

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS

66-1

AGENDA ITEM SUMMARY

Meeting Date: September 14, 2021

Consent

Regular

Workshop

Public Hearing

Submitted by: Office of Financial Management & Budget

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to adopt: a resolution of the Board of County Commissioners of Palm Beach County authorizing a Code Enforcement Lien Amnesty program.

Summary: The Code Enforcement Lien Amnesty program will provide Palm Beach County property owners/lienholders with a method to clear Code Enforcement liens. Many property owners have faced economic difficulties due to COVID-19 and this program will assist so they can obtain clear title and allows them to refinance or sell properties. The County has over 1,000 outstanding Code Enforcement liens on residential and non-residential properties.

This program will enable property owners/lienholders to apply to have 100% of the outstanding lien balance forgiven and the lien released. The program will run from October 1, 2021 to November 30, 2021.

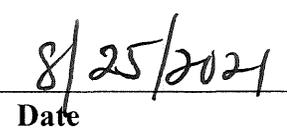
In order for a property owner/lienholder to participate in the program, the property must be in compliance with all county codes, file an application before November 30, 2021, and pay a \$250 nonrefundable application fee. (SF) (Countywide)

Background and Policy Issues: As of July 31, 2021, OFMB holds a total of 1,079 recorded liens on residential and non-residential properties. Of these liens, 79% are currently in compliance. This program may motivate property owners who are not in compliance to make improvements that will bring their property into compliance. In addition, this program will help to stimulate the sale of properties that may have been otherwise unmarketable due to the encumbrance of Code Liens and allow property owners to refinance their properties.

Attachments: Resolution.

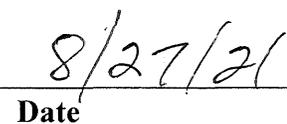
Recommended by:


Department Director


Date

Approved by:


County Administrator


Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	<u>2021</u>	<u>2022</u>	<u>2023</u>	<u>2024</u>	<u>2025</u>
Capital Expenditures	_____	_____	_____	_____	_____
Operating Costs	_____	_____	_____	_____	_____
External Revenues	_____	_____	_____	_____	_____
Program Income (County)	_____	_____	_____	_____	_____
In-Kind Match (County)	_____	_____	_____	_____	_____
NET FISCAL IMPACT	_____	_____	_____	_____	_____

ADDITIONAL FTE
POSITIONS (Cumulative)

Is Item Included In Current Budget? Yes _____ No _____
Budget Account No. Fund _____ Department _____ Unit _____ Object _____

Reporting Category _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

C. Departmental Fiscal Review:

III. REVIEW COMMENTS

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

<p><i>Lisa Manta</i> 8/26/21 OFMB 2021 8/25/21</p>	<p><i>MGJ</i> 8/25/21 MG 8/26/21</p>	<p>_____ N/A _____ Contract Dev. and Control</p>
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B. Legal Sufficiency:

[Signature] For S. Fox 8/26/21
Assistant County Attorney

C. Other Department Review:

_____ N/A _____
Department Director

This summary is not to be used as a basis for payment

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AUTHORIZING A CODE ENFORCEMENT LIEN AMNESTY PROGRAM.

WHEREAS, Code Enforcement liens imposed pursuant to Article 10 of the Palm Beach County Unified Land Development Code and Chapter 162 of the Florida Statutes run in favor of Palm Beach County; and

WHEREAS, the Palm Beach County Board of County Commissioners (the “County Commission”) has the authority to execute a satisfaction or release of such Code Enforcement liens; and

WHEREAS, the County Commission desires to expedite the process of settlement of certain code enforcement liens for a limited period of time by establishing a Code Enforcement Lien Amnesty Program; and

WHEREAS, the Code Enforcement Lien Amnesty Program will provide an incentive for property owners located in unincorporated areas of the County to bring their homes and businesses into compliance with county codes; and

WHEREAS, the Code Enforcement Lien Amnesty Program will help stimulate the sale of many properties that may have been previously unmarketable due to the encumbrance of Code Enforcement liens; and

WHEREAS, the County Commission desires to delegate the authority to the Office of Financial Management & Budget, Collections Section, to process applications under the Code Enforcement Lien Amnesty Program, accept payments, and issue a satisfaction or release of lien upon payment of all applicable fees.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

Section 1: The foregoing recitals are hereby adopted and ratified.

Section 2: The Office of Financial Management & Budget, Collections Section (“OFMB”) is authorized to conduct a Code Enforcement Lien Amnesty Program and is delegated the authority to process applications under the Code Enforcement Lien Amnesty Program, accept payments, and issue a satisfaction or release of lien upon payment of all applicable fees.

Section 3: In order to qualify to participate in the Code Enforcement Lien Amnesty Program the following conditions must be met:

1. All applications must be received between **October 1, 2021 and November 30, 2021** by close of business, along with a \$250 nonrefundable application fee.
2. Property owners must complete and sign an application for each property with a Code Enforcement lien and submit an application fee of \$250 for each application.
3. The property that is the subject of the Code Enforcement Lien Amnesty Program must be fully in compliance with all codes and ordinances adopted by and enforced by Palm Beach County.
4. The property that is the subject of the Code Enforcement lien must have an Affidavit of Compliance issued by a Code Enforcement officer reflecting that all violations have been rectified on every case.

5. Only liens resulting from Code Enforcement violations are eligible under the program. Other liens, including but not limited to, nuisance abatement or unsafe structure liens, lot clearing liens, or utility liens, are ineligible.

Section 4: Upon meeting the conditions set forth in Section 3 above, the amount of the code enforcement lien shall be reduced by 100% (percent) of the total amount owed on said code enforcement lien upon the date of approval of the application.

Section 5: OFMB shall not approve, compromise, or settle any Code Enforcement lien for which the underlying violation(s) remain uncorrected and OFMB shall not approve, compromise, or settle any hard costs, including, but not limited to any lot clearing costs, board-up costs, demolition costs, or any associated legal fees incurred by the County as a result of a Code Enforcement case.

Section 6: OFMB's Collections Coordinator or the Director of OFMB's designee shall provide a satisfaction or release of lien upon compliance with the requirements set forth in this Resolution and shall record the same in the official records of Palm Beach County.

Section 7: The County Attorney's Office shall review and approve as to form all documents prior to their execution by OFMB.

Section 8: If any section, sentence, clause, phrase, or word of this Resolution is held invalid or unconstitutional by a Court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portion of this Resolution.

The foregoing Resolution was offered by Mayor _____ who moved its adoption. The motion was seconded by Commissioner _____, and upon being put to a vote, the motion passed as follows:

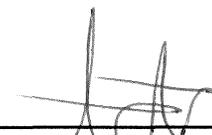
Commissioner Dave Kerner, Mayor	_____
Commissioner Robert S. Weinroth, Vice Mayor	_____
Commissioner Maria G. Marino	_____
Commissioner Gregg K. Weiss	_____
Commissioner Maria Sachs	_____
Commissioner Melissa McKinlay	_____
Commissioner Mack Bernard	_____

The Mayor thereupon declared the Resolution duly passed and adopted this _____ day of _____, 2021.

JOSEPH ABRUZZO,
CLERK & COMPTROLLER

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

By: _____
Deputy Clerk

By:  _____ For S. For
County Attorney