



Minutes City of Sacramento Housing Code Advisory and Appeals Board

Historic City Hall 915 I Street, 2nd Floor – Hearing Room

April 14, 2010 – 5:30 P.M.

Call to Order @ 5:30 pm – Meeting adjourned at 6:10 pm

Roll Call

All Board members were present except Mr. Avery who had an excused absence.

City Staff

SPD—A. Gugliameli, DCA—M. Sparks
SCEO—Bill Hutcheon and CEO—D. Barton

Public Hearings

Public hearings may be reordered at the discretion of the Chair.

Notice & Order Appeals

Item #	Council District	Case #	Address	Owner
1	3	09-035018	1944 EL CAMINO AV	FAYE STEARNS LIVING TRUST
Rescheduled to May 12, 2010				

Housing & Dangerous Buildings Case Cost Recovery - Contested

Item	Summary	Appeal	Council District	Case/Inspector	Address/Invoice	Owner
2		X	5	09-011291/ BILL HUTCHEON	3128 SAN RAFAEL CT/ CEDCVP00032 (\$1233)	NITHA A/SURESH C NANDAN
<p>P/O and appellant, Suresh Nandan, failed to appear in person. His written appeal was read by the Board and weighed against City evidence. After reviewing the case history, response to the case and owner's appeal, the Board voted unanimously to uphold staff recommendation. (Mohr motioned and Gaudreau seconded)</p>						
3		X	4	09-040230/ DONNA BARTON	601 ROBERTSON WY/ CEDCHC03006 (\$200)	MARYANN C LOVI
<p>P/O and appellant, Maryann C Lovi, failed to appear in person. Her written appeal, and the PRA requested photos and case sheets were read by the Board and weighed against City evidence. After reviewing the case history, response to the case and owner's appeal, the Board voted unanimously to uphold staff recommendation. (Mohr motioned and Fritz seconded)</p>						
Housing & Dangerous Buildings Case Cost Recovery - Uncontested						
<p>For items 4 – 22, City Staff recommends that a resolution be adopted confirming the total charge noted by each agenda item for the expenses incurred by the City in the enforcement of the provisions of the Housing Code and/or Dangerous Buildings Code with respect to the property known by the physical address and/or parcel number (APN) as noted within each agenda item.</p>						
<p>Items 4-22 were presented by City Staff to be upheld as staff recommends. The Board voted unanimously to uphold each item. (Fritz motioned and Mohr seconded)</p>						

