


Access to Administrative Justice

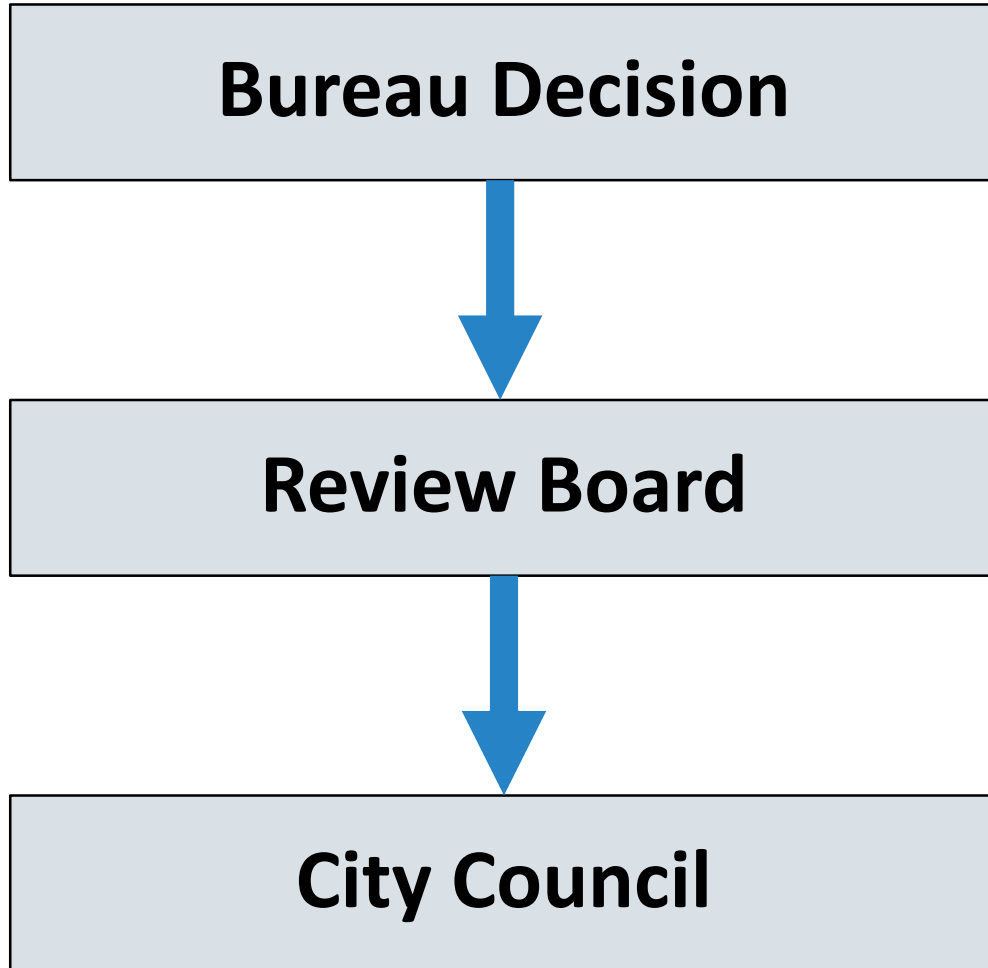
APRIL 22, 2015



Ordinance Summary

1. Minimum notice requirement for all administrative appeals
2. Minimal filing fee for Hearings Office appeals

