

**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

July 17, 2001

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: July 31, 2001

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:

Per Section 15061(b)(3) of the CEQA guidelines, a Notice of Exemption will be filed. The proposed resolution will not have any adverse environmental impact.

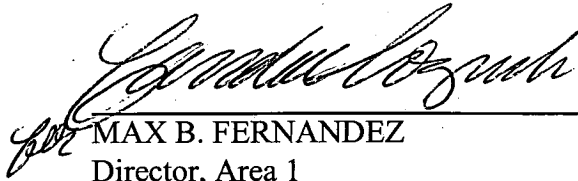
POLICY CONSIDERATIONS:

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. 2001-526

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: _____

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

1. That, the reasonable penalties in the aggregate amount of \$102,595.14 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	002-0075-021-0000	1103DST00	1103 D St	Richard James Gomez	150.00	HCE54985	3	0656
2	002-0124-012-0000	51414ST00	514 14th St.	Matthew Gray	701.50	HCE54573	4	0656
3	007-0021-029-0000	2111IST02	2111 I St	Brian W. Mumma	75.00	HCE54943	3	
4	009-0173-018-0000	H000006911	2226 5th St	Scott Gage	6,398.00	HCE55015	4	0678
5	010-0054-009-0000	H000001834	2822 S St	Larry & Della Carlton	959.25	HCE54923	4	0656
6	010-0103-009-0000	HSG9901262	2008 23rd St	Paul Joseph Reiter & Delores Lemonds	671.25	HCE54994	4	0656
7	010-0321-005-0000	HSG9901842	3528 Y St	Mukhtar Ahmed Khawaja	7,280.95	HCE54993	5	0201
8	014-0091-010-0000	HSG9900621	3820 2nd Av	Lehman Capital	3,622.50	HCE54609	5	0678
9	014-0184-005-0000	3032SANT03	3032 Santa Cruz	Susan Samuel	5,673.00	HCE54977	5	0201
10	014-0203-022-0000	HSG9900802	3417 San Carlos	Danny L & Carolyn M Hessel Et Al	4,035.00	HCE54965	5	0201
11	014-0252-007-0000	HSG9900513	4508 11th Ave	Estate of Marguerite L. Pinelli	1,255.00	HCE010070	5	0678
12	014-0252-007-0000	HSG9900513	4508 11th Ave	Estate of Marguerite L. Pinelli	4,800.00	HCE010071	5	0201
13	014-0252-007-0000	HSG9900513	4508 11th Ave	Estate of Marguerite L. Pinelli	1,851.65	HCE010069	5	0656
14	014-0252-018-0000	HSG9901660	4624 11th Av	John L/Anita E/Terry N/Joan M Lack	165.00	HCE55016	5	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	014-0281-007-0000	HSG9900726	3730 44th St	Charles Z. North	2,476.50	HCE54565	5	0678
16	014-0281-009-0000	374143ST00	3741 43rd St	Burklett Define Pension Plan	1,561.60	HCE010105	5	0656
17	014-0281-009-0000	374143ST00	3741 43rd St	Burklett Define Pension Plan	2,995.00	HCE010106	5	0678
18	014-0281-009-0000	374143ST00	3741 43rd St	Burklett Define Pension Plan	3,688.00	HCE010107	5	0201
19	018-0025-028-0000	411723ST00	4117 23rd St	Bill T Edwards & Sheree Eyre	86.25	HCE54995	5	0656
20	020-0073-009-0000	3922SANC00	3922 San Carlos Wy	Lee R. Sukraw	671.25	HCE54828	5	0656
21	023-0091-010-0000	HSG9901631	4950 Priscilla Ln	Donald & Carol J. Gibson	150.00	HCE54825	6	0656
22	025-0164-004-0000	H000003579	2821 33rd Av	Chase Manhattan Mortgage Corporation	4,842.00	HCE55002	5	0678
23	027-0061-005-0000	HSG9900602	5680 Wallace Av	James Henry Rainwater	671.25	HCE54908	6	0656
24	027-0251-005-0000	772035AV01	7720 35th Av	Richard J & Miriam S London, Trusttes	261.50	HCE55004	6	0656
25	048-0133-007-0000	2148KIRK00	2148 Kirk Av	Edward Jenkins	136.25	HCE54618	8	0656
26	237-0130-002-0000	H000000346	837 Blaine Av	Sandra L. Joy	150.00	HCE55023	2	0656
27	237-0241-022-0000	1531NORT01	1531 North Av	JBT Inheritance Tax	4,761.00	HCE54553	2	0656
28	251-0012-009-0000	H990000630	3901 Cypress St	Sylvester Echols	165.00	HCE54984	2	0656
29	251-0021-024-0000	1018NORT00	1018 North	H S Properties LLC	1,466.25	HCE54935	2	0201
30	251-0034-012-0000	3909HURO00	3909 Huron	James Harris	759.00	HCE54932	2	0656

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DATE ADOPTED: _____

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
31	252-0041-049-0000	HSG9901649	2313 Harris	Charles T. & Buelah F. Roberts	5,323.04	HCE54957	2	0678
32	262-0182-006-0000	H000004411	340 Haggin Av	Marvin Johnson	671.25	HCE54975	1	0656
33	263-0131-011-0000	2769FORR00	2769 Forrest St	Raymond Sanchez	4,043.72	HCE54730	2	0201
34	265-0161-002-0000	HSG9901094	2845 Rio Linda Bl	Jerry E. & Jessie M. Lewis	1,903.25	HCE54622	2	0656
35	265-0161-002-0000	HSG9901094	2845 Rio Linda Bl	Jerry E & Jessie M Lewis	6,295.65	HCE54780	2	0201
36	265-0161-003-0000	HSG9901093	2829 Rio Linda Bl	Jerry E. & Jessie M. Lewis	11,337.85	HCE54629	2	0201
37	265-0291-015-0000	HSG9900099	2594 & 2590 Beaumont	Pete Halimi Pedram Trustee	380.05	HCE54668	2	0656
38	265-0291-015-0000	HSG9900099	2594 Beaumont St	Pedram Pete Halimi Trustee	6,087.50	HLE54729	2	0201
39	274-0084-023-0000	HSG9901137	1524 El Monte Av	Bernice V. Matlock, James L. Morton, Earl L. Morton	757.50	HCE54737	2	0656
40	275-0074-021-0000	HSG9900014	2230 Dale Av	Donald Cowan	75.00	HCE55020	2	0656
41	275-0105-001-0000	HSG9901490	2397 Empress St	Chase Manhattan Mortgage Corporation	2,482.38	HCE54751	2	0678
42	277-0194-027-0000	HSG9900881	2144 Yorkshire Rd	Steve W. & Mary Jo Cowan	759.00	HCE54680	3	0656

TOTAL TO BE LIENED:

\$102,595.14

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