

City of Sacramento

Legislation Text

File #: 2020-00033, **Version:** 1

Title:

Code Compliance Case Fees and Penalties - Findings of Fact for Special Assessment (Noticed 10/18/2019, 11/20/2019 & 12/18/2019)

File ID: 2020-00033

Location: Citywide

Recommendation:

Conduct a public hearing and upon conclusion, adopt a Resolution making the unpaid expenses incurred by the City in abating nuisances, in the amount listed on Exhibit A and Exhibit B, personal obligations of the respective property owners and special assessments against their properties.

Contact: Peter Lemos, Code and Housing Enforcement Chief, (916) 808-8183, Community Development Department

Presenter: Peter Lemos, Code and Housing Enforcement Chief, (916) 808-8183, Community Development Department

Attachments:

1-Description/Analysis

2-Resolution

3-Exhibit A - Report of the Department Director - Special Assessments

4-Exhibit B - Report of the Department Director - Personal Obligations

Description/Analysis

Issue Detail: Collection of delinquent fees and penalties are brought before the City Council to secure the debt by making the costs a personal obligation of the respective property owners and/or a special assessment against the respective properties.

Policy Considerations: Conducting the public hearing is in accordance with Section 8.04.430 of the Sacramento City Code. All property owners were afforded an opportunity to appear before the delinquency lien hearing officer and protest or object to the imposition of the charge for abatement,

fees or the amount of the unpaid administrative penalty.

Prior to the assessment of fees and penalties, each property owner was issued the appropriate legal notices, as set forth in Section 8.04.390 of the Sacramento City Code and was afforded an opportunity to appear before the delinquency lien hearing officer to protest or object. After the hearing, the hearing officer submitted the final report, along with any revisions, corrections or modifications they deemed just, to the City Clerk to be transmitted to City Council. The City Clerk also issued and mailed to the objecting property owner the delinquency lien hearing officer decision via first class mail. Included in this notice was the date and time of the public hearing to be held by the City Council. The decision of the hearing officer is final, and judicial review must be conducted in the manner and time frame set forth in California Code of Civil Procedure Section 1094.6. Section 8.04.430 of the Sacramento City Code allows the City Council to order the expenses be made both a personal obligation of the property owner and a special assessment against the property.

Code compliance activities, including the cost recovery process, are consistent with policies associated with the City's goal to enhance and preserve the neighborhoods.

Economic Impacts: Not applicable.

Environmental Considerations: The Code Compliance Case Fees and Penalties - Findings of Fact for Special Assessment that is the subject of this report is not a project under the California Environmental Quality Act (CEQA). (Public Resources Code sections 21065 and 21080 and CEQA Guidelines section 15378(b)(4).)

Sustainability: Not applicable.

Commission/Committee Action: Not applicable.

Rationale for Recommendation: Adopting this Resolution will enable the City to collect unpaid fees and penalties by attaching special assessments against the properties, to be collected through County property tax collections, or a personal obligation of the property owner.

Financial Considerations: Upon City Council approval, unpaid fees and penalties become a personal obligation of the property owner or are attached as special assessments against the subject properties to be collected through Sacramento County property tax collections. If special assessments are utilized, the City receives distributions from the County for property tax and assessment revenue, which are deposited into the General Fund.

Local Business Enterprise (LBE): Not applicable.

