

SECTION 4

Section 193A.03 of the Saint Paul Legislative Code is hereby amended as follows:

Sec. 193A.03. Definitions.

Unless otherwise expressly stated, the following terms shall, for the purposes of this chapter, have the meanings indicated in this section:

- (a) *Building Certificate of Occupancy*. The certificate of occupancy issued under the Minnesota State Building Code, including temporary certificates of occupancy.
- ~~(a)~~(b) *Change of Tenancy*. A change in occupation of the Rental Unit from one ~~tenant~~ Tenant to another ~~tenant~~ Tenant.
- ~~(b)~~(c) *City*. The City of Saint Paul.
- ~~(d)~~(d) *Code*. The Saint Paul Code of Ordinances.
- (e) *Complaint*. The process by which a Tenant requests the City to review a rent increase the Tenant believes is above an amount permitted by this chapter.
- (f) *Consumer Price Index*. The measure of changes over time in prices for consumers of goods and services as published by the United States Department of Labor, Bureau of Labor Statistics.
- (g) *Cure the Deficiency*. Cure the Deficiency means that a Tenant pays all monies rightfully owed to the Landlord, or fully complies with an order to correct a lease violation or notice to cease an activity that is in violation of a lease.
- (h) *Deferred Rent Increase*. Deferred Rent Increase refers to a circumstance wherein a Landlord opts not to increase rent by up to three (3) percent in a given year, in accordance with Part II of the Code, Chapter 193A.04. Deferred Rent Increase is not limited to a deferral in one year.
- (i) *Department*. The Saint Paul Department of Safety and Inspections.
- (j) *Department Determination*. The City's determination by the Department of Safety and Inspections of whether a Landlord's RROI Application has demonstrated justification for a Reasonable Return on Investment increase in rent of more than 3%.
- (k) *Family Member*. A person's child, stepchild, adopted child, foster child, adult child, spouse, sibling, parent, step-parent, mother-in-law, father-in-law, grandchild, grandparent, or registered domestic partner as defined in section 186.02 of the Code or any individual related by blood or affinity whose close association with the property owner is the equivalent of a family relationship.
- ~~(f)~~(l) *Final Determination*. A Final Determination follows a Department Determination on an RROI Application or Complaint once the time has elapsed for the Tenant or

Landlord to appeal to the Legislative Hearing Officer, or the Council has issued a decision following a recommendation from the Legislative Hearing Officer.

(d)(m) *Housing sServices*. Housing sServices include but are not limited to repairs, maintenance, painting, light, hot and cold water, elevator service, window shades and screens, storage units, kitchen, bath, and laundry facilities and privileges, janitorial services, utilities that are paid by the lLandlord, refuse removal, furnishings, telephone services, vehicle parking spaces, the right to have a specified number of occupants, and any other benefit, privilege, or facility connected with the use or occupancy of any rental unit. Housing sServices to a rRental uUnit shall include a proportionate part of services provided to common facilities of the building in which the Unit is contained.

(n) *Just Cause Vacancy*. Just Cause Vacancy means any of the bases listed in Section 193A.06(a)(9)(b)(iii) upon which a Landlord may terminate tenancy.

(o) *Landlord*. An owner of real property, a contract for deed vendee, receiver, executor, trustee, lessee, agent, or other person directly or indirectly in control of rental property.

(p) *Legislative Hearing Officer*. The individual who hears appeals pursuant to chapter 18 of the Code.

(f)(g) *Local hHousing, hHealth, and sSafety eCodes*. Any building, fire, housing, health, safety, or other similar code, law, or ordinance promulgated or enacted by the County of Ramsey and/or the City of Saint Paul, or any lawful agency or department thereof, which is applicable to a building in such city. Local hHousing, hHealth, and sSafety eCodes include, without any limitation on the foregoing sentence as a result of this specification, the provisions of chapters 33, 34, 43, 45, 49, 55, and 58 of the Code.

(r) *Newly Constructed*. Newly Constructed means that the Residential Rental Property was built from the ground up and was not classified for occupancy under the Minnesota State Building Code or Minnesota Residential Code prior to issuance of the first Building Certificate of Occupancy and all employees who performed new construction work on the Residential Rental Property projects of more than twelve units, including employees of contractors and subcontractors of any tier, were paid no less than the prevailing wage rate as defined in section 82.07(b)(5) of the City of Saint Paul Code of Ordinances.