Appeal Structures – City Council

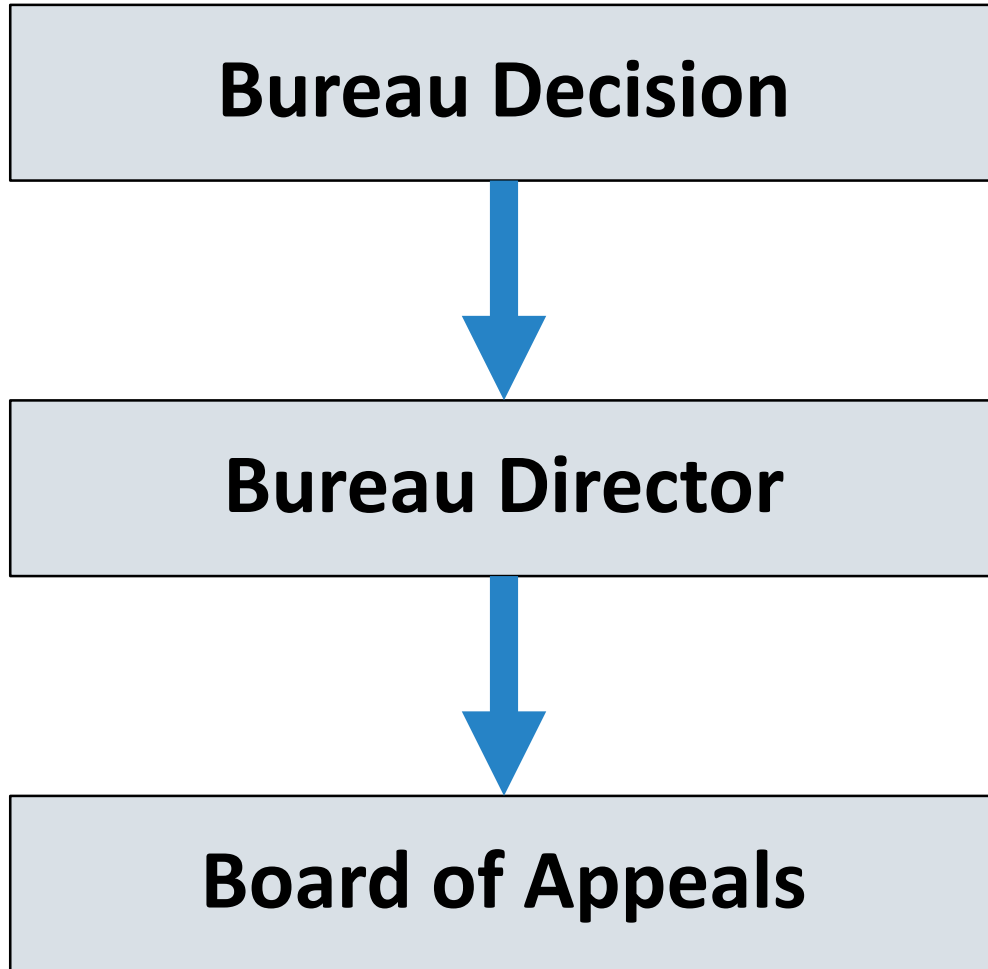


Example:

Title 18

Noise Variances

Appeal Structures – Board or Commission



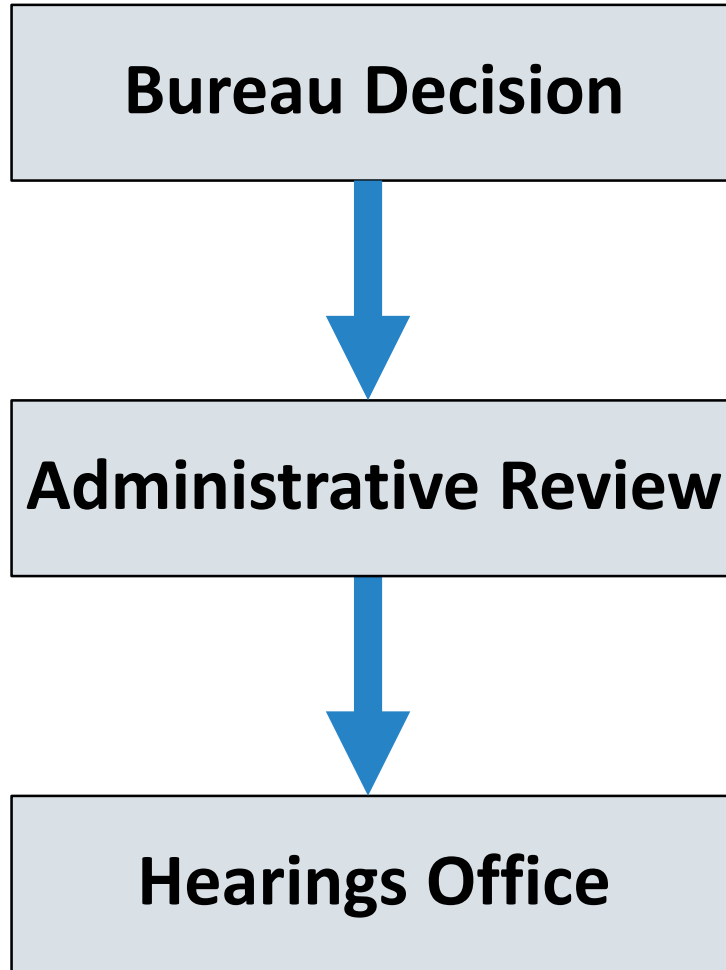
Example:

