

**1. Discussion Objective:**

**Work Session Date: August 15, 2011**

Discuss Lien Reduction Process and Lien Amnesty program alternatives from various communities and determine preferred models for each.

**2. Submitter of Information:**

- Council
- Town Staff
- Town Attorney

**3. Estimated Time for this item: 45 minutes**

**4. Exhibits**

- a. City of Sanford ord 2008-4111
- b. City of Safety Harbor Lien reduction/Waiver program package
- c. Charlotte County Code Enforcement Lien relief Program package
- d. Clay County Code Enforcement Lien Reduction Appeal Policy
- e. City of Cape Coral Res 9-09 Policy and Criteria for Reduction of Code Enforcement Liens
- f. City of Cape Coral Res 10-09 Code Enforcement Lien Waiver/Amnesty program
- g. City of Pompano Beach Code Enforcement Lien Amnesty Program Fact Sheet

**5. Background:**

Effective Code Enforcement is accomplished through various elements of Town action including but not limited to inspections, Code Hearings and ultimately the imposition of monetary fines. Code fines are most often imposed on a set amount per day that the code violation continues after the daily fine is set by the Magistrate (hearing officer). Should the violation not be corrected, the fines continue on a daily basis until correction is achieved. At times, violators fail to achieve correct for months or years. Even when correction is achieved, violators may fail to provide payment.

The Town files liens with the courts in order to enable it to collect amounts owed in the future should the property change hands. Those fines can at times grow to significant sums. Property owners can petition the town to consider reducing such lien amounts in order to enable a sale or clean up of a property. In order to accomplish this in a fair and equitable manner, an adopted policy should be established.

A limited time Amnesty program has also been effectively used by local governments to encourage owners of properties with outstanding liens to pay a defined reduced amount to clear the lien cloud from their properties.

Town Manager	Town Attorney	Finance Director	Public Works Director	Community Development Director	Cultural Resources Director	Town Clerk
						

**ORDINANCE NO. 2008-4111**

**AN ORDINANCE OF THE CITY OF SANFORD, FLORIDA RELATING TO CODE ENFORCEMENT LIENS; PROVIDING THAT THE CITY MANAGER, OR DESIGNEE, IS AUTHORIZED TO EXECUTE AND RECORD A SATISFACTION OF LIENS UPON FULL PAYMENT OF CODE ENFORCEMENT FINES OR PENALTIES; PROVIDING THAT THE CITY MANAGER, OR DESIGNEE, SHALL CONSIDER ANY APPLICATIONS FOR REDUCTION OR FORGIVENESS OF CODE ENFORCEMENT FINES OR PENALTIES WHEN ORDERS IMPOSING SUCH FINES OR PENALTIES HAVE BEEN RECORDED IN THE PUBLIC RECORDS AND MAKE RECOMMENDATION TO THE CITY COMMISSION; PROVIDING CRITERIA FOR THE CITY MANAGER, OR DESIGNEE, AND THE CITY COMMISSION, TO FOLLOW WHEN CONSIDERING APPLICATIONS FOR REDUCTION OR FORGIVENESS OF LIENS; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY AND PROVIDING FOR AN EFFECTIVE DATE.**

WHEREAS, Section 162.09(3), *Florida Statutes*, provides that code Enforcement liens run in favor of local governing body, and the local governing body may execute a satisfaction or release of any code enforcement lien; and

WHEREAS, Section 162.09(2)(c), *Florida Statutes*, provides that the code enforcement board, or lawful designee, may reduce a code enforcement fine before the order imposing such fine has been recorded; and

WHEREAS, Attorney General Opinion 02-62 and Attorney General Opinion 99-03 opine that code enforcement boards or designee, are not authorized to reduce fines when code enforcement orders have been recorded in the public records, and that the local governing body is vested with the authority to reduce or satisfy liens after such liens have been recorded; and

WHEREAS, Attorney General Opinion 99-03 opines that a city commission may delegate its authority to execute satisfactions or release of code enforcement liens so long as such

delegation does not result in a complete divestiture of such liens by the city commission to a private party; and

WHEREAS, pursuant to Section 166.021, *Florida Statutes*, the City of Sanford through its home rule powers may exercise any power for municipal purposes except those expressly prohibited by law.

**NOW, THEREFORE, BE IT ENACTED BY THE CITY COMMISSION OF THE CITY OF SANFORD, FLORIDA:**

**SECTION 1. LEGISLATIVE AND ADMINISTRATIVE FINDINGS.** The above recitals (whereas clauses) are hereby adopted as the legislative and administrative findings of the City Commission.

**SECTION 2. APPLICATION FOR SATISFACTION OR RELEASE OF CODE ENFORCEMENT LIENS.** A new section to the Code of Ordinances of the City of Sanford is added to read as follows:

Where a certified copy of an order imposing a penalty or fine has been recorded in the public records and has become a lien against the land and/or property of the violator/property owner, such violator/property owner may apply for a satisfaction or release of such lien as follows:

- (a) Upon full payment by the violator/property owner of the fine or penalty imposed in accordance with this chapter, the City Manager or designee is hereby authorized to execute and record a satisfaction of lien.
- (b) Upon request for a reduction or forgiveness of a fine or penalty imposed in accordance with this chapter, the violator/property owner shall submit a written application to the City Manager or designee.
- (c) The application shall include the following:
  - (1) A copy of the order imposing a lien upon the property;

- (2) The code enforcement case number;
  - (3) The date upon which the violator/property owner brought the subject property into compliance with the requirements of the City Code;
  - (4) The factual basis upon which the violator/property owner believes the application for reduction or forgiveness of the lien should be granted;
  - (5) The specific terms upon which the violator/property owner believes a satisfaction or release of lien should be granted;
  - (6) The reasons, if any, compliance was not accomplished by the violator/property owner prior to the order of penalty or fine being recorded; and
  - (7) The amount of the reduction in penalty or fine sought by the violator/property owner;
  - (8) This application shall be executed under oath and sworn to in the presence of a notary public and delivered to the City Manager designee.
- (d) The violator/property owner shall submit at the time of application, payment to the City in the amount of \$100.00 to reimburse the City for its administrative costs associated with handling the application and recording the order imposing a penalty or fine and the requested satisfaction or release of lien. These costs are non-refundable, without regard to the final disposition of the application for satisfaction or release of lien.
- (e) Upon receipt of the application for satisfaction or release of lien and the payment provided above, the City Manager, or designee, shall confirm through the Code Enforcement Office that the violation which resulted in the order imposing penalty or fine has been brought into full compliance.
- (f) The City Manager, or designee, shall then review and consider the application for satisfaction or release of lien for the threshold criteria as follows:
- (1) If a property owner has acquired property on which a lien was recorded, a waiver or reduction of lien may not be granted for in such cases, the lien should have been identified and satisfied by the property owner at the time of acquisition, or

- (2) If a title insurance policy is issued upon the purchase of the property and the title insurance policy failed to identify or consider the lien, a waiver or reduction in lien may not be granted. In such cases, the lien should have been discovered by the title insurer and providing a reduction or waiver would place the City in the position of indemnifying the title insurer against its losses, which losses should be reflected in premium charges, or
  - (3) A request for waiver or reduction in lien may not be granted if the City Commission has previously reduced the amount of lien. This statement applies whether or not the request is received from the original applicant for reduction or a subsequent applicant.
- (g) If the City Manager or designee determines that the request fails any one of the above-established criteria guidelines, the City Manager or designee shall issue a written denial of the request. If the applicant wishes to appeal the City Manager's decision to the City Commission, the applicant may do so by filing a written appeal with the City Manager stating why the Commission should make an exception to its established guidelines and reduce or waive the lien. Upon proper appeal, the City Manager shall present the information to the City Commission at a regular meeting for their consideration and final determination.
- (h) If the City Manager or designee determines that the request does not fail any one of the above-established criteria guidelines, the City Manager or designee shall review the request further. The City Manager or designee, in determining its recommendations, shall consider the following factors:
- (1) The gravity of the violation(s);
  - (2) The time it took the violator/property owner to come into compliance;
  - (3) The accrued amount of the code enforcement fine or lien; as compared to the market value of the property and
  - (4) Any previous code violation(s) of applicant/owner.
  - (5) Consideration for the future or proposed use of the property for public purpose.
  - (6) Listing of all other properties owned by the applicant/owner in Seminole County, Florida.

