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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 24, 2004

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

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: August 10, 2004

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:

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 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:



ROBERT P. THOMAS
City Manager

Attachments:

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RESOLUTION NO.

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

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: _____

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

1. The reasonable penalties in the aggregate amount not to exceed \$25,243.27 for unpaid fees and penalties is the sum set forth on the attachment incorporated into this resolution. This amount may be reduced as staff determines necessary.
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 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. 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: _____

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	006-0295-010-0000	H030032566	1614 18th St	Monty Maxwell	144.00	HCE040337	3	0657
2	006-0295-010-0000	H030032566	1614 18th St	Monty Maxwell	900.00	HCE040338	3	0656
3	009-0112-009-0000	324UST00	324 U St	St. Johns Baptist Church of Sacramento	660.00	HCE040298	4	0678
4	010-0365-004-0000	H030023697	3116 2nd Ave	Sam Javidan	185.00	HCE040334	5	0656
5	013-0142-024-0000	H040000628	2945 34th St	Kay Waller	810.00	HCE040296	5	0678
6	013-0142-024-0000	H040000628	2945 34th St	Kay Waller	900.00	HCE040297	5	0656
7	013-0283-021-0000	H030014005	3231 32nd St	Frederick Millar	180.00	HCE040342	5	0678
8	014-0213-008-0000	H030037090	3340 41st St	Zettie M. Davis	493.67	HCE040372	5	0656
9	014-0213-008-0000	H030037090	3340 41st St	Zettie M. Davis	1,368.00	HCE040373	5	0678
10	019-0161-053-0000	H030007273	2871 26th Av	Birdie & Geraldine Regalado	790.00	HCE040343	5	0656
11	020-0131-055-0000	H030022628	3645 18th Av	Donald W. Marcroft	474.00	HCE040339	5	0678
12	021-0123-008-0000	H040001598	5311 17th Av	CE & KM Dass 1987 Trust	885.00	HCE040336	5	0656
13	021-0132-003-0000	H030038664	4108 57th St	Niels Harnum	2,580.00	HCE040325	5	0201
14	021-0132-003-0000	H030038664	4108 57th St	Niels Harnum	375.24	HCE040326	5	0678
15	021-0132-003-0000	H030038664	4108 57th St	Niels Harnum	85.00	HCE040327	5	0656
17	029-0044-006-0000	H030040220	1212 56th Av	Richard E & Carol A. Reilly	185.00	HCE040283	4	0656

FOR CITY CLERK USE ONLY

RESOLUTION NO.:

DATE ADOPTED:

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
18	029-0044-006-0000	H030040220	1212 56th Av	Richard E & Carol A. Reilly	2,382.00	HCE040284	4	0678
19	036-0112-010-0000	H040000002	2640 50th Av	Montgomery Contractors Inc.	234.00	HCE040313	5	0678
20	036-0112-010-0000	H040000002	2640 50th Av	Montgomery Contractors, Inc	85.00	HCE040314	5	0656
21	049-0187-007-0000	H030040967	7417 Flores Wy	Sonji D. Wandick	185.00	HCE040277	8	0656
22	049-0187-007-0000	H030040967	7417 Flores Wy	Sonji D. Wandick	1,109.20	HCE040278	8	0678
23	117-0890-079-0000	H030025872	6016 Hamburg Wy	Henry Denker	8,907.16	HCE040294	8	0678
24	117-0890-079-0000	H030025872	6016 Hamburg Wy	Henry Denker	85.00	HCE040295	8	0656
25	251-0033-018-0000	H040000580	3912 Fell St	Cynthia McDowell	1,056.00	HCE040275	2	0656
26	251-0033-018-0000	H040000580	3912 Fell St	Cynthia McDowell	185.00	HCE040276	2	0656

TOTAL TO BE LIENED:

\$25,243.27

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DATE ADOPTED: