

CITY COUNCIL

RESOLUTION NO. 2021 - 11

A RESOLUTION CREATING ZONING FLEXIBILITY AND PROMULGATING
REGULATIONS FOR TEMPORARY
PANDEMIC HOUSING AS RELATED TO THE COVID-19 GLOBAL PANDEMIC

Preamble

WHEREAS, the Bloomington City Council is the official governing body of the City of Bloomington, Minnesota (“City”); and

WHEREAS, on March 13, 2020, the Governor of Minnesota issued Emergency Executive Order 20-01 declaring a Peacetime Emergency and Coordinating Minnesota’s Strategy to Protect Minnesotans from COVID-19, and has issued over 100 subsequent Executive Orders pursuant to the same COVID-19 Peacetime Emergency; and

WHEREAS, the Mayor of the City of Bloomington, Minnesota (“Mayor”) declared an Emergency to exist in the City of Bloomington, Minnesota (“City”) on November 13, 2020 upon signing Declaration 2020-3; and

WHEREAS, the City Council consented to the Declaration by the Mayor on November 16, 2020, by Resolution No. 2020-182 and invoked the City’s Emergency Operations Plans and the Pandemic Response Plan and authorized the portions that are necessary for response to and recovery from the Emergency related to the novel coronavirus and the resulting COVID-19 disease as declared by the Mayor in Declaration No. 2020-3; and

WHEREAS, Resolution No. 2020-182 declared that to the extent normal state laws and city policies and procedures impede an efficient response or compliance with federal and state directives and recommendations, the City Manager, Emergency Management (“Coordinator”), and their designees were authorized to suspend compliance with those laws, policies, and procedures authorized by the Emergency Executive Order 20-03 and by Minnesota Statutes, Sections 12.32 and 12.37, and to take those actions necessary to protect the public health, safety, and welfare; and

WHEREAS, on March 23, 2020, the Governor of Minnesota issued Executive Order 20-14 suspending evictions and writs of recovery for the term of the COVID-19 peacetime emergency in order to keep people stably housed during the health emergency; and

WHEREAS, on April 8, 2020 the Governor of Minnesota issued Executive Order 20-33 specifying that individuals without a home were specifically exempted from the restrictions in the “Stay at Home” order and were permitted to move between emergency shelters, drop in centers and encampments. The Governor specified that encampments should not be subject to sweeps or disbandment by state or local governments so as not to increase the risk of spreading COVID-19. Order 20-33 deemed housing, shelter and homelessness prevention staff essential workers and further directed residential shelter facilities and services to make 24-hour shelter available as soon as possible to the maximum extent practicable and in compliance with CDC guidance; and

WHEREAS, on April 29, 2020 the Governor of Minnesota issued Executive Order 20-46 clarifying application of Executive Order 20-33 to homeless encampments addressing the additional challenges homeless populations face related to the spread of COVID-19. The Governor stated “All Minnesotans need safe and sanitary places to reside, to protect their own health and the health of those around them, and if they become sick, to obtain needed care and to recover. The most important strategy that communities can undertake to minimize population growth in encampments is to create safe housing and sheltering options for people experiencing homelessness.” And whereby the Governor directed local government entities to provide sufficient alternate housing, shelter and encampment space in compliance with the Minnesota Department of Health guidance, *Homeless Service Settings: Interim Guidance for Providers*, and the Centers for Diseases Control and Prevention’s guidance, *Responding to COVID-19 Among People Experiencing Unsheltered Homelessness*; and

WHEREAS, the Minnesota Department of Health guidance, *Homeless Service Settings: Interim Guidance for Providers* recommends that providers “reduce overcrowding of shelters where social distancing (6 feet between people) is not possible, and provide safe shelter for those experiencing unsheltered homelessness.” Similarly the CDC’s *Interim Guidance for Homeless Service Providers to Plan and Respond to Coronavirus Disease*, updated on November 3, 2020 suggests that providers must connect with key partners including local government, health departments and housing authorities in managing the spread of COVID-19, that continuing homeless services during community spread of the virus is critical and that community coalitions “should identify additional temporary housing and shelter sites that are able to provide appropriate services, supplies and staffing.” Furthermore, the CDC suggests that “non-group housing options (such as hotels/motels) that have individual rooms should be considered for overflow, quarantine, and protective housing sites”; and

