



# REPORT TO COUNCIL

## City of Sacramento

# 19

915 I Street, Sacramento, CA 95814-2604

[www. CityofSacramento.org](http://www.CityofSacramento.org)

**PUBLIC HEARING**  
**March 18, 2008**

**Honorable Mayor and  
Members of the City Council**

**Title:** Housing Case Fees and Penalties – Findings of Fact for Special Assessment Liens

**Location/Council District:** Citywide

**Recommendation:** Conduct a public hearing and upon conclusion adopt a **Resolution** placing special assessment liens on the properties in the amount of \$173,158.65 for unpaid fees and penalties and transmit the unpaid costs to the Sacramento County Auditor/Controller as special assessments against the properties.

**Contact:** Ron O'Connor, Code Enforcement Manager, 808-8183

**Presenters:** Ron O'Connor, Code Enforcement Manager

**Department:** Code Enforcement

**Organization No:** 4653

### **Description/Analysis**

**Issue:** Collection of delinquent fees and penalties are brought before the City Council to secure the debt by placing special assessment 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.

**Policy Considerations:** Conducting the special assessment 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 special assessment lien process, are consistent with policies associated with the City's goal to enhance and preserve the neighborhoods

**Environmental Considerations:** The proposed resolution will not have any adverse environmental impact.

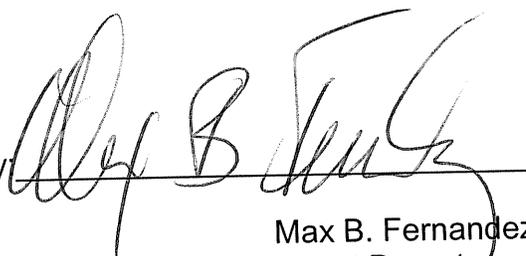
**Commission/Committee Action:** None

**Rationale for Recommendation:** Adopting this Resolution will enable the City to collect unpaid fees and penalties by placing special assessments upon properties, allowing the fees and penalties to be collected through County property tax collections.

**Financial Considerations:** Special Assessment 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 special assessment liens would be included in the approved budget.

**Emerging Small Business Development (ESBD):** Not Applicable

Respectfully Submitted by



Max B. Fernandez  
Director, Code Enforcement Department

Recommendation Approved:

  
Ray Kerridge  
City Manager

**Table of Contents:**

	Report	pg. 1
<b>Attachments</b>		
1	Background	pg. 3
2	Resolution	pg. 4
3	<b>Exhibit A:</b> Findings of Fact	pg. 6-7

**Attachment 1**

**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 has paid the fees and penalties.

We submit this Resolution to the City Council for declaration of a special assessment.

**RESOLUTION NO. 2008-**

Adopted by the Sacramento City Council

March 18, 2008

**ACCEPTING THE FINDINGS OF FACT OVERRULING PROTESTS AND  
PLACING LIENS ON PROPERTIES FOR UNPAID ASSESSMENTS  
FOR HOUSING AND DANGEROUS BUILDINGS CASE FEES AND PENALTIES**

**BACKGROUND**

- A. The Code Enforcement Department, Housing & Dangerous Buildings Inspections, in accordance with Sacramento City Code, Chapter 8.96 Article IX provided 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.
- B. Notice of the time and place of hearing was given in accordance with Sacramento City Code, Chapter 8.96 Article IX
- C. The Code Enforcement Department, Housing & Dangerous Buildings Inspections, established by competent evidence before the HCAAB and/or appointed third-party Hearing Examiner that the unpaid fees and penalties had been imposed in accordance with City Code.
- D. The Code Enforcement Department, established by competent evidence before the Hearing Examiner that in each case the unpaid fees and penalties are due.
- E. The City Council has found the unpaid fees and penalties to be a reasonable cost.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL  
RESOLVES AS FOLLOWS:**

- Section 1: The reasonable penalties in the aggregate amount not to exceed \$173,158.65 for unpaid fees and penalties is the sum set forth by the HCAAB and/or appointed third-party Hearing Examiners' findings of fact of hearings held December 12, 2007 and January 9, 2008. This amount may be reduced as staff determines necessary.
- Section 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.

