

ORDINANCE NO. 2008-055

Adopted by the Sacramento City Council

November 25, 2008

AN ORDINANCE AMENDING SECTION 8.120.210 OF THE SACRAMENTO CITY CODE AND ADDING SECTIONS 8.120.220 THROUGH 8.120.270 OF THE SACRAMENTO CITY CODE RELATING TO THE COLLECTION OF UNPAID FEES, COSTS OR CHARGES; AND AMENDING SECTION 8.120.050 OF THE SACRAMENTO CITY CODE REGARDING THE ESTABLISHMENT OF FEES

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

BACKGROUND

Section 1.

Section 8.120.210 of the Sacramento City Code is amended to read as follows:

8.120.210 Collection - unpaid fees, costs or charges

- A. In addition to any other remedy provided by law, the city may collect any fee, cost, or charge imposed pursuant to this chapter that has not been paid within 45 days of notice thereof, by making the amount of the unpaid fee, cost, or charge a lien against the rental housing property that is the subject of the fees, costs or charges.
- B. The housing code advisory and appeals board, as established in Section 8.100.120 of this code, shall hear all objections to proposed liens, as described in this chapter.

Section 2.

Section 8.120.220 is added to the Sacramento City Code to read as follows:

8.120.220 Collection - notice of proposed lien and hearing

- A. The city shall provide the owner of the property with written notice in plain language of:
 - 1. the proposed lien:
 - 2. a description of the basis for the amounts comprising the lien:

3. the owner's opportunity to pay the fee, cost or charge within 45 days after the mailing of the notice;
 4. the owner's opportunity to appear before the housing code and appeals board and be heard regarding the amount of the proposed lien; and
 5. the procedure for challenging the amount of the proposed lien as set forth in Section 8.120.230 of this code.
- B. The notice shall be mailed by certified mail to the last known address of the owner of the property.

Section 3.

Section 8.120.230 is added to the Sacramento City Code to read as follows:

8.120.230 Collection - objections

To challenge the amount of the proposed lien, the owner must file an objection with the director of finance within 10 calendar days from the mailing of the notice. No objection received after that date shall be considered. Each written objection must contain a description of the property that is the subject of the proposed lien and the grounds of the objection.

Section 4.

Section 8.120.240 is added to the Sacramento City Code to read as follows:

8.120.240 Collection – failure to object

The failure of the owner to file an objection in accordance with Section 8.120.230 of this code shall constitute a waiver of the owner's opportunity to challenge the amount of the proposed lien. If no objection is properly filed, the director of finance shall transmit a report of the proposed lien to the city council.

Section 5.

Section 8.120.250 is added to the Sacramento City Code to read as follows:

8.120.250 Collection - report to housing board, notice

- A. If any objection is timely filed with the director of finance, the director of finance shall transmit a report of the proposed lien and the objections thereto to the housing code advisory and appeals board, as established in Chapter 8.100 of this code.
- B. Upon the receipt of the report, the housing board shall fix a time, date and place for hearing the report, and any objections thereto. The director of finance shall cause notice of the hearing to be mailed by certified mail to the last known

address of the owner of the property at least 30 days prior to the date set for the hearing.

Section 6.

Section 8.120.260 is added to the Sacramento City Code to read as follows:

8.120.260 Collection - hearing before the housing board

Upon considering the report of the proposed lien and the objections thereto, the housing code advisory and appeals board shall follow, as nearly as practicable, those procedures that the city council would have followed if it had conducted the hearing. The housing board shall make a written recommendation to the city council which shall include factual findings based on evidence introduced at the hearing.

Section 7.

Section 8.120.270 is added to the Sacramento City Code to read as follows:

8.120.270 Collection - city council

- A. Upon receipt of a report of a proposed lien in accordance with Sections 8.120.240 or 8.120.260 of this code, the city council shall determine whether the proposed lien shall become a lien, and whether the amount of the lien is to be collected at the same time and in the same manner as property taxes are collected.
- B. In cases in which a hearing before the housing code advisory and appeals board has been held, the city council shall adopt the recommendation of the board without a hearing, or set the matter for a de novo hearing before the city council. Notice of the de novo hearing shall be provided to the property owner in writing, at least 10 days in advance of the scheduled hearing.
- C. If the city council determines that the proposed lien shall become a lien, the city council may also cause a notice of lien to be recorded. This lien shall attach upon recordation in the office of the Sacramento County Recorder and shall have the same force, priority, and effect as a judgment lien, not a tax lien. The notice of lien shall, at a minimum, identify the record owner or possessor of the property, set forth the last known address of the record owner or possessor, set forth the date upon which the lien was created against the property, and include a description of the real property subject to the lien and the amount of the lien.
- D. If the city council determines that the amount of the lien is to be collected at the same time and in the same manner as property taxes are collected, all laws applicable to the levy, collection, and enforcement of ad valorem taxes shall be applicable to the proposed lien, except that if any real property to which the lien would attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of taxes would

become delinquent, then the lien that would otherwise be imposed by this section shall not attach to real property and the costs of enforcement relating to the property shall be transferred to the unsecured roll for collection.

Section 8.

Section 8.120.050 of the Sacramento City Code is amended to read as follows:

8.120.050 Fees Established

- A. The following fees are established and imposed pursuant to the provisions of this chapter to finance the cost of the rental housing inspection program:
 - 1. **Rental Housing Inspection Program Fee.** A fee is established for the administration and implementation of the provisions of this chapter, i.e., the rental housing inspection program, for a period of five years. The fee shall be imposed for each rental housing unit and shall pay for the costs of all inspections conducted pursuant to this chapter, except those financed by the re-inspection fee. The total amount of the fee shall be billed and paid in equal annual installments over the five year term. However, the amount of the fee shall be fixed on the date the city issues the bill for the first installment.
 - 2. **Rescheduling Fee.** A fee is established for the administrative costs of re-scheduling an inspection that is cancelled in violation of Section 8.120.100 of this code.
 - 3. **Reinspection Fee.** A fee is established for an additional periodic inspection required by the city pursuant to Section 8.120.120 of this code.
- B. The city council shall establish the amounts of the foregoing fees, and any penalties for delinquent payment of such fees, by resolution.

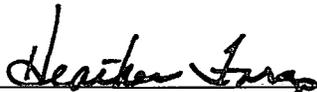
Adopted by the City of Sacramento City Council on November 25, 2008 by the following vote:

Ayes: Councilmembers Cohn, Fong, Hammond, McCarty, Pannell, Sheedy,
Tretheway, Waters, and Mayor Fargo.

Noes: None.

Abstain: None.

Absent: None.



Mayor Heather Fargo

Attest:



Shirley Concolino, City Clerk

Passed for Publication: November, 18, 2008

Published: November 21, 2008

Effective: December 21, 2008