CHARLOTTE

Charlotte City Council

Community Safety Committee

Meeting Summary for May 2, 2012

COMMITTEE AGENDA TOPICS

I. Subject: **Rental Property Ordinance**
Action: Approved a referral to the full Council.

II. Subject: **Next Meeting**
Tuesday, May 29, 2012 at noon in Room CH-14

COMMITTEE INFORMATION

Present: Patrick Cannon, Michael Barnes, Andy Dulin, and Beth Pickering
Absent: Clarie Fallon
Time: 12:05 pm – 1:15 pm

ATTACHMENTS

1. Agenda Package
2. Ordinance Amending Chapter 6 of the Charlotte City Code Entitled "Businesses and Trades."
3. Rental Registration Ordinance

DISCUSSION HIGHLIGHTS

Chairman Cannon called the meeting to order and asked everyone in the room to introduce themselves. He then turned it over to Assistant City Manager Eric Campbell.

I. Rental Property Ordinance

Mr. Campbell said this meeting is to continue discussion regarding the Rental Property Ordinance. We have provided you with the draft ordinance based on the last several meetings and we have red lines available as well (copy attached) to show the difference between the current ordinance and the proposal. Police Attorney Mark Newbold will walk you through those.

Mr. Newbold then read through and reviewed the comparison handout (copy attached). He discussed in detail the changes this ordinance would bring.

Cannon: We do know that we had members of the real estate industry meet with CMPD to see if there were any ways to come to a mutual ground as it relates to mandatory versus voluntary registration and it appears that I don't think any level of common ground was able to be reached. I think CMPD still contends that it is more comparable going with the full registration while the industry contends that they have a preference to have something that is only voluntary. That leaves the Committee to be able to make a decision about where it wants to go as it relates to this item and the recommendation to the full body. We have received an e-mail from the industry stating their position and I responded back to them, suggesting that it is my hope and desire that we will be able to flush a recommendation out of the Committee today to the members of Council and the Mayor for them to consider.

Barnes: Under the second bullet regarding free registration, would the second sentence cover most of the cost of the program?

Newbold: No

Barnes: How do we do a full cost of recovery or at least close to full cost recovery?

Newbold: We had talked before that it would be quite difficult to cover the cost of the program completely. I know that Captain Steve Willis has worked with the possibility of doing that, but they have never explained how much we would have to charge on that fee to be able to do that funding.

Willis: Right now a single family home pays $350 to register and it is a graduated scale from the 9 different categories of properties, based on the number of units. We are getting back about 1/3 of our cost right now so you would be looking at a significant individual property increase to be able to recoup 100% of it. As time moves forward, we should be able to recoup more.

Barnes: Have you all thought about a nominal fee of $5.00, or something like that, to give people some buy in?

Willis: I don't believe that the new state law will allow us to tag money to the registration component unless they fall into that 10% category which the state law permits. We can only charge on the registration side once they fall into the threshold.

Dulin: Do we have any possibilities of violating privacy laws by requiring business and personal addresses?

Newbold: The privacy has two components. One is a subjective expectation, which I think some people do have a subjective expectation with certain information even if it is held out to the public in some areas, should not be available in others. Then there is the legal concept, particularly you see it in criminal law where society also has to recognize that expectation privacy is something that is there. I think there will be some folks that feel this violates their

personal expectation privacy, but we don't believe there is a legal prohibition for doing it. It becomes more of a policy issue for folks to take a look at, but the reason that is in there is that somebody lives here and it is easier for us to get a hold of them. The reason that we want to get a hold of them is not to invade their privacy, but to tell them there are some problems on the property and you may be able to clear this up quickly rather than get a return mail back to us and going back and forth until we finally locate somebody. It is a policy issue and there are some concerns I'm sure will be registered, but I don't think there is a legal position in the sense that it holds the City for the liability.

Dulin: Under bullet 5, how easy is it for that property owner to enact this was no fault of my own clause?

Newbold: I think for those who abuse the process, that is the first thing they are going to do. They are going to say I didn't know anything about it, so we put that standard in and it has to be clear and convincing evidence. It is not just that you plead I didn't know. They are going to have to show something and a lot of our problems occur from lower level drug sales. This bullet is in place for the folks who register and are concerned that a real violent crime, such as a drive by, shows up on their property when they really had nothing to do with it. That is what this is in place for, to stop that. Don't punish me for what I don't know.

Willis: It is certainly our intent that if we are able to accomplish before registration that we are doing a better job of informing the owners of properties of those pre-cursor crimes that are occurring on the property so that they have the information up front to know that there has been assaults going on between the two tenants that are living in your property continually over periods of time and you need to hold them accountable for their lease and be able to address to those issues. If that falls on deaf ears and a homicide occurs, then that owner knows he or she could have or should have taken some action to help prevent that in the future. If it was just that Major Levins and I are roommates and we moved in together and a homicide occurs, and there is no pre-cursor crime, then those are the ones that we are going to take a really good look at and not penalize if the owner had done everything they were supposed to, like background checks, etc.

Levins: The worst thing that could happen is they pull that card one time.

Dulin: So they pull that card one time and staff enters that into a computer so the next time that address pops up, CMPD will see they have been there before. Is that correct?

Newbold: Yes sir.

Cannon: What about these hot spot areas where you have illegal drugs being sold. You have been doing all you can to try and build the area up, but say a drive-by occurs and somebody is shot. I might argue that the Department didn't do all that it could be doing to try to deal with those issues. That liability is falling on somebody else.

Newbold: Anybody that is called in to the initial meeting will have the opportunity to plead their case. What we have changed is they now have the opportunity to establish that they weren't at

fault. If there were six search warrants served on my property that I own and the notices were filed, that person would not have a good case to argue clear and convincing evidence. However, if I just purchased the property and I am truly the new owner, that is different.

Cannon: What about if the crime occurs in the vicinity of the property?

Willis: It's parcel specific so if something is occurring adjacent to my rental property I won't be held accountable for any of it unless it occurs specifically on my parcel of land. If it is a complex and there is a lot of activity going on within the complex it is the complex owner's responsibility. If it is a single family home, it is that single family homeowner's responsibility. If it is occurring next door to my rental property it is not going to be attributable to me because it belongs to that house next door. We painstakingly go through every one of those reports to insure that what we are enforcing belongs to the fiscal rental property that is falling under the confines of the ordinance.

Cannon: What happens if there is a row of homes on only one side of the street and on the other side of the street is a wooded lot and that is where people are hanging out and selling their drugs and an incident occurs, and there is a rental property on the other side of the street. Who is held accountable for that?

Willis: It wouldn't fall under the confines of this ordinance because that vacant property across the street would not be categorized for us as rental under the ordinance. It would be dealt with through the division.

Cannon: Would you log that physical address because that was the closest place of where this would have taken place?

Willis: It depends on what they provide when they call 911. If they call into 911 anonymously and say it is the property across the street, we would reference in the computer a call for service generated at the rental property. It is possible that that property would pop up on our list, but we are going to evaluate that list before we even send the first letter or make the first phone call to the property owner of that rental property and say everyone of these calls that we've read references that it is a problem across the street, and therefore we would refer it to the division and say you've got an obvious problem going on out here in this vacant lot, but we are not going to bring that rental property owner in and say your tenants are calling the Police too much. It really is centric to the rental property itself.

Barnes: What would be the steps in the misdemeanor fines?

Newbold: It is the same that we have for all of our fines - a $500 maximum.

Barnes: Is it up to the judge?

Newbold: Yes.
Barnes: I remember when we met upstairs with Mr. Padilla and others. I talked about, and I'm going back to the first couple bullet points, I talked about this idea of allowing there to be a one-

year grace period where the real estate folks would work with us to let rental property owners all over the City know that by July 1, 2013 they had to have their property registered. Did that go anywhere?

Willis: Yes, we came to the agreement internally, within CMPD, that 6 months I think would be acceptable to us and I think what we would ask the Council moving forward is that when we go to the approval phase, if Council would approve an amendment that it would become effective January 1, 2013 so that it stays within the calendar year, which is how we operate. In our quarters we look at it on a calendar year, not the fiscal year quarters. We would ask Council to look at it for January 1, 2013 which would give us immediately 6 months before it is even put into place.

Barnes: Mr. Padilla, will that work for you all?

Padilla: It works for me. Obviously, we'd rather have a voluntary program, but in the event that it is mandatory we'd love to have the time of one year you talked about to allow us to communicate that out to our members in the industry to let them know that this is coming and then allow that transition to happen.

Barnes: What I'm talking about is, we pass this in June or July and it is effective January 1, 2013, but we work between now and the end of this year to let your folks know this is coming and then for the first six months of next year you got to get registered folks. Come July 1, 2013 the hammer starts going down.

Padilla: We had rather see a voluntary program across the board, but if that were the way to go we would certainly appreciate that time to get our folks in line and make sure everyone is up to speed on it. One thing I noticed in the ordinance and as I understand it, the penalties fall in when you knowingly do not register, so I think that alleviates some of my concerns we talked about last time.

Barnes: What I'm suggesting is that as of January 1, or July 1, 2013, that the penalties on all would kick in. If you don't register every penalty that could kick in would kick in at that point.

Padilla: That is why I think a year process of phasing in is going to be very important. It is going to be a process of communicating. You guys talked about the utility bills and we will certainly get the word out, but there are going to be people who is going to take them that long to know that this is out there and we don't want somebody caught unaware and all of a sudden be in violation.

Cannon: You are really suggesting to this Committee that it will really take a full year to make sure folks in your industry are notified about what is coming? It will take a whole year for them to prepare to essentially go through the registration process?

Padilla: I think most people will know very quickly. We just want to have that period of time so if there are folks kind of in the outlier they won't be penalized. We have a reach that is quite broad, but a lot of people don't pay attention. They are non-members in the apartment

association or the realtors and they are just out there.

Cannon: And you can't help that. That is part of the problem with some of the percentages of those that are not doing what they should be doing anyway and fall in that top tier already. In some respects you are trying to protect, but those are the problem properties we are talking about and those are the people who won't get the message.

Barnes: What I'm sensing is that folks who are affiliated with Mr. Padilla, Ms. Barnhart and Mr. Szymanski are more likely to be aware of changes anyway. To be honest with you, I would make it effective July 1, 2012, but I'm trying to build this issue of compromise, etc. You've seen all these charts that we've had and there are people who are irresponsible and do not care about the impact that their tenants are having on their neighbors, and that really bothers me.

Padilla: We are not trying to defend that group. We just want to make sure that our members, and even folks who are not our members, but who we represent as part of our industry, are aware and have time to be in a mode where they register. Generally, that is why we like the voluntary program, but if it goes this way we would certainly appreciate any window we could be allowed to communicate that out.

Barnes: It would be a free mandatory process.

Cannon: Is there a suggestion on the timeframe of the window that the Committee would like to make a recommendation to the Mayor and Council?

Barnes: My recommendation to the Committee and to the full Council would be that the advertising period would occur between the time the Council passes any ordinance changes and January 1, 2013.

Cannon: Are you taking into consideration any hangnails that don't allow this to get to our agenda in the appropriate time? I don't know what the schedule looks like during the summer months for us.

Barnes: Well, we have to have a public hearing.

Campbell: I'm not sure that is required, it wasn't required for the last one.

Barnes: We meet three times in June so why can't we have it during the first business meeting in June?

Dulin: We vote in June and say January 1, 2013, but the time between June and January 1, 2013 we would send notices out to the rental property owners, currently REBIC would send notices to rental owners and say this has been tweaked some more, it is now mandatory if you own a rental property, single family or multifamily you must register your property with us now because the drop dead date on that is June 1, 2013. January 1 is when it starts and they have 6 months to get it done.

Barnes: No, they would get started with it January 1, 2013.

