



City of Sacramento Code Enforcement: Complaint to “Dangerous Building” Case Lifecycle

Stages of a Code Enforcement Case and Required Records

Complaint Intake and Case Initiation

Code enforcement cases typically begin with a complaint, often via the City’s 311 service or online portal ¹. At this stage, a **record of the complaint** is created – this includes details of the alleged violation (address, description, date/time) and any complainant information provided. The complaint is logged in the City’s tracking system (e.g. 311 database or code case management software) and assigned a case number and officer. Even if the complainant remains anonymous (which is allowed through 311), the **intake record** should document the complaint itself. Key records generated here: the 311 service request entry or complaint form, and a case assignment entry in the code enforcement system.

Initial Inspection and Notice of Violation

A code enforcement officer will conduct an **initial inspection** of the property to verify the complaint. Department policy (though not explicitly published by the City, Sacramento County’s analogous policy is instructive) is to respond quickly for serious issues – e.g. within 72 business hours for urgent housing violations ². The officer’s findings must be documented. **Records at this step** include an inspection report or case notes detailing conditions observed, and often photographs of the property. If violations are found, the officer typically issues a **Notice of Violation** or **Warning Letter** to the property owner. For minor issues, this might be a courtesy notice giving the owner time to fix the problem. For serious violations (structural hazards, severe blight, etc.), the process may escalate more quickly. All notices or orders are **formal records** – they are usually generated on standard city forms and either posted on-site or mailed to the owner, with copies kept in the case file. These records are required by protocol to ensure there is a paper trail of the violation and the directive to abate it.

Escalation to *Dangerous Building* Status (BUSTER/HSG)

If the initial inspection uncovers conditions that render the structure unsafe or if the owner fails to correct violations, the case can escalate to the “**Dangerous Building**” level. In Sacramento, such cases are handled by the Housing & Dangerous Buildings unit of Code Compliance ³. (Internally, cases may be tagged as “HSG” for Housing or “*Dangerous Vacant Building*,” and the term *BUSTER* is informally used to refer to the City’s blight abatement program – essentially the process of securing or boarding up dangerous vacant structures.) At this stage, the City will issue a formal Notice and Order (N&O) declaring the building substandard or dangerous. The N&O is a crucial record: it itemizes code violations (citing the City’s Housing Code and Dangerous Buildings Code) and orders the owner to repair or demolish within a specified timeframe ⁴ ⁵. A copy is typically posted on the building and sent to the owner. If the structure is open and presents an immediate hazard, Code Enforcement may also perform an emergency board-up or securing* – often referred to as “HSG Boarded” in case logs – and document that action (including any warrant used to enter, before/after photos, and

contractor reports). All these actions generate records: the Notice & Order itself, proof of service (mailing or posting), inspection logs of each follow-up visit, photos, and if applicable, invoices or work orders for board-up. In the City's public code case database, one can see cases that progressed through these stages (e.g. a case categorized as "Complaint" initially, later labeled "Dangerous Vacant Building" with "HSG Boarded")⁶, confirming that a trail of documentation is expected from complaint intake through the dangerous building designation.

Owner Appeal Rights: The owner has the right to appeal a Notice and Order. Sacramento's Housing Code Advisory and Appeals Board hears these appeals. If an appeal is filed, additional records must be created – an appeal form, hearing notices, staff reports to the Board, and ultimately the Board's findings. The City's procedure document notes that at an N&O appeal hearing, the only issue is whether the violations existed when the N&O was issued⁷. Documentation of the hearing (agenda, minutes or decision letter) would be part of the case file. If no appeal is filed and compliance isn't achieved, the City may proceed to abatement (contracting demolition or repairs) and then place a lien for cost recovery – again producing records like contractor bids, lien notices, and a **Cost Recovery Hearing** record if held⁸⁹.

