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NEIGHBORHOODS, PLANNING
AND DEVELOPMENT SERVICES
DEPARTMENT

CITY OF SACRAMENTO
CALIFORNIA

1231 I STREET, SUITE 200
SACRAMENTO, CA 95814

DEVELOPMENT SERVICES DIVISION

HOUSING AND DANGEROUS
BUILDINGS INSPECTIONS
PH 916-264-5404
FAX 916-264-6833

September 27, 1999

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, Neighborhoods, Planning & Development Services Department, 264-8183

FOR COUNCIL MEETING OF: October 19, 1999

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 49 and 50 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 49 and 50, 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, Title §49.16 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 49 and 50, 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.

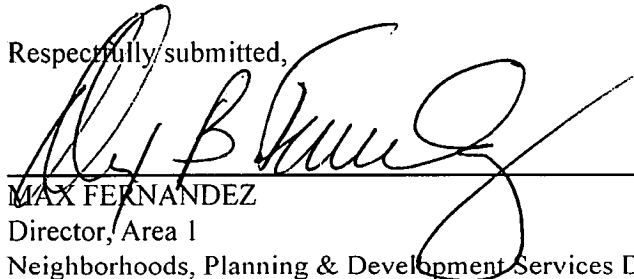
POLICY CONSIDERATIONS:

Conducting the lien hearing is in accordance with Sacramento City Code Titles 49 and 50. 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 CONSIDERATIONS:


Not applicable.

Respectfully submitted,




MAX FERNANDEZ
Director, Area 1
Neighborhoods, Planning & Development Services Dept

Approved for Council Information:



ROBERT P. THOMAS
City Manager



JACK CRIST
Deputy City Manager

Attachment

AMENDED

RESOLUTION NO. 99-583 as 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

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

WHEREAS, heretofore the Neighborhoods, Planning & Development Services Department, Code Enforcement Division, Housing & Dangerous Buildings Inspections, in accordance with Sacramento City Code, Chapter 50.09 did provide a hearing before the Housing Code Advisory and Appeals Board (HCAAB) to consider all protests for unpaid fees and penalties, if any; and

WHEREAS, notice of the time and place of HCAAB hearing was given in accordance with Sacramento City Code, Chapter 50.09; and

WHEREAS, the Neighborhood Services Department, Code Enforcement Division, Housing & Dangerous Buildings Inspections, established by competent evidence before the HCAAB 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 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.

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

1. That, the reasonable penalties in the aggregate amount of \$80,273.75 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.

FOR CITY CLERK USE ONLY

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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.

VICE MAYOR

CITY CLERK

Attachment

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Housing Case Fees & Penalties -- Attachment

October 19, 1999

Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
002-0082-006-0000	31813ST03	318 13th St	EMC Mortgage Corporation	2,199.63	HCE54313	1	0678
003-0125-021-0000	2005EST00	2005 E St	Ronald D. Martinez & Carmelita Martinez	948.75	HCE50733	3	0656
004-0342-004-0000	5700ELVA00	5700 Elvas Av	James C. Donovan & Brandi A. Donovan	759.00	HCE54303	3	0656
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006-0282-008-0000	1218QSTXX	1218 Q St	Rodrico Hernandez	799.28	HCE50747	4	0656
009-0113-028-0000	20174ST01	2017 4th St	Louisa Hudson Et Al	759.00	HCE50726	4	0656
012-0091-011-0000	5854AV02	585 4th Av	Gladys Canson	487.75	HCE48271	4	0656
014-0185-023-0000	40398AV00	4039 8th Av	Van Ormer Phillis C. Trustee	3,577.65	HCE54302	5	0201
014-0185-034-0000	3111SANT00	3111 Santa Cruz Wy	Edward L. Wheeler	2,397.75	HCE50719	5	0678
014-0203-015-0000	342440ST00	3424 40th St	Antonio Arellano	1,100.00	HCE43397	5	0656
014-0222-037-0000	460110AV00	4601 10th Av	Frank W. Aquitania & Lucina Y. Aquitania	4,557.45	HCE50737	5	0201
014-0231-030-0000	390712AV00	3907 12th Av	Eddie O. Amuneke	759.00	HCE54314	5	0656
014-0271-022-0000	375140ST00	3751 40th St	Corban Development, Inc.	3,450.00	HCE54306	5	0201
014-0272-029-0000	3801LISS00	3801 Lissetta Av	William Narez Jr & Donna Narez	839.50	HCE50710	5	0656
015-0242-028-0000	3711STOC03	3711 Stockton Bl	Wayne A. Rosemond Sr.	1,530.65	HCE50720	5	0656
021-0111-014-0000	420851ST00	4208 51st St	Robert J. Rousset & Trust	230.00	HCE54568	5	0656
022-0094-029-0000	370926AV00	3709 26th Av	William Dollison & Donna Reed	931.50	HCE50730	5	0656
023-0265-002-0000	535073ST00	5350 73rd St	RMS Properties Llc	759.00	HCE50729	6	0656