Dulin: Correct, but January 1 everybody wouldn't be registered so they would have to have some time to get registered or you want them registered before January 1?

Cannon: They would be made aware between the time the Council makes its decision and be looking to be registered by the end of December. That is a working period for all of that to take place.

Barnes: The City is not sending out notifications, I was talking about Channel 16, the website, utility bill inserts.

Campbell: It will be a communication plan.

Willis: Our plan is to whatever changes come across we would communicate with all the properties that we are aware of. All the properties that have popped up on our list, we would send a letter to them. In addition to that we've always had good success with water bills and we would be able to put it in the water bill, because generally the water bill is going to the owner and not the tenant. That is our intent and of course we will work with REBIC and whoever else to do whatever communication plans that we can in addition to meeting with our divisions and the leaderships within neighborhoods in the divisions and passing that information out and sharing the changes with them as we've always done.

Cannon: Do you have any idea about the number of properties that you have on file right now?

Willis: When we run the list every May we will have up to 600 properties that will pop on the list. Granted, we won't meet with all of them and some of them will fall off, but we assume at that point that they are rentals because the addresses are different. We would be sending those letters out to all of them that show up with the assumption that they are rentals.

Pickering: We are talking about a 6-month notification and registration period, so from January to July. You mentioned the hammer coming down July 1, 2013.

Barnes: No, strike that from earlier. It's January 1, 2013 is deadline.

Cannon: Let's discuss the letter we received from the Charlotte Housing Authority (CHA) (copy attached).

Campbell: This letter was actually received 30 minutes before the start of this meeting. After our last meeting we scheduled a meeting with the Housing Authority. One of the questions we had was how many Housing Authorities were involved in the rental property program around the country and we did some research and found that out of 10 cities only one city actually exempted Housing Authority properties from their rental property ordinance. That was the City of Houston. We scheduled a meeting with the Housing Authority representative and they had some concerns regarding the enforcement of the policy and the impact on the Housing Authority. One of their concerns was several public streets run through Housing Authority properties and if the

crimes occurred on the streets were those crimes then attributed to the Housing Authority. Another concern was the fact that the Housing Authority having its own policing initiatives would generate some initiatives that would require an arrest to occur and if they initiated those on their properties would those arrests be held against them when they were the ones who were initiating the issue on their property. One of the things we felt was that many of those issues could be handled administratively during the quarterly review process with CMPD. In the interim, we did receive the letter saying they had some concerns with the fines as well as some of things we just mentioned. We felt that many of their issues were valid and that they can be worked through on the administrative sense.

Barnes: From a Part 1 Crime stats perspective, how do we see Housing Authority properties measure up?

Willis: I would have to pull the numbers to look at them. Obviously there are Part 1 crimes that occur there and there are just as many of the disorder related calls for service and crimes that are occurring on other rental properties.

Barnes: Does CHA represent an outlier with respect to Part 1 crimes for calls for service?

Willis: It did in a couple projects yes.

Cannon: For the record we need to define what Part 1 crimes are.

Willis: Rape, robbery, homicide, larceny, arson, breaking and entering, sexual assault, generally your violent crimes and then those felony property crimes.

Barnes: The reason I asked that question is because I don't want us to punish people for calling in bad behavior by their neighbors. In other words, if you've got somebody who is at home all day long and happens to see what goes on on the street, we want that person to call. If the CHA has a police force that is actually out there looking for people for doing up to no good, calling 911 and getting CMPD help out there, I want to encourage that too. I also want the CHA to be accountable for the bad actors that may live on his property. While I agree that where you've got public streets going through a particular CHA project, I don't want them to be punished for something that just happens to occur on the street if it is not related to their property.

Willis: They are not, just like every other rental property, they are held accountable to the parcel of land that belongs to CHA or that partnership of CHA in the private entity. If it occurs on the sidewalk or the public street that crime is excluded in their count.

Cannon: Let's make sure we distinguish something as well. You have developments and you have some single family dwellings that are Section 8 properties. I just want to make sure we are talking about apples and oranges as it relates to the types of structures.

Barnes: I have an easier time dealing with Section 8 properties because of the fact that many of them are single-family homes. I think you can treat those just like any other single family house. I'm talking about Robinsdale.

Cannon: Mr. Preston do you want to give us a quick hit on the bullets that you all have some concerns about and the hope and the direction that you might want this Committee to detect?

Allison Preston: We have concerns with the fines coming in. CHA has 5 investigators and we monitor part 1 crimes. I'm one of the investigators. We've had a 22% reduction in crime.

Barnes: Is there a reduction because you put people out?

Preston: It is a combination of things like the relationship with CMPD and the staffing involved, we've increased surveillance cameras that the Response Area Commanders have access to, and we have the private security.

Cannon: Councilmember Barnes asked about a reduction in the number of people that you have actually taken out of public housing. Do you have some round number to show us?

Preston: We can track that information and provide it.

Barnes: Did that number go up as your crime numbers went down?

Preston: Yes.

Barnes: How much are the fines that CHA has paid?

Preston: About $6,000 or $7,000.

Willis: The vast majority of the properties are going to be in the $1,300 range per year because it is a large property. I think there are three properties that are roughly $1,300 a piece for one year.

Barnes: With respect to Delahey Courts, in addition to partnering with CMPD doing the stop and chats, knock and talks, whatever the term may be. With Delahey Counts, is it that you think in addition to the stop and chats, knock and talks, cameras and all those things that you need to put more people out?

Preston: If something occurs we are going to take action. Once we identify those residents that are creating the problems then we move forward to put them out.

Barnes: We almost need to have a specific discussion about your three properties because I'm sensitive to not killing your budget with $1,300 here and $1,300 there, but have a more refined discussion because, if for example, they provide us data that says in 2009 Delahey Courts was pretty quiet, but in 2010 it went up, 2011 it went down and heading back up in 2012. I want to figure out why that is happening. If it is because you refuse to evict the one bad actor, that is your problem. If it is because there are people coming from Dulin's neighborhood over to Delahey Courts causing problems, then that would be helpful to know.

Willis: The challenge we would have is that unless it is a documented resident or it is someone

that CHA is familiar with, we would have a hard time being able to say where that bad actor came from. We are trying to compare a rental property with CHA to a rental property non-CHA, apples to apples.

Cannon: Do we know why Houston eliminated its CHA?

Campbell: No, we don't know the specifics, but what we suspect it was the organizational structure of that government had something to do with it. Just to elaborate, CHA and CMPD have very strong relationships and that was one of the things that we felt with further discussion and administratively most of this could be handled, especially if we go to a quarterly review. That way it is not ending for a whole 12 months and as issues pop up with one of the properties it could be remedied if directed through CMPD with their quarterly meetings with CHA.

Cannon: Do you all have subcommittees of the Board?

Preston: Yes.

Cannon: Is there a public safety board?

Preston: It is Client Relations with 4 members.

Cannon: I'm asking that question largely in part because it may leave some room for I think more discussion between either that subcommittee or someone within the administration could be a part of that discussion with CMPD and talk about the administrative hurtles that are out there that we might be able to work through. Mr. Campbell, if you could delegate somebody to be a part of that that would be fine as well. What I don't want to do is continue to hold this up. We want to try to report this out, given how long it has been in Committee. I would like to us begin to make a recommendation to do something here today.

Dulin: What are the steps if we over correct going to mandatory registration?

Barnes: I would make a suggestion that this Committee receive a review of the performance of the ordinance in July 2013.

Cannon: Do you think that is enough time for a significant review? I would contest that it is not. I will ask Captain Willis for his perspective on that as well.

Willis: I would agree with you. We can certainly give you a data update on the first six months, but quite honestly with the way our judicial system operates, I may not be able to give you enough of a out come from the court side of it at that 6 months to say we've discovered a problem. We can certainly give you what we've dealt with this number of properties, we've registered this many, this many have appealed to court, etc.

Barnes: There may be no big issues and that is fine too, but I would rather know that at least in the first six months there is nothing happening bad as opposed to finding out there are a whole slew of challenges.

Cannon: Rather than having to come back for a meeting to say there is something or nothing. I would much prefer if we could at least get a letter or report back, just like we normally give reports out from the Manager's Office or the Police Chief's Office and just ask for that report. I want to be conscious of everybody's time.

Barnes: Fine – I will make a motion that we recommend to the full Council the proposed changes as indicated on the sheet of paper, which would also include a written report back from staff six months after implementation of the changes regarding the effectiveness of the changes and the performance of the changes, also would include a provision that between the date of passage by the full Council and the first day of January 2013 the City and private constituents, including REBIC and the Realtor's Association and the Charlotte Apartment Association would work to make their respective constituencies aware of the implementation and passage of the ordinance between the date of passage and the end of December 2012.

Cannon: Is there a piece relative to the Housing Authority?

Barnes: No carve outs for the Housing Authority and the current status quo would continue, which is they work with CMPD and CMPD works with them.

Newbold: I would like for the motion to cover the ordinance that we gave you and not just the sheet of paper.

Barnes: To further clarify my motion, my motion applied to the amending of Chapter 6 of the City Ordinance specifically with respect to Ordinance No. 4307.

Ms. Pickering seconded the motion.

Cannon: I have some misgivings about this from a perspective of having those that are doing the job right in the community, to have any requirement that has them to go through some administrative piece which isn't crazy, but I think I just want to highlight and say that for those that are doing it right, we appreciate you and hope that will continue to be the case going forward. I did have a conversation with REBIC because I went before their Board of Directors and one of the conversations happened to be centered around that sometimes we pass ordinances that are really for a small percentage but the whole is caught up in.

Barnes: I wanted to know from Mr. Newbold or Captain Willis the nature of the registration form. Is it a one pager?

Willis: We haven't made it that far yet. Our plan is that we will have some level of an on-line registration.

Barnes: To get to that issue and some concerns I think Mr. Padilla and his colleagues may have, I'm tempted to say that a registration form should be no more than one page. You need a name, personal address, business address. Do you need the legal description of the property or just the address?

Newbold: You could give the parcel description, single family. I think you could get it on one page without shrinking the font.

Willis: The only additional information I think the industry has asked for is that if it is a managed property that the owner have the opportunity to provide their manager's contact information as well, so if I live in Seattle and I contract with whoever to manage my properties that they are our legal contact within Charlotte to manage that property.

Cannon: It may be that we will have staff to work to help create that form.

Campbell: I'm just apprehensive about what would be included or not at this point.

Barnes: I have ideas about what should be in there, but I'm not trying to dictate that at this point, I'm just simply saying there should be minimal energy necessary to do that.

The vote was recorded as unanimous.

Meeting adjourned at 1:15 p.m.

Community Safety Committee

Wednesday, May 2, 2012; 12:00 – 1:30 pm

Room CH-14

Committee Members:	Patrick Cannon, Chair Beth Pickering, Vice Chair Michael Barnes Andy Dulin Claire Fallon
Staff Resource:	Eric D. Campbell

AGENDA

I. **Rental Property Ordinance**

Staff Resource: Stephen Willis

CMPD staff will continue discussions regarding suggested changes to the Rental Property Ordinance and respond to Committee questions from the previous meeting.

Attachment: 1. Draft Ordinance.doc

Attachment: Domestic Violence Advisory Board Annual Report – for information only

Next Meeting: Tuesday, May 29 at Noon in Room CH-14

Distribution:	Mayor/City Council Bob Hagemann Captain Willis	Curt Walton, City Manager Stephanie Kelly	Leadership Team Rodney Monroe

ORDINANCE NO. AMENDING CHAPTER 6

AN ORDINANCE AMENDING CHAPTER 6 OF THE CHARLOTTE CITY CODE ENTITLED "BUSINESSES AND TRADES."

