

Lien Reduction Application Instructions

The Special Magistrate has the discretionary authority to reduce fines and liens pursuant to Chapter 162, Florida Statutes. A person or entity requesting a release of lien has no right to the reduction or release of a fine or lien. **Lien reduction is not available if the Lien Address (property subject to the lien), or other properties owned by the property owner and applicant have any active code cases, unless the Applicant is a prior owner and qualifies for an exception provided for herein.**

In order to request a hearing for a lien reduction or release:

- Fill out the paperwork **COMPLETELY**. Do not leave any blanks. Make sure that you include correct information to contact you AND any designated agents. You must include the case number of the lien.
- An Applicant is defined as the current property owner, prior owner (as permitted herein), or prospective purchaser and/or their agent (as designated herein).
- **Applicant** (not agent) must sign and have notarized the Designated Agent Affidavit if applicable.
- Return **ORIGINALS** to the address found at the top of “Request for Motion of Reduction” page.
- If the Applicant has a current or prospective interest in the property, the property that has the lien must be **COMPLETELY** in compliance with no outstanding violations of any type. This may include violations that are discovered at the time of inspection that had not been previously cited.
- If the Applicant is the prior owner and the property with the lien is not in compliance, or there are liens in the Applicant’s name on other properties that the Applicant no longer owns and those properties are not in compliance, lien reduction shall only be permitted as follows:
 - If the Applicant is the prior owner of the property due to an involuntary transaction i.e., the property was transferred due to foreclosure, bankruptcy or some other court order, the Applicant will be permitted to apply for lien reduction even if the lien property is not in compliance. The Applicant must provide proof of the applicable court order to the City.
 - If at the time of application submittal, the Applicant is the prior owner of the property due to a voluntary transfer or sale of the property to a third party, the Applicant will not be permitted to apply for and seek lien reduction until at least one year has elapsed from the date of the transfer.

- ALL other properties located in the City of West Palm Beach owned by the same owner(s) and Applicant, and if the property is owned by a corporate entity or the Applicant is a corporate entity, all properties owned by any corporate entity with the same managing member **must** be in compliance with **all** City Codes.
- Any property owned by the owner(s)/Applicant or owner/Applicant's managing member cannot have any Expired Permits.
- Any property owned by the owner(s)/Applicant or owner/Applicant's managing member that has an open Chronic Nuisance case **MUST** have an approved Action Plan in place and if not already, properly implemented within 30 days of the application date, or the application will be deemed denied. If your application is deemed denied pursuant to this section, and you desire to seek lien reduction in the future, you must submit a new application, pay the applicable application and inspection fees and begin the inspection process anew.
- There can be no other outstanding balance due to the City for any City of West Palm Beach Division, such as Utilities, Sanitation, or False Burglary Alarms, for any property owned by the owner(s)/Applicant or owner/Applicant's managing member.
- Liens/fines associated with hard costs must be paid in full and are not subject to negotiation. These costs include but may not be limited to lot clearing, board up, demolition and condemnation costs.
- Any lien resulting from a fine for a violation that was determined to be irreparable or irreversible will not be considered for reduction.
- If a title insurance policy is issued upon the purchase of the property and the title insurance policy failed to identify or consider the lien, a reduction in lien will not be considered. In such cases, the lien should have been discovered by the title insurer and providing a reduction would place the City in the position of indemnifying the title insurer against its losses, which losses should be reflected in premium charges.
- The property that has the lien cannot be subject to a current foreclosure action by the City of West Palm Beach.
- Once the paperwork is received the City of West Palm Beach will schedule property inspections, check for permit issues, and conduct internal debt searches. This process takes up to 90 days to complete, provided all properties are in compliance at the time of initial inspections and all outstanding debt owed to the City is paid.
- If the property is under contract for sale, a copy of the executed sales contract must be submitted with the application. If a prospective purchaser is the Applicant, the lien reduction order will be contingent upon the transfer of title to the property.
- If the property was purchased within the past 60 days, the closing statement must be provided.
- Please attach the following documents if applicable:

