

## **Residential Rental Property Remedial Action Program**

**Q: Where can I find the Residential Rental Property Remedial Action Program in City of Gastonia Ordinances?**

**A:** Chapter 8, Trades and Businesses, a new Article V entitled Residential Rental Property Remedial Action Program.

**Q: Does the Rental Action Program ordinance require that all rental properties get a permit?**

**A:** No. A Permit to Occupy is only required for problem rental properties where a pattern of disorder has been established and property owners have been notified through certified mail by police. The Rental Action Program applies to rental properties only (including apartment complexes) and does not apply to rooming houses, rest homes or hotels. The Permit to Occupy is address specific.

**Q: Why was this Rental Action Program created?**

**A:** The program is an effort to fight crime and promote quality of life in neighborhoods. The program formalizes how Gastonia Police work with landlords to resolve problems, and outlines procedures for situations in which landlords are uncooperative.

**Q: Why is there a focus on rental properties?**

**A:** The Rental Action Program is driven by repeat calls for police services. Between Jan. 1, 2011 and Dec. 31, 2011 the Gastonia Police Department responded to 7,085 disorder calls at residential addresses. Of the 2,719 incidents at these addresses, 461 were at "Owner Occupied" properties, and 2,258 were at "Non-Owner Occupied" properties.

**Q: How does the program begin?**

**A:** By April 30<sup>th</sup> of each year, the Police Official will compile a list of Residential Rental Property having a level of disorder activity above the Disorder Threshold, which is defined as a count of seven (7) or more police disorder calls, or a disorder count which is in the top 10 percent for all residential rental properties in the city.

**Q: What is a disorder call?**

**A:** A disorder call is classified as one of the following call types: ABC violation, armed robbery, assault, assault with weapon, civil disturbance, drug, gunshots, intoxicated subject, litter, loud music, overdose, prostitutes, riot, shoot into occupied building, shoot into occupied vehicle, shooting, stolen property, suspicious subject, suspicious subject weapon, suspicious vehicle, and trespassing. Domestic violence calls are not disorder calls.

**Q: What is involved for a landlord who is on the list of properties meeting or exceeding the Disorder Threshold?**

**A:** Police will notify you by certified mail of a mandatory meeting within thirty (30) days. A landlord can present any evidence that the property falls below the Disorder Threshold. The

police and the landlord develop an action plan to address issues with reviews after six-month and up to a two-year time periods. Improved properties meeting expectations and falling below the Disorder Threshold roll off the program. Please see the *Remedial Action Plan Manual: A Guide to Managing Rental Properties to Prevent Crime*, which is available free online at [www.GastoniaPD.org](http://www.GastoniaPD.org) or at the Gastonia Police Department Front Desk for \$10. Additional information is found in the ordinance to amend Chapter 8, Trades and Businesses, adding Article V entitled Residential Rental Property Remedial Action Program.

**Q: Why aren't tenants held responsible?**

**A:** The tenant will be held accountable and will be charged accordingly for any federal and state laws and city ordinances violated. Ultimately, the condition of the rental property and the activities of the tenants must be closely monitored by the property owner. Property owners are expected to write clear expectations of tenant behavior relative to neighbors into leases, and take action to encourage tenants to comply with these expectations or seek evictions for problem tenants. More helpful information can be found in the *Remedial Action Plan Manual: A Guide to Managing Rental Properties to Prevent Crime*.

**Q: What if a landlord refuses to cooperate?**

**A:** If no progress is made to address disorder issues, the Permit to Occupy can be revoked and/or police can turn the matter over to the City Attorney's office for appropriate action including fines of \$50 a day for 30 days, \$100 a day for the next 30 days and \$500 a day for each subsequent day.

**Q: Is there any avenue for appeal?**

**A:** Yes, an appeal can be made to the Residential Rental Property Review Board within 10 calendar days of the date of notice of Permit to Occupy revocation and In Need of Remedial Action (INRA) status. Appeals must be filed in writing to the City Clerk's office. Please see the ordinance to amend Chapter 8, Trades and Businesses, adding Article V entitled Residential Rental Property Remedial Action Program, sec. 8-611 and 612, for additional information.