

GUIDELINES FOR ADJUSTMENT & WAIVER OF FEES & CHARGES

I. Purpose

To be more responsive to customers/residents/applicants by empowering staff and the Town Manager to make certain adjustments to and/or to grant waivers of fees and charges for planning and zoning, permitting, code enforcement, and other services provided by the Town as adopted by the following:

- Resolution No. 2013-01 setting forth fees and charges for limited zoning and planning services; zoning review and zoning confirmation letters and interpretations; and
- Resolution No. 2016-14 amending and incorporating all fees and charges assessed into one comprehensive fee schedule, which was amended by Resolutions 2017-16, 2017-81, 2018-28, and 2018-62: and
- Resolution No. 2021-70 amending the comprehensive fee schedule for planning and zoning, permitting, code enforcement, and other services provided by the Town.

Generally, the guidelines afford customers/residents/applicants to request that the Town:

- Waive an amount of money owed to the Town
- Grant a concession (in amount, nature and/or timing) in relation to money which is owned to the Town

II. Goal

To improve the overall communication between the Town and the customers/residents/applicants it serves by offering fair monetary solutions to customers/residents/applicants with straightforward problems while in conversation with that customer/resident/applicant. To be effective, the customer-focused approach allows for some discretion with respect to adjustments to and/or waivers of certain fees and charges but relies upon standardized process and procedures.

III. Eligibility

- The Town will consider fee waivers generally up to a maximum of 50% of the total fee/charge; however, the Town may at its discretion determine to waive 100% of the fees and charges based on the merit of the application. Circumstances that may justify an adjustments and/or waiver of fees and/or charges include but are not limited to:
 - Conditions arising from actions and/or inactions of prior owners
 - Previous permits indicated need for related permit (Town should have known at time of initial permit)
 - Oversight or error by governmental entity (Town or otherwise)
 - Where cost of fee may deter compliance and/or cause financial hardship

- Code is outdated and/or situation suggests need for amendment to code
 - Administrative burden to Town
- Fee waivers will be considered for:
 - Fees and charges listed on the Schedule of Fees and Charges adopted by Council as noted above
 - Reimbursement for fees or charges such as cost recovery
 - Initial and/or additional deposit/escrows required
 - Activities, events, competitions, projects, or celebrations
 - The Town may, at its own discretion, determine an individual adjustment and/or waiver on its merits.

Generally, only one adjustment and/or waiver of fees and charges for an individual property may be considered within any 12-month period. Additional adjustments and/or waivers may be granted if the customers resident/applicant can produce adequate documentation and it is determined that reasonable justification exists. All requests must be made within 12 months of initial service.

There will be a minimum of a \$50 administrative fee each application for each adjustment and/or waiver of fees and/or charges.

- Fee waivers will not be considered for:
 - Where a fee or charge is due to the Town under another local, State or Federal Law and/or by another regulatory body
 - Activities that are already covered by an existing agreement
 - Fines & penalties for retrospective applications by same owner or as otherwise set forth in Town regulations
 - Fines & penalties imposed by special magistrate except as permitted by the Town's code
- Payment plan will be considered when asked for by the customer/resident/applicant. Any payment extension will be required to **be paid** in full within a 12-month period.

IV. Authority

- Staff and management may make adjustment to and/or waive fees and/or charges in accordance with the provisions of the policy up to \$125.00 a month in individual fees and/or charges and no more than \$500 in the aggregate monthly.
- The Town Manager will handle those matters where a customer/resident/applicant feels that they did not receive an adequate solution to their issue and may further make adjustment to and/or waive fees and/or charges in accordance with the provisions of the policy up to \$500.00 a month in individual fees and/or charges and no more than \$5,000

in the aggregate monthly. Where adjustments and/or waivers exceed \$750 individually or \$2,000 in the aggregate monthly, the Town Manager shall make a recommendation to Town Council for their consideration and action. Further, the Town Manager may refer any action to the Town Attorney for their advice and counsel or to the Town Council for determinations.

- The Town Council will handle those matters in exceeding the Town Manager's authority as well as appeals of the Town Manager's decisions and may make adjustment to and/or waive fees and/or charges in accordance with this policy.

V. Notice and Application

Customers/residents/applicants wishing to dispute fees and/or charges may notify the Town verbally then must complete an application as noted below, stating the nature of their concern as well as their requested action. Disputed fees and/or charges will be considered on an individual basis taking in consideration circumstances, documentation, any action taken by the customers/residents/applicants and results of additional research/review.

Certain fees and/or charges can be waived immediately at the time the staff person is still in conversation with the customer/resident/applicant (i.e., premise visits, etc.). Other adjustments and/or waivers may only be made following review/research and in accordance with the guidelines stated herein. After taking into consideration the customer's/resident's/applicant's account history, remarks made by the customer/resident/applicant and any other circumstances that may have affected the fee and/or charge, the Town may credit the customer's/resident's/applicant's account

Applications for adjustment to and/or a waiver of fees and/or charges are to be submitted using the Request for Adjustment to and/or Waiver of Fees and Charges application form. Electronic copies are preferred, although hard copy applications will be accepted. Completed applications must be submitted by email (Email: _____) or in person at Town Hall (155 F Road, Loxahatchee Groves, FL 33470) and are accepted at any time during the year.

Please read these guidelines carefully before applying. If you require any further information or assistance with your application form, please contact:

Email: _____
Phone: _____

Applications that are not submitted by application form may not be eligible for funding. If

circumstances surrounding a successful applicant change, the Town reserves the right to review and cancel any or all the approved adjustments and/or waivers.

VI. Documentation

Only after all information, documentation, and/or other research has been completed and reviewed, can the staff, Town Manager or Town Council grant an adjustment and/or waiver. All adjustments and/or waivers granted will be done in accordance with the guidelines set forth in this policy. When approving an application for adjustments and/or waivers, the justification must be documented and approved. An adjustments and/or waivers summary report will be compiled annually and reported to Council at least annually.