WHEREAS, in furtherance of the federal, state and local government response, the City Council recognizes there is a need to provide stable housing throughout the extent of the pandemic (temporary pandemic housing) in order to protect public health and safety by facilitating diffusion of at risk populations without access to stable housing and by promoting physical and social distancing between unsheltered persons as recommended by the Minnesota Department of Health and Centers for Disease Control guidance, Executive Orders 20-14, 20-33, and 20-46, the Stay Safe MN Plan, and all other applicable laws, regulations, and requirements; and

WHEREAS, the City Council recognizes the continued risk and threat of community spread of the COVID-19 virus and the negative impact it has had on the hospitality industry and further recognizes that in some instances allowing hotels to operate temporary housing facilities may be the only difference between staying in operation during the course of the pandemic or closure; and

WHEREAS, the City Council also recognizes that in providing temporary housing including shelter, food and services, providers are responding to the immediate needs presented by the COVID-19 pandemic, but that ultimately hotels are not a long term solution to homelessness in the metro area; and

WHEREAS, the City Council acknowledges that hotels providing shelter services during the pandemic in Bloomington have generated additional police calls and local businesses have been impacted by the change in use of these facilities where sufficient security and management measures are not in place; and

WHEREAS, the City Council believes it is in the best interests of the City and eligible licensed hotels to allow for temporary pandemic housing so long as such facilities can provide evidence of their compliance with certain requirements for the immediate and sustained preservation of public peace, health, morals, safety, and the welfare of the City; and

WHEREAS, the City Council recognizes that the federal, state and local government laws, regulations, and guidance may change as we continue to learn more about the COVID-19 virus and the impacts contemplated by this Resolution, and the City Council desires the City's ongoing responses to those changes to appropriately preserve and maintain public health, safety, and welfare.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BLOOMINGTON, MINNESOTA:

Section 1. The foregoing recitals of the preamble are incorporated herein by reference.

Section 2. Notwithstanding any Bloomington City Code provision to the contrary, licensed hotels currently providing shelter services may temporarily operate for the duration of the COVID-19 pandemic and accompanying Peacetime Emergency as temporary pandemic housing with submission and approval of plans detailed in Section 3. In addition to the requirements of Section 3, new hotel operators desiring to operate temporary pandemic housing programs must meet the location and site plan criteria detailed in Section 4.

Section 3. All hotels desiring to operate temporary pandemic housing may be provided with a permit from the issuing authority so long as the following information has been received by the issuing authority:

1. *Security Plan:* The applicant must submit a security plan that must be approved by the Police Chief prior to commencement of the use. The security plan must address the number, training, hours and deployment of security officers; protocols for communication with the Police Department; security cameras; contact information at any time on any day; and any other information deemed necessary by the Police Chief; and
2. *Fire Safety Plan:* The applicant must submit a health and safety plan that must be approved by the Fire Marshall prior to commencement of the use; and
3. *Management and Operation Plan:* The applicant must submit a management and operations plan that must be approved by the issuing authority prior to commencement of the use. The management and operations plan must identify the property management and describe their demonstrated experience and qualifications; onsite staffing and supervisory personnel, including staff schedules; record keeping protocols to ensure accuracy and completion; occupancy data; code of conduct, including policy on drug and alcohol use; protocols for communication with the city; emergency response protocols; property maintenance protocols;