- (i) The City Manager or designee shall place the application for satisfaction or release of lien upon the agenda of the next regularly scheduled City Commission meeting. The City Commission may take action based solely upon the sworn application, recommendation of the City Manager or designee and the applicant shall have opportunity to address the City Commission as to the factors warranting reduction or waiver of lien in considering the application for satisfaction or release of lien.
- (j) The City Commission may reduce the amount of the lien, waive the full amount of the lien or continue the lien in its full amount.
- (k) When a lien is satisfied as a result of full payment, reduced payment or waiver as ordered by the City Commission, the City shall record the satisfaction/release of lien in the Public Records of Seminole County, Florida and provide a copy to the property owner.

**SECTION 3. SAVING PROVISION.** This Ordinance shall be amended, modified and/or supplemented from time to time as the City Commission shall deem necessary to advance the best interests of the City and its citizenry in fulfilling the mandates of Chapter 162, Fla. Statutes, as amended.

**SECTION 4. SEVERABILITY.** If any Section or portion of a Section of this Ordinance proves to be invalid, unlawful, or unconstitutional, it shall not be held to invalidate or impair the validity, force, or effect of any other Section or part of this Ordinance.

**SECTION 5. CODIFICATION.** It is the intention of the City Commission of the City of Sanford, Florida, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinance of the City of Sanford, Florida; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intention; that the word, "Ordinance" may be changed to Section," "Article," or other appropriate word.

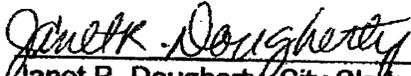
**SECTION 6. CONFLICTS.** All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall become effective immediately upon its passage and adoption.

**PASSED AND ADOPTED** this 23<sup>rd</sup> day of June, 2008.

Attest:

**CITY OF SANFORD, FLORIDA**

  
Janet R. Dougherty, City Clerk

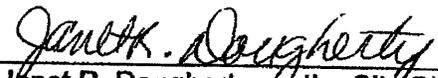
  
Linda Kuhro, Mayor

Approved as to form and legality:

  
Kenneth W. McIntosh, Assistant City Attorney

**CERTIFICATE**

I, Janet R. Dougherty, City Clerk of the City of Sanford, Florida, do hereby certify that a true and correct copy of the foregoing Ordinance No. 4111, PASSED AND ADOPTED by the City Commission of the City of Sanford, Florida, on the 23rd day of June, 2008, was posted at the front door of the City Hall in the City of Sanford, Florida, on the 25th day of June, 2008.

  
Janet R. Dougherty, as the City Clerk of  
the City of Sanford, Florida

**REQUIREMENTS FOR CODE ENFORCEMENT  
FINE/LIEN WAIVER OR REDUCTION**

**City of Sanford, Florida**

P.O. Box 1788, Sanford, FL 32772

300 N. Park Avenue

(407) 688-5160

1. **Completed waiver/reduction request form.** All blanks are to be filled in by applicant.
2. **Compliance.** The City Commission will not consider a request for a waiver or reduction of a fine until the property is in compliance with the Order.
3. **Written Explanation/Justification.** The City of Sanford's Commission rules and regulations require that the City Manager or the City Manager's designee consider certain criteria prior to reducing or waiving a fine/lien. In the space provided on the request form or with attached page(s), please provide an explanation of how and why your request meets the criteria of Ordinance 2008-4111 (attached).
4. **Timely Submission.** Request forms are required to be submitted at least three (3) weeks in advance to be heard at the City Commission meeting, which is, generally, the second and fourth Monday of each month.
5. **Application Fee.** A non-refundable application fee of \$100.00 (one hundred dollars) must be submitted with the application.

# City of Sanford



## REQUEST FOR REDUCTION OR WAIVER OF FINE/LIEN

Code Enforcement Case No. \_\_\_\_\_  
Address of Property under Fine or Lien: \_\_\_\_\_  
Owner's Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_  
Nature of Violation: \_\_\_\_\_  
Date Fine Began: \_\_\_\_\_ Compliance Date/  
Date Fine Ended: \_\_\_\_\_  
Daily Amount of Fine Imposed: \$ \_\_\_\_\_ Total Amount of Fine: \$ \_\_\_\_\_

I swear or affirm that the information I have provided on this Request is true and correct. I have paid the non-refundable \$100.00 application fee, and I have attached a copy of the Order imposing a fine/lien on my property.

\_\_\_\_\_  
Signature of Owner

\_\_\_\_\_  
Date

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
by \_\_\_\_\_, who is personally known to me or has produced  
\_\_\_\_\_ as identification.

\_\_\_\_\_  
Notary Public, State of Florida

**WRITTEN EXPLANATION/JUSTIFICATION**

The City of Sanford's Commission rules and regulations require written explanation and justification to request a waiver or reduction of the fine/lien. In the space below or on an attached sheet(s), please provide an explanation or justification of how and why your request meets the following criteria.

**1. FACTUAL BASIS FOR GRANTING REDUCTION OR FORGIVENESS OF LIEN:**

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**2. REASONS, IF ANY, COMPLIANCE WAS NOT ACCOMPLISHED PRIOR TO THE ORDER OF LIEN OR FINE BEING IMPOSED:**

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**3. AMOUNT OF REDUCTION OF LIEN OR FINE BEING SOUGHT:**

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**4. LIST ALL PROPERTY IN SEMINOLE COUNTY, FLORIDA, OWNED BY APPLICANT/OWNER:**

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**City of Safety Harbor Application For  
PETITION FOR REDUCTION OR WAIVER  
OF CODE ENFORCEMENT LIEN**

Date Received:	
Accepted by (initial):	
Case Number:	

All information fields must be completed before this application can be processed. Requests are not accepted until the application has been reviewed for completeness and all application criteria have been met. **You are required to read the Procedure for Lien Reduction or Waiver attached to this application prior to submitting your petition.**

**1. CONTACT INFORMATION:**

Applicant's Name:	
Representative's Name:	
Mailing Address:	
Telephone:	E-Mail:

**2. LIEN INFORMATION:**

Lien Address:		Parcel ID#:
Has the Applicant previously applied for lien reduction for this property?		
<input type="checkbox"/> Yes	<input type="checkbox"/> No	If yes, when?
Owner of Lien Address when lien was placed:		
Current owner of Lien Address:		
Current owner's relationship or affiliation with entity/person named in the lien:		
Other property located in Pinellas County belonging to the current owner:		

**3. CASE INFORMATION:**

Code Enforcement Case #:
Description of Code Violation(s):
Date found in Violation by the Code Enforcement Board:
Date ordered by the Code Enforcement Board to Come into Compliance:
Date property was found in compliance by Code Enforcement Officer on Affidavit of Compliance:

**4. REQUEST:**

LIEN AMOUNT	LIEN REDUCTION REQUEST	FILE DATE	OR BOOK	OR PAGE
\$	\$			
Please attach a copy of the order imposing a lien upon the property (must be included for your application to be considered)				

**5. STATE THE REASONS, IF ANY, COMPLIANCE WAS NOT OBTAINED PRIOR TO THE RECORDING OF THE ORDER IMPOSING THE FINE (Attach additional sheets if necessary):**




Under the penalty of perjury, the undersigns:

- ❖ swears or affirms that the information provided on this Application for Petition for Reduction of Code Enforcement Lien is true and correct;
- ❖ acknowledges that he/she has read the Procedure for Lien Reduction or Waiver; and
- ❖ further acknowledges that he/she was given an opportunity to ask questions regarding the Procedure for Lien Reduction or Waiver.

