



Legislation Text

File #: 18-0076, **Version:** 2

Ordinance No. 18-27 amending Section 106 (Notice and Order Appeal Hearings), 107 (Appeal Hearing Decision), and repealing section 108 (Appeal to City Council; Notice and Order Appeal Hearing) all of Article 5 (Municipal Court Referee) of Chapter 11 (Municipal court) of the Code of the City of Colorado Springs 2001, as amended, pertaining to Municipal Court Appeal Hearings (Legislative)

Presenter:

Peter Wysocki, Director of Planning and Community Development
Mitchel Hammes, Neighborhood Services Manager

Summary:

This ordinance is one of three associated ordinances on the same topic.

Together, the proposed ordinances consolidate and clarify the enforcement remedies applicable to violations of the City's Housing Code, strengthen the remedies applicable to repeat and chronic repeat offenders for continued non-compliance with the City's minimum housing standards and focuses on providing improved living conditions and quality of life for tenants. The proposed ordinances also consolidate, clarify and streamline the procedures for the issuance of notice and orders for violations and the appellate process to review notice and orders as well as the assessment of re-inspection fees. By providing for a single level of administrative review, unhealthy and/or unsafe situations can be abated quickly and efficiently with a minimum level of delay while providing a necessary forum for review of enforcement actions.

This ordinance updates multiple sections of City Code to include an option for the owner or occupant of a property who is assessed a reinspection fee to appeal that assessment to the Municipal Court referee and for the results of that appeal to be final agency action, and specifies the notification requirements for that appeal.

Previous Council Action:

N/A

Background:

Currently, City Code permits a property owner or occupant to appeal a "Notice and Order to Abate City Code violations" to the Municipal Court Referee, but does not provide for an appeal process for the assessment of reinspection fees imposed by the Code Enforcement Administrator. Also, under current City Code, the result of the Municipal Court Referee's decision in such appeals is further appealable to the City Council, although City Council has not heard any such appeals in recent history.

This process is lengthy, cumbersome, and would place undue burden on aggrieved property owners,

City staff, Municipal Court, and City Council to reach a decision on a matter that is primarily administrative in nature.

Financial Implications:

N/A

Board/Commission Recommendation:

N/A

Stakeholder Process:

Standard notification is not utilized for legislative code changes, as the proposed application affects all City residents and property owners.

In February 2018, the ordinances were distributed to a group of interested stakeholders, including Homeward Pikes Peak, the Colorado Springs Housing Authority, Greccio Housing, the Apartment Association of Southern Colorado, El Paso County Public Health, the Council of Neighbors and Organizations, and other subject matter experts. Council staff received feedback from a number of stakeholders, and their feedback was considered in the presentation of the three associated ordinances.

Alternatives:

City Council could approve the ordinance as presented, modify the ordinances, or refer the matter back to the City staff for further consideration.

Proposed Motion:

Approve the ordinance as presented

An ordinance amending city Code relating to municipal court hearings pertaining to reinspection fees imposed by the Code Enforcement Administrator.