This workshop is geared for local units of government and will highlight city and county examples sharing proactive approaches to substandard and dilapidated properties in your community.
Agenda

- Housing Data Presentation
- Local Example Panel
  - Clara City
  - Clinton
  - Benson
  - Swift County
  - Lac qui Parle County
  - Bellingham
- Round Robin
- Wrap up and next steps
Pre-event Survey results

Q4 What are the issues for your community? (mark all that apply to you)

- Rental Ordinance
- Building Codes
- Enforcement of ordinances
- Building inspector services
- Defining dangerous properties and strategies to address them
- Strategies to address tax delinquent or forfeited properties
- Planning for how our community addresses substandard homes
- Planning for how our community addresses substandard commercial buildings
- Redevelopment strategies for substandard properties
- Other (please specify)
## Pre-event Survey results

**What are the issues for your community? (mark all that apply to you)**

<table>
<thead>
<tr>
<th>Answer Choices</th>
<th>Responses</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rental Ordinance</td>
<td>31%</td>
</tr>
<tr>
<td>Building Codes</td>
<td>27%</td>
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<tr>
<td>Enforcement of ordinances</td>
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<td>Building inspector services</td>
<td>31%</td>
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<tr>
<td>Defining dangerous properties and strategies to address them</td>
<td>77%</td>
</tr>
<tr>
<td>Strategies to address tax delinquent or forfeited properties</td>
<td>69%</td>
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<tr>
<td>Planning for how our community addresses substandard homes</td>
<td>69%</td>
</tr>
<tr>
<td>Planning for how our community addresses substandard commercial buildings</td>
<td>81%</td>
</tr>
<tr>
<td>Redevelopment strategies for substandard properties</td>
<td>62%</td>
</tr>
<tr>
<td>Other (please specify)</td>
<td>8%</td>
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Answered 26  
Skipped 0
### UMVRDC Region Housing

#### HOUSING OCCUPANCY

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<tbody>
<tr>
<td>Total housing units</td>
<td>22,052</td>
<td>22,052</td>
<td>22,005</td>
<td>22,005</td>
<td>22,126</td>
<td>22,126</td>
<td>22,095</td>
<td>22,095</td>
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<tr>
<td>Occupied housing units</td>
<td>19,099</td>
<td>19,039</td>
<td>18,964</td>
<td>18,883</td>
<td>18,823</td>
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<tr>
<td>Homeowner vacancy rate</td>
<td>2.12</td>
<td>2.08</td>
<td>2.06</td>
<td>1.96</td>
<td>1.98</td>
<td>1.96</td>
<td>1.98</td>
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#### YEAR STRUCTURE BUILT

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<tr>
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<tbody>
<tr>
<td>Total housing units</td>
<td>22,052</td>
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<td>22,005</td>
<td>22,126</td>
<td>22,126</td>
<td>22,095</td>
<td>22,095</td>
</tr>
<tr>
<td>Built 2014 or later</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
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<tr>
<td>Built 2010 to 2013</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
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<tr>
<td>Built 2000 to 2009</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
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<tr>
<td>Built 1990 to 1999</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
</tr>
<tr>
<td>Built 1980 to 1989</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
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<tr>
<td>Built 1970 to 1979</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
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<tr>
<td>Built 1960 to 1969</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
</tr>
<tr>
<td>Built 1950 to 1949</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
</tr>
<tr>
<td>Built 1939 or earlier</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
<td>225</td>
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#### VALUE

