

## **PROPERTY MAINTENANCE APPEALS BOARD**

### **§ 152.62 PROPERTY MAINTENANCE APPEALS BOARD.**

There is hereby created a Property Maintenance Appeals Board. The words "the Board" or "Board," as used in this chapter, mean the Property Maintenance Appeals Board. The Board shall consist of five members, who shall be appointed by the Mayor for overlapping terms of three years. Initially, two members shall be appointed for one year, two members for two years, and one member for three years, respectively, and they shall serve until a successor is appointed.

(A) *Members.* Members of the Board shall be residents of the city. Membership shall constitute a representative group of citizens with appropriate expertise in health, finance, construction, homemaking and other appropriate skills. In the event of the absence from the city or incapacity of a member, the Mayor may appoint a substitute, who may serve as a member of the Board with the same power and authority as a regular member until such member has returned or is able to resume his or her duties.

(B) *Compensation.* The members of the Board shall serve without compensation from the city.

(C) *Rules of procedure; quorum.* The Board shall adopt rules and procedure consistent with this chapter and elect such officers as the Board deems necessary. No member of the Board shall take part in any hearing or determination in which she or he has a personal or financial interest. Three members of the Board in attendance at any meeting shall constitute a quorum.

(D) *Variations.* The Board shall interpret the intent of this chapter in specific cases where, upon appeal, it clearly appears that, by reason of special conditions, undue hardship would result from literal applications of any section of this chapter. Where such undue hardship is clearly demonstrated, the Board may permit a variance from the applicable section, if the dwelling will vary only a reasonable minimum from the literal provision of this chapter but will comply with the spirit and intent of this chapter with respect to sanitation, safety and rehabilitation. All decisions to permit a variance under this section shall be by a majority vote of the total membership of the Board.

(E) The Director of Public Service shall provide secretarial service to the Property Maintenance Appeals Board.

('65 Code, § 1401.06) (Ord. 131-85, passed 12-21-85)

### **§ 152.63 HEARINGS.**

(A) **PERSON** as used herein shall also include any entity which owns, leases, holds, or has any interest in a dwelling unit, rooming house, or rooming unit and premises in the city. Any person affected by any notice and order which has been issued in connection with the enforcement of any of the provision of this chapter may request and shall be granted a hearing on the matter before the Property Maintenance Appeals Board. Such person shall file in the office of the Director of Public Service, a written request for such hearing and shall set forth the name, address and phone number of the appellant and a brief statement of the grounds for such hearing and appeal from any notice or order of the Director of Public Service.

(B) Requests shall be filed within ten days after the notice and order is served and shall be accompanied by a deposit of \$15. The deposit shall not be required when the appellant provides the city with a sworn affidavit of indigency. Upon receipt of such request the Director of Public Service shall set a time and place for such hearing before the Board and shall give the appellant written notice thereof. The hearing shall be held within 45 days after a request has been filed.

(C) Upon written petition within two working days of being served the immediate action notice, the appellant may file for a hearing in the office of the Director of Public Service. Such application shall be accompanied by a \$15 deposit. The deposit shall not be required when the appellant provides the city with a sworn affidavit of indigency. Upon receipt of such hearing request the Director of Public Service shall set a time and place for such hearing before the Board and shall be held within ten days after a request has been filed.

(D) At any hearing of the Board the appellant shall be given an opportunity to be heard and to show cause why such notice and order should be modified or dismissed. The failure of the appellant or a designated representative to appear and present the appellant's position at such hearing shall be grounds for dismissal of such request.

(E) Written notice of any meeting of the Board shall be given by the Director of Public Service to the appellant and the occupant or complainant. Such notice shall be sent by ordinary U.S. mail at least five days prior to the

date of the hearing before the Board. The Law Director shall be notified of any hearing of the Board.

(F) Upon hearing, the Board may affirm, amend, modify or withdraw any notice and order. The petitioner and the Director of Public Service shall be notified in writing of such findings. Any deposit for a hearing shall be refunded should the Board determine that no violation was present at the time of the inspection.

(G) The proceedings at any hearings, including the findings and decision of the Board and reasons therefore, shall be summarized in writing and entered as a matter of public record in the Office of the Director of Public Service. Such record shall also include a copy of every notice and order issued in connection with the matter. Any person aggrieved by the decision of the Board may seek relief therefrom in any court of competent jurisdiction as provided by the laws of the state.

(H) The Board shall meet at least once during every month of the year.

('65 Code, § 1401.07) (Ord. 131-85, passed 12-21-85)

## **§ 152.64 NOTICE OF NONCOMPLIANCE.**

If the owner fails to comply with the order of the Director of Public Service or his designee provided for in §§ 152.49 and 152.61 or the ruling of the Property Maintenance Appeals Board after hearing where a hearing has been requested, the Director of Public Service or his designee shall deliver in person or by certified mail at the property owners last known address a notice of noncompliance with this chapter to the property owner. Such notice shall provide the property owner five days to demonstrate good cause for non-compliance with this chapter. If in the opinion of the Director of Public Service, in concurrence with a majority of the Property Maintenance Appeals Board, the property owner can demonstrate good cause for noncompliance, the Director of Public Service may grant an extension for compliance with the notice of violation not to exceed one year from the date of the original notice of violation.

('65 Code, § 1401.08) (Ord. 131-85, passed 12-21-85)