WHEREAS, the City of Charlotte has a significant governmental interest in protecting the health, safety and welfare of the general public and preserving the public order; and

WHEREAS, G.S. 160A-174 allows a city by ordinance to define, prohibit, regulate or abate acts, omissions or conditions, detrimental to the health, safety or welfare of the public, and the peace and dignity of the city; and

WHEREAS, there are residential rental properties in the City of Charlotte that have become a haven for various criminal or disruptive activities that cause disorder in our community; and

WHEREAS, the City Council desires to minimize and control the adverse effects caused by illegal activities occurring on and in these properties and thereby protect the health, safety, and welfare of the citizens, preserve the quality of life and property values and the character of neighborhoods and businesses and deter the spread of urban blight; and

WHEREAS, the City Council recognizes that it is necessary for the City to apply its limited police and other municipal resources in accordance with the needs of the community at large and to adjust the application of those resources as necessary to address activity that is injurious to the health, safety and welfare of the public; and

WHEREAS, the City Council recognizes that deterring crime in residential rental properties is a dynamic partnership between police, property owners, property managers, residents and neighbors, each with responsibilities in cooperation with the other; and

WHEREAS, there is a significant and demonstrative need to implement a program designed to locate residential rental property owners and managers and to assist those who have experienced excessive levels of criminal activity and disorder; and

WHEREAS, the City Council desires to enact a remedial residential rental action program for residential rental property owners in order to implement recommended measures to curb excessive levels of criminal activity and disorder at rental properties; and

WHEREAS, the City Council finds that a residential rental property owner's failure or refusal to register its residential rental property and failure to complete the remedial action program when appropriate is injurious to the public's health, safety and welfare.

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Article XII of Chapter 6 of the Charlotte City Code entitled "Residential Rental Remedial Action Program" is amended in its entirety to read as follows:

"ARTICLE XII. Residential Rental Registration and Remedial Action Program.

Section 6-580. Purpose.

The purpose of this article is to establish a registration requirement for owners of Residential Rental Property so that the City may expeditiously identify and contact the Owner when excessive levels of Disorder Activity have occurred on or in the property. In addition, the City desires to establish a method to hold Owners of Residential Rental Property accountable for failing to use effective methods to reduce Disorder Activity on their property. It is not the intent of this article to determine the rights and liabilities of persons under agreements to which the City is not a party. This article shall not be construed to alter the terms of any lease or other agreement between a landlord and a tenant or others relating to property that is the subject of this Article; provided that no provision of any lease or other agreement shall be construed to excuse compliance with this article. Additionally, a violation of this article shall not in and of itself create a negligence per se standard or otherwise expand existing liability in tort for either a landlord or a tenant.

Section 6-581. Definitions.

The following words, terms and phrases when used in this article shall have the meaning ascribed to them in this Section, except where the context clearly indicates a different meaning:

Disorder Activity: Activity occurring on or in a Residential Rental Property categorized as either reported violent crimes, or certain types of disorder-related activities for police service as listed in the appendix of this ordinance entitled "Appendix A - Disorder Activity." A domestic violence call for service is not a Disorder Activity.

Disorder Activity Count: A calculation as set forth in the appendix of this ordinance entitled “Appendix B - Calculation” assigned to a Residential Rental Property that represents the amount of Disorder Activity occurring within a specified time period in or on the Property.

Disorder Risk Threshold: For each Residential Rental Property Category, the Disorder Activity Count for the Residential Rental Property that is at the 96th percentile of Residential Rental Properties within the Residential Rental Property Category.

In Need of Remedial Action: (INRA): A designation by the Police Official that a Residential Rental Property has been identified for enforcement action under this ordinance.

Manager: The person, persons or legal entity appointed or hired by the Owner to be responsible for the daily operation of the Residential Rental Property.

Owner: The person, persons or legal entity that holds legal title to a Residential Rental Property.

Police Official: A person designated by the Chief of Police who is primarily responsible for the administration of this Article.

Registered Agent: The person identified by the Owner of the Residential Rental Property in the registration filed pursuant to this Article who is authorized to receive legal process and/or notice required or provided for in this Article.

Remedial Action Plan: A written plan agreed upon and signed by both the Police Official and Owner whereby the Owner agrees to implement remedial measures on a Residential Rental Property whose Disorder Activity Count exceeds the Disorder Risk Threshold for its Residential Rental Property Category.

Remedial Measures: Mandatory and voluntary measures as stated within the Remedial Action Plan Manual, a copy of which is on file at the City Clerk's Office.

Residential Rental Property: Property that contains a single-family rental dwelling unit or multi-family rental dwelling units for use by residential tenants including but not limited to the following: mobile homes, mobile home spaces, town homes and condominium unit(s). A rental dwelling unit includes property that is provided to an individual or entity for residential purposes upon payment of rent or any other consideration in lieu of rent.

Residential Rental Property Category: Residential Rental Properties will be categorized by the number of residential units contained in the property as follows:

Category 1 -1 unit
Category 2 -2 to 9 units
Category 3 -10 to 49 units
Category 4 -50 to 99 units
Category 5 -100 to 149 units
Category 6 -150 to 199 units
Category 7 -200 to 249 units
Category 8 -250 to 299 units
Category 9 -300 or more units

Section 6-582. Registration of Residential Rental Property.

(a) Each Owner of Residential Rental Property shall register by providing the following information to the designated Police Official:

(1) The address(s) for the Residential Rental Property which shall include the street name(s), number(s) and zip code;

(2) The name(s), business and personal address, telephone number and e-mail address of the Owner;

a. If the property is owned by multiple natural persons, then the required information shall be that of one person who has legal authority to act on behalf of the other Owners.

b. If the property is owned by a corporation, whether foreign or domestic, then the required information shall be that of a Registered Agent and of an officer who has authority to act on behalf of the corporation.

c. If the property is owned by a partnership, then the required information shall be that of the managing partner and one alternate who have legal authority to act on behalf of the partnership.

d. If the property is owned by an unincorporated association or any other legal entity not mentioned above, then the required information shall be that of a person who has legal authority to act on behalf of that association or entity.

(3) The number of units located on the residential property.

(b) The address(s) required in subsection (a) (2) shall not be a public or private post office box or other similar address.

(c) An Owner that is required to register under this ordinance who sells the property shall notify the Police Official of all purchaser information within thirty (30) days from the date of change of ownership. Purchaser information shall include the name, address, phone number and e-mail address for the purchaser.

(d) An Owner that is required to register under this ordinance shall post proof of registration as provided by the City in the business office of the property or in a common area or other conspicuous place accessible at all times to the tenant(s).

(e) Each residential rental property parcel shall be registered separately.

Section 6-583 Disorder Risk Threshold and Disorder Activity Count.

The Police Official shall determine the Disorder Activity Count for each Residential Rental Property and the Disorder Risk Threshold for each Residential Rental Property Category on a quarterly calendar basis. These determinations shall be made using the Disorder Activity during the previous calendar quarter.

Section 6-584. Notification of Mandatory Meeting.

The Owner of Residential Rental Property that falls at or above the Disorder Risk Threshold shall be sent a notice no later than 15 days after the Disorder Risk Threshold is calculated for that quarter by certified mail to the name and address registered with the Department or if the property is not registered then to addresses listed at the Mecklenburg County's Office of Tax Assessor for that property.

(a) The notice shall include the following information:

(1) The date, time and location for the mandatory initial meeting between the Police Official and the Owner; and

(2) The Disorder Activity Count for the Residential Rental Property; and

(3) A statement that the Owner may provide additional evidence at the initial mandatory meeting to be considered by the Police Official; and

(4) A detailed summary of the Disorder Activity that has occurred on or in the property.

(5) The amount of the administrative fee.

Section 6-585. Mandatory Initial Meeting.

(a) A mandatory initial meeting shall be held between the owner and the Police Official within 15 days from the date the notice was sent to the Owner the property unless otherwise agreed by the Owner and Police Official. The notice shall be sent to the business or personal address listed on the registration. The initial meeting may be held in person or by telephone. In the event there are multiple property Owners, the Owner attending the initial meeting must have power of attorney to execute the remedial action plan on behalf of the other Owners.

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(b) At the mandatory initial meeting, the Police Official and the Owner shall, at a minimum, review the following:

(1) The data that established the Disorder Activity Count for that property;

(2) Any relevant evidence provided by the Owner that may establish that the property does not fall at or above the Disorder Risk Threshold;

(3) Whether or not the Owner knew or should have known that the Disorder Activity was occurring on the property.

(c) The Police Official may adjust the Disorder Activity Count upon a finding that there is clear and convincing evidence to do so. In the event that the adjusted Disorder Activity Count for the property falls at or above the Disorder Risk Threshold, then the property will be designated In Need of Remedial Action. (INRA) The Owner and Police Official shall develop and sign a Remedial Action Plan and the property will be set for a three month review date pursuant to section 6-586. In the event the adjusted Disorder Activity Count is below the Disorder Risk Threshold, then no further action shall be taken by the Police Official. No administrative fee shall be charged if the adjusted Disorder Activity Count is below the Disorder Risk Threshold. Any property that is required to pay an administrative fee shall do so within seven days after the conclusion of the mandatory meeting.

(d) In the event the Owner fails to attend the initial meeting without just cause, the Police Official shall review all the evidence concerning the property pursuant to Subsections (b) and (c) of this Section and determine whether the Disorder Risk Threshold is accurate and determine if further action is warranted.

Section 6-586. Remedial Action Plan and Review.

(a) At the first quarterly review, the Owner and Police Official shall review the Disorder Activity in or on the property since the date of the Remedial Action Plan and determine the Disorder Activity Count for the property during that time period. If the Disorder Activity Count is no longer at or above the Disorder Risk Threshold, then the designation of INRA will be removed and no further review requirements shall be required. Nothing in this section prohibits the owner and Police Official from voluntarily continuing the implementation of an agreed plan of action. If the Disorder Activity count continues to fall at or above the Disorder Risk Threshold, then the Owner and the Police Official may amend the Remedial Action Plan and a second quarterly month review date will be set.

(b) At the second quarterly month review, the Owner and Police Official shall review the Disorder Activity in or on the property since the date of the amended Remedial Action Plan and determine the Disorder Activity Count for the property during that time period. If the Disorder Activity Count is no longer at or above the Disorder Risk Threshold, then the designation of INRA will be removed and no further review requirements shall be required. Nothing in this section prohibits the Owner and Police Official from voluntarily continuing the implementation of an agreed plan of action. If the Disorder Activity Count continues to fall at or above the Disorder Risk Threshold, then the Police Official and the Owner shall amend and sign the Remedial Action Plan and a third quarterly month review date will be set.

(c) At the third quarterly month review, the Owner and Police Official shall review the Disorder Activity in or on the property since the date of the amended Remedial Action Plan and determine the Disorder Activity Count for the property during that time period. If the Disorder Activity Count is no longer at or above the Disorder Risk Threshold, the designation of INRA will be removed and no further review requirements shall be required. Nothing in this section prohibits the Owner and Police Official from voluntarily continuing the implementation of an agreed plan of action. If the Disorder Activity Count continues to fall at or above the Disorder Risk Threshold, then the Police Official shall determine whether the Owner has complied in good faith with the remedial action plans.

(1) In determining whether the Owner has acted in good faith, the Police Official shall weigh the following factors:

a. Whether the Owner has regularly met with the Police Official; and

b. Whether the Owner has exhausted all resources reasonably available to the Owner in order to comply with the terms of the Remedial Action Plans; and

c. Whether the Owner has intentionally ignored a term of a Remedial Action Plan; and

d. Whether the Disorder Activity on the property constitutes a public nuisance.

(2) If there is clear and convincing evidence that the Owner has been found to have acted in good faith, then the Police Official may remove the designation of INRA and continue to work with the Owner. A property that continues to fall at or above the Disorder Risk Threshold will be referred to the City Attorney's Office for a determination as to whether a public nuisance action or any other legal or equitable remedy is warranted.