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027-0342-029-0000	790739AV00	7907 39th Av	Abdul Mohammad & Rahat Buksh & Shamshad Buksh	2,427.65	HCE50722	5	0656
035-0152-007-0000	2061BERG01	2061 Berg Av	William S. Henderson	179.40	HCE50736	4	0656
037-0081-023-0000	6090STOC00	6090 Stockton Bl	Chiu Family Revocable Trust	759.00	HCE50701	6	0656
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049-0302-010-0003	153CASE02	153 Caselli Cr #3	William S. Henderson & Ruth Ann Henderson	1,005.10	HCE50703	8	0656
049-0302-027-0001	87CASE00	87 Caselli Cr	River City Investors	1,000.00	HCE50574	8	0656
052-0054-003-0000	7620LYTL00	7620 Lytle St	Rawn E. Hayes	2,369.00	HCE50711	8	0678
237-0130-011-0000	909BLAI00	909 Blaine Av	Ora P. Lewis	266.80	HCE50699	2	0678
251-0021-024-0000	1018NORT00	1018 North Av	H S Properties Llc	2,133.25	HCE50715	2	0678
251-0082-014-0000	1525GRAN01	1525 Grand Av	Greg Brouard & WCM Corporation	995.02	HCE48410	2	0656
251-0082-022-0000	3830ELM00	3830 Elm St	Yansane Brummel/Ronald Lee Starr	1,046.50	HCE50705	2	0656
251-0083-019-0000	3816FIG00	3816 Fig St	Geneva Carter & Tenner Lee Eleby Et Al	4,544.80	HCE54311	2	0201
251-0156-005-0000	945SILV00	945 Silvano St (AKA 3445 Branch St)	Patricia Stewart	1,380.00	HCE54389	2	0657
251-0156-005-0000	945SILV00	945 Silvano St (AKA 3445 Branch St)	Patricia Stewart	3,376.40	HCE54459	2	0201
251-0156-005-0000	945SILV00	945 Silvano St (AKA 3445 Branch St)	Patricia Stewart	1,106.76	HCE50721	2	0656

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251-0194-007-0000	950CARM00	950 Carmelita Av	Pacific Coast Properties, Inc.	3,402.64	HCE54308	2	0201
251-0222-016-0000	1500LOSR00	1500 Los Robles Bl	Timothy R. Coltrin	500.00	HCE50734	2	0656
252-0022-008-0000	3901NATO01	3901 Natoma Wy	Joseph R. Lankford	4,080.20	HCE50714	2	0201
263-0241-031-0000	2556TRAC00	2556 Traction Av	Washington Mutual Bank	287.50	HCE50718	2	0678
265-0071-001-0000	3049RIOL00	3049 Rio Linda Bl	Pacific Land & Water	9,094.17	HCE50740	2	0656
265-0222-022-0000	2915TAFT00	2915 Taft St	Secretary of Housing/Urban Development, Golden Feather	615.25	HCE50738	2	0656
275-0112-001-0000	30ARDE00	30 Arden Wy	Atlas Aluminum	9,025.20	HCE54307	2	0656
275-0114-003-0000	116ARDE01	116 Arden Wy	Robert Russo	2,518.50	HCE54310	2	0656

TOTAL TO BE LIENED:

\$80,273.75

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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.

