Code.
- (5) The owner shall not suffer or allow weeds, vegetation, junk, debris, or rubbish to accumulate repeatedly on the exterior of the premises so as to create a nuisance condition under section 227.90 of this Code. If the city is required to abate such nuisance conditions under section 227.100 or collect, gather up or haul solid waste under section 225.690 more than three (3) times under either or both sections during a period of twenty-four (24) months or less, it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license.
- (6) The rental dwelling or any rental dwelling unit therein shall not be in substandard condition, as defined in section 244.1920.
- (7) The licensee or applicant shall have paid the required reinspection fees.
- (8) The licensee or his or her agent shall allow the director of regulatory services and his or her designated representative to perform a rental license review inspection as set forth in section 244.2000(c).
- (9) The licensee shall maintain a current register of all tenants and other persons with a lawful right of occupancy to a dwelling unit and the corresponding floor number, and unit number and/or letter and/or designation of such unit within the building. The register shall be kept current at all times. The licensee shall designate the person who has possession of the register and shall inform the director of the location at which the register is kept. The register shall be available for review by the director or their authorized representatives at all times.
- (10) The licensee shall submit to the director of regulatory services or an authorized representative of the director, at the time of application for a rental dwelling license and for just cause as requested by the director, the following information: the number and kind of units within the dwelling (dwelling units, rooming units, or shared bath units), specifying for each unit, the floor number, and the unit number and/or letter and/or designation.
- (11) a. There shall be no delinquent property taxes or assessments on the rental dwelling, nor shall any licensee be delinquent on any financial obligations owing to the city under any action instituted pursuant to Chapter 2, Administrative Enforcement and Hearing Process.  
b. The licensee or applicant shall have satisfied all judgments duly entered or docketed against the licensee or applicant by any court of competent jurisdiction arising out of the operation of a rental property business. This subsection shall not be found to have been violated if the licensee or applicant demonstrates that the underlying case or action leading to the entry of judgment is being properly and timely removed to district court or otherwise appealed, or when the judgment is being paid in compliance with a payment plan accepted by either a court possessing jurisdiction over the judgment or the judgment creditor or

during any period when the enforcement of the judgment has been duly stayed by such a court. This subsection shall become effective January 1, 2008.

- (12) There is no active arrest warrant for a Minneapolis Housing Maintenance Code or Zoning Code violation pertaining to any property in which the licensee, applicant or property manager has a legal or equitable ownership interest or is involved in management or maintenance.
- (13) a. Any person(s) who has had an interest in two (2) or more licenses revoked pursuant to this article or canceled pursuant to section 244.1925 or a combination of revocations or cancellations shall be ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of five (5) years.  
b. Any person(s) who has had an interest in a license revoked pursuant to this article or canceled pursuant to section 244.1925, shall be ineligible from obtaining any new rental dwelling licenses for a period of three (3) years.
- (14) No new rental dwelling license shall be issued for the property during the pendency of adverse license action initiated pursuant to section 244.1940.
- (15) The licensee or applicant must have a current, complete, and accurate rental dwelling application on file with the director of regulatory services in accord with the provisions of section 244.1840.
- (16) a. Before taking a rental application fee, a rental property owner must disclose to the applicant, in writing, the criteria on which the application will be judged.  
b. Application forms must allow the applicant to choose a method for return of the application fee as either 1) mailing it to an applicant's chosen address as stated on the application form, 2) destroying it 3) holding for retrieval by the tenant upon one (1) business-day's notice.  
c. If the applicant was charged an application fee and the rental property owner rejects the applicant, then the owner must, within fourteen (14) days, notify the tenant in writing of the reasons for rejection, including any criteria that the applicant failed to meet, and the name, address, and phone number of any tenant screening agency or other credit reporting agency used in considering the application.  
d. The landlord must refund the application fee if a tenant is rejected for any reason not listed in the written criteria.  
e. Nothing in this section shall prohibit a rental property owner from collecting and holding an application fee so long as the rental property owner provides a written receipt for the fee and the fee is not cashed, deposited, or negotiated in any way until all prior rental applicants either have been screened and rejected for the unit, or have been offered the unit and have declined to take it. If a prior rental applicant is offered the unit and accepts it, the rental property owner shall return all application fees in the manner selected by the applicant, pursuant to section (b).  
f. Violation of this subsection, 244.1910(16), may result in an administrative citation, or may contribute to the denial or revocation of a rental license.  
g. This subdivision shall become effective December 1, 2004.
- (17) An owner shall not have any violations of Minnesota Rule Chapter 1300.0120 subpart 1, related to required permits, at any rental dwelling which they own or have an ownership interest. A violation of Minnesota Rule Chapter 1300.0120 subpart 1 shall result in a director's determination of noncompliance notice being sent, pursuant to 244.1930 to the owner regarding the rental dwelling where the violation occurred. A second violation, at any rental dwelling in which the owner has an ownership interest, of Minnesota Rule Chapter 1300.0120 subpart 1, related to required permits, shall result in the issuance of a director's notice of denial, non-renewal, or suspension of the license or provisional license, pursuant to 244.1940 of the Code, for the rental dwelling where the second violation occurred.

