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# CITY OF SACRAMENTO

DEPARTMENT OF FINANCE

CITY MANAGER'S OFFICE

REVENUE DIVISION

**RECEIVED**

DEC 14 1984

December 14, 1984

RD:841318-ADM:MLM:ld

City Council  
Sacramento, California

**APPROVED**  
BY THE CITY COUNCIL

**JAN 2 1985**

Honorable Members in Session:

OFFICE OF THE  
CITY CLERK

**SUBJECT: HARDSHIP PAYMENT CLAUSE FOR SIDEWALK REPAIR ASSESSMENTS**

SUMMARY

This report responds to Councilman Pope's request that staff present to the City Council a hardship payment clause for payment of sidewalk repair assessments.

BACKGROUND

Current City policy is to require payment in full from the property owner at the time of completion of City mandated sidewalk repairs. Absent full payment, the City places a tax lien against the property for collection in the same manner as the secured property taxes are collected. In the event a property owner is unable to make the additional payment, the County, on behalf of the City, begins a five-year foreclosure process to effect collection. The ultimate result of a nonpayment is the sale of the property.

DISCUSSION

In rare cases, - the current City collection policy for City mandated sidewalk repairs can cause a severe burden for the property owner. Councilman Pope suggested the addition of a hardship clause to permit a time payment plan for these individuals. The time payment plan envisioned by Councilman Pope would provide for periodic payments to retire the debt within a reasonable time.

The attached ordinance amending certain sections of City Code Chapter 38 authorizes the City Manager to enter into time payment agreements in cases of severe financial hardship as determined by the Director of Finance. In the event of default on the agreement, the City will seek payment in full via the tax lien process. Staff believes the hardship payment clause as proposed is reasonable and accomplishes Councilman Pope's objective.

RECOMMENDATION


It is recommended that the City Council adopt the attached ordinance authorizing a hardship payment clause for City mandated sidewalk repair assessments.

Respectfully submitted,



MICHAEL L. MEDEMA  
Revenue Officer

RECOMMENDATION APPROVED:

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WALTER J. SLIPE, City Manager

Attachment

January 2, 1984  
All Districts

# ORDINANCE NO. 85-006

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

**APPROVED**  
BY THE CITY COUNCIL

**JAN 2 1985**

AN ORDINANCE AMENDING SECTIONS 38.84 AND  
38.96 OF THE SACRAMENTO CITY CODE RELATING  
TO ASSESSMENTS FOR SIDEWALK REPAIRS

OFFICE OF THE  
CITY CLERK

BE IT ENACTED by the Council of the City of Sacramento as follows:

SECTION 1, Section 38.96 of the Sacramento City Code is hereby amended to read as follows:

Section 38.96 Cost of repairs to constitute special assessments.

The amount of the cost of the improvement in front of each parcel of land mentioned in the report of the city engineer regarding repairs made shall constitute special assessments against the respective parcels of land, and as thus made and confirmed shall constitute a lien on the property to the amount of such assessments respectively. After confirmation of such report, it shall be the duty of the auditor to add the amount of the respective assessments opposite the descriptions of the lands affected in the assessment roll of the city upon which taxes are next collected, and thereafter such amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and to the same procedure as to foreclosure and sale as in cases of delinquency, as provided for ordinary municipal taxes.

Notwithstanding any provision in this division to the contrary, if the owner of the property demonstrates to the reasonable satisfaction of the Director of Finance or his designee that the payment of the assessment lien for repairs will constitute a severe financial hardship on the owner, the auditor shall take appropriate action so that the assessment lien is not collected with the taxes next due, provided that the owner enters into an agreement to pay such assessment on such terms as may be acceptable to the owner and the Director. The City Manager shall have the authority to enter into and execute an agreement for the City. If the owner fails to perform the agreement, then the City shall have the right to take such action as may be necessary to collect the assessment amount then owing when the taxes on the property are next due, after ten days written notice is given to the owner. This remedy shall be in addition to any other remedies at law or in equity which the city may have.

SECTION 2, Section 38.84 of the Sacramento City Code is hereby amended to read as follows:

Section 38.84 Assessment for repairs to constitute lien on property.

If the assessment for sidewalk repairs is not paid within five days after its confirmation by the City Council, the notice of lien, when recorded, shall be a lien upon the property, and such lien shall so continue until the cost of such repair has been paid in full and discharged of record.

Such lien shall be subordinate to all special assessment liens previously imposed upon the same property, but it shall have priority over all special assessment liens which may thereafter be created against the property. From and after the recording of such notice of lien, all persons shall be deemed to have had notice of the contents thereof.

Notwithstanding any provisions in this division to the contrary, if the owner of the property demonstrates to the reasonable satisfaction of the Director or Finance or his designee that the payment of the assessment for the sidewalk repair costs will constitute a severe financial hardship on the owner, then no action shall be taken to collect the assessment lien provided that the owner enters into an agreement to pay such assessment on such terms as may be acceptable to the owner and the Director. The City Manager shall have the authority to enter into and execute such agreement for the City. If the owner fails to perform the agreement, then the City shall have the right to collect said assessment lien in the amount then owing after ten days written notice is given to the owner. This remedy shall be in addition to any other remedies at law or in equity which the city may have.

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ENACTED:

EFFECTIVE:

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MAYOR

ATTEST:

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CITY CLERK

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# CITY OF SACRAMENTO

REVENUE DIVISION

CITY DEPARTMENT OF FINANCE  
**RECEIVED**

December 14, 1984  
RD:841317-ADM:MLM:ld

City Council  
Sacramento, California

Honorable Members in Session:

SUBJECT: HARDSHIP PAYMENT CLAUSE FOR SIDEWALK REPAIR ASSESSMENTS

SUMMARY

This report recommends that the City Council pass for publication the attached ordinance scheduled to be heard by the City Council on Wednesday, January 2, 1985.

RECOMMENDATION

It is recommended that the City Council pass for publication the attached ordinance and continue the hearing on this matter until Wednesday, January 2, 1985.

Respectfully submitted,

MICHAEL L. MEDEMA  
Revenue Officer

RECOMMENDATION APPROVED:

WALTER J. SLIFE, City Manager

Attachment

December 26, 1984  
All Districts

2

## ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

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38.96 OF THE SACRAMENTO CITY CODE RELATING  
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ATTEST:

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# CITY OF SACRAMENTO

REVENUE DIVISION

CITY MANAGEMENT OF FINANCE  
**RECEIVED**  
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December 14, 1984  
RD:841317-ADM:MLM:ld

City Council  
Sacramento, California

Honorable Members in Session:

**SUBJECT: HARDSHIP PAYMENT CLAUSE FOR SIDEWALK REPAIR ASSESSMENTS**

SUMMARY

This report recommends that the City Council pass for publication the attached ordinance scheduled to be heard by the City Council on Wednesday, January 2, 1985.

RECOMMENDATION

It is recommended that the City Council pass for publication the attached ordinance and continue the hearing on this matter until Wednesday, January 2, 1985.

Respectfully submitted,

MICHAEL L. MEDEMA  
Revenue Officer

RECOMMENDATION APPROVED:

WALTER J. SLIVE, City Manager

PASSED FOR  
PUBLICATION  
& CONTINUED  
TO 1-2-85

Attachment

December 26, 1984  
All Districts

UNITED STATES DEPARTMENT OF THE INTERIOR

Geological Survey

Washington, D. C.

1910

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100

100



# ORDINANCE NO.

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MAYOR

ATTEST:

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CITY CLERK

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