



CITY OF TAMPA

— OFFICE OF THE MAYOR —

Jane Castor, Mayor

EXECUTIVE ORDER 2022-16

POLICY AND GUIDELINES FOR THE SETTLEMENT AND RECOVERY OF CODE ENFORCEMENT BOARD AND CODE ENFORCEMENT SPECIAL MAGISTRATE LIENS

WHEREAS, Chapter 9 of the City of Tampa Code of Ordinances provides for the imposition of fines and the creation of liens against properties found in violation of city codes and ordinances by the City's Code Enforcement Board (CEB) and City's Code Enforcement Special Magistrates (CESM); and

WHEREAS, the liens arising from the fines imposed by the CEB or CESM run in favor of the City; and

WHEREAS, it is desirable and in the best interest of the City of Tampa to implement a uniform and comprehensive policy regarding the settlement and recovery of CEB and CESM Liens that will encourage prompt correction of code violations.

NOW, THEREFORE, by virtue of the authority vested in me as the Mayor of the City of Tampa by Section 4.01 of the Charter of the City of Tampa and the laws of the State of Florida, I do hereby proscribe and promulgate the following:

I. AUTHORITY

- a. The Legal Department, with the assistance of the Neighborhood Enhancement Department (NED), shall be responsible, upon the expiration of the jurisdiction of the CEB or CESM, for negotiating the settlement of fines imposed by the CEB and CESM. NED shall be responsible for the release the lien(s) from the properties.
- b. For purposes of this Settlement and Recovery Policy, the term "compliance deadline" is the deadline to achieve compliance as required in the CEB or CESM order.

- c. For purpose of this Settlement and Recovery Policy, compliance with the relevant code requirements is determined by NED inspectors and reduced to writing through an affidavit of compliance.
- d. For purposes of this Settlement and Recovery Policy, soft costs consist of daily fines assessed on a property from the CEB or CESM order.
- e. For purposes of this Settlement and Recovery Policy, hard costs expenses expended by the City to abate a violation, are not negotiable and shall be paid in full prior to the execution and recordation of the release of lien(s).

II. COMPLIANCE SETTLEMENT GUIDELINES

The Legal Department, with the assistance of the NED, shall have the authority to negotiate settlements of fines pursuant to the following guidelines.

- a. Homestead Exempt Property: Where the violation(s) giving rise to the fine has been corrected and the property has been brought into compliance with code requirements, a fine which exceeds \$250 on homestead exempt property, may be settled in accordance with the following guidelines:
 - 1. \$250 when correction of violation(s) occurred within 1 year of compliance deadlines.
 - 2. \$500.00 when correction of violation(s) occurred between 1 and 2 years of compliance deadline.
 - 3. \$1,000.00 when correction of violation(s) occurred after 2 years of compliance deadline.
- b. Non-Homestead Exempt Property: Where the violation(s) giving rise to the fine has been corrected and the property has been brought into compliance with code requirements, settlement of a fine which exceeds \$500 on non-homestead exempt property, may be settled in accordance with the following guidelines:
 - 1. \$500.00 when correction of violation(s) occurred within 1 year of compliance deadline.
 - 2. \$1,000.00 when correction of violation(s) occurred between 1 and 2 years of compliance deadline.
 - 3. \$3,000.00 when correction of violation(s) occurred between 2 and 3 years of compliance deadline
 - 4. \$4,000.00 when correction of violations occurred between 3 and 4 years of compliance deadline
 - 5. \$5,000.00 when correction of violations occurred after 4 years of compliance deadline.

- c. Release of Lien(s) Cost: Prior to the City's execution and recordation of a release of lien, the City must receive payment of the negotiated settlement allowed herein.
- d. Guideline Departure: The Legal Department may depart from the above fine settlement guidelines set forth herein upon good cause shown for personal medical, physical, or financial hardships.

III. NEW OWNER PROGRAM: When the code violation(s) giving rise to the fine has not been brought into compliance and the property is being or has been transferred to a bona-fide third party in an arm's length transaction, the Legal Department may propose an offer of settlement to the new owner or proposed purchaser requiring the active violation(s) be brought into compliance within a time certain in order to negotiate a settlement consistent with the guidelines set forth in Section II herein. The offer of settlement provided by the Legal Department shall not be transferrable.

IV. DISTRESSED STRUCTURE REHABILITATION PROGRAM: The following procedures apply to the rehabilitation of blighted properties with outstanding CEB and/or CESM fines ("Distressed Structure Rehabilitation Program"):

1. The property owner shall contact the NED to be considered for the Distressed Structure Rehabilitation Program.
2. The Legal Department shall send a letter that provides a settlement offer and acceptance into the Distressed Structure Rehabilitation Program to a property owner who intends to rehabilitate the property.
3. The property owner shall apply for and obtained the required permit(s) from the Construction Services Division to rehabilitate the structure on such blighted property.
4. Upon completion of rehabilitation, as evidenced by obtaining a final inspection and/or certificate of occupancy, the property owner shall contact NED for inspection to certify that the property is in compliance with applicable code requirements.
5. At the time of inspection, the property owner will provide NED with evidence that the structure has been rehabilitated and the property has been brought into compliance with applicable code requirements.
6. Upon receipt of the evidence identified in sub-section 5 above and payment of the cost of recording release(s) of lien(s), NED shall waive CEB and CESM fine(s). NED shall prepare and direct the recordation of the required release(s) of lien(s).

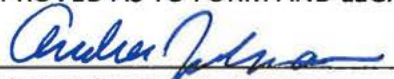
- V. **MILITARY SERVICE MEMBER:** The City of Tampa does not want CEB or CESM liens to be an obstacle for a member of the U.S. Military Services to own a home in Tampa. Therefore, if an active or former member of the U.S. Military Services purchases property with CEB or CESM fine(s) on the property and the property will be the servicemember's homestead upon purchase, such fine(s) shall be reduced to \$250.00 per lien upon correction of active violations. The service member must provide adequate proof of military service and shall pay the cost of recordation and the release(s) of lien(s).
- VI. Guideline Exceptions: This Settlement and Recovery Policy shall not apply to properties when:
1. Foreclosure action is initiated against property, including a City initiated foreclosure action.
 2. The Code violation is irreparable and/or irreversible as defined in City of Tampa Code section 9.2.
- VII. The Legal Department, Real Estate Department, and the Neighborhood Enhancement Department may consult to identify non-homestead properties with CEB or CESM lien(s) that are candidates for judicial foreclosure.
- VIII. Any and all previous executive orders with respect to and in connection with the judicial foreclosure of CEB or CESM liens and the enforcement and collection of CEB or CESM fines are hereby repealed.
- IX. This Executive Order shall take effect immediately upon its execution.

DONE and ORDERED this 6 day of Dec, 2022.



Jane Castor, Mayor

APPROVED AS TO FORM AND LEGAL SUFFICIENCY BY:



Andrea Zelman, City Attorney