- (18) The owner, where the owner pays the water bill for a rental dwelling, shall not allow the water to be shut off for non-payment. If water to a rental dwelling has been turned off, for lack of payment by the owner it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license or provisional license.
- (19) The provisions of this section are not exclusive. Adverse license action may be based upon good cause as authorized by Chapter 4, Section 16 of the Charter. This section shall not preclude the enforcement of any other provisions of this Code or state and federal laws and regulations.
- (20) A licensee or owner/landlord shall not be in violation of section 244.265 of this Code, which requires owner/landlords to notify tenants and prospective tenants of pending mortgage foreclosure or cancellation of contract for deed involving the licensed property.
- (21) Any person(s), having an ownership or management interest in any property, upon a second violation of section 244.1810 by allowing to be occupied, letting or offering to let to another for occupancy, any dwelling unit without having first obtained a license or provisional license, shall be ineligible to hold or have an interest in a rental dwelling license or provisional license for a period of two (2) years.
- (22) The owner or licensee shall not be in violation of section 225.780, which requires every owner of a building containing two (2) or more dwelling units to provide for recycling services.
- (23) The licensee or applicant shall not have any unpaid fines or fees owing to the City of Minneapolis related to their rental property.
- (24) An owner shall not have any violations of chapter 240 of this Code, adopting Minnesota State Statutes Chapter 144 and amendments thereto and Minnesota Rules, Chapter 4761 and amendments thereto, at any rental dwelling which they own or have an ownership interest. A violation of chapter 240 of this Code, of Minnesota State Statutes Chapter 144 and amendments thereto or of Minnesota Rules, Chapter 4761 and amendments thereto shall result in a director's determination of noncompliance notice being sent, pursuant to [section] 244.1930 to the owner regarding the rental dwelling where the violation occurred. A second violation, at any rental dwelling in which the owner has an ownership interest, of chapter 240 of this Code, of Minnesota State Statutes Chapter 144 and amendments thereto or of Minnesota Rules, Chapter 4761 and amendments thereto shall result in the issuance of a director's notice of denial, non-renewal, or suspension of the license or provisional license, pursuant to [section] 244.1940 of the Code, for the rental dwelling where the second violation occurred. (90-Or-235, § 6, 9-14-90; 91-Or-220, § 1, 11-8-91; 94-Or-124, § 1, 9-16-94; 95-Or-097, § 2, 6-30-95; Ord. No. 97-Or-056, § 8, 6-27-97; 99-Or-163, § 5, 12-17-99; 2001-Or-074, § 1, 6-22-01; 2003-Or-070, § 2, 6-20-03; 2004-Or-122, § 1, 10-22-04; 2005-Or-008, § 1, 2-11-05; 2006-Or-115, § 2, 10-20-06; 2007-Or-063, § 1, 8-31-07; 2008-Or-016, § 4, 2-29-08; 2009-Or-044, § 2, 5-22-09; 2010-Or-041, § 1, 4-16-10; 2011-Or-044, § 1, 4-29-11; 2011-Or-108, § 4, 11-18-11; 2013-Or-040, § 1, 4-12-13; 2013-Or-161, § 47, 12-6-13; 2015-Or-073, § 1, 8-21-15)

