



Legislation Text

File #: 20-14, Version: 1

CITY COUNCIL AGENDA ITEM

Memo Date: December 27, 2019
Agenda Date: January 8, 2020
Prepared By: Dennis A. Bunt, Code Enforcement Manager
Through: Michael Cantaloupe, Police Chief
Requested Action:
City Council direction on creating a Code Enforcement Lien Amnesty Program allowing for administrative lien reductions for qualified applicants and liens.

BACKGROUND:

In an effort to reduce and release outstanding code enforcement liens, staff is proposing to provide City homeowners an opportunity to bring their property into compliance and receive a reduced fine. City Code currently allows for lien reduction/forgiveness on any property within the city whereby a property owner applies for lien forgiveness, the Code Enforcement Board hears and makes a recommendation, and City Council takes final action on the requested lien forgiveness. The City of Cocoa Code Enforcement Lien Amnesty Program would be in addition to the existing code enforcement lien forgiveness process.

After researching and evaluating other code enforcement lien amnesty programs, staff proposes the City of Cocoa Code Enforcement Lien Amnesty Program be established for a specified and limited duration of time in order to incentivize homeowner's participation. Eligible homeowners would receive a reduction in a code enforcement lien in exchange for bringing the property into compliance with the City Code and a prompt payment of a reduced lien amount.

Staff offers the following program eligibility requirements for City Council consideration:

- Applicant must complete an application and pay an administrative processing fee.
- Subject property must be in full compliance with all City Codes as determined by an inspection of the property by Code Enforcement staff.
- Approval of the application would result in an administrative reduction and release of the existing Code Enforcement Lien(s).
- Program eligibility is limited to single-family homeowners and non-residential properties where the property owner was the owner of record at such time code enforcement action was first initiated.
- Owners of rental properties and repeat code enforcement violators are not eligible.
- Fixed Code Enforcement Liens for abatement, demolition, water, etc. are not eligible for a reduction.
- Property owners with multiple Code Enforcement Liens must simultaneously apply for a

reduction of each lien on the same property.

An important consideration for City Council is the amount of lien forgiveness, is the forgiveness 100% (or a lesser percentage, or a percentage based on the amount of the outstanding code enforcement liens) less administrative costs (including costs associated with releasing the lien). The City of Plantation established a Code Lien Range and the amount (a percentage of the total lien(s) imposed) eligible for forgiveness. Okeechobee County provided a reduction could be between 50-75%. The City of Riviera Beach provided an eligible homeowner owner could settle outstanding fines by paying the City's administrative costs; eligible rental property owners may settle outstanding fines by paying 2% of the outstanding fines or the City's administrative costs, whichever is greater; and eligible commercial property owners could settle by paying 5% of the outstanding fines or the City's administrative costs, whichever is greater.

A final consideration for City Council is the length of time in which the program should be available to eligible property owners. The City of Plantation implemented the program for a full fiscal year, but limited participation to code liens imposed essentially two years or more before the effective date of the program. Okeechobee County implemented the program for six months and the City of Riviera Beach's program lasted only three months. Staff recommends that the program duration be no less than six months and no more than one year.

Additionally, staff has attached ordinances and information from other jurisdictions with lien amnesty programs. Also included is a preliminary draft City of Cocoa Code Enforcement Lien Amnesty Fact Sheet and Application. Subject to City Council direction these will be revised and finalized accordingly.

Based on City Council direction to establish a lien amnesty program, staff in conjunction with the City Attorney will bring back an agenda item and ordinance creating the City of Cocoa Code Enforcement Lien Amnesty Program, and program documents will be prepared consistent therewith.

STRATEGIC PLAN CONNECTION:

Image - While not specifically identified, the lien amnesty program is consistent with Objective 1.4 and will result in enhancing the City's physical image through improvement of the appearance of privately-owned properties. Additionally, the program will also lessen the burden on single-family homeowners through the releasing of code enforcement liens.

BUDGETARY IMPACT:

Indeterminate currently.

PREVIOUS ACTION:

N/A

RECOMMENDED MOTION:

Provide staff and the City Attorney direction on creating a Code Enforcement Lien Amnesty Program allowing for administrative lien reductions for qualified applicants and liens.