



APPROVED  
BY THE CITY COUNCIL

JAN 12 1999

OFFICE OF THE  
CITY CLERK

1.3

NEIGHBORHOODS, PLANNING  
AND DEVELOPMENT SERVICES  
DEPARTMENT

DEVELOPMENT SERVICES DIVISION

CITY OF SACRAMENTO  
CALIFORNIA

1231 I STREET, SUITE 200  
SACRAMENTO, CA 95814

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

December 28, 1998

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:** January 12, 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.


**MBE/WBE**

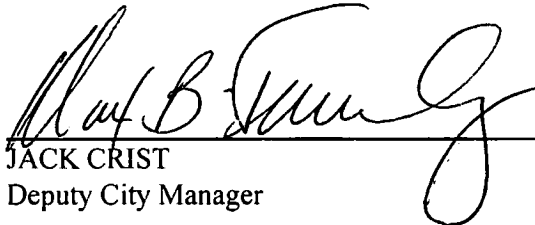
There is no requirement for purchase of goods or services associated with this item.

Respectfully submitted,

  
\_\_\_\_\_  
MAZ FERNANDEZ  
Director, Area 3  
Neighborhoods, Planning & Development Services Dept

Approved for Council Information:

  
\_\_\_\_\_  
WILLIAM H. EDGAR  
City Manager

*for*   
\_\_\_\_\_  
JACK CRIST  
Deputy City Manager

Attachment

**AMENDED**

**RESOLUTION NO.**

99-015

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**

WHEREAS, heretofore the Neighborhood Services Department, Code Enforcement Division, 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, 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, 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 \$35,291.64 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**

**AMENDED**

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

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

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.

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MAYOR

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CITY CLERK

Attachment

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FOR CITY CLERK USE ONLY

AMENDED

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

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

Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
003-0121-001-0000	41518ST01	415 18th Street	David A. Scharlach, Trustee, Fourteenth Street Trust	2,420.75	HCE50522	1	0657
003-0183-010-0000	60023ST00	600 23rd St	Paul S Mueller & Ann H Mueller	931.50	HCE50523	3	0656
018-0025-028-0000	411723ST00	4117 23rd St	Doretha L Greene Living Trust	2,516.20	HCE50535	5	0201a
021-0291-047-0000	444955ST00	4449 55th St	Davie W Swansborough	3,321.20	HCE50536	5	0201
025-0212-024-0000	2576FERN00	2576 Fernandez Dr	Ruby A. High	759.00	HCE50513	5	0656
047-0132-008-0000	215863AV00	2158 63rd Av	DSH 3rd Family Ltd Partnership, Daniel S. Henry	3,733.80	HCE50515	8	0657
049-0261-001-0000	752232ST00	7522 32nd St	Elizabeth Marcial	2,024.00	HCE50519	8	0201a
049-0293-008-0002	7492FRAN02	7492 Franklin Blvd.	River City Investors	345.00	HCE50528	7	0201a
049-0304-019-0000	7498FRAN02	7498 Franklin Bl #2	Robert Smith & Jeanne Smith	759.00	HCE48437	8	0656
049-0340-049-0000	34CASE00	34 Caselli Cr	Secretary of Housing & Urban Dev	1,691.65	HCE50518	8	0656
049-0350-041-0000	4094SAVA00	4094 Savannah Ln	Carolyn Dabney	690.00	HCE50497	8	0201a
052-0041-003-0000	765422ST00	7654 22nd St	L. Bruce Nybo Inc.	759.00	HCE50506	7	0656
053-0153-010-0000	7860DEER00	7860 Deerhaven Wy	James W Laws & Joyce D Laws & Tr Et Al	2,282.75	HCE50532	7	0201a
225-0831-025-0000	1181RION00	1181 Rio Norte Way	Mark Mathis & Hilari Jones-Mathis	1,483.50	HCE50526	1	0656
237-0130-011-0000	909BLAI00	909 Blaine Av	Ora P. Lewis	1,534.00	HCE50530	2	0656
237-0213-018-0000	1169JEAN00	1169 Jean Av	MTG Trust	1,725.00	HCE50524	2	0201a
237-0312-007-0000	1401NORT00	1401 North Av	Barbara A. Cook-Hill	1,000.00	HCE50487	2	0656
250-0063-009-0000	564MORR00	564 Morrison Av	Alphonso Lewis	1,753.75	HCE50529	2	0201a
251-0161-016-0000	3516MAY00	3516 May St	JC Investment LP	1,093.79	HCE50533	2	0201a

AMENDED RESOLUTION NO.:

DATE ADOPTED:

5

Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
263-0232-009-0000	552SANT00	552 Santiago Av	Keith Miller	1,437.50	HCE50534	2	0201a
277-0064-016-0000	2373ETHA00	2373 Ethan Wy (aka: 2371, 2375 Ethan Wy)	Madhav A Unde	3,030.25	HCE50525	3	0201a

TOTAL TO BE LIENED:

\$35,291.64

NOTE: The following individual's appeals were upheld; therefore, the fees and penalties were removed:

<u>Case Number</u>	<u>Property Owner</u>	<u>Invoice Number</u>	<u>Council District</u>
1500QST00	Charles Frost Aaron, Trustee, Etal, Intra Pacific Commercial	HCE50511	4

