



Lien Amnesty

Joseph Helfenberger
Lake City – City Manager
November 2, 2020

Discussion Topics

- Terms of the lien Amnesty Program
- lien Amnesty Application Process
- Terms of Eligibility for lien Amnesty
- Application Process for Code Enforcement liens

Lien Amnesty Terms

- Program Duration: December 1, 2020 – December 31, 2021
- Applications accepted during this time period
- Return applications to Growth Management Department
 - In-person or by registered mail
 - \$100 Non-refundable application
- If Multiple violations are present:
 - Apply for amnesty on each lien simultaneously
 - Each lien is subject to the application fee

Ineligible liens

- Utility liens are NOT eligible
- Code Enforcement liens under \$1,000 are NOT eligible
- Special Assessment liens are NOT eligible
- Payments for code abatement actions are NOT eligible
 - Lot mowing
 - Debris removal
 - Demolition

Such liens must be paid in full prior to requesting for a reduction

Eligibility Criteria

- Property must be in compliance with all city codes/ordinances
- Both commercial and residential properties are eligible
- Municipal Special Assessments & Code Abatement Costs
 - Must be paid in full

Lien Application

- Who can apply?
 - Violator or successor with ownership interest in encumbered property
 - Prospective purchaser
- How to apply? Written application to Growth Management
 - Typed or hand-written
 - Sworn in presence of a notary public

Applications Shall Include the following:

- Copy of order imposing the lien, including case number
- Date property brought into compliance
- Factual basis to grant the lien waiver
- Terms under which to grant the lien waiver
- Reasons compliance did not happen sooner
- Verifying whether a title policy was issued
- \$100 non-refundable payment
- Other reasons such as circumstances justifying amnesty

Processing Application

- Growth Management confirms violation has been brought into compliance
- If violations are satisfied and no new violations:
 - Code Enforcement Special Magistrate holds a hearing
- If enough information is given:
 - Special Magistrate decides

Special Magistrate Considerations

- Administrative/Out-of-Pocket costs incurred by City
- Gravity and number of violations
- Current Property Value Compared to Amount of lien
- Whether Applicant was Responsible for the Violation
- Whether Applicant is a bona fide Purchaser
- Did Applicant know about lien before purchasing property
- Title Insurance: failed to identify a lien - No Waiver
- How much time it took to comply
- Cost considerations

Factors to Consider

- Amount of fine versus Profit to gain
- Previous or Subsequent code violations PERTAINING TO THE PROPERTY unless order is under appeal
- Previous or Subsequent code violations PERTAINING TO OTHER PROPERTIES OWNED WITHIN CITY unless order is under appeal
- Relevant information in a Title Policy
- Financial Hardship
- Other Circumstance(s)

Special Magistrates Options

- Approve lien Waiver
- Approve lien Waiver with Conditions
 - 30-days to comply with conditions
- Deny lien Waiver

Appeal Process

- If denied amnesty, applicant must wait 30-days to reapply
- Applicant may appeal to City Council
 - File a written appeal within 30 days of decision
 - State Grounds for Appeal
 - Summary of Relief Sought
 - \$100 non-refundable filing fee
 - City Manager places appeal on agenda of next regular City Council meeting
 - City Council renders final decision
 - Sworn Application, Special Magistrate Determination, Applicant Testimony,
 - City Manager information, Other interested Parties information

Other lien Releases

- Mayor is authorized to Execute Release of Code Compliance
- or Code Enforcement lien when:
 - lien is over 20 Years Old
 - lien was properly foreclosed by Circuit Court
 - lien was property discharged by Bankruptcy Court
- Other Reasons determined by City Attorney establishing
 - Legal Unenforceability
 - Uncollectibility of a lien

CITY COUNCIL ORDINANCE NO. 2020-0333

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AMENDING THE CITY OF LAKE CITY CODE OF ORDINANCES, CHAPTER 22 - ARTICLE VII, WITH THE ADDITION OF DIVISION 6. - CODE ENFORCEMENT LIEN AMNESTY, SEC. 22-206 THROUGH SEC. 22-211, CODE ENFORCEMENT LIEN AMNESTY PROGRAM. WHEREAS, pursuant to and under the provisions of the Uniformly Prudent Act, the City of Lake City, Florida, herein referred to as the "City", is authorized by Resolution of the City Council to establish the Code Enforcement Lien Amnesty to be adopted; and

WHEREAS, the subject of the new Division 6. - Code Enforcement Lien Amnesty, Sec. 22-206 through Sec. 22-211 - Code Enforcement Lien Amnesty Program will benefit the city

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are all true and accurate and are hereby incorporated hereto and made a part of this ordinance.