(d) All Remedial Action Plans will be based on the procedures and

practices set forth in the CMPD *Remedial Action Plan Manual; A Guide to Managing Rental Properties to Prevent Crime*.

Section 6-587. INRA Designation Binding on Subsequent Owner.

The designation of a property as INRA and the application of the procedures set forth in this article shall be binding upon all subsequent Owners or other transferees of an ownership interest in the Rental Residential Property.

Section 6-588. Enforcement, Remedies and Penalties.

(a) The remedies provided herein are not exclusive and may be exercised singly, simultaneously, or cumulatively. In addition, the remedies provided herein may be combined with any other remedies authorized by law and exercised in any order. This ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

(b) It shall be unlawful for any Residential Rental Property Owner to knowingly fail to register Residential Rental Property as required by this ordinance.

(c) It shall be unlawful for any Residential Property Owner to provide materially false or misleading residential rental property registration information.

(d) It shall be unlawful for the owner of Residential Rental Property to fail to pay a Residential Rental Property administrative fee that is required under this ordinance.

(e) It shall be unlawful for any owner of Residential Rental Property to fail to attend the mandatory initial meeting or any other quarterly meeting after notice has been timely sent pursuant to Sec 6-585 of this ordinance.

(f) Notwithstanding that an Owner of rental registration property has been charged with a violation of this ordinance or the Owner has failed to attend the mandatory meeting as set forth in Section 6-585 of this ordinance, the owner shall not commit the following acts:

(1) Refuse or fail to comply with any order of the City to repair a dwelling pursuant to Section 11-38 of the Housing Code, or

(2) Terminate the utility services of any occupants or otherwise violate the rights of residential tenants under Article 2A, Article 5, or Article 6 Chapter 42 of the General Statutes.

Section 6-589. Adoption of Remedial Action Plan Manual.

The Remedial Action Plan Manual, a copy of which is on file in the Office of the City Clerk, is hereby adopted. The City Council hereby finds and determines the remediation strategies set out therein to be reasonable and appropriate to address the public

health, safety and welfare issues addressed by this article entitled the "*Remedial Action Plan Manual; a Guide to Managing Rental Properties to Prevent Crime.*" The Chief of Police or his designee is hereby authorized to amend the Remedial Action Plan Manual.

Section 2. This ordinance shall become effective January 1, 2013.

CHARLOTTE.

M E M O R A N D U M
FROM THE
OFFICE OF THE CITY CLERK

DATE: April 27, 2012
TO: Community Safety Committee Members
FROM: Stephanie C. Kelly, CMC, City Clerk
SUBJECT: **Attached Annual Report: Domestic Violence Advisory Board**

The attached report of the Domestic Violence Advisory Board is being sent to you pursuant to the Resolution related to Boards and Commissions adopted by City Council at the November 23, 2009 meeting. This resolution requires annual reports from City Council Boards and Commissions to be distributed by the City Clerk to both City Council and to the appropriate Committee for review.

If you have questions or comments for the board, please convey those to staff support for a response and/or follow-up.

Section 6. **REPORTS OF BOARDS, COMMITTEES, AND COMMISSIONS**

The City Council finds it appropriate to periodically review each standing board, committee, and commission to which they make appointments for the purpose of assessing whether said board, committee, or commission should be renewed, dismantled, expanded or its charge redefined. To this end, each board, committee, and commission that is part of the City, or that was established by the City Council, whether acting alone or in conjunction with one or more other local governments, is required to submit annual written reports that must contain in depth reviews of the body's activities, including goals, objectives, successes, problems, and/or the need for City Council assistance. These reports shall be submitted to the City Clerk and will be staggered through the year according to a schedule established by the City Clerk. The City Clerk shall then provide the Mayor and City Council with copies of the reports and refer the reports to the appropriate Council Committee for the Committee's information.

Boards, committees, and commissions that are not part of the City shall submit reports in accordance with the reporting requirements set forth in their contract, if any, with the City.

In addition to required written reports, the City Council may request on a case-by-case basis that an oral report be made to the Council.

MECKLENBURG COUNTY
DOMESTIC VIOLENCE ADVISORY BOARD

2011 ANNUAL REPORT

Mecklenburg County Board of Commissioners
And
Charlotte City Council

March 2012

Appointees:
Beverly Foster, Chair
LaMia Bowen, Vice Chair
Myna Advani
Patrick Burris
Bea Cote′
Jackie Dienemann
Joe Marinello
Elizabeth Thornton Trosch
Debra Wideman

New Appointee This Year
Shante' Cotton
Nicole Ivory
Vanessa Lane

Left the Board This Year
Marage Blakeney
Andrea Pettit
Julie Owens

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EXECUTIVE SUMMARY

Purpose of the Domestic Violence Advisory Board
In 1992, Charlotte-Mecklenburg County formed a citizen advisory commission entitled, Domestic Violence Advisory Board (**DVAB**), with members appointed by the Mayor, the City Council, and the Board of County Commissioners (**BOCC**) to address the systemic problems associated with domestic violence. This body is charged to review and evaluate Mecklenburg County and Charlotte domestic violence services; and to make appropriate recommendations to the Charlotte City Council and the BOCC for additional services for the victims of domestic violence. The DVAB also provides vigorous advocacy and works to increase public awareness of domestic violence within the community.

RECOMMENDATIONS

1. **Continue Domestic Violence Education, Prevention, and Services as a** safety priority for both city and county residents.

2. **Support a Supervised Visitation/Safe Exchange Center.** The need for this facility has been a priority recommendation by our Board since the 2006 report.

3. **Expand training for Police in assessing primary aggressors and add training in an evidence based Lethality Assessment as recommended by Fatality Review Team.**

4. **Utilize media technology to support access to a Magistrate in North Mecklenburg County.** This low cost alternative has been a priority for 3 years. It would not impact Magistrate numbers and would greatly increase the access for women in the North County.

5. **Continue funding the shelter hotel program and support the new shelter.** Until the new Clyde and Ethel Dickson Shelter for Battered Women is fully functional (late 2012 or early 2013), we need continued funding for the hotel shelter for women and families in imminent danger, when the current UFS shelter is full.

6. **BOCC/City Council work with CMS to develop partnerships for programs to increase awareness and services related to dating violence among elementary, middle, and high school students.**

7. **Support increased awareness of Human Trafficking and interventions in Charlotte/Mecklenburg County.** The problem of Human Trafficking, related to Charlotte being a major transportation hub for North Carolina and the Southeast, was highlighted last year. Develop collaborative programs between law enforcement, airport, hotel, transportation, healthcare, and domestic violence service providers, in order to identify and intervene with the victims.

I. INTRODUCTION

As the official Citizen Advisory Board on domestic violence issues, the Mecklenburg County Domestic Violence Board (DVAB) has been charged with reviewing and evaluating Charlotte and Mecklenburg County domestic violence services and making appropriate recommendations to the Charlotte City Council and Board of County Commissioners (BOCC) regarding the need for additional services for victims of domestic violence and their children. The DVAB was also entrusted with the task of providing vigorous advocacy for domestic violence victims and playing a role in increasing public awareness and education pertaining to the problems and related costs of domestic violence within the community.

The data reviewed in this report were collected through the City/County Domestic Violence Data Warehouse, the NC Council for Women/Domestic Violence Commission, the NC Coalition against Domestic Violence, and direct contact with multiple agencies. The DVAB also collaborates with local service providers and the Domestic Violence Advocacy Council (DVAC) to evaluate the City/County response to domestic violence, new initiatives underway, and service gaps that have been identified.

II. POSITIVE CHANGES TO IMPROVE THE COORDINATED COMMUNITY RESPONSE TO DOMESTIC VIOLENCE

A. New DV Advocate in North Mecklenburg County to assist with protection order applications - Although the telecommunication for Magistrate access in North Mecklenburg has not come to fruition, the towns of Huntersville, Davidson and Cornelius collaborated with **U**nited **F**amily **S**ervices and the county to hire a Full Time advocate that is co-located in the Northern Towns police stations. This person works with the Lake Norman office of UFS on referrals for counseling.

B. District Attorney makes DV court changes - The District Attorney has changed assignments for 7 attorneys from rotation positions to permanent positions and established a career path for promotion over time. ADA Jamie Adams was appointed to develop a new felony domestic violence team. Six assistant district attorneys work under her. These seven (7) attorneys also provided outreach education to the Mecklenburg County Bar, Probation, Charlotte-Mecklenburg Police Department (**CMPD**), and the Sheriff's office. The change should increase effectiveness of prosecutions due to a dedicated focus. Previously, DV court was staffed by newly hired attorneys with initial rotation to different assignments.

C. **Fatality Review Team – First Report being distributed widely.** After reviewing the cases of the 4 DV homicides in 2011, the Fatality Review Team recommended the following:

1) Increase training of Police to-
   - Do an evidence based lethality assessment (NCCADV has a model) and share the results with the victim and forward to the District Attorney as supporting documentation for prosecution
   - Better identify the primary abuser
2) Provide similar training for Magistrates and Judges
3) Have District Attorneys seek military records of offenders for evidence of DV in order to recommend batterer intervention programs upon conviction and also to reiterate that couple counseling is not appropriate.
4) Judges order community based and jail batterer intervention programs.
5) Supervised visitation and custody exchange center

D. New DV Shelter to open in late 2012/early 2013 - The Clyde and Ethel Dickson Shelter for Battered Women construction is underway by UFS. When completed, it will increase the 29 bed shelter to an 80 bed shelter for women and their children who are in imminent danger. The new shelter will also provide expanded services to include teenage son(s). The new shelter will provide continued support of women until they are self sufficient, removing the limit on the length of stay due to capacity constraints. Currently, the city/county serves approximately 70-75 women per night in the shelter and hotel rooms. The need for hotel shelter will be greatly decreased when the new shelter is fully operational. Continue ongoing support for the shelter.

III. DATA ON DOMESTIC VIOLENCE IN CHARLOTTE/MECKLENBURG COUNTY

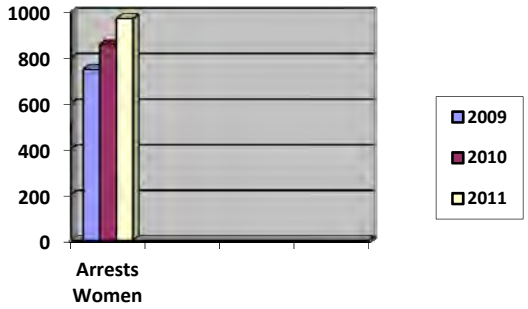
A. Criminal Justice Statistics

2011 Domestic Violence Related Homicides

Four of the seventy-three domestic violence-related homicides in North Carolina occurred in Mecklenburg County. One was a murder-suicide with an additional death (NCCADV). The state of North Carolina is ranked 4th nationally in the number of homicides by men against women based on 2008 statistics (Violence Policy Center, 2010). In 2010, there were eight domestic violence homicide related incidents in Mecklenburg County

2011 Charlotte-Mecklenburg Police Department (CMPD)

In 2011 CMPD responded to 36,020 Domestic Disturbance 911 calls that resulted in 3,914 adult arrests for DV. **This is 393 more calls and 53 more adult arrests than 2010.** The breakdown of DV arrests by gender is: 2943 men and 971 women.



This trend of increasing women arrested for DV is disturbing. No dual arrest data is available but the difference could be attributed to more dual arrests, indicating uncertainty in the identification of the primary aggressor.

Total offences with Domestic Related Victims with or without a call were 9,004 (one person may have multiple offences).

