



REPORT TO COUNCIL

City of Sacramento

16

915 I Street, Sacramento, CA 95814-2671
www.CityofSacramento.org

CONSENT
November 14, 2006

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:

Adopt a 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: Randy Stratton, Chief of Housing and Dangerous Buildings

Presenter: Randy Stratton

Department: Code Enforcement

Division: Housing and Dangerous Buildings

Organization No: 4653

Description/Analysis:

Issue: Collection of 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.

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.

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

Committee/Commission Action: None

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.

Emerging Small Business Development (ESBD): Not Applicable

Respectfully Submitted by:



MAX B. FERNANDEZ
Director, Code Enforcement Department

Recommendation Approved:


for BAY KERRIDGE
City Manager

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Attachments

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- 2 Draft Resolution pg. 4-5
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Attachment 2

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 exhibit 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.

Adopted by the Sacramento City Council

ACCEPTING THE FINDINGS OF FACT OVERRULING PROTESTS AND PLACING LIENS ON PROPERTIES FOR UNPAID ASSESSMENTS FOR HOUSING 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 in each case the unpaid fees and penalties had been imposed in accordance with City Code.
- D. The Code Enforcement Department, 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.
- 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:

- 1. The reasonable penalties in the aggregate amount not to exceed \$9,686.00 for unpaid fees and penalties is the sum set forth by HCAAB and/or appointed third-party Hearing Examiner findings in fact of hearing held September 27, 2006. This amount may be reduced as staff determines necessary.
- 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.

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Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	010-0377-004-0000	H040007791	3424 3 rd Av	Abdullah Abdul-Kateer & Badryyah	\$792.00	HCE060302	5	0678
2	013-0341-066-0000	H050043372	3317 9th Av	Victor Brown/Doris F Bostick/Constance J Scott	\$185.00	HCE060308	5	0656
3	117-0500-021-0000	H040042597	5500 Eden View	Granville Holdings LLC	\$1,155.00	HCE060290	7	0656
4	225-0972-020-0000	H040019616	1211 Fall Creek Wy	Angelica & Louis A. Gutierrez	\$1,230.00	HCE060289	1	0656
5	251-0161-005-0000	H040012880	3529 Belden St	Mike Rolon	\$312.00	HCE060280	2	0678
6	265-0072-027-0000	F040042152	3040 Rio Linda	Raymond C/Sharon G Schmitz	\$1,277.00	HCE060301	2	0656
7	265-0072-027-0000	F040042152	3040 Rio Linda	Raymond C/Sharon G Schmitz	\$2,250.00	HCE060305	2	0678
8	265-0072-027-0000	F040042152	3040 Rio Linda	Raymond C/Sharon G Schmitz	\$1,000.00	HSAP060018	2	0656
9	275-0016-011-0000	H050045529	182 Stanford Av	Sumuntra Wati	\$1,485.00	HCE060273	2	0656

TOTAL TO BE LIENED:

\$9,686.00

