

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 with in 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
- Violation of Cedar Rapids Municipal Code section 23.21 concerning Dangerous Animals.

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 with in 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.
- http://apps.cedar-rapids.org/policelogs/calls_lookup.asp

The image shows a sample letter from Cedar Rapids. Red boxes and arrows highlight key elements: the Cedar Rapids logo, the date (12/13/2013), the recipient's name and address, the call number (CRCO-2013-005732), the violation type (Chapter 22A.03.b.1. Controlled Substance), the link to the police logs website, and the contact information for the Cedar Rapids Police Department. The text of the letter is as follows:


Date of 12/13/2013

[Name
Address
City, State ZIP]

Founded Call

Dear [Name],

On [Date], there was a call for service at [Address of Nuisance Activity].

CRCO-2013-005732: Violation of Chapter 22A.03.b.1. Controlled Substance.

If you would like to locate additional information about this call for service please visit http://apps.cedar-rapids.org/policelogs/calls_lookup.asp and search by the address above.

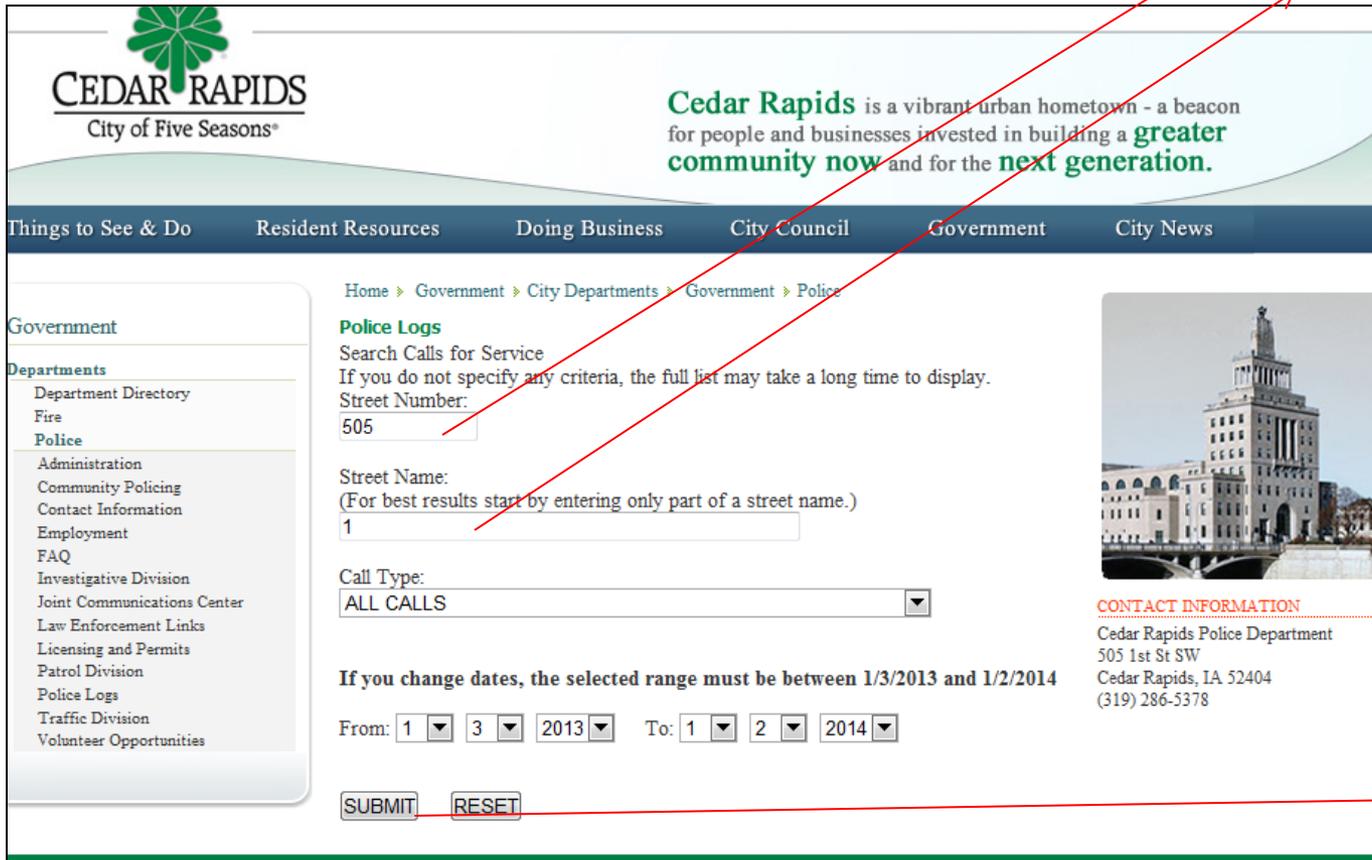
You may also request a copy of the Call for Service from the Cedar Rapids Police Department Records Division at 505 1st St. SW, Monday - Friday between 8:00 am and 4:00 pm. You should use reference number [Call for Service Number].

