

Housing Advisory and Appeals Board

Policies and Procedures

Introduction: Chapter 2.21 of the Salt Lake City Code created the Housing Advisory and Appeals Board and speaks directly to its powers and authority and provides broad and standard guidelines to the manner in which it must do business. The HAAB members are expected to be knowledgeable of the information contained in Chapter 2.21.

Consistent with the provisions of Chapter 2.21.030, this present document outlines the HAAB policies and procedures for the conduct of its meetings, the processing of applications, and sets forth specific guidelines considered necessary for its proper functioning.

Purpose and Objectives: The HAAB strives to protect the housing stock of Salt Lake City believing in doing so that the safety and well-being of individuals, the integrity of neighborhoods and the infrastructure of the City will be maintained and /or enhanced for the present as well as the future. It strives to accomplish this goal and still be sensitive to the needs of individual property owners and community-based organizations.

Functions and Methods: The powers and authority of the HAAB is best understood in functional terms. The functions can be divided into two broad areas:

- 1. The HAAB makes recommendations on procedures and ordinances to City staff and/or City officials.** To perform this function:
 - a. A policy meeting is held monthly and attendance of all HAAB members is required.
 - b. HAAB members are expected to have read all material sent to them prior to the meeting. This material is sent well in advance of the monthly meeting and includes minutes of the prior meeting and pertinent documents and background information needed for the HAAB to take action and make recommendations.
 - c. HAAB members take action and /or make recommendations on a range of issues which directly relate to housing in Salt Lake City. Issues range from granting or denying waivers on building permit fees to reviewing and recommending changes in the City's ordinances governing housing to suggesting changes in the procedures City staff uses to execute their duties.

- 2. The HAAB bear appeals from citizens on specific housing code violations.** To perform this function:
 - a. An appeals hearing is held monthly. It is a separate meeting from the policy meeting, but for convenience, and at the request of the HAAB members, held the same day as the policy meeting.
 - b. The hearing of appeals constitutes a large percentage of the time and efforts of the HAAB and its individual members. It is arguably, one of the most critical functions of the HAAB, but it is not the sole function.
 - c. Current HAAB policy dictates a minimum of 5 HAAB members will be appointed to hear appeal cases. These members are also required to attend the on-site visits to view the violation which is under appeal. On-site visits are conducted just prior to the convening of the appeals hearing.

Regular and Reoccurring Meetings: The HAAB policy meeting and the HAAB appeals hearings are held the second Wednesday of the Month.

1. Expectations for HAAB member's attendance and participation.

a. Attendance

Policy Meeting: Each member is expected to attend the monthly policy meeting of the full HAAB which is typically convened at 2:00 p.m. depending on the number of appeal cases and on-site inspections. The meeting is held in room 126 of the City and County Building. The quorum (majority of the number of members) and vote of the members of the HAAB is governed by Chapter 2.2.060. No business can be conducted without a quorum.

Appeal Hearing: HAAB hearing panels (quorum) meet prior to the full board. HAAB members voting at appeal hearings must attend the on-site visits which are conducted immediately prior to the appeal hearing. Time for appeals hearing is posted as part of the agenda and may vary according to case load.

On Site Visits: The purpose of the on-site visit is to allow the panel members to view the housing issue which is being considered in the appeal process. Members assigned to the panel meet at 12:00 noon at the east entrance of the City and County Building. Transportation is provided by the Salt Lake City Planning Division.

b. Participation

Member Absences: All HAAB members are expected to be in attendance at the full board meetings. If unable to attend, members must contact either the chairperson or a staff member as soon as possible. Members are allowed 3 excused absences a year. Once assigned to a panel, members are also expected to be in attendance at both the on-site and appeal hearing. Timely notification of the inability to attend on-site and panel meeting to the chairperson or a staff member is critical.

Failure to Attend Meetings: Three excused or not excused absences of either the full HAAB or the HAAB panel meetings within a 12-month period may force the board to ask the Mayor to recommend that the member resign and a new member to be appointed.

New Members: New members are required to attend three site visits and panel hearings, as observers only, within the first four months of their appointment to the board. Failure to do so will result in the board recommending to the Mayor the new member resign and a new member be appointed. Once a new member attends three site visits and appeal hearings they may vote. New members can vote at policy meetings without prior attendance.

Representing the HAAB: On occasions where board members are requested to give opinions or positions on matters affecting the board, the member shall ascertain the HAAB position. If the HAAB position has not been ascertained, the member shall represent themselves and make clear they are not speaking on behalf of the HAAB.