Internal Policies, Forms, and Documentation Protocols

The City of Sacramento expects code enforcement staff to thoroughly document each step. **Internal policy** (by practice and general code enforcement standards) is that all inspections and decisions be recorded in the case management system. Officers typically use standardized forms: e.g. a **Housing/Dangerous Building Inspection checklist**, a template for the **Notice & Order**, and various form letters (warning letter, notice of penalty, etc.). The City's Code Compliance division makes many forms public (e.g. appeal applications, boarding standards), though their internal procedure manuals are not published. Nonetheless, public records and city reports make clear that documentation is mandatory. For example, a 2016 ordinance clarifying enforcement roles emphasized "*proper control and authority*" in enforcing Dangerous Building and Housing codes¹⁰¹¹ – implying that procedures and recordkeeping needed standardization. Likewise, case tracking is computerized: the City's **Citizenserve/Accela** system logs case events (complaint, inspections, notices, etc.) with timestamps. Each case file should contain: the initial complaint entry, inspection notes, all notices/orders issued, copies of correspondence, photos, and any internal memos or supervisory approvals (for instance, declaring a building "immediately dangerous" might require Building Official sign-off). These records are subject to retention schedules – they must be retained for a period (often several years or permanently for abatement liens) under City policy and state law. In short, **at every milestone of a code case, a corresponding record or form is generated**, and internal protocols call for preserving those in the case file for accountability and potential legal review¹².

CPRA Disclosure Timeline Requirements

Once a Public Records Act (CPRA) request is made for these case records, the City **must adhere to strict timelines**. Under California law, the agency has **10 days** to respond with a determination of whether the requested records will be disclosed¹³. This initial response must state which records exist and which (if any) are exempt or will be withheld, along with the "**reasons therefor**"¹³. In "unusual circumstances" (e.g. voluminous records, off-site storage, inter-department consultation), the City can extend this deadline by up to **14 additional days** with written notice explaining the need for extension¹⁴. This means, at maximum, roughly 24 days from the request to issue a final determination. After that, the law requires records be made available **promptly** (with no specific outer limit, but without delay) once they are gathered and reviewed¹⁵.

It's important to note that *CPRA timelines are enforced by statute*: if the City fails to respond within 10 days, or unreasonably delays release, it violates Govt Code §6253. Additionally, **CPRA mandates agencies to assist requesters** in making focused requests and to **identify records that are responsive**, rather than summarily reject requests. Sacramento's City Clerk or records unit is expected to guide requesters if a request is broad or unclear. In practice, you should receive either the records or a written response citing specific exemptions within that 10-day window (or the extended 24-day window, if properly noticed).

Common Exemptions and Required Withholding Logs

Not all code enforcement records will be released in full – the City can redact or withhold certain information by citing CPRA exemptions. **Typical exemptions invoked in code enforcement cases include:**

- **Investigatory Records (Govt Code §6254(f)):** Records of complaints, investigations, or security files compiled by law enforcement agencies can be exempt from disclosure. The City often treats active code enforcement cases as investigatory files, especially if they might lead to enforcement actions (administrative or criminal). For example, one county explicitly notes that code enforcement investigation files are “usually confidential pursuant to the Public Records Act...because they are of an investigative nature that may lead to enforcement actions” ¹⁶. Sacramento may similarly cite §6254(f) to deny access to an *open* case file, on grounds that releasing it could jeopardize the investigation or enforcement. This exemption can apply even after a case is closed, although its use is more debatable once enforcement is complete. It's worth noting that California differentiates **administrative code enforcement** from criminal law enforcement – records of purely administrative cases (no criminal charges) are **not automatically exempt as police records** ¹⁷ ¹⁸. However, cities may still invoke the “*catch-all*” *public interest exemption* to withhold certain info (see below), and §6254(f) is broadly interpreted to protect complainant statements and investigation notes in code cases.
- **Identity of Complainants / Informants:** The name and personal information of the person who reported the violation is routinely withheld. The CPRA itself doesn't list this explicitly, but agencies rely on privileges and public interest to justify it. California law recognizes an “**official information**” **privilege and informant privilege** (Evidence Code §§1040, 1041) which protect the identity of persons supplying information to law enforcement. These privileges are incorporated into CPRA via Govt Code §6254(k) (exemption for records protected by other laws). Indeed, the League of CA Cities notes that even for administrative enforcement, “*names and contact information of complainants may be exempt from disclosure under the official information privilege, the identity of informant privilege, or the public interest exemption.*” ¹⁸. In practice, Sacramento's policy (like Sacramento County's) is to **keep complainant info confidential** ¹⁹. This means if you request complaint records, you might receive the complaint description but with the complainant's name/contact redacted or entirely omitted. The only exception would be if a court or appeals board requires that information (generally, it's not required to be disclosed to alleged violators under CPRA, absent a compelling showing that the interest of justice requires it).
- **Personal Privacy (Govt Code §6254(c)):** Any personal identifying details in the records (phone numbers, personal email addresses of owners or witnesses, medical or financial info, etc.) can be redacted to protect privacy. For example, if a code case file contains a letter from a neighbor with their contact info or photos that incidentally show persons, the City may redact faces or names under this exemption.

