



## Hearings Office

### City of Portland

1900 SW 4<sup>th</sup> Avenue, Room 3100, Portland, OR 97201 phone: 503.823.7307  
www.portland.gov/omf/hearings fax: 503.823.4347  
email: HearingsOfficeClerks@portlandoregon.gov



### Code Hearing Statement of Rights and Procedures

This document contains a summary of some of your important rights as a named Respondent in a City of Portland Code Enforcement case to be decided by the City of Portland's Hearings Office. Please read this document carefully. If there is anything contained in this document you do not agree with or you do not understand, you must let the Hearings Officer know at the start of your hearing.

#### **Right to a Hearing**

Chapter 22.03 of the Portland City Code (PCC) empowers the City of Portland's Hearings Officer to consider testimony and evidence in determining whether violations of the City Code have occurred and, if so, to order appropriate remedial action to correct the violation and/or impose civil penalties. This section of the PCC is available for review on the City's website: <https://www.portlandoregon.gov/citycode/28572>.

As the Respondent in this matter, you have the right to a hearing to present testimony and evidence in response to the violation allegations.

#### **Administrative Rules**

Code case proceedings are governed by ADM-9.01. A link to ADM-9.01, which includes the hearings procedures and other important information, is available here: <https://www.portlandoregon.gov/citycode/article/764624>.

#### **General Statement on Accommodations**

In compliance with Civil Rights laws, it is the City of Portland's policy that no person shall be excluded from participation in, denied the benefits of, or be subjected to discrimination in any City program, service, or activity on the grounds of race, color, national origin, or disability. The City of Portland reasonably provides translation and interpretation services (including sign language), modifications, accommodations, auxiliary aides and services, and alternative formats to help ensure equal access to City programs, services, and activities.

For these services, complaints, and additional information, contact 503-823-7307, use City TTY 503-823-6868, or use Oregon Relay Service: 711.

Please ensure that your request is made no later than **48 hours (2 business days)** before the scheduled hearing (not including Saturdays, Sundays, or official City holidays or closures).

Traducción e interpretación | Chuyển Ngữ hoặc Phiên Dịch | 翻译或传译

Письменный или устный перевод | 翻訳または通訳 | Traducere sau Interpretare 번역 및

통역 | Письмовий або усний переклад | Turjumida ama Fasiraadda|

## **Legal Representation**

You may be represented by an attorney at your own cost in these proceedings. Legal aid organizations may be able to assist a party with limited financial resources. An attorney may represent the City. The Hearings Office recommends that, if you plan to engage an attorney, you involve them early in the process. If you realize during your hearing that you are unable to adequately represent yourself in the proceedings, you may request that the Hearings Officer delay the hearing to allow you to secure the services of an attorney. The Hearings Officer has the sole discretion to grant or deny your request.

Although an initiating City bureau is not typically represented by an attorney at the hearing, it may be represented by counsel if it so desires.

## **Requests to Reschedule**

You may request to reschedule your hearing by submitting a Request to Reschedule Form, no later than 48 hours before the scheduled start of your hearing. This 48-hour rule does not include Saturday, Sunday, or City-recognized holidays. The Hearings Officer has sole discretion to grant a request to reschedule. If you submit a request to reschedule, you must inquire, in a timely manner, whether the Hearings Officer granted your request.

## **Testimony**

You will be given the right to testify at your hearing. You have the right to call one or more witnesses to testify on your behalf. Every witness you call shall be subjected to cross-examination by a City representative. You may cross-examine any witness the City calls to testify. The Hearings Officer may ask questions of any witness as well. All testimony shall be given under oath. Hearings start promptly at the scheduled time and persons arriving late may lose the opportunity to present their case or to hear other parties' testimony.

## **Evidence**

You may provide evidence in support of your case (e.g. reports, photographs, videos). All evidence should be provided to the Hearings Office 10 business days in advance of the scheduled hearing. If the City submits any evidence, you will be able to access these exhibits prior to the hearing through the online case management system. If you cannot access this online system, please contact the Hearings Office to make alternative arrangements, such as the Hearings Office mailing you hard copies of the evidence submitted by the City.

If the hearing is taking place in person, all evidence will be made available at the hearing on iPads distributed to each party.

If the hearing is held remotely (Zoom or telephonic appearance), it is strongly recommended that you have available the hard copies or electronic access to the case management system during the hearing.

## **Recording**

All hearings will be audio recorded.

To access the recording, you can search for it at the City of Portland E-Files at <https://efiles.portlandoregon.gov/Search>. You will need to use your assigned case number as the search term. Generally, recordings will be available online within 1-3 business days after the hearing.

If you do not want the recording uploaded to the E-Files system, you may **“opt out”** of placing the recording online. You must let the Hearings Officer know at the start of the hearing that you wish to **“opt out.”** Even if you elect to **“opt out,”** the audio file will still be maintained as part of the City record since it is considered public information.

If you need access to a recording that is not available online, you are instructed to contact the Hearings Office for assistance.

### **Right to Appeal**

If you are not satisfied with the results of your appeal hearing, you, as an aggrieved party, have the right to appeal the Hearing Officer’s Order per Oregon Revised Statutes (ORS) 34.010 through 34.100. Appeals are filed with the Multnomah County Circuit Court. The Hearings Office is unable to assist you with this process. You may wish to engage an attorney of your choosing in this process; legal aid organizations may be able to assist a party with limited financial resources.