



MAYOR AND COUNCIL COMMUNICATION

DATE: 8/16/2016

REGULAR

ITEM #: 19

AGENDA ITEM: Temporary Health Care Dwellings
SUBMITTED BY: Emily Becker, City Planner
THROUGH: Kristina Handt, City Administrator
REVIEWED BY: Stephen Wensman, Planning Director

BACKGROUND:

On May 12, 2016, Governor Dayton signed in to law the creation and regulations of temporary family health care dwellings, codified as Minn. Stat. 462.3593, which permit and regulate temporary family health care dwellings. Community desire for transitional housing for those with mental and physical disabilities, and the increased need for short-term care for aging family members served as the catalyst behind this initiative. The resulting law allows for a family to more easily care for these individuals by using a temporary dwelling on the property. The law goes into effect on September 1, 2016 unless cities adopt an ordinance opting out.

Currently, temporary health care dwellings specifically are not listed as conditional or permitted uses in the Zoning Code and therefore are considered prohibited except under certain provisions set forth in the Design and Performance Standards Section of the Zoning Code which allows, in some cases and with certain standards, temporary farm dwellings, temporary construction offices, and recreational vehicles. By not adopting the ordinance opting-out, temporary health care dwellings meeting the Statute's standards would now be allowed with a permit.

On July 25, 2016, the Planning Commission held a public hearing, considered, and recommended approval of the adoption of an ordinance opting-out of the requirements of Minnesota Statutes, Section 462.3593.

ISSUE BEFORE COUNCIL:

The Council should consider if an ordinance opting-out of the requirements of Minnesota Statutes, Section 462.3593, which permits and regulates temporary family health care dwellings, should be adopted.

PROPOSAL DETAILS/ANALYSIS:

Minnesota Statute, Section 462.3593 has the following key components:

- Creates a new type of permit referred to as a temporary dwelling permit that has a six-month duration, with an option to extend the permit for six months.

- Requires that the permit be for a property where the caregiver or relative resides.
- Allows modular and manufactured housing (instead of just recreational vehicles) to use this permit process as long as the unit meets all of the listed criteria.
- Lists the criteria for the structure and the information required in the permit application.
- Addresses sewer safety issues with required backflow valves and advance verification of septic service contracts.
- Requires the inclusion of site maps showing where the unit will be placed and notification of adjacent neighbors prior to application.
- Requires applications to specify the individual authorized to live in the unit.
- Applies the permit approval process found in Minnesota Statutes, section 15.99, but allows the local government unit only 15 days to make a decision on granting the permit (no extension). It waives the public hearing requirement and allows the clock to be restarted if an application is deemed incomplete, as long as the applicant is notified of how the application is incomplete within five days. A 30-day decision is allowed if the regular council meeting occurs only once a month.
- Requires unit placement to meet existing stormwater, shoreland, setback, and easement requirements.
- A temporary family health care dwelling that meets the requirements of Sections 2 and 3 of the Statute cannot be prohibited by local ordinances that regulate accessory uses or recreational vehicle parking or storage.
- Sets a default permit fee level that may be replaced by a local ordinance.
- Allows cities to pass an ordinance opting out of using this new permitting system.

The City does not currently allow temporary health care dwellings, except under certain circumstances and standards, so this Section of Minnesota Statutes would allow for, under certain standards, a use that is currently prohibited by Zoning Code. Additionally, the Building Official has the following concerns about allowing temporary health care dwellings: structure anchoring; septic system issues; water system access; inadequacy of insulation requirements for colder weather; municipal sewer connection issues; Metropolitan Council SAC/WAC charges determination difficulties; and backflow check access.

FISCAL IMPACT:

Adopting an ordinance opting-out of Minnesota Statute, Section 462.3593 would reduce potential issues which could be caused by allowing temporary dwellings and Staff time spent resolving these potential issues.

PLANNING COMMISSION/PUBLIC HEARING:

The Planning Commission recommends adopting an ordinance that has the City of Lake Elmo opting out of the requirements of Sections 2 and 3 of the Statute. The Commission did have some concern that there is no current mechanism to provide temporary housing for those with mental and physical disabilities and aging family members.

OPTIONS:

The Council may:

- Approve the ordinance as proposed.
- Deny the ordinance.

RECOMMENDATION:

Staff respectfully requests that the Council approve, as recommended by the Planning Commission, the proposed ordinance opting-out of Minnesota Statutes, Section 462.3593.

“Move to approve Ord. 08-151 opting-out of Minnesota Statutes, Section 462.3593.”