Section 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.

Section 4: Such lien also constitutes a personal obligation against the owner of the property.

**Table of Contents:**

Exhibit A – List of Properties to be Liened

Housing Case Fees and Penalties – Liens

LINE	PARCEL NUMBER	CASE NUMBER	PROPERTY ADDRESS	PROPERTY OWNER	AMOUNT DUE	INVOICE NUMBER	CD	CTY CD
1	013-0341-028-0000	06-019437	3648 7th Av	Erik Clark	\$1155.00	RHP070034	5	0656
2	020-0122-066-0000	06-006530	4221 35th St	Maretta Dunigan	\$561.44	HCE070268	5	0678
3	021-0274-020-0000	H050017133	4401 79th St	U.S. BANK	\$1502.44	HCE070286	6	0278
4	265-0383-013-0000	H030026171	3109 Academy	Bob Odom	\$1275.44	HCE070289	2	0656
5	275-0095-011-0000	06-018934	551 Calvados Av	Johnson/Johnson LLC	\$1155.00	RHP070026	2	0656
6	275-0053-027-0000	06-022936	729 Dixieanne	Iyasere Blessing	\$2635.44	RHP070019	2	0656
7	275-0093-002-0000	06-012049	1916 El Monte Av	Erik Clark	\$135.00	HCE070313	2	0656
8	275-0093-002-0000	06-012049	1916 El Monte Av	Erik Clark	\$574.62	HCE070314	2	0678
9	275-0033-021-0000	06-018712	2461 Fairfield St	Dinh Quach	\$1120.45	RHP070022	2	0656
10	011-0131-004-0000	H050018914	4825 T St	Cleona A., Kent D. and Margaret L. Howard	\$1630.00	HCE070223	6	0656
11	117-0680-032-0000	H050044302	6 Tearpak Ct	Barbara J Martinez	\$1475.45	HCE070256	7	0656
12	021-0341-009-0000	06-012822	7241 20th Av	Roy F. Ridley Jr.	\$3997.88	VECT070010	6	656
13	021-0341-009-0000	06-012822	7241 20th Av	Roy F. Ridley Jr.	\$2000.00	CEAP070103	6	656
14	020-0266-005-0000	H050047119	3332 21st Av	Oyenkansola Olayemi	\$1388.32	HCE080019	5	0629
15	020-0266-005-0000	H050047119	3332 21st Av	Oyenkansola Olayemi	\$1229.00	HCE080020	5	0678
16	020-0266-005-0000	H050047119	3332 21st Av	Oyenkansola Olayemi	\$1676.67	HSAP080003	5	0656
17	010-0385-008-0000	H060003947	2800 37th St	James E. Temidra	\$1155.00	HCE080034	5	0656
18	013-0401-012-0000	361637ST01	3616 37th St	Thomas Hennigan	\$396.99	HCE080012	5	0678
19	263-0021-013-0000	06-016440	431 Arcade Bl	Gary R Perez	\$1175.79	HCE080003	2	0656
20	262-0286-001-0000	06-014817	990 Arundel Wy	Dharminder S Mann	\$1280.00	HCE080036	1	0656
21	237-0263-012-0000	06-014984	4301 Austin St	LG Homes LLC	\$524.24	HCE080037	2	0678
22	040-0133-008-0000	06-022868	7608 Bellini Wy	Deani Gaines (Estate of)	\$1175.79	VECT070008	6	0656
23	016-0032-003-0000	H060008179	4113 Canby Wy	Brian Tracy	\$1055.00	HCE080045	4	0656
24	053-0051-010-0000	07-029057	7636 Detroit Bl	Ram Neeta	\$3978.18	HCE080023	8	0657
25	250-0091-008-0000	06-016159	628 Grand Av	Carolyn S Wilson	\$814.12	HCE080051	2	0678
26	266-0170-017-0000	06-001021	2136 Juliesse Av	Damaris Canton	\$1175.79	HCE080005	3	0656
27	266-0170-017-0000	06-001021	2136 Juliesse Av	Damaris Canton	\$768.00	HCE080006	3	0678
28	266-0170-017-0000	06-001021	2136 Juliesse Av	Damaris Canton	\$1000.00	HSAP080001	3	0656
29	006-0098-006-0000	06-024264	810 K St	Mohammed H Mohanna	\$98,592.19	HCE070317	1	0201
30	006-0098-006-0000	06-024264	810 K St	Mohammed H Mohanna	\$1952.40	HCE070318	1	0678
31	265-0371-004-0000	06-020505	1708 Kenwood	Daniel & Judith Freitas	\$7905.79	HCE070217	3	0201
32	265-0371-004-0000	06-020505	1708 Kenwood	Daniel & Judith Freitas	\$4178.89	HCE070218	3	0678
33	021-0342-005-0000	F050024048	7414 Marin Av	Juanita Carter	\$500.00	HSAP080006	6	0656
34	048-0231-013-0000	06-018466	84 Nedra Ct	Chandar P. and Prem L. Chauhan	\$636.79	HCE070220	8	0678
35	007-0242-020-0000	H050011171	1815 P St	P Street Ventures LLC	\$85.00	HCE080063	3	0656
36	009-0062-025-0000	H020020239	626 S St	Joseph Sais Sr/Elena R Sais	\$555.00	HCE080022	4	0629
37	009-0062-025-0001	H020020239	626 S St	Joseph Sais Sr/Elena R Sais	\$5074.00	HSAP080004	4	0656
38	009-0062-025-0002	H020020239	626 S St	Joseph Sais Sr/Elena R Sais	\$1000.00	HSAP080005	4	0656
39	117-0220-024-0000	H040021999	8159 Sheldon Rd	Jaya Devi Family Trust 2003	\$1194.60	HCE070221	8	0656

