



Join us as we share the impacts of this two-year program and provide an opportunity for the public to learn more about proposed revisions to Chapter 22A.



# Why SAFE-CR?

## The goal of the SAFE-CR Program is to:

- Discourage Nuisance Activity
- Ensure a higher quality of life for citizens
- Protect the quiet enjoyment of neighborhoods
- Provide efficient use of taxpayer funded services to citizens
- Ensure properties are well maintained
- Enhance customer service by providing citizens with one department to find information about Nuisance Properties

# Why SAFE-CR?

## SAFE-CR Community Partnership

SAFE-CR is a City-based initiative working in support of and side-by-side with other public/private community-improvement efforts addressing Nuisance issues on properties:



Cedar Rapids  
Neighborhood  
Associations

# How Does SAFE-CR Work?

**SAFE-CR applies to all properties, including:**

- Rental
- Owner-occupied
- Commercial
- Industrial

**SAFE-CR is a program which encompasses multiple City Departments, including:**

- Animal Control
- Building Services
- Fire
- Police
- Solid Waste
- Zoning

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# How Does SAFE-CR Work?

- **SAFE-CR was established by City Code Chapter 22A.**
- **Section 22A.03 defines Nuisance Activity, which is typically regarded as criminal conduct.**
- **SAFE-CR does not penalize victims of crime which includes victims of domestic abuse.**
- **Through partnerships with neighborhoods, realtors, social service agencies, and landlords SAFE-CR solves problems that affect the community.**
- **SAFE-CR partners with landlords by:**
  - Providing cost efficient background checks
  - Providing Landlord Training to all those who own or manage rental properties
  - Out of 3,053 registered landlords, only 53 have not taken the City-offered training course.

# Nuisance Activity Tiers

## Tier A

- One or more Founded Calls for Service have been made concerning these types of Nuisance Activities at or within 1,000 feet of the Property.
- Example: Meth lab

## Tier B

- Two or more Founded Calls for Service have been made concerning These types of Nuisance Activities at or within 1,000 feet of the Property.
- Example: Possession of a Controlled Substance

## Tier C

- Three or more Founded Calls for Service have been made concerning these types of Nuisance Activities at or within 1,000 feet of the Property.
- Example: Barking dog

## Tier D

- When any of the following occur upon the Property or within 1,000 feet of the Property within a twelve-month period.
- Example: Grass over twelve inches

# SAFE-CR Process

  **Nuisance Property Abatement Coordinator receives notification of the Call for Service;**

  **Nuisance Property Abatement Coordinator reviews all police supplements, call for service notes, applicable photos, etc.;**

  **Nuisance Property Abatement Coordinator follows up with police officer(s) on scene, complainant, or any other applicable person involved in the Call for Service;**

  **Nuisance Property Abatement Coordinator reviews previous Calls for Service to the property; and involvement from other City departments through the Land Management Software system.**

**If the Call for Service in question was initiated by a property owner or tenant of the property, the Nuisance Property Abatement Coordinator shall determine**

(a) whether the property owner or tenant knew or reasonably should have known the criminal activity in question was about to occur or was likely to occur at the property, and (b) whether the property owner or tenant reasonably could have taken steps in advance of the criminal activity to prevent it from occurring, but failed to do so.

If BOTH (a) and (b) are TRUE for either the property owner or the tenant (or both), the Call for Service will be deemed Founded Nuisance Activity and the Nuisance Property Abatement Coordinator will send appropriate notification to the property owner.

If BOTH (a) and (b) are NOT TRUE for either the property owner or the tenant, the Call for Service WILL NOT be deemed Founded Nuisance Activity by the Nuisance Property Abatement Coordinator.