Title 5

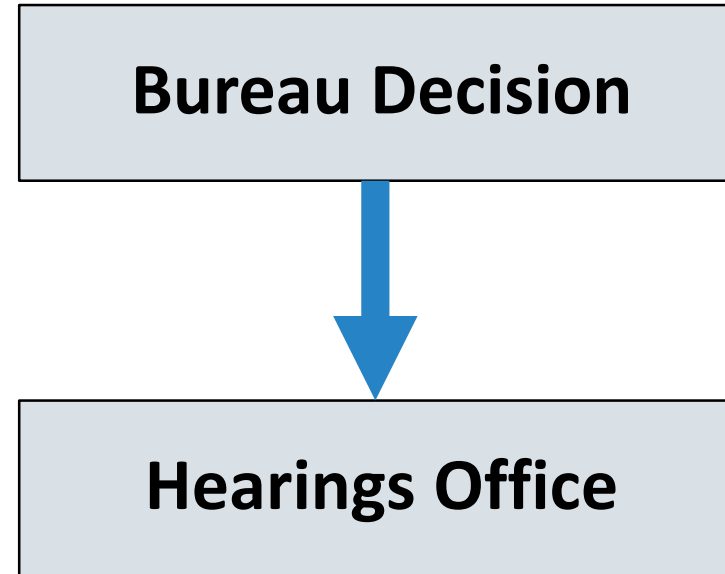
Goods & Services

Contract Award

Appeal Structures – Hearings Office



Example:
Rule 14.02
*Utility Billing
Appeal Policy*



Example:
Title 16
Parking Permits

No Notice – Case Example



CITY OF PORTLAND ENVIRONMENTAL SERVICES



1120 SW Fifth Avenue, Room 1000, Portland, Oregon 97204 ▪ Dan Saltzman, Commissioner ▪ Dean Marriott, Director
January 15, 2013

The City of Portland recovers a portion of the cost of provided approved routes of sewer service by collecting branch fees from properties that will be served by the new sewer. Our records indicate that your property was connected to an approved route of sewer service during rehabilitation of public sewer.

The sewer branch charge for your property is \$5,059.00. Please pay within 90 days of receiving this letter.

The following payment options are available to you:

- Pay by check, debit or credit card at our Development Service Center.
1900 SW 4th Avenue, Portland, OR, 503-823-7300
Hours are 7:30 a.m. to 3:00 p.m. Tuesday through Friday
Bring this letter and show cashier information on back.
- Mail a check payable to *City of Portland* to:
Bureau of Environmental Services
Attn: Christopher Collett
1120 SW Fifth Ave Room 113/400
Portland, OR 97204
- Finance through a loan available from the City of Portland. Call 503-823-4108 for more details.

Thank you for your assistance in resolving this matter. I can be reached at 503-823-4108.

