

# **Attachment 1**

## **Current and Proposed Administrative Enforcement Process**

### Current Administrative Enforcement Process

An outline of the current administrative enforcement process that can take upwards of six months follows.

**Step 1 - Courtesy Notice of Violation:** In order to provide residents, businesses and property owners sufficient notification, a Courtesy Notice of Violation (CNOV) is the first step in the process of enforcement. The CNOV clearly identifies the violation and required corrective action and generally provides 30-days to abate the violation. The CNOV is mailed to the Responsible Party, i.e. the person or business who have caused the violation and the owner or tenant of the affected property.

**Step 2 – Notice of Violation:** In cases where the violation is not abated after the specified period, a Notice of Violation with a \$150 fine is sent to the Responsible Party via first class mail, certified mail and a copy of the NOV is posted at the affected property on the date of issuance. The time provided to abate the violation takes into consideration the circumstances of the particular violation. In all cases except those that pose a health and safety threat, the Responsible Party is generally provided 30-days for abatement.

**Step 3 – Second Notice of Violation:** If the violation remains after the specified deadline identified in the NOV, a Second Notice of Violation (that closely resembles the first NOV) is sent to the Responsible Party with a \$300 fine.

**Step 4 – Notice of Administrative Hearing:** If the violation is not corrected, the Responsible Party is notified of an Administrative Hearing to abate the issue. The hearing date is set not less than fifteen days nor more than sixty days from the date of the Notice of Administrative Hearing. The maximum amount of fines that can be assessed to a Responsible Party is \$5,000.

**Step 5 – Administrative Hearing:** Staff from the City Attorney's Office advises the Administrative Hearing Board and assists in the preparation of Administrative Orders. The hearings are open to the public. The City's Community Compliance staff presents the cases to the Board and the Responsible Party is provided an opportunity to present their side of the case. The Administrative Hearing Board issues Administrative Orders within thirty days of the hearing date.

**Step 6 – Obtain Judicial Warrant and Abate:** In order to legally abate a nuisance on a property, staff must obtain a warrant from a judge proving that multiple attempts have been made to remedy the situation and proper notification has been provided to the Responsible Party. Additionally, staff must arrange for abatement.

### Proposed Administrative Enforcement Process

An outline of the recommended administrative enforcement process, which would take approximately three months, follows:

Step 1- Courtesy Notification: The notification process would begin with a Courtesy notice in the form of a multi-lingual door hanger to advise the individual of the violation.

Step 2 – Notice of Violation: 10-days later, should the violation still exist, a NOV with information on the particular violation and needed remedy is posted on site and a copy is sent to the property owner via First Class mail and certified mail. The property owner is provided 10-days to remedy the violation. Notifications will be provided in English, Spanish & Chinese. The NOV will state that the City will abate the violation and provide the responsible party with an opportunity to appeal the notice of violation and show cause at a hearing as to why such condition should not be abated by the City at the responsibly party's expense. Failure to appeal constitutes a waiver of the right to appeal the notice of violation and a failure to exhaust administrative remedies.

Step 3 – Administrative Citation: Should the violation remain after the specified period, an Administrative Citation of \$150 would be issued to the property owner.

Step 4 – Administrative Citation: Should the violation remain after the specified period, an Administrative Citation of \$300 would be issued.

Step 5 – Administrative Citation: Should the violation remain after the specified period, an Administrative Citation of \$600 would be issued. The City could continue to issue Administrative Citations up to the amount of \$5,000 cumulatively.

Step 6 – Obtain Warrant from Judicial Court to Abate: A public works maintenance worker has been added to the Community Care team to assist with abatement which should decrease the amount of time it takes to abate nuisances.