DENVER
COMMUNITY PLANNING
& DEVELOPMENT

NEGLECTED AND DERELICT PROPERTIES RULES AND REGULATIONS

The Department of Community Planning and Development through their authority set forth in DRMC Sections 10-146 and 12-18, as amended, has approved and adopted the Neglected and Derelict Properties Rules and Regulations.

The purpose of the proposed Rules and Regulations is to create clarity and efficiency for the process of designating properties as neglected and derelict, including securing requirements, remedial plan requirements, emergency abatement powers, and the process for appealing orders and citations issued pursuant to the Neglected and Derelict Properties ordinance.

Approved for Legality

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Date: 07/28/2026

Approved and Adopted

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NEGLECTED AND DERELICT PROPERTIES
RULES AND REGULATIONS

1 Rules to Implement Section 10-140 – Neglected and Derelict Designation

1.1 Notice of Property Designation

After assessing a property and determining a neglected and derelict violation under DRMC Section 10-140, the Manager shall provide written notice to the owner and post notice on the subject property. The notice shall include the Manager's basis for designating the property as neglected and derelict by citing the applicable findings and justification(s) outlined in DRMC Section 10-140(a) through (e). The Manager may include the notice of property designation as part of any other order authorized by the Code and these rules and regulations.

2 Rules to Implement Section 10-139(9) – Definition of "Remedial Plan" and Section 10-141(a) – Security requirements and Remedial Plan

2.1 Order to Immediately Secure Property

2.1.1 Applicability and Intent

DRMC Section 10-141(a)(1) authorizes the Manager, following the designation of a property as neglected and derelict under DRMC Section 10-140, to issue an order requiring the owner to take immediate action to secure the property from further damage, trespass, or deterioration. In exercising this authority, the Code and these rules provide the Manager with the flexibility necessary to address a wide variety of property types and circumstances.

2.1.2 General – Permissible Actions to Secure and Maintain Property

The Manager may issue a written order to the owner to immediately secure and maintain the property. The written order shall specify actions to be taken within a specified time, including but not limited to:

A. To the extent allowed by law, the order may include not only actions to mitigate hazards concerning the exterior of a building or the land surrounding the building but also concerning the interior of a building if deemed necessary to prevent imminent hazard or prevent new hazards or further substantial damage or deterioration of a building subject to the order.

B. Immediate actions that the Manager may order include:

1. Securing the property or portion of the property from trespass or invasion by means of signage, fencing, installation of lighting or cameras, monitoring of

the property by qualified security professionals, or other reasonable actions to secure the property deemed necessary by the Manager.

2. Turning off utility services to the property, a building, or portion of a building located on the property (e.g., water, electricity, natural gas).
3. Temporarily protecting a building or portion of a building from further deterioration, dereliction, or decay by ensuring both the exterior and interior of the building are protected from the damaging effects of weather or other natural elements or events. Examples of such actions include boarding windows and doors or temporarily repairing or covering openings in a building's exterior walls or roofs.
4. Clean-up of the land and open areas on the property (including on abutting public right-of-way maintained by the owner under law) including removal of garbage, debris, weeds and broken trees or overgrown vegetation, illegally stored items (e.g., furniture, inoperable vehicles), or snow and ice.
5. Retention of qualified professionals to clean-up hazardous materials located on the property or inside a building located on the property. The order shall require the retained qualified professional to obtain all permits and approvals from the State of Colorado, Denver Fire Department, and/or the Department of Public Health and Environment, as applicable, prior to undertaking hazardous material clean-up or removal.
6. Demolition of a building, portion of a building, or other structure on the property the Manager determines is unsafe as defined in the Denver Building Code, consistent with all applicable laws, including DRMC Chapter 30; "Remedying of Dangerous Conditions" on a historic property.
7. Additional security measures deemed reasonable and appropriate to the specific circumstances of the neglected and derelict property. These circumstances may include the type of property, its history of code violations, the degree of potential hazard to the public or to authorized visitors or occupants, and the context of the surrounding neighborhood.

*2.1.3 **Additional Requirements - Historic Properties***

When a property designated as neglected and derelict is also a historic property, the Manager shall use reasonable efforts, before issuing an order to immediately secure the property under DRMC Section 10-141(a)(1), to confer with Landmark Preservation staff to ensure that actions required by the order will not destroy or adversely affect any exterior architectural feature of a structure designated for preservation or a structure in a district designated for preservation under DRMC

Chapter 30, and that such actions are appropriate or consistent with the spirit and purposes of that chapter.

*2.1.4 **Failure to Comply with Order***

It is a violation of the Code and these rules and regulations if the owner fails to complete or follow the actions, terms, or schedule specified in an order to immediately secure the property. DRMC, Section 10-142(a). Upon determining noncompliance with an order to immediately secure the property, the Manager may take immediate enforcement action and apply one or more authorized penalties, including issuance of administrative citations and civil penalties. See DRMC, Section 10-142, Enforcement and penalties.