Section 2. The following revised section is hereby adopted for use by the City for all code enforcement inspections:

ARTICLE VII. - MINIMUM STANDARDS CODE

DIVISION 6. - Code Enforcement Lien Amnesty

Sec. 22-206. - Code Enforcement Lien Amnesty: Program duration: acceptance of applications; application fee; multiple violations.

(a) **Program duration.** Duration of the code enforcement lien amnesty program shall be from December 1, 2020 to November 30, 2021, unless extended by resolution adopted by the City Council.

(c) **Acceptance of Applications.** Property owner applying to the Code Enforcement Lien Amnesty Program must complete a Code Enforcement Lien Amnesty Program application. Applications will be accepted between December 1, 2020 until November 30, 2021 by the Growth Management Department. Applications are available at City Hall. Completed applications (with application fee) may be returned in person or via registered mail to the Growth Management Department.



Application for Amnesty of Code Enforcement Liens

All information fields must be completed before this application can be processed. Requests are not scheduled for the Lien Release Agents until the application has been reviewed for completeness.

An application fee of \$100.00 is required pursuant to City Code Section 22-208(c) for the initial application made by the property owner for the same property. Any second or subsequent requests require a \$100.00 resubmission fee. For more details, please see the Lien Release Process, which is provided with this application.

CASE NUMBER(S) <small>(see page 2)</small>		LIEN ADDRESS (Property subject to the lien(s))	
APPLICANT'S NAME		PHONE	
MAILING ADDRESS		STATE	
CITY		ZIP	
AUTHORIZED REPRESENTATIVE'S NAME		WRITTEN AND NOTARIZED AUTHORIZATION FROM OWNER?	
		YES <input type="checkbox"/> NO <input type="checkbox"/>	
HAS THE APPLICANT APPLIED FOR LIEN RELEASE/REDUCTION FOR THIS PROPERTY BEFORE?			
YES <input type="checkbox"/> NO <input type="checkbox"/> IF YES, WHEN? _____ (Month and Year)			
OWNER OF LIEN ADDRESS WHEN LIEN(S) WERE PLACED _____			
CURRENT OWNER OF LIEN ADDRESS _____			
CURRENT OWNER'S RELATIONSHIP OR AFFILIATION WITH ENTITY/PERSON NAMED IN LIEN(S) _____			
OTHER PROPERTY LOCATED IN LAKE CITY BELONGING TO CURRENT OWNER - # _____			
VIOLATION(S) AT LIEN ADDRESS WHEN LIEN(S) WERE PLACED _____			
WHO LIVED AT THE PROPERTY WHEN THE LIEN(S) WERE PLACED? _____			
REASON(S) VIOLATION(S) NOT CORRECTED BEFORE LIEN(S) PLACED _____			
IS MONEY BEING HELD? YES <input type="checkbox"/> NO <input type="checkbox"/>			
IF YES: MONEY IS BEING HELD BY: TITLE CO <input type="checkbox"/> ATTORNEY <input type="checkbox"/>			
WHO WILL RECEIVE MONEY IF THE LIEN(S) IS/ARE REDUCED/RELEASED? _____			
REASON(S) YOU ARE REQUESTING A REDUCTION OR RELEASE OF LIEN(S) _____			

Continued on Next Page

CITY COUNCIL ORDINANCE NO. 2020-XXXX

A ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AMENDING THE CITY OF LAKE CITY CODE OF ORDINANCES, CHAPTER 22 – ARTICLE VII, WITH THE ADDITION OF DIVISION 6. – CODE ENFORCEMENT LIEN AMNESTY, SEC. 22-208 THROUGH SEC. 22-211, CODE ENFORCEMENT LIEN AMNESTY PROGRAM.

