

ORDINANCE

By Gordon, Ellison, and Bender

Amending Article I of the City Charter relating to General Provisions: Powers, to be submitted to the voters at the November 2, 2021, municipal election, pertaining to adding authority for registered voters of the City of Minneapolis to propose, by initiative, a rent stabilization ordinance to regulate rents on private residential property in the City of Minneapolis.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Article I, Section 1.4 of the Minneapolis City Charter be amended to read as follows:

§ 1.4. - Powers.

(a) **Powers plenary.** The City, acting through the boards, commissions, committees, departments, and officers for which this charter or an ordinance provides, may exercise any power that a municipal corporation can lawfully exercise at common law.

(1) **Eminent domain.** The City Council may, and any other authorized board may, establish the procedure by which the City exercises through that board its power of eminent domain, including the procedure for any appeal from an award in condemnation.

(2) **Infrastructure.** The City may establish, plan, build, maintain, regulate, and otherwise provide for public ways and works and any other infrastructure necessary or convenient for its residential and economic development; for the comfort, convenience, health, safety, or welfare of its residents; or for the efficient delivery of municipal services.

(b) **Laws excepting home-rule cities.** Whenever a law grants a power or an option to cities generally or to cities of a certain class, but excepts cities having adopted a home-rule charter, the City may nevertheless exercise the power or option if that exercise is not inconsistent with this charter, notwithstanding its having adopted this charter.

(c) **Immunity.** The City enjoys immunity from suit and liability for any injury resulting from—

(1) the defective condition of an ungraded street;

(2) the ground's insufficiency where a sidewalk can go but no sidewalk has been built; and

(3) any other act, omission, or condition for which a municipal corporation enjoys immunity at common law or by general or special law.

(d) **Unmentioned powers.** This charter's mention of certain powers does not limit the City's powers to those mentioned.

(e) **Rent stabilization initiative.** Registered voters of the City have the right to propose a rent stabilization ordinance by initiative.

(1) **Petition initiation.** A rent stabilization initiative may be initiated by a petition signed by registered voters of the City equal in number to five (5) percent of the total votes cast at the last previous state general election in the City.

(2) **Contents and timeline for petition; ballot formatting.** The City Clerk is responsible for creating and maintaining rent stabilization initiative petition processes, which must include, at a minimum: (1) the requirements for the contents of the petition; (2) the timeline for submitting a petition to the City Clerk; (3) the timeline for curing an insufficient petition; (4) the timeline for the City Clerk to submit the petition to the City Council; and (5) the technical formatting requirements for ballot questions. The City Clerk must

ensure these petition processes comply with applicable Minnesota Statutes and Minnesota Rules, and may consider, as a guide, petition requirements and processes for amendments to this charter. The City Clerk may amend these petition processes from time to time, including as needed to comply with applicable Minnesota election law, other laws, and interpretations of laws.

(3) Full petition filed with City Clerk. A rent stabilization initiative petition may consist of one or more papers, but they must be assembled and filed with the City Clerk as one instrument. Any rent stabilization initiative petition will be deemed received by the City Council when it is timely filed with the City Clerk. There is no filing fee for filing such a petition.

(4) City Clerk and City Attorney requirements. Once the rent stabilization initiative petition is timely filed with the City Clerk, the City Clerk and City Attorney must do the following:

(A) City Clerk technical review. The City Clerk must determine whether the petition is signed by registered voters of the City equal in number to five (5) percent of the total votes cast at the last previous state general election in the City. The City Clerk must ensure other technical petition requirements, including those in the City Clerk's rent stabilization initiative petition processes, are met. The results of this technical review must be provided to the City Council.

(B) City Attorney legal analysis. If all of the technical petition requirements are met, the City Attorney must analyze if the proposed ordinance complies with constitutional, federal, state, and other law. The results of this legal analysis must be provided to the City Council.

(5) City Council action on petition. Within 150 days of receiving the rent stabilization initiative petition, the City Council must take action as follows:

(A) If the City Clerk reports that the petition meets all of the technical requirements, do one of the following:

(i) Enact the ordinance without change.

(ii) Direct the City Clerk to submit a ballot question on the ordinance to the qualified voters at a general or special election on a date allowed under Minnesota election law.

(iii) Direct the City Clerk to not submit a ballot question on the ordinance to the qualified voters at a general or special election on a date allowed under Minnesota election law. A direction not to submit the ballot question must be based on the results of the legal analysis.

(B) If the City Clerk reports that the petition does not meet all of the technical requirements, file the results of the technical review of the City Clerk.

(6) Ballot question.

(A) The form of the ballot must be fixed by the City Council.

(B) If more than half of the votes cast on the ballot question are in favor of its adoption, the ordinance will take effect in 30 days from the date of the election or at such other time as is fixed in the ordinance.