If you need additional information please call 319-286-5720.

Cedar Rapids Police Department - SAFE-CR Program Office
505 1st Street S.W. - Cedar Rapids, IA 52404 - Phone (319) 286-5720 - FAX (319) 286-5830

Police Logs Calls for Service

Enter
Street number and
Street Name



The screenshot shows the Cedar Rapids website's 'Police Logs' page. At the top left is the Cedar Rapids logo and 'City of Five Seasons' text. To the right is a banner with the text: 'Cedar Rapids is a vibrant urban hometown - a beacon for people and businesses invested in building a **greater community now** and for the **next generation**.' Below this is a navigation bar with links: 'Things to See & Do', 'Resident Resources', 'Doing Business', 'City Council', 'Government', and 'City News'. On the left is a 'Government' sidebar with a 'Departments' list including 'Police'. The main content area has a breadcrumb trail: 'Home > Government > City Departments > Government > Police'. The 'Police Logs' section includes a search form with fields for 'Street Number' (containing '505') and 'Street Name' (containing '1'). Below these is a 'Call Type' dropdown menu set to 'ALL CALLS'. A date range selector is set to 'From: 1/3/2013 To: 2/2/2014'. At the bottom are 'SUBMIT' and 'RESET' buttons. On the right, there is a photo of the Iowa State Capitol building and 'CONTACT INFORMATION' for the Cedar Rapids Police Department.

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

| | | | | | |
|-----------|----------------|---------|------------------------------------|---|-----------|
| P14000130 | 1/1/2014 07:47 | S27 | 505 1ST ST SW Apt. | F | |
| P14000245 | 1/1/2014 16:55 | S2 | 505 1ST ST SW Apt. | F | |
| P14000288 | 1/1/2014 19:06 | CRCOPPS | 505 1ST ST SW Apt. | F | |
| P14000441 | 1/2/2014 05:24 | SS | 505 1ST ST SW Apt. | Y | |
| P14000643 | 1/2/2014 13:54 | THEFT | 505 1ST ST SW Apt. | K | 201400087 |

Disposition Glossary:

| Disp. | Long Name |
|----------|------------------------------|
| A | UNABLE TO LOCATE |
| ASSNCASE | YES, CREATE A CASE NUMBER |
| D | UNFOUNDED |
| E | NO REPORT MADE |
| F | HANDLED BY OFFICER |
| G | PACKET/INFORMATION EXCHANGED |
| H | SUMMONS ISSUED |
| J | DISREGARD |
| K | REPORT MADE |
| L | ARREST MADE |
| M | EMS CALL |
| Y | DID NOT ADVISE |
| Z | OTHER |