Fiscal year 2010-2011 - CMPD Criminal Incidence Reports in Selected Crime Categories; chosen by the DV Community Leadership Team as trend indicators for DV. Crime categories that increased are in bold. (Source DV Data Warehouse)

Selected Crime Categories of Offences with at least one domestic relationship listed	2006-2007	2007-2008	2008-2009	2009-2010	2010-2011
Homicide	12	13	16	13	5
Forcible Rape or attempt	86	69	88	66	**75**
Robbery or Burglary or attempted	62	51	60	54	**58**
Aggravated Assault	863	883	836	821	**866**
Kidnapping, Felonious restraint, false imprisonment	134	156	135	156	**168**
Sex Offences (forcible Sodomy, Forcible Fondling, sex with an object)	205	150	159	169	169
Non Aggravated Assault/Assault on a female/ strangulation	4661	4624	4751	4933	**5120**
Stalking and Stalking to cause fear	N/A	29	28	33	**47**
Intimidation/Communicating Threats	1111	1203	1280	1372	**1391**
Telephone threat/Harassing Phone Calls	47	464	602	670	**734**
Violation of Restraining Order	297	292	293	269	**371**
Total DV Offenses	7907	7934	8248	8556	**9004**

B. Local Universities

UNC- Charlotte is the largest university with 25,000 students and has the most students living on campus. The on campus police department reported 6 dating violence incidents with 4 resulting in arrests or warrants in 2011. Johnson C. Smith campus police had 12 plus 2 texting incidents of dating violence that resulted in a warrant or arrest. Queens and Johnson and Wales Security chose not to provide information this year. The switch in campuses with more incidents from last year may be due to more awareness events and more community policing approaches at JCSU. This led to more willingness of students to report incidents.

C. Civil Domestic Violence Protective Orders data through November

The Mecklenburg County Sheriff's Office (MCSO) received 3,302 domestic violence protective orders in 2011 (5.9% decrease) and allocated 6,971 man hours (9.3% increase) in **serving 2,940 perpetrators with the orders, increasing the percent served to 89%**. The MCSO seized 136 weapons (35% increase). They are to be commended for their diligence and commitment.

IV. Impact on Children and Families

A. Children's Services

There are two county supported providers of counseling and case management for child witnesses and children harmed by DV**: (**1**)** Area Mental Health Child Development-Community Policing program **(CD-CP) and (**2**)** Community Support Services/Women's Commission **(CSS/WOC).** DSS/YFS reviews referrals of DV- related Child Abuse, Neglect, and Dependency cases and provides appropriate follow up.

Department of Social Services/Youth and Family Services (DSS/YFS)

North Carolina Department of Health and Human Services revised its structured intake process. A Child Protective Services assessment is warranted anytime a child is present when violence occurs to evaluate the impact from exposure. In FY2010-2011, Mecklenburg County Department of Social Services (DSS/YFS) screened 2,211 referred cases (6% increase) for substantial allegations of abuse/neglect, and dependency caused by Domestic Violence. **In 197 cases with 471 children it was substantiated that domestic violence was the primary or contributing factor to** abuse/neglect, and dependency. **41** of these children were removed from their homes due to domestic violence.

Child Development/Community Policing

In 2011- 3,083 families were referred to **CD/CP program** by police officers for immediate treatment to minimize trauma and referred for follow up as deemed appropriate. Over 46% (1,449) of the clients were referred for domestic violence. **The percentage of these DV cases has increased for the last three consecutive years (41%, 43%, 44%, and 46%).** On an average, 82% of clinical referrals are also referred to Child Protective Services for abuse and neglect. The same percentage as last year, however, this program only has funding for seven of 13 patrol divisions of CMPD.

Community Support Services/Women's Commission

CSS/WOC provided therapeutic services to 493 children/teens who were witnesses of domestic violence, through the HERO program. **This is 3.8% increase** in service without any staffing increase. The Women's Commission recently received a very competitive two-year grant from the Office of Violence Against Women (OVW) to expand services to 2-4 years olds and their non-offending parents enrolled in HERO.

Services by Gender	Total
Females	244
Males	249
Totals	**493**

The breakdown of services provided to children during FY2010-2011 is as follows:

Services Provided	Total
AI or Intake Paperwork	541
Assessment	289
Case Management	3,783
Criminal Justice	16
Crisis Counseling	8
Follow-up	305
Group Therapy	936
Individual Therapy	923
Intake	344
Interpreting	60
Monitoring	88
Personal Advocacy	4
Termination	294
Transfer	57
Total Services for Active Clients	**7,646**

Information & Referral Total	1,441
Youthful Offender Jail initiative contacts	207
Crisis contacts	4
Total Services Children's Services (IR and Active Clients)	**8,884**

B. No Supervised Site Center for Child Visitation/Exchange

The need for this facility has been known since the 2006 report on DV in the county. There is no safe place with security to prevent DV incidents and "legal" kidnapping by abusers who have no restraining orders in place when visitation with or exchanges of children for custody visits occur. This is a barrier for many women to leave an abusive relationship. Many domestic violence acts occur during child exchanges, including "kidnapping" of children by the perpetrator, causing trauma for child and victim.

Mecklenburg County, along with community collaboration partners, has applied for a $400,000 grant through the Office of Violence against Women (**OVW**) to establish a Safe Haven center for supervised visitation and child custody exchange.

C. Charlotte-Mecklenburg Schools Violence

The youth risk behavior surveillance (YRBS) 2011 survey results are not yet available. Our concerns are:

1. The rate in Mecklenburg County is consistently high (approx. 1% higher than the national average – CDC, YBRS),
2. The vast increase in sex offenses by students peaked in the 9th grade (Consolidated Report 2009-10)
3. The recent research links bullying to middle school sexual harassment, forms of which include spreading of rumors, inappropriate comments, and pulling of clothing (Espelage, Basile & Hamburger 2012).

CMS also tracks violent acts in schools, excluding dating violence, since that happens primarily outside of schools. In 2011 there was a 29% increase - 1,545 reportable acts that included -0- rapes, 40 sexual assaults, and 13 sexual offenses. Of these, 30 were in middle schools (CMS Disciplinary Data Collection 2009-10). Many of the reportable acts could be due to dating violence. **The state mandated schools to focus on bullying this year, with dating violence seen as one type of bullying. These indicators urge more attention be given in the prevention of dating violence.**

V. SERVICES FOR DOMESTIC VIOLENCE ADULT VICTIMS IN MECKLENBURG COUNTY

In Mecklenburg County domestic violence services are provided by multiple public and private agencies that focus either on a specific population such as ethnic groups, faith groups, income level, or specific services such as shelter, court support for victims, counseling victims or counseling perpetrators.

A. Emergency Shelter

In FY2010-2011, United Family Services' (**UFS**) 29 bed Shelter for Battered Women served 274 women and 216 children. The maximum length of residency is 30 days (with some exceptions due to economic conditions). The average length of stay remained high at 26 days in 2011, primarily due to difficulty of victims locating work and adequate housing. This impacted access of other victims to the shelter. The new Clyde and Ethel Dickson Shelter for Battered Women with 80 beds will open late in 2012/early 2013 and will provide shelter for women and all their minor children (previously shelter was not provided for teen age boys). Also, the length of stay will not be limited due to capacity and will be based on need. County supplemental support for operations will still be needed.

Alternative shelters available for women in imminent danger include: The Center of Hope Salvation Army Shelter for women and children - 412 women cited domestic violence as the primary reason they were homeless in 2011. Homelessness was higher this year and the shelter was often over capacity.

For women experiencing primarily substance abuse, with domestic violence as an additional factor, the Doves Nest Shelter offered housing for women and their children. Dove's Nest is in the process of building a new facility adjacent to the Clyde and Ethel Dickson Shelter for Battered Women. Dove's Nest will increase their capacity from 13 beds to 90 beds with a maximum residency of 120 days. This certainly allows for a stronger collaboration between the facilities in addressing victim needs. .

Hope Haven also offers residency and addiction recovery treatment for up to 30 women and their families.

Hotel shelter was provided to 87 women and 157 children in 2011, when the UFS Shelter was at capacity and the women were found to be in imminent danger. The Hotel shelter program is funded by BOCC, in partnership with United Family Services and the Community Support Services of the Women's Commission. UFS provides motel/food/transportation and CSS/WOC provides counseling/case management through a full-time counselor.

Women not in imminent danger worked with social workers to find shelter through local churches, families and the surrounding county shelters to keep women from returning home to dangerous conditions.

B. Court Accompaniment and Assistance with DV Protective Orders for Victims

During FY 2010- 2011 United Family Services (UFS) Victim Assistance accompanied 4,263 victims to civil court, criminal court or felony court. 1,225 victims received assistance at UFS offices applying for a DV Protective Order. Services provided at the Magistrate's Office were discontinued in 2009 with the loss of state funding for a Victim Advocate.

C. Legal Services to Victims

Legal services are provided at no or low cost for victims of domestic violence by two private organizations: Legal Aid of North Carolina and Legal Services of the Southern Piedmont. Legal Aid of North Carolina in 2011 provided legal assistance to **405** victims including 332 DV cases, 14 custody cases, and 75 immigration cases (some had multiple cases). Legal Aid of North Carolina only provides services in English. Legal Services for Southern Piedmont provides free services with one counselor available for Spanish speaking, low-income women. The Legal Services for Southern Piedmont has a long waiting list.

UFS' Legal representation project supported a full time attorney in 2011. The attorney's main responsibilities included recruiting and coordinating volunteer pro-bono attorneys, supervising law interns, and representing victims in court when other legal assistance could not be obtained. In **FY2010-2011, 280 women and children were provided pro-bono legal services** for DV issues, custody, financial child support, divorce, and restraining order hearings. This is an increase, from FY2010, of 58 clients, a result of the attorney's work to recruit more pro bono participation from the legal community. The attorney provided legal services to an **additional 325 DV clients** with a funded Charlotte Law School Fellow. The legal/victim assistance hotline received 3,982 calls for information.

D. Counseling for Adult Victims of Domestic Violence

County supported counseling services to victims of domestic violence are provided by two entities in our community: Community Support Services/Women's Commission (**CSS/WOC**) and United Family Services (**UFS**).

1. In FY 2010-2011, UFS provided counseling or support, through collaboration with the Lake Norman office, to **196** female victims.

2. UFS provided domestic violence education in English and Spanish, crisis counseling and case management to **1,481** female Mecklenburg County inmates.

3. Community Support Services/Women's Commission provided domestic violence counseling to 1,106 women, 9 men, and 1 gender not recorded, totaling **1,116** victims. This number includes 87 women either in the hotel shelter and the

4. Carolinas Medical Center-Main has the ONLY Hospital DV response program with a dedicated social worker and 24/7 volunteers in the Charlotte/Mecklenburg area. CMC Main provided **249** victims with full case service counseling. An additional **300** victims received information or referral.

5. The UFS Domestic Violence hotline is available 24 hours/7 days weekly. The DV hotline assisted with **5,230** calls. There is also a Victim Assistance/ Legal Aid Hotline for Protection Orders that received **3,982** calls. The Rape Crisis hotline received **386** calls. There are 3 different hotline numbers in Mecklenburg County for DV, rape and legal/victim services. Broadened awareness of all three hotline numbers is needed.

E. Perpetrator Services

Two organizations provide state certified batterer intervention treatment in Mecklenburg County. They are: New Options for Violent Actions (**NOVA**) and BE THERE/IMPACT.

NOVA is a batterer intervention program operated by Community Support Services/Women's Commission. In FY 2010-2011, **787** clients enrolled (up from 700 in FY 2009-2010). **549** were new clients. **190** completed the 26 week program. There are 15 men's groups; 1 women's group in English; and 1 women's group in Spanish. The new indigent community service payment option for men on probation began. 24 men qualified for the community service payment option and chose this option. **NOVA** received a National Association of Counties award for the innovative community service payment option in 2011.

The **BE THERE/IMPACT** group (a new service established in 2007) served **32** new clients in the accountability group with 18 completing and 19 terminated in 2011.