2.2 Remedial Plan – General

*2.2.1 **Applicability***

This Section 2.2 governing remedial plans apply to all properties designated as neglected and derelict under DRMC Section 10-140.

*2.2.2 **Purpose and Intent***

A remedial plan, as stated in DRMC Section 10-141(a), creates a binding set of specific actions and commitments on the owner's part for the successful rehabilitation and reuse, or demolition, of a neglected and derelict property. These rules and regulations are intended to supplement the Code by providing guidance for preparation of a remedial plan and by establishing additional requirements for historic properties to ensure their preservation.

*2.2.3 **Remedial Plan - Minimum Contents for Owner-Prepared Remedial Plans***

A. All remedial plans shall identify and include current contact information for all owners of the designated property, including contact information for the registered agent of a corporate owner(s) or a trustee if the property is held in trust. All remedial plans shall also identify the property's primary lienholders, as applicable, including all mortgage holders.

B. In general, all remedial plans shall contain and describe a detailed and rational set of abatement and property restoration actions that the owner shall undertake to ensure the neglected and derelict property will comply with all applicable city laws, rules and regulations.

C. As applicable, actions in the plan shall address specifically how a neglected and derelict building and the land around the building will be remedied and maintained during the time the property remains designated as neglected and derelict.

D. As applicable, actions in the plan shall address specifically how a neglected and derelict building's interior systems, including plumbing, gas, and electrical systems, will be addressed if necessary for the building's remediation and prevention of further building damage or safety concerns during the time the property remains designated as neglected and derelict.

E. All remedial plans must specify what actions will be taken to maintain the neglected and derelict property after the property's initial remediation and during the time the property remains designated as neglected and derelict. This may include maintaining and regularly remediating vegetation growth, graffiti, broken windows/doors, broken exterior lighting/sensors, snow removal, and other similar property matters. The plan shall specify the responsible party, and their contact information, for implementing ongoing maintenance of the property.

F. A remedial plan may state that more than 3 service responses due to the property's status as neglected and derelict within a 6-month period is a violation of the remedial plan. See DRMC, Sec. 10-141(b)(3).

G. A remedial plan for a neglected and derelict building may include action to demolish the building. Demolition approval in the City of Denver typically requires numerous signoffs and approvals from the State of Colorado and multiple city agencies. A detailed schedule of proposed completion of all the steps leading to a demolition permit shall be included in the remedial plan.

H. A remedial plan may include actions to prepare and sell the neglected and derelict property to a new owner. If the owner's intent is to sell the property, the remedial plan shall include all steps necessary, with proposed completion dates for each step, to procure a seller's agent, list the property for sale, and an estimated duration of the listing and completion of the sale.

I. Actions described in the remedial plan to achieve code compliance may be taken concurrently or sequentially, at the owner's option and as specified in the remedial plan, subject to the Manager's approval.

J. The remedial plan shall include an implementation schedule that ensures completion of all plan actions by no later than 18 months from the date of the Manager's approval of the remedial plan, unless the Manager approves a longer timeframe because of unique or extenuating circumstances. In proposing an implementation

schedule, an owner must assume and use best efforts to achieve the speediest resolution of the conditions that caused the property to be designated as neglected and derelict under DRMC, Sec. 10-140.

K. All costs associated with taking the actions stated in a remedial plan shall be borne by the owner, unless otherwise approved by the Manager.

L. For all remedial plans, the Manager shall provide the specific terms and text to be added to the plan that specifies at what time and under what circumstances the property will be found in compliance with the Code, therefore allowing the property to be de-designated as neglected and derelict.

1. **Vacant Land**. For a neglected and derelict property that is vacant land, the remedial plan shall, at a minimum, define compliance as the property continuing to satisfy all requirements under the Code, these rules and regulations, and any adopted international codes such as the Denver building code, for a period of not less than 6 months but not more than 1 year after abatement.

2. **All Other Properties**. For all other neglected and derelict properties, the remedial plan may define compliance as when one or more buildings on the property are legally reoccupied or demolished, consistent with all applicable laws.

*2.2.4 **Remedial Plan – Historic Properties – Additional Plan Requirements***

In addition to the minimum content requirements for all remedial plans specified in Section 2.2.3 above, a remedial plan for a neglected and derelict property that is a historic property shall comply with the following rules.

2.2.4.1 Plan Contents Specific to Historic Properties

The Manager may require additional content and remedial or maintenance actions in the remedial plan for a historic property to enable and facilitate the city's review of such actions for compliance with DRMC, Chapter 30, and all applicable landmark preservation rules and regulations.

