

CITY OF DETROIT

The Department of Administrative Hearings

Your Community's Partner in
Blight Fighting



DEPARTMENT OF
ADMINISTRATIVE
HEARINGS

I. The Department of Administrative Hearings: Your Community's Partner in Blight Fighting

Fighting and preventing blight is one of the most pressing city issues that residents and property owners demand that government address. The City of Detroit has placed vigorous code enforcement at the top of the list of methods to rid our city of blighted properties. The Department of Administrative Hearings (DAH) is a key component of the City's blight-fighting enforcement scheme.

A. History of DAH – 2004 Legislative Enactment

In 2004, the City of Detroit petitioned the State legislature to pass legislation that would for the first time in the State's history give a municipality the power to create its own administrative hearings bureau to adjudicate "quality of life" violations. The legislative power granted to create municipal "blight courts" enabled the City of Detroit to create the Department of Administrative Hearings (DAH) in 2004. The DAH opened its doors in January of 2005 and since then has adjudicated over 400,000 blight tickets.

B. Pre-DAH – Blight was a Crime

The forces that precipitated the creation of the DAH was the prior enforcement model that treated failure to maintain property in the city as a criminal act, adjudicated at 36th District Court: one of the busiest in the country. Property owners were issued misdemeanor tickets, could be arrested and jailed if found guilty of the crime of failure to maintain property. These property-related crimes competed with victim crimes, such as assault, battery, etc., for docket and jail space in the criminal court process. This contributed to a continuation of blighted conditions in our city and encouraged city leaders to create a better, more efficient and effective way to enforce and adjudicate quality of life violations in Detroit.

Here is a comparison of the criminal court method of adjudicating quality of life violations and the DAH process for adjudicating blight violations:

	36th District Court	DAH
Number of cases heard	50 per day	300 per day
Judicial Officer	Elected judges	Appointed hearing officers
Penalties	Jail time & fines	Civil Judgment
Non-Payment of Fines	Subject to jail time	Garnishment, credit marks
Service of tickets	Personal service	First class mail & posting
Filing of tickets	In person in court	Electronically

C. DAH Process – The Life of a Blight Ticket

Blight tickets are issued by inspectors at the Department of Public Works (DPW) and the Department of Buildings Safety Engineering and Environmental (BSEED), as well as Police Officers. This illustrates the life of a “blight ticket” in the City of Detroit:

1. **Complaint** – resident, neighborhood or block club group member submits a complaint of blight to a city agency
2. **Investigation** – City inspector or officer investigates property for suspected blighted conditions and investigates the ownership of the property if blight found to exist
3. **Ticket Issued** – Inspector or officer issues blight ticket to property owner via first-class mail and posting on the blighted property
4. **Ticket Filed** – Inspector or officer files blight ticket electronically with the DAH for a hearing
5. **Ticket Payment** – Property owner may admit responsibility and pay the blight ticket prior to the hearing
6. **Set for Hearing** – The blight ticket is scheduled for a hearing on Monday through Friday, on one of the DAH’s dockets: at 9:00 a.m., 10:30 a.m., 1:30 p.m. or 3:00 pm.
7. **Hearing Held** – The hearing officer hears testimony from the inspector or officer who issued the blight ticket and the property owner (the “respondent”) and makes a decision on whether the blight violation occurred
8. **Judgment Entered** – On the day of the hearing, the hearing officer enters a decision and order and judgment based on the evidence
9. **Payment on Judgment** – The respondent is responsible for payment on the judgment the day it is entered at the hearing or faces a 10% penalty

10. **Collections by DAH** – If the blight judgment is unpaid, multiple collection notices will commence with 10 days of the judgment’s entry
11. **Collections by Outside Agencies** – The unpaid judgment shall be sent to an outside collection agency for more stringent collections, including liens, garnishments and attachment of assets in 28 days of entry of the judgment if unpaid

II. Definitions of “Blight”

Blight comes in many forms. The word “blight” conjures images of crumbling vacant properties and piles of debris strewn across vacant lots. Legally, however, the term encompasses much, much more. While the legal definition of blight may include vacant properties and debris it also includes, poorly maintained property, a failure to obtain required certifications, and zoning violations.

