



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of the Town of Loxahatchee Groves
FROM: Office of the Town Attorney
VIA: Francine Ramaglia, Town Manager
DATE: November 12, 2024
SUBJECT: Approval on *Resolution No. 2024-81 - Adopting a Foreclosure Policy and Procedure*

Background:

The Town Council has stated that it would support the limited use of lawsuits to foreclose code enforcement liens. Although the Town Council indicated that it would like to approve each potential lawsuit, there was consensus that staff should seek such approval based on an established policy and procedure.

The proposed Foreclosure Policy and Procedure provides a consistent framework for the assessment of potential foreclosure lawsuits. It contemplates that:

- New foreclosure lawsuits will be filed only upon the approval of the Town Council.
- Absent extraordinary circumstances, staff will seek approval to file a foreclosure lawsuit only when one or more the following criteria are met:
 1. The property has more than \$100,000 in unpaid code enforcement fines.
 2. The property has been out of compliance for more than one year.
 3. Conditions on the property pose a substantial risk to the life, safety, or the general welfare.
- Staff will use a standardized checklist for the evaluation of all potential new cases.
- Staff will send written notice to the property owner of its intent to seek authorization to file a foreclosure lawsuit.

Additionally, the proposed policy and procedure authorizes Town staff to spend funds, as necessary and in accordance with the Town's procurement code, to evaluate each potential new case. At a minimum, each potential new case will require Town staff to order a title search.

Recommendation:

Motion to approve *Resolution No. 2024-81* adopting the proposed Foreclosure Policy and Procedure.