



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

PUBLIC HEARING
August 17, 2010

**Honorable Mayor and
Members of the City Council**

**Title: Housing Case Fees and Penalties – Findings of Fact for Special
Assessment Liens**

Location/Council District: Citywide

Recommendation: Conduct a public hearing and upon conclusion adopt a **Resolution** placing special assessment liens on the properties in the amount of \$239,727 for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties.

Contact: Randy Stratton, Code Enforcement Manager, 808-6497

Presenters: Randy Stratton, Code Enforcement Manager

Department: Community Development

Division: Housing & Dangerous Building

Organization No: 21001311

Description/Analysis

Issue: Collection of delinquent fees and penalties are brought before the City Council to secure the debt by placing special assessment 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.

Policy Considerations: Conducting the special assessment 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 special assessment lien process, are consistent with policies associated with the City's goal to enhance and preserve the neighborhoods.

Environmental Considerations:

California Environmental Quality Act (CEQA): The proposed resolution will not have any adverse environmental impact.

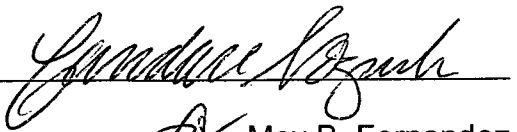
Sustainability Considerations: There are no applicable sustainability considerations.

Commission/Committee Action: Not applicable.

Rationale for Recommendation: Adopting this Resolution will enable the City to collect unpaid fees and penalties by placing special assessments upon properties, allowing the fees and penalties to be collected through County property tax collections.

Financial Considerations: Special Assessment 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 special assessment liens would be included in the approved budget.

Emerging Small Business Development (ESBD): Not applicable.

Respectfully Submitted by: 
for Max B. Fernandez
Director, Community Development Department

Recommendation Approved:


Gus Vina
Interim City Manager

Table of Contents:

	Report	pg. 1
Attachments		
1	Background	pg. 3
2	Resolution	pg. 4
	Exhibit A: Findings of Fact	pg. 6

Attachment 1

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.

RESOLUTION NO. 2010-

Adopted by the Sacramento City Council

August 17, 2010

**ACCEPTING HOUSING CASE FEES AND PENALTIES – FINDINGS OF FACT FOR
SPECIAL ASSESSMENT LIENS**

BACKGROUND

- A. The Community Development Department's Housing & Dangerous Buildings Division, in accordance with Sacramento City Code Chapter 8.96 Article IX, provided 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.
- B. Notice of the time and place of hearing was given in accordance with Sacramento City Code Chapter 8.96 Article IX.
- C. The Housing & Dangerous Buildings Division established by competent evidence before the HCAAB and/or appointed third-party Hearing Examiner that the unpaid fees and penalties had been imposed in accordance with City Code.
- D. The Code Enforcement Department established by competent evidence before the Hearing Examiner that in each case the unpaid fees and penalties are due.
- E. The City Council has found the unpaid fees and penalties to be a reasonable cost.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

- Section 1: The reasonable penalties in the aggregate amount not to exceed \$239,727 for unpaid fees and penalties is the sum set forth by the HCAAB and/or appointed third-party Hearing Examiners' findings of fact hearings held May 12, 2010, and June 9, 2010. This amount may be reduced as staff determines necessary.
- Section 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.
- Section 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.

Section 4: Such lien also constitutes a personal obligation against the owner of the property.

Table of Contents:

Exhibit A – List of Properties to be Liened

List of Properties to be Liened

LINE	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE	CD	CTY ID
1	002-0112-007-0000	07-026911	916 E ST	EDWARD C DUFFY	\$185.00	CEDCHC03150	1	0656
2	002-0113-018-0000	09-040034	1001 E ST AKA 427	SABER SHEHADEH	\$424.29	CEDCHC03156	1	0678
3	002-0113-018-0000	09-040034	1001 E ST AKA 427	SABER SHEHADEH	\$100.00	CEDCHC03155	1	0656
4	007-0164-003-0000	09-002850	2500 CAPITOL AV	SRR PROPERTIES LLC	\$322.28	CEDCVB01612	3	0629
5	007-0164-003-0000	09-002850	2500 CAPITOL AV	SRR PROPERTIES LLC	\$107.29	CEDCHC03196	3	0656
6	007-0164-003-0000	09-002850	2500 CAPITOL AV	SRR PROPERTIES LLC	\$576.00	CEDCHC03197	3	0678
7	008-0031-012-0000	H040004243	910 38TH ST	RICHARD T/MELISSA C LYMAN	\$1,667.29	CEDCHC02232	3	0656
8	010-0045-017-0000	H040036548	2601 S ST	JOE TRUNG HOANG/YING KUEY YOUNG	\$194.57	CEDCVB01567	4	0629
9	010-0314-004-0000	08-005119	3432 Y ST	RALPH WADE	\$1,585.00	CEDCHC03368	5	0656
10	013-0141-012-0000	H040029989	2956 34TH ST	PAMELA LAURA ROBERTSON	\$9,998.00	CEDCHA00510	5	0463
11	013-0141-012-0000	H040029989	2956 34TH ST	PAMELA LAURA ROBERTSON	\$1,200.00	CEDCVB01573	5	0629
12	013-0141-012-0000	H040029989	2956 34TH ST	PAMELA LAURA ROBERTSON	\$31,000.00	CEDCVB01574	5	0629
13	013-0141-012-0000	H040029989	2956 34TH ST	PAMELA LAURA ROBERTSON	\$198.95	CEDCHC03102	5	0201
14	013-0141-012-0000	H040029989	2956 34TH ST	PAMELA LAURA ROBERTSON	\$950.80	CEDCHC03103	5	0678
15	013-0141-012-0000	H040029989	2956 34TH ST	PAMELA LAURA ROBERTSON	\$390.00	CEDCHC03101	5	0656
16	013-0283-030-0000	09-033152	3210 6TH AV	CRAIG SWINNEY	\$1,000.00	CEDCHA00548	5	0463

Housing Case Fees and Penalties – Liens

August 17, 2010

LINE	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE	CD	CTY ID
17	013-0283-030-0000	09-033152	3210 6TH AV	CRAIG SWINNEY	\$1,600.00	CEDCHC03329	5	0656
18	013-0291-010-0000	09-000583	3433 6TH AV	CHARTER DANIEL ALLAN	\$207.28	CEDCHC03164	5	0656
19	013-0302-025-0000	06-012509	3817 7TH AV	AUNDRE SPECIALE	\$5,028.19	CEDCHA00547	5	0463
20	013-0401-002-0000	08-015625	3458 37TH ST	HERACLIO CHAVEZ	\$1,117.20	CEDCHC01878	5	0656
21	013-0401-002-0000	08-015625	3458 37TH ST	HERACLIO CHAVEZ	\$900.00	CEDCHA00294	5	0463
22	014-0215-021-0000	09-004562	3351 42ND ST	TOMACYNE E WILLIAMS	\$1,261.20	CEDCHC03416	5	0656
23	014-0215-021-0000	09-004562	3351 42ND ST	TOMACYNE E WILLIAMS	\$312.00	CEDCHC03417	5	0678
24	014-0283-014-0000	08-009011	4550 12TH AV	US BANK	\$3,551.17	CEDCHC03421	5	0678
25	014-0283-014-0000	08-009011	4550 12TH AV	US BANK	\$285.89	CEDCHC03422	5	0201
26	014-0283-014-0000	08-009011	4550 12TH AV	US BANK	\$100.00	CEDCHC03423	5	0656
27	015-0252-018-0000	09-032594	5235 14TH AV	BENJAMIN SANCHEZ	\$1,603.28	CEDCHC02878	5	0656
28	019-0181-022-0000	08-010565	5190 28TH ST	RODRIGO HERNANDEZ	\$1,255.29	CEDCHC03089	5	0656
29	020-0052-003-0000	08-093769	3920 TEMPLE AV	MAX HERRERA	\$450.00	CEDCVB01618	5	0629
30	020-0052-003-0000	08-093769	3920 TEMPLE AV	MAX HERRERA	\$5,000.00	CEDCVB01619	5	0629
31	020-0052-003-0000	08-093769	3920 TEMPLE AV	MAX HERRERA	\$100.00	CEDCHC03205	5	0656
32	020-0213-034-0000	09-032009	3601 20TH AV	WU, CHUN LIU & CHIN CHIA	\$518.29	CEDCHC03168	5	0678
33	020-0213-034-0000	09-032009	3601 20TH AV	WU, CHUN LIU & CHIN CHIA	\$1,585.00	CEDCHC03167	5	0656
34	020-0214-030-0000	08-005629	3701 21ST AV	BOSTON, LOUISE (EST OF)	\$322.28	CEDCVB01564	5	0629