  **If the property is designated as a Nuisance Property, the Nuisance Property Abatement Coordinator shall notify the property owner of the right to appeal that designation under Cedar Rapids Municipal Code section 22A.11.**

# Has SAFE-CR Been Successful?

## Since October 1, 2013

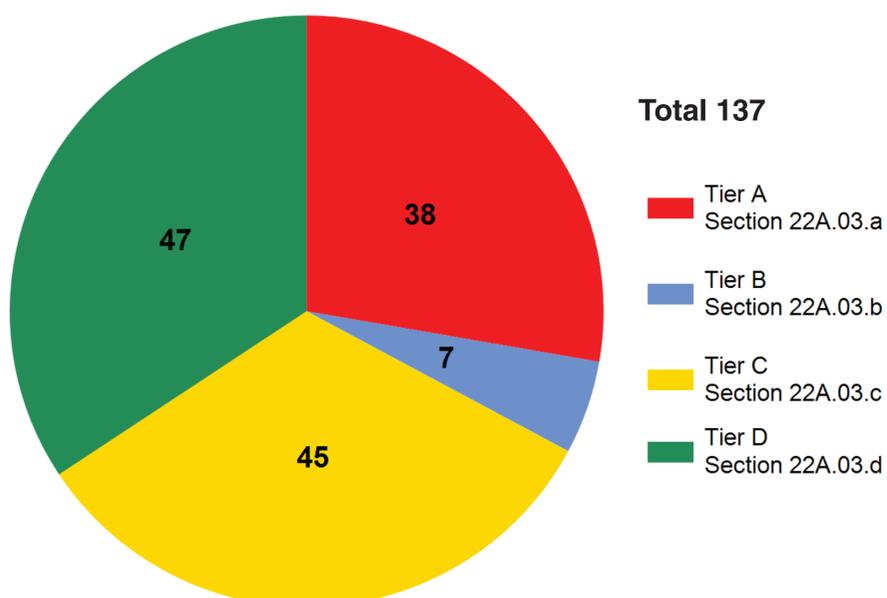
- There have been **2,436** Founded Calls for Service that have affected **1,760** properties
- **80%** of properties abated the nuisance, avoiding a Nuisance Property designation
- **348** properties have been designated Nuisance Properties
- **152** properties have been brought back into compliance
- **85%** of Nuisance Properties have not had additional Nuisance Activity since the original Nuisance designation

# Has SAFE-CR Been Successful?

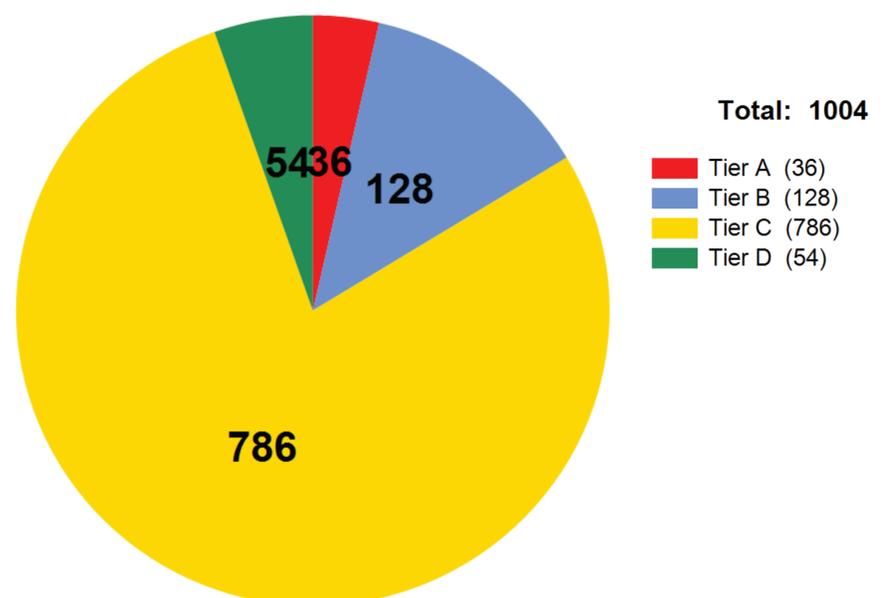
## Currently:

- **196** Properties are designated Nuisance Properties
  - 4 are commercial
  - 96 are owner-occupied
  - 96 are rental

**Nuisance Designation by Tier**



**Total Nuisance Activity by Tier**



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# SAFE-CR Focus Group

- The SAFE-CR Focus Group was established to ensure Chapter 22A does not penalize victims of crimes. The group has been meeting since June 2015.
- The goal of the group has been to clarify to residents of Cedar Rapids that Chapter 22A does not victimize victims of crimes and encourages citizens to call if emergency assistance is needed.
- There have been no incidents identified where a victim of a crime has been penalized by Chapter 22A.
- The proposed changes have been suggested by the SAFE-CR Focus Group and compiled by City Staff.