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<tr>
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<tbody>
<tr>
<td>More than $50,000</td>
<td>3,193</td>
<td>3,035</td>
<td>2,966</td>
<td>2,957</td>
<td>2,841</td>
<td>2,685</td>
<td>2,606</td>
<td>2,479</td>
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<tr>
<td>$50,000 to $99,999</td>
<td>4,947</td>
<td>4,935</td>
<td>4,914</td>
<td>4,810</td>
<td>4,728</td>
<td>4,895</td>
<td>4,741</td>
<td>4,691</td>
</tr>
<tr>
<td>$100,000 to $149,999</td>
<td>2,599</td>
<td>2,544</td>
<td>2,554</td>
<td>2,462</td>
<td>2,513</td>
<td>2,379</td>
<td>2,396</td>
<td>2,486</td>
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<tr>
<td>$150,000 to $199,999</td>
<td>1,786</td>
<td>1,799</td>
<td>1,767</td>
<td>1,770</td>
<td>1,877</td>
<td>1,873</td>
<td>1,805</td>
<td>1,824</td>
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<tr>
<td>$200,000 to $299,999</td>
<td>1,478</td>
<td>1,541</td>
<td>1,574</td>
<td>1,611</td>
<td>1,584</td>
<td>1,553</td>
<td>1,584</td>
<td>1,534</td>
</tr>
<tr>
<td>$300,000 to $499,999</td>
<td>579</td>
<td>589</td>
<td>565</td>
<td>578</td>
<td>577</td>
<td>534</td>
<td>585</td>
<td>649</td>
</tr>
<tr>
<td>$500,000 to $999,999</td>
<td>172</td>
<td>169</td>
<td>220</td>
<td>234</td>
<td>211</td>
<td>196</td>
<td>212</td>
<td>207</td>
</tr>
<tr>
<td>Median (dollars)</td>
<td>89,620</td>
<td>90,320</td>
<td>91,120</td>
<td>92,380</td>
<td>93,940</td>
<td>93,540</td>
<td>95,100</td>
<td>96,760</td>
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</tbody>
</table>
Total housing units remain mostly stable across the region

Vacancy rates have decreased by half over the last decade

Nearly 79% of the total 22,131 current housing units were built before 1980

32.46% of all housing units in the region were built before 1939
<table>
<thead>
<tr>
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<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Households</td>
<td>4,647</td>
<td>4,565</td>
<td>NA</td>
<td>4,607</td>
<td>4,439</td>
<td>4,292</td>
<td>-7.64%</td>
</tr>
<tr>
<td>Big Stone County</td>
<td>8,954</td>
<td>7,941</td>
<td>7,716</td>
<td>6,285</td>
<td>5,820</td>
<td>5,269</td>
<td>-41.15%</td>
</tr>
<tr>
<td>Chippewa County</td>
<td>16,320</td>
<td>15,109</td>
<td>14,941</td>
<td>13,228</td>
<td>13,088</td>
<td>12,441</td>
<td>-23.77%</td>
</tr>
<tr>
<td>Lac qui Parle County</td>
<td>13,330</td>
<td>11,164</td>
<td>10,592</td>
<td>8,924</td>
<td>8,067</td>
<td>7,259</td>
<td>-45.54%</td>
</tr>
<tr>
<td>Swift County</td>
<td>14,936</td>
<td>13,177</td>
<td>12,920</td>
<td>10,724</td>
<td>11,956</td>
<td>9,783</td>
<td>-34.50%</td>
</tr>
<tr>
<td>Yellow Medicine County</td>
<td>15,523</td>
<td>14,415</td>
<td>13,653</td>
<td>11,684</td>
<td>11,080</td>
<td>10,438</td>
<td>-32.76%</td>
</tr>
</tbody>
</table>

Source: US Census Bureau

<table>
<thead>
<tr>
<th>Population Projections</th>
<th>2015</th>
<th>2020</th>
<th>2025</th>
<th>2030</th>
<th>2035</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>UMVRDC Region</td>
<td>45,510</td>
<td>45,300</td>
<td>45,000</td>
<td>44,500</td>
<td>44,110</td>
<td>-3.08%</td>
</tr>
</tbody>
</table>

Source: US Census Bureau

We have about 22,131 housing units in the UMVRDC region.

If you assume a housing unit lasts 100 years, then 1% of your housing stock needs to be replaced each year. This is 221 housing units per year, or 2,213 over 10 years.