WHEREAS, pursuant to and under the provisions of the Community Planning Act, the City of Lake City, Florida, hereinafter referred to as the "City", is authorized by Resolution of the City Council to establish the Code Enforcement Lien Amnesty to be adopted; and

WHEREAS, the adoption of the new Division 6. – Code Enforcement Lien Amnesty, Sec. 22-208 through Sec. 22-211 – Code Enforcement Lien Amnesty Program will benefit the city

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAKE CITY, FLORIDA, AS FOLLOWS:

Section 1. The above recitals are all true and accurate and are hereby incorporated herein and made a part of this ordinance.

Section 2. The following revised section is hereby adopted for use by the City for all code enforcement inspections:

ARTICLE VII. - MINIMUM STANDARDS CODE

DIVISION 6. – Code Enforcement Lien Amnesty

Sec. 22-206. – Code Enforcement Lien Amnesty Program duration; acceptance of applications; application fee; multiple violations.

- (a) *Program duration.* Duration of the code enforcement lien amnesty program shall be from December 1, 2020 to November 30, 2021 unless extended by resolution adopted by the City Council.
- (b) *Acceptance of Applications.* Property owners applying to the Code Enforcement Lien Amnesty Program must complete a Code Enforcement Lien Amnesty Program application. Applications will be accepted between December 1, 2020 until November 30, 2021 by the Growth Management Department. Applications are available at City Hall. Completed applications (with application fee) may be returned in person or via registered mail to the Growth Management Department.

- (c) *Application fee.* Property owners applying to the Code Enforcement Amnesty Program must, in addition, to completing a Code Enforcement Amnesty Program application, submit a \$100.00 nonrefundable application fee.
- (d) *Procedure when multiple violations present.* Property owners with multiple code enforcement liens must apply for amnesty on each lien on the property simultaneously under the program with each lien being subject to the application fee.

Sec. 22-207 Ineligible liens.

- (a) Utility liens are not eligible for the amnesty program.
- (b) Special Assessment liens or payments due for code enforcement abatement actions, such as lot mowing, debris removal, or demolition are not eligible for the amnesty program and such liens must be paid in full prior to a property owner requesting a lien reduction under the terms of this article.
- (c) Code Enforcement liens of less than or equal to one thousand (1,000.00) dollars are not eligible for the amnesty program.

Sec. 22-208 Eligibility criteria.

- (a) Property must be in compliance with all city codes and ordinances in order to be eligible for the Code Enforcement Amnesty Program.
- (b) Both commercial and residential properties are eligible to participate in the program.
- (c) Any municipal special assessment liens or other code enforcement abatement costs must be paid in full.

Sec. 22-209. Application for satisfaction, reduction or release of code enforcement liens.

- (a) Where a certified copy of an order imposing a penalty or fine, as described in this division, has been recorded in the public records of Columbia County, Florida, and has become a lien against the land or property of the violator, such violator, or the violators successors or assigns, who has an ownership interest in the encumbered property, or a prospective purchaser (collectively the “applicant”) may apply for amnesty or satisfaction, of such lien as follows:
 - (1) Upon full payment by the applicant of the fine or penalty imposed in accordance with this division, the City Clerk is hereby authorized to execute and record on behalf of the city a satisfaction of lien in the public records of Columbia County, Florida. The applicant shall be responsible for paying all costs of recording.