Sewer branch charge is \$5,059
Pay within 90 days

Ordinance - Minimum Notice

1. Timely
2. Adequate
3. Enforceable

Example Notice – Bureau of Development Services

LIST OF VIOLATIONS

1. Portions of the exterior siding are deteriorated, damaged and/or missing. 29.30.060(a)
2. Portions of trim paint are peeled to bare wood. 29.30.060(b)
3. Portions of exterior
4. Several window(s) sashes and sills.
5. Portions of front e 29.30.100(d)
6. Portions of gutter 29.30.030
7. **Health Sanitation areas.** Any time precedence over

c: File

Notice of Violation – Property Maintenance Code
Cited property address
TAX#



City of Portland, Oregon
Bureau of Development Services
Inspection Services - Enforcement
FROM CONCEPT TO CONSTRUCTION

Amanda Fritz, Commissioner
Paul L. Scarlett, Director
Phone: (503) 823-7306
Fax: (503) 823-7915
TTY: (503) 823-6966
www.portlandoregon.gov/bds

NOTICE OF VIOLATION-PROPERTY MAINTENANCE CODE

January 10, 2013

Name
Property address
GRESHAM, OR 97030-0198

Case #: 13-XXXXXX-HS
Posted: 01/08/13

RE: Cited property address
Legal property description

On January 8, 2013, a City Housing Inspector visited the above address and found violations of Portland's Property Maintenance Code. This code requires properties be maintained in a safe, sound, and sanitary condition. Attached to this letter is a list of the violations. Please correct these conditions promptly. You have thirty (30) days from the date of this letter to correct any Fire, Life, Safety, and/or Health, Sanitation violations, and sixty days (60) to correct any other violations before incurring a fee.

You must call for a re-inspection to close your case without incurring a fee.

- If violations continue uncorrected beyond the deadline, a monthly code enforcement fee is charged as a lien against your property. If housing violations continue uncorrected three (3) months from the initial notice of violation, the monthly code enforcement fee doubles.
- If your property or any part thereof is vacant or becomes vacant, it cannot be occupied until the violations are corrected. In the event the property or any part thereof is reoccupied before all violations are corrected a \$674.00 per month penalty, in addition to the monthly enforcement fee, will be charged until the property is vacated and/or all violations are corrected and approved by the housing inspector.
- For complete details on fees, appeals, or to see if you may qualify for an enforcement fee waiver, refer to the enclosed information sheet.

Thank you in advance for your cooperation. Please call our office if you have any questions.

Edgar Bolden
Housing Inspector, (503)-823-7246

OCCUPANT
Property address
PORTLAND OR 97218

1900 SW 4th Avenue, Suite # 5000, Portland, OR 97201

Notice of Violation

Administrative Review



City of Portland, Oregon
Bureau of Development Services
Neighborhood Inspections

1900 SW 4th Avenue, Suite 5000
Portland, Oregon 97201
503-823-7306
503-823-7961
503-823-6868
www.portlandonline.com/bds

Fees, Penalties, Reviews, Appeals, and Waiver Information FEES

If all Fire, Life, Safety and/or Health, Sanitation violations **are not** corrected, inspected, and approved by a City Housing Inspector within thirty (30) days of the mailing date of the first violation letter, a lien may be placed against the property. If all other violations **are not** corrected, inspected and approved by the Housing Inspector within sixty (60) days of the mailing date of the first violation letter, a lien may be placed against the property. The monthly fee is based on the number of units on the property and the number of units in violation.

1-2 Units \$245.00 per unit	3 – 10 Units \$368.00 per unit	11 – 19 Units \$490.00 per unit	20 or more Units \$612.00 per unit	Residential with Any Non-Residential use & Properties with only Non-Residential use \$612.00 per unit
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An additional auditor charge of 10% will be added to the above amounts, along with a possible recording fee. The monthly fees will double for any property that remains in violation for three (3) months from the initial notice of violation.

Re-occupation After Notice of Violation: A \$674.00 per month penalty will be assessed if the property or any part thereof is vacant or becomes vacant and is reoccupied before all violations are corrected, inspected, and approved by the City's Housing Inspector. This is in addition to the monthly code enforcement fees and is assessed per occurrence.