Applicant Signature	Printed Name

STATE OF FLORIDA  
COUNTY OF PINELLAS

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_ who is personally known to me or who has/have produced satisfactory photo identification.

Signature of Notary Public	Name of Notary (typed or printed)

NOTARY PUBLIC

NOTARY PUBLIC

**FOR SAFETY HARBOR USE ONLY:**

- APPLICATION COMPLETED IN ITS ENTIRETY
- APPLICATION PROPERLY NOTARIZED
- VERIFICATION MADE OF NO ACTIVE CODE CASES AT LIEN ADDRESS
- COPY OF LIEN ATTACHED

SCHEDULED FOR CITY COMMISSION CONSIDERATION ON:

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## **PROCEDURE FOR LIEN REDUCTION OR WAIVER**

The Safety Harbor City Commission has the discretionary authority to reduce or waive a lien or fine according to the procedure established in Resolution 2010-28. A person or entity requesting a reduction or waiver has no right to the reduction or waiver of a fine or lien. **Applications will not be accepted if the Lien Address (property subject to the lien) has any active codes cases.**

### **SCREENING PROCESS**

Once an application is received, the City Manager or his/her designee will confirm that the violation has been brought into compliance, then the City Manager or his/her designee will review and consider the application pursuant to the following threshold criteria:

- (1) if a property owner has purchased property on which a lien was recorded, a waiver or reduction of lien shall not be granted.
- (2) if a title insurance policy is issued upon the purchase of the property and the title insurance policy failed to identify or consider the lien, a waiver or reduction in lien shall not be granted.,
- (3) a request for waiver or reduction in lien shall not be granted if the City Commission previously has reduced the amount of the lien whether or not the request is received from the original applicant for reduction or a subsequent applicant.

If the City Manager, or his/her designee, determines that one or more of the above established threshold criteria applies to the request, the City Manager, or his/her designee, shall issue a written denial of the application. If the applicant wishes to appeal the City Manager's threshold determination to the City Commission, the applicant may do so by filing a written appeal with the City Manager asserting why the City Commission should make an exception to its established guidelines and reduce or waive the lien within fifteen (15) calendar days of the issuance of the City Manager's written denial. Upon the receipt of a proper and timely appeal, the City Manager shall present the information to the City Commission for its consideration and final determination.

## EVALUATION PROCESS

- ❖ If the City Manager, or his/her designee, determines that a request does not involve any of the above established threshold criteria that would warrant immediate dismissal, the City Manager, or designee, shall consider the following factors in formulating a recommendation to the City Commission on how much, if any, the lien should be reduced:

FACTOR	MAXIMUM LIEN REDUCTION
(1) Gravity of the Violation (impact on the public health, safety, and general welfare of the occupant(s) and surrounding properties.	
(a) Minor	50%
(b) Severe	25%
(2) Time to Come into Compliance from the date Notice of Violation is issued.	
(a) Under 6 months	30%
(b) 6-12 months	20%
(c) 1-2 years	10%
(d) More than two years	0%
(3) Previous Code Violations	
(a) No previous case history	20%
(b) Repeat Violator	0%
<i>Total Possible Lien Reduction</i>	<i>100%</i>

## **DECISION PROCESS**

- ❖ **The City Manager shall place the application for satisfaction or release of lien upon the agenda of a City Commission meeting. The City Commission may take action based solely upon the sworn application, recommendation of the City Manager, and the applicant's written statements, if any, to the City Commission as to the factors warranting reduction or waiver of lien in considering the application for satisfaction or release of lien.**
  
- ❖ **The City Commission may reduce the amount of the lien, waive the full amount of the lien or continue the lien in its full amount.**
  
- ❖ **When a lien is satisfied as a result of full payment, reduced payment or waiver as ordered by the City Commission, the City Manager may execute implementing documents and the City Clerk shall record the satisfaction/release of lien in the Public Records of Pinellas County, Florida, upon the applicant paying the costs of recording, and provide a copy to the property owner.**



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## Building and Growth Management

### Charlotte County Code Enforcement Lien Relief Program

On July 27, 2010, the Charlotte County Board of County Commissioners approved a resolution creating the Charlotte County Code Enforcement Lien Relief Program. The program aims to encourage property owners to bring properties into compliance with County codes.

The program has two components:

#### Part A – Lien Reduction Program (for owners whose property has encumbered lien/s on it.)

- Property Owners may apply for a reduction of a Code Enforcement Board lien on their encumbered property.
- The property **MUST** be in compliance with all County Codes at the time of application. An inspection **WILL** be performed by a Code Enforcement Officer prior to approval of the reduction.
- The application fee for the inclusion in the program is \$100 and **MUST** be paid at the time of application.
- Liens will be reduced as follows:
  - a. Applications received from September 1, 2010 to February 28, 2011 will be reduced by either 50% or to \$2,500 – **WHICH EVER IS LESS.**
  - b. Applications received from February 28, 2011 to August 31, 2011 will be reduced by either 25% or to \$5,000 – **WHICH EVER IS LESS.**
- The applicant will be notified in writing of the reduced amount and will have 30 days in which to make the payment of the reduced amount.
- Applicants will have 30 days from the date of notice of the reduced amount to forward payment to the department. Applications with payment not received within this time will be considered void and a new application must be submitted for further consideration.



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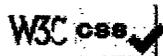
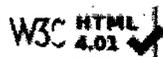
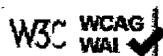
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- Once the reduced amount has been paid, a satisfaction of lien will be filed with the Clerk of Courts.

**Part B – Lien Release program (for owners who purchased property that had been encumbered with a lien.)**

- This program only applies to those property owners who purchased their property through a foreclosure sale, clerk’s sale, or other judicially imposed sale. Proof of this sale **MUST** be provided by the applicant.
- The property owner shall not be the owner of the property at the time the lien was imposed.
- The application fee for the inclusion in the program is \$150 and **MUST** be paid at the time of application.
- The property **MUST** be in compliance with all County Codes at the time of application. An inspection **WILL** be performed by a Code Enforcement Officer prior to approval of the release.
- The Property Owner must not own any other encumbered property having any code enforcement liens.

Application for inclusion in this program can be made online using our [Online Services](#) and going to the Code Enforcement tab on the webpage (credit cards accepted: MasterCard or Visa) OR **by downloading the Application form** and returning it with the application fee to:

Charlotte County Building and Growth Management  
Building Division  
18400 Murdock Circle  
Port Charlotte, FL 33948

Please make checks payable to Charlotte County Board of County Commissioners.

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Official web site of the Charlotte County Board of County Commissioners  
Administrative Complex \* [18500 Murdock Circle](#) \* [Port Charlotte, Florida](#) 33948 \* 941.743.1200

## CODE ENFORCEMENT LIEN REDUCTION APPEAL POLICY

Any person wishing to make a request for a lien reduction appeal relating to a code enforcement lien may make application through the Code Enforcement Division. The Code Enforcement Division shall place this request on the next possible Special Magistrate agenda only after the appropriate Code Enforcement staff has determined that the property is in full compliance. Property not found to be in compliance or owner/appellant's who have other open code enforcement cases shall not be considered for a lien reduction. An administrative fee shall be submitted with each application.

The Special Magistrate is tasked with making a recommendation only. When making a recommendation, the Special Magistrate shall state his decision for the record and why such decision was made. The Special Magistrate shall not recommend that a lien be reduced lower than the Counties cost in the prosecution of the case.

After the Special Magistrate makes his recommendation, the lien reduction request shall be placed on the next possible Board of County Commissioners agenda. The appropriate County staff member will introduce the matter to the Board, explaining all prior proceedings related to the matter and naming the appellant. The appellant shall be given three minutes to explain the basis for the lien reduction appeal and the relief he/she is requesting. Staff will state for the record, the cost incurred by the County in the prosecution of the case. The Board of County Commissioners shall render their decision.