- (2) Upon request for amnesty of a fine or penalty imposed in accordance with this division, the applicant shall submit a written application to the Growth Management Department.
- (b) The application for amnesty of the lien shall be in written form, typed or handwritten, by the applicant, on a City provided application, and shall be submitted to the Growth Management Department. The application shall be executed under oath and sworn to in the presence of a notary public, and shall include, but may not be limited to, the following:
- (1) A copy of the order imposing a lien upon the property including the code enforcement case number;
 - (2) The date upon which the applicant brought the subject property into compliance with the Code;
 - (3) The factual basis upon which the applicant believes the application for amnesty of the lien should be granted;
 - (4) The terms upon which the amnesty of the lien should be granted;
 - (5) The reasons, if any, compliance was not obtained prior to the order of penalty or fine being recorded;
 - (6) A statement verifying whether the applicant was issued any title policy or policies for the subject property encumbered by the lien after the date the lien was recorded in the public records of Columbia County, Florida. If such a policy or policies were issued to the applicant, a copy of any such title policy shall be submitted with the application;
 - (7) Any other information which the applicant deems pertinent to the request, including but not limited to, the circumstances that exist which would warrant the amnesty of the penalty or fine.
- (c) The applicant shall submit, at the time of application, payment of \$100.00 to the city to reimburse the city for its costs associated with recording the order imposing a penalty or fine and the requested reduction or release of lien. These costs are nonrefundable, without regard for the final disposition of the application.
- (d) Upon receipt of the application for amnesty of the lien and payment provided above, the Growth Management Department shall confirm that the violation which resulted in the order imposing penalty or fine has been brought into compliance. If the violation has been brought into compliance and there is no current code violation upon the property in question, the Growth Management Department shall review and schedule the application to be presented to the Code Enforcement Special Magistrate at the next scheduled Code Enforcement Hearings. Additional information shall also be required to support the application if the Growth Management Department deems such information is relevant and necessary for the Code Enforcement Special Magistrate to make the final decision on the application. The City Council hereby delegates to the Code Enforcement Special Magistrate the authority to review and consider applications for amnesty of the liens and make determinations as provided herein.

(e) The Code Enforcement Special magistrate shall review and consider the following factors in making a determination amnesty of the lien.

- (1) The amount of any administrative and out-of-pocket costs incurred by the city which are directly associated with the underlying code enforcement case and lien including, but not limited to, code enforcement staff and attorney time, postage, advertising and recording costs, and other city expenses related to any measure taken by the Code Enforcement Special Magistrate or city to abate a nuisance caused by the violation;
- (2) The gravity and number of violations;
- (3) The current property value compared to the amount of the lien;
- (4) Whether the applicant was responsible for the violation which caused the lien;
- (5) Whether the applicant is or will be a bona fide purchaser of the subject property and is filing or has filed for a homestead exemption evidencing a desire to reside within the city on a non-transient basis, or whether the property is or will be acquired for investment or other purposes;
- (6) Whether the applicant acquired the subject property with knowledge, or should have had knowledge, of the subject lien;
- (7) If the title insurance policy was issued upon the purchase of the property and the title insurance policy failed to identify or consider the lien, a waiver for amnesty of the lien shall not be granted. In such cases the lien should have been discovered by the title insurer and providing amnesty of the fines and lien would place the City in the position of indemnifying the title insurer against its losses, which losses should be reflected in premium charges;
- (8) The time in which it took to bring the property into compliance and associated expenses incurred;
- (9) The accrual amount of the code enforcement fine and lien as compared to the current market value of the property;
- (10) With respect to the speculator, non-homestead purchaser of the subject property, the accrued amount of the code enforcement fine or lien as compared to the investment and profit that will be gained as a result of the purchase or sale of the property and the amnesty or satisfaction;
- (11) Any previous or subsequent code violations pertaining to the property unless an order finding a violation is under appeal at the time of determination;

