

Code Enforcement-Housing Code Board of Appeals
City of Cedar Rapids
Wednesday, March 4, 2015 @ 2:00pm-Five Seasons Conference Room

MEMBERS PRESENT:

Al Aosse, Amanda Burns, Garry Grimm, Craig Stump, & Jim Thatcher

MEMBERS NOT PRESENT:

Sara Coleman & Claudette Roby

INSPECTORS PRESENT:

Jacob Gordon & Al Pansegrau

ALSO PRESENT:

John Riggs-Building Services Manager, Kevin Ciabatti-Building Services Director, Amanda Grieder, Annette Lorenz, Sara Higgins-SAFE-CR

Erin Carnahan-neighbor to Hartley's property, Clark Riecke-Moundview, Bob Mitchell, Mari Davis, Keith Nemecek, Linda Miller, & Karen Guse- Landlords of Linn County. Sue Soukup and Jeremy Williams-current tenants at 1537 34th St NE.

Housing Code Board of Appeals was called to order on Wednesday, March 4, 2015 at 2:05pm in the Five Seasons Conference Room at the City Services Center located at 500 15th Avenue SW.

Al Aosse moved to accept the May 14, 2014 minutes as reviewed. Garry Grimm seconded the motion. All ayes, motion carried.

H-1-2015-David Hartley, Revocation of registrations

Craig Stump introduced himself and everyone went around the table and also introduced themselves as well. John Riggs reviewed order of business, hearing order of presentations per the procedures adopted as well as review of interested person's right to speak and reminded everyone that since this meeting was not a City Council meeting-there will be no public comment portion.

John Riggs then recognized Housing Inspector Jacob Gordon to begin the presentation of evidence. Jacob Gordon thanked everyone for attending and stated that both properties started off as nuisance properties. The timeline of events is as follows:

Because some of Mr. Hartley's properties were starting to appear on the nuisance properties list with SAFE CR, a letter to Mr. Hartley was sent to Mr. Hartley requesting him to attend a meeting with Housing Inspections and SAFE-CR to discuss those properties; meeting to be held on 10/15/2014.

10/15/2014-Mr. Hartley met with SAFE CR and Housing Inspector Jacob Gordon. (See copy of minutes attached).

12/11/2014-The Building Services Office received a request for revocation of registrations from SAFE-CR for five of Mr. Hartley's rental properties-1407 7th Ave SE, 1435 5th Ave SE, 1537 34th St NE, 1546 A Ave NE, & 610 14th St SE.

1/20/2015-Building Services sent letter to Mr. Hartley requesting the revocation of registrations for the five properties-1407 7th Ave SE, 1435 5th Ave SE, 1537 34th St NE, 1546 A Ave NE, & 610 14th St SE. (see attached)

2/16/2015-Building Services received a reply in writing from Mr. Hartley (in person). Mr. Hartley stated he didn't mind the revocation of registrations for 3 of the 5 properties as 3 of those properties were now vacant. (See attached). After receiving the letter from Mr. Hartley-he was advised he needed to file a request for Housing Board of Appeal by deadline date of 2/20/2015.

2/19/2015-Building Services received official request for housing board to hear appeal from Mr. Hartley (in person) on the two remaining occupied properties where were 1537 34th St NE & 1407 7th Av SE-in which Mr. Hartley was handed the agenda at the time he paid for the appeal which was immediately scheduled for Wednesday, March 4, 2015.

1537 34th St NE-Chapter 29 issues include:

5/16/2014-property placarded unsanitary conditions. Mr. Hartley was also double-fee'd for doing work at this property without a building permit.

6/2/2014-Municipal Infractions were filed by Housing Inspector Lucas Pump concerning this property. The property went through an inspection starting 9/3/2013 and continued through 11/24/2014 to meet housing code standards. At that time, the property passed inspection on 11/24/2014 and the next regular inspection is scheduled for that property on 9/19/2019.

1407 7th Ave SE-Housing does not have any housing violations for that property.

Jacob Gordon reminded attendees that these two cases should be heard as separate cases. Jacob Gordon stated he was not looking for Dave Hartley to evict or remove the tenants from either one of the properties. The only thing Building Services is requesting on this date is a written plan of action for both properties from Mr. Hartley within 30 days of this meeting-deadline of Friday, April 3rd, 2015. Two scenarios could occur:

1. If a plan of action IS NOT received and approved by John Riggs by deadline of Friday, April 3, 2015 would result in revocation of 6 months would occur for each of the properties.

2. If a plan of action IS received by deadline of Friday, April 3, 2015-no revocation would result. However, if a new call for service occurs that fits the SAFE CR nuisance property criteria-the registration for that property would automatically be revoked.

Annette Lorenz with SAFE CR was introduced and she detailed the following calls for service for the properties listed deeming them as nuisance properties under Chapter 22 as follows:

1537 34th St NE-Because of the placard placed earlier by Housing-it was deemed a nuisance property as a Chapter 22A.03.d1 violation. Hartley did not submit a nuisance property abatement plan and the owner did not appeal the designation of a nuisance property. The goals are to address problem properties to decrease city services to each property and because this property took such a long time to come into compliance and resulted in a placard on the property-that is excessive use of city services.

