



# Nuisance Abatement Program



ECIA can help clean up your community



Delhi property before and after

# See How ECIA Helped Other Communities

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A nuisance property creates serious problems for the community and headaches for the city officials who must deal with it. If left to deteriorate, these blighted properties become a chronic drain on time and resources for cities and counties. In 2019, ECIA launched a nuisance abatement program to assist cities and counties with their nuisance property enforcement and has had great success at an affordable cost.



**Hopkinton property before and after**



**Edgewood property before and after**

## Generally How it Works

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- Contract and scope of work executed between ECIA and the City
- ECIA staff drives around community, takes pictures, records addresses, and violations
- ECIA staff reviews information from the drive around with City Clerk or other staff
- ECIA staff sends City approved Tier letters to violators according to the attached price list
- ECIA tracks timelines outlined in letters and follows up accordingly

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**For program details, contact Marla Quinn, Grants and Municipal Coordinator at 563-690-5703**



# NUISANCE PROPERTY ENFORCEMENT PACKAGE PRICE LIST

A nuisance property creates serious problems for the community and headaches for the city officials who must deal with it. If left to deteriorate, these blighted properties become a chronic drain on time and resources for cities and counties. In 2019, ECIA launched a nuisance abatement program to assist cities and counties with their nuisance property enforcement. The list below outlines the available services under the program and the typical process. The City should have the following adopted ordinances: Nuisances, Penalty, and Property Maintenance (optional) as part of their City Code. ECIA can provide draft ordinances if the municipality does not have them adopted.

Item #	Item Name/Description	Price*
<b>Tier I</b>	<p><b>Informal Process – Minor Violations</b></p> <p>ECIA staff receives and reviews complaint from City; City or ECIA take photos of nuisances and ECIA develops file; ECIA writes letter and sends it via regular and certified mail, giving 30-day timeline (or other timeline determined by the City) to remedy violation; If property owner doesn't mitigate nuisance within the specified timeframe, ECIA may send a follow up letter after consulting with the City using the above method; <u>If nuisance is not abated after Tier I procedures are completed, then Cities may proceed to Tier II</u></p> <p><b>Estimate 2 hours staff time - \$194 total estimated cost</b></p>	\$97/hour
	<p><b>Administrative Process - Order to Abate Nuisance</b></p> <p>Section 364.12 Code of Iowa</p> <p>ECIA receives and reviews complaint from City; ECIA verifies violation with visual inspection of property or photos from City; City authorizes ECIA to issue Order to Abate via regular mail and certified mail, giving 10-day timeline to remedy nuisances. The letter contains the following as outlined in the City's code of ordinances: a description of what constitutes a nuisance, location of the nuisances, options to abate nuisances, reasonable timeline, statement on requesting a hearing before city council or designee; (ECIA may attend hearing), and pictures, when possible. ECIA reinspect to determine compliance; If not in compliance ECIA and City determine if it becomes a municipal infraction or City is to abate nuisance; If City abates nuisance(s), ECIA sends letter via Sherriff, or certified mail to property owner regarding date and time nuisance(s) will be abated; City bills property owner for abating nuisance(s); If owner does not pay, City to pursue further action. (Note: commercial inspection may take an additional 1-2 hours for inspection services depending on size of property). <u>Whether nuisance(s) is abated by the City or by the property owner, the owner shall be required to maintain the property throughout the duration of ownership.</u></p> <p><b>Estimate up to 3 hours staff time – 3 hours @ \$97 - \$291 total estimated cost</b></p>	\$97/hour
<b>Tier III</b>	<p><b>Municipal Infractions – Beyond Minor Violations</b></p> <p>Section 364.22 Code of Iowa</p> <p><u>Used if a property owner does not comply with Tier I or Tier II above.</u></p> <p>City authorizes City Attorney to issue a municipal infraction to property owner not in compliance; ECIA inspector to work with city attorney; ECIA staff and City follow-up after court proceedings based on outcome from court.</p>	\$97/hour





