

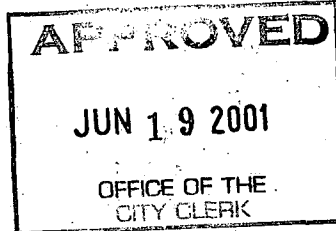


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**CITY OF SACRAMENTO  
CALIFORNIA**

**NEIGHBORHOOD SERVICES  
DEPARTMENT**

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



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

June 5, 2001

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT: HOUSING CASE FEES AND PENALTIES -- FINDINGS OF FACT FOR  
SPECIAL ASSESSMENT LIENS**

**LOCATION AND COUNCIL DISTRICT:** Citywide

**STAFF RECOMMENDATION:**

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

**CONTACT PERSON:** Ron O'Connor, Chief Building Inspector, Neighborhood Services  
Department, 264-8183

**FOR COUNCIL MEETING OF:** June 19, 2001

**SUMMARY:**

Delinquent fees and penalties are brought before the City Council to secure the debt by placing liens on the properties for which the fees and penalties were imposed pursuant to Titles 8.96 and 8.100 of the Sacramento City Code.

## **BACKGROUND INFORMATION:**

Prior to the assessment of fees and penalties, each 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.

Each 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. Each has received a final decision notice. None of the listed owners have paid the fees and penalties.

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

## **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:**

Per Section 15061(b)(3) of the CEQA guidelines, a Notice of Exemption will be filed. The proposed resolution will not have any adverse environmental impact.

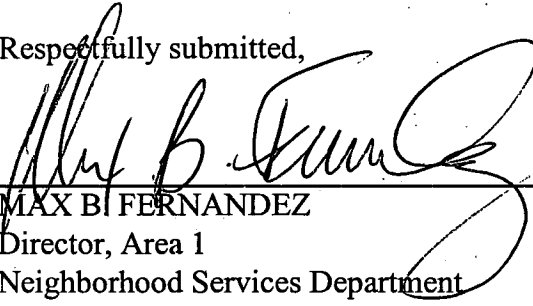
## **POLICY CONSIDERATIONS:**

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

**E/SBD ISSUES:**

Not applicable.

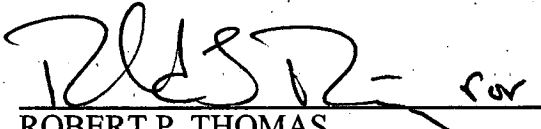
Respectfully submitted,



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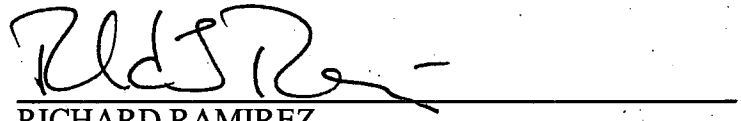
MAX B. FERNANDEZ  
Director, Area 1  
Neighborhood Services Department

Recommendation approved:



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ROBERT P. THOMAS  
City Manager



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RICHARD RAMIREZ  
Deputy City Manager

Attachment



**RESOLUTION NO.** 200 1-404

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF \_\_\_\_\_

**A RESOLUTION ACCEPTING THE FINDINGS OF FACT OVERRULING PROTESTS AND PLACING LIENS ON PROPERTIES FOR UNPAID ASSESSMENTS AS SHOWN ON ATTACHMENT FOR HOUSING AND DANGEROUS BUILDINGS CASE FEES AND PENALTIES**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:**

WHEREAS, heretofore 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 (H third-party Hearing Examiner to consider all protests for unpaid fees and penalties, if any; and CAAB) and/or appointed

WHEREAS, notice of the time and place of hearing was given in accordance with Sacramento City Code, Chapter 8.96 Article IX; and

WHEREAS, 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

WHEREAS, 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

WHEREAS, the City Council has found the unpaid fees and penalties to be a reasonable cost.

