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AN ORDINANCE OF THE CITY OF TALLAHASSEE, FLORIDA, CREATING A FORECLOSURE REGISTRY; PROVIDING FINDINGS, PURPOSE, AND INTENT OF THE ORDINANCE; FOR THE REGISTRATION AND INSPECTION OF DISTRESSED PROPERTIES WITHIN THE CITY OF TALLAHASSEE, FLORIDA; FOR POSTING AND MAINTENANCE REQUIREMENTS FOR DISTRESSED PROPERTIES WITHIN THE CITY OF TALLAHASSEE, FLORIDA; AND FOR PENALTIES AND ENFORCEMENT; PROVIDING FOR CONFLICTS, SEVERABILITY, AND AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF
TALLAHASSEE, FLORIDA:

Section 1. Article V, Code Enforcement, of Chapter 2, Administration, of the Tallahassee Code of General Ordinances is amended to create a new Division 5, Foreclosure Registry:

Chapter 2

...

Article V

...

Division 5. Foreclosure Registry

Sec. 2-199. - Legislative Findings.

WHEREAS, the City Commission of the City of Tallahassee, Florida, finds that property may remain in the foreclosure process for months or years prior to foreclosure sale or other resolution of foreclosure proceedings, and that such property may be abandoned at any time during the foreclosure proceedings, often without warning or notice and, even if not abandoned, may not be properly maintained;

WHEREAS, the City Commission of the City of Tallahassee, Florida finds that property that is not properly maintained is unsightly and unsafe and has a negative impact on the community.

WHEREAS, the City Commission of the City of Tallahassee, Florida, hereby declares that all property in the City of Tallahassee that has been foreclosed upon or is the subject of foreclosure actions or proceedings and is not properly maintained is a public nuisance, the abatement of which, pursuant to the City's police power, is hereby declared to be necessary for the health, safety and welfare of the citizens of the City of Tallahassee.

1 Sec. 2-200. - Purpose and intent.

2
3 It is the purpose and intent of this division to protect and preserve public safety, security,
4 and quiet enjoyment by establishing a foreclosure registry and by regulating the maintenance of
5 distressed and abandoned properties that are the subject of foreclosure proceedings.

6
7 Sec. 2-201. - Definitions.

8
9 The following words, terms, and phrases, when used in this chapter, shall have the
10 meanings ascribed to them in this section, except where the context clearly indicates a different
11 meaning:

12
13 *Abandoned* means any distressed property that is not lawfully occupied or inhabited as
14 evidenced by overgrown and/or dead vegetation; electricity, water or other utilities turned off or
15 otherwise non-operational; stagnant swimming pool; statements by neighbors, passersby, delivery
16 agents or government agents; or other conditions which would indicate that the property is not
17 lawfully inhabited.

18
19 *Code inspector* shall mean those authorized agents or employees of the City whose duty it
20 is to ensure compliance with this Code.

21
22 *Distressed property* means any real property upon which a mortgagee has recorded a lis
23 pendens or has filed a foreclosure action. A property will be considered distressed until the
24 foreclosure action is dismissed or closed, or until the lis pendens is otherwise dissolved, or until
25 such time as the mortgagee takes title to the property.

26
27 Sec. 2-202. - Registration and inspection of distressed property.

28
29 (a) Within ten days of the date of taking an action which results in a property qualifying as
30 distressed, the mortgagee taking such action shall register the property that is the security for the
31 mortgage. A registration is required for each distressed property in the city. Registration pursuant
32 to this section shall contain, at a minimum, the property address and the name, mailing addresses,
33 email addresses, and telephone numbers of the mortgagee and servicer. Registration shall also
34 designate a local property manager and provide the name, address, email address, and 24-hour
35 telephone number of the local property manager. The local property manager named in the
36 registration shall be located within 50 miles of the city and available to be contacted by the city
37 Monday through Friday between 8:00 a.m. and 5:00 p.m.

38
39 (b) Within ten days of the date of taking an action which results in a property qualifying as
40 distressed, the mortgagee taking such action shall have the property physically inspected. The
41 inspection must be done in person and the scope of the inspection must be lawful.

42
43 (1) If the property is occupied, but the property remains distressed, the mortgagee shall
44 register the property as occupied and shall inspect the property quarterly until:

45
46 a. The property no longer qualifies as distressed; or

1 b. The property is found to be abandoned, in which case, the mortgagee shall,
2 within ten (10) days of the last inspection, update the property's status to
3 abandoned in the registration program.
4

5 (2) If the property is found to be abandoned, the mortgagee shall have the property
6 physically inspected at least every 60 days.
7

8 (3) The mortgagee or mortgagee's designee shall certify that each inspection has taken
9 place and the results of each inspection, in writing, within three working days of the inspection.
10

11 (c) Properties subject to this division shall remain subject to the requirements of this division
12 as long as they remain distressed or abandoned properties.
13

14 (d) Any person or other legal entity that has registered a property under this division must
15 report a change to the information contained in the registration within ten days of the change.
16

17 (e) An annual registration fee in an amount approved by the Tallahassee City Commissioners
18 shall be paid upon the registration or registration renewal of each distressed or abandoned property.
19 Registration shall be valid for one year from the date of initial registration. Registration of the
20 property must be renewed annually as long as the property remains distressed or abandoned.
21