# NUISANCE PROPERTY ENFORCEMENT PACKAGE PRICE LIST

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Estimate up to 1 to 8 hours staff time – 1 to 8 hours @ \$97 = \$97 to \$776 total estimated cost

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## Award of Title to Abandoned Property

Section 657A Code of Iowa

City attorney file petition with court for title to abandoned (657A1) property and requests hearing no sooner than 60 days after filing petition; City and ECIA staff gather all necessary documentation and evidence for court including taxes and assessments, utilities owed, housing inspection, photos and videos, past efforts such as municipal infractions and abatements, efforts by City to maintain the grounds and remedy violations and any other pertinent evidence; ECIA inspector attends court hearing and city council meetings to update on progress. **This process can take up to 6 months to one year.**

Tier IV

\$97/hour

Estimate up to 6 hours staff time – 6 hours @ \$97 = \$582 total estimated cost

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## Condemnation & Acquisition of Title to Nuisance for Residential Property

Section 354.12A Code of Iowa

City attorney obtains administrative search warrant; ECIA inspector conducts investigation of nuisances with photos and videos of violations; ECIA staff and City attorney issue property owner municipal infraction and court order declaring infraction and nuisances; ECIA staff sends owner letter and notices via Sherriff, Clerk or certified mail; ECIA staff and City attorney develop resolution for City Council to declare property a public nuisance and that the City intends to dispose of it to private party for rehabilitation or for demolition; ECIA staff obtains appraisal; City attorney serves notice of condemnation to property owner and all lien holders; City attorney meets with compensation commission to determine fair market value.

Tier V

\$97/hour

Estimate up to 12 hours staff time – 12 hours @ \$97 = \$1,164 total estimated cost

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## Acquisition of Title through Tax Sale

Chapter 446 Code of Iowa

**Used when a property owner quits paying taxes and it is no longer feasible to remedy the nuisance conditions.**

City attorney notifies owner by certified mail intent to obtain property through a tax sale; ECIA staff gather evidence; City attorney negotiates on behalf of the city with the court to take possession of the property through an affidavit with the county recorder. **This process can take up to 18 months.**

Tier VI

\$97/hour

Estimate up to 6 hours staff time – 6 hours @ \$97 = \$582 total estimated cost

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## Nuisance Abatement Planning

**Used when a City would like to gather ideas and engage the community and other stakeholders to help build support in the City's nuisance abatement efforts for effective use of tax dollars.**

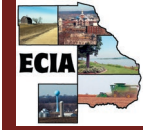
ECIA meets with City to determine goals; ECIA works with City to facilitate community engagement events; ECIA develops nuisance inventory and plan.

Tier VII

\$97/hour

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# NUISANCE PROPERTY ENFORCEMENT PACKAGE PRICE LIST

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Tasks may vary from City to City.

Estimate up to 12 hours staff time – 12 hours @ \$97 = \$1,164 total estimated cost

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**\*All pricing is based on each tier individually. Municipalities can contract with ECIA for one tier at a time or multiple tiers. Pricing is estimated and will be billed by the hour based on actual time. Estimates are based on residential properties. Commercial properties may involve more time.**

**\*\*Attorney fees are not included. Legal fees are the responsibility of the municipality and in addition to the ECIA hourly rates.**

**\*\*\*When cities are contemplating the 657A process for a property or need legal counsel on any of the tiers/actions outlined above, and are considering using an attorney other than their regular designated city attorney, whether it's because of a conflict of interest or for other reasons, other communities in the ECIA region and neighboring regions have experienced success contracting with:**

**Lynch Dallas, P.C.**

**526 Second Ave SE**

**Cedar Rapids, IA**

**1-877-966-9101**

**\*\*\*\*Disclaimer - ECIA cannot recommend or direct a community to a specific attorney or legal firm. It is entirely up to the municipality as to who they contract with. ECIA does not have a contract with Lynch Dallas or negotiated rates. Their information is being shared based on experiences and successes with other municipalities participating in the ECIA Nuisance Abatement program.**

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