Let’s start with the obvious violations.

1. Debris and Solid Waste

Anyone who has spent any appreciable time in the City of Detroit has seen a pile of debris. Unfortunately it’s not uncommon to see a huge pile of mattresses, broken furniture, damaged dry wall, and huge tree parts scattered on vacant lots through out the city.

2. Bulk Debris

With the advent of Advanced Disposal and Rizzo Environmental Services collecting bulk debris on behalf of the City, there should be fewer piles of discarded waste littering our landscapes. Bulk collection has been stepped up to every other week as opposed to the quarterly collection in years past. Property owners must be aware, however, that not all items will be collected. For example, construction debris is not collected on bulk day. Therefore if you’re renovating your kitchen you need to ensure that your contractor removes the debris as its being created. You can’t pile it in your back yard and set it out for bulk because it may not be collected.

Likewise, bulk pick-up is limited to about one cubic yard. That’s about the size of a refrigerator or sofa. If you set out more than that it may not get picked up or you may be billed for the excess.

3. Inert Materials

Not all items which are dumped are considered Blight. Large piles of dirt and even compost, if they don't contain trash, may be considered inert and therefore not debris. As a rule of thumb, if it should be hauled a way to a landfill its probably solid waste; if its easily recycled its probably not solid waste.

Less obvious violations

4. Vacant Property

There is an entire section of Detroit Ordinances which cover vacant property. All one has to remember is that vacant property must be registered with the City's Building, Safety, Engineering, and Environmental Department. There is no cost to register vacant property and those who fail to do so risk getting a blight violation notice.

Vacant property must also be maintained to certain minimum standards. The property must have an address, it must have some illumination at night (even if solar powered), the surrounding area must be free of trash and overgrowth, and the owner's or property manager's information should be discretely displayed for inspectors or police officers.

5. Poorly Maintained Property

Just because a property looks vacant doesn't mean it is. There are some occupied properties that need more than a little work. While inspectors don't inspect the interior of a person's home, falling gutters, broken railings, and peeling paint can be the basis of the blight violation notice.

6. Owner Occupied

Owner occupants are generally given a correction order which contains a list of items to be repaired and a deadline for doing so before they receive a blight violation notice.

7. Rental and Commercial

Rental and commercial properties, on the other hand, are required to have interior inspections as well. Both are required to pass annual inspections. Once the annual inspection is passed the property owner is given a "Certificate of Compliance." As the next section details, even well maintained properties may receive a blight violation notice for failure to obtain a certificate of compliance.

8. Compliance Violations

Properties which, on the outside, look meticulously maintained may also receive blight violation notices. Failure to pay the annual inspections fees may be the subject of a correction order and lead to a blight violation notice. One of the purposes of the annual inspection is to ensure that dwelling and businesses are

safe for the public as well as visitors. There are two main types of compliance violations:

9. Emergency Orders

Falling bricks, crumbling walls, locked emergency exits, no smoke detectors, and similar problems may be the subject of an emergency order. Emergency orders are given a short time for correction. Failure to obtain a certificate of compliance for an emergency violation generates a hefty fine.

10. Rental and Commercial

Any property that is open to the public, occupied by anyone other than the owner, or is a regular work place is subject to inspection and compliance requirements. Even churches and family occupied property can be considered commercial or rental. Once obtained, the expiration date on the certificate of compliance should be noted. Gone are the days when the city would invoice for every annual inspection. Property owners are presumed to know when their certificate expires and they must be proactive in scheduling annual inspections in a timely manner.

11. Zoning Violations

An extensive review of zoning violations is beyond the scope of this manual. New business owners should take the time to contact the City of Detroit Business License Division to determine if they need a business license to operate at their location. If they are changing the use of the location – for example from an office to a beauty salon – they are well advised to make sure their proposed use is approved for that location. One of the most common zoning violations is posting advertising signs without a permit.

III. Reporting and Investigating Blight Violations

Residents, neighbors and citizens are the eyes and ears of the City's blight enforcement process. Many blight tickets are issued as a result of a neighborhood complaint of a blighted property. These Detroit departments and agencies are responsible for investigating reports of blight in the community and issuing blight violation tickets of blight is found to exist:

- A. **Police Department (DPD):** Police officers in the neighborhood precincts and district offices investigate complaints of blight and write blight tickets based on these investigations

- B. **Public Works (DPW):** Inspectors investigate complaints of blight based on solid waste disposal and illegal dumping and write blight tickets based on these investigations
- C. **Buildings Safety Engineering & Environmental (BSEED):** Inspectors investigate complaints of blight based on zoning and property maintenance violations and write tickets based on these investigations
- D. **Mayor's Office of Neighborhoods:** The District Managers investigate complaints of blight and work with the ticket-writing agencies so that blight investigations and blight tickets will be written where appropriate

IV. Fighting Blight – Addressing Issues of Ownership

Every piece of property in the City of Detroit is owned by someone or some entity. The challenge is sometime determining who owns what.

1. Private Owned Property

Owner occupied residential property is a particular class of property within the City of Detroit. Some of the advantages include: your property is not subject to interior inspection, you are not required to have an annual inspection; and, if you receive a blight violation notice you may have the fine waived if you prove compliance prior to the hearing, no prior violations, and there is a financial need for the waiver.

2. City Owned Property

The city doesn't receive blight violation notices for its own property. The city is, however, responsible for the condition of city owned property. If a citizen is aware of a problem on city owned property a complaint can be made and the city usually promptly responds by cleaning or otherwise correcting the violation.

3. Tax Forfeitures and Foreclosures

While forfeiture sounds like a end to ownership of property – its not. Property owners who receive forfeiture notices for failure to pay property taxes still have a right of redemption. They can pay the past due taxes and penalties and retain full ownership of their property. A foreclosure on the other hand, means that there is a judgment which terminates the right, title and interest in a property. With a foreclosure there is no redemption – and also no blight violation notices to the former owner.

4. Bankruptcy

Bankruptcy law is federal and trumps city ordinances. While the city has no jurisdiction over properties in bankruptcy once a property exits bankruptcy it is subject to blight violations. In many cases the former property owner has only terminated the mortgage interest in the property and, in the absence of a judgment of foreclosure; they still own the property even if their intent was to “give it up” in bankruptcy.

V. City’s Blight Laws: Blight Violation Ordinances

1. Chapter 9 – Property Maintenance Code

The DAH was given authority to determine that certain violations will be designated as blight violations. This authority was given to Chapter 9 violations, Chapter 22 and parts of chapter 61 violations under the City of Detroit ordinances. This manual will discuss the most common violations written by authorized local officials under these three (3) ordinances. Under chapter 9, the three (3) most commonly written ordinances are:

9-1-36(a), **9-1-81(a)** and **9-1-43(a)**, there will be separate discussions as relates to each code section.

- **9-1-36(a)** requires that all buildings and structures have a Certificate of Compliance (C of C) and the violation for failure to obtain a C of C is proof that this specific building or structure has not been inspected and/or has been not certified as passing that inspection.
- **9-1-81(a)** requires that all property that is used or will be used as rental property has to have an annual certificate of rental registration.
- **9-1-43(a)** addresses emergency orders in dwellings and structures. They allow not only for fines but that these structures may be declared unfit for human occupation. They further allow for shorter compliance periods to go along with stiffer penalties.

2. Chapter 22 – Solid Waste and Illegal Dumping

The most commonly written violations in this section are **22-2-88**; **22-2-88(b)** and **22-2-45**.

- **22-2-88:** These sections relate to allowing bulk solid waste to accumulate to between 1 and over 10 cubic yards. These sections also explain it is the duty of the owner of the property whether vacant or occupied to keep the property free from illegally dumped solid waste. This duty makes the own-

er responsible for amounts of accumulated solid waste starting at 1 cubic yard to over 10 cubic yards and provides a schedule of increasing fines for amounts and repeat offenders.