Elections and Appointments:

- 1. Chairpersons:** Consistent with Chapter 2.21.010, Section D., HAAB shall annually elect a chair and a vice-chair who shall serve for a term of one year. The person elected as vice-chair shall serve as chairperson the following year. The staff is required to keep both chairs equally informed at all times of any and all pertinent business.

2. **Elections:** Elections will be held at the first HAAB meeting in January of each new year. A nomination committee will be appointed in October and will submit its recommendation to the full HAAB in December, one month prior to the elections.
3. **Appointments:** The HAAB recommends and will work with the Mayor to assure that all new appointments to the board coincide with the start of each calendar year.
4. **Orientations:** All new members required to attend an orientation meeting held during the first meeting in January. It is the responsibility of the staff, the chair and the vice-chair to assure that this orientation is conducted each January.

Minutes: The minutes of the panel and full board meetings will be electronically recorded and will be retained for a period of 12 months. A written summary of the minutes of the meeting will be completed by a Salt Lake City staff member. Minutes will be summarized and distributed in the format in a manner required by the chair and vicechair but will always reflect the attendance and absences of members. Members requesting changes in the recording or distribution of the minutes should take their concerns to the chair who will then take appropriate measures.

Books and Materials: All members will be given copies of Chapter 2.21 of the City Code as well as all chapters of ordinances to which are referred (18.48 and 18.50). Robert's Rules of Order (current addition) will be the handbook used for to conduct meetings. Other materials distributed will be paged numbered, dated, and signed by the author.

The Appeals Hearing:

1. Procedure and Flow for Conducting the Hearing.

- a. Cases are generally listed on the agenda in the order received and heard by the hearings appeal panel in the order listed on the agenda.
- b. The following is the general sequence of events that will follow.
 1. The chairperson calls the meeting to order and explains the appeal process.
 2. The appellant is first to present his/her case and will be asked to define the exact nature of the violation of the Housing Code being appealed and why he/she believe the appeal should be granted.
 3. The Housing Officer, usually the inspector, assigned to the case then explains the City's position.
 4. Interested parties speak last. If there are a number of people, wishing to speak about shared concerns/issues, the chairperson should ask for a spokesperson to represent the group.
 5. The chairperson may call for questions from the panel members at any time during the appeals hearing. However, questions and discussion usually occurs after all parties have presented their cases.
 6. After panel members have satisfied their need for information, the chairperson asks the appellant, the City Officer/Inspector, and other interested parties for any additions to the information that has been previously provided. When the chairperson is satisfied that all parties have been given ample time to present their position, the discussion is closed, and a motion is called for. Following the motion, discussion is held among panel members.
 7. The panel renders a decision. The decision process may include further discussion among the panel members, but unless specifically required, additional input from

the appellant, the City officer/inspector, and interested parties may be deemed out of order and not considered by the panel members for purposes of their decision.

8. The panel will limit their discussion to issues pertinent to the appellant. Code items not specifically addressed in the appeal cannot be subject to a decision by the panel. Code items to be addressed by the panel will most often be those which the city inspector has found in the course of the inspection. However, if a violation of the Code has been found by HAAB members during the on-site visit, the appellant will have the opportunity to waive any of their rights of notification and can ask the panel to render a decision on the violations(s) existing on the property.

2. Evidence: The provisions of the Existing Residential Housing Code relate to existing housing only and differ from those of the International Building Code, which regulates new construction. Unless specifically covered by the Existing Residential Housing Code, the components of the dwelling are legal if they were legal when built and are being used in a safe manner. The Existing Residential Housing Code allows hearsay evidence to be presented.

3. Decision(s): the HAAB has the responsibility of interpreting the provisions of the Salt Lake City Existing Residential Housing Code. Its powers related to appeals are to deny the appeal, grant extensions, disallow a deficiency called in error, or to propose alternatives that will mitigate the hazard of the violation.

4. Effect of HAAB Decisions: Denying the appeal means the Notice and Order (which was stayed by the application for appeal) is again in effect. The case goes back to the Civil Enforcement Division for enforcement of the HAAB's decision. If the owner of the property fails to obey an interpretation, decision or requirement of the HAAB 60 calendar days from the date of the HAAB's decision or time stated in the motion, the Civil Enforcement Division will pursue remedies as prescribed in Chapter 18.50.100.

5. Appeals of the HAAB Appeal Hearings Decisions: Applicants or others aggrieved by a decision by the HAAB may appeal to the Mayor. All appeals must be made in writing and within the time frames listed in the Existing Residential Housing Code. The chair and/or staff member will inform the appellant of the appeals procedure.

Approval and Changes in the HAAB Policies and Procedures: The HAAB Policies and Procedures must be approved by the full board. Once approved, all changes and additions must also be approved by the full board.