



Pinellas County

Staff Report

File #: 20-1512A, **Version:** 1

Subject:

Ordinance amendment addressing Code Enforcement demolitions and condemnations. (Companion to Items Nos. 36, 37, & 39)

Recommended Action:

Approval of the ordinance amendment addressing Code Enforcement demolitions and condemnations. The Code Enforcement Division (CED) recommends the adoption of the updated ordinance governing demolition and condemnations of unsafe buildings and structures in unincorporated Pinellas County.

- The County's current governing ordinances regulating condemnation and demolition matters are outdated and limit CED's ability to timely and lawfully resolve unsafe conditions.
- The complete adoption and approval of the ordinance and companion items will provide CED in partnership the County Attorney's Office (CAO) the ability to lawfully and expeditiously address unsafe properties and help promote compliance and improve the overall health, safety and welfare of our citizens.
- This ordinance coupled with the companion items authorizes CED and the CAO to initiate the demolition process for noncompliance in as little as thirty calendar days following a court or Special Magistrate rulings.
- In most situations and under current practices CED must entirely depend on the property owners to make suitable repairs and or demolitions to unsafe property conditions. Unfortunately, this avenue is not effective for absent or grossly negligent property owners and in most cases these properties continue to deteriorate becoming less safe for several years before they are addressed, typically by private ventures.
- This ordinance will ensure due process is afforded to responsible parties, while also maintaining compliance with applicable state statutes governing homestead guidelines.

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, 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.

This ordinance, in conjunction with accompanying items, address; demolition and condemnation of hazardous buildings and structures, as well as capping Code Enforcement liens to restrict excessive lien amounts and delegation granting the County Attorney's Office (CAO) authority to 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.

Pinellas County continues to see a rise in deteriorating properties as the bulk of our residential homes are nearing or in excess of 50 years old. CED works effectively with homeowners to help ensure the habitability and minimum housing standards as well as the overall appearance of our communities ultimately preserving the safety of our citizens and improving home values within the community. However, in cases where extreme hazards exist CED is limited in our ability to quickly and lawfully address safety concerns where homeowners either refuse, or are absent, or are unable to address dangerous situations. Although, we reserve the ability to promote compliance through monetary efforts; liens and other legal remedies do not alleviate the immediate life safety concerns.

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:

Demolition and Condemnation Ordinance