- **Preliminary Drafts or Notes (Govt Code §6254(a) / §6255 deliberative process):** Internal communications or notes that are not retained in the ordinary course of business can be exempt. For instance, if a code officer has rough notes that were later summarized in a formal report, or internal emails debating enforcement strategy, the City might claim they are deliberative and withhold them. The CPRA's *deliberative process exemption* (via §6255 or the "drafts" clause) allows withholding of intra-agency memoranda that reflect opinion, advice, or recommendation (not purely factual, final information) ²⁰ ²¹. In code cases, this could cover things like internal recommendations to pursue demolition versus rehabilitation. However, any factual material (inspection results, measurements, photographs) is generally not exempt under deliberative process and should be released unless another exemption applies.
- **Attorney-Client Privilege (Govt Code §6254(k)):** If the case involved legal advice (say the City Attorney's Office was consulted on a warrant or a lawsuit was threatened), those communications would be exempt as privileged. A **pending litigation exemption** (§6254(b)) could also be cited if the code case is in court or likely to go to court (though that's less common for routine code enforcement; it's more for active lawsuits).
- **Public Interest "Catch-all" (Govt Code §6255):** This broadly allows withholding if the agency demonstrates that on balance, the public interest in keeping the record confidential outweighs the public interest in disclosure. Agencies sometimes use this to justify withholding things not explicitly covered above – for example, withholding an entire active code case file by arguing disclosure could impede enforcement or expose a whistleblower, even if not strictly a police file. If they use this, they must *clearly state the specific interest and how it outweighs disclosure*. Overuse of this exemption has been criticized by courts, so it should be specific, not just boilerplate.

Withholding logs and justifications: Whenever records are withheld or redacted, the City **must provide a justification**. CPRA requires that the response letter **cite the specific exemption or legal basis** for each withholding and *"the reasons for the determination"* ¹³. If they deny a request in whole or in part, they also **must include the names and titles of persons responsible for the denial** ²² (a legal requirement under Govt Code §6255). In practice, many agencies provide a **withholding log or index**: essentially a list of the records or information withheld and the exemption applied to each. For example, the City might respond, *"We have withheld the name of the complainant under Govt Code §6254(f) and the informant privilege, and redacted personal phone numbers under §6254(c)".* If entire documents are withheld, the City should state the document and the exemption. This level of detail is not just courtesy – it's required to meet the CPRA's mandate that reasons be given. If you receive only a vague boilerplate refusal (e.g. "some records are exempt under the Public Records Act" without specifics), that is not a legally adequate response. You can demand a more specific exemption log. While California law doesn't explicitly force a FOIA-style Vaughn index unless in litigation, agencies are expected to **segregate disclosable portions and justify any deletions**.

Complainant Identity: Anonymity and Confidentiality

Anonymous vs. Named Complaints: Sacramento allows both. A complainant can choose to remain anonymous when reporting a code violation (311 even has an option for it, and many residents use it) ²³. If anonymous, obviously there is no personal identity to record, and the case file will just note "anonymous complaint." If the complainant provides their name, that information is recorded internally, but the City treats it as **confidential**. As noted, departmental policy is not to reveal complainant identities to the subject

of the complaint or the public ¹⁹. This is to encourage citizens to report issues without fear of retaliation. Under CPRA, the City will redact the name/address/phone of a complaining party from any released documents, citing the exemptions discussed (official information and informant privilege) ¹⁸.