Item	APN	Council District	Case/Inspector	Address/Invoice	Owner
4	021-0032-011-0000	5	09-044290/ RICHARD V LEIKER	5440 14TH AV/ CEDCHC03046 (\$100)	IQBAL BANO
5	021-0032-011-0000	5	09-044290/ RICHARD V LEIKER	5440 14TH AV/ CEDCHC03047 (\$602.40)	IQBAL BANO
6	020-0144-020-0000	5	06-010993/ JOSH PINO	3964 17TH AV/ CEDCHC02169 (\$100)	WAYNE REED
7	022-009-1012-0000	5	06-025581/ DON VERGA	3520 24TH AV/ CEDCHC03057 (\$1255)	THE MONEY BROKERS
8	022-009-1012-0000	5	06-025581/ DON VERGA	3520 24TH AV/ CEDCHC03058 (\$1720)	THE MONEY BROKERS
9	022-0091-012-0000	5	06-025581/ DON VERGA	3520 24TH AV/ CEDCHC03059 (\$100)	THE MONEY BROKERS
10	119-1300-058-0000	8	09-043211/ CHAD GARBER	7600 BLUEBROOK WY/ CEDCHC03029 (\$1780)	ALBERT A SIMON JR
11	119-1300-058-0000	8	09-043211/ CHAD GARBER	7600 BLUEBROOK WY/ CEDCHC03028 (\$1000)	ALBERT A SIMON JR
12	201-0780-076-0000	1	09-034072/ DIA BRADFORD	5581 CELEBRATION ST/ CEDCHC03026 (\$200)	KIM VU
13	201-0780-076-0000	1	09-034072/ DIA BRADFORD	5581 CELEBRATION ST/ CEDCHC03027 (\$198.95)	KIM VU
14	252-0133-026-0000	2	08-007213/ MAURICE SCHRANZ	3736 DAYTON ST/ CEDCHC02573 (\$790)	MARGARITA MADRIGAL
15	252-0133-026-0000	2	08-007213/ MAURICE SCHRANZ	3736 DAYTON ST/ CEDCHC02574 (\$1532.80)	MARGARITA MADRIGAL
16	263-0202-024-0000	2	09-037634/ MAURICE SCHRANZ	2598 OAKMONT ST/ CEDCHC03018 (\$200)	EDUARDO MUNOZ/LINDA DEAVER
17	263-0312-006-0000	2	09-046936/ LEONARD DUCLOS	165 OLMSTEAD DR/ CEDCHC03003 (\$100)	LONNIE R LANDRUM/ETAL
18	263-0312-006-0000	2	09-046936/ LEONARD DUCLOS	165 OLMSTEAD DR/ CEDCHC03004 (\$298)	LONNIE R LANDRUM/ETAL
19	265-0071-004-0000	2	08-100581/ MAURICE SCHRANZ	3041 RIO LINDA BL/ CEDCHC03007 (\$1133)	DHIRU PATEL/KOKILA
20	252-0221-006-0000	3	08-101418/ MAURICE SCHRANZ	1840 SOUTH AV/ CEDCHC03008 (\$1214.78)	JUAN M RUIZ
21	252-0221-006-0000	3	08-101418/ MAURICE SCHRANZ	1840 SOUTH AV/ CEDCHC03009 (\$1333)	JUAN M RUIZ
22	117-0649-009-0000	7	09-044515/ DONNA BARTON	5150 YVONNE WY/ CEDCHC03045 (\$200)	KAMRUL NISHA MUNIF

Staff Reports

Staff reports include oral presentations and those recommending receive and file.

23. Code Enforcement Operations Management Monthly Report (Oral)
Location: Citywide
Recommendation: Review and Comment – status report on the Rental Housing Inspection Program; notice & orders appeals; City staff changes; and, standard language for staff recommendations in staff reports.
Contact Ron O’ Connor 916-808-8183

Ron O’ Connor updated that perhaps within the next two months the case load would pick up. This may or may not affect the Notice & Orders, but they are expected to pick up.

24. Discussion of standing to file appeals and protests under Chapters 8.96 and 8.100 of the City Code (Oral)
Location: Citywide
Recommendation: Review and Comment.

Contact Michael Sparks, Senior Deputy City Attorney, 916-808-5346

DCA M. Sparks provided to the Board that under the Dangerous Buildings code the owner of record, lienholder and any person having an encumbrance of record can appeal the Notice & Order. Under the Housing code everyone is entitled to appeal. A cheat sheet is supposed to be provided at the next hearing. The Housing code is very broad when it comes to allowing appeals.

Dangerous Buildings Code states: Any person entitled to service under Section 8.96.130(C) or (D) of this chapter, and any person who is a tenant may appeal from any notice and order or any action of the building official...

Those persons cited in section C/D are the record owner, the holder of any mortgage or deed of trust or other lien or encumbrance of record; and (ii) the owner or holder of any lease of record.

Housing Code states: Any person having any record title or legal interest in the building may appeal from any notice and order or any action of the building

As for the fee protest hearings basically anyone interested in or affected by it can file the appeal, again, a very broad code. This essentially means for the Board that

25. Discussion of Board's authority to refund and modify fees and charges under Chapters 8.96 and 8.100 of the City Code (Oral)

Location: Citywide

Recommendation: Review and Comment.

Contact Michael Sparks, Senior Deputy City Attorney, 916-808-5346

Basically it was discussed that the Board only has the powers that they are given by City Council and that is to "adjust" fees as seen fit through equity and justice.

Refunds are left to departmental discretion, even if an appellant asks, it is strictly not within the Board's power to refund fees. They can only make adjustments to the costs brought before them.

Public Comment – Matters Not on the Agenda

Board Member's Comments, Questions, Ideas, and Announcements

Adjournment

Board comment is that Ms. Gaudreau will not be at the May Board meeting.