

VILLAGE OF WELLINGTON

Subject:	Lien Reduction Policy (Code Compliance)	
Policy Number:	VW-A-023	Previous Policy: 2015-01
Issue Date:	May 5, 2021	
Effective Date:	September 13, 2021	Revision Date: August 23, 2021

I. Purpose

To establish policies and procedures consistent with the Wellington Code of Ordinances, Section 2-199 and Florida Statute, Chapter 162 for lien reductions.

II. Authority

Village Manager, Planning, Zoning & Building Director, Code Compliance Manager; or designees.

III. Policies and Procedures

The following policies and procedures shall apply to lien reductions:

- a. When foreclosure or bankruptcy actions preclude a code compliance lien, the lien may be released by the Code Compliance Manager.
- b. Prerequisite to the consideration of a lien reduction is the requirement that the violation that generated the lien is corrected. Once the property is in compliance and the property has no other active code compliance actions, the property owner may request a lien reduction.
- c. Lien reduction requests involving a repeat violation may be denied.
- d. Properties in active litigation involving the Village are ineligible for a lien reduction until the conclusion of the litigation.
- e. Property owners are eligible for one lien reduction request per code compliance case.
- f. In response to the property owner request for a lien reduction, the Code Compliance Manager may propose a lien reduction settlement based upon Table 1.
- g. As outlined in Wellington Code Section 2-199 and FS 162.09, the following may be taken into consideration for a lien reduction:
 - The gravity of the violations
 - Actions taken to correct the violation
 - Any previous or subsequent violations
 - Any intervening matters that prevented timely compliance
 - Financial ability of the property owner to pay the full amount of the lien
 - The status of liens with respect to foreclosure and bankruptcy actions

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- h. In the event a settlement is not reached between the Code Compliance Manager and a property owner, the lien reduction request shall be presented to the Village Manager or the Village Council for consideration based upon Table 1.
- i. The Code Compliance Manager may approve a stipulated/settlement agreement with a potential buyer in cases involving a potential sale of the property subject to the lien. The potential buyer may enter a stipulated settlement agreement with the Village of Wellington, whereby the buyer accepts responsible for the violation(s) and is provided time to correct upon taking ownership. A settlement shall be negotiated by the Code Manager as part of the stipulation agreement and upon payment the Village shall release the lien. If a buyer fails to correct the violation(s) within the timeframe specified in the settlement order, liens set in the agreement shall begin to accrue which may lead to imposition of further code enforcement liens against the property. The property owner (buyer) may request a lien reduction only after the violation(s) are corrected and processed based upon this policy.
- j. Once a settlement is agreed to by all parties or approved to compromise the lien, the case is not eligible for additional reduction requests.
- k. All monies are payable to Wellington. If the lien reduction is approved by the Village Council, the payment is due within the timeframe specified in the resolution. Failure to remit payment shall result in re-instatement of the original lien amount.

Table 1

Lien Reduction Percent	Lien Reduction Amount	Property Type	Settlement Approval Level
Up to 80%	Up to \$60,000	All	Code Compliance Manager
	> \$60,000	All	Village Manager
More than 80%	Up to \$60,000	All	Village Manager
	>\$60,000	Residence with Homestead	
	> \$60,000	<ul style="list-style-type: none"> • All non-residential • Multi-family residential • No Homestead 	Village Council