If you assume a 7.64% continued decrease in households you will need 169 less, or 2,044 over the next 10 years. This all assumes zero growth.
Canby, Minnesota

Canby Housing Assessment - Condition

- Well Maintained (374)
- SS - minor (180)
- SS - major (71)
- Dilapidated (6)
- Hospital
- Churches
- Publicly Owned

Map showing the condition of housing in Canby, Minnesota.
Roughly 634 housing units surveyed

- 28% assessed as substandard-minor
- 11% assessed as substandard-major
- 1.4% assessed as dilapidated
- This adds substantially to ongoing housing needs
UMVRDC

• Comprehensive plans (housing)
• SCDP Grant writing and Implementation
• Windshield Studies/Housing Assessment
• Ordinances
• DEED Demolition and Redevelopment Grant Writing
Clara City
HOUSING STUDY

June 2018

An analysis of the overall housing needs of Clara City, MN

This study was prepared by:

Community Partners Research, Inc.
Faribault, MN
(507) 838-5992
cpartners@charter.net


Section Table of Contents

Demographic Data Overview
Population Data and Trends
Population by Age Trends: 2010 to 2017
Population Projections
Household Data and Trends
Household by Age Trends
Average Household Size
Household Projections
Clara City Household Projections by Age
Market Area Household Projections by Age
Households by Type
Housing Tenure
Tenure by Age
2016 Income Data
Household Income Distribution
Income Distribution by Tenure
2016 Estimated Income and Housing Costs - Renters
2016 Estimated Income and Housing Costs - Owners
Goals

The multiple goals of the study include:
- Provide updated demographic data
- Provide an analysis of the current housing stock and inventory
- Determine gaps or unmet housing needs
- Examine future housing trends that Clara City expects to address in the coming years
- Provide a market analysis for housing development
- Provide housing recommendations and findings
City of Clinton

P.O. Box 6
Clinton, MN 56225

Phone 320-325-5580

September 7, 2018

Dear Property Owner —

This is a REMINDER to call or email the City Office to make an appointment for your rental property inspection.

The City of Clinton passed a Rental Property Ordinance at their July 2018 Council meeting. Information was sent out in mid-July explaining all the details and the process.

The City of Clinton has hired an inspector to take care of all inspections. Inspections will be held September 24 and 25. Inspections for apartment complexes will take approximately 2.5 hours and houses/trailer houses will take approximately an hour and will be held between the hours of (8 am to 5 pm) the property must be accessible for the inspector to get into, either the door can be left unlocked or someone must be there to let the inspector in.

Any property that is currently occupied with tenants is considered a rental property, if the rental property is NOT INSPECTED by October 1, the property will be considered not in compliance with the Rental Property Ordinance. A $100, per day, late fee would incur.

Please contact City Office (320-325-5580 or coclintonmn@gmail.com), during normal business hours (9 am to 5 pm) to schedule your inspection and make payment for the permit & inspection fee.

If any property information is wrong, please contact City Office.

Thank you —

Clinton City Council

ORDINANCE NO. 2-10

AN ORDINANCE ESTABLISHING RESIDENTIAL RENTAL PROPERTY REGISTRATION AND LICENSING REGULATIONS

The City Council of the City of Clinton, Minnesota, does hereby ordain as follows:

SECTION 1. PURPOSE

The City recognizes a need for an organized inspection program of residential rental units within the City in order to establish and enforce minimum standards for rental units to meet City and State safety, health, fire, and zoning codes within the City and to provide a more efficient system to ensure that rental property is properly maintained. The City recognizes that the most efficient system to provide for rental inspections is the creation of a program requiring the registration and license of all residential rental units within the City so that orderly inspections can be undertaken.

SECTION 2. DEFINITIONS

“CITY” or “CITY OF CLINTON” means the City of Clinton, Minnesota.

“RESIDENTIAL RENTAL PROPERTY” means any building, structure, room, enclosure, or mobile home including the real property upon which it is located and which surrounds it, which is rented, subject to rental, or offered for rent as living quarters. Nursing homes shall be specifically exempt from registration and license under this Ordinance.

CHAPTER 95: ABANDONED AND OTHER NUISANCE VEHICLES

Section

95.01 Definitions
95.02 Applicability of provisions
95.03 Notice letter
95.04 Citation
95.05 Abandoned and/or junk vehicles prohibited
95.06 Nuisance declared
95.07 Abatement
95.08 Impoundment notice and procedure
95.09 Reclamation; rights of lienholders prevented
95.10 Disposition of unclaimed vehicles;

Cross-reference:
Unclaimed property, see § 33.30 et seq.

