



ABATEMENT APPEALS BOARD
Wednesday, November 20, 2013 at 9:12 a.m.
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416
ADOPTED February 19, 2014

MINUTES

A. CALL TO ORDER and ROLL CALL.

The meeting of the Abatement Appeals Board for Wednesday, November 20, 2013 was called to order at 11:25 a.m. and a roll call was taken by Commission Secretary Sonya Harris, and a quorum was certified.

BOARD MEMBERS PRESENT:

Kevin Clinch, President, excused
Myrna Melgar, Vice-President
Frank Lee, Commissioner, (11:40 a.m.)
Warren Mar, Commissioner
Angus McCarthy, Commissioner
Debra Walker, Commissioner, excused
Dr. James McCray, Jr., Commissioner

Sonya Harris, Building Inspection Commission Secretary

D.B.I. REPRESENTATIVE PRESENT:

Edward Sweeney, Deputy Director of Permit Services and Secretary to the Board
John Hinchion, Acting Senior Building Inspector, Code Enforcement Division
Teresita Sulit, Secretary

Jana Clark, Deputy City Attorney

B. OATH: Commission Secretary Harris administered an oath to those who would be giving testimony.

C. APPROVAL OF MINUTES: Discussion and possible action to adopt the minutes for the meetings held on August 21, 2013, and October 16, 2013.

Commissioner McCray made a motion, seconded by Commissioner Mar, to approve the minutes of August 21, 2013, and October 16, 2013.

Commission Secretary Harris asked for public comment on the minutes and there was none. The minutes were approved.

The motion carried unanimously.

D. NEW APPEALS: Order of Abatement(s)

In the beginning of the proceeding, the Department and the Appellant each had 7 minutes to present their case and 3 minutes each for rebuttal and public comments.

1. CASE NO. 6782: 670 – 12th Avenue

Owner of Record and Appellant: Estate of Christine Young, Jah Teal Administrator, 670 – 12th Avenue, San Francisco, CA 94118

Owner of Record and Appellant: Estate of Mary Elizabeth Young, 726 Ferry Street, Martinez, CA 94553

Appellant: David Jah, 670 – 12th Avenue, San Francisco, CA 94118

ACTION REQUESTED BY APPELLANT: Modification of the Order of Abatement to allow additional time to clear title and complete the work.

NOTICE OF DECISION: The AAB heard oral testimony and reviewed the documentary evidence provided by the Department of Building Inspection, the Appellant and other interested persons. After deliberation of the evidence submitted and the relief sought, the AAB made the following findings and decisions: (1) The conditions at the property are as described in the Notice of Violation and were not disputed by Appellant; (2) The Order of Abatement is modified to allow the property owner 30 days to obtain the necessary permits and one year to complete all work.

Vice President Melgar said the practice was to hear from the staff and the Appellant would have the opportunity to speak afterward.

John Hinchion, Senior Building Inspector, Code Enforcement, said the violation related to the construction of walls in enclosed space on the floor at the rear without a permit and the Director's Hearing took place on December 4, 2012 and an Order of Abatement was issued. No permits have been obtained to clear the violation and he recommended upholding the Order of Abatement, and imposing the Assessment of Costs.

David Jah, Appellant, said the property was in probate and up for sale. He explained to the Abatement Appeals Board that he did not have control to take out the money and do all the necessary things. On December 27th, the day after Christmas, he discussed with some contractors and they went there to obtain Joseph Chan's signature and the other required signatures. He was still in the process at 400 McAllister and has gone back and forth. His

mother passed away in 2000, after a complaint was made. The complaint was anonymous and his mother did not understand what went on and he had nothing to do with it.

He went to the Department of Building Inspection and did not find any permit for the building. It was just a frame and built in the 1960s. His mother had a permit which was on file and there was a home improvement loan through the City and County in the 1980's that was done. His mother paid the fees and the City signed off and he believed everything was fine. He was unsure if the complaint was done in 1980s or 1990s but he did not ignore this, and was diligent to stand up for the property which he inherited.

Vice President Melgar said she would like to hear from the staff again whether it was a fact that this building was in probate and would be sold and if the recommendation was for them to act on this at all.