Hearings: A \$342.00 penalty will be assessed if the City files a complaint with the Code Hearings Officer

ADMINISTRATIVE REVIEW – Do Violations Exist?

- As the property owner or authorized agent, if you believe the finding of the notice was in error you may request an Administrative Review within 15 days of the posting notice or within 15 days of the first violation notice. Code enforcement fees will continue to accrue during the review process.
- If additional violations are cited, any property owner or authorized agent may also request an Administrative Review of additional cited violations within 15 days of the date of the notice citing those additional violations.
- An Administrative Review Fee of \$105.00 is due when the written request for an Administrative Review is received. This fee will only be refunded if it is determined that all of the contested violations were cited in error.

The written request, along with the \$105.00 Administrative Review fee, must be received in our office within 15 days of original notification and must state the reason(s) for the review. Please make the check payable to the City of Portland.

Mail requests to:
Bureau of Development Services
Neighborhood Inspections & Compliance Services Section
Review/Appeal Desk
1900 SW 4th Avenue Suite 5000
Portland OR 97201

Your request should indicate if you or a representative of the property owner will be appearing in person for the review. If so, we will notify you and/or your representative of the date and time of the review. A written determination will be mailed following the review, which will include additional appeal information as set forth in Section 29.60.020.

nit_waiver_fine_info 7/1/10

City of Portland Oregon – Bureau of Development Services

ADMINISTRATIVE REVIEW – Do Violations Exist?

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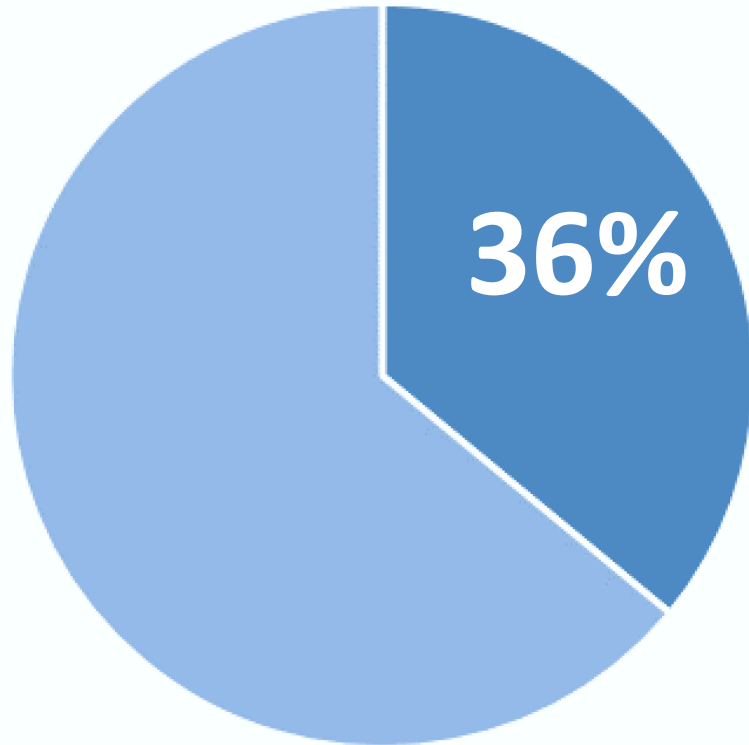
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Appeal Fees – Unaffordable