Call Type Glossary:

| Call Type | Call Type Description |
|----------------|--|
| ACCPD | ACCIDENT PD |
| ACCPRT | ACCIDENT (REPORT ONLY) |
| ADMINIST | ADMIN DOCUMENT LOST OR FOUND MSG TRANSPORT |
| ANIMAL | ANIMAL PROBLEM |
| ASSAULT REPORT | ASSAULT REPORT |
| ASSTOTHE | ASSIST OTHER AGENCY |
| BURGLARY | BURGLARY HOME INVASION |
| CONTSUBS | CONTROLLED SUBSTANCE |
| CRCOPPS | CR COPS PROJECT |
| CRIMIS | CRIMINAL MISCHIEF REPORT |
| CRIMISIP | CRIMINAL MISCHIEF IN PROGRESS |

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 Tieb 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 2nd 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 process and next steps



Notice of Violation

22A Violation

[Name
Address
City, State Zip]

Reference Number:
This notice is given pursuant to Cedar Rapids Municipal Code sections 22A.06 and 22A.07.

You have been identified as the Property Owner of premises located at [Address of Nuisance Activity]. This property has been deemed a Nuisance Property within the meaning of Cedar Rapids Municipal Code section 22A.03 due to the following Founded Nuisance Activity(ies) which have occurred on or within 1000 feet of the property within a period of 12 consecutive months:

CRCO-2013-005774 [Date of Activity][Chapter 22A.03 Violation]
Example: 12/13/13 22A.03 a.1 Controlled Substance - Delivery

Cedar Rapids Municipal Code section 22A.04 prohibits the creation or maintenance of a Nuisance Property. That section also prohibits interference with or delay or hindrance of enforcement activity and retaliation against a tenant who complains about or otherwise notifies the City of an alleged violation of Chapter 22A.

Beginning on the 16th day following service of this Notice of Violation upon you, you will be charged for all Founded Calls for Service to the Property after that date; provided, however, that if you submit a Nuisance Property Abatement Plan, as described in section 22A.02, the undersigned Nuisance Property Abatement Coordinator may postpone by an additional 15 days the date after which Founded Calls for Service to the Property will be charged to you. In this regard, you may wish to refer to sections 22A.06(d), 22A.07(c), and 22A.08 of the Cedar Rapids Municipal Code.

As the Property Owner, you may seek administrative appeal and/or judicial review within 10 days of receiving the Notice of Violation of the NPAC's determinations that the Property is a Nuisance Property. Please refer to section 22A.11 and call 319-286-5720 for further information on the appeal process and official forms to request a hearing.

For additional information and/or a list of resources, please go to www.cedar-rapids.org/safecr. Please call 319-286-5720 to set up an appointment to provide a Nuisance Property Abatement Plan to the Nuisance Property Abatement Coordinator.

[Nuisance Property Abatement Coordinator]

Phone Number:
Email:

Cedar Rapids Police Department - Nuisance Property Abatement Office
505 1st Street S.W. - Cedar Rapids, IA 52404 - Phone (319) 286-5720 - FAX (319) 286-5830

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.

**CITY OF CEDAR RAPIDS, IOWA
REQUEST FOR HEARING REGARDING NUISANCE PROPERTY DESIGNATION
(CHAPTER 22A OF CEDAR RAPIDS MUNICIPAL CODE)**

Date of Request: _____
 Property Address: _____
 Name of Owner: _____
 Address of Owner: _____
 City: _____ State: _____ Zip: _____
 Phone #: _____
 Email address: _____
 Signature: _____

This form must be submitted in person or by mail to: _____ at _____ or via e-mail to _____.

****Note:** It is the sole responsibility of the Owner to provide accurate contact information with which Notice of Hearing will be served. Inaccurate or inadequate information may result in untimely notice of hearing dates and times. Scheduled hearings for which notice has been provided pursuant to this request shall not be delayed due to an Owner's failure to provide accurate contact information.

Please refer to Cedar Rapids Municipal Code Chapter 22A for further information

OFFICE USE ONLY:

Date and time request for hearing received: _____

Name of Person Receiving Request: _____

HEARING DATE and TIME: _____
LOCATION OF HEARING: _____

Means by which Notification of Hearing Date and Time Made: (certified mail, personal service/hand delivery, phone or other means): _____

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

Email: a.lorenz@cedar-rapids.org

Phone: 319-286-5720

www.cityofcr.com/safecr