Inspector Hinchion said he did not want to elaborate too much on this, but in their research they currently discovered a Superior Court decision relating to people involved with the property and there was a deed recorded which stated one of the 50% owners was deceased and that someone else had ownership. The Superior Court's decision was the document was not in order and the deed was reversed. It would be best if the Board moved forward cleanly and upheld the Order of Abatement rather than expose the whole ownership details in public. He understood that no one was living there and the building was vacant.

Commissioner McCray asked the staff what needed to be done, and what was the approximate cost of that? Inspector Hinchion said it was just a matter of obtaining a permit to legalize or remove the construction that was done. There was no value determined but his experience from the description was about \$5,000 or \$10,000 worth of estimated work. It would be cheaper to remove everything and return the building back to its original state before the alteration. In many situations, it would be less than \$10,000.

Commissioner McCray said the need was to follow the plan to move on which was not done? Inspector Hinchion said no permit was on record at this point. Commissioner McCarthy asked the person who filed the Appeal and if that would carry any weight if that person was no longer pursuing this Appeal? Inspector Hinchion said that was what he alluded to earlier. The status of the Appellant was questionable and he did not want to pass any remarks and anyone was entitled to Appeal. Commissioner McCarthy asked if there was no representation of the Appellant? Inspector Hinchion said not of the owners of the property. Commissioner Mar said he seemed to be holding some permits and the Appellants had not filed the permits.

David Jah, Appellant, said this was incorrect and there had been residents at the estate since he was born in 1973 and that was where he lived with his sister. He paid the taxes and recently cleared up the lien at the beginning of the month. He had these done but his contractor came and forgot to present these, the lady wanted to have drawings of the existing design and prepared the proposed design which needed an architect. She said the plans did not have to be produced by an architect and he was new to this and has tried to take care of this matter. Should the property be sold, he was the firstborn in his family and was an interested party in this matter. Mr. Jah said he paid the property taxes which was why he filed the Appeal and the work. The estimate was

about \$4,000 which led him to believe there were two different estimates. If the Board wanted to see some drawings to have a better idea of the charge of what it took and there was one permit for \$1.00 and the other for \$400. He did not know what the basis was and he was going to present these permits and wondered how that worked. The presence in the probate will be the jurisdiction of the courts on this matter as opposed to what the outside sources as it is currently in probate.

Commissioner McCray was confused and asked the City Attorney to help him understand the probate issues, what the impact would be and whether they should uphold the abatement and assessed charges. Attorney Clark said she did not have everything referenced in front of her and there was a dispute as to ownership. The Probate Court probably sorted that out, but it did not mean that the Board cannot uphold the Order of Abatement against the owner of record. If it was determined later who was listed as the owner of record and that had to be changed then the Order of Abatement was against the property.

Commissioner McCray asked staff what was the current Assessment of Costs? Secretary Sweeney said the Form 8, the pink form of the building permit which showed one was incomplete and another permit went through some of the stations on the 5th floor. There was no receipt to indicate if he had paid for either permit and he technically did not have a permit.

Commissioner McCray asked for how long and how much on the cost. Inspector Hinchion said the initial fee due was \$1,224.25. Commissioner McCarthy said Inspector Hinchion mentioned the removal would satisfy this with a permit and would dramatically change the \$1.00 amount and no drawings were required? Secretary Sweeney said the drawings for removal of the partitions or the walls and showed them an existing and proposed single-family, 2-story drawing they did not require a design professional. Commissioner McCarthy asked if what he handed them would suffice?

Secretary Sweeney said there was a permit for \$400 to remove two walls and if indeed there were two walls that would suffice. The Notice of Violation explained about three rooms and what happened prior to getting a Notice of Violation they had a sunroom and underneath the sunroom someone filtered into to make a sunroom they made a storage room and it was not about habitable space. Commissioner McCarthy asked if that was removed with a permit, he would not have to do any more structural work and would be satisfied it and they still had one outstanding issue?

Inspector Hinchion said if they did all that with the permit and had the permit signed off and provided to them but regardless of whether they did or not, they would still uphold the Order of Abatement because they will receive the initial and final fees to cover the costs involved in this case.

Vice President Melgar announced that Commissioner Lee had joined them.

