



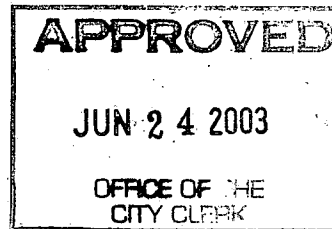
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**CITY OF SACRAMENTO
CALIFORNIA**

**NEIGHBORHOOD SERVICES
DEPARTMENT**

1231 I STREET, SUITE 200
SACRAMENTO, CA
95814-2997

Housing & Dangerous Buildings
916-264-5404
FAX: 264-6833



May 27, 2003

City Council
Sacramento, California

Honorable Members in Session:

**SUBJECT: HOUSING CASE FEES AND PENALTIES -- FINDINGS OF FACT FOR
SPECIAL ASSESSMENT LIEN AT 217 ARDEN WY**

LOCATION AND COUNCIL DISTRICT: 2

STAFF RECOMMENDATION:

It is recommended that the City Council adopt the attached resolution placing liens on the property located at 217 Arden Wy for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties.

**CONTACT PERSON: Josh Pino, Principal Building Inspector, Neighborhood Services
Department, 566-6518**

FOR COUNCIL MEETING OF: June 24, 2003

SUMMARY:

Delinquent fees and penalties are brought before the City Council to secure the debt by placing a lien on the property located at 217 Arden Wy for which the fees and penalties were imposed pursuant to Titles 8.96 and 8.100 of the Sacramento City Code.

BACKGROUND INFORMATION:

On July 19, 2002 the subject property was inspected due to dangerous conditions found at this site. The following are facts about the property and the events of that day:

- Site is a single story, wood frame, Single Family Dwelling approximately 1100 sq ft w/ detached garage approximately 300 sq ft.
- The inspection revealed that both structures were dangerous including lack of electrical service, broken windowes, and improper sanitation facilities.
- A trailer in front driveway was illegally being used for habitation, with illegal electrical and water connections and sewage discharge onto ground.
- Josh Pino, Principal Building Inspector with the Code Action Team, attempted to contact the owner by telephone. After research and several attempts he was not successful.
- The City Attorney's office was contacted and review for summary abatement was conducted.
- Fire Prevention Officer Howard Cooke with the Code Action Team inspected the site and determined that hazardous materials existed on the site.
- Abatement and remediation contractors were called to the site and summary abatement of the dangerous conditions commenced.
- Later in the day Building Inspector John Vanella with the Code Action Team received a call from Anne Dom. She stated that she was a friend of the owner and would convey the city's concerns.
- Joe Orrick, property manager, contacted the city and was given further information about the condition of the property.

Prior to the assessment of fees and penalties, the property owner was issued the appropriate legal notices, as set forth in Titles 8.96 and 8.100, and was afforded an opportunity to appear before the Housing Code Advisory and Appeals Board (HCAAB) and/or an appointed third-party examiner. Subsequent to the hearing, a "Decision of HCAAB or Hearing Examiner" notice was issued and mailed to the property owner. Included in this notice were findings and the specific fees and penalties. The decision of the HCAAB or Hearing Examiner is final and judicial review must be conducted in the manner and time frame set forth in California Code of Civil Procedure §1094.6. Sacramento City Code, Chapter 8.100 Article XVI allows the City Council to order the penalty be made both as a personal obligation and a special assessment against the property.

The property owner listed on the attachment has received all required notices under Titles 8.96 and 8.100, and has been afforded both an opportunity to appear for an administrative hearing and a special assessment hearing. The owner has received a final decision notice and has not paid the fees and penalties.

We submit this resolution to the City Council for declaration of a special assessment.

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FINANCIAL CONSIDERATIONS:

Lien accruals will be made through County tax collections. The City will also receive partial reimbursement from monies collected by the County based on the "Teeter" legislation agreement with the County. Any money generated from these liens would be included in the approved budget.

ENVIRONMENTAL CONSIDERATIONS:

The proposed resolution will not have any adverse environmental impact.

