



Administrative Citation Appeal Form

Form **must be received** by the City Clerk within 10 days of date of citation to be considered timely filed. If no appeal is filed within ten days, the administrative citation shall be deemed final. [SLMC§1.24.100\(A\)](#).

PLEASE READ INSTRUCTIONS STARTING ON PAGE 2 BEFORE COMPLETING

1 Date of Citation: _____ Address of Citation: _____
 ADM or Other Cite Number: _____
 Municipal Code Section(s) Cited: _____
 Municipal Code Section(s) Appealed: _____

2 Appellant Name(s): _____ Appellant Mailing Address(es): _____
 Appellant Phone(s): _____
 Appellant email address(es): _____

3 *If applicable*
 Business Name: _____ Business License # _____

4 Appellant Cited As: *Mark only one*
 _____ Individual or Business _____ Owner of property or building _____ Tenant being held financially responsible for landlord citation

5 **Reason for appeal.** *Attach additional pages as necessary.*

6 **Election of Appeal Process.**
Choose One. Election is final.
 _____ Construction Board of Appeals
 _____ Administrative Review Board
 _____ Hearing Officer

7 **Appeal Fee.** *(calculate using worksheet on back):* \$ _____
 Appeal Fee to be collected when form is submitted. **Failure to pay the appropriate fee may cause your appeal to be rejected.**
Office Use Only
 Staff initial for collection of fee Date received

8 **In-person Hearing.**
 I wish to have my appeal heard on the record, so I do not need to attend an in-person hearing. I understand I may submit evidence in support of my appeal up to ten (10) days in advance of the day of review and that I will receive written notice of when that day of review will be.
 Confirm decision to decline in-person hearing by initialing here: _____

9 If different that the address listed in #2 above, all future notices from the City relating to this appeal should be mailed to the following **Official Mailing Address:**

10 **Truth of Appeal.**
 I declare under penalty of perjury under the laws of the State of California that all of the facts stated in this appeal are true, and that this appeal form was executed on:
 _____, California
 Signature of Appellant or Representative Date of Signature Place of Signature

11 **Representative.** *If applicable, Legal counsel or agent of Appellant*
 Name and Capacity: _____ Address: _____
 Phone: _____
 Email address: _____

Administrative Citation Appeal Form Instructions

Questions about this form or the appeal process should be directed to the City Attorney's Office
Email: City_Attorney@slocity.org, Phone: (805)781-7140

1. **Citation Details:** Describe the administrative citation received (that you are appealing) with as much detail as possible. The specific information required by the Municipal Code is listed in the form, but any identifying information you provide will assist staff to quickly complete the initial intake processing of your request to appeal. [San Luis Obispo Municipal Code Section 1.24.100\(C\)\(3\)\(a-b\)](#).
2. **Appellant Details:** Whether cited as an individual, business owner, property/building owner, or are being held financially responsible as a tenant for a citation issued to your landlord, all contact information you wish to provide to the City should be entered here. If there is more than one appellant, attach additional pages and provide the contact information for every appellant. [San Luis Obispo Municipal Code Section 1.24.100\(C\)\(1\)](#).
3. **Citation Issued to a Business:** For an appeal of a citation issued directly to a business (e.g. failure to timely renew a business license), please provide the additional information in part 3 of this form. The Business Name and License number should be on the renewal notice, administrative citation, or other notifications.
4. **Interest in Citation:** For an administrative citation issued to an individual, only that specific person may submit an appeal. Any appeal submitted by a roommate, family member, etc., on behalf of the individual cited, will be rejected. For appeals issued to a property or building, the owner or their agent may submit an appeal, as well as any tenant who is being held contractually, financially responsible for the property citation. Any legal representative or other agent of the appellant should provide their own contact details in part 11 of this form. [San Luis Obispo Municipal Code Section 1.24.100\(C\)\(2\)](#).
5. **Reason for Appeal:** Give a brief statement of why you are appealing, the relief or action sought, and why the administrative citation should be revoked, modified or otherwise set aside. **The AMOUNT of the fine cannot be reduced on appeal.** Attach additional pages as necessary, and include any audio, video, photographic, or other supporting evidence you wish to provide. [San Luis Obispo Municipal Code Section 1.24.100\(C\)\(3\)\(c\)](#).
6. **Election of Appeal Process:** Only one appeal process may be chosen, and once chosen, the election is final. [San Luis Obispo Municipal Code Section 1.24.100\(B\)\(2\)\(c\)](#).

