



# AGENDA REPORT

Community Development

<b>DATE:</b>	December 6, 2022
<b>TO:</b>	Mayor Butt and Members of the City Council
<b>FROM:</b>	Lina Velasco, Director of Community Development Eva Mann, Code Enforcement Manager
<b>Subject:</b>	Levy of Special Assessments for Fines and Costs Related to Unpaid Administrative Citations, Nuisance Abatements and Foreclosure Ordinance Fines
<b>FINANCIAL IMPACT:</b>	This action will enable the City of Richmond to collect outstanding receivables against the subject properties totaling \$770,972.82. These fees will off-set general fund expenditures related to Code Enforcement staffing and operations.
<b>PREVIOUS COUNCIL ACTION:</b>	<a href="#">Click or tap here to enter text.</a>
<b>STATEMENT OF THE ISSUE:</b>	The City Council must hold a public hearing and approve a resolution to initiate the process of levying special assessments to recover fines and costs for issuing administrative citations, nuisance abatement costs, and foreclosure fines for the time period of May 1, 2020, through April 30, 2022.
<b>RECOMMENDED ACTION:</b>	HOLD a public hearing; and ADOPT a resolution authorizing the City of Richmond to levy special assessments against certain properties with unpaid invoices related to administrative citations, nuisance abatement costs, and foreclosure ordinance fines pursuant to Richmond Municipal Code Chapters 2.62, 2.63, 6.38, 9.22 and 11.76 – Community Development, Code Enforcement (Lina Velasco/Eva Mann 510-621- 1283).

## **DISCUSSION:**

Richmond Municipal Code (“RMC”) Chapters 9.22.100, 2.62, and 2.63 authorizes the City of Richmond to levy special assessment liens against properties for failure to pay administrative fines, costs of abatement, and foreclosure fines including those imposed pursuant to RMC Chapters 11.76 and 6.38. Recoverable costs include those related to unpaid administrative citations, non-compliance fees, nuisance abatements, and foreclosure ordinance fines. The properties with outstanding fees are provided in Exhibit A of the attached Resolution. Due to the COVID-19 pandemic, the 2021 lien list was delayed to allow additional time for property owners to pay outstanding fines and fees due to the significant loss of jobs and uncertainty related to the pandemic. Therefore, the proposed list covers the time period of May 1, 2020, through April 30, 2022.

RMC Section 9.22.110(d) allows that, on a periodic basis, the City Manager or their designee to prepare and file with the City Clerk a report and assessment list which identifies all real property at which abatement work was done by the City and for which the owner has not fully reimbursed the City, within 30 days of the date of billing for work performed. The report and assessment list is required to provide a description of the real property at which the work was performed, the expenses incurred by the City and the names and addresses of the persons entitled to notice, as identified in RMC Section 9.22.100(c). The list in Exhibit A of the attached Resolution includes these properties with outstanding abatement work fees.

Any owner who objects to the proposed assessment and who desires to challenge the proposed assessment at the City Council hearing must submit all objections in writing to the City Clerk at least one day prior to the date of hearing (by December 5, 2022). A notice of the public hearing and the obligation of the owner to notify the City Clerk of their objection of the proposed assessment, in writing, was mailed to all owners on the list by the City Clerk. The failure of any owner to submit objections to the City Clerk, in writing, shall constitute a waiver of any such objections. [RMC Section 9.22.110(f)]

At the City Council hearing, only those persons who have submitted written objections to the City Clerk will be heard by the City Council. At the hearing, which constitutes the appeal hearing, the City Council may correct, modify, or eliminate any proposed assessment which it may deem excessive or otherwise incorrect. Thereafter, by vote and resolution, the City Council shall confirm each assessment and the amount thereof, as proposed or as corrected and modified, and order that an assessment be made as a personal obligation of the owner or, alternatively, assess it against the property. [RMC Section 9.22.110(g)]

The unpaid code enforcement fines may include administrative costs, the costs of City staff to abate the violations, and unpaid citations, to be assessed (levied) against the listed properties. When these charges remain unpaid for 30 days after the property owner is invoiced, the charges may become a lien on each parcel of land, collectible in the same manner as other municipal taxes. As part of the process to recover unpaid fees, City staff issued final invoices to owners notifying them of the City’s intent to levy

the property if fees are not paid. Those that fail to pay the outstanding fees and fines by the listed date in the final invoice are listed in Exhibit A and are recommended to be levied.

The imposed fees and/or fines shown in Exhibit A, Receivables for Unpaid Code Enforcement Fines, have not been paid by the property owners for the time period of May 1, 202, through April 30, 2022. There are a total of 133 properties on the proposed lien list totaling \$770,972.83.

**DOCUMENTS ATTACHED:**

Attachment 1 - Resolution

Exhibit A - Receivables for Unpaid Code Enforcement Fines