

1 [Consolidating City lien procedures and revising those procedures to conform to changes in
2 state law.]

3 **Ordinance amending Article XX of Chapter 10 of the San Francisco Administrative**
4 **Code by amending Sections 10.230, 10.231, 10.233, 10.234, 10.235, 10.236 and 10.237,**
5 **and adding a new Section 10.230A to specify that liens for nonpayment of financial**
6 **obligations owed to the City and County of San Francisco shall have the same priority**
7 **as judgment liens unless a different priority is authorized by state law, to delete**
8 **references to special assessments contained in these sections, to provide for notice of**
9 **proposed liens to property owners and to authorize the inclusion of administrative**
10 **charges in lien amounts.**

11 Note: Additions are *italic, Times New Roman*; deletions
12 are ~~*strikethrough italic, Times New Roman*~~.
13 Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

14 Be it ordained by the People of the City and County of San Francisco:

15 Section 1. Article XX of Chapter 10 of the San Francisco Administrative Code is
16 hereby amended by amending the title of that Article and Sections 10.230, 10.231, 10.233,
17 10.234, 10.235, 10.236, and adding a new Section 10.231A, to read as follows:

18 **ARTICLE XX**

19 **~~SPECIAL ASSESSMENT~~ LIEN PROCEDURE**

20 **SEC. 10.230. APPLICABILITY.** *The following procedures are adopted pursuant to*
21 *California Government Code Section 54988 and/or the charter city powers of City and County of San*
22 *Francisco. Where an ordinance of the City and County of San Francisco authorizes the*
23 *creation and ~~assessment~~ imposition of a liens to enforce financial obligations owed to the City*
24 *and County of San Francisco, the procedure set forth herein shall govern unless a different*
25 *lien procedure is specifically provided for. If another ordinance of the City and County authorizes a*

1 different lien procedure which is subsequently declared invalid by a court of competent jurisdiction,
2 then the procedures set forth in this Article shall apply.

3 **SEC. 10.230A. REQUEST FOR PAYMENT; NOTICE OF DELINQUENT ACCOUNT AND**
4 **PROPOSED LIEN; AUTHORIZATION FOR LIEN.**

5 (a) Prior to initiating proceedings under this Article for the imposition of a lien, the department
6 seeking to collect the fee, charge or cost at issue shall mail the property owner a written request for
7 payment. If the fee, charge or cost has not been paid within 30 calendar days of such notice, the
8 department may initiate lien proceedings pursuant to this Article to recover the amount due. Where
9 another ordinance authorizing a specific lien requires not less than 30 calendar days written notice to
10 the property owner prior to the initiation of lien proceedings, that notice shall constitute compliance
11 with this subsection.

12 (b) A department seeking to initiate lien proceedings shall, following the end of the 30 calendar
13 day period set forth in subsection (a), send the property owner via certified mail a written notice of
14 proposed lien that shall include information as to the amount due, instructions for payment, and the
15 name and telephone number of a department official to contact for questions or further information.
16 The notice shall further state that if the amount due is not paid within 45 days, it shall be considered a
17 delinquent account subject to lien pursuant to this Article and that before the lien may be imposed, the
18 property owner has the right to appear before the Board of Supervisors at a hearing regarding the
19 amount due. The notice shall also state that if the obligation remains unpaid, administrative fees,
20 penalties and interest (including interest on amounts due after they have become a lien and continuing
21 until paid) pursuant to this Article will accrue and become part of the lien.

22 (c) To the extent that an ordinance authorizing a specific lien does not provide for notice, or
23 establishes lesser notice requirements, this section shall establish minimum notice requirements. To
24 the extent that an ordinance authorizing a specific lien establishes greater or additional notice
25 requirements, those notice requirements shall control. The provisions of this section are not intended

1 to affect any notice requirements imposed by preemptive state or federal law.

2 (d) A financial obligation that is subject to this Article, and which remains unpaid after 45
3 calendar days from the date of the notice required pursuant to subsection (b) shall be deemed a
4 delinquent account. In accordance with the procedures set forth in this Article, the Board of
5 Supervisors may ensure collection of a delinquent account by making the amount thereof, along with
6 any administrative charges, penalties, fees and interest, a lien against the subject property.