CHAPTER 93: NUISANCES

Section

93.01 Public nuisances defined
93.02 Refuse, junk, and nuisance regulations, prohibitions and remedies
93.03 Abatement of nuisances without special assessments
93.04 Abatement of nuisances with special assessments
93.05 Abatement by city
93.06 Disposal of items by city and allocation of proceeds
93.07 Failure to abate nuisance on business premises
93.08 Immediate abatement
93.09 Recovery of cost
93.10 Duties of city officers
93.11 Public nuisances affecting health
93.12 Maintenance of woodland, turfgrass, noxious weeds, and vegetation on private property
93.13 Demolition waste and tire disposal
93.14 Obstructions on public property
93.15 Public nuisances affecting morals and decency
93.16 Public nuisances affecting peace and safety
93.17 Fuel storage; accumulations of junk
93.18 Public nuisances caused by sound
93.19 Violation a misdemeanor

Cross-reference:
Nuisance animals, see § 90.11
Dutch Elm Disease, nuisances declared, see § 94.03
Motor vehicles as nuisances, see § 95.04

INFORMATION MEMO

Administrative Search Warrants

Understand when and why administrative search warrants are needed. Learn common situations where a city might need an administrative search warrant and the basic requirements for obtaining one.

RELEVANT LINKS:


I. Lawfully entering private property

In many situations, such as when conducting rental housing inspections and investigating possible ordinance violations, cities will need to enter private property. When a property owner refuses to allow a city’s agent to enter private property, an administrative search warrant is needed (unless an emergency exists). An administrative search warrant is issued by a judge and allows designated people to enter the property for certain purposes specified in the warrant.

It is important that cities enter property lawfully because there are constitutional protections for the rights of property owners. Citizens have a substantial interest in "limiting the circumstances under which the sanctity of [their] home may be broken by official authority," and they have a constitutional right to insist that a city inspector obtain a warrant before entering their property. Also, evidence and documentation obtained by a city could be excluded if a person’s property rights are violated. If a city is found to have violated a person’s property rights, it may be liable for civil rights claims and trespass claims, not to mention attorneys’ fees.

It’s worth noting that this memo concerns administrative search warrants rather than search warrants obtained for criminal investigations. There are similarities (both issue upon probable cause, both allow entry onto public property), but the administrative search warrant does not require individualized suspicion of a code violation. The administrative search warrant requires meeting “reasonable legislative or administrative standards for conducting an area inspection.” Probable cause is easier to meet for administrative search warrants, which are generally intended for routine inspections to protect health and welfare. As the Minnesota Supreme Court and U.S. Supreme Court have held, “[w]here considerations of health and safety are involved, the facts that would justify an inference of ‘probable cause’ to make an inspection are clearly different from those that would justify such an inference where a criminal investigation has been undertaken.”

Cities should work with their attorney when pursuing an administrative search warrant to make sure they are complying with all related laws.

LOCAL EXAMPLE PANEL: Benson

Benson Police Department
Ian Hodge, Chief of Police
1410 Kansas Ave
Benson, MN 56215
(320) 643-4780  Fax: (320) 643-3766

NUISANCE VIOLATION

Location: ____________________________

Date: ____________________  Time: ____________________

The above listed residence/business has been found to be in violation of the following city ordinance. You have 14 Days to remedy the infraction, failure to do so will result in a citation issued to the current resident/owner of both parties.

___ Benson City Ordinance 98.02 Refuse, Junk, and Nuisance Regulations.
___ Benson City Ordinance 95 Abandoned and Other Nuisance Vehicles.

The following items were found to be in violation of Benson City Ordinance:

________________________

Issued by Officer: ____________________

Copies of these ordinances can be obtained from the Benson Police Dept.
LOCAL EXAMPLE PANEL: Swift Co.
IX. Hazardous buildings

Minnesota law provides authority and a process to deal with hazardous buildings. This process allows the city to order a property owner to repair or remove a hazardous condition, or in extreme cases, to raze the building. If the owner does not do the work, the city may do so and charge the costs against the property as a special assessment. The law requires that the court oversee or be involved during most of the process. As such, it is very important to work with the city attorney. The city attorney will be needed to draft documents, file court papers, appear in court, and provide specific legal advice throughout the process.

Where applicable, the Minnesota State Building Code requires that all unsafe buildings and structures must be repaired, rehabilitated, demolished, or removed according to the statutory hazardous building provisions.

