Legislation Details (With Text)

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On agenda:	11/19/2018	**Final action:**	1/14/2019
Title:	RESOLUTION REVERSING DECISION OF THE BUILDING APPEAL BOARD AND CITY BUILDING OFFICIAL TO REQUIRE CHESTER CREEK HOUSING COOPERATIVE ASSOCIATION TO OBTAIN A RENTAL LICENSE FOR ITS PROPERTY LOCATED AT 1306 EAST SECOND STREET.		
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Date	Ver.	Action By	Action	Result
1/14/2019	1	City Council	withdrawn	
12/17/2018	1	City Council	tabled	
12/10/2018	1	City Council	tabled	
11/19/2018	1	City Council	tabled	

RESOLUTION REVERSING DECISION OF THE BUILDING APPEAL BOARD AND CITY BUILDING OFFICIAL TO REQUIRE CHESTER CREEK HOUSING COOPERATIVE ASSOCIATION TO OBTAIN A RENTAL LICENSE FOR ITS PROPERTY LOCATED AT 1306 EAST SECOND STREET.
CITY PROPOSAL:
RESOLVED that the city council finds as follows:

(a) On September 24, 2018, Chester Creek Housing Cooperative Association (“Chester Creek Housing”) timely filed an appeal to the city of Duluth building appeals board pursuant to Duluth city code section 10-5 regarding the city building official’s interpretation and application of Duluth city code chapter 29A. The building official required Chester Creek Housing to obtain a city of Duluth rental license for their house located at 1306 east second street in Duluth (“the property”); and

(b) The building appeal board considered the appeal of Chester Creek Housing at its October 10, 2018 building appeals board meeting. This meeting was open to the public. Chester Creek Housing representatives attended and spoke and submitted documents in support of their appeal; and

(c) The building appeal board denied the appeal and affirmed the decision of the building official based on the following findings:

(1) Chester Creek Housing advertised, via online classifieds site Craigslist, rooms for rent at its property on a month-to-month basis; and

(2) Chester Creek Housing is renting one or more rooms at its property without a rental license; and

(3) The property is a “rental unit” and the occupants are “tenants” pursuant to the definitions of Duluth city code section 29A-27(f)-(g); and

(4) Therefore, a rental license is required pursuant to Duluth city code section 29A-28: and

(d) Chester Creek Housing timely filed an appeal of the building appeal board’s decision to the city council pursuant to Duluth city code section 10-5(f); and

(e) Pursuant to Duluth city code section 10-5(f), the city council shall affirm, modify or reverse the decision of the building appeal board; and

(f) The city council heard the appeal by Chester Creek Housing at a public meeting held on November 19,

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2018; and

(g) A record of the October 10, 2018 building appeal board meeting and copies of all data provided to the building appeal board was provided to the city council.

RESOLVED FURTHER, upon further review and consideration of the record and Duluth city code chapter 29A, the city council hereby reverses the October 10, 2018 decision of the building appeals board based on the following findings:

A. The property is not a “rental unit” and the occupants are not “tenants” pursuant to the definitions of Duluth city code section 29A-27(f) and 29A-27(g)(2) because the tenants are owners of record for the property, and

B. Therefore, no rental license is required pursuant to Duluth city code section 29A-28.

STATEMENT OF PURPOSE: This resolution reverses the decision of the building appeal board to deny an appeal of the Chester Creek Housing Cooperative Association regarding the City Building Official’s rental license requirement for their property located at 1306 East Second Street. This resolution permits Chester Creek Housing Cooperative Association to operate without a rental license.

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