7 **SEC. 10.231. REPORT TO BOARD OF SUPERVISORS.** Each head of a department
8 or office shall report *not less than annually* to the Board of Supervisors on delinquent accounts
9 as provided herein. The report to the Board of Supervisors shall contain the following
10 information for each such delinquent account:

- 11 1. The property owner's name;
- 12 2. The purpose of the charge, the payment for which is overdue;
- 13 3. The amount due, including penalty, *administrative charges* and interest;
- 14 4. The amount of the unpaid balance, including penalty on the delinquent payment;
- 15 5. A description of the parcel or property against which a lien may be assessed.

16 The descriptions of the parcels shall be those used for the same parcels on the Assessor's
17 map books for the current year; and

18 6. A recommendation on whether the lien procedure is appropriate for such
19 delinquent account; and if not, a detailed explanation of inappropriateness shall be included.

20 **SEC. 10.232. NOTICE OF HEARING.** Upon receipt of such report the Board
21 shall fix a time, date and place for a hearing on the report and any protest or objections
22 thereto, and shall cause notice of the hearing to be ~~mailed~~ *sent by certified mail* to each owner
23 of the property described in the report not less than ~~10~~ 20 days prior to the date of hearing.
24 *Such notice shall be mailed to the owner at the address maintained by the Tax Collector for the mailing*
25 *of property tax bills. In addition, where the proposed lien would be entitled to greater force, effect and*

1 *priority than that provided by law for a judgment lien, a copy of the notice shall be mailed to other*
2 *persons who have a recorded interest in the property.*

3 **SEC. 10.233. HEARING.** At the time fixed for the hearing on the report, the Board of
4 Supervisors shall consider it along with any protests or objections of the owners of the
5 ~~property~~ *properties* liable to be assessed for delinquent accounts *or of other persons with a*
6 *recorded interest in one or more of the properties.* The Board may make such revisions,
7 corrections or modifications of the report as it may deem ~~just, and in~~ *necessary.* In the event
8 that the Board is satisfied with the correctness of the report (as submitted or as revised,
9 corrected or modified), it shall be confirmed by resolution. The decision of the Board on the
10 report and on all protests or objections thereto shall be final and conclusive; provided,
11 however, any delinquent account may be removed from the report by payment in full at any
12 time prior to confirmation of the report. The Clerk of the Board shall cause the confirmed
13 report to be verified in form sufficient to meet recording requirements.

14 **SEC. 10.234. ~~COLLECTION OF ASSESSMENT CREATION OF LIEN.~~** Upon
15 ~~confirmation~~ *recordation* of the *confirmed* report by the Board, the delinquent charges contained
16 therein shall constitute a ~~special assessment~~ *lien* against the property.

17 ~~Each such assessment shall be subordinate to all existing special assessment liens previously~~
18 ~~imposed upon such property and paramount to all other liens except those for State, county and~~
19 ~~municipal taxes with which it shall be upon parity.~~ The lien shall continue until the ~~assessment lien~~
20 *value* and all interest, *fees* and penalties due and payable thereon are paid. All laws applicable
21 to the levy, collection and enforcement of *ordinary* municipal taxes shall be applicable to said
22 ~~special assessment~~ *lien*, subject to two exceptions: (1) if any real property to which the lien would
23 *attach has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide*
24 *encumbrancer for value has been created and attaches thereon, prior to the date on which the first*
25 *installment of taxes would become delinquent, then the lien that would otherwise be imposed by this*

1 *section shall not attach to the real property and the costs of enforcement relating to the property shall*
2 *be transferred to the unsecured roll for collection; and (2) liens recorded pursuant to this Article shall*
3 *only have the force, effect and priority of a judgment lien unless state law confers a different priority.*