# Chapter 22A Proposed Changes

## 22A.01 - Statement of Public Policy

### CURRENT

### PROPOSED

### WHY IS THIS NEEDED?

The City of Cedar Rapids has an interest in ensuring a higher quality of life for its citizens, preserving property values and controlling the costs of taxpayer funded services such as police, fire and property code enforcement. In furtherance of that interest, the City seeks to ensure that properties within the City limits are well maintained and are not resorted to for purposes of unlawful conduct or conduct that disturbs the peaceable use of surrounding properties. Accordingly, it is the policy of the City that properties that are shown to be Nuisance Properties as defined by this Chapter shall be subject to the abatement process and charges set forth herein.

Added: The City also has an interest in encouraging individuals to contact police and fire for Emergency Assistance. Accordingly, it is the policy of the City that the provisions of this Chapter shall not apply to a call made for Emergency Assistance as defined by this Chapter.

Further, the City acknowledges that conduct within the scope of this Chapter may arise out of a mental health condition and that, accordingly, any documented mental health condition of which City Officials are made aware may be taken into account when applying the terms of this Chapter.

Based on feedback from community organizations such as Landlords, Realtors, Social Service Agencies, and Neighborhood Associations the City of Cedar Rapids has identified the need for clarification to the overall intent of Chapter 22A.

# Chapter 22A Proposed Changes

## 22A.02 - Definitions

### CURRENT

### PROPOSED

### WHY IS THIS NEEDED?

#### “Founded Nuisance Activity”

Founded Nuisance Activity means an incident or incidents of Nuisance Activity that 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.

#### “Founded Call for Service”

Founded Call for Service means any occasion on which a Call for Service results in a finding of probable cause to believe Nuisance Activity occurred on or within 1,000 feet of the Property to which the Call for Service was made. A Founded Call for Service shall not be applied if an Interested Party is the party who reported the criminal activity that resulted in the Call for Service to the City.

Proposed revisions show a clearer definition of what makes a Call for Service founded versus unfounded. Proposed definition encourages self-reporting.

# Chapter 22A Proposed Changes

## 22A.02 - Definitions

CURRENT	PROPOSED	WHY IS THIS NEEDED?
<p><b>“Call for Service”</b></p> <p>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.</p>	<p><b>“Call for Service”</b></p> <p>Call for Service means any occasion on which one or more members of any City Department go to a Property for purposes of investigating suspected Nuisance Activity. A Call for Service is not Founded unless it meets the definition herein of “Founded Call for Service”.</p>	<p>Revisions clarify the difference between “Call for Service” and “Founded Call for Service”.</p>
<p><b>“Property Owner”</b></p> <p>Property Owner means the legal title holder as shown by the records of the Linn County Auditor, unless there is a recorded contract for sale of the Property, in which case it means the contract purchaser.</p>	<p><b>“Property Owner”</b></p> <p>Property Owner means the owner of record address as shown on the City of Cedar Rapids Assessors website.</p>	<p>After discussions with the organizations they represent, the SAFE-CR Focus Group members found the proposed definition more clearly states who the property owner is as it relates to Chapter 22A.</p>

# Chapter 22A Proposed Changes

## 22A.02 - Definitions

CURRENT	PROPOSED	WHY IS THIS NEEDED?
<p>There is not a definition of Emergency Assistance.</p>	<p><b>“Emergency Assistance”</b> Emergency Assistance means immediate intervention by first responders in order to prevent or stop further damage to person or property.</p>	<p>Emergency Assistance was not originally defined in Chapter 22A. The SAFE-CR Focus Group felt it was important to add the definition as it is referenced within the proposed revisions to Chapter 22A.</p>

# Chapter 22A Proposed Changes

## 22A.03 - Nuisance Property

CURRENT	PROPOSED	WHY IS THIS NEEDED?
Riot as defined in Iowa Code Section 723.1 Tier B Nuisance Activity	Riot as defined in Iowa Code Section 723.1 Tier A Nuisance Activity	The SAFE-CR Focus Group identified this Nuisance Activity as a more serious offense.
Prostitution as defined in Iowa Code Chapter 725 Tier B Nuisance Activity	Prostitution as defined in Iowa Code Chapter 725 Tier A Nuisance Activity	The SAFE-CR Focus Group identified this Nuisance Activity as a more serious offense
Not currently in Chapter 22A	Misdemeanor gambling as defined in Iowa Code Tier B Nuisance Activity	Misdemeanor Gambling is not included in the current version of Chapter 22A.  The SAFE-CR Focus Group felt this was a Nuisance found throughout the City that needs to be addressed.