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003-0183-010-0000	60023ST00	600 23rd St	Paul Mueller & Ann Mueller	191.66	HCE50741	3	0656
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021-0022-024-0000	392150ST00	3921 50th St	Kemper Stone	1,317.99	HCE54304	5	0656
021-0111-014-0000	420851ST00	4208 51st St	Robert J. Rousset & Trust	230.00	HCE54568	5	0656

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251-0134-020-0000	3624BRAN00	3624 Branch St	Blessed Faith Church of God, Levon E. Davis	400.00	HCE48405	2	0656

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049-0302-010-0003	153CASE02	153 Caselli Cr #3	William S. Henderson & Ruth Ann Henderson	1,005.10	HCE50703	8	0656
049-0302-027-0001	87CASE00	87 Caselli Cr	River City Investors	1,000.00	HCE50574	8	0656
052-0054-003-0000	7620LYTL00	7620 Lytle St	Rawn E. Hayes	2,369.00	HCE50711	8	0678
237-0130-011-0000	909BLAI00	909 Blaine Av	Ora P. Lewis	266.80	HCE50699	2	0678
251-0021-024-0000	1018NORT00	1018 North Av	H S Properties Llc	2,133.25	HCE50715	2	0678
251-0082-014-0000	1525GRAN01	1525 Grand Av	Greg Brouard & WCM Corporation	995.02	HCE48410	2	0656
251-0082-022-0000	3830ELM00	3830 Elm St	Yansane Brummel/Ronald Lee Starr	1,046.50	HCE50705	2	0656
251-0083-019-0000	3816FIG00	3816 Fig St	Geneva Carter & Tenner Lee Eleby Et Al	4,544.80	HCE54311	2	0201
251-0156-005-0000	945SILV00	945 Silvano St (AKA 3445 Branch St)	Patricia Stewart	1,380.00	HCE54389	2	0657
251-0156-005-0000	945SILV00	945 Silvano St (AKA 3445 Branch St)	Patricia Stewart	3,376.40	HCE54459	2	0201
251-0156-005-0000	945SILV00	945 Silvano St (AKA 3445 Branch St)	Patricia Stewart	1,106.76	HCE50721	2	0656

Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
251-0194-007-0000	950CARM00	950 Carmelita Av	Pacific Coast Properties, Inc.	3,402.64	HCE54308	2	0201
251-0222-016-0000	1500LOSR00	1500 Los Robles Bl	Timothy R. Coltrin	500.00	HCE50734	2	0656
252-0022-008-0000	3901NATO01	3901 Natoma Wy	Joseph R. Lankford	4,080.20	HCE50714	2	0201
263-0241-031-0000	2556TRAC00	2556 Traction Av	Washington Mutual Bank	287.50	HCE50718	2	0678
265-0071-001-0000	3049RIOL00	3049 Rio Linda Bl	Pacific Land & Water	9,094.17	HCE50740	2	0656
265-0222-022-0000	2915TAFT00	2915 Taft St	Secretary of Housing/Urban Development, Golden Feather	615.25	HCE50738	2	0656
275-0112-001-0000	30ARDE00	30 Arden Wy	Atlas Aluminum	8,967.70	HCE54307	2	0656
275-0114-003-0000	116ARDE01	116 Arden Wy	Robert Russo	2,518.50	HCE54310	2	0656

TOTAL TO BE LIENED:

\$80,216.25

**RESOLUTION ADOPTED DECLARING A SPECIAL ASSESSMENT LIEN
BE PLACED ON THE PROPERTY**

WHEREAS, the Hearing Examiner after proper notice, held a public hearing on August 24, 1999, in the Conference Room of the Planning and Development Building of the City of Sacramento involving property owned by **Loretta Tunnel** and located at **3312 Branch St** in the City of Sacramento, and

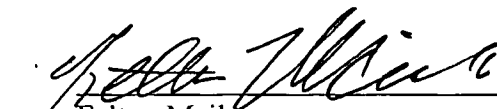
WHEREAS, at the public hearing on the appeal of the Special Assessment Lien, the Hearing Examiner heard, considered and received all relevant evidence and material presented by all the interested parties, including the Code Enforcement case file and

NOW THEREFORE BE IT RESOLVED, after careful consideration of all relevant evidence and material presented, the Hearing Examiner, hereby finds that a special assessment lien in the amount of **\$690.00** (Invoice #: NS42294) be placed against the property known as **3312 Branch St (APN: 251-0251-014-0000)** located in the City of Sacramento and made a personal obligation against the owner.

This also serves as notice that the City Council Hearing date is October 19, 1999, at 2:00 pm at 915 I Street, Council Chambers for adoption of the Resolution to be forwarded to the County Recorder placing the said special assessment lien on the property indicated.

**CASE ADDRESS: 3312 Branch St
APN: 251-0251-014-0000**

IT IS SO ORDERED



Felton Mailes
Hearing Examiner

264-5413

Kathy Nelson
X. 5413

Simi Kraft