Accordingly, the Manager may require a remedial plan for a historic property to include the following types of content:

A. A photographic inventory of the property's as-is physical condition, documenting the existence and extent of physical dereliction or degradation to a building's

exterior and its historic character-defining features. Conditions requiring documentation include:

1. Deterioration of exterior walls, foundations or other vertical supports that causes leaning, sagging, splitting, listing or buckling.
2. Deterioration of flooring or floor supports or other horizontal members that causes leaning, sagging, splitting, listing or buckling.
3. Deterioration of external chimneys that cause leaning, sagging, splitting, listing or buckling.
4. Deterioration or crumbling of exterior plasters or mortars.
5. Ineffective waterproofing of exterior walls, roofs and foundations, including broken windows or doors.
6. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint or weathering due to lack of paint or other protective covering.
7. Rotting, holes and other forms of decay, and deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings ornamental trim and other architectural details that cause delamination, instability, loss of shape and form or crumbling.

2.2.4.2 Qualified Professionals May be Required to Take Remedial Actions

A. The Manager may require one or more the actions stated in the remedial plan be completed by a person or entity with experience, training, and expertise in historic building design or construction; use or repair of historic building materials such as masonry; and/or historic structure repair or restoration.

B. In deciding to require a qualified professional to complete one or more actions in the remedial plan, the Manager shall consider the extent and gravity of the code violations at the property, whether the owner was deliberate or negligent, and similar relevant aggravating or mitigating factors.

C. When the Manager requires an action in the remedial plan be completed by a qualified professional, the Manager may require the owner to submit the qualifications of the retained professional prior to the start of work to determine compliance with this section.

2.2.5 ***Remedial Plan – Manager May Require Additional Site-Specific Content***

Nothing in these rules and regulations is intended to limit the Manager's authority to require the owner to include additional or different remedial plan actions or

timeframes for action than the actions or timeframes the owner proposes, when the Manager finds: (A) such additional or different actions or timeframes are reasonable and necessary to remedy the circumstances leading to the property's designation as neglected and derelict; and (B) the actions or timeframes respond specifically to immutable or unique features of the subject property, building, its status as a historic property, or the surrounding natural or built context.

*2.2.6 **Manager-Prepared Remedial Plan***

A. DRMC, Section 10-141(a)(2), authorizes the Manager to prepare and issue a written remedial plan if the owner of the neglected and derelict property fails to schedule or attend a remedial plan submission meeting, fails to prepare a remedial plan, provides an insufficient or deficient remedial plan, or is otherwise nonresponsive.

B. Nothing contained in this Section 2.2.6 shall be deemed an obligation on the part of the Manager to prepare a remedial plan in the absence or failure of the owner to submit a sufficient remedial plan.

C. A Manager-prepared remedial plan may contain some or all the following content:

1. Specific property abatement and security actions that the owner shall take within timeframes and deadlines specified in the Manager-prepared remedial plan.
2. A schedule establishing one or more deadlines for the owner to submit a sufficient remedial plan for the Manager's review, according to the Code and these rules and regulations.
3. Nothing herein shall limit the Manager's authority to issue an order for emergency abatement or take actions to secure the property in accordance with DRMC, Section 10-143.

2.3 Remedial Plan Review and Approval Process

*2.3.1 **Step 1: Mandatory Remedial Plan Submission Meeting***

A. **Order to Schedule/Attend a Remedial Plan Submission Meeting**. Upon designating a property as neglected and derelict under DRMC Section 10-140, the Manager shall issue a written order to the owner to schedule a meeting with CPD to discuss the remedial plan submission requirements and review process. Alternately, or at any time, the Manager may issue a written order requiring the owner to appear at a meeting with CPD and scheduled for a specific place, date, and time included in the notice.

B. **Timing of Remedial Plan Meeting**. To the maximum extent possible, the remedial plan submission meeting shall be held no later than 60 days from the date of the written order to the owner to schedule or appear at the meeting, unless the Manager agrees to more time.

C. **Remedial Plan Submission Meeting Outcomes**. At the remedial plan submission meeting, the Manager and owner will discuss and determine the schedule and deadlines for submitting the remedial plan, the minimum required contents of the plan, and the process for the city's review and final approval. The Manager may include staff from CPD or other city departments as deemed necessary and appropriate to support a successful meeting and remedial plan submittal. When the subject property is a historic property, this meeting will be scheduled directly with Landmark staff.

D. **Failure to Comply**: Failure of the owner to respond to the written order to schedule or attend a remedial plan pre-submission meeting, or to timely submit a remedial plan as ordered, constitutes a violation of the Code and may result in enforcement actions, including civil fines or judicial proceedings. See DRMC Section 10-142, Enforcement and Penalties.

*2.3.2 **Step 2: Owner Submits Remedial Plan***

A. Order to Submit Remedial Plan. After completion of the remedial plan submission meeting, the Manager shall issue an order to the owner to submit a sufficient remedial plan consistent with the direction and schedule discussed or determined at the remedial plan submission meeting.

B. Owner Submittal of Sufficient Remedial Plan. The owner of a neglected and derelict property shall prepare a remedial plan that meets the minimum requirements of the Code and these rules and regulations, and which is submitted according to the schedule and deadlines approved by the Manager during the remedial plan submission meeting per Section 1.2.3.

