



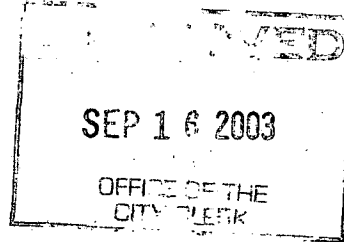
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**CITY OF SACRAMENTO  
CALIFORNIA**

**NEIGHBORHOOD SERVICES  
DEPARTMENT**

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

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



August 26, 2003

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: September 16, 2003**

**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:**

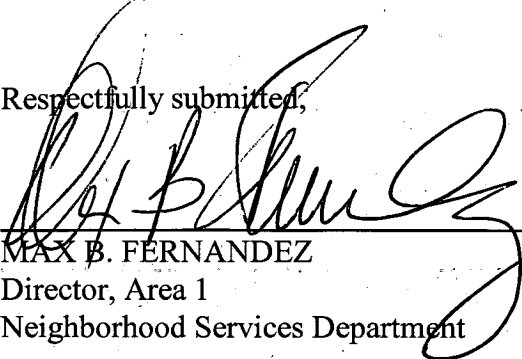
Conducting the lien hearing is in accordance with Sacramento City Code Titles 8.96 and 8.100. All property owners listed in the attachment were afforded an opportunity to appear before an impartial hearing examiner or hearing board for the stated violation. Each owner was afforded the additional opportunity 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,



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MAX B. FERNANDEZ  
Director, Area 1  
Neighborhood Services Department

Recommendation approved:



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ROBERT P. THOMAS  
City Manager

Attachments:

**TABLE OF CONTENTS**

1. Resolution pgs 4 & 5
2. Attachment to Resolution pgs 6-7

# 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 of \$35,212.95 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 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.

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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:** \_\_\_\_\_

6

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	010-0255-005-0000	H000024047	3130 X St	Melvin J. Smith	2,499.99	HCE030247	5	0629
2	010-0305-005-0000	H030002502	3138 1st Av	Sara A. Curiel	795.00	HCE030312	5	0656
3	010-0305-005-0000	H030002502	3138 1st Av	Sara A. Curiel	116.59	HCE030313	5	0656
4	010-0314-005-0000	H030005025	3440 Y St	Mary Brown Bank & Johnnie Brown	755.50	HCE030344	5	0656
5	010-0314-005-0000	H030005025	3440 Y St	Mary Brown Bank & Johnnie Brown	3,276.00	HCE030345	5	0678
6	014-0243-013-0000	H020003751	3521 San Jose Wy	GMC Trust	934.00	HCE030341	5	0656
7	014-0243-013-0000	H020003751	3521 San Jose Wy	GMC Trust	462.00	HCE030342	5	0678
8	014-0243-013-0000	H020003751	3521 San Jose Wy	GMC Trust	664.16	HCE030343	5	0656
9	014-0292-017-0000	H020018751	3800 47th St	Freedom Solutions Llc	830.30	HCE030309	5	0656
10	014-0292-017-0000	H020018751	3800 47th St	Freedom Solutions Llc	1,632.00	HCE030310	5	0678
11	036-0152-008-0000	H010031940	2616 Edinger Av	Manuel M. Alexander	715.00	HCE030327	4	0656
12	036-0152-008-0000	H010031940	2616 Edinger Av	Manuel M. Alexander	3,598.80	HCE030328	4	0302
13	238-0073-006-0000	H020024181	217 Nimitz	Robert C. Shultz	175.00	HCE030333	2	0656
14	250-0172-014-0000	H020010106	160 Silver Eagle Rd	Buck Capital Llc	715.00	HCE030329	2	0656
15	252-0132-005-0000	H000025952	2020 Grand Av	Benjamin & Dorothy F. Hollcroft	765.00	HCE030307	2	0656
16	262-0212-004-0000	H020032441	550 Wilson Av	Ntube Njenge	715.00	HCE030352	1	0656

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17	262-0212-004-0000	H020032441	550 Wilson Av	Ntube Njenge	1,728.00	HCE030353	1	0678
18	263-0141-038-0000	H030001842	2748 Fairfield St	Tommie G & Margarita Trevino	2,575.00	HCE030301	2	0201
19	263-0141-038-0000	H030001842	2748 Fairfield St	Tommie G & Margarita Trevino	2,242.00	HCE030304	2	0201
20	263-0312-012-0000	H020025220	125 Olmstead	Bankers Trust Company Trustee	5,460.00	HCE030308	2	0201
21	265-0383-001-0000	H020034200	1726 Kenwood St AKA 3143 Academy	Rick W. & Milinda McDonough	765.00	HCE030265	3	0656
22	265-0383-001-0000	H020034200	1726 Kenwood St AKA 3143 Academy	Rick W. & Milinda McDonough	3,268.61	HCE030266	3	0657
23	274-0110-047-0019	H020030198	710 Northfield Dr #E	Damian Newton	175.00	HCE030324	1	0656
24	274-0110-047-0026	H020030235	724 Northfield Dr. #C	Landr 2001 Revocable Trust	175.00	HCE030318	1	0656
25	274-0110-047-0033	H020028294	708 Northfield Dr. #F	Landr 2001 Revocable Trust	175.00	HCE030321	1	0656

**TOTAL TO BE LIENED:**

**\$35,212.95**

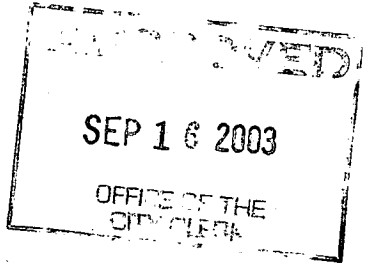
**FOR CITY CLERK USE ONLY**

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

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

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**AMENDED**



**RESOLUTION NO. 2003-637**

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**

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- 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.

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**FOR CITY CLERK USE ONLY**

**AMENDED 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 \$34,862.95 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.

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MAYOR

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CITY CLERK

Attachment

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**TOTAL TO BE LIENED:**

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