**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. That, the reasonable penalties in the aggregate amount of \$100,175.93 for unpaid fees and penalties is the sum set forth on the attachment incorporated into this resolution.
2. That, 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. That, such liens 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. That, such lien also constitutes a personal obligation against the owner of the property.
5. That, the City Clerk shall transmit a certified copy of this resolution to the Sacramento County Auditor/Controller.

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MAYOR

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CITY CLERK

Attachment

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FOR CITY CLERK USE ONLY

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

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Housing Case Fees & Penalties -- Attachment

June 19, 2001

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	002-0075-015-0000	31812STXX	318 12th St	Raoul G & Linda D Mercado	2,151.25	HCE54814	1	0656
2	002-0075-015-0000	32212STXX	322 12th St	Raoul G & Linda D Mercado	1,769.56	HCE54813	1	0656
3	007-0154-011-0000	HSG9900507	1308 23rd St	DDS&R Partnership	150.00	HCE54832	3	0656
4	010-0321-008-0000	3548YST07	3548 Y St	Alice Faye Lueras 1990 Trust Et Al	871.25	HCE54776	5	0656
5	013-0241-023-0000	HSG9901678	3043 Montgomery Wy	Kerry A & Cesley L Nixon	671.25	HCE54824	5	0656
6	013-0241-023-0000	HSG9901678	3043 Montgomery Wy	Kerry A & Cesley L. Nixon	1,260.00	HCE55116	5	0657
7	013-0391-004-0000	HSG9900462	3449 33rd St	Washington Mutual Bank	6,321.20	HCE54771	5	0201
8	014-0073-046-0000	38272AV00	3827 2nd Av	Muhammad Rafhan	1,393.16	HCE54795	5	0678
9	014-0091-012-0000	38342AV00	3834 2nd Av	Jocelyn H. McQueen	2,296.50	HCE54829	5	0678
10	014-0264-017-0000	H000005436	3832 40th St	I V and Minnie Mae McCullough	5,089.34	HCE01000 8	5	0201
11	014-0264-017-0000	H000005436	3832 40th St	I V and Minnie Mae McCullough	917.34	HCE01010 3	5	0201
12	014-0264-017-0000	H000005436	3832 40th St	I V and Minnie Mae McCullough	3,252.34	HCE01010 4	5	0201
13	018-0043-018-0000	HSG9900958	2205 18th Av	James P. Leung and May Mo Yan	671.25	HCE54777	5	0656

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DATE ADOPTED: \_\_\_\_\_

Housing Case Fees & Penalties -- Attachment

June 19, 2001

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
14	019-0134-002-0000	HSG9900102	4840 Franklin Bl	Yum-Wah Warren Chow & Tse Wai Ying	979.00	HCE54594	5	0656
15	020-0111-024-0000	311519AV00	3115 19th Av	Jose C. Ruiz	671.25	HCE54877	5	0656
16	020-0213-037-0000	H000001153	3721 20th Av	Mary L. Bennett	2,492.50	HCE01009 9	5	0678
17	020-0213-037-0000	H000001153	3721 20th Av	Mary L. Bennett	1,427.50	HCE55009	5	0656
18	020-0215-009-0000	F000002647	4400 Martin Luther King Jr. Bl	Mario Gutierrez	872.00	HCE55115	5	0656
19	027-0081-017-0000	800132AVXX	8001 32nd Av	Santos Rodriguez	510.00	HCE54819	6	0656
20	027-0162-005-0000	HSG9901588	7922 34th Av	Guadalupe F & Santos T Rodriguez	5,293.68	HCE54844	6	0201
21	035-0331-007-0000	HSG9901573	2183 60th Av	Ollie McDonald & Geraldine McDonald Cart	697.25	HCE01011 1	8	0678
22	035-0331-007-0000	HSG9901573	2183 60th Av	Ollie McDonald & Geraldine McDonald Cart	819.45	HCE01011 0	8	0656
23	040-0010-002-0000	HSG9900981	6436 Elder Creek Rd	Wanda & B. Arnold Hazen	671.25	HCE54745	6	0656
24	048-0231-012-0000	HSG9900722	76 Nedra Ct	Enoch Duplechan	1,345.00	HCE54788	8	0678
25	049-0302-010-0003	153CASE02	153 Caselli Cr	J & J Investments	172.50	HCE54753	8	0656
26	052-0092-013-0000	2287BABE01	2287 Babette Wy	William L/Kyle W/Kurt W Echard	3,820.00	HCE54643	8	0201