ATTACHMENTS:

- Ord. 08-151
- Planning Commission meeting minutes, 7/25/16
- History of Session Law Chapter 111 (codified as Minnesota Statutes, Section 462.3593)
- Chapter 111 (codified as Minnesota Statutes, Section 462.3593)
- Summary of Responses from Other Cities Regarding Temporary Health Care Dwellings

**CITY OF LAKE ELMO
COUNTY OF WASHINGTON
STATE OF MINNESOTA**

ORDINANCE NO. 08-151

**AN ORDINANCE OPTING-OUT OF THE REQUIREMENTS OF MINNESOTA
STATUTES, SECTION 462.3593**

SECTION 1. Section 301: Standards for Residential and Related Uses, Article 7: Specific Development Standards; Chapter 154: Zoning Code; Title XV: Land Usage of the Lake Elmo City Code of Ordinances is amended by adding the following:

E. Temporary Health Care Dwellings

1. Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City opts-out of the requirements of Minnesota Statutes, Section 462.3593, which defines and regulates temporary family health care dwellings. By exercising this authority, the City is prohibiting the use of temporary family health care dwellings within the City.

SECTION 2. Effective Date. This Ordinance shall be effective immediately upon its passage and publication in the official newspaper of the City of Lake Elmo.

SECTION 3. Adoption Date. This Ordinance No. 08-151 was adopted on this _____ day of _____, 2016, by a vote of __ Ayes and __ Nays.

LAKE ELMO CITY COUNCIL

Mike Pearson, Mayor

ATTEST:

Julie Johnson, City Clerk

This Ordinance _____ was published on the _____ day of _____, 2016.

the only 2 things it can be used for. Kreimer is wondering if language could be added if the land trust doesn't accept the land, the City may consider it. Williams stated that he believes the MN land trust typically wants open space that is 10 acres and this could be problematic with the reduction to 20 acres. Dunn feels that there seems to be unintended consequences for coming down to a 20 acre minimum.

Williams is wondering if there should be a setback for trails when there is a wetland. Wensman stated that VBWD reviews the plans when a wetland is present and the review process protects that. Williams thinks that 154.660 (3) for deviations, there should be the word "and" after a & b so that all 3 criteria need to be met to get the deviations.

Williams thinks that on page 18 (3) is left over from the commercial PUD and should be taken out. Williams suggested some other changes that were clean up items that applied more to commercial PUD's.

Public hearing opened at 9:25 pm

No one spoke and there was no written correspondence

Public hearing closed at 9:25 pm

M/S/P: Williams/Griffin, move to postpone consideration of the OP Ordinance until staff can return a cleaned up copy for consideration, **Vote: 7-0, motion carried unanimously.**

Public Hearing – Zoning Text Amendment to opt out of requirements for Temporary Health Care Dwellings

Wensman started his presentation by giving an overview of the Temporary Health Care Dwelling legislation. Staff drafted an ordinance to opt out of the state statute. The Building Official had a number of concerns such as septic systems, anchoring, water access, insulation, etc. Staff drafted an ordinance to opt out of the state statute based on the recommendation of the Planning Commission.

Public hearing opened at 9:30 pm

No one spoke and there was no written correspondence

Public hearing closed at 9:30 pm

M/S/P: Dunn/Williams, move to recommend approval of the ordinance to opt out of the requirements of Minnesota Statutes Section 462.3593 , **Vote: 7-0, motion carried unanimously.**

Dodson is concerned that if the state felt strongly enough to enact this, should we be willing to provide a mechanism for people to provide for loved ones.

Larson feels that this legislation does not seem to fit in our community. Wensman stated that this is really to care for an aging population which is a valid concern, but is not sure that this is the best solution. This has been talked about in many different states. Wensman knows of at least a dozen cities around us that have opted out and only 1 that he knows of that have opted in.

Business Item – Ordinance amendment for the keeping of pigeons

Wensman gave a brief update on the pigeon ordinance. This item was talked about a while back and he has incorporated the suggestions of the Planning Commission from previous discussions. This is not an item that is in the zoning code, so a public hearing would not be required. This item will move forward to the City Council at a future date.

City Council Updates – July 5, 2016 Meeting

- i) Vacation of watermain easement for Auto Owners – passed.
- ii) Amend Fence regulations in regards to encroachment agreements – passed.
- iii) Hunting Ordinance – Tabled.
- iv) CPA for Rural Single Family in regards to sanitary sewer – passed.
- v) Moratorium extension – passed.
- vi) Neighborhood park in Savona neighborhood – request for Park Commission to review.