The **limits of this confidentiality**: Generally, unless a court compels it, the City will not disclose who made a code complaint. If a case proceeds to an open hearing or trial where that testimony is needed, the complainant's identity might come out as part of due process (for instance, if the case became criminal and went to court, the defendant might obtain that through discovery). But under administrative enforcement, the City does not usually need the complainant to participate further – the case is based on the inspector's observations, not the neighbor's identity. Even in the Housing Code Appeals Board hearings, the focus is on the condition of the property, not who complained. Thus, in responding to records requests, the City will almost always either state "complainant information is exempt" or simply provide records with that portion redacted. Requesters should also be aware that if they ask for "all complaints about Property X," the City may provide the complaint *substance* (e.g. "report of overgrown yard and dangerous porch") but will omit any field containing the complainant's name. This practice is supported by law and has been upheld as a valid use of the informant exemption in code enforcement contexts ²⁴.

Common Procedural Pitfalls and Violations in Practice

In theory, every step from complaint to abatement is documented and transparent (internally, if not to the public). In practice, **several failure points** have been identified in Sacramento and elsewhere when it comes to following procedures and producing records:

- **Incomplete or Missing Documentation**: One issue is when officials fail to create or retain required records. For example, an inspector might give only a verbal warning for a minor issue and not log it, or might take photographs but never upload them to the system. Such lapses can lead the City to respond to a records request with "no responsive records" simply because the documentation wasn't properly kept. By policy, however, this is a violation – key actions (inspections, notices) *must* be recorded. If you suspect that something happened (e.g. you received a verbal notice or saw an inspector take notes) but the City claims no records exist, it could indicate **poor record-keeping or even improper destruction of records**. The City has records retention rules (usually requiring code enforcement case files to be kept for a number of years). Failing to document an inspection or losing a Notice & Order would violate those standards and possibly the Public Records Act if it was done to thwart disclosure. In other cases, agencies have been caught without proper logs of their actions, undermining enforcement (and giving grounds to appeal citations). Thus, **one common pitfall is inadequate documentation**, which becomes apparent when records are requested and found lacking.
- **Boilerplate CPRA Responses**: Another frequent problem is the use of generic, non-specific denial letters. Some requesters receive form letters stating things like "Pursuant to the California Public Records Act, the City is unable to disclose certain records" without identifying what is being withheld and why. This **fails the CPRA requirements** to cite specific exemptions and the names of those responsible ²². It's essentially a procedural violation. If you get a boilerplate response, it is appropriate to push back and request an **itemized exemption log or at least specific legal citations** for each category of withheld record. The City's legal obligation is to assist in a reasonable interpretation of the request and to segregate releasable information, not to issue blanket rejections. A well-documented case file will have portions that are clearly public (e.g. the Notice &

Order, which by its nature is served on the owner and often recorded as a public document) and portions that might be legitimately withheld (e.g. a complainant's name or an internal email). A failure to distinguish between the two — for instance, denying the existence of *any* records when in fact records exist but are being withheld — is a **misleading response** that can be challenged.

- **Delayed or Ignored Requests:** While the law sets clear timelines, in practice some agencies miss these deadlines or drag their feet. A common issue is an agency taking far longer than 24 days without proper notice, or providing records in a piecemeal fashion over many weeks for no good reason. This is effectively a **violation of CPRA's prompt disclosure mandate**. In Sacramento, there is an option to contact the City's Public Records Coordinator or even the City Attorney's office if a request is significantly overdue. Ultimately, the remedy for excessive delay or denial is to file a writ in court under CPRA, which some citizens have done when cities stonewall. The law provides for attorneys' fees if the requester prevails, which incentivizes agencies to comply rather than risk litigation.
- **Overbroad Use of Exemptions:** Some jurisdictions have been criticized for over-classifying code enforcement records as confidential. For instance, claiming the **investigative records exemption even after a case is closed** or when the request is for something innocuous like a summary of violations. Recall that purely administrative enforcement files are not categorically exempt as criminal investigation records ¹⁸. Overuse of exemptions can be a sign of the agency reflexively trying to withhold embarrassing information (like an officer's mishandling of a case or delays in response). In California, courts have ruled that exemptions must be narrowly construed – the agency bears the burden to justify withholding. Therefore, a pattern of citing every possible exemption without careful tailoring is a procedural red flag. In other cases, agencies have failed to provide the required **written denial with responsible names**, which can itself violate the law and factor against the agency if reviewed by a judge.
- **Lack of Proper Withholding Logs:** As mentioned, failing to enumerate what was withheld is a procedural failure. It leaves the requester guessing and unable to assess the validity of the City's claims. Best practice (and effectively required by §6253(c) and §6255) is to **provide a log**. If Sacramento simply says "no records" when some records are being withheld, that is improper. The correct approach would be to confirm records exist but are exempt (citing the sections). If the City provided no exemption log, a requester can send a follow-up citing the CPRA's requirement for reasons and insist on an adequate response.
- **Not Accommodating Complainants and Confidentiality Limits:** While the City does protect complainant identities, a failure point could be if a staffer accidentally releases a name or if the City had a policy requiring names for complaints (detering reporters). Sacramento appears to allow anonymous complaints (as noted above), which is good practice. A *potential* issue is if an officer were to reveal "Your neighbor at 123 Main complained" – that would violate policy and possibly privacy laws. Another limit: if a complainant is actually a competitor or someone with a malicious motive, sometimes owners have sought the name under a theory of public interest (to show harassment). Generally, agencies still deny it, but this can become a contentious point. To date, no major case has forced Sacramento to disclose a complainant's name absent extraordinary circumstances, and the City would likely stand on the exemption unless ordered by a court.