- **22-2-45:** regulates the time that approved containers (Courville) can remain at curbside. The approved container may not be placed at curbside before 6:00 p.m. of the day before pick-up and has to be removed by 9:00 p.m. of the day of collection.

3. Chapter 61 – Zoning Ordinance

Finally the most commonly written violations for chapter 61 relates to Zoning and unlawful use of a building, structure, parking lot or similar occupancy violations. The enumerated sections are:

- **61-5-18, 61-5-19 and 61-5-21:** relate to unlawful change of Land Use Without Permit, Failure to Comply with Conditions of Grant and Failure to Comply with Other Procedural Requirements are all scheduled.
- **Section 61-5-18** is used mostly under the circumstances where a business changes its use, such as from a corner store to a barbershop.
- **61-5-19** is when a business has received a grant to operate a gas station, but improperly allows service work on vehicles.
- **61-5-21** relates to unlawful storage of inoperable vehicles or debris upon land developed as both residential and non-residential. Persons working on vehicles or allowing an unregistered vehicle to be stored on their property most commonly violate this final code section.

VI. Blight Violation Notices

1. Hearing Location and Times

Blight hearings are conducted at Coleman Young Municipal Center, 2 Woodward Ave., Suite 1004, Detroit, Michigan 48226 at 9 and 10:30 am and 1:30 and 3:00 pm.

2. Rules and Procedures

All persons attending hearings are expected to enter Suite 1004 quietly and to report to the clerk in charge. Security has been instructed to not allow food or beverages into the courtrooms. Security will also remove any person and hearing officers will order the removal of any person whose conduct is disruptive in the waiting area or hearing courtrooms. At no time will the use of cell phones or

electronic devices be allowed in the courtrooms. The hearing office will call each case by its Blight Violation Number and party listed on the face of the blight violation notice.

3. Presentation of Evidence

The City, through its court representative, proceeds first and has the burden of persuading the hearing officer to a simple preponderance of the evidence. This means that the City must offer more evidence than Respondent. The City may use live sworn testimony of witnesses, photo or documentary evidence in presenting its case. Cross-examination or questions may be posed to any witness and the hearing officer is to receive these questions and relay to the witness. At no time during these proceedings is the hearing to turn into a free-for-all shouting match. The Respondent will next have the opportunity to present its case. The Respondent's case may be presented by defenses to the relevant City Ordinance or by presentation of witnesses or documents.

4. Inspector-less Docket

The Department of Administrative Hearings has an expedited hearings process called the "inspector-less docket." These shortened dockets enable inspectors to better canvas an area of the City and better fight blight. During the "inspector-less dockets," a code enforcement supervisor signs an affidavit of verification of the violations and submits documentary evidence that is presented at a hearing without the presence of the ticket-writing inspector. This process does not in any way prejudice the rights and interests of the Respondents.

5. Photos

Both the City and the Respondent may present photographs or photographic evidence to the hearing officer during their respective case presentations. The Photos may not be contained on an electronic media that cannot be added to the preserved record. In other words the photos need to be individual and have a recorded numerical picture number to be read into the record by the hearing officer.

6. Acceptable Defenses

Defenses that a Respondent may use to contest the City's case are mostly Ordinance specific. For example, a defense of not owning a property under Code Section 9 may not apply to a Code offense written under the same Section for not cleaning up the half of the alley immediately behind ones house.

