

Lien Reduction Process

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Office of the City Clerk
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Policy Research Process

Phase 1:

Research & Idea Formulation

Commission and/or Commissioner determines problem to be solved and where it aligns with the strategic plan.

Policy staff may utilize Strategic Initiatives to help determine best match to strategic plan.

Policy Staff research and refine ideas for GPC discussion.

Phase 2: GPC Consideration Commissioner presents research, idea, and alignment to the strategic plan for discussion at GPC.

Item further refined by GPC.
If GPC wishes to proceed,
item assigned to appropriate
Charter Officer.

Overview of the Presentation

- Gainesville's Current Lien Reduction Process
- Legal Considerations
- Advantages and Disadvantages to the Current System
- Case Studies
- Options Moving Forward

Current Gainesville Process

- When a property with a lien assessed against it comes into compliance with the city code, the property owner can request a reduction in the lien.
- After completing the the request, the property owner meets with the city staff to discuss the amount of the lien and attempt to reach a negotiated agreement on the amount to be paid to the City.
- After the meeting, a hearing is held by the Special Magistrate, who
 makes a decision on whether to keep the lien as is, reduce the lien, or
 rescind the lien entirely.
- The Magistrate's recommendation is placed on a City Commission agenda, typically a consent agenda, for final approval.

Legal Considerations

- Florida Statutes Section 162 governs the ability for municipalities to create code enforcement boards.
- Florida Statute Section 162.09(2)(c) gives code enforcement boards the authority to reduce fines they imposed pursuant to code violations.
- Florida Statute Section 162.09(3) states that "...the local governing body may execute a satisfaction or release of lien entered pursuant to this section".
- This portion of the statute has been interpreted to mean that the City Commission must authorize the release of liens, either by an agenda item or by ordinance authorizing the City Manager to release the liens.

Advantages and Disadvantages to Current System

Advantages

- Ensures legal compliance with State Statute
- Ensures that the City Commission has a method of intervening in the reduction or rescission of a lien if there is disagreement with the Special Magistrate's recommendation.

Disadvantages

- The current process can be slow and complicated for neighbors attempting to get a lien reduced or rescinded.
- Increased staff time spent getting the Magistrate's recommendations placed on Commission agendas.
- Increased Commission Consent Agenda items.

- Coral Springs, Florida
- Miramar, Florida
- Tallahassee, Florida
- St. Petersburg, Florida
- West Palm Beach, Florida
- Fort Pierce, Florida

Coral Springs, Florida

 The Special Magistrate is delegated the authority to hear requests for reductions of fines and make the final decision on behalf of the city, per the Code of Ordinances.

Miramar, Florida

• The Special Magistrate has the authority to reduce or mitigate property liens for code compliance violations so long as the property is in compliance and does not have any current violations. If the property owner requests a further reduction, there are conversations with the Code Compliance Manager and Police Chief before an agreement is reached.

Tallahassee, Florida

 Per the Code of Ordinances, the Code Magistrate and Enforcement Board are entitled to hold hearings and assess fines against violators of city codes.
 Rulings on complied cases with liens are final and do not go before the commission for approval.

St. Petersburg, Florida

 The Special Magistrate has the authority to reduce fines against violators of the codes and ordinances of the City in whole or in part.

West Palm Beach, Florida

Per the Code of Ordinances, the Special Magistrate is given the authority to hold a hearing regarding the reduction of liens, during which time the Magistrate will consider several factors outlined in the ordinance as to whether the lien will be reduced. The Magistrate is given final decision making authority on this, and the Commission is not involved in the process. This is due to the fact that the decision is administrative, not quasi-judicial, per the Code of Ordinances.

Fort Pierce, Florida

- Requests to reduce construction and lot liens are heard and determined by the City Commission.
- Code enforcement lien reductions are heard by the Special Magistrate through a "fast track" program. If the city and property owner agree to reduce the lien to \$5,000, no hearing is needed and the lien is automatically reduced after Magistrate approval. If the city and property owner agree to reduce the lien to \$3,000, one hearing is needed. If the Magistrate recommends the reduction, that reduction is final.
- If the property owner seeks to have the lien reduced below \$3,000 or entirely or if staff and the property owner cannot come to an agreement regarding the lien reduction, then the Magistrate's recommendation must go before the City Commission for final approval.

Primary Options Moving Forward

- Continue as is, where all lien reductions and rescissions must be approved by the City Commission.
- Allow the Special Magistrate to be the final decision maker on lien reductions, but continue with the City Commission as the final decision maker on releases of liens.
- Allow the Special Magistrate to be the final decision maker on lien reductions, and authorize the City Manager, by ordinance, to execute releases of liens where the fines have been reduced by final action of the Special Magistrate.

Policy Research Process

Phase 3: Timeline Development Lead Charter convenes cross departmental working group.*

Charter Officer determines time/resources required to evaluate proposal and creates community engagement plan.

Lead Charter submits timeline as outlined by working group.

Phase 4: Full Staff Analysis and Proposal

Development

Lead Charter continues to convene working group.*

Charter officer and staff assess GPC directive for impacts (operational, fiscal, etc.) and requirements.

Office of Equity & Inclusion conducts an Equity Analysis.
Management conducts an Operational Risk Assessment.

The City Attorney conducts Legal Review.

Phase 5: Proposal Returns to GPC Policy Staff Coordinates final presentation to ensure the idea has been passed to each Charter.

Charter staff presents final operation recommendations and community engagement to full Commission at GPC.

City Commission decides whether to augment, implement, table, or archive the proposal.

Phase 6: Implementation Policy implemented and metrics gathered for KPIs.

Discussion?