- (12) Any previous or subsequent code violations of the applicant pertaining to other properties owned within the city, unless an order finding a violation is under appeal at the time of determination;
 - (13) Any relevant information contained in any title policy required to be submitted to the city under this section;
 - (14) Any financial hardship;
 - (15) Any other mitigating circumstance which may warrant the amnesty of the penalty or fine; and
 - (16) Any other administrative review criteria relevant to whether it is equitable to preapprove amnesty of a lien which are adopted by the City Council, in writing, and are intended to be applied to all applications on a uniform basis.
- (f) The Code Enforcement Special magistrate may, in writing, approve, approve with conditions, or deny the application amnesty of the lien. To the maximum extent feasible, the Code Enforcement Special Magistrate shall collect, at minimum, all administrative and out-of-pocket costs incurred by the city as specified in subsection (e)(1). If the Code Enforcement Special Magistrate approves the application and the approval is conditioned upon the applicant amnesty, the amnesty of the lien shall not be prepared or recorded until the condition(s) placed by the Code Enforcement Special Magistrate have been satisfied.
- (g) The applicant shall have thirty (30) days in which to comply with the conditions imposed by the Code Enforcement Special Magistrate or submit a written appeal as provided herein. Failure of the applicant to comply or timely appeal will result in the automatic denial of the application and the original amount of the fine, including costs, shall be automatically reinstated. After the appeal time period has run or is waived by the applicant, in writing, the Code Enforcement Special Magistrate may, for good cause shown, grant additional time in the form of a written estoppel letter to a closing agent for purposes of facilitating a pending closing of the subject property.
- (h) If the application is denied, or if the application is automatically denied due to failure of the applicant to comply with the conditions imposed by the Code Enforcement Special Magistrate or timely appeal, the applicant shall thereafter be barred from applying for a subsequent amnesty of the lien for a period of thirty-days (30 days) from the date of denial. During the thirty-day (30 day) period, the lien may only be satisfied and released upon full payment of the fine or penalty imposed in accordance with this division.
- (i) The applicant may appeal the Code Enforcement Special Magistrate's decision to the City Council, by filing a written appeal within thirty (30) days of the date of the decision with the City Clerk. The notice of appeal shall state the decision that is being appealed, the grounds for appeal, and a brief summary of the relief being sought. A nonrefundable filing fee of \$100.00 shall accompany the notice of appeal. Upon submittal of a timely appeal and filing fee, the City Manager shall place the appeal of the determination upon the

agenda of the next regularly scheduled City Council meeting to the extent practicable. The City Council shall render a final decision on the application based upon the sworn application and determination of the Code Enforcement Special Magistrate and any other relevant information or testimony provided to the City Council at the meeting by the applicant, City Manager, or any other interested party. Any decision made by the City Council pursuant to this section shall be deemed final and not subject to any further administrative review by the city. The applicant shall have thirty (30) days in which to comply with any decision of or condition imposed by the City Council or the application shall be deemed automatically denied and thereafter, the applicant shall be barred from applying for a subsequent reduction or release of lien for a period of thirty (30) days from the date of the City Council's decision. During the thirty (30) day period, the lien may only be satisfied and released upon full payment of the fine or penalty imposed in accordance with this division.

- (j) When a lien is satisfied as a result of amnesty as ordered by the Code Enforcement Special Magistrate, the City Clerk is hereby authorized to execute and record in the public records of Columbia County, Florida, a satisfaction of lien on behalf of the city. The \$100.00-dollar application fee shall be utilized for all costs incurred by the city.

Sec. 22-211. Other lien releases.

- (a) In addition to the release of liens described above, the mayor shall be authorized to execute a release of a code compliance or code enforcement lien which has been deemed in writing by the City Attorney to be legally unenforceable or uncollectable as described below:
 - (1) The lien is more than twenty (20) years old; or the statute of limitations relating to the lien has otherwise expired;
 - (2) The lien was properly foreclosed by order of the Circuit Court of the Third Judicial Circuit in and for Columbia County, Florida;
 - (3) The lien was properly discharged in a bankruptcy proceeding by the order of a bankruptcy court;
 - (4) The property encumbered by the lien is currently owned by the city;
 - (5) Any other reason as determined by the City Attorney that establishes the legal unenforceability or uncollectibility of a lien

Section 3. It is the declared intent of the City Council of the City of Lake City that, if any section, sentence, clause, phrase, or provision of this ordinance is for any reason held or declared to be unconstitutional, void, or inoperative by a court or agency of competent jurisdiction, such holding of invalidity or unconstitutionality shall not affect the remaining provisions of this ordinance, and the remainder of this ordinance after the exclusion of such part or parts shall be deemed to be valid.

Section 4. This ordinance shall be filed in the Office of the City Clerk of the City of Lake City, and in the Office of the Growth Management Director of the City of Lake City.

Section 5. All ordinances or parts of ordinances in conflict herewith are, to the extent of the conflict, hereby repealed.

Section 6. This ordinance shall be effective as of the date of its adoption.

