



## Legislation Text

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**File #:** 20-013-O, **Version:** 1

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AN ORDINANCE AMENDING CHAPTER 34 OF THE DULUTH CITY CODE BY ADDING SECTION 34-44 REQUIRING ACCESS TO MULTI-UNIT HOUSING STRUCTURES BY UNITED STATES CENSUS BUREAU EMPLOYEES.

**CITY PROPOSAL:**

The city of Duluth does ordain:

Section 1. That Chapter 34 of the Duluth City Code is hereby amended by adding Section 34-44 as follows:

**34-44.1. Access to multi-unit housing structures by United States Census Bureau employees: Declaration; Purpose.**

- (a) The United States Constitution directs a decennial census count of all persons living in the United States.
- (b) Complete, accurate census data is of critical importance to all residents of Duluth for equal political representation, fair distribution of federal and state funding, and sound planning and investment in infrastructure, real estate, business development, and public policy and programming.
- (c) During the decennial census, the United States Census Bureau conducts Non-Response Follow-up Operations (NRFU), when employees of the United States Census Bureau visit households that have not yet submitted a census form.
- (d) Renters and others who live in multi-unit housing structures have historically been at higher risk of being undercounted in the decennial census, with the number of renter households in an area being the most influential variable affecting an area's census self-response rate; in other words, the more renters in an area, the lower the self-response rate of that area.
- (e) The risk of an undercount is compounded in areas with high concentrations of communities that have been consistently undercounted in the past and who are more likely to be renters, including low income households, communities of color, Native American/American Indian communities, immigrants and refugees, and young people.
- (f) About 40 percent of Duluth's households live in rental units, compared to 28 percent of Minnesotans; Duluth households of color are disproportionately renters with 71 percent renting rather than owning their homes.
- (g) Multi-unit housing structures can be difficult for Census Bureau employees to enter due to security barriers.
- (h) It is critical that Census Bureau employees have access to multi-unit housing structures during the decennial census, so they can reach households that have not yet participated.
- (i) 13 U.S. Code § 223 authorizes Census Bureau employees to access "any hotel, apartment

house, boarding or lodging house, tenement, or other building”.

**Sec. 34-44.2. Access to multi-unit housing structures by United States Census Bureau employees**

(a) It is unlawful for a person, either directly or indirectly, to deny access to an apartment building, dormitory, nursing home, manufactured home park, other multi-unit structure used as a residence, or an area in which one or more single-family dwellings are located on private roadways, to employees of the United States Census Bureau who display current, valid Census Bureau credentials and who are engaged in official census counting operations during the Census Bureau’s standard operational hours of 9:00 a.m. to 9:00 p.m. (local time) during the decennial census; and Be It Further

(b) Census Bureau employees granted access must be permitted to leave census materials in an orderly manner for residents at their doors, except that the manager of a nursing home may direct that the materials be left at a central location within the facility; and Be It Further.

(c) This ordinance does not prohibit:

- (1) denial of admittance into a particular apartment, room, manufactured home, or personal residential unit;
- (2) denial of permission to visit certain persons for valid health reasons, in the case of a nursing home or a registered Housing with Services Establishment (HWS) providing assisted-living services meeting the requirements of Minnesota Statutes, section 144G.03, subdivision 2;
- (3) limiting visits to a reasonable number of census employees;
- (4) requiring a prior appointment or notification to gain access to the structure; or
- (5) denial of admittance to or expulsion of an individual employee from a multi-unit housing structure for good cause.

(d) Violations of this Section are punishable by fines of not to exceed those set in accordance with Section 31-8 of this Code for the first and second offenses and a fine as provided in Section 1-7 of this Code for all subsequent offenses.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

STATEMENT OF PURPOSE: The City of Duluth reaffirms its value of an accurate Census in partnership with the Minnesota Council on Latino Affairs, Minnesota State Demographic Center, and our local Census Complete Count Committee. The purpose of a local city ordinance specifically raises awareness of Census 2020 in Duluth, reinforces the City’s commitment to count each person, and provides multi-unit management companies with advanced notice of the Census.

The intent of the ordinance is to ensure that apartment building owners and managers are letting census workers into buildings and are able to provide residents with advanced notice regarding the presence and purpose of census workers in the building. Part of ensuring a complete count is Census Bureau employees following up in person with households who do not fill out their Census form. Census surveys are to be distributed beginning in March 2020 with census workers on the ground conducting nonresponse follow-up to households that have not yet submitted a census form as early as April or May 2020.