If the Board agrees to reduce the amount of a lien, the appellant shall have no more than 10 working days to pay the reduced lien amount. If the reduced lien amount is not paid within the ten days, the lien shall revert back to the original lien amount.

If a lien reduction is granted by the Board and the appellant pays the amount stated by the Board within ten working days, County staff shall prepare a release of lien to be recorded at the Clerk of Court by the appellant.

Reduction of Code Enforcement Lien(s) Appeal

Application

**A request for reduction of a Code Enforcement lien cannot be considered until the property is in full compliance. \***

Please see the lien reduction procedures, which are provided with this application. All information fields must be completed before this application can be processed. Requests are not scheduled for the Special Magistrate hearing until the application has been reviewed for completeness. *A request for reduction of a Code Enforcement lien will not be considered if the entity requesting the reduction or owner of the property has any code violations on this property or any other property they hold an interest in that is located within the unincorporated areas of Clay County.*

Along with the application below, you must prepare a detailed statement explaining your mitigating circumstances as to why you feel you are entitled to a lien reduction. In addition, if you wish to address the Board of County Commissioners during the hearing for request for lien reduction, you will be allowed a three minute statement to the Board. **Please keep in mind that this hearing is not a re-hearing of the case.** The Code Enforcement Board or the Special Magistrate was presented evidence and heard testimony regarding the alleged violations prior to issuing an Order for Non-compliance and an Order to Impose a Fine. All respondents are advised of the appeal process for "Order for Non-Compliance" and "Order to Impose a Fine" as established in Florida Statutes 162.11. There is no evidence that an appeal was filed in regards to the properties listed in this application.

**Note:** All requests for reduction of a code enforcement lien shall go through a two hearing process. The Special Magistrate shall hear all initial requests and shall make a recommendation only as to whether or not a lien should be reduced, released or whether any action should be taken. The Special Magistrate's recommendation and the Application Request for the Lien Reduction will then be heard and a determination made by the Clay County Board of County Commissioners.

**\*Before the application can be processed, an inspection of the property shall be conducted to determine whether the property continues to remain in compliance.**

**Date of inspection:** \_\_\_\_\_ **Property in compliance? Yes** \_\_\_\_\_ **No** \_\_\_\_\_

**If violations exist, a separate sheet shall be attached with all violations noted during inspection and the application will not be considered.**

Case Number(s)	Lien Address (Property Subject to the Lien(s))
Applicant's name:	Phone number:
Mailing address:	

Authorized representative's name:	Written and notarized authorization from owner? Yes                      No
Name of owner of lien address when lien(s) were placed on the property:	
Current owner of lien address:	
Current owner's relationship or affiliation with entity/person named in lien(s):	
Other property located in Clay County belonging to current owner – Parcel Numbers and Address: Attach a separate sheet if necessary	
What were the violations at lien address when lien(s) was/were placed?	
Who lived at the property when the lien(s) were placed:	
Reasons violations not corrected before lien(s) placed:	
Is money held in escrow pending the lien release hearing.                      Yes                      No If yes, who will receive escrow money if the lien(s) is/are reduced?	



Has the applicant applied for lien reduction for this property before? Yes No  
 If yes, when? \_\_\_\_\_ (month and year)

Has the applicant applied for lien reduction for another property before? Yes No  
 If yes, where and when? \_\_\_\_\_  
 (month and year)

Applicants are required to complete the Lien list below and to provide copies of any lien they want considered in this Lien Reduction Request Application. To obtain information on liens contact Clay County Clerk of Court at 904-269-6362 or visit the Official Records Department, Room 101, 825 North Orange Avenue, Green Cove Springs, Florida 32043.

*Note: The Code Enforcement Department does not conduct Title or Lien searches, but will try to identify any additional liens that may pertain to this request based on the case number(s) provided by the applicant on Page 1 of this application. The Department is not responsible for any outstanding liens that may be omitted from this request.*

Applicant is requesting the below lien(s) be:

Reduced to: \$ \_\_\_\_\_

Applicant's Request			
Lien Amount	Date/Month Certified	OR Book	OR Page
\$			
\$			
\$			
\$			
\$			
\$			
\$			
\$			

For Clay County Florida Use Only Additional lien(s) found by the Code Enforcement Department not included on original application			
Lien Amount	Date/Month Certified	OR Book	OR Page
\$			
\$			
\$			
\$			
\$			

Under penalty of perjury, the undersigned:

- swears or affirms that the information provided on this four (4) page Application for Reduction of Code Enforcement Lien(s) is true and correct;
- acknowledges that he/she has read the Lien Reduction Procedures; and
- further acknowledges that he/she was given an opportunity to ask questions regarding the procedures.

A review fee of twenty-five dollars (\$25.00) per lien is required at the time the application is submitted. Payment must be in the form of cash, cashiers check or money order. Each additional request on the same property with the same owner, shall be an additional \$25.00 per request.

**Applicant must provide an initialed copy of the Lien Reduction Procedures as acknowledgement of the above for application to be accepted.**

Applicant's signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Fee received: Cash \_\_\_\_\_ Cashiers Check \_\_\_\_\_ Money Order \_\_\_\_\_  
Cashiers Check # \_\_\_\_\_ Money Order # \_\_\_\_\_

State of Florida  
County of Clay

The foregoing was sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_  
\_\_\_\_\_ He or she is personally known to me, or provided \_\_\_\_\_  
\_\_\_\_\_ as identification and did appear before me at the time of notarization.

Stamp: \_\_\_\_\_ Notary Public: \_\_\_\_\_  
\_\_\_\_\_

For Clay County Use Only

Application Accepted on \_\_\_\_\_

Scheduled for Special Magistrate hearing on \_\_\_\_\_

Scheduled for Board of County Commissioners hearing on \_\_\_\_\_

Accepted by \_\_\_\_\_ Date: \_\_\_\_\_

Signature \_\_\_\_\_

**Clay County Florida - Code Enforcement Department  
Lien Reduction Procedures**

The Special Magistrate has the authority to recommend a reduction or release of fines and liens. The Clay County Board of County Commissioners has the authority to reduce fines and liens, pursuant to Florida Statutes Chapter 162 as amended. **An entity requesting a release of lien has no right to the reduction or release of a fine or lien.** In evaluating requests for liens to be released or reduced, the Board of County Commissioners and Special Magistrate may consider the following:

1. The length of time the property was in violation prior to the lien being placed;
2. Whether the entity requesting the reduction owns other properties in the County, and how many have active code enforcement cases or code enforcement liens;
3. Whether the property owner, if different than the entity requesting the release owns other properties in the County, and how many have active code enforcement cases or code enforcement liens;
4. Whether the entity requesting the reduction owned the property for which the lien was placed at the time the lien was placed;
5. Whether the entity requesting the reduction took proactive action to correct the violations for which the lien was placed and the length of time taken to correct the violation(s);
6. Any other specific information which is available about the property or the entity request;
7. Any other factor which may show a hardship on the entity requesting the reduction or which may provide a reasonable basis for the requested relief.

Lien reduction requests already heard by the Board of County Commissioners and the Special Magistrate will not be re-heard for a 180 day period, unless the property ownership changes or unless there is sufficient documentation of new information not previously available.

Only the first five requests received by the Special Magistrate Secretary may be processed for each meeting. The order in which applicants are placed on the agenda is by first request received, first heard, second request received, second to be heard, etc. To be placed on the Special Magistrate hearing agenda, an applicant makes a request by submitting the Application for Reduction of Code Enforcement Lien, to the Special Magistrate Secretary (Code Enforcement, P. O. Box 825, Green Cove Springs, FL 32043 Attn: Special Magistrate Secretary). A review fee of twenty-five dollars (\$25.00) shall be paid at the time the application is submitted. Payment shall be in the form of cash, cashiers check or money order only. The Special Magistrate Secretary will provide a confirmation letter by mail to the applicant confirming the meeting date and time. Staff prepares a report which is provided to the Board of County Commissioners or Special Magistrate prior to the meeting.