# Chapter 22A Proposed Changes

## 22A.03 - Nuisance Property

CURRENT	PROPOSED	WHY IS THIS NEEDED?
<p>A violation of Section 62.33 of the Cedar Rapids Municipal Code concerning Disorderly Houses</p> <p>Tier B Nuisance Activity</p>	<p>Engaging in conduct prohibited by Section 62.33 of the Cedar Rapids Municipal Code concerning Disorderly Houses and Wrongful Drinking Establishments</p> <p>Tier B Nuisance Activity</p>	<p>The proposed revisions add clarifying language for better understanding and application of Chapter 22A.</p>
<p>Not currently in Chapter 22A</p>	<p>Making, continuing or causing the making or continuance of a Noise Disturbance as limited by Municipal Code Section 56.02</p> <p>Tier C Nuisance Activity</p>	<p>The proposed revisions add clarifying language for better understanding and application of Chapter 22A.</p>

# Chapter 22A Proposed Changes

## 22A.03 - Nuisance Property

### CURRENT

### PROPOSED

### WHY IS THIS NEEDED?

The proposed language is not in Chapter 22A.

Notwithstanding the foregoing, Chapter 22A shall not apply to Calls for Service made by or on behalf of an individual in need of Emergency Assistance, provided the caller(s) has (have) a good faith belief in the need for Emergency Assistance and provided, further, such Emergency Assistance is in fact necessary to prevent or stop further damage to person or property.

Except where otherwise specified, the references in this section 22A.03 to provisions of the Iowa Code or the Cedar Rapids Municipal Code shall not be construed to mean that prosecution of the specific charge is required to proceed under this Chapter, nor shall it be construed to mean the Nuisance Activity must be proven beyond a reasonable doubt. Rather, in determining whether a Property is a Nuisance Property, the Nuisance Property Abatement Coordinator shall apply the criteria of this section using a preponderance of evidence as the standard of proof. Any determination pursuant to this section shall be subject to administrative appeal and/or Court review as set forth in this Chapter.

The proposed additions to Chapter 22A were recommended by the SAFE-CR Focus Group to ensure victims of crimes are not penalized for calling for assistance.

Additionally, the proposed language ensures anyone calling for Emergency Assistance will not be penalized.

# Chapter 22A Proposed Changes

## 22A.04 - Prohibitions

CURRENT	PROPOSED	WHY IS THIS NEEDED?
<p>The proposed language is not currently in Chapter 22A.</p>	<p>The termination of a lease agreement with a tenant or other retaliation against a tenant because the tenant called for Emergency Assistance for themselves or on behalf of a person in need of Emergency Assistance.</p>	<p>The proposed revisions protect victims from being evicted for calling the police for Emergency Assistance. The City of Cedar Rapids as well as the SAFE-CR Focus Group believe it is important for all citizens of Cedar Rapids to feel as if they are able to call for Emergency Assistance without penalty from the SAFE-CR Program.</p>

# Chapter 22A Proposed Changes

## 22A.06 - Finding of Violation; Nuisance Property Abatement Plan

### CURRENT

### PROPOSED

### WHY IS THIS NEEDED?

Upon a threshold determination by the NPAC that a Property meets the criteria of section 22A.03 herein, the City shall cause a Notice of Violation to be served upon the Property Owner in the manner provided by this Chapter.

The submission of a Nuisance Property Abatement Plan may be the basis for the NPAC, pursuant to section 22A.07, to postpone by 15 days the imposition of charges otherwise due under section 22A.08.

Upon a threshold determination by the NPAC that a Property meets the criteria of section 22A.03 herein, the City shall cause a Notice of Violation to be served upon the Property Owner in the manner provided by this Chapter. A courtesy copy of the Notice of Violation shall also be sent by regular mail to the occupant(s) of the Property in question at the address of the Property in question.

