



## Legislation Details (With Text)

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5/26/2022	1	General Policy Committee	Withdrawn	

### Lien Reduction Process (B)

Currently in the City of Gainesville, when a property has a lien assessed against it due to code compliance violations, the property owner can request a reduction in the lien if the property comes into compliance with city code. After the request is made, a meeting is held between the property owner/representative and the Code Enforcement Manager and the Director of the Department of Sustainable Development to discuss the amount of the lien and attempt to reach a negotiated agreement on the amount to be paid by the city. After this meeting, a hearing is held by the Special Magistrate, and the Special Magistrate makes a recommendation as to whether to keep the lien as is, reduce the lien, or rescind the lien entirely. However, the Magistrate's decision is not final, and the City Commission must approve the recommendation at a City Commission meeting for that decision to be made final. While Florida State Statutes indicate that the "local governing body" may execute a satisfaction or release of a lien, the statutes specifically authorize code enforcement boards to reduce fines, and several cities across the State of Florida have adopted local ordinances which allow for their Special Magistrate to be the final decision maker on the reduction of liens. It is the interpretation of the Gainesville City Attorney's Office that Florida State Statutes indicate that while the Special Magistrate may be authorized to be the final decision maker on lien reductions, the City Commission must authorize the release of code enforcement liens, either by an agenda item (which could be on a Consent Agenda), or by ordinance specifically authorizing the City Manager to execute releases of liens where the fines have been reduced by final action of the Special Magistrate.

The General Policy Committee hear a presentation from staff and discuss.