Entities who have requested a lien reduction hearing before the Special Magistrate, shall submit their applications at least fifteen (15) days in advance of the hearing. The hearing before the Board of County Commissioners shall be scheduled by the Senior Code Enforcement Officer and will be scheduled at least thirty (30) days prior to the Board of County Commissioners hearing. A confirmation letter will be mailed to the applicant confirming the meeting dates.

Entities who have requested a lien reduction hearing, but are unable to attend the scheduled meeting, must request to re-schedule in accordance with hearing dates. Any entity that does not cancel within three days of the hearing date in which they were scheduled or who does not appear at the hearing must wait 180 days to be re-scheduled for a hearing and must pay a fee of

\$50.00 for this second lien reduction hearing request. The Code Enforcement Division Director may waive the cancellation deadline if the failure to appear was the direct result of physical incapacity of the principal representative that is beyond his or her control and that could not have been anticipated prior to the cancellation deadline. Cancellations must be submitted prior to 3:00 p.m. at least three days prior to the scheduled hearing.

Special Magistrate hearing – Upon arrival at the meeting, applicants must check in with staff. When the case is called before the Special Magistrate, staff will read their report. The applicant will be asked to speak about their request and the status of the property. The Special Magistrate may ask questions. The Special Magistrate will make a “recommendation only”, as to whether to reduce the lien or to leave the lien in place.

Board of County Commissioners hearing – Upon arrival at the meeting, applicants must check in with staff. When the case is called before the Board of County Commissioners, staff will read their report. The applicant may speak for three minutes and present any information regarding their request to the Board of County Commissioners. The applicant will need to be available to answer any questions that staff or the Board may have. The Board of County Commissioners will make their decision on whether to reduce the lien or take no action, leaving the lien in place. If the Board of County Commissioners approves the reduction of a lien and the entity pays the reduced lien, the Special Magistrate Secretary will complete the paperwork to release the lien. The release of lien document will be mailed to the applicant. It is up to the applicant to record the release of lien at the Clay County Clerk of Court. **If the Board of County Commissioners approves the reduction of a lien, the applicant shall have no more than ten (10) working days from the date of the hearing to make full payment of the reduced lien.** Payment shall be in the form of cash, cashiers check or money order only. If the lien is not paid within the ten days, the lien will revert back to the original amount of the lien placed on the property by the Code Enforcement Board or Special Magistrate.

Staff's cost in the prosecution of this case totals \$ \_\_\_\_\_.

*In accordance with the Americans with Disability Act, persons needing special accommodations or an interpreter to participate in either of the proceedings should contact the Clay County ADA Coordinator by mail at P. O. Box 1366, Green Cove Springs, FL 32043, or by telephone at (904) 269-6375, at least three (3) days prior to the date of the hearings. Hearing impaired persons can access the foregoing telephone number by contacting the Florida Relay Service at 1-800-955-8770 (Voice) or 1-800-958-8771 (TDD).*

For any additional information, please contact the Code Enforcement Special Magistrate Secretary at (904) 269-6310.

\_\_\_\_\_ Initials

**Initial and Include this Copy with Application**  
**Clay County Florida - Code Enforcement Department**  
**Lien Reduction Procedures**

The Special Magistrate has the authority to recommend a reduction or release of fines and liens. The Clay County Board of County Commissioners has the authority to reduce fines and liens, pursuant to Florida Statutes Chapter 162 as amended. **An entity requesting a release of lien has no right to the reduction or release of a fine or lien.** In evaluating requests for liens to be released or reduced, the Board of County Commissioners and Special Magistrate may consider the following:

1. The length of time the property was in violation prior to the lien being placed;
2. Whether the entity requesting the reduction owns other properties in the County, and how many have active code enforcement cases or code enforcement liens;
3. Whether the property owner, if different than the entity requesting the release owns other properties in the County, and how many have active code enforcement cases or code enforcement liens;
4. Whether the entity requesting the reduction owned the property for which the lien was placed at the time the lien was placed;
5. Whether the entity requesting the reduction took proactive action to correct the violations for which the lien was placed and the length of time taken to correct the violation(s);
6. Any other specific information which is available about the property or the entity request;
7. Any other factor which may show a hardship on the entity requesting the reduction or which may provide a reasonable basis for the requested relief.

Lien reduction requests already heard by the Board of County Commissioners and the Special Magistrate will not be re-heard for a 180 day period, unless the property ownership changes or unless there is sufficient documentation of new information not previously available.

Only the first five requests received by the Special Magistrate Secretary may be processed for each meeting. The order in which applicants are placed on the agenda is by first request received, first heard, second request received, second to be heard, etc. To be placed on the Special Magistrate hearing agenda, an applicant makes a request by submitting the Application for Reduction of Code Enforcement Lien, to the Special Magistrate Secretary (Code Enforcement, P. O. Box 825, Green Cove Springs, FL 32043 Attn: Special Magistrate Secretary). A review fee of twenty-five dollars (\$25.00) shall be paid at the time the application is submitted. Payment shall be in the form of cash, cashiers check or money order only. The Special Magistrate Secretary will provide a confirmation letter by mail to the applicant confirming the meeting date and time. Staff prepares a report which is provided to the Board of County Commissioners or Special Magistrate prior to the meeting.

*Entities who have requested a lien reduction hearing before the Special Magistrate, shall submit their applications at least ten (10) days in advance of the hearing. The hearing before the Board of County Commissioners shall be scheduled by the Senior Code Enforcement Officer and will be scheduled at least thirty (30) days prior to the Board of County Commissioners hearing. A confirmation letter will be mailed to the applicant confirming the meeting dates.*

Entities who have requested a lien reduction hearing, but are unable to attend the scheduled meeting, must request to re-schedule in accordance with hearing dates. Any entity that does not cancel within three days of the hearing date in which they were scheduled or who does not

appear at the hearing must wait 180 days to be re-scheduled for a hearing and must pay a fee of \$50.00 for this second lien reduction hearing request. The Code Enforcement Division Director may waive the cancellation deadline if the failure to appear was the direct result of physical incapacity of the principal representative that is beyond his or her control and that could not have been anticipated prior to the cancellation deadline. Cancellations must be submitted prior to 3:00 p.m. at least three days prior to the scheduled hearing.

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Board of County Commissioners hearing – Upon arrival at the meeting, applicants must check in with staff. When the case is called before the Board of County Commissioners, staff will read their report. The applicant may speak for three minutes and present any information regarding their request to the Board of County Commissioners. The applicant will need to be available to answer any questions that staff or the Board may have. The Board of County Commissioners will make their decision on whether to reduce the lien or take no action, leaving the lien in place. If the Board of County Commissioners approves the reduction of a lien and the entity pays the reduced lien, the Special Magistrate Secretary will complete the paperwork to release the lien. The release of lien document will be mailed to the applicant. It is up to the applicant to record the release of lien at the Clay County Clerk of Court. **If the Board of County Commissioners approves the reduction of a lien, the applicant shall have no more than ten (10) working days from the date of the hearing to make full payment of the reduced lien.** Payment shall be in the form of cash, cashiers check or money order only. If the lien is not paid within the ten days, the lien will revert back to the original amount of the lien placed on the property by the Code Enforcement Board or Special Magistrate.

Staff's cost in the prosecution of this case totals \$ \_\_\_\_\_.

*In accordance with the Americans with Disability Act, persons needing special accommodations or an interpreter to participate in either of the proceedings should contact the Clay County ADA Coordinator by mail at P. O. Box 1366, Green Cove Springs, FL 32043, or by telephone at (904) 269-6375, at least three (3) days prior to the date of the hearings. Hearing impaired persons can access the foregoing telephone number by contacting the Florida Relay Service at 1-800-955-8770 (Voice) or 1-800-958-8771 (TDD).*

For any additional information, please contact the Code Enforcement Special Magistrate Secretary at (904) 269-6310.

**Applicant's copy**

Clay County Use Only

Code Enforcement staff submits the following information:

In evaluating requests for liens to be reduced, the Board of County Commissioners and Special Magistrate may consider the following, along with any other information he/she deems pertinent to the request:

1. The length of time the property was in violation prior to the lien being placed.

2. Whether the entity requesting the reduction owns other properties in the County and how many of these properties have active code enforcement cases and/or code enforcement liens.

3. Whether the property owner, if different than the entity requesting the reduction owns other properties in the County and how many have active code enforcement cases and/or code enforcement liens.

4. Whether the entity requesting the reduction owned the property for which the lien was placed at the time the lien was placed.

5. Whether the entity requesting the reduction took proactive action to correct the violations for which the lien was placed and the length of time taken to correct the violation(s).

6. Any other specific information which is available about the property or the entity request.

7. Any other factor which may show a hardship on the entity requesting the reduction or which may provide a reasonable basis for the requested relief.

COUNCILMEMBER TATE

10/27/08  
01/27/09  
02/02/09  
02/10/09

RESOLUTION 9 --09

A RESOLUTION ESTABLISHING THE POLICY AND CRITERIA FOR THE REDUCTION OF CERTAIN CODE ENFORCEMENT LIENS IMPOSED AS A RESULT OF VIOLATIONS OF THE CITY OF CAPE CORAL'S CODE OF ORDINANCES AND AUTHORIZATION FOR THE CITY MANAGER TO EXECUTE A SATISFACTION OR RELEASE OF LIEN OR PARTIAL SATISFACTION OR PARTIAL RELEASE OF LIEN; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral City Council recognizes the seriousness of the current economic conditions resulting in a tremendous increase in the number of foreclosures and bankruptcies; and

WHEREAS, the City of Cape Coral City Council desires to assist new property owners who have acquired property as a result of foreclosure or bankruptcy for an amount that was equal to or less than the amounts of any and all security interests in the property which are senior to the City's code enforcement lien(s) to obtain clear title; and

WHEREAS, the City of Cape Coral City Council desires to assist bona-fide purchasers for value to resolve procedural defects when said purchasers acquired the subject property during the pendency of a code enforcement proceeding, but prior to the recordation of a lien in favor of the City, when said purchasers lacked any notice of the pending code enforcement proceeding; and

WHEREAS, the City of Cape Coral desires to assist the various parties involved in the numerous "short sales"; and

WHEREAS, the City of Cape Coral desires to provide an incentive to financial institutions and property owners who own multiple properties with code enforcement violations and liens that were issued prior to their ownership to remedy the violations; and

WHEREAS, the City of Cape Coral City Council desires to establish a policy and criteria for the reduction of code enforcement liens imposed on property as a result of violations of the City of Cape Coral's Code of Ordinances and provide authorization to release said liens.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA:

Section 1. Resolution 13-08 is hereby repealed in its entirety.

Section 2. The City Council of the City of Cape Coral hereby establishes the policy and criteria for the reduction of code enforcement liens imposed on property pursuant to Chapter 162, Fla. Stat., as a result of violations of the City of Cape Coral's Code of Ordinances and Land Use and Development Regulations as follows:

A. Applicability

The provisions of this policy shall be applicable to the reduction of code enforcement liens on properties 1) undergoing or sold through a "short sale" which, for purposes of this resolution, may be defined as the sale of property for an amount equal to or less than the outstanding indebtedness encumbering the property where the seller receives no proceeds from the sales transaction and all proceeds are paid to the mortgagee or to cover the closing costs of the transaction, 2) on properties that have been transferred to new owners or where there is a potential sale of a property either as a result of foreclosure, bankruptcy, or for some other reason, for an amount equal to or less than the amount of the security interest(s) in the property which are senior to the City's code enforcement lien(s), or 3) in cases where bona-fide purchasers for value have acquired the subject property during the pendency of a

code enforcement proceeding, but prior to the recordation of a lien in favor of the City, when said purchasers lacked any notice of the pending code enforcement proceeding.

B. Policy

In the circumstances as set forth in this Resolution, the City of Cape Coral will consider a request by a lending institution, bankruptcy trustee, a bona-fide purchaser for value, an agent of the owner or a prospective purchaser, or other individual or entity with a stake in a transaction, to reduce a code enforcement lien imposed as a result of a prior or current property owner's or violator's violation of the City's Code of Ordinances and Land Use and Development Regulations.

C. Procedure

Upon receipt of a request for reduction, the City Manager or the City Manager's designee together with the City Attorney or the City Attorney's designee, shall review the facts surrounding the imposition of the code enforcement lien, the reason for the request for reduction and whether the property is currently in compliance.

After considering the foregoing, the City Manager is authorized to reduce the code enforcement lien and execute either a satisfaction or release of lien or a partial satisfaction of lien or partial release of lien. When the property for which the code enforcement lien attached is the only outstanding code enforcement lien, and the underlying violation for which the lien was issued has been corrected, then a satisfaction or release of lien may be executed by the City Manager. When a property owner owns multiple properties in the City, a property may be cross-encumbered with code liens from other properties that have code enforcement liens. If a property does not have any code violations, but is encumbered with a code lien because the property owner owns other properties encumbered with code liens which attached to the subject property because of common ownership, a partial satisfaction or partial release of lien for the property upon which no code enforcement violation exists may be executed by the City Manager.

1. On properties where a bona-fide purchaser for value has acquired the subject property, or the property has been acquired through foreclosure, during the pendency of a code enforcement proceeding, but prior to the recordation of a lien in favor of the City, the code enforcement lien may be dismissed if the code violation has been brought into compliance, and, if it is determined by the City Attorney or City Attorney's designee that said purchaser lacked any notice of the pending code enforcement proceeding. Upon verification by the City of compliance and the determination of notice, the City Manager is authorized to execute and record a satisfaction or release of lien without payment of any amount to the City.
2. Lien reductions may be approved for properties that have been sold or are under contract for sale for an amount equal to or less than the amount of the security interest(s) in the property which are senior to the City's code enforcement lien(s) due to foreclosure or bankruptcy as follows:
  - a. For properties with a lien due to a code enforcement violation on the subject property and no code enforcement liens on any other properties under the same ownership, but with other types of liens on the property that are senior to the City's code enforcement lien, the City's code enforcement lien may be reduced to the amount of \$150 only for payment of administrative costs if the code violation has been corrected. Upon bringing the code violation into compliance, and payment of the \$150, the City Manager is authorized to execute and record a satisfaction or release of lien.
  - b. For properties with a lien due to a code enforcement violation on the subject property and lien(s) from a cross encumbrance due to code enforcement liens on any other properties under the same ownership, the code enforcement violation on the subject property must be brought into compliance. For the violations on other properties owned, a good faith effort must be made to bring those properties into compliance. Upon

compliance with the violation on the subject property and a showing of good faith for other properties under the same ownership, the lien on the subject property may be reduced to the amount of \$1,500 or 25% of the outstanding lien on the subject property, or whichever is less, plus payment of \$150 for administrative costs. Upon payment of these amounts, the City Manager is authorized to execute and record a partial satisfaction or partial release of lien on the subject property.

When there is more than one code enforcement lien on the property for which a lien reduction is sought, the amounts set forth above apply for one lien. The reduced amounts are to be charged per lien, not for reduction of more than one lien on a property.

- c. For properties with no code enforcement violation but cross encumbered due to a code enforcement lien(s) on other properties under the same ownership, a good faith effort must be made to bring those properties into compliance. Upon a showing of good faith effort to bring the violations into compliance for other properties under the same ownership, the lien on the subject property may be reduced to the amount of \$150 for administrative costs. Upon payment of the \$150 administrative cost, the City Manager is authorized to execute and record a partial satisfaction or partial release of lien on the subject property.

