ORDINANCE NO. 2026-_____

AN ORDINANCE AMENDING THE CITY'S TIME-OF-SALE ORDINANCE BY REMOVING THE LICENSE REQUIREMENT FOR NON-CITY EVALUATORS, ALLOWING FOR QUALIFIED PRIVATE EVALUATORS, AND ADDING ITEMS TO BE EVALUATED, THEREBY AMENDING CHAPTER 14 OF THE CITY CODE

The City Council of the City of Bloomington, Minnesota ordains:

Section 1. That Chapter 14 of the City Code is hereby amended by deleting those words that are in [~~strikethrough~~] font and adding those words that are underlined, to read as follows:

CHAPTER 14: LICENSES AND PERMITS

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ARTICLE VI: TIME-OF-SALE HOUSING EVALUATIONS AND MANUFACTURED HOME PARK REGULATIONS

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DIVISION C: TIME-OF-SALE HOUSING EVALUATIONS

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§ 14.523 EVALUATION REPORT REQUIRED.

(a) Except as set forth in this Division C, no single-family dwelling, two-family dwelling, [~~mobile~~]manufactured home or a unit in a multiple-family dwelling unit located within the city may be voluntarily offered for sale or conveyed by deed or contract for deed until the owner or owners agent has first applied for and secured an evaluation prepared by an evaluator [~~licensed under this Division C~~]approved by the issuing authority. The evaluation report must be prepared for each dwelling or structure.

§ 14.523.01 ENERGY DISCLOSURE REQUIREMENTS.

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(b) *Energy disclosure report.* An energy disclosure report must be generated and disclosed in accordance with §§ 14.523 and 14.524 and include the following information:

(1) The energy disclosure report must provide an energy asset rating that includes information on the following structural and mechanical assets:

(G) *Stove.* Fuel type

(H) *Dryer*. Fuel Type

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§ 14.525 [~~EVALUATOR LICENSE REQUIRED~~]RESERVED.

[~~(a) No person shall complete a housing evaluation report on the form prescribed by the city without first having paid the required fee and received an evaluator license from the city.~~

~~(b) All licenses under this Division shall terminate on December 31 of each year.~~

~~(c) *Fees.* License and evaluation fees shall be in accordance with § 14.03 of this code. Qualified city employees performing evaluations under this Division are not charged a license fee.~~]

§ 14.526 EVALUATORS.

[~~(a) The city may perform evaluations using qualified employees or qualified private contractors who meet the license requirements.~~]Evaluations may be performed by the following:

(a) Qualified city employees; or

(b) Qualified private home inspectors, upon the application of the owner or owner's agent to the Building Official and approved by the Building Official.

(1) A private home inspector is qualified as a time-of-sale evaluator when they provide proof of the following to the Building Official:

(i) they are licensed to perform time-of-sale evaluations in another Minnesota municipality or a regular course of their business or employment duties consists of home inspections performed for real property sales or transactions; and

(ii) they or their employer carry commercial general liability insurance with liability limits no less than $1,000,000 per occurrence.

[~~(b) At least every three years, the city must issue a request for proposals seeking private evaluators from which the city shall create and maintain a certified list of qualified private contractors. To be qualified, the private contractor must meet education requirements established by the city, provide proof of insurance at levels established by the city, follow city evaluation procedures, and meet other requirements as set forth in the request for proposals.~~

~~(c) The city has the sole discretion to determine whether an employee or private contractor on the city's certified list performs the evaluation, except that the owner or owner's agent may request in writing on a form provided by the city that the evaluation be performed by a private contractor on the city's certified list when the evaluation is requested to be performed outside of regular weekday business hours or when there are exigent circumstances. The city may charge an additional fee for an evaluation performed outside of regular weekday business hours or when there are exigent circumstances.~~]

§ 14.527 [~~STANDARDS FOR DENYING OR REVOKING AN EVALUATOR LICENSE~~]RESERVED.

[~~Evaluator licenses shall be granted or denied by the issuing authority in accordance with guidelines adopted by the City Council.~~

~~(a) *Denial of license.* The issuing authority shall deny an evaluator license if the applicant:~~

(1) Is not of good moral character and repute;

(2) Has been convicted of any crime directly related to the licensed occupation, pursuant to M.S. § 364.03, subd. 2, as it may be amended from time to time, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of the licensed occupation, pursuant to M.S. § 364.03, subd. 3, as it may be amended from time to time;

(3) Has falsified any information or omitted material information in the license application form required by the issuing authority;

(4) Fails to provide satisfactory proof of insurance insuring the applicant/evaluator and the city; or

(5) Fails to pay the required fees.

(b) *Revocation, suspension and refusal to renew.* The City Council may revoke, suspend or refuse to renew an evaluator license if the license holder:

(1) Has been convicted of any crime directly related to the licensed occupation, pursuant to M.S. § 364.03, subd. 2, as it may be amended from time to time, and has not shown competent evidence of sufficient rehabilitation and present fitness to perform the duties and responsibilities of the licensed occupation, pursuant to M.S. § 364.03, subd. 3, as it may be amended from time to time;

(2) Has falsified any information or omitted material information in the license application form required by the issuing authority;

(3) Has been the subject of substantiated complaints from residents using the applicant's inspection services;

(4) Has demonstrated incompetency or inefficiency in conducting inspections;

(5) Fails to provide satisfactory proof of insurance insuring the applicant/evaluator and the city;

(6) Allows required insurance to lapse;

(7) Has allowed the evaluator's certification to be used by another person;

(8) Violates any of the provisions of this Division C or any conditions provided for in the license issued pursuant to this Division C; or

(9) Fails to pay the required fees or fails to promptly file any disclosure report.

(c) *Notice and hearing.* A revocation, suspension or denial of a renewal application by the City Council shall be preceded by written notice to the licensee and a hearing. The notice shall give at least eight days' notice of the time and place of the hearing and shall state the nature of the charges against the licensee. The notice shall be mailed by regular mail to the licensee at the most recent address listed on the license application.]

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§ 14.530 CORRECTION OF IMMEDIATE HAZARDS.

(a) The following items, when discovered by the evaluator, shall be identified as immediate hazards in the evaluation report:

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(9) Lack of properly located operational smoke detectors and carbon monoxide detectors.

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§ 14.531 PENALTY.

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[~~(b) The failure of any evaluator to comply with the licensing provisions of this chapter shall be a misdemeanor.~~]

(b[~~c~~]) The city may also enforce provisions of this chapter by mandamus, injunction or other appropriate remedy in a court of competent jurisdiction.

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Section 2. This Ordinance shall take effect upon its adoption and publication according to law.

Passed and adopted on November 30, 2026.

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Mayor

ATTEST:

APPROVED:

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Secretary to the Council

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City Attorney