PASSED upon first reading this xx day of xxxxxxxx, 2020.

PASSED AND DULY ADOPTED, upon second and final reading, in regular session with a quorum present and voting, by the City Council this xx day of xxxxxxxx, 2020.

ATTEST

Audrey Sikes,
City Clerk

Stephen M. Witt,
Mayor

APPROVED AS TO FORM AND LEGALITY

Frederick L. Koberlein Jr.,
City Attorney



Application for Amnesty of Code Enforcement Lien(s)

All information fields must be completed before this application can be processed. Requests are not scheduled for the Lien Release Agenda until the application has been reviewed for completeness.

An application fee of \$100.00 is required pursuant to City Code Section 22-206(c) for the initial application made by the property owner for the same property. Any second or subsequent requests require a \$100.00 reapplication fee. For more details, please see the Lien Release Procedures, which is provided with this application.

CASE NUMBER(S) (see page 2)	LIEN ADDRESS (Property subject to the lien(s))		
APPLICANT'S NAME		PHONE	
MAILING ADDRESS			
CITY		STATE	ZIP
AUTHORIZED REPRESENTATIVE'S NAME		WRITTEN AND NOTARIZED AUTHORIZATION FROM OWNER?	
		YES <input type="checkbox"/>	NO <input type="checkbox"/>
HAS THE APPLICANT APPLIED FOR LIEN RELEASE/REDUCTION FOR THIS PROPERTY BEFORE?			
YES <input type="checkbox"/>	NO <input type="checkbox"/>	IF YES, WHEN? _____ (Month and Year)	
OWNER OF LIEN ADDRESS WHEN LIEN(S) WERE PLACED			
CURRENT OWNER OF LIEN ADDRESS			
CURRENT OWNER'S RELATIONSHIP OR AFFILIATION WITH ENTITY/PERSON NAMED IN LIEN(S)			
OTHER PROPERTY LOCATED IN LAKE CITY BELONGING TO CURRENT OWNER - # _____			
VIOLATION(S) AT LIEN ADDRESS WHEN LIEN(S) WERE PLACED			
WHO LIVED AT THE PROPERTY WHEN THE LIEN(S) WAS/WERE PLACED?			
REASON(S) VIOLATION(S) NOT CORRECTED BEFORE LIEN(S) PLACED			
IS MONEY BEING HELD? YES <input type="checkbox"/> NO <input type="checkbox"/>			
IF YES	MONEY IS BEING HELD BY: TITLE CO <input type="checkbox"/> ATTORNEY <input type="checkbox"/> _____ <input type="checkbox"/>		
	WHO WILL RECEIVE MONEY IF THE LIEN(S) IS/ARE REDUCED/RELEASED?		
REASON(S) YOU ARE REQUESTING A REDUCTION OR RELEASE OF LIEN(S)			



Application for Amnesty of Code Enforcement Lien(s)

Applicants are required to complete the Applicant's Request table below and to provide copies of any lien(s) they want considered in this Lien Release/Reduction Request Application. To obtain information on liens contact Columbia County Clerk of Court or visit the Official Records Department at the County building located at 135 NE Hernando Ave. Suite 238, Lake City, Florida. You may also access Official Records via the internet at: <https://myfloridacounty.com>

Note: The Growth Management 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:

- Released in its/their entirety
- Reduced
- Released from the property located at _____ only. Lien(s) to remain in the name of the owner at time of lien.
- Other: _____

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

For City of Lake City Use Only			
Additional lien(s) found by the Codes Compliance Assistance Department not included on original application			
Lien Amount	Date/Month Certified	OR Book	OR Page
\$			
\$			
\$			



Application for Amnesty of Code Enforcement Lien(s)

Under penalty of perjury, the undersigned:

- swears or affirms that the information provided on this three (3) page Application for Amnesty of Code Enforcement Lien(s) is true and correct;
- acknowledges that he/she has read the Lien Release Procedures; and
- further acknowledges that he/she was given an opportunity to ask questions regarding the procedures.

Applicant must provide an initialed copy of the Lien Release Procedures as acknowledgement of the above in order for application to be accepted.