- approach to community outreach and communication; pandemic plans for reducing the spread of disease within the facility and following governmental health guidance; and a description of onsite services, including meals and laundry; and
4. *Transition Plan:* The applicant must submit a transition plan to be approved by the issuing authority. The transition plan must identify next steps to connect occupants to stable housing and other support services. The temporary pandemic response housing permit is a short term remedy designed to alleviate the impacts of COVID-19 and respond to the governors executive orders surround housing of unsheltered persons. The transition plan should outline the permittees' strategy and timeline for returning the hotel to its licensed use.
 5. *Building and Site Requirements:* Temporary pandemic response housing must meet current Minnesota State Building Code and International Property Maintenance Code provisions, including, but not limited to, fire resistance and occupancy. Parking for temporary pandemic response housing must be provided at a rate of 0.5 spaces per unit or greater.
 6. If the Applicant is not the fee owner of the property, then the applicant must submit written consent from the fee owner; and
 7. *COVID 19 Preparedness:* Evidence of efforts to comply with the Stay Safe MN Plan including the COVID-19 Preparedness Plan and the State Guidelines; and
 8. Temporary pandemic response housing units must comply with any additional conditions imposed on the permit by the City intended to protect public health, safety, and welfare.
 9. Any other evidence specifically requested in advance by the issuing authority.

Section 4. Hotels not providing temporary pandemic response services as of the date of this resolution must provide the information required by Section 3 and must meet the location criteria and district requirements included below. All distances must be measured without regard to intervening structures or objects from the closest point of the temporary pandemic response housing site boundaries to the closest point of the bus stop, transit station, or site boundary of the respective use.

1. Must be located within one half mile of a bus stop or transit station for a transit route that provides service at least every half hour during peak weekday periods and that provides some weekend service; and
2. Facilities must be located within one half mile of a non-membership based full-service grocer or pharmacy; and
3. Facilities are ineligible where residential uses are prohibited by the Minneapolis-St. Paul International Airport Zoning Ordinance; and
4. Facilities are prohibited in the R-1, R-1A, RS-1, or R-3 zoning districts.

Section 5. The City Council approves the attached form of the registration permit to temporarily allow for the use existing and qualified facilities as temporary pandemic housing for the duration of the COVID-19 pandemic and grants the authority for the issuing authority to issue or revoke such permits without further City Council action.

Section 6. Permittees must not create nuisance conditions for surrounding property owners as defined by Bloomington City Code §12.01.01.

Section 7. As a condition of permit approval, the issuing authority may perform periodic code inspections of entire property and principal structure and has the right to enter and have access to all areas of the building as reasonably necessary for enforcement purposes without a search warrant. The Permittee is responsible for notifying the occupants and obtaining consent to enter their units for inspections. The Permittee must make available all relevant records necessary to ascertain compliance with this registration and related conditions.

Section 8. Permittees must comply with all other applicable federal, state, and City statutes, laws, regulations, and resolutions.

Section 9. The City Manager, or its designee, shall have the authority to establish and amend rules and procedures to implement the terms of this Resolution, as needed, and to provide a report of such rules and procedures to the City Council.

Section 10. No zoning, conditional use, or other permit as otherwise required under City Code shall be required for such temporary pandemic housing except as set forth or allowable by this Resolution.

Section 11. City staff shall provide an update on the temporary pandemic housing permit program to the City Council quarterly. The terms and conditions of this Resolution may be modified or clarified by subsequent City Council action and those changes may have retroactive effect.

Section 14. The issuing authority may revoke the permit if the permittee violates any federal, state, and City of Bloomington statute, law, regulation, or resolution; and when this Resolution expires or has been rescinded.

Section 15. The authority granted in this Resolution shall not otherwise allow any use or operation that is not in compliance with any federal laws or regulations, Minnesota statutes, rules, and regulations, including the Minnesota State Building and Fire Codes.

Section 16. The City Clerk is authorized and directed to file and to post notice of this Resolution and any emergency regulations as authorized and required by State law, City Charter, and City Code.

Section 17. This Resolution is effective immediately and shall remain in place until the expiration of the Governor's Emergency Executive Order 20-01 declaring a Peacetime Emergency and Coordinating Minnesota's Strategy to Protect Minnesotans from COVID-19, unless rescinded by the City Council by resolution.

Section 18. Upon expiration of the Governor's Order or resolution of City Council, permittees shall immediately implement approved transition plans, returning to licensed hotel operations as defined by Bloomington City Code § 19.03 within 180 days unless extended by City Council.