22 Sec. 2-203. - Posting requirements.
23

24 (a) When a distressed property is determined to be abandoned, it shall be posted with the name
25 and 24-hour contact telephone number of the local property manager, unless such posting is
26 prohibited by recorded covenants and restrictions. The posting shall be of a size and font that is
27 legible from a distance of 45 feet. The posting shall contain the following language, at a minimum,
28 with supporting information:
29

30 THIS PROPERTY IS MANAGED BY _____
31 AND IS INSPECTED ON A REGULAR BASIS.
32 THE PROPERTY MANAGER CAN BE CONTACTED
33 BY TELEPHONE AT _____
34 OR BY EMAIL AT _____
35

36 (b) The posting required in subsection (a) of this section shall be placed on the interior of a
37 window facing the street to the front of the property so that it is visible from the street, or secured
38 to the exterior of the building/structure facing the street to the front of the property so that it is
39 visible from the street, or if no such area exists, on a stake of sufficient size to support the posting
40 in a location that is at all times visible from the street to the front of the property. Exterior posting
41 shall be weather-resistant.
42

43 Sec. 2-204. - Maintenance requirements.
44

45 Abandoned properties shall be maintained in accordance with all relevant city regulations,
46 including, but not limited to, those contained in Chapter 3, Buildings and Building Regulations,
47 Tallahassee Land Development Code, and Chapter 2, Article V, Code Enforcement, and Chapter
48 9, Article III, Offensive Accumulations and Growths, Tallahassee Code of General Ordinances.

1
2 (a) Abandoned properties shall be kept free of weeds, overgrown brush, dead vegetation, trash,
3 junk, debris, building materials, any accumulation of newspapers, circulars, flyers, notices (except
4 those required by federal, state, or local law), abandoned vehicles, discarded personal items,
5 including, but not limited to, furniture, clothing, large and small appliances, printed material or
6 any other items that give the appearance that the property is abandoned.

7
8 (b) Abandoned properties shall be maintained free of graffiti or similar markings by removal
9 or painting over with an exterior grade paint that matches the color of the exterior structure.

10
11 (c) Front, side, and rear yards, including landscaping, of abandoned properties shall be
12 maintained in accordance with this Code.

13
14 (d) Pools and spas of shall be maintained so the water remains free and clear of pollutants and
15 debris and shall comply with the regulations set forth in the applicable code(s).

16
17 (e) Abandoned properties shall be maintained in a secure manner so as not to be accessible to
18 unauthorized persons or open to the elements. The term "secure manner" means and includes, but
19 is not limited to, the closure and locking of all windows, doors, gates, and other openings of such
20 size that will not allow a child or adult to access the interior of the structure and pool area, if any.
21 Broken windows or doors shall be secured.

22
23 Sec. 2-205. - Enforcement

24
25 (a) Failure of the mortgagee to properly register or to modify the registration to reflect a
26 change of information as required by this division is a violation of this division and shall be
27 subject to enforcement pursuant to the code enforcement procedures established in Article V,
28 Code Enforcement, Tallahassee Code of General Ordinances.

29
30 (b) Failure of the mortgagee to comply with the applicable registration, inspection, posting,
31 and maintenance requirements is a violation of this division and shall be subject to enforcement
32 pursuant to the Tallahassee Code Enforcement procedures established in Article V, Code
33 Enforcement, Tallahassee Code of General Ordinances.

34
35 Sec. 2-206. - Additional authority.

36
37 (a) If an appropriate city code inspector has reason to believe that a property subject to the
38 provisions of this article poses a serious threat to the public health, safety, and welfare, the code
39 inspector may bring the violations before a court of competent jurisdiction as soon as possible to
40 address the conditions of the property.

41
42 (b) If there is a finding that the condition of the property poses a serious threat to the public
43 health, safety, and welfare, then a court of competent jurisdiction may direct the city to abate the
44 violations and charge the mortgagee with the cost of abatement.

1 Sec. 2-207. - Provisions Supplemental

2
3 In addition to the remedies authorized in the article, the City may enforce its codes by
4 any other means, including, but not limited to, injunction, abatement or as otherwise provided by
5 law or ordinance.

6
7 Sec. 2-208 - 2-210. Reserved.

8
9 Section 2. Conflict with other ordinances and codes. All ordinances or parts of
10 ordinances of the Code of Ordinances of the City of Tallahassee, Florida, in conflict with the
11 provisions of this ordinance are hereby repealed to the extent of such conflict.

12
13 Section 3. Severability. If any provision or portion of this ordinance is declared by any
14 court of competent jurisdiction to be void, unconstitutional, or unenforceable, then all remaining
15 39 provisions and portions of this ordinance shall remain in full force and effect.

16
17 Section 4. Effective Date. This Ordinance shall become effective immediately upon
18 passage.

19
20 INTRODUCED in the City Commission on the 14th day of June, 2023.

21
22 PASSED by the City Commission on the 23rd day of August, 2023.

23
24 CITY OF TALLAHASSEE

25
26
27
28 By: _____
29 John E. Dailey
30 Mayor

31
32
33 ATTEST:

34 APPROVED AS TO FORM:

35
36
37 By: _____
38 James O. Cooke, IV
39 City Treasurer-Clerk

By: _____
Cassandra K. Jackson
City Attorney