City Council Updates – July 19, 2016 Meeting

- i) Hunting Ordinance – Input given to Planning Director to bring back to future meeting.

Staff Updates

1. Upcoming Meetings
 - a. August 8, 2016
 - b. August 22, 2016

Commission Concerns

Dunn is wondering if there is any way to get a feel for what the costs will be to the City for these additional developments that come forward. Be it for police, fire, lighting, etc.

Dunn also mentioned that Baytown and West Lakeland are really concerned about Lake Elmo not taking a stand against the airport expansion. She would like it to be taken to the City Council for a resolution.




Minnesota State Legislature

Minnesota Senate

Bills



SF 2555

Status in the **Senate** for the 89th Legislature (2015 - 2016)Current bill text: [4th Engrossment](#)[Add SF 2555 to MyBills](#)[Version List](#) ▾Companion: [HF2497](#);[Companion Text](#)[House Search](#)

Revisor number: 16-5628

Session Law Chapter: [111](#)[Long Description](#)[Committee Hearings and Actions](#)[Senate Counsel & Research Summary](#)

Description

Temporary family health care dwellings zoning regulation; temporary dwelling permits establishment

Authors

[Hoffman](#); [Rosen](#); [Eken](#); [Koenen](#); [Abeler](#)

House Authors

[Peterson](#); [Loonan](#); [Newton](#); [Pugh](#); [Laine](#); [Schultz](#)

Actions

[Separated](#)[Chronological](#)

Senate

03/10/2016	Introduction and first reading	pg. 4960 Intro
03/10/2016	Referred to State and Local Government	
04/06/2016	Comm report: To pass as amended and re-refer to Health, Human Services and Housing	pg. 5675a 1
04/07/2016	Comm report: To pass as amended and re-refer to Finance	pg. 5715a 2
04/28/2016	Comm report: To pass as amended	pg. 6535a 3
04/28/2016	Second reading	pg. 6538
05/02/2016	Special Order: Amended	pg. 6572a 4
05/02/2016	Third reading Passed	pg. 6573 vote: 50-15
05/12/2016	Returned from House	pg. 7006
	Presentment date 05/12/16	
05/17/2016	Governor's action Approval 05/12/16	pg. 7050
05/17/2016	Secretary of State Chapter 111 05/12/16	pg. 7050
	Effective date 09/01/16	

House

05/04/2016	Received from Senate	pg. 7894
05/04/2016	Senate file first reading, referred for comparison HF 2497	pg. 7896
05/05/2016	Bills not identical, SF substituted on General Register	pg. 7908

05/05/2016	Second reading	pg. 7909
05/09/2016	House rule 1.21, placed on Calendar for the Day Wednesday, May 11, 2016	pg. 7991
05/11/2016	Third reading	pg. 8013
05/11/2016	Bill was passed	pg. 8014 vote: 113-17
	Presented to Governor 05/12/16	
	Governor approval 5/12/2016	
	Secretary of State, Filed 05/12/16	pg. 8163
	Chapter number 111	

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2016 Minnesota Session Laws

Key: (1) ~~language to be deleted~~ (2) new language

CHAPTER 111--S.F.No. 2555

An act relating to local government; regulating zoning of temporary family health care dwellings; establishing temporary dwelling permits; amending Minnesota Statutes 2014, section 144D.01, subdivision 4; proposing coding for new law in Minnesota Statutes, chapters 394; 462.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2014, section 144D.01, subdivision 4, is amended to read:

Subd. 4. Housing with services establishment or establishment. (a) "Housing with services establishment" or "establishment" means:

(1) an establishment providing sleeping accommodations to one or more adult residents, at least 80 percent of which are 55 years of age or older, and offering or providing, for a fee, one or more regularly scheduled health-related services or two or more regularly scheduled supportive services, whether offered or provided directly by the establishment or by another entity arranged for by the establishment; or

(2) an establishment that registers under section [144D.025](#).