1407 7th Ave SE-This property became a nuisance property on April 8, 2014 because of a tier A violation of nuisance activity which occurred on April 7, 2014 which was a charge of manufacturing a controlled substance which is a Chapter 22A.03.a1. Mr. Hartley did submit a nuisance abatement plan on April 18, 2014, however did not appeal the nuisance property designation. The fee period became effective on May 16, 2014. Annette Lorenz reminded everyone about the meeting held with Mr. Hartley on October 15, 2014 between Housing and SAFE CR in which Mr. Hartley was provided with resources-see attached minutes.

While in the fee period-this property had an additional founded call for service for disorderly conduct-22A.03.c8 on October 16, 2014. This was a subsequent notice of violation which was sent to Mr. Hartley and resulted in a police invoice for \$165.44 which equates to 1 hour and 76 minutes of officer time. Mr. Hartley did appeal this notice of violation. The hearing officer determined the City of CR was correct in that notice of violation. PD has also received several calls concerning occupant's behavior, condition of the property. Annette Lorenz also added that out of 232 active nuisance properties-only 29 have been billed-this property being one of them.

Craig Stump recognized David Hartley who asked out of the 232 active nuisance properties-which of those had active rental registrations. Amanda Greider replied she does not have those facts available as that was not relevant to this case as those properties were not being reviewed at this time. David Hartley restated his question and asked how many other registrations had been revoked to which Amanda Greider replied that today's case would be the first case that has come to a full hearing to be reviewed for revocation. David Hartley stated he did not understand how he could avoid evicting the tenants if the current tenants have done nothing wrong. He also asked if he did evict the problem tenants how he could still rent without having an active registration to which Jacob Gordon stated that is what the plan of action is needed for and the plan of action would be submitted by David Hartley himself within 30 days-at which time David Hartley understood he would need to file the plan of action. He states he has already filed a plan of action for 1407 7th Ave SE-for which he was billed for. David Hartley did not know of what other paperwork he needed to submit as the only latest incident at 1407 7th Ave SE was the current tenant named-Louise Henderson whose juvenile granddaughter was having a disagreement with another juvenile. He thought

it seemed strong to revoke a registration based on juveniles especially since it's not continued.

1537 34th ST NE-David Hartley wanted to point out referring back to this property that the property was placed on the property and lifted just 3 hours later in which he had the tenants clean up the dog feces and unsanitary conditions in the basement right after the property was placarded. Jacob Gordon stated the fact still remains that the property needed to be placarded. Tenants were present and moved in November 2014 and signed a 6 month lease which will be up on April 30, 2015. They have done anything wrong and have not caused any violations with SAFE CR since they moved in as these are new tenants. He thinks there is no action to take as revoking the registrations would be penalizing good tenants.

516 14th St SE-David Hartley addressed Jacob Gordon that this was double fee'd for work. David stated this work was being conducted by the tenant that was not okay'd by Dave Hartley himself. Dave Hartley came in to Building Services to get the permit for what seemed very minor and there was doubt a permit was necessary-reverting an enclosed porch to an open porch, but obtained it anyway. He did evict those tenants and have been no issues at that property since that time.

1407 7th Ave SE-Dave Hartley stated the drug usage came as a surprise to him which is certainly a violation of lease, SAFE CR and he evicted those tenants. The 2nd incident occurred which Dave had carefully screened new tenants-mentioned before as Louise Henderson and have had no issues other than a neighbor who states incidents are occurring however Dave himself cannot confirm whether or not the incidents have actually happened. Dave Hartley believes it is the tenant's grand-daughter that are causing the problems at that address. There are no housing violations at this address. Ms. Henderson signed a lease originally with grandchildren and believes it is Ms. Henderson's daughter-who later moved in with them that is causing problems at this time. Ms. Henderson signed a lease on August 8, 2014 and lease will expire in July 2015.

David Hartley feels there is a basic disconnect between the housing code and landlord code. David Hartley announced he had to leave, but if needed to leave-Mari Davis would have taken more information if necessary.

Erin Carnahan then was allowed to speak to the board concerning problems she has had with the tenants currently living at 1407 7th Ave SE and stated she had 35 unanswered calls to David Hartley and has not received any response or solution from Mr. Hartley concerning the stress tenants at 1407 7th Ave SE are causing her. Ms. Carnahan has endured pit bull attacks, dog barking for 18 hours, and harassment of her car tires getting slashed and states this does not allow her to have a peaceful environment. She states she has just had excuses of why she should not complain. Ms. Carnahan states she now believes her house is being watched because she is making the complaints and a white van is watching her property. Ms. Carnahan also stated she could supply our office with copies of police reports.