Applicant's Signature _____ Date _____

State of Florida
County of Columbia

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 or by in person ___ or online ___.

Stamp:

Notary Public:

For City of Lake City Use Only

- Application completed in its entirety
- Application properly notarized
- Initialed Lien Release Procedures page
- Application fee included (\$100.00 – current owner)
- Verification made of no active code cases at Lien Address
- Copy of lien(s) attached

Date Submitted

Application accepted by (initial): _____

Scheduled for Code Enforcement Hearing On: _____



CITY OF LAKE CITY- CODE ENFORCEMENT LIEN RELEASE PROCEDURES

The Code Enforcement Special Magistrate have the discretionary 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. **Applications will not be accepted if the Lien Address (property subject to the lien(s)) has any active codes cases.** In evaluating requests for liens to be released or reduced, the Special Magistrate will consider the following:

1. Whether the entity requesting the release owns other properties in the City, and how many have active code cases or Code Enforcement liens;
2. Whether the entity requesting the release owned the property for which the lien was placed at the time the lien was placed;
3. Whether the entity requesting the release took proactive action to correct the violations for which the lien was placed;
4. Whether the violations have been corrected or will be corrected, with such assurances as the Special Magistrate deems appropriate;
5. Any other specific information which is available about the property or the entity requesting the release;
6. Any other factor which may show a hardship on the entity requesting the release or which may provide a reasonable basis for the requested relief.

Lien release requests heard by 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. An application fee of \$100.00* is required pursuant to City Code Section 22-206(c) for each application made by the property owner for the same property. An application fee of \$100.00* is required for each application made by any other entity for the same property.

Entities who have requested a lien release hearing, but are unable to attend the scheduled meeting, must request re-scheduling in accordance with the deadlines listed below. **Any entity that does not cancel by the established deadlines and does not appear for the scheduled meeting must wait 180 days to be re-scheduled for a hearing and must pay an application fee of \$100.00* for this second or any successive lien release hearing request(s).** The Special Magistrate 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.

* Payments must be made payable to the City of Lake City. Personal checks, cash and/or credit cards will be accepted.

Applications and cancellations must be submitted prior to 3:00pm on or before the deadline.

Only the first twelve requests received by the Growth Management may be processed for each meeting. To be placed on the hearing agenda, an applicant makes a request to the Growth Management Department (Growth Management, 205 N Marion Ave. Lake City, FL 32055 Attn: Code Enforcement). The Growth Management Department 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 Special Magistrate prior to the meeting.



Applicants check in with staff prior to the meeting. The order in which applicants check in determines the order the cases are heard. Applicants must be present for the case to be heard. When the case is called, 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 may enter an order to reduce the lien, or take no action, leaving the lien in place. The Growth Management Department will complete the paperwork to release the lien after the conditions imposed by the order are met.

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, please contact the City Clerk's Office (386) 752-2031, at least 24 hours prior to the meeting and we will provide that accommodation for you.

For any additional information, please contact a Growth Management Department at (386) 719-5750

Initial and Include this Copy with Application

_____ Initials

AUTHORIZATION TO REPRESENT PROPERTY OWNER

If a property owner desires to have an authorized representative discuss his/her case, present evidence, or to agree to compliance terms on the property owner's behalf, this form must be completed and returned to the Growth Management Department prior to the start of the Code Enforcement Special Magistrate meeting.

RETURN COMPLETED FORM TO: Growth Management
Code Enforcement
205 N Marion Ave.
Lake City, FL 32055

I, _____, as owner of the
(Print Name)
property located at _____ in Lake City, FL,
(Address)
hereby appoint _____, who can be contacted at
(Print Name)

(Address and Phone Number)

to represent me, and is authorized to testify and to agree to compliance terms on my behalf for case numbers (s):
number(s) _____, at the Code Enforcement Special Magistrate
meeting to be held _____, and any subsequent meetings where the foregoing case(s)
(Date)
is/are on the agenda.

