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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 330

01/19/2017 Authored by Nash, Nelson, Lesch and Quam
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy

1.1 A bill for an act
1.2 relating to local government; requiring a two-thirds vote to impose an interim
1.3 ordinance; requiring a public hearing after ten-day notice before imposing an
1.4 interim ordinance relating to housing; amending Minnesota Statutes 2016, section
1.5 462.355, subdivision 4.

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

1.7 Section 1. Minnesota Statutes 2016, section 462.355, subdivision 4, is amended to read:

1.8 Subd. 4. Interim ordinance. (a) If a municipality is conducting studies or has authorized
1.9 a study to be conducted or has held or has scheduled a hearing for the purpose of considering
1.10 adoption or amendment of a comprehensive plan or official controls as defined in section
1.11 462.352, subdivision 15, or if new territory for which plans or controls have not been adopted
1.12 is annexed to a municipality, the governing body of the municipality may adopt an interim
1.13 ordinance applicable to all or part of its jurisdiction by a two-thirds vote of all members of
1.14 the governing body for the purpose of protecting the planning process and the health, safety
1.15 and welfare of its citizens. The interim ordinance may regulate, restrict, or prohibit any use,
1.16 development, or subdivision within the jurisdiction or a portion thereof for a period not to
1.17 exceed one year from the date it is effective.

1.18 (b) If a proposed interim ordinance purports to regulate, restrict, or prohibit activities
1.19 relating to livestock production, a public hearing must be held following a ten-day notice
1.20 given by publication in a newspaper of general circulation in the municipality before the
1.21 interim ordinance takes effect.

1.22 (c) If a proposed interim ordinance by a statutory or home rule charter city purports to
1.23 regulate, restrict, or prohibit activities relating to housing, a public hearing must be held

2.1 following a ten-day notice given by publication in a newspaper of general circulation in the
2.2 municipality before the interim ordinance takes effect.

2.3 (d) The period of an interim ordinance applicable to an area that is affected by a city's
2.4 master plan for a municipal airport may be extended for such additional periods as the
2.5 municipality may deem appropriate, not exceeding a total additional period of 18 months.
2.6 In all other cases, no interim ordinance may halt, delay, or impede a subdivision that has
2.7 been given preliminary approval, nor may any interim ordinance extend the time deadline
2.8 for agency action set forth in section 15.99 with respect to any application filed prior to the
2.9 effective date of the interim ordinance. The governing body of the municipality may extend
2.10 the interim ordinance after a public hearing and written findings have been adopted based
2.11 upon one or more of the conditions in clause (1), (2), or (3). The public hearing must be
2.12 held at least 15 days but not more than 30 days before the expiration of the interim ordinance,
2.13 and notice of the hearing must be published at least ten days before the hearing. The interim
2.14 ordinance may be extended for the following conditions and durations, but, except as
2.15 provided in clause (3), an interim ordinance may not be extended more than an additional
2.16 18 months:

2.17 (1) up to an additional 120 days following the receipt of the final approval or review by
2.18 a federal, state, or metropolitan agency when the approval is required by law and the review
2.19 or approval has not been completed and received by the municipality at least 30 days before
2.20 the expiration of the interim ordinance;

2.21 (2) up to an additional 120 days following the completion of any other process required
2.22 by a state statute, federal law, or court order, when the process is not completed at least 30
2.23 days before the expiration of the interim ordinance; or

2.24 (3) up to an additional one year if the municipality has not adopted a comprehensive
2.25 plan under this section at the time the interim ordinance is enacted.

2.26 **EFFECTIVE DATE.** This section is effective for interim ordinances proposed on or
2.27 after August 1, 2017.