REPORT TO COUNCIL
City of Sacramento

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

PUBLIC HEARING
June 12, 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 $18,920.70 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: 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: 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: 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

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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

June 12, 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 $18,920.70 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 April 11, 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.

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Exhibit A – List of Properties to be Liened

Housing Case Fees and Penalties - Liens June 12, 2007

Exhibit A

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	007-0025-003-0000	H050025676	2312 H St	Steven Craig Cvitanov	$752.50	HCE070109	3	0656
2	013-0292-004-0000	H060008339	3324 6th Av	Robert & Doreen Fisher	$1,330.00	HCE070115	5	0656
3	020-0275-006-0000	H040029207	3830 21st Av	Victor S Correa & Milian Maldonado	$1,155.00	HCE070122	5	0656
4	030-0422-042-0000	E050010192	598 Rivercrest	Harvey R. & Selma Zall	$1,305.00	VECT060012	7	0206
5	036-0155-007-0000	06-004603	6721 Carnation Av	J/E Real Estate Investments LLC	$1,155.00	HCE070126	5	0656
6	036-0155-007-0000	06-004603	6721 Carnation Av	J/E Real Estate Investments LLC	$270.00	HCE070127	5	0678
7	252-0112-002-0000	H060009406	3737 Jasmine St	Paul Hamilton	$1,177.00	HCE070140	2	0656
8	263-0184-001-0000	H040039085	2599 Norwood	Bear Stearns Asset Backed Securities	$1,155.00	HCE070124	2	0656
9	265-0202-042-0000	F050025506	2732 Rio Linda Bl	CJA Investments LLC	$1,625.00	HCE070117	2	0656
10	265-0202-042-0000	F050025506	2732 Rio Linda Bl	CJA Investments LLC	$6,097.20	HCE070118	2	0678
11	274-0173-028-0000	H010005043	450 Columbus Av	Nemecio & Maria R. Gutierrez	$200.00	HCE070105	1	0656
12	274-0173-028-0000	H010005043	450 Columbus Av	Nemecio & Maria R. Gutierrez	$200.00	HSAP070011	1	0656
13	274-0173-028-0000	H010005043	450 Columbus Av	Nemecio & Maria R. Gutierrez	$2,499.00	HSAP070012	1	0656
				TOTAL TO BE LIENED	$18,920.70			