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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 330

- 01/19/2017 Authored by Nash, Nelson, Lesch, Quam, Pugh and others  
The bill was read for the first time and referred to the Committee on Government Operations and Elections Policy
- 02/01/2017 Adoption of Report: Placed on the General Register as Amended  
Read for the Second Time
- 03/02/2017 Calendar for the Day, Amended  
Read Third Time as Amended  
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act

1.2 relating to local government; requiring at least a two-thirds vote of a quorum to

1.3 impose an interim ordinance relating to housing; requiring a public hearing after

1.4 ten-day notice before imposing an interim ordinance relating to housing; amending

1.5 Minnesota Statutes 2016, section 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 for the purpose of protecting the planning

1.14 process and the health, safety and welfare of its citizens. The interim ordinance may regulate,

1.15 restrict, or prohibit any use, development, or subdivision within the jurisdiction or a portion

1.16 thereof for a period not to exceed one year from the date it is effective.

1.17 (b) If a proposed interim ordinance purports to regulate, restrict, or prohibit activities

1.18 relating to livestock production, a public hearing must be held following a ten-day notice

1.19 given by publication in a newspaper of general circulation in the municipality before the

1.20 interim ordinance takes effect.

1.21 (c)(1) A statutory or home rule charter city may adopt an interim ordinance that regulates,

1.22 restricts, or prohibits a housing proposal only if the ordinance is approved by at least

1.23 two-thirds of city council members present.

2.1 (2) Before adopting the interim ordinance, the city council must hold a public hearing  
2.2 after providing written notice to any person who has submitted written information to the  
2.3 city regarding a housing proposal that is potentially affected by the proposed interim  
2.4 ordinance. The written notice must be provided at least three business days before the public  
2.5 hearing. Notice also must be posted on the city's official Web site, if the city has an official  
2.6 Web site.

2.7 (3) The date of the public hearing shall be the earlier of the next regularly scheduled  
2.8 city council meeting after the notice period or within 10 days of the notice.

2.9 (4) The activities proposed to be restricted by the proposed interim ordinance may not  
2.10 be undertaken before the public hearing.

2.11 (5) For the purposes of this paragraph, "housing proposal" means a written request for  
2.12 city approval of a project intended primarily to provide residential dwellings, either single  
2.13 family or multi-family, and involves the subdivision or development of land or the  
2.14 demolition, construction, reconstruction, alteration, repair, or occupancy of residential  
2.15 dwellings.

2.16 ~~(e)~~(d) The period of an interim ordinance applicable to an area that is affected by a city's  
2.17 master plan for a municipal airport may be extended for such additional periods as the  
2.18 municipality may deem appropriate, not exceeding a total additional period of 18 months.  
2.19 In all other cases, no interim ordinance may halt, delay, or impede a subdivision that has  
2.20 been given preliminary approval, nor may any interim ordinance extend the time deadline  
2.21 for agency action set forth in section 15.99 with respect to any application filed prior to the  
2.22 effective date of the interim ordinance. The governing body of the municipality may extend  
2.23 the interim ordinance after a public hearing and written findings have been adopted based  
2.24 upon one or more of the conditions in clause (1), (2), or (3). The public hearing must be  
2.25 held at least 15 days but not more than 30 days before the expiration of the interim ordinance,  
2.26 and notice of the hearing must be published at least ten days before the hearing. The interim  
2.27 ordinance may be extended for the following conditions and durations, but, except as  
2.28 provided in clause (3), an interim ordinance may not be extended more than an additional  
2.29 18 months:

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

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

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

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