**244.1930. - Director's determination of noncompliance; notice.**

- (a) If the director of regulatory services determines that a building or dwelling unit fails to meet the licensing standards set forth in section 244.1910, or section 244.1920, he or she shall mail a notice to the owner and the person designated by the owner as the person responsible for the maintenance and management of the building or dwelling unit. The notice shall specify the reasons why the building or unit fails to meet the licensing standards in section 224.1910 or section 244.1920 and shall include a copy of the inspection report if applicable. However, if a building or dwelling unit fails to meet licensing standards 244.1910(2), (3), (4), (13)(a), (18) or (21), for a second time under the same owner/licensee, a notice of director's determination of noncompliance shall not be required to be sent as the building or dwelling unit may be subject to an action for denial; non-renewal; revocation or suspension pursuant to section 244.1940.
- (b) If the rental dwelling fails to meet one (1) or more of the standards set forth in section 244.1910, the notice shall indicate that the license holder or applicant has ten (10) days to correct the defects, after which the city council will take action to deny, refuse to renew, revoke, or suspend the license or provisional license.
- (c) If the rental dwelling fails to meet the standards set forth in section 244.1920, the notice shall indicate that the license holder or applicant has sixty (60) days to correct the defects causing the building to be substandard, after which the city council will take action to deny, refuse to renew, revoke, or suspend the license or provisional license. The director may for good cause authorize additional time to correct defects causing a building to be substandard. If the defects create an imminent hazard to health or safety, the director may proceed immediately for denial, nonrenewal, revocation, or suspension under section 244.1940, or may shorten the deadline for compliance to less than sixty (60) days.
- (d) Whenever a notice of noncompliance is issued under this section, the director of regulatory services shall also cause a notice to tenants to be prominently posted on the building. The notice shall indicate that a license proceeding has been commenced against the owner because the building has been found to be in violation of the housing maintenance code; that after a stated period of time allowed to bring the building into compliance, the city council may proceed to deny, revoke, or suspend the rental dwelling license for the building; that if the city council denies, revokes, or suspends the license, tenants may be required to vacate the building; that further information can be obtained from the City of Minneapolis Housing Services Office.
- (e) The director of regulatory services shall send copies of the notice of noncompliance and the notice to tenants to the housing services office. (90-Or-235, § 6, 9-14-90; 95-Or-097, § 3, 6-30-95; 99-Or-163, § 6, 12-17-99; 2011-Or-044, § 2, 4-29-11; 2011-Or-108, § 5, 11-18-11; 2013-Or-161, § 48, 12-6-13)

**244.1940. - Denial; non-renewal; revocation; suspension.**

(a) If after any period for compliance under section 244.1930 has expired, the director determines that the dwelling fails to comply with any of the licensing standards in sections 244.1910 or 244.1920, or the director has initiated an action to deny, revoke, suspend, or not renew a license pursuant to section 244.2020, or if the director determines that a building or dwelling unit fails to meet licensing standards 244.1910(2), (3), (4), (13)(a), (18) or (21), for a second time, under the same owner/licensee, the director shall mail the owner and the person designated by the owner as the person responsible for the maintenance and management of the building or dwelling unit, a notice of denial, non-renewal, revocation, or suspension of the license or provisional license. The notice shall state:

- (1) That the director has determined that the building fails to comply with the licensing standards for rental dwellings in section 244.1910 and section 244.1920, that the licensee has failed to take appropriate action following conduct by tenants and/or their guests on the licensed premises under section 244.2020, or that the licensee has failed to submit a written management plan that satisfies the requirements set forth in 244.2020(d).
  - (2) The specific reasons why the building fails to meet licensing standards, including copies of applicable inspection reports, or notices sent to licensee of conduct on licensed premises.
  - (3) That the director has referred the matter to the city council with a recommendation to deny, not renew, revoke, or suspend the license or provisional license.
  - (4) That the city council will deny, refuse to renew, revoke, or suspend the license or provisional license unless the owner appeals the determination within fifteen (15) days after receipt of the notice, in the manner provided in section 244.1960.
  - (5) That after denial, nonrenewal, revocation or suspension, the dwelling or the affected dwelling units therein must be vacated, and shall not be reoccupied until all violations are corrected and a license is granted by the city council, (except where an extension of time has been granted by the director of inspections due to weather). Further, no license will be granted by the city council until an approved plan to control conduct on premises has been presented and accepted by the city council if the denial, non-renewal, revocation or suspension was under section 244.2020.
  - (6) The notice shall describe how an appeal may be filed under section 244.1960.
  - (7) The director shall cause a notice to tenants to be mailed or delivered to each licensed dwelling unit and prominently posted on the building. The notice shall indicate that the rental dwelling license for the building has been denied, revoked, or suspended, whichever is applicable; that the action will become final on a specific date unless the building owner appeals and requests a hearing; that tenants may be required to vacate the building when the action becomes final; that further information can be obtained from the City of Minneapolis Housing Services Office.
- (b) Lapsed licenses. If a license lapses, or is surrendered, withdrawn, terminated, or otherwise becomes ineffective, the director may proceed, pursuant to subdivision (a), with an action to deny, non-renew, revoke or suspend if the action was commenced prior any lapse, surrender, withdraw, termination or other loss of license.
- (c) Any action taken under this section shall be instituted against the rental dwelling license held by the owner(s), licensee and the person designated by the owner as the person responsible for the maintenance and management of the licensed property. (90-Or-235, § 6, 9-14-90; 95-Or-097, § 4, 6-30-95; 99-Or-163, § 7, 12-17-99; 2004-Or-007, 1-30-04; 2004-Or-112, § 1, 10-8-04; 2011-Or-044, § 3, 4-29-11; 2011-Or-108, § 6, 11-18-11)