

**Code Compliance Appeal
Housing and Dangerous Buildings Appeal
Cost Recovering Hearing**

The Appeal and Hearing Process:

Actions that may be appealed with the City's Code Compliance Division include: *Notice & Order, Administrative Penalty, and Cost Recovery*. 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 is related to a Housing and Dangerous Buildings case and the appeal is denied, you may be ordered to repair your structure within a certain time frame.

- **The Administrative Penalty appeal** provides the responsible party an opportunity to show that the violations did not exist or occur at the time the penalty was issued and/or to ask for a reduction of the penalty amount.
- **A Cost Recovery hearing** is to determine whether delinquent fees and penalties incurred by the Community Development Department, and/or administrative penalties imposed by the City are to be placed upon the property as a Special Assessment. 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?);
 - 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.

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

- The Property Owner presents the reasoning behind his/her protest or objection to the costs of abatement or administrative penalty being made a personal obligation and a special assessment against 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 Board or delinquency lien hearing officer, you have 90 days to petition the Superior Court for judicial review.
- Check <http://www.cityofsacramento.org/Community-Development/Meetings> under "Code Enforcement" for the most updated agenda hearings.
- If the Board or delinquency lien hearing officer finds that an invoice or penalty was properly imposed, it must be paid within 45 days following the decision. If it is not paid within that time, the City Council may make those costs a personal obligation and a special assessment against the property.
- At the time of the hearing, the hearing officer and/or 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.

**CITY OF SACRAMENTO
CODE COMPLIANCE APPEAL & HEARING PROCESS**

Frequently Asked Questions

- 1. How do I know if I have a hearing?** After you have submitted your protest or objection, 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 officer and/or Housing Code Advisory and Appeals Board. For cost recovery hearings, you will be notified by mail 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 916-808-5002 or <http://www.cityofsacramento.org/Clerk/Services/Public-Records>
- 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, Housing Code Advisory and Appeals Board, or the delinquency lien hearing officer.
- 4. 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.
- 5. 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.
- 6. 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.
- 7. When will I know the outcome of the hearing?** For *Code Compliance appeals or delinquency lien hearing officer hearings*, the hearing examiner or delinquency lien hearing officer 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.
- 8. 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.
- 9. Do I need an attorney?** You may hire or retain your own attorney if you feel it is necessary.
- 10. What information do I provide on the protest form?** *Notice and Order*: Provide information that would prove that the property was not in violation during the time period mentioned. Imposition of *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. *Cost Recovery*: Give the reasoning behind your protest or objection as to why the amounts owed should not be made a personal obligation or placed as a special assessment against the property.
- 11. 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.
- 12. How long do I have after the decision before it becomes a special assessment on my property?** Once the hearing is completed, it takes approximately six (6) weeks to record the special assessment.
- 13. What if I am still unhappy with the delinquency lien hearing officer and/or board's cost recovery decision?** You may obtain further information and forms at the Sacramento Superior Court's website under Judicial Review. (www.courtinfo.ca.gov/forms).
- 14. How do I obtain a copy of the proceedings?** An audio copy of the hearing may be obtained by contacting 916-808-5002 or <http://www.cityofsacramento.org/Clerk/Services/Public-Records>

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.