



Consequences Of Noncompliance, Hearing Procedure And Appeal Process

Compliance Orders: City Officials issue compliance orders as an administrative remedy to address violations of the Santa Monica Municipal Code. The use of this administrative remedy does not preclude the City's use of other means to enforce its laws including criminal prosecution, involuntary receiverships, injunctions and abatement warrants.

Consequences of Noncompliance: Failure to correct violations identified in a compliance order can result in severe financial penalties that become personal obligations of the violator and/or liens and encumbrances on any related real estate.

Hearing. If you do not correct the violation(s) identified in the Compliance Order by the Compliance Date, the City Official shall advise the City Attorney's Office to schedule a hearing before an independent Hearing Examiner. Unless the City Official determines that an emergency exists, you will receive a written notice of the hearing in person or by mail between five (5) and thirty (30) days prior to the hearing. The notice will contain the date, time and place at which the Hearing Examiner will conduct the hearing.

At the hearing, you will be able to present sworn testimony and any other evidence about whether a violation has occurred and/or that the violation has continued to exist. Unless otherwise approved by the Hearing Examiner, you must submit any written evidence at least two days prior to the scheduled hearing. The hearing proceedings will be recorded. You may also provide a certified shorthand reporter to maintain a record of the proceedings at your own expense.

Hearing- Findings and Order: Within thirty (30) days after the hearing, the Hearing Examiner will make findings and issue a determination regarding the existence of the violation and the failure of the violator or owner to take required corrective action within the required time period. If the Hearing Examiner determines that a violation occurred that was not corrected within the time period specified in the compliance order, the Hearing Examiner will issue an administrative order to correct the violation within a specified timeframe and assess administrative costs and penalties.

Administrative Costs: Unless the Hearing Examiner grants an extension of the compliance date specified in the compliance order, the responsible party for any violation must pay all administrative costs incurred by the City related to the violation. This includes but is not limited to costs of investigation, staffing costs incurred in preparation for the hearing and for the hearing itself, and costs for all reinspections necessary to enforce the compliance order.

Administrative Penalties: The Hearing Examiner determines the level of penalties based on the violation's duration, frequency, recurrence, seriousness and impact on the community as well as the violator's history, any good faith efforts to come into compliance and economic impact of the penalty on the violator. Administrative penalties imposed by the Hearing Examiner accrue from the date specified in the compliance order and cease to accrue on the date the violation is corrected as determined by the City Official or the Hearing Examiner. The Hearing Examiner may impose administrative penalties for the violation(s) in any amount from \$100 to \$25,000 per day for each ongoing violation up to a maximum of \$500,000 exclusive of administrative costs and interest.

Failure to Pay: The failure to pay an administrative penalty is a misdemeanor. The City may collect the assessed administrative penalties and administrative costs by use of all available legal means, including but not limited to civil suit, criminal prosecution, and recordation of a lien or imposition of a special assessment against the real property whereon the violation exists.

Right Of Judicial Review: Any person aggrieved by an administrative order of the Hearing Examiner may seek review of the administrative order in the Superior Court. If you fail to appear at your hearing without legal excuse, you will forfeit this right.

Additional Information: See Chapter 1.10 Compliance Orders/Administrative Penalties of the Santa Monica Municipal Code for further information. Copies of the Santa Monica Municipal Code are available at the City Clerk's office, City Hall, 1685 Main Street, Santa Monica.