



City of Oakland

## **Bureau of Building**

### **Hearing Information Sheet**

- Fact: Appeals will be heard by an independent hearing examiner. All decisions are final and conclusive Oakland Municipal Code (OMC) Section 1.08.080.C/15.08.450. You may file in Superior Court (California Code of Civil Procedure 1094.6 and OMC Section 1.20.010) but the time limitation to do so is very short.
- Fact: All appeal decisions will be made in writing by the hearing examiner. The hearing examiner may also make a decision if the property owner does not attend the hearing.
- Fact: The hearing examiner may also make a decision based on the owner appeal submittal without convening a hearing.
- Fact: You may have representation during the hearing but must notify the City beforehand if you will have an attorney.
- Fact: You will have the opportunity to provide testimony and evidence (i.e. photographs, documents) at the hearing. You must provide at least two (2) copies before the hearing, one for the hearing officer and one for the City.
- Fact: The City inspector will also present evidence and testimony during the hearing.
- Fact: A Violation Appeal must be filed with the Bureau of Building within 30 days from the date of the initial Notice of Violation. (OMC 15.08.100)
- Fact: A filing fee in the amount of \$110.00 is required at the time of the appeal submittal
- Fact: A Billing Appeal must be filed with the Bureau of Building within three (3) years from the date of the Notice of Violation (Civil Code 338).
- Fact: A filing fee in the amount of \$110.00 is required at the time of the appeal submittal
- Fact: If you file a Billing Appeal more than one (1) time within the three years and the decision is denied again, you will be charged \$140.00
- Fact: A Violation Appeal can only be filed for the initial Notice of Violation.

#### **Appeal Approved**

- Fact: You will receive a letter along with the hearing examiner's decision that your appeal is approved (fully or partially) and any fees or liens that are not waived must be paid within the time determined by the hearing examiner. Payments can be made with a credit card or check by calling 510-238-4774.
- Fact: If you have already paid the fees, liens and assessments through the County Recorder's office, you will need to provide documentation of payment and complete a Refund Request form, which is available from our website [www.oaklandnet.com](http://www.oaklandnet.com) or in person from our Cashiering Station, 250 Frank Ogawa Plaza 2<sup>nd</sup> Floor. If you paid the fees at the City, we will prepare and process the Refund Request. You should receive your refund within 60 days from submittal of the Refund Request.

## Appeal Denied

Fact: The property owner must pay all assessed fees, citations and liens as stipulated in the hearing examiner's decision. Contact the Cashiering Office at 510-238-3452 or [billingappeal@oaklandnet.com](mailto:billingappeal@oaklandnet.com) to discuss payment options.

Fact: The property owner must pay Administrative Hearing Costs identified in the table below:

Administrative Hearing Fees	
Filing Fee	\$ 110.00*
Conduct Appeals Hearing	\$ 150.00 an hour (Actual Cost Appeal)
Processing Fee	\$ 931.00*
Reschedule Hearing	\$ 329.00*

*\*Fee Includes 9.5% Records Management Fee and 5.25% Technology Enhancement Fee*

Fact: If your Violation Appeal is denied and you do not correct the violations within 30 days from the date of the decision the City will continue abatement actions which include fee assessment, and administrative fees. **No further appeal action will be granted.** You may file in Superior Court (Civil Procedure 1094.6) but the time limitation to do so is very short.

## General Information

Question: I corrected the problem (s) described in the Notice of Violation, and I still received an invoice to pay fees.

Answer: If you complied by correcting the violations more than 30 days after the Notice of Violation was mailed, you will receive an invoice to pay inspection fees.

Question: I believe I corrected the violations before the 30 day deadline?

Answer: You may file a Billing Appeal. Provide documentation (i.e. dated photographs, dump or tow receipts, inspection approval, titles, deeds etc.) to show how and when you corrected the violations (cut the weeds, hauled away the trash; removed abandoned vehicles).

Question: As soon as I received the Stop Work notice, I came to the City and filed for a permit. Why did I get fee charged?

Answer: Once the inspector notified you that a permit was required, you are in violation of the Oakland Municipal Code. The City charges investigation fees as identified in the Master Fee Schedule.

Question: I did not receive my notice and the inspector told me that the City mailed the notice to the mailing address on file the Alameda Assessor's Office. I don't live at the property and submitted a change of address with the County over a year ago. What do I do?

Answer: You should obtain a copy of your change of address form from the Assessor's office.

Question: I bought the property and then discovered there are code enforcement violations and fees recorded on the property title. I plan to fix up the property and repair any violation. How can I get the fees removed?

Answer: You can schedule a meeting with an inspector to sign a Compliance Plan to correct the violations. You are responsible for the fees if it they were disclosed at time of purchase (i.e. liens recorded on title). If you purchased the property without a title company research, you may submit a Billing Appeal but the Hearing Examiner may deny your Appeal without a hearing.

Question: I submitted a request to appeal the Violation or Billing but have changed my mind and wish to waive my right to appeal.

Answer: You must submit in writing, by mail, email, fax or in person a statement with your signature that you waive your right to appeal the Violation or Billing appeal at this time.