C. **Failure to Comply**: Failure of the owner to timely submit a sufficient remedial plan as required by the Code or as ordered constitutes a violation of the Code and may result in enforcement actions, including civil fines or judicial proceedings. See DRMC Section 10-142, Enforcement and Penalties.

*2.3.3 **Step 3: Manager Review and Final Decision – Non-Historic Properties***

2.3.3.1 Applicability

This rule shall apply to the Manager's review of a remedial plan prepared and submitted by the owner, and when the neglected and derelict property is not a historic property.

2.3.3.2 Manager Review, Referral, and Final Decision

A. The Manager shall review the submitted remedial plan and make a final decision to approve, approve with conditions, or deny the remedial plan, according to the plan's compliance with the Code and these rules and regulations.

B. The Manager may refer the submitted remedial plan to staff in CPD and other city departments and agencies for comment and recommendation about whether the remedial plan complies with the Code and these rules and regulations.

C. The Manager may approve a remedial plan subject to conditions when the Manager finds the conditions are reasonable and necessary to ensure compliance with all applicable city codes, rules, and regulations.

D. The Manager shall provide their final decision in writing to the owner. If the final decision is to deny a remedial plan, the Manager shall specify the reasons for the denial in the written final decision.

*2.3.4 **Step 3: Manager / LPC / LDDRC Review and Final Decision - Historic Properties***

2.3.4.1 Applicability

This rule shall apply to the review of a remedial plan prepared and submitted by the owner when the neglected and derelict property is a historic property.

2.3.4.2 Review, Recommendation, and Final Decision

A. Manager Review Required. The Manager shall review the remedial plan for a historic property according to the process and criteria stated in DRMC, Chapter 30, Sections 30-6 and 30-8.

B. Manager Referral of Remedial Plan for Review. The Manager shall refer the submitted remedial plan to the staff of the Landmark Preservation Commission ("LPC") or Lower Downtown Design Review Commission ("LDDRC") and may refer the remedial plan to other city staff for comment and recommendation about whether the remedial plan complies with DRMC Chapter 30, this Code, and all other applicable city laws, rules and regulations.

C. Staff Recommendation for LPC or LDDRC Final Decision. For remedial plans that the Manager refers to the LPC or LDDRC according to DRMC, Chapter 30, Landmark staff shall submit a recommendation to the LPC or LDDRC to either approve, approve with conditions, continue for additional information, or deny the remedial plan.

D. Staff Recommendation for Manager Final Decision. For remedial plans that commission staff is authorized by DRMC, Section 30-6, to review and make a final decision, the Manager shall either approve, approve with conditions, or deny the remedial plan only after receiving commission staff's recommendation for a final decision.

E. Conditional Approval Allowed. The Manager, LPC or LDDRC may approve a remedial plan subject to conditions when the Manager, LPC or LDDRC finds the conditions are reasonable and necessary to ensure compliance with all applicable city codes, rules, and regulations.

F. Final Decision in Writing. The Manager, LPC and LDDRC shall provide the final decision in writing to the owner. If the final decision is to deny the remedial plan, the Manager, LPC or LDDRC shall specify the reasons for the denial in the written final decision.

*2.3.5 **Remedial Plans - Effect of Approval or Denial***

2.3.5.1 Effect of Approval – Right to Inspect

A. An approved remedial plan authorizes and obligates the owner to use best efforts to immediately apply and implement the remedial plan according to the schedule approved therein.

B. The Manager shall ensure the owner's continuing progress and compliance with the remedial plan by scheduling and conducting, at a minimum, quarterly inspections of the subject neglected and derelict property. The Manager is authorized to conduct such inspections on a different timetable than quarterly, considering the property's remediation progress to date, the severity of the violations at the property, potential adverse impact on neighboring properties, and availability of the necessary resources to conduct the inspection.

2.3.5.2 Effect of Denial – Violation and Enforcement

A. A final decision to deny a remedial plan results in the continuing violation of the Code and, without further designation of the property as neglected and derelict, the Manager may take further enforcement action and apply penalties, including

civil fines, as authorized by the Code. See DRMC, Section 10-142, Enforcement and penalties.

B. A final decision to deny a remedial plan shall not preclude the owner, at any subsequent time, from preparing a new remedial plan and submitting the new plan for review and final decision according to the Code and these rules and regulations. In submitting a new remedial plan after denial of a previous plan, the owner shall address in writing all the deficiencies identified in the formal denial of the previous remedial plan.

*2.3.6 **Modifications to Approved Remedial***

A. Except as stated herein, the Manager may approve modifications to an approved remedial plan using the same procedures for review stated in this Rule 2.3, including a request to modify and extend the deadline or time for owner action in a remedial plan.

B. The Manager may approve minor modifications that are only technical or corrective in nature without referral to the LPC/LDDRC for a final decision on such minor modifications.

