

**AN ORDINANCE ENACTING SECTION 120.24
AN ORDINANCE REQUIRING CRIMINAL BACKGROUND CHECKS
OF POTENTIAL NEW TENANTS AT RENTAL PROPERTIES
IN THE CITY OF BROWNS VALLEY**

Findings.

1. The City of Browns Valley has a section in its Code of Ordinance regulating rental property in the City of Browns Valley.
2. The Browns Valley City Council believes that it will benefit landlords and City residents for landlords to be able to conduct criminal background checks on all prospective tenants.
3. Therefore the Browns Valley City Council believes that it is in the best interests of the residents of the City of Browns Valley to require all landlords to conduct criminal background checks on all prospective tenants in evaluating their application for tenancy.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF BROWNS VALLEY ORDAINS AS FOLLOWS:

1. That Browns Valley City Ordinance Section 120.24 is hereby enacted to read as follows:

“120.24 CRIMINAL BACKGROUND CHECKS

- (A) As a condition of the license, the Licensee must, as a continuing obligation, conduct criminal background checks on all prospective tenants, which shall include any state that the prospective tenant has resided in the past ten (10) years.
- (1) The criminal background check must include the following:
 - (a) Any conviction for misdemeanor offenses for which the dates of sentencing occur within the past three (3) years;
 - (b) Any criminal conviction for felony offenses for which the dates of sentencing occur within the past seven (7) years;
 - (c) Any criminal conviction for the following felony offenses for which the dates of sentencing occur with the past ten (10) years: first-degree assault (M.S.A. §609.221), first-degree arson (M.S.A. §609.561), aggravated robbery (M.S.A. §609.245), first-degree murder (M.S.A. §609.185), second-degree murder (M.S.A. §609.19), third-degree murder (M.S.A. §609.195), first-degree manslaughter (M.S.A. §609.20, subd. 1, 2, and 5), kidnapping (M.S.A. §609.25, subd. 2(2)), or first-degree criminal sexual conduct (M.S.A. §609.342, subd. 1(b) and (g)).
 - (d) Any criminal conviction for the illegal manufacture or distribution of a controlled substance as defined in section 102 of the Controlled Substances Act (21 U.S.C. 802) or for those same offenses that mandate denial of tenancy in federally assisted housing subject to federal regulations, including but not limited to when any member of the household is subject to a lifetime sex offender registration requirement under a state sex offender registration program.

- (2) The criminal background check may not include the following:
- (a) Any arrest in an inactive case that did not result in conviction;
 - (b) Participation in or completion of a diversion or a deferral of judgment program, including stays of adjudication and continuances for dismissal or without prosecution;
 - (c) Any conviction that has been vacated or expunged, or for which the applicant received a stay of imposition of sentencing and complied with the terms of the stay;
 - (d) Any conviction for a crime that is no longer illegal in the state of Minnesota;
 - (e) Any conviction or any other determination or adjudication in the juvenile justice system; or
 - (f) Any conviction for offenses listed for which the dates of sentencing are older than the timelines set out in paragraph (1) above.
- (B) The Licensee must maintain a current roster of tenants and other persons who have a lawful right to occupy the rental dwelling or rental dwelling units. The register of tenants must include the full name, date of birth, and the most current phone number available for each tenant or other lawful occupants. The tenant register along with proof of background check(s) must be available for review by the city upon request.
- (C) The Licensee must designate the name of the person or persons who will have possession of the roster and must promptly notify the City Manager of any change in the identity, address or telephone numbers of the designee. The roster must be available for inspection by City officials upon request.
- (D) If a person under investigation by the City claims a lawful right to occupy a rental dwelling unit or be present on the rental property, the City Administrator may request to inspect the lease for the unit in which the person claims to reside. Upon such request, the Licensee shall provide the lease for inspection.”

PASSED AND ADOPTED this 26th day of April, 2021.

BROWNS VALLEY CITY COUNCIL

Mike Heck, Mayor

ATTEST:

Jodi Hook, City Administrator