Commissioner McCarthy said it would dramatically reduce the burden to the owner if he removed it. Inspector Hinchion said if they wanted to legalize what would be a whole new space

underneath the rear porch, maybe about \$20,000-\$30,000 or if they chose to remove it with a permit it would reduce the cost substantially.

Commissioner McCray asked if he was permitted to do that while in probate now? Attorney Clark said she did not think so, but whoever the owner of record is had to come in and get the permit was her understanding and again, she did not have any of those probate papers in front of her but she understood that based on the staff report there was a dispute as to the owner and the Probate Court would be sorting that out. Commissioner McCray said he cannot do that right now until things are worked out. Attorney Clark said that was her understanding.

David Jah, Appellant, said the probate will be taken care of in a civil matter. It was a civil matter that they were protesting with their cousins and deceased aunties 50% ownership and that was where it was at.

For the record, he operated a non-profit after school program from San Francisco State for underserved youth in the basement and he intended to legalize downstairs to accommodate the students, handicapped or not. He initially wanted to address the entire issue which was why he filed an Appeal and requested more time.

Vice President Melgar said they were sort of in a quandary and if they upheld the Order of Abatement, it was their clock ticking. He was in a catch 22 situation because he cannot actually do any of the things they asked of him. According to Attorney Clark, they cannot enforce it until the probate matter gets resolved.

Inspector Hinchion said just for clarification, the original Notice of Violation, believe it or not, was in 1997. Vice President Melgar said but she was deceased. Inspector Hinchion said with that as the backdrop, were they going to delay it further, and he was embarrassed in coming before the Board with the first Notice of Violation from that date. Vice President Melgar said in terms of the outcome that they wanted she was having a hard time seeing a clear path to something that was desirable for them under the circumstances.

Inspector Hinchion said right now, the ownership until it was all cleared up. The status now there were deeds in place with one family member 50 percent and another family member 50 percent. Both of those individuals were deceased and naturally when there were two parties involved, there were potential disputes. If the Order of Abatement was upheld and the fees were clarified as being what they were, there would be clarity from the Court whenever they make a final decision, it will encourage the representatives from both sides of the estate to work together. If the Order was not upheld and then how would the court decide how to divide the responsibilities? From everyone's perspective, it would be clear if the Order was issued and extend the time period to get the work done, but if the Order was in place then everyone can try to resolve an old 1997 case otherwise the case would still be open and he wanted this case closed.

Commissioner Mar made a motion, seconded by Commissioner McCray, there was no dispute about the finding of the staff that these violations were cured and no dispute they spent the time on the warranted fees and uphold the Order of Abatement and have the property owners,

whoever they may be, allow them 60 days to pull the proper permits and proceed with the work.

Commissioner McCarthy said the Appellants were aware this would continue more than 30 days. They needed to make a decision and concurred with staff on this. They attempted to clear these issues and he would second that as well.

Commissioner McCray said on the motion, if they gave them 30 days to put the permits in place and to move things along as well as for the court to make their movements which was what 30 days gave him? Attorney Clark said Commissioner Mar's motion was to uphold the Order of Abatement and allow them 30 days to complete the work. She had no idea how long it would take any disputes about ownership to get resolved and she had no idea whether that was an appropriate amount of time.

Commissioner Lee asked if they had 30 days to complete the work or 30 days to apply for the permit? Commissioner Mar said he was willing to modify to make it clear for 30 days to pull the permit and to obtain a permit. They can work with a contractor or people involved to work with the staff and how long it would take to complete. Commissioner McCarthy said do the basic removal, to the type and not go beyond that and he believed that 30 days was probably not going to be enough time but do the bare minimum.

Attorney Clark recommended not leaving the date they were required to complete the work open-ended which was the problem of 30 days to pull the permit and what period of time to complete the work. Commissioner Lee asked how long they have to complete the work? Secretary Sweeney said he would have at least a year to complete the work which would be the least amount of time they would give. If it was a \$1.00 permit, he would have one year to complete the work. Commissioner McCray asked Attorney Clark if they did not have to put that in the motion?

Attorney Clark recommended including it in the motion to uphold the Order of Abatement and pull the permit within 30 days. There would be an end period for the work and it seemed that a year was workable based on her understanding of the process of how it works. Vice President Melgar asked if the Commissioner had to restate the motion?