2.4 Violation of Approved Remedial Plan and Penalties

It is a violation of the Code and these rules and regulations if the owner fails to complete or follow the actions, terms, or schedule specified in an approved or Manager-prepared remedial plan. DRMC, Section 10-142(a). Upon determining noncompliance with an approved or Manager-prepared remedial plan, the Manager may take immediate enforcement action and apply one or more authorized penalties, including issuance of administrative citations and civil penalties. *See DRMC, Section 10-142, Enforcement and penalties.*

2.5 Removal of Neglected and Derelict Designation of a Property

Upon the Manager finding that (1) a neglected and derelict property has been fully and timely abated according to the terms and schedule in the approved remedial plan, and (2) the property is in compliance with the Code and all other applicable city codes and rules, the Manager shall take appropriate actions to record the property as in compliance with the Code.

3 Rules to Implement Section 10-143 – Emergency Abatement

3.1 Applicability

The Manger is authorized by DRMC, Section 10-143, to issue an order for immediate abatement to the owner, or to direct CPD and/or its agents to take emergency abatement actions, whenever the Manager determines that a neglected and derelict property's violation(s) of the Code or other city laws, rules or regulations is an imminent hazard to life, health, property, or public welfare.

3.2 Owner's Duty to Abate – General

Nothing in these rules and regulations authorizing emergency abatement orders and actions shall be interpreted to release the owner of a neglected and derelict property of the owner's duty and obligation under the Code to abate all violations on the subject neglected and derelict property.

3.3 Order for Emergency Abatement – Permissible Abatement Actions

3.3.1 Order to the Owner to Abate

A. After the property's designation under DRMC, Section 10-141(a)(1), but ahead of any other act or process required or available under the Code and these rules and regulations, the Manager may issue an order to the owner of a neglected and derelict property to take immediate action(s) to abate ongoing or imminent hazards to life, health, property or public welfare, or to prevent new hazards. The Manager shall specify in the order for emergency abatement the action(s) that must be taken and completed by a date certain stated on the face of the order.

B. In determining the minimum abatement actions to include in the order, the Manager may consult with CPD staff and with other city departments and agencies having an interest in preventing hazards to the public on the subject neglected and derelict property.

C. To the extent allowed by law, the order for emergency abatement may include not only actions to abate hazards concerning the exterior of a building or the land surrounding the building but also concerning the interior of a building if deemed necessary to abate an imminent hazard or prevent new hazards or further substantial damage or deterioration of a building subject to the emergency abatement order.

D. Emergency abatement actions that may be ordered include:

1. Securing the property or portion of the property from trespass or invasion by means of signage, fencing, installation of lighting or cameras, monitoring of the property by qualified security professionals, or other reasonable actions to secure the property deemed necessary by the Manager.
2. Turning off utility services to the property, a building, or portion of a building located on the property (e.g., water, electricity, natural gas).
3. Temporarily protecting a building or portion of a building from further deterioration, dereliction, or decay by ensuring both the exterior and interior of the building are protected from the damaging effects of weather or other natural elements or events. Examples of such actions include boarding windows and doors or temporarily repairing or covering openings in a building's exterior walls or roofs.
4. Clean-up of the land and open areas on the property (including on abutting public right-of-way maintained by the owner under law) including removal of garbage, debris, weeds and broken trees or overgrown vegetation, illegally stored items (e.g., furniture, inoperable vehicles), or snow and ice.
5. Retention of qualified professionals to clean-up hazardous materials located on the property or inside a building located on the property. The order shall require the retained qualified professional to obtain all permits and approvals from the State of Colorado, Denver Fire Department, and/or the Department of Public Health and Environment, as applicable, prior to undertaking hazardous material clean-up or removal.
6. Demolition of a building, portion of a building, or other structure on the property the Manager determines is unsafe as defined in the Denver Building Code, consistent with all applicable laws, including DRMC Chapter 30, "Remedying of Dangerous Conditions" on a historic property.
7. All abatement actions ordered shall be undertaken or procured solely at the owner's expense, unless otherwise approved by the Manager.

*3.3.2 **Order to Abate – Additional Requirements – Historic Properties***

A. If the subject property is a historic property, the Manager, before issuing the order to abate, shall use reasonable efforts to consult with Landmark staff to ensure required abatement actions will not destroy or adversely affect any exterior character-defining feature of a building or property designated for preservation or in a district for preservation under DRMC Chapter 30, unless the Manager determines that preventing imminent hazard to life or to the public health requires otherwise.

B. In order to not destroy or adversely affect any exterior character-defining feature of a structure or property designated for preservation or in a district for preservation under DRMC, Chapter 30, the Manager may require that completion of one or more abatement actions specified in the order must be completed by a person or entity with experience, training, and expertise in historic building design or construction; use or repair of historic building materials such as masonry; and/or historic structure repair or restoration.

*3.3.3 **Failure to Abate – Violation and Penalties***

The owner's failure to comply with an order for emergency abatement shall be a violation of the Code, after which the Manager may take immediate enforcement action and apply one or more authorized penalties, including issuance of administrative citations and civil penalties. See DRMC, Section 10-142, Enforcement and penalties.