VII. Decisions on Blight Violation Tickets

- A. The DAH shall enter a decision and order and judgment on all blight violation tickets. The types of judgments entered are as follows
1. **Decision and Order and Judgment of Responsible By Admission:** This judgment will be entered if a Respondent "admits responsibility" for the blight ticket and pays the fine and fee
 2. **Decision and Order and Judgment of Responsible by Determination:** This judgment will be entered if after a hearing the hearing officer determines that the facts support finding the respondent "responsible" for the blight violation
 3. **Decision and Order and Judgment of Not Responsible by Determination:** This judgment will be entered if after a hearing the hearing officer determines that the facts support finding the respondent "not responsible" for the blight violation
 4. **Decision and Order and Judgment of Responsible by Default:** This judgment will be entered if the Respondent fails to appear at the hearing on the blight violation ticket
 5. **Decision and Order and Judgment of Not Responsible by Dismissal:** This judgment will be entered if the blight violation ticket is dismissed before a hearing on the matter
- B. **Other Orders entered by the DAH on blight tickets may include:**
1. **Order of Adjournment:** At the hearing, the hearing officer may adjourn the matter at the request of one of the parties
 2. **Order of Adjournment for Compliance:** At the hearing, the hearing officer may adjourn the case to allow for the property to be brought in to compliance based on specific circumstances

VIII. Assessment of Fines & Costs for Blight Violations

1. Owner Occupied Properties

The Department of Administrative Hearings is limited in the amount of fines and costs it may assess for violations of the City Ordinances. The DAH may not impose a fine of more than \$10,000 nor administer penalties of incarceration. The DAH may review the record to determine whether the property is owner occupied. If owner occupied, the ordinances allow the Hearings Officer to reduce the fine amount or waive the fine amount. The ordinances do not allow the Hearings Officer to waive the \$10.00 JSA fee nor the \$20.00 administrative fee.

2. Reduction of Fines

A hearing officer may adjust the amount of the fine for solid waste violations under chapter 22 or reduce the amount according to the schedule and the respondent meeting certain conditions. The fine amounts are contained in sections 22-2-13, 22-1-14 and 22-1-15 and the hearing officer cannot reduce a fine below the lowest listed or scheduled fine. However, this reducing of fines will need to meet the eight (8) factor test contained in chapter 22 and the respondent has the burden of proof in the eight (8) factors.

3. Penalties

The Department of Administrative Hearings' main penalty that it uses to encourage compliance with the ordinances is the imposition of fines and costs. The DAH also can use measures such as business interruptions, cease and desist or business closures to enforce blight judgments.

4. Collection Actions & Enforcement

If a violator fails to pay the fine, fee costs or other sanctions, the DAH is may use collection means for the enforcement of a final decision and order or judgment under the applicable laws of the state. These include attachment or garnishment, writs of execution, liens and foreclosure against the property. An attachment and garnishment allows the DAH to go after and receive the violator's wages and other assets to satisfy the monetary judgment. A writ of execution allows the DAH to seize or take possession the violator's property and sale it at sheriff's sale. If the property is real property, this writ allows the DAH to freeze

the title to the property and foreclose on the property. Failure to pay a blight ticket or judgment will also bar property owners from obtaining city licenses, permits and zoning approval. Lastly, failure to pay certain blight judgments will subject the violator to criminal sanctions including jail time, fines and a criminal record.

IX. Payment of Blight Fines, Fees & Costs

A. Where to Pay Blight Violations

1. There are many convenient opportunities to make payments on blight violation tickets and judgment. Payments can be made by:
 - a. Paying in-person at the DAH, Monday to Friday, 8:30 a.m. to 4:30 p.m.
 - b. Paying via telephone with a credit card by calling 313-224-0098, 24 hours a day, seven (7) days a week
 - c. Paying online with a credit card at the DAH website, 24 hours a day, seven (7) days a week

B. Methods of Payment Accepted

1. Many methods of payment are accept to pay blight tickets and judgments. Payment methods include:
 - a. In-person payments at DAH: cash, personal/bank check, money orders and credit card
 - b. Via telephone: credit card
 - c. Online: credit card

C. Effect of Timing of Payment

1. Blight tickets paid before hearing date: a 10% discount will be applied to the amount due
2. Blight tickets and judgments paid after the hearing date: a 10% penalty will be applied to the judgment amount

X. Appellate Procedure

Litigants may appeal decisions and orders entered by the DAH and the rules for doing so are established by State statute, Michigan Court Rules and City of Detroit ordinance.