(s) *Non-residential*. Any Property or portion of Property that has an occupancy classification other than residential under the Minnesota State Building Code or Minnesota Residential Code.

(t) *Pass Through Expense*. Expenses that a Landlord may recover from the Tenant on a pass through basis when the expense is directly attributable to the Tenant as approved in this Chapter. A Pass Through Expense shall not be considered Rent and the Landlord may not consider the Pass Through Expense as rental income or as an operating expense.

(u) *Property or Properties.* Property or Properties shall have the same meanings as the terms “building(s)” or “structure(s)” as defined in the Minnesota State Building Code and Minnesota Residential Building Code.

(v) *Reasonable Return on Investment (RROI) Application or Application .* The document(s) submitted by Landlords to receive a reasonable return on investment, as set forth in section 193A.06 of the Code. The RROI Application template shall be drafted and published by the City.

(g)(w) *Rent.* All monetary consideration charged or received by a ~~L~~Landlord concerning the use or occupancy of a ~~r~~Rental ~~u~~Unit pursuant to a Rental Agreement, except for Pass Through Expenses authorized by this Chapter.

(h)(x) *Rental aAgreement.* An agreement, oral, written, or implied, between a Landlord and a Tenant for the use or occupancy of any Rental Unit.

(i)(y) *Residential ~~r~~Rental ~~u~~Unit, ~~r~~Rental ~~u~~Unit, or ~~u~~Unit.* Any dwelling unit, or portion of a dwelling unit, that is rented or otherwise made available for ~~r~~Rent for residential use or occupancy, together with all ~~h~~Housing ~~s~~Services connected with the use or occupancy of such property. This term shall not include the following:

- (1) Rental ~~u~~Units which a government unit, agency, or authority owns, operates, or otherwise manages;
- (2) Rental ~~u~~Units in hotels, motels, inns, tourist homes, or other similar establishment which are rented primarily to transient guests for a period of fewer than thirty (30) days;
- (3) Rental ~~u~~Units or other accommodations provided by a church, chapel, synagogue, temple or other similar place of worship; and
- (4) Hospitals, long-term care facilities or nursing homes licensed under Minnesota Statutes sections 144A.02 to 144A.10, boarding care homes licensed under sections 144.50 to 144.56, assisted living facilities or assisted living facilities with dementia care licensed under chapter 144G, or licensed or registered residential settings that provide or arrange for the provision of home care services.

(j)(z) *Residential ~~r~~Rental ~~p~~Property* means a Property or a portion of a Property that is classified for occupancy as residential under the Minnesota State Building Code or Minnesota Residential Code . ~~Residential Rental Property shall have the same meaning as Residential Rental Unit, Rental Unit, or Unit as defined in section 193A.03(i) of the Code.~~

(aa) *Single Metered Multiunit Residential Building.* A multiunit Residential Rental Property with one or more separate Rental Units where a utility service is measured through a single meter and provides service to an individual unit and to all or parts of common areas or other units.

(bb) *Sub Metered Residential Building.* A Residential Rental Property with one or more separate Rental Units where a utility service has a separate meter which accurately measures the Rental Unit's use only.

(cc) *State.* The State of Minnesota.

(dd) *Substantially Equivalent Replacement Unit.* A dwelling unit which is decent, safe and sanitary, contains at least the same number of bedrooms and other living areas as the displacement dwelling unit, and is available at a Substantially Similar Rental Rate within the neighborhood district of the displacement dwelling unit. Perfect comparability is not required.

(ee) *Substantially Similar Rental Rate.* The Rent that is no more than three (3) percent greater than or ten (10) percent less than a single month's Rent.

~~(k)~~(ff) *Tenancy.* The right or entitlement of a ~~t~~Tenant to use or occupy a ~~r~~Rental ~~u~~Unit under the terms of a ~~r~~Rental ~~a~~Agreement.

~~(l)~~(gg) *Tenant.* A person who is occupying a ~~r~~Rental ~~u~~Unit in a residential building under a ~~r~~Rental ~~a~~Agreement that requires the payment of money or exchange of services, as well as other regular occupants of that ~~u~~Unit.

(hh) *Termination of Tenancy.* The end of a tenancy following a written notice given by a Landlord to a Tenant requiring the Tenant to move, including nonrenewal of lease.

(ii) *Utilities.* Utilities shall include, but are not limited to natural gas, electricity, water service, and refuse and recycling removal.