% of Multnomah County households
that fall below self-sufficiency standard



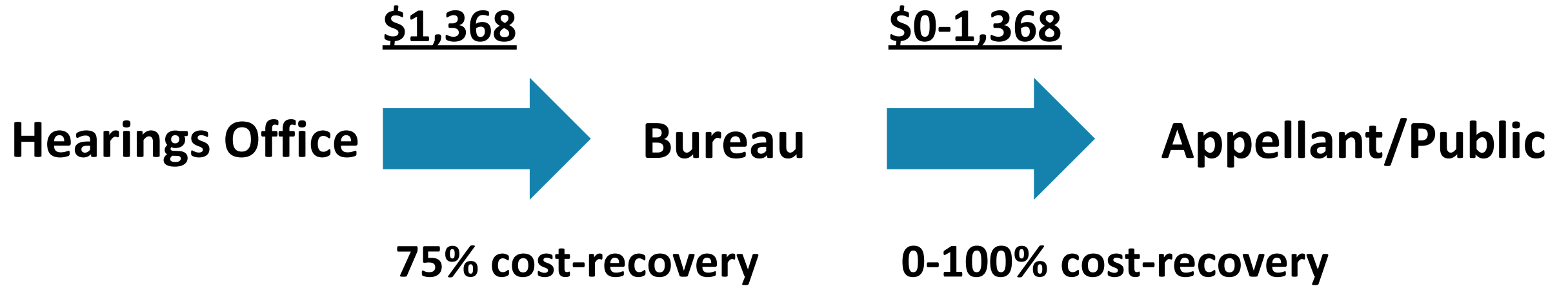
For a person living in poverty,
a \$1,368 appeal fee is more than
11% of annual income.

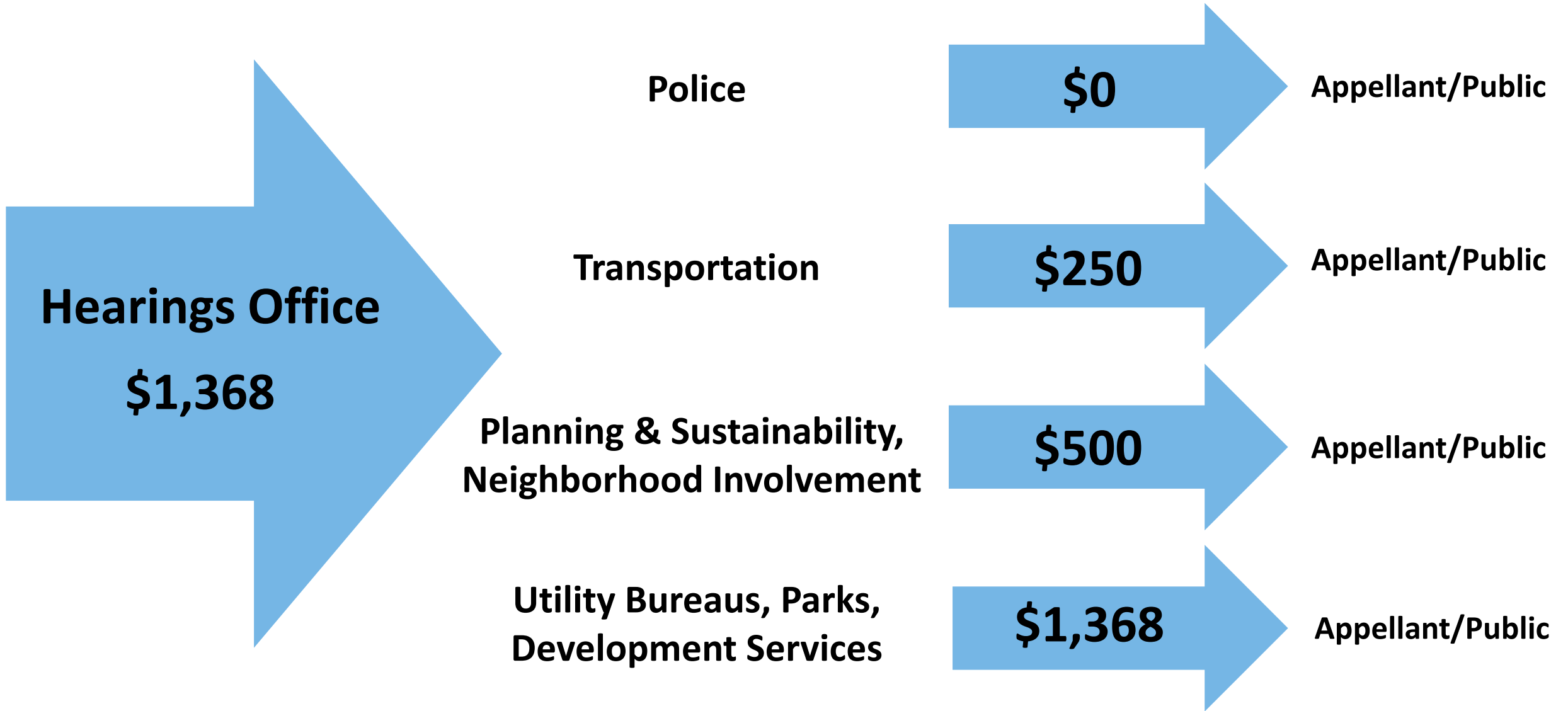
Equivalent to:

Median income @ 11% = \$5,690 fee

Auditor's income @ 11% = \$12,188 fee

Hearings Office – Funding Structure





Appeal Fees – Unaffordable Case Example

FINANCIAL ASSISTANCE FOR Sewer, Stormwater and Water Services

Need help paying
your utility bill?



Looking for
ways to reduce
your bill?



The City of Portland
offers assistance to
qualifying customers



Appeal Fees – Unreasonable Case Example



FOR OFFICE USE ONLY			
Date of Violation:	April 2, 2013	Permit No.:	[REDACTED]
Nature of Violation:	Exceeded Daily Limit for Copper	Collected by:	City
Response Date:	April 12, 2013	Sample Type:	Composite
Response Number:	[REDACTED]	Sample Location:	1A

COMPLIANCE TELEPHONE MEMORANDUM


Company: Company name
Address
City, State, Zip Code

Contact: Company contact

Date: April 12, 2013

Summary: A composite sample was collected by the City of Portland at sample point 1A on April 2, 2013. Analysis of the sample revealed a Total Copper concentration of 19.8 mg/L, which exceeds the daily maximum limit of 3.7 mg/L. [REDACTED] was contacted and notified of the violation.

Requirement: **Resample the wastewater within 24 hours of notification. This violation carries a proposed civil penalty of \$500.00, and requires four (4) consecutive weekly samples to demonstrate continuing compliance.**

