



CITY OF SACRAMENTO CODE ENFORCEMENT APPEAL & HEARING PROCESS

Code Compliance Appeal Housing and Dangerous Buildings Appeal Lien (Special Assessment) Appeal

The Appeal Process:

Actions that may be appealed with the City's Code Enforcement Department include: *Notice & Order*, *Administrative Penalty*, and *Special Assessment liens*. These mainly deal with Neighborhood Public Nuisance and Housing and Dangerous Building cases.

- **The Notice and Order (N&O) appeal** allows the property owner and/or interested parties to show that when the N&O was issued there were no violations on the property, making the N&O null and void. Please keep in mind that during this appeal opportunity, the fees associated with a N&O are not considered, it is ONLY a time to determine whether or not the violations cited by the officer/inspector were valid at the date the N&O was issued.

If the N&O appeal is for a Housing and Dangerous Buildings case is denied, you may be ordered to repair your structure within a certain time frame.

- **The Administrative Penalty appeal** provides the opportunity to argue if the violations existed at the time the penalty was issued and/or to ask for a reduction of the penalty amount.
- A **Lien (Special Assessment) Appeal** hearing is to determine whether delinquent fees and penalties incurred by the Code Enforcement Department are to be placed upon the property as a Special Assessment Lien. Appeals may be filed only under any of the following circumstances:
 - You believe the City did not follow correct and accurate procedures (Example: Did you receive a copy of the Notice and Order that you are being charged for in the mail or by other legal means?);
 - You believe that the amount(s) being charged are incorrect;
 - The violations will not be discussed during the appeal or hearing process unless you are being charged for a summary (emergency) abatement.

The Hearing Process:

Once you have filed an appeal, your hearing provides the opportunity to bring an unresolved issue before the board or hearing examiner to present information for deliberation and a final decision. Although Code Compliance appeals and Housing and Dangerous Buildings appeals are different, the hearing processes are similar:

- City staff will present their evidence first, and the Housing Code Advisory and Appeals Board or Hearing Examiner will hear the property owner and/or speakers who have an interest in the property.
- The property owner and/or representative have a right to question City staff.
- If you do not agree with the decision of the Housing Code Advisory and Appeals Board or Hearing Examiner, you have 90 days to petition the Superior Court for judicial review.
- Housing Code Advisory and Appeals Board hearings are on the second Wednesday of the month at 5:30 p.m. Code Compliance appeals are heard the second and fourth Wednesdays at 9:00 a.m. All hearings are held at 915 I Street, Sacramento. Check www.cityofsacramento.org/code under "Upcoming Meetings" for the most updated agenda hearings. Agendas are also posted 72 hours prior to the meeting at City Hall, 915 I Street.
- If the hearing examiner finds the property to be in violation and/or a fee is assessed, the fee must be paid within 45 days following the decision. If it is not paid within that time, a lien on the property or a personal obligation of the property owner may be placed by law.
- At the time of the hearing, the hearing examiner may render an immediate decision or they may need to take the matter under submission. If you are appearing before the Housing Code Advisory and Appeals Board, the Board will vote on a ruling regarding the matter and a letter confirming the decision will be mailed within 30 days following the hearing.

Frequently Asked Questions

- 1. How do I know if I have a hearing?** After you have submitted your appeal, a hearing coordinator will call, and confirm by mail, to set up a hearing date and time so that your case will be heard before the Hearing Examiner and/or Housing Code Advisory and Appeals Board. For lien hearings, you will be notified by mail which will advise you of the hearing date and time approximately 30 days after delinquency of an invoice.
- 2. What can I do to prepare for my hearing?** You may request to see your case file via the *Public Document Request*. More information about public document requests, including the form, may be obtained by contacting 916-808-5404 or www.cityofsacramento.org/code/RequestsforPublicRecords.html.
- 3. Why am I scheduled for more than one hearing?** There are three types of hearings, each with different requirements. Depending on the type of appeal you submitted, you may be heard before a hearing examiner or the Housing Code Advisory and Appeals Board.
- 4. How do I know if the City missed a procedural step?** You may view the City's processes and procedures online: www.cityofsacramento.org/code/notice-order-process.html.
- 5. I bought the property after all of the violations occurred, why am I being charged for this?** Any fees and/or penalties assessed are associated with the property, so when purchasing the property you assumed all responsibility concerning the property, including any outstanding fees/penalties/violations. If you purchased title insurance the title report should have shown a cloud¹ on the title which would have indicated the action pending by the City.
- 6. The case is closed, why do I still owe fees?** Once a case is closed, there may still be applicable costs, penalties or fees which have not yet been invoiced to the property owner.
- 7. The officer told me that all violations are fixed, why am I being charged?** Standard case fees and other associated fees may be assessed due to lack of compliance on the date the letter was sent. Contact the Code Officer and/or Building Inspector who handled your case for clarification of your fees.
- 8. When will I know the outcome of the hearing?** For *Code Compliance appeals*, the hearing examiner may give a decision at the hearing or may need to take the matter under submission; for *Housing Code Advisory and Appeals Board hearings*, the Board will vote on a ruling regarding the matter and a letter confirming the decision will be mailed within 30 days following the hearing.
- 9. Do I have to speak or can I have someone else speak on my behalf?** You may designate someone to speak or interpret on your behalf. A written statement from the property owner must be provided at the hearing indicating that individual is representing you.
- 10. Do I need an attorney?** You may hire or retain your own attorney, if you feel it is necessary.
- 11. What information do I provide on the appeal form?** *Notice and Order*: Provide information that would prove that the property was not in violation during the time period mentioned. *Administrative Penalty*: Provide information that would prove you were compliant with the order to comply with City code and/or reasons why the amount of the penalty is not reflective of the non-compliance. *Lien*: Provide information that would prove that the City had procedural errors and/or any relevant financial information that would justify reducing the amount owed.
- 12. I am selling the property; do I still need to appeal?** That is entirely up to you. Typically, the fees/penalties/violations are associated with the property. If you feel any were in error, and you are the owner of the property, it is up to you to determine if you should appeal.
- 13. How long do I have after the decision before it becomes a lien on my property?** Once the hearing is completed, it takes approximately six (6) weeks to record the lien.
- 14. What if I am still unhappy with the decision of the board's or hearing examiner's decision?** You may obtain further information and forms at the Sacramento Superior Court's website under Judicial Review. (www.courtinfo.ca.gov/forms).
- 15. How do I obtain a copy of the proceedings?** An audio copy of the hearing may be obtained by contacting 916-808-5404. The cost is \$25.00 per audio copy.

¹ A cloud is a claim on the title of the property. The owner must present evidence to dispel the cloud if they want to transfer title with legal certainty.