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**CITY OF SACRAMENTO
CALIFORNIA**

NEIGHBORHOOD SERVICES
DEPARTMENT

1231 I STREET, SUITE 200
SACRAMENTO, CA 95814-2997
916-808-5404
FAX: 808-6833

Housing & Dangerous Buildings

October 21, 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: November 16, 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.

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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 has 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:

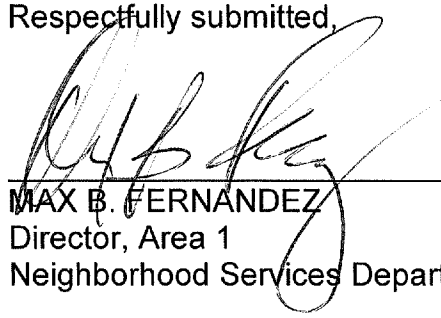
Conducting the lien hearing is in accordance with Sacramento City Code Titles 8.96 and 8.100. All property owners listed in the attachment were afforded an opportunity to appear before an impartial hearing examiner or hearing board for the stated violation. Each owner was afforded the additional opportunity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

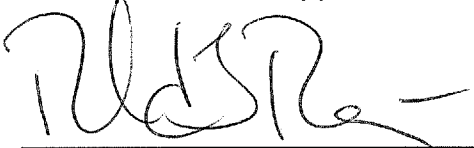
Not applicable.

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.: _____

ADOPTED DATE: _____

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 \$35,438.45 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

ATTEST:

CITY CLERK

Attachment

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

ADOPTED DATE: _____

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	Cty ID
1	006-0064-007-0000	H030012756	1716 H St	California State Fund Trust	\$185.00	HCE040520	3	0656
2	009-0052-018-0000	19304STXX	1930 4th St	Office of Presiding Elder	\$650.00	HCE040511	4	0656
3	009-0054-018-0000	H020013103	415 T St	Caroline Eccell	\$2,499.00	HSAP040005	1	0656
4	010-0314-010-0000	H030009431	3461 1st Av	Track Star Inc.	\$715.00	HCE040515	5	0656
5	014-0222-022-0000	H010016041	4550 9th Av	Eric J. Tillman	\$1,545.00	HCE040357	8	0656
6	014-0222-022-0000	H010016041	4550 9th Av	Eric J. Tillman	\$1,500.00	HASP040011	8	0656
7	023-0252-019-0000	H040009816	5451 64th St	Thomas H. Gwartney	\$134.60	HCE040524	6	0656
8	023-0252-019-0000	H040009816	5451 64th St	Thomas H. Gwartney	\$756.36	HCE040525	6	0678
9	023-0252-019-0000	H040009816	5451 64th St	Thomas H. Gwartney	\$5,520.00	HCE040526	6	0201
10	035-0074-009-0000	H020002363	6125 McLaren Av	Arlee Turner	\$715.00	HCE040509	8	0656
11	237-0092-014-0000	H030036145	1401 Bell Av	Harold B & Zelma J Friar	\$4,800.00	HCE040512	2	0201
12	237-0092-014-0000	H030036145	1401 Bell Av	Harold B & Zelma J Friar	\$122.20	HCE040513	2	0545
13	251-0041-023-0000	H040001583	3936 Huron St	Lillie Augustus	\$810.00	HCE040522	3	0656
14	251-0041-023-0000	H040001583	3936 Huron St	Lillie Augustus	\$948.00	HCE040523	3	0678
15	251-0301-039-0000	H010007909	1054 Rivera Dr	George Dawari	\$300.00	HCE040527	2	0656

FOR CITY CLERK USE ONLY

RESOLUTION NO.:

DATE ADOPTED:

Housing Case Fees & Penalties -- Attachment

November 16, 2004

16	251-0301-039-0000	H010007909	1054 Rivera Dr	George Dawari	\$2,160.00	HCE040528	2	0201
17	263-0204-004-0000	H030025321	2555 Beaumont St	Ellis L & Elinor Cody	\$810.00	HCE040507	2	0656
18	266-0203-015-0000	HSG9900734	1817 Iris Ave	Michael H. Vandagens	\$2,499.99	HSAP040007	2	0656
19	266-0272-006-0000	2733PLOV00	2733 Plover St	Donald M. Stover	\$2,499.00	HSAP040003	2	0656
20	275-0053-027-0000	H030032354	733 Dixieanne Av	Michael A. Alfaro	\$404.14	HCE040533	2	0657
21	275-0054-008-0000	H030032005	2477 Empress St	Ebel P & Gloria Gonsalves	\$966.00	HCE040529	2	0656
22	275-0054-023-0000	H030013251	2456 Beaumont St	Ryan Sahadeo	\$800.00	HCE040506	2	0656
23	275-0162-003-0000	977LOCH00	977 Lochbrae Rd	Leon H & Dorothy J Warrick	\$425.00	HCE040499	2	0656
24	277-0011-020-0000	H030026158	2432 Empress St	Carmen & Luis Nolasco	\$810.00	HCE040505	2	0656
25	277-0013-009-0000	H030019775	950 El Camino Av	Ebel P & Gloria Gonsalves	\$810.00	HCE040530	2	0656
26	277-0013-009-0000	H030019775	950 El Camino Av	Ebel P & Gloria Gonsalves	\$1,094.16	HCE040531	2	0678
27	277-0013-009-0000	H030019775	950 El Camino Av	Ebel P & Gloria Gonsalves	\$960.00	HCE040532	2	0201

\$35,438.45

TOTAL TO BE LIENED:

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____