3.4 Emergency Abatement Action by the Manager

*3.4.1 **Applicability***

After the property's designation under DRMC, Section 10-141(a)(1), and whenever the Manager determines that a violation of the Code is an imminent hazard to life, health, property or public welfare, the Manager may take immediate action to abate the condition(s) causing the imminent hazard, consistent with all other applicable laws.

*3.4.2 **Permissible Emergency Abatement Actions***

A. In determining necessary abatement actions to implement, the Manager may consult with CPD staff and with other city departments and agencies having an interest in minimizing imminent or preventing new hazards on the subject property.

B. The types of abatement actions allowed include any of the types of abatement actions described in Rule 4.3.1.C above, and other similar types of abatement.

C. Consistent with all applicable laws, emergency abatement actions may be undertaken or procured by CPD.

*3.4.3 **Emergency Abatement - Historic Properties – Additional Requirements***

A. Before conducting any emergency abatement, the manager shall use reasonable efforts to consult with Landmark staff to ensure a proposed abatement action will not destroy or adversely affect any exterior character-defining feature of a building or property designated for preservation or in a district for preservation under DRMC

Chapter 30, unless the Manager determines that preventing imminent hazard to life or the public health requires otherwise.

B. If an emergency abatement action will involve or affect an exterior character-defining feature of a structure or property designated for preservation or in a district for preservation under DRMC Chapter 30, the Manager will use reasonable efforts to retain a professional qualified in the preservation of historic buildings and/or the use of historical materials or appropriate replacements to take and complete the emergency abatement action, unless the Manger finds that the imminent hazard to life or to the public health does not provide the time necessary for procurement of such specialized services.

*3.4.4 **Assessment and Recoupment of Costs***

The Manager may assess the costs of such emergency abatement to the owner in a timely manner after completion of the emergency abatement or other actions. If the owner fails to pay such assessment, the City may secure payment by a lien against the property, placed thereon according to City laws, rules and regulations. See DRMC, Section 10-144(a).

4 Rules - Procedures for Appeals under DRMC Chapter 10, Article IX, Neglected and Derelict Properties

4.1 Appeals of an Order Issued under DRMC Chapter 10, Article IX

*4.1.1 **Applicability***

The owner, or the owner's authorized representative, may appeal the requirements of any order issued under DRMC Chapter 10, Article IX pursuant to the procedures in division 1, article II of chapter 12, DRMC. Orders which may be appealed pursuant to this section 5.1 include an order to secure a property, an approved remedial plan, a remedial plan ordered by the manager, an order for emergency abatement, or an assessment resulting from an emergency abatement.

*4.1.2 **Appeals; neighborhood inspection services***

A. Under no circumstances shall a decision, determination, requirement, order, citation, permit, or certification made, issued, denied, rescinded, or revoked under the landmark preservation ordinance (DRMC Chapter 30), solid waste ordinance (DRMC Chapter 48), the Denver Zoning Code, or the building code be appealed under this section.

B. Any appeal of an order to secure property, an approved remedial plan, a remedial plan issued by the manager, or an order for emergency abatement under this section 5.1.2 shall be brought within ten (10) days of the date of service thereof.

C. Any appeal of an assessment resulting from an emergency abatement under this section 5.1.2 shall be brought within thirty (30) days of the date of the assessment. The appeal of an assessment may dispute the actual cost of the services provided, whether such services were actually provided, whether the bill or charge had been paid, or any errors in the bill or charge. No appeal may be brought under this subsection C as to whether a violation existed or whether the services were needed.

D. Compliance with time limits established in subsections B and C of this section 5.1.2 for the submittal of an appeal shall be a jurisdictional prerequisite to any appeal brought by under this section 5.1.2, and failure of compliance shall bar any appeal.

E. An appeal shall be made in writing (including regular mail or email) to the manager. The appeal shall provide information to adequately establish the basis for appeal, and the appellants email address for purposes of future correspondence related to the subject appeal.

F. The filing of an adequate appeal, for purposes other than to challenge an assessment, shall stay all efforts at enforcement, abatement, or any other proceedings directly related to the subject of appeal unless the enforcement official determines, in writing, that staying enforcement, abatement, or other proceedings would cause imminent unreasonable peril to life or property. Upon entry of this determination by the enforcement official, no automatic stay shall be in effect unless a restraining order or other injunctive relief is obtained from a court of competent jurisdiction and properly served upon the enforcement official.

G. Upon receipt of an appeal under this section 5.1, the enforcement official shall set a date time and place for hearing the case. Notice of the date, time, and place of the hearing, which may be held in person, electronically, or a combination of in person and electronically, shall be provided in writing (this includes regular mail or email) to the appellant at least ten (10) days prior to the scheduled hearing date. Such notice shall be personally served upon appellant or sent to appellant by first class mail.