If the City believes that the owners of multiple properties are not making good faith efforts to bring their properties with code enforcement violations into compliance, the City Manager may either require payment in the amount of \$1,500 or 25% of the outstanding lien amount, whichever is less, plus payment of \$150 for administrative costs prior to issuance of a partial satisfaction or partial release of lien, or may decline to issue a satisfaction or release of lien. Upon notification of the City Manager's decision, if the applicant believes a good faith effort has been shown to bring their properties with code enforcement violations into compliance, the applicant may request that their application be reviewed and decided by City Council. Any decision made by City Council shall be final.

For purposes of paragraphs b. and c. above, good faith efforts include, but are not limited to, curing code violations on the other properties, contracting with property managers to bring properties into compliance, contracting with lawn service companies to maintain the lawns in accordance with the City's regulations, hiring contractors to make necessary repairs, or other actions that show an effort to bring the properties into compliance.

- d. For properties with a lien on the subject property regardless of whether it is cross encumbered by liens on other properties that is under contract for sale, but for which the buyer cannot obtain clear title without a release of the code lien prior to the purchase, the buyer may, prior to closing, enter into an agreement with the City whereby the City agrees to reduce the amount of the code lien to \$1,500 or 25% of the outstanding lien amount, whichever is less, plus \$150 administrative costs, and release the lien on the subject property prior to closing, and the buyer agrees to bring all code violations on the subject property into compliance in a timely manner, within a specific period of time to be set forth in the agreement.

When there is more than one code enforcement lien on the property for which a lien reduction is sought, the amounts set forth above apply for one lien. The reduced amounts are to be charged per lien, not for reduction of more than one lien on a property.

- 3. Lien reductions may be approved for properties that have been sold or are under contract for sale as a "short sale" under the circumstances stated with the corresponding amounts and terms stated above, with the following additional condition:

When a property is being sold as a "short sale", the City reserves the right to request seller, buyer, financial institution, title company, agent of the owner or of a prospective purchaser, or other person or entity, to provide proof by closing statement or other evidence satisfactory to City that transaction is actually a short sale where the seller(s) receives no funds from the sale or if the sale is by a financial institution, mortgagee, mortgagor, or some person or entity acting on behalf of any of the foregoing, that the amount received in the transaction is not more than the indebtedness on the subject property.

4. An applicant shall, within 30 days from the date of notification of lien reduction amount, make full payment of that amount together with all prosecutorial and administrative costs. Failure to pay the approved lien reduction amount, as well as prosecutorial or administrative costs within 30 days shall deem the lien reduction approval null and void. Any satisfaction or release of lien, or partial satisfaction or partial release of lien shall not be executed if the amounts due are not paid within this 30 day time period. If an applicant then continues to desire a lien reduction, the applicant must submit a new application for subsequent review and approval of a lien reduction.

Section 3. Effective Date. This resolution shall take effect immediately upon its adoption by the Cape Coral City Council.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 9th DAY OF March, 2009.

  
\_\_\_\_\_  
JAMES D. BURCH, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

BURCH	<u>aye</u>
TATE	<u>aye</u>
BRANDT	<u>aye</u>
DEILE	<u>aye</u>
BERTOLINI	<u>aye</u>
GRILL	<u>aye</u>
DAY	<u>aye</u>
DONNELL	<u>aye</u>

ATTESTED TO AND FILED IN MY OFFICE THIS 10th DAY OF March, 2009.

  
\_\_\_\_\_  
BONNIE J. POTTER, CITY CLERK

APPROVED AS TO FORM:

  
\_\_\_\_\_  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
res/LienReductionPolicy

**APPLICATION FORM  
NEW OWNERS OF FORECLOSED PROPERTIES  
PARTIAL RELEASES  
SHORT SALES**

**Resolution 9-09**



**City of Cape Coral Code Compliance**  
P.O. Box 150027  
Cape Coral, FL 33915-0027  
Phone (239) 574-0613  
Fax (239) 574-0611

Property Owner(s) Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Site Property Address: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Phone Number \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Applicant Company Name: \_\_\_\_\_

Email Address: \_\_\_\_\_

- Reason for Request:  Partial Release  
 Short Sale  
 Foreclosure

Upon receipt of a request for reduction, the City Manager or the City Manager's designee together with the City Attorney or the City Attorney's designee, shall review the facts surrounding the imposition of the code compliance lien, the reason for the request for reduction and whether the property is currently in compliance.

1. An application must be submitted by the property owner or the property owner's legal representative or agent or any person who has a bona fide contract for purchase of a property with a code enforcement lien, or their legal representative.
2. All property violations cited on subject properties (*the property you are purchasing*) must be in compliance and verified by the Code Compliance Division before an application for a reduction of lien may be approved with the following exception below in paragraph 3.
3. If you are requesting a partial release of lien or a release of lien for a short sale for a property that has an existing code violation on the property, in addition to all settlement costs and/or fees, you may be required to enter into a written agreement with the City of Cape Coral to correct all code violations on the subject property prior to a release or partial release of lien. Failure to correct the violations within the time frame of the agreement will be grounds for the City to initiate a new enforcement action against the buyer/new property owner of record. Short sale requests may also be required to provide proof or evidence to the satisfaction of the City that a real estate transaction is actually a short sale.

4. Prosecution and administrative costs are not eligible for reduction and must be paid in full prior to any release of lien(s).
5. Owners of multiple properties who request a partial release where the code violation remains on the subject property may be eligible for a partial release of lien and will be required to make payment of 25% of the face value of the lien or \$1,500.00 whichever is less, plus a \$150.00 administrative fee plus any other outstanding fees or assessments per lien.
6. Owners of multiple properties who request a partial release where no code violation exists on the subject property but is cross encumbered by liens on other properties may be eligible for a partial release of lien and will be required to make payment of a \$150.00 administrative fee per lien.
7. Purchasers of a property that is cross encumbered by a code lien from a prior common owner may qualify for a partial release of lien and will be required to make payment of \$1,500.00 plus a \$150.00 administrative fee per lien.
8. An applicant shall, within 30 days from the date of notification of lien reduction amount, make full payment of that amount together with all prosecutorial and administrative costs. Failure to pay the approved lien reduction amount, as well as prosecutorial or administrative costs within 30 days shall deem the lien reduction approval null and void. Any satisfaction or release of lien, or partial satisfaction or partial release of lien *shall not be executed* if the amounts due are not paid within this 30 day period.

Your signature below authorizes the City Manager to consider the subject property to be considered for the City of Cape Coral Amnesty Program.

\_\_\_\_\_  
 Signature of Property Owner(s)  
 (or Property Owner's Legal Representative)

\_\_\_\_\_  
 Date

COUNCILMEMBER TATE

10/30/08  
10/30/08  
03/11/08  
01/21/09  
01/26/09  
01/27/09

RESOLUTION 10 - 09

A RESOLUTION OF THE CAPE CORAL CITY COUNCIL AUTHORIZING A CODE ENFORCEMENT LIEN WAIVER/AMNESTY PROGRAM FOR ALL CODE LIENS REGARDLESS OF WHEN IMPOSED FROM THE EFFECTIVE DATE OF THIS RESOLUTION THROUGH DECEMBER 31, 2009; PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Cape Coral has outstanding property liens that are the result of code enforcement actions; and

WHEREAS, the City of Cape Coral is encouraging property owners to bring their property into compliance and pay outstanding liens imposed by the City of Cape Coral Code Enforcement Board or Special Magistrate; and

WHEREAS, the City of Cape Coral City Council finds that establishing a Lien Waiver/Amnesty Program would be beneficial in achieving the goal of compliance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA:

SECTION 1. The City of Cape Coral City Council hereby establishes a Code Enforcement Lien Waiver/Amnesty Program in an effort to gain compliance with outstanding code enforcement violations. The Lien Waiver/Amnesty Program shall apply to eligible property owners who have an outstanding code enforcement lien regardless of when assessed by the Code Enforcement Board or Special Magistrate.