Commissioner Mar restated the motion that they would pull the permit and pay the fees within 30 days and they have a year to complete the work.

Commissioner McCarthy asked Inspector Hinchion, just because obviously they have a stake in getting the right thing done here, if he agreed with this? Inspector Hinchion agreed that was what he waited to hear, and one year completion which was enough and because the clock stopped somewhere which sounded good.

Secretary Harris said there was a motion and a second and called for public comment on the motion? There was no public comment.

Secretary Harris called for a roll-call vote.

Vice-President Melgar	Yes
Commissioner Lee	Yes
Commissioner Mar	Yes
Commissioner McCarthy	Yes
Commissioner McCray, Jr.	Yes

The motion carried unanimously.

E. CONTINUED APPEAL: Order of Abatement(s)

1. CASE NO. 6781: 2278 – 42nd Avenue

Owner of Record and Appellant: Maxine Pauson, 2278 – 42nd Avenue, San Francisco, CA 94116

Owner of Record and Appellant: Maxine Pauson, 72 Cameron Way, San Francisco, CA 94124

ACTION REQUESTED BY APPELLANT: Modification of the Order of Abatement to allow additional time to complete the work.

NOTICE OF DECISION: The AAB heard oral testimony and reviewed the documentary evidence provided by the Department of Building Inspection, the Appellant and other interested persons. After deliberation of the evidence submitted and the relief sought, the AAB made the following findings and decisions: (1) The conditions at the property are as described in the Notice of Violation and were not disputed by Appellant; (2) The Order of Abatement is modified to allow the property owner 30 days to obtain the necessary permits and 30 days to complete the work.

Chief Housing Inspector Rosemary Bosque said she wanted to put in context this particular single-family dwelling and why they were here today. In February, 2012, she received a complaint from an adjacent property owner at 2278 - 42nd Avenue. The concern came to her from the property owners at the rear of the subject property fronting on 41st Avenue. The complaint was on a tree in the yard of the subject property that was imminently ready to fall down and caused an imminent hazard to the adjacent property.

At that time, DPW was involved in this and they issued an emergency order and took the tree down because the property owner was non-responsive. In March, 2012, they went to the Litigation Committee who recommended referral to the City Attorney because there was a Notice of Violation previously from 2010, citing from exterior inspections that the property habitually lacked maintenance and they had complaints from adjacent property owners.

She showed a picture taken in August of 2002 on the front of the building. Not much had changed and there was a zero lot line between the subject property and the properties on either side of it. In March, 2012, they referred the case to the City Attorney and there was a subsequent

inspection that the property owner facilitated in July or August. Those photos in their package showed the interior of the subject property at 2278 - 42nd Avenue. She showed some photos that indicated the property had issues and some of the interior rooms of the property.

There were issues with the weather proofing, molding and mildew, etc. As a result of this inspection, they wrote another Notice of Violation which had outstanding items as well and the property owners were not responsive. They continued to get complaints from adjacent property owners, given the state of the property. Mr. Freeman assisted the property owner and wrote a letter to them in June 2013, stated they needed more time to work with some issues with the property owner and requested August or September to comply with these items.

In November, 2013, they asked for access into the property which had not occurred. They were concerned the timetable of the property owner did not appear to be conducive to what the adjacent property owners had to deal with and also the continued deterioration of the property. Also, the current Assessment of Cost was over \$2,000 for their time and at this point she did not know what the City Attorney fees were and a lawsuit had not been filed. They hoped Mr. Freeman could help her with this. Although he did not receive a copy of the staff report until a few minutes ago and had not seen that, but noticed this particular Hearing, and he was somewhat familiar with the issues because of the conversations they had with the staff on this. They anticipated some guidance on an action plan and allotted her more time to see certain things happened to facilitate another inspection to see where they were right now.

Scott Freeman, on behalf of the Appellant, said he hoped they shared the same goals of having this property fixed up on a timetable they can all work with. Since April 2012, he was personally involved with this issue and it should have entirely resolved by now. There were physical and financial impediments that prevented that from happening. Since April, he offered to participate, assisted at meetings and discussed with whoever contacted him about these matters but intentionally or not, he had not been informed.