(b) Housing with services establishment does not include:

(1) a nursing home licensed under chapter 144A;

(2) a hospital, certified boarding care home, or supervised living facility licensed under sections [144.50](#) to [144.56](#);

(3) a board and lodging establishment licensed under chapter 157 and Minnesota Rules, parts [9520.0500](#) to [9520.0670](#), [9525.0215](#) to [9525.0355](#), [9525.0500](#) to [9525.0660](#), or [9530.4100](#) to [9530.4450](#), or under chapter 245D;

(4) a board and lodging establishment which serves as a shelter for battered women or other similar purpose;

(5) a family adult foster care home licensed by the Department of Human Services;

(6) private homes in which the residents are related by kinship, law, or affinity with the providers of services;

(7) residential settings for persons with developmental disabilities in which the services are licensed under Minnesota Rules, parts [9525.2100](#) to [9525.2140](#), or applicable successor rules or laws;

(8) a home-sharing arrangement such as when an elderly or disabled person or single-parent family makes lodging in a private residence available to another person in exchange for services or rent, or both;

(9) a duly organized condominium, cooperative, common interest community, or owners' association of the foregoing where at least 80 percent of the units that comprise the condominium, cooperative, or common interest community are occupied by individuals who are the owners, members, or shareholders of the units; ~~or~~

(10) services for persons with developmental disabilities that are provided under a license according to Minnesota Rules, parts [9525.2000](#) to [9525.2140](#) in effect until January 1, 1998, or under chapter 245D; or

(11) a temporary family health care dwelling as defined in sections 394.307 and 462.3593.

Sec. 2. **[394.307] TEMPORARY FAMILY HEALTH CARE DWELLINGS.**

Subdivision 1. Definitions. (a) For purposes of this section, the following terms have the meanings given.

(b) "Caregiver" means an individual 18 years of age or older who:

(1) provides care for a mentally or physically impaired person; and

(2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.

(c) "Instrumental activities of daily living" has the meaning given in section 256B.0659, subdivision 1, paragraph (i).

(d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

(e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

(f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

Subd. 2. Temporary family health care dwelling. A temporary family health care dwelling must:

(1) be primarily assembled at a location other than its site of installation;

(2) be no more than 300 gross square feet;

(3) not be attached to a permanent foundation;

(4) be universally designed and meet state-recognized accessibility standards;

(5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;

(6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(7) have a minimum insulation rating of R-15;

(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

(9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2; and

(10) be equipped with a backflow check valve.

Subd. 3. Temporary dwelling permit; application. (a) Unless the county has designated temporary family health care dwellings as permitted uses, a temporary family

health care dwelling is subject to the provisions in this section. A temporary family health care dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the county. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law and local ordinances.

Subd. 4. Initial permit term; renewal. The initial temporary dwelling permit is valid for six months. The applicant may renew the permit once for an additional six months.

Subd. 5. Inspection. The county may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The county may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

Subd. 6. Revocation of permit. The county may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the county revokes a permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

Subd. 7. **Fee.** Unless otherwise specified by an action of the county board, the county may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the county does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The county has 15 days to issue a permit requested under this section or to deny it, except that if the county board holds regular meetings only once per calendar month the county has 30 days to issue a permit requested under this section or to deny it. If the county receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the county sends written notice within five business days of receipt of the request telling the requester what information is missing. The county cannot extend the period of time to decide.

Subd. 9. **Opt-out.** A county may by resolution opt-out of the requirements of this section.

Sec. 3. **[462.3593] TEMPORARY FAMILY HEALTH CARE DWELLINGS.**

Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Caregiver" means an individual 18 years of age or older who:

(1) provides care for a mentally or physically impaired person; and

(2) is a relative, legal guardian, or health care agent of the mentally or physically impaired person for whom the individual is caring.

(c) "Instrumental activities of daily living" has the meaning given in section 256B.0659, subdivision 1, paragraph (i).

(d) "Mentally or physically impaired person" means a person who is a resident of this state and who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state.

(e) "Relative" means a spouse, parent, grandparent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically impaired person. Relative includes half, step, and in-law relationships.

(f) "Temporary family health care dwelling" means a mobile residential dwelling providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the requirements of subdivision 2.

Subd. 2. **Temporary family health care dwelling.** A temporary family health care dwelling must:

(1) be primarily assembled at a location other than its site of installation;

(2) be no more than 300 gross square feet;

(3) not be attached to a permanent foundation;

(4) be universally designed and meet state-recognized accessibility standards;

(5) provide access to water and electric utilities either by connecting to the utilities that are serving the principal dwelling on the lot or by other comparable means;

(6) have exterior materials that are compatible in composition, appearance, and durability to the exterior materials used in standard residential construction;

(7) have a minimum insulation rating of R-15;

(8) be able to be installed, removed, and transported by a one-ton pickup truck as defined in section 168.002, subdivision 21b, a truck as defined in section 168.002, subdivision 37, or a truck tractor as defined in section 168.002, subdivision 38;

(9) be built to either Minnesota Rules, chapter 1360 or 1361, and contain an Industrialized Buildings Commission seal and data plate or to American National Standards Institute Code 119.2; and

(10) be equipped with a backflow check valve.

