

Administrative Citations

Charter Commission Follow-up

July 2021

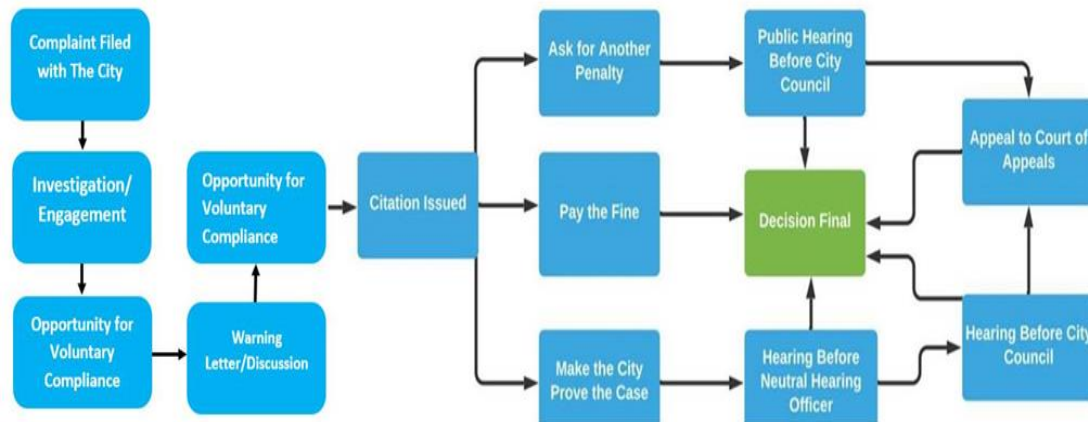
- Information Requested:

1. How are administrative citations equitable?
 - Criminal citations disproportionately adverse impact access to jobs, housing, and other resources in the context of the relatively minor nature of the violation. Furthermore, criminal citations disproportionately affect people from lower socioeconomic backgrounds, which more so tend to implicate those from our BIPOC communities. The primary intent of creating an administrative citations tools is to significantly reduce the number of criminal citations issued.
 - The administrative citation enforcement process will be transparent and consistent in its application. The process will require engagement, a written notice providing clear direction on what is be required including reasonable timeline in advance of issuing a citation, opportunity to appeal corrective work orders (DSI) and subsequent appeal processes.
 - The appeal process will support an individual's ability to present their case to a neutral hearing officer, the City Council and ultimately to the Appellate Court(s). The City Council will make findings, a decision and may adjust the fine amount based on the facts of the case including impact on the individual or business.
 - These equity benefits would not just be for those who are being issued a citation, but also for those who are harmed by the violation of an ordinance, i.e. neighborhoods, businesses, employees, etc. The administrative citation creates a tool for effective enforcement, holding everybody equally accountable to the standards set out in City ordinances. Those impacted by noncompliance are provided relief by enforcement.
 - Economic Impact:
 - people with criminal records face discrimination: 9 in 10 employers, 4 in 5 landlords, and 3 in 5 colleges and universities use background checks in hiring decisions. These impacts lead to higher rates of homelessness and unemployment, lower cumulative earnings, and difficulties pursuing educational opportunities; they also create barriers to community integration.
 - An applicant with a criminal record is 50 percent to 63 percent less likely to get a callback or job offer than an identical applicant without a record—and this effective hiring penalty increases twofold for black applicants compared with white applicants. (source: <https://www.ojp.gov/pdffiles1/nij/grants/228584.pdf>)
 - a recent national survey of people with convictions, more than 4 out of 10 with any kind of conviction said they had difficulty finding a job (46 percent). Among those with a felony conviction specifically, nearly 7 in 10 (69 percent) adults said they have had difficulty finding a job long after they completed their sentence.
 - Wilder did a study that showed most criminal offenses have no affect on housing, and it declines quickly over time (2 years for misdemeanor, 5 years for felonies) and that household structure (number of adults/children) have the largest effect on housing

outcome than criminal history

(https://www.wilder.org/sites/default/files/imports/AEON_HousingSuccess_CriminalBackground_Report_1-19.pdf)

- As of 2021, the National Inventory of Collateral Consequences of Conviction identifies more than [1,300 criminal record-related barriers to housing](#) and residency across state, county, and city jurisdictions, and 26 barriers at the federal level. These barriers range from background checks as part of rental and public housing applications, denial of constitutional fair housing law protections, eviction and housing forfeiture, and denial of rental or sale. These barriers affect a range of housing types, including rental housing, student [campus housing](#), [federal and public housing](#) under Department of Housing and Urban Development (HUD) programs, temporary housing at [motels and hotels](#), and some congregate sheltered housing.
<https://www.americanprogress.org/issues/poverty/news/2021/04/14/498053/preventing-removing-barriers-housing-security-people-criminal-convictions/>
- [9 out of 10](#) landlords conduct automated background checks when reviewing the applications of potential tenants, and the companies that conduct these checks are often unregulated and not required to register with a government agency. Within [the common and flawed practice](#) of background checks, screening criteria are ambiguous and checks for criminal records are also unregulated. These varied practices leave people vulnerable to [discriminatory housing practices](#), which have been historically justified because they disproportionately hurt people of color.
<https://www.americanprogress.org/issues/poverty/news/2021/04/14/498053/preventing-removing-barriers-housing-security-people-criminal-convictions/>
- As discussed above, the more than 1,300 barriers that strategically exclude people with criminal records from qualifying for housing programs and rental housing [further racial and economic](#) inequality. For example, the use of criminal record checks in [rental housing applications](#) provides the opportunity for [racial discrimination](#).
<https://www.americanprogress.org/issues/poverty/news/2021/04/14/498053/preventing-removing-barriers-housing-security-people-criminal-convictions/>



Proposed Comparison Chart

<u>Ordinance</u>	<u>Current Consequence</u>	<u>Admin. Citation</u>	<u>Annual Number Issued</u>	<u>Projected 2022 Revenue</u>
<u>Animal Infractions</u>	Crime – Misdemeanor	~\$100	120	\$20,100
<u>Labor Standards</u>	Future use.			
<u>Zoning</u>	Crime – Misdemeanor	\$100 to \$200	TBD	TBD
<u>Water Infractions</u>	City Code Title XI	\$1,000	3	\$3,000
<u>Construction Violations</u>	MN Building Code/SPLC	\$250	26	\$6,500

Administrative Citation

- Issuance of a citation requires prior notice of ordinance violation before an administrative citation can be issued.
- Listed amount is for first violation. Subsequent violations would have increased fine amounts.

Misdemeanor

- Consequence is capped at \$1,000 fine and/or 90 days in jail

Petty Misdemeanor

- Consequence is capped at \$300 fine

Administrative Fines Budget

\$458,592 Staff and Technology

Administrative Law Judge Costs

The average costs for Administrative Law Judge hearings in 2018 and 2019 were \$22,700. The average number of cases was 35.