



TO: Honorable Mayor & Members of the
Fort Lauderdale City Commission

FROM: Lee R. Feldman, ICMA-CM, City Manager

DATE: December 17, 2013

TITLE: Consent Resolution – Amend Resolution 05-50 Delegating Authority to
Settle and Release Certain Code Enforcement Liens

Recommendation

It is recommended that Commission approve the revised language to Resolution 05-50 delegating authority to the City Manager to settle and execute a release of certain code enforcement liens and execute administrative releases of certain recorded liens.

Background

The objective of code enforcement is to ensure properties are maintained in accordance with city standards and to encourage property owners to comply violations at the earliest possible point in the enforcement process. When these code violations are corrected, the positive effect on the surrounding neighborhood is immediate, maintaining and sometimes raising area property values in return.

However, once a property is placed on a Code Enforcement Board or Special Magistrate agenda, the opportunity to achieve compliance in quick turnaround and with minimal City resources has passed. In many cases, fines are imposed, increasing on a daily basis until a lien is placed on the property. With the renewed interest in the real estate market, staff has experienced an increase in the number of requests to reduce and settle outstanding liens; approximately one to two each week.

Based upon the discussion with Commission at the Conference meeting on November 19, 2013 staff recommends approval of the following revisions to Resolution 05-50:

1. Delegate to the City Manager the authority to settle and release liens having a face value of \$25,000 or less, provided that he not release any such lien for less than the cost of the City's expenditure in the underlying enforcement.
2. Reduce the "Call Up" provision to 15 days following ratification of the lien reduction settlement by the City Commission.

3. Increase the administrative fee for releases of unenforceable code enforcement liens from \$250 to \$500.
4. Combine Resolution Nos. 05-50, 04-137, 03-177 and 03-176 into one Resolution.

Recommended Procedures Involving Lien Negotiations

While the changes listed above will be formally revised and implemented through the amendments to Resolution 05-50, staff will also initiate the following procedures and practice related to lien negotiations.

The reduced lien settlement amounts in the WaterWorks 2011 Lien Reduction Matrix will be increased by \$500 for each month beyond 12 months that properties were noncompliant in connecting to the sewer system.

For each lien reduction request over \$25,000, staff will prepare a report to the City Commission, after having been vetted and approved by the City Manager, with the following information to review and consider for the proposed lien reduction settlement:

- Completed application for the lien reduction, including the best and final reasonable offer by the applicant;
- Current photos of the subject property and all other properties within the City of Fort Lauderdale owned by the same property owner;
- A brief written summary of the condition of the subject property at the time the lien reduction request was submitted;
- A brief written summary of the condition of the 'other' properties owned by the same property owner at the time the lien reduction request was submitted;
- A written summary and outline of any new or other code violations on the subject property and any other properties owned by the same owner;
- A written summary of the full case history of the subject property (the length of time out of compliance, the activity completed to comply the case, number of inspections, hearings, etc.);
- A written summary of any extenuating circumstances.

In addition, staff will perform the following analysis and include the information submission to the City Commission for their consideration:

- Determine if there is a current sale contract, and if so, when the sale is scheduled, for how much, etc.;
- Determine if the purchaser intends to homestead the property;
- Determine if the proposed lien reduction proposal helps to achieve Our Vision 2035 and relates to Neighborhood Enhancement objectives within *Press Play Fort Lauderdale Strategic Plan 2018*, specifically advancing:
 - Goal 5:** Be a community of strong, beautiful, and healthy neighborhoods.
 - Objective 2:** Enhance the beauty, aesthetics and environmental quality of neighborhoods.

Resource Impact

There is no fiscal impact associated with this action, however, in recommending

revisions to the lien reduction policy, staff anticipates an increase in the revenue associated with lien settlement payments, and in the longer-term, an overall increase in the value of these properties, leading to an increase in municipal property tax revenues.

Strategic Connections

This item is a *Commission Annual Action Plan* priority, included within the **management agenda**, advancing the **Code Enforcement Process Improvement**.

This item is a *Press Play Fort Lauderdale, Our Strategic Plan 2018* initiative, included within the *Neighborhood Enhancement Cylinder of Excellence*, specifically advancing:

- **Goal 5:** Be a community of strong, beautiful, and healthy neighborhoods.
- **Objective 2:** Enhance the beauty, aesthetics and environmental quality of neighborhoods.
- **Initiative 4:** Implement findings from the Code Enforcement Process Improvement.

This item advances the *Fast Forward Fort Lauderdale Vision Plan 2035: We Are Community*.

Attachments:

Exhibit 1 – Resolution

Exhibit 2 – Waterworks 2011 Matrix

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