



155 F Road Loxahatchee Groves, FL 33470

TO: Town Council of Town of Loxahatchee Groves

FROM: Elizabeth Lenihan, Town Attorney

VIA: Francine L. Ramaglia, Town Manager

DATE: June 6, 2023

SUBJECT: Discussion of Ordinance No. 2023-____ regarding amendments to the code enforcement lien reduction and release ordinance; consideration of Resolution No. 2023-____ adopting an interim code enforcement lien reduction and release policy and consideration of Resolution No. 2023-____ establishing petition fees

Background:

Code enforcement liens are statutory liens created by Ch. 162, Part I, Florida Statutes. If a violation is not corrected within the timeframe provided by the special magistrate, a daily fine begins to accrue until the violation is corrected. These types of fines are intended to provide local governments with leverage to ensure compliance with the applicable code of ordinances and are not meant to be revenue sources. Further, as these liens do not have superpriority status and are not equal in dignity to taxes, if the Town were to foreclose a code enforcement lien, it would be required to pay off any existing mortgage(s) or other judgments and liens that were recorded prior to the Town's lien. This lack of priority renders many foreclosures of code enforcement liens an ineffective remedy. Therefore, situations will arise when a reduction of a lien will be in the best interests of the Town, and it is imperative that the Town have proper processes and criteria in place to reduce such liens in an equitable and lawful manner. Such processes and criteria will ensure that all parties who come before the Town for a lien reduction or lien release will be subject to the same treatment and the Town will reduce and release such liens in a consistent and lawful manner. While the Town Council is discussing and considering the code enforcement lien reduction and release ordinance amendments, staff recommends that the Town Council adopt an interim Code Enforcement Lien Reduction and Release Policy to ensure consistent and lawful processes are in place. Such interim policy will automatically be repealed upon the effective date of the adoption of the ordinance amendments, if approved by the Town Council.

Recommendation:

Town Council review and discuss proposed Ordinance No. 2023-____ regarding proposed amendments to Chapter 14 for code enforcement lien reductions and releases and to make any changes to prepare the ordinance for first reading.

Move Town Council adopt Resolution No. 2023- ____ regarding the interim Code Enforcement Lien Reduction and Release Policy.



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Move Town Council adopt Resolution No. 2023- ____ regarding the establishment of code enforcement lien reduction petition fees and code enforcement lien release petition fees.