In summary, **each step of a code enforcement “complaint-to-dangerous-building” case should produce retrievable records**, and under CPRA the City must either disclose them or specifically justify withholding them. If the City responds with boilerplate or claims **“no responsive records exist”** for something that by all rights *should* exist (like a Notice and Order for a dangerous building case), you should suspect a mistake or improper handling. The appropriate action is to send a follow-up CPRA request or clarification, explicitly listing the records you believe exist (e.g. “the Notice and Order issued on [date] for case #XYZ”) and ask the City to confirm whether it has been withheld or truly does not exist. If the City persists in a non-answer, one might escalate by contacting the City Attorney’s Public Records Act coordinator or, ultimately, considering legal action. The law is on the requester’s side in requiring **clear, prompt, and specific responses**, and it provides remedies when an agency fails to meet its obligations. By knowing the **required documentation at each phase** (complaint intake log, inspection report, N&O, etc.), you can confidently press for those records or an explanation under CPRA. If the City’s response is unsatisfactory, pointing out these legal requirements and, if needed, referencing the relevant Government Code sections in your correspondence can often encourage a more thorough search or release. Remember, **transparency is the default under CPRA**, and exemptions are narrowly construed ²⁵ – a fact worth reiterating if you encounter a “no records” roadblock.

Sources:

- Sacramento City Code Compliance – *Housing and Dangerous Buildings* overview ²⁶ ¹ .
- City of Sacramento Code Enforcement case examples (Citizenserve portal) ⁶ .
- City of Sacramento Code Compliance Appeals Process (Housing & Dangerous Buildings Notice and Order appeals) ⁴ ⁵ .
- California Public Records Act (Gov. Code §6253 and §6255) – timeline and denial requirements ¹³ ²² .
- League of California Cities CPRA Guide – discussion of code enforcement record exemptions ¹⁷ ¹⁸ .
- Lassen County Code Enforcement policy (illustrating confidentiality of investigations and complainant identities under CPRA) ¹⁶ .
- Sacramento County Code Enforcement FAQ (complainant confidentiality and response timelines for housing complaints) ² ¹⁹ .

¹ ²⁶ Housing and Dangerous Buildings | City of Sacramento

<https://www.cityofsacramento.gov/community-development/code-compliance/housing-and-dangerous-buildings>

² ¹⁹ Violations

<https://code-enforcement.saccounty.gov/Pages/Violations.aspx>

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⁴ ⁵ ⁷ ⁸ ⁹ cityofsacramento.gov

<https://www.cityofsacramento.gov/content/dam/portal/cdd/Meetings/code-appeals-and-hearings/Appeals-and-Hearings-Process.pdf>

⁶ City Of Sacramento CAP

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<https://www.lassencounty.org/dept/planning-and-building-services/code-enforcement>

23 **Update: Notice of Unmaintained Yard : r/Sacramento - Reddit**

https://www.reddit.com/r/Sacramento/comments/13kcko1/update_notice_of_unmaintained_yard/