Passed and adopted this 1st day of February, 2021

DocuSigned by:
Tim Beuse
531490D391D44BF...
Mayor

DocuSigned by:
ATTEST:
Denise Christenson
751432E1811745D...
Secretary to the Council



Registration for Permit to Allow for the Temporary Pandemic Housing as related to the COVID-19 Pandemic

Please complete the following information:	
Business Name	
Business Owner	
Address	
Contact Person	
Email	
Phone	
Provider Name	
Provider Address	
Contact Person	
Email	
Phone	
If the owner of the property is different than the Business Owner, complete the following information regarding the property owner:	
Property Owner	
Address	
Contact Person	
Email	
Phone	
	Initial Here if written consent of the property owner has been submitted to the City
Site Information (call Planning 952-563-8926 for questions)	
Number of Total Units:	
Number of Units for Shelter Rental:	
Occupancy:	
Number of Parking Spaces (minimum 0.5 spaces per unit are required):	
	Initial Here if your proposal complies with Stay Safe MN requirements including the COVID-19 Preparedness Plan and State Guidelines. (call Environmental Health 952-563-8978 for questions)
	Initial Here if Security Plan has been submitted showing the following: (call Police 952-563-4975 for questions)
<ul style="list-style-type: none"> • Security officers (number, training, hours, and deployment) • Security cameras • Contact information at any time of day • Any other information deemed necessary by the Police Chief 	
	Initial Here if Fire Safety Plan has been submitted. (call Fire 952-563-4813 for questions)

	Initial Here if your proposal complies with Minnesota State Building Code and International Property Maintenance Code (including fire resistance and occupancy). (call Building 952-563-4709 for questions)
	Initial Here if Management and Operation Plan has been submitted showing on the following: (call Licensing 952-563-4923 for questions)
	<ul style="list-style-type: none"> • Property Manager (including experience and qualifications) • Onsite staffing and supervisory personnel • Staff schedules • Record keeping protocols • Code of conduct (including drug and alcohol policy, communication protocols with the City, emergency response protocols, property maintenance protocols, community outreach and communication approach, and pandemic plans for reducing the spread of disease within the facility)
	<ul style="list-style-type: none"> • Description of onsite services (E.g., meals and laundry)
	Initial Here if Transition Plan has been submitted showing the following: (call HRA 952-563-8940 for questions)
	<ul style="list-style-type: none"> • Strategy and timeline for returning the hotel to its licensed use • Next steps to connect occupants to stable housing and support services
Additional Requirements for Hotels not providing temporary pandemic response services prior to 02/01/2021:	
	Initial Here if the following location criteria and district requirements are met: (call Planning 952-563-8926 for questions)
	<ul style="list-style-type: none"> • Must be located within one quarter mile of a bus stop or transit station for a transit route that provides service at least every half hour during peak weekday periods and some weekend service • Must be located within one half mile of a non-membership based full-service grocer or pharmacy • Prohibited where residential uses are prohibited by the Minneapolis-St. Paul International Airport Zoning Resolution • Prohibited in the R-1, R-1A, RS-1, or R-3 zoning districts

By signing below, I hereby certify the following:

- The information provided on this form is accurate.
- I will comply with all building code and fire code regulations and understand that violations of such codes may be grounds for revocation
- I have read and acknowledge the laws, regulations, and requirements described in City Resolution 2021-__ and this form.
- I understand that additional permits or approvals may be required.
- I understand that this permit is temporary and may be rescinded or suspended as required by federal, state, or local action.
- I understand the City may inspect the commercial space any time to enforce compliance with the requirements of the laws, rules, and regulations and to suggest improvements in the interests of public health, safety, and welfare.

Business Owner Signature _____

Property Owner Signature _____

Date _____

Date _____

Submit completed form to: Planning Division, 1800 West Old Shakopee Road, Bloomington, MN 55431 or planning@BloomingtonMN.gov. You may request expedited review.

Internal Use Only

Fire & Safety _____
Date _____

Police _____
Date _____

Building & Inspections _____
Date _____

Environmental Health _____
Date _____

Licensing _____
Date _____

Planning _____
Date _____

HRA _____
Date _____