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DATE ADOPTED: \_\_\_\_\_

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Housing Case Fees & Penalties -- Attachment

June 19, 2001

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
27	052-0092-013-0000	2287BABE01	2287 Babette Wy	William L/Kyle W/Kurt W Echard	928.90	HCE54550	8	0656
28	119-0200-097-0000	HSG9901203	131 Cedar Rock Cr	Lee G. Banks	161.25	HCE54744	8	0656
29	119-0200-097-0000	HSG9901203	131 Cedar Rock Cr	Lee G. Banks	57.50	HCE54859	8	0656
30	237-0271-001-0000	4289ENGL00	4289 Englewood St	Steward Allen Nelson	762.50	HCE54750	2	0656
31	238-0102-017-0000	HSG9901736	200 Doolittle St	Normas 2000 Et Al	3,269.50	HCE54876	2	0678
32	238-0150-014-0000	HSG9901408	2133 Rene Av	Sadiq M. & Betty C Roshdy	5,340.00	HCE54868	2	0201
33	250-0302-022-0000	62BUTT00	62 Butterworth	Estate of Lucille Lee	4,314.20	HCE54764	2	0201
34	251-0221-015-0000	314POTO00	314 Potomac	Andrew E & Shawnae K Long and Murray & Janet Schacher	3,758.75	HCE54846	1	0201
35	262-0072-010-0000	HSG9900304	310 Senator	Barbara Jean Rappley	5,832.45	HCE54746	1	0201
36	262-0221-011-0000	HSG9901109	261 Wilson Av	Clarence B. & Mary O. Copeland	671.25	HCE54775	1	0656
37	262-0221-011-0000	HSG9901109	261 Wilson Av	Clarence B & Mary O Copeland	3,335.00	HCE54802	1	0201
38	265-0111-001-0000	HSG9900915	2947 Rio Linda	Fleming Family Trust	6,169.15	HCE54780	2	0656
39	266-0281-018-0000	2749ALBA00	2749 Albatross Wy	Daniel S.Haywood & Mark T. Haywood, Auburn Trust, EtAl	477.09	HCE54741	3	0656

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RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

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Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
40	266-0281-018-0000	2749ALBA00	2749 Albatross Wy	Daniel S & Mark T. Haywood & Auburn Trust Etal	3,518.19	HCE54931	3	0201
41	266-0281-018-0000	2749ALBA00	2749 Albatross Wy	Daniel S & Mark T Haywood & Auburn Trust Etal	1,036.03	HCE54712	3	0656
42	274-0131-025-0000	HSG9900790	551 Cleveland Av	Joe V & Consuelo Ortiz	3,287.50	HCE54805	1	0201
43	274-0171-011-0000	521JEFF00	521 Jefferson	Warren & Karen Adams Trustees	10,670.85	HCE54796	1	0201

**TOTAL TO BE LIENED:**

**\$100,175.93**

NOTE: The following individual's appeals were upheld; therefore, the fees and penalties were removed:

<u>Case Number</u>	<u>Property Owner</u>	<u>Invoice Number</u>	<u>Council District</u>
3324MAY04	Alice L. Humphreys	HCE54763	2
781733AV00	Ruben E. & Alejandra Garza	HCE54790	6
HSG9901065	Vera J. & Gordon Ohanesian	HCE54772	8
3135ACAD00	Leon Ray Richardson & Dolores June Watson	HCE54661	2
HSG9900037	Kemal Oner	HCE54861	1

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**RESOLUTION NO.:** \_\_\_\_\_

**DATE ADOPTED:** \_\_\_\_\_

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