Housing Case Fees and Penalties – Liens

August 17, 2010

LINE	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE	CD	CTY ID
35	020-0214-030-0000	08-005629	3701 21ST AV	BOSTON, LOUISE (EST OF)	\$5,000.00	CEDCVB01565	5	0629
36	020-0214-030-0000	08-005629	3701 21ST AV	BOSTON, LOUISE (EST OF)	\$967.09	CEDCHC03087	5	0678
37	022-0024-044-0000	08-088551	3625 24TH AV	TOOR ARPINDER/SANTOKH	\$750.00	CEDCVB01301	5	0629
38	022-0024-044-0000	08-088551	3625 24TH AV	TOOR ARPINDER/SANTOKH	\$12,000.00	CEDCVB01302	5	0629
39	023-0262-016-0000	09-041379	5541 ALCOTT DR	HARDIP CHAHAL	\$200.00	CEDCHC03203	6	0656
40	025-0222-023-0000	09-034972	2801 38TH AV	GUADALUPE/MARIA D OROPEZA	\$2,499.00	CEDCHA00515	5	0463
41	025-0222-023-0000	09-034972	2801 38TH AV	GUADALUPE/MARIA D OROPEZA	\$150.00	CEDCVB01590	5	0629
42	025-0222-023-0000	09-034972	2801 38TH AV	GUADALUPE/MARIA D OROPEZA	\$1,600.00	CEDCHC03136	5	0656
43	025-0222-023-0000	09-034972	2801 38TH AV	GUADALUPE/MARIA D OROPEZA	\$1,538.90	CEDCHC03137	5	0678
44	031-0720-020-0000	09-049873	78 HERITAGE WOOD CIR	KEVIN COOPER/BRENT & SARAH JEAN PETERSEN	\$178.20	CEDCVB01624	7	0629
45	031-0720-020-0000	09-049873	78 HERITAGE WOOD CIR	KEVIN COOPER/BRENT & SARAH JEAN PETERSEN	\$228.20	CEDCHC03220	8	0656
46	035-0082-006-0000	09-033042	1420 STODDARD ST	RAJKUMAR, SHEWKALI & MOHAMED CHAN	\$207.29	CEDCHC03163	4	0656
47	038-0350-038-0000	09-005301	6333 RING DR	RAJ NARAYAN	\$1,233.00	CEDCHC02817	6	0656
48	048-0231-014-0000	08-011859	92 NEDRA CT	TOOR ARPINDER/SANTOKH	\$150.00	CEDCVB00765	8	0629
49	048-0231-014-0000	08-011859	92 NEDRA CT	TOOR ARPINDER/SANTOKH	\$1,627.00	CEDCHC01767	8	0656
50	048-0231-014-0000	08-011859	92 NEDRA CT	TOOR ARPINDER/SANTOKH	\$1,488.40	CEDCHC01768	8	0678

Housing Case Fees and Penalties – Liens

August 17, 2010

LINE	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE	CD	CTY ID
51	049-0401-025-0000	09-043638	7418 WINNETT WY	PALM ESTATES MTG INC	\$150.00	CEDCVB01686	8	0629
52	049-0401-025-0000	09-043638	7418 WINNETT WY	PALM ESTATES MTG INC	\$200.00	CEDCHC03331	8	0656
53	049-0401-025-0000	09-043638	7418 WINNETT WY	PALM ESTATES MTG INC	\$285.89	CEDCHC03332	8	0201
54	117-1330-009-0000	09-040974	6495 SUNNYFIELD WY	ANN NGUYEN	\$178.20	CEDCVB01689	8	0629
55	117-1330-009-0000	09-040974	6495 SUNNYFIELD WY	ANN NGUYEN	\$228.20	CEDCHC03335	8	0656
56	117-1350-008-0000	09-043896	7445 SHELBY ST	DAVID R TODD	\$400.00	CEDCVB01706	8	0629
57	117-1350-008-0000	09-043896	7445 SHELBY ST	DAVID R TODD	\$200.00	CEDCHC03363	8	0656
58	119-0490-010-0000	09-040894	4035 DE LA VINA WY	SANDRA K VIRAGO	\$172.28	CEDCVB01549	7	0629
59	119-0490-010-0000	09-040894	4035 DE LA VINA WY	SANDRA K VIRAGO	\$421.24	CEDCHC03060	7	0201
60	225-0307-020-0000	09-031453	3132 WIESE WY	FEDERAL NATL MTG ASSOC	\$1,000.00	CEDCVB01688	1	0629
61	225-0307-020-0000	09-031453	3132 WIESE WY	FEDERAL NATL MTG ASSOC	\$300.00	CEDCVB01687	1	0629
62	225-0307-020-0000	09-031453	3132 WIESE WY	FEDERAL NATL MTG ASSOC	\$185.00	CEDCHC03333	1	0656
63	225-0410-025-0000	08-017023	23 MORNING DOVE CR	FANNIE MAE	\$1,233.00	CEDCHC03086	1	0656
64	225-2290-020-0004	09-047792	3301 N PARK DR #914	CHESTER H WITHERSPOON	\$466.20	CEDCHC03227	3	0678
65	225-2290-020-0004	09-047792	3301 N PARK DR #914	CHESTER H WITHERSPOON	\$100.00	CEDCHC03226	3	0656
66	226-0370-005-0000	06-026129	108 PINEDALE AV	RICHARD B MACDONNELL SR	\$16,500.00	CEDCVB01608	2	0629
67	226-0370-005-0000	06-026129	108 PINEDALE AV	RICHARD B MACDONNELL SR	\$600.00	CEDCVB01607	2	0629
68	226-0370-005-0000	06-026129	108 PINEDALE AV	RICHARD B MACDONNEL SR	\$986.02	CEDCHC03190	2	0201