He understood there were budgetary concerns on the Department's behalf but when he did not get a Department's staff report, which he requested months ago, he returned phone calls to people that knew he was involved which complicated the handling of these matters. They never denied access to this property, and the staff report noted that he had the opportunity to review this morning and he called back to offer to set up the inspection. As you may be aware, there was a parallel set of issues involved with the DPW and the DPH. The homeowner's inspection occurred and disputed the purpose which appeared it was not the case and was willing to provide the inspection.

The inside property conditions had not changed much although she focused mainly on the neighbors complaint about the outside of the property. He felt the property was not as attractive as theirs and when those complaints came in he focused his efforts on that but he was limited and would be open to suggestion and assistance. He was not paid for his efforts on this matter and worked pro-bono because he believed in this cause and this issue should be corrected if there were a timetable that everybody could live with and continued a dialogue to assure it would happen. He was open to whatever suggestions the Board had and in that regard would be willing to participate. However, the homeowner was continuously assessed the costs which will not get

them to a place where this building were fixed up but it will effectively penalize her for not affording these improvements required to be made through this property. He wanted to believe there were human elements that were a component of this case and they can deal with these issues and he respected the concerns. Again, he was open to assist and cooperate in meetings with whoever might be willing to meet with them to help with the action plan.

Vice President Melgar asked if his client was in contact with an organization called Rebuilding Together and if they helped her? Scott Freeman said she was in contact with Rebuilding Together. Her discussion with them indicated they did not have the availability to assist her which was largely the problem he had in attempt to find her assistance that either she did not qualify for some reason or another generally based on her age or the funding was no longer there. He was also in contact with the Mayor's Office of Housing and discussed with Marv Brands, which led him to believe they were able to assist for a certain aspect of their peers but he understood the principle issue at this point was the roof.

Vice President Melgar asked if she had applied and was this just a conversation with Marv?

Maxine Pauson, Appellant, said they applied with the Mayor's Office of Housing and needed to comply with the violations which she can correct herself before she can process the whole application, like clearing the debris, all of the backyard and exterior work. Rebuilding Together or the Mayor's Office on Housing did not do any yard work and she worked on all of that herself which was the next inspection with the Department of Public Health and the Fire Department was the last inspection for the exterior work. Vice President Melgar said the program of the Mayor's Office of Housing was on financing and did not provide the labor.

Maxine Pauson, Appellant, said they would not do the roof and there were things on the violations she had to correct before she can apply for the program for the interior which she was eligible. Vice President Melgar said it did not preclude her from applying and she should apply and negotiate with them what she can or cannot fit into the scope of work with the financing. In terms of what Chief Inspector Bosque needed from her was a timeline that would be doable and understandable. In obtaining the financing for the things she knew was needed did not preclude her from obtaining other resources elsewhere, but she suggested it should be the first step to apply for it to see if she was eligible and perhaps Mr. Freeman could assist her with that.

Scott Freeman said this may possibly be a misunderstanding but his discussions with Marv Brands led him to believe the financing was not available until some of the other issues were corrected. Maxine Pauson, Appellant, said she met him at her home and she had other unfinished matters before she can formally put in an application and work on those things. Commissioner McCarthy asked who lives in the building and if there was a debt or loan on the house? Scott Freeman said the building was vacant and it was a matter to afford a new debt on the property.

Commissioner Mar said it appeared that other than the construction costs, it seemed like many of the violations was the amount of things that was in the house, such as a lot of clean up and removal of many improperly stored items that would cause fire hazards and other problems. He was a little wary about what had been done to remove the stuff which would not incur any

construction cost, or require any permit and only required some cleaning. Without the inspectors going in and he did not know how long it had been. The pictures before them if it appeared like today these would be his main concerns.

Scott Freeman said in regards to those items stored within the house, he believed the efforts had been made and specific instructions were given in what areas to improve. If it was a matter to walk through to identify which areas that were problematic at this point, they would be happy to facilitate that but with these type of concerns, which they probably had some experience, it was not simply a matter of parking a dumpster in front of the house and have somebody haul this out and place in the dumpster. There was more of a process to that which involved the homeowner's time and when she was pressured by DPW and DBI, her ability to focus on what was inside of the house became lessened.

