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**CITY OF SACRAMENTO
CALIFORNIA**

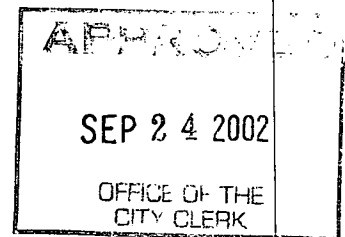
**NEIGHBORHOOD SERVICES
DEPARTMENT**

1231 I STREET, SUITE 200
SACRAMENTO, CA
95814-2997

Housing & Dangerous Buildings
916-264-5404
FAX: 264-6833

September 13, 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: September 24, 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:

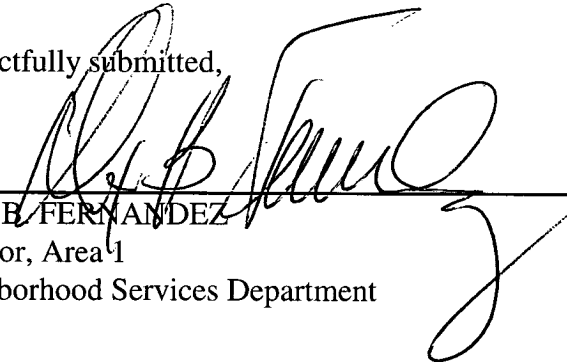
Conducting the lien hearing is in accordance with Sacramento City Code Titles 8.96 and 8.100. All property owners listed in the attachment were afforded an opportunity to appear before an impartial hearing examiner or hearing board for the stated violation. Each owner was afforded the additional opportunity to protest the imposition of the fees and penalties at a special assessment delinquency lien hearing.

The Code Enforcement lien process, including special assessment delinquency lien hearings before Council, complies with all applicable provisions under Title 8 of the Sacramento City Code and is consistent with the City of Sacramento's mission to protect, preserve and enhance the quality of life for present and future generations.

E/SBD ISSUES:

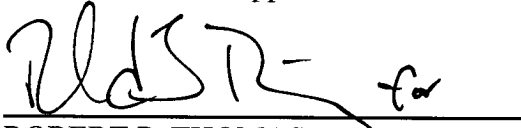
Not applicable.

Respectfully submitted,



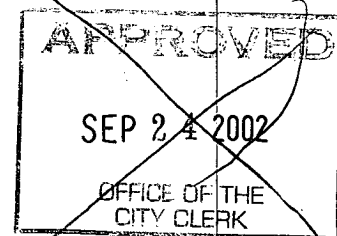
MAX E. FERNANDEZ
Director, Area 1
Neighborhood Services Department

Recommendation approved:



ROBERT P. THOMAS
City Manager

Attachment



RESOLUTION NO. *Amended*

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.: _____

DATE ADOPTED: _____

H

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

1. The reasonable penalties in the aggregate amount of \$43,620.13 for unpaid fees and penalties is the sum set forth on the attachment incorporated into this resolution.
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

CITY CLERK

Attachment

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

h

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	002-0121-010-0000	H990000626	410 13th St.	Concha & Cruz Ramirez	637.00	HCE020263	3	0656
2	002-0121-010-0000	H990000626	410 13th St.	Concha & Cruz Ramirez	4,397.13	HCE020264	3	0678
3	009-0122-007-0000	H020003608	814 T St	William Ong	756.00	HCE020253	4	0656
4	009-0122-007-0000	H020003608	814 T St.	William Ong	2,562.00	HCE020254	4	0678
5	011-0065-007-0000	5317SST00	5317 S St	George V. Lowell & Franz A Brocker	735.00	HCE020183	5	0656
6	013-0343-007-0000	H010026347	3520 9th Av	Ola Lee Murchison	690.00	HCE020203	5	0656
7	013-0394-013-0000	H000026838	3611 35th St	G L Holloway Family Trust Et Al	740.00	HCE020218	5	0656
8	014-0071-021-0000	253639ST00	2536 39th St	Nick A. & Anna M. Schroeder	765.00	HCE020206	5	0656
9	014-0071-021-0000	253639ST00	2536 39th St	Nick A. & Anna M. Schroeder	500.00	HCE020207	5	0656
10	014-0093-016-0000	H010003408	2824 39th St.	Chander & Veena Soin Family Trust & Dine	690.00	HCE020252	5	0656
11	014-0193-035-0000	302744ST00	3027 44th St	Raymond P. Owens	910.00	HCE020201	5	0656
12	014-0193-035-0000	302744ST00	3027 44th St	Raymond P. Owens	1,999.00	HCE020202	5	0656
13	014-0246-009-0000	H010016114	3556 43rd St.	Maria L. Saenz	4,668.00	HCE020262	5	0201
14	014-0246-009-0000	H010016114	3556 43rd St.	Maria L. Saenz	184.00	HCE020261	5	0656
15	015-0113-050-0000	H010027727	4725 9th Ave	9th Av Trust	690.00	HCE020270	5	0656

