Rental Business Training
SAFE-CR Overview

Nuisance Properties
Chapter 22A
Objectives of Today’s Presentation

- SAFE-CR Program
  - Intent
- Chapter 22A Nuisance Properties
  - Determination of Nuisance Activity and Nuisance Properties
- Reporting Nuisance Activity
  - External Stakeholders
Intent

• Ensuring a higher quality of life for Cedar Rapids citizens
• Preserving property values
• Controlling the costs of taxpayer-funded services such as Police, Fire, Public Works and Building Services
• Ensuring that properties within the City limits are well maintained and are not used for unlawful conduct or conduct which disturbs the peaceable use of surrounding properties
• Holding property owners more accountable for nuisance activity and nuisance condition of their properties
Chapter 22A: Definitions:

Applies to: Any real estate including rental, owner occupied, commercial or industrial

- Founded Nuisance Activity:
  "Founded Nuisance Activity" means an incident or incidents of Nuisance Activity which the City finds probable cause to have occurred. Incidents of domestic violence, as defined by Iowa Code Chapter 562A, may be categorized as Founded, but they shall not be a factor when determining whether a property meets the criteria for a Nuisance Property designation, or whether a penalty shall be imposed for failing to take Corrective Action.
Chapter 22A: Definitions Continued:

• Call for Service:
  "Call for Service" means any occasion on which the City goes to a Property for purposes of suspected Nuisance Activity, regardless of which City Department or Departments respond to the incident.
Chapter 22A: Definitions Continued:

- **Nuisance Property Abatement Plan:**
  "Nuisance Property Abatement Plan" means that written plan which is developed by a Property Owner, whether or not it is developed in consultation with the Nuisance Property Abatement Coordinator, pursuant to which the Property Owner undertakes Corrective Action at a Nuisance Property.

- **Nuisance Property Abatement Coordinator:**
  "Nuisance Property Abatement Coordinator (“NPAC”) " is the City official charged with the administration and enforcement of this Chapter, or any duly authorized representative thereof.
Chapter 22A.03.a

One or more of the following Founded Nuisance Activities have occurred upon the Property or within one thousand feet of the Property within a period of twelve consecutive months, whether committed by an Interested party or Permittee(s) of an interested party:

- Manufacture or delivery of a controlled substance in violation of Iowa Code Chapter 124
- Kidnapping as defined in Iowa Code Chapter 710
- Arson as defined in Iowa Code Chapter 712
- Burglary as defined in Iowa Code Chapter 713
- Robbery as defined in Iowa Code Chapter 711
- Sex abuse as defined in Iowa Code Chapter 709
- Intimidation with a Dangerous Weapon as defined in Iowa Code Section 708.6
- Willful injury as defined in Iowa Code Section 708.4
- Sexual exploitation of a minor in violation of Iowa Code Section 728.12
- Felony gambling in violation of Iowa Code Chapter 725
- Felony criminal mischief as defined in Iowa Code Chapter 716
- Animal contests in violation of Iowa Code Chapter 717D
- Violation of Cedar Rapids Municipal Code Section 22.01.(a)(2), concerning certain nuisances
Chapter 22A.03.b

Two or more of the following Founded Nuisance Activities have occurred upon the Property or within one thousand feet of the Property with in a period of twelve consecutive months, whether committed by an Interested party or Permittee(s) of an interested party:

- Possession of a controlled substance in violation of Iowa Code Chapter 124
- Possessing or carrying a dangerous weapon as defined in Iowa Code Section 724
- Riot as defined in Iowa Code Section 723.1
- Serious or aggravated misdemeanor criminal mischief as defined in Iowa Code Chapter 716
- Prostitution as defined in Iowa Code Section 725.1
- Serious or aggravated misdemeanor assault as defined in Iowa Code Chapter 708
- Serious or aggravated misdemeanor theft as defined in Iowa Code Chapter 714
- Misdemeanor gambling as defined in Iowa Code Chapter 725
- False Imprisonment as defined in Iowa Code Section 710.7
- Failing to secure or keep secure a structure in accordance with Chapter 29 of the Cedar Rapids Municipal Code and this code
- An unpermitted or illegal use of Chapter 32 of the Cedar Rapids Municipal Code
- Unlawful discharge of any device in violation of Section 63.10A (c), of the Cedar Rapids Municipal Code
- A violation of Section 62.33 of the Cedar Rapids Municipal Code concerning Disorderly Houses
- Failure to disperse from an unlawful assembly as defined in Iowa Code Section 723.3
Chapter 22A.03.c

Three or more of the following Founded Nuisance Activities have occurred upon the Property or within one thousand feet of the Property within a period of twelve consecutive months, whether committed by an Interested party or Permittee(s) of an interested party:

- A Health, Environmental, or Solid Waste violation as defined herein
- Unlawful assembly in violation of Iowa Code Section 723.2
- Defacing City Property and Graffiti as prohibited by section 64.01, and/or Section 64.14, and/or Chapter 29 of the Cedar Rapids Municipal Code
- Simple misdemeanor assault in violation of Iowa Code Chapter 708
- Violation of Section 23.06, of the Cedar Rapids Municipal Code regarding Animal Noise
- Disturbing the peace in violation of Cedar Rapids Municipal Code 62.01
- Consumption or intoxication in public places in violation of Iowa Code Section 123.46
- Disorderly conduct in violation of Iowa Code Section 723.4
- Persons under legal age in violation of Iowa Code Section 123.47
- Violation of Cedar Rapids Municipal Code Section 56.02 regarding Noise Prohibitions and Limited Sound Sources.
Chapter 22A.03.d