Barriers to participation and completion include:

1. **Cost of $16 per week** that resulted in some men referred by the courts not reporting and some men choosing jail over the program.
2. The **courts do not send information on referrals to** the **programs** (NOVA or BE THERE), it is sent to probation officers.
3. **No longer have DV specialty probation officers** and a reduced overall number of officers, oversight has diminished.

The organization has found that the needs of those with mental illnesses, with multiple domestic violence convictions or with abusing children differ greatly from first time offenders. **BE THERE/IMPACT** feels there is a substantial need for more targeted programming which **BE THERE/IMPACT** is willing to provide.

Fatality Review Team –recommended the following:

1. Increase training of Police to-
   a) Do an evidence- based lethality assessment. The North Carolina Coalition Against Domestic Violence (**NCCADV**) has a model. Results of the assessment would be shared with the victim, as well as be forwarded to the District Attorney as supporting documentation for prosecution
   b) Better identify the primary abuser
2. Provide similar training for Magistrates and Judges
3. Have District Attorneys seek military records of offenders for evidence of DV in order to recommend batterer intervention programs upon conviction and also to reiterate that couple counseling is not appropriate.
4. Have Judges order community based and jail batterer intervention programs.
5. Establish a supervised visitation and custody exchange center

VI. Advocacy and Public Awareness

A. Collaborative Partners

1. DV Speakers Bureau provided 210 speakers for corporate, civic, non-profit, and faith based events. Number of audience members reached for 2011 was **9,917**.

2. Domestic Violence Advocacy Council: currently have over 139 members on their email list. The council meets monthly for Lunch and Learn, with an average participation of 12-15. Speakers and DV topics vary. This council sponsors a DV March after each DV homicide, holds an annual DV Violence Candlelight Vigil for all victims in October, and the tree lightning for DV awareness at the Police station in December.

3. Men for Change committee of UFS offer educational events for men and fundraising events. Next Breakfast fundraiser is May 31, 2012.

4. Tony Porter, co-founder of "A Call to Men", which is a leading national men's organization addressing domestic and sexual violence prevention and the promotion of healthy manhood. Mr. Porter is a Charlotte resident, actively involved with the Charlotte/Mecklenburg Community. On March 8-9, 2012, in Greensboro, NC, he held a conference called "Encouraging Peace through Empowering Manhood". He also provided a free workshop on March 19, 2012, at the Fire and Police Academy, Charlotte, NC on "Prevention of Men's Violence Against Women". **BE THERE/IMPACT** was the sponsor.

5. In June 2011, The Charlotte Alumnae Chapter of Delta Sigma Theta Sorority, Incorporated, through the Social Action Committee, presented **TERROR AT HOME**: A Domestic Violence Documentary, held for the Charlotte

community. The panel included police officers, victims of domestic violence, DAs, and service providers. The discussion was a platform to address DV issues, and to empower individuals to advocate for policy changes. Our own Vice-Chair, **LiMia Bowen**, served as the moderator for this event.

6. The Domestic Violence Leadership Team, in support of its goal of building a community that does not tolerate domestic violence, participated in the Fatality Review Team with staff time, resources and involvement despite overall reduced resources. The team also provided data for the Domestic Violence Data Warehouse update.

7. Amy Stewart – The Love Project: Beautiful from the Inside Out: A grant funded project for survivors includes both discussion and a photograph exhibit of the survivors with personal reflections and videos on love and respect. Participants receive a framed copy of their photograph

8. Dr Shanti Kulkarni provides her video "My Next Girlfriend" to Charlotte-Mecklenburg County schools and the community. She talks on DV education and research surrounding Teen Dating Violence. Dr. Kulkarni has established a Teen/Young Adult Speaker Bureau, called "***LOVE SPEAKS OUT***", as well. There is NO CHARGE for this service

B. Faith-Based Partners

1. Beauty for Ashes Ministry: The organization helped establish 3 other DV ministries/faith based organizations; started "Restroom Rescue"-awareness posters in community agency restrooms, held the 1st statewide DV conference in 2010, and offer**s** spiritual support/counseling to victims who are leaving or have left abusive relationships.

2. Katherine DeLoach Lewis: launched an initiative called the "Continuum of Christian Care to Help Adult Victims of DV", using an assessment tool model called B.E.S.T. (Body, Emotions, Spirit, and Thought); has presented to over 25 different audiences.

VII. Recommendations

1. **Continue Domestic Violence Education, Prevention, and Services as** safety priorities for both city and county residents.

2. **Support Mecklenburg County, United Family Services, and community collaborative partners in their grant application request for a Supervised Visitation/Safe Exchange Center.** The need for this facility has been a

priority recommendation by our Board since the 2006 report on DV in the county.

With this Office of Violence Against Women (OVW) grant, we can establish a Supervised Child Visitation/Safe Exchange Center that can be the model for our State **AND** protect our children and families.

3. **Expand training for Police in assessing primary aggressors and add training in an evidence based Lethality Assessment as recommended by Fatality Review Team.**

   We continue to be concerned with the rise in women being arrested for DV over the last two years. Police are only required to be trained in DV assessment and intervention during education in the Academy. Training is needed while employed both to re-enforce what was learned about identifying the primary aggressor as "theory" and to gain additional skills in lethality assessment so that can be used in prosecution.

4. **Utilize media technology to support access to a Magistrate in North Mecklenburg County.** This low cost alternative has been a priority for 3 years. It would not impact Magistrate numbers and would greatly increase the access for women in the North County. The travel barrier now prevents many who do not have private transportation to apply for needed protection orders. The presence of a new advocate serving North Mecklenburg could provide the needed assistance for applications.

5. **Continue funding the shelter hotel program and support the new shelter.** Until the new Clyde and Ethel Dickson Shelter for Battered Women is fully functional (late 2012 or early 2013), we need continued funding for the hotel shelter for women and families in imminent danger, when the current UFS shelter is full. The hotel shelter program is a collaboration of Community Support Services/Women's Commission and United Family Services. There continues to be a major need for shelter and sanctuary when the current UFS Shelter for battered women is full.

6. **BOCC/City Council work with CMS to develop partnerships for programs to increase awareness and services related to dating violence among elementary, middle, and high school students.** We must significantly enhance DV training in schools, beginning as early possible, to eliminate abusive behaviors.

7. **Support increased awareness of Human Trafficking and interventions in Charlotte/Mecklenburg County.** Victims vulnerable to traffickers include homeless individuals, runaway teens, displaced homemakers, refugees, job seekers, tourists, kidnap victims and drug addicts. While it may seem like

trafficked people are the most vulnerable and powerless minorities in a region, victims are consistently exploited from any ethnic and social background

The problem of Human Trafficking, related to Charlotte being a major transportation hub for North Carolina and the Southeast, was highlighted last year. Development of collaborative programs between police, airport, hotel, transportation, healthcare and DV service providers, in order to identify and intervene with the victims, needs to continue.

VIII. Conclusion

In conclusion, the city and county have supported the strategies to end domestic violence in the 2006 report commissioned by the BOCC, such as our new Battered Women's Shelter, the Fatality Review Team, the Human Trafficking Task Force Response team and the continued funding of the DV Data Warehouse.

We thank the City Council and Board of County Commissioners for these efforts. This year's recommendations set our top 3 priorities as **(1)** continuing to eradicate Domestic Violence through education, prevention, and services; (**2**) support of a safe haven for child visitation and exchange, and (**3**) expansion of Domestic Violence training program to Law Enforcement, for both new and seasoned officers.

We ask that you are very thoughtful and give careful consideration to all the recommendations. Moving forward on these recommendations will continue the progress we have made. Moving forward on these recommendations will help make Charlotte and Mecklenburg County, as a whole, a safer place to live and work.

Respectfully submitted,

Domestic Violence Advisory Board
Beverly Foster - Chair

Rental Registration Ordinance

Comparison between current and proposed ordinance

Current Ordinance	Proposed Ordinance
• Registration required when disorder activity reaches a certain threshold.	• Every Residential Rental Property Owner must register.
• Registration fee attaches when property falls within threshold.	• Registration is free. Owner of property must pay an administrative fee if property falls within the threshold.
• Registration requires the owner's business or personal address.	• Registration requires the owner's business and personal address.
• Disorder Activity Count is calculated on a yearly basis.	• Disorder Activity Count will be calculated on a quarterly basis.
• At the initial mandatory meeting Police Official must review the Disorder Activity Count and other evidence that might establish that the property does not fall at or above the Disorder Risk Threshold.	• The Police Official must also consider whether the Owner knew or should have known that Disorder Activity was occurring on the property. Police Official may adjust Disorder Activity Count upon a finding that there is clear and convincing evidence to do so.
• Provided a process to revoke rental registration and prevent the owner from renting the property.	• Process to revoke registration is removed.
• Owner could appeal revocation to the Residential Rental Property Review Board.	• Appeal process removed. Any violation of the ordinance will be a misdemeanor. Section establishing Residential Rental Property Review Board removed.

ORDINANCE NO. 4307 AMENDING CHAPTER 6

AN ORDINANCE AMENDING CHAPTER 6 OF THE CHARLOTTE CITY CODE ENTITLED "BUSINESSES AND TRADES"

WHEREAS, the City of Charlotte has a significant governmental interest in protecting the health, safety, and welfare of the general public and preserving the public order; and

WHEREAS, G.S. 160A-174 allows a city by ordinance to define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of the public, and the peace and dignity of the city; and

WHEREAS, there are residential rental properties in the City of Charlotte that have become a haven for various criminal or disruptive activities that cause disorder in our community; and

WHEREAS, the City Council desires to minimize and control the adverse effects caused by illegal activities occurring on and in these properties and thereby protect the health, safety, and welfare of the citizens, preserve the quality of life and property values and the character of neighborhoods and businesses, and deter the spread of urban blight; and

WHEREAS, the City Council recognizes that it is necessary for the City to apply its limited police and other municipal resources in accordance with the needs of the community at large, and to adjust the application of those resources as necessary to address activity that is injurious to the health, safety and welfare of the public; and

WHEREAS, the City Council recognizes that deterring crime in residential rental properties is a dynamic partnership between police, property owners, property managers, residents, and neighbors, each with responsibilities in cooperation with the other; and

~~**WHEREAS**, the City Council desires to implement a registration requirement for those residential rental property owners whose rental property has an unacceptable level of disorder activity occurring on or in the property; and~~

WHEREAS, there is a significant and demonstrative need to implement a program designed to locate residential rental property owners and to assist residential rental those who ~~property owners and managers who~~ have experienced excessive levels of criminal activity and disorder; and
~~have experienced excessive levels of criminal activity and disorder; and~~

WHEREAS, the City Council desires to enact a remedial residential rental action program for residential rental property owners in order to implement recommended measures to curb excessive levels of criminal activity and disorder at rental properties; and

WHEREAS, the City Council, finds that a residential rental property owner's failure or refusal to register its residentjial rental property and failure to ~~successfully~~ complete the remedial action program is injurious to the public's health, safety and welfare.

~~injurious to the public's health, safety and welfare.~~

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina, that:

Section 1. Chapter 6 "Businesses and Trades" of the Charlotte City Code is amended by creating Article XII entitled "Residential Rental Remedial Action Program", to read as follows:

"ARTICLE XII. Residential Rental Registration and Remedial Action Program.

Section 6-580. Purpose.

The purpose of this article is to establish a registration requirement for owners~~that Owners of~~ of Residential Rental Property so that the City may expeditiously identify and contact the Owner when excessive levels of Disorder Activity have occurred on or in the propropty. ~~Residential Rental Property~~ whose ~~property is within the Disorder Risk Threshold as established by this ordinance must register with the City sufficient identification information so that the City may expeditiously identify and contact the Owner when excessive levels of disorder activity have occurred on or in the property.~~ In addition, the City desires to establish a method to hold Owners of Residential Rental Property accountable for failing to use effective methods to reduce Disorder Activity on their property. It is not the intent of this article to determine the rights and liabilities of persons under agreements to which the City is not a party. This article shall not be construed to alter the terms of any lease or other agreement between a landlord and a tenant or others relating to property that is the subject of this Article; provided that no provision of any lease or other agreement shall be construed to excuse compliance with this article. Additionally, a violation of this article shall not in and of itself create a negligence per se standard or otherwise expand existing liability in tort for either a landlord or a tenant.