- A. In order to be eligible for the Lien Waiver/Amnesty Program for liens placed on a property due to outstanding code enforcement violations that resulted in a lien being placed on the property, an amnesty application must be submitted by the property owner or the property owner's legal representative on or before December 31, 2009, and all property violations cited must be in compliance and verified by the Code Compliance Division prior to approval of an application for lien waiver/amnesty. Prosecution and administrative costs are not eligible for reduction and must be paid in full prior to any release of lien(s).
- B. The City Manager is authorized to administratively approve a lien reduction of the code enforcement lien to 25 percent of the face value of the lien or the sum of \$5000, whichever amount is less. Upon verification of compliance and approval of an application for lien waiver/amnesty, notification shall be made to the applicant of approval of their lien waiver/amnesty. The applicant shall, within 30 days from the date of notification, make full payment of the reduced lien amount together with all prosecutorial and administrative costs. Failure to pay the approved lien reduction amount, prosecutorial or administrative costs within 30 days shall deem the approved lien waiver/amnesty approval null and void. If an applicant continues to desire a lien waiver/amnesty, the applicant must submit a new application for subsequent review and approval of an application for lien waiver/amnesty.
- C. After the applicant has satisfied its obligation to the City for the full amount of the lien and all prosecutorial and administrative costs, the City Manager may then execute and record a satisfaction or release of lien, or a partial satisfaction or partial release of lien.
- D. If an eligible property owner desires a reduction of any code enforcement lien to an amount that is less than the amount authorized in this lien waiver/amnesty program, a request must be made pursuant to the policy established in Resolution 35-05.

SECTION 2. Effective Date. This resolution shall take effect immediately upon its adoption by the Cape Coral City Council and shall be in effect from the date of adoption through December 31, 2009, after which date it shall expire of its own accord.

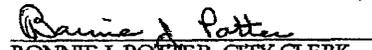
ADOPTED BY THE CITY COUNCIL OF THE CITY OF CAPE CORAL AT ITS REGULAR SESSION THIS 9<sup>th</sup> DAY OF March, 2009.

  
JAMES D. BURCH, MAYOR

VOTE OF MAYOR AND COUNCILMEMBERS:

BURCH	<u>aye</u>
TATE	<u>aye</u>
BRANDT	<u>aye</u>
DEILE	<u>aye</u>
BERTOLINI	<u>aye</u>
GRILL	<u>aye</u>
DAY	<u>aye</u>
DONNELL	<u>aye</u>

ATTESTED TO AND FILED IN MY OFFICE THIS 12<sup>th</sup> DAY OF March, 2009.

  
BONNIE J. POTTER, CITY CLERK

APPROVED AS TO FORM:

  
DOLORES D. MENENDEZ  
CITY ATTORNEY  
Res/CodeLienWaiver

# AMNESTY APPLICATION FORM

## Resolution 10-09



City of Cape Coral Code Compliance  
P.O. Box 150027  
Cape Coral, FL 33915-0027  
Phone (239) 574-0613  
Fax (239) 574-0611

Property Owner(s) Name: \_\_\_\_\_ Phone Number: \_\_\_\_\_

Site Property Address: \_\_\_\_\_

Applicant Name: \_\_\_\_\_ Phone Number \_\_\_\_\_

Applicant Address: \_\_\_\_\_

Applicant Company Name: \_\_\_\_\_

Email Address: \_\_\_\_\_

Upon receipt of a request for reduction, the City Manager or the City Manager's designee together with the City Attorney or the City Attorney's designee, shall review the facts surrounding the imposition of the code compliance lien, the reason for the request for reduction and whether the property is currently in compliance.

1. An amnesty application must be submitted by the property owner or the property owner's legal representative.
2. All property violations cited on subject properties must be in compliance and verified by the Code Compliance Division before an application for amnesty may be approved.
3. Prosecution and administrative costs are not eligible for reduction and must be paid in full prior to any release of lien(s).
5. Owners of property that incurred a code lien due to a code enforcement infraction may be eligible for a reduction in the total lien amount to an amount equal to 25% of the face value of the lien or \$5000.00 whichever is less, per lien.
6. An applicant shall, within 30 days from the date of notification of lien reduction amount, make full payment of that amount together with all prosecutorial and administrative costs. Failure to pay the approved lien reduction amount, as well as prosecutorial or administrative costs within 30 days shall deem the lien reduction approval null and void. Any satisfaction or release of lien, or partial satisfaction or partial release of lien *shall not be executed* if the amounts due are not paid within this 30 day period.

Your signature below authorizes the City Manager to consider the subject property to be considered for the City of Cape Coral Amnesty Program.

\_\_\_\_\_  
Signature of Property Owner(s)  
(or Property Owner's Legal Representative)

\_\_\_\_\_  
Date



## City of Pompano Beach

### CODE ENFORCEMENT LIEN AMNESTY PROGRAM

#### FACT SHEET

Take advantage of this LIMITED TIME OFFER to settle your Code Enforcement Lien at a significant discount!!

- The City of Pompano Beach (the "City") recently adopted a Code Enforcement Lien Amnesty Program (the "Program") which will be in effect from August 19, 2010 - February 19, 2011.
- Owners of complied properties that have been liened by the City as a result of Code Enforcement violations may settle their debt on each Code Enforcement case subject to Program guidelines which include, but are not limited to, their property being inspected by the City and found to be in compliance, the City's receipt of a completed Code Enforcement Lien Amnesty Program Participation Agreement by February 19, 2011, and timely paying 25% of the lien's face value or \$1,000, whichever is less.
- Owners of properties with ongoing Code Enforcement violations are eligible to participate in the Program subject to its guidelines, which include, but are not limited to, their property being found in compliance by the City and a completed Code Enforcement Lien Amnesty Program Participation Agreement being received by the City's Special Magistrate Office by February 19, 2011.
- Property owners will also be provided an option to settle the reduced amount under the Program via a payment plan with a maximum six (6) month payment term.
- All payments under the Program are due in full within 180 days from the date the Special Magistrate enters the order to accept the reduced settlement amount. Failure to make payments within this timeframe will result in the reinstatement of the initial accrued code lien amount, reduced by any payments made under the Program.
- Only liens resulting from code violations are eligible under the Program. Liens arising from unsafe structure or nuisance abatement action or any other City regulatory program are NOT ELIGIBLE due to the City's out of pocket expenditures in these instances and must be paid in full.
- Property owners who have additional City liens (Nuisance Abatement and Unsafe Structure liens) or outstanding administrative costs charged against their property must pay these additional encumbrances in full prior to receiving a reduction of any outstanding Code Enforcement lien under the Program. Property owners with multiple Code Enforcement liens must apply for a reduction of each lien simultaneously under the Program.
- Subsequent to February 19, 2011, all remaining and future Code Enforcement liens recorded for 90 days or more in the Public Records of Broward County will be forwarded for formal collection action (E.g. foreclosure, wage or bank account garnishment, etc.) which could obligate you for additional costs, including, but not limited to attorney's fees and recording, collection and court costs.
- Accepted methods of payment under the Program are personal check, cashier's check, money order and/or cash.
- The Program is being administered by the City's Special Magistrate Office. Hours of availability are 8:00 a.m. to 5:00 p.m. daily, excluding weekends and legal holidays. You can schedule an appointment to discuss specific information or amounts owed by contacting the Special Magistrate's Office as noted below.

**NEED MORE INFORMATION, PROGRAM FORMS, OR WANT TO DETERMINE IF YOU HAVE AN OPEN CODE ENFORCEMENT LIEN ON YOUR PROPERTY?**

Visit us on the web at <http://www.mypompanobeach.org/directory/index.html#code> or contact the Special Magistrate Office as indicated below.

Special Magistrate Office  
100 West Atlantic Boulevard, Room 420  
Pompano Beach, FL 33060  
954-786-4509 or 954-786-4086 phone \*\*\* 954-786-5530 fax