A statement that pursuant to section 22A.11 of this Chapter, an aggrieved party may seek administrative appeal of the NPAC's determination that the property is a Nuisance Property and the Notice of Violation and/or Court review as authorized by Iowa law.

The proposed revisions require a copy of the Notice of Violation to be sent to the Property designated a Nuisance Property in addition to the Property Owner.

The proposed revisions highlight the ability for an aggrieved party to appeal any decisions made by a Nuisance Property Abatement Coordinator.

# Chapter 22A Proposed Changes

## 22A.13 - Service of Notice

### CURRENT

### PROPOSED

### WHY IS THIS NEEDED?

Except where expressly provided otherwise, the Service of Notice required under this Chapter shall be deemed effective at such time as the Notice is:

- a.** Delivered personally to the Owner; or
- b.** Delivered personally to an individual residing at the same address as the Owner provided that said individual is at least 18 years of age;
- c.** Sent by certified or first-class mail addressed to the last known address of the Owner; or
- d.** Posted in a conspicuous place on the Property in question, but only in cases where the Notice is returned showing that the letter was not delivered.

Except where expressly provided otherwise, Notices required under this Chapter shall be served by one or more of the following methods:

- (1) Mailing by both regular mail and certified mail, as defined in Iowa Code Section 618.15 (2015), to the last known address of the Property Owner; (2) Hand delivery to the Property Owner; (3) Personal service on the Property Owner pursuant to Iowa Rule of Civil Procedure 1.305; or (4) Any other method of providing Notice which results in the Notice actually being received by the Property Owner.

Notice served by mail under this section is deemed complete 10 business days after the Notice is deposited in the mail and postmarked for delivery, whether or not the recipient signs for the Notice.

The proposed revisions allow for the Notice of Violation to be sent by certified mail and regular mail to ensure Property Owners receive notification stating the property is designated a Nuisance Property.



SECURE AND FRIENDLY ENVIRONMENTS in CEDAR RAPIDS

**Thank you for coming.**

**Please fill out  
a comment card.**

# Success Story

## 110 16th Street NE

- The Property located at 110 16th Street NE was quickly identified as a Nuisance Property due to excessive Calls for Service.
- The Property had 57 Founded Calls for Service from October 2013 - March 2014 and four units were designated Nuisance Properties.
- Today, all units in the Property are in compliance.

### BEFORE



### AFTER



# SAFE-CR Satisfaction



**“There is no way that we could have addressed this issue without the SAFE-CR initiative. We are grateful and are happy that the City of Cedar Rapids has given homeowners a means by which to protect their rights of enjoyment of one of their most precious possessions – their homes.”**

- Landlord, Mound View Neighborhood

**“Since the ordinance has passed in our City, we are beginning to see some positive changes in our community. Each citizen of our community is an active participant in making our community safe, our environment healthy, and our homes, whether rental property or owned, a place that allows us as citizens to feel protected.”**

- Willis Dady Shelter

**“I was glad to see the City adopt Chapter 22A, policies to address issues of ill-kept properties, noise, and their troublesome matters. I know you have responded to situations that I have called to attention. Noisy neighbors on our street have moderated their behavior because of the ordinance and encouragement from SAFE-CR.”**

- Resident, Wellington Heights Neighborhood

**“The Mound View Neighborhood Association appreciates the work of the Safe-CR staff and the Nuisance abatement efforts in the city. We have been able to build open lines of communication which have allowed us to work right alongside them, confident we will be heard and our concerns addressed. They exemplify; we are all in this together.”**

- Carol Sindelar, Mound View Neighborhood Association President

**“You [Nuisance Property Abatement coordinator] and Lt. McGarvey deserve a big pat on the back for listening and doing something that may now change this family’s life for the good.”**

- Linda Seger, Northwest Neighborhood

**“We have seen a great reduction in crime around the Mission of Hope due to the SAFE-CR Program. It would be a step backwards to remove SAFE-CR. This is a credible program...meeting the desired goal of accountability. SAFE-CR is a great blessing for neighborhoods.”**

- Martin Dwyer, Executive Director, Mission of Hope