

Senate Amendment 3109

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1 1 Amend Senate File 415 as follows:
1 2 #1. By striking everything after the enacting
1 3 clause and inserting the following:
1 4 <Section 1. PETITION BY CITY FOR TITLE TO
1 5 DISASTER=AFFECTED ABANDONED PROPERTY.
1 6 1. In lieu of the procedures in sections 657A.2
1 7 through 657A.10A, a city in which a disaster-affected
1 8 abandoned building is located may petition the court
1 9 to enter judgment awarding title to the
1 10 disaster-affected abandoned property to the city. For
1 11 the purposes of this section, "disaster-affected
1 12 abandoned building" means a building that is abandoned
1 13 as defined in section 657A.1, and the land the
1 14 building is located on, that was damaged by a disaster
1 15 as defined in section 29C.2 between May 1, 2008, and
1 16 September 1, 2008, that is located in an area for
1 17 which the governor proclaimed a state of disaster
1 18 emergency during 2008, that constitutes a public
1 19 nuisance, and that is not feasible to rehabilitate.
1 20 2. At least thirty days prior to filing a petition
1 21 for title to disaster-affected abandoned property
1 22 under this section, the city shall attempt to notify
1 23 the owner of the property of the city's intent to
1 24 acquire the property. The city shall mail the notice
1 25 by certified mail to the owner at the owner's last
1 26 known address, to any contract purchaser of record of
1 27 the property, to any tenant known to be occupying the
1 28 property, and to any record lienholder or encumbrancer
1 29 of the property at the lienholder's or encumbrancer's
1 30 last known address. The city shall also cause the
1 31 notice to be posted in a conspicuous place on the
1 32 building.
1 33 3. a. If more than one disaster-affected
1 34 abandoned building is located on a parcel of real
1 35 estate, the city may combine the actions into one
1 36 petition. The owner of the building and land,
1 37 mortgagees of record, lienholders or encumbrancers of
1 38 record, the county in which the property is located if
1 39 delinquent property taxes are owing, the holder of tax
1 40 sale certificates, and other known persons who hold an
1 41 interest in the property shall be named as respondents
1 42 on the petition.
1 43 b. The petition shall be filed in the district
1 44 court of the county in which the property is located.
1 45 A petition under this section shall be filed not later
1 46 than December 31, 2010. The action shall be in
1 47 equity.
1 48 4. a. Service on the owner and any other named
1 49 respondents shall be by certified mail. The petition
1 50 shall be mailed to each respondent at the respondent's
2 1 last known address as reflected in county records.
2 2 The city shall also cause the petition to be published
2 3 once in a newspaper of general circulation in the
2 4 county within ten days of the petition being filed.
2 5 Service of the petition shall be deemed complete on
2 6 the date of publication.
2 7 b. In lieu of mailing and publishing the petition,
2 8 the city may cause the petition to be served upon such
2 9 persons in the manner provided by the Iowa rules of
2 10 civil procedure for the personal service of original
2 11 notice.
2 12 c. In addition to notice provided under paragraph
2 13 "a" or paragraph "b", the city shall also cause notice
2 14 of the petition to be posted in a conspicuous place on
2 15 the building.
2 16 5. The city shall set forth in the petition all
2 17 public nuisance conditions existing on the property,
2 18 the fair market value of the property in the
2 19 property's condition existing on the date the petition
2 20 is filed as determined by an appraisal prepared for
2 21 the city, the amount of delinquent property taxes or
2 22 special assessments on the property, and evidence that
2 23 the city has attempted to provide notice under
2 24 subsection 2. A copy of the appraisal shall be

2 25 attached to the petition.
2 26 6. The city may request a hearing on the petition
2 27 not sooner than sixty days after the filing of the
2 28 petition. Notice of the hearing shall be provided to
2 29 all respondents in the manner provided in subsection
2 30 4. Notice of the hearing shall be given not less than
2 31 thirty days prior to the date of the hearing.
2 32 7. In determining whether a property is a
2 33 disaster-affected abandoned building, the court shall
2 34 consider the following for each building that is
2 35 located on the property and named in the petition and
2 36 the building grounds:
2 37 a. Whether any property taxes or special
2 38 assessments on the property were delinquent at the
2 39 time the petition was filed.
2 40 b. Whether any utilities are currently being
2 41 provided to the property.
2 42 c. Whether the building is unoccupied by the owner
2 43 or lessees or licensees of the owner.
2 44 d. Whether the building meets the city's housing
2 45 code for being fit for human habitation, occupancy, or
2 46 use.
2 47 e. Whether the building is exposed to the elements
2 48 such that deterioration of the building is occurring.
2 49 f. Whether the building is boarded up.
2 50 g. Past efforts to rehabilitate the building and
3 1 grounds.
3 2 h. The presence of vermin, accumulation of debris,
3 3 and uncut vegetation.
3 4 i. Other public nuisance conditions existing on
3 5 the property.
3 6 j. Past and current compliance with orders of the
3 7 local housing official.
3 8 k. Any other evidence the court deems relevant.
3 9 8. In lieu of the considerations in subsection 7,
3 10 if the city can establish to the court's satisfaction
3 11 that all parties with an interest in the property have
3 12 received proper notice and consented to the entry of
3 13 an order awarding title to the property to the city,
3 14 the court shall enter judgment against the respondents
3 15 granting the city title to the property.
3 16 9. If the court determines that the property is a
3 17 disaster-affected abandoned building or that
3 18 subsection 8 applies, the court shall enter judgment
3 19 awarding title to the city and shall determine an
3 20 award of damages pursuant to subsection 10. The title
3 21 awarded to the city shall be free and clear of any
3 22 claims, liens, or encumbrances held by the
3 23 respondents.
3 24 10. a. If the court awards title of the property
3 25 to the city, the court shall award to the respondents
3 26 the fair market value of the property and shall give
3 27 consideration to the value of the property in its
3 28 current condition.
3 29 b. The city may take possession of the property
3 30 upon deposit of the amount awarded with the clerk of
3 31 the district court. Notice of the deposit with the
3 32 clerk of the district court shall be provided to all
3 33 respondents in the manner provided in subsection 4.
3 34 If the amount deposited with the clerk of the district
3 35 court is not claimed within two years of the date of
3 36 deposit, the clerk of the district court shall
3 37 transfer the money to the city for deposit in the
3 38 general fund of the city.>
3 39 #2. Title page, lines 1 and 2, by striking the
3 40 word <abandoned property by cities> and inserting the
3 41 following: <disaster-affected abandoned property by
3 42 cities in certain years>.
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3 47 SF 415.201 83
3 48 md/sc/22025