



## Frequently Asked Questions (FAQs) - SUSPENSIONS, REVOCATION, OPERATING A VACATION RENTAL WITHOUT A VACATION RENTAL CERTIFICATE

### Appealing Certain Administrative Citations issued under Palm Springs Municipal Code (PSMC) 5.25, Vacation Rentals

**IMPORTANT TO NOTE:** *There are 2 separate appeals processes depending on the violation to be heard. Each process has its own applicable request for appeal form and payment requirements.*

**[PSMC 2.50 APPEALS PROCESS– Appeals process under PSMC 2.50 for operating a Vacation Rental without a Registration Certificate; and Suspension or Revocation of a Registration Certificate.](#)**

#### **Q. Who hears these appeal cases?**

A. These cases are heard by an Administrative Appeals Board (AAB), a five-member board whose members meet on-call, as needed. This Board was established to hear appeals on actions taken by an administrative officer or administrative agency of the City relating to ministerial enforcement of the provisions of the Municipal Code. The Office of the City Clerk provides staff support. As with any City Board or Commission, Board members must apply, be qualified and are appointed by City Council.

#### **Q. Why didn't I get a warning or pre-citation notice before an Administrative Citation with a fine/penalty was issued to me? I was not aware of the City's requirements.**

A. For Vacation Rental violations, no warning or pre-citation notice is issued. See Administrative Regulation dated 8/2014 at [www.psvacationrentalcompliance.com](http://www.psvacationrentalcompliance.com). As a property owner, it is anticipated you will be familiar with local laws and requirements.

#### **Q. How do I request a hearing?**

A. You must complete the applicable request for appeal form (see [www.psvacationrentalcompliance.com](http://www.psvacationrentalcompliance.com)) and send it to the Palm Springs Office of the City Clerk with the *then-current* appeal hearing payment due. Your administrative fine amount is suspended and not yet due pending the outcome of your appeal. The City Clerk must receive the form and appeal fee within 15 days of the citation mailing date.

#### **Q. How do these hearings get scheduled and when and where will they happen?**

A. The City Clerk's Office schedules the hearings, typically monthly, and will communicate with you regarding a date and time. If you have a conflict and cannot appear at this time, you must discuss this with the City Clerk. If you do not attend your scheduled hearing, the Administrative Citation stands and you forfeit your appeal hearing payment. Although it is not a common practice, you may request to participate at the hearing by telephone. The hearings typically take place at Palm Springs City Hall.

**Q. Do I have to pay an appeal fee to request a hearing?**

A. Yes, there is an appeal fee required. If the AAB dismisses the Administrative Citation, this appeal fee will be refunded to you in 30 days. If the AAB upholds the City's actions, your appeal fee is NOT applied to the balance of the monetary fine associated with the violation.

**Q. What should I bring and what should I prepare for the appeal hearing?**

At the time when you file an appeal with the City Clerk's office, you may provide evidence or arguments with your appeal. Should you wish to submit any additional information you must do so through the City Clerk's office and the information should be submitted prior to the hearing. Should you wish to present additional information at the time of the hearing, you will need to bring 10 copies of any additional documents. These copies are distributed to the public in attendance, AAB members and the City Staff.

**Q. Do I need to have an attorney present with me at the hearing?**

It is your choice. You may bring an attorney should you wish to do so. The attorney may speak on your behalf.

**Q. Are the hearings open to the public?**

A. Yes, they are public hearings; the public may attend, and the hearings are announced in advance by the City Clerk's office as required by law. The information to be presented at the hearing, including the City's Staff Report and your written appeal request form, and the AAB decision is a matter of public record, and as such is available to the public from the City Clerk website.

**Q. How does the appeal hearing proceed? When my appeal is being heard in what order is the evidence presented?**

A. The appeal hearing is called by the Chair of the AAB. Then, the City Staff presents a staff report summarizing all information relevant to the department's issuance of the Administrative Citation or other administrative action taken by the City. The AAB members may ask the City Staff questions. You (the Appellant) may then have 10 minutes to present evidence and/or arguments to the AAB. The AAB may ask you questions as well. The City Staff may be asked by the AAB to address any evidence presented by you. The City Attorney is present and acts as the City Prosecutor at these hearing, and is available to answer questions from the AAB. The AAB concludes the hearing portion of the appeal and will discuss among themselves particulars of the appeal, and may have additional questions for any participant.

**Q. Does the AAB make the decision at the end of the appeal hearing?**

A. Yes, normally the AAB will determine the case at the hearing, although they have 15 days to do so. The AAB must render its decision consistent with applicable law and City ordinances *even in situations in which the AAB disagrees with the applicable law and/or ordinances*. More often than not to date, the AAB members have voted to uphold the City's decision.

(end – see PSMC 2.50 for questions or call the Vacation Rental Compliance Department)