Subd. 3. Temporary dwelling permit; application. (a) Unless the municipality has designated temporary family health care dwellings as permitted uses, a temporary family health care dwelling is subject to the provisions in this section. A temporary family health care dwelling that meets the requirements of this section cannot be prohibited by a local ordinance that regulates accessory uses or recreational vehicle parking or storage.

(b) The caregiver or relative must apply for a temporary dwelling permit from the municipality. The permit application must be signed by the primary caregiver, the owner of the property on which the temporary family health care dwelling will be located, and the resident of the property if the property owner does not reside on the property, and include:

(1) the name, address, and telephone number of the property owner, the resident of the property if different from the owner, and the primary caregiver responsible for the care of the mentally or physically impaired person; and the name of the mentally or physically impaired person who will live in the temporary family health care dwelling;

(2) proof of the provider network from which the mentally or physically impaired person may receive respite care, primary care, or remote patient monitoring services;

(3) a written certification that the mentally or physically impaired person requires assistance with two or more instrumental activities of daily living signed by a physician, a physician assistant, or an advanced practice registered nurse licensed to practice in this state;

(4) an executed contract for septic service management or other proof of adequate septic service management;

(5) an affidavit that the applicant has provided notice to adjacent property owners and residents of the application for the temporary dwelling permit; and

(6) a general site map to show the location of the temporary family health care dwelling and other structures on the lot.

(c) The temporary family health care dwelling must be located on property where the caregiver or relative resides. A temporary family health care dwelling must comply with all setback requirements that apply to the primary structure and with any maximum floor area ratio limitations that may apply to the primary structure. The temporary family health care dwelling must be located on the lot so that septic services and emergency vehicles can gain access to the temporary family health care dwelling in a safe and timely manner.

(d) A temporary family health care dwelling is limited to one occupant who is a mentally or physically impaired person. The person must be identified in the application. Only one temporary family health care dwelling is allowed on a lot.

(e) Unless otherwise provided, a temporary family health care dwelling installed under this section must comply with all applicable state law, local ordinances, and charter provisions.

Subd. 4. **Initial permit term; renewal.** The initial temporary dwelling permit is valid for six months. The applicant may renew the permit once for an additional six months.

Subd. 5. **Inspection.** The municipality may require that the permit holder provide evidence of compliance with this section as long as the temporary family health care dwelling remains on the property. The municipality may inspect the temporary family health care dwelling at reasonable times convenient to the caregiver to determine if the temporary family health care dwelling is occupied and meets the requirements of this section.

Subd. 6. **Revocation of permit.** The municipality may revoke the temporary dwelling permit if the permit holder violates any requirement of this section. If the municipality revokes a permit, the permit holder has 60 days from the date of revocation to remove the temporary family health care dwelling.

Subd. 7. **Fee.** Unless otherwise provided by ordinance, the municipality may charge a fee of up to \$100 for the initial permit and up to \$50 for a renewal of the permit.

Subd. 8. **No public hearing required; application of section 15.99.** (a) Due to the time-sensitive nature of issuing a temporary dwelling permit for a temporary family health care dwelling, the municipality does not have to hold a public hearing on the application.

(b) The procedures governing the time limit for deciding an application for the temporary dwelling permit under this section are governed by section 15.99, except as provided in this section. The municipality has 15 days to issue a permit requested under this section or to deny it, except that if the statutory or home rule charter city holds regular meetings only once per calendar month the statutory or home rule charter city has 30 days to issue a permit requested under this section or to deny it. If the municipality receives a written request that does not contain all required information, the applicable 15-day or 30-day limit starts over only if the municipality sends written notice within five business days of receipt of the request telling the requester what information is missing. The municipality cannot extend the period of time to decide.

Subd. 9. **Opt-out.** A municipality may by ordinance opt-out of the requirements of this section.

Sec. 4. **EFFECTIVE DATE.** This act is effective September 1, 2016, and applies to temporary dwelling permit applications made under this act on or after that date.

Presented to the governor May 12, 2016

Signed by the governor May 12, 2016, 1:27 p.m.

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List of Cities Opting Out

Two Harbors

Tonka Bay

Stillwater

Springfield

Savage

Oak Park Heights (Leaning Opting-Out)

North St. Paul

North Oaks

New Ulm

New Prague

Montevideo

Mendota Heights

Lauderdale

Lakeville

Lake Elmo (Pending Council Approval)

Hopkins

Glencoe

Excelsior

Dilworth

Detroit Lakes

Crystal

Corcoran

Clearwater

Burnsville

Austin