WITNESS:

OWNER:

DATE:

DATE:

STATE OF _____
COUNTY OF _____

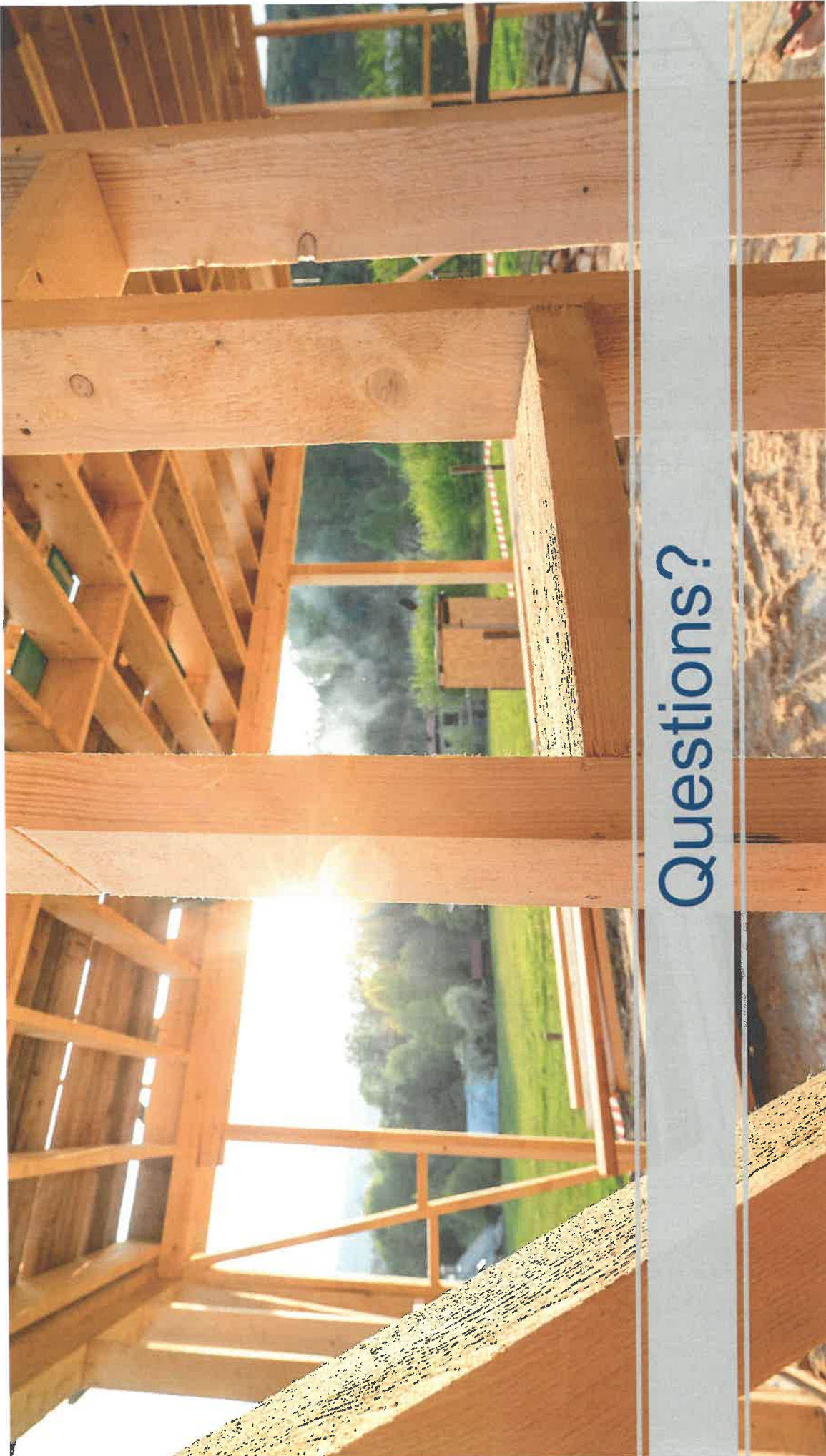
The foregoing instrument was acknowledged before me this ____ day of _____,
20 _____, by _____, who is personally known to me/or who has
produced _____ as identification and appeared before me at the
time of notarization in person ___ or on-line ___.

Commission No:

Notary Public - Signature

My commission expires:

Notary Public – Print Name



Questions?