Hazardous building laws are supplementary to other statutory and charter provisions. This means cities may enact and enforce ordinances on the same subject. Any ordinance that is passed must allow for due process and cannot contradict state law. The city should seek advice from the city attorney if it wishes to adopt this type of ordinance.

https://www.lmc.org/media/document/1/dangerous_properties.pdf?inline=true
A. Characteristics of a hazardous building

State law defines a hazardous building or hazardous property as, “any building or property which because of inadequate maintenance, dilapidation, physical damage, unsanitary condition, or abandonment constitutes a fire hazard or a hazard to public safety or health.” A building is defined as, “any structure or part of a structure.” For purposes of this memo, the phrase hazardous building will be used to include hazardous property and structures.

Determining whether a building is hazardous depends on the particular facts of each situation. For example, in one opinion where the Minnesota supreme court upheld a city’s order to raze a hazardous building, the court described the building in question as having the following conditions:

- Unoccupied.
- Badly deteriorated sections of concrete block foundation.
- Decayed and rotted wooden foundation sills.
- Broken, deteriorating, and falling siding.
- Rottted and collapsing roof cornice.
- Large holes in asphalt roof covering.
- Evidence of roof leaks.
- Large holes in the plaster finish of walls and ceilings.
- Many broken window lights.
- Damaged or destroyed window sashes.
- Dry water traps in wash basin and water closet resulting in open sewers.
- Paper, lumber, wood lath, plaster, and debris littering interior of building.

These are not the only conditions that would cause a building to be considered “hazardous.” Rather, these are examples of the types of things that might be present in a hazardous building. While this example shows that there were many problems with this building, there is no formula to determine how many problems make a building hazardous. Again, that depends on the particular situation.
B. Identifying a hazardous building

If the city believes there is a building that may be hazardous, it is a good idea for the city to gather and document information about the building. An inspection of the property may provide information that may help the council determine if the building is hazardous. While inspecting the property, it is helpful to take detailed notes and photographs of what was observed. Because there are constitutional limitations on entering private property, the city should consider how it will lawfully enter the property to make the inspection.

Before the council orders a hazardous condition to be repaired or removed, the council must first make a determination that the building is hazardous. This must be done during an open city council meeting.

At the meeting, it is advisable that the city council consider all the relevant evidence it has, such as any inspection notes or reports, photographs of the property, code violations, and any other information related to the property, including any information provided by the property owner or occupant. It is also advisable to keep in mind the statutory definition and consider how the evidence relates to this definition. There is no rigid formula in how the determination must be structured, but they should be sufficient to make the owner aware of the basis of the decision.

https://www.lmc.org/media/document/1/dangerous_properties.pdf?inline=true
The decision to repair or remove a hazardous condition, or to raze a building, must not be arbitrary or capricious. A decision is arbitrary or capricious if it is unreasoned and does not consider the facts and circumstances of the situation. Said another way, the city’s decision must be reasoned and supported by substantial evidence.

It is a good idea for the council to keep a detailed record of the discussion, the evidence considered, and the ultimate decision that was reached based on the evidence considered. This record will help the city defend its decision if it is later challenged in court.

Although the law does not explicitly require the property owner to be notified of the council consideration of the property, it is advisable to take steps to ensure the property owner’s due process rights are respected. One way to do this may be to notify the property owner that the issue will be discussed and to allow the owner a chance to speak with the council and provide any evidence or information that he or she may have. Notice to tenants as well as lien-holders may also be advisable. Notice may also lead to self-remedy of the hazardous conditions.

https://www.lmc.org/media/document/1/dangerous_properties.pdf?inline=true
Lac qui Parle County Dilapidated Structures Program

Project Purpose

Enhance Communities

Lac qui Parle County works together with cities in two different policy areas to address dilapidated structures, specifically adjoining properties and hazardous buildings.

Dilapidated structures are not only unappealing to those passing by, but they also may pose health and safety threats. With this program, Lac qui Parle County hopes to enhance the prosperous, welcoming, and lively environment of its communities.

“Lac qui Parle County hopes to enhance the prosperous, welcoming, and lively environment of its communities.”
Round Robin
Examples and issues
Wrap up
Next steps

THANK YOU
Questions?