All citations that include a violation of Title 15 of the San Luis Obispo Municipal Code (building and related codes), even if other non-Title 15 code violations are also cited, must be appealed to the Construction Board of Appeals. [San Luis Obispo Municipal Code Section 1.24.100\(B\)\(1\)](#).

For citations that do not include a violation of Title 15, you must make a choice between:

- **Administrative Review Board:** If you wish to retain your right to challenge the administrative citation, or any final city action related to the citation, in court by any writ action, you must appeal to the Administrative Review Board for a more formal, comprehensive hearing to ensure preparation of an adequate administrative record. Should you wish to then challenge that board's decision in court, you will need to file a petition for writ with the Superior Court, which may require the services of an attorney to prepare, and will require payment of the City's costs to prepare the administrative record. [San Luis Obispo Municipal Code Section 1.24.100\(B\)\(2\)\(b\)](#).
- **Hearing Officer:** An expedited, less formal appeal process to a city hearing officer, whose final decision may be appealed directly to the superior court for de novo review pursuant to California Government Code Section 53069.4. [San Luis Obispo Municipal Code Section 1.24.100\(B\)\(2\)\(a\)](#).

For citations that do not include a violation of Title 15, failure to request a hearing before the Administrative Review Board within the time for the filing of an appeal will result in the appeal being assigned to a Hearing Officer and will constitute a failure to exhaust administrative remedies for purposes of any subsequently filed writ action. [San Luis Obispo Municipal Code Section 1.24.100\(C\)\(4\)](#).

Once filled out entirely and signed, email your form to CityClerk@slocity.org

Or deliver in person or by mail to:

City Clerk's Office, 990 Palm Street, San Luis Obispo, CA 93401

7. **Appeal Fee.** Every path of appeal requires payment of a fee due at the time your appeal is submitted. Once your appeal is determined to be complete, timely and valid, the fee is non-refundable as it is recovery of a percentage of the cost to bring your appeal to hearing, regardless of the outcome. Fees are adopted by City Council resolution and updated annually. Use the chart below to properly calculate your appeal fee:

Construction Board of Appeals, <i>Title 15 violations</i>	
Minor: related to an Alteration/Addition of an existing Single-Family or Accessory Dwelling Unit (including duplexes), a demolition permit, or any item permitted under the "Additional Building Fees" schedule	\$618
Moderate: related to all other permits that are processed under the alteration/addition work class, New Single-Family permits (including duplexes), and New Accessory Dwelling Unit permits	\$1,106
Major: related to anything that doesn't fall into one of the other two categories	\$1,953
Administrative Review Board	
	\$501
Hearing Officer review, <i>capped at \$106 but could be less depending on the amount of your fine</i>	
Amount of fine(s) being appealed:	(1)
25% of fine(s): <i>amount in (1) multiplied by 0.25</i>	(2)
Cost Recovery Appeal Fee Cap:	(3) \$106
Your appeal fee: <i>whichever is less of (2) & (3)</i>	\$

Checks should be made out to the "City of San Luis Obispo." Payment by credit card can be facilitated by the Finance Department¹ and should be completed prior to submission of your appeal form, with a copy of the payment receipt attached to the form. Any appeal received without payment of the proper fee may be rejected.

8. **Hearing Procedure:** It is your right under San Luis Obispo Municipal Code Section 1.24, no matter which appeal process is chosen, to have an in-person hearing. However, you are under no obligation to appear. If you choose, you may elect to have your appeal reviewed on the record (all documents, pictures, etc. submitted by yourself or the City). [San Luis Obispo Municipal Code 1.24.110\(F\)](#).
9. **Official Mailing Address:** The Municipal Code requires certain notices be sent via U.S. Mail and so, while courtesy notifications may be sent via email or to other addresses, you are required to provide one official mailing address for your appeal. [San Luis Obispo Municipal Code 1.24.100\(C\)\(5\)](#).
10. **Signature:** The step most commonly missed in the appeal process (and the most common reason for rejection of a timely appeal) is failure to sign the appeal and declare the facts stated in the appeal to be true. The form provides a signature block for this purpose but if there are multiple appellants, all must sign a declaration. Any additional declarations can be attached as additional pages. [San Luis Obispo Municipal Code 1.24.100\(C\)\(5\)](#).
11. **Representative of Appellant:** Any legal representative or other agent assisting with the preparation of the appeal or who intends to appear at the hearing, must provide their contact information and relationship to the appellant.

¹ Finance Department staff are available by phone (805)781-7124 and at the public counter, downstairs at City Hall (990 Palm Street), Monday – Thursday, 8:00am – 4:00pm