March 18, 2008

Housing Case Fees and Penalties – Liens

40	010-0141-041-0000	H030011914	3421 Truckee Wy	Rose L Yeramian	\$1599.43	HCE080069	5	0678
41	023-0175-001-0000	06-006764	7200 Vandenberg Dr	David Zavala	\$1170.62	HCE080070	6	0656
42	250-0301-014-0000	07-026770	3364 Western Av	Nirmal S Singh	\$429.00	HCE080073	2	0678
43	250-0301-014-0000	07-026770	3364 Western Av	Nirmal S Singh	\$1691.00	HCE080074	2	0629
44	250-0050-037-0000	07-029183	700 Williams Av	Josephina Cabana/Cuahutemoc Coronel	\$1233.00	HCE080072	2	0656
45	041-0054-015-0000	06-001343	2516 Yreka Av	Harnam Singh/Naranjan K Singh	\$1072.62	HCE080075	5	0656
46	013-0282-007-0000	06-019209	3060 8th AV	Susan Elaine Rushing/Thomas Anthony Sheff	\$1248.64	RHP080004	5	0656
47	275-0074-023-0000	06-018978	2250 Dale Av	Bank of New York as Trustee for the Certificate Holders CWABS, Inc.	\$1233.00	RHP080006	2	0656
48	013-0281-032-0000	06-019205	3217 Franklin Bl	Jose Polendo/ Jose Polendo Jr	\$903.83	RHP080005	5	0656
49	252-0012-005-0000	06-024296	3935 Jasmine St	Emanuel Gomez	\$1155.00	HCE080053	2	0656
50	022-0065-012-0000	H040023300	4961 48 <sup>TH</sup> St	Alfonso Jimenez/Guadalupe Cervantes	\$655.00	HCE070094	5	0656
51	025-0134-012-0000	H050023520	5669 Bradd Wy	Robert f Rangel/Eiva S Rangel	\$1081.80	HCE070100	4	0656
				<b>TOTAL</b>	<b>\$173,158.65</b>			