H. The enforcement official may review such appeals and conduct such hearings as specified herein and in accordance with division 1, article II of chapter 12, DRMC, or the enforcement official, in their sole discretion, may designate an officer or employee of the department of community planning and development to review the

appeals and conduct the hearings. The enforcement official may also designate a hearing officer retained for that purpose by contract. Any designated hearing officer shall be an attorney licensed to practice law in the state of Colorado with a minimum of five years of experience.

I. In the discretion of the enforcement official or the enforcement official's designated representative or hearing officer ("Administrative Hearing Officer" or "AHO"), parties to the hearing may be required to file a pre-hearing statement which shall be due on a date designated by the AHO that is before the date set for the hearing. The pre-hearing statement may include: the issues raised by the appeal; agreed and disputed facts; copies of exhibits not previously included in the record; names of witnesses with a brief statement summarizing their testimony; an estimate of time necessary to present a party's evidence and other matters as required by the AHO.

J. Any party appearing at the hearing may be represented by legal counsel and may present testimony and evidence under oath or affirmation. The appellant shall bear the burden of persuasion by a preponderance of evidence. All tangible evidence shall be retained until the applicable appeal periods have lapsed. See, DRMC § 12-19(i).

K. The decision of the enforcement official, or a designated representative or hearing officer if such decision authority has been so delegated, shall be in writing and provided to the appellant within thirty-five (35) days of the hearing date. Any decision made by a designated representative or hearing officer may be appealed in writing, to the enforcement official within ten (10) days of the date of the decision, in which case the decision reached by the enforcement official following review of the decision of the designated representative or hearing officer shall be deemed a final decision for the purposes of judicial review as of the date of said decision made by the enforcement official.

L. If no appeal is made to the enforcement official pursuant to subsection K, above, then the written decision of the designated representative or hearing officer shall be deemed a final decision for purposes of judicial review as of the date of said decision.

M. A final decision pursuant to subsection K or L, shall be considered a final order subject to judicial review under Rule 106(a)(4) of the Colorado Rules of Civil Procedure upon the timely filing of an appeal to the Denver District Court.

N. Any automatic stay under this section shall expire at the conclusion of any appeal periods under this section 5.1, unless otherwise ordered by the enforcement official

or unless a stay, restraining order, or other injunctive relief is sought from a court of competent jurisdiction and properly served upon the enforcement official.

4.2 Appels of an Administrative Citation issued under DRMC Chapter 10, Article

4.2.1 Applicability

The owner may appeal an administrative citation issued under DRMC Chapter 10, Article IX pursuant to the procedures in article XII of chapter 2, DRMC.

4.2.2 Appeals; Administrative Citations

A. Unless the party appealing the administrative citation objects, hearing shall be open to the public.

B. The parties at the hearing for an appeal of an administrative citation shall be the property owner and CPD.

4.3 Procedures Applicable to All Appeals Under this Section 4

All parties and/or their representatives participating electronically shall have video capabilities and shall have their camera turned on during the hearing. Cases shall be set for hearing in the order in which the appeal is filed, provided, however, the enforcement official may accelerate cases of particular significance which they determine should be advanced on the docket.

A. The AHO shall have the power to call and question witnesses, to review and consider the relevancy and probative weight of testimony, documentary or other tangible evidence, to rule on evidentiary questions and witness qualifications, to issue subpoenas, to require the submission of documentary or other tangible evidence, and to generally conduct the hearing in conformance with the procedures and requirement set for the herein and in division 1, article II of chapter 12, DRMC or article XII of chapter 2, DRMC.

1. The form of, and process for issuing subpoenas, shall be as follows:

i. The AHO shall issue subpoenas and subpoenas duces tecum to compel the attendance of witnesses with or without tangible items to appeal hearings. The AHO shall issue subpoenas when a hearing has been set and subpoenas have been requested by the city or the appellant. Such requests must be made in compliance with the provisions of these rules and procedures promulgated hereunder. The requesting party shall bear the cost for preparation of subpoenas.

ii. The AHO shall mail or deliver the issued subpoenas, along with the bill for the preparation thereof, to the party requesting them. The party requesting the subpoena shall be solely responsible for serving the subpoena on the witness along with witnesses and mileage fees at least forty-eight (48) hours before the hearing in accordance with the Colorado Rules of Civil Procedure and the Colorado Revised Statutes.

iii. It shall be the duty of all persons served with a subpoena under the provisions of this section to appear and testify at the hearing and to bring with them books, papers and tangible things specified in the subpoena. Failure to appear or failure to produce the books, papers, and tangible things specified in the subpoena shall constitute and may be criminally prosecuted and have penalties imposed under section 1-13(a), DRMC.

iv. If a witness properly served with a subpoena under the provisions of this section fails to appear or fails to bring with them books, papers, and tangible things specified in the subpoena, the party requesting the subpoena may request one continuance of the hearing, which may or may not be granted in the sole discretion of the AHO.

