REPORT TO COUNCIL
City of Sacramento

14

915 I Street, Sacramento, CA 95814-2671
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CONSENT
December 6, 2005

Honorable Mayor and
Members of the City Council

Subject: 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

Summary:

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.

Committee/Commission Action: None

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.

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.

Environmental Considerations:

The proposed resolution will not have any adverse environmental impact.

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.

Emerging Small Business Development (ESBD):

Not Applicable

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Respectfully Submitted by:

Max B. Fernandez
Director, Code Enforcement Department

Recommendation Approved:

ROBERT P. THOMAS
City Manager

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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 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 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 $67,840.86 for unpaid fees and penalties is the sum set forth on Exhibit A incorporated into this Resolution. 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.

5. The City Clerk shall transmit a certified copy of this Resolution to the Sacramento County Auditor/Controller.

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Exhibit A: Case Fees & Penalties (2 pages)

Line #	Parcel Number	Case Number	Property Address	Property Owner	Amount Due	Invoice Number	Council District	County ID
1	006-0012-028-0000	H040003675	926 2nd St	Hildebrand Exempt Residual/Hildebrand Et	$965.00	HCE050264	1	0656
2	010-0134-001-0000	H020004505	3100 T St	Jick Wai Lam & Man Yee	$521.64	HCE050244	2	0678
3	010-0321-008-0000	H040032939	3548 Y Street	Cora Rogers	$1,625.00	HCE050288	5	0656
4	010-0321-008-0000	H040032939	3548 Y Street	Cora Rogers	$3,804.00	HCE050289	5	0678
5	010-0385-001-0000	H040014784	2801 36th St	Daniel Jr & Pamela J Belsito	$185.00	HCE050247	5	0656
6	014-0071-019-0000	H040035653	2520 39th Street	Lovice R. Alton	$31,819.69	HCE050242	5	0678
7	014-0073-071-0000	H040017532	3719 2nd Ave	Christmas Land Company	$810.00	HCE050266	5	0656
8	015-0123-023-0000	HSG9901749	3300 53rd St	Joseph R. Quintero	$200.00	HCE050269	5	0656
9	018-0013-019-0000	H040040607	4109 Lotus Av	Virginia J Pestal-Meder	$7,290.00	HCE050263	5	0678
10	020-0133-020-0000	H050003638	4219 38th St	Christopher D & Teresa Boley	$119.00	HCE050283	5	0656
11	020-0273-012-0000	H030030287	3744 21st Av	Duc Tran	$910.00	HCE050248	5	0656
12	020-0273-012-0000	H030030287	3744 21st Av	Duc Tran	$432.00	HCE050249	5	0678
13	022-0014-008-0000	H020015641	3501 24th Ave	Maria E. Garcia	$1,155.00	HCE050241	5	0656
14	052-0064-001-0000	H030037014	1900 Monarch Ave	Rita L. Roberts	$1,155.00	HCE050282	8	0656
15	052-0113-046-0000	H040035940	1572 Armington Ave	Sam Law 1994/RT Deanna Willie Thornton	$1,447.00	HCE050268	5	0678
16	052-0141-015-0000	H040018579	7748 Reenel Wy	Andrea Warren	$288.00	HCE050255	8	0678
17	078-0031-012-0000	H050002935	19 Waterglen Cr	Lawrence A. Spivock	$670.00	HCE050270	6	0656
18	117-0760-033-0000	H040036021	5250 Summerbrook Wy	Fou Yien Saechao/Muey Chio	$1,171.00	HCE050260	7	0656
19	237-0460-009-0000	H040011615	35 Bethesda Ct	Alicia H & Jesus D Medrano	$1,155.00	HCE050259	2	0656
20	251-0311-053-0000	H040032592	1122 Rivera Dr	Aleksandr Vilchitsa	$174.00	HCE050273	2	0678
21	251-0311-053-0000	H040032592	1122 Rivera Dr	Aleksandr Vilchitsa	$3,360.00	HCE050274	2	0201
22	251-0311-053-0000	H040032592	1122 Rivera Dr	Aleksandr Vilchitsa	$1,070.00	HCE050275	2	0656

23	252-0173-003-0000	H040027100	3637 Presidio St	Ruth A. Williams	$5,908.53	HCE050238	2	0201
24	262-0053-052-0000	F040033078	636 Tenaya Ave	Matthew Braxton Bonner	$1,172.00	HCE050276	1	0656
25	262-0053-052-0000	F040033078	636 Tenaya Ave	Matthew Braxton Bonner	$234.00	HCE050277	1	0678
26	277-0194-027-0000	HSG9900881	2144 Yorkshire Rd	Steve W & Mary Jo Cowan	$200.00	HCE050265	3	0656

TOTAL TO BE LIENED: $67,840.86