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Ness says consequences of rental rule are 'unacceptable'

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Last August, Don Ness was one of six city councilors who hoped to stem the tide of single-family homes being turned into rentals by passing an ordinance banning new rentals within 300 feet of an existing one. On Friday, Ness used his first news conference as mayor to call the consequences that have come from the ordinance "unacceptable."

The ordinance was passed after homeowners in college neighborhoods voiced concern that too many single-family homes were being turned into rentals, properties that often are rented to college students and have a reputation for being disturbing to a neighborhood. That seems to have slowed since August, but after the ordinance went into effect in September, many students found themselves looking for a new place to live.

That's because while the ordinance allowed existing rental homes to be grandfathered in, homes where a rental license had lapsed or was revoked for housing code violations would be found in violation. Ness said Friday that many of the landlords who learned that their licenses had expired tried to contact the city to renew them, only to be told that they couldn't and eviction notices were sent to their tenants.

Ness said that the city will no longer enforce that part of the ordinance until June 1.

"This will provide immediate relief for the tenants that are facing an order to vacate," he said. "The situation had been that letters were sent informing tenants they would have to vacate their properties and find a new place to live in the middle of winter, and I found that unacceptable. I believe this solution will at least give time for tenants and landlords alike to react to the ordinance before us."

It also will give the City Council time to revise the ordinance and possibly repeal it. City Councilor Sharla Gardner was at the mayor's news conference and said that "no option would be off the table."

But City Councilor Jim Stauber, the author of the 300-foot ordinance, said repealing it wouldn't sit well with residents in college neighborhoods, nor with landlords who have worked to comply with the ordinance.

Instead, he said, he is meeting with landlords and the Planning Commission to come up with tweaks to the law, such as making exemptions for landlords who are clearly trying to comply with it.

Stauber said he supports the mayor's suspension of enforcing the ordinance, but he believes that media has overblown the issue of students being evicted from unlicensed rentals. Instead, he said the licenses protect the renters.

"No one is being evicted because of the 300-foot rule," he said. "They're being evicted because a landlord has chosen to rent without a license."

Still, some students and landlords said Friday they were glad to see the mayor put a temporary stop to the ordinance.

Thomas Coles, a senior at the University of Minnesota Duluth, lives with Ashley Loose, another student and the owner of a house on Arrowhead Road, and two other roommates. They didn't know they needed a rental license until they received an order to vacate from the city. They appealed the order and were allowed to stay in the house until February, and they planned to appeal again.

"It should have been done a while ago; they shouldn't have tried to evict students, or anybody, in the first place," Coles said. "I think finally they got it right."

Lou Hedberg of Lino Lakes, Minn., owns a house in Duluth on East Sixth Street, with his son who shares it with other students. He began the inspection process with the city in May but it was not yet finished when the 300-foot ordinance was passed. Hedberg said there was a misunderstanding, and he thought he was to purchase a license once the inspection was complete. He received an order to vacate this month and is appealing it.

"I think the mayor made a very good decision, and I am glad the Council is going to continue studying the ordinance," Hedberg said. "I think there are some unintended consequences."

Blake Shippee, a spokesman for the Duluth Association of Responsible Rentals, said he supports the mayor's decision and that his group has several proposals to change the law, including making the rule less than 300 feet and proposing a square footage rule that would restrict the number of rooms that could be created in a small home.

Ness said he hopes the City Council is able to come up with a solution that is "not reacting and then overreacting" to a problem.

He said no one will be issued new rental licenses within an existing 300-foot rental, and said his policy does not affect the city's right to issue repair orders to landlords.

News Tribune staff writer Jana Hollingsworth contributed to this report.