- Timeline detailing the existing liens and any foreclosure proceedings.
 - Any documents, such as receipts or color photos that support your request.
 - Pending Sales Contract and addendum or closing statement.
 - Certificate of Title, Lis Pendens and/or Final Summary Judgment of Foreclosure.
 - Writ of Possession.
 - Title Insurance Policy.
- If the propert(ies) are found to be in compliance, after an inspection of the entire exterior, a Special Magistrate Hearing will be scheduled. If violations are found on the propert(ies), the City will notify you in writing of the violation(s). By submitting this application, you agree to accept the City's written inspection comments identifying any violations on the property via e-mail. You will then be granted a reasonable time to correct the violations and call for re-inspection. If you fail to correct the violation and/or call for re-inspection within ten (10) days of the deadline to correct the violation(s), your application will automatically be deemed denied. If your application is deemed denied pursuant to this section, and you desire to seek lien reduction in the future, you must submit a new application, pay the applicable application and inspection fees and begin the inspection process anew.
 - Hearings are normally held the first and third Wednesday of each month. In order for a case to be scheduled to appear before the Special Magistrate all requirements must be met by 5:00 P.M. the Monday before a hearing (Noon on Tuesday if City offices are closed Monday for a holiday). Applicants and/or Designated Agents will be notified of the hearing date by telephone as well as email whenever possible. The Applicant or its Agent must be present at the Special Magistrate Hearing. If the Applicant or its Agent are unable to attend the scheduled meeting, the Applicant must request re-scheduling the Monday prior to the Special Magistrate Hearing. If the Applicant does not cancel by the established deadline and does not appear for the scheduled meeting, the Applicant must wait 180 days to be re-scheduled for a hearing and must pay any additional inspection fees for this additional hearing. The Special Magistrate may waive the cancellation deadline if the failure to appear was the direct result of circumstances that was beyond the Applicant/Agent's control and could not have been anticipated prior to the cancellation deadline.
 - In evaluating a request for a lien to be reduced, the Special Magistrate will consider the following:
 1. The gravity of the violation;
 2. The time in which it took the violator to come into compliance;
 3. Any prior or subsequent code violations on the property during the current owner's time of ownership;
 4. Whether the Applicant or managing member of the Applicant owns other properties in the City, and how many had other code cases or other Code Enforcement liens;
 5. Whether the Applicant requesting the release owned or was the managing member of the owner of the property for which the lien was placed at the time the lien was placed;
 6. Whether the Applicant requesting the release took proactive action to correct the violations for which the lien was placed;
 7. Any other specific information which is available about the property or the Applicant requesting the release;

8. Any other factor which may show a hardship on the Applicant requesting the release or which may provide a reasonable basis for the requested relief.
- At the conclusion of the Special Magistrate Hearing, the Special Magistrate may enter an order to reduce the lien, remove the entire lien or take no action, leaving the lien in place. The Special Magistrate's decision on whether to reduce the lien is an administrative decision as to whether to accept less for a debt owed to the City, not a quasi-judicial one. The property owner/code violator has already received due process through the special magistrate code compliance proceeding and had appellate rights through that process. The lien reduction process is not intended to create any additional substantive or procedural due process rights.

Lien Reduction Inspections and Fees:

- In order to submit this application, a non-refundable Application Fee of \$200.00 must be paid to the City. The application fee is meant to offset the City's cost in evaluating the application, including the need to review the code compliance case file and to perform one inspection on the property. Any additional inspections will result in an additional inspection fee of \$35.00 per inspection. This means if more than one property needs to be inspected, or if the property is not in compliance and the Applicant calls for re-inspection there will be a fee of \$35.00 for each additional inspection. The application fee and any additional inspection fees are not a partial payment of any code compliance fines or previous costs incurred by the City in the code compliance process.
- Additional inspection fees will be paid before inspections take place.
- If a property fails inspection more than once it may result in that property being cited.
- Properties must pass inspection within 90 days of the Lien Reduction Hearing. If any delays cause the Hearing date to be more than 90 days after the inspection passes, properties will need to pass inspection again which may require additional fees be paid as outlined above.

**REQUEST FOR MOTION OF REDUCTION
OF FINE, FULL, PARTIAL OR CONDITONAL RELEASE OF LIEN**

INSTRUCTIONS: **Property must be in FULL compliance prior to appearing before the Special Magistrate unless no longer owned by the Applicant as authorized by the City Code.** Please fill out this form completely and sign and notarize the Designation of Agent Affidavit (if applicable). Be specific when writing your statement. Please return this ORIGINAL form to the Code Compliance Department, Administrative Assistant at the above address. The Special Magistrate will consider requests for waivers/reductions only one time for each case. If lien reduction is granted and not timely paid, the full amount of the lien will be reinstated, and the Applicant is barred from resubmitting an Application for lien reduction for a period of one year. The Special Magistrate decision shall be the final action on the case.

Applicant(s) Name: _____

Owner(s) Name (if different from Applicant): _____

Firm, Partnership or Business (if applicable): _____

Managing Member's Name (if applicable): _____

Applicant Telephone Number: _____ (Cell #) _____

Applicant E-Mail Address: _____

Designated Agent Name (if applicable): _____

Designated Agent Telephone Number: _____ (Cell #) _____

Designated Agent E-Mail Address: _____

Code Compliance Case Number(s): _____

Violation Address: _____

Current Owner/Applicant's Relationship or Affiliation with Entity/Person Named in Liens:

Number of Other Properties Located in the City of West Palm Beach owned by Owner/Applicant/Managing Member: _____ **If any, attach list of property addresses**

Is this property the subject of a foreclosure? Yes _____ No _____ **If yes, please attach Lis Pendens, FJ & CET**

Does this property have a contract for sale pending? Yes _____ No _____ **If yes, please attach the contract.**

Is the pending sale a short sale? Yes _____ No _____ **Approval from the bank must be attached.**

Anticipated Closing Date: _____

Was this property sold after the lien was recorded? Yes _____ No _____. If yes, was a title insurance policy issued at the time of the sale? Yes _____ No _____. **If yes, please attach the Title Insurance Policy.**

State reasons and be specific as to why a waiver/reduction should be granted (attach an additional page/documents if necessary):

State amount you are requesting to pay for each lien _____

**Signature of Property Owner
If Individual:**

By: _____

Print Name: _____

State of _____

County of _____

The foregoing Application was acknowledged before me this ____ day of _____, 20____ by _____, who personally appeared before me and who did/ did not take an oath and who is personally known to me or who has produced _____ as identification.

