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**CITY OF SACRAMENTO  
CALIFORNIA**

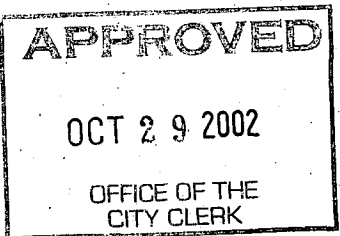
**NEIGHBORHOOD SERVICES  
DEPARTMENT**

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

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

October 7, 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:** October 29, 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:**

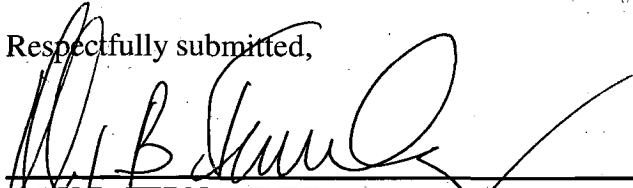
Conducting the lien hearing is in accordance with Sacramento City Code Titles 8.96 and 8.100. All property owners listed in the attachment were afforded an opportunity to appear before an impartial hearing examiner or hearing board for the stated violation. Each owner was afforded the additional opportunity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

Code Enforcement activities, including the related lien process, are consistent with policies associated with the City's goal to enhance and preserve the neighborhoods.

**E/SBD ISSUES:**

Not applicable.

Respectfully submitted,



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MAX B. FERNANDEZ

Director, Area 1

Neighborhood Services Department

Recommendation approved:



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ROBERT P. THOMAS

City Manager

Attachment



**RESOLUTION NO. 2002-714**

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: \_\_\_\_\_

4

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

1. The reasonable penalties in the aggregate amount of \$58,270.58 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.

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MAYOR

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CITY CLERK

Attachment

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**FOR CITY CLERK USE ONLY**

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

5

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	010-0293-005-0000	H020002255	2632 Franklin Bl	Scott C. Heastings	4,182.00	HCE020306	5	0678
2	014-0023-002-0000	H010017170	3964 Downey Wy	Kathleen Martinez	690.00	HCE020295	5	0656
3	022-0031-005-0000	H020010758	4841 Martin Luther King Bl	Rickey Lee Johansen	192.00	HCE020346	5	0656
4	022-0031-005-0000	H020010758	4841 Martin Luther King Bl	Rickey Lee Johansen	4,656.29	HCE020347	5	0678
5	022-0212-003-0000	H020007452	5240 48th St	Leroy & Irene Larry	2,032.80	HCE020277	5	0678
6	030-0130-002-0000	H010026628	2 Cove Ct	Rosa Maria Saca	690.00	HCE020286	7	0656
7	041-0043-007-0000	H010024709	2732 Wah Dr	Manuel M. Alexander	690.00	HCE020304	5	0656
8	041-0043-007-0000	H010024709	2732 Wah Dr	Manuel M. Alexander	7,944.00	HCE020305	5	0201
9	049-0340-019-0000	H020005020	4211 Savannah Ln	Hazen Family Trust	175.00	HCE020311	8	0656
10	079-0054-020-0000	H010032535	8430 La Riviera	Manuel M. Alexander	909.20	HCE020331	6	0656
11	079-0054-020-0000	H010032535	8430 La Riviera	Manuel M. Alexander	2,552.80	HCE020332	6	0678
12	250-0081-005-0000	H010015318	440 Grand Av	Jeffry Edwards	690.00	HCE020293	2	0656
13	250-0140-010-0000	H010022220	580 South Av	Deloris, Dorothy, Ervin & Willie King Et Al	5,640.00	HCE020338	2	0201
14	250-0140-010-0000	H010022220	580 South Av	Deloris, Dorothy, Ervin & Willie King Et Al	4,393.03	HCE020280	2	0678
15	250-0140-010-0000	H010022220	580 South Av	Deloris, Dorothy, Ervin & Willie King Et Al	905.00	HCE020279	2	0656

FOR CITY CLERK USE ONLY

RESOLUTION NO.: \_\_\_\_\_

DATE ADOPTED: \_\_\_\_\_

6

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
16	251-0042-010-0000	H010003583	3915 Fig St	Andre Willard	510.00	HCE020274	2	0656
17	251-0042-010-0000	H010003583	3915 Fig St	Andre Willard	2,218.00	HCE020275	2	0678
18	251-0301-040-0000	H020012172	1000 Rivera Dr	Mark E. & Kathleen M. Taylor	2,166.00	HCE020339	2	0678
19	251-0301-040-0000	H020012172	1000 Rivera Dr	Mark E. & Kathleen M. Taylor	175.00	HCE020340	2	0656
20	263-0163-029-0000	H010023262	2671 Fairfield St	Garden Villa Property, LTD	6,330.00	HCE020094	2	0678
21	263-0163-029-0000	H010023262	2671 Fairfield St	Garden Villa Property, LTD	150.00	HCE020093	2	0656
22	265-0273-016-0000	H020004976	1221 Helena Av	Elvia Arreguin	9,564.46	HCE020282	2	0678
23	265-0273-016-0000	H020004976	1221 Helena Av	Elvia Arreguin	815.00	HCE020281	2	0656

**TOTAL TO BE LIENED:**

**\$58,270.58**

**FOR CITY CLERK USE ONLY**

**RESOLUTION NO.:** \_\_\_\_\_

**DATE ADOPTED:** \_\_\_\_\_

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