

**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**

February 6, 2002

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: February 26, 2002

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.

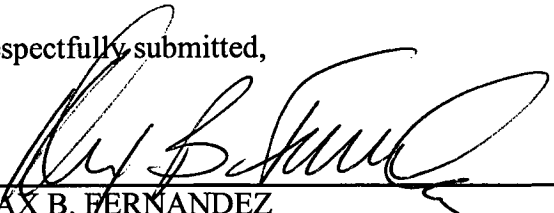
POLICY CONSIDERATIONS:

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 hearing.

E/SBD ISSUES:

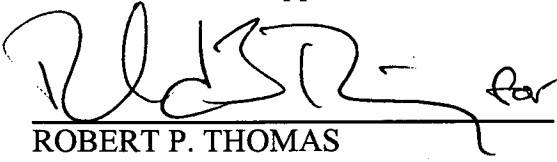
Not applicable.

Respectfully submitted,

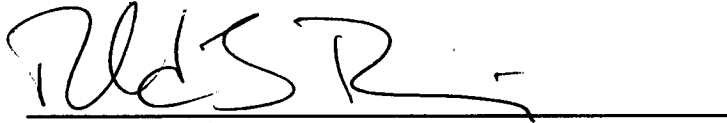


MAX B. FERNANDEZ
Director, Area 1
Neighborhood Services Department

Recommendation approved:

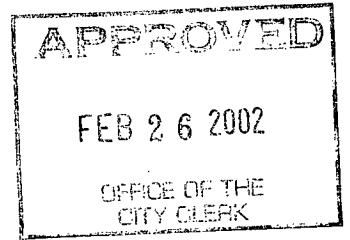


ROBERT P. THOMAS
City Manager



RICHARD RAMIREZ
Deputy City Manager

Attachment



RESOLUTION NO. 2002-105

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

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

WHEREAS, heretofore 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

WHEREAS, notice of the time and place of hearing was given in accordance with Sacramento City Code, Chapter 8.96 Article IX; and

WHEREAS, 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

WHEREAS, 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

WHEREAS, the City Council has found the unpaid fees and penalties to be a reasonable cost.

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

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BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

1. That, the reasonable penalties in the aggregate amount of \$26,731.19 for unpaid fees and penalties is the sum set forth on the attachment incorporated into this resolution.
2. That, 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. That, 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. That, such lien also constitutes a personal obligation against the owner of the property.
5. That, 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: _____

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Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	009-0062-019-0000	609TST00	609 T St	Paul F & Catherine S Culver	660.00	HCE010352	4	0656
2	009-0062-019-0000	609TST00	609 T St	Paul F & Catherine S Culver	1,000.00	HCE010353	4	0656
3	013-0401-012-0000	361637ST01	3616 37th St	Thomas Hennigan	780.00	HCE55163	5	0656
4	014-0246-009-0000	H010016114	3556 43rd St	Maria L. Saenz	1,492.80	HCE020007	5	0678
5	016-0083-011-0000	H010001327	4312 Duke Dr	Park Place Inc.	690.00	HCE010392	4	0656
6	020-0062-010-0000	H010001901	3900 Martin Luther King Jr. Bl	Mildred Willilams	533.80	HCE010379	5	0678
7	020-0062-010-0000	H010001901	3900 Martin Luther King Jr. Bl	Mildred Willilams	832.00	HCE010378	5	0656
8	031-0860-033-0000	H000017375	7344 Pocket Rd	Guery Corporation	737.58	HCE010361	7	0678
9	035-0334-033-0000	H000024291	2335 Florin Rd	System Capital Real Property Corp	690.00	HCE010376	8	0656
10	035-0334-033-0000	H000024291	2335 Florin Rd	System Capital Real Property Corp	1,254.00	HCE010377	8	0678
11	053-0152-001-0000	H00002150	7891 Burlington Wy	Armando S & Annette G Rosas	1,731.60	HCE020002	7	0678
12	237-0164-001-0000	H010012408	4310 Marysville Bl	Robert S & Maeola Elleby	615.00	HCE010384	2	0656
13	237-0164-001-0000	H010012408	4310 Marysville Bl	Robert S & Maeola Elleby	1,902.00	HCE010385	2	0678
14	251-0095-005-0000	H010004590	3705 May St	Leonard Williams	1,372.16	HCE010381	2	0656

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

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Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
15	251-0096-005-0000	H010004402	3707 May St	Leonard Williams	794.66	HCE010383	2	0656
16	251-0096-005-0000	H010004402	3707 May St	Leonard Williams	704.90	HCE010382	2	0657
17	263-0203-022-0000	H010006431	695 Plaza Av	Western American Dev Inc.	7,510.00	HCE010364	1	0656
18	263-0203-022-0000	H010006431	695 Plaza Av	Western American Dev Inc.	1,044.00	HCE010365	1	0678
19	265-0291-016-0000	810LAMP02	810 Lampasas Av	Remle Martin Investments LLC	1,246.69	HCE010369	2	0678
20	275-0103-019-0000	H000000530	2344 Oakmont St	Why Not Community Housing Corporation	1,140.00	HCE020003	2	0678

TOTAL TO BE LIENED:

\$26,731.19

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

X