Section 6-581. Definitions.

The following words, terms and phrases, when used in this article, shall have the meaning ascribed to them in this Section, except where the context

clearly indicates a different meaning:

Disorder Activity: ~~Activity occurring on or in a Residential Rental Property categorized as either reported violent crimes, reported property crimes, and certain types of disorder-related, person-initiated requests for police service only as listed in the appendix of this ordinance entitled" Appendix A - Disorder Activity." A domestic violence call for service is not a Disorder Activity.~~
Activity occurring on or in a Residential Rental Property categorized as either reported violent crimes, or certain types of disorder-related activities for police service as listed in the appendix of this ordinance entitled "Appendix A - Disorder Activity." A domestic violence call for service is not a Disorder Activity.

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Disorder Activity Count: ~~A number assigned to a Residential Rental Property that represents the amount of Disorder Activity occurring within a specified time period in or on the Property. For purposes of determining a Disorder Activity Count, the number of violent crimes is multiplied by 1, the number of property crimes is multiplied by 0.25, and the number of disorder calls for service is multiplied by 0.10.~~
A calculation as set forth in the appendix of this ordinance entitled "Appendix B - Calculation" assigned to a Residential Rental Property that represents the amount of Disorder Activity occurring within a specified time period in or on the Property.

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Disorder Risk Threshold: For each Residential Rental Property Category, the Disorder Activity Count for the Residential Rental Property that is at the 96th percentile of Residential Rental Properties within the Residential Rental Property Category.

In Need of Remedial Action: (INRA): A designation by the Police Official that a Residential Rental Property has been identified for enforcement action under this ordinance.

Manager: The person, persons or legal entity appointed or hired by the Owner to be responsible for the daily operation of the Residential Rental Property.

Owner: The person, persons or legal entity that holds legal title to a Residential Rental Property.

Police Official: A person designated by the Chief of Police who is primarily responsible for the administration of this Article.

Registered Agent: The person identified by the Owner of the Residential Rental Property in the registration filed pursuant to this Article who is authorized to receive legal process and or notice required or provided for in this Article.

Remedial Action Plan: A written plan agreed upon and signed by both the

Police Official and Owner whereby the Owner agrees to implement remedial measures on a Residential Rental Property whose Disorder Activity Count exceeds the Disorder Risk Threshold for its Residential Rental Property Category.

Remedial Measures: Mandatory and voluntary measures as stated within the Remedial Action Plan Manual, a copy of which is on file at the City Clerk's Office.

Residential Rental Property: Property that contains a single-family rental dwelling unit or multi-family rental dwelling units for use by residential tenants including but not limited to the following: mobile homes, mobile home spaces, town homes, and condominium unit(s).

Residential Rental Properly Category: Residential Rental Properties will be categorized by the number of residential units contained in the property as follows:

Category 1 -1 unit
Category 2 -2 to 9 units
Category 3 -10 to 49 units
Category 4 -50 to 99 units
Category 5 -100 to 149 units
Category 6 -150 to 199 units
Category 7 -200 to 249 units
Category 8 -250 to 299 units
Category 9 -300 or more units

~~*Residential Rental Properly Review Board*: The Board created pursuant to this Article.~~

Section 6-582. Registration of Residential Rental Property.

(a) . ~~Each Owner of Residential Rental Property that falls at or above the Disorder Risk Threshold for its Residential Rental Property Category shall register by providing the following information at the initial mandatory meeting:~~

Each Owner of Residential Rental Property shall register by providing the following information to the designated Police Official:

(1) The address(s) for the Residential Rental Property which shall include the street name(s), number(s) and zip code;

(2) The name(s), business and~~or~~ personal address, telephone number, and email address of the Owner;

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a. If the property is owned by multiple natural persons, then the required information shall be that of one person who has legal authority to act on behalf of the other Owners.

b. If the property is owned by a corporation, whether foreign or domestic, then the required information shall be that of a Registered Agent and of an officer who has authority to act on behalf of the corporation.

c. If the property is owned by a partnership, then the required information shall be that of the managing partner and one alternate who have legal authority to act on behalf of the partnership.

d. If the property is owned by an unincorporated association or any other legal entity not mentioned above, then the required information shall be that of a person who has legal authority to act on behalf of that association or entity.

(3) The number of units located on the residential property.

(b) The address(s) required in subsection (a) (2) shall not be a public or private post office box or other similar address.

(c) An Owner that is required to register under this ordinance who sells the property shall notify the Police Official of all purchaser information within thirty (30) days from the date of change of ownership. Purchaser information shall include the name, address, phone number and e-mail address for the purchaser.

(d) An Owner that is required to register under this ordinance shall post proof of registration as provided by the City in the business office of the property or in a common area or other conspicuous place accessible at all times to the tenant(s).

(e) Each residential rental property parcel shall be registered separately.

~~(g)~~

Section 6-583 Disorder Risk Threshold and Disorder Activity Count.

~~By June 1 of each year, t~~The Police Official shall determine the Disorder Activity Count for each Residential Rental Property and the Disorder Risk Threshold for each Residential Rental Property Category on a quarterly calendar basis. These determinations~~-~~ shall be made using the Disorder Activity during the previous calendar quarter. ~~year for each year~~.

Section 6-584. Notification of Mandatory Meeting.

(a) The Owner of Residential Rental Property that falls at or above the Disorder Risk Threshold shall be sent a notice no later than 15 days after the Disorder Risk Threshold is calculated for that quarter by certified mail to the name and address listed with the Mecklenburg County's Office of Tax Assessor for that property.

(b) The notice shall include the following information:

(1) The date, time and location for the mandatory initial meeting between the Police Official and the Owner; and

(2) The Disorder Activity Count for the Residential Rental Property; and

(3) A statement that the Owner may provide additional evidence at the initial mandatory meeting to be considered by the Police Official; and

(4) A detailed summary of the Disorder Activity that has occurred on or in the property.

(5) The amount of the registration fee.

Section 6-585. Mandatory Initial Meeting.

(a) ~~Unless otherwise agreed to by the Owner and Police Official, within thirty (30) days after notice has been provided to the Owner that a property falls at or above the Disorder Risk Threshold, a~~ A mandatory initial meeting shall be held between the O~~o~~wner and the Police Official within 15 days from the date the notice was sent to the owner the property unless otherwise agreed by the Owner and Police Official. The notice shall be sent to the address listed with the Mecklenburg County's Office of Tax Assessor or to the address provided through voluntary registration. The initial meeting may be held in person or by telephone. In the event there are multiple property Owners, the Owner attending the initial meeting must have power of attorney to execute the remedial action plan on behalf of the other Owners

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(b) At the mandatory initial meeting, the Police Official and the Owner shall, at a minimum, review the following:

(1) The data that established the Disorder Activity Count for that property; ~~and~~

(2) Any relevant evidence provided by the Owner that may establish that the property does not fall at or above the Disorder Risk Threshold;

(3) Whether or not the Owner knew or should have known that the Disorder Activity was occurring on the property.

~~.~~

(c) ~~After reviewing all the evidence, any previously identified Disorder Activity that is found to either not have occurred on or in the property or does not clearly meet the definition of a Disorder Activity shall be discounted and an adjusted Disorder Activity Count shall be determined. In the event that the adjusted Disorder Activity Count for the property falls at or above the Disorder Risk Threshold, then the Owner and Police Official shall develop and sign a Remedial Action Plan and the property will be set for a six-month review date pursuant to section 6-586. In the event the adjusted Disorder Activity Count is below the Disorder Risk Threshold, then no further action shall be taken by the Police Official~~

The Police Official may adjust the Disorder Activity Count upon a finding that there is clear and convincing evidence to do so. In the event that the adjusted Disorder Activity Count for the property falls at or above the Disorder Risk Threshold, then the property will be designated In Need of Remedial Action. (INRA) The Owner and Police Official shall develop and sign a Remedial Action Plan and the property will be set for a three month review date pursuant to section 6-586. In the event the adjusted Disorder Activity Count is below the Disorder Risk Threshold, then no further action shall be taken by the Police Official. No administrative fee shall be charged if the adjusted Disorder Activity Count is below the Disorder Risk Threshold. Any property that is required to pay an administrative fee shall do so within seven days after the conclusion of the mandatory meeting.

~~.~~

~~(d)~~ ~~-~~.

(d) In the event the Owner fails to attend the initial meeting without just cause, the Police Official shall review all the evidence concerning the property pursuant to Subsections (b) and (c) of this Section and determine whether the Disorder Risk Threshold is accurate and determine if further action is warranted. ~~Upon a finding that the adjusted Disorder Activity Count for the property is at or above the Disorder Risk Threshold, the Police Official shall refer the property to the City Attorney's Office for determination of whether a public nuisance action or any other legal or~~

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~~equitable remedy is warranted.~~

~~(e) The Owner of Residential Rental Property that is required to register under this ordinance shall pay a registration fee on or before the Mandatory Meeting in the amount established pursuant to Section 2-1 of this Code.~~

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Section 6-586. Remedial Action Plan and Review.

(a) At the first quarterly ~~six (6) month~~ review, the Owner and Police Official shall review the Disorder Activity in or on the property since the date of the Remedial Action Plan and determine the Disorder Activity Count for the property during that time period. If the Disorder Activity Count is no longer at or above the Disorder Risk Threshold, then no further action will be taken. If the Disorder Activity count continues to fall at or above the Disorder Risk Threshold, then the property will be designated In Need of Remedial Action (INRA) and the Police Official and the Owner shall amend and sign the Remedial Action Plan and a second quarterly ~~six (6)~~ month review date will be set.

(b) At the second quarterly ~~six (6)~~ month review, the Owner and Police Official shall review the Disorder Activity in or on the property since the date of the amended Remedial Action Plan and determine the Disorder Activity Count for the property during that time period. If the Disorder Activity Count is no longer at or above the Disorder Risk Threshold, then no further action will be taken. If the Disorder Activity Count continues to fall at or above the Disorder Risk Threshold, then the property will be designated In Need of Remedial Action (lNRA) and the Police Official and the Owner shall amend and sign the Remedial Action Plan and a third six (6) month review date will be set.

(c) At the third quarterly ~~six (6)~~ month review, the Owner and Police Official shall review the Disorder Activity in or on the property since the date of the amended Remedial Action Plan and determine the Disorder Activity Count for the property during that time period. If the Disorder Activity Count is no longer at or above the Disorder Risk Threshold, then no further action will be taken. If the Disorder Activity Count continues to fall at or above the Disorder Risk Threshold, then the Police Official shall ~~revoke the rental registration for the property unless it is~~ determine~~d~~ ~~that~~ whether the Owner has complied in good faith with the remedial action plans.

(1) In determining whether the Owner has acted in good faith, the Police Official shall weigh the following factors:

a. Whether the Owner has regularly met with the Police Official; and

b. Whether the Owner has exhausted all

resources reasonably available to the Owner in order to comply with the terms of the Remedial Action Plans; and

c. Whether the Owner has intentionally ignored a term of a Remedial Action Plan; and

d. Whether the Disorder Activity on the property constitutes a public nuisance.

(2) If the Owner has been found to have acted in good faith, then the Police Official may remove the designation of INRA and continue to work with the Owner. A property that continues to fall at or above the Disorder Risk Threshold ~~for a second year~~ will be referred to the City Attorney's Office for determination as to whether a public nuisance action or any other legal or equitable remedy is warranted.