A. Procedure for Appealing Default Judgments

1. If a Respondent has failed to attend a hearing, a decision and order of “responsible by default” shall be entered against the Respondent. The defaulting Respondent may appeal the default judgment by:
 - a. Filing a “motion to set aside default” with the DAH (forms are available at the DAH) within twenty-one (21) days of the date of the default judgment;
 - b. Paying a \$20 motion fee;
 - c. Posting a bond in an amount equal to the default judgment; and
 - d. Showing “good cause” for missing the hearing and a “meritorious defense” to the blight violation
2. If the Respondent’s “motion to set aside default” is granted, the Respondent will have a new hearing on the blight violation
3. If the Respondent is found “not responsible” for the blight violation at the new hearing, the bond amount shall be refunded to the Respondent
4. If the Respondent is found “responsible” for the blight violation at the new hearing, the posted bond will be applied to satisfy the judgment amount

B. Procedure for Appealing Decisions after Hearing

1. If after a hearing on a blight violation, a party is unhappy with the decision of the hearing officer, the party has the right to appeal the decision to the Wayne County Circuit Court within twenty-eight (28) days of the date of the judgment. The following steps must be taken:
 - a. Filing an “appeal bond” with the DAH in an amount equal to the judgment;
 - b. Filing a \$25 “appeal fee” with the DAH;
 - c. Filing a “claim of appeal” with the Wayne County Circuit Court clerk with proof of payment of “appeal bond;”

- d. Ordering a transcript of the DAH hearing and filing proof with the Wayne County Circuit Court
2. Upon review of the appellate filing, the DAH hearing transcript and file, the Wayne County Circuit Court judge will render an order of decision on the appeal, which may include:
 - a. Affirming the decision of the DAH hearing officer, which will result in the amount of the bond posted being applied to pay the judgment;
 - b. Reversing the decision of the DAH hearing officer, which will result in a refund of the full or partial amount of the bond posted;
 - c. Entering a stipulated settlement between the parties

XI. Community Initiatives: The DAH in your Neighborhood

The DAH is a partner in the efforts in Detroit neighborhoods to stamp out blight. The DAH's Neighborhood Blight Training Academy is the hallmark of the DAH's role in making sure that residents are tooled with the information to address blight in their neighborhood.

These are other community initiatives that the DAH regularly undertakes to keep Detroit residents, property owners and businesses informed of blight-fighting tools:

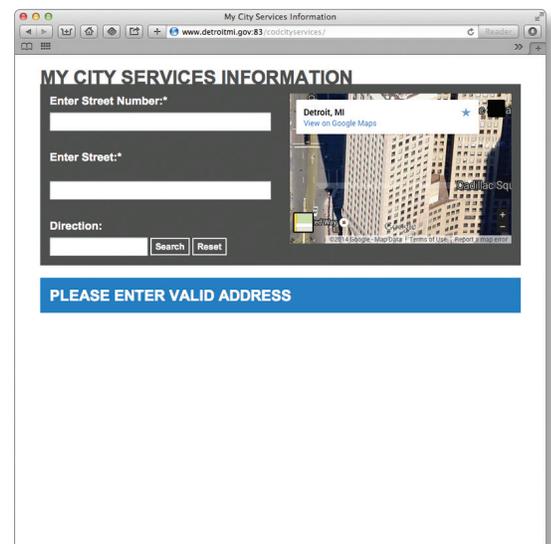
- **The CARE Program.** The DAH's CARE Program is a partnership with the Mayor's Office of Community Affairs, the Detroit Area Agency on Aging and the Legal Aid and Defender Office under which assistance is provided to elderly and indigent homeowners who are unable to remove blighted conditions from their homes.
- **Online Blight Ticket Information.** Neighbors, community groups and block clubs are able to go online to find out where blight tickets are issued in the City and keep updated on the status of the blight enforcement process:
<http://www.detroitmi.gov/DepartmentsandAgencies/DepartmentofAdministrativeHearings/TicketSearch.aspx>
- **DAH Speaking at Community Forums.** Representatives from the DAH are regularly speaking before block clubs, neighborhood associations, community & non-profit organizations about the City's blight enforcement efforts and the DAH's role. Please contact the DAH at 313-224-0098 if you would like a DAH representative to speak at your community event.