AMENDED RESOLUTION NO. :

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

\_\_\_\_\_

**PRIORITY**

1.3

RECEIVED  
CITY CLERK'S OFFICE  
CITY OF SACRAMENTO

JAN 12 11 36 AM '99

January 9, 1999

The DSH 3rd Family Limited Partnership  
1815 Port Stanhope Place  
Newport Beach, CA 982660

*City Council Chairman*  
**Sacramento City Council**  
915 "I" Street  
Sacramento, CA 95814

*Via Overnight Mail*

**Re: Case # 215863AV00**  
**2158 63rd Avenue**  
**047-0132-008-0000**

Dear Sir:

I am in receipt of a notice that a hearing will take place at 2:00 PM 1/12/99 for an adoption of a resolution placing a lien on the above referenced property, which results from a Housing Appeals Board Resolution.

I have been in contact with Sacramento City Attorney Steve Johns concerning this matter and I wish to appeal the resolution of the December 9, 1998 meeting of the housing board concerning my property to the city council and if necessary to Superior court. All evidence has been previously forwarded to the Housing code advisory and appeals board for their 12/9/98 hearing.

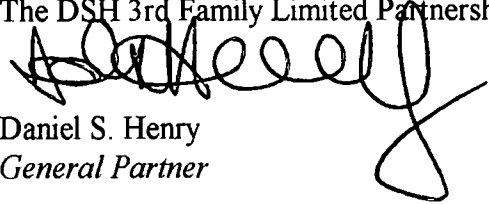
The housing board is attempting to hold us responsible for actions and relocation of tenants who were in breach and not in conformance with their rental agreement. The housing board needs to look to the individuals they relocated for relief, since the breach arose before the complaint was filed.

**Please consider this letter as formal notice of my appeal concerning the ruling on December 9, 1998 of the Housing Code Advisory and Appeals Board. Should you require additional information from us, please advise.**

Should you have any questions, I may be reached at 949-640-7262.

Sincerely,

The DSH 3rd Family Limited Partnership

  
Daniel S. Henry  
General Partner

**PRIORITY**

January 9, 1999

COPY

The DSH 3rd Family Limited Partnership  
1815 Port Stanhope Place  
Newport Beach, CA 982660

Mr. Ronald A. Reta  
*Chairman*  
Housing Code Advisory and Appeals Board  
1231 "T" Street, Suite 100  
Sacramento, CA 95814

*Via Fax: 916-264-6833 (Original By Overnight Mail)*

**Re: Case # 215863AV00**  
**2158 63rd Avenue**  
**047-0132-008-0000**

Dear Mr. Reta:

I am in receipt of your legal notice that a City Council Hearing will be held on 1/12/99 for an adoption of a resolution placing a lien on the above referenced property.

I have been in contact with Sacramento City Attorney Steve Johns concerning this matter and I wish to appeal the resolution of the December 9, 1998 meeting of the housing board concerning my property to the city council and if necessary to Superior court.

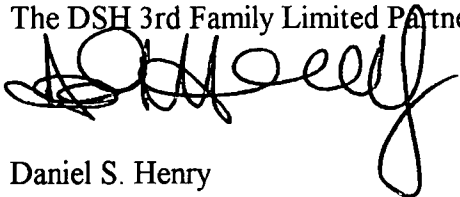
The housing board is attempting to hold us responsible for actions and relocation of tenants who were in breach and not in conformance with their rental agreement.

**Please consider this letter as formal notice of my appeal concerning the ruling on December 9, 1998 of the Housing Code Advisory and Appeals Board.**

Should you have any questions, I may be reached at 949-640-7262.

Sincerely,

The DSH 3rd Family Limited Partnership



Daniel S. Henry  
*General Partner*

cc: City Council Chairman  
Sacramento City Council  
915 "T" Street  
Sacramento, CA 95814



# LEGAL NOTICE

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

**WHEREAS**, the Housing Code Advisory and Appeals Board after proper notice, held a public hearing on December 9, 1998 in the Conference Room of the Planning and Development Building of the City of Sacramento on Housing Case No. 215863AV00 involving property owned by DSH 3rd Family Ltd Partnership, Daniel S. Henry and located at 2158 63rd Av in the City of Sacramento, and

**WHEREAS**, at the public hearing on the appeal of the Special Assessment Lien, the Board heard, considered and received all relevant evidence and material presented by all the interested parties, including the Building Inspector's case file and

**NOW THEREFORE BE IT RESOLVED**, after careful consideration of all relevant evidence and material presented, the Housing Code Advisory and Appeals Board, hereby finds that a special assessment lien in the amount of \$3,733.80 (Invoice #HCE50515) against the property known as 2158 63rd Av (APN: 047-0132-008-0000) located in the City of Sacramento and a personal obligation against the owner.

This also serves as notice that the City Council Hearing date is January 12, 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.

**RES. NO.** 7413  
**CASE NO.** 215863AV00  
2158 63rd Av  
047-0132-008-0000

**IT IS SO ORDERED**

**HOUSING CODE ADVISORY AND APPEALS BOARD**



Ronald A. Reta, Chairman