(d) All Remedial Action Plans will be based on the procedures and practices set forth in the CMPD *Remedial Action Plan Manual; A Guide to Managing Rental Properties to Prevent Crime*.

~~**Section 6-587. Additional Grounds for Revocation of Rental Registration.**~~

~~In addition to the grounds stated in Section 6-586(c), the Police Official may revoke the Owner's rental registration based on a determination that:~~

~~(a) The Owner provided materially false or misleading information during the registration process.~~

~~(b) The Owner refused to meet with the Police Official and/or develop a Remedial Action Plan as required under Section 6-586 without just cause.~~

~~**Section 6-588. Notice of Revocation.**~~

~~A notice of revocation shall be sent by certified mail or delivered in person to the address listed on the rental registration.~~

~~**Section 6-589. Transition Plan and Notification of Tenants.**~~

~~Upon revoking a rental registration, the Police Official shall develop a transition plan for the Owner's lawful disengagement from the operation and management of the rental property. The transition plan may include a referral to the City Attorney for the evaluation of the property as a public nuisance or for any other legal or equitable remedy available under law necessary to fairly assist in the disengagement process. Upon revocation and issuance of a transition plan, the Police Official shall take reasonable steps to notify the residents of the~~

~~property.~~

~~Section 6-590. Residential Rental Property Review Board.~~

~~(a) A Residential Rental Property Review Board (hereinafter "Board") is hereby established, to be composed of seven members: four members to be appointed by the City Council, two members to be appointed by the mayor and one to be appointed by the City Manager. The appointing authorities shall ensure that the members of the Board are representative of the residential rental, tenant and homeowner community.~~

~~(b) One member from the Charlotte-Mecklenburg Police Department who has obtained the rank of captain or above and one employee of the City's Neighborhood and Business Services Department who has the authority to investigate code violations will sit on the Board as advisors only.~~

~~(c) Individuals with a felony conviction within the last ten (10) years shall not be eligible to serve on the Board. Further, conviction of or a plea of nolo contendere to a felony during the term of office shall automatically terminate membership on the Board, irrespective of any appeals. Board members charged with a felony during a term of office shall be automatically suspended until disposition of the charge, and a quorum shall be established from the remaining membership.~~

~~(d) Board members shall keep all information about criminal investigations confidential.~~

~~(e) The Board shall elect a chairperson and vice-chairperson from its membership.~~

~~(f) All members of the Board serve without compensation.~~

~~(g) The terms of office shall be for three (3) years with no member serving more that two consecutive full terms. The terms of one-third of the Board shall expire each year. If a vacancy occurs, the original appointing authority shall appoint a person to serve for the unexpired term of the vacant position.~~

~~(h) Five voting members shall constitute a quorum. Members are required to attend all business meetings and hearings in accordance with the attendance policies promulgated by the City Council. Vacancies resulting from a member's failure to attend the required number of meetings shall be filled as provided in this section~~.

~~Section 6-591. Duties and Responsibilities of the Residential Rental Property Review Board.~~

~~The Board shall hear appeals from an Owner of Residential Rental~~

~~Property whose registration has been revoked.~~

~~Section 6-592. Notice of Appeal of Revocation.~~

~~A Residential Rental Property owner may appeal a notice of revocation of rental registration to the Board. All revocation appeals to the Board must be filed in writing with the City Clerk's office within ten (10) calendar days of the date the notice of revocation is served on the Owner. The Owner shall provide a valid current address for the purpose of all notifications required to be made pursuant to this ordinance. The request must state the reason for the appeal.~~

~~Section 6-593. Hearing Procedure and Appeal of Board's Findings.~~

~~(a) The City Clerk shall forward an appeal of revocation of rental registration to the Police Official and to the Chair of the Board. The Police Official shall prepare a summary of the case, including all relevant data. The summary shall be provided to the Board and the Owner at least five working days before the hearing.~~

~~(b) Unless a quorum cannot be obtained or as otherwise agreed to by the Owner and Police Official, the Board shall hold a hearing within thirty (30) calendar days of the date the appeal is received by the City Clerk. Should the Owner or the Police Official desire a hearing date other than that set by the Board, the Owner or the Police Official shall submit a written request for a change of the hearing date, stating the reason for the request. The Chair shall approve or disapprove such request, provided that such request is received by the Board at least seven (7) calendar days prior to the date of the hearing. For good cause, the Chair may continue the hearing from time to time. The hearing shall be conducted with at least five (5) voting members of the Board present.~~

~~(c) The Owner shall appear at the hearing in person and shall have the right to representation by a person of his or her choice. The North Carolina Rules of Evidence, G.S. Chapter BC, shall not strictly apply to the hearing, but all parties shall have an opportunity to offer evidence, cross-examine witnesses, and inspect documents. Only swom testimony shall be accepted. The Chair of the Board, as well as any Board member designated by the Chair, shall have the authority to administer the oath as set forth for witnesses in a civil matter by G.S.~~

~~(i) Members shall be subject to removal from the Board with or without cause by the appointing authority.~~

~~Section 6-591. Duties and Responsibilities of the Residential Rental Property Review Board.~~

~~The Board shall hear appeals from an Owner of Residential Rental Property whose registration has been revoked.~~

~~Section 6-592. Notice of Appeal of Revocation.~~

~~A Residential Rental Property owner may appeal a notice of revocation of rental registration to the Board. All revocation appeals to the Board must be filed in writing with the City Clerk's office within ten (10) calendar days of the date the notice of revocation is served on the Owner. The Owner shall provide a valid current address for the purpose of all notifications required to be made pursuant to this ordinance. The request must state the reason for the appeal.~~

~~Section 6-593. Hearing Procedure and Appeal of Board's Findings.~~

~~(a) The City Clerk shall forward an appeal of revocation of rental registration to the Police Official and to the Chair of the Board. The Police Official shall prepare a summary of the case, including all relevant data. The summary shall be provided to the Board and the Owner at least five working days before the hearing.~~

~~(b) Unless a quorum cannot be obtained or as otherwise agreed to by the Owner and Police Official, the Board shall hold a hearing within thirty (30) calendar days of the date the appeal is received by the City Clerk. Should the Owner or the Police Official desire a hearing date other than that set by the Board, the Owner or the Police Official shall submit a written request for a change of the hearing date, stating the reason for the request. The Chair shall approve or disapprove such request, provided that such request is received by the Board at least seven (7) calendar days prior to the date of the hearing. For good cause, the Chair may continue the hearing from time to time. The hearing shall be conducted with at least five (5) voting members of the Board present.~~

~~(c) The Owner shall appear at the hearing in person and shall have the right to representation by a person of his or her choice. The North Carolina Rules of Evidence, G.S. Chapter BC, shall not strictly apply to the hearing, but all parties shall have an opportunity to offer evidence, cross-examine witnesses, and inspect documents. Only swom testimony shall be accepted. The Chair of the Board, as well as any Board member designated by the Chair, shall have the authority to administer the oath as set forth for witnesses in a civil matter by G.S. § 11-11. All hearings before the Board shall be de novo and recorded. The Board has the authority to develop rules and regulations consistent with this ordinance to facilitate the hearing process.~~

~~(d) The City shall have the burden of proof and must establish by the preponderance of the evidence that the Owner's property is In Need of Remedial Action and the owner has failed to act in good faith to comply with the Remedial Action Plan. After reviewing the evidence and hearing testimony from the witnesses, the Board shall issue findings of fact and conclusions of law and issue an order either affirming or reversing the decision of the Police Official.~~

~~(e) An Owner has the right to appeal the Board's decision to the City Council by filing a notice of appeal with the City Clerk within (10) ten days after the Board issues its written decision. When feasible, the matter will be set for review by the City Council at the next regularly scheduled business meeting. The City Council shall make its decision based on the record below, and no additional evidence will be considered. A majority vote by the City Council in favor of the Board's decision is required to uphold the Board's decision to revoke the Owner's registration. An appeal to City Council will stay the proceedings until it completes its review.~~

~~(f) If the City Council upholds the Board's decision, the Owner shall have the right to seek judicial review of the Board's decision in a proceeding in the nature of certiorari instituted in the Superior Court of the county within 30 days after the City Council votes to uphold the Board's decision. Judicial review shall not automatically stay the revocation.~~

Section 6-587~~594~~. INRA Designation Binding on Subsequent Owner.

The designation of a property as INRA and the application of the procedures set forth in this article shall be binding upon all subsequent Owners or other transferees of an ownership interest in the Rental Residential Property. However, the revocation may be stayed during the implementation of a transition plan.

Section 6-588~~595~~. Enforcement, Remedies and Penalties.

(a) The remedies provided herein are not exclusive and may be exercised singly, simultaneously, or cumulatively. In addition, the remedies provided herein may be combined with any other remedies authorized by law and exercised in any order. This ordinance may be enforced by an appropriate equitable remedy issuing from a court of competent jurisdiction.

~~(b) It shall be a civil violation of this ordinance for any Owner of Residential Rental Property or person or entity on behalf of that Owner to commit any of the following acts:~~

(b) It shall be unlawful for any Residential Rental Property Owner to knowingly fail to register Residential Rental Property as required by this ordinance.

(c) It shall be unlawful for any Residential Property Owner to provide materially false or misleading residential rental property registration information.

(d) It shall be unlawful for the owner of Residential Rental Property to fail to pay a Residential Rental Property administrative fee that is required under this ordinance.

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(e) It shall be unlawful for any owner of Residential Rental Property to fail to attend the mandatory initial meeting or any other quarterly meeting after notice has been timely sent pursuant to Sec 6-585 of this ordinance.

~~(1) Lease or rent Residential Rental Property to another person or entity when the rental registration for that property has been revoked except pursuant to a transition plan as set forth in Section 6-589 of this ordinance.~~

~~(2) Lease or rent Residential Rental Property to another person or entity after the Owner has been served with notice of the mandatory meeting and fails to attend the meeting without just cause as set forth in Section 6-585 of this ordinance.~~

(f~~e~~) Notwithstanding that ~~the Owner's~~ an Owner of rental registration property has been charged with a violation of this ordinance. o~~property registration has been revoked~~ or the Owner has failed to attend the mandatory meeting as set forth in Section 6-585 of this ordinance, the owner shall not commit the following acts:

(1) Refuse or fail to comply with any order of the City to repair a dwelling pursuant to Section 11-38 of the Housing Code, or

(2) Terminate the utility services of any occupants or otherwise violate the rights of residential tenants under Article 2A, Article 5, or Article 6 Chapter 42 of the General Statutes.

~~(d) Notwithstanding that the Owner's property registration has been revoked, the Owner's compliance with its obligations in subsection (c)(1) and (2) hereinabove shall not be deemed as offenses under subsection (e) below.~~

~~(e) Failure to comply with the provisions of this section shall subject the offender to a civil penalty of fifty dollars ($50.00) a day for the first 30 days, one hundred dollars ($100.00) a day for the next thirty days, and five hundred dollars ($500.00) a day for each subsequent day.~~

~~(f) A civil penalty that is assessed under this ordinance may be recovered by the City in a civil action in the nature of a debt if the owner does not pay the penalty fee within thirty (30) days after a notice of the penalty is issued by the Police Official.~~

Section 6-589~~596~~. Adoption of Remedial Action Plan Manual.

The Remedial Action Plan Manual, a copy of which is on file in the Office of the City Clerk, is hereby adopted. The City Council hereby finds and determines the remediation strategies set out therein to be reasonable and appropriate to address the public health, safety and welfare issues addressed by this article entitled the "Remedial Action Plan Manual; a Guide to Managing Rental Properties to Prevent Crime". The Chief of Police or his designee is hereby authorized to amend the Remedial Action Plan Manual.

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Section 2. This ordinance shall become effective ----------

M Newbold 03/16/12