



# REPORT TO COUNCIL

## City of Sacramento

# 15

915 I Street, Sacramento, CA 95814-2604  
www. CityofSacramento.org

**PUBLIC HEARING**  
**April 17, 2007**

**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 liens on the properties in the amount of \$16,404.75 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, 808-6497

**Presenters:** n/a

**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 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.

**Commission/Committee Action:** None

**Rationale for Recommendation:** 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:   
FOR  
Max B. Fernandez  
Director, Code Enforcement Department

Recommendation Approved:

  
for Ray Kerridge  
City Manager

**Table of Contents:**

Report	pg. 1
<b>Attachments</b>	
1 Background	pg. 3
2 Resolution	pg. 4
3 Findings of Fact	pg. 5
<b>Exhibit A:</b> Findings of Fact for Special Assessment	pg. 6

**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. 2007-**

Adopted by the Sacramento City Council

April 17, 2007

**ACCEPTING THE FINDINGS OF FACT OVERRULING PROTESTS AND  
PLACING LIENS ON PROPERTIES FOR UNPAID ASSESSMENTS  
FOR CODE ENFORCEMENT 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 \$16,404.75 for unpaid fees and penalties is the sum set forth by the HCAAB and/or appointed third-party Hearing Examiners' findings of fact of hearing held February 28, 2007. 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

Exhibit A

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	003-0104-009-0000	H030027896	2826 C St	Steven C Kuhs	\$985.00	HCE070064	3	0656
2	010-0384-019-0000	H060002956	3617 3rd Av	Pilar M & Dolores Herrera	\$1,419.75	HCE070012	5	0656
3	010-0384-019-0000	H060002956	3617 3rd Av	Pilar M & Dolores Herrera	\$3,228.00	HCE070013	5	0678
4	014-0181-009-0000	H050025203	3116 San Carlos Wy	Mega Bay LLC	\$370.00	HCE070087	5	0678
5	018-0082-011-0000	F060000008	2170 20th Av	Lawrence Leventon Trust	\$1,230.00	HCE070016	5	0656
6	020-0264-006-0000	H050013859	3440 21st Av	Joseph Canas	\$1,344.00	HCE070091	5	0656
7	020-0264-006-0000	H050013859	3440 21st Av	Joseph Canas	\$2,994.00	HCE070092	5	0678
8	238-0112-020-0000	H050022691	313 Anderson Ct	Midwest First Financial LLP IV	\$1,230.00	HCE070053	2	0656
9	262-0171-018-0000	06-001218	2809 American Av	Joan R. Jensen Living Trust	\$1,711.00	HCE070057	1	0678
10	265-0171-036-0000	H040040184	2850 Branch St	Richard D Hollway	\$672.00	HCE070097	2	0678
11	265-0171-036-0000	H040040184	2850 Branch St	Richard D Hollway	\$221.00	HCE070098	2	0656
12	265-0171-036-0000	H040040184	2850 Branch St	Richard D Hollway	\$1,000.00	HSAP070010	2	0656
<b>TOTAL TO BE LIENED</b>					<u>\$16,404.75</u>			