The house was vacant and substantial efforts had been made to clean up. They were prepared to allow another inspection and targeted the particular areas that may be of concern for a fire hazard. He saw some of those pictures and some areas that perhaps appeared not as nice as they could be and other areas that may be potential fire hazards. A targeted clean up could be done without warranting an Order of Abatement.

Vice President Melgar said it was clear to her that this owner needed some assistance and there were some resources available through the Department of Public Health and perhaps Chief Inspector Bosque could help them out that there were people within the Department of Public Health who had done work with people who had a lot of things, she did not know if that happened or was made available to Mr. Freeman and his client but she believed they can provide assistance in that way in terms of connecting the people with the resources. It was important they had a timeline because this can go on for a long time and it will open up his client to further liability from the people around her who were being impacted and they did not want that. He can address what was doable in terms of the timeline and if they were to extend the time. What would be doable here?

Scott Freeman said at this particular moment, efforts to focus on getting the roof repaired because of the impending rain, and they hope to address the roof within the next month and from there to look toward these interior issues of cleaning up the inside things. Since they were doing the interior repairs and if they pursued the financing through the Mayor's Office of Housing that will take time as well, assumed efforts could be made to get this roof done within the next month or perhaps two months. He hoped to have maybe six months time to focus on the interior issues, and the homeowner made steps to have these things done and it was a matter of having the money. She has a permit to allow her to do the roof repairs but she did not have the money. In terms of the six months completion date for all work done and the priority with the roof immediately done to insure there was no real danger of the roof falling down and they can focus on the interior issues over the course of next few months after that without worrying about the water coming in.

Commissioner Mar said he was still bothered by the timeline and the pictures. He believed it was as simple as pulling the dumpster up and everything in the house goes in there and especially when it was vacant which would be a lot less costly than worrying about the cost of

the roof and it would go a long way in showing some good faith.

Scott Freeman said efforts were made to clean up. It was not that simple and this public forum was not the appropriate place for him to discuss the reasons. If it was simple, it may have been completed and they would have dumpsters out there and the items would have been taken out. He would be happy to discuss these issues in a more confidential setting but believed this was not the appropriate setting for them to have this discussion. Vice President Melgar said their staff had been open to have discussions with them and she hoped the Board can appreciate that as a policy-making body and charged at looking in this Appeal on whether or not it fits within the criteria and their responsibility to have empathy for his client. They wanted to try to work with a responsibility to the Building Code and to all property owners around it. It was on them to make sure that things get done and that there was a reasonable timeline for everyone.

Scott Freeman said he completely agreed and understood that. He viewed the history a little bit differently than it was presented in the staff report and had seen some progress. The trees were not there and the houses were secured from the trespassers and there were substantial efforts made to clean up in spite of the photographs. He understood the timetable was not what they would like but there had been significant efforts and it has taken more time than they would all like. He would be happy to set a time to meet and there was already an inspection set next month for other purposes or they certainly had no objection to providing access earlier if that was an issue.

Commissioner McCarthy wanted clarification on the tree that was removed and who paid for that? Vice President Melgar said that DPW paid for it. Commissioner McCarthy said in his statement, they had to pay for the removal of the tree, not the homeowners. Scott Freeman clarified that the tree came down at the City's expense. It was in the yard the homeowner made significant efforts to remove over the course of the next few months.

Chief Inspector Bosque said DBI did not ask for improvements but asked the property owner to address long-standing issues of not maintaining the property and it was maintenance, cleaning and sanitation. She understood that DPW wrote the notice, posted the building and did not get a response on the tree. The property owner took the tree partially down in large sections away but not all of it and the City took the action and absorbed the cost and added the cost to the property owner.

It was a pattern with this property owner and she did not know what the property owner's goal was. Do they want to have it as rental property and did she want to occupy it, and she was unsure, but it was clear to them that they had a history where the property had been greatly neglected and impacted the community surrounding this property. They did not believe the amount of work that went on was sufficient, given the fact that this was referred to the City Attorney last year and they had none of this going back at least the exterior issues from 2010 on.