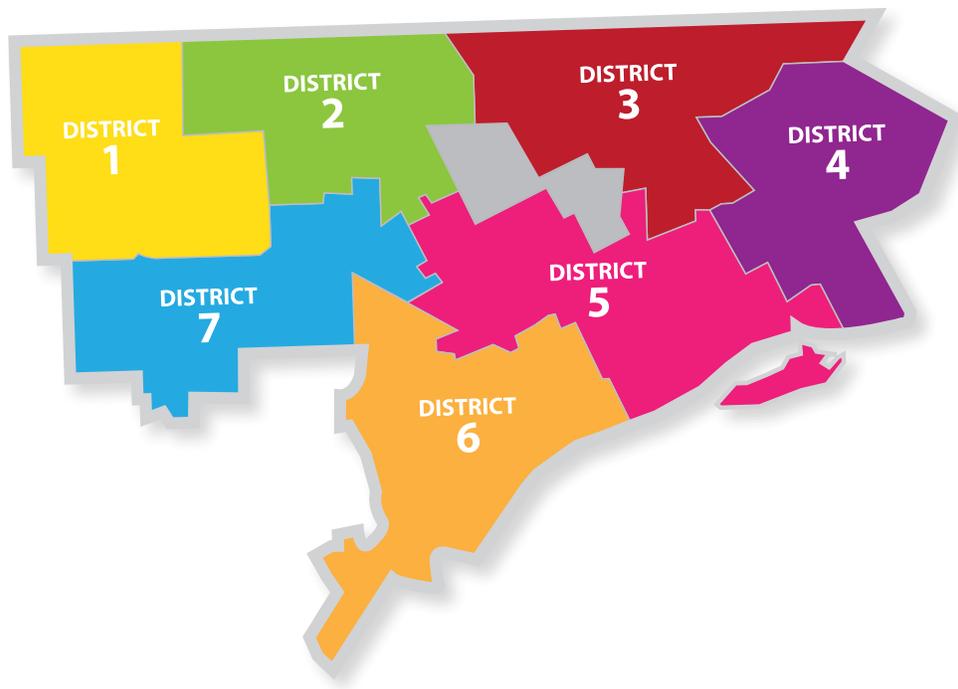
XII. Reference Guide – How to Contact City Agencies

These are other City resources that may be helpful in providing information about blight enforcement:

- Police Department
www.detroitmi.gov/police • 313-596-2200
- Department of Public Works
www.detroitmi.gov/dpw • 313-876-0964
- Department of Buildings Safety
www.detroitmi.gov/bseed • 313-224-2733
- Mayor's Office
www.detroitmi.gov/mayorsoffice • 313-224-3400
- Mayor's Office Department of Neighborhoods
<http://www.detroitmi.gov/departmentsandagencies/departamentofneighborhoods>
- City Council
www.detroitmi.gov/CityCouncil • 313-224-3443
- City Ombudsman
www.detroitmi.gov/CityCouncil/LegislativeAgencies/Ombudsman • 313-224-6000
- City Clerk
www.detroitmi.gov/CityClerk • 313-224-3260

My City Services webpage





DISTRICT	CITY COUNCIL MEMBERS	NEIGHBORHOOD DISTRICT OFFICERS
1		
2		
3		
4		
5		
6		
7		
AT LARGE		
AT LARGE		

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2. MCL 117.4r
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- B. City Ordinances**
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City of Detroit

**DEPARTMENT OF
ADMINISTRATIVE HEARINGS
(DAH)**

ADMINISTRATIVE OFFICES

Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 103
Detroit, Michigan 48226

HEARING ROOMS

Coleman A. Young Municipal Center
2 Woodward Avenue, Suite 1004
Detroit, Michigan 48226



CITY OF DETROIT