

**DEPARTMENTAL BUDGET INFORMATION
DEPARTMENT OF ADMINISTRATIVE HEARINGS (45)**

MISSION

As a quasi adjudicative tribunal The Department of Administrative Hearings will create a clean Detroit by streamlining code enforcement and hearing all blight violations.

DESCRIPTION

The DAH will replace the Municipal Ordinance Violations Bureau (MOVB), establishing procedures for the administration and adjudication of blight violators. The Zoning, Solid Waste and Property Maintenance branches of the MOVB will dissolve and be replaced by Divisions administered under the Department of Administrative Hearings (DAH). The DAH will assess civil fines and costs pursuant to the schedules of violations for the Blight Ordinances. Under the DAH, violation notices will contain hearing dates, so no separate citation will be generated, and hearings will yield Decisions and Orders with which a defendant must comply or appeal to 3rd Circuit Court of Michigan.

MAJOR INITIATIVES:

The Mayor's Office convened a committee in the Fall of 2002 to develop the operational framework for implementing the Municipal Ordinance Violations Bureau, created by City Council in 1997 with an ordinance decriminalizing zoning violations. Staff in the Mayor's Office, Department of Environmental Affairs, Buildings and Safety Engineering, Law, Budget and Finance led the team activating the Bureau. Three branches are in existence, Zoning Enforcement, Solid Waste/Illegal Dumping, and Property Maintenance Branch.

Environmental officers and inspectors began issuing violation notices in March 2003,

which was followed by citations, by court hearings, and by collection action, depending on violator compliance at each step. Zoning violation notices are issued by inspectors in the Buildings and Safety Engineering Department (B&SE) and Police. Solid Waste/Illegal Dumping violation notices are currently issued by staff in multiple city agencies: Environmental Control Inspectors in the DEA and Health Department, and Detroit Police Officers dedicated to environmental matters in each of the 13 precincts. Property Maintenance Code violation notices are issued by inspectors in the B&SE Department.

In January of 2004 the Governor signed amendments to the Home Rules Cities Act and Revised Judicature Act, which provide that Detroit may set up municipal administrative hearings procedures to strengthen the enforcement of these violations. This approach confronts the overburdened 36th District Court, multiple administrative hearings procedures already in existence across City agencies, disproportionate penalties for code violations, and time-consuming adjudication procedures with a more streamlined and still expedient, independent and impartial system. With passage of amendments to the Detroit City Code and Executive Organization Plan by the Detroit City Council, the Department of Administrative Hearings (DAH) will be created as Detroit's administrative hearings tribunal.

One Manager, a Governmental Analyst and two Office Assistants will be hired during the first quarter of Fiscal Year 2004-05 to coordinate the development of key systems. Various functions associated with blight violation issuance, processing, and

**DEPARTMENTAL BUDGET INFORMATION
DEPARTMENT OF ADMINISTRATIVE HEARINGS (45)**

docketing will be integrated into a unified and comprehensive user-oriented ticket processing system, under the responsibility of a vendor to be selected. This will include receipt of payments. In the initial rollout of the program, the City anticipates a lot of contested notices until citizens understand program objectives and enforcement methods, and a major outreach campaign is underway. The plan for security services will be developed using the experience of the Parking Violations Bureau. An ordinance will be passed outlining the procedure the bench book will contain on explanation of the ordinance hearings, and three full-time contractual Hearings Officers will be hired to conduct the proceedings.

Under the DAH, violation notices issued by each code enforcing department will include a hearing date for violators, so no separate citation is generated. When administrative hearings procedures are implemented, the City intends for agents to electronically generate violation notices in the field, using laptops or handheld ticket writing devices. This system will likely be part of the ticket processing vendor contract to be brought to City Council. Managers in the Mayor's Office Neighborhood City Hall offices will also issue minor blight violations as well.

Total volumes of violations are not known. Based on the activities of three branches, the total volume of blight violation notices projected in the first year under the new system is roughly 70,000. The total is expected to decrease in subsequent years, as the deterrence effects begin to accrue throughout the city. Fines and fees revenues are recorded for Solid Waste, in the DEA, and for Zoning and Property Maintenance, in B&SE.

When administrative hearings procedures are implemented, only those cases for which administrative Decisions and Orders are appealed will be transmitted to the 3rd Circuit Court. For these, a certified record will be sent to the Court for the appeal. A court reporter will be hired via a personal service contract to maintain the records of the proceedings and to transcribe and certify records for the appeal. Ticket writing agencies will incur costs for verifying titles. The appeal will look only at errors of law, similar to the procedure for appealing 36th District Court judgments to the Circuit Court. The DAH will assess a \$30.00 fee for all cases won by the City: \$10.00 per the statute and \$20.00 processing fee.