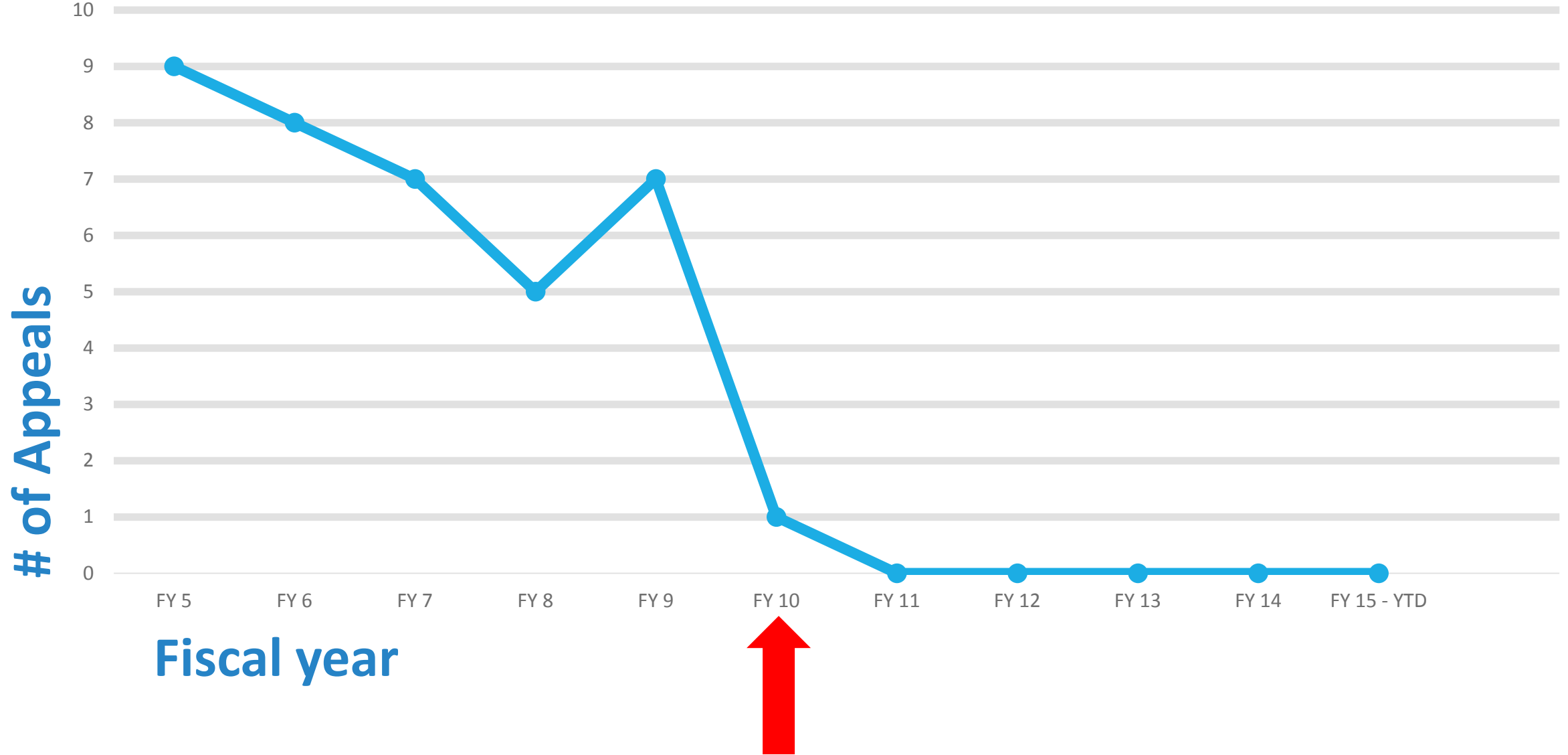

Daylil Hughes
Permit Manager

4/12/2013
Date

Appeal fee of \$1,368 to challenge a

proposed civil penalty of \$500

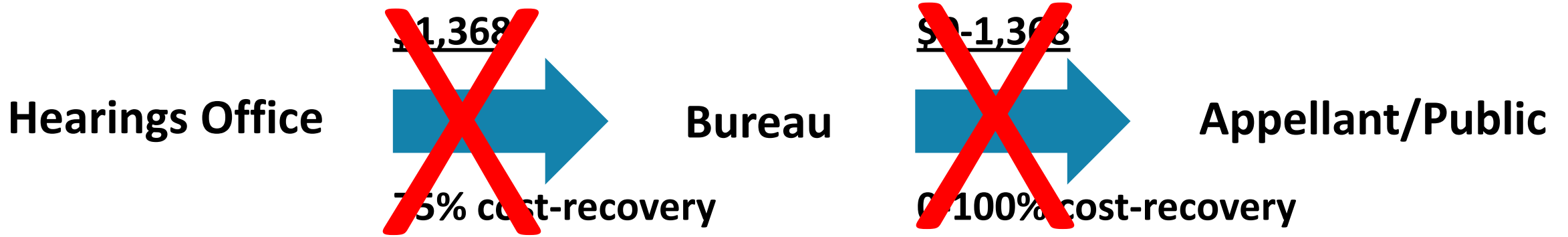
Nuisance Abatement Appeals Filed in Hearings Office



Ordinance – Appeal Fee

1. Nominal fee to initiate Hearings Office appeal
2. Low-income Waiver

Hearings Office – Revised Funding Structure



Well-noticed, Low-cost Appeals

Municipal Tows

270 appeals		1.7%
209 appeals		1.5%
236 appeals		1.7%

Park Exclusions

17 appeals		1.8%
14 appeals		1.3%
12 appeals		1.5%

Access to Administrative Justice

APRIL 22, 2015