In 2013, there was very little to show for it and all they can agree on whether or not a suspension had been facilitated. They had the existing Notices of Violation where it should be clear and she wanted to thank the Commissioners for the questions because they were relative to the issue of why an application was not applied to get the assistance. Their research showed the City was not

encumbered and sorely expected to see more movement and she would like to see some single kind of action plan done within 15 to 30 days on a 15-day increment.

As of today, she believed it was reasonable to have an Order issued in order for interested buyers to purchase this property with knowledge of what kind of Notices of Violation it had on it. They have a Subordination Program which she would be obliged to prepare a Subordination Agreement if required for taking the money out of the property. Aside from that, they needed to have some movement and had not seen anything concrete which was their concern and what should they informed the concerned adjacent property owners about what was not happening.

Chief Inspector Bosque said they referred it in March, 2012 and they had a Notice of Violation opened on the exterior of the property from 2010, and it reached critical mass when she received a phone call about the tree in the back and there was quite a lot of neglect from that and the exterior of the structure itself.

Vice President Melgar asked if they upheld the Notice of Violation today, would this inspection next month still happen? Chief Inspector Bosque said they would definitely reach out to the property owner and her representative to facilitate another inspection and would be more than happy to meet with her attorney and give them some guidance on what things to attack first or secondarily, but she believed the Commissioners raised the issue and beyond the scope of maybe this property was already going to need assistance and believed she cannot do this on her own which was why they tried to give her time and encouraged an action plan through the assistance of a representative and they can do that if they will let them in. They wanted to do an inspection but strongly felt that absent some kind of a workable plan that the Hearing Officer should be upheld and the Order should be recorded.

Vice President Melgar said she wanted to walk him through a possible action plan. If they were to uphold the Notice of Violation and the property owner applied for a loan from the Mayor's Office of Housing and maybe the abatement and the money. Chief Inspector Bosque said she had a recorded Order from DBI, if anything that might help to expedite that process. If they wanted to go to a regular bank to get a loan, the Housing Department can offer her the subordination process which will walk them through if she needed that. They are definitely willing to work with them but they needed to see some movement.

Secretary Harris called for public comment on this item, and there was none.

Commissioner Mar made a motion that there was no dispute of the violations as put forward by the staff, so he would like to uphold the Order of Abatement and recommended the staff to do a re-inspection within 15 days to see if at least some of the debris had been removed which will take off some of the violations. It did not all have to happen immediately but he would like to propose at least for those things that were possible in the reasonable amount of time within 15 days that all of the debris in the property was removed as it was a vacant property.

Vice President Melgar said she seconded the motion to uphold the Order of Abatement. Attorney Clark said to allow 15 days to complete the work. Commissioner Mar said just the debris part because it did not require any permits.

Vice President Melgar said she cannot second that part of Commissioner Mar's motion and withdrew her second of the motion. She believed those issues about people's stuff were very complicated especially for elderly people and there were all sorts of issues that the Department were not equipped to deal with. It was much better dealt with by someone at the Department of Public Health and she did not know if 15 days was sufficient. She would support upholding the Order of Abatement and would encourage Chief Inspector Bosque and her staff to put together a small working group with one or two meetings with the people from MOEN and the representatives to see if they can come up with a working timeline, but with the time ticking on the Order of Abatement and she would not put a timeline.

Attorney Clark said to clarify the Order of Abatement currently stated that the Appellant had 7 days to complete all work appropriate building permits required and that was the way that it read now. Commissioner McCarthy said the 15 days was kind of fair and based on the presentation today, he did not see very much hardship here and cannot understand why this house was not cleared out. He would uphold the Order of Abatement and stick to the guidelines that were in front of them on how that should be performed.

Secretary Harris said Commissioner Mar made the motion and asked if Commissioner McCarthy seconded it?

Commissioner Lee wanted clarification on the 7 days for obtaining the permit to fix the roof or if it was for everything. Attorney Clark said perhaps the staff would clarify the way that she read the Order of Abatement to complete all work. Vice President Melgar asked Chief Inspector Bosque if she recommended the 7 days to complete all of the work?