Housing Case Fees and Penalties – Liens

August 17, 2010

LINE	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE	CD	CTY ID
69	250-0341-003-0000	08-006696	185 MOREY AV	LAND INVESTMENT GROUP LLC	\$925.00	CEDCHC03193	2	0678
70	251-0063-011-0000	07-051526	1049 GRAND AV	ISRAEL R ORTIZ	\$416.00	CEDCHC03195	2	0678
71	251-0063-011-0000	07-051526	1049 GRAND AV	ISRAEL R ORTIZ	\$100.00	CEDCHC03194	2	0656
72	251-0191-017-0000	06-020260	3401 RIO LINDA BL	ELTON YI CHEN CHAU GOON CHU	\$4,972.27	CEDCHA00511	2	0463
73	251-0191-017-0000	06-020260	3401 RIO LINDA BL	ELTON YI CHEN CHAU GOON CHU	\$1,800.00	CEDCVB01576	2	0629
74	251-0191-017-0000	06-020260	3401 RIO LINDA BL	ELTON YI CHEN CHAU GOON CHU	\$48,400.00	CEDCVB01577	2	0629
75	251-0191-017-0000	06-020260	3401 RIO LINDA BL	ELTON YI CHEN CHAU GOON CHU	\$773.49	CEDCHC03114	2	0678
76	251-0191-017-0000	06-020260	3401 RIO LINDA BL	ELTON YI CHEN CHAU GOON CHU	\$100.00	CEDCHC03113	2	0656
77	251-0241-005-0000	08-088651	824 CARMELITA AV	SAETANG SOMPONG SAM	\$322.28	CEDCVB01561	2	0629
78	251-0241-005-0000	08-088651	824 CARMELITA AV	SAETANG SOMPONG SAM	\$10,000.00	CEDCVB01562	2	0629
79	263-0141-013-0000	06-023235	2769 OAKMONT ST	THE FISH RANCH TRUST	\$100.00	CEDCHC02454	2	0656
80	265-0202-032-0000	08-096802	927 ELEANOR AV	LENORRIAS BARNES	\$172.28	CEDCVB01596	2	0629
81	265-0202-032-0000	08-096802	927 ELEANOR AV	LENORRIAS BARNES	\$207.29	CEDCHC03151	2	0656
82	266-0203-015-0000	HSG9900734	1817 IRIS AV	COMMUNITY COMMERCE BANK	\$1,350.00	CEDCVB01712	3	0629
83	266-0203-015-0000	HSG9900734	1817 IRIS AV	COMMUNITY COMMERCE BANK	\$34,500.00	CEDCVB01713	3	0629
84	266-0203-015-0000	HSG9900734	1817 IRIS AV	COMMUNITY COMMERCE BANK	\$5,999.00	CEDCHA00553	3	0463
85	266-0203-015-0000	HSG9900734	1817 IRIS AV	COMMUNITY COMMERCE BANK	\$2,386.90	CEDCHC03375	3	0678
86	266-0203-015-0000	HSG9900734	1817 IRIS AV	COMMUNITY COMMERCE BANK	\$285.89	CEDCHC03376	3	0201

TOTAL PROPOSED TO BE LIENED	\$239,726.77
------------------------------------	---------------------