B. An appellant who is a natural person may appear in person to represent themself or be represented by an attorney or any other person specifically chosen by the appellant to represent them at the hearing. An appellant who is not a natural person may be represented by an attorney, corporate officer, partner or any other person who the AHO believes may adequately represent the appellant's interest. The City shall be represented by a City employee.

C. The conduct of hearings and the admission of evidence shall generally be in accordance with these rules without regard to whether they conform to common law or statutory rules of preponderance of evidence or other technical rules. The admissibility of evidence shall be encouraged and the AHO shall consider all evidence of probative value and prudent persons in the conduct of their affairs. The AHO may utilize their experience, technical competence, and specialized knowledge in the evaluation of evidence presented.

D. Copies, photographs and photocopies may be admitted into evidence or substituted in evidence in place of original documents.

E. The AHO may allow witnesses, other than the Appellant and the investigating enforcement officer, to testify by telephone, provided neither party objects and both parties acknowledge the identity of the witness.

F. Witnesses offered to give opinion testimony as experts must be qualified as such, and their qualifications should be submitted in advance to the AHO.

G. Any appellant who fails to appear at the hearing is deemed to have waived the right to a hearing and the adjudication of issues related to the hearing, provided that proper notice of the hearing has been provided.

H. Hearing shall be recorded by electronic means and transcripts of such recordings shall be made at the expense of the party requesting the transcript. The appellant may employ at their own expense a general or certified shorthand reporter.

I. Computation of time – the number of days specified in these rules for time limitations, service and filings shall be calculated as calendar days unless otherwise specified by these Rules.

4.4 Procedures Applicable to All Hearings Under this Section 4

A. Docket call by AHO.

B. Opening statement by Appellant and by the City, unless waived by either party or reserved by City until the opening of the City's case.

C. The standard of proof to be used by the AHO in deciding the issues at an administrative hearing is by a preponderance of the evidence.

D. Presentation of evidence by Appellant, allowing cross-examination by the City. The AHO shall assign a letter to Appellant's exhibits.

E. Presentation of evidence by the City with cross-examination by Appellant. The AHO shall assign a number to the City's exhibits.

F. Rebuttal and surrebuttal evidence, if any.

G. Closing argument by Appellant, followed by closing argument by the City. The AHO may allow rebuttal argument by the Appellant. The AHO may require argument to be oral or in writing or both. If the Appellant chooses not to present a closing argument, none shall be allowed the City.

5 Rules to Administer DRMC Chapter 10, Article IX, Neglected and Derelict Properties

5.1 Creation and Maintenance of NADP List – Required Tracking

According to DRMC, Section 10-145, Reporting Requirement, the Manager shall create and maintain a written record of all properties determined to be neglected and derelict

according to the Code. The record for each neglected and derelict property shall include information and supporting documentation about the following:

A. The initial designation of the property as neglected and derelict according to DRMC, Section 10-140;

B. The owner(s) of record for the neglected and derelict property and, as applicable, their authorized agents or representatives;

C. Issuance of orders for emergency abatement action according to DRMC, Section 10-143;

D. Issuance of orders for the immediate securing of the property according to DRMC, Section 10-141(a)(1);

E. The date of and owner attendance at the required remedial plan submission meeting according to DRMC, Section 10-141(a)(2);

F. The creation or submittal date of the required remedial plan under DRMC, Section 10-141(a), and whether the Manager approved or denied the remedial plan according to the Code and these rules and regulations;

G. The number of public complaints received about the property after the property's designation as neglected and derelict;

H. The dates of inspections conducted by CPD relating to enforcement of the Code and compliance with an approved remedial plan and these rules and regulations;

I. As applicable, the number of evidenced service responses due to the property's status as neglected and derelict;

J. The compliance status of owner action required according to an approved or Manager-prepared remedial plan; and

K. The status of any administrative citation issued to, liens secured against, or judicial enforcement taken against the neglected and derelict property according to the Code and these rules and regulations.

5.2 Annual Written Report Required – City Council Receipt

The Manager shall prepare and publish for public view an annual report containing and summarizing the information collected and tracked about neglected and derelict properties according to the Code and Section 5.1 of these rules and regulations. The annual report shall contain all such required information and summary for each calendar

year, and the Manager shall deliver the annual report to the City Council and publish it by no later than March 31st of the following year.

6 Definitions

A. Sec. 10-139(b)(1): *Abate or abatement* means to make the neglected and derelict property compliant with the Code, rules and regulations, and any adopted international codes such as the Denver building code.

B. Sec. 139(9): *Remedial plan* means a written and enforceable order that sets forth all actions required for abatement, the deadlines for those actions to occur, as well as any other requirements as established by rules and regulations promulgated pursuant to this article.

C. Sec. 10-139 (4): *Historic property* means a structure that has been designated as a structure for preservation in accordance with chapter 30 of the Code~~;~~ or a structure within an area that has been designated as a district for preservation in accordance with chapter 30 of the Code

D. Sec. 10-139 (5): Manager means the manager of community planning and development or the manager's designee