

ORDINANCE NO. 2022-4

**AN ORDINANCE AMENDING CHAPTER 14 OF THE CITY CODE RELATED TO
TIME OF SALE HOUSING EVALUATIONS**

The City Council for the City of Bloomington, Minnesota, ordains:

Section 1. That Chapter 14 of the Bloomington City Code is hereby amended by deleting those words within brackets and ~~[stricken through]~~ and adding those words that are underlined, to read as follows:

CHAPTER 14: Licenses and Permits

Article VI: Time of Sale Housing Evaluations and Manufactured Home Park Regulations

Division C: Time of Sale Housing Evaluations

§ 14.521 PURPOSE.

The purpose of this Division C of the city code is to enhance the supply of safe, sanitary, and adequate housing and to prevent the deterioration of the overall housing stock in the city, thereby protecting the general health, safety, and welfare.

§ 14.525 EVALUATOR LICENSE REQUIRED.

(a) No person shall complete a housing evaluation report on the form prescribed ~~[in this Division C]~~ by the city without first having paid the required fee and received an evaluator license from the city ~~[, as provided in this Division C.]~~

~~(b) [Any person desiring a license to conduct housing evaluation shall make written application to the city on a form prepared by the issuing authority.]~~

~~—(c) The application form shall be accompanied by a non-refundable evaluator license fee in accordance with § 14.03 of this code.~~

~~(d) Each applicant, as determined by the issuing authority, who does not hold a license from a municipality having an acceptable licensing requirement shall be required to take an examination to determine skill and knowledge. Except when special arrangements are made by the issuing authority, the examination shall be given the third Friday of March, June, September and December of each year. The examination fee shall be in accordance with § 14.03 of this code.]~~

~~(e) All licenses under this Division shall terminate on December 31 of each year. [Persons who have not renewed their license within one year of the expiration of their license shall pass the city examination prior to any renewal.]~~

§ 14.526 [CITY EMPLOYEES] EVALUATORS.

(a) The city may perform evaluations~~[.]~~ using qualified employees or qualified private contractors who meet the license requirements. ~~[Evaluations performed by city employees shall only be through an agreement between the owner or owner's agent and the city. Fees for an evaluation conducted by the city shall be in accordance with § 14.03 of this code.]~~

(b) At least every three years, the city must issue a request for proposals seeking private evaluators from which the city shall create and maintain a certified list of qualified private contractors. To be qualified, the private contractor must meet education requirements established by the city, provide proof of insurance at levels established by the city, follow city evaluation procedures, and meet other requirements as set forth in the request for proposals. [City employees shall be subject to the duties in § 14.529 of this code except requirements in § 14.529(a)(4) and (b)(3).]

(c) The city has the sole discretion to determine whether an employee or private contractor on the city's certified list performs the evaluation, except that the owner or owner's agent may request in writing on a form provided by the city that the evaluation be performed by a private contractor on the city's certified list when the evaluation is requested to be performed outside of regular weekday business hours or when there are exigent circumstances. The city may charge an additional fee for an evaluation performed outside of regular weekday business hours or when there are exigent circumstances.

§ 14.527 FEES. License and evaluation fees shall be in accordance with § 14.03 of this code. Qualified city employees performing evaluations under this Division are not charged a license fee. [STANDARDS FOR DENYING OR REVOKING AN EVALUATOR LICENSE.

~~—Evaluator licenses shall be granted or denied by the issuing authority in accordance with guidelines adopted by the City Council.~~

~~—(a) Denial of license. The issuing authority shall deny an evaluator license if the applicant:~~

~~—(1) Is not of good moral character and repute;~~

~~—(2) Has been convicted of any crime directly related to the licensed occupation, pursuant to M.S. § 364.03, subd. 2, as it may be amended from time to time, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of the licensed occupation, pursuant to M.S. § 364.03, subd. 3, as it may be amended from time to time;~~

~~—(3) Has falsified any information or omitted material information in the license application form required by the issuing authority;~~

~~—(4) Fails to provide satisfactory proof of insurance insuring the applicant/evaluator and the city; or~~