When any of the following occur upon the Property or within one thousand feet of the Property with in a period of twelve consecutive months, whether committed by an Interested party or Permittee(s) of an interested party:

- The property is placarded pursuant to Chapter 29 Housing code of the Cedar Rapids Municipal Code, except when such placard is due solely to utility discontinuance for nonpayment of utility bill(s) by a tenant.
- When a property has been declared a Nuisance Property based on this paragraph, any call for service to that Nuisance Property which is deemed founded for Prohibited Occupancy, as defined in Municipal Code Chapter 29 and the International Property Maintenance Code, shall be deemed a Founded Call for Service, and all costs associated with the call shall be charged to the Property Owner pursuant to 22A.08.
- A second “no show” trip charge has been imposed in accordance with Chapter 29 Housing Code of the Cedar Rapids Municipal Code.
- The City mows the property two or more times in a calendar year for an owner in violation of Chapter 21 and/or Chapter 29 of the Cedar Rapids Municipal Code.
- The City removes snow for the sidewalk two or more times in a six month period for an owner in violation of Chapter 9 of the Cedar Rapids Municipal Code.
- The City removes junk, debris, and/or solid waste from the property two or more times in a twelve month period for an owner in violation of Chapter 22 and/or Chapter 29 of the Cedar Rapids Municipal Code.
- A violation of Chapter 29 of the Cedar Rapids Municipal Code(s) is prosecuted in Court and the Court Rules in favor of the City.
Process of 22A

- Review Calls for Service in the Nuisance Abatement Center
- If call is Violation of 22A. Send Founded Call for Service letter to Property Owner.
- Information is entered into City land management software system.
  - Allows separate City departments to view activity that occurs on a property address.
Founded Call for Service Letter

- Sent Regular mail
- Sent to Property Owner
- Provides property owners with information to locate additional information about the activity.
Police Logs
Calls for Service

Enter Street number and Street Name

Click on Submit
Police Logs
Calls for Service (Continued)

- Call ID
- Call Date
- Call Type
- Address
- Disposition
- Case Number (if one)

Disposition Glossary
Call Type Glossary
Example of a Founded Call for Service

- Officers dispatched to address reference to a disturbance
- Officers arrest someone at the address (or within 1000 feet of property) for serious or aggravated misdemeanor assault (Iowa Code 716)
- This is a Tier b. activity – Send Founded Call for Service letter
What happens next?

• If another activity occurs it would be reviewed and if it is a nuisance activity could result in:
  • Founded Call letter
  • Notice of Violation

• If no other activity occurs –
  • Nothing to be reviewed and nothing to be sent to property owner.
Example of 2\textsuperscript{nd} occurrence

- Officers dispatched to address reference to a disturbance
- Officers arrest someone at the address (or within 1000 feet of property) for serious or aggravated misdemeanor assault (Iowa Code 716)

- This is a Tier b activity and second time activity has occurred within a period of twelve consecutive months.
- This would result in property being classified a Nuisance Property.
  - Notice of Violation would be sent
• **Notice of Violation**
  - Sent to Property Owner Certified/Return Receipt.
  - Delivered personally to the Owner.
  - Delivered personally to an individual (over age 18) residing at the same address as the owner.
  - Posted in a conspicuous place on the Property in question, but only in cases where the notice is returned showing the letter was not delivered.
  - Property owner can submit Nuisance Property Abatement Plan
    • this may postpone by 15 days charges for Founded CFS.
  - Within 10 days of receiving NOV - Property owner can appeal Notice of Violation decision

22A Violation

22A process and next steps
Request for Hearing

- Hearing form must be submitted within 10 calendar days of receiving Notice of Violation
- Contact SAFE-CR at 319-286-5720 for information about the appeal process and to request appeal form.
What is Not in 22A?

Including, but not limited to:

- Domestic Abuse
- Street Storage
- Medical Calls
- Welfare Checks
- Victims of Crimes
- Alarms
- Runaway/missing persons reports
Highlights

- Allows for an administrative appeal once the property is determined to be a nuisance.
- Nuisance Activity is “Unit” based which could be an individual rental unit or an owner occupied property.
- Law Enforcement activity remains unchanged. Violators of laws will be charged as appropriate.
Program Evaluation:

- Review program metrics (Ex. Calls for service, property issues identified, property issues resolved, units registered, background checks, etc.)

- Interview stakeholders – What’s going well, what’s not?

- Explore other areas for improvement within our ordinances to enhance neighborhood quality of life, such as addressing abandoned and vacant structures.
Reporting Nuisance Activity

Internal:
- Various City departments such as Solid Waste, Code Enforcement, Nuisance Abatement, etc. report various Nuisance Activity as they are engaged in assigned duties

External:
- Phone
- Email
- Calls for Service from Police, Code Enforcement, Solid Waste, Etc.
For Additional Information:

Please contact:

Email: a.grieder@cedar-rapids.org
Phone: 319-286-5720

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www.cityofcr.com/safecr