

AN ORDINANCE AMENDING THE 2007 CODE OF ORDINANCES OF THE CITY OF WATERLOO, IOWA, BY ADDING A NEW ARTICLE B, HOUSING PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE, OF CHAPTER 3, HUMAN RIGHTS, OF TITLE 5, POLICE REGULATIONS.

BE IT ORDAINED by the City Council of the City of Waterloo, Iowa:

That a new Article B, Housing Protections for Victims of Domestic Violence, of Chapter 3, Human Rights, of Title 5, Police Regulations, is hereby enacted as follows:

TITLE 5
CHAPTER 3
HUMAN RIGHTS

ARTICLE B. HOUSING PROTECTIONS FOR VICTIMS OF DOMESTIC VIOLENCE

5-3B-1: DEFINITIONS

AFFILIATED INDIVIDUAL: Means, with respect to an individual: (A) a spouse, parent, brother, sister, or child of that individual, or an individual to whom that individual stands in loco parentis; or (B) any individual, tenant, or lawful occupant living in the household of that individual.

BIFURCATE: Means to divide the lease as a matter of law so that certain tenants can be evicted or removed while the remaining tenant's or family member's lease and occupancy rights are allowed to remain intact.

DATING VIOLENCE: Means felony or misdemeanor crimes of violence committed: (A) by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, and (B) where the existence of such a relationship shall be determined based on a consideration of the following factors: (i) the length of the relationship; (ii) the type of relationship; and (iii) the frequency of interaction between the persons involved in the relationship.

DOMESTIC VIOLENCE: Includes felony or misdemeanor crimes of violence committed by a current or former spouse of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabited with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Iowa or the City of Waterloo, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the State of Iowa or the City of Waterloo.

IMMEDIATE FAMILY MEMBER: Means, with respect to a person: (A) a spouse, parent, brother, sister, or child of the person, or an individual to whom that person stands in loco parentis (in place of a parent); or (B) any other person living in the household of that person and related to that person by blood, marriage or adoption.

LANDLORD: Any person or entity who owns, manages, or makes decisions regarding tenant matters for residential rental property within the City of Waterloo.

SEXUAL ASSAULT: Refers generally to any crime in which the offender subjects the victim to sexual touching that is unwanted and offensive, including but not limited to sexual groping, sexual assault or battery, and attempted rape.

STALKING: Means (A)(i) to follow, pursue, or repeatedly commit acts with the intent to kill, injure, harass, or intimidate; or (ii) to place under surveillance with the intent to kill, injure, harass, or intimidate another person; and (B) in the course of, or as a result of, such following, pursuit, surveillance, or repeatedly committed acts, to place a person in reasonable fear of the death of, or serious bodily injury to, or to cause substantial emotional harm to (i) that person; (ii) an immediate family member of that person; or (iii) the spouse or intimate partner of that person.

5-3B-2: PROHIBITED ACTS BY LANDLORDS

It shall be unlawful for any landlord to do any of the following, except as otherwise provided in this Code:

- A. Decline a rental application of a potential tenant, or evict a current tenant, occupant or affiliated individual, for any grounds related to said person being a victim of domestic violence, dating violence, sexual violence or stalking.
- B. Construe any incident or incidents of actual or threatened domestic violence, dating violence, sexual violence or stalking to be a serious or repeated violation of the lease, or as otherwise “good cause” for terminating the tenancy or occupancy rights of the victim of abuse, provided that the victim has complied with the requirements for gaining the protections afforded by Iowa Code section 562A.27 or has complied with section 3 of this Article.
- C. Terminate the tenancy or occupancy rights of a victim due to criminal activity directly related to the domestic violence, dating violence, sexual violence or stalking of which such person is the victim, even if the criminal activity is engaged in by a member of a tenant’s household or any guest or other person under the tenant’s control, provided that the victim has complied with the requirements for gaining the protections afforded by Iowa Code section 562A.27 or has complied with section 3 of this Article.

5-3B-3: CERTIFICATION OF VICTIM STATUS

- A. In response to an incident of actual or threatened domestic violence, dating violence, sexual violence or stalking that could potentially have an impact on a person’s occupancy rights, the landlord may request in writing that the tenant or victim complete, sign, and within fourteen (14) business days submit a written certification, signed under penalty of perjury, which answers the following questions:
 - 1. Date written request is received from owner or management agent;
 - 2. Name of victim;
 - 3. Name of person completing certification, if different;
 - 4. Name(s) of other family members listed on the lease;

5. Name of the abuser and relationship of the abuser to the victim;
6. Date, time and location of incident; and
7. A description of the incident.

B. Alternatively, landlords may choose to forego the certification in subsection A and, at his or her discretion, provide assistance to tenants, occupants, affiliated individuals or prospective tenants based solely on the person's statement or other corroborating evidence, without any official documentation or physical proof.

5-3B-4: LEASE BIFURCATION

If the domestic violence, dating violence, sexual violence or stalking is being committed by a co-tenant of the victim, a landlord may bifurcate the lease to remove the offender while still allowing the victim to remain a tenant or occupant in the residence.

5-3B-5: RIGHTS AND RESPONSIBILITIES OF TENANTS

A. For any tenant, occupant or prospective tenant to be eligible for the protections described in this Article, he or she must fully comply with any requirements imposed by a landlord under section 5-3B-3.

B. A person's status as a victim under this Article does not preclude said tenant, occupant or affiliated individual from eviction from his or her residence for any reason. Specifically, a victim can still face eviction for reasons including, but not limited to:

1. Engaging in criminal activity apart from the domestic violence, dating violence, sexual violence or stalking at issue in this Article;
2. Posing an actual and imminent threat to other tenants or those employed at or providing services to the property;
3. Violating any term or provision of the lease agreement, provided that the reason for the violation of the term or provision is not directly related to the person's victimization by domestic violence, dating violence, sexual violence or stalking.

PASSED AND ADOPTED by the City Council this _____ day of _____, 2014, and approved by the Mayor this _____ day of _____, 2014.

Ernest G. Clark, Mayor

ATTEST:

Suzy Schares, City Clerk