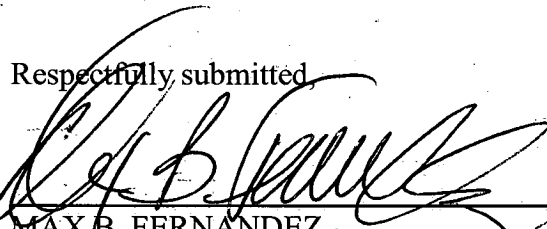
POLICY CONSIDERATIONS:

Conducting the lien hearing is in accordance with Sacramento City Code Titles 8.96 and 8.100. The property owner listed in the attachment was afforded an opportunity to appear before an impartial hearing examiner or hearing board for the stated violation. The owner was afforded the additional opportunity to protest the imposition of the fees and penalties at a special assessment delinquency lien hearing.

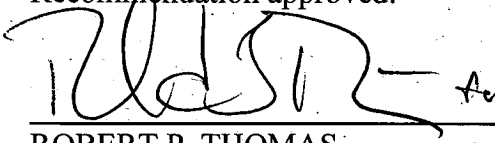
Code Enforcement activities, including the related lien process, are consistent with policies associated with the City's goal to enhance and preserve the neighborhoods.

E/SBD ISSUES:

Not applicable.

Respectfully submitted

MAX B. FERNANDEZ
Director, Area 1
Neighborhood Services Department

Recommendation approved:

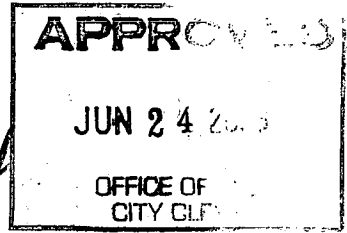
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ROBERT P. THOMAS
City Manager

Attachment

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- 2. Attachment to Resolution pg 6



RESOLUTION NO. 2003-414

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

A RESOLUTION ACCEPTING THE FINDINGS OF FACT OVERRULING PROTESTS AND PLACING A LIEN ON 217 ARDEN WAY UNPAID ASSESSMENTS AS SHOWN ON ATTACHMENT FOR HOUSING AND DANGEROUS BUILDINGS CASE FEES AND PENALTIES

WHEREAS:

- A. The Neighborhood Services Department, Code Enforcement Division, Housing & Dangerous Buildings Inspections, in accordance with Sacramento City Code, Chapter 8.96 Article IX did provide a hearing before the Housing Code Advisory and Appeals Board (HCAAB) and/or appointed third-party Hearing Examiner to consider all protests for unpaid fees and penalties, if any; and
- B. Notice of the time and place of hearing was given in accordance with Sacramento City Code, Chapter 8.96 Article IX; and
- C. The Neighborhood Services Department, Code Enforcement Division, Housing & Dangerous Buildings Inspections, established by competent evidence before the HCAAB and/or appointed third-party Hearing Examiner that in each case the unpaid fees and penalties had been imposed in accordance with City Code; and
- D. The Neighborhood Services Department, Code Enforcement Division, Housing & Dangerous Buildings Inspections, established by competent evidence before the HCAAB and/or appointed third-party Hearing Examiner that in each case the unpaid fees and penalties are due; and
- E. The City Council has found the unpaid fees and penalties to be a reasonable cost.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____
DATE ADOPTED: _____

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NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

1. The reasonable penalties in the aggregate amount of \$6,477.23 for unpaid fees and penalties is the sum set forth on the attachment incorporated into this resolution.
2. As provided in Section 38773.5 of the California Government Code, the City of Sacramento is entitled to and hereby attaches special assessment liens upon the described properties upon recordation in the office of the County Recorder of the County of Sacramento.
3. Such lien shall constitute a special assessment against the properties at which the services were rendered, and shall be collectible at the same time and in the same manner as secured property taxes are collected, and shall be subject to the same penalties, priorities, and procedures in the case of delinquency.
4. Such lien also constitutes a personal obligation against the owner of the property.
5. The City Clerk shall transmit a certified copy of this resolution to the Sacramento County Auditor/Controller.

MAYOR

CITY CLERK

Attachment

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

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Housing Case Fees & Penalties -- Attachment

February 18, 2003

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	275-0081-016-0000	H020018972	217 Arden Way	Vince Lera	175.00	HCE030095	2	0656
2	275-0081-016-0000	H020018972	217 Arden Way	Vince Lera	6,302.23	HCE030096	2	0678

TOTAL TO BE LIENED:

\$6,477.23

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____