[seal]

Print Name: _____

Commission No: _____

If Corporation:

By: _____

Print Name: _____

Title: _____

State of _____

County of _____

The foregoing Application was acknowledged before me this ____ day of _____, 20____ by _____, as _____ of _____ who personally appeared before me and who did/ did not take an oath and who is personally known to me or who has produced _____ as identification.

[seal]

Print Name: _____

Commission No: _____

PROPERTY LIEN ACTION APPLICATION FORM

This application form is intended to assist City staff in identifying and fulfilling your request with regard to liens on properties within the City of West Palm Beach.

INSTRUCTIONS:

1. Applicants must fill out and sign the form below.
2. One form is required for each address that requires action/services.
3. Applicants should bring this application into the City's One-Stop-Shop at 401 Clematis Street, first floor.
4. Payment of \$200 fee is due at time of application. (Note: This covers the first inspection *only*. Additional fee of \$35.00 per inspection *will* apply if more than inspection is necessary.)

Please check only one:

- Lien Reduction** – Request reduction in Code Enforcement liens for properties in full compliance with City codes
- Lien Partial Release** - Request release of liens attached against parcels based upon violations on other properties by same owner
- Lien Conditional Reduction/Release** – Request conditional release of code enforcement liens based upon meeting specific conditions (to be agreed upon). NOTE: This option is not available to if the applicant was the owner of the property when the violations occurred. Applicant must be an owner occupant.

PROPERTY LOCATION: Street Address: _____

City: West Palm Beach State: Florida Zip Code: _____

PROPERTY CONTROL NUMBER (PCN): All properties within City limits are assigned PCNs starting with 74 PCNs can be obtained at <http://www.pbcgov.com/propapp> .

□□-□□-□□-□□-□□-□□□-□□□□

Please provide any relevant information to enable us to assist you in the request:

TYPES OF LIENS INVOLVED: (Check all that apply; Utility Liens and Liens for Abatement may not be reduced.)

- CODE ENFORCEMENT LIEN**
- ACCOUNTS RECEIVABLE LIEN**
- UTILITY (WATER) LIEN**
- ALL LIENS on property**

APPLICANT (Owner not Agent) CONTACT SECTION

CONTACT NAME: _____ **EMAIL:** _____

COMPANY NAME: _____

CONTACT PHONE NUMBER: _____ **ALTERNATE PHONE #** _____

CONTACT MAILING ADDRESS: _____

CITY: _____ **STATE:** _____ **ZIP CODE:** _____

I (we) certify that the above statements submitted herewith are true to the best of my (our) knowledge and belief.

SIGNATURE OF APPLICANT: _____ **DATE:** _____

LIEN REDUCTION DESIGNATION OF AGENT AFFIDAVIT

Property Address: _____

Parcel Control # _____

Any person appearing on your behalf, in your absence, must be designated as your agent on this form or such person will not be entitled to speak at the hearing. If no one authorized appears on behalf of this request the hearing will be cancelled and will not be rescheduled for a period of 180 days unless the Special Magistrate determines that failure to appear was the direct result of circumstances beyond the Applicant/Agent's control.

_____ will attend the Special Magistrate Hearing for a Lien Reduction Request, and has my permission to act as my agent before the Special Magistrate in all matters relating to above-referenced hearing regarding a parcel of real property that has a City of West Palm Beach lien attached.

Applicant's Name (printed) _____

Applicant's Signature: _____

Applicant's mailing Address _____

Applicant's Phone Number: _____

Designated Agent's Name _____

(SIGNATURE ON FOLLOWING PAGE)

If Individual:

By: _____

Print Name: _____

State of _____

County of _____

The foregoing Designation of Agent Form was acknowledged before me this ____ day of _____, 20____ by _____, who personally appeared before me and who did/ did not take an oath and who is personally known to me or who has produced _____ as identification.

[seal]

Print Name: _____

Commission No: _____

If Corporation:

By: _____

Print Name: _____

Title: _____

State of _____

County of _____

The foregoing Designation of Agent Form was acknowledged before me this ____ day of _____, 20____ by _____, as _____ of _____ who personally appeared before me and who did/ did not take an oath and who is personally known to me or who has produced _____ as identification.

[seal]

Print Name: _____

Commission No: _____

****THIS FORM MUST BE BROUGHT TO THE HEARING***