



3.9

**CITY OF SACRAMENTO
CALIFORNIA**

**NEIGHBORHOOD SERVICES
DEPARTMENT**

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

**Housing & Dangerous Buildings
916-808-5404
FAX: 808-6833**

August 4, 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, 808-8183**

FOR COUNCIL MEETING OF: September 14, 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:

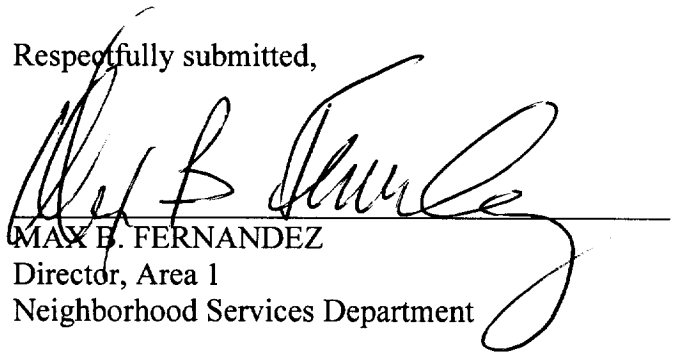
Conducting the lien hearing is in accordance with Sacramento City Code Titles 8.96 and 8.100. All property owners listed in the attachment were afforded an opportunity to appear before an impartial hearing examiner or hearing board for the stated violation. Each owner was afforded the additional opportunity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

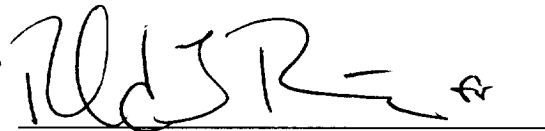
Not applicable.

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 \$53,882.33 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.

ATTEST:

MAYOR

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

09-14-04

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	003-0115-014-0000	H030016902	216 33rd St	Michael B. Carroll	\$960.00	HCE040351	3	0656
2	007-0154-016-0000	2213NST00	2213 N St	Rick Casto/Lawrence D. Fox	\$601.44	HCE040317	3	0678
3	010-0134-001-0000	H020004505	3100 T St	Jick Wai/Yee Man Lam	\$521.64	HCE040398	2	0678
4	010-0321-009-0000	H030020338	3556 Y St	Alice Faye 1990 & Chariges G Lueras	\$1,355.00	HCE040377	5	0656
5	013-0282-008-0000	H030013950	3068 8th Av	Paul G Smith/Julie A Padilla	\$180.00	HCE040407	5	0678
6	013-0292-039-0000	H030034971	3541 7th Av	Carleton A. Gordie	\$885.00	HCE040393	5	0656
7	013-0302-008-0000	37406AV00	3740 6th Av	Lora L. Auteri	\$356.00	HCE040392	5	0656
8	014-0101-035-0000	39413AV01	3941 3rd Av	Rathers A. Norwood	\$300.00	HCE040389	5	0656
9	014-0132-018-0000	H040003676	3685 Broadway	Sherri Stanley	\$900.00	HCE040354	5	0656
10	014-0132-018-0000	H040003676	3865 Broadway	Sherri Stanley	\$3,036.00	HCE040355	5	0678
11	014-0294-010-0000	H030001452	4741 14th Av	Georgia J Adams RT 2003	\$3,598.00	HCE040369	5	0201
12	015-0241-002-0000	H030011044	4836 11th Av	Robert M & Kanab Cottam	\$865.00	HCE040410	5	0656
13	015-0242-019-0000	H020034608	4909 13th Av	John J. Mello Jr.	\$1,335.00	HCE040411	5	0656
14	015-0242-019-0000	H020034608	4909 13th Av	John J. Mello Jr.	\$2,628.00	HCE040412	5	0678
15	020-0053-019-0000	H030021061	4053 Temple Av	Damion Flores	\$1,087.86	HCE040374	5	0656
16	020-0053-019-0000	H030021061	4053 Temple Av	Damion Flores	\$2,426.64	HCE040375	5	0678
17	020-0053-019-0000	H030021061	4053 Temple Av	Damion Flores	\$5,724.00	HCE040376	5	0201
18	020-0214-008-0000	H010001849	3632 20th Av	Roberta A. Hunt	\$150.00	HCE040402	6	0656
19	020-0214-008-0000	H010001849	3632 20th Av	Roberta A. Hunt	\$4,408.80	HCE040403	6	0678
20	020-0273-034-0000	H030026129	3612 21st Av	Renteria Luna	\$885.00	HCE040399	5	0656

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DATE ADOPTED:

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Housing Case Fees & Penalties -- Attachment

09-14-04

21	022-0012-002-0000	H030037920	3120 23rd Av	El Dorado Holding Company	\$884.67	HCE040245	5	0656
22	022-0012-002-0000	H030037920	3120 23rd Av	El Dorado Holding Company	\$1,080.00	HCE040246	5	0678
23	029-0044-005-0000	H030040220	1212 56th Av	Richard E & Carol A. Reilly	\$2,350.08	HCE040285	4	0678
24	035-0053-004-0000	H030032200	1548 Zelda Wy	Zelda DG 1548	\$960.00	HCE040386	4	0656
25	048-0242-022-0000	H010006314	7448 Winkley Way	Eldorado Holding Co., Inc.	\$940.00	HCE040385	3	0656
26	049-0201-001-0000	H030031359	2887 65th Av	Juan A. Alvarez	\$977.00	HCE040309	8	0656
27	049-0201-001-0000	H030031359	2887 65th Av	Juan A. Alvarez	\$750.00	HCE040310	8	0678
28	049-0330-005-0000	H040004629	4177 Brookfield	Neal Singh/Mahara J Sunil D	\$175.20	HCE040356	8	0657
29	049-0330-022-0000	H040004629	4177 Brookfield	Neal Singh/Mahara J Sunil D	\$810.00	HCE040358	8	0656
30	052-0073-003-0000	H040003447	2138 Ferran	Harinder Bains	\$1,986.00	HCE040367	8	0678
31	117-0036-001-0000	H040006025	6431 Hitchcock Wy	Leo & Ivania Vasquez	\$810.00	HCE040400	7	0656
32	117-0036-001-0000	H040006025	6431 Hitchcock Wy	Leo & Ivania Vasquez	\$924.00	HCE040401	7	0678
33	117-0484-033-0000	H020031089	2 Jenich Ct	Ignacio T. Lopez	\$390.00	HCE040302	2	0656
34	265-0052-016-0000	H040004125	1550 Arcade Bl	Winona Simmons	\$8,394.00	HCE040395	3	0678
35	277-0194-027-0000	HSG9900881	2144 Yorkshire	Steve W & Mary Jo Cowan	\$120.00	HCE040363	3	0678
36	277-0194-027-0000	HSG9900881	2144 Yorkshire	Steve W & Mary Jo Cowan	\$128.00	HCE040364	3	0656
TOTAL TO BE LIENED:					\$53,882.33			

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RESOLUTION NO.:

DATE ADOPTED:

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