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
16	022-0032-013-0000	H000013940	4960 Warwick Av	Ismael Gutierrez	3,058.80	HCE020269	5	0678
17	022-0032-013-0000	H000013940	4960 Warwick Av	Ismael Gutierrez	724.00	HCE020268	5	0656
18	022-0093-001-0000	H010029762	3600 24th Av	William A. Dollison & George Gregory	1,846.80	HCE020259	5	0678
19	022-0094-011-0000	H000011907	3820 25th Av	Alberto G. & Gloria Irene Gomez	455.00	HCE020231	5	0656
20	023-0084-012-0000	H010007584	4970 76th St.	Ramirez Revocable Living Trust	690.00	HCE020244	6	0656
21	027-0040-011-0000	H010011455	5749 66th St	Elisiva Fungavaka	690.00	HCE020187	6	0656
22	027-0040-011-0000	H010011455	5749 66th St	Elisiva Fungavaka	1,012.80	HCE020188	6	0678
23	040-0215-003-0000	H020000261	7139 53rd St.	Kay L. Fields	765.00	HCE020246	6	0656
24	078-0180-008-0000	H010012508	8591 Folsom Bl	Allstar Sacramento Properties, Inc.	1,360.00	HCE020174	6	0657
25	238-0140-037-0000	H010027959	2336 Bell Av	Kvitko Mikhail & Yanna V. Cherniy	857.00	HCE020234	2	0656
26	250-0094-016-0000	H000008155	643 Morey Av	Christopher Stewart, Jr. / Christopher Ransom Jr.	8,865.60	HCE020236	2	0201
27	250-0094-016-0000	H000008155	643 Morey Av	Christopher Stewart, Jr. / Christopher Ransom Jr.	272.00	HCE020235	2	0656
28	262-0262-007-0000	H010020809	300 Peralta Av	Gilda G. Grant	150.00	HCE020171	1	0656

Continued

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

2

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
29	265-0040-022-0000	H000027972	1350 Arcade Bl	Michael K. & Jackie Wise	400.00	HCE020223	2	0656
30	265-0040-022-0000	H000027972	1350 Arcade Blvd.	Michael K. & Jackie Wise	500.00	HCE020224	2	0656
31	277-0083-004-0000	H010018883	2323 Selma St	Virginia R. Smyth Revocable Trust	550.00	HCE020185	2	0678

TOTAL TO BE LIENED:

\$43,120.13

FOR CITY CLERK USE ONLY

RESOLUTION NO.: _____

DATE ADOPTED: _____

9/24



AMENDED

RESOLUTION NO. 2002-636

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

AMENDED RESOLUTION NO.: _____

DATE ADOPTED: _____

NOW THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SACRAMENTO THAT:

1. The reasonable penalties in the aggregate amount of \$30,040.73 for unpaid fees and penalties is the sum set forth on the attachment incorporated into this resolution.
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.
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5. The City Clerk shall transmit a certified copy of this resolution to the Sacramento County Auditor/Controller.

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12	014-0246-009-0000	H010016114	3556 43rd St.	Maria L. Saenz	4,668.00	HCE020262	5	0201
13	014-0246-009-0000	H010016114	3556 43rd St.	Maria L. Saenz	184.00	HCE020261	5	0656
14	015-0113-050-0000	H010027727	4725 9th Ave	9th Av Trust	690.00	HCE020270	5	0656
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20	027-0040-011-0000	H010011455	5749 66th St	Elisiva Fungavaka	1,012.80	HCE020188	6	0678
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24	265-0040-022-0000	H000027972	1350 Arcade Bl	Michael K. & Jackie Wise	400.00	HCE020223	2	0656
25	265-0040-022-0000	H000027972	1350 Arcade Blvd.	Michael K. & Jackie Wise	500.00	HCE020224	2	0656
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