



Pinellas County

Legislation Details (With Text)

File #:	20-1513A	Version:	1
Type:	Ordinance	Status:	Public Hearing
File created:	8/10/2020	In control:	Board of County Commissioners
On agenda:	2/23/2021	Final action:	
Title:	Ordinance amendment addressing the delegation of authority for litigation. (Companion to Items Nos. 36, 37, & 38)		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Delegation of Authority, 2. OMB_Delegated_Item_Review_20-1513A, 3. DRAFT Delegation of Authority (Red Line), 4. NoticePublicHearing_Proposed_Ordinance-Code Enf 2-625 DA, 5. Delegation of Authority, 6. Electronic Affidavit of Publication, 7. Affidavit of Publication, 8. Citizen Comments		

Date	Ver.	Action By	Action	Result
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Subject:

Ordinance amendment addressing the delegation of authority for litigation. (Companion to Items Nos. 36, 37, & 38)

Recommended Action:

Approval of the ordinance amendment granting the County Attorney's Office (CAO) limited authority to expeditiously initiate litigation to foreclose on a lien and/or seek injunctions on properties previously found to be non-compliant through a quasi-judicial hearing before the Special Magistrate.

- Currently, the Code Enforcement Division (CED) has limited options to expeditiously promote compliance and demolish unsafe properties in a timely manner.
- The ordinance would allow the CAO the opportunity to initiate timely litigation without bringing each matter to the Board of County Commissioners for individual authorization.
- This ordinance coupled with the companion items will significantly expedite the County's ability to institute equitable lien remedies within a reasonable timeframe and utilize the higher courts to swiftly address unsafe properties and improve the overall value.
- This ordinance will ensure due process is afforded to responsible parties, while also maintaining compliance with applicable state statutes governing homestead guidelines.
- The CED and the CAO will continue to observe State Homestead protections and will ensure appropriate litigation avenues when addressing homestead properties.

Strategic Plan:

Ensure Public Health, Safety and Welfare

2.1 Provide planning, Coordination, prevention, and protective services to ensure a safe and secure economy.

Foster Continual Economic Growth and Vitality

4.2 Invest in communities that need the most

4.3 Catalyze redevelopment through planning and regulatory programs.

Summary:

Pinellas County's Code Enforcement Division (CED), by way of Florida Statute Chapter 162 and the Pinellas County Code of Ordinances ("the code"), has enforcement authority within the unincorporated areas of Pinellas County.

The complete adoption and approval of the aforementioned Ordinances and companion items will provide CED with enhanced ability to lawfully and expeditiously demolish unsafe and dangerous structures, initiate litigation, as well as reduce and foreclose liens to help promote compliance and improve the overall health, safety and welfare of our citizens. Pinellas County's current governing ordinances regulating these matters are outdated and limit CED's ability to timely resolve unsafe conditions and address excessive violations on commercial and residential properties.

The ordinance addresses delegation of authority that would allow the County Attorney the opportunity to initiate litigation without having to bring each matter to the Board of County Commissioners for individual authorization. Delegation of authority is one component of a series of ordinances and a resolution that work in unison to lawfully resolve and expedite several Code Enforcement matters including; demolition and condemnation of hazardous buildings and structures, capping of liens and partial lien forgiveness.

More specifically, the ordinance granting delegated authority, if approved would allow the County Attorney the opportunity to initiate timely litigation without an added 30 to 90 days for Board of County Commissioners authorization. Under current practices CED has been unsuccessful in instituting timely demolitions of unsafe properties. According to our records CED has only demolished 1 property in approx. 20 years. This ordinance coupled with the companion items will expedite the County's ability to demolish unsafe buildings, foreclose on liens within a reasonable timeframe and allow the County to take greater action to improve the property values throughout the unincorporated areas of Pinellas County.

Background Information:

In early 2018, CED was tasked by County Administration with developing and implementing improved methods to address dangerous properties and disproportionate lien values. During the analysis of our current codes and processes CED was able to identify systemic delays and impediments that can only be addressed through ordinance revisions and the requested resolution.

CED sought additional guidance from the County Attorney's Office (CAO) to seek out avenues to expedite the process. While working in partnership with the CAO, CED began actively seeking injunctions to help compel compliance through higher judicial avenues. This process was a success and put CED on a course to seek further adjudicative actions. However, injunctive relief is often met with delays that further distress our citizen complainants. The concern is the County is unable to address and/or resolve the matter, which often involves the demolition of dangerous buildings and structures.

As a representative example, CED initiated its first injunctive request in May of 2018 and the case has a pending trial date of late July 2020. Although not every case is expected to take in excess of two years, this signifies the need to advance the process and improve the code.

Through our collaborative efforts, CED and CAO found that the current governing ordinances had become outdated due to the changing framework of case law throughout the nation. It was determined that a Resolution granting the CAO limited authority to initiate injunctive action coupled with an updated ordinance to assist in County led demolitions was needed in order to reduce undue delay and safeguard occupants and the public from otherwise dangerous and condemned properties.

In August of 2018 CED received additional tasking from the Board emphasizing the need to actively enforce liens and foreclose on dilapidated properties. Although variations of these initiatives had already been in motion, excessive Code Enforcement liens and foreclosures had begun receiving national attention. CED developed and piloted a Lien settlement process that was fair and impartial, which focused compliance rather than being punitive. At its inception the County had over 500 liens through unincorporated Pinellas County, with values ranging from several hundred dollars to millions of dollars per lien. Many of the liens far exceeding the value of the property. In total, the County has approximately \$300M in lien value. Through the pilot program CED has been providing notification to property owners notifying them of the lien and working to arrive at a settlement. On average the liens are settled for less than ten percent of the lien value, although the specific amount is determined on a case-by-case evaluation with a standard methodology. Additional consideration is given to potential investor, affordable housing developers, and other government entities. During this effort the CAO worked to adjust the current code and incorporate changes that would further strengthen the County's ability to address the concerns of curtailing excessive liens, while also allowing the County to quickly demolish unsafe properties and initiate foreclosure actions within a reasonable and lawful timeframe.

In July of 2019, in a response to the Board and further direction from County Administration, CED implemented a Divisional Policy to rapidly secure, repair, and perform inconsequential demolitions of unsafe, dangerous and otherwise abandoned properties. This process allowed CED officers to assess their surroundings and take immediate onsite action to make a property safe without lengthy delays posing prolonged danger to the public. Despite the Divisions success under this directive, the updated ordinances are needed to afford greater safeguards for our Officers and contractors performing these functions.

Fiscal Impact:

There are no fiscal impacts anticipated with the approval or adoption of the ordinances or resolution in this item. Although liens are being capped, lien cap amounts remain consistent with the average fines that are paid through the lien reduction program.

Staff Member Responsible:

Blake Lyon, Director, BDRS
Jude Reazin, CED, Division Manager/Housing Official

Partners:

Amanda Coffee, Pinellas County Attorney's Office
Diriki Geuka, Pinellas County Attorney's Office

Attachments:

Delegation of Authority Ordinance