PLANNING FOR THE FUTURE

Administrative procedures are implemented in order to increase the effectiveness of code enforcement. While the incentive to citizens is financial, the City's interest is not. The DAH is an impartial actor and not an advocate for code revision or for collections efforts. The DAH will have no connection with the investigation, prosecution, or post-hearings collection aspects of municipal code violations. Its tracking of compliance patterns will assist other city departments: what is the incidence of different types of violations, what is the recidivism rate, how many citizens contest each type of violation, how many Decisions and Orders are appealed to 3rd District Court, how many are remanded, etc.

As initial evaluation occurs, more divisions may be added to the DAH, in the model of the City of Chicago, which created the first unified municipal administrative

**DEPARTMENTAL BUDGET INFORMATION
DEPARTMENT OF ADMINISTRATIVE HEARINGS (45)**

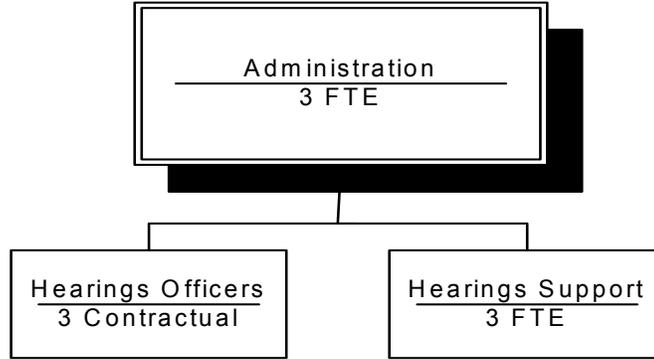
adjudicatory system in 1997. The City of Chicago's Department of Administrative Hearings addresses quality of life offenses with the following Hearings Divisions: Buildings; Consumer Affairs; Environmental Safety; Municipal; Vehicles; and Community Service. Every year the department's administrative law officers preside over 400,000 cases, including tens of thousands of cases previously prosecuted in an overburdened state court system. Cases include general violations of the Municipal

Code relating to disorderly conduct, permits, public drinking, graffiti and vandalism, peddling, business licenses and permits, public taxis and liveries, and consumer fraud and deception. More City of Detroit codes are already contemplated for decriminalization, according to careful study of program effectiveness here.

PERFORMANCE GOALS, MEASURES AND TARGETS

Goals: Measures	2002-03 Actual	2003-04 Projection	2004-05 Target
Prosecute unlimited numbers of blight code violations issued by authorized City agents:			
Number of zoning division violations heard	N/A	N/A	2,468
Number of solid waste division violations heard	N/A	N/A	42,981
Number of property maintenance division violations heard	N/A	N/A	19,537
Streamline adjudication of code violations, with relaxed rules of evidence and procedure:			
Average number of days between violation issuance and hearing date	N/A	N/A	30
Percent of cases that are no-show	N/A	N/A	N/A
Enhance collectibility of fines and fees, through garnishments and liens drawing on the Department's Decision and Orders:			
Percent of Decisions and Orders appealed	N/A	N/A	N/A
Percent of Decisions and Orders overturned	N/A	N/A	N/A
Percent of Orders in delinquency	N/A	N/A	N/A
Adjudicate violations with sensitivity to their impact on blight:			
Number of dumping complaints received in the City	N/A	N/A	N/A

**DEPARTMENTAL BUDGET INFORMATION
DEPARTMENT OF ADMINISTRATIVE HEARINGS (45)**



**DEPARTMENTAL BUDGET INFORMATION
DEPARTMENT OF ADMINISTRATIVE HEARINGS (45)**

EXPENDITURES

	2002-03		2004-05		Variance	Variance Percent
	Actual Expense	2003-04 Redbook	Mayor's Budget Rec			
Salary & Wages	\$ -	\$ -	\$ 286,648	\$ 286,648	0%	
Employee Benefits	-	-	185,170	185,170	0%	
Prof/Contractual	-	-	1,532,849	1,532,849	0%	
Operating Supplies	-	-	50,000	50,000	0%	
Operating Services	-	-	210,000	210,000	0%	
Capital Equipment	-	-	55,500	55,500	0%	
Capital Outlays	-	-	1,000	1,000	0%	
TOTAL	\$ -	\$ -	\$ 2,321,167	\$ 2,321,167	0%	
POSITIONS	0	0	6	6	0%	

REVENUES

	2002-03		2004-05		Variance	Variance Percent
	Actual Expense	2003-04 Redbook	Mayor's Budget Rec			
Sales and Charges	\$ -	\$ -	\$ 562,330	562,330	0%	
TOTAL	\$ -	\$ -	\$ 562,330	\$ 562,330	0%	

**DEPARTMENTAL BUDGET INFORMATION
DEPARTMENT OF ADMINISTRATIVE HEARINGS (45)**

This Page Intentionally Blank