



# Muscatine Nuisance Buildings Iowa Code 657A

Abandoned Residential Properties

# Methods to Remedy Nuisance Properties

- ▶ Building abatement
- ▶ Tax sale (Iowa Code Section 446.19)
- ▶ Municipal Infraction
- ▶ Iowa Code 657A

## Iowa Code 657A

- ▶ Provides a means for cities to take title to abandoned residential properties.

# Ideal Properties for 657A

- ▶ Residential Properties
- ▶ Abandoned and not occupied
- ▶ Delinquent property taxes
- ▶ Abandoned or disconnected utilities



# Determination of Abandonment

- ▶ Delinquent Taxes or Special Assessments
- ▶ Utilities currently being provided
- ▶ Building is unoccupied
- ▶ Building meets housing code for being fit for human habitation and occupancy
- ▶ Building exposed to the elements
- ▶ Building is boarded up
- ▶ Past efforts to rehabilitate the building
- ▶ Presence of vermin, debris, and uncut vegetation
- ▶ Past and current compliance with orders of housing official
- ▶ Other evidence court deems relevant

## Process: non-existent or non-cooperative property owner

- ▶ Evaluate posted, vacant and abandoned properties
- ▶ Information Gathering - Reach out to the property owner and discuss the building issues
- ▶ Give final notice to abate non-code compliant building issues
- ▶ Complete a lean search to determine all parties who have an interest in a property and compile all nuisance history.
- ▶ File petition to acquire title as provided by Iowa Code 657A
- ▶ Serve all parties who have an interest in the building and they have 20 days to respond.
- ▶ Request a hearing to determine judgement. Judge to order title to the City of Muscatine that the city can take to the county recorder to transfer the property.

\* This process is most likely used with a non-existent or non-cooperative property owner

# Process: Working with Property Owners

- ▶ Information Gathering - Reach out to the property owner and discuss the building issues
- ▶ Work with property owner to develop a plan to rehabilitate the property and to find resources.
- ▶ Give final notice to abate non-code compliant building issues
- ▶ 657A is not the best tool to use when a property is being kept
- ▶ Cite the property owner with a Municipal Infraction

# Disposing of Property

- ▶ The best means to dispose of the property is dependent on the property itself
  - ▶ RFP - Take proposals and award the property to the best proposal combining quality of project, public benefit and cash.
  - ▶ Closed bid - Award the property to the highest bidder
  - ▶ Auction - Hold a public auction at a city council meeting to dispose of the property
  - ▶ Sale at market rate - Place the property on the market for sale
  - ▶ Transfer or sale for public benefit - Sell or transfer the property to an entity who's goal is to benefit the community



# Municipal Infraction – Nuisance

- ▶ If property owner fails to abate the nuisance, the City can file civil citations against the property owner for a municipal infraction (maintaining a nuisance)
- ▶ Procedure:
  - ▶ Issue the citation
  - ▶ File with clerk
  - ▶ Tried as small claim
  - ▶ Request the property owner be ordered to take specific action to abate the nuisance

# General

- ▶ Good practice to Litigate as a last resort
- ▶ Use lesser steps first to gain voluntary compliance
- ▶ Magistrates are more sympathetic to cities who have tried other steps to correct problem
- ▶ Staff is looking for direction from City Council before moving forward more aggressively to abate nuisance properties.