Chief Inspector Bosque said she recommended that when they went to the Director's Hearing. Based on what she heard from the Commission that they should understand also and remember was this was now a City Attorney case and the failure on the part of the property owner to comply with an Order of Abatement had connotations that go to civil penalties under the Housing Code in fairness to both sides. With respect to this, the Board should consider and they have the power to amend the Order to state all work be based on the presentation and all work that was required must occur within 30 days. The Board can say that if they wanted to and this will give her 30 days, given what needed to be done. They could also make a referral also to a agency, not City agency, that had a mentor peer group that dealt with these types of issues which she definitely can give them the information and work with them on the re-inspections but it depended on what the Board wanted to do.

She wanted to bring to their attention that, if she was given 7 days and locked her in an area of more consequences because it was a City Attorney case. It would be more realistic to complete in 60 days but that was the Order reports whether she was violating the Order. The only context or connotation was if she breached the Order and they would have to deal with whether they filed the lawsuit and civil penalties under that. She wanted them to understand, if they gave her 60 days and issued the Order, they had something recorded on the property and that would be fair. It would give her some time, given that if she had the assistance but she would not know how long it will take once she applied for a loan. They needed to see some action while she

waited for financing. It would be more reasonable if they gave her 60 days, given what could happen. They had not filed a lawsuit yet but that might help to show some good faith on her part.

Commissioner Lee was sympathetic to what he mentioned about the items in her home and having it open-ended would not encourage the homeowner to seek assistance. At the same time, he believed the 7 or at least 15 days was unreasonable and would be inclined to say 30 days, which was a midway point to help encourage the homeowner to seek assistance and perhaps their message would help her to know they were serious.

Commissioner Mar was amenable to modify his motion to Commissioner Lee's suggestion to uphold the Order of Abatement and give her 30 instead of 7 days. Vice President Melgar asked Chief Inspector Bosque for clarification, if they made a motion on the floor, the 30 days for completed work meant applying for financing at the Mayor's Office of Housing on their processing which can be lengthy and do the work done which was a lot.

Chief Inspector Bosque said the Order did not speak to the issue of her applying for a loan and it was up to her but the Order was the issue before the Board was on compliance with the Notice of Violation which was her decision and independent of that. She definitely would discourage the Board to place a condition in there that she had to bring a dumpster up there and empty the building within so many days because that gets into whole other assortment of issues that the Commissioners touched upon and they cannot enforce it that way anyways. They have Housing Code violations that were articulated that was clear. If she violated the Order, the issue would be that she will be subject to penalties under the Housing Codes if they litigated or there were some discussions between her and the City Attorney. In some ways, the City Attorney were free to do that because they referred it to the City Attorney but at least 30 days was more reasonable for her than 7 days at this point in time moving forward given what they were seeing.

Vice President Melgar asked if they were to vote on this and everybody agreed to 30 days, and within 30 days, the property owner take no action, the City Attorney would handle. Chief Inspector Bosque said the City Attorney can move forward now. At that point in time they will see that nothing had happened and they have a recorded Order. The Housing Codes allow them to move forward anyway. In this case they hoped with the assistance from Mr. Freeman she would move forward. Vice President Melgar said suppose that in the 30 days she applied for a loan and did a bunch of things that was marked progress and not quite done. What would happen then? Chief Inspector Bosque said in that situation they would communicate that to the City Attorney and it would be taken into consideration. She would not know the outcome because the City Attorney had to be free to work with the property owner. They definitely would be more than happy to go back to let the City Attorney know what they saw and the progress that was made.

Commissioner Mar restated the motion, seconded by Commissioner McCarthy, given there were no disputes with the staff fact findings of the Notice of Violation, he would like to uphold the Order of Abatement and give the Appellant 30 days to complete the work.

Secretary Harris said there was a motion and a second to uphold the Order of Abatement and allow 30 days to complete the work. There was no public comment and Secretary Harris called for a roll-call vote.

Vice-President Melgar	Yes
Commissioner Lee	Yes
Commissioner Mar	Yes
Commissioner McCarthy	Yes
Commissioner McCray, Jr.	Yes

The motion carried unanimously.

F. GENERAL PUBLIC COMMENT

There was no General Public Comment.

G. ADJOURNMENT

Commissioner Mar made a motion, seconded by Vice President Melgar, that the meeting be adjourned.

The motion carried unanimously.

The meeting was adjourned at 12:27 p.m.

Respectfully submitted,

Serena Fung, Secretary

Edited by: Sonya Harris, BIC Secretary