~~—(5) Fails to pay the required fees.~~

~~—(b) Revocation, suspension and refusal to renew. The City Council may revoke, suspend or refuse to renew an evaluator license if the license holder:~~

~~—(1) Has been convicted of any crime directly related to the licensed occupation, pursuant to M.S. § 364.03, subd. 2, as it may be amended from time to time, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of the licensed occupation, pursuant to M.S. § 364.03, subd. 3, as it may be amended from time to time;~~

~~—(2) Has falsified any information or omitted material information in the license application form required by the issuing authority;~~

~~—(3) Has been the subject of substantiated complaints from residents using the applicant's inspection services;~~

~~—(4) Has demonstrated incompetency or inefficiency in conducting inspections;~~

- ~~—(5) Fails to provide satisfactory proof of insurance insuring the applicant/evaluator and the city;~~
- ~~—(6) Allows required insurance to lapse;~~
- ~~—(7) Has allowed the evaluator's certification to be used by another person;~~
- ~~—(8) Violates any of the provisions of this Division C or any conditions provided for in the license issued pursuant to this Division C; or~~
- ~~—(9) Fails to pay the required fees or fails to promptly file any disclosure report.~~
- ~~—(c) Notice and hearing. A revocation, suspension or denial of a renewal application by the City Council shall be preceded by written notice to the licensee and a hearing. The notice shall give at least eight days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice shall be mailed by regular mail to the licensee at the most recent address listed on the license application. **RESERVED.**~~

§ 14.528 FORMS. The city shall prepare or authorize the use of forms as it deems appropriate to constitute a disclosure under this Division C and as otherwise required by this Division C. The form shall provide information concerning city housing standards, major structural defects, and immediate hazards to health, safety, and property.

§ 14.529 [DUTIES OF EVALUATORS.]

- ~~(a) Each evaluator shall comply with the following:~~
 - ~~—(1) Maintain a current license from the city;~~
 - ~~—(2) Conduct an inspection of the property being offered for sale and conduct all evaluations within the program's guidelines;~~
 - ~~—(3) Meet required continuing education requirements established by the issuing authority;~~
 - ~~—(4) Provide a certificate of insurance showing proof of the following insurance coverage:~~
 - ~~—(A) General liability insurance of not less than \$250,000 per claim and \$500,000 per year aggregate; and~~
 - ~~—(B) Professional errors and omissions insurance of not less than \$250,000 per claim and \$500,000 per year aggregate.~~
 - ~~—Such insurance may include a deductible not exceeding \$5,000. The insurance shall list the city as an additional insured and shall cover any and all liability resulting from the performance of the duties as a licensed housing evaluator.~~
 - ~~—(5) Keep the city apprised of his or her current mailing address and telephone number; and~~
 - ~~—(6) Agree to a code of ethics in performance of evaluation duties.~~
- ~~(b) Each evaluator shall comply with the following procedure for preparing and filing reports:~~
 - ~~—(1) The evaluation report shall be either typewritten or legibly printed in ink on forms furnished by the city. The report shall indicate whether the condition meets city housing standards, is below city housing standards or is deemed to be hazardous at the time and date of the evaluation.~~
 - ~~—(2) The evaluator shall submit the original evaluation report to the seller with a duplicate thereof filed with the issuing authority within seven calendar days after the evaluation has been made. An evaluator who fails to file a timely report in accordance with this subpart shall be required to pay a penalty of \$20 at the time of, and in addition to, the payment of the filing fee~~

~~for the report. This penalty fee will apply to each subsequent evaluation report that is submitted after the seven day period allowed.~~

~~—(3) A filing fee, as determined in § 14.03 of this code, shall be required with each evaluation report filed with the issuing authority] **RESERVED.**~~

Section 2. Effective Date. This Ordinance is effective April 1, 2022. Any evaluation scheduled to occur after April 1, 2022 will be subject to this Ordinance.

Passed and adopted this 14th day of February, 2022.

/s/ Tim Busse
Mayor

ATTEST:

/s/ Matt Brillhart
Secretary to the Council

APPROVED:

/s/ Melissa J. Manderschied
City Attorney