

## **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.