

DEKALB COUNTY

ITEM
NO.

H3

BOARD OF COMMISSIONERS

BUSINESS AGENDA / MINUTES

MEETING DATE: June 10, 2014

HEARING TYPE

Preliminary

ACTION TYPE

Ordinance

SUBJECT: Amend the Foreclosure Registry Ordinance

DEPARTMENT: Planning and Sustainability

PUBLIC HEARING: No

ATTACHMENT: Yes 5 pages

INFORMATION CONTACT: Tonza Clark
Foreclosure Registry Mgr.

PHONE NUMBER 404-371-6379

PURPOSE: To amend the Foreclosure Registry Ordinance, Article IV of Chapter 18 of the Code of DeKalb County

NEED/IMPACT: The Planning and Sustainability Department will automate the Foreclosure Registry payment and registration processes to allow payments and registrations to be completed electronically on-line.

The automation will create a more efficient registration process and eliminate the need to interface with the CDIMS system operated through the office of the Clerk of Superior Court.

RECOMMENDATION(S): Amend the Foreclosure Registry Ordinance.



MEMORANDUM

This communication is confidential and protected by the attorney-client privilege and attorney work product rule. It is intended only for the individual or entity to which it is addressed and should not be given to persons or entities not directly involved with the subject matter on behalf of the County. It expresses the professional judgment of the attorney(s) rendering the opinion regarding the legal issues expressly addressed herein. By rendering an opinion, the attorney(s) does not insure or guarantee any particular result or outcome of any transaction or lawsuit.

Via Hand-Delivery

May 19, 2014

To: Tonza Clark, Foreclosure Registry Manager
Department of Planning and Sustainability

From: Jermaine A. Walker, Senior Assistant County Attorney JAW

Subject: **Amendment to Foreclosure Registry Ordinance – Replace Reference to
“Clerk” (Our File No. 52-1208)**

Enclosed you will find an original copy of an amendment to the above-referenced Ordinance signed approved as to form by the Law Department.

Encl. – 1

cc: Viviane H. Ernstes, Deputy County Attorney

JAW/jaw

JUNE 10, 2014

14-04

May 16, 2014

H3

ORDINANCE

**AN ORDINANCE TO AMEND
THE CODE OF DEKALB COUNTY, GEORGIA
CHAPTER 18 PERTAINING TO FORECLOSURE REGISTRY**

WHEREAS, the Governing Authority of DeKalb County, Georgia is tasked with the protection of the County's public health, safety, and general welfare;

WHEREAS, the Governing Authority of DeKalb County, Georgia desires to protect residential and commercial areas from becoming blighted due to the lack of adequate maintenance and security of foreclosed residential and commercial properties;

WHEREAS, the Governing Authority of DeKalb County, Georgia finds that, in an effort to increase accountability and because of the difficulty of tracking down the person responsible for the condition of property, it enacted a foreclosure registry; and

WHEREAS, the Governing Authority of DeKalb County, Georgia finds it advisable to amend its foreclosure registry in order to provide that registration, the payment of registration fees and updating registry information shall be with and/or to a county official instead of to the Clerk of the DeKalb County Superior Court.

NOW, THEREFORE, BE IT ORDAINED by the Governing Authority of DeKalb County, Georgia, that Chapter 18 of the Code of DeKalb County as Revised, 1988 is hereby amended as follows:

PART I. ENACTMENT.

By adding the following definition to Section 18-101 of the Code of DeKalb County, Georgia as Revised, 1988 in alphabetical order to read as follows:

County Official means county employee designated by the chief executive officer.

By amending Section 18-102 (a) (except for subparts (1) through (5)) and Section 18-102 (b) of the Code of DeKalb County, Georgia as Revised, 1988 to read as follows:

Sec. 18-102. Registry of foreclosed real property.

(a) Any person who holds foreclosed real property shall, no sooner than sixty (60) days but no later than ninety (90) days after the effective date of the real property's foreclosure transfer to said person, register with the county official the following information for each foreclosed real property, as identified by its tax parcel number:

* * *

(b) Any persons who holds foreclosed real property shall pay to the county official, for each registered foreclosed real property, as identified by its tax parcel number, a fee of one hundred dollars (\$100.00).

By amending Section 18-103 (a)(except for subparts (1) through (5)) and Section 18-103 (b) of the Code of DeKalb County, Georgia as Revised, 1988 to read as follows:

Sec. 18-103. Registry of transferred foreclosed real property.

(a) Any person who holds foreclosed real property and then transfers said foreclosed real property to a different person shall, no sooner than ninety (90) days but no later than one hundred twenty (120) days after the effective date of the transfer, register with the county official the following information for each transferred foreclosed real property, as identified by its tax parcel number:

* * *

(b) Any person who has foreclosed on real property and then transfers said foreclosed real property to a different person shall pay to the county official, for each registered transferred foreclosed real property, as identified by its tax parcel number, a fee of one hundred dollars (\$100.00).

By amending Sections 18-104 (a) and (b) of the Code of DeKalb County, Georgia as Revised, 1988 to read as follows:

Sec. 18-104. Updating change in registry information.

(a) Any person registered pursuant to section 18-102 shall update any change in information required to be submitted by that section to the county official within thirty (30) days of the change.

(b) Any transferee registered pursuant to section 18-103 shall update any change in information required to be submitted by that section to the county official within thirty (30) days of the change.

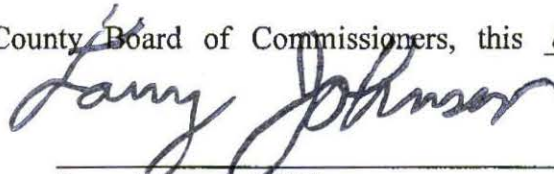
PART II. EFFECTIVE DATE

This ordinance shall become effective immediately upon adoption by the Board of Commissioners and approval by the Chief Executive Officer.

PART III. SEVERABILITY

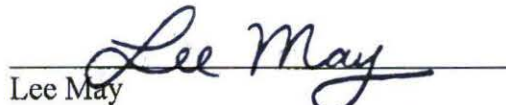
Should any section or provision of this ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the ordinance as a whole, nor any part thereof, other than the part so declared to be invalid or unconstitutional. All ordinances or resolutions, or parts thereof, in conflict with this ordinance are repealed.

ADOPTED by the DeKalb County Board of Commissioners, this 10 day of JUNE, 2014.




Larry Johnson, MPH
Presiding Officer
Board of Commissioners
DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this 12 day of JUNE, 2014.



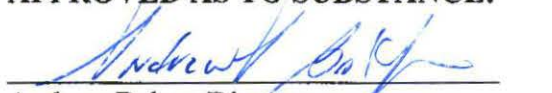
Lee May
Interim Chief Executive Officer
DeKalb County, Georgia

ATTEST:



Barbara H. Sanders, CCC
Clerk to the Board of Commissioners and
Chief Executive Officer
DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

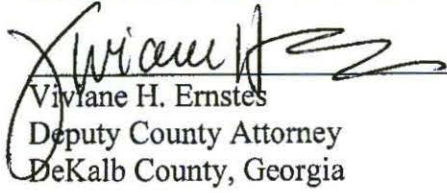


Andrew Baker, Director
Department of Planning and Sustainability
DeKalb County, Georgia

May 16, 2014

H3

APPROVED AS TO FORM:


Viviane H. Ernstes
Deputy County Attorney
DeKalb County, Georgia