Dave Hartley states he does not see what Ms. Carnahan is referring to as he visits at different times of the day and does not see what Ms. Carnahan is seeing. David Hartley

states that particular dog no longer lives at that property to which Ms. Carnahan states is untrue. David Hartley states there is no damage to Ms. Carnahan's car as well. Mr. Hartley states he works during the day and is not home during the day, but states he is not ignoring the situation and is trying to take action. He believes he is heading her concerns. He states the only thing that is unfortunate is that the tenants in question did not attend this board meeting. The tenants (Sue Soukup and Jeremy Williams) who currently live at 1537 34th St NE were present and stated they have no knowledge of any problems occurring in their neighborhood as all the incidents occurred before they moved in November 2014.

Jim Thatcher re-stated Dave Hartley said he had already submitted his plan of actions however took care of the issues. Jim Thatcher states even though David has followed through with plans, he still needs to submit the plan of action in writing to make it official. The abatement plan also identifies that there is a solution to the problem. David did not think a plan was necessary even though he took care of the issues immediately. Dave Hartley said what would have been in the written plan was followed. Since the tenants had moved out-he didn't think he had to put anything in writing. David thought following through with the abatement plan was only necessary if he needed an extension on the time that the landlord can get fee'd and he didn't feel that was necessary since the tenants were moving out anyway.

Annette Lorenz restated -1407 7th Ave SE-an original plan was submitted, but after that-another additional call for service was received.

Craig Stump then restated to David Hartley that he was asked back in October 2014 at the meeting between Housing Inspections and SAFE CR if there was anything he did not understand. David Hartley stated that he understood-just does not agree to the code.

Jim Thatcher stated this case today was actually the 2nd case the board has heard concerning Chapter 22A. Just because other registrations have not been revoked-has no relevance to this case. There was another one that was heard in May 2014, but since that property was sold to a new owner before the date of the hearing-there was nothing for the board to actually rule on. 22A tracks the property-not the tenant.

Garry Grimm asked about the categorization of the violations mentioned by Erin Carnahan. Annette Lorenz stated the Chapter 22A violations have been paid-per Annette Lorenz. Domestic violence will be unfounded calls for service and all the other calls mentioned by the neighbor have not been categorized as a Chapter 22A violation-only Chapter 22 violations. Annette does have an email out to an officer checking on one of violations at this time to see what it should be categorized as.

John Riggs restated the plan needs to be turned in and approved in 30 days-stating the obvious in the plan. Once John Riggs has accepted the plan and has been approved-it's approved by Building Services-not SAFE-CR. The plan is a cooperation between Mr. Hartley and Building Services to come up with the plan. John Riggs also advised Mr. Hartley that he would be willing to meet with Mr. Hartley after this meeting to assist him with his plan of actions for both properties. David Hartley took down John Riggs' phone number and name.

David Hartley asked how he could address the disconnect between SAFE CR and Housing Inspections and was advised by Craig Stump that if he turned in the plan of action-that would ease up the disconnect as everyone would be on the same page.

Garry Grimm then asked if it another incident occurred, then the housing board of appeals would not have to meet again because the revocations would be immediate? John Riggs replied that Garry Grimm was correct. If an incident occurs again after the plan is approved-the board would need to meet again. David Hartley

Amanda Burns moved David Hartley submit a plan of action to John Riggs for 1537 34th St NE-which will be due by Friday, April 3, 2015. If not turned in-then a revocation of registration will occur immediately for a period of six months. Seconded by Al Aosse. Seconded by Al Aosse.

Jim Thatcher stated this board will not make a decision to make an eviction. Every 3 years-the Housing Board of Appeal revises the Housing code and it is at that time that David Hartley should voice his opinion-not at this hearing. Problems have been handled and stated how the problems were handled.

Amanda Burns moved David Hartley submit a plan of action to John Riggs for 1407 7th Avenue SE-which will be due by Friday, April 3, 2015. If not turned in-then a revocation of registration will occur immediately for a period of six months. Seconded by Al Aosse. Seconded by Al Aosse.

Craig Stump thanked everyone for their time and took a 5 minute recess.

Unfinished Business:

John Riggs stated this board asked what Building Services is looking for. Jacob Gordon stated we do this process is this is where we are asking people for their plan of action so if a call for service occurs again-we have more to revoke as a "3 strike rule". So this was meeting #2. It took to this point to get this far. So purpose was to get a plan of action set in place. John Riggs stated he just wants to get the properties in compliance. We want to say we've gone through the steps.

Nomination for Chairperson and Vice Person:

Jim Thatcher nominated Craig Stump as Chair person. Seconded by Al Aosse. All ayes. Motion carried.

Amanda Burns nominated Jim Thatcher as Vice Chairperson. Seconded by Garry Grimm. All ayes. Motion carried.

John Riggs handed out the 2015 IPMC books that at this time-can only be used if a board member comes into the Building Services Department as there is not enough money in the budget to give everyone their own book. John stated the review was sent to City Attorney's office on 2/10/2015. Codes did not change too drastically. This code is written for everything

in the city-not just rental properties. John read through the proposed changes-see attached copies.

Garry Grimm moved to adjourn the meeting. Seconded by Amanda Burns. All ayes. Motion carried.

Meeting adjourned at 3:45pm.