4 **SEC. 10.235. RECORDATION; ADMINISTRATIVE COSTS AND INTEREST.** The
5 Clerk of the Board of Supervisors shall cause the confirmed and verified report to be recorded
6 in the County Recorder's office. *The lien on each parcel of property described in said report shall*
7 *carry additional charges for administrative expenses of \$50 or 10 percent of the amount owed,*
8 *whichever is higher, together with interest at the rate of one percent per full month compounded*
9 *monthly from the date of recordation of the lien on all charges due.*

10 **SEC. 10.236. FILING WITH CONTROLLER AND TAX COLLECTOR;**
11 **DISTRIBUTION OF PROCEEDS.** The Clerk of the Board of Supervisors shall file a certified
12 copy of each confirmed report with the Controller and Tax Collector within 10 days after
13 confirmation of the report, whereupon it shall be the duty of said officers to add the amount of
14 said ~~assessment~~ *lien* to the next regular bill for taxes levied against said property for municipal
15 purposes, and thereafter said amount shall be collected at the same time and in the same
16 manner as *ordinary* City and County *ad valorem real property* taxes are collected, and shall be
17 subject to the same procedure under foreclosure and sale in case of delinquency as provided
18 for property taxes of the City and County of San Francisco, *except that in conducting such a*
19 *foreclosure and sale, the City shall have only the authority and priority that it is entitled to for*
20 *enforcement of a judgment lien unless state law confers a different priority.*

21 Except for the release of lien recording fee authorized in Section 10.237, *where the*
22 *expenditure of City funds for which the lien is being imposed was made from departmental funds, all*
23 *sums collected by the Tax Collector pursuant to this Article shall be ~~distributed~~ allocated to the*
24 *credit of the department for which the ~~assessment~~ lien was ~~levied~~ imposed and to such other City*
25 *departments as are administering ~~to-collecting~~ collection of the lien for reimbursement of those*


1 expenses. *Where the costs for which the lien is imposed have been paid from the General Fund*
2 *instead of departmental funds, the sums collected shall be deposited in the General Fund, and not*
3 *allocated to the department for which the lien was imposed.* Unless otherwise authorized by law,
4 the proceeds of the lien transferred to the department may be used only to fund the activities
5 or undertakings the charge leading to the lien was designed to fund.

6 **SEC. 10.237. RELEASE OF LIEN, RECORDING FEE.** ~~On~~ Upon payment to the Tax
7 Collector of the ~~special assessment~~ lien amount, plus applicable penalties, administrative fees and
8 interest charges, the Tax Collector shall cause to be recorded a Release of Lien with the
9 County Recorder, and from the sum collected pursuant to Section 10.236, shall pay to the
10 County Recorder a Release of Lien fee of \$9.00.

11
12 APPROVED AS TO FORM:

13 LOUISE H. RENNE, City Attorney

14
15 By:

16 
17 DAVID A. GREENBURG
18 Deputy City Attorney



City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails Ordinance

File Number: 001916

Date Passed:

Ordinance amending Article XX of Chapter 10 of the San Francisco Administrative Code by amending Sections 10.230, 10.231, 10.233, 10.234, 10.235, 10.236 and 10.237, and adding a new Section 10.230A to specify that liens for nonpayment of financial obligations owed to the City and County of San Francisco shall have the same priority as judgment liens unless a different priority is authorized by state law, to delete references to special assessments contained in these sections, to provide for notice of proposed liens to property owners and to authorize the inclusion of administrative charges in lien amounts.

December 11, 2000 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee

December 18, 2000 Board of Supervisors — FINALLY PASSED

Ayes: 9 - Ammiano, Becerril, Bierman, Brown, Kaufman, Leno, Newsom, Yaki, Yee

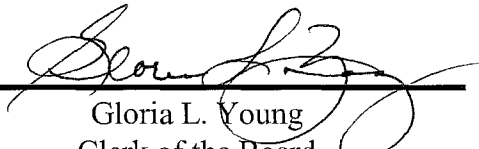
Absent: 2 - Katz, Teng

File No. 001916

I hereby certify that the foregoing Ordinance was FINALLY PASSED on December 18, 2000 by the Board of Supervisors of the City and County of San Francisco.

DEC 28 2000

Date Approved


Gloria L. Young
Clerk of the Board


Mayor Willie L. Brown Jr.